

The emergence of political corruption prevention: a shift in democratic legitimacy?

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“Institutions are not made to make men more virtuous¹.” The increasingly frequent reference of the notions of morals and ethics in political debate in the last decades and the interest for public integrity policies pose the questions of the evolution of democratic legitimacy in representative democracies and the role of political institutions in ensuring “proper” behaviour of political actors.

The context of generalised distrust in political institutions and actors makes it necessary to re-evaluate what seems to be legitimizing and delegitimizing power. Political legitimacy justifies political power and civic obedience², explaining both the right to govern and the consent to submit to a political system. In democratic systems, free and fair elections are the core source of the legitimacy of political leaders, but democratic legitimacy is here understood beyond elections to open the way for the consideration of new sources of legitimacy³. Vivien Schmidt's *throughput* legitimacy, which focusses on what goes on within the “black box” of governance and complements the classical typology of *input* – participation and responsiveness – and *output* legitimacy – effectiveness of policy outcomes, is particularly relevant here since it focusses on the quality of decision-making processes, their accountability, inclusiveness and openness. More specifically, institutional changes and transformation of political competition have made us more attentive to the behaviour and personality of political actors to legitimate political power and decisions. As Pierre Rosanvallon⁴ suggests “when ideologies decline, when the definition of the public interest proves difficult, when the future seems uncertain and threatening, it is the talents and virtues of our leaders (...) that make a significant comeback and work as points of reference.” Ethics and integrity thus become a “politics by other means⁵.” Against the argument that “the exemplarity of elected representatives has been an imperative of the Republic since its origins⁶”, this paper argues that this comeback of morals and ethics⁷ in politics is contextual and goes hand in hand with the increased person-focus of politics⁸ and with the (re)politicisation of political corruption in the last three decades.

¹ BAYROU, François, cited in JACQUIN, Jean-Baptiste. Vie publique : le pari d'un choc de confiance. *Le Monde*, 3 juin 2017, p. 14

² ARON, Raymond. *Démocratie et totalitarisme*. Paris : Gallimard. 1965

³ ROSANVALLON, Pierre. *La Légitimité démocratique. Impartialité, réflexivité, proximité*. Paris: Seuil. 2008

⁴ ROSANVALLON, Pierre. *Le bon gouvernement*. Paris: Seuil. 2015, p. 305. Paper author's own translation.

⁵ GINSBERG, Benjamin, and SHEFTER Martin. *Politics by Other Means: The Declining Importance of Elections in America*. New York: Basic Books. 1990, p. 1

⁶ URVOAS, Jean-Jacques. *Rapport fait Au nom de la commission des lois constitutionnelles, de la législation et de l'administration générale de la république sur le projet de loi organique (n° 1004) et le projet de loi (n° 1005), relatif à la transparence de la vie publique*. Enregistré à la Présidence de l'Assemblée nationale le 5 juin 2013

⁷ For an extended history of corruption, see BUCHAN, Bruce and HILL Laura. *An Intellectual History of Political Corruption*. Palgrave Macmillan UK, 2014; KROEZE, Ronald. The Rediscovery of Corruption in Western Democracies, In MENDILOW, Jonathan and PELEG, Ilan. *Corruption and governmental legitimacy : a twenty-first century perspective*. Lexington Books. 2016 ; MONIER, Frédéric. La corruption, fille de la modernité politique? *Revue internationale et stratégique*, 2016, Vol 1 n°101, p 63-75

⁸ ROSANVALLON, Pierre. *Op. cit.*

In the 1990s, political corruption re-emerged on the national and international agendas and came to be understood as a risk that should be prevented and controlled through regulations and the appropriate use of policy instruments. This “rediscovery of corruption”⁹ led to the development of specialised scholarship, the growth of dedicated public resources and the multiplication of international and national legal norms and policies, aiming to prevent and eliminate corruption, commonly defined as “the abuse of entrusted power for private gain”¹⁰. Preventive policy packages against political corruption usually contain measures targeting the behaviour of individual political actors and aiming to promote public integrity, such as asset and interest disclosure regimes and codes of parliamentary conduct.

This paper proposes an exploratory study of the content and framing of public integrity reforms in Sweden and France. Both countries adopted asset or interest declaration and codes of conduct for their MPs at a few years interval, suggesting a convergence of policies in this area. The purpose of this paper is to question this convergence, paying particular attention to context and institutions. Public integrity policies have been presented as solutions to both the growing distrust in political institutions and to political corruption, the two problems being intertwined and of increasing importance in a context of crises of representative democracy. The focus of this paper is double, first it explores the frames used by political actors to justify the need for such policies, secondly it questions the content of the policies and particularly the envisaged implementation, to identify commonalities and differences between the two cases. Comparing Sweden and France is fruitful to investigate the possible convergence of public integrity policies since they present interesting differences in political system – parliamentary vs semi-presidential, level of trust in government, level of perceived corruption, institutional tradition and culture of institutional openness. The aim of this comparative study is not to provide causal explanation or to identify variables but rather to render the meaning attached to a set of public policies within their historical and cultural context.

The discursive struggles leading up to the adoption of such instruments serve to identify the policy frames used by political actors. As Joseph Gusfield¹¹ aptly puts it “human problems do not spring up, full-blown and announced, into the consciousness of bystanders. Even to recognize a situation as painful requires a system of categorising and defining events.” Frames constitute interpretive packages¹² that are usually tacit and not necessarily conscious, planned and strategized but that nevertheless produce both models *of* the world and models *for* the world – which is to say that “frames (...) are implicit theories of a situation.”¹³ Discursive institutionalism provides an analytical framework for studying both the substantive content of

⁹ KROEZE, Ronald. The Rediscovery of Corruption in Western Democracies, In MENDILOW, Jonathan and PELEG, Ilan. *Corruption and governmental legitimacy : a twenty-first century perspective*. Lexington Books. 2016

¹⁰ Transparency International. *What is corruption?* n.d. [online] Available at : <https://www.transparency.org/what-is-corruption/#define> (accessed on 06/06/2017)

¹¹ GUSFIELD, Joseph. *The Culture of Public Problems Drinking-Driving and The Symbolic Order*. University of Chicago Press, 1981

¹² GAMSON, William A. A Constructionist Approach to Mass Media and Public Opinion. *Symbolic Interaction*, 1988, Vol 11 n° 2, p 161–74.

¹³ VAN HULST Merlijn J., and YANOW, Dvora. From Policy "Frames" to "Framing": Theorizing a More Dynamic, Political Approach. *The American Review of Public Administration*, 2016, Vol 46, n°1, p 98

ideas¹⁴ and the interactive processes of discourse¹⁵. Ideas, frames or narratives, such as all human actions, are not born out of thin air, they are embedded in “symbolically rich social and cultural contexts¹⁶” and should always be considered in their institutional context. A comparative approach allows the researcher to include the institutional setting and local context when analysing the meaning that political actors attribute to such reforms in the two countries over time. At the intersection of an ambitious discourse of democratic renewal and practical policy instruments, policy frames and argumentation reflect ideas about citizen-state relationship and democratic legitimacy, and give reality both to public problems and solutions.

A secondary objective of this paper touches on the role of political institutions with regards to the behaviour of their members. Preventive measures against political corruption have given political institutions the prerogative to control the behaviour of their elected members, to varying degrees depending on the country context. The responsibility to ensure compliance with preventive policies indeed lies with different groups of actors. For the sake of illustration, the varieties of corruption risk management could be placed on a spectrum with self-regulation on the one end, wholly external regulation on the other end, and forms of co-regulations in the middle¹⁷. The question of responsibility relates to the difference between the values-based approach, relying on individuals’ ability to make ethical choices, and the compliance-based approach to corruption prevention, based on rules, detection and sanction¹⁸. Current debates in the anti-corruption community¹⁹ suggest a slight shift in the understanding of the role played by human nature in the occurrence of corruption, with a move away from incentivising rational self-interested behaviour towards an ambition to change individual values. Should institutions make men more virtuous?

The construction of corruption prevention: from fate to policy instruments

Corruption is nowadays generally defined as the “abuse of entrusted power for private gain”, following the World Bank and Transparency International’s understanding. It is however an interpretively ambiguous and intrinsically normative concept. The meaning of “corruption” has evolved throughout the centuries and has fuelled academic controversies since it became a topic of scholarship in the second half of the 20th century. In the introduction to his *Handbook on Political Corruption*, Paul Heywood²⁰ states “there remains a striking lack of scholarly agreement over even the most basic questions about corruption. Amongst the core issues that continue to generate dispute are the very definition of ‘corruption’ as a concept”. The relationship between term, meaning and referents creates a high degree of interpretive ambiguity and leads to “corruption” being pinned as an “essentially contested concept” in

¹⁴ HAY, Colin. Constructivist institutionalism. In RHODES, R.A.W., BINDER, S. and ROCKMAN B. (eds), *Oxford Handbook of Political Institutions*. Oxford University Press, pp. 56–74.

¹⁵ SCHMIDT, Vivien. Taking ideas and discourse seriously: explaining change through discursive institutionalism as the fourth ‘new institutionalism’. *European Political Science Review*, 2010, Vol. 2, n°1, p. 1-25

¹⁶ FISCHER, Frank and GOTTWEIS, Herbert, *Op. cit.* p.2

¹⁷ SAINT-MARTIN, Denis. Path Dependence and Self-Reinforcing Processes in the Regulation of Ethics in Politics : Toward a Framework for Comparative Analysis. In SAINT-MARTIN, Denis and THOMPSON, Fred. *Public Ethics and Governance : Standards and Practice in Comparative Perspective*. Oxford : Elsevier Press. 2006

¹⁸ ROSE, Jonathan and HEYWOOD, Paul. Political science approaches to integrity and corruption. *Human Affairs*, 2013, Vol. 23, n° 2, p. 148–159

¹⁹ See i.e. OECD, *OECD Recommendation on Public Integrity*, 2017 ; WORLD BANK. *World Development Report 2015: Mind, Society, and Behavior*. 2015

²⁰ HEYWOOD, Paul. *Routledge Handbook of Political Corruption*. Oxford: Routledge. 2015, p. 1

Gallie's sense²¹. Mark Philp²² points to the discrepancy between expert use and lay use of the term 'corruption': "more specialised, technical and professional use of the term often clashes with the meanings which are ascribed to it by ordinary people, politicians and public servants, the media and commentators, each of whom may have different concerns and different interests in identifying certain types of conduct as corrupt." Indeed, in everyday use, corruption has increasingly come to refer to the normal state of politics²³.

To understand the current trend with regards to anti-corruption, I argue that it is necessary to first grasp how the concept of corruption evolved, especially with regards to morals and virtue, towards the current conception of corruption as a risk to be prevented and controlled, as "contingencies or future possibilities which have not yet crystallized into events²⁴." This section provides an overview of the evolution of corruption as "moral degeneration" to corruption as a foreseeable and manageable risk that can be prevented through new technologies of government.

Until the 18th century, corruption was closely tied to the notion of virtue and embedded in a discourse on morality and regime change. Corruption was seen as the decay of civic virtue and a threat to the state's moral integrity and political stability. Until the development of modern political thought, self-interest and luxury were seen as suspicious and the will of self-enrichment as a source of corruption²⁵. Corruption was believed to be an inexorable fact of life, tied to human beings' sinful nature and to societies' cyclical decay. Response to corruption were thus limited to sanctions and elimination of the corrupted elements of society and their replacement with virtuous rulers, and to virtuous education against luxury and self-interest, with the fundamental conviction that corruption would inevitably re-appear²⁶.

The radical changes in political thought of the end of the 18th century, with the emergence of the philosophy of Enlightenment and the French and American Revolutions, contributed to making political corruption into a public problem²⁷, taking the issue from the realm of fate and nature to the realm of government²⁸. The fatalistic view of the unavoidable corruption of human society that characterised previous eras was substituted by a belief in the idea of human progress. Together with the development of commerce and market society, it contributed to change the attitude towards self-interest and enrichment which became the source of economic and social improvement²⁹, as exemplified by this statement from Adam Smith's (1776) *Inquiry into the Nature and Causes of the Wealth of Nations*: "the (...) effort of every man to better his condition, the principle from which public and (...) private opulence is originally derived, is frequently powerful enough to maintain the natural progress of things towards improvement, in spite both of the extravagance of government and of the greatest errors

²¹ ROTHSTEIN, Bo. What is the opposite of corruption? *Third World Quarterly*, 2014, Vol 35, n° 5

²² PHILP, Mark. The definition of political corruption In HEYWOOD, Paul (ed.). *Routledge Handbook of Political Corruption*. Oxford: Routledge. 2015.

²³ HAY, Colin. *Why we hate politics*. Cambridge: Polity Press. 2007.

²⁴ POWER, Michael. *Riskwork: Essays on the Organizational Life of Risk Management*. Oxford University Press. 2016

²⁵ BUCHAN, Bruce and HILL Laura. *An Intellectual History of Political Corruption*. Palgrave Macmillan UK, 2014

²⁶ KROEZE, Ronald. *Op. cit.*

²⁷ MONIER, Frédéric. La corruption, fille de la modernité politique? *Revue internationale et stratégique*, 2016, Vol 1 n° 101, p 63-75

²⁸ HAY, Colin. *Why we hate politics*. Cambridge: Polity Press. 2007.

²⁹ BUCHAN, Bruce and HILL, Laura, *Op. cit.*

of administration.” Corruption is no longer the result of the greed and hedonism of the ruler and the apathy of the public but rather “a product of maladaptive political and economic arrangements”³⁰. This shift marked the birth of the modernisation approach to tackling corruption, based on the belief that profound institutional reforms, such as separation of public and private interest, rationalisation of the state and liberalisation would eliminate corruption.

Confidence in modernisation was shaken by the end of the 1970s as a wave of scandals shook the Western world, from Watergate in 1972 to *tangentopoli* and “cash for questions” affair in the 1990s, undermining the belief in the decline of corruption in the developed modern world. Scholars have attributed the renewed interest for corruption, after a period of relative silence since the Second World War, to the fall of the Iron Wall putting an end to Cold war *realpolitik*³¹, the influence of American interest after its adoption of the FCPA in 1977³² and to the emergence of new “moral entrepreneurs”³³ or “integrity warriors”³⁴ promoting the topic. The idea of controlling corruption emerged and, with it, a new anti-corruption industry³⁵ with a multiplication of policy work and academic research on the topic³⁶ largely dominated by public choice theory and the principal-agent model³⁷ advocating for new incentive structures, increased transparency and control of individuals. The popularisation of the term “anticorruption” in the eve of the 20th century marks the birth of what is oftentimes referred to as the holistic approach to corruption, introducing the notion of prevention as a complement to law enforcement, which changes the conception of corruption from punishable offense to foreseeable and manageable risk to which corresponds a panoply of tools and instruments constituting standardised anti-corruption norms promoted by international actors, such as the Organisation for Economic Cooperation and Development (OECD), the Council of Europe Group of States against Corruption (GRECO) and Transparency International.

Public integrity reforms in France and Sweden

This anti-corruption turn emerged in parallel at the international level and within individual countries in most parts of Western Europe. As mentioned, this paper focusses on measures targeting the behaviour and interests of individual political actors. Both France and Sweden adopted asset and interest disclosure regimes and codes of parliamentary conduct in the last three decades, at relatively similar points in time, as shown in Table 1. France voted its first law on the financial transparency of political life in 1988, making it mandatory for a number of political officials and high-level civil servants to declare their assets to a special commission created for that purpose (*Commission pour la transparence financière de la vie politique*). This disclosure regime was revised in 2013, with the adoption of the laws on

³⁰ *Ibid.* p. 151

³¹ DE SOUSA, Luis, LARMOUR, Peter, and HINDESS, Barry (ed.). *Governments, NGOS and Anti-Corruption. The new integrity warriors*. Volume 55 of Routledge / ECPR studies in European political science. 2009.

³² FAVAREL-GARRIGUES Gilles. La lutte anticorruption, de l'unanimisme international aux priorités intérieures. *Droit et société*, 2009, Vol 2, n° 72, p 273-284.

³³ BRIQUET, Jean-Louis and GARRAUD, Philippe, *Juger la politique. Entreprises et entrepreneurs critiques de la politique*. Presses universitaires de Rennes. 2002.

³⁴ DE SOUSA, Luis, LARMOUR, Peter, and HINDESS, Barry. *Op. cit.*

³⁵ SAMPSON, Steven. The anti-corruption industry: from movement to institution. *Global Crime*, 2010, Vol 11, n° 2

³⁶ HEINDENHEIMER, Arnold and JOHNSTON (ed.) Michael. *Political Corruption: Concepts and Contexts*. New Brunswick: Transactions Books. 2002

³⁷ UGUR M. and DASGUPTA N. Evidence on the economic growth impacts of corruption in lowincome countries and beyond: a systematic review. London: EPPI-Centre, *Social Science Research Unit, Institute of Education*, University of London. 2011

transparency of public life, extending the obligations to officials' interests as well as the target population, and creating a new authority (*Haute autorité pour la transparence de la vie publique*) with increased powers, replacing the commission. The asset declarations become accessible to citizens on demand and interest declarations are published online, on the website of the responsible authority. In Sweden, a voluntary interest disclosure regime was established in 1996 for parliamentarians and was made mandatory in 2008. Codes of conduct came later. In France, the bureau of the lower chamber adopted a code of conduct in 2011 and created the position of ethics advisor for the assembly (*déontologue*), whilst in 2009 the high chamber put together an ethics committee constituted of one MP from each political group and codified its ethical rules in 2016. The Swedish parliament does not have a specific body in charge of ethical matters but it adopted a code of parliamentary conduct in 2016, which extended declaration obligations to debts.

Table 1: Adoption of preventive reforms

Year	Policy instrument	Country
1988	Mandatory asset declaration for MPs	France
1996	Voluntary interest declaration for MPs	Sweden
2008	Mandatory interest declaration for MPs	Sweden
2009	Creation of the ethics committee at the senate	France
2011	Creation of the ethics advisor at the national assembly	France
2011	Code of conduct for the national assembly	France
2013	Mandatory interest declaration for MPs	France
2013	Declarations become public	France
2013	Creation of the HATVP	France
2016	Code of conduct for the senate	France
2017	Code of conduct for the parliament	Sweden

Despite the similarity between the policies adopted by the two countries, their implementation mechanisms are significantly different. Against the prevalent perception that there is a strong institutional control over Swedish politicians³⁸, the policies adopted in France and their implementation are more stringent than that of its Scandinavian neighbour.

The French disclosure regime³⁹ requires officials to disclose more information than the Swedish regime. In France, officials must declare their financial and material assets, including their personal property assets and vehicles, with quantitative information on assets and interests, and, in certain cases, information about the situation of the spouse. The obligation to declare financial and material assets at the beginning and at the end of the mandate and to inform the responsible authority of any changes regarding assets and interests during the mandate is motivated by the will to prevent illicit and undue enrichment by people in position of public power. This specific form of political corruption is not tackled by the Swedish disclosure regime

³⁸ As illustrated by the comparison made on by Carine Bécard on the French public radio France Inter on the 4 June 2017 between the French system lacking an institution to control the interests and behaviour of MPs and Scandinavian countries where such controlling bodies have existed for a long time. Available at : <https://www.franceinter.fr/emissions/questions-politiques/questions-politiques-04-juin-2017> (accessed on 5 June 2017)

³⁹ after its reform in 2013 that extended the declaration obligation to interests.

that specifically targets the risk of conflict of interests. In addition, the Swedish disclosure regime is more protective of MPs' private life as it only concerns the official and not the spouse, and does not contain any quantitative details about financial holdings.

The second significant difference concerns the responsibility to implement and ensure compliance with the disclosure regimes. Since the initial adoption of a disclosure regime in 1988, the French legislators opted for an external control mechanism, with the creation of the *Commission pour la transparence financière de la vie politique* composed of magistrates from the Supreme Court, the Court of Cassation and the Supreme Audit Institution, that however remained largely under-resourced⁴⁰. This commission was replaced by the *Haute autorité pour la transparence de la vie publique* (HATVP) in 2013, to which more resources and prerogatives were attributed⁴¹. The HATVP has the mandate to control not only the completion of the declarations and the variations in financial assets but also the content of the declarations. For that purpose, the authority has the possibility to investigate individual situations and to request information from the fiscal authority. It has established a collaboration with civil society organisations⁴² to complement its monitoring capacities. Citizens can thus contact one of the four partner organisations which can, in turn, seize the HATVP if the report is sufficiently justified⁴³. This is complemented by the public accessibility of the declarations of elected officials and ministers, interest declarations being posted on the website of the HATVP and the asset declarations being accessible at the local prefecture⁴⁴. The 2013 laws on transparency of public life created a rather severe sanction mechanism for non-compliance⁴⁵.

Sweden, on the contrary, opted for an internal control system, based largely on the self-regulation of individual MPs. This signifies that the Swedish disclosure system does not have a specific institution in charge of controlling declarations. These are handled by the Parliament administration who is responsible for the completion of the interest registry and for making declarations accessible to citizens on demand. No public body has the prerogative to control the content of the declarations that rely on officials' good faith. Political parties and parliamentary groups play a key role in ensure compliance with the rules in Sweden. MPs usually comply with the obligations and the parliamentary administration takes the responsibility to assist MPs and regularly remind officials of upcoming deadlines. In the case of non-compliance, the administration turns to the group leader of the MP's party. The ultimate sanction is a public announcement by the Speaker of the parliament during a parliamentary session⁴⁶. The Swedish disclosure regime relies heavily on public scrutiny by the general public and the media. The declarations are accessible to the public upon request to the registrar. The

⁴⁰ JORF n°0289. *Seizième rapport de la Commission pour la transparence financière de la vie politique*. 13 décembre 2013

⁴¹ In 2016, the HATVP had 40 full-time employees, a board composed of six magistrates and a budget of 3 997 692€ and 3 989 630 € in credit allowance.

⁴² Transparency International France and SHERPA since 2014 ; L'association pour une démocratie directe since 2015 ; and ANTICOR since 2016.

⁴³ Haute autorité pour la transparence de la vie publique. *Rapport d'activités 2016*.

⁴⁴ This decision is the result of a compromise between MPs being worried about an infringement on their private life and others wishing to reach full transparency. Citizens are allowed to consult the asset declarations but not to divulgate the information they contained, which could lead to a 45 000€ fine. Ministers asset declarations are published on the HATVP webpage.

⁴⁵ with a maximum sentence of three years of imprisonment and a 45 000€ fine for all officials under declaratory obligation, except members of government for whom the sanctions go up to five years in prison and 75 000€ in fine.

⁴⁶ Employees of the Swedish parliamentary administration, personal communication, 19 May 2017 ; GRECO, *Fourth Evaluation Round. Corruption prevention in respect of members of parliament, judges and prosecutors. Evaluation Report Sweden*. 2013

Swedish parliamentary administration has standardised the forms that MPs fill out on a dedicated database, which facilitates consultation and comparison.

Influence of context and path-dependence on policy choices

Despite the policies' similarity, ticking the same box on international organisations' evaluations, their potential effects on democratic life are significantly different. France and Sweden are today indeed situated at opposing sides of Denis Saint-Martin's⁴⁷ spectrum from internal ethical regulation to external ethical regulation. Two potential explanations come to mind that could motivate further research.

Firstly, the timing of the reforms is relatively similar but not the context. Parliamentary debates and motions show that the reasons that motivated MPs or the government to put forth a proposal for new integrity rules differ between the two countries. The recognition of a growing distrust and the risk of a crisis of representative democracy is common to both context. Indeed, the framing of policies as a solution to solve decreasing public trust in politicians is a common justification for the policy promoters in both countries⁴⁸. However, the initiative for reform in France appear to be relatively tied to political scandals that are repeatedly used in debates both by promoters, to justify the need for new rules, and by detractors, to criticize their instrumentalisation. The reference to specific cases, "*les affaires*", is frequent in the parliamentary debates both in 1988 and in 2013⁴⁹.

Swedish MPs rather refer to existing academic studies that show the growing defiance towards politicians and institutions, and use examples of other countries such as Canada, the United Kingdom or the United States, and of other sectors of society, such as the health sector, that have taken ethical measures and should serve as an example of the parliament. The election to the parliament of people having worked on ethical regulations in other social sectors certainly contributed to putting the issue on the agenda and to advance discussions on the topic, through exchanges with foreign colleagues, the creation of a working group and an information paper for MPs about ethics in politics⁵⁰. International organisations' recommendations have had a significant influence on ethical reforms in Sweden. For instance, the adoption of the code of conduct is largely due to a Council of Europe Group of States against corruption's (GRECO) recommendations. The report summarising the activities of the parliamentary working group on the code of conduct makes it clear that the fourth GRECO evaluation was the main factor that put the issue on the agenda "The background of this formation of this working group is, *inter alia*, a report from the Group of States against Corruption (Greco)⁵¹". GRECO's fourth round evaluation report of Sweden was immediately picked up by the parliamentary administration and the Speaker rapidly set up a working group to produce a code of conduct⁵².

The public pressure for reform following mediatised scandals undoubtedly encouraged French parliamentarians to opt for more stringent controls and to depoliticise corruption

⁴⁷ SAINT-MARTIN, Denis. *Op. cit.*

⁴⁸ More details in next section about policy framing.

⁴⁹ See i.e. Déb. parl. AN du 2 février 1988 and Déb. parl. AN (CR) du 17 juin 2013, 1ère séance, 2013

⁵⁰ Member of the Swedish parliament, personal communication (on the phone), 23 May 2017

⁵¹ EBERSTEIN, Susanne et al. *En uppförandekod för ledamöterna i Sveriges riksdag. Slutrapport.* Sveriges Riksdag. 2014, p. 3

⁵² Member of the Swedish parliament, personal communication, 17 May 2017 ; Employees of the Swedish parliamentary administration, personal communication, 19 May 2017

prevention by making it external to the political institution itself⁵³. Indeed, previous comparative studies suggest that the public perceives MPs to be incapable of regulating themselves, “self-regulation appears to have little credibility with the public”⁵⁴ and that they are in a situation of conflict of interest when they are to judge their peers⁵⁵.

Secondly, institutional traditions are reflected in the policy choices made in Sweden and France. Yseult Marique⁵⁶, in a study comparing the French and English responses to corruption, notes that France has historically been rather reluctant to using soft law and has predominantly relied on the symbolic power of rules and sanctions. This trait is also highlighted during parliamentary debates, as illustrated by this quote from an MP opposed to creation of an administrative authority in charge of controlling declarations:

I do not see what justifies us solving this question [of interest declarations] with the creation of a High authority. I know that this is a French specialty: every time we face a problem, to solve it we create, a high commissary or another administration – never mind the type as long as it is « high »⁵⁷ !

On the contrary, Sweden has a long tradition of transparency and trust which transpires in the parliament’s choice to opt for a system with minimal and internal supervision based on self-regulation. The question of setting up more stringent control does not appear to have even been presented as an option⁵⁸. This sentiment is shared by the GRECO evaluation team that states “it is clear that the Swedish culture of transparency and trust should be respected and no unnecessary bureaucracy be created⁵⁹.” Instead, intermediary bodies are presented as playing an essential role. First and foremost, the role of the parties and political groups in disciplining their members is central. Many parties had codes of conduct for their members before the parliament adopted a common code for all MPs⁶⁰. Political parties and groups have a responsibility to maintain the reputation of the group and can influence individual members through the attribution of roles and position on electoral lists⁶¹. The media is considered almost as a control organ and it is expected that they, rather than individual citizens, will verify the content of MPs’ declarations as part of their investigation work⁶². Indeed, the number of requests received by the registrar in Sweden does not suggest a great popular interest in MPs’ financial interest, as opposed to France, where the publication of interest declarations online greatly facilitates

⁵³ It is important to note that this holds true for the disclosure regime but not for the management of the code of conduct, which remains internal in the case of the senate and semi-external in the case of the national assembly.

⁵⁴ BRIEN, Andrew. 1998. *A Code of Conduct for Parliamentarians?* Research Paper 2, 1998-99. London: Parliament of Australia, Department of the Parliament Library, p. 16

⁵⁵ SAINT-MARTIN, Denis. *Op. cit.*

⁵⁶ MARIQUE, Yseult. Integrity in English and French public contracts: changing administrative cultures? In AUBY Jean-Bernard, BREEN Emmanuel and PERROUD Thomas. *Corruption and Conflicts of Interest A Comparative Law Approach*. Edward Elgar. 2014

⁵⁷ DEVEDJIAN, Patrick. Déb. parl. AN (CR) du 17 juin 2013, 1ère séance, 2013

⁵⁸ Member of the Swedish parliament, personal communication, 17 May 2017 ; Employees of the Swedish parliamentary administration, personal communication, 19 May 2017 ; Member of the Swedish parliament, personal communication (on the phone), 23 May 2017

⁵⁹ GRECO, *Fourth Evaluation Round. Corruption prevention in respect of members of parliament, judges and prosecutors. Evaluation Report Sweden*. 2013, p. 22

⁶⁰ Member of the Swedish parliament, personal communication, 17 May 2017 ; GRECO, *Fourth Evaluation Round. Corruption prevention in respect of members of parliament, judges and prosecutors. Evaluation Report Sweden*. 2013

⁶¹ Member of the Swedish parliament, personal communication, 17 May 2017

⁶² Journalist at Dagens Nyheter, personal communication (on the phone), 5 June 2017 ; Member of the Swedish parliament, personal communication, 17 May 2017

access⁶³. On a less positive note, it has been increasingly implied that the self-regulating tradition of the Swedish ethics system might be a consequence of a certain naivety from the part of policy-makers and citizens alike, a result in turn of the relatively low level of corruption reported by international measurements⁶⁴ and the limited number of scandals⁶⁵.

The role of institution in the policy choices made by the two countries transpires through the relative stability of the favoured regimes. Both countries have indeed continued on their initial path, only reinforcing existing rules and providing more resources to dedicated institutions. Historical institutionalism's policy feedback explains this with the fact that "policies produce politics" and impose constraints on future decisions⁶⁶. It is remarkable that the first ideas that were proposed in both countries shaped and restrained the following discussions, limiting the possibility for new ideas. Writing about the French codification of political finance, Éric Phélippeau⁶⁷ talks about "a memory that leaves its mark on the parliamentary work", arguing that, from the first preventive norms adopted, a form of path dependence developed. Public demands, or perceived public demands, play a significant role for the adoption of public integrity policies. As Denis Saint-Martin⁶⁸ justly puts it "since citizen confidence can never be too strong in a healthy democracy, politicians have no realistic alternative. They must constantly try to improve the ethics process. Second, and as a corollary, it is politically difficult to be against ethics in a democracy." The risk to legitimacy does not only relate to the risk that unethical behaviour poses to the institution's reputation but also concerns the "public perceptions of the state as a source of risk in the face of mismanaged crises"⁶⁹.

The question of the role of political institutions with regards to individual behaviour and personal ethics is inherent to this policy area. Simplifying the traits, the French and the Swedish public integrity regimes could be categorized with the help of a typology of anti-corruption approaches differentiating the values-based approach, emphasising personal values and integrity of officials, and rules/compliance-based approach, focussing rather on control and sanctions⁷⁰. The values-based tradition relies on the ability of the official to make ethical choices, and thus on trust and self-regulation, as reflected by this statement from a Swedish MP opposed to the introduction of an interest register: "The MP must take on the responsibility to

⁶³ The registrar at the Swedish parliamentary administration answered my written question about the number of requests received by informing me that, despite the fact that they do not maintain an official record, the number of requests ranged from 10 to 20 per year. The HATVP's annual report 2016 states that their website was received 930 000 visits in 2016 and that about 40% on the visitors consulted a published declaration. Their enquiry to local prefectures about citizens' request was significantly lower with about 10 requests since 2015.

⁶⁴ Journalist at Dagens Nyheter, personal communication, 17 May 2017 ; GRECO, *Fourth Evaluation Round. Corruption prevention in respect of members of parliament, judges and prosecutors. Evaluation Report Sweden*. 2013

⁶⁵ ANDERSSON, Staffan. Motståndskraft, Oberoende, Integritet – Kan det Svenska Samhället stå emot Korruption? Transparency International National Integrity System Assessment Sweden. 2011 ; EBERSTEIN, Susanne et al. *En uppförandekod för ledamöterna i Sveriges riksdag. Slutrapport*. Sveriges Riksdag. 2014

⁶⁶ PIERSON, Paul. When Effect Becomes Cause: Policy Feedback and Political Change. *World Politics*, 1993, Vol. 45, p. 595-628.

⁶⁷ PHELIPPEAU, Éric. Genèse d'une codification. L'apprentissage parlementaire de la réforme du financement de la vie politique française, 1970-1987. *Revue française de science politique*, 2010, Vol. 60, n°3, p. 532

⁶⁸ SAINT-MARTIN, Denis. *Op. cit.* p. 144

⁶⁹ POWER, Michael. *The risk management of everything: rethinking the politics of uncertainty*. London: Demos. 2004, p. 17

⁷⁰ HEYWOOD, Paul and ROSE Jonathan. Curbing corruption or promoting integrity ? Probing the hidden conceptual challenge. In HARDI, Peter, HEYWOOD, Paul and TORSELLO, Davide. *Debates of Corruption and Integrity: Perspectives from Europe and the US*. Springer. 2015

identify any conflict of interest that might hurt public confidence. If voters cannot trust their representative regarding such questions, one can wonder how they would be able to trust him in general⁷¹.” The compliance-based approach, on the other hand, tends to make the ends of this ethics approach adherence to rules. Given the importance of the question of trust in this debate, it is worth reflecting on the risks of imposing control mechanisms on public officials. As often remarked with regards to the New Public Management reform agenda, implementing policies assuming the worst of public officials tends to lower the level of institutional trust and has the potential to become a self-fulfilling prophecy⁷². Paul Heywood and Jonathan Rose⁷³ advance similar conclusions regarding corruption prevention. Without dismissing compliance-based policies altogether, they highlight that “assuming bad faith on the part of public officials and thus strongly regulating behaviour through compliance policies could in turn prompt acts of bad faith”.

What discursive struggles tell us about sources of democratic legitimacy

The convergence of public integrity policies adopted in France and Sweden should not blind us from the significant differences in political effects, as just described, and in the meaning that policy actors attribute to them. Public policy is constructed through language, as Giandomenico Majone⁷⁴ wrote “argument is central in all stages of the policy process”. Discursive struggles and argumentations are fundamental to policy-making and should be taken seriously by the researcher who wishes to understand how public problems are constructed and how one interpretation becomes dominant. Using framing analysis, I study the parliamentary debate transcripts and reports⁷⁵, which led to the adoption of disclosure regimes and codes of conduct in the two countries⁷⁶, to compare the justifications put forth by political actors to promote or reject the reforms and trace the trajectory of meaning over time and space.

Public integrity reforms generated more discussions and vivid debates in France than in Sweden. This should be put in light of the differences in parliamentary tradition, the Swedish Riksdag corresponding to the model of “working parliament” whilst the status of the French Parliament is more ambiguous⁷⁷, and in the scope of reform. The initial adoption of a disclosure regime followed four days for debates in extraordinary sessions in each chamber of the French Parliament whilst the policy was only discussed in plenary as part of one session in Sweden⁷⁸. Despite the unequal length of transcriptions, one can draw some readings from the parliamentary exchanges as to the interpretation of the reforms and of democratic legitimacy more broadly.

Framing reforms as a solution to the democratic crisis

⁷¹ ANDERBERG, Christel. *Riksdagens protokoll* 1995/96:97, Onsdagen den 22 maj, p. 5

⁷² HAY, Colin. *Why we hate politics*. Cambridge: Polity Press. 2007.

⁷³ HEYWOOD, Paul and ROSE Jonathan. *Op. cit.* p. 194

⁷⁴ MAJONE, Giandomenico. *Evidence, Argument and Persuasion in the Policy Process*. New Haven : Yale University Press. 1989

⁷⁵ Discourse analysis advises caution in taking language at face value. Discourse should be analysed in context and be situated. It is important to note that in the texts analysed here locutors talk to their peers but know their statements will be published.

⁷⁶ See Annex for documents list

⁷⁷ COSTA, Olivier, SCHNATTERER Tinette and SQUARCIONI Laure. The French Constitutional Law of 23 July 2008 as seen by MPs: Working or Talking Parliament? *The Journal of Legislative Studies*, 2013, Vol. 19, n° 2: Parliamentary Representation in France

⁷⁸ The Swedish Constitutional committee as well as a dedicated working group took care of the preliminary work (Konstitutionsutskottets betänkande 1995/96:KU13)

Framing disclosure regimes and codes of conduct as a solution to the declining trust and the crisis of representative democracies is common to both countries. The new bill presented in France in June 2017 bears to title “laws for trust in our democratic life” (*lois pour la confiance dans notre vie démocratique*)⁷⁹, combining the notions of trust and democracy. Both the 1988 and the 2013 laws in France were described as a means to deepen democracy, using the exact same expression: “make our democracy even more democratic”⁸⁰. The opening statement of Pär-Axel Sahlberg⁸¹, a social-democrat MP who sat in the Constitutional committee, in the parliamentary debate of the 22 May 1996 also frames the introduction of an interest declaration regime as a democratic advancement: “Our common mission, that goes beyond party politics, is to stand up for, to defend and to work for the development of our democracy. This register can contribute to that mission.” He also makes reference to trust: “If the political work happens in the open and publicly, it does not only build the preconditions for stable trust, it also contributes to better knowledge and understanding of the political process.” Presenting the 1988 law, then Prime Minister Jacques Chirac⁸² similarly stated “[my wish] echoes the legitimate expectations of the French people who want to respect and trust the men and women that they chose to represent them or to lead the affairs of the State.” In 2013, Alain Vidalies⁸³, the minister responsible for relations with the parliament, also framed the policy as a solution to distrust: “This is not a matter of party politics, of right or left, but of the necessary response to the crisis of confidence that we collectively face.” Likewise, the Speaker of the Swedish Riksdag presented the new code of conduct in his closing statement in December 2017 by stating that “it creates clarity both for voters and elected officials. The code of conduct is a way to shield trust in the Parliament”⁸⁴. The references to trust by political actors suggest a slightly different understanding of trust, focussing either on the individual, on the institution or on the whole political system⁸⁵, which demonstrate a possible ambiguity in the perceived objectives. The distinctive uses of the notions of trust and confidence does not necessarily point to a difference between the cases but rather to differences among individuals within each country.

Framing these policies as solutions to the problem of declining trust places them in the realm responsiveness, which is an important aspect of democratic legitimacy. The risk to legitimacy does not only relate to the risk that unethical individual behaviour poses to the institution’s reputation. The risk also concerns the capacity of the political actors to demonstrate that they are aware of the issue and the need to be seen “doing something”⁸⁶ about the problem. As Prime Minister Jacques Chirac⁸⁷ argued:

⁷⁹ BAYROU, François, cited in JACQUIN, Jean-Baptiste. *Vie publique : le pari d’un choc de confiance*. *Le Monde*, 3 juin 2017, p. 14

⁸⁰ Déb. parl. AN du 2 février 1988; Déb. parl. AN (CR) du 17 juin 2013, 1ère séance, 2013

⁸¹ *Riksdagens protokoll* 1995/96:97, Onsdagen den 22 maj, p. 2

⁸² Déb. parl. AN du 2 février 1988 and Déb. parl. AN (CR) du 17 juin 2013, 1ère séance, 2013

⁸³ Déb. parl. AN (CR) du 17 juin 2013, 1ère séance, 2013

⁸⁴ AHLIN, Urban. *Avslutning*. Riksdagens web-tv. 16 December 2016

⁸⁵ In 1996, Pär-Axel Sahlberg declared that “trust in elected officials comes from skills and good behaviour”; whilst the 2014 report from the working group for the code of conduct published in 2014 briefly mentions that “in the recent years, the parliament has dealt with a number of motions regarding ethics in politics in view to secure confidence in the political system.” Similarly, in the French 1988 debates, reference was made both to trust in political officials, in political institution, in the Republic and in democracy.

⁸⁶ EDELMAN, Murray. *Political Language. Words that Succeed and Politics That Fail*. Madison : University of Wisconsin

⁸⁷ Déb. parl. AN du 2 février 1988, p. 5

If we leave the situation as is, if, once again, nothing is decided, nothing is voted, nothing is limited and controlled, then doubts will continue to weight on the integrity of French political life (...) which is of course not acceptable in our democracy.

The symbolic dimension of public integrity policies and the gap between the ambition of the policies is particularly relevant in the Swedish case, where policy promoters present the disclosure regime – that was initially voluntary – and later the code of conduct as solutions to the problem of democratic crisis while admitting that most of the information to be disclosed is already known and published⁸⁸ and attributing limited resources to the implementation of the policy. One of the main arguments of political opponents in both countries is the uselessness of the disclosure regime – “a powerful strike in the air”⁸⁹ and the instrumental use of ethics for political gain.

Morals, ethics or integrity

The discursive struggles about public integrity reforms suggest an increased effect of said policies on political actors’ understanding of democratic legitimacy. In France, the main frame proposed by policy promoters, namely Jacques Chirac’s centre-right government in 1988 and Jean-Marc Ayrault’s left-wing government in 2013, shifted from the need to protect political actors from undue suspicion to the need to ensure exemplary behaviour on the part of political representatives. In 1988, Jacques Chirac stated “[these laws] answer the need to moralise French political life, to remove doubts and suspicions that the public might have.” Early argumentation in favour of the disclosure regime stated the need to “moralise political life” – the expression being used 22 times in the debates of the low chamber in 1988, framing the problem as systemic, against 6 occurrences in 2013. The need to moralise political life is complemented by the necessity to ensure that MPs are exemplary and behave in an exemplary manner – the terms “*exemplarité*” and “*exemplaire*”⁹⁰ being used 106 times during the low chamber debates in 2013. Political discourse and policy documents do not show such an evolution in Sweden, where attention to individual qualities and proper behaviour is deeply rooted. Interest declarations are first and foremost presented as a way to demonstrate to the public that there is nothing to see: “The purpose of the register is to show that there is a breath and a diversity in this chamber that make criticisms against us as partisan self-interested politician lose their relevance”⁹¹. It is widely accepted for a political actor to step down if there are suspicions of improper behaviour in public and private life⁹². As Pär-Axel Sahlberg’s 1996 quote suggests, trust is based on individual talent and good behaviour⁹³. The importance for political actors not to visibly enjoy more privileges than ordinary citizens was often presented as important for their legitimacy by political actors themselves⁹⁴.

There is a marked difference in the choice of word used in the political debates around disclosure regimes and codes of conduct. In France the dominant semantic field is that of

⁸⁸ SAHLBERG, Pär-Axel. *Riksdagens protokoll*. 1995/96:97 Onsdagen den 22 maj

⁸⁹ ANDERBERG, Christel. *Riksdagens protokoll*. 1995/96:97 Onsdagen den 22 maj, p. 3

⁹⁰ The term was introduced by Nicolas Sarkozy during his presidency to signify that the state needed to be more efficient.

⁹¹ SAHLBERG, Pär-Axel. *Riksdagens protokoll*. 1995/96:97 Onsdagen den 22 maj, p. 2

⁹² Members of the Swedish parliament, personal communication, 17-19 May 2017; Journalist at Dagens Nyheter, personal communication, 17 May 2017; Aftonbladet. *Ministrar som avgått*. 13 August 2017; Svenska Dagbladet. *Här är ministrarna som har tvingats avgå*. 13 August 2016

⁹³ See footnote 90

⁹⁴ Members of the Swedish parliament, personal communication, 17-19 May 2017

morality, with a frequent use of “*morale*”, “*moraliser*” and “*moralisation*”. A secondary field used in policy debates regarding the regulation of officials’ behaviour is that of deontology. The ethics advisors and counsels in the French political institutions are usually named “*déontologue*” or “*comité de déontologie*”. In Sweden, there is no reference to morality or deontology in political discourse regarding these policies, but a frequent use of the vocabulary of ethics – “*etik*”, “*etiskt*”, and “*etikfrågor*”. On the international level, the language used by organisations promoting such policies is also that of ethics, but interestingly there is a move away from ethics and towards integrity⁹⁵, as can be seen in the shift in the discourse of the OECD from the 1998 OECD Recommendation on Improving Ethical Conduct in the Public Service to the 2017 OECD Recommendation on Public Integrity. Morality, ethics, integrity and deontology are sometimes used interchangeably since they have a closely related meaning but there is a slight nuance that is worth exploring⁹⁶.

Morals are generally recognised as the socially-accepted principles of good versus bad and individuals’ acceptance and practice of these principles⁹⁷. Morals concern both society as a whole and individual behaviour⁹⁸. In this regard, morals relate to the concept of integrity – from the Latin *integer*, “whole” – which can be understood in the context of political activities as the absence of “divisions in an ethical person’s life, no difference how she acts at work and at home, in public and alone.”⁹⁹ Using a morals or integrity frame to interpret reforms suggests the will to reach beyond the regulation of public officials’ duties, to their personal life or individual values, blurring the line between public and private. “*Moralisation*”, which is frequently used in the French political discourse today to refer to the need to regulate the behaviour of political elites, means “to make someone moral or more moral.”¹⁰⁰ It was used in the 19th century to describe the need to redress the working class and make them abstain from substance and sex abuses¹⁰¹. This shift in the target of moralisation policies is reflected by the emergence in the French discourse of the term “*exemplarity*”, which suggest higher standards for the political elite because of their position as role-models. Interestingly, the French Minister of Justice recently changed the title of his new bill to “laws for trust in our democratic life”, the initial title being “laws for the moralisation of public life”. This change of frame, from morals to trust and democracy, could demonstrates a shift away from the initial ambition, the Minister presenting the argument used as opening quote “institutions are not made to make men more virtuous”¹⁰². Ethics and deontology, on the other hand, relate both (i) to the theory of moral knowledge and the study of moral principles¹⁰³ and (ii) to a more restricted, professional set of principles¹⁰⁴. What is central here is rather responsibility, duty and professionalism, as suggested by the etymology of deontology coming from the Greek “*deon*” for duty. The ambition

⁹⁵ Policy advisor at the OECD, personal communication, 3 April 2017

⁹⁶ For a comprehensive development on the difference between the four concepts in English, see IANINSKA Silvana and GARCIA-ZAMOR Jean-Claude. Morals, Ethics, and Integrity: How Codes of Conduct Contribute to Ethical Adult Education Practice. *Public Organization Review*, 2006, Vol. 6, p. 3–20

⁹⁷ IANINSKA and GARCIA-ZAMOR. *Op. cit.*

⁹⁸ BONFILS, Pierre. *Morale, éthique et déontologie dans la communication. Legicom*, 1996, Vol. 11, n°1

⁹⁹ JOSEPHSON, Michael. The six pillars of character. In EM Berman, JP Wesy, and SJ Bonczek (eds) *The ethics edge*. International City/County Management Association: Washington DC. 1998, p. 13–21

¹⁰⁰ Centre national de ressources textuelles et lexicales. *Moralisation*. Lexicographie [online] n.d.

¹⁰¹ LAZORTHES, Frédéric. *La moralisation de la politique, depuis quand ?* France Inter – La marche de l’histoire. 1 June 2017

¹⁰² BAYROU, François, cited in JACQUIN, Jean-Baptiste. Vie publique : le pari d’un choc de confiance. *Le Monde*, 3 juin 2017, p. 14

¹⁰³ IANINSKA and GARCIA-ZAMOR. *Op. cit.* p. 8 ; ALMOND, Brenda. Introduction: ethical theory and ethical practice. In ALMOND, Brenda (ed) *Applied Ethics: Introduction*. Blackwel: Malden. 1999, p. 1–14

¹⁰⁴ BONFILS, Pierre. *Op. cit.*

reflected in this frame is far less ambitious and focusses largely on providing clarity and guidance, and ensuring compliance with the rules in the professional sphere.

Framing ethics as corruption prevention

Interestingly, the analysis of political discourse in France and in Sweden shows that the regulation of ethics in parliaments was re-framed as anti-corruption with the development of the anti-corruption industry¹⁰⁵ in the 2000s. The idea that disclosure regimes should be used as a tool to prevent unethical behaviour was always present, using the terms “*affaires*” in France and “*misstag*” (mistake) or “*jäv*” (conflict of interest) in Sweden. In later debates, ethics rules are more explicitly presented as a means to prevent corruption, as a French MP states in the 2013 debates “the text presented today is very important. Its real object is corruption.” The term corruption was used 11 times in the 1988 debates, and mostly in relation to other regulations concerning political finance, whilst it was used 79 times in 2013.

The growing number of international organisations, both governmental and non-governmental, working on anti-corruption largely contributed to normalise the language of corruption and anti-corruption and to reframe ethics regulations as corruption prevention through international conventions, like the 2003 United Nations Convention against Corruption that contain provisions on asset and interest declarations in its second chapter on prevention, and policy documents. A few years earlier, the OECD promoted its 1998 Recommendation on Improving Ethical Conduct in the Public Service that establishes a link between ethics regulation and corruption prevention “Increased concern about decline of confidence in government and corruption has prompted governments to review their approaches to ethical conduct¹⁰⁶”.

In Sweden, the influence of international organisations on the framing of these policies is even more explicit, especially regarding the adoption of the parliamentary code of conduct. The working group presents the code of conduct as a preventive tool against corruption using GRECO’s language “As part of the fourth evaluation round, GRECO started an evaluation of the Swedish situation with a focus on corruption prevention for parliamentarians, judges and public prosecutors¹⁰⁷.” The group nevertheless came to the conclusion that, despite the low level of corruption in Sweden, a code of conduct was necessary to increase clarity and openness¹⁰⁸, broadening their framing of the instrument.

Asset/interest declarations and codes of conduct have increasingly been frames, in both countries, as a solution both to decline public trust, disclosing information to reduce suspicion, and to political corruption, ensuring compliance with standards, denoting a certain convergence of discourse, increasingly aligned with international organisations that are cited more and more frequently as sources of knowledge on the matter¹⁰⁹. In both contexts, policy promoters’ discourse suggests the importance of individual behaviour for the legitimisation of political actors, but the underlying logic of the policies is different in the two countries. In Sweden, policy-makers justify the adoption of these policies as an expansion of transparency and with

¹⁰⁵ SAMPSON, Steven. *Op. cit*

¹⁰⁶ OECD. *Forward. Recommendation of the OECD Council on Improving Ethical Conduct in the Public Service*. 1998

¹⁰⁷ EBERSTEIN, Susanne et al. *Op. cit.* p. 5

¹⁰⁸ EBERSTEIN, Susanne et al. *Op. cit.* p. 8

¹⁰⁹ Transparency International, the OECD and the UNCAC in the France and the Council of Europe GRECO in Sweden.

the need to show that there is nothing to hide, whereas in France policy-promoters increasingly justify their adoption by arguing for a need to control the behaviour of individuals and make the latter worthy of trust¹¹⁰.

Despite an apparent convergence of anti-corruption policies in Europe, it is too simple to limit the analysis to the adoption of similar policies. The aim of this paper was to show that a policy can have unequal effects and have different meanings attributed to it depending on the context in which it is adopted and the institutional setting. In this initial exploration, I have shown that despite the apparent convergence of the preventive policies adopted in France and in Sweden, both their implementation mechanism and their symbolic power is largely distinctive. Convergence is indeed multidimensional¹¹¹. I do not take all dimensions into account in this paper but I can realistically say that there is relative convergence of policy content and policy framing to a certain extent but that the convergence does not extend to policy instruments nor to process¹¹².

The introduction of public integrity policies to restore trust and prevent corruption did not have the same influence on French and Swedish political actors' discourse on democratic legitimacy. The reference in the French political debate to the need to moralise and normalise political life and for democratic representatives to behave in an exemplary way suggests a change in the perception of the role of politics and the social position of elected officials that was historically rooted in Sweden. Beyond the debates analysed here, this trend was visible in the last political campaigns, with references to normality¹¹³ and simplicity¹¹⁴ gaining ground. The strategic use of such discourse is obvious, especially since its timing often corresponds to scandals or elections, and the label "populism" is commonly applied to it by political opponents in both countries. The fact that it is strategic however shows that it has gained significant popularity, as Pierre Rosanvallon argues "society is often ahead of the legislation in this area"¹¹⁵. Despite the dissimilar justifications of the integrity policies, the apparent return, in French political discourse, of a pre-modern political philosophy, linking political legitimacy to the capacity to discipline own-self¹¹⁶, and of the notion of virtue, dear to French revolutionaries¹¹⁷, could hint at a future convergence of political legitimisation in France and Sweden.

The implementation of these policies is taking different paths however, from a self-regulation model in Sweden to an external regulation in France. Using the typology opposing the value-based approach to the rules-based approach, I argue that there is an inconsistency between discourse and practice. In Sweden, the main policy frame is that of ethics, suggesting a need to comply with specific "professional" rules, whilst the self-regulation model rather

¹¹⁰ The idea that these policies would protect officials from undue suspicion remains however.

¹¹¹ BENNETT, Colin J. What Is Policy Convergence and what Causes It ? *British Journal of Political Science*, 1991, Vol. 21, n° 2, p. 215-233

¹¹² HASSENTEUFEL, Patrick. Convergence. In *Dictionnaire des politiques publiques: 3e édition actualisée et augmentée*. Paris: Presses de Sciences Po. 2010, p. 180-188

¹¹³ MERCIER, Anne-Sophie. La normalité, posture piégée. M Le magazine du Monde [online]. 17 August 2012, accessed on the 7 June 2017

¹¹⁴ Government newsletter from the 30 June 2005, cited by ROSANVALLON, Pierre. *Op. cit.* 2015, p. 354

¹¹⁵ ROSANVALLON, Pierre. *Op. cit.* 2015, p. 354

¹¹⁶ ROSANVALLON, Pierre. *Op. cit.* 2015, p. 307

¹¹⁷ MONIER, Frédéric. *Op. cit.*

relies on the personal integrity of individuals. On the contrary, in France, the dominant frame insists on the moralisation of actors and plays on their individual values whereas the external-regulation approach to implementation centres efforts on compliance, control and sanctions. The institutional setting and context play a role in the shaping of these reforms. The perceived social pressure in France, following mediatised scandals, certainly increased the need of French policy-makers to be responsive and be seen as “doing something” about the problem, leading them to reinforce control mechanisms and sanctions, paradoxically reducing their own responsibility and depoliticising the issue.

The evaluation of public integrity reforms goes beyond the scope of this paper but the frequency with which political actors frame them as a solution to the crisis of democratic representation requires the researcher to question their relevance. Critical scholars and political actors have pointed to the discrepancy between the ambitious discourse on democracy renewal and the policies that actually result from them, and suggest that public integrity instruments like those studied here could be an easily accessible way for political representatives to “act” on the problem of decreasing trust through the angle of individual responsibility and discipline without tackling the broader institutional problems, such as the evolution of the political economy of countries which might increase the risk of corruption¹¹⁸ or the dishonesty and populism of political campaigns¹¹⁹. The continuous reinforcement of existing public integrity policies, despite the limited evidence that they “work”¹²⁰, is certainly the result (i) of the interpretive ambiguity of the problem(s), as Paul Cairney and Emily St Denny¹²¹ put it preventive policies are adopted when a “policy window opens to produce a vague solution to an ill- defined policy problem”, and (ii) of the current absence of alternative solutions; “there are really not so many instruments to choose from”¹²².

The question remains whether the objective of these instruments is to prevent non-compliance with set rules or to influence officials’ moral values. Future research should pay particular attention to the evolution of international organisations’ discourse, given their influence on this agenda. Indeed, moving away from the promotion of a dominantly compliance-based approach, the OECD is making increased reference to values and cultures of integrity, which might imply a shift from an anti-corruption agenda to a pro-integrity agenda. Corruption prevention is more and more often being complemented by the notion of integrity risk management. The OECD’s 2017 public integrity recommendations¹²³ suggest that countries should “[mitigate] public integrity risks” and “[assess] risks to public integrity”. Similarly, the idea of rewarding good behaviour rather than punishing bad practices makes its way in certain sections of the anti-corruption community. By appealing to the “good” rather than struggle with the “bad”, the OECD seems to signal a willingness to broaden the scope of intervention towards attempting to change individual values rather than incentive structures, moving from

¹¹⁸ ANDERSSON Staffan and ANECHIARICO Frank. The political economy of conflicts of interest in an era of public-private governance. In HEYWOOD, Paul. *Routledge Handbook of Political Corruption*. Oxford: Routledge. 2015, p. 253-269

¹¹⁹ Member of the Swedish parliament, personal communication (on the phone), 23 May 2017 ; ROSANVALLON, Pierre. *Op. cit.* 2015, p. 327

¹²⁰ Policy advisor at the OECD, personal communication, 3 April 2017 ; JOHNSON, Jesper and SOREIDE, Tina. *Methods for learning what works and why in anti-corruption: An introduction to evaluation methods for practitioners*. Bergen: Chr. Michelsen Institute, U4 Issue, 2013, n°8

¹²¹ CAIRNEY Paul and St DENNY Emily. *What happens when a ‘policy window’ opens to produce a vague solution to an ill- defined policy problem?* Paper presented at the International Conference on Public Policy, Milan, July 2015, p. 1

¹²² Former public official working for the Swedish Parliament, personal communication, 30 May 2017

¹²³ OECD, *OECD Recommendation on Public Integrity*, 2017

punishment to discipline, all the way to self-discipline, suggesting that institutions could and should maybe make men more virtuous.

Draft