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Cultural specificity versus institutional universalism: a critique of the National Integrity System (NIS) methodology

Paul M. Heywood [1] · **Elizabeth Johnson** [2]

Abstract This article provides an assessment and critique of the National Integrity System approach and methodology, informed by the experience of conducting an NIS review in Cambodia. It explores four key issues that potentially undermine the relevance and value of NIS reports for developing democracies: the narrowly conceived institutional approach underpinning the NIS methodology; the insufficient appreciation of cultural distinctiveness; a failure properly to conceptualise and articulate the very notion of 'integrity'; and an over-emphasis on compliance-based approaches to combating corruption at the expense of the positive promotion of integrity. The article seeks to offer some pointers to how the NIS approach could be adapted to broaden its conceptualisation of institutions and integrity, and thereby provide reports that are more theoretically informed as well as being more constructive and actionable.

Introduction

Much of the work on anti-corruption over the last two decades has focused on identifying mechanisms to reduce the incentives for corrupt activity, or else on establishing institutional structures to enhance the capacity to detect and curb corruption. Although 'good governance' has long been presented as a key part of the fight against corruption, its precise meaning and application remain highly contested [1]. Moreover, the emphasis on good governance – particularly in the state-centred political economy approach adopted by many international development organisations – has often been seen as betraying an ethnocentric, Western bias that militates against countries in the

✉ Paul M. Heywood
Paul.Heywood@nottingham.ac.uk

Elizabeth Johnson
johnson.elizabethanne1@gmail.com

[1] University of Nottingham, Nottingham, UK

[2] London, UK

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developing world being able to implement appropriate reforms to their government structures. Far less attention has been paid to the obverse of curbing corruption: that is, promoting integrity. The development of Transparency International's National Integrity System (NIS) approach therefore came as a welcome development insofar as it has sought to shift the emphasis away from an overt focus on corruption and towards the mechanisms that promote more positive dimensions of governance.

In this paper, we nevertheless argue that in practice, the NIS approach is open to four major criticisms:

a. Its underpinning rationale remains wedded to a narrowly conceived institutional focus, reflected in an emphasis on anti-corruption policies and procedures;
b. Despite an apparent flexibility in application, its underlying universalistic approach betrays a lack of cultural sensitivity and a bias towards established democracies;
c. The notion of 'integrity' is poorly conceptualised and articulated;
d. The focus of NIS reports is primarily on compliance-based approaches to anti-corruption, rather than more values-based or ethical understandings.

Each of these critiques is problematic in its own right, but the collective effect has especially serious ramifications. In situations where countries have non-western cultural understandings of integrity *and* a greater emphasis upon values-based reform policies rather than relying only on strict compliance with anti-corruption measures, the results may be particularly negative. Moreover, evaluative approaches suffering from these limitations may fail to highlight positive (or, indeed, negative) practices that fall outside of a narrow conceptualisation of public life. In practice, the NIS methodology assesses governance systems against liberal democratic ideals.

The question, then, is whether using such a tough measuring stick to evaluate countries that are still not democratically developed produces a constructive – or even appropriate – evaluation. This is particularly important because Transparency International's NIS approach is designed primarily as a national-level advocacy tool, as elsewhere described (Macaulay & Mulcahy, this issue) rather than as a basis for comparative study. The overriding objective must therefore be to ensure that the results can be used effectively or helpfully in the local context. In locations where democracy remains in its early stages – whether due to recent conflict, the lasting effects of colonization, decolonization, global capitalism, or limited industrialization, education and economic development – the NIS indicator questions and scoring framework may lead to highly critical outcomes. The concern is that smaller and incremental, yet still genuine, achievements in improving the governance systems of such countries may be overlooked because the institutions assessed do not yet match international standards.

Of course, it is important to note that these criticisms are recurrent concerns within much of the academic and critical literature dealing with the measurement and evaluation of corruption (see, for example, UNDP, [2–4]). As a result, they do not imply that the NIS approach is a uniquely or even particularly poor method of evaluating countries. Indeed, there is a growing debate about the impact of assessments and rankings. Andersson and Heywood [2] identified how aid conditionality attached to countries' performance in the Corruption Perceptions Index risked creating a 'corruption trap'; while Erkkila and Piironen [5] argued that indices of good governance institutionalise certain causal beliefs and normative goals into depoliticised 'self-

evidences' or 'truths'; and the NGO, Global Integrity, abandoned publishing its own Index in 2011, stating that 'country rankings are too blunt and generalised to be "actionable" and inform real debate and policy choices' (cited in [6]: 148). Meanwhile, Cooley and Snyder [7] have highlighted how international rankings have emerged as a key tool of global governance, and how such an approach may lead to policymakers internalising questionable normative assumptions resulting in poorer, not improved, public policy outcomes.

Given the branding of the NIS and its seemingly positive focus on integrity rather than corruption per se, as well as its eschewing of any league table format, it might be hoped that the NIS would be less susceptible to such problems. In this paper, however, we highlight the extent to which this cannot be taken for granted, exploring how each of the four criticisms mentioned above can also be applied to the NIS method, with practical illustrations from the experience of conducting a NIS assessment in Cambodia. Indeed, we show that the current NIS methodology struggles to value and appropriately recognise the efforts made in some developing countries to address corruption within an appropriate national context. Our argument is that if it is to gain purchase in such countries, it needs to be reformulated to allow for more recognition of specific cultural challenges and national legacies. Let us be clear: we recognize that corruption is a very significant and deep-rooted problem in Cambodia, but our concern is to identify ways in which the NIS approach may be better able to support effective reform.

Whilst this case study does not necessarily have answers to all the questions it raises, it seeks to generate discussion about the extent to which cultural distinctiveness should be considered in the future evolution of the NIS methodology. Taking account of different historical contexts and stages of development may help to produce reports that are more constructive, and therefore actionable, for the governments of developing countries. Ultimately, this may help to bolster the success of NIS advocacy campaigns undertaken by Transparency International's national chapters and associated stakeholders. We therefore begin by providing a brief review of the NIS assessment, focusing on its aims and scope; and conclude by offering some suggestions for broadening the current NIS approach.

The aims and scope of the NIS

As set out elsewhere (Brown & Heinrich, this issue), the idea of a National Integrity System (NIS) evaluation was first proposed by Jeremy Pope in a Transparency International Sourcebook, published in 1996, and further elaborated the following year by Pope along with Petter Langseth and Rick Stapenhurst ([8]; see also [9]). They argued ([8]: 521) that

> while each country or region is unique in its own history and culture, its political system, and its stage of economic and social development, similarities in a national integrity system do exist and lessons learned are often transferable.

This core understanding of similarities between countries led Langseth et al. [8] to propose an ostensibly universal system for evaluating integrity in a range of countries.

The core elements of this system were 'public sector anti-corruption strategies, watch-dog agencies, public awareness and participation, accountability of the courts, roles of the media and the private sector, and international cooperation' ([8]: 521). This list was not intended to be prescriptive ([9]: 318), although in practice approaches since 1997 have largely followed the lead of Langseth et al. These core elements are conceptualized as 'pillars', as in a Greek temple, with each standing in support of the overarching integrity system.

The temple metaphor still forms the key visual representation in recent NIS reports. The choice of a temple metaphor has always been somewhat odd, since even in a system with a very low level of corruption it is unlikely that any single pillar would be at the maximal height, much less that all pillars would be. Temples, of course, are only fully stable to the extent that all pillars are the same height; but stability does not depend on the absolute height of the pillars, just their uniformity. In practice, NIS assessments usually describe architecturally impossible 'temples'. However, this is not merely an architectural observation, since the visual metaphor reinforces the idea that the fundamental aim is to maximize the height of each individual pillar. Moreover, within the temple metaphor the pillars are more-or-less distinct objects, with each standing or falling on its own; a real temple, on the other hand, requires a given number of pillars, each at the same height, but is potentially able to lose the whole of an individual pillar and remain standing. Integrity systems are instead complex and intertwined; a collapse in integrity in watchdog agencies, for example, will almost inherently encourage more unethical behavior elsewhere. While individual NIS assessments may well recognize such interconnections, the temple metaphor downplays discussion of this complexity and interdependency.

Critiques of the temple metaphor have led some authors to suggest reformulations of how the roles and connections of integrity systems should be conceptualized. Notably, Sampford et al. [10] suggested a bird's nest as a more appropriate metaphor for integrity systems. A bird's nest does not depend upon any individual stick, but a well made nest will be structurally strong. The absence of any individual stick can often be compensated for by other sticks, in the same way that poor functioning in some public institutions can potentially be compensated for by above average performance among other institutions. If the goal of a NIS assessment is to diagnose problems and provide policy makers with potential solutions, then understanding – and crucially communicating – the interrelationships between institutions seems to be just as important as understanding the functioning of individual components ([10]: 104; see also [11]: 640).

As outlined elsewhere (Macaulay & Mulcahy, this issue), the dozens of in-depth NIS reports published by TI, covering countries as diverse as the UK, Pakistan and Kazakhstan, present a series of evaluations of public institutions as well as non-state institutions and civil society. Again as a result of assumed similarities between countries, these focus on a specific, and usually consistent, set of primary elements, or core institutions (TI [12]):

- Legislature
- Executive
- Judiciary
- Public Sector
- Law Enforcement Agencies

- Electoral Management Bodies
- Ombudsman
- Supreme Audit Institution
- Anti-corruption agencies
- Political Parties
- Media
- Civil Society
- Business

These 'pillars' of the NIS temple form the basis of analysis and resulting reform discussions. On one hand, the approach has potential to be more reflexive than this may suggest. Whilst in practice there is a push to include all pillars, even in systems where some have very limited relevance, there are opportunities to include additional pillars based upon the local context. Further, in TI's formulation (see TI, [13]: 152–155), these pillars are underpinned by the temple's 'foundations': (1) the society's political-institutional foundations, concerning the extent to which political institutions support an effective NIS, (2) socio-political foundations, concerning whether social groups, and the organization of those groups, are supportive of an effective NIS, (3) socio-economic foundations, concerning whether the division of economic rewards is supportive of an effective NIS, and (4) socio-cultural foundations, concerning the extent to which societal norms and values are supportive of an effective NIS.

On the other hand, despite the detailed, and often reflexive, nature of the evaluations that result, the scale and focus of the assessments remains generally problematic. In the following sections we analyse these problems as fourfold: (1) the institutional focus of NIS evaluations, (2) their tendency towards a lack of cultural sensitivity, (3) their failure adequately to define 'integrity', and (4) their focus on compliance-based policies at the expense of more values-based understandings.

The NIS's institutional focus

The NIS approach, by design, has a strong institutional focus; evaluations are ultimately conducted at the level of institutions and integrity systems themselves are understood in relation to the performance of a series of institutions. This is not wrong per se; institutions are undoubtedly important for conditioning how the individuals within those institutions act, and the range of possible actions for the people within them [14]. However, the conception of institutions in NIS reports is narrow, mainly focusing on formal law enforcement and corruption-combating agencies. According to Grebe and Woermann [15], the NIS's 'technical view of institutions is restricted and fails to take into account the complex historical, cultural, social and political factors that shape institutional configurations and influence whether they work as expected. It also has a rather shallow theoretical underpinning.'

It is important to remember that institutions are rooted in specific contexts, and moreover that they can also encompass unwritten codes of conduct, norms of behaviour, beliefs and customs that influence and shape behaviour [16]. There is a risk that our implicit notion of how 'uncorrupted' or 'proper' politics should be organized is based on Western-style liberal democratic institutions [17, 18]. Such assumptions about

the 'proper' form of institutions are indeed rooted in the NIS framework itself: the TI method encourages national chapters to include pillars in an NIS assessment regardless of whether each one exists in their country. The objective of this approach is often unclear; while it can be used to assess how the same or comparable functions are being fulfilled even in the absence of a particular pillar, the tendency is to establish a case for the creation of any missing institution. Thus, in Cambodia, for instance, there is no national level ombudsman; however there are two sub-national complaints-handling mechanisms. Whilst the NIS framework does allow for such nuances, the implicit assumptions about the proper institutional form of a country are strong. Whether following the pre-defined 'proper' organizational path is better, or not, is a more difficult question than can be easily addressed in a NIS evaluation, resulting instead in a "pushing" of specific institutional forms which may be misplaced.

Also problematic is the fact that an excessively institutional approach makes key assumptions about what factors shape political behaviour and outcomes. Whilst, as has been noted, institutions likely have an important role to play in conditioning behaviour, or at least in framing the range of appropriate responses [19, 20], it is unrealistic to see institutional settings as the sole, or most important, determinant of individual actions. Thus, we do not expect the individuals who work within any given institution to be uniformly corrupt, or uniformly to act with integrity, despite operating within an identical institutional framework. Assuming that the most effective solutions to the problem of corruption revolve around institutional design will almost always lead to sub-optimal outcomes, precisely because such assumptions are based on a reduction of human behavior to little more than an algorithm that evaluates actions against a series of probabilities in a discrete choice model.

In reality, the complex mixture of societal norms and values has a significant role to play in determining the probability that any individual will engage in corruption, and thus also has a highly significant effect upon the likelihood of a specific type of institutional structure being able to promote integrity. As noted earlier, NIS evaluations do allow consideration of these values and norms as a 'foundation' concern, but the method typically only provides space for the political, economic, cultural and societal foundations of a national system to be briefly discussed at the beginning of each report, and does not evaluate specific pillars in light of these foundations. A result is that dedicated anti-corruption policies and procedures remain the primary means through which integrity is to be ensured. 'Scoring questions', used in the NIS evaluations to determine the temple pillar heights, have a heavy bias towards the existence of specific rules and policies. Whilst they do also take account of the practical application of rules, narrow rules-based evaluations are not only more easily manipulated, but may also miss any pro-integrity actions of public officials which are guided more by their personal values than formal rules.

In the case of Cambodia, a stark example of the potential impacts of these limitations stems from the fact that 95% of the population identifies as Buddhist (US Dept of State, [21]: 1). Buddhist leaders are highly respected in society and are considered to be conveyors of morality, promoting societal level values that reject narrow materialistic accumulation in favour of social integrity. Not only do the Buddhist leaders represent a strong potential contributor to social change towards greater integrity (WFDD, [22]: 6), they also provide a set of values that shape reactions to institutional incentives. In this context, the notion that any one particular configuration of institutional design will be

universally appropriate, despite differences in values-systems, is surely untenable. Yet the current NIS method allows for recognition of the role of such value-systems only as either (1) a 'foundational' issue, (2) as a potential sub-element of the role of 'civil society organisations' as an NIS pillar, i.e. as a collective institution including religious organisations, or (3) the addition of a new institutional 'pillar', discussed further below. None of these options provide a sufficient path for understanding the specific nature, impacts, content and political dynamics of Buddhism's role in the integrity system, despite it being potentially more significant than many (or perhaps any) of the institutions around which the NIS method is framed.

NIS and cultural sensitivity

As has been noted, it was one of the hopes of the NIS approach that lessons from one country could be applied to others (see [8]: 521). In part, this was based upon an understanding of the fundamental similarities of countries; and thus, as we have just seen, the NIS methodology treats countries as if they are all essentially comparable, with the default expectation being that the same institutional pillars will be the most important elements through which integrity systems can be evaluated. Of course, the current NIS methodology does allow for some adaptation to local contexts, in the ways mentioned above. Questions can also be carefully interpreted or altered to ensure they are culturally relevant, although if this is done without being systematised it risks creating methodological inefficiencies and could undermine the lesson-learning capacity that was originally envisaged.

Indeed, pillars can be modified or new ones added to reflect the core governance institutions in a country, and various national assessments have seen adaptation of the NIS methodology to include additional institutions considered important in the governance system. Malawi's 2013 NIS assessment, for instance, included a pillar on 'Traditional Leaders' (Transparency International, [23]: 239). The role of traditional leaders (i.e. Chiefs) pre-dates colonial times, and has been identified as an ongoing institution of integrity in Malawi's public life; they are considered to exercise a lot of influence in the political arena. In Bosnia and Herzegovina's 2013 NIS assessment, 'International Institutions' were included as an extra pillar (Transparency International, [24]: 229). This reflects the important although diminishing role they have played in the country's postwar context. Serbia's 2011 study added 'Local Self Government' as a new pillar ([25]: 297). Local governments are key actors in the country's integrity system because they have the legal power to independently regulate the organisation of public services within their jurisdiction. As mentioned elsewhere (Macaulay & Mulcahy, this issue), the New Zealand NIS assessment was adapted not only to similarly include local government as a pillar, but to discuss the role of the Treaty of Waitangi, and principles of Indigenous involvement and co-management, in relation to all institutional pillars.

The problem is whether this potential for readjustment goes far enough to ensure the NIS study takes appropriate account of the cultural context under assessment, especially in light of the strong assumptions of comparability inherent in the NIS approach. The main concern is that there might be a fundamental bias in the methodology that means the results of NIS assessments are also systematically more positive for countries that have attained certain levels of development.

Again, the Cambodian example is instructive. At Cambodia's National Integrity Workshop, held in November 2013, the approach was specifically criticised as being largely ahistorical, and as having limited cultural relevance. A senior government official later reiterated this feedback when Transparency International Cambodia presented the final draft of the report to the Ministry of Interior in May 2014. The common theme highlighted was that the methodology did not take sufficient account of the cultural and historical specificities that have contributed to the limitations of the Cambodian governance system in its current formation. This history is unique and complex. The challenges faced by the modern society are underpinned first by the fact that in the 90 years that the country was a French protectorate, gaining independence in 1953, only a minimal number of elite secular schools were built ([26]: 39). Hence, high levels of education and intellectual life were still restricted to a small proportion of the population when civil war broke out 15 years later.

This situation was obviously compounded when the Khmer Rouge emerged victorious and came to power from 1975 until 1979 ([27]: 233, 255). The Khmer Rouge killed the police, military and bureaucratic elite of the old society, as well as teachers, doctors, engineers, and intellectuals ([26]: 167). It is estimated that during the four years of the regime two million people – or one in four of the population – died as a result of overwork or maltreatment, or were executed ([27]: 259). The public sector was obliterated. Conflict continued in Cambodia until settled by the Paris Peace Agreements in 1991, leading to the first post-conflict elections only in 1993 ([28]: xiv; [27]: 277–89).

The subsequent two decades saw the government, donors and civil society work to build the capacity of public institutions, provide adequate basic services, and uphold a stable governance system. Whilst democracy remains limited, and corruption remains deeply embedded, Cambodia has certainly made commendable gains in a challenging post-conflict setting. Yet the qualitative findings and scores of the 2014 Cambodia NIS assessment are not particularly encouraging. All but 3 of the 13 pillars fall into the weak or very weak category. Despite a few islands of change in the public sector that have started to resemble global standards, Cambodia's governance system is well below the democratic standards against which institutions in the NIS are measured. The problem is that, whilst some of the shortfalls in the Cambodian governance system are undeniably due to the unaccountable structures enacted and upheld by existing power-holders, historical events and cultural context almost certainly have an even larger role in defining its continuing limitations. Even acknowledging that the broadly unfavourable findings of the 2014 Cambodia NIS assessment are owed partly to decisions and actions of the country's current leaders, and to the subjective interpretation of available information by the report's researchers and authors, the design of the NIS methodology tends, inherently, to favour more industrialised countries in which democracy has been much longer established.

Essential to consider here is whether the NIS scoring and indicator questions overlook or downplay some of the arguably more fundamental and incremental achievements made by countries in transition. For instance, whilst the Cambodian public sector has not yet reached a stage in which its institutions can be considered to operate accountably and effectively on the level expected of global-standard democracies, significant achievements have none the less been made, given that the public sector had to be reconstructed almost from scratch [29, 30]. This included the

(re)building of hospitals, schools and ministries. Likewise, after the Khmer Rouge fell, very few trained and educated individuals were left to occupy administrative positions. Only an estimated 450 teachers survived the Khmer Rouge of an estimated 5000 existing prior to the regime; likewise only 50 doctors remained out of an estimated 500 [31–33]. Moreover, only 10 legal graduates, including 5 judges are estimated to have survived when the Khmer Rouge period ended in 1979 ([34]: 338). Concerted efforts have been made to establish training centres, and provide public officials with necessary skills to undertake their roles. For instance, the Police Academy was established only in 2000, and is now central to building the capacity of the national police and provides various courses from short, department or skill-specific training courses, to longer Bachelor and Master degree programmes (Police Academy of Cambodia, [35]; CNP, [36]). These efforts have been implemented on limited budgets – Cambodia remains a low-income economy, even though the country has experienced notable economic growth [37] and has received sustained overseas development aid [38].

Despite the shortfalls, Cambodia's progress towards the United Nation's Millennium Development Goals is an indicator of some successes in public sector reforms. Ever increasing numbers of children are accessing primary education (RGC, [39]: 16); the prevalence of HIV, malaria and tuberculosis has fallen (RGC, [39]: 27); and the proportion of the population living below the poverty line reduced by 30% between 2007 and 2011 ([37]; UNDP, [40]). Yet despite such dramatic improvements, it is easy for evaluation or indicator questions such as contained in the NIS method to overlook some of the more baseline achievements that have been made by governance institutions. For instance, the Cambodian judiciary does not have comprehensive legal regulations governing judicial salaries, there is insufficient training to enhance judges' knowledge of the law, and there is no independent judicial services commission. In terms of NIS indicators, Cambodia inevitably scores poorly on this front. Yet, in itself, the mere fact that multiple courts and dozens of judges exist represents a significant achievement of the last two decades. Capacity building of those courts and legal professionals is a gradual and on-going process.

Similarly, while considerable efforts have been made to begin professionalising the police force, as noted above, these slow but steady improvements tend not be accounted for, due to the fact that the police do not yet have rules stipulating clear professional criteria, do not publicly disclose comprehensive information regarding law enforcement work, and do not yet have an effective citizens' complaints mechanism.

How can the NIS indicator questions take better account of the elementary efforts that are necessary to rebuild a governance system in a post-conflict or transitional context? The starting point is to recognise that the scoring framework already assumes a certain level of development, with transitioning democracies, who face multifaceted and specific challenges, receiving very critical analysis and lower scores because basic initiatives get overlooked. While the NIS approach aims to capture the absolute strength of the integrity system, the methodology leaves readers largely ignorant of the direction of travel. If a country is starting from a low base, but building fast, this is surely a more positive picture than a country starting from a high base and declining. The 'one shot' nature of the NIS, coupled with the reductionism inherent in the 'temple' summary of the NIS evaluation, abstracts away important nuances about country level developments.

The meaning of 'integrity' in NIS assessments

Notwithstanding that the NIS terminology focuses upon an 'integrity system', the methodology of TI's NIS assessments has an explicit emphasis upon anti-corruption institutions and instruments. Even though it is possible to see corruption as the opposite of integrity, it is far from obvious that integrity is the opposite of corruption (for a recent discussion, see [41]). Indeed, one can theoretically act wholly in a non-corrupt way, whilst still having only minimal levels of integrity [42]. This sort of circumstance may emerge in situations where the only reason people do not engage in corruption is because the structure of incentives presented to them makes corruption less appealing than being non-corrupt. However, as soon as a new situation emerges in which disincentives to engage in corruption do not exist, the individual decides their course of action without reference to moral concerns, instead attempting merely to maximize their own personal utility. As such, anti-corruption measures alone do not, but also cannot, guarantee integrity. Thus, the overt focus on anti-corruption in the NIS is potentially misleading, and moreover reinforces pre-existing biases that favour formalized rules and codes.

The difficulties posed by an inadequate understanding of integrity within NIS assessments are also of wider practical concern. Integrity serves a wider role in ethical governance than anti-corruption. Where public officials have a strong anti-corruption ethos (or regulations that enforce strong anti-corruption policies), citizens can trust public officials to not act corruptly in specific and pre-defined circumstances. Yet integrity serves a wider purpose, including the general role of providing a foundation for citizens to trust their political systems. If public officials do not have integrity, it is difficult to see why citizens should trust them or why they should assume good faith in their activities in any situation where anti-corruption regulations cannot guarantee compliance. In the real world, where regulations will always struggle to ensure compliance, a purely anti-corruption approach removes the rational basis for choosing to trust public officials; conversely, integrity in public life supports such trust. This links to a broader argument within public administration about the most effective way to build trust. As Foster Back [43] puts it, 'the essential question remains is trust better engendered by principled behaviour based on "doing it because it is the right thing to do" or because the individual, the company or the public body has to?'.

Anti-corruption, and the evaluation of an absence of anti-corruption policies, are also especially problematic to define outside of Western-style liberal countries. In Cambodia, the NIS research team encountered several questions that had limited applicability to the local country context, including questions such as: Are there examples of attempted interference by external actors, particularly the government or judiciary, in the activities of the legislature? To what extent is the symptom of the 'revolving door' (i.e. executive officials moving back and forth between big business and government positions) a concern? Are there any examples of undue external interference in judicial proceedings? These questions already assume a certain level of separation between institutions. In Cambodia however, the entire public sector is centralised and controlled by a narrow group of ruling party-aligned power holders under the tight control of the Prime Minister. In this case, asking for examples of undue external interference in public bodies has limited relevance, since very little separation exists across institutions in the sector. Such an institutional framework cuts against the anti-corruption

assumptions of NIS evaluations, and indeed does theoretically make corruption easier for motivated people at the head of government. However, the specific institutional framework alone does not in itself guarantee that corruption is actually occurring. Such a system could be compatible with high levels of integrity, to the extent that the leaders act with integrity.

An anti-corruption focus therefore risks obscuring the actual level of integrity within systems. Of course, even if not entirely applicable, such evaluation questions did underscore how centralised the Cambodian governance system is compared to international democratic ideals – and to that extent, prompted useful considerations that were reflected in the report. Whether a less centralised system would necessarily equate to a stronger integrity system is nevertheless not directly established.

The NIS assessment as a compliance-tool

Finally, as has been mentioned above, TI's NIS assessment reports have an explicit focus upon anti-corruption, rather than pro-integrity, policies. A further implication is that NIS evaluations, and thus also the recommendations for improvement that follow them, have a strong focus on compliance-based policies rather than values-based policies. Put simply, compliance-based policies are those routine anti-corruption policies that aim to create a system of rules and regulations that prevent corruption, whereas values-based policies are those that attempt to instil a culture such that corruption is not a preferred choice (for a more detailed discussion, see [44]). Compliance policies can also be thought of as representing a model of low trust and high distrust, 'characterized by fear, skepticism, and vigilance, where harmful motives are assumed, and regulations and controls are put in place'; while values-based policies represent high trust and low distrust, 'characterized by hope, faith, and assurance… where opportunities are pursued and new initiatives are undertaken' ([45]: 231).

The favouring of compliance policies is not just a normative bias; it is a potentially problematic view of public life, especially because of the role of trust as facilitator of pro-social actions. It is nevertheless an essential part of the methodology of TI's NIS evaluations. To take a concrete example, the 'scoring question' for evaluating integrity mechanisms for legislatures, asks: 'To what extent are there mechanisms in place to ensure the integrity of members of the legislature?' (TI, [13]: 9). The 'guiding questions', which scorers ought to consider in evaluating this section, refer almost exclusively to 'rules', 'codes', 'declarations', and other prescriptive policies (TI, [13]: 9). There is little, if any, room for an evaluator to consider other factors, such as ethics training, culture or values inculcation. The same critiques could be leveled at the evaluation of the practical implementation of integrity mechanisms – the focus is almost exclusively upon the extent to which codes are adhered to (see TI, [13]: 10), rather than the extent to which high-integrity behavior is manifested. As Taylor and Torsello [46] have argued, 'it is difficult to force an ethical culture by ways of legal and sanctioning actions'.

However, even if NIS assessments do explicitly and systematically favour compliance-based policies, it may be objected that this is not normatively bad; indeed, it may be observed that compliance-based policies *ought* to be preferred. Modern states are enormous, highly complex, diverse, and powerful. Maintaining an adequate ethical

climate in such circumstances, especially if coupled with fewer codes and less monitoring, can be extremely challenging. And, indeed, it may be argued that regulations can serve to *create* a positive ethical climate by constraining undesirable behaviours. Yet compliance-based policies also have a number of disadvantages in certain situations. First, the size and diversity of public life is a problem not just for values-based systems; indeed, compliance-based systems can suffer even greater problems, in part because the size and complexity of the state means that unforeseen cases in which the regulations are not sufficient to ensure integrity can occur quite frequently.

Moreover, because compliance systems largely remove personal discretion from public officials, the potential exists for situations in which both efficiency and justice are sacrificed in order to comply with the demands of formal policies (on the inefficiencies of anti-corruption approaches, see [47]). On the other hand, if high personal ethical standards can be inculcated in public officials, in the manner suggested by values-based approaches, strict (and potentially overbearing) micro regulation will be far less necessary. In turn, this implies the need for some discretion on the part of public officials, affording them the opportunity to select proactively the ethical course of action in the course of their duties. Such a system largely removes the need to develop a regulatory framework to handle every situation an official will encounter, which in turn allows their decisions to be informed by the specific context in which a decision is taken. As might be expected, such a system can be more efficient and cost effective than a compliance-based system, as it dramatically reduces the administrative burden upon officials.

Outside of theoretical archetypes, real world integrity systems will obviously never represent a pure values-based or pure compliance-based system; instead, each system contains elements from each type. However, that does not mean that each formulation works equally well in any circumstance, or that introducing more of one type of policy will have no consequences for the other type. Indeed, because policies can create feedback loops and ultimately become self-reinforcing, introducing more of one type of regulation can imply less of the other – an observation that is especially true with compliance-based regulations, which can be particularly damaging to integrity values (see [48, 49]). Identifying the most helpful form of ethical regulation is a serious and difficult task, especially in a country like Cambodia, which is seeking to build its integrity system from such a low base. The question of how many compliance policies are necessary, which ones are the most important, and under what circumstances values-based policies are preferable, are vital. Yet in countries such as Cambodia, the potential for introducing strong values-based policies may be lost if too great a push is made towards compliance policies early on, because of compliance policies' known effect of reducing values-based motivations for acting ethically ([49]: 273). Rather than striking an appropriate balance, the concern is that too great an emphasis upon compliance policies in NIS assessments may compromise the overall effectiveness of the integrity system.

Discussion and conclusions

It is obvious that national circumstances differ between countries. Different histories, different cultures, different laws, different standards of governance, and different

institutional settings are all in play. Even small differences in these factors can dramatically alter not only what reforms are feasible, but also what reforms are possible. In this sense, the often largely ahistorical and acultural approach of NIS evaluations, with consequential assumptions about what reforms ought to be implemented, presents significant limitations relative to more culturally and context-sensitive analyses. As we have suggested, imposing a compliance-based regulatory structure on a system that already has a strong and well functioning values-based component to ethical regulation has the potential to do more harm than good.

The problem, then, is the extent to which evaluations such as the NIS approach are beset by an unhelpful universalism that reflects a specific set of cultural and institutional assumptions. Indeed, drawing on the experience of the NIS in Cambodia, there is a real risk that baseline achievements in transitioning countries may be overlooked by the NIS. Whilst such national systems may not have reached global democratic standards, they may none the less have made fundamental efforts that are not appropriately accounted for by the current NIS indicators and scoring framework. Since the bar against which institutions are measured is raised so high, less industrialised countries are likely to fare poorly in the NIS analysis and results.

To counter this, we have noted that NIS evaluations may work better in situations where the local team goes beyond the standard set of institutions, and adapts and adds to the NIS temple pillars. Moreover, it is sometimes necessary for local research teams to follow a more culturally sensitive interpretation of indicator questions in order to modify the NIS methodology in relation to national contexts. However, even with such adaptations, research teams can still face both criticism of and resistance to suggestions arising out of NIS evaluations, precisely because the underpinning NIS methodology does not take adequate account of context. In Cambodia, the government rejected the report outright after publication. Officials argued that the report highlights all the shortfalls of the system without accounting for the historical challenges and achievements that have been made. Whilst no simple answer to this issue exists – a report on integrity and corruption is likely always going to be somewhat critical and confronting to any government – there could be ways to tailor the methodology to make it serve more clearly as a realistic and constructive call to action for the administration under assessment. In turn, this may help to boost the cooperation of governance stakeholders to implement the NIS recommendations.

With the aim of acknowledging the historical context, cultural challenges, and achievements not mentioned elsewhere in the NIS evaluation, the research team from Cambodia included a preface at the start of the report, reflecting on these issues in more detail. This does not address all of the above concerns, but can deflect some of the more obvious criticisms that a government may levy against a report once it is published. The preface differed from the foundations in that it provided a short but unified space to link together some of the foundational elements that led to a system in which corruption is commonplace. It underlined the legacy of the Khmer Rouge in addition to mentioning some of the development achievements Cambodia has recently made.

Going forward, these issues suggest considerable value in further evaluation of the experiences of undertaking the NIS in other countries. If common themes and issues are found, a revision of the NIS methodology would be logical. Different dimensions could be emphasized for countries at varying stages of development. The existing approach could be maintained for more established democracies, whilst alternative elements

could be developed for transitioning democracies. Indicator questions could aim to recognize the more foundational efforts made by countries in earlier stages of development. For instance, in the law enforcement agencies section, questions could include: Has a police academy been created? Have appropriate courses to train police at different levels and roles been developed?

Such questions would capture some of the initial efforts required to set up a democracy. Indeed, more emphasis on the positive promotion of integrity, as opposed to anti-corruption measures, would be helpful. Equally, a broader understanding of institutions and their functions, incorporating norms, beliefs and customs as an important dimension of how they motivate and constrain behavior, would make it more difficult for governments to dismiss NIS reports out of hand.

Even with such adaptations, the National Integrity System approach would remain an institutionally focused evaluation. There is nothing inherently wrong with that: as we know, institutions matter. However, experiences such as in Cambodia suggest that what is needed is a more sophisticated and flexible understanding of institutions, underpinned both by an approach that allows for analysis of transformations in institutions, and also by a more theoretically informed understanding of the concept of integrity. That way, NIS reports will not only provide a more realistic and appropriate analysis of how integrity systems work in practice, but also be better placed to offer constructive and actionable guides to action that can support genuine reform.

References

1. Rothstein, B. (2012). Good governance. In D. Levi-Faur (Ed.), *The Oxford handbook of governance* (pp. 143–155). Oxford: Oxford University Press.
2. Andersson, S., & Heywood, P. M. (2009). The politics of perception: Use and abuse of transparency International's approach to measuring corruption. *Political Studies, 57*(4), 746–767.
3. Heywood, P. M., & Rose, J. (2014). "Close but no cigar": The measurement of corruption. *Journal of Public Policy, 34*(3), 507–529.
4. UNDP (United Nations Development Programme). (2008). *A users' guide to measuring corruption.* Oslo: UNDP Oslo Governance Centre.
5. Erkkila, T., & Piironen, O. (2009). Politics and numbers. The iron cage of governance and indices. In R. Cox (Ed.), *Ethics and integrity in public administration: Concepts and cases* (pp. 125–145). Armonk: Sharpe.
6. Heywood, P. M. (2015). Measuring corruption. In P. M. Heywood (Ed.), *Routledge handbook of political corruption* (pp. 137–153). London: Routledge.
7. Cooley, A., & Snyder, J. (2015). *Ranking the world: Grading states as a tool of global governance.* Cambridge: Cambridge University Press.

8. Langseth, P., Stapenhurst, R., & Pope, J. (1997). The role of a national integrity system in fighting corruption. *Commonwealth Law Bulletin, 23*(1–2), 499–528.

9. Doig, A., & McIvor, S. (2003). The national integrity system: Assessing corruption and reform. *Public Administration and Development, 23*(4), 317–332.

10. Sampford, C., Smith, R., & Brown, A. J. (2005). From Greek temple to bird's nest: Towards a theory of coherence and mutual accountability for national integrity systems. *Australian Journal of Public Administration, 64*(2), 96–108.

11. Six, F., & Lawton, A. (2013). Towards a theory of integrity systems: A configurational approach. *International Review of Administrative Sciences, 79*(4), 639–658.

12. Transparency International [TI] (2011) National Integrity System background rationale and methodology. Available online: http://www.transparency.org/files/content/nis/NIS_Background_Methodology_EN.pdf. Last accessed 20 Dec 2014.

13. Transparency International [TI] (2014). NIS indicators and foundations. Available online: http://www.transparency.org/files/content/nis/NISIndicatorsFoundations_EN.pdf. Last accessed 20 Dec 2014.

14. Przeworski, A. (2004). Institutions matter? *Government and Opposition, 39*, 527–540.

15. Grebe, E., & Woermann, M. (2011). Institutions of integrity and the integrity of institutions: Integrity and ethics in the politics of developmental leadership. *DLP Research Paper 15* (developmental leadership program) – Available online at: http://www.dlprog.org/publications/institutions-of-integrity-and-the-integrity-of-institutions-integrity-and-ethics-in-the-politics-of-developmental-leadership.php.

16. Greif, A. (2006). *Institutions and the path to the modern economy: Lessons from medieval trade*. Cambridge: Cambridge University Press.

17. Philp, M. (1997). Defining political corruption. *Political Studies, 45*(3), 436–462.

18. Philp, M., & Dávid-Barrett, E. (2015). Realism about political corruption. *Annual Review of Political Science*, *18*, 387–402. Available at SSRN: http://srn.com/abstract=2605442 or https://doi.org/10.1146/annurev-polisci-092012-134421.

19. March, J. G., & Olsen, J. P. (1998). The institutional dynamics of international political orders. *International Organization, 52*(4), 943–969.

20. North, D. C. (1991). Institutions. *The Journal of Economic Perspectives, 5*(1), 97–112.

21. United States Department of State. (2011). *International religious freedom report for 2011: Cambodia*. Washington, D.C.: United States Department of State, Bureau of Democracy, Human Rights and Labor.

22. WFDD (World Faiths Development Dialogue). (2012). *Buddhism and development: Communities in Cambodia working as partners*. Washington, D.C.: WFDD.

23. Transparency International [TI]. (2013a). *Malawi national integrity system assessment report*. Berlin: Transparency International.

24. Transparency International [TI]. (2013b). *National Integrity System Assessment: Bosnia and Herzegovina 2013*. Berlin: Transparency International.

25. Transparency Serbia. (2011). *National Integrity System Assessment: Serbia – Country report 2011*. Belgrade: Transparency Serbia.

26. Becker, E. (1986). *When the war was over: Cambodia and the Khmer rouge revolution*. New York: Public Affairs.

27. Chandler, D. (2008). *A history of Cambodia* (Fourth ed.). Chiang Mai: Silkworm Books.

28. Roberts, D. W. (2001). *Political transition in Cambodia 1991–99: Power, elitism and democracy*. London: Curzon Press.

29. Duggan, S. J. (1996). Education, teacher training and prospects for economic recovery in Cambodia. *Comparative Education, 32*(3), 361–375.

30. Schrey, D., & Brauer, R. (2012). Foreword. In H. Peng, K. Phallack, & J. Menzel (Eds.), *Introduction to Cambodian law*. Konrad Adenauer Stiftung: Phnom Penh.

31. Grant, C. (1989). *Cambodia: A country profile*. Phnom Penh and Stockholm: SIDA.

32. Irvin, G. (1993). Rebuilding Cambodia's economy: UNTAC and beyond. Working Paper Series No. 149 (May).

33. Mysliwiec, E. (1988). *Punishing the poor: The international isolation of Kampuchea*. Oxford: Oxfam.

34. Broadhurst, R. (2011). Cambodia: A criminal justice system in transition. In C. J. Smith, S. X. Zhang, & R. Barberet (Eds.), *Routledge handbook of international criminology*. New York: Routledge.

35. PAC (Police Academy of Cambodia) (2014). Official website: http://pac.edu.kh/index.php/en/#. Accessed 24 May 2014.

36. CNP (Cambodia National Police). (2014). *Report on situation and result of the operation to maintain security, safety, and social order for 2013 and activities for 2014 of the commissariat general of National Police*. Phnom Penh: CNP.

37. World Bank (2013). Countries: Cambodia overview. Last updated 23 December 2013: http://www.worldbank.org/en/country/cambodia/overview. Accessed 6 June 2014.
38. Zsombor, P. (2014). *US passes bill to suspend some aid to Cambodia*. Phnom Penh: The Cambodia Daily.
39. RGC (Royal Government of Cambodia). (2010). *Achieving Cambodia's Millennium Development Goals: Update 2010, Ministry of Planning*. Phnom Penh: RGC.
40. UNDP (United Nations Development Programme) (2013). About Cambodia. Available at: http://www.kh.undp.org/content/cambodia/en/home/countryinfo/. Accessed 27 Jan 2014.
41. Rothstein, B. (2014). What is the opposite of corruption? *Third World Quarterly, 35*(5), 737–752.
42. Rose, J., & Heywood, P. M. (2013). Political science approaches to integrity and corruption. *Human Affairs, 23*, 148–159.
43. Foster Back, P. (2006). Principles or rules? *Public Money and Management, 26*(1), 7–9.
44. Scott, I., & Leung, J. Y. (2012). Integrity management in post-1997 Hong Kong: Challenges for a rule-based system. *Crime, Law and Social Change, 58*(1), 39–52.
45. Bies, R. J. (2014). Reducing criminal wrongdoing within business organizations: The practical and political skills of integrity. *American Criminal Law Review, 51*, 225–317.
46. Taylor, A. J., & Torsello, D. (2015). Exploring the link between organizational culture and corruption (unpublished ms.: CEU business school).
47. Anechiarico, F., & Jacobs, J. (1996). *The pursuit of absolute integrity: How corruption control makes government ineffective*. Chicago: University of Chicago Press.
48. Demmke, C., & Moilanen, T. (2012). *Effectiveness of public-service ethics and good governance in the central administrations of the EU-27: Evaluating reform outcomes in the context of the financial crisis*. Frankfurt: Peter Lang.
49. Tyler, T. R. (2014). Reducing corporate criminality: The role of values. *American Criminal Law Review, 51*, 267–317.