From Greek Temple to Bird's Nest: Towards A Theory of Coherence and Mutual Accountability for National Integrity Systems

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From Greek Temple to Bird’s Nest:  
Towards A Theory of Coherence and Mutual Accountability for  
National Integrity Systems  

Prof Charles Sampford¹, Dr Rodney Smith² and Dr A. J. Brown³  

Since the 1990s, recognition has grown that the answer to corruption — political, bureaucratic or corporate — does not lie in a single institution, let alone a single law. Rather the institutionalisation of integrity through a number of agencies, laws, practices and ethical codes is increasingly recognised as the best option for limiting corruption in many societies. This article addresses the key issue of coherence between these various institutions, picking up on the third and final theme of the Australian national integrity system assessment. The assessment has shown, firstly, that concepts of ‘horizontal’ or ‘mutual’ accountability are important but also need to be developed and better contextualised as a framework for designing integrity systems; secondly, that integrity system coherence can be usefully measured and mapped using standard network analysis approaches, helping more clearly identify the need for more deliberate strategies for coordination of integrity policies; and thirdly, that new metaphors can and should be developed for communicating...  

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the nature and significance of the institutional interactions that constitute integrity systems. The new metaphor suggested here is that of a bird’s nest, in which a multitude of often weak institutions and relationships can combine to more effectively protect and promote the fragile goal of public integrity.
Introduction

How do the different elements of modern integrity systems interact? Based on Australian experience, how can the proponents of strong and effective ethics regimes be confident that corruption, defective administration and other forms of wrongdoing are not ‘slipping through the cracks’? How should regulatory systems evolve to ensure coherence, rather than chaos in the way in which integrity is promoted and achieved?

These questions have always been central to the notion of a national integrity system, as outlined throughout this symposium including each of the three jurisdictional studies (Roberts, Smith, and Warburton & Baker, this issue). In studying national integrity systems based increasingly on a multiplicity of agencies, laws, practices and ethical codes, the Australian national integrity system assessment sought to identify both a better theoretical explanation for the ways that key institutions interact, and a better practical understanding of how desirable interdependencies can be better institutionalised, and undesirable conflicts avoided. These insights are important not only for an understanding of how Australian integrity systems work, but for the search for international best practice in the design, assessment and development of integrity systems. This final article deals with the issue of integrity system coherence as a subject in its own right.

The first part of the article addresses how much coherence is desirable between the different elements or ‘pillars’ of an integrity system, when and on what issues. The primary theoretical explanation for the interdependency of integrity institutions has so far been cast in terms of ‘horizontal accountability’ — the ways in which multiple integrity guardians guard each other — but this provides as much reason for integrity bodies to remain separate and sometimes to conflict as it does for them to work cooperatively. Hence, a more developed understanding is needed of the
different, potentially competing needs of integrity institutions to cooperate at times but stand apart at others. As a result, we suggest a ‘triad’ of relationships as the basis for further study and analysis: constitutional or accountability relationships; policy relationships; and operational relationships — each involving different issues and institutional options.

The second part of the article reviews the feasibility of empirical analysis on these issues, building on both the Queensland pilot mentioned earlier (Brown, this issue) and the study of the NSW Government’s integrity system (Smith). It examines how network analysis approaches can be used to reveal lessons of wider significance regarding the policy and operational relationships often neglected in public policy research. From this, flows conclusions about the need for more deliberate coordinating strategies for the integrity measures of most, if not all, Australian jurisdictions, and a key recommendation from the assessment: the case for a ‘governance review council’ or equivalent coordinating institution to maintain and develop integrity system coherence.

Thirdly and finally, the article asks whether a new visual metaphor might be deployed, building on those that have gone before, to usefully explain how the different elements of integrity systems can interrelate with positive effect. There is increased recognition of integrity systems as ‘open’ systems, parallel ecological concepts of integrity. The great diversity of integrity institutions and practices in different societies, and Australian empirical analysis, suggest a new visual image in place of built metaphors. The image is of a bird’s nest, in which institutions and relationships, often weak individually but collectively potentially strong, combines to protect and promote a fragile good — ‘public integrity’. In conclusion, we recommend this theoretically and empirically grounded image as a fruitful way of
conceiving and understanding integrity systems and a basis for more in-depth empirical analysis and institutional development in Australia and overseas.

Mutual Accountability, Policy Coherence and Operational Coordination: Mapping the Triad of Integrity System Relationships

The prominent metaphor, to date, for a national integrity system, as discussed earlier in this symposium, is the ancient ‘Greek temple’ presented by Transparency International (Pope 2000:35-37; Figure 1 in Brown, this issue). This powerful visual metaphor sums up not only those institutions that might commonly be expected to form key ‘pillars’ of integrity systems, but key aspects of how these different elements interact:

The ‘temple’… is built on and sustained by foundations which comprise public awareness and society’s values. If public awareness is high and values are strong, both will support the ‘pillars’ which rest on them, giving them added strength. On the other hand, if the public is apathetic and not watchful, or if the values are widely lacking, then the foundations will be weak. … The ‘pillars’ are interdependent but may be of differing strengths. If one pillar weakens, an increased load is thrown onto one or more of the others. If several pillars weaken, their load will ultimately tilt, so that the ‘round balls’ of ‘sustainable development’, ‘Rule of Law’ and ‘quality of life’ will roll off, crash to the ground and the whole edifice collapse into chaos.

The actual ‘pillars’ may and will vary from society to society. Some will be stronger; some will be weaker (Pope 2000:36).

One aim of the Australian assessment was to fill out this generalised picture of institutional interdependency with more concrete understandings of the relationships involved. Integrity system theory emphasises that integrity is the collective result of mutually supportive institutions but has had little to say about the way the institutions
interact to achieve that result. As well as functional relationships, the main theoretical explanation of system effectiveness hinges on a relationship of mutual accountability — the multiplicity of institutions helps limit corruption because these institutions are also able to hold each other accountable. Transparency International has used the term ‘horizontal accountability’ to describe this mutuality, drawing on the work of political scientist Guillermo O’Donnell as reviewed in *The Self-Restraining State* (Schedler et al 1999; see Pope 2000: 24-26). This account extends the Anglo-European principle of the ‘separation of powers’, typified by separation of Legislature and Judiciary from the Executive in the 1600s–1700s, to the greater number of institutions now quasi-independently watching over one another. In federal contexts such as Australia, these principles are also further entrenched by constitutional separations of power between national, state and sometimes local governments (Brown 1992; Uhr 2003; Uhr 2004).

In our assessment, these constitutional interrelationships are more accurately described as based on ‘mutual’ accountability, because ‘horizontal’ implies an equality of legal and/or political power between institutions that is typically absent. ‘Mutuality’ also allows for aspects of accountability based less on formal powers and assessments and more on subtle watching and advising. The importance of an extended concept of mutual accountability has been documented by other Australian scholars including John Braithwaite (1998; Figure 1a below) and Richard Mulgan:

The problem of how to guard the guardians… leads to the search for further guardians to guard the existing guardians, a search that must be ultimately fruitless in the absence of a final guardian who does not need guarding. However, once the possibility of mutual accountability is accepted, the single straight line can be turned into a circle, or criss-crossing pattern, in which every member is accountable to at least one other, or possibly several others (Mulgan 2003:232).
Figure 1b is our extension of Braithwaite’s model in line with Mulgan’s description.

*Figure 1a. Formal Models of Two Conceptions of Trust*

(Braithwaite 1998:354)

*Hierarchical fiduciary conception of guardianship*

*Republican conception of guardianship*

*Figure 1b. A Model of Mutual Accountability/Guardianship*
In simple terms, the concept of mutual accountability suggests an aerial or ‘bird’s eye’ view of relations between identified integrity bodies — in architectural terms, a plan view of a Greek temple as opposed to a front elevation (Brown 2003). Each step of the Australian assessment has confirmed the growing importance of these cross-checking relationships, from the Queensland pilot which related the growth of a more complex ethics infrastructure at least partly to weaknesses in traditional accountability theories, such as answerability of executive government to parliament and competence of the traditional criminal justice system to prosecute corruption (KCELJAG & TI 2001:vi; Preston et al 2002:10; see also, previously, Temby 1990:30).

While mutual accountability is important, we also know from Transparency International’s description, and the Queensland pilot, that accountability represents only one major type of relationship — a primarily constitutional one, based on independence and opposition as much as interdependence and cooperation. In practice, empirical analysis also quickly establishes that issues of ‘who guard the guards’ represent only some of the key questions of institutional interrelationship, with other concerns centring on whether individual institutions are lending practical support to others when needed, or getting in each other’s way, or pulling their weight, or alternatively representing ‘dead’ weight in the system. Similarly important is whether the right balance has been struck between the investigative and enforcement roles of specialist ‘core’ integrity agencies, and the positive standard setting and management responsibilities inherent in the leadership of all organizations (KCELJAG & TI 2001; Sampford & Wood 1992; Sampford 1994; Smith, this issue). Once examined in more detail, the number and types of interrelationships become more complex and potentially intricate.
A first conclusion from the assessment, combining the relevant Australian policy literature and evidence from operations of the Queensland, Commonwealth and NSW governments, is that the mapping of relations between integrity ‘pillars’ needs to recognise and differentiate between a triad of relationship types: constitutional, policy, and operational. Table 1 lists some of the major relationships of each type encountered in an Australian context, together with some of the institutional options for strengthening them.

Table 1. Key institutional relationships in the integrity system

<table>
<thead>
<tr>
<th>Type of relation</th>
<th>Examples</th>
<th>Institutional Options</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Constitutional</strong></td>
<td>Accountability relationships, including extent to which different institutions can act as integrity checks on others.</td>
<td>Judicial independence</td>
</tr>
<tr>
<td><strong>Policy</strong></td>
<td>Relationships needed to establish coherence and consistency in the way in which integrity is managed across a given sector or jurisdiction, including: Coordination of enabling and regulatory legislation Identifying and rectifying gaps in jurisdiction Ensuring or removing overlaps in jurisdiction Putting joint positions to government Coordination of reform, research, evaluation, performance measurement and professional development Balance between coercive investigations, enforcement, and positive standard-setting, leadership, organisational and cultural change</td>
<td>challenge to the decisions of key bodies Routine policy coordination by executive government Occasional royal commissions or policy inquiries Standing royal commissions or independent policy review Amalgamation of agencies Ad hoc interagency and interdepartmental liaison Standing interagency committees Statutory frameworks for voluntary codes of conduct Statutory frameworks for enforceable codes of conduct Statutory coordination mechanisms / governance review councils</td>
</tr>
<tr>
<td><strong>Operational</strong></td>
<td>Investigations and prosecutions Public outreach and promotion Complaints services, case</td>
<td>Amalgamation of agencies Ad hoc interagency and interdepartmental liaison</td>
</tr>
</tbody>
</table>
Assessing and Addressing Integrity System Coherence

Armed with this theoretical background and more extensive triad of relationships, how can strengths or weaknesses in these relations be identified and assessed? Through the Queensland pilot and each of the other jurisdictional studies, particularly NSW, we established progressively that a variety of empirical data can be collected. While constitutional relationships are fairly easily mapped through comparative constitutional, legal, political and cultural analysis, it was unknown how to map the policy and operational relationships which formed the most interesting foci for each study. The breakthrough in the Queensland pilot was an indicative poll of experienced practitioners in a number of core integrity institutions, establishing a more-or-less honest appraisal of the adequacy of support or level of hindrance provided by each institution to the others. Our idea was to ask each integrity agency what they needed from other agencies to do their job and what they in turn needed to
contribute to others. This provided a check on the claims of others and a way of highlighting mutually-understood relationships and possible dysfunctional asymmetric perceptions of each others’ roles.

In the Commonwealth study (Roberts, this issue), the approach was extended to some line departments of the Commonwealth government, adding perspectives from outside the core agencies themselves. Finally, in the NSW study, a more tightly structured survey was administered either in person or writing to a large cross-section of state government agencies, plus external actors including media and community groups. As explained elsewhere (Smith, this issue; Smith 2004), the approach reversed recent empirical research into public sector corruption as conceptualised in terms of networks between officials in bureaucratic agencies (Cartier-Bresson 1997) — itself a reflection of broader growing interest in the highly networked nature of governance (Rhodes 1997). Thus, our work came to directly explore the extent to which the integrity system functions as a network. No matter how carefully compartmentalised their powers, the nature of the integrity problems faced by multiple integrity actors scrambles the legal boundaries between them. The Ombudsman may be formally established to deal with maladministration and the ICAC to deal with corruption, but some events brought to their attention will involve both types of integrity failure. Similarly, specific integrity failures scramble formal lines of division between those agencies concerned with minor corruption and with significant corruption. If the goal of officials within these agencies is to resolve integrity problems, they should have to develop the sorts of networks based on concrete anti-corruption practices that mirror Cartier-Bresson’s depiction of corruption networks. The nature and strength of these integrity networks, rather than the mere formal presence of agencies, define the integrity system and help determine its success or failure.
To further test these theories, the NSW study deployed questions about aspects of interagency relationships which were undramatic in themselves, increasing the likelihood of honest responses, while adding up to meaningful judgement — the overall importance of the other agency, the quality of advice or assistance received from it, and the timeliness of the advice or assistance. While not excluding constitutional relationships, the survey was framed primarily around policy and operational relationships. Most of the substantive conclusions are reported elsewhere, but this approach made it possible to begin presenting an empirically-based visual picture of major parts of the integrity system, as shown in Figures 2a, 2b and 2c.

**Figure 2. The NSW Integrity System Bird’s Nest**

**Notes**
- Boxes A-I represent NSW Government agencies, made anonymous to meet the wishes of some respondents in the study. A to E are either central coordinating agencies or integrity agencies with wide remits; F and G are integrity agencies with specialist remits; H and I are line agencies.
- Each line summarises the judgements of the two connected agencies’ respondents about three issues (Smith 2004, and Smith, this issue): the importance of the other agency on integrity matters, the quality of the other agency’s advice and actions, and the promptness of the other agency’s advice and actions.
- The thicker the line, the stronger is the overall relationship between two agencies. The thickest lines represent relationships in which the agencies are considered at least ‘fairly important’, the quality of advice and action is at least ‘fairly good’, and that advice and action is at least ‘fairly prompt’.
- Thinner lines indicate weaker relationships. No line indicates no relationship or a failed relationship.
- Double-headed arrows indicate more or less reciprocal relationships. Dashed lines with a single arrowhead indicate asymmetrical relationships, in which positive judgements by one agency are
not reciprocated nearly as strongly; the arrow head points to the agency judged by the other to be more important etc.

• Lengths of lines do not have any significance.

Figure 2a. Relationships Between Seven Formally Important Integrity Agencies

Figure 2b. A Typical Relationship between the NSW Integrity Bird’s Nest (Agencies A to G) and a Line Agency (H)
While providing new insights into the complexity of the integrity system in practice, these results also highlight the question of whether an active strategy is needed to ensure effective policy and operational coordination between the many significant ‘players’ in the integrity field. In many policy circles, this is taken for granted. For example, the OECD emphasises the importance of coherence by identifying an ‘ethics coordinating body’ as one of the eight elements of the public sector ethics infrastructure found in many member countries. However, the reality is often different from the rhetoric: only 16 of 29 OECD countries report *any*
coordinating institution at a national level, and only three have reported a central office to oversee ethics-related measures (OECD 2000:24-5, 66-68).

The Australian assessment confirms the currency of this issue, in contrast to Australia’s fairly widespread reputation for having well-organised integrity systems. All three of the jurisdictional studies highlight questions of policy and operational coherence in the implementation and long-term institutionalisation of integrity programs. These problems correlate with the notable lack of substantial coordination mechanisms in most, if not all, Australian jurisdictions. As reviewed in the project report (Brown et al 2004:44-46), policy coherence has sometimes been a short-term or one-off consideration at the time when new agencies or programs are created, assisted by temporary advisory committees or commissions such as Queensland’s Electoral and Administrative Review Commission (EARC) in 1990-1993. However, the question usually languishes thereafter. Operational coherence can be addressed through informal interagency committees such as exist in Queensland and NSW, and legislative amendment to allow more effective sharing of complaints or information. However, while voluntary interagency mechanisms are an established means of enabling cooperation to occur, they do not require it and even if they maintain the necessary continuity, do not hold a mandate or resources for strategic medium-long term monitoring of the collective effectiveness of the integrity system as a whole. As discussed earlier (Brown & Head, this issue), the nature of politics is such that, in the absence of some better institutionalised coordinating strategy, the risk of ad hoc and potentially poor decision-making about the development of integrity bodies remains high.

The abiding question is how a given jurisdiction can maximise the policy and operational advantages of multiple integrity-related bodies, while also avoiding the worst risks of ‘ad hocery’, jurisdictional gaps, imbalances between positive and
coercive integrity strategies, potentially unhealthy competition, negative conflict, and confusion in the eyes of citizens and end-users. A key recommendation reached in the assessment (recommendation 2) is that governments establish standing statutorily-based ‘governance review councils’ to strengthen relationships and ensure ongoing coherence and coordination. With most reform commissions like EARC being short-term, the best available precedent appears to be the Commonwealth’s Administrative Review Council (ARC), whose continuous existence since the 1970s has played a vital role in maintaining and promoting coherence in key elements of the federal accountability system. In 2004, the first state-level Administrative Review Council was also finally established in Tasmania.

The need for more debate is clear — the Commonwealth ARC has also remained on the sideline of many key integrity policy developments, retained a narrower focus on administrative law issues, been generally under-valued in Commonwealth circles, and lacks key members of the existing integrity system such as the auditor-general and public service commissioner. As discussed in the project report, this precedent nevertheless, provides good insights into how existing experience can be extended into effective long-term mechanisms for integrity system coordination and oversight, which is now a clearly identified need.

**Conclusion: Introducing the Bird’s Nest as a New Visual Metaphor for Understanding Integrity Systems**

Having begun to better understand the relationships that make up public integrity systems such as Australia’s, and to identify strategies for strengthening and developing them, our final consideration is whether a new metaphor might more fruitfully communicate these lessons for the purposes of research and development in other societies. The Australian assessment has confirmed the potency of the ‘national
integrity system’ concept as a ‘form of diagnosis’ for understanding the ‘inter-relationships, inter-dependence and combined effectiveness’ of integrity measures, as an alternative to ‘looking at separate institutions…and then focusing on stand-alone reform programmes’ (Pope 2000:37).

However, to apply this concept internationally, there is a recognised and urgent need for it to be developed in practical ways. In non-Western settings, there is also a need to overcome any impression that corruption will magically disappear simply by copying an amalgam of Western institutions. Even if they now tend to contain prescriptions for many institutions rather than one, ‘reform proposals that emphasise the same factors everywhere, and thus do not really fit anywhere’ are still destined to fail (Johnson in Quah 2003:244; Lindsey & Dick 2002:v-vi). Key lessons of the Australian assessment include the fact that not just a diversity of institutions but relationships need to be mapped, and that only by forming this picture in context, through empirical research, can policy gaps or opportunities for greater coherence be identified. Figure 3 demonstrates the potential complexity, but intricacy, of forming a comprehensive picture of any public integrity system using this approach.
Like the previous Transparency International metaphor of the Greek temple, figure 3 depicts a notional integrity system based on the Australian research, rather than any actual one. However, this depiction of an integrity system as a network also contrasts strongly with the temple metaphor. There is no reason for the temple metaphor to be entirely abandoned, since all metaphors convey only a part of that.
which they represent. Moreover, the Greek temple was, in some respects, a particularly suitable way of representing the post-Fitzgerald reforms in Queensland, which partly inspired the concept. Consistently with the lessons outlined above, this was a process in which various reforms were understood to be related and potentially mutually supportive, but the reality was still that the institutional or legislative ‘pillars’ were usually re-examined and redeveloped one-by-one, rather than to an overall redesign.

By contrast, figure 3 shows a loose or ‘open’ system in which the number and nature of institutions is not prescribed, but will be determined in any context by the combination of what already exists and what might be desired. It is significantly messier than the neo-classical architecture of the temple, which has connotations of a single architect, and a pure design that will not work unless constructed perfectly (the balls will roll off if the lintel is not absolutely flat). Whereas the temple’s institutional ‘pillars’ are preferably rigid and independently strong, the network approach also suggests these are usually flexible and, individually, may be destined to remain relatively weak. For example, hardened critics continue to dismiss institutions such as ethical codes or ombudsman’s offices as ineffectual, and this is indeed likely whenever they are forced to work in isolation. As discussed at the outset, the temple metaphor provides only limited insights into the nature of these institutional interactions, even though their strength or weakness may be as important to the system as any other factor.

As a further aid to understanding, the web of relationships described here can be compared to a more natural phenomenon: a bird’s nest. This is both messy but orderly, its intricacies providing a reminder that we also interpret important concepts of ‘ecological’ integrity from the natural world (Preston 2001; Brown 2003). Once constructed, a bird’s nest performs a vital function of securing something delicate,
important and easily shattered (an egg, or in this case, public integrity). Structurally, however, the twigs and other materials from which it is constructed are usually individually weak and incapable of providing any significant support by themselves. In fact, figure 3 demonstrates that the key materials may not be the individual institutions at all, but rather the cumulative interrelationships between them — the real strength of integrity systems. If a few twigs in a bird’s nest are broken or removed, the nest may have gaps and weaknesses but the egg (public integrity) remains fairly secure. It is only when a critical mass of twigs fail that the whole nest is in danger of collapse, and the egg of being broken. At this critical point, the strength of some of the remaining twigs counts for little. This point may not be obvious, again emphasising the importance of appropriate methods and institutional strategies for monitoring the overall state of integrity system relationships.

The bird’s nest image is also apposite for two other reasons. First, nests are rarely fixed for all time but need constant tinkering and repair which leads them to change over time — a feature of real integrity systems. Many of the issues thrown up by the Australian assessment confirm that, like nests, integrity systems have a seasonal character, in which periods of neglect are followed by periods of rebuilding and renewal. Recognising the need for this renovation, and planning for it become further lessons.

Finally, the diversity of the world’s birds’ nests provides a convenient reminder that there is no single ideal, let alone transportable design, for an integrity system. A frequent criticism of many anti-corruption programs in the 1990s was their direct link, at least in the minds of many Western policymakers, with specific institutional prescriptions often linked to specific economic ones (see e.g. Williams 1999). Initially, Transparency International, itself, embarked on comparative analysis based around identifying whether different integrity systems all or most of the typical
‘pillars’, preferring ‘the relevance and application of a uniform approach’ (TI 2001:39). However, presumptions that developing countries should address corruption by importing the integrity institutions — or in other words, political systems — of industrialised ones failed to explain why many such institutions have a hard time working even in well-established Western democracies (Dobel 1999:10; Philp 2001; Doig & McIvor 2003:325). Nor did this approach explain why even where most of the Greek temple pillars were present in developing countries, these often appeared empty or hollow (Larmour & Barcham 2004; Hindess 2004b).

The approach taken in Australia was first to take full stock of what already existed by way of integrity systems, before positing what else might be required. Even in Australia, we see evidence that successful reforms rely not just on the importation of new institutions, but adaptation of old customs and institutions to contemporary challenges in ways that are durably embedded in local political culture (Preston et al 2002:162ff). This is particularly relevant given the evidence that institutions that play no part in the integrity system in one country may, nevertheless, play a prominent role in others. For example, religious institutions do not appear in most descriptions of Western integrity systems, but the Catholic Church played a critical role in the emergence of the Polish integrity system and Islamic faith-based NGOs may be an important part of the emerging Indonesian system. To develop the bird’s nest metaphor, institutional diversity is almost as vital a part of the human condition as biological diversity. Birds typically make their nests from material to hand, rather than flying it in from far away. The materials needed — to suit the purpose or cover a gap in different contexts — may be entirely different. If a new nest is constructed in a new place, it does not matter that the material is different, or even that it takes a different size or shape, provided that it performs its vital function. Indeed, the nest will not succeed if its design is not suited to its locality. It must be
built into the tree or cliff-face in which it must sit, rather than designed around environments on distant shores.

Every country and jurisdiction already has a national integrity system of some description in place, whatever its challenges. Even if it is not fully effective in meeting current integrity challenges, it will contain some institutions that may be vital elements in a more effective system. The international lessons of the Australian assessment lie less in the specific types and configurations of institutions revealed, than in the potential for the NISA process to assist communities to take stock of their own integrity systems, and understand their operations. Then, and perhaps only then, is it realistic to expect communities to be able to use the concept of the national integrity system to self-diagnose the types of integrity reforms that will lead to a better society.

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