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Steven Chibnall
Peter Saunders

# Worlds apart: notes on the social reality of corruption

> 'When I use a word', Humpty Dumpty said in a rather scornful tone, 'it means just what I choose it to mean—neither more nor less.'
>
> 'The question is', said Alice, 'whether you *can* make words mean so many different things.'
>
> 'The question is', said Humpty Dumpty, 'which is to be master—that's all.'
>
> Lewis Carroll—*Through the Looking-Glass*

In the course of their contribution to the sociology of knowledge, Berger and Luckmann drew attention to the proliferation of what they termed 'sub-universes of meaning' generated by the increasing complexity of the division of labour:

> With the establishment of sub-universes of meaning a variety of perspectives on the total society emerges . . . this multiplication of perspectives greatly increases the problem of establishing a stable symbolic canopy for the *entire* society. Each perspective . . . will be related to the concrete social interests of the group that holds it . . . The increasing number and complexity of sub-universes make them increasingly inaccessible to outsiders. They become esoteric enclaves, 'hermetically sealed' . . . to all but those who have been properly initiated into their mysteries.[1]

While Berger and Luckmann examine the mechanisms of legitimation and differentiation by which such sub-universes maintain their discreteness and relative autonomy, the implications of their existence are only hinted at. An exhaustive analysis of these implications is beyond the scope of this paper, but we do hope to cast a little more light on the relationship between what Berger and Luckmann term 'the core universe of meaning', and particular 'sub-universes' embodied in segmented institutional spheres.[2] To this end, we shall draw on examples from a recent case which appears to us to represent one instance of conflict between the core universe of meaning and a relatively autonomous sub-universe with its own situational moralities, this particular conflict turning on the meaning of the common-sense category of

'corruption'. The case we have selected centres on the activities of John Poulson, an architect who filed a petition for bankruptcy in 1972. During his bankruptcy hearing, evidence was given relating to Poulson's donation of gifts to a variety of public officials in local government, the Civil Service and the nationalized industries, and as a result of these disclosures, he and George Pottinger, a senior Civil Servant, were charged with, and subsequently convicted of, corrupt practice. Other officials, including the chairman of the Durham Police Authority, Andrew Cunningham, and the former leader of Newcastle council, T. Dan Smith, have since been convicted on similar charges arising out of the Poulson affair, but we shall be chiefly concerned with the Poulson/Pottinger case, for this most clearly reveals the ambiguity surrounding the concept of 'corrupt practice'. As Poulson himself complained at the close of that trial:

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

Throughout this paper corruption will be regarded as a negotiated classification of behaviour rather than as an inherent quality of behaviour. Such a classification is accomplished by the application of certain tacit, common sense interpretative criteria, dependent on specific social contexts and embedded in stocks of knowledge. Thus the same act may be open to a variety of interpretations according to which set of criteria is considered appropriate in a given situation. The development of alternative classificatory procedures is an integral part of the emergence of distinctive sub-universes of meaning, and such unexplicated procedures are generated as ad hoc solutions to the problems shared by members of a particular collectivity. They reflect the values, experiences and practical purposes of the collectivity, providing a framework of meaning within which the routine activities of members can be made sense of, and supplying informal rules of legitimacy for these activities. While they may not constitute a fully coherent system, or be similarly understood by all members, they nevertheless form the basis of reality-construction within the group.[3] They are thus indigenously-derived alternatives to any externally-generated classificatory procedures (founded in the core universe of meaning in the wider society) which may come to be imposed on members' behaviour. The essential difference between the two sets of procedures lies in the flexibility and what may be termed the 'positive bias' of the alternative set. These alternative procedures are generated in such a way as to facilitate the favourable categorization of members' everyday activities. These on-going activities ensure that the procedures retain a certain flexibility

of application, and generally remain responsive to the practical purposes of their users. This is particularly true of procedures which lack any formal institutionalization. The process of institutionalization generally reduces flexibility and leads to classificatory procedures and their attendant meanings taking on a quality of facticity which constrains the manipulations of their users.[4] The contents of the core universe of meaning are not fundamentally different in this respect from those of the sub-universes. Both have components which have been formally institutionalized co-existing with others of a more informal or even subterranean type.[5]

The distinctiveness of the core universe lies in its imperialism which, in turn, derives from the power of its developers. As Paul Rock puts it:

> Power and privilege are unevenly distributed in a complex society. They are typically grounded in institutional structures which are themselves hierarchically organized. Amongst the network of moral worlds that makes up a society, therefore, particular groups enjoy unusual structural advantages in the exercise of power. They have acquired the capacity to impose their own conceptions of proper order on others. While the populations of most of a society's fragments are relatively impotent, those of a few are armed with a coercive apparatus which extends their domination over a wide area.[6]

While the core universe of meaning is generally presented in a reified form, independent of its human creators, it cannot be other than socially constructed. It achieves its position of dominance over alternative universes by virtue of the socio-economic power of its champions. As Berger and Luckmann assure us, 'He who has the bigger stick has the better chance of imposing his definitions of reality.'[7] The behavioural codes of the core universe find their primary institutionalization in law. Law possesses a generalized authority not shared by the behavioural codes of subordinate moral worlds. Such worlds may well institutionalize normative systems of their own but the authority of law is such that any subordinate code open to public inspection must generally conform to its dictates or expose its followers to the powerful coercive apparatus of the state. As Rock puts it:

> The main significance of law, however, is that it is imperialistic. It is buttressed by state agencies which employ a 'monopoly of the legitimate use of physical force'. The edicts of a legal system are intended to cover the whole network of minor moral worlds irrespective of their acquiescence. . . . The changing meanings of moral behaviour are not held to be of any moment to law. . . . There is no accommodation to situational morality. There is instead a categorical code which overrides every other.[8]

It is this potential conflict between situational morality and the categorical code of law which is taken as the central theme of this

paper. The implication of the existence of alternative moralities and classificatory procedures for deviant behaviour is that, while members of a social group may routinely operate with their own set of largely unexplicated rules and interpretative criteria, they are forced to address themselves to the categorical code of law when formally called upon to account for problematic behaviour. That is, in the course of everyday interaction within the group, a member may adopt a situational morality in accord with his practical purposes at hand, defining his situation with reference to informal interpretive criteria current within the group. While aware of possible alternative definitions deriving from the legal code, he may choose to ignore them. This is the type of shifting and displacing of perspectives which Berger and Luckmann refer to as 'cool alternation', and which they suggest may be a characteristic response to secondary socialization:

> In secondary socialization . . . the individual may internalize different realities *without* identifying with them. Therefore, if an alternative world appears in secondary socialization, the individual may opt for it in a manipulative manner. One could speak here of 'cool' alternation. The individual internalizes the new reality, but instead of it being *his* reality, it is a reality to be used by him for specific purposes . . . if this phenomenon becomes widely distributed, the institutional order as a whole begins to take on the character of a network of reciprocal manipulations.[9]

But while the group member may opt for a particular informal situational morality which will enable him to classify his behaviour favourably in a private context, he will be unable to exercise the same choice if his behaviour is challenged by some powerful outsider or someone with formal authority within the group. In such a situation the group member is obliged to defend his behaviour on the basis of a less flexible and more formalistic code. The acceptibility of accounts varies with the audience, as Scott and Lyman have noted:

> One variable governing the honouring of an account is the character of the social circle in which it is introduced . . . Vocabularies of accounts are likely to be routinized within cultures, subcultures, and groups and some are likely to be exclusive to the circle in which they are employed. A drug addict may be able to justify his conduct to a bohemian world, but not to the courts. Similarly, kin and friends may accept excuses in situations in which strangers would refuse to do so.[10]

It was just this problem of the differential acceptability of accounts which confronted Poulson and Pottinger when they stood accused of corruption at Leeds Crown Court at the end of 1973. They were faced with a reclassification of their privately normalized behaviour according to the interpretative criteria of the legal code. This amounted to the

authoritative imposition of the legal category of "corruption" on behaviour which had previously been regarded as largely unproblematic within a particular situational morality. This situational morality appears to have been generated through regular interaction between building firms, architectural practices and local government officials and members; while it is perhaps not quite the hermetically sealed enclave of Berger and Luckmann's ideal type, it is certainly a partially closed world with its own codes and classificatory procedures.[11] These codes and procedures lose their efficacy in the context of the courtroom because the categorical code of law provides the terms on which the contest is to take place. Poulson and Pottinger were thus forced to review their past behaviour in the light of newly relevant classificatory procedures. Those actions which may have previously passed as acceptable within the context of their private on-going relationship were now vulnerable to unfavourable public interpretation. Although we can never hope to fully retrieve the complexities of that relationship or recreate the precise contours of its situational morality, various remarks by Poulson and his co-defendants quoted in the press do indicate that they routinely classified their behaviour according to interpretational criteria different from those recognized as legitimate by the court.[12] These criteria, we suggest, evolved within a framework of vested interests and ensured an endemic bias toward the favourable classification of behaviour in accord with the actor's practical purposes. It seems their flexibility was such that they could be used selectively to provide sufficient grounds for the classification of behaviour as justifiable. In other words, they form the basis of what Scott and Lyman term 'justifications'.

Justificatory statements by Poulson and his co-defendants fall broadly into two categories. The first set of justifications relate to the pervasiveness of similar patterns of behaviour throughout industry and the professions:

> I will never believe I have done anything criminally wrong. I did what is business. If I bent any rules, who doesn't? If you are going to punish me, sweep away the system. If I am guilty, there are many others who should be by my side in the dock . . . What big company doesn't spend that much and more on entertaining and getting contracts? (Poulson, quoted in the *Daily Express*, 12 February 1974.)

> The professions—lawyers, accountants, architects, council officers, and civil servants—are going to have to put their own houses in order. (Poulson, quoted in the *Daily Mirror*, 12 February 1974.)

> I don't think there are many companies or practices—architectural practices—or many major building contractors who could stand the searching analysis I and Poulson have had, and come out white, or

> whiter than white. (Dan Smith in a B.B.C. television interview, 26 April 1974.)

The essential argument here is that common behaviour within a group cannot reasonably be considered deviant—i.e. if everybody does it, it cannot be wrong. Such a justification is not, of course, peculiar to the Poulson case. Similar statements were made by defendants in the American 'Heavy electrical equipment conspiracy case of 1961'—a case involving an illegal price-fixing conspiracy among some of the country's largest electrical corporations. These defendants invariably testified that they had come new to the job, found price-fixing an established way of life, and simply fallen in with it. As one put it:

> It had become so common and gone on for so many years that I think we lost sight of the fact that it was illegal.[13]

Similarly, Cook reports that many American businessmen define ethical conduct on the criterion of standard business practice. Thus:

> One of the problems of business is what is normal practice, not what is the law. If it's normal practice, it's ethical—not legal, but ethical.[14]

Such a statement only makes explicit what seems often to be an implicit criterion of interpretation within business communities; namely, the criterion of conformity. If behaviour is believed to conform to normal practice within the community, then it may readily be classified as 'justifiable' on those grounds.

A second set of justifications relates to the legitimation of behaviour by its consequences. Dan Smith, for example, argued that his actions had not significantly harmed anybody because he had '. . . forced no one to do anything against their will.' Any damage which may have resulted from his 'wheeling and dealing' was insignificant in the context of the substantial part he had played in the beneficial redevelopment of the North-East. He felt entitled to 'something for his trouble':

> For all the work I have done for the community, for all the early promise of distinction and power, I am left with nothing . . . The nation depends for its street-level government on unpaid, hard-working amateurs they call councillors. Most of them have very modest incomes—sometimes even live at the poverty level. . . . People like me are expected to work full-time without salaries, without staff, or even postage stamps. I for one couldn't afford such a situation. And that is where Poulson filled the gap . . . I came to the conclusion that I was missing out, that I could combine my real desire to give public service with what they call a piece of the action.

Here, the argument is that public service is by no means incompatible with private gain. Indeed, Smith was prepared to argue further that

some questionable behaviour was essential for the achievement of desired goals, that the ends do justify the means:

> I am by nature a wheeler-dealer. How else can you be a successful politician and get your ideas across? Now I was being asked to wheel and deal for someone else, and at the time I could see nothing wrong in it—certainly nothing criminal.

These remarks thus indicate the existence within the situational morality of a second interpretational criterion—results. If an actor can satisfy himself that his actions either lack harmful consequences, or are necessitated by his conception of duty, he is able to classify them as justifiable. Such a classification may be represented in phrases such as 'bending the rules', 'unorthodox methods', 'short-cuts', 'getting the job done', 'public relations', and so on.

The classification of an act as justifiable on the basis of either results or conformity does not necessarily mean that the classifier can no longer see the act as illegal, but it does effectively remove the negative moral connotations which usually accompany the definition of an act as illegal. Again, such practical reasoning is well-illustrated by a defendant in the heavy electrical equipment conspiracy who, when asked if he had realized that his behaviour was illegal, replied:

> Illegal? Yes, but not criminal . . . I assumed that a criminal action meant damaging someone, and we did not do that.[15]

Thus, we may often have a situation where a group member, on the basis of interpretative criteria widely accepted within the group, regularly justifies or normalizes intra-group behaviour which he 'knows' would be readily classified as deviant by outsiders. But as Matza notes, it is this 'plurality' of classificatory procedures which ensures the essential ambiguity of behaviour.[16] It seems that it is not just that different people will define the same act in different ways, but that the actor himself has a choice of definitions (that is if he chooses to define the act at all), and that in the final analysis, his choice of definition is likely to be highly dependent on both his practical purposes at the time, and his assumptions about the social world and his place within it. As Quinney has perceptively observed:

> All definitions regarding any phenomena are by necessity confined to the *purposes* for which they are intended . . . What is essential to any definition, in addition to purpose, are the *theoretical assumptions* which underlie the formulation of the definition . . . One can only claim superiority for his own definition based on how well the definition suits his purpose and embodies his assumptions.[17]

Now, in some cases, the behavioural justifications implicit in situational morality may serve to facilitate the adoption of publicly-proscribed behaviour by neutralizing feelings of guilt in the way Matza and

Sykes[18] suggest, but we should be wary of overstating this argument. The danger is that we regard actions as discrete events rather than on-going processes. Actions are 'situated' within socio-cultural contexts. They are generally grouped into patterns of activity, and are accompanied by routine interpretations. As Cressey has pointed out in his discussion of motivation:

> Vocabularies of motive are not invented on the spur of the moment; before they can be used by individuals, they exist as group definitions in which the behaviour in question, even crime, is in a sense appropriate. [19]

We would suggest that acts which come to be defined as corrupt are not typically isolated occurrences, unrelated to the actor's everyday behaviour. They are not generally the result of some sudden moment of weakness in which the actor dips into his repertoire of learned justifications in order to neutralize the bind of the law for some dubious purpose. They may, instead, be more profitably viewed as abstractions from routine and integrated patterns of behaviour, often largely taken-for-granted by the actor and his associates. There is also no reason to assume that in every case, the application of the interpretative criteria of a situational morality implies a need to neutralize feelings of guilt; it is deceptively easy to over-estimate the strength of the moral bind of the law.

## THE NEGOTIATION PROCESS

The transition from the world of everyday life to the courtroom situation involves the displacement of common-sense categories and informal classificatory procedures by legal categories and formal procedures. Previously justifiable behaviour is threatened with re-definition as different interpretative criteria become salient. In such a situation, common-sense justifications are transformed into excuses as the primacy of situational morality is usurped. They are thus reduced to the status of statements of mitigating circumstances which can only expect to reduce the negative consequences of classification without affecting the classification itself.

The legal category of corruption, deriving from the *Prevention of Corruption Act* of 1906, covers any circumstances in which 'any agent . . . corruptly accepts or obtains . . . from any person . . . any gift or consideration as an inducement or reward for doing or forebearing to do . . . any act in relation to his principal's affairs or business'. Thus, implicit in the legal category is the notion of corruption as the exchange of gifts for favours, but the circumstances under which such a transaction is illegal are not defined, owing to the tautologous usage of the term 'corruptly' in the wording of the Act. Practical problems for the application of the category were eased somewhat by the 1916 *Prevention*

*of Corruption Act* which stated that, if it could be demonstrated that an agent employed by a government department or a public body received a gift from a 'person holding or seeking to obtain a contract' with his employer, then a corrupt motive was to be assumed, 'unless the contrary is proved'.[20]

In the case of Poulson and Pottinger, the transfer of gifts and the tendering of contracts was never in dispute. Instead, throughout their trial, the negotiation of categories centred on the meaning which Poulson and Pottinger attached to the gifts.[21] The burden of proof was on the defence, and in aiming for an acquittal, they attempted to bring about the public classification of their behaviour as foolish, naïve, or indiscreet, rather than as illegal and corrupt. They sought to portray their activity as ill-advised but nonetheless performed without criminal intent. This is reflected in the defence counsel's final speech to the jury:

> The prosecution may have proved overwhelming greed, they may have shown a lack of integrity, they may have been able to show a lack of common decency, but, you know, they haven't shown corruption, have they?

Poulson maintained throughout the trial that his primary motivation had been generosity rather than the expectation of financial gain. As he put it in a statement after the verdict:

> I may have been a fool, but I will always maintain that I am innocent of corruption. I have never tried to bribe anybody. What I have done is been generous on a ridiculous scale . . .

As we have already indicated, the negotiation of categories centred on the motivation of Poulson in offering gifts, and on Pottinger's understanding of their meaning when accepting them. The imputation of these motives and understandings was intimately bound up with the question of the personal relationship between the two men—that is, the context in which the gifts were offered and accepted. Just as Dan Smith was to try to define his relationship with Cunningham and Poulson as a legitimate business relationship explicable in terms of public relations promotional activities, so similarly Poulson and Pottinger maintained in their trial that the context of their relationship was one of personal friendship, and that the gifts were explicable in these terms:

> This case is not about things; it is not about Aviemore Centre (a sports complex in Scotland designed by Poulson), or Rover motor cars, or Pelicans (Pottinger's house paid for by Poulson), or suits of clothing or holidays. The case is about two people, about a friendship, about a human relationship, the friendship of one man for another. (Herrod, defence Q.C.)

When asked about the Pottingers' Italian holiday, and the money he paid for their new house, Poulson replied:

> I was never asked to pay for the holiday. I did it. I was delighted to do it. The joy of somebody else sharing it, to give pleasure to other people apart from myself, the joy of giving . . . I have been brought up that it is a greater pleasure to give than to receive.

Similarly, Pottinger claimed to have accepted the gifts 'in benefit . . from a personal friend'.

Common-sense typification of friendship, however, invariably involves some notion of reciprocity—mutual give and take. Friends generally exchange gifts and return favours. But in the Poulson–Pottinger relationship, exchanges appear to have been asymmetrical, and the prosecution quickly seized on this contradiction:

> PROSECUTION: 'No self-respecting person would have accepted all these gifts, and indeed at times, I suggest, solicited them, unless he felt that in some way or other he was able to repay, or something would be expected of him.'
> POTTINGER: 'I emphatically deny that.'
> PROSECUTION: 'You are receiving all that hospitality and you can't repay it, you do bestir yourself to do what favour you can?'
> POTTINGER: 'Properly, and in the course of friendship.'

He denied he was a 'kept man', 'like a small boy being given a bus fare'. But his claim that he entertained Poulson whenever the opportunity arose could not prevent the implication being drawn that the gifts were offered and accepted from motives other than friendship:

> What friend gives a house to a friend? The nature of the gifts was to take every financial responsibility for the man's whole living. He was living in a Poulson house, driving a Poulson car, wearing Poulson suits, and travelling at Poulson's expense . . . The gifts point not to a friendship, but to buying a man, making him dependent.

Implicit in the prosecution's argument, then, is the common-sense notion that an asymmetrical exchange leads to the creation of obligation rather than cementing of friendship.[22] The relative size of the gifts thus became an important criterion for the classification of the Poulson–Pottinger relationship. The basic question was whether it is reasonable to define gifts whose combined value greatly exceeded that of the recipient's salary as merely tokens of friendship. The answer to such a question was clearly dependent upon common-sense notions of friendship rather than on strictly legal criteria.

The criterion of relative size of gifts was also salient in the classification of the Poulson–Dan Smith–Cunningham relationship, although in this case it was applied largely to common-sense notions of business practice and specifically public relations, rather than to notions of

friendship. As Cunningham himself put it in a television interview, 'It comes to this very grave question, you see; when does public relations stop and corruption begin?' Public relations may, of course, be viewed as a form of 'institutionalized friendship'—the strengthening of business relationships through informal contacts and the gift of tokens of goodwill—and the question for negotiation is again, what constitutes an appropriate token in a given context (in this case, a business context)? Poulson maintained that a budget of twenty thousand pounds per year for 'tokens' was not excessive for a company of his size. He had clear ideas of the token appropriate in a particular situation,[23] these ideas deriving largely from common business practices in the construction field. But precisely because such ideas derived from the situational morality of an occupational culture, they were constantly open to challenge from the prosecution. Thus, for example, at one point in his first trial, Poulson was questioned about a 'Christmas gift' of six bottles of whisky to the Peterlee Development Corporation, with whom his company had been doing business for some ten years:

> PROSECUTION: 'Would you agree that to lavish a gift on a person who was in a position to influence a contract in your direction would be a brief description of corruption?'
> POULSON: 'It might be yours, but six bottles of whisky for the amount of work we were doing, and the connections over the past ten years, no sir.'

A second criterion by which the honesty of a relationship may be commonsensically assessed relates to the degree of secrecy which surrounds it. Implicit in the notions of guiltless friendship and honest public relations is the assumption that such relationships are characterized by frankness and openness. It is generally tacitly assumed that actors engaged in honest (or even naïve, foolish, or indiscrete) transactions do not attempt to conceal the nature of their behaviour from the scrutiny of others. Covertness, in other words, implies guilt unless 'reasonable' explanations can be found for why any particular behaviour should have been kept secret.

In the Poulson case, the prosecution was able to utilize the criterion of secrecy, in addition to that of the relative size of gifts exchanged, in its attempt to classify the Poulson–Pottinger relationship as corrupt. For example, evidence was introduced during the trial to suggest that Pottinger had recently removed, defaced, and amended a number of files at the Scottish Office relating to his relationship with Poulson. For the prosecution, this was an 'obvious' indication of his guilt:

> If the association between Poulson and Pottinger was shameless and guiltless, why did he go to these lengths? The clear conclusion is Mr Pottinger knew perfectly well as soon as this glare of publicity was made, that it would be shouted from the rooftop that he had

> benefited by thirty thousand pounds, and there would be an investigation.

The prosecution maintained that Pottinger deliberately kept his relationship with Poulson secret from his Civil Service superiors:

> Had he thought for one moment that the holiday and gifts lavished upon him were merely tokens of friendship, he would have informed his superior, if only as a precaution. That he never did.

Similarly, presenting the evidence in the trial of Dan Smith, the prosecution ridiculed the idea that Smith's activities could be explained and accounted for in the context on his public relations work:

> Ostensibly, he was said to be acting as a Public Relations consultant. Never was a phrase so grossly abused . . . The method was by the back door—by using a fifth column within the local councils not openly, but stealthily and secretly for reward.

And in sentencing Poulson and Pottinger, even the trial judge pointed to the covert nature of their relationship as indicative of their guilt and of the gravity of their offence:

> The very, very serious aspect of this case is that this corruption was done so discreetly. If Poulson had not gone bankrupt, none of this would have come out. This is the evil of the situation.

## WORLDS APART

Poulson has maintained that he is 'the first man to be jailed for generosity'. While all laws are to some extent mediated by their selective application on the part of the police, and their varying interpretation on the part of the courts, the corruption law is intrinsically more ambiguous than most, referring as it does as much to motives as to actions, and intentions as much as consequences. The task facing the jury at the trial of Poulson and Pottinger was similar to that which confronts a coroner who returns a suicide verdict;[24] namely, the necessity, having established the 'objective facts' of the case, of deriving from them a 'reasonable' understanding of the motives and intentions of the actors involved at the time when the behaviour took place. Such an imputation of motive can only be achieved on the basis of tacit common sense 'cues' (what we have termed interpretative criteria) grounded in the everyday experiences and unexplicated understandings about human behaviour of those whose job it is to classify such problematic behaviour into formal categories. In this way, an 'acceptable' meaning and framework of explanation is grafted onto an assorted and disorganized array of 'facts'.

The fundamental problem, however, as we have argued, is that in the case of the legal category of corruption, the criteria judged to be

relevant to the classification of behaviour may vary between, on the one hand, those who engage in the behaviour in question, and on the other, those whose task it is to make public judgment upon it. This is not to argue that Poulson and his associates were unaware of the unfavourable classification of their behaviour likely to be imposed by outsiders. The poverty of the available data forces us to bracket the question of whether or not they realized at the time that their behaviour could be construed as corrupt. We have, however, argued that the categorical code of law and its accompanying classificatory criteria (such as the relative size of gifts exchanged, and the secrecy surroundings the exchange) are part of the core universe of meaning which is in turn grounded in a common stock of knowledge.[25] This being so, it would be surprising if Poulson and his co-defendants were totally unaware of them. What we have suggested is that individuals may have a choice of definitions such that they may come to routinely ignore or hold in abeyance such classificatory schemes as they judge to be of hindrance to them in the pursuit of their desired activities.[26]

The contradictory realities generated by the conflict between alternative universes of meaning are, we have argued, most clearly apparent in the courtroom situation where codes and classifications of the core universe achieve pre-eminence, and where privately-routinized definitions and procedures are generally reduced to the status of excuses. During the Poulson–Pottinger trial, there were many examples of this uneven confrontation of disparate realities. For example, when asked to define corruption, Poulson framed his answer according to a criterion of conformity derived from a sub-universe of meaning:

> Bringing influence to bear in order to get something that could not be obtained through normal procedures . . . contrary to the usual practice accepted by the professional bodies.

He claimed that councillors routinely accepted and demanded entertaining from himself, and from other contractors:

> It was not corruption, because it was generally done by every building firm in this land in the housing field.

Although we must treat the evidence with caution, some of the exchanges between Poulson and the prosecution certainly point to the existence of two quite contradictory conceptual machineries, one of which was to achieve undisputed dominance in the formal context of the courtroom:

> PROSECUTION: 'If I may say so, it is absolute rubbish to say you first got to appreciate corruption when you were arrested.'
> POULSON: 'No sir . . . As far as I was concerned, they (gifts) were not corruption. As far as I was concerned, a gift was a gift.'

And again,

> PROSECUTION: 'Do you think you have the capacity to recognize corruption when it stares you in the face?'
> POULSON: 'It only takes place when there are two parties. I do not believe there has been in this case. We are talking about something which I do not comprehend.'

It would clearly be misleading to view the activities of those involved in the Poulson affair as something essentially separate from and foreign to the occupational culture within which they were situated. They were embedded in a complex network of informal occupational codes of conduct and ambiguous professional relationships reflecting the subterranean values of that culture. Their activities should be regarded, not as isolated and untypical, but as instances of the range of behaviour which may come to be justified by situational morality. Indeed, we would hypothesize that the essential flexibility of such morality may allow an ever-increasing range of behaviour to be classified as justifiable, for classificatory procedures are, we have argued, in large part responsive to members' practical purposes. It seems that the category of justifiable behaviour may thus expand to accommodate a growing variety of behaviour generated by members' personal interests. As this occurs, of course, the disparity between behaviour sanctioned by the situational morality and legal codes will increase, thereby increasing the possibility of eventual exposure. Such exposure will generally be brought about through the challenge of relatively powerful actors with background expectancies concerning the nature of justifiable and legitimate behaviour deriving from the core universe of meaning and its legal code. Thus in the case of Poulson, a largely unforeseen bankruptcy exposed his activities to the scrutiny of the Official Receiver, and local government corruption emerged as a public issue in Britain.

Once private behaviour is rendered problematic by public exposure, once knowledge of that behaviour can no longer be confined within an occupational culture, certain components of the particular sub-universe of meaning will be subjected to severe strain as formerly unexamined and tacitly accepted criteria of interpretation are critically questioned. Clarifications are demanded as background expectancies are disrupted. As Poulson put it, 'Somebody is going to have to sit down now and work out just what is entertaining and what is corruption, so that everybody will know where they stand'. Indeed in retrospect, the Poulson case may perhaps be viewed as a 'boundary crisis',[27] for it immediately provoked the establishment of a Royal Commission on local government corruption as an attempt to reconcile and clarify the ambiguities surrounding the legal category of corruption. It is possible that, following the Poulson trials and the publication of the Commission's report, discrepancies between understanding of permissible behaviour may, temporarily at least, be reduced. But in the course of everyday life, the law

and its application may rarely impinge directly on routine behaviour, and the law on corruption—whether or not it is clarified—is probably no exception. Commonplace interaction between businessmen and public officials is likely, in the long run, to remain subjectively unexamined by the participants, and (in the majority of cases) unobserved by critical outsiders. It is for this reason that Redcliffe-Maud and Wood are correct when they suggested:

> No legislation or administrative device can in the end safeguard the public against dishonesty: only the character of the councillor and the vigilance of his constituents can do that.[28]

Fundamental, therefore, to a sociological appreciation of the 'problem' of corruption is the recognition and understanding of, not only the formal categories and classificatory procedures which surround it, but also the less rigorous, privately-normalized classificatory schema and interpretative criteria of those groups whose behaviour comes to be publicly recognized as problematic. Analysis of the Poulson case has indicated the existence of two distinct realities, two separate conceptual machineries, which, in the course of routine events, remain 'worlds apart'.

*Steven Chibnall* B.A. M.A.
*Lecturer in Sociology*
*Leicester Polytechnic*
*Peter Saunders* B.A. PH.D.
*Lecturer in Sociology*
*University of Sussex*

## Notes

1. P. Berger and T. Luckmann, *The Social Construction of Reality*, Harmondsworth, Penguin, 1967, pp. 103–6.

2. For a discussion of the concept of the segmented society, see R. Quinney, *The Social Reality of Crime*, Boston, Little Brown, 1970.

3. Alfred Schutz remarks: 'Every social group, be it ever so small . . ., has its own private code, understandable only by those who have participated in the common past experiences in which it took rise or in the tradition connected with them.' 'The Stranger: An Essay in Social Psychology', *Amer. J. Sociol.*, vol. 49 (1944), p. 505.

4. Such institutionalization does not totally curtail flexibility, however. As Hall has noted, 'Rules are used and misused according to the interests of the participants, and even "authority" may find it to its advantage to ignore certain rules.' P. Hall, 'A Symbolic Interactionist Analysis of Politics', *Sociol. Inquiry*, vol. 42 (1972), p. 44.

5. For a discussion of the complex relationships between formal and informal behavioural codes and meaning systems in an occupational context see, for example, J. Bensman and I. Gerver, 'Crime and Punishment in the Factory: the Function of Deviancy in Maintaining the Social System', *Amer. Sociol. Rev*, vol. 28 (1963), pp. 588–98.

6. P. Rock, *Deviant Behaviour*, London, Hutchinson, 1973, p. 140.

7. Berger and Luckmann, op. cit., p. 127.

8. Rock, op. cit., p. 182.

9. Berger and Luckmann, op. cit., p. 182.

10. M. B. Scott and S. Lyman,

'Accounts', *Amer. Sociol. Rev.*, vol. 33 (1968), pp. 46–62. For other studies of the accounting process see, for example, G. M. Sykes and D. Matza, 'Techniques of Neutralization: a Theory of Delinquency', *Amer. Sociol. Rev.*, vol. 22 (1957), pp. 664–70; A. F. Blum and P. McHugh, 'The Social Ascription of Motives', *Amer. Sociol. Rev.*, vol. 36 (1971), pp. 98–109; L. Taylor, 'The Significance and Interpretation of Replies to Motivational Questions: the Case of Sex Offenders', *Sociology*, vol. 6 (1972), pp. 23–39.

11. This renders it largely inaccessible to the sociologist's conventional methodological techniques. The investigation of the substantive content of the code and procedures calls for lengthy involvement in the occupational cultures of which they are a part, with all the ethical and practical problems which this poses. Given Scott and Lyman's argument that accounts will vary according to the audience to which they are addressed, truly authoritative research on the occupational cultures of professional groups requires that the sociologist pass as a member of the group.

12. There is, of course, no way that we can finally establish that these remarks can be taken as a reliable reflection of the actors' routine interpretations of their behaviour at the time it took place. However, they are the only clues we have. While using them, we must bear in mind the remarks made earlier about the way in which accounts are tailored to fit the perceived requirements of different audiences, and also Schutz's important distinction between 'in order-to' and 'because' motives, ie. meanings given to actions before and after they take place.

13. Quoted in G. Geis, 'The Heavy Electrical Equipment Anti-Trust Cases of 1961', in his *White Collar Criminal*, New York, Atherton Press, 1968, p. 109.

14. Quoted in F. Cook, *The Corrupted Land: the Social Morality of America*, New York, Macmillan, 1966, p. 39.

15. Geis, op. cit., p. 108

16. D. Matza op. cit.

17. R. Quinney, *The Problem of Crime*, New York, Dodd, Mead and Co., 1972, p. 13.

18. See Sykes and Matza, op. cit.

19. D. Cressey, *Other People's Money: the Social Psychology of Embezzlement*, New York, Free Press, 1953, p. 14. See also C. Wright Mills, 'Situated Actions and Vocabularies of Motive', *Amer. Sociol. Rev.*, vol. 5 (1940), pp. 904–13.

20. Evidence that the agent made no attempt to obtain a contract is insufficient proof, if he knew the gifts were offered corruptly and accepted them.

21. DONALD HERROD (Defence): 'The only issue you (the jury) have to decide is the intention in Mr Poulson's mind when he was making these gifts to Mr Pottinger.'

PETER TAYLOR (Prosecution): 'The test of whether all this money was worthwhile is not to look back and see what was achieved but what Poulson thought might be achieved.'

22. There is an obvious parallel here with Blau's argument that power is a derivation of unequal exchange whereby obligations are generated: 'A person can establish superiority over others by overwhelming them with benefits they cannot properly repay, and thus subduing them with the weight of obligations to him.' P. Blau, *Exchange and Power in Social Life*, London, John Wiley and Sons, 1964, p. 113.

23. For instance, in a letter to Sir Bernard Kenyon, former clerk to West Riding County Council, Poulson wrote, 'an authority giving us 750 houses obviously has to have more spent on it than an authority giving us 25'.

24. In the Coroner's Court, the fact of death is unproblematic but in order to impute its cause, coroners must search for clues which 'common-sensically' indicate whether or not suicide took place—e.g. evidence of recent depression on the part of the deceased is commonly seen as indicative of possible suicidal intent, in much the same way as evidence of secrecy or unequal exchange was taken as indicative of corrupt intent in the Poulson trial. See J. Maxwell Atkinson, 'Societal Reactions to Suicide: the Role of Coroners' Definitions' in S. Cohen (Ed.), *Images of Deviance*, Harmondsworth, Penguin, 1971, pp. 165–91.

25. The common stock of knowledge of a given society is that complex system of

conventional wisdoms, typifications, and recipes for action which constitutes the taken-for-granted basis of everyday life. See Berger and Luckmann, op. cit., pp. 56–61.

26. Thus, we are not attempting to apply a naïve labelling perspective to the Poulson case. To suggest that Poulson and his associates were going innocently about their everyday business when the agents of the state decided to intervene and label them as corrupt, would be to paint a grossly misleading picture of the situation.

27. See K. Erikson, *Wayward Puritans*, New York, John Wiley and Sons, 1966.

28. J. Redcliffe-Maud and B. Wood, *English Local Government Reformed*, London, Oxford University Press, 1974, p. 169.