

Anti-corruption discourse as a feature of political system change.

The case of the Dutch Republic in 1650–1651

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Abstract

This article puts forward a proposal for the broadening of the research agenda on corruption through a twofold change in perspectives, namely concentrating on the “corruption talk” in place of essentialist views, and addressing anti-corruption in place of corruption. An evaluation is undertaken of the role of anti-corruption discourse in times of political change on the basis of the Dutch Republic in the mid-seventeenth century. Analyzing the exemplary speech by Adriaen Veth against corruption, given to the Great Assembly in 1651, and the role of the figure of Cornelis Musch, this article depicts the anti-corruption discourse as an important tool of argumentation for the newly established regime to gain legitimacy with regards to both its theoretical foundation and for the process of coming to terms with the previous regime.

Keywords: Anti-corruption, Dutch Republic in the 17th century, Great Assembly, True Freedom, republicanism

Introduction

“Corruption comes in many forms (not just mere bribery) and it is necessary to define at the beginning, what types of actions in this work are considered as corrupt and what not” (Naxera 2015, p. 21).¹

Corruption seems to be one of those subjects of scholarly research which still requires a thorough definition before being used (Méndez 2010). The customary description as an “abuse of entrusted power for private gain” is no longer sufficient in capturing all the facets of the phenomenon to which the label of “corruption” has been ascribed. Indeed, the very phrase “facets of a phenomenon” already presupposes corruption to be a

¹ „Korupce má mnoho různých podob (nejen prosté úplatkářství) a je nutné, abyhom od počátku jasně uvedli, jaké typy jednání jsou v této práci považovány za korupční, a jaké nikoliv.“

singularity, which only needs to be correctly demarcated by defining which actions are to be considered as corrupt and which are not. This point of view has led to a direction of research which can be referred to as 'the search for a definition'. Corruption is, in this perspective, an essential category that provides us with more or less clear criteria with which to judge and analyse the individual acts that are under scrutiny. In the public sphere too, there is a strong tendency to essentialize corruption as much as possible in order to be able to measure it, to compare its appearance and to compose charts based on these measurements.

This article puts forward a proposal for the broadening of the research agenda on corruption through a twofold change in perspectives when approaching corruption – firstly, the concentration on what might be called "corruption talk" instead of the essentialist view and, secondly, the discourse of anti-corruption. Subsequently, the article ascertains the potential of historical research as a partner in interdisciplinary research on anti-corruption and tries to demonstrate the benefits of the historical analysis of anti-corruption based on a case from mid-seventeenth century Dutch history.

Talking of corruption = anti-corruption

Addressing "corruption talk" instead of "corruption" as such means that we are not primarily interested in the economic context of the phenomenon, its structural-based preconditions, the institutions by which it is supported or discouraged, its economic, social or political impact (for this research tradition, see Rose-Ackerman, 2006), or the economic or psychological incentives of the actors involved, but rather in the processes which led to the formation of individual corruption discourses in which the actors think, speak and exploit corruption. What matters in this perspective is what the actors and societies being scrutinized conceive to be "corruption", how they handle it and how they are able to utilize the shared (or even contested) meanings of corruption.

In this form, corruption talk becomes a question of influential power. The actors who are able to impose their definition-power on what will be qualified as corruption and what not, are endowed with an important advantage in the political arena. Because of the undisputable negative charge of the term "corruption", the labelling of something as corrupt might be used to delegitimize the behaviour of others or, on the other hand, to legitimize one's own behaviour. The analysis of these practices in discourse is aimed at deconstructing the power discourses of the past. For instance, it forms an important part of development policy studies, where researchers aim to question the construction of enemy images through the big players in anti-corruption, such as the World Bank or Transparency International (Harrison 2007). The same might be stated and academically operationalized in the field of domestic policy – it is often not corruption itself that is responsible for the constellation of power and the reputation of the individual actors in the eyes of the public, but their power to define and their ability to enforce their own conception of what is to be seen as legitimate or illegitimate.

For this reason, not the positive approach to corruption, but the negative one, focusing on anti-corruption, might provide us with a better insight into what the actors conceive as corruption. In fact, corruption is seldom addressed (in political speeches, policy papers, media and even research) on its own, but generally as a prelude to a suggested solution or delegitimizing rhetoric strategy. Another reason why it might be beneficial to investigate anti-corruption as opposed to corruption is that we – as scholars – have by definition a better provision of evidence of the means of anti-corruption than those of corruption, which generally only come to light if a corruption strategy goes wrong. Concentrating on anti-corruption, on the contrary, allows us to investigate systematic policies and complex rhetoric. This not only applies to “essentialist approaches” (which have also turned their attention towards the analysis of the means of anti-corruption by states or private actors; see Schmidt, 2007), but even more so to the “discourse approach” discussed here.

Addressing corruption in historiography

Compared to contemporary social sciences, historiography is not exposed to the temptation to design improvements or to risk coming into conflict with the participants of corruption when approaching the issue of corruption (cf. Shore, Haller 2005). Since the “cultural turn” it is moreover more sensible to deal with the language, the manner in which enemy images are constructed, the (de)legitimization strategies, and/or the attributed meaning within the scope of the contemporary political culture.

It is the analysis of historical examples from different periods that might persuasively demonstrate that there is no permanent content of “corruption”, but that the contents described through the term, as well as the perception thereof, change over time (Kerkhoff 2015; Kerkhoff et al. 2010). Historians appreciate the changing content of the term and have established the practice of defining its meaning before proceeding to make comments on corruption in an individual historical period or society, aware of the risk of ahistoricism if one were to try to impose contemporary measures on historical material (Plumpe 2009). Addressing historical cases of alleged or real corruption (whatever that might mean in the given case) also helps us to understand that “corruption” has never functioned as an objective tool to describe reality, but has always worked as an influential ideological device.

Of course, this attitude does not prevent us from evaluating the individual forms of corruption as they appeared in history and its role in the economic or political system of the time, for example, in facilitating the functioning of the state apparatus. The inquiry into corruption in early modern diplomacy, the corruption practices in the Republic of Venice or the culture of gift giving can be mentioned as examples (Nützenadel 2009; Thiessen 2010; Algazi et al., 2003). However, it might also be the change of what people understand from specific terms themselves that should be examined in order to understand the change in public values, societal norms and the arguments used in public debate (on the basis of the Dutch example see Kerkhoff 2015; Kerkhoff et al. 2011).

The operationalization of corruption and anti-corruption might, on the other hand, serve as a useful tool to describe an individual political culture. How a society and its political bodies position themselves against corrupt practices and how it defines them is considered to be a significant self-description of the system (Grüne 2011, p. 13). It provides us with telling information about how the actors see themselves, about the style of government, about their conceptions of citizenship and the construction of the state in the minds of the participants.

The ability to read and understand the way in which corruption and anti-corruption was handled therefore enables us to better understand the society and the political society under scrutiny. Firstly, because when relying on the analysis of anti-corruption talk, one might distil the norms which are conceived as important or which are “proposed” to be important by the political community. Denunciation of people or acts as being corrupt, considering the unambiguous negativity of the term, implies that there is a shared concept of what is legitimate and what is not.

Secondly, because corruption talk bears substantial political potential. The norm of ‘anti-corruption’ seems to be so strong, effective and dangerous for its targets that it could function as a hidden tool to be used at a suitable moment against a political opponent. This is why it is especially important to concentrate on periods of conflict or transition, where the occurrence of stronger waves of anti-corruption discourse might be expected. History serves as a convenient reservoir of study material on these cases. It seems to be worth evaluating to what extent the stronger anti-corruption discourses are aimed at an “objective” target (which bring us back to the problem of defining corruption) and to what extent the anti-corruption campaigns can be seen as selective, arbitrary and politicized (which raises questions like *cui bono* and about the recipients).

Legitimizing the new system

If we concentrate on the norms of discourse during a time of political change, the Dutch Republic at the turn of 1650/1651 might be an ideal example. After the end of the Eighty Years’ War, the country was divided by irreconcilable attitudes towards the peace agreed with Spain in 1648, the struggles over the international role of the Republic, the reinvention of the configuration of the union in this novel situation of peace, and, as an embodiment of the aforementioned matters, over the reduction of the army. The confrontation culminated in the attempted coup d'état of the Stadholder, William II, in the summer of 1650. After his unexpected death in November 1650, the political representation faced the challenge of redefining the political system under the new circumstances. The decision of the provinces not to appoint a new Stadholder is (given the decisive role of the Stadholders of the House of Orange in the political system of the Republic not only internally, but also with respect to their representation towards the international public) to be seen as crucial, but was also followed by other system changes resulting from the redistribution of the Stadholder’s former competences. These competences included mediating between the provinces in case of conflict, responsibility for the military command and the appointment of magistrates. The

recurring and explosive question of the most desirable religious arrangement also came back to the negotiation table.

In general, the events of 1650–1651 are seen as a period of crucial systemic change in the Dutch Republic (Frijhoff, Spies 1999, p. 76). As such, they might be counted among the “ruptures”, the importance of which has recently been reinvented through historical memory studies. In this regard, the rupture itself is not important, but the experience of it and its impact on people’s way of thinking (Deseure, Pollmann 2013). On the basis of these methodological assumptions, the period known as “True Freedom” (1650–1672) has also received renewed scholarly attention. Scholars have focused on the legitimization and argumentation strategies used to underpin the new regime (Stern 2010), among others the operationalization of history through the interpretation of the Dutch Revolt and its political instrumentalization (Steen 2013). This article aims to broaden this perspective through assessing the role of the anti-corruption discourse during this period of substantial change in the political system. While most attention is normally paid to the period around and after 1654 (the time where the new regime was forced to legitimize itself explicitly through the Act of Seclusion and where explicit legitimization was sought on paper by the quills of Johan de Witt and Pieter de la Court; Secretan 2010), this article deliberately focuses on the very initial period of “True Freedom”, the gathering time of the Great Assembly (January – August 1651).

This political body, initiated by the province of Holland and seated in the symbolically charged Hall of Knights (Ridderzaal) of the Binnenhof, is to be seen as the platform for the official approval of the changes after November 1650. Even through its constitutional composition (unlike the usual States General, the Great Assembly was not legally seen as a representative body but a full meeting of the provinces) it has the authority to take measures with far-reaching constitutional significance. The symbolic power of its steps appears all the more important considering the fact that the actual political matters had already been decided before the Great Assembly gathered. This seems to be one more reason to read the proceedings of the assembly as a programmatic, declaratory text and a kind of self-description of the nascent regime.

The anti-corruption discourse, as is to be argued here, played a significant role not only in the process of constructing the new system, but also in the way of coming to terms with the past (i.e. the illegitimate actions of William II, and, figuratively, the excessive power of the Stadholder in general), which was also crucial to the self-image of the newly established system.

During the period examined, various proposals and resolutions were passed aimed at eliminating corruption (Aitzema 1669, p. 544). There was the famous ban on accepting gifts at meetings with foreign diplomats or even during diplomatic missions abroad (which infringed on the internationally accepted diplomatic culture in some respects and alienated the Republic further from its monarchical counterparts) (Heringa 1961, p. 101; Sanders 2013, p. 87), with a significant effort also being made in the field of domestic policy. The suggested measures for preventing corruption in the state

apparatus included a sworn oath for appointed officials in which they would declare not to have used any illegal instruments to obtain the position, such as gifts, money or an obligation to any service at a later time. Under the oath they were also obliged to report cases in which they were later offered money and were subject to a system of financial penalties in case of non-observance. Their families and other close acquaintances were also subject to the rules (Propositie 1651).

The anti-corruption debate was by no means conducted in secret. On the contrary, as was common in the Republic with its high degree of political participation (by Deen et al., 2011, public opinion was even considered part of the political system) and a high degree of leakage of political issues to the public (Bruin 1991), the questions under consideration were the subject of an active public debate, which unfolded partially through the medium of pamphlets. The aforementioned proposals against corruption stem from one of these pamphlets. However, as was the case with a lot of texts which made leeway in pamphlet form, the text originated from an official political body. In this case it was based on a speech by Adriaen Veth, the secretary of the province Zeeland, which was subsequently published.

This speech is a unique source to be consulted not only because it came to publication, but also because it might be considered programmatic for the new system (Japikse 1907). The absence of corruption, as Veth argued, was an essential prerequisite for the survival of every state. Corruption itself, on the contrary, was to be seen as the cause of the decline or the fall of states, as he demonstrated on the basis of historical examples, in particular that of the ancient Roman Empire (Propositie 1651). The narrative on corruption causing the decline of a state was therefore not only a later interpretative tool, but already an influential contemporary discussion, addressing both corruption and the desired state constitution. As Veth tried to further argue, it was first and foremost republics that were endangered by corruption. While a monarchy might be resistant to a degree to corrupt practices, for a republic it bore a fatal systemic danger. Here, an essential part of Dutch republican theory is addressed – the moral profile of its representatives (cf. Weststeijn 2012). The republican state system stands and falls – in the eyes of Veth and his contemporaries – with the administration of the offices by the most virtuous of people („ryckste, verstandighste en eerlyckste“).

The procedure which under normal circumstances guaranteed the right distribution of the appropriate people to the appropriate positions, and to which Veth turned to, was the ancient idea of “Iustitia distributiva” (Propositie 1651). Some people are, based on their virtues, predetermined to execute political functions (which, in a republic, are not seen as property of the holder but as an entrusted public office). If corruption causes people to be appointed on other grounds (such as bribery or nepotism), this mechanism of personal-place matching is disturbed, which brings about a deterioration in the political system as a whole (Propositie 1651). What Veth presents here is a point of view representative of early modern thought i.e. that corruption in a broad sense is understood as a deviation from the ideal that is still conceived as possible.

Veth's attitude differs from the perspective often used today, which concentrates on the problem of how individual anti-corruption measures, policies or systems will impact on the corruptibility of the officials. The early modern perspective has a reverse view of the cause and consequence, and perceives the political system as grounded in the character of its actors.

The anti-corruption norm might therefore be seen as an important self-descriptor of the new established system after 1650/1651 which has been "chosen" (without insinuating that such a firm political program was intentionally constructed) to establish a – regarding the cleavages built in the preceding years – fragile consensus between the provinces as well as throughout the society divided by the struggles between the States party and the Orangists. The norm of anti-corruption played here a very convenient role because corruption bore an indisputably negative charge. As a result, the anti-corruption rhetoric offered the opportunity to promote an uncontested image of an enemy, through the criticism of which it was possible to legitimize itself and promote consensus building.

Coming to terms with the past

One of the foundations crucial to the continued existence of each new system is the delineation of its relations to the previous one. On the one hand, there must be a demarcation that is visible enough to demonstrate the difference towards the public, whilst on the other hand, a certain degree of continuity should be guaranteed, in order to prevent new conflicts. The changes of 1650 are characterized by their consensuality. Although the actions of William II were classified as illegitimate, there was very little prosecution of his collaborators who were still alive (cf. Poelhekke 1973). On the contrary, there is evidence that there was a high degree of personal continuity in the governmental bodies (Registers 1646–1651). This is clear in the biographies of some of those individuals who unambiguously qualify as close partisans of William II before 1650. One such example was the leader of the Guelders deputation in the States General, Johan van Gent, who hardly appeared to encounter any serious impediments.

Symbolically, at the end of the Great Assembly, a general amnesty was passed. Its text was unequivocally aimed at consensus building. The authorized commission which prepared the text chose a mild wording: there were some "disagreements" which "got out of hand" through problematic resolutions carried by the General Estates on the 5th – 6th June (which built the legal basis for the controversial deputy lead by Willem II to the cities of Holland), but in the meantime, "through the help of God", harmony, concord and confidence were re-established and the provinces were able to round off their deliberations [at the Great Assembly] to everyone's general satisfaction (Afschrift 22.7.1651)

The interpretation of the past was in these words directly linked to the competence the Great Assembly demonstrated, which had to be underpinned. In respect to the past, the drive for consensuality went so far, that the text speaks about the determination of the

participating provinces not to even think back to the incidents of 1650 and to “eradicate” these disagreements from their memories forever; to forget everything as if it had never happened (Afschrift 22.7.1651). With regards to the efforts on consensus building and the rhetoric used to promote the concord between the provinces, which had to be worded very carefully because of the lingering divisions originating from the conflicts of the past, the general amnesty represents a certain counterweight to the speech by the Grand Pensionary, Jacob Cats, given at the opening session of the Great Assembly. In addition, the amnesty constitutes the foundations and symbolic basis for the legitimization of the new system.

Even though a new general attitude was agreed, which was aimed at creating a consensus, it does not mean that there were not examples which might have been used for the demarcation of the new system from the old one. One of them – that of the former griffier (chief clerk) of the States General, Cornelis Musch – seems to be especially interesting with respect to the handling of corruption. Musch, who had carried out the function from 1628, was famous for his corruptibility. As griffier, he ran the office of the States General, was responsible for their proceedings, was endowed with a broad array of contacts behind the scenes and was also regarded as a collaborator of the Stadholder. From this position he was able to influence the negotiation agenda or be appointed to new functions when they were distributed. For his services he did not hesitate to ask for large amounts of money or directly blackmail the supplicants, with records also showing that he used sexual relations as a bargaining tool. He was regarded as one of the contact points to which to bring a claim to if a supplicant wanted to achieve his or her goal (Knevel 2001, p. 122ff). The States General were also aware of his corruptibility and reprimanded him a couple of times through new official instructions (Registers 10.8.1646, 28.8.1646, 10.1.1647).

During the negotiations of the Great Assembly, Musch was no longer alive. He died about one month after William II, supposedly by his own hand. His death gave way to a new influx of dealings involving this controversial person. The States General sent a clerk to Musch’s house in order to pick up state papers which Musch had potentially held at his home. Even though it had been explicitly forbidden for Musch to do so, the clerk returned, presenting a whole “bag” of such documents to the States General (Registers, 12.1.1651). The pamphlet market also reacted intensely to the death of Musch (Knevel 2001). A third platform where the corruption of Musch was discussed was at judicial authority level. In a process opened not long after the dissolution of the Great Assembly, a large part of Musch’s network was uncovered, the practices being openly disguised and opened to discussion (Japikse 1907). Even if the process took place after the closing of the Great Assembly, its role as the symbolic coming to terms with what was now seen as the “old regime” and, through this, the legitimization of the new one, cannot be underestimated (Knevel p. 147). The combination of these revelations helped to bring the old regime, with which Musch was associated and may have been viewed as symbolic of, into disrepute. Again the norm of anti-corruption, related not only to bribery, but also to the abuse of an entrusted public office (which was felt very

intensely in the Dutch Republic with respect to the monarchical history of the legitimization of the Dutch Revolt) took on a prominent role.

Conclusion

The anti-corruption discourse turned out to be an important tool for legitimizing the new regime of the Dutch Republic after 1650. Through its integration in the republican rhetoric it underpinned, first of all, the ideological self-definition of the "True Freedom". A declaratory adherence to republicanism can already be traced back to the Great Assembly at which the foundations of arguments were laid for legitimizing the regime, which were to become even more explicit in the years to come (as demonstrated by the example of the Veth-speech). Of course there are many reservations to make – e.g. the outspoken anti-Orangism as well as the attack on the hereditary principle were, regarding the still tense situation resulting from the conflicts of the past years, practically non-existent. However, the ideal of the personal-office matching mechanism, which was assumed to have fatal consequences for the existence of a republic, was already present. We only come across corruption as the impeding factor instead of the later hereditary principle.

Secondly, the anti-corruption discourse also helped to determine a demarcation line for the regime of the past. Through this, it was possible to link the Stadholder regime with a systemic and endemic degree of corruption. The figure of Cornelis Musch – no matter how intentionally on the part of the representatives of the new system – provided the new regime with an ideal opportunity to present a tangible example of the corruptibility ascribed to the old regime and to publicly reprehend it, without the necessity to elicit a new conflict through the penalization of the participants who were still alive. If the transition had not been consensual, this „corruption“ strategy may never have come into existence because the issue may never have arisen and been given the important role it was eventually to play.

In both respects, corruption seemed to represent an ideal enemy. Unchallenged, negatively connoted, it was not supposed to provoke opposition and was, at the same time, able to produce a high level of required legitimization.

Neither of the ways discussed with regards to the handling of corruption makes any assertion in terms of "real" corruption. On the contrary, the assertions that for example, corruption after 1650 even increased because the competences of the Stadholder were spread among a larger and less transparent circle of people, or that the regime of "True Freedom" represented the most transparent period in comparison to the time after it came to an end in 1672 (when the new Stadholder, William III, appointed a range of corrupt collaborators or those suspected of corruption) (Israel 2012, p. 773, 912), are as untouched as before. In this respect, the inquiry into historical corruption as such, as well as its concrete manifestations, remains a topic that stands on its own and which is open to specialized research. What this article has attempted to do is to make the research community see more sense in the importance of dealing with the norms of political communities, especially in times of political change, and of the role of the anti-

corruption norm (given all reservations made to its content and the unaltered need to define it before it is used) in political discourse. There are not only historical examples which teach us to see anti-corruption discourse not only as a neutral descriptive denomination, but also an influential strategy to deliver legitimization and, above all, delegitimization.

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