Critical Perspectives on Accounting xxx (2015) xxx–xxx

Contents lists available at ScienceDirect

Critical Perspectives on Accounting

journal homepage: www.elsevier.com/locate/cpa

Accounting and the fight against corruption in Italian government procurement: A longitudinal critical analysis (1992–2014)

Massimo Sargiacomo [a,*], Luca Ianni [a], Antonio D'Andreamatteo [a], Stefania Servalli [b]

[a] Department of Management and Business Administration, University G.d'Annunzio of Chieti-Pescara, Viale Pindaro 42, 65123 Pescara, Italy
[b] Department of Management, Economics and Quantitative Methods, University of Bergamo, Via dei Caniana 2, 24127 Bergamo, Italy

ARTICLE INFO

Article history:
Received 15 July 2014
Received in revised form 7 September 2014
Accepted 5 December 2014
Available online xxx

Keywords:
Accounting
Corruption
Italy
Government
Procurement

ABSTRACT

In 1992, a political earthquake shook Italy when the corruption and fraud case, "Clean Hands" ("Mani Pulite") exploded into the public eye, and a vast network of corrupt politicians, businessmen and bureaucrats was unveiled. The Italian bureaucratic apparatus was especially implicated in this expose, and it became evident that government procurement practices were shaped by an organizational culture of corruption. This paper develops a critical longitudinal analysis of the subsequent 22-year period to critically assess whether the subsequent introduction of accounting-based anti-corruption assemblages helped to curb corrupt behaviors.

1. Introduction

In the lead article of this special issue on corruption, Neu et al. (2015) propose that accounting artifacts and inspection activities are two key components of any anti-corruption assemblage. These *illumination assemblages*, as they refer to them, have the potential to both make visible corrupt activities and to help construct disciplined subjects. At the same time, Neu and colleagues suggest that corrupt actors strategize around and with accounting artifacts, and thereby potentially block the visibility and force of such assemblages. The current research article picks up on these themes and uses the aftermath of the 1992 "Clean hands" corruption scandal in Italy to interrogate the possibilities and limitations of accounting-based anti-corruption assemblages in curbing corrupt behaviors.

When the corruption and fraud case, "Clean Hands" (Mani Pulite) (Della Porta and Vannucci, 1997) first came to light in 1992, it was impossible to foresee the magnitude and scope of its impact. The scandal profoundly affected a range of actors – politicians, business people and the Italian bureaucracy – and further, problematized the existing organizational culture surrounding government procurement practices in Italy. The fact that government procurement was (and remains) a site of significant corruption in Italy is common knowledge amongst national and international observers. Indeed, according to the 2013 Corruption Perception Index (CPI), Italy is ranked 69th – it is notably perceived as "more corrupt" than most other European countries (two of three of the "least corrupt" positions are held by European

* Corresponding author.
E-mail address: msargiacomo@unich.it (M. Sargiacomo).

http://dx.doi.org/10.1016/j.cpa.2015.01.006
1045-2354/

countries: Denmark is 1st and Finland is 3rd), in line with Romania and Kuwait, and apparently "less corrupt" than countries like Cuba, Ghana and Montenegro (www.transparency.org). Thus, contrary to general opinion, corruption is not only an issue in developing countries; it also plagues industrialized countries such as Italy (cf. Johnston, 2005), where government procurement spending accounts for an average of 20–25% of the total general government expenditures (OECD, 2013).

2. 1992–1997: the "Clean Hands" scandal

Monday, February 1992 – 5.30 p.m.

> A thirty-two year old entrepreneur, Luca Magni, shows up at number 8 Marostica Street in Milan, at the office of Mario Chiesa, President of Pio Albergo Trivuzio. Magni is the owner of a small cleaning company, Ilpi in Monza, which serves the Trivuzio, a legendary retirement home and hospital established in the 1700s. Chiesa is a member of the Italian Socialist Party. . .Magni is received. He must give 14 million to the president, as an agreed kickback to a contract for 140 million. In a small pocket of his jacket, he has a pen that is actually a hidden microphone. His hand, gripping the handle of the briefcase, masks a covert video camera. . .As the entrepreneur calls at the home. . .a small team of police detectives halt the Trivuzio President, who realizes that he has fallen into a trap. "This money is mine," he dares. "No, Mr. Chiesa, this money is ours," reply the men in uniform. . . This is the beginning of "Clean Hands"—the beginning of the end of a political system. But, nobody, on that day, can even imagine it. (Barbacetto, Gomes, and Travaglio, 2012 – Preface).

The episode portrayed above triggered a scandal that radically affected the attitudes, general beliefs and everyday lives of the Italian people. To give a sense of the impact of the phenomenon: in 1992, the well-known economist, Marco Deaglio appraised that the costs of the "Tangentopoli" system (that is, the so-called "Bribesville") amounted to around 10,000 billion lire (about to 5.2 billion euro), engendered between 150,000 and 250,000 billion of lire of public debt (between 77.5 billion and 129 billion euro) and resulted in interest on related government bonds (debentures) amounting to 15–25 billion euro (Travaglio, 2008). The affair also involved several arrests and sparked the investigation of a range of different actors – from leading figures of the main Socialist, Christian Democratic and Communist political parties (e.g. Bettino Craxi, leader of the Socialist party) to entrepreneurs and civil servants. Such functionaries were accused of crimes such as extortion, corruption, criminal conspiracy, association with organized crime and the receipt of stolen goods (Della Porta and Vannucci, 1997).

Charges of corruption were not something new in Italy. Starting in the 1980s, for example, there were a number of different inquiries into corruption but these inquiries had little immediate effect, since a series of maneuvers by the involved politicians, judges and business people blunted the force of the charges. However, a belated response occurred in late 1989 as changes to the penal code increased the power of judges to investigate corruption. In this new code, judges were no longer considered arbitrators but rather, detectives leading the inquiry of the judicial police force. They essentially became a central part in the trial and could, for example, obtain access to national bank account information. Further, a new International Strasbourg Agreement meant that judges could quickly receive foreign judicial assistance regarding international banking information (Corrias, 2006).

The aforementioned changes, along with the new possibilities provided by information technologies, facilitated a much quicker unraveling of the Clean Hands corruption network. Antonio Di Pietro, the Assistant Prosecutor at the time, recorded, filed and cross-referenced large amounts of data. In his recounting of the case, Di Pietro comments that, even during the trial, he was liable to turn to his computer to search the names of firms or individuals that were mentioned (Di Pietro, 1999).

As the scandal unfolded, it became increasingly apparent that corruption was both commonplace and habitual, in that politicians and other public officials were accustomed to using their roles, powers and information to further their own self-interest, at the expense of the public. As evidence of the system's endemic corruption, we quote the famous speech delivered in the Italian Parliament on July 3rd, 1992 by Bettino Craxi, the leader of the Socialist Party and the most important political leader accused of corruption (Craxi, 1992):

> A network of small and large corruption has spread around in the country, in the institutions and public administration life, which results in the decay of public life. [. . .] Unfortunately, also in regards to political parties, it is often difficult to identify, prevent and amputate infected areas, both because of the objective impossibility of adequate controls and, sometimes, because of the existence and prevalence of wicked logics. And so, in the shade of the irregular financing of political parties and—I repeat—as a consequence of the nature of the political system, corruption and bribery flourish, intertwined. These latter offenses must be defined, considered, proved and judged as such.

A deafening silence followed these words. The Parliament was aware both of the pervasive corruption inside the institutions and of the illegality of the financing system of the political parties.

Not surprisingly, the involved politicians, judges, political parties and business people acted to impede the investigation and any substantive institutional reform. For example, the involved politicians did not resign their office. Rather, they either argued that the guilt lay with other individuals who at that time played pivotal roles, or completely denied knowledge of the suspected acts. Furthermore, politicians who were active members of Parliament used legislative "immunity-from-prosecution" regulations to ignore the formal arrest warrants issued by judges.

Please cite this article in press as: Sargiacomo, M., et al. Accounting and the fight against corruption in Italian government procurement: A longitudinal critical analysis (1992–2014). *Crit Perspect Account* (2015), http://dx.doi.org/10.1016/j.cpa.2015.01.006

Table 1
"Clean Hands" corruption lawsuits report.

	n	% People subject to commitment for trial
Total evaluated cases	4520	
Cases transferred to other public prosecutor's offices	1320	
People subject to commitment for trial	3200	
People subject to commitment for trial		
Cases transferred from pre-judicial hearing judge (GUP) to other judicial branches	427	13.34
Pending cases before the GUP	274	8.56
People subject to commitment for trial at the instance of GUP	1306	40.81
People "sentenced" by GUP of which	609	19.03
- by plea bargain	506	15.81
- by simplified and shortened proceedings	103	3.22
People acquitted by GUP of which	480	15
- by "trial judgment"	269	8.41
- by statute of limitations	211	6.59
People subjected to commitment for trial at the instance of GUP		
Cases transferred from Court to other judicial authority	38	1.19
Cases still pending before the Court	193	6.03
People sentenced by Court of which	645	20.16
- by plea bargain	341	10.66
- at the hearing	304	9.50
People acquitted by GUP of which	430	13.44
- by "trial judgment"	161	5.03
- by statute of limitations	269	8.41
Miscellaneous (meetings, removals, returns, invalidity, etc.)	104	3.25
Total final (no appealable) sentenced cases	1121	35.03

Source: Our adaptation from Di Nicola (2003).

While most of the involved social actors were able to avoid prosecution, the visibility of the scandal and the public outcry encouraged the Parliament to give the appearance of acting to curb corruption. Through Law n. 109/1994, they attempted to make public procurement more transparent by creating the position of a lead procurement administrator who had authority to oversee all public work projects. However, even this attempt at reform lost its force as its introduction was postponed and amended several times.[1]

Table 1 summarizes the outcomes of the legal proceedings pertaining to the Clean Hands scandal. It shows that only 1121 (35.03% of the people subject to commitment for trial) of the cases were sentenced in a final, non-appealable judgment; 609 (19.03%) and 645 (20.16%) were, respectively, sentenced by pre-judicial hearing judge (GUP) and by the Court. It seemed that the number of non-prosecutable offenses was fated to grow by accretion, since the majority of judgments in this period were not final (Di Nicola, 2003). In total, about 40% of the investigated people were able to extricate themselves by invoking parliamentary privilege statutes, by quibbling about legal procedures, or by having the judiciary selectively alter the rules. Furthermore, most of the people who were investigated after 1992 were able to quickly return to public and ordinary life, in part because the political sanctions imposed against politicians involved in corruption scandals were quite mild (Della Porta, 1992; Vannucci, 2009).[2]

The preceding chronology echoes and amplifies some of the themes raised by previous research. First, the ability to successfully prosecute corrupt actors is often thwarted by the strategies of the actors themselves (Neu, Everett, & Rahaman, 2013; Neu, Everett, Rahaman, & Martinez, 2013). In this case, existing regulations regarding Parliamentary privilege made it difficult to bring the involved actors to justice. Second, while scandals may provide the impulse for the introduction of new accounting-based illumination assemblages, the potential and force of these assemblages is often undermined by political actors, since they are the ones that both pass the laws and put the programs into practice. In this regard, anti-corruption assemblages are eternally optimistic but perpetually failing (cf. Miller & Rose, 1990), in part because of the political ways that the programs are enacted. Finally, the chronology draws attention to the ways that time dilutes the potential force of anti-corruption assemblages. This reality may encourage politicians to ride out the storm in the hope that the public turns its attention to more immediate matters.

[1] Law no. 109/1994 was originally based on the following principles: the centrality of the planning (programming and developing a project); the availability of financial resources; the separation between the role of the planner (the contracting authorities) and the role of the executors (the contractors) (Cicconi, 2014).

[2] For example, consider that Mr. Paolo Scaroni, after negotiating a plea bargaining (although, without going to jail) for paying money to Socialist Party in return for ENEL (Italian electric utility company) contracts, in 2002 was appointed as President of the ENEL itself and then Chief Executive Officer (CEO) of ENI (Italian multinational oil and gas company).

Please cite this article in press as: Sargiacomo, M., et al. Accounting and the fight against corruption in Italian government procurement: A longitudinal critical analysis (1992–2014). *Crit Perspect Account* (2015), http://dx.doi.org/10.1016/j.cpa.2015.01.006

3. 1998–2002: the "will" to act

By 1998, it seemed that the Italian government was ready to address the issue of corruption. In part, this was because the issue of corruption had not disappeared from the public gaze. Instead of receding from view, a new network of corruption involving the collusion of politicians and judges dominated the press in 1996. The "Dirty Robes" scandal, as it came to be known, involved attempts to cover up the illegal activities of important party representatives (cf. Barbacetto et al., 2012). Not surprisingly, a survey conducted around this time found that 30.6% of Italians considered corruption to be one of the nation's most serious social and economic problems (Vannucci, 2009). In response to this public concern, the Italian Parliament set up a "Commission Against Corruption" whose mandate was to propose measures to prevent corruption.

The proposals put forth were wide ranging. One proposal involved setting up a "Guarantee Committee" with clear authorities and divisions, which would oversee property and revenues relating to Members of Parliament (MPs), public administrators, public executives, judges, members of magistrates' internal boards of supervisors (CSMs) and the Constitutional Court. The Italian finance police would back the committee, and offenses would be directly punished; for instance, if false disclosures were identified, the related actors would be removed from office. The Commission further proposed that public employees who had been implicated in the Tangentopoli violations (that is, engaged in bribery, infringement, misappropriation, etc.) should be automatically moved to other offices or departments. Further, politicians found to have accepted undeclared money from companies or government-owned corporations would face more severe penalties than those guilty of illegal funding offences – as part of this more severe penalty they would be barred from holding public office. More stringent controls over public funds were also instituted through the establishment of a new government agency that, alongside the Court of Audit, would verify if public expenses were consistent with market prices. And in keeping with other countries, it was proposed that the Italian Market Bulletin – which reports on contracts, procurements and consulting – be published on a weekly basis (Report of Commission, 1996–2001).

On the one hand, these proposals appear to signify a distinct shift in Italian *political rationalities* – in the wider discursive fields in which conceptions of the precise ends and means of government are articulated (Miller & Rose, 1990, p. 5) – and promise the emergence of different forms of authority and more detailed division of tasks between these authorities. The "problematization" of government was consistent with the increasing concern on the part of the Italian public, with heightened discussion in national and international media and with tensions within the Italian government regarding issues of accountability and legitimacy. As Dean comments:

> The key starting point of an analytics of government is the identification and examination of specific situations in which the activity of governing comes to be called into question, the moments and the situations in which government becomes a problem... A problematization of government is a calling into question of how we shape or direct our own and others' conduct (1999, p. 27).

On the other hand, however, the announcement of the intent to construct an anti-corruption assemblage does not mean that it will be put into motion in the exact manner and with the same force that it was originally envisioned. Despite the promise of the proposals, the Chamber of Deputies only approved only a few, vetoing most and softening the impact of the remainder (Barbacetto et al., 2012). Once again, the involvement of political actors in the process of enacting regulations intended to govern their own behavior resulted in both the removal of elements of the assemblage that constrain corrupt behaviors and a watering down of other elements – the end result being an emasculated assemblage.

The lack of the political will to enact effective anti-corruption assemblages carried over into international anti-corruption initiatives. For example, on January 27th, 1999, the Criminal Law Convention on Corruption was signed in Strasbourg. This accord introduced a common criminal policy that aimed to protect society from corruption through targeted legislation and preventive measures. Agreeing that it would be necessary to coordinate across national boundaries in order to effectively address issues of corruption, policymakers from several countries came together to form the "Group of States against Corruption" (GRECO). GRECO's mandate was to improve the capacity of its members to fight. Not surprisingly, Italy did not immediately join the international effort to decrease corruption. While this reluctance might reflect an unwillingness to be governed by an extra-national collective, we would also propose that this reluctance was, in part, tied to the recognition that transnational anti-corruption assemblages are sometimes more difficult for corrupt political actors to control and resist.

This time period, in many ways, can be read as a continuation of the previous period. The emergence of additional corruption incidents provided the impulse for new anti-corruption proposals that involved new illumination devices and new inspection activities. At the same time, these proposals did not survive intact. Rather, components were removed and modified in ways that blunted the speed, force and efficacy of the anti-corruption assemblage. This being said, we would also propose that the act of problematizing "corruption within government" both made visible this problem and created a space for the subsequent introduction of new anti-corruption elements. The next section discusses these elements in more detail.

4. 2003–2008: more anti-corruption elements

For some reason, the visibility of the problem of "corruption in government" did not disappear with the passage of time. In response to this continuing interest, the Italian government introduced a series of new anti-corruption legislation between 2003 and 2008. This legislation both established new institutional bodies and strengthened existing anti-corruption tools.

Please cite this article in press as: Sargiacomo, M., et al. Accounting and the fight against corruption in Italian government procurement: A longitudinal critical analysis (1992–2014). *Crit Perspect Account* (2015), http://dx.doi.org/10.1016/j.cpa.2015.01.006

In terms of new anti-corruption institutions, Parliament established the "High Commissioner for the Prevention of Corruption and other forms of illicit in the Public Administration" (Law n. 3/2003), who would work in support of the President of the Council of Ministers. This Commissioner was charged with a number of tasks: investigating suspected cases of corruption and associated criminal behavior (either on its own initiative or in response to reports); reviewing the national legislative and regulatory framework aimed at preventing corruption; and monitoring any contractual procedures and expenditures considered particularly prone to corruption. One tangible outcome of the activities of this institutional body was a "risk mapping" report on corruption, the first technology of its kind to emerge in Italy (the first mapping being published in 2007).

In public comments regarding the mapping, the High Commissioner noted that the number of people "condemned" for bribery in the public sector – that is, sentenced by a judgment which had the force of *res judicata* – decreased from about 1000 per year in the period 1996–2000 to 186 per year in 2000 (the data was gathered from the Italian central judicial register). The High Commissioner concluded:

> [In] Italy, national policies seem to move as if the risk of corruption no longer presents a problem [....] in the last decade it is difficult to identify significant initiatives undertaken to contrast the silent spread of corruption (High Commissioner for the Prevention of Corruption and other forms of illicit in the Public Administration, Italian corruption risk mapping, 2007, pp. 219, 212)

The risk mapping initiative was accompanied by the development of concrete anti-corruption measures. For instance, in relation to issues surrounding public procurement, Italy adopted a "Code of public contracts of works, services and supplies in implementation of Directives 2004/17/EC and 2004/18/EC" (Legislative Decree n. 163/2006). This code set rules governing different types of contracts and tendering procedures and strengthened the existing monitoring procedures; it also extended the mandate of an existing institutional body, the Authority for the Supervision of Public Contracts" (AVCP), to include the supervision of public contracts for services and supplies. On the surface, these new rules brought procurement activities in line with the anti-corruption best practices being advocated by international organizations such as the World Bank and Transparency International (Søreide, 2002).

The mandate of the AVCP allowed it to impose administrative, pecuniary or restrictive sanctions in response to specific irregular, unlawful or illegal behavior on the part of procurement actors and, further, to employ sanctions in response to non-communication of mandatory information by public authorities and committees awarding contracts. According to the type of contract, classified data are accumulated and related to the content of the tender, to the involved actors, to the award amount and to the execution of the contract (e.g. about work in progress, and the final amount of works). Specific information about any subcontractors must also be provided. This information is also used to calculate yearly standard costs for works, services and supplies allotted to specific territorial areas.

The aforementioned initiatives are consistent with the observations of Neu et al. (2015) regarding the disciplinary potential of illumination assemblages. More specifically, techniques of "hierarchical observation" (here, employed to regulate public procurement), "normalizing judgment" (here, relating to the different classified/accumulated data on standard costs and accumulated data on content of services and supplies), and the subsequent "examination" (Foucault, 1979) created the possibility for a disciplinary gaze. Yet, it is important to note that this gaze remained mostly embryonic – it was not until 2008 that the Observatory was able to collect data about public supplies and services (Legislative Decree n. 152/2008), and even then, many accounting inscriptions remained missing. That being said, in the period from 2003 to 2008, we witness the rudimentary construction of a disciplinary double system of gratification-punishment (Foucault, 1979, p.180), wherein individuals were encouraged to behave "normally" and "ethically," and where sanctions were, at least in theory, available to punish deviant behaviors.

However, once again, the potential of such anti-corruption assemblages was undermined by three realities of practice. First, was the reality that existing information systems may not generate appropriate and sufficient archival traces to initiate corruption investigations (Søreide, 2002). For example, in 2010 a member of the AVCP commented that the fragmentation and incompleteness of the information system made it difficult to prevent or combat unlawful behaviors, especially in the pre-bidding and post-bidding procurement phases:

> The first objective—in Andrea Camanzi, a member of the AVCP's opinion—must be the "transparency that is not an enemy of urgency." The starting point is the creation of a national register of public contracts that makes possible the collection of data—data that exists already but is scattered in many different containers, without uniformity in classification and indexing. "We must have," explains Camanzi, "the fingerprint of each contract: a set of essential data, mandatory, tender by tender, contract by contract, identifying contracting authorities and companies. The national data-base, so identified, would allow what is impossible today: an operational control of all contracts. And it would help us exercise vigilance in bringing out the gray areas." For example, a group of companies attending the same type of tenders, discounts offered, weaves between administrators of contracting authorities and companies (Carabini, Il Sole 24 Ore, 4/04/2010).

The second reality of practice was that political and bureaucratic discretion made it possible to bypass existing anti-corruption controls (cf. Johnston, 2005; Neu, Everett, & Rahaman, 2013). For example, the government's ability to use the power of ordinance in the planning and management of major events – for instance, in organizing the G8 – as well as in other "exceptional" situations (Decree Law n. 343/2001) allowed it to selectively avoid existing rules. In several cases, the

Please cite this article in press as: Sargiacomo, M., et al. Accounting and the fight against corruption in Italian government procurement: A longitudinal critical analysis (1992–2014). *Crit Perspect Account* (2015), http://dx.doi.org/10.1016/j.cpa.2015.01.006

government has relaxed provisions of the Code of public contracts of works, services and supplies, and thus bypassed both the AVCP and the Court of Auditors.

Finally, the third reality is that stringent anti-corruption rules without sufficient resources to investigate suspected incidents of corruption do not work in practice. Furthermore, changes in other supporting legislation may leave the appearance of intact, stringent rules while undermining the practical ability to investigate potential offenses. Indeed, according to Vannucci (2009), the legislation of those years enhanced corruption instead of preventing it. Vannucci points to the fact that new legislation restricted the admissibility of evidence gathered abroad (Law n. 367/2001), decriminalized false accounting (Law n. 61/2002), and allowed for the transfer of judicial proceedings when "impartiality" could not be guaranteed (Law n. 248/2002). In Vannucci's view, these new provisions established:

> (1) Immunity for holders of the five highest offices of state; (2) a requirement of parliamentary authorization to prosecute a member's crime and impose restrictive measures (Law n. 140/2003); (3) a reduction of time limits stipulated by the status of limitation (Law n. 251/2005); (4) the impossibility for public prosecutors to appeal against acquittals in corruption-related and other cases (law n. 46/2006); (5) a reduction by three years of penalties imposed for corruption-related cases committed up to May 2nd, 2006 (Law n. 241/2006); and (6) penal immunity for holders of four highest offices of state (Law n. 124/2008) (Vannucci, 2009, p. 255) (numbers added for the sake of clarity).

The preceding chronology highlights how anti-corruption programs that appear to de-territorialize the space for corruption may actually reinforce corrupt practices:

> Civilized modern societies are defined by processes of decoding and deterritorialization. But what they deterritorialize with one hand, they reterritorialize with the other. These neoterritorialities are often artificial, residual, archaic; but they are archaisms having a perfectly current function, our modern way of "imbricating", of sectioning off, of reintroducing code fragments, resuscitating old codes, inventing pseudo codes or jargons. (Deleuze & Guattari, 1977, p. 257)

In response to "corruption in government" as a problem, government officials appear to have begun a *deterritorialization* that was effectively a *reterritorialization*. Politicians, anxious about public opinion and eager to appear active on the anti-corruption front, created new authorities and instruments designed to minimize corruption. But at the same time, they neutered any supporting infrastructure that would have made it possible to effectively investigate and prosecute corrupt politicians. Indeed, in July 2008, the position of High Commissioner was abolished in light of a broad government plan to rationalize public expenditure. From October 2008, the commissioner's duties were taken over by the SAET (Anti-corruption and Transparency Service), a service hierarchically dependent on the Ministry of Public Administration and Innovation.

5. 2009–2013: transparency in government

In 2009, legislation established that the Department for Public Administration of the Italian Government (within which the SAET operated) would be designated as the National Anticorruption Authority (Law n. 116/2009, ratified by the 2003 United Nations Convention against Corruption, UNCAC). The SAET was further charged to support government initiatives regarding transparency, which was increasingly seen as crucial to the functioning of Italian public administrations. According to the Minister of Public Administration and Innovation:

> The exercise and the use of transparency, however, may help to restore the confidence of citizens in the structures called to run the country in the name of the common good. I would like to emphasize that the departments that I chair have a true "treasure" of information on public documents... that citizens have the right to know in all their details, from the very instant that laws, resolutions, circulars, simple rules make them operational. (Brunetta, 2010)

On another occasion, the former Minister stated:

> All the work we are doing for transparency...is implicitly a work of fighting against corruption. We have to make transparent all bureaucratic administrative processes in order to avoid as much as possible the probability of corruption. We must then explain the crimes, make public opinion aware of them and make a map evidencing where corruption is concentrated. (Stentella, 2009)

As the above excerpts illustrate, anti-corruption policy and practices in this period were re-framed as being part of the campaign against "maladministration." New legislation was introduced that sought to establish a national scheme to promote the evaluation of performance, meritocracy, transparency and integrity within the Italian public sector. This legislation established a new institution, the Commission for the Evaluation, Transparency and Integrity in Public Administration (CIVIT), which aimed to diffuse a culture of transparency and integrity. The CIVIT was responsible for setting guidelines for "transparency and integrity" and for monitoring the implementation of these guidelines.

Around the same time, Italy finally ratified the 1999 Council of Europe's Criminal Law and Civil Law Conventions on corruption (Law n. 110/2012 and Law n. 112/2012). Just prior to this ratification, in December 2011, the government also established a new commission of study, the "Public Administration Transparency and Corruption Prevention Study Committee." The committee produced a report identifying corruption risks in specific sectors – public procurement,

Please cite this article in press as: Sargiacomo, M., et al. Accounting and the fight against corruption in Italian government procurement: A longitudinal critical analysis (1992–2014). *Crit Perspect Account* (2015), http://dx.doi.org/10.1016/j.cpa.2015.01.006

healthcare, government of territory and systems of control – and proposing new transparency and anti-corruption measures. This report, in a manner that recalls Foucault's concepts of "partitioning" and "classifications" (Bowker & Star, 1999; Foucault, 1979), traces the borders between different spaces of action, and suggests that new patterns and practices should be cultivated in well-divided sectors.

With respect to procurement, the report identified two main types of issue: those relating to legislative and regulatory measures, and those relating to the structure of the Italian public procurement market.[3] Regarding the former, the critical problems were an excess of regulation and a proliferation of derogations from established norms (e.g. when organizing major events). Regarding the latter, the commission criticized: unskilled contracting authorities who, though incompetence, tended to delay both tendering procedures and the execution of contracts; a disjuncture between supply and public demand; the lack of organization on the part of those contracting authorities involved in economic-financial planning; the lack of adequate offices dedicated to the engineering design among contracting authorities, which resulted in ongoing, inefficient review of works; overuse of restricted and negotiated tendering procedures, which enabled corrupt behaviors; calls for tender designed according to the features of specific competitors; illegal behavior surrounding participation requirements demanded by companies and verification bodies as well as by the contracting authorities; too much discretionary power held by contracting authorities; the ease with which qualified contractors could also subcontract to unqualified parties (Public Administration Transparency and Corruption Prevention Study Committee, 2012). These conclusions were coupled with some concrete proposals to change bureaucratic practices (Public Administration Transparency and Corruption Prevention Study Committee, 2012).

As in previous periods, the proliferation of suggestions may have created the appearance of reform, but there was very little substantive new legislation to specifically address issues relating to public sector procurement. Rather, the legislation of the period tended to reproduce previous suggestions and re-work previous regulations; for instance, Law n. 190/2012 and its associated decrees reformulated anti-corruption policies and reformed several institutes. Likewise, little attention was paid to the practical functioning of the elements of the anti-corruption assemblage. Once again, a lack of attention to the details means that the illumination assemblage and associated inspection activities are less likely to function in practice.

6. History repeats itself. . ..

The provided chronology suggests that the Italian government has been a very active anti-corruption crusader. But this does not mean that the crusade has been successful. Investigations by institutions such as the European Commission indicate that corruption continues to be a pernicious problem in Italy:

> ... corruption remains a serious challenge in Italy [...] a new wave of political corruption cases has emerged, involving a number of top regional elected officials and revealing illegal financing of electoral campaigns and political parties, as well as ties with mafia groups. Cases against high-level officials in which dissuasive sanctions were actually enforced remain scarce (European Commission, 2014, p. 13).

Likewise, a series of new scandals make visible how little has changed, including the involved actors. In May 2014, the procurement manager and associated politicians, businessmen and entrepreneurs involved in the Milan Expo were arrested on suspicion of offering, demanding and gathering bribes in order to secure contracts (Dinmore, Financial Times, 08/05/2014, www.ft.com). Incredibly, among those found to be guilty, there were several individuals who had already been arrested and condemned in relation to the Clean Hands case (Travaglio, L'Espresso, 16/05/2014). And in June 2014, 35 people were arrested on charges of the alleged payment of bribes and the embezzlement of funds paid to the consortium that was entrusted with the construction of the 5B Euro high profile Venetian infrastructure project intended to protect Venice from rising water levels. Not surprisingly, these new scandals triggered a flurry of activity on the part of the Italian government. Commissions are being formed, proposals for change are being made and the government bureaucracy is being re-organized. However, one might ask: is this the last supper at the bribery banquet or merely one of the appetizers?

If history is a guide, this flurry of activity will ultimately fail to curb corruption. Not only will the passage of time dissipate the urgency of action but also the strategies of the networks of corrupt actors (Neu, Everett, Rahaman, & Martinez, 2013) will undermine the force of the anti-corruption assemblage. Key elements of the anti-corruption assemblage will either be completely removed or watered down. Other supporting infrastructure will be modified to make it more difficult to investigate potential corruption red flags. Finally, political and/or bureaucratic discretion will be used to sidestep the anti-corruption assemblage itself. In these ways, the anti-corruption assemblage will continue to function as a visible symbol of the government's commitment to transparency and good government, however it is unlikely to actually impede corruption itself.

We do not disagree that accounting-based anti-corruption assemblages (Neu et al., 2015) and other accounting technologies (cf. Everett, Neu, & Rahaman, 2007; Siame, 2002) have the potential to construct disciplined and ethical procurement participants. However the Italian experience highlights the difficulties involved in enacting such assemblages. This seems to especially be the case when politicians and bureaucrats are responsible for operationalizing the very rules and regulations that will govern their subsequent behaviors. These social actors understand perfectly what is "at stake" in the

[3] The identified issues are similar to those noted by Søreide (2002).

Please cite this article in press as: Sargiacomo, M., et al. Accounting and the fight against corruption in Italian government procurement: A longitudinal critical analysis (1992–2014). *Crit Perspect Account* (2015), http://dx.doi.org/10.1016/j.cpa.2015.01.006

new regulations. Further, they know better than anyone how discretion can be used to work with and around the regulations. Thus, in these situations, anti-corruption assemblages can be eternally optimistic yet perpetually failing. Indeed, one might suggest that this is exactly the outcome that corrupt politicians hope to accomplish when they enact anti-corruption assemblages.

References

Barbacetto, G., Gomez, P., & Travaglio, M. (2012). *Mani pulite. La vera storia, 20 anni dopo*. Milano: Chiarelettere.
Bowker, G. C., & Star, S. L. (1999). *Sorting things out: Classifications and its consequences*. Cambridge: MIT Press.
Brunetta, R. (2010). *Reflections on transparency. Funzione Pubblica*. Available at http://saperi.forumpa.it/story/41906/brunetta-la-strategia-della-trasparenza-la-lotta-alla-corruzione Accessed 11.08.14.
Carabini, O. (2010). *Quegli appalti soffocati da tangenti e controlli. Il Sole24 Ore*.
Cicconi, I. (2014). *Lo stato dell'arte: dalla legge quadro sui Lavori Pubblici al Codice dei Contratti Pubblici di Lavori, Servizi e Forniture, Report submitted at the national conference, Public Procurement and Corruption, Chamber of Deputies, Rome*. Available at http://www.itaca.org/documenti/news/appalti_pubblici_e_corruzione.pdf/ Accessed 02.08.14.
Commission against corruption. Chambers of Deputies of the Italian Parliament. Meeting reports (1996–2001).
Corrias, P. (2006). *Luoghi comuni. Dal Vajont a Arcore, la geografia che ha cambiato l'Italia*. Milano: Rizzoli.
Craxi, B. (3 July 1992). *Speech*. Available at http://www.fondazionecraxi.org/pdf_discorsi/Bettino_Craxi_3_luglio1992.pdf Accessed 04.09.14.
Deleuze, G., & Guattari, F. (1977). *Anti-oedipus. Capitalism and schizophrenia*. New York: Viking Press.
Della Porta, D. (1992). *Lo scambio occulto. Casi di corruzione politica in Italia*. Bologna: Il Mulino.
Della Porta, D., & Vannucci, A. (1997). The resources of corruption: Some reflections from the Italian case. *Crime, Law & Social Change, 27*(3–4), 231–254.
Di Nicola, A. (2003). Dieci anni di lotta alla corruzione in Italia. In M. Barbagli (Ed.), *Rapporto sulla criminalità in Italia* (pp. 109–133). Bologna: Il Mulino.
Di Pietro, A. (1999). *Memoria*. Roma: Kaos.
Dinmore, G. (08 May 2014). Politicians and executives with links to Expo 2015 arrested. *The Financial Times* Available at http://www.ft.com/intl/cms/s/0/602d5f02-d6b9-11e3-b251-00144feabdc0.html#axzz3BJDvvkuX Accessed 23.08.14.
Everett, J., Neu, D., & Rahaman, A. S. (2007). Accounting and the global fight against corruption. *Accounting, Organizations and Society, 32*(6), 513–542.
Foucault, M. (1979). *Discipline and punish: The birth of the prison*. New York: Vintage.
Johnston, M. (2005). *Syndromes of corruption: Wealth, power, and democracy*. Cambridge University Press.
Miller, P., & Rose, N. (1990). Governing economic life. *Economy and Society, 19*(1), 1–31.
Neu, D., Everett, J., & Rahaman, A. S. (2013). Internal auditing and corruption within government: The case of the Canadian Sponsorship Program. *Contemporary Accounting Research, 30*(3), 1223–1250.
Neu, D., Everett, J., & Rahaman, A. S. (2015). Preventing corruption within government procurement: Constructing the disciplined and ethical subject. *Critical Perspectives on Accounting*. http://dx.doi.org/10.1016/j.cpa.2014.03.012 (in press)
Neu, D., Everett, J., Rahaman, A. S., & Martinez, D. (2013). Accounting and networks of corruption. *Accounting, Organizations and Society, 38*(6), 505–524.
OECD (2013), Government at a Glance 2013, OECD. Publishing.http://dx:doi.org/10.1787/gov_glance-2013-en.
Siame, F. (2002). Contributions and challenges in the fight against corruption – An auditor general's perspective. *International Journal of Government Auditing, 29*(4), 7–9.
Søreide, T. (2002). *Corruption in public procurement. Causes, consequences and cures*. Chr Michelsen Institute.
Stentella, M. (2009). *Brunetta: la strategia della trasparenza per la lotta alla corruzione*. Available at http://saperi.forumpa.it/story/41906/brunetta-la-strategia-della-trasparenza-la-lotta-alla-corruzione Accessed 02.08.14.
Travaglio, M. (2008). *La scomparsa dei fatti. Si prega di abolire le notizie per non disturbare le opinioni*. Milano: Il Saggiatore.
Travaglio, M. (2014). *Chi è Frigerio e chi lo protegge. L'Espresso*. http://espresso.repubblica.it/opinioni/carta-canta/2014/05/14/news/chi-e-frigerio-e-chi-lo-protegge-1.165299 Accessed 23.08.14.
Vannucci, A. (2009). The controversial legacy of "Mani Pulite": A critical analysis of Italian Corruption and Anti-Corruption practices. *Bulletin of Italian Politics, 1*(2), 233–264.

Primary sources

National laws and decrees.
Decree Law n. 343/2001. Urgent measures to ensure the operational coordination of structures for the civil protection activities.
Law n. 109/1994. Framework law on public works.
Law n. 367/2001. Ratification and implementation of the Agreement between Italy and Switzerland.
Law n. 61/2002. Discipline of criminal and administrative offenses relating to trading companies, pursuant to Article 11 of Law October 3, 2001.
Law n. 248/2002, Amendment of Articles 45, 47, 48 and 49 of the Code of Criminal Procedure.
Law n. 3/2003. Provisions on the public administration system.
Law n. 116/2009. Ratification of the 2003 United Nations Convention against Corruption.
Law n. 110/2012. Ratification and implementation of the Criminal Law Convention on Corruption, signed in Strasbourg January 27, 1999.
Law n. 112/2012. Ratification and implementation of the Civil Law Convention on Corruption, signed in Strasbourg November 4, 1999.
Law n. 190/2012. Provisions for the prevention and prosecution of corruption and illegality in public administration.
Legislative Decree n. 163/2006. Code of public contracts for works, services and supplies in implementation of Directives 2004/17/EC and 2004/18/EC.
Legislative Decree n. 152/2008. Additional corrective and integrative provisions to Legislative Decree of 12 April 2006 n. 163, amending the Code of public contracts for works, services and supplies pursuant to Article 25, paragraph 3 of the Law of 18 April 2005, n. 62.
Miscellaneous.
European Commission (2014). ANNEX ITALY to the EU Anti-Corruption Report, Brussels, 3.2.2014 COM(2014) 38 final. Available at http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/organized-crime-and-human-trafficking/corruption/docs/acr_2014_en.pdf Accessed 23.08.14.
High Commissioner for the Prevention of Corruption and other forms of illicit in the Public Administration (2007). Italian corruption risk mapping. Available at http://www.irpa.eu/wp-content/uploads/2012/03/Mappa-corruzione-Italia.pdf Accessed 21.08.14.
Public Administration Transparency and Corruption Prevention Study Committee (2012). Corruption in Italy for a prevention policy. Analysis of the phenomenon, international profiles and proposals for reform. Available at http://www.funzionepubblica.gov.it/media/1051175/circolare%20n1_2013.pdf Accessed 10.08.14.

Please cite this article in press as: Sargiacomo, M., et al. Accounting and the fight against corruption in Italian government procurement: A longitudinal critical analysis (1992–2014). *Crit Perspect Account* (2015), http://dx.doi.org/10.1016/j.cpa.2015.01.006