# WITHOUT STRONG WATCHDOG INSTITUTIONS:
## CORRUPTION IS A CANCER

Mohamed ‘Arafa*

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INTRODUCTION

Corruption is an insidious plague that has a wide range of corrosive effects on societies. It undermines democracy and the rule of law, leads to violations of human rights, distorts markets, erodes the quality of life and allows organized crime, terrorism and other threats to human security to flourish. This evil phenomenon is found in all countries—big and small, rich and poor—but it is in the developing world that its effects are most destructive. Corruption hurts the poor disproportionately by diverting funds intended for development, undermining a Government’s ability to provide basic services, feeding inequality and injustice and discouraging foreign aid and investment.
Corruption is a key element in economic underperformance and a major obstacle to poverty alleviation and development.

United Nations Secretary-General *Kofi A. Annan speaking to the U.N. General Assembly (2004).*

Corruption has historically played a prominent role in society. From William Shakespeare’s world-renowned plays, to the United States (“U.S.”) Constitution—which explicitly lays out the impeachment process of a U.S. President for bribery or treason—corruption is apparent. Recently, and especially in the 1990s, the phenomenon known as “corruption” has attracted substantial attention. There is evidence of all types of governments collapsing due to allegations of corruption. Indeed, prominent politicians—including heads of state—have lost their official positions and, in some cases, entire political classes have been replaced.

The Cold War’s end brought forth an intensified focus on corruption. Centrally planned economies, like the Soviet Union, dedicated

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4. See id. at 7.

minimal thought to corruption. The post-Cold War expansion of
democracy and free media facilitated public debate on corruption.
Furthermore, globalization enhanced competition between high and
low-income countries facing major corruption problems.
International non-governmental organizations (“NGOs”) like Transparency
International (“TI”) play a growing role in fostering anti-corruption
movements by highlighting and broadcasting corrupt behavior.
Likewise, the U.S. plays an essential role through its inspiring institutional checks and balances.

6. As is generally well-known, centrally planned economies, such as the
former Soviet Union, experienced a great deal of corrupt practices. See generally
Bardhan, supra note 5, at 1324–26; Konstantin M. Simis, USSR: The Corrupt
Society: The Secret World of Soviet Capitalism (1982); Peter Galasi &
Gertesi Gabor, The Spread of Bribery in a Centrally Planned Economy, 34 Acta
Oeconomica 371 (1987). See also Gregory Grossman, The “Second Economy” of
the USSR, reprinted in The Underground Economy in the United States and

7. Glynn et al., supra note 3, at 8. In Russia, for example, the media has
responded with a vengeance to this newly acquired freedom. In other countries, polit-
cal changes have upsurged the reporting of corruption cases. Vito Tanzi, Corruption
Around the World: Causes, Consequences, Scope, and Cures, 45 IMF Staff Papers

8. These contacts have increased the international attention paid to corrupt
behavior, particularly, when some companies believed that they were cut out of
some contracts because the winning corporation had paid a kickback. See, e.g.,
Rachida Aïssaoui & Frances Fabian, Globalization, Economic Development, and
Corruption: A Cross-lagged Contingency Perspective, 5 J. Int’l Bus. Pol’y 1
(2022) (overviewing the perspectives on prominent theoretical linkages among
globalization, economic development, and corruption).

9. Hongying Wang & James N. Rosenau, Transparency International and
Corruption as an Issue of Global Governance, 7 Glob. Governance 25, 25 (2001)
(discussing the rise of corruption as a global governance sign). Transparency Interna-
tional is a global civil society organization leading the battle against corruption. Id. at
25. International financial institutions, such as the International Monetary Fund and
the World Bank, have also played a fundamental role regarding the elimination of
this behavior by focusing on the economic cost of corruption. Id. at 27–28.

10. See generally James R. Hines, Jr., Forbidden Payments: Foreign Bribery
No. 5266, 1995).
A substantial factor in growing corruption is the expansion of international trade. The globalized trade boom created a broad number of situations where international businesses engage in bribery and other corrupt business practices. In addition to trade corruption, understanding governmental corruption is imperative because it widely decreases economic growth. Furthermore, political scandals caused by corruption can force changes of entire administrations.

However, in reality, when selecting anti-corruption strategies, governments must frequently evaluate monitoring levels and costs endogenously, incorporating these factors into their decision-making process. As a result, finding the best anti-corruption policy is a complex and critical topic.

Against this succinct backdrop, this Article introduces a theoretical model that endogenizes the level of surveillance and costs in order to better understand how to balance corruption losses and the costs of anti-corruption surveillance investments. This Article then discusses the resulting optimal anti-corruption strategy under varying economic and political conditions, which include coexistence of high corruption and high growth in certain developing countries. Furthermore, in many developing countries, such as those in East Asia, top-down supervision and incentives, rather than periodic elections, are the dominant influencers on official behavior. As a result, this Article enriches the study of official behavior, which is ideally only influenced by the level of supervision.

14. WORLD BANK, WORLD DEVELOPMENT REPORT 1997: THE STATE IN A CHANGING WORLD 2 (1997) (discussing “[t]he role and effectiveness of the state: what it should do, how it should do it, and how it can improve in a rapidly changing world.”). Governments with both centrally planned and mixed economies are shrinking their market role because of failed state interventions. Id. at 64.
Thus, following the introduction, this Article first provides a brief survey on the literature and various concepts of corruption and economic growth. Part II deals with the historic causes, consequences, and the possible corrective actions of corruption. Part III then surveys and explains the several sorts and the costs of corruption in terms of the economic growth. Part IV highlights how the fight against corruption might not be cheap and can not be successfully accomplished independent from State reform. This Article concludes by arguing if specific reforms are not accomplished, corruption will continue to present as a complex problem irrespective of prior actions directly aimed at curtailing it.

I. CORRUPTION IS A UNIVERSAL CONUNDRUM

A. The Nature of the Problem

When comparing countries and economic systems, the concept of corruption is not a homogenous phenomenon; rather, its causes, patterns, and consequences are country specific. Constructs including politics, law, economics, and social variables shape the consequences of corruption. Accordingly, corruption’s influence on the political, economic, and social dimensions of society significantly vary between countries. For instance, countries with judiciaries free from political influence are generally more successful in combating corruption. Indeed, the causes of corruption are abundant and interrelated. These


causes range from individual irresponsibility to greedy ambition for political and economic power.\footnote{17}

Corruption manifests itself in various ways,\footnote{18} ranging from petty embezzlement and favoritism to bribes,\footnote{19} kickbacks,\footnote{20} and large scale-embezzlement.\footnote{21} Corruption may also be systemic, encompassing embezzlement of government funds through false procurement, payrolls, and discrimination by ruling parties favoring special interest groups in exchange for political influence.\footnote{22}

\textbf{B. The Scale of the Problem}

The corruption epidemic’s scale is vital for fully comprehending the negative effects of government corruption and to creating effective methods to measure and combat the problem.\footnote{23} Generally speaking, corruption arises where internal control is fruitless, or where findings of

\begin{itemize}
\item \footnote{17} Key elements that are often cited as examples where corrupt behaviors can operate with practical impunity include: the legacy of an environment of a non-democratic regime, weak institutions, inadequate checks, and balances on the authority of executive branch, patronage systems to fill government posts, underdeveloped civil services and career systems, few institutional anti-corruption reforms, and poverty. Tanzi, \textit{Corruption Around the World}, supra note 7, at 565–76.
\item \footnote{18} 
\item \footnote{19} “To promise, offer, or give something, usually money, to (a person) to procure services or gain influence, esp illegally.” \textsc{Collins Dictionary}, https://www.collinsdictionary.com/us/dictionary/english/bribe (last visited Jan. 21, 2024).
\item \footnote{20} “A ‘kickback’ is a term used to refer to a misappropriation of funds that enriches a person of power or influence who uses the power or influence to make a different individual, organization, or company richer.” \textit{Kickbacks}, \textsc{Legal Info. Inst.}, https://www.law.cornell.edu/wex/kickbacks (last visited May 1, 2024).
\item \footnote{21} “Embezzlement is the fraudulent taking of personal property by someone to whom it was entrusted.” \textit{Embezzlement}, \textsc{Legal Info. Inst.}, https://www.law.cornell.edu/wex/embezzlement (last visited Jan. 14, 2024).
\item \footnote{22} See, e.g., U.S. Agency for Int’l Dev. [USAID] Off. Democracy & Governance, \textit{A Handbook on Fighting Corruption} 5 (1999) (“corruption erodes the institutional capacity of government as procedures are disregarded, resources are siphoned off, and officials are hired or promoted without regard to performance”).
\item \footnote{23} See id. at 577–78; UNCAC implementation Guide, supra note 16, at 13–25.
\end{itemize}
wrongdoing are disregarded by the controlling entities. Corruption also occurs in political systems where the media is censored and the public has limited information about corruption.

Vague penal codes are weak because they contain legal loopholes. These loopholes are amplified when a judicial system is generally dysfunctional and plagued with corrupt judicial officers, ultimately resulting in impunity. Corruption occurs when procurement rules and decisionmaking processes operate with complicated regulations. This is only amplified when major players have strong discretionary powers with little to no oversight. For example, when budget processes provide authorities broad discretion, allocations and timely disbursements are adversely affected, resulting in opportunities for corrupt activity.

C. The Diverse Dimensions of Corruption

The absence of institutional limitations on government authority impedes the implementation of anti-corruption efforts which is reflected in several trends. First, controlling establishments, such as the Office of the Attorney General, are slowly undergoing systemic reform (e.g., Egypt and other Middle Eastern nations). Second, the


28. Id.


30. See Roxana Salazar & Mario Carazo, Transparencia Internacional Costa Rica, Global Corruption Report 2004, at 181–82 (2004) (discussion on institutional changes in Costa Rica). However, institutional confusion—relating to roles and leadership—among control agencies may constrain efforts at
abundance of fragile legislatures and similar bodies presents another dimension of how corruption impacts institutions.\footnote{See Anton Steen, \textit{How Elites View Corruption and Trust in Post-Soviet States}, in \textit{GLOBAL CORRUPTION REPORT 2004}, at 323 (2004).} Third, as media outlets increasingly cover corruption, the public square continues to be flooded with discourse surrounding corrupt agents and flawed systems.\footnote{See generally MARTINA HRVOLOVA ET AL., \textit{THE ANTI-CORRUPTION ROLE OF FREE MEDIA AND INVESTIGATIVE JOURNALISM} (2021), https://www.gmfus.org/sites/default/files/2021-11/Katz%20et%20al%20-%20investigative%20journalism%20brief.pdf.} Moreso, the rise of civic groups, professional associations, and activists increasingly bends toward a theme of anti-corruption.\footnote{HRVOLOVA ET AL., supra note 32, at 3.} However, these sprouting groups cannot launch effective advocacy campaigns to highlight corruption and monitor important accomplishments in tackling corruption because they are hampered by a lack of coordination, dialogue, and mutual support.\footnote{See Elaine Byrne et al., \textit{Building Public Support for Anti-Corruption Efforts: Why Anti-Corruption Agencies Need to Communicate and How}, U.N. OFF. ON DRUGS & CRIME 1, 34 (2010), https://www.unodc.org/documents/corruption/Publications/StAR/CorruptionWhitePaperpub31110screen.pdf.}

The rule of law appears to be delegitimized to the extent corruption influences policies. The inadequacies of existing laws and the lack of administrative procedures are conceivable causes for gaps in legal frameworks. These gaps form a sophisticated legislative web, which not only creates breathing room for corrupt practices, but may also delegitimize a justice system.\footnote{Daniel Kaufmann, \textit{Challenges in the Next Stage of Anti-Corruption}, in \textit{NEW PERSPECTIVES ON COMBATING CORRUPTION} 142 (1998).}
Against this succinct backdrop, this article surveys and discusses issues related to the definition of corruption. The literature explores the various sorts, causes, and consequences of corruption, while also fleshing out its scope and possible corrective actions. It emphasizes the price of corruption in terms of economic growth, the cost of fighting corruption, and the need for state-level reform. Disorder is an obstacle to political progress as a fruitful self-government depends upon the likelihood that a government can concert public behavior during matters of concern. Further, a culture’s ability to preserve its institutions cannot accurately be measured merely in numbers or the size of the institutions themselves. An institutional foundation may have countless members and cover a boundless area, yet remain susceptible to corruption. Thus, it is imperative to consider more than numbers and size, and instead focus on efficiency and productivity. Combating corruption is conditional to a prosperous institution and requires members to trust each other and retain loyalty to institutional principles. In an organization with high morale and confidence, it is taken for granted that it will make small sacrifices for the sake of the institutional foundation.

II. STUDYING CORRUPTION: HISTORICAL AND PHILOSOPHICAL BACKGROUND

Corruption is a persistent and practically ubiquitous aspect of political society; it is unlikely that any reforms will ever eliminate it completely. Wherever men compete for valuable but limited commodities, whether they are licenses to operate taxicabs, franchises to sell goods to the government, or freedom to operate a numbers game, there will be a temptation to secure these commodities through corrupt inducements if other efforts fail.


37. Id. at 7.
38. Id.
39. Id. at 8–9.
40. Id. at 88–89.
When Gardiner described corruption as “persistent and practically ubiquitous,” his statements were met with great agreement. For example, Edward Banfield said corruption results from the intersection of human nature and the opportunity that presents itself within government. Fleck and Kuzmics argue corruption, as a phenomenon, can be found in all sufficiently complex societies.

The ancient nature of corruption is demonstrated by an approximately 2400 year old Indian text, the *Arthashastra*. It mentions the predictability of corruption and the need to confine it:

Imported goods shall be sold in as many places as possible…[and] local merchants who bring in foreign goods by caravan or by water routes shall enjoy exemption from taxes, so that they can make a profit. The King shall protect trade routes from harassment by courtiers, state officials, thieves and frontier guards…[and] frontier officers shall make good what is lost…Just as it is impossible not to taste honey or poison that one may find at the tip of one’s tongue, so it is impossible for a government servant not to eat up at least a bit of the King’s revenue…And there are about forty ways of embezzlement by the government servant…

Rome and Greece were extensive and full of corruption. One scholar, MacMullen, even claims corruption caused the deterioration...
of the Roman Empire. Wilson argues that corruption even plagued Athenian democracy.

Newly democratized and developing countries stimulated attention on corruption in the early 1950s and 1960s. For instance, James Scott identified “recent speculations about corruption by social scientists are mostly centered in the growing body of literature devoted to the less developed nations.”

A. The Link Between Corruption and Legitimacy

When shifting from history to theory, the central theme shifts to the relation between corruption and legitimacy. In the first version of his survey, Heidenheimer asked “[t]o what extent does public knowledge of extensive corruption in the administration undermine the legitimacy of the regime?” He concluded there is an “obvious need for further research . . . .” No theory fully explains the link between corruption and legitimacy. However, the discourse on corruption between moralists and revisionists has long been a thoroughly debated topic. The debates center on value-laden versus value-neutral definitions of corruption.

While moralists consider corruption detrimental to society in every way, revisionists believe it should be studied objectively without a negative connotation. Moralists believe corruption arises from self-interest: “Its cause was seen as the gaining of positions of power and trust by evil and dishonest men. The solution was to ‘turn the

47. Id. at 5. See R AMSAY MACMULLEN, CORRUPTION AND THE DECLINE OF ROME 153 (1988).

48. Farrales, supra note 42, at 5. It should be noted that corruption was enough of a problem that an investigatory institution, the Council of Areopagus, reported corrupt behavior as one of its duties. R ONALD C. WILSON, ANCIENT REPUBLICANISM: ITS STRUGGLE FOR LIBERTY AGAINST CORRUPTION 9–13 (1989) (explaining Aristotle’s discussion of the Council of Areopagus in The Constitution of Athens).

49. Farrales, supra note 42, at 6.

50. See JAMES C. SCOTT, COMPARATIVE POLITICAL CORRUPTION 9 (1972).


52. Id.

rascals out.”

Revisionists, on the other hand, suggest corruption can fill socially needed functions, considering it to be a necessary evil. One Revisionist scholar claims bureaucratic corruption could, in some situations, actually promote efficiency. Revisionists sought a neutral, even clinical definition of corruption. This is exemplified in Professor Nathaniel Leff’s description:

Corruption is an extra-legal institution used by individuals or groups to gain influence over the actions of the bureaucracy. As such, the existence of corruption per se indicates only that these groups participate in the decision-making process to a greater extent than would otherwise be the case.

Professors David Bayley and Joseph Nye understood corruption was caused from the clash between diverse, contrasting systems. For example, corruption may result from new political foundations meeting traditional cultures or from economic growth overtaking legal development. Revisionists did not believe corrupt deeds were

55. See BANFIELD, *MORAL BASIS*, supra note 36. In his description of “Amoral Familism,” he writes: “[O]ne who follows the rule is without morality only in relation to persons outside the family—in relation to family members; he applies standards of right and wrong; . . . .” Id. at 83. The underlying message was clear: corruption, which resulted from a lack of moral behavior, held societies back from further development. So, in this kind of society, no one will further the interest of the group or community except as it is to his private advantage to do so. Id. at 83–84.
56. Id. at 302–03.
58. Farrales, supra note 42, at 7–8.
59. Id. at 15.
60. Id.
61. Id.
integrally destructive as a by-product of transformation and improvement.62

Some legal scholars and political scientists even argued that corruption could assist beneficial objectives.63 One scholar went so far as to say corruption may be useful and practical to the preservation of a political system, opining that it “may be the means of assimilating new groups into the political system by irregular means because the system has been unable to adapt sufficiently fast to provide legitimate and acceptable means for this purpose.”64

62. Id.

63. It is argued, for example, that “organized” corruption may perhaps have a positive impact in comparison to “disorganized” corruption. Andrei Shleifer & Robert W. Vishny, Corruption, 108 Q. J. ECON. 599, 604–11 (1993) [hereinafter Shleifer & Vishny, Corruption] (explaining that such arguments have not completely disappeared).

64. Huntington, supra note 57, at 61; Farrales, supra note 42, at 15–16.

Still, anti-bribery law is not generally thought of in relation to the broader movement to hold corporations accountable for human rights violations, for two reasons. The first is an impoverished understanding of rights. While we may consider corruption to be a means of violating human rights, we do not generally regard it as an inherent rights violation. Secondly, we enforce, and regard, overseas corporate bribery as essentially an issue of white-collar crime.

See generally Andrew B. Spalding, Corruption, Corporations, and the New Human Right, 91 WASH. U. L. REV. 1365, 1368 (2014); Augustine Nwabuzor, Corruption and Development: New Initiatives in Economic Openness and Strengthened Rule of Law, 59 J. BUS. ETHICS 121, 121 (June 2005). Samuel Issacharoff argued that the corruption concern is really a concern with ensuring public—rather than private—outputs from the policy making process of government once in office, rather than when candidates stand for election. Samuel Issacharoff, On Political Corruption, 124 HARV. L. REV. 118, 121 (2010). The argument rests heavily on the idea that the threat to democratic governance may come from the emergence of a “clientelist” relation between elected officials and those who seek to profit by relations to the state. Id. This reorientation toward corruption in the outputs of policy making suggests effective solutions to address the financial vulnerabilities of democracy compatible with the Court’s strong constitutional stance in Citizens United. Id. Specifically, the focus is on mechanisms to empower democratic participation in two ways, one by inducement, one by prohibition. Id. Counterintuitively, the inducement looks to increasing the amount of contributions to campaigns to alleviate some of the concerns over political corruption, while the prohibition seeks to bar those in a position to distort public policy—such as government contractors—from providing support to candidates’ campaigns. Id.
However, the revisionist view was challenged in the 1970s by a new generation of academics\textsuperscript{65} who argued corruption and rent-seeking behavior had a detrimental effect on political and economic improvement.\textsuperscript{66} This approach gained popularity amongst economists and political scientists who used transaction cost economics or principal-agent models.\textsuperscript{67}

\textbf{B. The 1990s}

Academic interest focusing on corruption surged following the end of the Cold War. Accordingly, this section expands on the underlying reasons. First, since 1980, pessimism about reducing, much less eliminating, corruption grew dramatically in the Third World.\textsuperscript{68} Endless undertakings to diminish corrupt practices commonly ended in

\textsuperscript{65} See, e.g., Anne O. Krueger, \textit{The Political Economy of the Rent-Seeking Society}, 64 AM. ECON. REV. 291, 291 (1974). Professor Rose-Ackerman’s extensive economic analysis of corruption approached the issue in this way: “Private individuals and firms who want favorable treatment may be willing to pay to obtain it. Payments are corrupt if they are illegally made to public agents with the goal of obtaining a benefit or avoiding a cost.” \textit{Susan Rose-Ackerman, Corruption and Government: Causes, Consequences, and Reform} 9 (1999) (discussing bureaucratic corruption) [hereinafter \textit{Rose-Ackerman, Corruption and Government}].

\textsuperscript{66} On the other hand, Harvard Law Professor David Kennedy noted that “[c]orruption has become a code word for ‘rent-seeking’—using power to extract a higher price than that which would be possible in an arms-length or freely competitive bargain—and for practices which privilege locals.” David Kennedy, \textit{The International Anti-Corruption Campaign}, 14 CONN. J. INT’L. L. REV. 455, 460 (1999).

\textsuperscript{67} Id. Rent-seeking behavior may emerge from two extremes, assuming their availability. The first is the high intrusion of the government by means of limitations, laws and regulations, like imposing various trade restrictions on the importation, such as import quotas, where a person who wants to evade these constraints to get the deal through, would possibly resort to bribe the public officials. See Paolo Mauro, \textit{Corruption: Causes, Consequences, and Agenda for Further Research}, 35 IMF FIN. & DEV. 11 (1998). On the other hand, the absence of the government interference in the natural resource endowments, like in the case of oil, petrol, and gas extraction, which is very costly while their market price is pretty low. Id. This case presents the official who regulates the extraction rights with the opportunity to make excessive profits by taking illicit inducements. Id.; see also Johann G. Lambsdorff, \textit{Corruption and Rent-Seeking}, 113 PUB. CHOICE 98 (2002).

\textsuperscript{68} See Farrales, supra note 42, at 8.
enormous failure. In Indonesia, for example, even though President Habibie promised to indict and prosecute the Suharto family for their misuse of power and participation in corrupt crimes, all charges were eventually dropped. Similar stories have played out many times in Africa and Latin America.

Second, following the collapse of the Soviet Union, the subsequent democratization and economic improvement provided fertile ground for corruption in Eastern Europe, allowing opportunistic politicians and tycoons to take unfair advantages in new markets. Existing organized crime, improper economic reform, poorly defined private property rights, and a predatory tax system all contributed towards corruption.

Third, global unease about the impact of corruption on development intensified. World Bank President Wolfensohn’s “Cancer of Corruption” speech in 1996 marked a turning point. Before 1996, both the World Bank and the International Monetary Fund (“IMF”) were concerned about corruption but largely avoided addressing it directly. Professor Ackerman remarked:

It was fascinating to work on a topic—corruption—that the Bank had treated with indirection in the past. I began to collect euphemisms. People told me that when a review of a program mentioned

69. Id. at 8–9.
70. Id. at 9.
71. Id.
73. See Farrales, supra note 42, at 9; Shleifer & Vishny, supra note 72, at 154.
75. See Farrales, supra note 42, at 10; Federico Varese, The Transition to the Market and Corruption in Post-Socialist Russia, 45 POL. STU. 579, 580–81 (1997).
76. Farrales, supra note 42, at 10.
77. Id.
“governance problems,” “unexplained cost overruns,” or “excessive purchase of vehicles,” this meant that corruption and simple theft were a problem.78

In the same vein, Wolfensohn stated “corruption was ‘one of the greatest inhibiting forces to equitable development and to the combating of poverty,’ . . . .”79 Afterwards, the World Bank, the IMF, and other international organizations explored the causes and consequences of corruption, aiming to promote development.80 Numerous cross-national scholarly studies linked corruption to poor growth, indicating corruption inhibits investment levels, thereby slowing economic progress.81 These early outcomes are supported by successive studies endorsing that corruption has a harmful influence on Foreign Direct Investment (“FDI”).82

Fourth, the 1990s saw developed countries suffering from major corruption scandals. The U.S. witnessed the Whitewater scandal and lobbying practices by political action committees spurred debate over campaign finance reform.83 Additionally, the exposure of extensive corruption and fraud in Italy seriously eroded its political legitimacy.84

78. Rose-Ackerman, Corruption and Government, supra note 65, at xvii.
80. Farrales, supra note 42, at 10.
81. Id.; see Varese, supra note 75, at 579–80.

Ending a six-year investigation that has shadowed the Clinton White House, independent counsel Robert W. Ray reported … that he had found “insufficient” evidence to charge the president or his wife with criminal
Although corruption studies—including on endemic corruption, party corruption, and transnational corruption—receive as much attention as ever, the specific issues that concerned scholars in the 1950s and 1960s are not the focus of most studies over the last two decades.85

C. The Definition of Corruption in the Legal Doctrine

If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to control the governed, and in the next place, oblige it to control itself.86

Various academic disciplines have studied corruption, including economics, law, political science, sociology, business, and international trade.87 While these studies require a precise definition, wrongdoing in the tangled financial dealings surrounding their 1980s Whitewater real estate venture.

Robert Jackson & Eric Lichtblau, Whitewater Case Ends; Clintons Not Charged, L.A. TIMES (Sept. 21, 2000, 12:00 AM), https://www.latimes.com/archives/la-xpm-2000-sep-21-mm-24436-story.html. It should be noted that the White Water scandal involved allegations of financial irregularities and misconduct related to the Clintons’ investment in the Whitewater Development Corporation, a real estate venture in Arkansas. The scandal led to a series of investigations, including those by Independent Counsels Robert Fiske and Kenneth Starr. While no conclusive evidence of criminal wrongdoing was found, the scandal had a significant impact on public perception and political discourse during Bill Clinton’s presidency. It remains a notable chapter in American political history, shaping the legacy of the Clintons and influencing public trust in government institutions.


86. THE FEDERALIST NO. 51 (James Madison).

“corruption” isn’t explicitly defined in most criminal codes—where, typically, it’s established by narrow offenses like category of bribery or embezzlement.88

No established definition of corruption captures the context in which it occurs or the perspectives of the different disciplines it affects.89 Because an all-purpose definition should account for its


The Egyptian criminal doctrine defines corruption as the “misuse of public office or power for private gain or misuse of private power in relation to business outside the realm of government.” In comparison, bribery is the offering, promise, giving, demanding, or acceptance of an advantage as an inducement for an illegal or unethical action or a breach of trust . . . Corruption offenses are principally set out in the Egyptian Penal Code, which defines bribery . . . as “a grave criminal offense falling under the category of crimes against the civil service, trust, and public interest and considered as a serious crime . . . especially when it involves a government employee.


Given that corruption was one of the primary reasons that pushed the Egyptian masses to rally in 2011, it is important to look at its current status to see whether the levels of corruption have increased, decreased or remained the same since […] the current status of corruption in Egypt according to different national and international perception indices. In an attempt to explain why corruption remains prevalent in Egypt, it looks at the different anticorruption efforts accomplished by the state and non-governmental organizations after 2011.


89. See Farrales, *supra* note 42, at 13–27. See Mohamed ‘Arafa, *Corruption and Bribery in Islamic Law: Are Islamic Ideals Being Met in Practice?*, 18 GOLDEN GATE UNIV. ANN. SURVEY INT’L. & COMP. L. 171, 171–72 (2012) for further details on the comparative perspective on corruption within Islamic law. In discussing the Islamic legal description on corruption, ‘Arafa concludes that like positive criminal laws, bribery and corruption are taboo in *Sharie’a* law because they are considered grave criminal offenses and a great sin. However, Muslim nations have been deficient in addressing the issue in their national laws because Islam relies so heavily on “moral development within the individual to strengthen resolve and
multifaceted and complex nature, finding an agreed-upon definition is inherently difficult. Therefore, the definition of corruption instead depends entirely upon the context in which it exists, and the perspectives and purposes of those attempting to define it.\textsuperscript{90}

Black’s Law Dictionary defines “corruption” as “an act carried out with an intent of giving some advantage inconsistent with official duty or the rights of others; a fiduciary’s official’s use of a station or office to procure some benefit either personally or for someone else, contrary to the rights of others.”\textsuperscript{91} Elsewhere, it is defined in other ways, “and the term has described everything from blatant acts of bribery to the use of political power to advance one party or faction’s agenda.”\textsuperscript{92} First, there was a divide between the moralists and the revisionists. Second, public office as well as market and public interest-centered definitions emerged. Finally, the public office approach became prevalent beginning in the 1980s.

1. Public Office, Market, and Public Interest-Centered Concepts

The debate on the nature of corruption persisted through the 1960s.\textsuperscript{93} During this time, Arnold Heidenheimer’s influential typology established three distinct categories on corruption: (1) public-office centered, (2) market-centered, and (3) public interest-centered corruption.\textsuperscript{94}

\begin{itemize}
  \item \textsuperscript{90} Farrales, \textit{supra} note 42, at 32–33.
  \item \textsuperscript{91} \textit{Corruption}, BLACK’S LAW DICTIONARY (11th ed. 2019).
  \item \textsuperscript{93} Farrales, \textit{supra} note 42, at 16.
  \item \textsuperscript{94} \textit{Id.}
\end{itemize}
a. Public Office-Centered Corruption

Amongst the various definitions, McMullan’s and Bayley’s stand out as a useful example of public office-centered corruption. The focal feature of their definition is that corruption encompasses the misuse of public office or power in exchange for private gain. It should be noted that a public official is corrupt if he accepts money or money’s worth for doing something that he is under a duty to do anyway, that he is under duty not to do, or to exercise a legitimate discretion for improper reasons. Further, corruption, while being tied particularly to the act of bribery, is a general term covering misuse of authority as a result of considerations of personal gain, which need not be monetary.

Of the various public office-centered descriptions, perhaps the best-known and most detailed is Professor Joseph Nye’s classic definition:

Corruption is behavior which deviates from the formal duties of a public role because of private-regarding (personal, close family, private clique) pecuniary or status gains; or violates rules against the exercise of certain types of private-regarding influence. This includes such behavior as bribery (use of a reward to pervert the judgment of a person in a position of trust); nepotism (bestowal of patronage by reason of ascriptive relationship rather than merit); and misappropriation (illegal appropriation of public resources for private-regarding uses).

While Nye’s definition does not encompass acts by elected politicians and appointed bureaucrats, it shows the recipient of a bribe can distribute the benefit; thus, it expands on McMullan’s and Bayley’s

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95. Id. 
98. Nye, supra note 57, at 419. 
99. Farrales, supra note 42, at 18.
definitions to include wealth and status.\textsuperscript{100} By including status, it includes the motivation to remain in office.\textsuperscript{101}

However, Nye’s definition is limited because it excludes private party actions that do not necessarily violate the law.\textsuperscript{102} Although it includes nepotism, it does not include ethnic or clan favoritism.\textsuperscript{103} Further, in the revisionist’s perspective, not all bribes should be considered corruption.\textsuperscript{104}

An alternative definition that addresses these gaps is provided by Shleifer and Vishny.\textsuperscript{105} Though lacking Nye’s precision, they define corruption as “[t]he sale by government officials of government property for personal gain.”\textsuperscript{106}

\textit{b. Market-Centered Corruption}

A market-centered definition, as described by Jacob Van Klaveren and Robert O. Tilman, is

A corrupt civil servant regards his public office as a business, the income of which he will . . . seek to maximize. The office then

\begin{itemize}
\item \textsuperscript{100} \textit{Id.} at 17.
\item \textsuperscript{101} \textit{Id.} “In a society of amoral familists, only officials will concern themselves with public affairs, for only they are paid to do so.” \textsc{Banfield, Moral Basis}, supra note 36, at 85. For a private citizen—that they will not take responsibility in public affairs—to take a serious interest in a public issue will be viewed as irregular and even inappropriate. \textit{Id.}
\item \textsuperscript{102} Farrales, supra note 42, at 17–18. \textsc{See \textit{Robert Williams, Political Corruption in Africa}} 17 (1987) (“Nye’s definition excludes the activities of powerful lobbyists and interest groups unless they seek to accomplish their ends through bribery or otherwise violate rules governing the discharge of public duties.”).
\item \textsuperscript{103} \textsc{See \textit{Farrales, supra} note 42, at 18; \textit{William\textsc{s, supra} note 102, at 16.}}\textsuperscript{104}
\item \textsuperscript{104} Farrales, supra note 42, at 18; \textsc{George Economakis et al., Patterns of Corruption}, 13 J. Econ. & Bus. 11, 15 (2010).
\item \textsuperscript{105} Farrales, supra note 42, at 18. \textsc{See \textit{Shleifer & Vishny, Corruption, supra} note 63, at 599.}
\item \textsuperscript{106} “An interesting conclusion reached by Shleifer and Vishny is that Competition among businesses may lead to the spread of corruption, and that competition among government officials for certain positions may also increase the prevalence of corruption.” Farrales, supra note 42, at 18 n.15 (discussing Shleifer & Vishny, Corruption, supra note 63).
\end{itemize}
becomes a ‘maximizing unit.’ The size of his income depends . . .
upon the market situation and his talents for finding the point of
maximal gain on the public’s demand curve.107 Corruption . . .
involves a shift from a mandatory pricing model to a free-market
model . . . . When this happens, bureaucracy ceases to be patterned
after the mandatory market and takes on characteristics of the free
market.108

The market-centered definitions emphasize the context of
corruption—focusing on how, when, why, and to what extent it can
be established, rather than providing a per se definition.109 Although
accounting for market incentives into their understanding, these
scholars still lack the precision found in Nye’s work.110 As Michael
Johnston points out, “[i]t overlooks not only the intangible benefits
(prestige, promises of political support) that can flow from the abuse
of authority, but also varieties that are not quid pro quo exchanges,
such as embezzlement.”111 Thus, market-centered definitions may be
suitable for rent-seeking,112 but not for general application.113

107. HEIDENHEIMER, supra note 51, at 5.
108. See Robert O. Tilman, Emergence of Black-Market Bureaucracy: Admin-
110. Id.
111. Id. See Michael Johnston, The Definitions Debate: Old Conflicts in New
Guises, in THE POLITICAL ECONOMY OF CORRUPTION 11, 19 (Arvind K. Jain eds.,
2001).
112. Farrales, supra note 42, at 19; see Krueger, supra note 65, at 291. For
instance, the U.S. government-imposed trade constraints on the import of Japanese
cars, which resulted in the intensification of demands on U.S. cars, and hence the
increase in their price. That is how U.S. cars occupy an economic rent, which creates
the difference between the price of domestic cars and that of the cheaper but una-
vailable Japanese alternative. See, e.g., David Lawder & Jeff Mason, U.S., Japan
Sign Limited Trade Deal, Leaving Autos for Future Talks, YAHOO! FINANCE
opens-markets-175035755.html; Amira Mohamed Emara, The Impact of Corruption
on Human Development in Egypt, 10 ASIAN ECON. & FIN. REV. 574 (2020).
113. Particularly, this definition may be appropriate for transition or post-
transition systems. Farrales, supra note 42, at 19 n.16.
c. Public Interest-Centered Corruption

In contrast to classifications based on public office or market, definitions centered on public interest emphasize that corruption favors private interests over the public interest. Heidenheimer cites these concepts:

A corrupt act violates responsibility toward at least one system of public or civic order and is in fact incompatible with (destructive of) any such system. A system of public or civic order exalts common interest over special interest; violations of the common interest for special advantage are corrupt.

The pattern of corruption can be said to exist whenever a power holder who is charged with doing certain things, i.e., who is a responsible functionary or officeholder, is by monetary or other rewards not legally provided for, induced to take actions which favor whoever provides the rewards and thereby does damage to the public and its interests.

Although the definitions presented in this text might seem to have a moralistic stance due to their strong emphasis on the negative impact of corruption on the public interest, the authors do not view themselves as moralists. One of the major critiques of this view is that defining

114. Id. at 20.
117. When it comes to the treatment of corruption by law, however, corruption is a troubled concept. With increasing recognition of the costs of corruption for economic development, democratic governance, international aid programs, and other world goals, attempts to articulate what this destructive force is have led to an avalanche of theoretical writing. In the last fifteen years, corruption has been variously defined as the violation of law, a public servant’s breach of public duty, an agent’s betrayal of a principal’s interests, the pursuit of secrecy, the denial of equality in political influence, and other ways. In the end, however, all of these efforts fall short. Corruption is more than law-breaking; it is more than breaching public duties. To say that A is a thief or that A has breached his duty is not to say

https://scholarlycommons.law.cwsl.edu/cwilj/vol54/iss2/2
the public interest, and even defining the public itself, is a fraught enterprise. Additionally, the public-interest centered definition may blur the distinction between corruption and its consequences by focusing too heavily on the impact of corruption rather than defining the corruption itself. As Friedrich points out, removing the emphasis on consequences would likely result in a public office-centered definition of corruption.

Nevertheless, there are some advantages to using a public interest-centered definition of corruption. For example, such a definition acknowledges some corrupt acts have greater consequences than others. This may capture the somewhat humorous distinction between “graft” and “honest graft.”

that A is corrupt. The latter is far more powerful, far more emotional, far more essential than the others. It is more than secrecy, or the denial of equal opportunity.


118. Farrales, supra note 42, at 20. “Further, since corruption is cross-systemic, cross-temporal, and cross-cultural in nature, the ‘public interest,’ even if it can be identified, may change from time to time and from place to place.” Id. at 20–21.

119. Id. at 21.

120. Id.

121. Id.

122. Farrales, supra note 42, at 21. In a famous speech—as recorded in Riordan, 1994—Democratic Senator George Washington Plunkitt (Tammany Hall) once said:

There’s an honest graft, and I’m example of how it works. I might sum up the whole thing by sayin’: ‘I seen my opportunities and I took ‘em.’ Just let me explain by examples. My party’s in power in the city and it’s goin’ to undertake a lot of public improvements. Well, I’m tipped off, say, that they’re going to lay out a new park at a certain place. I see my opportunity and I take it. I go to that place and I buy up all the land I can in the neighborhood. Then the board of this or that makes its plan public and there is a rush to get that land which nobody cared particular for efore. Ain’t it perfectly honest to charge a good profit and make a profit on my investment and foresight? Of course, it is. Well, that’s honest graft...

Id. at 21 n.17.
Ultimately, public interest-centered definitions serve as a useful tool for differentiating individualized from broader systemic corruption. Additionally, it distinguishes between corrupt acts committed by officials of different ranks, acknowledging that the higher the rank of the corrupt official, the greater the impact on the public interest.

d. Determination of Abuse of Office: Public Opinion vs. Law

The topic of how to define “abuse of public office” is a matter of debate between supporters of public opinion and legalistic definitions. Those who support public opinion definitions believe that norms and public opinion should be used to define corruption because different societies have different definitions of corruption, and these definitions often change over time.

Wertheim provides an example of public opinion definitions, emphasizing specific social and cultural environments:

According to the common usage of the term ‘corruption’ of officials, we call corrupt a public servant who accepts gifts bestowed by a private person with the object of inducing him to give special consideration to the interests of the donor. Sometimes also the act of offering such gifts or other tempting favours is implied in the concept. Extortion, i.e., demanding of such gifts or favours in the execution of public duties, too, may be regarded as ‘corruption.’ Indeed, the term is sometimes also applied to officials who use the public funds they administer for their own benefit; who, in other words, are guilty of embezzlement at the expense of the public body.

123. Id. at 21.
124. Id. at 22; see Johnston, supra note 111, at 20–21.
125. Farrales, supra note 42, at 22.
126. Id.
127. Id. at 22–23. See generally Oskar Kurer, Corruption: An Alternative Approach to its Definition and Measurement, 53 Pol. Stud. 222 (2005) (discussing how the impartiality principle provides a starting point for the discussion of both corruption in ‘traditional’ societies and contemporary political corruption and leads to a significant enrichment of the concept of corruption).
Wertheim’s definition is consistent with that of a sociologist explaining corruption as “breaking the rules of conduct in public affairs for private gain.” Although incorporating norms in the definition of corruption has its merits, it also has some drawbacks. The wide variability of norms across time and space means that defining corruption on their basis will result in a constantly changing and ambiguous definition that is of little use to scholars. In contrast to public opinion, some jurists have preferred describing corruption in purely legalistic terms such as a government official who breaks the law to benefit a private interest.

128. Farrales, supra note 42, at 23; see, e.g., SYED HUSSEIN ALATAS, THE SOCIOLOGY OF CORRUPTION: THE NATURE, FUNCTION, CAUSES, AND PREVENTION OF CORRUPTION (1968); SYED HUSSEIN ALATAS, CORRUPTION: ITS NATURE, CAUSES, AND FUNCTIONS (1990). Sociologist Robert Neild has presented a brief concept, which still illustrates the role of public opinion. He defines corruption as “The breaking by public persons, for the sake of private financial or political gain, of the rules of conduct in public affairs prevailing in a society in the period under consideration.” ROBERT NEILD, PUBLIC CORRUPTION: THE DARK SIDE OF SOCIAL EVOLUTION 6 (2002); Farrales, supra note 42, at 23. See, e.g., George D. Brown, The Gratuities Offense and the RICO Approach to Independent Counsel Jurisdiction, 86 GEO. L. J. 2045, 2051 (1998) (“Bribes are an example, perhaps the quintessential example, of political corruption.”).

129. Farrales, supra note 42, at 23.

130. See id. at 23.

131. Id. When officials have not breached any law, or when no law exists to regulate questionable conduct, then corruption has not occurred. Id. For example, Andreski defines corruption as “the practice of using the power of office for making private gain in breach of laws and regulations nominally in force.” See STANISLAV ANDRESKI, THE AFRICAN PREDICAMENT: A STUDY IN THE PATHOLOGY OF MODERNIZATION 92 (1968). Similarly, Theobald defines corruption as “the illegal use of public office for private gain.” See ROBIN THEOBALD, CORRUPTION, DEVELOPMENT, AND UNDERDEVELOPMENT 161 (1990). See, e.g., Daniel Hays Lowenstein, Political Bribery and the Intermediate Theory of Politics, 32 UCLA L. REV. 784, 786 (1985); see also Tevfik F. Nas et al., A Policy-Oriented Theory of Corruption, 80 AM. POL. SCI. REV. 107 (1986) (“There remains a need for an internally consistent theoretical model and an analytical definition [of corruption] which would lead to important policy considerations.”).

The act of bribery, whether foreign or domestic, not only undermines the practice of good governance but also delegitimizes government institutions themselves. Federal bribery laws were traditionally designed and interpreted to address both of these concerns, evolving into powerful tools of public accountability. But the Supreme Court has restricted the
Most corruption scholars agree that both law and public opinion should be factored into a definition of corruption.\(^{132}\) Recent supporters of legalistic definitions, such as Vito Tanzi, take account of public norms and opinion instead of strict adherence to legal terms.\(^{133}\) Heidenheimer’s classic typology of “black, white, and gray” corruption also endorses such ideas.\(^{134}\) According to Heidenheimer, “black” corruption occurs when both the law and public opinion find an act to be corrupt.\(^{135}\) On the other hand, “white” corruption neither violates the law nor goes against public opinion.\(^{136}\) “Gray” corruption is the middle ground, which either violates a law or opposes public opinion.\(^{137}\)

interpretation of federal bribery laws in ways that have weakened the domestic antibribery regime.


132. Farrales, supra note 42, at 24. In this domain, Rick Stapenhurst and Shahrzad Sedigh describe corruption as

[T]he abuse of power, most often for personal gain or for the benefit of a group to which one owes allegiance. It can be motivated by greed, by the desire to retain or increase one’s power, or, perversely enough, by the belief in a supposed greater good. And while the term ‘corruption’ is most often applied to abuse of public power by politicians or civil servants, it describes a pattern of behavior that can be found in virtually every sphere of life.


134. Farrales, supra note 42, at 24.

135. Id.; see HEIDENHEIMER, supra note 51, at 26–27.

136. Farrales, supra note 42, at 24; see HEIDENHEIMER, supra note 51, at 27.

137. Farrales, supra note 42, at 24; see HEIDENHEIMER, supra note 51, at 27.
D. Civil and Criminal Corruption: Public Corruption

As economist Arvind Jain points out, “[d]espite many different definitions by different people, there is surprising convergence on a minimally agreed upon definition.” One of the most used descriptions is a summarized version of Nye’s typical definition, “the misuse of public office for private gain.” This convergence debate occurred partly because the definition of “public office” has become the “least common denominator” that scholars can agree upon. While it may not fully satisfy all corruption scholars, the definition naturally serves as a basis for their work. For example, in Szeftel’s study of corruption in Zambia, he essentially employed the public office definition.

By the 1980s, nearly all corruption scholars adopted some version of Nye’s definition. Thus, it was an easy leap to consider the public

138. Farrales, supra note 42, at 24–25 (arguing that Public office-centered definitions are the most popular); see Arvind K. Jain, Power, Politics, and Corruption, in THE POLITICAL ECONOMY OF CORRUPTION, at 3.
139. Farrales, supra note 42, at 25. A closely identical concept of corruption, “the abuse of public office for private gain,” is also widely used. Id. at 25 n.20.
140. Id. at 25.
141. Id. at 25–26.
142. Id. at 26; see, e.g., Morris Szeftel, Political Graft and the Spoils System in Zambia: The State as a Resource Itself, REV. AFR. POL. ECON. MayAug. 1982, at 4. By the same token, although Clarke centers only on bureaucratic corruption, “his definition also ends up sounding a lot like Nye’s: ‘Corruption is the abuse of bureaucratic or political office for personal or factional gain.’” Farrales, supra note 42, at 26. See generally Michael Clarke, Corruption: Causes, Consequences, and Control (1983). Many other scholars have also adopted the public office definition. Farrales, supra note 42, at 26; see, e.g., Johann Graf Lambsdorff, Corruption in Comparative Perception, in ECONOMICS OF CORRUPTION 81 (Arvind K. Jain eds., 1998); Alan Doig & Robin Theobald, Introduction: Why Corruption, in CORRUPTION AND DEMOCRATIZATION 3 (Alan Doig & Robin Theobald eds., 2000). A small number of intellectuals have taken the opposing approach by joining more than one of the different recommended definitions. Farrales, supra note 42, at 26 n.22. For example, Acham says that corruption “is an action which deviates from the normative expectations of the whole society and is combined with personal gains to the detriment of the public.” Id.; Hartmut Schweitzer, Corruption—Its Spread and Decline, in THE NEW INSTITUTIONAL ECONOMICS OF CORRUPTION 16 (Johann G. Lambsdorff et al. eds., 2005).
143. Farrales, supra note 42, at 26–27. For example, while Professor Rose-Ackerman describes corruption in terms of bribery in her Scholarly book “Corruption: Study in Political Economy,” she explicitly states that her definition
office definition a universal minimum. Furthermore, NGOs, such as the World Bank and TI, also contributed. By the late 1990s, they had \textit{de facto} adopted “misuse of public office for private gain” as their working definition. NGO definitions were influential because they were responsible for the growth in corruption studies. Consequently, the public office definition has become a universal minimum in the field of corruption studies.

In criminal law, the key classical form of conventional corruption is bribery. In his book, \textit{Bribes}, Judge Noonan defined bribery as should be compared to Nye’s. Id. Similarly, in his classic text \textit{“Controlling Corruption,”} Robert Kligar adopts Nye’s definition. Id. In this regard, Becker showed that crime can be deterred when penalties for engaging in criminal acts—such as corruption—are increased so that they outweigh the benefits of the same act. Id. at 27 n.23; see Gary Becker, \textit{Crime and Punishment: An Economic Approach}, 76 J. POL. ECO. 169 (1968). Similarly, Banfield’s prospective is considered formative because it is based on using the three-actor model when studying corruption. Farrales, \textit{supra} note 42, at 27 n.23. According to Banfield, there are always three parties to any corrupt transaction: a principal, an agent, and a client. \textit{See id.;} Banfield, \textit{Corruption, supra} note 43, at 587.

144. Farrales, \textit{supra} note 42, at 27.

145. Id.

146. Id. A more neutral concept is that corruption is the “intentional non-compliance with the arm’s length principle aimed at deriving some advantage for oneself or for related individuals from this behavior.” \textit{See Vito Tanzi, Corruption: Arm’s Relationships and Markets, in} \textit{THE ECONOMICS OF ORGANISED CRIME} 161, 167 (Gianluca Fiorentini & Sam Peltzman eds., 1995).

147. The central front in the battle over campaign finance laws is the definition of corruption. The Supreme Court has allowed restrictions on giving and spending money in connection with elections only when they serve to avoid corruption or its appearance. The constitutionality of such laws, therefore, depends on how the Court defines corruption. Over the years, campaign finance cases have conceived of corruption in both broad and narrow terms, with the most recent cases defining it especially narrowly. While supporters and critics of campaign finance laws have argued for and against these different formulations, both sides have missed the more foundational issue: Should the Court define corruption at all? \textit{See generally Deborah Hellman, Defining Corruption and Constitutionalizing Democracy, 111 MICH. L. REV. 1385} (2012).

148. \textit{See George D. Brown, The Gratuities Offense and the RICO Approach to Independent Counsel Jurisdiction, 86 GEO. L. J. 2045, 2051} (1998) (“bribes are an example, perhaps the quintessential example, of political corruption.”).
“an inducement improperly influencing the performance of a public function meant to be gratuitously exercised.”149 Most definitions of corruption include bribery as the foremost paradigm of misconduct, but the concept has been expanded to encompass a broader range of behaviors.150 Professor Lowenstein coherently described the issue of making laws to prosecute corruption beyond bribery:

[T]he crime of bribery is the black core of a series of concentric circles representing the degrees of impropriety in official behavior. In this conception, a series of gray circles surround the bribery core, growing progressively lighter as they become more distant from the center, until they blend into the surrounding white area that represents perfectly proper and innocent conduct.151

Judge Noonan pointed out that bribery is one form of reciprocity, stating a “bribe is not distinguished from other ways of eliciting a benevolent response.”152 Furthermore, within the bribery offense, there is ambiguity about the link needed between the payment and the official act, as well as the intent of the offeror and public official for the transaction to fall under a criminal statute.153 Scholars outside the law, including public officials, have proposed several definitions of what may constitute a corrupt act; however, a single description of a corrupt act has not been adopted.154 According to Professor

149. NOONAN, supra note 2, at xi.
150. Hellman, supra note 147.
152. NOONAN, supra note 2, at 4. “It is important to distinguish bribes from gifts. In many instances, bribes can be disguised as gifts. A bribe implies reciprocity while a gift should not.” Tanzi, Corruption Around the World, supra note 7, at 565. In this domain, reciprocity is of two types, balanced (specific) refers to the concurrent exchange of items of equal value, and generalized (diffuse) refers to an enduring correlation of exchange that is at any given time unrequired or excessive, but that comprises common expectations that a benefit granted now should be repaid in the future. ROBERT D. PUTNAM ET AL., MAKING DEMOCRACY WORK: CIVIC TRADITIONS IN MODERN ITALY 172 (1993).
153. See Henning, supra note 92, at 793.
154. See Tevfik F. Nas et al., A Policy-Oriented Theory of Corruption, 80 AM. POL. SCI. Rev. 107, 107–08 (1986). There remains a need for an internally consistent theoretical model and an analytical definition (of corruption) which would lead to
Eisenstadt. “‘[p]olitical corruption means that a public official has perverted the office entrusted to his care, that he has broken a public trust for private gain.’”\textsuperscript{155}

The classifications presented by academics in other disciplines take a comprehensive view of what creates corruption; starting with bribery as the paradigmatic example of a corrupt transaction.\textsuperscript{156} Indirectly, the definitions assume a core form of conduct that is clearly illegitimate and hence corrupt \textit{per se}.\textsuperscript{157} It then suggests a broader explanation, beyond the narrow restraints of criminal law, which integrate wider social appearances of corruption.

Besides the difficulty in defining corruption, there are no consistent means of measuring its pervasiveness beyond general perceptions that a government is corrupt.\textsuperscript{158} Relying solely on rules that institute a criminal violation would not determine whether corruption is flourishing because the transgression is so problematic that conviction rates offer only a peek into the scope of the problem.\textsuperscript{159} Likewise,

\begin{itemize}
  \item \textsuperscript{155} See Henning, supra note 92, at 802–03; see also Abraham S. Eisenstadt, \textit{Political Corruption in American History}, in \textit{POLITICAL CORRUPTION: A HANDBOOK} 537, 538 (Arnold J. Heidenheimer et al. eds., 1989).
  \item \textsuperscript{156} Henning, supra note 92, at 803.
  \item \textsuperscript{157} Id.
  \item \textsuperscript{158} Id. “Empirical data concerning the incidence and consequences of these various segments of bribery and corruption are notoriously difficult to collect and validate. Generally speaking, only poor and typically impressionistic information is available.” See Duane Windsor & Kathleen A. Getz, \textit{Multilateral Co-operation to Combat Corruption: Normative Regimes Despite Mixed Motives and Diverse Values}, 33 Cornell Int’l L. J. 731, 750 (2000).
  \item \textsuperscript{159} Henning, supra note 92, at 803–04. “It should not be assumed, as it often has been, that all corruption controls further or even coincide with government efficiency and effectiveness, or that such measures actually reduce corruption.” FRANK ANECHARICO & JAMES B. JACOBS, \textit{THE PURSUIT OF ABSOLUTE INTEGRITY: HOW CORRUPTION CONTROL MAKES GOVERNMENT INEFFECTIVE} xii (1996). “Adding more ethics regulation actually may be counterproductive. It distracts both government officials and the public from the more general goal of protecting the public trust.” Kathleen Clark, \textit{Do We Have Enough Ethics in Government?: An Answer from Fiduciary Theory}, 1996 U. Ill. L. Rev. 57, 62 (1996). Miguel Schloss, the Executive Director of TI, offered a broad interpretation of bribery that covers a
\end{itemize}
corruption tends to be a victimless crime because a third-party to the violation may experience the effects of corruption but may not report it to public authorities. Consequently, public corruption is a difficult crime to investigate and successfully prosecute. According to analysts, under international law, nations should consider corrupt acts by public officials a crime because it would support the essential right to live in a community free from corruption.

variety of forms of corruption and governmental misconduct that fall outside the traditional definition of a bribe. Henning, supra note 92, at 796 n.16. Schloss notes, [It should be understood that bribery encompasses payoffs for a wide variety of illicit activities: (i) getting around licenses, permits, and signatures; (ii) acquiring monopolistic power through entry barriers to competitors; (iii) access to public goods, including legal or uneconomic awards of public procurement contracts; (iv) access to the use of public physical assets or their outright stripping and appropriation; (v) access to preferential financial assets, such as credit; (vi) illegal trade in goods banned for security or health considerations, such as drugs and nuclear materials; (vii) illicit financial transactions, such as money laundering and insider trading; (viii) influencing administrative or legislative actions; and (ix) influencing judicial decisions.

Miguel Schloss, Luncheon Address, 33 CORNELL INT’L. L. J. 469, 471 (2000). See generally Steven R. Salbu, A Delicate Balance: Legislation, Institutional Change, and Transnational Bribery, 33 CORNELL INT’L. L. J. 657 (2000) (arguing in favor of broader laws to reach forms of corruption that fall outside the paradigm of bribery, understanding the limitations of any criminal provision as a limited, but necessary, tool.) Salbu argues that criminal laws “serve a very limited role” in the fight against corruption. Id. at 681. “The point is a good one, but one should not infer that the criminal law must be ineffective because it has not stopped corruption. While the criminal law alone cannot end corruption, it provides the core method of attacking past instances of corruption.” Henning, supra note 92, at 796–97, n.16. See Laura Nyantung Beny, Do Insider Trading Laws Matter – Some Preliminary Comparative Evidence, 7 AM. L. & ECON. REV. 144 (2005) for further details on insider trading crimes.

161. Id. at 804. See, e.g., United States v. Schaffer, 183 F.3d 833, 843 (D.C. Cir. 1999), vacated as moot, 240 F.3d 35 (D.C. Cir. 2001); see also Barbara Crutchfield George & Kathleen A. Lacey, A Coalition of Industrialized Nations, Developing Nations, Multilateral Development Banks, and Non-Governmental Organizations: A Pivotal Complement to Current Anti-Corruption Initiatives, 33 CORNELL INT’L. L.J. 547, 551 (2000) (“Bribery assumes many forms and, due to its characteristically clandestine nature, it is often difficult to detect.”).

162. Henning, supra note 92, at 805. “If one sees indigenous spoliation as a violation of human rights, much like torture or slavery, then it becomes an interna-
The notion of corruption is quite vague and ambiguous. Efforts to implement new criminal laws to spot broader concerns about official delinquency should move beyond the pattern of bribery as the chief form of corruption. Instead, the question should focus on how to define corruption as a criminal offense that carries severe punishments. Criminal law must identify the elements of a crime clearly and concisely to put offenders on notice of what constitutes a violation and the penalties that will follow. The broader the scope of a law, the greater the prospect of arguably suitable conduct falling under it, which results in punishments for acts one is not ethically culpable.

Having discussed the doctrinal debate, and the convergence upon a minimal public office-centered notion of corruption, the next part discusses how social-legal specialists have differentiated various sorts of corruption. What sorts of corruption have come to lead the literature? The following section will show that corruption categories have largely been designed by the definitional debates.

III. FACES OF CORRUPTION

Corruption acts can be categorized into numerous classifications. Corruption can be bureaucratic (“petty”) or political (“grand”). This includes corruption by bureaucracy or leadership; cost-reducing

ational crime that circumvents state sovereignty.” See Brian C. Harms, Holding Public Officials Accountable in the International Realm: A New Multi-Layered Strategy to Combat Corruption, 33 CORNELL INT’L. L. J. 159, 189 (2000); see also Ndiva Kofele-Kale, The Right to a Corruption-Free Society as an Individual and Collective Human Right: Elevating Official Corruption to a Crime under International Law, 34 INT’L LAW. 149, 152 (2000). There is no doubt that bribery is the typical ideal of public corruption, but the matter is how far criminal law can be protracted to other cases of the misuse of official power for private gain. See generally Tanzi, Corruption Around the World, supra note 7; but see Daniel K. Tarullo et al., Political Corruption as an International Offense, 94 AM. SOC’Y INT’L. L. PROC. 56, 56 (2000) (“[T]he elimination of corruption, too, can be a violation of human rights, in particular the cultural rights of indigenous populations.”).

163. Tanzi, Corruption Around the World, supra note 7, at 565. “In some countries, the leadership has been somewhat indifferent to this problem. In an African country, a President refused to fire ministers widely reputed to be corrupt.” Id. at 576. “In an Asian country, a minister who was allegedly accused of corruption was simply moved to head another ministry.” Id. “In a Latin American country, a President who was planning to create an anti-corruption commission proposed to appoint as head of
(to the briber) or benefit-enhancing; briber- or bribee-initiated; coercive or collusive;\textsuperscript{164} centralized or decentralized; foreseeable or random; and comprising cash payments or not. Undoubtedly, other classifications could be added to this list.\textsuperscript{165}

In this regard, it is essential to distinguish between public-sector corruption and private-sector corruption. Private sector corruption is often divided into two distinct types: explicit, obviously illegal corruption and what could be defined as legal corruption.\textsuperscript{166}

\textsuperscript{164} Id. at 565. From the moral status perspective of receiving, the former situation occurs when the bribee himself/herself uses coercion against the briber. In contrast, the latter happens when the putative bribee is also the victim of the briber’s coercion.

\textsuperscript{165} Id. It should be noted that over the years, attention has mostly been directed toward public sector corruption. It should be noted that in the United States and other industrialized countries, corrupt activities within the private sector have started attracting some attention. See generally Richard Connors, \textit{In the Global Fight Against Corruption, Transnational Bribery is Still Winning}, 52 SETON HALL L. REV. 3 (2022) (discussing the current trends in enforcement and prosecution with the corruption jurisdiction, including a review of the United States’ enforcement processes). Margot, et al. Cleveland, \textit{Trends in the International Fight Against Bribery and Corruption}, 90 J. BUS. ETHICS (2009), 199–244 (examining the literature that argues that bribery is an immoral and unethical practice and that the economic harm it causes falls most heavily on those least able to absorb it, the main provisions of anti-bribery legislation including the Foreign Corrupt Practices Act (FCPA), along with a discussion of the “moral imperialism” argument for not imposing Western laws and values on other cultures and the roles played by NGOs including Transparency International (TI), the World Economic Forum (WEF), and the International Chamber of Commerce);

\textsuperscript{166} See Vito Tanzi, \textit{Corruption and Economic Activity}, 26 EGYPTIAN CTR. FOR ECON. STUD. (DISTINGUISHED LECTURE SERIES) 1, 5–6 (2006) [hereinafter Tanzi, \textit{Corruption and Economic Activity}]. Legal corruption can manifest itself in various ways. It can come through state capture where the state promotes the laws and regulations in favor of its activities. Id. at 6. This can be done completely through a legal framework of the state. Id.
A. Grand vs. Petty Corruption

Corruption carried out in accordance with the laws and regulations of a state is categorized into two types: state capture and administrative corruption. An important distinction within the public sector is between grand (political) corruption and bureaucratic (administrative) corruption. The former normally includes political leaders and senior public officials. It encompasses the operation of the government apparatus to attain outcomes that benefit certain leaders, their parties, followers, families, or similar groups. Grand corruption can form diverse practices, including passing laws and rules that help these leaders and their associates retain power and wealth. This form of state capture leads to queries about whether the rule of law is always respected and to what extent. In some circumstances, the

167. Id. at 6 (explaining the distinction between the bureaucratic corruption and the political corruption).

168. Id. In other words, the term “petty” corruption is usually reserved for administrative or lower-level bureaucratic corruption. However, if bureaucratic corruption is systematic or endemic, the aggregate impact is also substantial.

169. Id.

170. Id. Carlos Leite & Jens Weidmann, Does Mother Nature Corrupt? Natural Resources, Corruption, and Economic Growth (IMF, Working Paper No. 99/85, 1999) (arguing that natural resource abundance creates opportunities for rent-seeking behavior and is an important factor in determining a country’s level of corruption. It illustrates the interrelationships between natural resources, corruption, and economic growth, and discusses the potential anti-corruption policies). Moreover, high-ranking politicians (Presidents, ministers) regulate the rates resulting from the production and export of natural resources and valuable commodities. Tanzi, Corruption and Economic Activity, supra note 166, at 10. When the commodities are exported, it may be problematic to precisely control the payments. Id. These exports may be sold to foreign intermediaries at low market prices and then resold at higher prices. Id. The changes may end up in secret, foreign bank accounts of political leaders. Id. at 10–11. This is a typical example of grand corruption and is hard to control due to the democratic process and good systems of accounting and accountability. Id. at 11.

171. See Tanzi, Corruption and Economic Activity, supra note 166, at 37.

172. Id. at 7. In other words, state capture corruption happens when persons or groups in either public or private sectors (or both) pursue to gain an advantage through an illegal benefit to a public servant in order to influence the enactment of laws, policies, regulations, or decrees. Id. at 5. As a result, the state regulatory agency works for the advantage of a private interest over a common one. Id. at 6.
rule of law is valued, but the laws precisely intend to benefit specific persons.173

On the other hand, bureaucratic or administrative corruption174 is predominant in several countries.175 Government procedures and authorizations represent one of the chief components of this corrupt act.176 The more extensive the use of governmental routine in a country, the more major this kind of corruption.177 Based on the principal-agent relationship, public officers involved often invade this relationship.178 These workers use their discretionary power over specific decisions—comprising the time required to get a response to a request and whether a request will be accepted or not—to ask for bribes in the form of gifts or favors.179 This corruption is mutually beneficial to parties because of its occurrence, influence on individuals, and irritation to

One example is paying legislators kickbacks to enact a certain law that results in a monopoly on the ownership rights to a country’s oil resources. Id. at 19.

173. Id. at 6.

174. Id. For example, administrative corruption can takes the form of “grease money” and bribes to get a license or avoid sanction for minor infractions. Id. at 7–8. An example would be when a store owner pays a payoff to the local inspector to evade regular visits and potential fines. Id.


176. Tanzi, Corruption and Economic Activity, supra note 166, at 6.

177. Id. at 6–7. In this sense, democracy along with transparent and full accountability should reduce corrupt deeds and political corruption. Id. at 8–9. But at times, political processes are not transparent and lack integrity. Id. at 10–11. See generally William Dorotinsky & Shilpa Pradhan, Exploring Corruption in Public Financial Management, in THE MANY FACES OF CORRUPTION: TRACKING VULNERABILITIES AT THE SECTOR LEVEL 267 (Campos J. Edgardo & Sanjay Pradham eds., 2006).


private citizens. It may become the equivalent of bureaucratic chloroform that stifles economic activity and shrinks a country’s growth rate.

According to Ackerman, while the main goal behind bureaucratic corruption is always pecuniary gain, the inducement behind political corruption can either be a monetary gain or the real gain of remaining in office. Further, the effect of political corruption also diverges from the effect of bureaucratic corruption. Grand corruption often includes “a substantial expenditure of funds with a major impact on a government budget and growth prospects.” Whereas petty corruption contains routine government dealings, such as tax payments, permit allocation, or regulatory enforcement, where its impression is less significant.

Taxonomy is another type of corruption between “coercive” and “collusive” corruption. These type of corruptions depend on whether public officials force people to pay bribes or whether the two parties agree to a bribe in return for a favorable decision.

B. Other Types of Corruption in the Literature

Beyond the grand-petty distinction, a rising number of scholars distinguish between corruption in developed and developing

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180. Tanzi, Corruption and Economic Activity, supra note 166, at 7.
181. Id. See generally Martin J. Bull & James Newell, Corruption in Contemporary Politics 149 (2003) (classifying countries into case studies of “least corrupt,” e.g. Sweden, Netherlands, and United Kingdom, “sometimes corrupt,” e.g. Germany, United States, France, Belgium, and Japan, and “quite corrupt” countries, e.g. Spain, Greece, and Italy).
183. Id. at 29. See also Rose-Ackerman, Corruption and Government, supra note 65, at 27.
185. Tanzi, Corruption and Economic Activity, supra note 166, at 7. “This could include tax inspectors and taxpayers, regulators and the regulated, or the provider [and receiver] of a public service . . . .” Id.
A critical reason for such a comparison is that market structures are entirely diverse in developing communities; classical philosophies of authority sometimes clash with new forms of public office; and the economic alteration in developing societies leads to changing enticements for opportunistic conduct.

Other attempts at distinction “have focused on the frequency of occurrence or degree of impact.” One scholar discussed the difference between routine and aggravated corruption. Routine corruption involves nepotism, gift-giving, and favoritism. Aggravated corruption involves bribery, kickbacks, complicity in crimes, and vote-buying. These attempts echo prior arguments for public-interested-centered definitions.

C. Factors Contributing to Corruption (Roots of Corruption)

It is generally well-known that corruption is associated with the state’s activities, especially those involving monopoly and its discretionary power. As Gary Backer reported, “[I]f we abolish the state, we abolish corruption.” Numerous factors contribute directly or indirectly to a climate of corruption. Specific aspects of governmental

188. Id. (emphasis original).
189. Id. See HEIDENHEIMER, supra note 51, at 23–25.
192. Tanzi, Corruption Around the World, supra note 7, at 565–66. “But of course, quite apart from the fact that corruption can exist in the private sector, a civilized society cannot function without a state, and in modern, advanced [communities], the state must have [several] functions.” Id. at 566.
actions may pave the ground for corruption. Examining these aspects may help identify measures or policies that can reduce corruption. The following subsections delve into this issue in more detail.

1. Administrative Instructions (Regulations and Authorizations)

In several countries, particularly developing ones, the State’s role is often carried out by using frequent rules and regulations. Regulations, licenses, permits, and authorizations are some of the several tools a government may use for tracking economic purposes. These tools might give some government officials monopoly rule over certain activities, including the power to approve or deny particular requests or sit on a decision for months. Therefore, officials may use their public authority to extract bribes or illicit payments from those who require the authorizations.

It is easy to see how this kind of corruption can increase the cost of business undertakings for specific individuals, distort competition, depress new investments, and even allow for illicit activities that can levy high costs on society. Two features related to regulations and authorizations require special care: discretion and complexity. Discretion is one of the most influential themes contributing to corruption. The less discretion given to public employers enforcing regulations, the less likely corruption is to occur. However, discretion should not be entirely abolished when regulations are complex.

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193. Id. Such requests, for example, may involve getting a passport for foreign travel, a permit to build a house or to obtain foreign exchange, engaging in foreign trade or credit from the bank, and so on. Id.

194. Id.

195. Id. at 566–67. Accordingly, the more discretionary power public employers have in decision making, the more authority they gain and, with the lack of strict controls on them, the greater corruption occurs.

196. Tanzi, Corruption and Economic Activity, supra note 166, at 8. Some economists have claimed that this kind of corruption can be eradicated by setting up numerous offices, but many offices may be costly. Tanzi, Corruption Around the World, supra note 7, at 567 n.17. This would eradicate the monopoly power from the bureaucrats. Id. at 566–67.

197. Tanzi, Corruption and Economic Activity, supra note 166, at 9.

198. Id.
because options must be left to public officials. Examining transparency in rules and systems should be a vital goal to avoid discretion being used in ways to incentivize wrongful conduct. Another aspect is the contact rate between officials and citizens. Regular contact fosters familiarity because it requires an enormous amount of time spent by the citizens to obtain permits and interact with public officials. Moreover, familiarity tends to endorse exchanges of favors and corrupt behavior.

2. Financing of Political Parties (Political Donations)

When public money is not accessible for political parties, massive pressure builds up to create funds. The recent controversy about

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199. Id.
200. Id.
201. Id.; Tanzi, Corruption Around the World, supra note 7, at 567.
203. Tanzi, Corruption and Economic Activity, supra note 166, at 9. When, indefinite activities such as tax gathering, the communication between citizens and public administrators becomes frequent, corruption escalates. Id.
204. Tanzi, Corruption Around the World, supra note 7, at 570–71. The central front in the battle over campaign finance laws in the United States is the definition of corruption. Peter Berkowitz, and Benjamin Wittes, The Lawfulness of the Election Decision: A Reply to Professor Tribe, 49 VILLANOVA L. REV. 3 (2004); Nelson Lund, “The Unbearable Rightness of Bush v. Gore, 23 CARDOZO L. REV. 4 (2001) 1221. The Supreme Court of the United States has allowed restrictions on giving and spending money in connection with elections only when it serves to avoid corruption or the appearance of corruption. Bush v. Gore, 531 U.S. 98 (2000) (discussing landmark decision of the United States Supreme Court on December 12, 2000, that settled a recount dispute in Florida’s 2000 presidential election between George W. Bush and Al Gore) (“The petition presents the following questions: whether the Florida Supreme Court established new standards for resolving Presidential election contests, thereby violating Art. II, § 1, cl. 2, of the United States Constitution and failing to comply with 3 U. S. C. § 5, and whether the use of standardless manual recounts violates the Equal Protection and Due Process clauses.”). The constitutionality of such laws, therefore, depends on how the Supreme Court defines corruption. Id. Over the years, campaign finance cases have conceived of corruption in both broad and narrow terms, with the most recent cases defining it especially narrowly. Bush v. Palm Beach County Canvassing Board, 531 U.S. 70 (2000); Lemons v. Bradbury, 538 F.3d 1098 (9th Cir. 2008); Stewart v. Blackwell, 444 F.3d 843 (6th Cir. 2006), Bennett v. Mollis, 590 F. Supp. 2d 273 (D.R.I. 2008). While supporters and critics of campaign finance laws have argued for and against these different formulations, both sides have missed the
political donations in the U.S. is a model of this problem. Professor Ackerman states, “Democracy gives citizens a role in choosing their political leaders. Corrupt elected officials can be voted out of office. But democracy is not necessarily a cure for corruption.” In this regard, political behavior reflects class interests and resentments because cooperation between social classes is unlikely. However, nothing can be done without the ideal of social equality.


205. Id. at 571. See generally M. Patrick Yingling, Conventional and Unconventional Corruption, 51 DUQ. L. REV. 263, 264 (2013) (explaining corruption in the United States and Kenya, two countries at different stages in their development, to provide solutions based on the specific forms of corruption that have thrived and continue to exist within each country).

Conventional corruption occurs when government officials illegally abuse public office for private gain. Illegal ‘quid pro quo’ transactions, including acts of bribery, are examples of conventional corruption. Modern institutions and academic scholars typically associate these kinds of activities with the concept of corruption. This is primarily because conventional corruption, as opposed to unconventional corruption, is illegal by definition.

Id. See also, e.g., Yingling & Arafa, supra note 175 at 38–39.

One very problematic aspect of the increase in conventional corruption was the executive’s willingness and ability to steal elections . . . Under Mubarak, many facets of society openly and comprehensively discussed conventional corruption. The general public was fully aware of the costs of conventional corruption for the country’s political stability and the threat it posed to economic and social development. Despite such awareness, conventional corruption represented the ruling social law and a behavior that governed various aspects of Egyptian life.

Id. Nathaniel Persily & Kelli Lammie, Perceptions of Corruption and Campaign Finance: When Public Opinion Determines Constitutional Law, 153 PENN. L. REV. 119 (2004) (“Most recently, in McConnell v. FEC, in which the Court upheld the McCain-Feingold campaign finance law, both the Department of Justice and the plaintiffs conducted and submitted into evidence public opinion polls measuring the public’s perception of corruption.”).


207. See Banfield, Moral Basis, supra note 36, at 37. “If the political incapacity . . . is due to poverty, then increasing incomes will increase political capacity. If it is due to ignorance, then increasing the level of education will increase political
3. Provision of Merchandises and Services at Below Market Prices

Corruption plays an indispensable role in circumstances where private individuals or enterprises are providing goods or services to the government. In most countries, the government allocates goods, services, and resources at below market prices. For example,— foreign exchange, credit, electricity, water, public housing, access to educational and health facilities, and access to public land.208 Such authority exposes government officials to possible corruption. In those cases, they are entitled to public reimbursement.209 Frequently, governments are late in making these decisions because of their restricted cash budget.210 The door is then opened for individuals to offer bribes to officers responsible for making decisions and has become the common status quo in many countries.211

Policies governing rent are one of the special quandaries of this category. Here, both the providers of the services and users of these services are private persons.212 Rent control strategies generate a special form of private sector corruption through the unjustified increase of rent prices.213 It has been said that “there are two ways to destroy cities: either by bombing or rent controls.”214

capacity. If it is due to pathological distrust of the state, then a sufficiently long experience with a welfare state will overcome that distrust.” Id. at 37.

208. See Tanzi, Corruption Around the World, supra note 7, at 569.
209. Tanzi, Corruption and Economic Activity, supra note 162, at 15.
210. Id.
211. Id.
212. Id.; see Paul Krugman, Reckonings; A Rent Affair, N.Y. TIMES (June 7, 2000), https://www.nytimes.com/2000/06/07/opinion/reckonings-a-rent-affair.html. Economists who have ventured into the alleged real world often quote Princeton’s Alan Blinder, who has formulated what he calls “Murphy’s Law of economic policy,” which is “[e]conomists have the least influence on policy where they know the most and are most agreed; they have the most influence on policy where they know the least and disagree most vehemently.” Id.
213. Tanzi, Corruption and Economic Activity, supra note 166, at 15.
4. Taxation: Tax Systems and Tax Incentives

Taxation is another field often influenced by corruption.\textsuperscript{215} In some countries, the level of corruption in the tax administration is so high that, at some point, it is better to close the prevailing administration than to modify or reform it.\textsuperscript{216} Taxes based on clear laws and foregoing connections between taxpayers and tax inspectors are much less likely to lead to corrupt practices.\textsuperscript{217} Tax laws are challenging to understand and can be interpreted differently, so taxpayers need help conforming to them.\textsuperscript{218}

Some further complications include that the payment of taxes entails common and regular communication between taxpayers and tax administrators. The salaries of the tax supervisors are too low; the illegal acts of the tax administrators are ignored, not easily discovered, or when discovered, punished leniently.\textsuperscript{219} The absence of transparency and monitoring in tax procedures or customs administrations, means tax administrators have discretion over imperative decisions like determination of tax liabilities, selection of audits, and litigation. Most essentially, the tax systems are corrupted by the fragility of a State’s control over the agents charged with carrying out their roles.\textsuperscript{220}

Reports show the number of applicants for non-satisfactory paid jobs in tax and customs administrations has been unusually high,
indicating the likelihood that candidates know these jobs generate chances for additional income.221

5. Public Expenditure Decisions

Corruption can affect public expenditure. The link between corrupt activities and the use of public financial resources is prevalent and can take many forms.222 Some forms concern the activities of public officials at the lower bureaucratic levels, while others involve higher ranks of civil employees. These forms can include political leaders.223 In all these cases, the outcome is to accelerate public spending, lessen the proficiency of the public sector, and handicap the economy’s progress.224 Corruption of public expenses can range from minor to grand misappropriations of public resources.

221. Id. at 568. It has been reported that in some countries, these jobs can be bought, and institutions – at some point – cannot be expected to be free of corruption if their heads do not provide the best examples of honesty and integrity. See Federico Ceschel et al., Public Sector Strategies in Curbing Corruption: A Review of the Literature, 22 PUB. ORG. REV. 571, 571 (2022) (“Corruption is widespread and preventive strategies to reduce corruption need to be adapted within the local context. Considering the United Nations (UN) Convention against corruption as a starting point, on corruption prevention initiatives in the public sector.”). Reuven S. Avi-Yonah & Yoseph M. Edrey, Constitutional Review of Federal Tax Legislation, U. ILL. L. REV. 1, 8 (2023) (“Regulatory taxes should be subject to constitutional review under various clauses of the Constitution including the Due Process Clause, the Equal Protection Clause, and the limits on congressional power under the Commerce Clause and the Establishment Clause.”). Sam Bourton & Nicholas Ryder, Corrupt Corporations and the Facilitation of Tax Crimes: A Review of the United Kingdom’s Enforcement Mechanisms, 85 L. & CONTEMP. PROBS. 213, 216 (2023) (“Over the past few decades, whistleblowers and investigative journalists have documented the extent of tax due globally that has been evaded by strategic use of foreign jurisdictions.”); Elizabeth Spahn, Discovering Secrets: Act of State Defenses to Bribery Cases, 38 HOFSTRA L. REV. 163,163 (2009) (“Prosecution of white collar crime, particularly grand corruption bribery, is increasing. High-level bribery is structurally similar to illegal drug cartels and terrorist organizations. Bribe-givers are serviced by multinational networks of attorneys and bankers—the ‘gatekeepers.’”).

222. See Tanzi, Corruption and Economic Activity, supra note 166, at 11.

223. Id.

224. Id.
6. Investment Projects and Procurement Spending

Corruption runs rampant in investment projects because of the discretionary power that high-ranking officials enjoy over these projects.\(^{225}\) Public projects provide opportunities for some individuals and political groups to receive “commissions” from selected bidder(s).\(^{226}\) This decreases the efficiency of such expenditures and results in projects that would not have been justified using objective criteria, such as investment selection.\(^{227}\)

Governmental purchase of goods, supplies, and services are also influenced by corruption.\(^{228}\) In an effort to eliminate corruption, some countries have established advanced cost procedures and complicated instructions for the detailed rules and specifications on the features of the goods.\(^{229}\)

7. Extrabudgetary Accounts

Some extrabudgetary accounts are set up for specific and licit purposes (allowance funds, road funds, etc.).\(^{230}\) Others are set up to diminish the administrative and political controls over public spending.\(^{231}\) These funds may be received from foreign aid or the

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\(^{226}\) Tanzi, Corruption Around the World, supra note 7, at 568.

\(^{227}\) \textit{Id. See, e.g.}, James A. Robinson & Ragnar Torvik, White Elephants, 89 J. PUB. ECON. 197, 209 (2005). It should be noted that public investment is a part of public spending in which corruption can play a key role. Public investments have various features such as size, design, location, and quality of the work that exposes them to the possibility of fraudulent activities.

\(^{228}\) Tanzi, Corruption Around the World, supra note 7, at 568.

\(^{229}\) \textit{Id. Countries have tried to depend on open and transparent bidding for particular government contracts. Id.}

\(^{230}\) \textit{Id. See generally Tanzi & Davoodi, supra note 225.}

\(^{231}\) Tanzi, Corruption Around the World, supra note 7, at 568; See Dorotinsky & Pradhan, supra note 177, at 269–70. The budget cycle includes four stages as follows:

(a) Budget formulation. At this stage it is often difficult to distinguish explicit corruption from policies that may depart from what could be called the “public interest.” . . . . (b) Budget execution. It has itself several
sale of natural resources. Some of these funds may go to unlawful uses. Lack of transparency, goods classifications, effective institutional controls, and poor accountability significantly contribute to corruption. In this respect, a “public financial management system” is vital to prevent or reduce corruption. A lack of transparency increases scrutiny; transparency therefore decreases scrutiny, and absence of complete accountability shrinks the incentive to perform according to effective and honest behavior.

When public officials are in discretionary positions, their essential decisions may include (1) lawful practices (uses) of land, as with zoning and re-zoning laws; (2) approval of specific funds (investments) by aspects such as (i) cash management, (ii) commitments that can be formal or informal, (iii) verification; and (iv) payment authorization. In all of these phases there is scope for corruption when effective controls are not present. (c) Budget accounting and reporting. . . . This issue is important especially in countries with decentralized fiscal systems where the revenues are obtained by the central government while some of the spending is done by sub-national or decentralized institutions . . . . This debate is stimulated by the fact that fiscal decentralization is a growing phenomenon. (d) Audits and oversight. This last phase of the budget cycle could be very important in preventing corruption but often plays only a perfunctory function. Audits focus on legal or formal requirements rather than on the efficient use of resources.

Tanzi, Corruption and Economic Activity, supra note 166, at 13–14.


236. Id.

237. Id. at 15.
foreign businesses;\textsuperscript{238} (3) the sale of public assets;\textsuperscript{239} (4) monopoly power to definite export, import, or local activities;\textsuperscript{240} (5) privatization of state-owned enterprises and on procedural requirements (e.g. degree of industry’s regulation);\textsuperscript{241} and (6) provision of tax incentives against income taxes, value-added taxes, and foreign commerce taxes.\textsuperscript{242}

In addition to the factors promoting corruption directly, other factors may indirectly support corruption growth. It is not easy to evaluate the quantitative significance of these dynamics, but it can be central in some countries, especially developing ones. The following deserve to be mentioned.

8. Bureaucracy and Status of Public Officials

The degree and quality of bureaucracies differ among countries. In this domain, public sector jobs may bring a lot of prestige and status in some countries; however, this is not true in all countries. Numerous aspects contribute to the quality of the public workforce and its prestige. Years ago, the German sociologist Max Weber defined the features of a perfect administration.\textsuperscript{243} He remained conscious that “most bureaucracies are not ideal.”\textsuperscript{244} Weber opined that existing traditions related to working for the government may elucidate why some bureaucracies are much more effective and much less vulnerable to dishonesty than

\textsuperscript{238} Id.
\textsuperscript{239} Id. at 16.
\textsuperscript{240} Id.
\textsuperscript{241} Id.
\textsuperscript{242} Id.
\textsuperscript{243} Id. at 16; Tanzi, \textit{Corruption Around the World}, supra note 7, at 571. \textit{See} Max Weber, \textit{The Theory of Social and Economic Organization} (Talcott Parsons eds., Alexander Morell Henderson & Talcott Parsons trans., 1947). In other words, corruption is less likely to emerge when honesty and egotism belonging to devoted officials carry out public service, and public workers enjoy a high standing in community. Tanzi, \textit{Corruption and Economic Activity}, supra note 166, at 16. This is the case when rules concerning hiring and promotions are reflected fairly; the employees have been hired because of their credentials, ability, and experience. \textit{Id}. But when nepotism, political affiliations, and background overcome, corrupt acts will dominate and ignore ethical standards that guide governmental servants. \textit{Id}.

\textsuperscript{244} Tanzi, \textit{Corruption Around the World}, supra note 7, at 571.
He went on to explain that officeholders do not identify with the organization’s objectives, will work no harder than is required to retain their place or to earn a promotion. Likewise, professionals and educated individuals will lack a sense of duty.

In this regard, scholars have collected information from developing countries on the degree to which public officials’ employment and promotions are based on merit. Their outcomes illustrate the less recruitments and promotions are based on merit, the higher the level of corruption. Deficiencies resulting from politically motivated hiring, patronage, favoritism, and pure rules governing hiring and promotions systems contribute to the bureaucracy essence.

9. Punishment Strategy

Based on the classic analysis of crime deterrence, and given the likelihood the offender of a crime would be caught, the punishment imposed plays a significant role in defining corrupt criminal acts. In theory, corruption could be reduced by aggregating penalties on those condemned. This infers the sanction structure prevailing in a
country is an essential element in identifying the extent of corruption in that country.\textsuperscript{253} Accordingly, severe punishments and sanctions may reduce the corrupt practices, but they may also lead to demands for higher bribes for the unethical deeds that still take place.\textsuperscript{254} In a society of moral familists, law will be ignored when there is no motive to fear punishment. Thus, individuals are unlikely to enter arrangements with legal processes for their implementation unless the law will be enforced. But the cost of securing enforcement cannot be burdensome as to make the undertaking unprofitable.\textsuperscript{255}

In reality, even though corruption is widespread, few people are penalized for this behavior.\textsuperscript{256} “To ‘do wrong’ usually means to ‘act so as to bring punishment or misfortune upon oneself.’”\textsuperscript{257} Furthermore, there seems to be an inclusive loophole between the punishments, as legally defined, and the sentences imposed.\textsuperscript{258} Generally, the actual illegal acts are not, the imposition of punishments introduces a major problem of inequity as people committing the same crimes are treated differently. Id.

253. See, e.g., Van Tulder & Van der Torre, supra note 251, at 472–73.

254. Tanzi, Corruption Around the World, supra note 7, at 574.

255. Banfield, Moral Basis, supra note 36, at 90. In this sort of community, a public servant “will take bribes when he can get away with it.” Id. at 92. “[T]he weak will favor a regime which will maintain order with a strong hand.” Id. at 93. Finally, “the claim of any person or institution to be stimulated by enthusiasm for public rather than private good will be considered as fraud.” Id. at 95.


257. Banfield, Moral Basis, supra note 36, at 134.

258. See, e.g., Tanzi, Corruption Around the World, supra note 7, at 574. China has recently imposed the death penalty to some people accused of corruption. Id. at 574 n.30. However, several corrupt acts still go with impunity so that ambiguity prevails on the treatment of individuals accused of corruption. Id. This may lead to the viewpoint that punishments are applied selectively or arbitrarily. Id. According to Chinese Proverb: “Whoever is near an official gets honor and whoever is near a kitchen gets food.” Farrales, supra note 42.
applicable penalties are more lenient than those endorsed by law.\textsuperscript{259} Additionally, the administrative procedures followed before an official is punished for illicit acts are often slow and cumbersome.\textsuperscript{260} Legal, political, and administrative obstacles frequently avert the complete or quick application of the punishments.\textsuperscript{261} Providing definite and unquestionable evidence along with due process are significant hurdles.\textsuperscript{262} Usually, potential accusers are unwilling to come forward and waste their time and effort going through the full legal process required to penalize someone.\textsuperscript{263} Likewise, judges who order sanctions may be enticed to commit corruption or have political prejudice.\textsuperscript{264} Consequently, judges may be bought by criminals, or have created obstacles that obstruct legal proceedings.\textsuperscript{265} All these factors constrain the role penalties play in several countries, especially when political corruption is encouraged by the state.\textsuperscript{266}

\textbf{10. Transparency of Rules, Laws, and Processes}

Absence of transparency in rules, laws, and processes form fruitful grounds for corrupt behavior. Rules are often perplexing; the documents identifying them are not publicly accessible and are changed without suitable and exposed declarations.\textsuperscript{267} This leaves grounds for diverse and confusing interpretations.\textsuperscript{268} In addition, processes or

\begin{itemize}
\item \textsuperscript{259} Tanzi, \textit{Corruption Around the World}, supra note 7, at 574.
\item \textsuperscript{260} Id.
\item \textsuperscript{261} Id.
\item \textsuperscript{262} Id.
\item \textsuperscript{263} Id.
\item \textsuperscript{264} Id.
\item \textsuperscript{265} Id.; Tanzi, \textit{Corruption and Economic Activity}, supra note 166, at 18. In other words, in a society in which corruption occurs on an occasional basis, those who must apply the punishments may themselves be dishonest. \textit{Id}. For example, surveys made by the Gallup Organization for TI explain that “judicial systems” are among the most corrupt institutes. \textit{Id}. “Thus, those who will apply the [sentences], may be bought by those sought to be [penalized], especially when the latter have the financial means to pay [huge] bribes.” \textit{Id}.
\item \textsuperscript{266} Tanzi, \textit{Corruption Around the World}, supra note 7, at 574. This permits “small acts of corruption that can in time encourage [larger] acts.” \textit{Id}.
\item \textsuperscript{267} See \textit{id}. at 575.
\item \textsuperscript{268} See \textit{id}. at 576.
\end{itemize}
procedures on policy issues and other actions are equally vague; as a result, it is difficult to cognize or determine the process followed prior to a decision.\footnote{See id.} This makes it difficult to determine whether corruption played a role in the decision-making process.\footnote{See id.} In this regard, it is noteworthy that some countries have made excessive efforts to bring more transparency, integrity, and accountability to its government.\footnote{See id. The Code of Good Practices on Fiscal Transparency, issued by the IMF, serves as an example to reduce corruption.\footnote{Id.}}

Democracy grants citizens the right to petition their government in the hopes of achieving some individual or social objective and requires fair competition among various public interest groups.\footnote{Putnam et al., supra note 152, at 63.} A flourishing democratic government not only considers their citizens’ demands, but also responds efficaciously to these demands.\footnote{Id. A serious assessment of government performance must be comprehensive, internally consistent, reliable, and correspond to the purposes and evaluations of the institutions’ characters and constituents.\footnote{Id.}}

11. Public Sector Incomes

Over the years, the pay gap between public and private sector incomes has been cited in literature as a contributing factor to the manipulation of public servants.\footnote{Tanzi, Corruption and Economic Activity, supra note 166, at 16; Tanzi, Corruption Around the World, supra note 7, at 572–73; see Caroline Van Rijcke-ghem & Beatrice Weder, Corruption and the Rate of Temptation: Do Low Wages in the Civil Service Cause Corruption? 5–6 (IMF, Working Paper No. 97/73, 1997). “There are indications that public salaries tend to be high in countries where the perception of corruption is low.” Tanzi, Corruption and Economic Activity, supra note 166, at 17. “Some empirical evidence exists that has connected corruption to the level of public wages.” Id. at 16. Governments are always under
pressure to increase hiring in the while lowering real wages for new hires. In some countries, public salaries have been significantly diminished, making it problematic for civil servants and their families to sustain a modest lifestyle. Under such tough conditions, pressure increases for some public officials to start performing personal favors for citizens who compensate them with favors or bribes.

12. Institutional Controls and Leadership

The existence of institutional controls replicates the government’s approach toward the corruption problem. By and large, the most operative and active controls should be those that exist within institutions. Straightforward and effective controllers, good auditing, and recording bureaus, along with obvious rules on moral conduct, should be capable of reducing and discovering corruption. Transparent measures should make it easier and more informal for these offices to maintain their controls. Leaders and supervisors should monitor and observe the actions of their employees and should be held responsible for acts of corruption that go unpunished in their offices.

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277. Tanzi, Corruption and Economic Activity, supra note 166, at 16; See generally Rijckeghem & Weder, supra note 276.
279. Tanzi, Corruption and Economic Activity, supra note 166, at 17 (discussing that some countries can shrink corruption by raising employee pay for tax and customs administration, and have tried to maintain and attract more able, creative, and truthful individuals).

Regardless of the wage level, some public officials will be corrupt perhaps because of their own psychological or moral makeup, or because some of the bribes offered may be too large for some officials to resist. Thus, it implies, realistically, that not all officials respond in the same way to the same incentives . . . .

Tanzi, Corruption Around the World, supra note 7, at 572–73 (emphasis added).
280. Tanzi, Corruption Around the World, supra note 7, at 575.
281. Id.
282. Id.
James March and Johan Olsen summarizes new institutionalism and the political effects of institutions as follows:

[T]he organization of political life makes a difference, and institutions affect the flow of history. . . . Actions take within and by political institutions change the distribution of political interests, resources, and rules by creating new actors and identifies, by providing actors with criteria of success and failure, by constructing rules for appropriate behavior[. . . . ] . . . Institutions affect the . . . level of trust among citizens and leaders, the common aspirations of political community, the shared language, understanding, and norms of community, and the meaning of concepts like democracy, justice, liberty, and equality.284

These features differ among countries according to the prevailing cultures and traditions. Yet, these instructions are practically absent in some countries, so corruption is ordinarily discovered by chance or through foreign reports.285 Thus, it is significant for developed countries to construct anti-corruption commissions or ethics agencies to investigate reports of corruption or implement a disclosure requirement for public officials.286 These organizations must have independence from political interference, the highest integrity personnel, and the authority to enforce punishments in order to be effective.287 In some countries, the problem is that these commissions are required to


report to the President or the Prime Minister confidentially and not to
the legislature.288

After examining the various definitional debates surrounding cor-
rup'tion and the numerous basic factors leading to it, the next key issue
is how to measure corrupt behavior. Part IV of this Article focuses on
the destructive effects of corruption and the cultural and social connec-
tions within it, which distorts economies, markets, and the allocation of
resources, stunts growth, and corrodes the social structure.

IV. CORRUPTION REPRESENTS A CROSSCUTTING AND DEVASTATING
PHENOMENON

Corruption is closely associated with the way regimes conduct
their relationships in modern societies and is directly related to a
government’s economic growth.289 Thus, it is important to modify the
way governments operate, because combating corruption is closely
connected to reforming the state.290

Legal research has not definitively determined that official corrup-
tion has decreased over any period of time. There are several reasons
for this. First, corrupt acts such as bribes are hardly made in public, as
the nature of this crime induces secrecy.291 Johnston argues those
engaged in corruption have an enticement to keep it secret, and  there-
fore no one truly knows if corruption is getting worse.292 Second, it is

288. Tanzi, Corruption Around the World, supra note 7, at 575. See Gerald F.
Cavanagh et al., The Ethics of Organizational Politics, 6 ACAD. MGMT. REV. 363
(1981); Margaret Anne Cleek & Sherry Lynn Leonard, Can Corporate Codes of
Ethics Influence Behavior?, 17 J. BUS. ETHICS 619 (1998); Lawrence B. Chonko et
al., Ethics Code Familiarity and Usefulness: Views on Idealist and Relativist
289. See, e.g., Yingling & ‘Arafa, supra note 175, at 27–32. See generally
MICHAEL JOHNSTON, SYNDROMES OF CORRUPTION: WEALTH, POWER, AND DEMOCRACY
290. See Yingling & ‘Arafa, supra note 175, at 46.
291. See id. at 29.
292. See Michael Johnston, Measuring Corruption: Numbers Versus
Knowledge Versus Understanding, in THE POLITICAL ECONOMY OF CORRUPTION
157, 158 (Arvind K. Jain eds., 2001); Patricio Maldonado & Gerardo D. Berthin,
Transparency and Developing Legal Frameworks to Combat Corruption in Latin
impossible to compile statistics and data demonstrating the impact of corrupt transactions on public activities. \textsuperscript{293} Lastly, what is defined as corruption at times has evolved to include more public and private undertakings, which challenges the precise collection of statistics. \textsuperscript{294}

As a result, corruption is extremely difficult to quantitatively measure and therefore measuring the efficacy of anti-corruption efforts can be equally challenging. \textsuperscript{295} This is further compounded by the fact that some countries have greater political will and resources to pursue corruption prosecutions than other countries. \textsuperscript{296} Great emphasis is placed on collecting data from the number of corruption accusations and complaints received. \textsuperscript{297} However, such data does not generally provide appropriate information, as it ignores information that is not reported due to fear of reprisals or the belief that reporting will be futile. \textsuperscript{298}

\textbf{A. Measurement of the Corrupt Behavior}

Data collection measuring corruption prioritizes detecting activities and agencies where corruption arises. \textsuperscript{299} Therefore, a discussion of corruption measurement must address the success of intervention methods and policy-making. \textsuperscript{300} In this regard, corruption measurement methods, "depersonalize the debate on corruption, shift the focus to substantive issues, and educate the public about the economic and social costs of corruption." \textsuperscript{301}

Corruption measurement provides significant benefits in theory; however, in practice the concept faces challenges. \textsuperscript{302} In fact, it is not

\begin{footnotesize}
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\item \textsuperscript{293} Maldonado & Berthin, \textit{supra} note 292, at 251.
\item \textsuperscript{294} See id. at 200 – 210. See generally Jacob Van Klaveren, \textit{The Concept of Corruption, in Political Corruption: Readings and Comparative Analysis} 38 (1970). The very concepts of what is and is not corruption, as well as how much is acceptable may change quickly. \textit{Id}.
\item \textsuperscript{295} \textit{See} Johnston, \textit{supra} note 292, at 194.
\item \textsuperscript{296} See id.
\item \textsuperscript{297} Maldonado & Berthin, \textit{supra} note 292, at 250.
\item \textsuperscript{298} Id.
\item \textsuperscript{299} Id. at 249.
\item \textsuperscript{300} Id.
\item \textsuperscript{301} Id. at 249–50.
\item \textsuperscript{302} Tanzi, \textit{Corruption Around the World, supra} note 7, at 576.
\end{enumerate}
\end{footnotesize}
obvious what categories of corruption are necessary for measurement.\textsuperscript{303} The last two decades serve as an exemplar of the research developed to measure corruption more methodically and systematically across various applications.\textsuperscript{304} Research highlights the inclusion of opinion polls, expenditure tracking, and diagnostic surveys as tools to measure corruption.\textsuperscript{305} There are no direct means of measuring corrupt behavior, however; there is recognition of indirect techniques within government and institutional data collection.\textsuperscript{306} Suitable information can be found through:

1. Corruption reports comprised within newspapers and online resources;\textsuperscript{307}
2. Case studies of corrupt organizations such as police administrations; and\textsuperscript{308}
3. Questionnaire-based surveys connected to a particular agency or to a whole country.\textsuperscript{309} These studies measure perceptions of corruption rather than corruption per se.\textsuperscript{310}

Specific governmental decisions dispersed through media

\textsuperscript{303} Id. One could measure acts of corruption based on bribes paid. Id. at 576 n.34.


\textsuperscript{305} Maldonado & Berthin, supra note 292, at 250.

\textsuperscript{306} Tanzi, Corruption Around the World, supra note 7, at 577.

\textsuperscript{307} Id. It should be noted that newspapers such as \textit{Le Monde}, \textit{The Financial Times}, and \textit{The New York Times} and magazines such as \textit{The Economist} and \textit{The Far Eastern Economic Review} have published several articles on corruption. \textit{Id.} For some countries, the internet includes tens of thousands reports on the subject of corruption. \textit{Id.} at 577 n.35.

\textsuperscript{308} Id. at 577. Most of these studies and reports are internal and kept top-secret. \textit{Id.} See Maldonado & Berthin, supra note 292, at 257.

\textsuperscript{309} Tanzi, Corruption Around the World, supra note 7, at 577.

propaganda or prejudiced indictments deleteriously contribute to each developing country’s welfare.\textsuperscript{311}

Nationwide surveys are available from, “Global Competitiveness Report (Geneva), Political and Economic Risk Consultancy (Hong Kong), Transparency International (Berlin), and Political Risk Services (Syracuse).”\textsuperscript{312} Another tool for corruption measurement is “victimization methodology.”\textsuperscript{313} This method measures corrupt behavior by surveying personal, direct experiences.\textsuperscript{314}

These various measurement tools share three common features. First, they involved cross-country analysis.\textsuperscript{315} Second, they managed to exploit data on corruption derived from perceptions and victimization.\textsuperscript{316} Finally, they helped illustrate corruption as a function of countries’ strategic and institutional planning.\textsuperscript{317}

Despite the introduction of new corruption measurement technologies over time, inadequacies persist with data documentation and


\textsuperscript{312} Tanzi, \textit{Corruption Around the World}, supra note 7, at 577. See DANIEL KAUFMANN, \textit{WORLD BANK, RETHINKING GOVERNANCE: EMPIRICAL LESSONS CHALLENGE ORTHODOXY} (Discussion Draft 2003), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=386904 (defining key governance components as rule of law, accountability, corruption control, and state capture). The results obtained from these studies are used extensively by scholars and business experts. Tanzi, \textit{Corruption Around the World}, supra note 7, at 577. Also, the Gallup polling agency and the World Bank has conducted major surveys for countries dealing with corruption. \textit{Id.}


\textsuperscript{315} Maldonado & Berthin, \textit{ supra note 292, at 251.\textsuperscript{316} Id.\textsuperscript{317} Id.}
reporting. Synonymous with social challenges, corruption includes inquiries of degree. In this respect, Maldonado & Berthin reported that:

Corruption is often thought of in two limiting ways. The first is that corruption exists everywhere, except within one’s own circles of life and work activity. There is very little information about the forms of corruption and their extent; therefore, the social, political, and economic harm that corruption causes is for the most part unknown. Second, when the costs of corruption are appreciated and decried, people tend to blame the government, e.g., the president, ministers, politicians, etc., or authority figures. But evidence points to the fact that these authority figures would have little chance to make a difference, even if they had political will, without key additional or complementary inputs, such as constructive social demand, enforcement mechanisms, and the active involvement of the society.318

B. Consequences and Effects of Corruption: Socio-Cultural Influences

Globally, ethnic differences distinguish standards of behavior.319 However, cultural differences are not the sole source of widespread corruption.320 How should the international community address the context of effective values and accepted practices? A doctrinal debate emphasized the importance of “cultural relativism” as a solution.321 One example looked at the cultural relevance of gifts.

In some cultures, it is difficult to distinguish a bribe from a gift.322 There are cultural differences in approach and perception of gift-giving

318. Id. at 251–52.
319. Glenn T. Ware & Gregory P. Noone, The Culture of Corruption in the Post Conflict and Developing World, in IMAGINE COEXISTENCE 191, 198 (Antonia Chayes & Martha Minor eds., 2001) [hereinafter Ware & Noone, Culture of Corruption]. Sociological factors where there are divisions in a society that gets some public servants doing favors with a special treatment for their relatives or other societal group, i.e., the division in ethnic groups. Id. at 198–199.
320. Id. at 198.
322. Ware & Noone, Culture of Corruption, supra note 319, at 198.
and its congruence with bribery and corruption.\textsuperscript{323} Furthermore, cultures may find “arms-length” business affiliations exacerbate corruption.\textsuperscript{324} For instance, in some African and Asian countries, gift-giving is an obligation and “a pivotal aspect of common social interactions.”\textsuperscript{325} Gift-giving, similar to loyalty to family and friends, is “embedded in the framework of society.”\textsuperscript{326}

Scholars have suggested that “one nationality may have a ‘higher limit’ or buffer zone when considering gifts as gifts instead of bribes.”\textsuperscript{327} One scholar observed how Thailand permits financial gifts to public officials at a noticeably higher rate than other states.\textsuperscript{328} He stated:

In one obvious sense, corruption is socially defined: it is what the public in a country think it is. But public opinion is not monolithic. It is often divided, unstable, ambiguous, and ignorant. Public awareness is often low, access to mass media is limited, and state censorship is common. The values of rural communities may be

\begin{footnotesize}
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\item Id.; Harms, \textit{supra} note 162, at 185.
\item Id.; Harms, \textit{supra} note 162, at 185. Acts acceptable in one society may be criminal offences in another. Ware & Noone, \textit{Culture of Corruption, supra} note 319, at 199.
\item Id.; Harms, \textit{supra} note 162, at 185. Acts acceptable in one society may be criminal offences in another. Ware & Noone, \textit{Culture of Corruption, supra} note 319, at 199.
\item Ware & Noone, \textit{Culture of Corruption, supra} note 319, at 199. In many developing countries, the value of information may lead to an embellished status quo.
\end{enumerate}
\end{footnotesize}
incommensurate with those of urban elites or there may be clashes between the opinions of different religious or ethnic groups.\textsuperscript{329}

Furthermore, gifts can take a variety of forms. For example gifts may include financial benefits such as: policies of awarding contracts, loans, jobs, and contributions to specific elite groups.\textsuperscript{330} Cultural dissimilarities shed light on the differences between acceptable gifts and illegitimate bribes.\textsuperscript{331} Cultural traditions illicit a challenge of achieving an accurate universal boundary between permitted and unpermitted behavior. However, international consensus focuses on the condemnation of large-scale bribery and the implementation of public funds for private interest.\textsuperscript{332}

In sum, cultural differences serve as a challenge to corruption measurement; however, they are not the sole source of measurement disfunctionalism. Cultural dissimilarities contribute individualized standards for the development of international norms and ideals of acceptable behavior. However, all cultures are consistent in their application of the inclusion of campaigns against corruption.\textsuperscript{333} Future corruption measurements should place an emphasis on civil servants and their authoritorial powers to divert resources from the public to enrich their personal interests. Complementary changes in social structure and culture are necessary to link abstract political principles of corruption measurement to real behavior in daily life relations.\textsuperscript{334}


\textsuperscript{331} Ware & Noone, \textit{Culture of Corruption}, supra note 319, at 199.

\textsuperscript{332} Id. Despite the massive cultural difference, some degree of corruption flourishes in every society and in every place around the world. \textit{Id.}; see, e.g., ASS'N CERTIFIED FRAUD EXAM'RS, \textit{REPORT TO THE NATION: OCCUPATIONAL FRAUD AND ABUSE} (2002) (explaining that even with active anti-corruption measures, the United States was estimated to lose $600 billion from occupational fraud and abuse in 2002).

\textsuperscript{333} Ware & Noone, \textit{Culture of Corruption}, supra note 319, at 199. In this regard, the argument “that culture is to blame” has no meaning because it stimulates an inactive attitude toward the eradication of large-scale corruption. \textit{Id.}

\textsuperscript{334} Id.; see also, e.g., BANFIELD, \textit{POLITICAL INFLUENCE}, supra note 57, at 4.
C. Theory v. Practice

Some economists and legal scholars in the past have advanced the efficiency of corruption perspective, a theory positing that corruption may promote efficiency and growth. In practice, however, this perspective eliminates governmental inflexibilities that delay investment and economic decisions. Accordingly, corruption “oils the mechanism” and “greases the wheel.” In fact, governmental stringencies are created by officials deliberately to extract payoffs. Furthermore, the ambiguous features of these rules, create near-absolute independent discretion in decision-making. Therefore, bribes can improve efficiency by conveying projects to the most powerful businesses. Other models show that in bidding competitions, those who are most effective can have enough money to offer the highest bribe. In this domain, Lui has argued the proficiency of corruption saves people time. Presentation of bribes to public officials directly serves as, “jumping in front of the line” to receive decisions faster. Finally, bribes can upsurge low incomes by permitting the government to keep taxes low to favor growth.

335. See Bardhan, supra note 5. See generally Rose-Ackerman, Corruption and Development, supra note 206.
336. Rose-Ackerman, Corruption and Development, supra note 206, at 6.
337. Tanzi, Corruption Around the World, supra note 7, at 578, 581; see Huntington, supra note 57.
338. Id.
339. Id. at 566.
340. Id. at 567; see also Paul J. Beck & Michael W. Maher, A Comparison of Bribery and Bidding in Thin Markets, 20 Econ. Letters 1 (1986) (discussing the comparison between bribery and competitive bidding in a government purchasing context on the supply side of the transaction).
341. Tanzi, Corruption Around the World, supra note 7, at 581; Isaac Ehrlich & Francis T. Lui, Bureaucratic Corruption and Endogenous Economic Growth, 107 J. Pol. Econ. S270 (1999) (arguing that while corruption may advance the allocation of public resources in some situations, it shrinks growth because it offers some individuals or entities the motivation to obtain some of human capital that can be used to recover corruption prospects). On the other hand, others stated that corruption may allow politicians to get funds that can be used to hold a country together. Tanzi, Corruption Around the World, supra note 7, at 581. The latter result may be a necessary condition for growth. Id.; Francis T. Lui, An Equilibrium Queuing Model of Bribery,
D. The Main Economic Effects of Corruption

By and large, corruption diminishes public revenue and raises public expenditure. According, corruption contributes to larger monetary deficits. The deficits prove problematic for the government to launch a comprehensive financial policy. In a culture of amoral familists (a society that places emphasis on the economics of the family), it will be presumed that whatever group is in power is self-serving and corrupt. In that sense, the rich will be quick to pursue their independent interests. Furthermore, the rich will exploit the poor. In an alternative setting this would not be reasonable or natural.

Corruption increases earning inequality as it allows officials to benefit from government affairs. Changes within wealth distribution arose after the Arab Spring uprisings (e.g., Egypt and Tunisia) because the uprisings increased unethical privatization. Furthermore, corruption damages markets, disrupts the allocation of resources, and reduces the capability of the government to enforce regulatory controls to 93 J. Pol. Econ. 760 (1985); William J. Baumol, Entrepreneurship: Productive, Unproductive, and Destructive, 98 J. Pol. Econ. 893 (1990); Kevin M. Murphy et al., The Allocation of Talent: Implication for Growth, 106 Q. J. Econ. 503 (1991).

343. Tanzi, Corruption Around the World, supra note 7, at 582. Payment of speed money may be an inducement for the bureaucrats to reduce the speed at which most practices are being processed. Id. “Bribes may change the order in which officials perform the process, say, but they may also slow down the average time the whole process.” Id.

344. See id.; Haque & Sahay, supra note 278, at 775.

345. See Haque & Sahay, supra note 278, at 775.

346. BANFIELD, MORAL BASIS, supra note 36, at 99.

347. Id.


Middle Eastern countries should now re-consider the effect of the past and current human resources management practices on the ethical climate of their civil services. A public institution that fails to implement its ethical codes through adequate training, effective managerial leadership, and enforcement of robust disciplinary actions will not be able to battle corruption and will be incapable of providing services to the public . . . .

correct for market failures. Consequently, the government fails to supervise and regulate public and private institutions. Even more so, corruption distorts enticements that persons (natural or legal) allocate their vitalities to rent seeking and fraudulent performs and not to creative and dynamic deeds. As such, corruption decentralizes the government in areas of contractual obligations and protection of property rights. On a broader scale, corrupt acts like bribery could obstruct democracy and undermine the legitimacy of a pre-existing free-market economy.

Historically, economic reforms such as trade liberalization, in many countries have removed obstacles to economic growth created by national governments. However, these improvements are shortsighted and have not done enough to address the numerous rules, regulations, and fees that are enforced by local governments. Among the strategies that should be considered are clear institutional boundaries, inclusive stakeholder contributions to rule definitions, imposition

349. Id.
350. Id.
351. Id.
352. Id. It should be noted that corruption is likely to escalate poverty as it lessens the probable income of the poor. Id. at 584.
353. Id; see Lorenzo Pellegrini & Reyer Gerlagh, Corruption’s Effect on Growth and Its Transmission Channels, 57 KYKLOS 429 (2004) (representing an additional channel through which the effect of corruption on growth is transmitted.). See generally JAGDISH N. BHAGWATI, FREE TRADE TODAY (2002); DAVID RICARDO, ON THE PRINCIPLES OF POLITICAL ECONOMY AND TAXATION (1817); Anup Shah, Free Trade and Globalization, GLOB. ISSUES, http://www.globalissues.org/issue/38/free-trade-and-globalization (Mar. 24, 2013). Free trade is a system of trade policy that allows traders and merchants to trade across national boundaries without interference from the respective governments. BHAGWATI, supra note 355, at 3–4. Interventions include subsidies, taxes and tariffs, non-tariff barriers, such as regulatory legislation and quotas, and even inter-government managed trade agreements, such as the North American Free Trade Agreement (“NAFTA”)—now known as the U.S.-Mexico-Canada Agreement (“USMCA”)—and the Central American Free Trade Agreement (“CAFTA”) and any governmental market intervention resulting in artificial prices. See, e.g., North American Free Trade Agreement, Dec. 17, 1992, 32 I.L.M. 289.
of stronger sanctions, and more accessibility to low-cost devices for resolving conflicts.355

Given the research on corruption, a pressing question to explore is: What are the true economic results of corruption? Several researchers, have used “cross-sectional analysis” and existing corruption indices to describe imperative results on how corruption affects the economy.356 For instance, history has shown that corruption reduces investment and growth because of the high social and economic costs.357 It also decreases expenditure on significant national projects due to the vast fraud and corruption among officials who make budgetary decisions.358 Further, it threatens the industrial strategy of public project investments. Investments are vulnerable to bribery by high ranking officials, which in turn affect the productivity of public investment and weaken the country’s infrastructure.359 Lastly, the FDI will condense as corruption is comparable to a tax.360

355. PUTNAM ET AL., supra note 152, at 166.

356. Tanzi, Corruption Around the World, supra note 7, at 585.


While a potential policy implication might be that it would be desirable to encourage governments to improve the composition of their expenditure, an important issue is whether, as a practical matter, that composition can be specified in such a way that corrupt officials would not be able to substitute publicly unproductive but privately lucrative projects within the various expenditure categories.

Id.

359. Tanzi, Corruption Around the World, supra note 7, at 585; Tanzi & Davoodi, supra note 225, at 7.

360. Tanzi, Corruption Around the World, supra note 7, at 586. The less predictable the level of corruption the greater is its impact on foreign direct investment. Id. Therefore, escalation in corruption and its randomness may increase enterprises’ tax rates. Id.
E. Expansive Doctrine v. Restrictive Doctrine

Can corruption recover or improve economic variables? Various scholars have noted there is a link between corruption and economic growth. This link hinges on the perspectives of financial freedom and welfare. There are two severe issues in investigating the connections between economic growth, economic freedom, and corruption. First, differences among countries (known as “time invariant heterogeneity” or “country fixed effects”) in terms of religion, culture, and institutions play a vital role in explaining cross-country dissimilarities in corruption and the rate of growth. Second, corruption, investment, and economic growth rates are concurrently determined. Corruption may often be restrictive (e.g., when firms seek government protection from

361. See Houston, supra note 314. Yes, it definitely can! The economy (e.g., Egyptian economy for the last decade) has been improving, but there has also been an unequal distribution of wealth. All the money went to certain people close to Mubarak’s corrupt regime, eventually leading to the revolution. Corruption can benefit the developing bureaucratic regimes economically by granting efficient professionals, laborers, merchants, and villagers time and effort savings by stepping over the "Useless" routine. This is from a solely economic approach.

Illegal quid pro quo transactions, including acts of bribery, are prominent examples of conventional corruption. This form of corruption is to be contrasted with ‘unconventional corruption,’ a form of corruption that has (thus far) been absent in Egypt. Unconventional corruption occurs when elected officials put personal campaign finances ahead of the public interest without engaging in a quid pro quo transaction. Yingling & ‘Arafa, supra note 175, at 27.


competitors) or may enlarge economic activity. Douglas Houston makes this valuable distinction by sorting corrupt activities into two groups: economically restrictive and economically expansionary (free and not free).

The econometric model emphasizes that economic growth, corruption, and investment are jointly determined. The explanatory variable for the model is financial freedom. When safeguards are weak, corruption operates as an essential expansionary role. In contrast, when safeguards are strong, the primary economic effects of corruption are restrictive. Accordingly, nations with fragile governance display positive effects from corruption. Furthermore, improving fundamental governance structures serves as an appropriate institutional goal.

From what is mentioned above, one can conclude there is a consensus in theory, evidence, and practice that corruption reduces investment, which then diminishes national economic growth. Additionally, corrupt acts and further fading weak establishments will damage prevailing legal institutions, undermine political stability, and hurt the national economy. In addition to the negative impact of

367. Houston, supra note 314, at 325. For instance, when private individuals bribe officials to avoid bad law. Id. at 325–26.
369. Houston, supra note 314, at 326.
370. Id.
371. Id.
373. Swaleheen & Stansel, supra note 363, at 345. See also Mo, supra note 364, at 76.
374. Mo, supra note 362, at 76. It should be noted that plausibly, acts of corruption can have positive, economically expansionary effect, both short-and long-term. While theoretically, some academicians argue that some economic concerns of corrupt conducts are constructive, specifically in those countries with very weak legal institutions, empirically shaping the level of costs and benefits from certain corrupt acts is quite problematic. See Houston, supra note 314, at 326; see also Swaleheen & Stansel,
corrupt behavior on Gross Domestic Product ("GDP") per capita,\textsuperscript{375} corruption also hinders human development.\textsuperscript{376}

Excessive investments in influencing the political system—rather than in evolving the enterprise’s output—increase contempt for the rule of law and help corruption grow.\textsuperscript{377} In these circumstances, governments discourage improvements and maintain decentralized markets to perpetuate centralized power and exploit citizens’ capital for the favored few. In sum, it is difficult to classify what one views as a corrupt act under the expansionary or restrictive category.\textsuperscript{378}

Lastly, as a matter of policy, adopting an index based on the openness of the political system, the degree of political risk, the burden of


\textsuperscript{375} GDP \textit{per Capita}. Gross domestic product divided by mid-year population. GDP is the sum of gross value added by all resident producers in the economy plus any product taxes and minus any subsidies not included in the value of the products. It is calculated without making deductions for depreciation of fabricated assets or for depletion and degradation of natural resources.

\textit{Swaleheen & Stansel, supra} note 363, at 355.


\textsuperscript{377} \textit{See} OSTERFELD, \textit{supra} note 366. According to Osterfeld:

\textit{[C]orruption expands output if more bribes help the economy move toward greater free exchange. Thus, in economies where economic freedom is high, if bribing makes public officials less diligent in enforcing restrictions on firms’ activities, output will increase. However, corruption will restrict output when bribes reduce competition and increase market rigidities. This outcome is more likely in countries where economic freedom is low due to widespread state ownership of assets (e.g., in China), monopolies and high tariff barriers granted to businesses owned by ruling elites and their cronies (e.g., the Philippines under Marcos and Indonesia under Suharto), and state-run marketing boards that are often the sole purchasers of agricultural products (e.g., in several African countries).}

\textit{Swaleheen & Stansel, supra} note 363, at 343–44.

\textsuperscript{378} \textit{See} Houston \textit{supra} note 314, at 336 tbl.2 for further details on the distinction between the expansionary and restrictive effects on income from corruption and the linkage between corruption and the quality of the legal institutions (explaining the ranking of nations by ratio of expansionary to restrictive corruption).
regulatory controls, the rule of law, the perceptions of the quality of public service provisions, and the competence and independence of the bureaucracies will guarantee the stability of better governance. Any war on corruption will not only be aggressively opposed by corrupt individuals but will also fight against economic progress and sound governance. Focusing on anti-corruption policies supplemented by economic openness and liberalization is advisable to encourage and inspire economic prosperity, growth, and development. With the cooperation of other domestic or international actors, the state can fight against corruption.

V. THE ROLE OF THE STATE IN TACKLING CORRUPTION: LESSON LEARNED

Generally, the growth and development of international trade and commercial business transactions reflects greater economic integration. As a byproduct of globalization, corruption has come to the forefront of domestic and universal concerns. While corruption distorts economies, stunts growth, and erodes the social structure, it is expected to emphasize the role of law enforcement through severe criminal offenses in most countries’ penal codes. Therefore, searching for root causes, the institutional milieu, and the incentive structure under which corruption flourishes is also essential in this battle.

The factors contributing to corruption tend to be more prominent in lesser developed and transitioning countries. Accordingly, some countries have experienced more corruption than others, with

379. See generally Daniel Kaufmann et al., Governance Matters (Pol’y Rsch., Working Paper No. 2196, 1999) (on file with World Bank Institute) and Averaged Aggregate Governance Indicators, WORLD HEALTH ORGANIZATION, https://www.who.int/data/nutrition/nlis/info/averaged-aggregate-governance-indicators (last visited May 1, 2024) for further discussion on the ways of the better/advanced governance and the combat against corruption.
380. See Kaufmann et al., supra note 379, at 15.
381. Ware & Noone, Culture of Corruption, supra note 319, at 203–04.
382. Id. at 191–92.
383. Tanzi, Corruption Around the World, supra note 7, at 586.
economic development sometimes reducing a country’s corruption level. Realistically, however, no country can be free of corruption. Thus, attempting to eradicate corruption is problematic. Due to the character of the phenomenon, the fight against corruption is not simple and cannot be won in months, or even years. The ultimate mistake in this battle is having faith in a plan, such as increasing punishments or the salaries of the public sector employees, and anticipating quick outcomes or effects.

Any genuine policy must begin with recognizing that corruption is fueled by public officials engaging in corrupt acts and public servants willing to pay for the execution of such acts (the demand and supply components of corruption). Typically, through its various programs, policies, and actions, the state creates an atmosphere that motivates both bribers and bribees. Generally speaking, increased transparency, integrity, and accountability will help combat corruption because it will take away control from specific policymakers who engage in corrupt practices complete transparency, integrity, and accountability in processes and strategies may confer less control or authority for specific policymakers as their discretion in impacting the benefit of certain categories is curtailed. Therefore, the fight


385. Tanzi, Corruption Around the World, supra note 7, at 587.

386. Id. at 586. For example, it may entail high public sector salaries, main legal or organizational rules, and some limitations in civil rights or very severe effective penalties. Id.


388. Tanzi, Corruption Around the World, supra note 7, at 597. In other words, in the basic case of bribery, the briber desires something (increase in a benefit or reduction on a price) from the public civil official and is eager to pay an inducement for it. Id. The official has something to vend (i.e., authority and power) and needs to be remunerated for the risk and the effort involved. Id.

389. Id. See generally KLITGAARD, supra note 43.

390. Tanzi, Corruption Around the World, supra note 7, at 588.
against corruption is not separate from the reform of the state because some actions to reduce corruption are simultaneously measures that change the character of the state.\textsuperscript{391}

In any battle against corruption, a country’s capability to identify corrupt practices and prosecute guilty practitioners is crucial. There are numerous devices through which detection and penalty capacity are recognized.\textsuperscript{392} For example, it is commonly believed that increasing punishments for corruption crimes would shrink a country’s corruption.\textsuperscript{393} In this respect, the following techniques should be considered. First, an independent and impartial judicial system must punish corruption.\textsuperscript{394} Next, an authorized anti-corruption ombudsman agencies would aid in transparency of practice. Third, the presence of public “watchdog” organizations such as specialized police units must be implemented\textsuperscript{395} because these units must maintain internal investigative units as one of the checks on their integrity. Moreover, only a

391. \textit{Id.} For instance, in countries where public sector incomes are low, such as Egypt, concerning those in the private sector, these pays are often low because public strategies have inflated many individuals working for the government. \textit{Id.}

392. \textit{See id.} at 589–90.

393. \textit{Id.} at 589. However, the infliction of higher punishments could run into problems with employees’ associations, trade unions, and the judiciary system. \textit{Id.}

394. Wei, Working Paper No. 2048, \textit{supra} note 323, at 22. Criminal prosecutions are crucial to assure the integrity of a justice system, predominantly regarding high-ranking officials, and these procedures depend upon court systems that are suitable and sufficiently independent. Due to the lack of independence in developing countries, the criminal trials would get delayed and obstructed. In this domain, if the promotion or appointment of judges depends upon the favor of those who are being tried, the judicial decisions will also lack neutrality and credibility. Additionally, the role of the public prosecutor represents a cornerstone in supporting the rule of law and guaranteeing the fairness of the criminal justice system. \textit{See} Adriana Alberti, \textit{Political Corruption and the Role of Public Prosecutors in Italy}, 24 \textit{CRIME L. \& SOC. CHANGE} 273 (1995); \textit{see generally} Bruce A. Green \& Fred C. Zacharias, \textit{Prosecutorial Neutrality} (Univ. of San Diego Pub. L. \& Legal Theory Rsrch. Paper Series, Art. 25, 2004) (discussing the role prosecutorial discretion plays in criminal law enforcement).

395. Wei, Working Paper No. 2048, \textit{supra} note 323, at 22. Enforcement entities and members need protection and security against any acts of retaliation or reprisals expected from powerful political figures. Specific training is needed to enable diligent collaboration with professionals and experts trained in law who can guide them through investigative footsteps without intimidating democratic institutions. \textit{See generally id.}
trained police unit may carry an external investigation examining the acts of the private parties engaged in corruption.\(^{396}\)

Fourth, countries should develop a telephone “hot line” for complaints, permitting citizens to speak directly to government officials. Fifth, employers and governments must offer employee training on accounting and auditing skills necessary to detect corruption in complicated financial or business transactions. Sixth, conducting public opinion surveys that record the public’s approach towards corruption, predominantly in impoverished areas. Seventh, press must be responsible and afforded media freedom to highlight any official corruption.\(^{397}\)

Eighth, amendments or proposals for new clusters of domestic anti-corruption and anti-bribery laws in each country must be enacted with emphasis on the modern organized economic crimes, including the access of freedom of information laws.\(^{398}\) Moving on, the adoption of legal norms and specific rules, with respect to the codes of conducts and ethics in business must be implemented and followed. Tenth, countries must work towards eliminating a competitive disadvantage in international market economy and enhancing transparency standards.\(^{399}\) Eleventh, the Government’s adoption of a procurement system, especially in developing countries, should be done through strengthening the judicial systems and the rule of law.\(^{400}\) Twelfth,

\(^{396}\) See generally ROBERT KLITGAARD, STRATEGIES AGAINST CORRUPTION (1998). Corruption information gathered by police officers usually becomes unusable in criminal trials. As generally well-known, anti-corruption laws are hard to interpret. \textit{Id.} Thus, anti-corruption investigations are essentially more invasive and are likely to be long; officers who are not specialized or dealing with other matters will find the perseverance of violent crime displacing the long-term demands of battling corruption. \textit{Id.; see, e.g.}, Alec Stone Sweet & Jud Mathews, \textit{Proportionality Balancing and Global Constitutionalism}, 47 COLUM. J. TRANSNAT'L L. 72, 73–76 (2008).

\(^{397}\) Maldonado & Berthin, \textit{supra} note 292, at 246.

\(^{398}\) \textit{Id.} at 254; \textit{see} Yingling & ‘Arafa, \textit{supra} note 175 (discussing the corruption phenomena in Egypt and the recent steps and recommendations for the current criminal law in Egypt on corruption and bribery after the 2011 Revolution).

\(^{399}\) Yingling, \textit{supra} note 205, at 60; ‘Arafa, \textit{supra} note 35, at 412–16. As a general principle, emerging the global capital economy creates an environment that requires integrity in the free-market place.

\(^{400}\) ‘Arafa, \textit{supra} note 35, at 412–16. Government regulation as considered a State Guard within capital economy will protect rights, freedoms, and private property, while taking care of individuals, ensuring the fairness of justice, guaranteeing the
public officials must be held accountable for sources of their assets. Finally, democratic institutions that dismiss corrupt officials by the general public and protect persons and establishments that dare to expose unethical behavior.  

Corruption emerges and develops in arenas where tax incentives entail discretionary assessments by governmental officials. Therefore, an easy suggestion would be to eradicate tax inducements and substitute them with tax systems accompanied by comprehensive bases and lower rates, as often proposed by tax professionals. As Tanzi noted, “Once again, we come to the conclusion that the fight against corruption and the reform of the state are two sides of the same coin.” Unfortunately, the roles that some administrations devise require the use of these incentives.

applicability of law equally to all citizens without any discrimination, and correcting externalities. Id.

401. Wei, Working Paper No. 2048, supra note 323, at 23. In other words, the range of anti-corruption techniques are inclusive, but there are some that have been more prevalent. See, e.g., Maldonado & Berthin, supra note 292, at 254. For example, reforms toward competitive public procurement in particular the electronic procurement systems have been established that offer a public accounting of government spending; freedom of information statute; unified and joint financial management systems; judicial reform; public social awareness campaigns; promoting the role of civil society, human rights organizations, and NGOs; investigative press; legislative oversight; the evolving and implementation of national public ethics infrastructure; the increase of rank and pay of public official. Id.

402. Tanzi, Corruption Around the World, supra note 7, at 589.

403. Id.

404. Id.

405. Id. This has been a dynamic concern about economies in transition where administrations want to continue directly influencing the acts in some sectors. Id. at 589 n.49. Hence, the policy and decision makers have found it very complex to acknowledge the trend based on broad-based taxes. Id. Tanzi argued that:

Corruption often accompanies the provision by the government of goods and services at below-market prices. This often occurs with credit, foreign exchange, the prices of public utility services, public housing, higher education, health services, and so on. The low or zero prices create excess demand and the need to ration the good or service. . . . Thus, raising these prices to equilibrium level whenever possible would eliminate or reduce corruption. Id. at 590.
However, such an adjustment would modify the state’s role in a manner that various governments are unwilling to allow. Yet, these reforms are necessary to emphasize that the combat against corruption cannot ensue independently from both legal and state reforms. Consequently, corruption will be reduced only in countries where governments and administrations are eager to substantially decrease some of their responsibilities.

A. The International Response: A “Pressure” for Implementing and Designing Anti-Corruption and Anti-Bribery Strategies by the International Donor Community

The marvel of corruption is a worldwide problem. A critical element in the fight against corruption is the international cooperation among governments with the contribution of international organizations like the United Nations Development Program (“UNDP”), the private sector, and improved civil society. International conventions and actions against corruption should strengthen reliable and operative appliances to reduce incentives, costs, and opportunities for corruption. Concurrently, pressures from international actors can stimulate sustenance for more accountability, transparency, and enforcement.

Note that one should refrain from having any romantic hope for the effectiveness of international pressure. But, any reaction to corruption

406. Id.

407. Id. It should be noted that these channels and paths are vital as they demonstrate efficiency in specific countries.

408. Wei, Working Paper No. 2048, supra note 323, at 23. “[I]t is often taken for granted that civil society is not only sophisticated, but that it also operates in an environment where civil liberties are safeguarded. In many countries neither of these assumptions holds.” Kaufmann, supra note 34, at 142. Much more can and should be done in the future to scientifically integrate the private sector and civil society in the combat against corruption. See, e.g., Mohamed ‘Arafa, The Tale of Post-Arab Spring in Egypt: The Struggle of Civil Society Against a Janus-Faced State, 27 I N T’L & COMPAR. L. REV. 43, 46 (2017). Archives about the directives of almost all international governmental organizations put limitations on how much anti-corruption objectives can be pursued in the organizations’ undertakings. Wei, Working Paper No. 2048, supra note 323, at 24. Various conferences and workshops on good governance and corruption organized by the UNDP, the World Bank, and others are very beneficial. Id. at 23.

must include at least three lines of action: (1) institutional and political reforms to constrain power and discretion, develop accountability, and change incentives;\textsuperscript{410} (2) societal alterations to change approaches and mobilize political will for continued anti-corruption involvements;\textsuperscript{411} and (3) methodologies, apparatuses, and attitudes to measure and apprehend the systems through which corruption occurs, and the aptitude of the government to manage public assets and resources.\textsuperscript{412} In addition, the capability of applying these strategies certainly implies substantial and permanent commitment from the international donor community and governments, private sectors, and civil society at large in the fight against corruption.\textsuperscript{413}

International efforts to combat corruption have played a fundamental role in setting the agenda of many governments.\textsuperscript{414} Monetary institutions and bilateral donors have required shaping anti-corruption strategic plans more directly by requesting regimes, governments, and administrations to demonstrate commitment and progress to weaken corruption.\textsuperscript{415} Furthermore, foreign aid and technical assistance have been linked to quantifiable anti-corruption reform results.\textsuperscript{416}

The international community has pushed forward several anti-corruption innovations. Some trends include accomplishments aimed at

\textsuperscript{410} Id. at 253.

\textsuperscript{411} Id.

\textsuperscript{412} Id. at 253–54. See generally Jeremy Pope, Transparency International Sourcebook 2000, Confronting Corruption: The Elements of a National Integrity System (2000). In other words, governments should enforce, not obstruct, the rule of law and the perceptions of citizens, insights which affect the legitimacy of government activities.

\textsuperscript{413} Maldonado & Berthin, \textit{supra} note 292, at 254.

\textsuperscript{414} Id. at 252.

\textsuperscript{415} Id.; see also Henning, \textit{supra} note 92, at 805–27 (discussing the developing web of international anti-corruption standards in which a variety of events started to change the domestic and the international political dynamic with respect to the issue of universal economic crime in particular corruption and bribery).

\textsuperscript{416} Maldonado & Berthin, \textit{supra} note 292, at 252; see also Steven E. Hendrix, \textit{USAID Promoting Democracy and the Rule of Law in Latin America and the Caribbean}, 9 Sw. J. L. \& Trade Am. 277, 283–307 (2003) (discussing the importance of the international donor community, foreign aid, technical assistance, and other programs aimed at battling corruption and creating transparency in the United States).
increasing access to information, evaluating the dynamics of corruption, and congregating as many interested parties as possible to discuss solutions.\footnote{417} Contributors and providers have also reinforced several awareness-raising, deterrence, institution-building, and implementation campaigns.\footnote{418} Thus, the international community should act vigorously to strengthen the independence of the legislative, executive, and judicial branches of government through constitutional norms such as the separation of powers and checks and balances.\footnote{419} Such steps help combine the existence of free media to promote a stronger, more knowledgeable, and well-organized civil society that can endorse sustainable transparency oversight instruments.\footnote{420} In seeking change, adjustment, and reform in governance, international donors can transform initiatives combating corruption.\footnote{421}

The economically organized criminal offense of bribery is a well-known form of corruption. Bribery is typically widespread in states with scarce and inadequate controls, poor compliance mechanisms, and unsatisfactory enforcement devices.\footnote{422} Such mechanisms “deter state actors from conspiring with commercial” businesses “to siphon millions of dollars of loans and credits” that could otherwise be used to benefit their country.\footnote{423} A state must begin with combating bribery to assure a vital attack on corruption and fraud in countries receiving massive amounts of international aid.\footnote{424}
International Financial Institutions (“IFIs”) employ a range of optional measures when the World Bank finds evidence of corruption and fraud. First, it may ban any corporation guilty of paying bribes in exchange for contracts awarded. Second, it can suspend or cancel funding to a borrower country according to TI. Concerted international effort is one of the most critical measures to effectively criminalize bribery by multi-national firms to host countries’ officials. Until December 1997, the U.S. was the only major international direct investor country that enforced corruption law—the FCPA of 1977—prohibiting companies from bribing foreign officials. In fact, the

Analyzing the conceptual and practical dynamics of bribery as it courses through public and private sectors and critiques the divergent legislative approaches to criminalizing both bribery forms. It advocates for the adoption of specific statutory reforms to combat private bribery more effectively as part of a larger anti-corruption regime and to limit the differences between criminal laws governing public and private bribery so that sanctions balance for both bribery forms.


425. See Ware & Noone, *Culture of Corruption*, supra note 319, at 201; Pope, supra note 412, at 233–34.

426. See Ware & Noone, *Culture of Corruption*, supra note 319, at 201 (e.g., proper procurement guidelines and underscoring that the World Bank has debarred several companies and individuals for engaging in corruption, bribery, and fraud in World Bank projects); see also, *Procurement World Bank Listing of Ineligible Firms and Individuals*, WORLD BANK, https://www.worldbank.org/en/projects-operations/procurement/debarred-firms (last visited Jan. 18, 2024).

427. Ware & Noone, *Culture of Corruption*, supra note 319, at 201; see also Wei, *Transnational Corruption*, supra note 85. This would clash with the remaining tendencies of the organizations, and controvert its other central goals, even though these objectives themselves may be threatened by corruption.

428. Wei, Working Paper No. 2048, supra note 323, at 23–24; Sec. And Exchange Comm’n, 94th Cong., Rep. On Questionable And Illegal Corporate Payments And Practices (Comm. Print 1976). One of the most vital reasons for the enactment of the bribery prohibitions, according to the Foreign Corrupt Practices Act House Report signed on December 19, 1977, by President Jimmy Carter, was that more than 400 corporations had admitted making illegal or questionable payments as of October 1977. These companies, including some of the largest and most widely held public corporations in the United States, disclosed corporate payments in excess of 300 million United States Dollars (“USD”) to foreign government officials, politicians, and political parties. In this regard, the legislative history reflects that a primary concern of Congress was the damage that such payments have caused to American relations.
Organization for Economic Cooperation and Development ("OECD") has not only engaged in bribing foreign public officials, but those bribes have been tax-deductible. The global impact of the U.S. law is neutral, because foreign enterprises enthusiastically pick up business that is rejected by U.S. firms. An international treaty that proscribes foreign corruption can reinforce the mutual ability of all chief multi-national firms not to pay bribes. Third, it can direct criminal evidence to prosecutors in countries with proper venue. Unfortunately, criminal justice systems in states where corruption is rampant are deficient and require foreign resources to improve legitimacy. So, while international pressure is convenient and should be

with foreign nations in critical areas of the world. See WALLACE L. TIMMENY & ROBERT B. VONMEHREN, FOREIGN CORRUPT PRACTICES ACT: THREE YEARS AFTER PASSAGE 13–27 (1981). In the mid-1970s, the United States Securities and Exchange Commission ("SEC") found that illegal payments to foreign public officials and politicians were widespread in the U.S. corporate sector. Arafa, supra note 35, at 398 n.9. This discovery led to national legal reform and the enactment of the United States Foreign Corrupt Practices Act of 1977 ("FCPA"). Id. at 398. However, it was not until the mid-1990s that the international community responded to the persistent calls from various organizations to implement regional and international conventions. Id. Undoubtedly, the United States played a fundamental role in lobbying for a global response to what it saw as a universal problem that seriously affected legitimate competitiveness in international business. Id. Various institutions, including the World Bank, generated further impetus for international measures and drew attention to the economic and social impact of corruption. Id. They especially highlighted the close link between corruption, development, and poverty. Id.

429. Wei, Working Paper No. 2048, supra note 323, at 244.

430. Id. Wei found that U.S. firms are not very different from those from other OECD source countries in this regard, and hence, U.S. firms’ behavior may not be attributable to the FCPA. Id. at 24 n.15. Hines found that the U.S. firms actually invest less in more corrupt countries. Wall Street Journal Article entitled Greasing Wheels: How U.S. Concerns Compete in Countries Where Bribes Flourish?, proposes that some firms may in fact evade the requirement of law. Id.; see also Hines, supra note 10, at 19–20.

431. Wei, Working Paper No. 2048, supra note 323, at 24. As a result, they would be more likely to prevent demands for payoffs if they can be self-assured that they will not lose business to their competitors. Id.

432. Ware & Noone, Culture of Corruption, supra note 319, at 201–02.

433. Id. at 202.
applied whenever and wherever possible, it should only be considered 
complimentary to domestic developments.434

Despite bureaucratic complications, there is an evolving movement 
within the international community against large-scale corruption and 
 fraudulent practices in developing countries that receive large portions 
of funds.435 For that reason, an embryonic normative tendency can be 
found in multi-lateral and regional measures undertaken by countries 
like Egypt.436 These measures harmonize criminal and civil procedures, 
and punishments against corruption by states receiving international 
offerings and donations.437 While the conventions require varying steps 
of legal harmonization from their parties, all agreements preserve and 
maintain judicial control in the hands of each signatory.438

Some intellectuals and human rights advocates call for the Interna-
tional Criminal Court ("ICC") to handle State corruption cases by 
classifying it as a crime against humanity.439 While the trend for

435. Ware & Noone, Culture of Corruption, supra note 319, at 203.
436. Wei, Working Paper No. 2048, supra note 323, at 25. See Windsor & Getz, supra note 158, at 762. See also Yingling & ’Arafa, supra note 175.
437. Ware & Noone, Culture of Corruption, supra note 319, at 203. These 
legal arrangements foster cooperation between countries to combat fraudulent and 
corrupt activities. Three international anti-corruption treaties—the Organization of 
American States (“OAS”) Inter-American Convention Against Corruption, Organization 
for Economic Co-operation and Development ("OECD") Convention on 
Combating Bribery of Foreign Public Officials in International Business Transactions, 
and The Council of Europe Criminal Law Convention—include scores of 
countries committed to fight bribery and other corrupt acts. Id.
438. Id. Additionally, these international norms and standards can serve as 
harmonization ideals of IFI anti-corruption agencies and for collaboration between 
them. Id. See generally Henning, supra note 92, at 795, 806, 816.
439. Ware & Noone, Culture of Corruption, supra note 319, at 203. In other 
words, to have an effective international technique for holding public officials liable 
for corruption, three agencies must be existent to enable both international and domes-
tic anti-corruption efforts. Harms, supra note 162, at 197. First, the local enforcement 
in each country and international agency committed to battling corruption, which 
would allow information and resources to the second agency, which is the Anti-
Corruption Committee. Id. at 197–98. Then, an Anti-Corruption Commission would 
hold hearings and make recommendations as to whether there is an offense or if the 
issue is not under the ICC’s jurisdiction. Id. at 198. See generally Stephen Muffler, 
Proposing a Treaty on the Prevention of International Corrupt Payments: Cloning the
international criminal sanctioning of corrupt behavior is important, it is still primarily considered the domain of national judicial bodies.\textsuperscript{440}

Criminalization of bribery is a thorny concern. On one hand, value-based criminalization will bring opposition by those countries reluctant to define corruption.\textsuperscript{441} However, categorizing such an act as criminal means that the international community finds bribery a morally repugnant crime.\textsuperscript{442} National laws and local cultures must be taken into consideration because it may be an invaluable tool for individuals to be able to hold their governments accountable.\textsuperscript{443}

Effective anti-corruption efforts must include the development of robust compliance and criminal justice systems in recipient states. A durable legal system must include well trained civil police, prosecutors, and judges, and provide adequate jails.\textsuperscript{444} However, these actions will be costly and time-consuming.\textsuperscript{445}

Accordingly, two approaches must be cultivated to successfully combat corruption. The first is collective action by international lenders.\textsuperscript{446} NGO dependence on World Bank anti-corruption results in a


\textsuperscript{440} Ware & Noone, \textit{Culture of Corruption}, supra note 319, at 203.
\textsuperscript{441} See Harms, supra note 162, at 162 n.12; Muffler, supra note 439, at 28.
\textsuperscript{442} Muffler, supra note 439, at 15.
\textsuperscript{443} Id. at 19–20.
\textsuperscript{444} Ware & Noone, \textit{Culture of Corruption}, supra note 319, at 204.
\textsuperscript{446} Ware & Noone, \textit{Culture of Corruption}, supra note 319, at 204.
positive lane for intercontinental institutional lenders. Although a collective punishment system might not work perfectly in all circumstances, universal normative forces exist to encourage its formation. The second approach suggests a harmonization of state criminal and civil codes towards an increased applicability of laws. The scope of this view must be developed and extended, so that criminal penalties are not an alternative for the IFIs when cases turn to the state public attorney. Thus, for significant implementation by state collaboration, international donors and institutions must aid struggling countries with technical and legal resources to promote the development of a strong rule of law.

CONCLUSION

Corruption blooms in many forms by varied means. Because the perception of corrupt acts diverges from country to country, most cross-national studies are costly and “sacrifice breadth for depth.” Thus, case studies should be dynamic to gain an in-depth understanding of how and why corruption works. Corruption is perhaps the most complicated problem facing societies as they fight for democracy, security, and stability. It is durable, complex, incapacitating, and hampers development. It hinders economic development in many ways, by: reducing

447. Id. As noted, from the political perspective, it might be problematic for regional lenders, and bilateral donors, to agree on the investigatory outcomes of IFI's. Id. They should be stimulated to do so and duplicate the efforts for wholly independent investigations. Id.

448. Id.; Muffler, supra note 439. The OECD and the OAS—as the co-ordination model among regional organizations—provides the basic architecture for such system of cooperation. Ware & Noone, Culture of Corruption, supra note 319, at 204.

449. Ware & Noone, Culture of Corruption, supra note 319, at 204.

450. Id.

451. Id. at 204–05; see, e.g., U.N. Off. on Drugs & Crime, GlobE Network: Background and Outcomes of the 1st Meeting Including the Charter, U.N. Doc. CAC/COSP/2021/CRP.9 (Dec. 10, 2021) (offering a platform for information exchange between frontline anti-corruption law enforcement practitioners in all countries globally, especially the Middle East, and providing the knowledge, resources, and tools needed to track, investigate, and prosecute cases of cross-border corruption, including a decision tree and secure communications channels).

452. Farrales, supra note 42, at 40.
domestic and foreign investment; bloating government expenditures; diverting funds from education and health; infrastructure preservation; decreasing public project efficiency; and increasing probability of scope-for-bribe taking. For example, although culture plays a role in defining what is considered a bribe versus a gift, it still induced small change. The cultural corruption myth must provide a mode of awareness that the chance and greed of performers, specifically state corruption, impedes factual progress.

This Article discussed the phenomenon of corruption in theory, which affects many countries. The history of the great definitional debates among corruption scholars and researchers shows that all approaches have strengths and weaknesses. Furthermore, the breadth of damage to economies and democracies is illustrated by the frequency of these illegitimate practices and unlawful actions. When corruption is widespread, and specifically, when it infects policy decision-making in democratic, market-oriented economies. Existing pervasive corruption is the primary cause of failure of developing economies, though it is often inaccurately attributed to the free market economy and democracy.

Accordingly, the battle against corruption is closely associated with state reform, and requires the elimination and simplification of bureaucratic rules, norms, and administrative regulations. Where state action falls short, non-state actors must make efforts to fill the monitoring vacuum. Organizations such as the International Chamber of Commerce and Transparency International play instrumental roles in setting standards to prevent corrupt behavior; such as the cumulative size and complexity of corporations across borders. A common campaign theme of dictators is the fight against corruption, as many associate democracy with a shortage of punishment, discipline, and therapeutic jurisprudence.

In any event, any serious and thoughtful strategy to eradicate corruption will need action on at least six fronts: (1) truthful and noticeable commitment by leadership over the battle against corruption with a zero tolerance policy; (2) policy modifications that diminish the demand for corruption including reducing regulations, guidelines, tax incentives, enhanced transparency, and curtailed discretionary power wherever possible; (3) decreasing the supply side of corruption by making public sector incomes competitive with private sector, increasing incentives for honest conduct, recruiting and promoting public officials on a merit...
basis with objective criterions, that can help attract high quality, moral public officials, and instituting effective controls and penalties; (4) fashioning soft law mechanisms—such as dialogue and reputation—into guiding webs that help institutional bodies and foundations control corporate behavior; (5) solving the problem of political party and election campaign funding (lobbying); and (6) international pressure through participation in international treaties that ban corrupt practices within corrupt countries, including criminalizing the bribery of foreign officials by multi-national firms.

In addition, this article explored the link between political institutions and corruption. A corrupt act is very distinct from the behavior of common crimes, indicating the importance of explanatory variables unique to corruption. Thus, the contest against corruption cannot rely on a magical shot. Moreover, future scholarship should be alert to the need for legitimacy, mostly through democratic accountability. Both trans-governmental networks and regulatory webs suffer, in varying degrees, from problems of legitimacy. Yet, popular control of regulation must remain a central element of any well-rounded government policy for accountability. Transnational corruption is one of many regulatory challenges posed by globalization, and its consequences are particularly severe. Societies can do much to reduce the intensity of corruption, but no sole action will accomplish more than a limited improvement; and some of the necessary techniques and measures may entail key modifications in standing policies.

Consequently, certain anti-corruption efforts are likely to succeed more readily in some systems than in others. There is no evidence that individuals’ ethos can be changed according to a plan. The individual must define self or family interests less narrowly than material, short-run advantages, as few people must have the moral capability to perform as leaders. But whether leadership is earned or bought, leaders must be able to act responsibly from an organizational standpoint to cultivate and develop morale. Enforcing local action and rewarding it with resources and authority to prevent corruption will produce many benefits. Ultimately, the cynical assumption that corruption exists by maintaining the closest

453. See Henning, supra note 92, at 828. It should be noted that in many nations the criminal (and penal) law(s) either play a minor or no role in addressing private bribery, leaving the corrupt act effectively unsanctioned or unpunished.
watch on how public functions are performed will support enhancing the concept of self-government.

Political institutions are essential in limiting the incidence of corruption. The balance of powers along with electoral competition incentivizes those in power to be honest and for police to penalize misconduct. Additionally, political decentralization—considering the different sorts of decentralization—for more autonomous states that theoretically can promulgate over areas covered by the central government to stem corruption. However, decentralization in which the expenditures are more decentralized via various levels of local government give the impression to cut corruption. If the local administration were fully decentralized, this *per se* might automatically bring an independent local press into existence. Civic responsibility by drawing upper and lower classes together and encouraging the middle classes to take leadership in local affairs, is crucial.

Numerous global jurisdictions vigorously combat public bribery through criminal legislation and rigorous law enforcement mechanisms. Far fewer address its twin, private bribery. Both forms of bribery cause a multitude of harms to the public and private sectors. Yet, the theoretical resemblances between forms of bribery and corruption, and the harms they cause, are extensively misinterpreted or ignored. This Article advocates for a unified approach in fighting all forms of corruption as they transpire within and across jurisdictions.