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Law, Society, and Corruption: Exploring (Anti-) Corruption From Interdisciplinary and Multilevel Perspectives

Rustamjon Urinboyev and Tolibjon Mustafoev

Research Report/Coursebook in Sociology of Law 2023:1

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Introduction

The Fuzzy World of (Anti-) Corruption

Corruption has become, without a doubt, a buzzword in both academic and policy debates over the last three decades. The initial view that "corruption greases the wheels of economic growth" in the newly independent states of Africa and Asia (Leff, 1964; Huntington, 1968; Scott, 1972) has lost its validity in light of the current and ever-growing global coalition against corruption, spearheaded by Transparency International (TI) and the World Bank. According to these international bodies, this debate is now closed: Corruption, as they confidently assert, is "the abuse of public office/entrusted power for private gain" (World Bank, 2002; TI, 2007) and thereby "sands the wheels of economic growth". This rests on the understanding that corruption, primarily affecting weak states in Eastern Europe, Africa, Asia, and Latin America, is the main cause of poverty and inequality. It distorts public expenditures, increases the cost of running businesses, deters foreign investors, and leads to social instability, the weak rule of law, and bad governance. These ideas are reinforced by the frequent use of "disease" and "cancer" metaphors to describe corruption (World Bank, 2013). However, despite the unrelenting global anti-corruption efforts, one thing seems clear: There is no remedy to this "cancer". In light of the obvious failure of global anti-corruption initiatives, there has been a growing call to rethink the existing approaches (Heywood, 2018; Rothstein, 2018), arguing for the necessity to understand better what corruption is, why it occurs, and what we can do to stop it. Rather than critically reflecting on policy failures, global (Western-centric) anti-corruption strategies still continue to rely on mainstream economic-based attempts or legal centralistic normative approaches that fail to consider the contextual factors and mechanisms that explain the persistence of corruption.

There have been extensive discussions in academic and policy circles as to why corruption remains a persistent and pervasive phenomenon in many parts of the world. It is not then surprising that, over the last three decades, policymakers, academic researchers, international organisations, anti-corruption agencies, civil society organisations, investigative journalists, law enforcement authorities, advocacy groups, and

individual activists have all produced countless strategies and approaches to combat corruption. The World Bank came up with the "six strategies to fight corruption", in addition to its "10 ways to fight corruption" (Lopez-Claros, 2014; Hunja, 2015); Transparency International recommended "5 key ingredients" to eradicate corruption (TI, 2016), while the World Economic Forum suggested "5 ways to beat global corruption" as well as "3 key steps to end corruption" (Glencorse, 2014; Vlassis, 2015). At the same time, the amount of academic literature on (anti-) corruption has increased rapidly in the fields of economics and political science, the two disciplines that have contributed most extensively to the literature on corruption and significantly shaped the globally circulating set of anti-corruption campaigns, policies, and laws (Muir & Gupta, 2018).

Notwithstanding these global efforts, corruption today remains part and parcel of everyday life in many parts of the world. Indeed, anti-corruption efforts can be regarded as a huge policy failure: global anti-corruption bodies continue to rely on a "one-size-fits-all" approach. This is based on the assumption that the best way to combat corruption is to develop institutional and legal configurations and socio-economic settings in which public officials act with integrity so that corruption does not thrive (Heywood, 2018; Rothstein, 2018). Accordingly, mainstream anti-corruption policies emphasise the need to improve institutional and regulatory frameworks by frequently focusing on formal law enforcement, the behaviour of actors in particular public-office settings, the system of formal rules and institutions, the role of political institutions, and how the ruling elites are composed, the kind of competition that exists among them, and how accountable they are. Another factor adding to this complexity is that most definitions of corruption are Western-centric and rest on the separation between the state (or its agents) and the rest of society, where salaried public officials, politicians, bureaucrats, and judges are expected to draw a sharp distinction between their personal interests and the public resources they administer (Haller & Shore, 2005; Nuijten & Anders, 2007). Any deviation from the formal rules and duties of a public role in favour of private gain is interpreted as an act of corruption. The quantitative analyses of these processes lead to a set of correlations between certain factors and corruption, which form the basis for prescriptions against corruption.

Challenging the aforementioned mainstream frameworks, anthropological accounts of corruption have presented abundant evidence to support the claim that the public-private dichotomy is context-dependent and that even the meaning of the word "abuse" varies according to local legal and cultural standards (Gupta, 1995; Haller & Shore, 2005; Nuijten & Anders, 2007; Torsello & Venard, 2016). They probed into the ways certain informal and illegal practices and transactions are perceived as instances of corruption from legal centralistic and economistic standpoints (Della Porta & Vannucci, 1999; TI, 2007; Heidenheimer & Johnston, 2011). However, from an anthropological perspective, those practices may also reflect people's desire to fulfil their family and kinship obligations (Urinboyev & Svensson, 2017), socialise and maintain membership in their community and networks (Rivkin-Fish,

2005), avoid gossip and social sanctions (Lazar, 2005), gain or preserve social status and reputation (Pardo, 1996), and get more moral and affective support from those around them (Lomnitz, 1995). Given that traditions, moral codes, and social norms vary across cultures, it is possible that each culture could have very different ideas of what constitutes corruption (Pani, 2016). Likewise, what is termed corruption from an outsider's perspective is often linked to a code of values and behaviour that is widely known and accepted by insiders (Pardo, 1996; Werner, 2000).

The analysis of the existing (anti-) corruption debates and frameworks indicates at least four main tendencies.

First, most definitions of corruption (e.g., those presented by TI and the World Bank) and anti-corruption frameworks are seen as universally applicable regardless of the culture in which they are implemented. However, these approaches are problematic, given that people in various cultures have very different ideas of what constitutes corruption (Urinboyev, 2019) and react differently to the institutional and regulatory norms imposed (Heywood, 2018). This implies that in some cultures and societies, corrupt practices may be deemed to be not only morally acceptable but also functional and socially cohesive, while this is not the case in other cultures. Part of the reason for the broad failure of anti-corruption policies is that they do not account for contextual differences and mechanisms that contribute to the persistence of corruption. Therefore, traditional economic-based attempts, political science, or legal centralistic normative approaches (Rose-Ackerman, 1999; Acemoglu & Verdier, 2000; Heidenheimer & Johnston, 2011) should be complemented with anthropological and socio-legal insights that account for cultural differences and include perspectives built on meso- and micro-level analyses and everyday life observations (Haller & Shore, 2005; Nuijten & Anders, 2007; Torsello & Venard, 2016; Muir & Gupta, 2018). Having said that, the contextual approach (which calls for closer integration of anthropological and socio-legal approaches into mainstream (anti-) corruption literature) does not imply that one should disregard the economic and political science literature on (anti-) corruption; rather, it should be given to add depth and nuance to show how the economics and political science data are refracted into everyday social relations and informal practices.

Second, a tendency common in the bulk of (anti-) corruption literature is that it either focuses on a global anti-corruption context or on national/macro-level processes and meso-/micro-level informal practices (Kaufmann 1998; Olivier de Sardan, 1999; Ledeneva, 2013; Kubbe & Engelbert, 2017), but does not simultaneously address the complex interdependencies and mutually transforming interactions between these different levels and orders of corruption. This means that there is a need to connect these different levels of corruption by developing a holistic approach that will enable us to study and understand the interconnections and contradictions between (a) non-binding international anti-corruption agreements and indicators ("soft law"), (b) nation-state laws and regulations ("legal norms"), and (c) meso- and micro-level norms and practices ("law in everyday life"). Thus, corruption can be

better understood and combatted when we study the interconnections and mutually transforming interactions among these different levels and orders simultaneously. These may include (but are not limited to) international institutions and actors, central state institutions, local government, corporations and business actors, civil society and non-state actors, and individual actors such as civil servants, micro-entrepreneurs, and ordinary citizens.

Third, as pointed out above, there is extensive research on corruption. Much of this corruption literature comes from economics, political science, sociology, organisation studies, and social and legal anthropology. While recognizing the importance of the aforementioned scholarship coming from various disciplines, it should be noted that the research on corruption is very fragmented and has yet to be synthesized into an overarching framework (Prasad et al., 2019). There is a lack of interdisciplinary communication, and researchers show insufficient interest or reluctance to engage with corruption research undertaken in academic disciplines outside of their own field (Jancsics, 2014). As a result, approaches and models developed by different disciplines remain largely isolated from one another. This factor indicates the need for interdisciplinary dialogue and a study of corruption that combines the perspectives form of disciplines – an approach that may provide a more nuanced understanding of corruption that can inform anti-corruption policies (Mungiu-Pippidi & Heywood, 2020).

Fourth, interconnected with the other three points, these research gaps and policy failures are largely due to the lack of specialists who are equipped with the knowledge and skills to study and understand corruption from interdisciplinary perspectives. Consequently, these four points suggest that there is a need to study (anti-) corruption from an interdisciplinary perspective that will combine and synthesize approaches from different disciplines.

Law, Society, and Corruption: Course Rationale and Aims

The course "Law, Society, and Corruption" aims to contribute to the global efforts and challenges of understanding and counteracting corruption by utilizing interdisciplinary and multi-level perspectives. In turn, this task implies that, in exploring and understanding the causes, ubiquitousness, and persistence of corruption, there is a need to combine, integrate, and synthesize perspectives from various disciplines (e.g., economics, political science, business, organisational sciences, criminology, social anthropology, socio-legal studies) as well as to examine corruption from a multi-level perspective, exploring the mutually transforming interactions between

(a) global and transnational anti-corruption laws, initiatives, discourses, and institutions, (b) national/central-level institutions, initiatives, policies, and laws, and (c) local, meso- and micro-level actors, social norms, and practices.

The rationale of the course is thus based on the understanding that corruption is an elusive concept that varies cross-culturally and thereby needs to be studied and understood from interdisciplinary and multilevel perspectives. Armed with this understanding, this course covers global and interdisciplinary debates and perspectives in the field of corruption and anti-corruption studies. It examines the emergence, explanation, persistence, and ubiquitousness of corruption from a variety of social scientific perspectives, looking at mainstream theoretical, empirical, and methodological issues and debates in economics, political science, business, organisational sciences, criminology, social anthropology, and socio-legal studies.

To construct, articulate, and integrate the aforementioned multilevel and interdisciplinary perspectives, the course is divided into five modules (which will be elaborated on in the subsequent sections):

Module 1: Global Indicators of Corruption, Rule of Law, and Governance

Module 2: Multidisciplinary Approaches and Theoretical Perspectives to Understanding Corruption

Module 3: The Interplay between Law, Society, and Corruption

Module 4: Methodological and Ethical Issues in (Anti-) Corruption Research

Module 5: Corruption, Informality, and Development

Learning outcomes of the course

The student obtains an understanding of multidisciplinary scholarly and policy debates in the field of (anti-) corruption, specifically focusing on key theoretical, methodological, and ethical issues and challenges in the study of corruption.

The student gains an understanding of how the global definitions and indicators of corruption, rule of law, and good governance are produced, disseminated, and contested and their implications for understanding law, development, and social change.

The student acquires the knowledge and skills to study and explain the emergence, persistence, and ubiquitousness of corruption from multidisciplinary perspectives, such as economics, political science, law, administrative science, anthropology, and socio-legal studies.

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Module 1: global indicators of corruption, rule of law, and governance

Introduction to Global Indicators of Corruption, Rule of Law, and Governance and their Implications for Understanding Law, Development, and Social Change

In Module 1, the global indicators of governance – namely, good governance, the rule of law, and corruption indicators – will be examined and discussed. The main emphasis will be placed on understanding the mundane ways and complex processes of how the global indicators of governance are produced, disseminated, and contested and what impact these processes have on nation-states and their domestic policies, governance, and societal transformations.

The above processes are explored both from historical and contemporary perspectives. As Malito et al. (2018) illustrate in their work, knowing and governing were intimately connected with the rise of the early modern states. In order to better govern, the state had to know the social body – that is, the population residing in its territory. This task, in turn, required the state to collect reliable statistics on the population, given the fact that the population could not be governed well without sufficient knowledge about it.

One of the logical outcomes of this "trust in numbers" was the emergence of statistical indicators and rankings, which played a pivotal role in the development of modern nation-states. Rankings and indicators not only play an increasingly important role on the level of the nation-states but also shape the power relations and discourses in the domains of international relations and global governance. As the statistical representation of (Western-centric) norms and values, the global rankings and indicators exert normative pressures on states to promote change in a country's performance or improve some aspect of its domestic institutions or policymaking. As observed by Merry et al. (2015), these indicators are even becoming a new and distinct "technology of global governance", creating and disseminating new forms of knowledge and embedding themselves in international institutions and administrative practices. From this perspective, the global indicators not only constitute knowledge in a certain area but can also be viewed as a technology for global governance, a form of international law, because of their influence on governance processes at the domestic level by shaping political decision-making, public awareness, and the terms in which problems are conceptualised and solutions imagined.

The way global indicators are produced is also a political process. As Merry et al. (2015) note, the production of global indicators is shaped by the power to categorize, count, analyse, and promote a system of knowledge that reflect and quantify norms and values in universalistic terms. Given the fact that values, norms, and traditions vary across countries, measuring and classifying such variables and practices as good governance, the rule of law, corruption, and regulatory quality becomes a daunting task. In this respect, let's take the example of global indicators related to corruption.

The international ratings by Transparency International, Freedom House, World Bank, Bertelsmann Foundation, and World Economic Forum measure the level of corruption perception and transparency in different public and private sectors by applying the standardisation method. These "indicator-producing organizations" are worldwide-recognised institutions that play an important role in evaluating different public-sector operations in many countries by conducting and financing research projects, publishing reports, and supporting governments with their political and social agendas. Anti-corruption, development, and governance are some of the essential focus areas to be observed and analysed for these international organisations. For example, Transparency International is recognised as the leading "corruption measuring" institution that observes and assesses the level of corruption in countries worldwide. Since 1995, Transparency International, together with the Internet Centre for Corruption Research at the University of Passau in Germany, has analysed the level of corruption perception in more than 180 countries around the world. Transparency International focuses on evaluating and systematizing corruption measurement in countries and publishing results annually (CPI); in addition, it also publishes a Global Corruption Barometer, Global Corruption Report, and a Bribe Payers Index.

However, most of the global indicators of corruption perception, the rule of law, and governance apply the standardisation technique, which compares different values by normalising them and bringing them back to a single scale. Moreover, in the case of corruption measurement, there are some discourses developed and supported by legal scholars who believe that ratings do not illustrate the measurement of "corruption", but merely standardise people's thoughts and perceptions about corruption. The examination of these academic and policy discussions on the validity of global indicators is one of the key issues discussed in Module 1 of this course. More specifically, these processes will be discussed with reference to the Corruption Perceptions Index, released annually by Transparency International.

Transparency International is a Berlin-based NGO that acquired global recognition as one of the most influential "corruption measurement" data publishers; the well-known annual index published by Transparency International is the Corruption Perception Index (or CPI). The CPI is the most widely used indicator of corruption worldwide; using index scores, it ranks countries and territories based on the extent to which the public sector is corrupted. It is a composite index, a combination of 13 surveys and assessments of corruption, collected by a variety of reputable institutions. It then brings all values of the sources onto a single scale expressed from 0 to 100, where 100 is less perception of corruption and 0 is the highest indicator of corruption propensity. According to Transparency International experts, this standardisation method allows for the most corrupt areas of public administration and institutions to be identified. However, some scholars, such as Tina Søreide, have a critical view of the standardisation methods of Transparency International, and challenge the nature, effectiveness, and reliability of Transparency International's CPI. Søreide claims that the CPI is not based on "true facts about the actual levels of corruption"; rather, she calls it an "index of indices" (Søreide, 2006). Despite this, TI's Corruption Perception Index remains the most applicable and popular index notwithstanding the existence of scholarly arguments that claim it is politicised, and that it applies an unjustified and unpractical methodology of standardisation.

Transparency International's Corruption Perception Index is recognised as a "first-generation index" that applies diverse instrumental and statistical techniques to measure corruption by its perception in society (Johnston, 2000). These diverse statistical and data analysis techniques guarantee the CPI its leading position among the world's corruption evaluation and analytical observation indices. However, some scholars argue about the validity of Transparency International's corruption perception methodology. According to Bevan and Hood (2006: 517), any complex governance system needs a special form of control that relies on measured performance indicators and administration by targets. The absence of the exact "measurement" formula for evaluating the level of corruption challenges the comprehensiveness of the methodology applied by TI in making its reports and indices. Most of the sub-indicators of the CPI sources concentrate on the level of public management issues, transparency in public-sector activities, effective governance, and tolerance for cor-

ruption. The complexity and variety of sources applied by TI for creating the CPI make the corruption measurement process difficult or even unclear.

In recent years, the standardisation method applied by Transparency International has recalculated the original scores and standardised them according to a scale from 0 as the most corrupt to 100 as the least. The aforementioned dimensions of governance used by TI analyse almost all of the political and social aspects, reforms, and challenges, as well as the rule of law and the economic stability of states. The methodology used by all sources varies from one to another, but the assessment process remains comprehensive and "large scale". Transparency International mostly evaluates institutional and legal anti-corruption frameworks; in addition, it critically evaluates the high-corruption-risk public sectors such as healthcare, police, security and defence, education, public administration, and agriculture. Different international indices, including the CPI, always try to stay "objective" during the data collection, analysing, and ranking processes. The affiliation between the legal and institutional anti-corruption reforms of any state and its positioning in the Corruption Perception Index depends on data from three main sources that are recognised as corruption indicators (Fakezas, Toth & King, 2016):

Different types of surveys related to the perception of corruption and the most widely held attitudes;

A critical review of the state efforts in anti-corruption policy and its existing legal and institutional frameworks;

A detailed version of the analyses and audits of individual cases.

Thus, the CPI is a score-registering trend that raises awareness about ongoing corruption-related scandals. It has a unique character, which is very influential in world politics and image-making but is not practical for countries. For example, Transparency International's reports and indices cover only the problems but not the solutions. Because of the standardisation method, countries struggle to raise their positions on the CPI in order to improve their business and investment attractiveness. Any government reforms or sustainable development projects that include anti-corruption efforts cannot guarantee an improvement of the position of the state on the CPI. Even though Transparency International standardises countries according to its own methods, it does not and cannot provide any practical recommendations or advice for governments on the possible ways to improve their scores and position on the CPI or to improve their high-risk, corruption-prone public sectors. Consequently, Galtung also agrees that the CPI mostly criticises because it does not provide any solutions or answers to the existing corruption-related problems. Indeed, it is more practical to identify the solutions rather than raise awareness about the problems. Galtung claims that "giving harsh and negative scores to countries where reformers are hard at work is to denigrate their work and to feed cynicism and the belief that whatever they are trying to do will be unsuccessful". Thus, countries consider the

CPI to be a race to the top, but in reality, it is the opposite *(*Governance-Access-Learning Network, 2014*)*.

Furthermore, Transparency International has founded *The Global Corruption Barometer,* which was debuted for the first time in 2003 and, since that year, has surveyed the everyday life experiences of people confronting corruption around the world. Through the Global Corruption Barometer, tens of thousands of people around the globe are asked about their views and experiences, making it the only worldwide public opinion survey on corruption. Furthermore, the *Global Corruption Report* is Transparency International's flagship publication, bringing the expertise of the anti-corruption movement to bear on a specific corruption issue or sector. *The Global Corruption Report: Education* consists of more than 70 articles commissioned from experts in the field of corruption and education from universities, think tanks, business, civil society, and international organisations. One more essential part of Transparency International's working scope is publishing the Bribe Payers Index, which ranks the world's largest economies according to the perceived likelihood of companies from these countries to pay bribes abroad. It is based on the views of business executives as captured by Transparency International's Bribe Payers Survey (Transparency International, 2020).

Transparency can make state workers more responsible in informing people about the thousands of tasks that they carry out and letting them know about the status of implementation. All governments can issue hundreds of new regulations, but the most important part is implementation and control; thus, transparency could assure this. Issues of corruption and the failure to provide transparency can be seen as symptoms of a larger problem. Confidence in both government and citizens in political processes is considered to be the main imperative for the enhancement of transparency and democracy in the state. Holding government officials accountable for their decisions and their actions can only be reached by providing greater transparency and openness in the public sector (Kierkegaard, 2009). In this regard, democratic processes are successful only when the government ensures transparency in its public sector and allows all citizens to actively participate in the decision-making process on policies or laws that have a direct effect on peoples' everyday routines and lives. Considering this further, Ball claims that only "when citizens have information, governance improves. Transparency occurs through the support of society, government, media, and business for open decision-making" (Ball, 2009). Therefore, the important aspects of transparency in the public sector are letting people track and monitor government actions and ensuring direct public control over state policy implementation processes. Direct public control within the context of transparency means the direct participation of citizens in the policy decision-making and implementation process, rather than an indirect monitoring role through representatives, where the results only arise from democratic values (Meijer, 2013).

Transparency and accountability in the public sector are powerful allies in any anti-corruption policy. Examples of countries with better positions on the CPI show

that some developing economies can get better world recognition for their anti-corruption efforts by internationalizing the values aligned with citizenship and government, which should be open and transparent. Moreover, all the aforementioned discussions highlight the importance of people's feelings as participants in political processes – not just as observers, but "also for the rescue of ethical values by politicians and public officials in order to generate greater confidence in the government" *(*Lyrio, Lunkes & Taliani, 2018*)*. As a matter of fact, getting high ranks and better positions on the international indices on transparency and governance, including the Corruption Perception Index, depends on minimizing corruption problems and cases, enhancing social welfare, strengthening democracy, applying participatory practices, providing sufficient access to information, and following governance accountability principles.

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Module 1 Reading materials

Compulsory Reading Materials

Amariles, D. (2015). Legal indicators, global law and legal pluralism: An introduction. The Journal of Legal Pluralism and Unofficial Law, 47(1), 9–21. (12 pages)

Cooley, A. and Snyder, J. (2015). Ranking the World: Grading States as a Tool of Global Governance. Cambridge: Cambridge University Press. (Chapters 1 and 3) (62 pages)

Davis, K., Fisher, A., Kingsbury, B. and Merry, S.E. (2012). Governance by Indicators: Global Power Through Classification and Rankings. Oxford University Press, pages 3-29, Chapter 1 (25 pages)

Langbein, L. and Knack, S. (2010). The Worldwide Governance Indicators: Six, One, or None? The Journal of Development Studies, 46 (2), 350–370. (20 pages)

Malito, D. V., Umbach, G., and Bhuta, N. (2018). eds. The Palgrave Handbook of Indicators in Global Governance. Cham: Springer International Publishing. (Introduction, Chapters 1, 3, 7, and 22) (78 pages)

Merry, S.E, Davis, K. and Kingsbury, B. (2015). eds. The Quiet Power of Indicators: Measuring Governance, Corruption, and Rule of Law. New York: Cambridge University Press. (Introduction, Chapters 1, 2 and 10) (69 pages)

Razafindrakoto, M. and Roubaud, F. (2010). Are International Databases on Corruption Reliable? A Comparison of Expert Opinion Surveys and Household Surveys in Sub-Saharan Africa. World Development, 38(8), 1057–1069. (12 pages)

Optional Reading (one book/article should be selected)

Knack, S. (2006). Measuring Corruption in Eastern Europe and Central Asia: A Critique of the Cross-Country Indicators. World Bank Policy Research Working Paper, 3968

Sampson, S. (2005). Integrity warriors: Global morality and the anti-corruption movement in the Balkans. In: D. Haller and C. Shore, eds. Corruption: anthropological perspectives. London and Ann Arbor, MI: Pluto Press, 103–30. (27 pages)

Stevens, M. and Gnanaselvam, Sh. (1995). The World Bank and Governance. IDS Bulletin, 26 (2), 97–105. https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1759- 5436.1995.mp26002011.x

Tanzi, V. (1998). Corruption Around the World: Causes, Consequences, Scopes and Cures. (Washington DC: International Monetary Fund) (39 pages)

The World-Bank-supported Worldwide Governance Indicators. Latest report is available at: http://info.worldbank.org/governance/wgi/index.aspx#home

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Transparency International, Corruption Perceptions Index. Latest report is available at: https://www.transparency.org/news/feature/corruption_perceptions_index_2016

World Justice Project's Rule of Law Index. Latest report is available at: https://worldjusticeproject.org/our-work/wjp-rule-law-index/wjp-rule-law-index- 2017%E2%80%932018

Module 1: Seminar 1 Assignment

Assignment description (a hypothetical case study of Serbia)

In Seminar 1, we will work with the case of Serbia, a country located in the second-lowest performing region (East Europe and Central Asia) in Transparency International's Corruption Perceptions Index and vulnerable to corruption compounded by the Covid-19 (Transparency International, 2021). Check here: https://www.transparency.org/en/news/cpi-2020-eastern-europe-central-asia (links to an external site).

You are a team of international consultants, hired by the Swedish Agency for International Development Agency (SIDA), which, in turn, was approached by the Government of Serbia with the request to help them improve their position on the global governance indicators, such as Transparency International's Corruption Perceptions Index.

Context (brief information about Serbia and SIDA's outlook)

Serbia is located in southeast Europe. It is one of the six previous member states of Yugoslavia. With a population of around 8.6 million people and a GDP per capita of 7,660 USD, it's considered an active regional player in the Balkans. The country is a candidate country for the EU, which gives access to EU Development Aid. Serbia is rich in natural resources like coal, oil, gas, gold, silver, and copper. The mining industry is interlinked with the machine production industry and together, they play an important role in the economy of the country; specifically, non-ferrous metals make up 10 percent of its export earnings. Serbia is considered a country with a hybrid political regime (neither fully democratic nor conventionally authoritarian) considering the features of its political and legal landscape such as weak rule of law, lack

of opposition in the parliament, weak separation of powers, political polarisation, low citizen engagement, decreasing space for civil society, and outdated economic policies (USAID, 2020). Click here: https://www.usaid.gov/sites/default/files/documents/External_Serbia_CDCS_2020.pdf

Serbia established its Anti-Corruption Agency (ACAS) in 2010; since then, it has been actively working to prevent corruption in the national arena and is actively engaged in international cooperation for preventing and combating transnational corruption-related crimes. However, there are some challenges regarding the conflict of interests in eliminating the influence of the private interest of the persons performing a public function, which has not been regulated properly, inhibiting the actions of the Agency. Also, the Agency is currently facing challenges in verifying the accuracy and completeness of assets and income declarations on a meso- and national level and in analysing the systematic corruption caused by social informal transactions on the micro level.

Since then, the ACAS has investigated numerous corruption cases involving mid-level government officials, especially in local governments. However, elite-level kleptocratic practices remain persistent. In addition, Serbia's basic social fabric is heavily based on the importance of family and kinship norms and a clientelist culture, which implies that informal rules and norms are more salient in daily life than state law.

The country has improved significantly in the World Bank's Ease of Doing Business Index (leaping 47 places forward in 2015 alone, and entering the top 50 countries in 2020), and it seems this has encouraged the government to repeat this success with other global rankings.

Despite its attempts to improve its position, Serbia continues to remain at the bottom of various global indicators of governance, such as TI's Corruption Perceptions Index, the World Justice Project's Rule of Law Index, and the World Bank's Worldwide Governance Indicators.

SIDA has been working with the country for some time now by supporting Serbia's efforts to join the European Union, contributing to reinforcing respect for human rights, and limiting the country's climate impact. However, SIDA has received negative feedback in Sweden because of its support for non-democratic governments and for engaging in what media reports called "delivering change in numbers, not in reality". Weak civil participation and low political transparency in Serbia are making the state's anti-corruption policies less effective in practice. When allocating development aid to Serbia, SIDA made a condition that the country's performance will be assessed with regard to its position in global indicators.

Task (based on a hypothetical/imagined case):

Based on the available information about the country and the context, as well as informed by the Module 1 readings, please come up with a proposal to SIDA on how to deal with Serbia's request.

In your proposal to SIDA, please discuss and explore the following questions:

Why does Serbia find it important to improve its rankings in the global governance indicators?

Can Transparency International's Corruption Perceptions Index and World Bank's Worldwide Governance Indicators be considered a proper source for policy action both for SIDA and Serbia? What are the risks and challenges in that regard?

How can we define corruption, especially for policy purposes? Can there be a universal definition of corruption?

Do the global anti-corruption definitions and norms work in the socio-legal context of Serbia, where the basic social fabric is based on clan networks and clientelist relations?

Do you agree with Rothstein's argument that "controlling corruption requires neither incremental institutional alterations nor the tweaking of incentive structures, but the rather large-scale and comprehensive transformation of social values and institutions"? Please elaborate.

Should SIDA support the request of the Serbian government and, more importantly, how?

Each group is expected to work on the following two deliverables:

1. Each group prepares a PowerPoint presentation before the seminar and presents their work during the seminar. Each group will have 20 minutes for their presentation.

2. After the completion of the seminar, each group submits a paper (between 2,000 and 2,500 words).

Module 2: multidisciplinary approaches and theoretical perspectives to understanding corruption

Normative and Legal-Pluralistic Approaches to Understanding Corruption: Perspectives from Economics, Political Science, Criminology, Administrative Sciences, Law, Legal Anthropology, and Socio-Legal Studies

Module 2 aims to explore the multifarious forms, meanings, and moralities of corruption from an interdisciplinary perspective. This rests on the understanding that corruption is an elusive and multifaceted phenomenon that needs to be studied from different disciplinary angles. Hence, Module 2 examines corruption both from normative and legally pluralistic perspectives, combining, integrating, and synthesizing insights from economics, political science, administrative sciences, criminology, law, legal anthropology, and socio-legal studies. In doing so, the aim is to holistically discuss the nature and importance of multidisciplinary approaches to understanding

corruption and to analyse the possible impact of corruption on the social, economic, and political lives of people.

There is a widespread assumption that corruption is detrimental to economic, social, political, and environmental development (Mauro, 1997, Uslaner, 2012, Mungiu-Pippidi & Hartmann, 2019). It also has a large negative effect on overall human well-being (e.g., health, education, and access to public services or to other essential things like clean water and food). Consequently, widespread corruption undermines democracy and liberal values because corrupted actions "benefit the few at the expense of the many" by involving the use of trusted public power, wealth, and other resources (Johnson, 2005).

Understandably, this global anti-corruption agenda has resulted in a wide array of scholarly literature and policy studies exploring the causes, ubiquitousness, and persistence of corruption in different social settings. However, despite the existence of extensive research, there is a lack of communication and dialogue between different disciplines in the study of corruption. The corruption studies field is largely fragmented, and theories and frameworks in each discipline have developed in isolation from one another, causing tension between studies that use cross-national data and those that use sub-national data, with divergent results. Anthropological and socio-legal studies have played an important role in explaining the interconnections between corruption and cultural and moral codes, but since they struggled to isolate corruption attitudes from broader political, economic, and legal considerations, a normative perspective on corruption developed in the fields of economics, political science, administrative sciences, and law. Thus, the lack of interdisciplinary dialogue necessitates investigating and understanding (anti-) corruption both from normative and legally pluralistic (anthropological) perspectives. The design of Module 2 reflects this ambition.

Before exploring different approaches and frameworks to understanding corruption, there is a need to examine the diverse definitions and typologies of corruption. United Nations Convention Against Corruption refers to corruption as "an insidious plague that has a wide range of corrosive effects on societies" (UNCAC, 2014). The Convention covers many different forms of corruption, such as bribery, trading in influence, abuse of functions, and various acts of corruption in the private sector. In contrast, Transparency International and the World Bank describe corruption as "the abuse of public office/entrusted power for private gain" (World Bank, 2002; Transparency International, 2007).

However, there is a growing body of literature, especially coming from social anthropology and cultural studies, which argues that the universal, one-size-fits-all definitions of corruption fail to account for contextual and cultural differences. Challenging the international legal definitions, anthropological accounts of corruption have presented abundant evidence to support the claim that the public-private dichotomy is context-dependent and that even the meaning of the word "abuse" varies according to local legal and cultural standards (Gupta, 1995; Haller & Shore,

2005; Nuijten & Anders, 2007; Torsello & Venard, 2016). They probed into the ways in which certain informal and illegal practices and transactions are perceived as instances of corruption from a legal standpoint (Della Porta & Vannucci, 1999; Transparency International, 2007; Heidenheimer et al., 1989). However, from an anthropological perspective, those practices may also reflect people's desire to fulfil their family and kinship obligations (Urinboyev & Svensson, 2017), socialise and maintain membership in their community and networks (Rivkin-Fish, 2005), avoid gossip and social sanctions (Lazar, 2005), gain or preserve social status and reputation (Pardo, 1996), and get more moral and affective support from those around them (Lomnitz, 1995). Given that traditions, moral codes, and social norms vary across cultures, it is possible that each culture could have very different ideas of what constitutes corruption. Likewise, what is termed corruption from an outsider's perspective is often linked to a code of values and behaviour that are widely known and accepted by insiders (Pardo, 1996).

The above considerations indicate that the study of (anti-) corruption can be tentatively divided into two opposing but complementary "camps": (1) normative/moralistic approaches, a mainstream perspective to (anti-) corruption coming from economics, political science, business, and organisational sciences, criminology, and law; and (2) legally pluralistic (anthropological) approaches, coming from social and legal anthropology and socio-legal studies. Accordingly, each "camp" approaches corruption in different ways, reflecting their disciplinary conventions.

The perspective of economics is more focused on the causes of corruption and its influence on economic development at different levels. Most economists confine their definition of corruption to the public sector and the corruption of government officials. From an economics perspective, corruption is defined as payments illegally made to public agents with the goal of obtaining a benefit or avoiding a cost. The large public sector is seen as a main driver of corruption. However, due to their excessive focus on the public sector, economic analyses of corruption have paid less attention to corruption in the private sector. Political science highlights the importance of studying the roots, cause, and influence of corrupt behaviour on political institutions, political factions, and parties, as well as corruption's functional role in political systems and its nexus with democracy, civil society, and development. Studies of corruption coming from law and criminology view corruption as a practice or act that is destructive to the rule of law and undermines transparency by violating the law and regulations that might have a short- or long-term influence on the legal landscape. Relevant examples of such studies include research on white-collar crime, conflict of interest, and the corporate-state crime nexus. One element common to these disciplines is that they view corruption from a moralistic/normative standpoint, using words such as "serious moral and political concerns", "erode respect for the law", and "recognition of the costly effects", as well as "condemned in a variety of regional and international settings", "undermines the cultural system in which it occurs", and "major impediment to development".

Many anti-corruption policies and programmes implemented worldwide over the last three decades have been informed by normative approaches. The most established framework for understanding and counteracting corruption is the principal-agent model. This model has been influencing anticorruption efforts and research agendas for the last two decades. It sees corruption as criminal behaviour by some agents (e.g., civil servants) entrusted to act on behalf of a (honest/benevolent) principal (the public or a cabinet minister). According to this model, corruption arises in the public sector due to the transfer of certain responsibilities to the agent and ineffective monitoring by the principal, which leads to the establishment of corrupted behaviour by the agent by abusing his position for personal gain. However, in heavily corrupt social settings, it is difficult to identify who such an honest principal might be. In such corrupt settings, it is unlikely to find honest principals at the bottom or at the top of society. The political elites are often the ones who gain most from corrupt practices and therefore they have no incentive to change the corrupt system. The people may constitute the honest principal, and the political leaders are the corrupt agents, but in corrupt social settings, corrupt political elites often get re-elected. Agents at the bottom of a corrupt system, such as street-level tax bureaucrats or policemen, have no incentive to refrain from corrupt practices because they have to act within the established " rules of the game". Nevertheless, this model was linked with corruption research for the first time by Rose-Ackerman (1978) and was further developed by Klitgaard (1988). The principal-agent model has been an active instrument to understand corruption for many international organisations, such as the World Bank's anticorruption programmes.

Although the principal-agent model provides quite straightforward tools for assessing and combatting corruption, it may have limited utility in social settings characterized by systemic corruption and an authoritarian regime. In heavily corrupt and authoritarian social contexts, it is rather a rule than an exception that political elites and decision-makers engage in corrupt practices. Therefore, in such social settings, it is a very difficult task to identify who could act as an honest principal. If the ruling elite is heavily corrupt and reluctant to implement genuine anti-corruption reforms, the principal-agent model would hardly produce the expected outcomes, since there will simply be no actors willing to counteract corruption.

Reflecting on these complexities, several new frameworks were developed to better diagnose and counteract corruption in social settings characterized by rampant corruption. One of the key frameworks in this respect is a "collective action approach to corruption", developed by Persson et al. (2013) in their study of Kenya and Uganda, two countries plagued by systemic corruption. Persson et al. (2013) argue that one of the main reasons for the failure of anti-corruption reforms in non-Western societies is that they are often based on a conceptualisation of corruption as a principal-agent problem. In heavily corrupt social settings, corruption resembles a collective action problem rather than a principal-agent problem. Under this conceptualisation, corruption is seen as an expected behaviour resulting from the prevailing social norms in which an agent's choices and decisions on how to act are influenced by his/her

perception and expectation of other agents' behaviour. In other words, corruption can be viewed as the standard operating procedure: agents may be well aware that corruption is pernicious, but because they believe that everyone is doing it, they have no reason to refrain from corrupt practices (Rothstein, 2018).

Given its strong emphasis on society's informal rules and practices, the collective action approach has led to the proliferation of scholarly literature on the interconnections between corruption and social norms (Camargo & Passas, 2017; Kubbe & Engelbert, 2017; Ellis 2019). The bulk of these studies explore such issues as (a) why people engage in corrupt behaviour even though they themselves consider it to be wrong; (b) the role and influence of social norms or unwritten/informal rules on individuals' actions and decisions; (c) how social norms, pressures, and influences penetrate state institutions; and (d) whether social norms provide incentives for individuals to be corrupt and thereby facilitate corruption. One possible inference from the "corruption and norms" literature is that corruption turns into a social norm in social settings ridden with systemic corruption, which implies that anti-corruption campaigns in heavily corrupt societies should primarily focus on changing prevailing social norms rather than punishing deviant behaviour

However, critical perspectives, often coming from anthropological studies of corruption, have argued that corruption should not be seen as culturally determined since there is no empirical support that corruption is more prevalent in societies where it is culturally accepted (Olivier de Sardan, 1999; Pardo, 2004; Haller & Shore, 2005; Hasty, 2005; Lazar, 2005; Rivkin-Fish, 2005; Smart & Hsu, 2007; Torsello & Venard, 2016). Debunking the accounts that view corruption through a social-norms lens, anthropologists see corruption as a social phenomenon without moral evaluation and refrain from condemning activities (as corrupt or non-corrupt) that are socially accepted by the population. At the same time, anthropologists do not justify corruption as a morally and culturally accepted practice; rather, they argue that society's moral codes and informal norms should not be used as a cause or an explanation of why corruption is prevalent in a particular social setting. In doing so, anthropologists argue for the necessity of using a contextual and multiple moralities approach, paying attention to different, sometimes conflicting moral and normative standpoints. In fact, in countries ranked as extremely corrupt on Transparency International's Corruption Perceptions Index, most people have strong norms against corruption, as can be seen in the example of post-Soviet countries such as Russia, Ukraine, Kyrgyzstan, and Uzbekistan, where ordinary people condemn corruption as morally wrong but are compelled to engage in corrupt practices due to weak state capacity (Ledeneva, 2013; McMann, 2015; Urinboyev et al., 2018). Consequently, the neutral, value-free approach to corruption, as anthropologists suggest, may enable us to gain a more accurate understanding of corruption, with different views leading to new investigations and building better, more context-sensitive anti-corruption policies (Torsello & Venard, 2016).

Thus, drawing on the abovementioned theoretical perspectives, it can be inferred that we cannot rely merely on the mainstream economic approaches and rational-legalistic perspectives (i.e., rational actors and structural approaches) as standards against which informal practices and transactions are evaluated as corrupt or non-corrupt. Rather, when trying to understand corruption from a multidisciplinary perspective, we also need to incorporate the legally pluralistic (anthropological) approaches that consider local contexts and cultural-specific knowledge, while at the same time accounting for the mutually transforming interactions between the different types of corruption. The interdisciplinary and multilevel perspective has the potential to link various approaches to corruption (rational-actor, structural, and relational) by explaining the contradictions and interdependencies between (a) meso- and micro-level face-to-face interactions of individuals and groups, (b) macro-level institutional and legal arrangements and actual practices, and (c) global norms, discourses, and practices.

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Werner, C. A. (2000). Gifts, bribes, and development in post-Soviet Kazakhstan. Human Organization 59(1):11–22

World Bank. (2002). The New Anticorruption Home Page. http://www.worldbank. org/en/topic/governance/brief/anti-corruption.

Reading materials for Module 2

Compulsory reading

Hodgson, G. and Jiang, Sh. (2007). The economics of corruption and the corruption of economics: an institutionalist perspective. Journal of Economic Issues, 41 (4), 1043–1061. (18 pages)

Kubbe, I. and Engelbert, A. (2017). Corruption and Norms: Why Informal Rules Matter. Basingstoke: Palgrave Macmillan (Introduction by Ina Kubbe and Annika Engelbert and Part 1, Chapter on A Social Psychological View on the Social Norms of Corruption by Nils C Kobis, Daniel Irragori-Carter and Christopher Starke) (32 pages)

Mungiu-Pippidi, A. and Heywood, P. M., eds. (2020). A Research Agenda for Studies of Corruption. Cheltenham: Edward Elgar Publishing. (Chapters 1, 2, 3, 4) (53 pages)

Prasad, M., Da Silva, M. B., and Nickow, A. (2019). Approaches to Corruption: a Synthesis of the Scholarship. Studies in Comparative International Development, 54 (1), 96–132. (36 pages)

Rose-Ackerman, S. (2008). Corruption. In: C.K. Rowley and F.G. Schneider, eds. Readings in Public Choice and Constitutional Political Economy. Boston, MA: Springer US, 551–566. (15 pages) Available at: https://link.springer.com/chapter/10.1007/978- 0-387-75870-1_30

Rose-Ackerman, S. (1999). Corruption and Government: Causes, Consequences, and Reform. Cambridge, New York: Cambridge University Press. (Chapters 1, 2) (78 pages)

Rothstein, B. (2021). Controlling Corruption: The Social Contract Approach. Oxford University Press, pages 1-46 pages (46 pages)

Gupta, A. (1995) Blurred boundaries: the discourse of corruption, the culture of politics, and the imagined state. American Ethnologist, 22 (2), 375–402. (27 pages)

Haller, D. and Shore, C. (2005). eds. Corruption: Anthropological Perspectives. London and Ann Arbor, MI: Pluto Press. (Chapter 1) (26 pages)

Kubbe, I. and Engelbert, A. (2017). Corruption and Norms: Why Informal Rules Matter. Basingstoke: Palgrave Macmillan. (Introduction) (10 pages)

Nuijten, M. and Gerhard, A. (2007). Corruption and the Secret of Law: A Legal Anthropological Perspective. Farnham: Ashgate. (Chapter 1) (24 pages)

Rivkin-Fish, M. (2005). Bribes, gifts and unofficial payments: Rethinking corruption in post-Soviet Russian health care. In: D. Haller and C. Shore, eds. Corruption: anthropological perspectives. London and Ann Arbor, MI: Pluto Press, 47–64. (17 pages)

Smart, A. and Hsu, C. L. (2007). Corruption or social capital? Tact and the performance of guanxi in market socialist China. In: D. Haller and C. Shore, eds. Corruption and the secret of law: A legal anthropological perspective. Farnham: Ashgate, 167–90. (23 pages)

Torsello, D. and Venard, B. (2016). The anthropology of corruption. Journal of management inquiry, 25 (1), 34–54. (20 pages)

Optional Reading (one book/article should be selected)

Anechiarico, F. and Jacobs, J. B. (1994). Visions of Corruption Control and the Evolution of American Public Administration. Public Administration Review, 54 (5), 465–473. (8 pages)

Blundo, G. and Oliver de Sardan, J. (2013). Everyday corruption and the state: Citizens and public officials in Africa. London: Zed Books.

Harrison, G. (1999). Corruption, development theory and the boundaries of social change. Contemporary Politics, 5 (3), 207–220. (13 pages)

Heidenheimer, A. J. and Johnston, M. (2011). Political Corruption: Concepts and Contexts. New Brunswick and London: Transaction Publishers.

Heyman, J. (1999). eds. States and Illegal Practices. Oxford; New York: Bloomsbury Academic.

Jancsics, D. (2014). Interdisciplinary perspectives on corruption. Sociology Compass, 8 (4), 358–372. (14 pages)

Johnson, M. (2005). Syndromes of Corruption: Wealth, Power and Democracy. Cambridge: Cambridge University Press (Chapters 1 and 3)

Nye, J.S. (2002). Corruption and political development: A cost-benefit analysis. In: A.J. Heidenheimer and M. Johnston, eds. Political corruption: Concepts and contexts. New Brunswick and London: Transaction Publishers, 281–300

Lazar, S. (2005). Citizens Despite the State: Everyday Corruption and Local Politics in El Alto, Bolivia. In: D. Haller and C. Shore, eds. Corruption: anthropological perspectives. London and Ann Arbor, MI: Pluto Press, 212–228. (26 pages)

Lomnitz, C. (1995). Ritual, Rumor and Corruption in the Constitution of Polity in Modern Mexico. Journal of Latin American Anthropology, 1 (1), 20–47. (27 pages)

Oliver de Sardan, J. (1999). A moral economy of corruption in Africa? the Journal of Modern African Studies, 37 (01), 25–52. (27 pages)

Pani, N. (2016). Historical insights into modern corruption: descriptive moralities and cooperative corruption in an Indian city. Griffith Law Review, 25 (2), 245–261

Pardo, I. (2004). Between Morality and the Law: Corruption, Anthropology and Comparative Society. London: Ashgate

Polese, A. (2008). 'If I receive it, it is a gift; if I demand it, then it is a bribe': On the Local Meaning of Economic Transactions in Post-Soviet Ukraine. Anthropology in Action, 15 (3), 47–60

Module 2: Seminar 2 Assignment

The main purpose of the seminar is to discuss predominant approaches to understanding and combatting corruption. As corruption is seen as a "cancer" that subverts the ideals of good governance and democracy, it has received attention from all fields of social sciences, including political science, economics, sociology, anthropology, psychology, law, administration sciences, and many other interdisciplinary fields.

SIDA seems to have liked your presentation, albeit with some reservations. Based on what you suggested in seminar 1, SIDA is not keen on a rapid response to Serbia's request but wants to gain a broader understanding of the different approaches/frameworks to identifying and combatting corruption. SIDA has also its own scientific team and they are aware that corruption is an elusive and multifaceted concept which needs to be studied and understood from an interdisciplinary perspective.

This time, SIDA asks you to come up with a theoretical framework for understanding corruption. But, in undertaking this task, SIDA wants you to go beyond the case of Serbia and explore the socio-legal context of different countries. This means each student group is free to select any country (as a case study) that receives development aid from SIDA. SIDA has bilateral development cooperation with approximately 35 countries in Africa, Asia, Latin America, and Europe. SIDA also works regionally in Africa, Asia, the Middle East, and North Africa, as well as in Europe. A list of countries with which SIDA works can be found here: https://www.sida.se/en/sidas-international-work .

Task

Based on SIDA's request, each group should select a specific country and discuss and apply these four approaches/frameworks to understanding and counteracting corruption in the context of their case country.

The interactional approach to corruption (the principal-agent model)

The structural approach to corruption (institutional perspective)

The collective action approach

The legal pluralistic approach to corruption (legal anthropological perspective)

When discussing these four approaches, you should focus on the following questions:

(1) Discuss the main features of each of these four approaches/frameworks, their strengths, and weaknesses;

(2) Which approach is more relevant to your case country, and why?

(3) Is it possible to create a hybrid anti-corruption strategy by combining these approaches, and if so, which approaches fit together or are compatible?

(4) What needs to be done in order to convince SIDA that your chosen framework is feasible and that it matches the socio-legal context of your case country?

Each group is expected to work on the following two deliverables:

Seminar presentation: Each group should prepare a 13-minute PowerPoint presentation on why their respective approach/framework should be utilised for understanding and, more importantly, combatting corruption in their case country. After all groups finish their presentations, an additional 20 minutes will be left for debate. The winning student group will receive a consultancy contract from SIDA for 12 million SEK to carry out program design as well as a fact-finding mission to their case country.

Seminar paper: after the completion of the seminar, each group will submit a paper (between 2,000 and 2,500 words).

Module 3: the interplay between law, society, and corruption

Socio-Legal Theories on Legal Compliance and Their Implications for Analysing Corruption

Making people obey the law today is a complex task, given the fact that the state is not the only regulator of social behaviour; rather, there are various informal forms of normative ordering that make people operate outside the law. People's engagement in corrupt practices is one poignant example of how informal rules and practices shape everyday social behaviour. In socio-legal studies, we can identify three main socio-legal frameworks on why people obey the law: (1) an instrumental perspective, (2) a normative perspective, and (3) an expressive perspective. With these considerations in mind, Module 3 focuses on these three specific socio-legal theories of legal compliance. The emphasis will be placed on understanding how, why, and to what extent these theoretical perspectives can be used to study and analyse (anti-) corruption. Before presenting the main characteristics of the three socio-legal frameworks on legal compliance, a brief discussion on the relationship between law and society, as well as some insights on the usefulness of socio-legal studies for explaining social behaviour, may be in order.

The socio-legal theory has been developing since the beginning of the last century. Its intellectual roots are linked to Max Weber and Emilie Durkheim, who explored and theorised the relationship between law and society from a sociological perspective. At the same time, such scholars as Ehrlich, Gurtvitch, and Petrazycki contributed to the development process of a "legally pluralistic understanding of the law" by distinguishing between the law produced by the state and informal norms produced

by non-state actors and institutions. If Weber and Durkheim established the fundamental sociolegal scholarship, then academics like Ehrlich and Petrazycki developed more dynamic ways to examine how the law operates within people, communities, and institutions by introducing one of the essential theories in sociolegal studies.

Furthermore, the development of socio-legal theory is interconnected with the general phenomenon of globalisation (Darian-Smith, 2013; Banakar, 2015). The deeper integration of globalisation in people's everyday lives created social and cultural consequences at the micro and macro levels by causing uncertainties in relationships among social structures and institutions and in people's legal cultures. Globalisation led to new social constructions where people representing different cultures, statuses, and nations started living under the same – so-called "uniform" – laws, but with the application of different social norms. Thereupon, the inability of formal institutions and recent social structures led to an increase in the frequency of moral conflicts because of the "unforeseen consequences of functional differentiation" (Banakar, 2015). Consequently, socio-legal theory also shifted its frame to legal-pluralistic concepts to elucidate the relationships and nexuses between different legal cultures and state-society relations during the last few decades.

Socio-legal scholarship has a broad academic construction designed to better understand the nexus of law, society, and the state. The conceptualisation of the legal phenomenon from the sociological perspective emerges when there is a need to elucidate the law in practice within political, social, economic, and cultural contexts (Darian-Smith, 2013; Ferrarese, 2017). Socio-legal studies provide global, nuanced views for exploring and understanding the laws shaping social behaviour in everyday life. Irrespective of whether the sociology of law is a sub-discipline of sociology or a new research direction aiming to support legal studies from a sociological viewpoint, it has independent methodologies, theories, approaches, and ways to explore the law in action (Banakar & Travers, 2005). Furthermore, the sociology of law intersects with social anthropology, criminology, political science, and other social science-related disciplines by creating a "growing body of legal research to engage with various laws and societies by recognizing diverse legal orders at different social levels built on different cultural and historical traditions" (Luhnamn, 1985; Trevino, 2001; Nelken, 2009; Darian-Smith, 2013).

It is noteworthy that one of the distinct features of the socio-legal discipline is that it argues for the existence of a life for laws beyond the texts (Darian-Smith, 2013). Socio-legal theories are based on the recognition of interdisciplinary approaches for understanding and analysing the distinct features of the law as a social phenomenon. In addition, they can provide added value to other disciplines by exploring how and why the laws shaping different sectors are succeeding, progressing, or failing in action. With these considerations in mind, three main socio-legal frameworks on legal compliance can serve as a heuristic device to understand how and why anti-corruption policies fail or do not produce expected outcomes.

1) The instrumental perspective on legal compliance (deterrence)

Much traditional social theory is built on the assumption that behaviour is motivated by rewards and punishments in the external environment. This instrumental perspective is often referred to as the study of social control (Krislov et al., 1972; Wood, 1974). It assumes that the nature of the immediate environment influences people's actions (Fishbein and Ajzen, 1975; Friedman, 1975; Mueller Dennis, 1979). Social control refers specifically to altering citizens' behaviour by manipulating access to valued social resources or by delivering or threatening to deliver sanctions. This implies that the legal authorities attempt to modify behaviour by rewarding compliance with the rules and punishing or threatening to punish their violation.

The instrumental perspective thus implies that people shape their behaviour to respond to changes in the tangible, immediate incentives and penalties associated with following the law – to judgments about the personal gains and losses resulting from different kinds of behaviour. People who make instrumental decisions about complying with various laws will have their degree of compliance dictated by their estimate of the likelihood that they will be punished if they do not comply. They may exceed the speed limit, thinking that the likelihood of being caught speeding is low, but not rob a bank, thinking that the likelihood of being caught is higher. Thus, an instrumental perspective regards compliance as a form of behaviour occurring in response to external factors.

2) The normative perspective on legal compliance, developed by Tyler (2006)

The normative perspective is concerned with the influence of what people regard as just and moral as opposed to what is in their self-interest. This has to do with the person's own set of normative values – the sense of what is right or appropriate. The key feature of normative factors that differentiates them from considerations of rewards and punishment is that the person voluntarily complies with rules rather than responding to the external situation. Because of this, normative influences are often referred to by psychologists as "internalized obligations," that is, obligations for which the citizen has taken personal responsibility.

This normative commitment can involve personal morality or legitimacy. The normative commitment through legitimacy means obeying a law because one feels that the authority enforcing the law has the right to dictate one's behaviour. In other words, citizens may comply with the law because they view the legal authority they are dealing with as having a legitimate right to dictate their behaviour. This represents an acceptance by people of the need to bring their behaviour into line with the dictates of an external authority (Friedman, 1975). The normative commitment through personal morality means obeying a law because one feels the law is just. It is a form of internalised obligation which is derived from a person's desire to behave in a way that accords with his or her own sense of personal morality. Like views that accord legitimacy to authorities, personal morality is an internalised sense of obligation

characterized by voluntary compliance. It differs from legitimacy in content, however. Personal morality is not a feeling of obligation to an external political or legal authority; it is instead an internalised obligation follow one's own personal sense of what is morally right or wrong.

3) The expressive perspective on legal compliance, developed by McAdams (2015)

The law's expression creates an incentive for compliance. The first expressive power is the law's coordinating function: the law offers people a means of coordinating, a mode of order, which makes it self-enforcing. The second expressive power is the law's information function. The fact that government allows people to do something but prohibits other things is itself information. The law has expressive powers independent of the legal sanctions threatened for violations and independent of the legitimacy with which the population perceives the authority creating and enforcing the law. There are two causal mechanisms – coordination and information – by which legal expression influences behaviour, usually in the direction of compliance. The law deters and incapacitates, but it also coordinates and informs. Legal sanctions owe their power entirely to the law's ability to facilitate coordination expressively. Thus, the law influences behaviour expressively, and legal compliance is not explained entirely by deterrence and legitimacy.

References

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Banakar, R., & Travers, M. (Eds.). (2005). *Theory and method in socio-legal research*. Bloomsbury Publishing.

Darian-Smith, E., (2013). Laws and Societies in Global Contexts: Contemporary Approaches, Cambridge: Cambridge University Press, 1-97.

Ehrlich, E., (2002). Fundamental Principles of the Sociology of Law. New Brunswick, NJ: Transaction Publishers.

Fishbein, M. and Ajzen, I., 1975. *Belief, Attitude, Intention and Behavior: An Introduction to Theory and Research*. Reading, Mass: Addison-Wesley.

Friedman, L.M., 1975. *The legal system: A social science perspective*. New York: Russell Sage Foundation.

Krislov, S., Boyum, K.O., Clark, J.N., Schaefer, R.C., and White, S.O., 1972. Compliance and the Law: A Multidisciplinary Approach. *Criminology*, 10 (2), 243–243.

Luhmann, N. (1986)., "The Self-Reproduction of Law and its Limits.", Pp. 111–127 in Dilemmas of Law in the Welfare State, ed. G. Teubner, Berlin: Walter de Gruyter.

McAdams, R.H., 2015. *The Expressive Powers of Law*. Cambridge, MA: Harvard University Press.

Mueller Dennis, C., 1979. *Public Choice*. New York: Cambridge University Press.

Nelken, D. (2002)., "Comparative Sociology of Law." Pp. 329–344 in An Introduction to Law and Social Theory, ed. R. Banakar and M. Travers. Portland, OR: Hart Publishing.

Tyler, T.R., 2006. *Why People Obey the Law*. Princeton: Princeton University Press.

Trevino, A., (2001). "The Sociology of Law in Global Perspective.", The American Sociologist 32(2):5–9.

Wood, A.L., 1974. *Deviant behavior and control strategies: Essays in sociology*. Lexington, Mass: Lexington Books.

Reading materials for Module 3

Compulsory Reading

Batory, A. (2012). Why do anti-corruption laws fail in Central Eastern Europe? A target compliance perspective. Regulation & Governance, 6(1), 66–82. (16 pages)

Bierschenk, T. and Olivier de Sardan, J. (2019). How to study bureaucracies ethnographically? Critique of Anthropology, 39(2), 243–257. (14 pages)

Blundo, G. (2007). Hidden acts, open talks. How anthropology can "observe" and describe corruption. In: M. Nuijten and G. Anders, eds. Corruption and the secret of law: A legal anthropological perspective. Farnham: Ashgate, 27–52. (25 pages)

Fisman, R. and Miguel, E. (2007). Corruption, Norms, and Legal Enforcement: Evidence from Diplomatic Parking Tickets. Journal of Political Economy, 115(6), 1020–1048. (28 pages)

Gupta, A. (2005). Narrating the State of Corruption. In: D. Haller and C. Shore, eds. Corruption: Anthropological Perspectives. London and Ann Arbor, MI: Pluto Press, 173– 193. (20 pages)

McAdams, R. (2015). The Expressive Powers of Law. Cambridge, MA: Harvard University Press. (Introduction and Chapters 1, 2, 3) (56 pages)

Polese, A. (2008). 'If I Receive it, It is a Gift; If I demand It, Then It is a Bribe': On the Local Meaning of Economic Transactions in Post-Soviet Ukraine. Anthropology in Action, 15 (3), 47–60 (15 pages)

Schoultz, I. and Flyghed, J. (2016). Doing business for a "higher loyalty"? How Swedish transnational corporations neutralise allegations of crime. Crime, Law and Social Change, 66(2), 183–198. (15 pages)

Tyler, T. (2006). Why People Obey the Law. Princeton: Princeton University Press. (Chapters 1, 3, 4, 5) (55 pages)

Werner, C. (2000). Gifts, Bribes, and Development in Post-Soviet Kazakstan. Human Organization, 59 (1), 11–22. (11 pages)

Optional Reading (one book/article should be selected)

Blundo, G. and Olivier de Sardan, J.-P. (2013). Everyday corruption and the state: Citizens and public officials in Africa. London: Zed Books

Haller, D. and Shore, C., eds., (2005). Corruption: Anthropological Perspectives. London and Ann Arbor, MI: Pluto Press

Kubbe, I. and Engelbert, A. (2017). Corruption and Norms: Why Informal Rules Matter. Basingstoke: Palgrave Macmillan.

Nuijten, M. and Anders, G. (2007). Corruption and the Secret of Law: A Legal Anthropological Perspective. Farnham: Ashgate.

Module 3 Seminar 3 Assignment

In this seminar, we will discuss different socio-legal approaches to legal compliance (why people obey the law) and their implications for understanding and combatting corruption. In addressing these questions, each group will focus on their case study countries (the same countries explored in Seminar 2).

SIDA officials are impressed by your last presentations. This time, SIDA wants each group to provide thorough knowledge about the socio-legal contexts of your case countries. More specifically, SIDA is interested in understanding the socio-legal realities and legal compliance among the local people. This is based on the rationale that understanding why people obey or disobey laws is crucial to the success of anti-corruption reforms. Based on your presentations, SIDA will consider further steps in partnership with those countries and their national anti-corruption agendas.

Task:

In this seminar, student groups will be asked to present their views and analysis of legal compliance in their case study countries. There are three main socio-legal perspectives on legal compliance: (a) the instrumental perspective, (2) the normative perspective, and (c) the expressive perspective. You should analyse these three perspectives and discuss which one (or a combination of two or all three) can be used to increase legal compliance and thereby combat corruption in your case countries.

While discussing the three aforementioned legal compliance perspectives, please try to connect to/reflect on the four approaches to understanding (anti-) corruption that we discussed in the previous lectures and seminar: (1) the interactional approach (the principal-agent model), (2) the structural approach (institutional perspective), (3) the collective action approach, and (4) the legal pluralistic approach (legal anthropological perspective). In doing so, you will be able to establish a connection between legal compliance and (anti-) corruption approaches.

Each group is expected to work on the following two deliverables:

Seminar presentation: Each student group should prepare a 15-minute PowerPoint presentation (plus 5 minutes for the Q/A session). After all groups finish their presentations, an additional 20 minutes will be left for debate. Notes for debate during the seminar:

After all presentations and subsequent discussions, please be prepared to debate all three legal compliance perspectives. During the debate, we will have case studies (to be announced during the seminar) to cover such aspects of legal compliance as:

the role of culture in encouraging (or discouraging) compliance;

how trust may be introduced into discussions on compliance;

how failures in compliance may be explained through instrumental, normative, and expressive perspectives.

Seminar paper: after the completion of the seminar, each group will submit a paper (between 2,000 and 2,500 words; a group with 4 members can submit a paper of between 1,500 and 2,000 words).

Module 4: methodological and ethical issues in (anti-) corruption research

The methodological and ethical considerations in research on sensitive topics are very important factors that need to be paid specific attention before entering the field. In particular, a well-planned research methodology and strict adherence to all ethical norms have an important role in ensuring the quality of the empirical data as well as the safety of the researcher in the fieldwork destination. The research design and data collection strategies should be well-designed and specifically approved by the ethical review authorities before the start of the fieldwork, but there are many unexpected academic, political, legal, or other challenges in the field that can change some parts of the methodology in a different direction. Such problems can be political or social crises in the society in which field research of any type is planned. Notably, specific preparation is needed if the research topic concerns corruption-related topics due to their sensitive nature for many societies in the world – not only for authoritarian and non-democratic regimes.

The field of "anti-corruption" action programs is at an infant stage, still populated by a number of myths and misconceptions in terms of strategies and policy implications. Such misconceptions are often due to the absence of in-depth analytical and empirical underpinnings for the proposed anti-corruption actions. Many analytical papers on corruption close by mentioning generically in a perfunctory paragraph a "policy implication", such as "caution" against rapid liberalisation, exercising "care" in sequencing reforms, "tailoring" programs to country characteristics, etc. Therefore, there is a need for more explicit linkage between empirical research and practical and implementable policy actions in the field. Advancing the empirics of corruption should be an explicit and key objective of action programs aimed at furthering in-depth diagnostics of corruption within countries and public institutions. Such an emphasis is critical to stimulate, sustain, and nourish action programs. We

believe that such diagnostics and analyses of the empirical data should be converted into concrete policy options for anti-corruption programs. It may at first appear unrealistic to aim for such concrete and direct operational results from research on corruption, which some may argue is best left to "policy wonks" or to enforcement experts with long operational experience. Yet in the field of corruption, such a view may amount to missing an important opportunity to advance rigorous knowledge on policy options (Kaufmann, 1998).

Most of the literature on corruption studies relies on a conventional definition of the "abuse of public office for private gain", which can be subject to a variety of interpretations. It could cover basically any action by a public servant that ultimately will serve him or her to advance their own personal (or reference group) objectives. Each word in this conventional definition of corruption – namely "abuse", "public office", "private", and "gain" – leaves significant room for interpretation. The abuse of power can cover bribery (and extortion), theft, illegal political contributions, patronage, and the illegal exercise of insider information. Bribery and extortion encompasses a payoff for a wide variety of illicit activities, such as circumventing licenses, permits, and signatures; acquiring monopolistic power (for example, by creating entry barriers for competitors); access to public goods, including the illegal awarding of public procurement contracts; access to public physical assets, or their outright stripping and appropriation; access to preferential financial assets (credit); illegal trade in goods banned for security or health considerations, such as drugs or nuclear materials; illicit financial transactions, such as money laundering and the illegal exercise of insider information by officials for financial sector activities; or influencing administrative or legislative actions and judicial decisions. Such a wide interpretation of the definition of corruption challenges the methodology of studying this phenomenon (Kaufmann, 1998).

The operational objective for a diagnostic is to cover the key public sector agencies. The selection of which agencies to cover, and which particular methodology to consider for questioning those selected agencies, will be driven by the institutional setup of the country, the typologies of corruption to be covered, and the choice(s) of the unit of survey observation (i.e., central government administration, local governments, customs and border crossings, police, judiciary, ministries of finance, and trade, sectoral ministries, public health institutions, public services such as water, gas, or electricity, tax authorities, banking and insurance, or housing and land authorities). However, even by focusing on specific agencies, the intrinsically secretive nature of corrupt activities makes collecting reliable quantitative information virtually impossible. We are forced to rely on more abstract concepts, a few proxies, and anecdotal evidence (including the customary chat with the cab driver and after dinner drinks with local friends). But in reality, both the extent and the nature of corruption can be measured and assessed with some degree of confidence. The host of measurement questions can be organised around the basic questions of: why measure? Can we measure? What should we measure? How do we measure and who measures? Whom do we measure? And, finally, what do we do with the measure-

ments thus obtained? Given the conventional definition of corruption as the "abuse of public office for private gain", Asking what to measure would then lead us to consider different types of abuses, different types of public offices, different types of private gains, and other factors influencing such abuses that we have discussed in the previous paragraph (Lancaster, 1997; Kaufmann, 1998).

Data collection: surveys and "poll of polls"

Corruption is a symptom, and is closely related to a host of other economic, institutional, and political variables. Therefore, gathering information on regulatory, financial, economic, governance, and rule of law variables provides a more comprehensive assessment of corruption. Gathering information on corruption-related activities might be also done by focusing on the potential consequences of corruption, since it is part of the broad governance picture and ultimately a key measure of impact for evaluation assessment. And one of the ways to conduct those data-gathering processes might be through surveying particular "populations" on their experiences and perceptions. There are many types of surveys, and a key typology involves different units of observation. Surveys could be conducted by creating questionnaires and asking firms (which could be a cross-country comparative survey or a more in-depth country-specific one), for instance, about the "bribe fee" in some countries in the FSU, or asking public service users about the delivery of services, inviting them to rate a multiplicity of public service providers (Kaufmann, 1998). Citizen polls of perceptions are also another way of surveying corruption, which facilitates the gathering of big data to be analysed on nationwide corruption perception topics. There are many other ways of conducting surveys, such as narrowly focused user surveys for single-agency diagnostics; these include surveying importers about customs, asking truck drivers to assess road police and border guards, or surveying public officials (here the challenge is to extract reliable information, which from our experience is best achieved when the officials are not in their offices, preferably during short-term training abroad or the equivalent), as well as expert or so called elite surveys that involve specialists in the field of research as respondents. Surveying is the approach to comparative data gathering used by commercial risk agencies, such as the International Country Risk Guide (ICRG), Standard & Poor's DRI, or the Economist Intelligence Unit. The advantage of these types of surveys is that they have continuous coverage over time, and about 100 countries are included. Yet only a few experts for each country are consulted; hence, there is a significant element of subjectivity.

Using an existing "composite poll of polls" is also a type of quantitative research method for studying corruption perception worldwide. This is the approach of the

Transparency International's (TI) Corruption Perceptions Index, which combines the existing surveys, including some based on responses from firms (e.g., WCS) and some from experts (for example, the International Country Risk Guide). As a broadly indicative estimate of whether perceptions are that the country is very corrupt, relatively corrupt, somewhat corrupt, or relatively free from corruption, the TI index has served as a useful "flag" and awareness-raising tool about corruption in general. Nevertheless, the methodology and the validity of the results of the surveys of the Transparency International Corruption Perceptions Index have been questioned by many scholars specialising in the field of corruption studies (Johnston, 2000; Bevan & Hood, 2006; Søreide, 2006; Mustafoev & Shweitzer, 2021). The absence of the exact "measurement" formula for evaluating the level of corruption challenges the comprehensiveness of the methodology applied by TI in its reports and indices. Thus, this indicator needs to be treated with caution if it is used for research purposes.

Data collection: Interviews, conversations

The second data collection technique is the qualitative method, which covers documentary analysis, participant observations, interviews, and discussions. This method is mostly applied in anthropological studies of corruption, which also involve conducting fieldwork. There are three types of participation in the fieldwork or data collection process; they are active, passive, and reluctant methods (Diphoorn, 2012: 210-217). The participant observation concept was developed in Karen O'Reilly's book, *Key Concepts of Ethnography*, where the author claims that the researcher's method of participation should be linked to the emotional mood of the respondent. In addition, according to the typologies of the modes of participation in Diphoorn's "emotionality of participation" concept, the "passive participation" of the researcher might be a key to gathering valuable data. The passive participation of the researcher means being detached and taking up the role of a distant observer. Because corruption-related topics are very sensitive, in our opinion, the passive method is one of the most the practical concepts to apply in anticorruption research. O'Reilly also claims that organizing interviews and questioning in a passive and indirect way is very applicable while conducting research relevant to sensitive and emergent themes (2008: 21). Active and reluctant methods of participation involve more trust being established initially between the researcher and the respondents. Indeed, establishing trust with the interviewees and being respectful of their time can ensure progress in any fieldwork (O'Reilly, 2008: 213). Gaining this trust from the people whom the researcher is meeting for the first time might be a challenging task, which is why involving a gatekeeper might be a solution.

The methodology of anticorruption research depends essentially on the planned research objectives. If researchers applying the anthropological perspective in anticorruption studies mostly rely on observations and informal interviews, other scholars specialised in quantitative research might consider surveys (Gupta, 2005; Urinboyev & Svensson, 2013). Indeed, informality in the case of corruption research drives the efficient and practical continuation of the fieldwork. In addition, the research methods used in studying corruption may vary because of the political nature of the location. For instance, the reason for avoiding more formal methodological considerations in authoritarian states is the artificially created bureaucratic difficulty and the security problems that arise for both researchers and their respondents. As another example, researchers Urinboyev and Svenson visited Uzbekistan and observed the everyday informality of citizens in order to understand the living law. Observations and fieldwork continued over three years and only during the third trip, Urinboyev and Svenson conducted four informal meetings (one in the hospital and the other three in the *choykhonas* (teahouses)) and neither recorded the interviews nor took notes because they were concerned about the safety of both themselves and the respondents (Urinboyev & Svensson, 2013). In 2009-12, Uzbekistan was led by ex-president Karimov and many Western and international organisations tied the regime to a number of authoritarian countries. In addition, research in authoritarian countries requires the identification of so-called "red lines"; this term is often used by researchers studying China's political tendencies and refers to very sensitive issues that require careful thought before starting a conversation about them. But the "red lines" do not mean that particular topics should not be discussed at all; only that it must be done with great care and using special methods, as well as having thought out in advance where and with whom to discuss such topics (Glasius et al., 2018).

Emotions in the field and their incorporation as data in (anti-) corruption research

Corruption perception is a mental, psychological, and cultural phenomenon. Observing corruption perception is physically impossible, but questioning people about their tolerance for corruption and how it is connected with their local culture may give a general picture of the issue. Data collection processes on corruption perception sometimes introduce the phenomenon of political emotions. These types of emotions are politically affected *sui generis* and are differentiated from social or cultural ones (Davies and Spencer, 2010: 130). Political emotions might appear during the discussion of sensitive topics and are represented mostly by the fear of being politically incorrect or a general feeling of insecurity from the respondents. By understanding the emotional condition of the respondent, the researcher might apply the concept of questioning that was developed and discussed by O'Reilly, which

stresses the importance of remaining sensitive to the context of the research and the participants' feelings by beginning the questioning passively, then moving to a more active, in-depth discussion (O'Reilly, 2008: 21). Certainly, it is essential to react to the emotionality of the respondents' participation during the fieldwork data collection. When it comes to sensitive topics for discussions, sometimes the emotions of the participants and interviewees might speak louder than words. Reflection upon the interrelatedness of participation and emotions is essential for the research outcomes (Diphoorn 2012: 202).

Moreover, the emotions of the researcher might have an influential power on the fieldwork process. The emotions we experience during the fieldwork can help us to better understand the situation and the current discussion area (Crewe, 2014: 393). For the researcher, objectivity and neutrality are considered the basis for getting valuable outcomes from the interviews and daily communications with locals and specialists. However, it has been claimed that any "research can never be entirely objective" (ASA Ethical Guidelines, 2011: 10). According to Davies and Spencer, one popular method of fieldwork is applying the research principles developed by academic psychology (Davies & Spencer, 2010). The importance of this method is linked to the process of removing the observer's emotional experience from the fieldwork. Regardless any type of observation, the outcome of the ethnographical or anthropological research should be independent and should not have any affiliation with the personal interests or beliefs of the author. Considering this further, there is a famous proposal by Alasdair MacIntyre and Peter Winch, who claim that there is no possibility for the researcher who is not a believer to conduct fieldwork or research about people who believe in God (Davies & Spencer, 2010).

Ethical consideration in (anti-) corruption studies

Ethical standards for corruption research are also important, mostly for safety reasons. There are general ethical norms, as well as specific ones that have been approved by regional research bureaus or individual educational institutions, but unfortunately, they are not entirely suitable for conducting research in politically unstable and authoritarian regimes. For example, in Europe, it is a regular practice to sign a document with a respondent that specifies the purpose of the study, the rights of the parties, and the preservation of anonymity; in authoritarian regimes, this method does not work or may create feelings of uncertainty and fear on the part of the respondent. Verbal agreements and personal relationships or a one-to-one approach to gain the respondent's trust are more practical ethical norms in the field of corruption research. Researchers should anyways maintain their ethical responsibility to ensure the safety of the respondents, regardless of the practicality of informal interviews and

discussions on corruption related topics in authoritarian or non-democratic regimes (Schwickerath et al., 2016).

Case study 1: Doing research on corruption in non-Western societies: Insights from Uzbekistan

This case study provides information on the methodological considerations of studying corruption by focusing specifically on the possible challenges and ethical issues the researcher might face during fieldwork. In order to better explain the methodological and ethical issues of anti-corruption research to the students, we decided to take an example from Uzbekistan, where both authors of this book have been conducting their research for the past few years. More precisely, in the next paragraphs, we analyse the research methodologies and ethics of conducting legal ethnography during the pandemic in Uzbekistan.

As researchers, we faced challenges even before getting to the field because of the lack of information about the pandemic rules and the uncertain bureaucratic practices around the regulation of international travellers to Uzbekistan. If, as a reader, you are linking our first research challenges with the Covid-19 pandemic itself, then you are absolutely right, because indeed the first difficulties were associated with the pandemic and the bureaucracy around it. Having bought tickets from Turkish Airlines (the only air carrier that could take us to Uzbekistan from Scandinavia), we could not find information about the procedures for returning citizens to Uzbekistan, neither from the airline nor from the official government websites. As lawyers and researchers, we were interested in knowing all the rules for returning citizens to Uzbekistan and the procedure for obtaining the necessary documents (including, for example, a certificate of a PCR test with a negative Covid-19 result). We first started looking for the official website of the Special Republican Commission for the Preparation of a Program of Measures to Prevent the Importation and Spread of a New Type of Coronavirus in the Republic of Uzbekistan (yes, this is the full official name of the organisation), but we could not find any reliable information there. This commission, which makes the most important decisions on restricting and coordinating the freedom of movement of Uzbekistan's citizens, residents, and foreigners travelling to and from the Republic of Uzbekistan, does not have an official website or any other reliable sources of information. We had to read articles in the independent media, as well as articles published on the website of the Information Agency of the Republic of Uzbekistan, to understand what to do and what measures to take before leaving for our homeland. As a result, we found information that was published two months prior to our departure, and we decided to follow it. Eventually, it turned out that we needed to have a negative PCR coronavirus test result, since the Special Republican

Commission of Uzbekistan obliged everyone, including both citizens and foreigners, to have one taken no more than 36 hours before arrival in Uzbekistan. The lack of official information from the Specialized Commission and other state bodies challenged us and forced us to choose one of two options: to follow the outdated information and get tested or to rely on our luck and travel without the health certificate, since the final destination is our home country. We decided to follow the first option, however, in airports, we saw other Uzbek people who followed the second option and were still easily able to leave the airport upon arrival home.

As legal ethnographers, we observed and experienced during our fieldwork how the absence of solid, reliable and up-to-date information leads to disorder by replacing legality in everyday life with informal practices, which eventually become socially accepted. Consequently, people lose their trust in the formal legal system when they feel disinformed, uncomfortable, or uncertain about ongoing political or any other policy-related changes. For instance, during the transit in Istanbul's Ataturk Airport, we noticed that some Uzbek citizens did not possess negative Covid-19 test certificates at the last check of boarding passes. Their noncompliance behaviour was backed up by their unawareness of the ongoing Covid-19 policy regulations and their lack of access to official and reliable information. According to three middle-aged women taking that flight without test certificates, they all knew that some restrictions existed, but they could not find on the official website of the special commission (because it has no website at all) what exactly to do before their flight to Uzbekistan. Thus, disinformation led those women to uncertainty, which in turn created obstacles that left no choice other than utilizing informal practices. At last, all three were somehow able to convince staff both in the Istanbul and Tashkent airports and successfully arrived at their destination. This was one of the first instances where we noticed the difference between "the law in books" and "the law in action", an experience which served as an opening to our subsequent ethnographic fieldwork in Uzbekistan.

Fieldwork flow: trust as an effective tool

During the first days of our stay in Uzbekistan, we contacted many people from different sectors who responded positively to our interview requests. Contacting every respondent individually is not easy in Uzbek society, where trust is more important than any ethics or documents, so we actively applied a method of 'introduction'. This method is based on finding a few people you trust and asking them to do the same, so that they introduce you to other potential respondents. The sensitivity of the topic requires more trust between the researcher and the respondents in hybrid regime states. Indeed, our research agenda was to study the correlations between corruption and anticorruption laws and how these influence the business climate in Uzbekistan.

Our fieldwork experiences show that within a social context, strangers might be hospitable to one another, but they do not trust each other for discussions of sensitive topics in Uzbekistan. The social norms of Uzbek society require trust to be built before starting conversations on delicate topics, or that there should be someone in between two people whom they both trust. The same is true in our experience: we mostly had a contact person between us and our respondents. In some cases, even the existence of trust was not sufficient, and many times, we were requested by respondents to explain why the Sociology of Law Department is conducting this research, or why Lund University is specifically conducting research about Uzbekistan. We had to spend a lot of time explaining the relationship between the sociology of law and corruption, or how the cultural and social characteristics of a society can affect legal literacy. After understanding the nature of our study, many respondents were even more interested in participating. Based on our experience, the openness and transparency of the researcher can create a more friendly atmosphere and trust, which can guarantee the quality of the research and the responses at the research destination.

The importance of flexibility during the research

As representatives of Uzbek society, it was not very difficult for us to conduct a dialogue with the respondents, since we both know the "red lines" (sensitive topics, as discussed in Glasius et al., 2018) that cannot be crossed. Getting valuable or relevant information during the interviews with the initial respondents was an arduous task for us, as we followed the formal format of interviewing. After the first few interviews, we realised that the only solution to the fieldwork problem regarding the data quality is to change the methodology of the interviews. After conducting the first interviews in a formal and structured way, we later had only semi-structured interviews that followed Karen O'Reilly's popular ethnographic methods for fieldwork with sensitive topics (O'Reilly, 2008). We started each semi-structured interview with passive questioning, creating a completely flexible and friendly atmosphere by smoothly progressing to the active discussions. Indeed, our research topic and questions were considered sensitive for people living in post-Soviet Uzbekistan and it required special attention in order not to cross the red lines. Besides, the level of trust between us and the respondents helped us to record 22 out of 25 interviews on our recording device; three respondents did not allow us to record the interviews, and for them, we applied a note-taking method. Each respondent was introduced to the research aim and method at the beginning of the interview. We received consent for recording each interview in advance. All research ethics norms were followed, however, the respondents preferred verbal agreements to keep their anonymity rather than signing an informed consent form.

Furthermore, while designing the fieldwork structure in October 2020, we considered interviewing only representatives from the public and private sectors, but during our fieldwork, we realised that involving some NGO representatives might be useful. Consequently, two NGOs became engaged in our fieldwork because they are unique by their structure and are de facto considered GONGOs (Government NGOs), which are supported and sponsored by the government and given tasks on the orders of the president. These two NGOs take part in policymaking on the business and investment climate directly. The executive director of the second NGO shared his experience on how they apply informal business practices while dealing with foreign investments, and we discussed the issue of double standards in the laws and practices regulating their industry activities. We are keeping both NGO names anonymous because of the ethical considerations of the research project. Hence, flexibility in the fieldwork structure and the research methodology provided us a chance to collect valuable qualitative data for further academic investigation and analysis.

Location as a key to confidence

During the fieldwork, we realised that contacting people to negotiate the interview location is one of the key considerations. In the field, we had to use cell phones to call people directly or send them messages via Telegram (the most popular messenger app in the post-Soviet world) to arrange meetings. None of our respondents was invited via e-mail because e-mail is not the most common method of communication in Uzbekistan. Even representatives of Khokimiyats (the city/district mayor's offices) asked us to call them directly and shared their phone numbers with us. We made all the arrangements ourselves and decided on a location for the first few interviews. However, some respondents did not feel comfortable being interviewed in the chosen public places (cafes and restaurants) and we had to rent a small office in the Tashkent city centre. The office was very formal and some public sector representatives were not comfortable meeting me there, so in late December, we created a new strategy to let people choose the location for their interview themselves, and it worked perfectly. Respondents were much more open and active during the interviews that were held in the places they had chosen (mostly small coffee shops and cafes near the city centre). Providing flexibility and freedom to the respondents in terms of interview location was one of the effective ways of strengthening trust between us and them.

Our observations show the importance of the interview location in gaining the trust of the respondents and improving the quality of discussions. When we contacted representatives of companies engaged in large-scale exports and imports of agricultural products and minerals, they invited us to their living and working regions. We had to travel to Jizzakh once and another time to the Navoi region to conduct these

interviews. But in the case of the entrepreneur in Jizzakh, he refused to participate in the interview after we arrived at his destination and introduced him to the research questions. He considered our questions to be too sensitive, and we had to travel back 300 km on the same day to Tashkent. Interestingly, however, we contacted him again a few days later, when he was visiting Tashkent; unexpectedly, he agreed to participate in our research, and we met for the interview. Our discussions were in the form of a conversation without any formalities. Eventually, we gathered excellent data for analysing and understanding the essence of the business climate and the informal business practices in the region. This experience explains the importance of location when research participants consider the research questions to be sensitive.

Concluding remarks on case study 1

The main aim of this lecture is to provide some fresh insights into the "hidden codes" of field research in hybrid regime contexts. It is not intended simply to share gained experience by introducing the challenges, uncertainties, and practicalities or impracticalities of different fieldwork methodological applications, but it is also an attempt to engage with the broader discussions on doing fieldwork in non-Western contexts. Here, the specificity of the local social norms and the social behaviour of the local community have to be taken into account, while at the same time following the research ethics set by the hosting institution (in our case, Lund University). Our experiences show the importance of complying with the local context and adjust data collection techniques to changing situations and norms. It is equally important to align the fieldwork plan with flexibility in all matters. Thus, flexibility in our fieldwork methodology has wider applications in terms of the interview processes, location of the meetings, objectives, and conceptualisation of the fieldwork.

Case study 2: Doing Fieldwork on Corruption in Non-Democratic Regimes: Insights from Tajikistan

This case study may be of interest to researchers who want to contemplate the nature and realities of conducting research fieldwork in a non-Western country with a lower-middle income economy such as Tajikistan (World Bank, 2019). It also provides insights into the role of informal practices and norms in everyday life and in the

business dealings of the local people in both countries. The research methodology is based on both authors' findings from the ethnographic fieldwork conducted in Tajikistan, specifically in Dushanbe (the capital city) and Khujand (a city in north-western Tajikistan), during January 2020 and June-July 2021, in the framework of the Central Asian Law Project, funded by the European Commission. The fieldwork was based on legal ethnography and consisted of semi-structured and informal interviews with local people and business representatives who reflected on their daily lived experiences of the rule of law and informality.

What do we know about Tajikistan?

It is a small, landlocked country in Central Asia, which became independent on 1 September 1991, after the collapse of the Soviet Union. This country has a territory three times larger than Denmark, with a capital in Dushanbe and nearly 10,000,000 residents. It borders Uzbekistan, Afghanistan, China, and Kyrgyzstan. Tajikistan is the homeland of the Tajiks, who make up the majority of the population in a country where more than 98% of people are Muslims.

Interesting facts about Tajikistan:

1. 93% of the country's territory is mountainous and almost 6% is covered by glaciers.

2. Every year around 550,000 to 600,ooo Tajiks leave the country in search of employment opportunities abroad, mainly in Russia and Kazakhstan (independent media, 2019; UNECE, 2011).

3. Tajikistan's economy is mostly dependent on humanitarian aid, agriculture, services, and remittances from Tajik workers in Russia, which are estimated to comprise more than 26% of the total GDP of the country (World Bank, 2020).

4. Dushanbe had the world's tallest flagpole (165m) – which was taller than the National Flag Square in Azerbaijan (162m), Panmunjeom Flagpole in Kijŏng-dong in North Korea (160), and the Ashgabad Flagpole in Turkmenistan (133m) – until 2014, when Saudi Arabia constructed the flagpole (175m) in Jeddah.

Tajikistan is a full-presidential country with a head of the state, Emomali Rakhmon, who has been in power since 16 November 1994 as a result of his victories as a representative of the National-Democratic party in all of the last five presidential elections (1994, 1999, 2006, 2013, and 2020). Mr. Rakhmon has extended his presidential powers by nationwide constitutional referendums held in 1999 and 2003 and has been a lifelong holder of the title "Peshvoyi Millat" ("Leader of the Nation") since

2015. Indeed, during our visit to beautiful cities of Dushanbe and Khujand, it was impossible to ignore the enormous portraits of the *leader of the nation* on almost every single state, educational, or social building, park and square. Our observations show that portraits on buildings have both cultural and social importance, and are known to be symbols of pride for the leader and the future of the country. In our perception, the most fitting portrait was on a Soviet-style building, showing the smiling state leader in the poppy field I saw during my visit to the national park named after Kamoli Khujand in Khujand city.

(President in the poppy field, Khujand, Tajikistan)

In general, presidentialism is an ideology that creates a system of checks and balances by establishing two straight parallel lines: the presidency and the legislature. In practice, however, Tajikistan has full presidential control over the state policies, laws, and development agendas. Tajikistan's governance system is based on a Soviet-style heavy-handed bureaucracy, which requires a significant amount of paperwork to be done before doing any business or getting any social benefits from the state organisations, both for locals and foreigners. For instance, during our fieldwork, many respondents representing the businesspeople of Tajikistan had decided not to expand their businesses but rather remained in the middle-economy class because of the high level of bureaucracy and the difficulties in complying with the laws and regulations governing business activities. Due to the complicated legal requirements and procedures, many businesses prioritize operating in the shadow economy, where they

have more flexibility. Correspondingly, the lack of a proper separation of powers in the public sector and the restriction of substantial decision-making authority into a narrow circle of political elites currently challenges the business climate in Tajikistan.

How and why are informal practices justified in Tajikistan?

During our fieldwork in Tajikistan, we explored the interplay between law, informal practices, and corruption, a common pattern that can be observed under the conditions of weak rule of law and corrupt legal systems. According to many respondents we encountered during our fieldwork, informal practices and playing with the law in everyday life situations are pivotal to economic and social survival in Tajikistan, and in many cases, they replace legal norms and state polity. Dysfunctional legal institutions, poor governance, and systematic corruption in both the public and private sectors compel people to rely on informal practices, which generate many interesting questions to be discussed in this lecture by focusing on methodological issues in conducting fieldwork.

Our respondents were diverse, representing small and large businesses, airport staff, social workers, café/restaurant and hotel employees, investors, and public officials. As legal ethnographers, we were interested in understanding the different types of informal practices in business activities and the moral frames used to justify people's reliance on informality. What we observed was that local people did not even view informality through a lens of legality, because they considered informal practices and transactions to be cultural and morally legitimate phenomena. The impossibility of making proper distinction between formal and informal practices led many to justify their illegal practices as commonly accepted norms, which are convenient and effective in managing businesses and maintaining economic stability and social interactions in Tajikistan. The instances of such illegal transactions included avoiding taxes, exchanging currency on the black market, and paying unrecorded fees to inspectors from different state organisations, and from a social viewpoint they are decriminalised.

To give an empirical flesh to our narrative, we present some intriguing stories from several respondents who provided their own justification points and explanations for informal practices that they had experienced in the past. First, there is a case of a shopkeeper who claims to deceive the local police on daily bases in response to their unplanned and unnecessary systematic inspections. We identified this respondent as Akbar, and he is 56 years old with 15 years of work experience in Russia as a shopkeeper and has dual citizenship (Tajik and Russian), but currently resides in

Dushanbe because of his mother's health issues. He claims that apart from the inspections by the tax office and the other relevant state bodies, he also experiences unclear and illogical product quality-control checks from local police inspectors, or as they are called in Russian, *uchastkoviy,* even though these people have no legal authority or any documented basis for their actions. Akbar claims, he understands that the *uchastkoviy* aims not to just inspect the quality of his products, but also get some for free by abusing their power. As a result, Akbar responds to the illegal actions of the *uchastkoviy* by providing falsified documentation for the products he sells in the shop, because he buys most of the products for cash from the local bazaars and there is no legal documentation confirming either quality or the quantity of his purchases. Akbar states that most of the *uchastkoviys* get easily tricked due to their ignorance or incompetence. However, he also mentions about the *stavka*, or "rate", which is fixed at 100 somoni in the local currency (which is equal to approximately 10 USD) and must be paid to the experienced and persistent *uchastkoviys*. Hence, this shopkeeper justifies his own illegal actions as a creative response to the illegal checks by the local police. Indeed, people obey the law if they see a legitimate authority in it (Tyler, 2006), but, apart from not believing in the protection of the law, Akbar's case shows how disorder (*bardak*) and corruption make it almost impossible for people to act fully legally, a pattern that is commonly observed in Central Asian societies (Urinboyev, 2019).

Second, there is a case from Dushanbe regarding discrepancies between the labour law in books and in practice and how people "pay back" or "thank" their employer for hiring them or at least giving them a chance to be considered as an employee. One respondent, who we call Ruslan, shared his process of getting employed as a head waiter in a hotel restaurant located in Dushanbe and introduced us to the cultural aspects of being thankful to his bosses for providing employment opportunities. Ruslan is a middle-aged man who has been working in the service sector in Tajikistan for the last ten years. After a successful application review and interview, he was invited for a one-week unpaid trial and upon its completion, he was officially hired. Regardless of his official employment status, he was still supposed to work the first month for free, because as he said, it is a widespread cultural practice to not get paid for the first month out of thankfulness and respect to the hiring person or company. This example shows that informal norms influence social behaviour more forcefully than the state law in Tajik society, thereby showing the discrepancy between the law "in books" and "in action". Ruslan's emic approach to conceptualizing the necessity and practicality of informal norms at the workplace might be a sign of the "cultural acceptability of corruption" (Olivier de Sardan, 1996; Blundo, 2008). However, as Bohn believes, there are rational-choice corruptors who always have a societal-level-phenomena justification for their informal practices while dealing with public sector; the same rationalisation of corrupt behaviour might be applied on the individual level, as in Ruslan's case (Bohn, 2013), although critics argue that no social means or culture justifies corruptible ends (Busch & Palmas, 2017).

Deception in bazaars: understanding systemic illegal practices in Tajikistan

For us, there was a necessity to enter the field and make participant observations in order to understand the nature and the ways of bypassing the law on the part of small and medium businesses. We frequently visited local bazaars to talk to respondents and observe the informal practices in their everyday transactions. During our visit to the biggest bazaar in Tajikistan, which is located in Dushanbe and named "Korvon", we conducted interviews with local shopkeepers. All of them had very small shops, approximately 3-4 sq. m., but they mentioned hundreds of thousands of USD as an annual cash flow from each shop. When we wondered how they made this much profit from a very small shop in a country with a lower-middle income economy, they responded that the size of the shop was a deception intended to "throw dust in the authorities' eyes", because the bigger and more presentable the business is, the more individuals from tax office and police want to take a *dolya* (share). All respondents from that market were keeping their goods in the basement storage so they could wholesale and retail them during the "night bazaars", which stands for trading at night or very early in the morning. Therefore, the reasons for the informal business transactions and such social behaviour were not any high tax rates or detrimental legal norms, but the threat of systemic corruption and the possible abuse of power by the local authorities. Despite this, all respondents mentioned that they still had to pay monthly *dolya* to corrupt officials to be under their patronage for long-term financial and legal security.

Scholars believe that tax compliance in a social context might contradict the law enforcement standards because of normative social behaviour and individual economic incentives (Posner, 2000; Scoot, 2000). Bypassing the legal taxation system might be possible if the illegal benefits from violating the law exceed the expected sanctions in a society, as it does in Tajikistan, where informal rules coexist alongside state laws (Posner, 2000). However, if informal practices and illegal business practices prevail over the law, then there might be an irreversible outcome for systemic corruption as was observed and discussed in the case of "Korvon" bazaar.

Concluding remarks

Module 4 has explored the methodological aspects of conducting research on informality and corruption in a country with a non-democratic regime. Our discussions on research techniques and methods are presented with relevant empirical examples from our legal ethnographic research in Uzbekistan and Tajikistan. Indeed, both

examples represent an intriguing example of a non-Western country with a heavy-handed and bureaucratic governance regime where informalities and corruption are interlinked with the everyday resilience of people and businesses. Such non-Western research destinations raise concerns about applying the proper research methodology and following certain ethical nuances in order to gather valuable and reliable data and while the same time ensuring the safety of the researchers, respondents, and research data in general. Thus, this lecture is designed to help to equip novice researchers (particularly those who are dealing with corruption-related or other sensitive topics) with practical research skills.

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Urinboyev, R. (2019). *Everyday Corruption and Social Norms in Post-Soviet Uzbekistan*, The Program on Governance and Local Development at the University of Gothenburg, 1-31.

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World Bank. (2020). Personal remittances in GDP. Available at: <Personal remittances, received (% of GDP) | Data (worldbank.org)>.

Reading materials for Module 4

Compulsory reading

Kaufmann, D., Kraay, A. and Mastruzzi, M. (2011). The Worldwide Governance Indicators: Methodology and Analytical Issues. Hague Journal on the Rule of Law, 3 (2), 220–246. (26 pages)

Kaufmann, D. (1998). Research on corruption: Critical empirical issues. In: Economics of corruption. Springer, 129–176. (26 pages)

Lancaster, T. D. and Montinola, G. R. (1997). Toward a methodology for the comparative study of political corruption. Crime, Law and Social Change, 27(3), 185–206. (21 pages)

Ledeneva, A. (2008). Blat and Guanxi: Informal Practices in Russia and China. Comparative Studies in Society and History, 50 (1), 118–144. (26 pages)

Schwickerath, A. K., Varraich, A., and Smith, L., eds. (2016). How to Research Corruption? Conference Proceedings: Interdisciplinary Corruption Research Forum. Interdisciplinary Corruption Research Network. (79 pages)

Urinboyev, R. and Svensson, M. (2013). Living Law, Legal Pluralism, and Corruption in Post-Soviet Uzbekistan. Journal of Legal Pluralism and Unofficial Law, 45 (3), 372–390. (18 pages)

Optional Reading (one book/article should be selected)

Frederickson, H. G. and Rohr, J. A. (2015). Ethics and Public Administration. Abingdon: Routledge (Chapter 1 Introduction)

Gupta, A. (2005). Narrating the State of Corruption. In: D. Haller and C. Shore, eds. Corruption: Anthropological Perspectives. London and Ann Arbor, MI: Pluto Press, 173–193. (20 pages)

Lomnitz, C. (1995). Ritual, Rumor and Corruption in the Constitution of Polity in Modern Mexico. Journal of Latin American Anthropology, 1 (1), 20–47

Module 4 Seminar Assignment

In Seminar 4, we will discuss the methodological and ethical issues related to studying and counteracting corruption. For the sake of consistency, each student group is recommended to continue with the case study countries that they worked on in the previous seminars.

SIDA officials are well aware of the challenges in studying and measuring corruption. As corruption is universally acknowledged as an illegal act leading to "bad governance" and the "unrule of law", it is a very difficult task to observe and measure it. You have covered some of these challenges related to defining and measuring corruption in your previous presentations.

SIDA aims to support the government of your case countries in developing an anti-corruption strategy for the next ten years. However, SIDA is aware of the fact that many anti-corruption initiatives and programs continue to fail due to unrealistic expectations and models.

In light of international experience and policy failures, SIDA is careful to explore and identify points of entry before providing large-scale funding. As a result, SIDA has agreed with the anti-corruption bodies in your case study countries to conduct a preliminary field study involving external consultants.

During the previous seminars, the student groups have presented their discussions on these four approaches/frameworks to understanding and counteracting corruption in the context of their case countries, namely:

The interactional approach to corruption (the principal-agent model);

- The structural approach to corruption (institutional perspective);
- The collective action approach;
- The legal pluralistic approach to corruption (legal anthropological perspective).

Moreover, student groups discussed three main socio-legal perspectives on legal compliance: (a) the instrumental perspective, (2) the normative perspective, and (c) the expressive perspective.

Following up on those discussions and the current group division, and building on the mandatory reading materials for Module 4 (lectures 5 and 6), we would like you to draft a research methodology that would be suitable for a field study on behalf of SIDA in your case country.

It is highly recommended that you mention the following aspects in your seminar paper:

Please indicate which methods and data collection strategies would best suit the socio-legal context of your case study country.

Please elaborate on how and why your chosen methodology is consistent with the approach/framework you have chosen to understand corruption in your case country (the interactional approach; the structural approach; the collective action approach; the legal pluralistic approach).

Please discuss the possible limitations of your research methodology/ methodologies in the context of your case country and how you would like to deal with them;

Please discuss and reflect on any possible ethical challenges in conducting research (field study) on corruption in your case country.

Each group is expected to work on the following two deliverables:

- Seminar presentation: Each student group should prepare a 15-minute PowerPoint presentation (plus 5 minutes for a Q/A session) to be presented during seminar 4;
- Seminar paper: after the completion of the seminar, each group submits a paper (between 2,000 and 2,500 words, groups with 4 members can submit a paper between 1,500 and 2,000 words).

Module 5: corruption, informality, and development

Anti-Corruption Strategies, Informality, and Development

The final part of the course, Module 5, aims to bring together insights from all previous four modules and thereby develop recommendations for a solid empirically and contextually grounded anti-corruption package. This task requires revisiting the (anti-) corruption debates and frameworks discussed in the previous modules, and re-examining them in light of the literature provided in Module 5.

Key insights from the mandatory reading literature assigned to Module 5

Alina Mungiu-Pippidi (2018): Seven Steps to Control of Corruption

- International donors should join domestic civil societies in pursuing a common long-term strategy and action plan to build national public integrity and ethical universalism.
- Coordination among donors should be added as a specific precondition for improving governance.
- Anti-corruption interventions should identify the human agency with a vested interest in changing the status quo.
- Experts should exclude entirely the tools and policies that do not work in a given national context.

- To understand when the status quo will change, we need a theory of why it would change, who would push for the desired evolution, and how donors can assist them in steering the country to a virtuous circle.

Does development aid reduce corruption in developing countries?

- The World Bank's 2017 Control of Corruption aggregate rating showed that 22 countries progressed significantly in the past twenty years and 25 countries regressed;
- External aid and its attached conditionality are considered an essential component of efforts to enable developing countries to deliver decent public services on the principle of ethical universalism;
- Research has shown that development aid initiatives have made little progress in the recipient countries, particularly in the field of anti-corruption and governance reform;
- Countries that have made tangible progress (Georgia, Vanuatu, Rwanda, Macedonia, Bhutan, and Uruguay) have received considerably less aid than those countries (Turkey, Egypt, and Ukraine) that have received the most aid but had rather disappointing results.

Clashes between economic objectives and normative values

- Development aid is usually based on the condition that recipient countries improve their governance system, reduce corruption, and adopt Western-style institutions and values;
- But, in reality, development aid is largely driven by the economic interests of donors, such as:
- Providing good conditions for their national companies investing abroad and facilitating their business opportunities;
- Reducing immigration from poorer countries;
- Generating jobs for their development industry;
- As a result, donor countries often end up avoiding the root of the problem: when the choice is between their own economic interests and more idealistic commitments to better governance, the former usually wins out.

Why do anti-corruption strategies continue to fail?

- The incapacity of international donors to help push any country above the threshold of good governance during the past twenty years of the global crusade against corruption seems over-explained;
- Corrupt countries are generally run by corrupt people with little interest in killing their own rents, although they may find it convenient to adopt international treaties or domestic legislation that are nominally dedicated to anti-corruption efforts;
- Aid money often ends up feeding corruption in the recipient country, funnelling more resources into local informal institutions and kleptocratic elites;
- Countries in which informal institutions have long been substituted for formal ones have a tradition of surviving untouched by formal legal changes that may be forced upon them;
- A popular saying from the post-Soviet world: "The inadequacy of the laws is corrected by their non-observance" (Ledeneva (2006).

Particularism vs. ethical universalism

- Particularism – treating individuals differently according to their status, prevalent in collectivistic and status-based societies;
- Advancement is based on status and connections with influential people rather than on merit;
- Particularism encompasses a variety of interpersonal and personal-state transaction types, such as clientelism, bribery, patronage, nepotism, and other forms of favouritism;
- Particularism not only defines the relationship between a government and its subjects, but also between individuals in a society;
- It leads to a regular pattern of preferential distribution of public goods towards those who hold more power.

Why the dominant approaches do not work

- Rule of law is absent where corruption is high, so legal approaches (anti-corruption agencies and strong punitive measures) cannot bring expected outcomes;
- Civil service capacity building also does not work in countries where bureaucracy has never gained its autonomy from rulers;

- The principal-agent model makes little difference in heavily corrupt contexts;
- Implementing anti-corruption programmes contradicts the main interests of the principals (high-level government elites).

What constitutes "success" in anti-corruption reform?

- Alina Mungui-Pippidi outlines a road map towards making corruption the exception rather than the rule in the recipient countries;
- Success in anti-corruption reform means "a consolidated dominant norm of ethical universalism and public integrity";
- Exceptions, in the form of corrupt acts, will always remain, but if they are numerous enough to be the rule, a country cannot be called an achiever;
- A successful transformation requires both a dominant norm of public integrity (wherein the majority of actors and public officials are non-corrupt) and the sustainability of that norm across at least two or three electoral cycles.
- How to build evidence-based anti-corruption mechanisms
- Control of corruption has to be built from the ground up, not "restored";
- Most anti-corruption approaches are built based on the assumption that public integrity and ethical universalism are already global norms of governance;
- At the present, most countries are more corrupt than noncorrupt. Corruption is not only a norm, but an institutionalised practice;
- Development agencies need to understand corruption as a social practice or institution, not just as a sum of individual corrupt acts;
- Treating corruption as a deviation is problematic in developing countries: it leads to investing in norm-enforcing instruments, when the "norm-building" instruments that are in fact needed are quite different.

- Anti-corruption instruments should be informed by an understanding of the norms governing the allocation of resources;
- What is the dominant norm (and practice) for social allocation: merit and work, or status and connections to the authority?
- How does this norm compare to the formal norm – such as the UN Convention against Corruption or the country's own regulations – and to the general degree of modernity in the society?

- A thorough analysis needs to determine whether favouritism is dominant and how material and status-based favouritism relate to one another in order to devise useful policy answers;

- The problem of domestic agency needs to be solved;
- Countries can achieve control of corruption in two ways:
- Incremental changes: policymakers and politicians change institutions incrementally until open access, free competition, and meritocracy become dominant;
- Revolutionary changes: to make a sustained effort to foster collective agency and investment in anti-corruption efforts specifically, eventually leading to the rule of law and control of corruption delivered as public goods;
- Both paths require human agency. In the first path, the role of human agency is small, while in the second, the role of human agency is huge and there is a need to identify the human agency that can deliver change and a well-functioning anti-corruption strategy

- The better and less threatening approach is to design anti-corruption interventions that include society actors as main stakeholders by default, and not just working with governments;
- Anticorruption is not a win-win game; it is game played by societies against their corrupt elites, and when building accountability, not everybody wins;
- Therefore, building a critical mass from the bottom-up through involving civil society actors is crucial;
- Success cases: Estonia, Uruguay, Costa Rica, Taiwan, Slovenia, Botswana, and Georgia.

- The development of smartphones with internet access provides a great shortcut to fostering individual autonomy and achieving enlightened participation;
- Any assistance in increasing the percentage of "enlightened citizens" armed with smartphones is helpful in creating grassroots demand for government transparency;
- Both internet access and ownership of smartphones are strongly associated with control of corruption;

- These are among the latest developments and social media activism in authoritarian regimes.

Paul M. Heywood (2018): Combatting corruption in the twenty-first century: new approaches

- Part of the reason for the broad failure of anti-corruption policies is that we have not specified clearly enough what we are seeking to address;
- We have not paid sufficient attention to changes in how and where different forms of corruption operate in practice;
- We should pay more attention to the positive promotion of integrity, supported by a better understanding of the drivers of individual behaviour. Individual behaviour is more complex than suggested by the incentives-based literature;
- We should focus more attention on the role of unwritten and informal social norms as driving factors behind patterns of corrupt behaviour;
- A better understanding of when and why individuals engage in corrupt activities, how their actions are shaped by social norms, and how those norms can be changed is needed.

Robert I. Rotberg (2018): Accomplishing anticorruption: propositions and methods

- The battle against corrupt practices can be won, as it has been in several contemporary countries and throughout history.;
- Ethical universalism can replace particularism;
- Since collective behaviour patterns and existing forms of political culture need to be altered, anticorruption endeavours must be guided from the apex of society;
- Consummate political will makes a critical difference.

Zephyr Teachout (2018): The problem of monopolies and corporate public corruption

- Individuals can be corrupt even if their actions are legal;
- When legal corporate action is corrupt, there is legal corruption;
- When corporations exercise public power, either through the monopolistic control of a market or through campaign contributions and support of government

actors, they are subject to the same responsibilities as anyone who exercises public power;

- We should call corporations corrupt when they exercise public power selfishly in a way that puts their own interest over the public's;
- Global anti-corruption campaigns should emphasize antimonopoly and campaign finance laws.

References

Heywood, P.M. (2018). Combating Corruption in the Twenty-First Century: New Approaches. *Daedalus*, 147 (3), 83–97.

Ledeneva, A.V. (2006). *How Russia Really Works: The Informal Practices That Shaped Post-Soviet Politics and Business*. Ithaca, NY: Cornell University Press.

Mungiu-Pippidi, A. (2018). Seven Steps to Control of Corruption: The Road Map. *Daedalus*, 147 (3), 20–34.

Rotberg, R.I. (2018). Accomplishing Anticorruption: Propositions & Methods. *Daedalus*, 147 (3), 5–18.

Teachout, Z. (2018). The Problem of Monopolies & Corporate Public Corruption. *Daedalus*, 147 (3), 111–126.

Reading materials for Module 5

Compulsory reading

Bracking, S. (2018). Corruption & State Capture: What Can Citizens Do? Daedalus, 147 (3), 169–183. (14 pages)

Heywood, P. M. (2018). Combating Corruption in the Twenty-First Century: New Approaches. Daedalus, 147 (3), 83–97. (14 pages)

Ledeneva, A. (2009). From Russia with Blat: Can Informal Networks Help Modernize Russia? Social Research: An International Quarterly, 76 (1), 257–288. (31 pages)

Mungiu-Pippidi, A. (2018). Seven Steps to Control of Corruption: The Road Map. Daedalus, 147 (3), 20–34. (14 pages)

Rose-Ackerman, S. (2018). Corruption & Purity. Daedalus, 147 (3), 98–110. (12 pages)

Rotberg, Robert. I. (2018). Accomplishing Anticorruption: Propositions & Methods. Daedalus, 147 (3), 5–18. (13 pages)

Rothstein, B. (2018). Fighting Systemic Corruption: The Indirect Strategy. Daedalus, 147 (3), 35–49. (14 pages)

Teachout, Z. (2018). The Problem of Monopolies & Corporate Public Corruption. Daedalus, 147 (3), 111–126. (15 pages)

Optional Reading (one book/article should be selected)

Johnston, M., (2018). Reforming Reform: Revising the Anticorruption Playbook. Daedalus, 147 (3), 50-62

Taylor, M.M. (2018). Getting to Accountability: A Framework for Planning & Implementing Anticorruption Strategies. Daedalus, 147 (3), 63–82

Wolf, M.L. (2018). The World Needs an International Anti-Corruption Court. Daedalus, 147 (3), 144–156.

Module 5 Seminar Assignment

In your final seminar assignment, you are asked to develop your previous seminar papers into one comprehensive anti-corruption package/proposal for your case countries. Your anti-corruption package/proposal should contain the following parts, but you are free to use your creativity and add more elements:

1. Country context and political background;

2. Corruption situation and the country's position in global indicators of governance;

3. Past and current anti-corruption strategies: successes and failures;

4. Theoretical approaches/frameworks to understanding and combating corruption in the context of your case country (discussion should centre around the four approaches you focused on in your assignments);

5. The analysis of your case country's socio-legal context and legal culture (the socio-legal frameworks/approaches to understanding the relations between law and society);

6. The methodological tools and challenges in diagnosing and measuring corruption in your case country;

7. Anti-corruption strategies, social change, and development: your policy recommendations to understand and combat corruption in your case country;

8. Discussions and concluding remarks (based on your case country findings; feel free to provide critical reflections on global anti-corruption efforts and what can

be done to better understand what corruption is, why it occurs, and what can be done to stop it).

Each group is expected to work on the following two deliverables:

- Final exam paper presentation: Each student group should prepare a 15-minute PowerPoint presentation (plus 5 minutes for a Q/A session) to be presented during Seminar 5.
- Final exam paper: Each group is to submit a paper before 23.59 am on 16 January. This time we will not put any word limit in relation to your group papers, but rather leave this decision to your own consideration. You can also use your old text from previous assignments, so there is no problem with self-plagiarism. Please refer to the mandatory course literature in your paper. Your answers to the questions should be supported by references to the relevant course literature.

Final assignment papers of students

This book includes four papers written by the students of the Law, Society and Corruption course and will be introduced in the following order:

Paper 1. Anticorruption Proposal for Belarus

Authors: Diva Arulita, Fanney Rún Jónsdóttir, Heidi Rokne, Jolin Mifsud, Maria Tilsted Mumba, Theo Hagman Rogowski

Paper 2. An Anti-Corruption Proposal: A Socio-Legal Analysis on How to Understand and Combat Petty Corruption in the Work of the Traffic Police in Bangladesh's Capital Dhaka

Authors: Eili Amanda Aguilar Løvind, Johan Nielsen, Lina Olsson, Linnéa Berg, Linnea Fransson, Mahbubur Nazmi

Paper 3. An Anti-Corruption Package for Research in Iraq. A Proposal for SIDA: Combating Corruption

Authors: Elin Persmo, Jessica Seitz, Amanda Rehm, Daniela Silipigni

Paper 4. Understanding Corruption: Proposing developments of anti-corruption efforts in the state of Iraq

Authors: Riad Al Najjar, Piotr Laskowski, Yasmin Omar, Joel Petersson, and Madeleine Rundberg

The final assignment paper of the student group 1

Topic: Anticorruption proposal for Belarus

Authors: Diva Arulita, Fanney Rún Jónsdóttir, Heidi Rokne, Jolin Mifsud, Maria Tilsted Mumba, Theo Hagman Rogowski

Introduction

This essay is a proposal paper for how to combat corruption in Belarus**.** In the following proposal, we will rely on theories of corruption and legal compliance to explore how informality and corruption in Belarus can be understood and potentially managed. We offer theoretical frameworks, methodological and analytical tools, and concrete suggestions for policymaking that could be applicable within Belarusian socio-legal and political contexts. Based on available research about corruption and anti-corruption in general, and in Belarus specifically, this paper discusses what policy interventions could result in lowering the perceived levels of corruption in Belarus. Additionally, we address the methodological obstacles and practical feasibility to implement our anti-corruption strategy proposal, as if it were commissioned by the Swedish government agency for development cooperation (SIDA).

We wish to briefly note that while much attention has been given to Belarus and EU's strained relationship. which suffered tremendously in late 2021, as the EU

accused Lukashenko and his government of purposely using migrants to target and exploit the EU, this paper will not focus on that matter. The focus in this essay will primarily be on *everyday* corruption in the country of Belarus. The structure of this proposal is twofold; we will first introduce our hybrid strategy model, on which policies can be shaped in the context of Belarus. Then we offer more detailed policy recommendations for SIDA. In short, what we investigate in this paper is how our anti-corruption proposal with tailored policy suggestions could possibly provide long term development goals and bring about social change in Belarus.

Belarus' political background and position in global indicators of governance

Belarus is located in eastern Europe and borders Russia, Latvia, Ukraine, Poland, and Lithuania, with a population of approximately 9.4 million (WorldOmeter, 2021). Following the collapse of the Soviet Union, Belarus declared its independence on the 25th of August 1991, and Alexander Lukashenko (1954-) was elected as Belarus' first president on a populist and anti-corruption platform after the country's independence and remains the president as of 2022. Already in the first year of his presidency, Lukashenko decided to roll back previous elected economic reform efforts, thus tightening his grip on the economy, leading Belarus to avoid low employment rates (Cienski, 2020).

Since Lukashenko's presidency, however, Belarus has been descending into authoritarianism and shares more similarities with post-Soviet Asia rather than its neighbours in Europe. The Belarusian political scene is dominated by Lukashenko, who controls the parliament, government, security services, and judiciary through presidential administration and extra-budgetary resources (Woehrel, 2010). The modest progress Belarus had towards democracy was snuffed by Lukashenko in the early 1990s (Woehrel, 2010). Further, Lukashenko exchanged the former parliament for one more dependent upon him. According to Cienski (2020), there is an unspoken rule in Belarus: Do not get involved in politics, and you can live a peaceful life. Those who do not comply with this rule are at risk of being "systematically suppressed by means of violence, arrests and threats", as described by Amnesty International (see Cienski, 2020). While Belarus gained a score of 47 points on the 2020 Corruption Perceptions Index by Transparency International, this score fails to account for the numerous problems present in the country as a result of Lukashenko's rule (Cienski, 2020).

As presented by regional advisor at Transparency International, Altynai Myrzabekova, the CPI measures are based upon how corrupt experts view the country's public sector to be, but the CPI simply does not capture electoral fraud, violations of freedom of speech, or the massive violations of human rights (Myrzabekova, 2021).

Past and current anti-corruption strategies

According to Transparency International (2021), corruption thrives where democracy is weak. Lukashenko's main promise when he was elected president was to fight against corruption. Instead, he transformed Belarus into a presidential republic and betrayed his mandate on many occasions. While Belarus is affected less by petty corruption, grand corruption, where power is held within the highest level of government and the political elites, remains a great problem (Transparency International, 2021).

In recent years, efforts to fight bribery have led to several cases against public officials and businesspeople. This has increased the number of corruption investigations due to a rise in activity by law enforcement. However, the fairness of the judicial system has been questioned as it has acted with limited independence (Transparency International, 2021). Those investigating corruption cases in Belarus are not independent bodies but act behind closed doors. The Council of Europe's anti-corruption organ, Group of States against Corruption (GRECO), has thus declared Belarus as non-compliant for failing to address the majority of its purportedly necessary anti-corruption reforms and recommendations (Transparency International, 2021).

In July 2021, the Belarusian Ministry of Foreign Affairs announced that SIDA had to cease activity in the country. Their total support in developmental assistance before this was 49.4 million SEK (almost 5 million EUR) and 49.4 million SEK in reform cooperation (SIDA, n.d.). Some progress had been made by SIDA: Belarusian civil society proved strong in organizing itself toward system change and poverty declined since the millennium. There are many issues remaining, however. Belarus is not a free country, democratic and human rights are severely limited, political engagement is risky, with citizen participation is virtually non-existent, and almost all media is state controlled, which leaves independent media under pressure (SIDA, n.d.). SIDA's withdrawal and the current state of corruption in Belarus exemplify how important trust is between the anti-corruption agents and the country under study (in this case, Belarus as a whole). With further work in Belarus, there could be a chance for SIDA to make some further progress.

Theoretical approaches to understanding corruption in Belarus

In an effort to provide recommendations on anti-corruption regulations in Belarus, we shall first get a deeper understanding of corruption in the country. In this section, we will discuss corruption in relation to the relevant anti-corruption frameworks.

Based on the situation in Belarus, as previously discussed, we suggest the interactional and structural approaches as the most relevant.

Interactional approach, "Principal-Agent model"

In general, this approach argues that corruption can occur in the principal-agent relationship due to the transfer of power or responsibility from one actor to another without strict monitoring, creating the possibility of fraud based on the self-interest of one agent (Forgues-Puccio, 2013). In the context of bureaucratic corruption, the principal-agent model can further be identified as a relationship between bureaucrats and the public, as highlighted by Prasad et al. (2019) as "agents (bureaucrats) who are not behaving in the interest of the principal (public)." The emphasis of the approach on individual acts of greed by bureaucrats has thus resulted in the establishment of solutions that specifically aim to eliminate "bad apples" in the bureaucratic system, such as monitoring as well as rewards and punishments strategies (Groenendijk, 1997; Prasad et al., 2019).

Following the establishment of his authoritarian regime in Belarus, Lukashenko has exercised strict control and monitoring over the government apparatus and the bureaucratic sectors to demand political loyalty to his rule (Manaev et al., 2011; Sannikov, 2005). One might assume that this has also had an impact on both the proliferation and the lack of bureaucratic corruption in Belarus. According to Zaloznaya (2015), Lukashenko's suspicions towards universities deemed disloyal to his rule has resulted in increased monitoring of campus bureaucrats, thus deliberately eliminating corrupt activities within universities. In contrast, monitoring of government bureaucracies such as schools, immigration offices, tax administrations, and courts is lighter due to the lack of concerns of political loyalty, making these sectors a "safe" place for bureaucrats to carry out corrupt activities (Zaloznaya, 2015; BTI, 2020). This is relevant with regard to the highly centralised system of government in Belarus, in which, based on the report from Freedom House (2020), the elected members of bureaucracies down to the lowest levels of government are "handpicked" by Lukashenko, thus lowering the chance to oppose his rule.

Nonetheless, it is also necessary to consider the importance of human rationality. Humans are rational beings whose behaviour can change depending on what is more beneficial or detrimental for their survival (Rothstein, 2021). As of 2015, Lukashenko has made efforts to eliminate corruption by easing the currently complex administrative requirements in Belarusian bureaucracies, where bribery is commonly exercised (BTI, 2020). Accordingly, bigger incentives and increased salaries have also been applied to support the honest behaviour of bureaucrats (BTI, 2020). In regard to the public statement made by Lukashenko in 2020 concerning the detainment of four large companies in Belarus, that such action would be a "lesson" to other corrupt officials (see Wesolowsky & Lashkevich, 2020), one can argue that the

implementation of punishment strategy works best to settle the ongoing corruption in Belarus.

Structural approach, "institutional perspective"

The structural approach or "institutional perspective" emphasises the social fabric of a system in which corruption is rooted (Hodgson & Jiang, 2007). Teorell (2007) elaborates that corruption is a system that can operate in both formal institutions such as governments as well as informal institutions such as within society (Teorell, 2007). In this case, norms and habits become the focal points of the approach, which, it is argued, create conformity within those institutions. Conformity thus builds a notion that corruption is not an unethical or immoral act; rather, it is seen as an "alternative order" (Hodgson & Jiang, 2007; Prasad et al., 2019).

To elaborate on the topic of systemic corruption in the informal sphere, we return to the discussion of the complex bureaucratic structures in Belarus. Zaloznaya (2015) elaborates how Belarusian society is forced to commit bribery to bureaucrats in the hope of accelerating the process of bureaucratic services. To some extent, we can assume that petty corruption has become the norm in the relationship between society and government officials; this can be identified by how giving and expecting "gifts" has been regarded as a tradition in Belarus (Zaloznaya, 2015). Lennhag (2010) exemplifies this in her interview study on petty corruption in Belarus and Ukraine:

> Individuals justify their participation in these informal activities by placing the blame on the existence of dysfunctional laws, heavy bureaucracy, lack of state control, illicit acts by other citizens or the state officials and on a low identification with the (immoral) state. Respondents also present an ongoing preference for informal solutions, as a better way of solving many everyday problems.

The informal institution being referred to is called *blat* in post-Soviet countries, but the phenomenon has counterparts across the globe. Ledeneva (2009) describes *blat* as "the use of personal networks for obtaining goods and services in short supply and for circumventing formal procedures". Lennhag (2010) notes that Belarusians use *blat* to guarantee quality in social services, but unlike Soviet-era *blat*, when the common currency was reciprocal favours, the modern version in Belarus often involves money. Conclusively, in Belarus, people solve many everyday problems through informal payments.

Indeed, there has been some confusion as to what falls under the definition of bribery. To give one example, Transparency International (2014) has defined bribery as "offering, promising, giving, accepting or soliciting an advantage as an inducement for an action". In this case, Belarusian society has further "rationalized" their corrupt activities with the fact that it is conducted after they have received the needed services, regarding it as gratitude; thus they are not unethical (Zaloznaya, 2015). In regard to formal institutions, Hodgson and Jiang (2007) further highlighted how cor-

ruption is assumed to occur when "agents collaborate to break organizational rules" (Hodgson & Jiang, 2007). As mentioned previously, Belarus currently has a highly centralised economy with a controlled system of government under Lukashenko. The absolute power of Lukashenko to singlehandedly appoint government officials brings forth systemic grand corruption that is based upon camaraderie and family ties (Hodgson & Jiang, 2007; BTI, 2020). For instance, a report from former parliamentary deputy Syarhey Antonchyk has highlighted the systemic corruption in Lukashenko's political circle; in addition, investigations have showcased the business ties between Lukashenko's family and companies in Cyprus (see Rettman, 2020; Rudnik, 2020). One can argue that since the state apparatus and government officials are highly loyal to Lukashenko, this creates a possibility for a weak legal structure that perpetuates impunity for people who are closely linked to the president. As mentioned by Prasad et al. (2019), systemic corruption can further be identified by its weak institutional and legal structures to suppress corruption and hold officials accountable. The argument that identifies Belarus with state capture, apart from the centralised political and economic control by Lukashenko, stems from the fact that there is a formal practice of presidential interventions and approvals to conduct investigations and legal proceedings against actors involved in corruption; thus the law has the potential to be used on the basis of individual interests. By relying on expectations of reciprocity, for instance, corrupt officials have a chance to negotiate sanctions with Lukashenko (Hodgson & Jiang, 2007; Connolly, 2013).

Belarus' socio-legal context

To achieve successful anti-corruption reforms, it is crucial to understand why the people who live in a given country either obey or disobey the law. In the following section, we account for Belarus' socio-legal context using the instrumental and the normative perspective on legal compliance.

The instrumental perspective

In the book "Why People Obey the Law", Tom R. Tyler (2006) describes how the instrumental perspective entails the conception that individuals are viewed as changing their behaviour in response to the concrete immediate consequences and penalties associated with following the law, and thus base their decisions upon the personal gains and losses which might result from the act. The instrumental perspective therefore has the underlying idea that when the given penalty for a specific crime is low, people might commit the crime, as the chances of getting caught might be relatively low and the punishment in itself is not too severe (Tyler, 2006). Lukashenko's Belarus is rated as an authoritarian state, where political elections are openly manipulated and

civil rights severely limited (SIDA, n.d.). According to Tyler, the cost-benefit analysis is based on calculations of personal gain and loss, and thus results in different behaviours (Tyler, 2006). In Belarus, according to the cost-benefit analysis, there is a great incentive for companies to break the laws. The benefits of taking a shortcut or doing things in a corrupt way are much greater than going about things legally. This is exemplified by how, according to the Risk and Compliance Portal (2020), Belarus has an over-regulated customs administration. This leads to increased opportunities for extorting bribes from companies who are importing or exporting goods, despite the fact that the "Criminal Code of The Republic of Belarus" does criminalise corruption or attempted corruption along with bribery (Risk & Compliance Portal, 2020). However, whilst it might be illegal, the process of bribing still makes their importation or exportation, in this case, faster, which thereby enables corruption.

For the Belarusian civilians, one can argue that the punishment for breaking the law can be quite severe, and this can be viewed as an instance where the punishment is considered greater than the benefits. For example, the Belarusian government shapes and influences online public debate by imposing what they refer to as "value restrictions". The consequences of going against Lukashenko are thus quite severe, exemplified by the Lukashenko-critic Siarhej Tsikhanowski, who was sentenced to 18 years in jail for "manipulating the public consciousness" (CNN, 2021). It is important to note that people not only decide to act out of personal gain, but they also act upon what others do and the normative climate created by others (Tyler, 2006).

The normative perspective

We will, in this section, account for the socio-legal culture in Belarus by relying on what is known as the normative perspective to legal compliance. Tom Tyler describes normative commitment through personal morality as obeying a law because one feels the law is fair, whereas normative commitment through legitimacy means obeying the authority that one believes has the right to enforce the law and dictate behaviour (Tyler, 2006).

Normative commitment through legitimacy

Whilst there were massive protests across Belarus following the country's 2020 election, Lukashenko was once a relatively liked person viewed as a strong authoritative character (Janenova, 2020). Lukashenko's past popularity can be attributed to, amongst other things, the fact that he and his government restored the country's economy and thus offered the Belarusians a stable life – in contrast to the chaotic transition to capitalism in the neighbouring countries Russia and Ukraine in the 1990s (Mirovalev, 2021).

Therefore, one could argue that in the earlier years of Lukashenko's reign, people complied with the laws under his government, as many at the time viewed him to

be a person with legitimacy and the right to enforce those laws – a legitimacy rooted in the stability his government offered. However, a normative commitment to legal compliance based on legitimacy appears to be as of 2021 non-present in Belarus. According to *The Interpreter*, Lukashenko has lost whatever popular support he once had and is ruling now simply by force, with little prospect of ever being able to re-build his legitimacy (The Interpreter, 2021).

Normative commitment through morality

As mentioned, Belarus saw numerous political protests in 2020-21, as many, including the EU, believed the majority of the voters in the 2020 election did not vote for Lukashenko but for Sviatlana Tsikhanouskaya. Tsikhanouskaya stood in as a candidate for her husband Siarhej Tsikhanowski, who, in 2021, had been sentenced to 18 years in prison (BBC, 2021). When it comes to normative commitment through morality, one could argue that a large share of the Belarusian people in 2020-21 felt an internalised obligation to fight for what they believed was right, although the norms in Belarus dictate that one should not get involved in politics as accounted for in section 1.1. Therefore, normative commitment through morality, in the case of Belarus, cannot be seen as an instance of why people comply with the law, but merely why people disobey the law.

The expressive perspective

At last, we wish to analyse Belarus' socio-legal reality with reference to the expressive perspective of legal compliance. Professor Janice Nadler writes that expressive law is based on "the claim that law influences attitudes and behavior by what it expresses" (Nadler, 2017). This law perspective can be explained by the two forms of power that generate reasons for individual compliance (McAdams, 2015). The first form of power is the *law's coordinating function*, where situations need order and a *focal point* is implemented as a solution to the problem of coordination (McAdams, 2015). To understand this, Richard McAdams relies on the analogy of road safety where the centreline in roads can represent the focal point aimed at avoiding a collision and thus an incident.

The second form of power is that of an *information function,* which focuses on complying with information, such as a prohibition from a certain part of the road during the night (McAdams, 2015). Individuals are in return responsible for keeping themselves updated on new information as well as complying with it. Hence, as McAdams wrote, both of these modes of power are dependent on individual compliance due to the importance of self-preservation. For this reason, these causal mechanisms can then also be seen as self-enforcing modes of order. Additionally, coordination and information indicate "that law has expressive powers independent of the legal sanctions threatened on violators and independent of the legitimacy the population perceives in the authority creating and enforcing the law" (McAdams, 2015).

Nonetheless, the expressive perspective as applied by McAdams can be seen as simplistic. As Nadler (2017) stated, "the motivation to reduce health risks sometimes competes with several other motivations, some of which can crowd out self-protective attitudes and behaviors." However, these motivations apply not only to health risks, but also legal ones. Unauthorized protesting in Belarus, for example, might lead to imprisonment or forced exile because of the laws in place. But, from the lack of protests, one could make the argument that the people of Belarus are enabling the corruption imposed by Lukashenko and his government. Hence, people opposing the demonstration law might see the benefits of the risk as they would be able to express their messages of frustration towards a corrupt government and let the world know about their struggles. Thus, although the law aims to control individuals' behaviour so that they do not challenge the government, it promotes a collective attitude towards the injustice imposed by this law. In other words, applying expressive law can sometimes be viewed as having ironic implications as people "recognize and resent the expressive nature of law, causing them to oppose the enactment of the proposed law" (Nadler 2017).

Having accounted for which socio-legal realities exist in Belarus, we will now move on to the methodological tools and challenges of measuring corruption in Belarus.

Methodological tools and challenges in diagnosing and measuring corruption in Belarus

By implementing a top-down methodological approach to combat corruption, we aim to better understand the type of corruption in Belarus. From an interactional perspective, to fight corruption, we argue for the use of surveys to assess public perception towards government officials and to gather insight on governmental corruption. Additionally, in-depth interviews and observations will be proposed from a structural perspective. The latter research methods shall be applied for two main reasons: to assess which institutions can act as *islands of integrity* and to compare different entities that could fill in the gaps within the social and legal norms of corruption.

4.1. Principal-agent model and surveys

Myrzabekova (2021) stated that "grand corruption remains a far greater problem in Belarus, where power is concentrated within the highest levels of government and political elites." For this reason, we consider expert and citizen surveys as appropriate tools to detect the severity of government corruption in the Belarusian context.

Studying corruption through surveys has many benefits, as it allows researchers the ability to develop their own questionnaire and to collect data independently (Lancaster & Montinola, 1997). According to Richards (2016), surveys also act as a tool to collect a wide range of data from a diverse group of respondents. In our case, the information gathered would help us to identify which entities engage in bureaucratic corruption the most (Povitkina & Wysmułek, 2016). Furthermore, by evenly measuring the level of corruption in every region in Belarus, relevant anti-corruption agencies can establish more specific and targeted anti-corruption policies and initiatives.

As Povitkina and Wysmułek (2016) explained, expert surveys can serve as an instrument of policymaking, particularly to "assess the extent of corruption within different branches of government on a national level." Hence, it would be ideal for Belarusian experts, such as policymakers, academics, lawyers, and doctors, to be recruited to help answer the more advanced and complex questions regarding bureaucratic structures and behaviours in Belarus, and whether they have connections in a wider and more systemic context.

For impartiality and generalisability purposes, it would also be ideal to also incorporate citizen surveys (Richards, 2016). Povitkina and Wysmułek (2016) highlighted how citizen surveys are conducted to study public opinion. In the Belarusian case, surveys would be applied to measure the perceptions, attitudes, and behaviours of citizens toward government corruption. Moreover, by collaborating with domestic firms, NGOs, and the digital society in Belarus, such surveys can be distributed accordingly within the country. Thus, by reflecting the people's first-hand experiences with bureaucratic corruption (Richards, 2016), citizen surveys would allow us to assess the effectiveness of Belarusian bureaucrats to do their jobs with and without bribes, which public officials are involved in corruption, and what types of bribes are requested from said officials. On a local level, we would also be able to analyse and identify the social norms of Belarusian society and why corruption has become a common practice in the country.

Nevertheless, applying surveys in Belarus comes with various limitations and ethical concerns. Firstly, following Kaufmann et al.'s 2010 WGI study, indirect questions on corruption are to be implemented in the surveys to ensure the safety of participants. Also, for surveys to produce accurate and in-depth data on corruption, they would have to be lengthy (Kaufmann, 1988). This means that not only would they be time consuming for respondents, but also in terms of producing them, analysing the relevant data, and turning it into statistical form. Thus, as highlighted by Lancaster and Montinola (1997), having long surveys adds to the problem of participation. A lack of respondents can lead to biased conclusions, and generalizing would not be possible. On the other hand, expert surveys only target a small number of people and thus can also be prone to subjectivity (Kaufmann, 1988). To limit subjectivity concerns, the main solution would be to have a large sample size, but this can be quite expensive to produce. Povitkina & Wysmułek (2016) also highlight that in terms of

statistical challenges, "it is difficult to model the independent relationship between corruption and other factors", and thus difficult to quantitatively answer questions related to corruption and causality.

Therefore, an alternative method would be better in terms of objectivity, time, and costs. For instance, applying already existing data from surveys (such as the World Values Survey) to our own newly created expert and citizen surveys could possibly limit the length of the survey (and hence also the costs), fill in any missing gaps in the existing research, reduce bias, and allow us to conduct a comparative analysis.

Structural perspective, interviews, and observations

From a structural perspective, we aim to apply qualitative research methods for a deeper knowledge and understanding of corruption in Belarus. Semi-structured interviews and participant observations can be used to gather relevant information on corruption at an institutional level. Observation, as per Zaloznaya's (2015) research, can be useful in studying the informal environment and gathering initial participants. Additionally, interviewing is beneficial as it "captures real life", "gives corruption a human face", and "helps capture the unspoken", most of which are ignored in quantitative data (Varraich, 2016). There are also two main reasons for implementing these qualitative methods from a structural perspective: The first is to establish the non-corrupt institutions and assess how they manage to stay corruption-free, and the second is to compare the norms and rules of different organisations in relation to those in society at large (Prasad et al., 2019; Hodgson & Jiang, 2007). As an example, we will apply the case of universities in Belarus.

As previously mentioned, universities in Belarus can be used as so-called *islands of integrity*, since they are thought to be corruption-free in a corrupt society (Zaloznaya, 2015). Zaloznaya found out that "President Lukashenka changed his attitude to universities and this change of spirit had a largely unintended side effect of decreasing university corruption." However, seeing that this study was published six years ago, it would be ideal to revisit this notion – especially since, at the time, the allegedly non-corrupt behaviour in universities was a recent phenomenon. We could follow Zaloznaya's example by using observations to study the environment at different universities and to gather our first participants. Following this approach, interviews would be implemented to analyse the keywords in relation to corruption and to create a snowball sample of the most relevant parties in analysing universities as *islands of integrity*. Once again, indirect questions will be used to allow the possibility for interviewees to respond in the third person and prevent self-incrimination (Kaufmann et al., 2010). If the gathered information is positive (corruption-free), we would then be able to use universities as an example of how corrupt agencies can be transformed into non-corrupt ones and how they "can survive over the long term given the pressures of the wider [corrupt] context" (Prasad et al., 2018).

Furthermore, a comparative qualitative study could be applied in order to assess the research gaps in corruption in terms of social and legal norms (Moriguchi, 2016). Moriguchi explained that by focusing on two institutional systems such as education (in our case, universities) and healthcare (such as hospitals), we would be able to fill in the gaps and "benefit from this broader perspective of observing social norms as well as legal and institutional arrangements […] because the forms and causes of corruption are very diverse and differ depending on regions and countries." Thus, by implementing observations and interviews we would be able to see how (and if) corruption differs from one structure to another and how outside forces of corruption have an impact on the behaviour within said systems. This analysis could also strengthen our hypothesis that organisations can be used to exemplify non-corrupt functions within a corrupt country.

However, for these research methods to be efficient, certain challenges need to be targeted. While observations can help us familiarise ourselves within the university context, they do not provide enough deep knowledge behind the behaviours and actions being observed. Additionally, by observing an environment, there is also no guarantee that an interviewee sample can be gathered. Hence, while interviews combined with observation can give further contextualisation, there is still a challenge in gathering participants. Gaining access can thus be difficult without any gatekeepers, particularly considering that various Belarusian entities participate in corrupt behaviour. Thus, it would be ideal to gain access through connections within universities.

Furthermore, we also have to keep in mind that there is a language barrier. With only about 12% of the Belarusian population speaking English, and Russian being the main language spoken (listen & learn, 2018), it could prove difficult to conduct interviews when depending on doing them in English. Hence, as Varraich (2016) suggested, we would need to learn the language or employ interviewers who speak it, since it "provides local context [and] familiarity with the local situation cannot be overemphasized."

Varraich (2016) also talks about the rules of thumb. For starters, our interviewees protection should be a priority, and their anonymity and confidentiality need to be ensured. This may prove to be difficult, especially on an institutional level in Belarus. Thus, there need to be special precautions when it comes to the selection of the participants, the methods of communication, and the location of the interviews. It might also be necessary to contact potential interviewees covertly, or to send open invites to all personnel at the bureaucracy in question to lower the risk of exposing the respondents' identities. The second rule of thumb is that of ensuring that all the information has been gathered by inputting the, as Varraich calls it, "*did I miss anything* question." This question not only allows for any missing information to be inputted in the research, but also gives us insight on the true perspective of our research participants. We should also make sure to acknowledge the importance of the participants by opening the possibility of follow-up research. Finally, obtaining permission for using tools such as recorders and diaries is also vital when it comes to

ethical concerns. Varraich emphasized that permission needs to be granted for us to use these tools. The author also suggested the use of methods that put participants at ease and increase trust between interviewer and interviewee, such as "to dispense control of the interview to the respondent." As previously mentioned, the use of indirect questions can also be beneficial in the trust aspect since they further ensure the safety of participants.

Furthermore, when doing fieldwork in bureaucracies, Bierschenk and Olivier de Sardan (2019) caution against becoming attached to the organisation and "forgetting who one works for". In extension, this might lead the researcher to internalise the bureaucracy's ideology and lose analytical distance. This could yield one of two results, as Bierschenk and Olivier de Sardan suggested: (1) the researcher could become a spokesperson for the organisation, producing uncritically positive results; or (2) the researcher could become disturbed by the experience and uncritically castigate the organisation.

Suggested next steps

In the following sections, we elaborate on suggested next steps for combating corruption in Belarus. We will look deeper at our proposed hybrid model, from which concrete and actionable policies can be shaped for SIDA.

Proposal for a hybrid anti-corruption strategy

Even though much progress in the research fields has been made in recent decades on the topic of corruption, the various disciplines are not quite in sync (Prasad et al., 2019). As each offers valuable insight and perspectives, an important side mission for SIDA could perhaps be to initiate a global bridging between these fields to make them more intertwined. An assumption would be that using multidisciplinary approaches could better target corrupt activities. In the context of Belarus, we propose for SIDA to fuse the structural approach together with the interactional approach as a hybrid anti-corruption strategy. Combined, we believe they could have complimentary effects; the interactional approach's individualistic places focus on the bureaucratic agents being monitored and surveilled, as well as who receives either rewards or punishment for their actions (Prasad et al., 2019), whereas the structural approach looks deeper at the social system in which it takes place (Hodgson & Jiang, 2007). An example would be looking closer at institutions, more specifically on how to make them "clean", as will be illustrated here. The effort to combat corruption, both in formal and informal structures, emphasizes the ability of certain organisations or institutions that have proven to be corruption-free, a strategy Prasad et al.

(2019) have elaborated as *islands of integrity*. Indeed, the widespread corruption in Belarus does not necessarily ensure that all institutions are also involved in corruption. Returning to Zaloznaya's (2015) research, she has elaborated that Belarusian universities that were once identified as highly corrupt institutions are now relatively free from bribery and other forms of corruption. However, it should also be highlighted that the lack of on-campus corrupt activities is also possibly a result of the ongoing strict monitoring by Lukashenko, as previously mentioned under the principal-agent model. Moreover, one can also assume that corruption is simply not able to be detected as it is considered a taboo topic on campus. It has become an open secret within Belarusian society that Lukashenko has been suppressing the voices of opposition that can threaten his rule, for instance by imposing restrictions towards NGOs and civil society, as well as increased monitoring of pro-democracy movements (see Freedom House, 2020). With the allegations of corruption and election fraud committed by Lukashenko and his circle, it can be assumed that discussions on corruption in an institution that is suspected to house opposition parties, particularly universities, will be strictly prohibited and suppressed by Lukashenko (the politics of bureaucratic corruption; see Zaloznaya, 2017). Nonetheless, we cannot deny that Lukashenko's monitoring has succeeded in bringing about changes to the bureaucratic system in Belarusian universities and minimizing petty corruption within the institution (Zaloznaya, 2015). Thus, supporting honest universities can be one of the *islands of integrity* strategies in Belarus, where universities can set an example for other institutions in running the bureaucracies in their respective sectors, with the greater possibility to articulate new reforms and change the bureaucratic culture of Belarus.

To summarize, it would then perhaps not be unproblematic to penalise the "bad apples" at the top or even impact the system in Belarus using a toolkit from only the interactional approach. Following Rothstein's (2021) trajectory of rational, moral beings needed at the top to fight off corrupt activities, Lukashenko's grip on all state affairs reveals that he arguably does not meet this requirement. Moreover, Lukashenko infamously will not shy away from responding with hostility when being threatened or incentivized through, for example, increased taxes by European society, as is happening on the border with Poland today (Reuters, 2021). It would therefore perhaps be advisable for SIDA to instead focus on the reward aspects of both approaches; following the principal-agent theory within the interactional approach, they could campaign for higher wages for bureaucrats while also offering objective third-party observations in monitoring processes (Prasad et al., 2019); from the institutional perspective within the structural approach, SIDA could, for example, offer support to "clean" universities (Zaloznaya, 2015). By producing positive incentives, SIDA can encourage the emergence of new *islands of integrity* and break up the clan patterns, rather than relying on punitive and violence-inciting responses to scare off the oligarchs at the top. Combined, we believe they could potentially penetrate the powerful forces both at the top and embedded within Belarusian society, generating fruitful synergy effects.

Further policy recommendations

After having retrieved data by conducting expert and citizen surveys, completed observations, and finalised interviews, a critical next step would be proposing policies for SIDA based on the participants' contributions. The following section, however, will lean on already-suggested proposals from the pre-existing literature. Rose-Ackerman (2018) offers concrete policy steps: 1) target motivation for both the receivers and senders of bribes by modifying incentives; 2) strengthen laws and penalties which deter individuals from engaging in corrupt activities, whilst also inspiring honest agents; 3) include civil society. On the first point, she adds suggestions as to how incentives could be changed when it comes to civil servants working in, for example, bureaucracies. She says they "must be adequately trained and compensated, including rewards for competent service". As for the last point, she says they could "push for systemic reform". Moreover, she notes that social media could be an important arena for policymakers by accelerating public engagement (Rose-Ackerman, 2018). In relation to achieving social change, the recent new waves of demonstrations against Lukashenko could perhaps signify hope for future political changes (Transparency International, 2021).

Rothstein (2018) offers measures using war analogies, explaining these could be transferable and relevant in anti-corruption policy processes. According to him, increased surveillance and sanctions against rogue agents stemming from the principal-agent-theory would belong under what he, through war researcher Liddell Hart, calls the "direct approach". This means more head-on tactics – in this case, tighter formal laws and regulations and directly going after the "big fish". These would all suit well the interactional approach already proposed in our hybrid strategy outline. However, he states this strategy is not enough, mainly because it could lead to "a hardening of the enemy's resistance and willingness to fight". Instead, he again refers to Hart, who after having analysed some hundred war strategies, noticed repeated patterns that would often secure a victory. He noticed that instead of opening fire, these strategies would rather aim to destabilise the psychological and moral equilibrium by going after the enemy's Achilles' heel. He therefore called this the "indirect approach", which meant changes in discrete and slow-paced manners. The essential aspect of it, Rothstein (2018) explains, is that it does not prescribe any specific tools, policies, or remedies, instead stressing "the importance of the 'indirectness' of the general strategy". From our hybrid strategy outline, it would fall in line with our already suggested institutional perspective within the structural approach, as it would involve aiming for alterations to the social system in which corruption takes place (Hodgson & Jiang, 2007). An example could be the aforementioned formation of *islands of integrity*, as Prasad et al. (2019) suggest, projects that would arguably demand both time and discretion. For SIDA to incorporate this processual element when forming policies, it could mean the possibility of a more long-term antidote to fight Belarusian corruption.

Discussions

Defining corruption

In this paper, we mention different kinds of corruption: petty, grand, state capture, *blat*, and more. Refraining from conceptually defining corruption is deliberate. We do this for two reasons: The first is because there is little consensus on what corruption is. Rose-Ackerman (2018) makes the case that corruption is "when an official charged with a public responsibility operates in his or her own interest in a way that undermines the program's aims, whatever they may be". She gives the phenomenon no normative value. The ends of corruption may be good or bad, but will always disrupt the established social structure. Other researchers of corruption opt out of defining the concept and instead discuss its purported antithesis, but there is no agreement on this matter. Is it impartiality (Rothstein 2018), integrity (Heywood 2018), deviations from ethical universalism (Mungiu-Pippidi 2018), or an alternative order (Hodgson & Jiang, 2007; Ledeneva 2009; Prasad et al., 2019)? What corruption is and what it is not is compellingly argued by many scholars. Nonetheless, we do not find it necessary to settle for one definition or perspective. To do so at this stage is not advantageous for operational or policy-informing purposes. We have found that "corruption" can be used in many ways and contexts, some of which are not constructive, such as the pejorative political discourse Lukashenko engages in to attack his competitors and ideological opponents. Being open to considering how "corruption" is used and conceptually understood in various discourses in Belarus can give us deeper insight into how the Belarusians perceive the phenomenon.

What constitutes corruption is a matter of perception. It is culturally relative and can vary over time, space, and context. In Belarus, where gift-giving is customary, it is not necessarily considered corrupt to hand money to the doctor treating your ailment, despite healthcare being free of charge for citizens. Meanwhile, many citizens might consider police officers corrupt if they offer traffic speed violators to go without a charge in exchange for cash equal to one quarter of the fine. Ledeneva (2009) writes that informal practices "both serve the regime and the people, while simultaneously undermining the regime and corrupting the people." This opens up for corruption as a subversive practice; a protest against an oppressive state apparatus that is in itself corrupt.

Bringing about social change and development

In this section and the subsequent discussion, we will examine the aforementioned proposal to answer the following research question: How can our anti-corruption proposal for SIDA possibly provide long-term development goals and bring about social change in Belarus?

As previously mentioned, the "reward and punishment" mindset within the principal-agent model aims to tackle corruption from the top down. This by targeting the *bad apples* at the top to effectively have them eliminated from their positions (Rothstein, 2021). However, as has already been established, this strategy has its shortcomings. If rewards and punishments would be sufficient, then the work of law enforcement would be very straightforward. As is clear in the case of Belarus, this is not the case, which is further complicated by how the Belarusian police are also considered highly corrupt (Risk & Compliance Portal, 2020; Mcadams, 2017). Rothstein (2018) therefore claims formal rules, regulation, and punishment are not enough to fight corruption. Heywood (2018) concurs, stating that:

> to be feasible, reforms need to be appropriate to and consistent with the political settlement in question, instead of seeking […] to introduce formal regulatory changes to legal frameworks in situations in which entrenched elites benefit from their control of informal power networks.

Ledeneva (2009) also agrees, saying:

> attempts to restructure the rules of the game by changing the formal rules can have only a limited effect. This is partly because top-down efforts are difficult to sustain, and partly because any change in the formal rules introduces […] yet another constraint to be dealt with informally.

She continues by illustrating the possible detrimental effects such informal "reconformity" within clans and patronage networks could have on modernisation, calling it a "modernisation trap", and that circumventing formal channels to accumulate goods that are otherwise in scarcity or to speed up bureaucratic processes – through *blat* – merely provides short-term, personal benefits which could otherwise hinder advancements of civil society in the long run. Myrzabekova (2021) highlights how oligarchs are the ones who run the economy by engaging in grand corruption. One could argue that, in doing so, they would likely not be exempt from experiencing the negative consequences of their own grip on power. Thus, a lack of economic spending and financial investments into public interests could mean a stagnation on modernizing efforts, affecting them as well (Myrzabekova, 2021). It could mean seeing neighbourhoods, local communities, and nearby districts in neglect, school buildings not being renovated, and hospitals understaffed and under equipped. These are all social systems which the oligarchs themselves depend upon. In terms of a development aspect, engaging in grand corruption could thus equate taking one step ahead, yet simultaneously two leaps back.

Returning to Rose-Ackerman (2018), who adds "all reforms require civil-society pressure and leaders committed to reform". Even though the latter part of her comment would arguably not be the case for Belarus, at least not credibly from Lukashenko's side as previously mentioned, there might still be hope in terms of bringing about social change and development. With increased globalisation and the use of social media garnering more public awareness of societal problems, new

generations in Belarus might be better equipped to both document and address the crimes and negligence of the political leadership. Both Rose-Ackerman (2018) and Rothstein (2018) acknowledge the need for stringent laws and structures to be in place. However, they also highlight that citizens should be encouraged to partake in forming more incremental policies to produce actual changes.

To summarize, SIDA should perhaps not strive to merely push for tightening formal structures alone to catch the "big fish". Rather, they should also aim to form policies that draw upon slower-paced social changes to the overall social fabric in Belarus. Long-term development goals could thus entail restoring general trust between the state and the public, forming *islands of integrity*, and putting in place motivating incentives for both citizens and agents to comply with state laws. Furthermore, to break up the corrupt culprit at the top and improve public spending by having in place formal laws, monitoring, and regulations. In this way, our hybrid strategy proposal for SIDA could potentially bring about social changes and development. Another scenario could be that new waves of protesters might be able to put enough pressure on Lukashenko on their own, due to the power in both numbers and social media's ability to instantly reach a global audience (Transparency International, 2021). This could be a means of "pushing for systemic reform", as Rose-Ackerman (2018) suggested, while also "destabilizing the psychological equilibrium", as Rothstein (2018) would have it. This new, powerful format might ultimately be Lukashenko's Achilles' heel – and could potentially lead to his downfall.

Practical issues for SIDA to implement anti-corruption strategies in Belarus

In our anti-corruption package, we propose policy interventions based on our findings on corruption in Belarus and discuss further policy alternatives deliberated in relevant literature. However, we believe that it is imperative to isolate the causes of certain collective behaviours in order to conceptualise policy interventions that manage the resulting informal institutions. This requires qualitative and quantitative research in the case country.

It is possible that we could carry out quantitative and qualitative research in Belarus. Social scientific research papers on corruption in the country are published every year. We may, however, encounter general and circumstantial difficulties in researching corruption and implementing anti-corruption strategies in the country. Western countries attempting to intervene against corruption in non-Western states often end up with "a lot of noise with no consequence" (Mungiu-Pippidi, 2018). Mungiu-Pippidi claims this is because of Western tendencies to see corruption as a moral issue rather than one of development. Though we concur with the notion that Western anti-corruption interventions are seldom successful – Belarus' ejection of both SIDA and GRECO exemplifies this – economic development does not appear to be strongly related to corruption in Belarus. The country is economically stable and suffers from no apparent scarcity of goods. Another shortcoming of anti-corruption pro-

jects is the inclination to group corruption into classes (political, bureaucratic, petty, grand, etc.) (Mungiu-Pippidi, 2018). These artificial categories are unhelpful in the case of Belarus since, for example, politicians appoint bureaucrats based on loyalty and party affiliation, creating a system of corruption collusion from top to bottom in both the public and private sectors.

Another problem is the political unwillingness to intervene against corruption. The Belarusian government uses "corruption" as a political slogan to gain credibility (Bak, 2020). Anti-corruption law postulates harsh penalties for transgressors, but it is an instrument wielded discriminately, seldom aimed at the members of the president's network (Myrzabekova, 2021). Grand corruption among high-level officials is endemic and unlikely to cease as long as the president's patronage remains. Disinterest in anti-corruption among the political elite could possibly have been circumvented if disregard of the matter had been the only obstacle. However, the Belarusian state has expelled the SIDA from the country and ignored the Council of Europe's Group of States against Corruption's (GRECO) recommendations, seemingly dissociating itself from Western organisations trying exercising influence. Gaining access to Belarus as a Western foreigner to work on anti-corruption measures without official permission could prove problematic and possibly dangerous, especially on a project commissioned by SIDA.

The Belarusian government's expulsion of SIDA and unwillingness to cooperate with Western anti-corruption endeavours are unlikely to be resolved through established anti-corruption strategy tools and suggestions. Much of the literature on global anti-corruption presenting practical suggestions and approaches presuppose a channel of influence, such as a working relationship with the government, to achieve change (Bracking, 2018; Heywood, 2018; Rothstein, 2018; Rose-Ackerman, 2018; Rotberg, 2018). Focusing on a single city (Heywood, 2018) or on the private sector (Bracking, 2018; Heywood, 2018) does not sidestep the fact that any SIDA-sponsored project in Belarus runs the risk of being shut down, putting the participants in conflict with the authorities and causing a diplomatic crisis. The seven step anti-corruption programme developed by Mungiu-Pippidi (2018) is the most promising. She suggests that when anti-corruption efforts are not supported by enlightened despots, the political sphere should be avoided in favour of working from the ground up to create a critical mass (2018). One way to do this could be by targeting actors that would benefit from strengthened meritocracy. An option for SIDA is to act only as a sponsor, using a local organisation as a proxy to conduct all operations on the ground in Belarus. In the event that the anti-corruption strategy is to be carried out by a local organisation, it might have a chance to be implemented regardless of the Belarusian government's reluctance towards Western influencers. Donor-sponsored anticorruption interventions are however generally unsuccessful in affecting endemic political corruption (Bracking, 2018; Mungiu-Pippidi, 2018). Bracking suggests that this might be due to a predominant focus on the public sector. She promotes involvement in the private sector and aims to link people across social and political divides in uniting behind the anti-corruption cause. Considering

Belarus' record of violently clamping down on political grassroots action, taking a bottom-up approach to counteracting corruption by inciting local actors comes with serious ethical considerations.

Concluding Remarks

President Lukashenko is the dominating political actor in Belarus. He has the mandate to control all formal public institutions, and maintains influence through systematic cronyism, handpicking loyalists to important positions within public administration. Political challengers and public displays of dissent are systematically and violently suppressed. Furthermore, Lukashenko has the power to declare law by presidential decree, which may be put into effect immediately. Democratic institutions in the country are weak or non-existent, and corrupt practices are performed at all levels of administration in both the public and the private sectors.

Corruption in Belarus should be approached both interactionally and structurally. The first perspective can explain how the presence or absence of incentives, monitoring, and repressive measures impact the behaviours of public officials. One aspect of this is Lukashenko's unofficial sanctioning of corrupt behaviour by persons in his network. The latter approach concerns informal factors such as gift-giving and informal practices of exchanging favours or money for services and goods (*blat*), which indicate that corruption in Belarus is not only, or even primarily, an issue of incentive.

To decrease the harm corruption inflicts on Belarusian society, we recommend an anti-corruption strategy that addresses corruption holistically by investigating incentives and drivers of corruption through legislation, the rule of law, and the "standard operating procedures" of both formal and informal institutions. We suggest operationalizing this employing an indirect, slow-working reformation of the taxation system, gender equality, and higher education. In combination with a rewards system that produces positive incentives, for example by supporting institutions that manage to control or change endemic corruption and promote the emergence of new *islands of integrity*.

We reach this conclusion from our analysis of the socio-legal context of Belarus, in which we deduce that risk-reward deliberations linked to an instrumental perspective of legal compliance should complement a normative moral take. In the case of Belarus, however, the popular morality motivates people to disobey the state laws they find unjust, rather than to heed an authority they find illegitimate. Occurrences of ethically motivated acts of corruption to undermine Lukashenko and his government can thus not be ruled out.

A major obstacle to realizing our policy suggestions is the unwillingness of Lukashenko and his government to cooperate with Western policy institutes and foreign aid organisations. Working with local NGOs instead of governmental institutions is an alternative with purportedly limited potential and considerable security risks for the involved persons – especially since SIDA has been expelled from operating in Belarus. Defying the Belarusian government constitutes an ethical dilemma in itself, and could have equally dire individual and diplomatic consequences.

Empirical research on corruption in Belarus, as we have methodically outlined, is needed to investigate approaches to reform formal and informal Belarusian systems to better manage corruption. The results of such a study could provide better insight to whether unsanctioned anti-corruption operations in the country should go ahead or stand down, effectively abandoning attempts to intervene against corruption in Belarus.

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The final assignment paper of the student group 2

Topic: An Anti-Corruption Proposal: A Socio-Legal Analysis on How to Understand and Combat Petty Corruption in the Work of the Traffic Police in Bangladesh's Capital Dhaka

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Abstract

This paper is presented by representatives of the Swedish International Development Cooperation Agency (SIDA) as an anti-corruption proposal for Dhaka, Bangladesh. More specifically, the research aim is to illuminate how anti-corruption research can be performed advantageously in Dhaka to combat petty corruption within the work of the traffic police. To enable such a proposal, this paper allocates great importance to carefully examining and analysing the socio-legal context of Bangladesh, underscoring the assumptions that social and cultural considerations are crucial to fully understand the phenomenon of corruption in a country such as Bangladesh. Therefore, a country-specific contextualisation of the corruption situation in Bangladesh is pro-

vided as it will include previous and current anti-corruption efforts. Thereafter, this proposal engages in an analysis of anti-corruption strategies and discusses various perspectives on legal compliance in relation to the socio-legal contextualisation of Bangladesh. We recommend a hybrid model of the instrumental and anthropological anti-corruption approaches, as when combined, this will allow for a unified strategy in which both a top-down and bottom-up perspective on corruption is utilised. Furthermore, we argue for a combination of the instrumental, normative, and expressive perspectives on legal compliance, to understand a variety of legal situations where corruption occurs. Lastly, we provide methodological recommendations on how to conduct research on corruption in Bangladesh and advocate for a mixed-method approach of document analysis, ethnographic observations, and key informant interviews.

Introduction

As representatives of the Swedish International Development Cooperation Agency (SIDA), we have put forth this anti-corruption proposal to understand petty corruption in the work of the traffic police in Bangladesh's capital, Dhaka. The goal is to understand how and why petty corruption occurs in their work by analysing various anti-corruption strategies and perspectives on legal compliance. To do this in a satisfactory manner, we have included a contextual analysis of the country that encompasses the historical background, the political context, the socio-legal context, and information on the past and current trends of corruption in Bangladesh. Lastly, we account in more detail for the chosen methods and provide a methodological discussion.

Research Aim

The aim of this research is to investigate how anti-corruption work should be done in Bangladesh's capital, Dhaka, in order to combat petty corruption in the work of the traffic police. To enable such an investigation, a social contextualisation of Bangladesh must be provided before answering the research aim. Thus, exploring the current corruption situation, as well as previous and current anti-corruption attempts, will constitute the foundational work that enables answering the research aim in a satisfactory manner. Furthermore, based on this contextualisation, the most suited anti-corruption strategy will be put forth, as well as how this relates to the legal compliance of corruption in Bangladesh. Lastly, it is necessary to explore what methods are most suitable for investigating the work of the Dhaka police. The research aim is thus to illuminate how anti-corruption research is performed advantageously in Dhaka, Bangladesh, to combat petty corruption in the work of the traffic police.

Research Questions

Based on the research aim, the following three research questions have been put forth to enable a more narrow and precise analysis:

- Which anti-corruption approach(es) is/are most suitable to combat petty corruption in the work of the traffic police in Dhaka, based on the socio-legal context of the country, and why?
- How can legal compliance be understood to increase knowledge about petty corruption in the work of the Dhaka traffic police in relation to the chosen anti-corruption approach(es)?
- What method is most suitable for doing anti-corruption research on the work of the Dhaka police, based on the socio-legal context of the country and the chosen anti-corruption approach(es), and why?

Bangladesh: Socio-Legal and Political Context

Located in South Asia, Bangladesh is one of the most densely populated countries worldwide, with 20.5% of the population living below the national poverty limit (ADB, 2021) and 26% are still illiterate (Anik, 2019). The socio-economic conditions in Bangladesh are deeply connected with the rule of law, good governance, access to justice, and the human rights situation of the country. Previously part of Pakistan from 1947, Bangladesh achieved its independence and emerged as a democratic nation in 1971. Since its inception, it has experienced various government systems, including socialist democracy, parliamentary and presidential democracy, military rule, and non-party caretaker government (Islam, 2010). The judiciary of Bangladesh, a primary resort for access to justice for the citizens, is often criticised for failing to make the political system accountable. Although the judiciary of Bangladesh became officially separated from the executive in 2007, it cannot be called a fully independent institution because the courts still work under the influence of the government. Controversial appointments, promotions and removals of judges by the government, and administrative corruption within the institution frequently damage judicial independence (Uddin, 2017). The Constitution of Bangladesh pledges access to justice, fundamental human rights, and legal protection for the citizens; nevertheless, one of the problems the country faces is shortcomings in human rights, such as restricted freedom of expression and increased political violence (SIDA, 2021).

Bangladesh's criminal justice system follows the adversarial adjudication method as a common law country. Its legal system is influenced by the British colonial legacy, which embraces legal pluralism and primarily combines legal frameworks on civil, criminal, and family matters (Bari, 2019; Rahman et al., 2021). Regarding governance and the making of laws for its citizens, the country endorses and exercises the notion of nationalism, socialism, democracy, and secularism as fundamental princi-

ples of state policy. These are the basis of the state and its citizens, but are not judicially enforceable (Haque, 2005). Islam is the official state religion sanctioned by the constitution, although the country recognises secularism as one of the principles of state policy (Huq, 2013; Wohab, 2021).

When it comes to mitigating civil and criminal disputes, most of the citizens (87%) of Bangladesh prefer to use community-led traditional justice mechanisms, bypassing the formal justice system, that is, the courts or the police (Justice Audit Bangladesh, 2018). There are multiple reasons for this, including massive delays in case management, financial involvement, severe corruption in many public service institutions, and lack of trust in law enforcement agencies and the judiciary, making justice a commodity rather than a right. As Islamic principles impact Bangladesh's society and legal system, therefore, in a country with a 90% Muslim population, *Sharia* laws play a crucial role in the social order and in people's lives. To settle many civil and family matters, such as inherited property, marriage, conjugal rights, guardianship, and custody of children, an Islamic ethos and legal practices coexist within the legal frameworks in Bangladesh (Mohammad, 2013). Moreover, due to the disappointment and dissatisfaction over the formal justice actors and state-led law enforcement agencies, most citizens perceive that *Sharia* law would help ensure justice and reduce corruption (Riaz & Aziz, 2017).

The Corruption Situation and the Country's Position on Global Indicators of Governance

Corruption is deeply rooted in Bangladeshi society and has been considered an integral part of the culture. It exists in almost all sectors in the country, ranging from bureaucratic, political, and grand to sector-specific, such as corruption in public administration, judiciary, law enforcement agencies, and other civil service institutions (Khan & Haque, 2013; Wickberg, 2012). Transparency International Bangladesh (TIB), through a survey, revealed that 60% of households are victims of corruption, while 89% of households paid bribes because they would not get the desired services unless they pay a bribe. The survey also showed that the most corrupt sectors, among others, are law enforcement agencies (72.5%) and judicial services (60.5%) (TIB, 2017). The state-led enforcement of the anti-corruption legal regime has also been weak due to the conflicts of interest between various actors and stakeholders in the corruption prevention movement (Khan & Haque, 2013). Nawaz (2012) explains that the justice sector and law enforcement agencies are the most corrupt sectors in Bangladesh, while corruption includes various forms of bribery, nepotism, embezzlement of funds, trading of influence, and deception. The politicisation of the judiciary and bureaucratic intervention over the judicial process often undermine judicial

independence, which leads to questioning the credibility of the judiciary, making it more difficult to control and fight corrupt practices in the sector (Laskar, 2007; Nawaz, 2012).

In the World Justice Project (WJP)'s Global Rule of Law Index 2021, Bangladesh ranked 124 among 139 countries worldwide. While this seems to represent progress compared to 2020 (125), the overall rule of law situation declined 2.8% over this time. Regarding the rule of law situation, the country ranked 4 out of 6 South Asian nations and 25 out of 35 lower-middle-income countries (WJP 2021). According to the Economist Intelligence Unit's Democracy Index 2020, Bangladesh placed 76 among 165 countries with a 5.99 score out of 10. The index classified Bangladesh as a *hybrid regime* encompassing the prevalence of corruption, the weak rule of law and civil society, and the lack of judicial independence in the country (The Economist 2021). Moreover, Bangladesh was positioned 146 among 180 countries with a score of 26 on a scale of 100 in the recent Corruption Perceptions Index (CPI) 2020, published by Transparency International (TI). According to TI, the country remains one of the worst performers on the CPI in the Asia Pacific region (Transparency International, 2021).

The Worldwide Governance Indicators (WGI), produced by the World Bank, capture six dimensions of governance – voice and accountability, political stability and absence of violence, government effectiveness, regulatory quality, the rule of law, and control of corruption – for more than 200 countries since 1996 (Daniel & Kraay, 2020). According to WGI 2020, Bangladesh scored 16.83 and 30.77 in control of corruption and the rule of law indicators, respectively. The country's performance is equally poor in the Government Defence Integrity (GDI) Index 2020, released by TI in November 2021, with an overall score of 25 on a scale of 100, far below the index average of 39. Bangladesh has been graded in the second-lowest category of countries with fragile institutional corruption resilience. The index provides that the government lacks transparency and faces multiple risks, including corruption in procurement, finances, and policymaking (Transparency International, n.d.).

Past and Current Anti-corruption Strategies: Successes and Failures

Legal and Policy Frameworks

Bangladesh as a country has taken multiple initiatives to combat corruption by formulating legal and policy frameworks, strengthening relevant public institutions, and promoting social movements against corruption. The country acceded to the

United Nations Convention Against Corruption (UNCAC) in 2007 and was one of the first States Parties to complete the UNCAC Gap Analysis in 2008 (Zaman, 2013). To control corruption and criminalise various corrupt practices, Bangladesh introduced a variety of domestic legislation regulating areas such as money laundering, bribery of public officials, white-collar crime, protection of whistleblowers, and the right to information. Along with its existing penal laws, such as the Penal Code 1860, the country has already enacted the Public Procurement Act 2006, the Right to Information Act 2009, the Representation of the People Order Act 2009, the Whistleblower Protection Act 2011, and the Money Laundering Prevention Act 2012 (Rahman et al., 2021). In adherence to UNCAC, the government also formulated the National Integrity Strategy (NIS) in 2012 to fight corruption as a state obligation. The NIS offers a coordination strategy to prevent corruption and promote integrity to uphold the constitutional spirit and fulfil relevant anti-corruption laws' objectives (GED, 2020). In addition to these initiatives, the country's recent *Eighth Five Year Plan (July 2020–June 2025)* prioritizes zero tolerance of corruption, thus strengthening the Anti-Corruption Commission to ensure better quality investigations and fair resolutions (GED, 2020).

Anti-Corruption Commission

In 2004, Bangladesh established the Anti-Corruption Commission (ACC), an independent statutory body, to control and investigate corruption, and subsequently abolished the former Bureau of Anti-Corruption. The introduction and continued existence of this organisation can be seen as an effort to combat corruption or as an anti-corruption strategy. The core goals of the commission are to "take necessary measures for the prevention of corruption in both the public and private sector" (Anti-Corruption Commission, 2018). The commission endeavours to prevent corruption by focusing on different societal systems that are prone to corrupt practices. They also have the role of an informative body, as they aim to make people aware of the negative consequences of corruption; this work is performed in both public and private sector organisations. Examples of their projects include "Developing policy frameworks for preventing corruption and improving service delivery", "Carrying out awareness programs among people", and "Reviewing organisational systems and procedures" (Anti-Corruption Commission, 2018).

However, since its establishment, the ACC's ineffectiveness in corruption prevention has persisted due to government influence, political appointments, nepotism, and corruption within the institution. It became weaker in handling corruption-related cases because of the amendment of the Anti-Corruption Commission Act in 2013, brought by the ruling government. The amendment requires the ACC to obtain prior permission from the government to investigate any corruption or file any charge against bureaucrats or politicians (Iftekharuzzaman, 2013).

Transparency International Bangladesh

What could be seen as a current anti-corruption strategy is the non-governmental organisation Transparency International Bangladesh (TIB). The purpose of TIB is to create the conditions for reducing corruption in Bangladesh, and:

> Since its establishment TIB has undertaken various activities, research, information, dissemination, campaign and advocacy to bring about greater awareness amongst the general public of the nature, extent and implications of corruption in Bangladesh across all sectors public, private and non-governmental (TIB, n.d. a).

Rahman proclaims TIB to be: "the sole organisation in Bangladesh wholly dedicated to countering corruption" (2019: 16). To evaluate all TIB anti-corruption strategies as a whole is conceivably an extensive and difficult task. However, it might be worth mentioning some of the focus areas of TIB. Apart from the TIB website, which provides relevant and valuable insights about the country's corruption situation, TIB conducts research and evaluation projects focusing on mapping corruption on different levels of Bangladeshi society (Rahman, 2019: 16). TIB also provides the possibility of reporting corruption directly to their website (TIB, n.d. b). Although TIB lacks the legal mandate to act on these reports, they are used for additional research and are passed along to the ACC (Rahman, 2019: 16). Additionally, TIB engages with civil society in countering corruption through, for example, the Committee of Concerned Citizens (TIB, n.d. c), Youth Engagement and Support (TIB, n.d. d), and Young Professionals against Corruption (TIB, n.d. e).

As presented above, TIB offers some bottom-up approaches to anti-corruption work that rely on the engagement and commitment of civil society. These efforts act as a counterweight to the otherwise heavy focus on top-down strategies to corruption, such as new legislation, harsher punishment, and policy initiatives.

Law Enforcement

The risk of corruption when interacting with the Bangladeshi police is high (Rahman, 2019: 9; Risk & Compliance Portal, 2020). Consequently, its ranking of police service reliability is one of the lowest-performing in the world (World Economic Forum, 2017: 59). Problems associated with this low ranking, including police harassment and paying bribes to the police, are common (Rahman 2019: 9). As a result, the public trust for the police is low and people are discouraged from seeking help from government institutions and reporting crime (Rahman, 2019: 9). Consequently, there have been efforts to develop the law enforcement of Bangladesh through the Police Reform Programme (PRP) on the initiative of the United Nations Development Programme (UNDP, 2009). Under the PRP, there was a significant increase in the ratio of female police, from 1.87% in 2008 to 6% in 2014 (Clear Horizon Consulting, 2015: 13), which is expected to have a positive effect on women's tendency to report crime. The Bangladeshi police also managed to establish over

52,000 community policing forums with the purpose of increasing community engagement (Clear Horizon Consulting 2015: 28). Furthermore, eight victim support centres have been established in Bangladesh since 2009 with the support of the PRP (Clear Horizon Consulting, 2015: 45). Despite these efforts, law enforcement as an institutional body maintains the highest rank in civilians' experience of corruption, according to TIB's 2017 National Household Survey (TIB, 2017: 3).

Conclusively, it could be stated that despite the past and current anti-corruption strategies described here, the corruption situation and the country's position in the global indicators of governance testifies to the fact that corruption is still prevalent in Bangladeshi society.

Anti-corruption Approaches

Four Approaches to Combat Corruption

The principal-agent model is widely used in global contexts as a means to combat corruption. The model explicates corruption as an agent (a bureaucrat) who does not work in accordance with the interests of the principal (the public) (Prasad et al., 2018: 99; Rose-Ackerman, 2008: 552). The principal-agent model proposes a reward system as the solution to corruption, wherein the agent is monitored and rewarded for honest behaviour and sanctioned for corruption. This approach has been said to be necessary for fighting corruption, but it alone is not sufficient. The principal-agent model targets corrupt individual actions that deviate from the system, yet, in many countries, it is the system itself that is corrupt. When the people monitoring the agents are corruptible themselves, the principal-agent model loses its precision (Prasad et al., 2018: 99). The anti-corruption strategy associated with the principal-agent model is based on limiting the influence of the government, stricter laws, harsher punishments, and greater surveillance (Rothstein 2021: 3). This approach to anti-corruption efforts has received criticism for its simplistic focus on changing incentives, or as Rothstein puts it, "if the principal-agent theory were correct, eradicating corruption would have been a piece of cake" (2021: 5). Further critique is posed by Hodgson and Jiang (2007: 1049), as the principal-agent model ignores questions of morality and proposes a one-size-fits-all approach.

When corruption is the expected behaviour in a system, the monitoring of actors becomes highly ineffective. In light of this critique, *a collective action approach* has emerged that understands corruption as an alternative order that creates expectations for actors to engage in such practices. As corruption is systematised, there are no easy solutions proposed by the collective action approach. Instead, it suggests a "big

bang" approach, where the whole system must be drastically reformed during a short period of time. However, the situations in which this approach has been successful are dependent on historical events that have caused a "big bang", such as the ends of wars. Due to the intrusive nature of the solution, this approach is less practically useful than the solutions proposed by the principal-agent model (Prasad et al., 2018: 100).

Torsello and Venard (2016) argue that the *anthropological perspective* can contribute to a fresh view of corruption, as it aims to explain corruption from the social context of the observed. This means that the anthropological perspective does not use a universal definition of corruption, but strives to understand social and cultural variances in different social settings. This key feature enables the anthropological perspective to criticise other methods for being too simplistic and ignorant of social norms. Another strength of this approach is its qualitative take on researching corruption; thus, it provides a rich analysis. However, as the research method is qualitative, there is a need to get access to the criminal arena to collect data, and this requires long-term access to the field in which the data is collected. Furthermore, the approach has been criticised for its focus on petty corruption whilst more grave corruption is ignored. Nonetheless, the anthropological perspective aims to provide a non-judgmental view on corruption, striving to understand rather than condemn. This is done by investigating both the negative outcomes of corruption as well as the positive social harmony to which corruption contributes. This enables more context-sensitive anti-corruption policies that can fight such practices in a meaningful way (Torsello & Venard, 2016: 49-50).

As Rivkin-Fish (2005) explains through an *institutionalist perspective*, informal corrupt orders may occur in societies in which the formal orders do not fulfil the needs of the citizen. Acting in a corrupt manner therefore becomes morally acceptable, as it is seen as the primary solution to replace the malfunctioning structures in society (Rivkin-Fish, 2005: 49-50). The informal legal orders become a way to regain justice in a society where the formal legal order is perceived as unequal and the informal orders become morally justifiable (Rivkin-Fish, 2005: 63). Hodgson and Jiang (2007) explain that corruption is an institutionalised phenomenon that exists within both the public and private spheres. Hence the solution to corruption can never be dependent on decreasing the economic role of the state and encouraging privatisation, as many approaches against corruption suggest. Instead, the institutionalist perspective necessitates the role of the state in fighting corruption (Hodgson & Jiang, 2007: 1048-1049). However, the creation of formal institutions that are presented "as national anti-corruption agencies, ombudsman offices or stringent laws, have been overrated in their control of corruption" (Kubbe & Engelbert, 2017: 2). The institutionalist perspective undermines the role of social norms and their interplay with formal norms, as its main solutions are broad national one-size-fits-all models (Kubbe & Engelbert, 2017: 2).

Which Approach is More Relevant to Bangladesh and Why?

Based on the contextualisation provided in the introduction, we consider the institutionalist perspective as the most relevant approach to corruption in Bangladesh, since it offers an explanation to corruption focusing on societal establishments. When the formal institutions of a society fail to satisfy the needs of its citizens, informal orders based on corruption grow and gain a foothold (Rivkin-Fish, 2005: 49-50). The information regarding the conditions in Bangladesh testify to the lack of societal functions such as an effective justice system, a viable economy, development opportunities, and access to human rights. Possibly, these problems are the result of ineffective state institutions in Bangladesh, which fail to meet the requirements of the people. In other words, from an institutionalist perspective, the lack of institutional services causes citizens in Bangladesh to adopt informal systems to satisfy their societal needs. These informal systems are then recognised as corrupt practices, which further undermine the work of state institutions. Since the official legal system shows signs of not fulfilling its functions, citizens of Bangladesh turn to informal justice systems based on tradition in order to organise some form of legitimacy that accommodates the needs of the people. A consequence of this is that the rule of law is undermined and de-legitimized. Another example based on the institutionalist perspective is related to the economic situation in Bangladesh: the poverty, although decreasing, places substantial pressure on affected citizens to earn their livelihood. This creates a lack of development opportunities, hindering access to justice and human rights, which could lead to corrupt practices.

The solution to preventing corruption is, according to the institutionalist perspective, to place the state in the centre of anti-corruption work (Hodgson & Jiang 2007: 1048). In the context of Bangladesh, this would mean not to decrease state influence of power, but to support state institutions in countering corruption. When institutions are capable of working as intended and fulfilling the needs of the people, informal practices can dissolve. However, the support of state institutions must be carried out with caution, since avoiding a "one-size-fits-all" solution model is crucial so as not to neglect the importance of local social norms (Kubbe & Engelbert, 2017: 2). Therefore, it could be beneficial to combine the institutional approach with the anthropological approach to include the perspective of social norms and the morality of human actions. A benefit provided by the anthropological approach is the potential to incorporate a bottom-up perspective on social norms. This would offer both an institutionalist top-down and anthropological bottom-up perspective on corruption and anti-corruption in Bangladesh.

A Hybrid Model to Combat Corruption in Bangladesh

We argue there are benefits to be gained by combining different anti-corruption approaches and suggest a hybrid model consisting of the institutionalist and the anthropological approach. However, an important difference between the institutionalist perspective and the anthropological approach lies on the conceptual level, as

they apply contrasting views on corruption. Where the first approach takes the stand against corruption, considering it undesirable, threatening, and sometimes even describing it as a "cancer" or a "disease" (Anders & Nuijten, 2007; Shore & Haller, 2005: 11), the latter refuses to portray corruption as merely negative (Torsello & Venard, 2016), implying an intrinsic tension between the perspectives when combined. At the same time, we think that there are great benefits in combining top-down and bottom-up approaches, since this opens the possibility of investigating the phenomena from different perspectives and on different levels, thereby providing a more comprehensive picture of corruption.

Following Torsello and Venard's (2016) argument, we argue for several benefits from adding an anthropological approach to an institutional perspective on corruption. Adding elements of an anthropological approach to the wider institutional perspective could account for important insights into corruption at several levels. In such a hybrid anti-corruption strategy, an emic anthropological approach can provide valuable insights into the social reality as experienced by those observed. Furthermore, the potentiality of anthropologists to understand corruption as a social practice that needs contextualisation to be analysed could also broaden the research from an organisational perspective. Such a broadened perspective could be crucial to revealing the positive consequences and hence the cohesive forces linked to corruption, with important implications for anti-corruption policies (Torsello & Venard, 2016: 40). For an anti-corruption strategy, this means acknowledging the structural issues of corruption while still taking "a more detailed understanding of the reality on the ground" into consideration (Prasad, Martins da Silva & Nickow, 2018: 110). Additionally, Hodgson and Jiang (2007: 1049) criticise the institutionalist approach for ignoring the role of morality and human action in corrupt acts, and therefore strive to incorporate a moral outlook into the approach. Hence, we acknowledge that the individual may act in a corrupt manner to reach certain moral ends and not for personal gain; therefore an institutionalist anti-corruption strategy needs elements of the anthropological approach.

By including the anthropological approach to corruption, we strive to increase knowledge and understanding regarding social orders and legal systems that may cause or lead to corruption. Thus, we argue that the institutionalist perspective combined with the anthropological perspective are the most fitting approaches, as these frameworks allow different institutions to include and perform their functions and potential in combination. As previously stated, formal religious rules, like *Sharia* laws, play a role both in public and private life. Therefore, by including the private and the public spheres in the assessment of corruption through an institutionalist perspective, along with the anthropological perspective, the legal pluralistic context will be addressed. The previously stated flaws in both perspectives will be addressed, and the assessment of corruption will therefore be enhanced by the use of both perspectives. We argue that our mixed approach to anti-corruption will be the best-suited one for Bangladesh, as it includes all sectors and involves the social norms and moral actions of the inhabitants.

The Instrumental Perspective on Legal Compliance

The instrumental perspective on legal compliance, as presented by Tyler (2006: 3), is based on the individual persons' or groups' estimate of the likelihood of being caught and the fear of the punishment. Thus, the perspective relies heavily on deterrence, with reward and punishment as the potential consequences of not obeying the law being given great consideration and importance in the instrumental perspective. Additionally, the instrumental perspective considers the power of group structures and the fear of being excluded from a group or from society in general (Tyler, 2006: 23). In other words, an important part of the instrumental perspective is to consider the most favourable outcome of a choice of whether to obey the law or not (Tyler, 2006: 7). Thus, the framework of law is often based on the instrumental perspective on legal compliance, as it includes and promotes the fear of committing a crime due to the consequences (Tyler, 2006: 3).

One can note that the instrumental perspective on legal compliance shares multiple similarities with the instrumental perspective, as it favours honest behaviour (Prasad et al., 2018: 99). Furthermore, the instrumental perspective to legal compliance comprises rewards and punishments, which influence the individual's actions (Batory, 2012: 70; Prasad et al., 2018: 99). As stated previously, the instrumental perspective on legal compliance considers the fear of penalties due to non-legal actions (Tyler, 2006: 3). However, in a Bangladeshi context, the fear might be to not give a bribe or participate in corrupt practices. This can be explained by the widespread corruption in the country and the general acceptance of unofficial illegal actions in the public and private spheres. In Bangladesh, the corruption rates are relatively high in the public sector, which could imply that the state, by its malpractices of governance, is itself corrupt (TIB, 2017). Thus, the individual might gain power and control by not obeying the state law and instead adhering to unofficial group dynamics, power relations, and social structures. The individuals' fear of reprisals might therefore increase if they are not themselves involved in, and in some ways supportive of, corrupt behaviours and practices.

With an institutional approach to understand and, not least, combat corruption, the focus is on the power and influence of the state and institutions, and it is believed that informal and corrupt orders might occur as a result of a weak state and a lack of well-functioning structures in society (Rivkin-Fish, 2005). The institutionalist approach therefore solely enhances the effect of the top-down approach, which the instrumental perspective on legal compliance already contains. According to the Fragile States Index (FSI), which is created by The Fund for Peace, Bangladesh is ranked 39 out of 179 countries in total, which indicate that the internal tensions in the country are relatively likely to deteriorate and result in further complex humani-

tarian emergencies due to fractured leadership and corruption (The Fund for Peace, 2008). Tom Tyler (Tyler in McAdams, 2015: 3) states that "people are more likely to obey the law (and cooperate with law enforcement) if they perceive that courts and police treat them fairly and with respect, more generally, if the legal processes are fair". The institutionalist approach has been accused of neglecting the influence and power of citizens' social norms and increasing the states' involvement in anti-corruption, and might therefore not be the sole approach best suited to combine with the instrumental perspective in the case of Bangladesh. It can be argued that the institutional perspective shares multiple similarities with the instrumental perspective, as the informal legal orders often occur as a result of the individual and collective conclusion that the punishment of creating these orders potentially outweighs the likelihood of being caught and punished for the action.

With an anthropological approach to anti-corruption, the contextual morality of the society is taken into consideration and analysed on various levels through a holistic view (Torsello & Venard, 2016: 35). This approach could therefore broaden the perspective beyond the mere structural complexities of corruption (Torsello & Venard, 2016: 40). As the anthropological approach considers the cultural variations in a country (Torsello & Vernard, 2016: 45), it can be beneficial to combine the approach with the instrumental perspective on legal compliance. Thus, as the instrumental perspective focuses on the fear of being an outcast from a group and of the potential penalties of not obeying to the law, including the cultural and religious structures of Bangladesh into this analysis would contribute to a greater understanding of corruption in the country. Furthermore, the non-judgmental thought in the anthropological perspective may increase knowledge of corrupt actions without disadvantage to the individuals in Bangladesh, who might be contributing to corruption due to societal structures. Thus, an anthropological approach within the instrumental perspective would decrease the fear of unjust actions due to the investigation of both negative and positive outcomes (Torsello & Vernard, 2016: 50).

The Normative Perspective on Legal Compliance

The normative perspective on legal compliance entails the moral inclination a person might feel to adhere to the rule of law. In other words, the normative perspective on legal compliance considers a person's normative opinions and their alignment with the law in books. Tyler (2006) explains the normative perspective as follows:

> If people view compliance with the law as appropriate because of their attitudes about how they should behave, they will voluntarily assume the obligation to follow legal rules. They will feel personally committed to obeying the law, irrespective of whether they risk punishment for breaking the law (Tyler, 2006: 3).

Thus if the social norms of an individual or a group overlap with the state law, there is legal compliance. Additionally, the normative perspective can be divided into a dichotomy between *normative commitment through personal morality* and *normative*

commitment through legitimacy. Normative commitment through personal morality happens when legal compliance is achieved based on the feeling that the law is fair. Normative commitment through legitimacy, on the other hand, is when a person obeys the law because they feel that the authority enforcing the law is justified in doing so (Tyler, 2006: 4). While looking at the context of Bangladesh, it seems like the normative commitment through personal morality and through legitimacy might be low. This is indicated by their low ranking on the Corruption Perceptions Index 2020 (TI, 2021), and by the evidence that corruption seems to be present in many public institutions (Wickberg, 2012). These signs of corruption might suggest that there is low legal compliance in certain areas of social life in Bangladesh. According to the normative perspective, this lack of legal compliance could originate from a discrepancy between the moral beliefs of Bangladeshi citizens and the content of the law. This could, for example, be indicated by the fact that the modern legal system of Bangladesh was primarily imported and developed by the British during the colonial era (Halim, 2018). Therefore, from the very beginning, Bangladesh's legal system did not reflect the country's socio-cultural context. Similarly, some people may not obey the law because they believe that the authority enforcing the law does not have the right to do so. This could be argued by, for instance, the low willingness of Bangladeshi people to turn to the formal justice system for help (Justice Audit Bangladesh, 2018).

According to the normative approach described above, legal compliance is based on a normative context. This means that if people feel that legal rules are just or legitimate, they will obey them. Therefore, to understand legal compliance in Bangladesh, it is necessary to investigate the country's normative structures. This would be possible to achieve through the anthropological perspective, whose goal is to understand corruption from the social context perspective in which it originates (Torsello & Venard, 2016). The benefit of connecting the anthropological perspective with the normative approach to corruption in Bangladesh is that the anthropological view does not apply any moralistic meaning to corruption (Torsello & Venard, 2016: 35). This means that an anthropologist explains morality as bound to a social and cultural context, which allows for a pluralistic view of morality and a better understanding of the complexity of corruption (Torsello & Venard, 2016: 35). This is a valuable starting point when looking at Bangladesh and its people, which have both a pluralistic legal context and different views on morality and religious ideology (O'Brien, 2021). By adopting the anthropological perspective to examine Bangladesh, it is possible to research the legal compliance of corruption from a bottom-up perspective.

The Expressive Perspective on Legal Compliance

McAdams (2015: 13) explains that the law has expressive powers that affect our beliefs, emotions, and behaviours. The law's expressive power has two main functions: *coordinative* and *informative*. That the law is coordinative means that it provides a suggested guide for behaviour that should constitute the most rational way of action.

For example, in Bangladesh, narcotics are criminalised, and the reason for legal compliance is most likely the personal gain from avoiding such substances and not the institutional sanctions. By coordinating behaviour based on its dangerousness, this coordination also becomes informative. Because drugs are illegal, the law is indirectly informing me that drugs must be dangerous to my health. To comply with the law becomes a way to heighten one's safety and avoid dangerous situations; therefore the law is self-enforcing (McAdams, 2005: 5-6). The expressive perspective on legal compliance is highly based on rational choice (McAdams, 2005: 17), which will be clear throughout the following sections. Additionally, people tend to coordinate their conduct based on mutually salient behaviours or *focal points* (McAdams, 2015: 6).

As corruption is widespread in Bangladesh, the law's expressive powers seem insufficient on their own for creating legal compliance. McAdams (2005: 62) states four essential factors affecting legal success: the law must provide coordination and limits, be clear, be public, and any stronger competing focal points must be absent. In the case of Bangladesh, the last factor is the most pressing reason for the failure of anti-corruption attempts. A common understanding in Bangladesh is that, historically, law enforcement agencies have been misused by the British Empire, causing a decline in legal compliance and rising mistrust in law enforcement agencies (Huda, 2020), leading to informal orders being used to settle disputes (Justice Audit Bangladesh, 2018). This means that a stronger competing focal point is created, affecting legal compliance.

From the institutionalist perspective, Bangladesh has a need for institutions that can provide sufficient resources for its inhabitants to combat corruption (Rivkin-Fish, 2005: 49-50). As discussed earlier, 87% of the Bangladeshi population use community-based dispute resolution processes instead of law enforcement agencies and formal justice authorities (Justice Audit Bangladesh, 2018), which shows the common distrust of these institutions. It might be possible to state that the institutions, as service providers, cannot fulfil their service seeker's needs and requirements (e.g., functioning laws and legal implementation), and that there are shortcomings in expressive power. If the legislation is flawed and unable to support the interests of its inhabitants, the expressive powers deteriorate as its capacity to coordinate and inform becomes weak. This means that the citizens create informal orders that fulfil their needs, and legal compliance decreases. As corruption is high on several levels in many public sectors in Bangladesh (Wickberg, 2012), we can assert that the focal point is not corresponding to the formal laws. This means that if Bangladesh would create state institutions that could provide sufficient coordination and information and correspond to the focal point, legal compliance would increase.

In such cases however, it is crucial to add the anthropological perspective, as it necessitates the role of the pluralistic society in explaining legal compliance (Torsello & Venard, 2016: 49-50). In Bangladesh, the plurality of legal orders influences people's behaviour. By widening our understanding of the expressive powers of the law to include informal legal orders, it is possible to state that the expressive powers of the

focal point are stronger than the expressive powers of the formal law. McAdams (2005: 45) argues that people will follow the order that can provide the most suitable coordination; thus it is important to acknowledge what the citizens gain from complying. By coordinating the process of bribery, one party will gain access to, for example, medical care, whilst the other party will receive the bribe. Self-interest has a vital role in the coordination of behaviour and can result in informal legal orders becoming dominant. Therefore, the anthropological perspective, with its bottom-up approach, will be much suitable in understanding legal compliance in a pluralistic society (Torsello & Venard, 2016: 49-50) such as Bangladesh.

What Perspective on Legal Compliance is Most Useful in the Context of Bangladesh?

To conclude the discussion above, we argue that all of the three perspectives on legal compliance will be useful in the context of Bangladesh. However, the instrumental and normative perspectives appear most relevant, as they apply to most legal situations, whilst the expressive perspective is limited to the informative and coordinative functions of the law. It could be argued that the instrumental perspective influences the legal system of Bangladesh to support the capital punishments, such as the death penalty or life imprisonment, that are exercised by Bangladeshi courts (Hossain, 2021). This prevailing system primarily focuses on the punitive and retributive justice and legal compliance approach, which testifies that a harsher penalty would stop people from committing crimes. However, this idea might not improve legal compliance; it is easily applied to various legal contexts and carries a symbolic value. On the other hand, the normative perspective can be seen as the bottom-up complement to the top-down instrumental perspective. Furthermore, McAdams (2005) argues that the law's expressive powers are "independent of the legal sanctions threatened on violators and independent of the legitimacy the population perceives in the authority creating and enforcing the law" (McAdams, 2015: 6-7). Thus, previous perspectives alone are insufficient, as they do not acknowledge the coordinative and informative functions that lead to legal compliance.

The purpose of this research is to investigate the work of the traffic police in Bangladesh's capital, Dhaka, and the goal is to understand how and why petty corruption occurs in their work. It is crucial to acknowledge that Bangladesh consists of various informal orders, diverse cultures, and social norms. Hence, adapting merely one perspective on legal compliance entails a simplification, which would lead to insufficient knowledge about the legal system and legal compliance. Thus, it is crucial to acknowledge all three perspectives on legal compliance as they can contribute to a greater understanding of how and why petty corruption occurs in the work of the Dhaka police.

By combining the instrumental, normative, and expressive perspectives, a greater variety of legal situations can be understood and explored, leading to further possibilities for increasing legal compliance. As the instrumental perspective understands legal compliance from a perspective of the most favourable outcome, it is broadly applicable to the work of the traffic police in Bangladesh. The most likely reason for the corrupt practices in the work of the police is thus that such actions are favourable. As stated in the introduction, the salaries of police officers in Bangladesh are low, possibly leading them to solicit bribes. Furthermore, it is necessary to investigate the normative and moralistic structures defined by the social context of Bangladesh and its inhabitants. For example, the normative commitment through personal morality could be researched by looking at how the Bangladeshi traffic police construct legal morality on a micro level. Similarly, the normative commitment through legitimacy could be explored by looking at the interplay between law enforcement agencies and police officers, and reviewing how the police rationalise and moralise their own authority. Lastly, the expressive perspective on legal compliance can contribute to an understanding of the law's coordinative and informative functions. In the context of the Dhaka traffic police, legal compliance would increase if laws were enacted and amended to fulfil the four requirements of coordination and limits, clarity, publicity, and the diminishing of strong competing focal points. Thus, the criminalisation of bribery must be coordinated and limited, and the process should be transparent to the public. The relevant legislation and legal enforcement must also be strengthened to be more rewarding than the informal focal points that allow the traffic police to receive bribes. Furthermore, the expectations from the police community (and society overall) in Bangladesh should reflect the idea that no one engages in corrupt action. As proven above, all three perspectives on legal compliance will be essential in fully understanding corrupt practices in the work of the Dhaka police in Bangladesh.

Methodological Tools and Challenges in Diagnosing and Measuring Corruption in Bangladesh

The purpose of this research is to investigate the work of traffic police in Bangladesh's capital Dhaka. The goal is to understand how and why petty corruption occurs in their work, and to further explicate such practices because of informal legal orders and malfunctioning institutions. The malfunctioning institutions mentioned above and the associated need for corrupt practices will further influence the method of data collection. Therefore, the data collection strategy must also be able to gain in-depth information from a top-down perspective on related institutions in Bangladesh. We

estimate a timeframe of two to three years in total for carrying out the research project, including fieldwork.

As stated previously, the police force constitutes the most corrupt sector in Bangladesh, while also being the highest bribe collectors in the South Asia region. Poor salaries and working conditions are assumed to be a relevant reason for accepting bribes among the police, which have led to a low standard of morale in the force (Nawaz, 2012: 6-7). This information is highly relevant when choosing a data collection strategy as it necessitates a hybrid model that understands the phenomenon of petty corruption from both the bottom and the top. A top-down approach would enable an increased understanding of the institutional conditions that causes petty corruption, as well as allows for a bottom-up approach that can tackle the informal legal orders and morale that is created among the traffic police. Within the institutionalist perspective as the framework to combat corruption in Bangladesh, both the public and the private sector is included. Hodgson and Jiang (2007: 1046) maintain that the private sphere is often excluded from anti-corruption work. We find it important to include the macro, meso, and micro levels of Bangladesh to grasp how to combat corruption. Therefore, this project intends to utilise a combination of *document analysis, ethnographic observations,* and *key informant interviews* as research methods.

Research Methodology and Framework

The choice of *document analysis, ethnographic observations* and *key informant interviews* as methodologies is motivated by the socio-legal context of Bangladesh. As demonstrated in the introduction, there are signs of Bangladeshi public service institutions not fulfilling the societal needs of its citizens. Based on the institutional framework, the state is central in combating corrupt practices and should not be defunded or privatized (Hodgson & Jiang, 2007: 1048-1049). Therefore, it is necessary to understand the state and its institutions in order to understand corruption. Accordingly, if we want to understand petty corruption, especially bribery, of traffic police in Bangladesh, we need to understand how traffic police operate as an institution of law enforcement, especially while regulating traffic rules and managing citizens violating the relevant laws.

Thus, *document analysis* has been chosen to increase the in-depth knowledge about the traffic police as an institution and their practices. Document analysis, a qualitative research method, is the systematic process of reviewing or evaluating documents, including printed and electronic material. The process combines content and thematic analysis, where documents are examined and interpreted to stimulate meaning, gain understanding, and build empirical knowledge (Bowen, 2009: 28, 32). This will be conducted by investigating official documents and legal and policy instruments to understand how the law enforcement institutions work in practice and how they are supposed to work. More specifically, this would mean investigating relevant legal and policy documents, including the National Land Transport Policy 2004, the Road

Transport Act 2018, and the Traffic Rules 2021 of Bangladesh. As we have limited our research field to Dhaka city, our focus is on the Dhaka Metropolitan Police Ordinance 1976. The law provides that the police officers have the duty, among others, to keep order in streets which includes regulating and controlling the traffic in the streets and preventing construction in the streets (DMP, 2021). The government of Bangladesh recently enacted the Road Transport Act 2018 and the Traffic Rules 2021. Therefore, analysing those brand-new legislations would be interesting as the former elaborate the control and management of road transports from a broader sense, and the latter provides a list of traffic offences and penalties, including legal procedures to be followed by the traffic police. Legal and policy frameworks are crucial in understanding the traffic police in Bangladesh from an institutional perspective. For instance, scrutinizing the Traffic Rules 2021 will give us an impression of various traffic crimes, such as driving without a seatbelt, driving without a license, a vehicle without registration, speeding, or violating traffic signals, and the responsibilities of concerned police officers dealing with these offenses in their daily working life. Understanding the relevant legal frameworks will also help us connect traffic police's theoretical roles with their practical actions, which will be further examined during our ethnographic observations.

Apart from the institutionalist framework, this paper also argues for an anthropological approach to understand and combat corruption in Bangladesh. The chosen anthropological research method is thus *ethnographic observation*, as it enables an understanding of petty corruption from the perspective of the Bangladeshi traffic police. The proposed way to enable such an observation is to follow Bangladeshi police and observe what their contact with the public looks like in terms of petty corruption. The methodology of ethnographic observation is expected to generate valuable data since it allows an investigation of informal norms and practices that can be difficult to study with other methods (Bierschenk & Olivier de Sardan, 2019: 243-244). Furthermore, Blundo (2006: 24-25) argues that anthropological studies have predominantly focused on the discursive and representational part of corruption, ignoring the multiple sectors where it can be found. This study will be focused on petty corruption, which is often the case of anthropological corruption studies according to Blundo (2006: 24-25). Therefore, the hybrid approach and the chosen data collection methods are especially suitable in widening the research area in Bangladesh. As the approach targets petty corruption from both the bottom and the top, a broader understanding of corruption is enabled.

Lastly, to complement the observations and the document analysis, *key informant interviews* will be conducted with several traffic police officers and heads of various traffic zones in Dhaka city to enable an even greater understanding of petty corruption in law enforcement. By using three different methods to investigate the same phenomenon, we enable a mixed-method approach that will provide a rich analysis of petty corruption in the work of traffic police officers in Bangladesh. The interviews provide access to descriptive narratives, and the interviewees help to get

the testimony of particular incidents of corruption by quoting cases drawn from personal experience or casual observations or by referring to situations observed by a member of their circle (Blundo, 2007: 40). By combining the institutionalist framework through the method of document analysis we are "finding" data from the institutions we research.

Appropriate research questions should have the potential to function as guidelines for all of the aforementioned methods. It is crucial for methodological execution that the research questions are able to capture the socio-legal complexity of Bangladesh; at the same time, they need to be narrowly directed. Therefore, suggested research questions for proposed fieldwork should be formulated with the aim of answering how petty corruption among police officers in Dhaka can be understood in the socio-legal context of Bangladesh. Further dimensions could be captured by asking how corrupt actions among police officers in Dhaka can be understood as a way to navigate social relationships and legal culture. Additionally, by using the anthropological framework through the methods of ethnographic observations and key informant interviews, we are "generating" data about our research field and interviewees. This is the core idea of our hybrid-method approach: to include a broad spectrum of ontologies and epistemologies while combining a top-down and bottom-up approach.

Limitations of the Methodological Tools

As with any research methodology, the document analysis, participant observation, and key informant interviews have their limitations, especially in the context of a pluralistic country such as Bangladesh. First, we recognise that the study of corruption is both time and money-consuming, but argue that this exact study is of great importance not only to the state of Bangladesh but to SIDA and their investments in sustainable development as well. We will now consider a few further potential limitations of the methodology.

When conducting a document analysis, we aim to examine official documents and legal and policy instruments related to the traffic police of Dhaka city. Despite the official language of Bangladesh being Bengali, the documents will be examined in the official English translation, although in case of conflict, the Bengali version prevails (OECD, 2004: 15). Therefore, the potential language barrier between a majority of the SIDA representatives and the Bangladeshi documents will not be of major concern. This said, we are aware that the potential language barrier is not the only possible limitation in the chosen methodology of document analysis: the cultural differences between us, as originating from the Western world, and the population of Bangladesh might be evident in the pluralistic legislation, which includes *Sharia* Law. We consider religion to be an important institution for analysing and fighting corruption as it helps to raise awareness of social norms and orders. However, we do not wish to state that religion causes corruption.

Furthermore, we stand aware of the risk of acting and being perceived as the "white saviours" when trying to examine the patterns of the unofficial legal orders. We aim to handle this by applying a phenomenological approach to data collection and the analysis of material and thereby striving for an approach where our potential preconceptions and prejudices will not prevail (Varraich, 2017). If the need for a translator occurs, we will make use of a certified translator who will be paid according to the national standards. The phenomenological approach will also be applied in the participant observations, where we aim to observe individuals and social groups to understand how unofficial legal orders and even corruption can be seen and understood in the context of Bangladesh.

Lancaster and Montinola (1997: 194) maintain that limitations concerning political corruption can appear depending on the difficulties of collecting empirical material nationwide that can be utilised in the analysis of a corrupt country. As previously stated, this research will take place in Dhaka, which will lead to the findings not being applicable throughout Bangladesh; according to Lancaster and Montinola (1997), this is a limitation. However, we argue that research on corruption based solely in one city allows for a more specific and in-depth study. Similarly, there can be a limitation with participant observations and interviews in receiving enough data, particularly if the observer is observing a whole situation or just a part of it (Blundo, 2007: 46). Thus, the researchers must be aware that the observed act may be a part of something more. Furthermore, there can be acts and important parts that can be hidden in the observed, which contribute to that the exactness of the data might be ruptured (Blundo, 2007: 30). These limits will be taken into consideration and the observed behaviour will be viewed in relation to cultural standards. Werner (2000: 16) argues culture is of importance to take into consideration when studying informal processes, such as the observed.

The data regarding the top-down approaches will be based on document analysis of official documents, which would contribute to knowledge that is applicable throughout Bangladesh. Furthermore, the utilisation of other contexts and countries will then increase the strength and contribute to a more comprehensive case study in Bangladesh (Lancaster & Montinola, 1997: 203). With this in mind, when utilizing a combination of bottom-up and top-down approaches to combat corruption, one must remain aware of the difficulties regarding the accuracy of the data as well as the ability to analyse it through a comparative perspective. Thus, the top-down approach may bring on limitations to the study, as the data will be fairly extensive. However, by using a combination of methods, we argue that the accuracy regarding the information of the corrupt practices in Dhaka increases. As the bottom-up approaches to study corruption will be based on participant observations and key informant interviews, we need to remain aware of the limits of what is observed or discussed.

There is always a limit regarding the position of the researcher and the participant, and the observers might not be welcomed, depending on what is presented (Brandt

and Eiró, 2017: 37). Regarding the key informant interviews, there might be a difficulty in getting access to information from the traffic police in Dhaka, as police forces are usually exclusive institutions suspicious towards researchers. Thus, the researcher needs to stay open and truthful in order to build trust with the participant (Varraich, 2017: 17). We are fully aware that our presence might not be welcomed as we are studying potentially corrupt behaviour and practices. We aim to handle this by decreasing the power relationship between the researchers and the participants through transparency and open-mindedness.

Ethical Challenges and Considerations

As Sweden-based researchers, as well as for the sake of representing SIDA, our essential task regarding ethics is to comply with the ethical principles of the Swedish Research Council. These principles refer to the requirement to inform, the requirement to consent, the requirement to confidentiality, and the requirement to the appropriate utilisation of collected data (Vetenskapsrådet, 2002). However, engaging in field studies as well as performing document analysis both demand approval from the ethics committee from the Bangladeshi organisations involved. Even though we plan to arrange such approval before starting, we expect further ethical challenges regarding accessibility and permission to perform our planned tasks. We are aware of several situations where previous researchers studying corruption have been involved in situations where corrupt actions were encouraged as a necessity for continuing the project, or were even accused of corruption themselves when trying to navigate social codes (Varraich, 2017). Although we can never know beforehand what situations we will face, it is important to understand that ethical considerations are an ongoing process that will continue throughout every unique situation.

As researchers, we have a duty of doing no harm, and in line with a variety of other researchers (Varraich, 2017; Werner, 2000), we consider one of the most important things to secure when conducting our research in Bangladesh to be the anonymity of the informants. This could be done by changing the names of the informants (Urinboyev & Svensson, 2013) but this is not necessarily enough to protect the identity of some informants with respect to their positions in a specific context or the information they are able to provide. Therefore, we will consciously engage in situations that we find "*relatively* harmless" to not put our informants in serious jeopardy (Werner, 2000: 15). These will also be situations we continuously will have to consider.

Finally, "red lines" in the context of corruption studies refer to "topics or issues that are sensitive in the sense that investigating them is considered threatening or forbidden by the regime" (Glasius et al., 2018: 37-38). Bangladesh, being a representative democracy for 30 years, does not explicitly have internal tensions severe enough to constitute such a concept. However, we will pay attention to potential fluid lines (Glasius et al., 2018: 40), since they are more opaque, and we, as researchers with

scant experience within Bangladesh are humble with regard to the fact that we cannot know exactly where these lines are. For instance, we cannot yet know the degree to which we can pose critical questions regarding the work of police officers.

Challenges in Diagnosing and Measuring Corruption in Bangladesh

What we consider even more complex is how we should define or not define corrupt actions. Various authors, anti-corruption researchers, and international organisations define corruption in many ways. SIDA defines corruption to be an abuse of trust, power, or position for inappropriate gain. Corruption includes, among other things, bribery, extortion, conflict of interest, and nepotism (SIDA, 2012). In its *Anti-Corruption Practice Note*, the UNDP stated that corruption misuses public power, office, or authority for personal benefit through bribery, extortion, influence peddling, nepotism, fraud, speed money, or embezzlement. While corruption is often considered immoral for public servants, it also predominates in the private sector (UNDP, 2004). Defining corruption is a vital element of the policy-driven intellectual effort. Nevertheless, there can never be a single definition of corruption, so measuring it in different sectors primarily depends on the interest embedded in the measurement to satisfy the essential elements of a definition (Mungiu-Pippidi & Fazekas, 2020). Due to various forms and functions in diverse contexts, providing an unequivocal definition of corruption remains elusive and challenging for anti-corruption activists, policymakers, and law enforcement agencies (Brooks et al., 2013). Moreover, anti-corruption institutions and campaigners prefer to choose an operational definition that fits their policy purpose. Although we can observe several institutionalised and operational definitions of corruption, the United Nations Office on Drugs and Crime (UNODC) states that there is no single and universally accepted definition. It is challenging to formulate such a universal definition due to legal, criminological, and socio-political problems (United Nations, 2004).

Furthermore, defining corruption can be ethically challenging because gift exchange, for instance, can be a fruitful and even necessary element for our informants to maintain their relationships and networks which "function as safety nets for people with few economic resources, insufficient state welfare benefits, and/or limited access to goods and services" (Werner, 2000: 12). Thus, by carrying out research with the aim of achieving anti-corruption strategies, we inevitably engage in something that could affect the lives of the informants and other affected individuals in ways that *they* do not find desirable. What if we are simply doing these anti-corruption studies because global organisations are asking for them for the benefit of Western-dominated transnational corporations?

Finally, as researchers, we need to remain aware of our somewhat Western perspective and not judge the norms and ethical standards that are predominant in a non-Western country, in our case Bangladesh, as Hodgson and Jiang (2007: 1054) mention. Universal rankings of corruption may be controlled due to ideologies, economies,

research, politics, and power, and depending on the sources, the results will vary due to different interests. Thus, to contribute to an authentic evaluation of corruption in Bangladesh, religions and ethical informal norms must be considered as valuable to the assessment. Traditionally, religion has been used to explain the differences in institutional quality concerning corruption (Rothstein, 2021: 44); Protestantism, for example, resists institutional corruption while Islam does not. However, Rothstein (2021: 44) offers a contrasting perspective based on how religious practices have been financed and holds that the content of religious doctrine is not in itself an obstacle to managing corruption. This analysis highlights the caution we, as SIDA representatives, have to bear in mind when using religion as part of our analytical toolbox in order to avoid a condemnation of a specific religion.

Policy Recommendations: Social Change and Development

Mungiu-Pippidi (2018) argues for a seven-step method for defeating or controlling corruption. She argues that to create change, it is essential to identify the human agency that is able to deliver in order to select a suitable anti-corruption strategy (Mungiu-Pippidi, 2018: 28). In the case of Bangladesh, we have been arguing for a combined approach to combating corruption as the informal actions seem to happen in both private and public institutions; hence the need for a unified strategy where both a top-down and bottom-up approach are included. Mungiu-Pippidi furthermore states that to prepare and accommodate a change in the status quo, we need a theory guiding us, a stakeholder analysis, and a coalition built (Mungiu-Pippidi, 2018: 29). According to Rotberg (2018), "corruption is a systemic malady, emerging from the top down rather than the bottom up" (Rotberg, 2018: 5). This statement might hold some truth as the leaders in top political positions are the ones setting the tone for what is considered legal versus illegal, and what is accepted and what is not. This said, the collective societal norms and actions are what continues to accept or condemn the potentially ethically doubtful actions. In Bangladesh, the integrity of the authorities has for many years been widely questioned by the Bangladeshi people (Huda, 2020), leading to an expanded focus on anti-corruption policies focusing on the visible expressions of corruption that originate primarily from official institutions such as law enforcement (Heywood, 2018, 84). We argue that despite the focus on the official institutions and their role in fighting corruption, more attention should be paid to the anthropology of the Bangladeshi people and their corrupt behaviour in order to combat corruption. We argue for a need for an improved conceptual understanding of corruption and its origin in the Bangladeshi socio-legal context to create social change from within the society. Likewise, Rothstein (2018) argues for an "indirect approach" strategy where the focus would be on changing the basic so-

cial contract instead of focusing merely on measures "intended to change incentives for corrupt actors" (Rothstein, 2018: 35).

Rose-Ackerman (2018: 100) discusses how ideals and values might not be unified throughout a society, as there will be actions that can be considered both legal and illegal depending on the position of the practitioner. Corrupt actions are presented as undermining the ideal, however, as if the values for the inhabitants vary, then the ideal can be interpreted differently (Rose-Ackerman, 2018: 98). The ideals regarding petty corruption may include a "free market" where the rules are not consistent; thus, bribes can be seen as allowing the practice to persist (Rose-Ackerman, 2018: 101). We argue that to contribute to social changes, different ideals regarding corruption need to be considered. Additionally, one must not judge the acts based on our own interpretation of what we consider ideal, which already is an advantage of utilizing an anthropological perspective to combat corruption. We argue that domestic values and norms on both the micro and macro levels need to be incorporated into the study, as this will guarantee developmental changes regarding corruption. Additionally, we aspire to contribute not to a view of what the ideal regarding corruption (or anti-corruption) in Bangladesh should be, but rather to a policy that will be beneficial to the traffic police. Rose-Ackerman further states that "If the state tolerates 'petty' bribes, a vicious cycle can develop that may escalate and undermine all public programs" (Rose-Ackerman, 2018: 102-103). Thus, policies must be reformed to emphasize both those receiving and giving bribes in order to limit corrupt practices (Rose-Ackerman, 2018: 103). When studying petty corruption among traffic police in Bangladesh, one must take note of all sides of the corruption and recognise how bribes might contribute to the persistence of the studied practice. We intend to explain and comprehend how and why corrupt acts occur in Bangladeshi society and bring policy recommendations based on the findings, which will contribute to social changes. Accordingly, by including knowledge on different perspectives on situations where bribery occurs, which will be gained through the observations and key informant interviews, policies can be outlined that will be helpful for understanding and combating corruption. Thus, the policy will be based on research conducted in Dhaka, but will most likely be applicable throughout Bangladesh.

We argue for a policy that includes the previously described seven-step method, as well as both top-down and bottom-up approaches to understand corruption. Additionally, the recommended policy incorporates the micro, meso, and macro levels of corruption to generate the best-suited outcome for Dhaka traffic police. The recommended policy will not be to eliminate all petty corruption at the outset; rather it will focus on understanding when, how, and why corruption occurs. To contribute to a policy that is realistic and has the potential to reform the traffic police, we argue for a need to understand the reasons for corruption. Thus, we argue that the strategy must first focus on the whole perspective of corruption among traffic police in Dhaka, and later generate a suitable policy that can be incorporated into the work and life of the police officers and civil society. Therefore, the policy recommendations to understand and combat corruption will inductively evolve through-

out the research and will be based on the research outcomes as well as on previous anti-corruption policies in Bangladesh, where changes might be necessary depending on the findings and how the policy is received.

Discussion and Concluding Remarks

This proposal has provided several possible ways to understand and combat corruption in Bangladesh. Broadly speaking, corruption seems to be a phenomenon caused by the asymmetry between formal and informal legal orders in society. However, there are several ways of explaining why these informal orders occur, as discussed in parts *4. Anti-corruption approaches* and *5. Legal Compliance in Bangladesh.* Both the anti-corruption approaches and the perspectives on legal compliance offer insights into why corruption occurs and how it should be combatted. In this proposal, we have provided information about these approaches and perspectives and related them to the socio-legal context of Bangladesh.

It has become evident throughout this proposal that relying solely on one anti-corruption approach or one perspective on legal compliance has led to a simplified understanding of corruption and its causes. We have argued that it is essential to understand a variety of different perspectives and approaches to fully grasp the complexities behind the phenomenon of corruption. Therefore, we argue that a hybrid anti-model that combines the institutionalist and anthropological approaches will broaden our knowledge of corruption in Bangladesh, as we strive to understand the legal compliance of corruption from an instrumental, normative, and expressive perspective. We, as SIDA representatives, believe that previous attempts to combat corruption have been less successful because of this non-flexible and simplified picture of corruption. Similarly, anti-corruption research commonly relies on a monorail methodology in terms of either qualitative or quantitative approach, with a focus on corruption on solely one level. Such an approach tends to fail to understand the bigger picture of corruption in a deeper culturally, country, and locally specific context. It is our conviction that anti-corruption research could benefit from alternative methodological tools to gain a deeper mixed-method approach. We argue that applying a methodology that is both flexible and context-specific to overcome a "one-size-fits-all" approach in anti-corruption research will increase the success rate. For the same reason, anti-corruption efforts need to step away from the universal definition of corruption and consider what is meant by corrupt practices in a variety of specific contexts. However, there is no way to ensure that the chosen methodology and policy recommendations will be accepted by the Dhaka traffic police, as petty corruption is more of a norm than an exception. Therefore, it is crucial for us to set

aside our Western perspective of domestic values and norms, as they might counteract the norms of the traffic police in Dhaka and lead to rejection.

As clarified throughout this proposal, the socio-legal history and contemporary context of Bangladesh is of the utmost importance. For future research, we suggest that a contextual analysis of the neighbouring countries in the Asia-Pacific area will contribute to a greater understanding of what actions are most likely to benefit the fight against corruption in Bangladesh. By including considerations from multiple countries, the strategy regarding national corruption will without doubt turn out more precise and targeted toward the exact objective. Furthermore, we believe that an analysis of the previous and ongoing development assistance and cooperation in the neighbouring countries will reveal a more well-defined path and direction for the future long-term development of SIDA's cooperation with and humanitarian aid to Bangladesh.

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The final assignment paper of the student group 3

Topic: An Anti-Corruption Package for Research in Iraq. A Proposal for SIDA: Combating Corruption

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Introduction

This anti-corruption package will begin with the presentation of our chosen country's political and social background, followed by a discussion on how corruption is situated in that specific context and its connection to socio-political and socio-legal contexts. Thereafter, we will continue with a description and exemplify what past and present anti-corruption strategies have been applied successfully, both in relation to our case country and internationally. This will lead to a discussion of what theoretical perspectives we find most suitable for combating corruption in relation to the theoretical aspects of legal compliance.

Furthermore, we will provide our recommendation of a methodological approach while reflecting on the possible challenges of diagnosing and measuring corruption. This will be followed by our suggestion on a hybrid approach in combating corrup-

tion in Iraq and arguments for why that is the strategy with the most potential for success. Finally, this paper will conclude with a section of our remarks where we critically reflect and give our thoughts on the application of the project.

Research aim

The aim of this package is to provide the SIDA organisation with a scientific proposal for how corruption could be combatted in the case of Iraq. We will apply theoretical frameworks for understanding corruption, discuss what approaches are relevant for our case country, and demonstrate how a combination of different perspectives could be profitable in practice.

We understand corruption as an elusive and multifaceted phenomenon that needs to be studied from different disciplinary angles. Therefore, we will discuss the legally pluralistic approaches to understanding corruption and provide insights from the field of sociology of law. This package includes discussions of the most predominant approaches to understanding and combating corruption. We will use these perspectives to form our own suggestions for how, why, and to what extent anti-corruption strategies could be most efficient in Iraq. In turn, we will combine the local context of Iraq's practice of legal compliance (why people obey the law) and their implications for understanding and combating corruption.

Research question

The following research questions will guide this anti-corruption package:

- How does corruption manifest itself in Iraq?
- Considering the socio-legal context of Iraq, what are the most suitable strategies in combating corruption?
    - What are the strengths and potential weaknesses of the proposed strategy?

Country context and political background

As a country marred by political conflicts that have brought about multiple problems, creating new challenges and tensions for its society, Iraq has faced significant corruption challenges. Since the fall of the regime of Saddam Hussein, the political struggle permeated by a lack of political will for anti-corruption efforts in combination with the lack of expertise in the public administration and the weak capacity to absorb the influx of aid money has done nothing to effectively combat corruption.

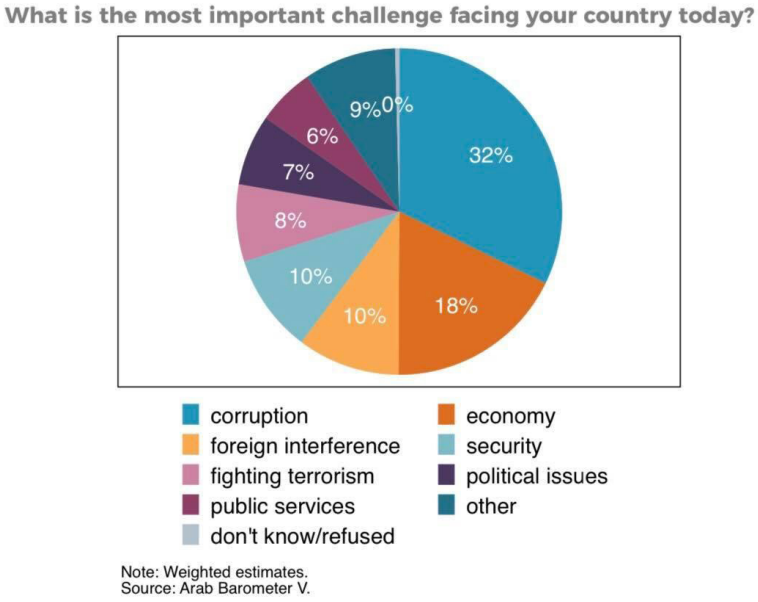
The political instability in the form of sectarianism has decreased in recent years, but it is still deeply entrenched in Iraq's governing system (Agator, 2015).

What could be described as a politically unstable institution is the development of the consociationalist governance system known as *muhasasa*, which was intentionally a democratic system based on power-sharing, operating to avoid violence. However, this political system has taken the form of sectarianism, nepotism, and a political elite now delegating their power to individuals with similar religious, ethnic, and political backgrounds. Instead of bringing inclusivity and democratisation, the muhasasa system has resulted in elite capture where the greater influence of already existing practises reproduces corrupt structures (Schoeberlein, 2020). This also illustrates how religion interrelates with politics and how a dominating religion can steer the ways of society. Moreover, on account of the country's history of political instability, Iraq is now left with weak institutions, a weak rule of law, and vested interests reluctant to change (Schoeberlein, 2020: 2).

A report by Public Opinion from 2019 presented a picture of declining interest in politics in Iraq over the last few years. Not even half of the population engages in the electoral systems and only 26 percent of Iraqis report that they are interested in politics. This *cooling effect* reverberates in a sense of detachment from, and scepticism toward, various aspects of the electoral system: "Low shares report having attended a campaign event (11 percent), and six-in-10 say that the elections were neither free nor fair, with roughly a quarter stating they were major problems" (Arab Barometer, 2019: 8).

The political scenario in Iraq is characterised by the coexistence of nationalism and sectarianism, resulting from the hybrid nature of identity politics in the country. The frustration and the pursuit of power on behalf of politicians are key elements that have led to citizens' dissatisfaction and complete distrust in state institutions. The general perception of corruption amongst the people in Iraq has worsened in recent years. As illustrated in the figure below, corruption is now the most pressing issue in the country (Arab Barometer, 2019).

Due to the frustration with the high levels of corruption within the government and the unfair system behind it, the people in Iraq have begun to protest against the current system (Mikail, 2020). This movement reflects a growing gap between citizens and the state that has led to concrete demands on the government, pressuring it to issue and bring forth more effective and meaningful reforms (Shoeberlein, 2020: 2).



The corruption situation and Iraq's position on global indicators of governance

According to Transparency International (TI), corruption can be defined as "the abuse of entrusted power for private gain" (Razafindrakoto & Roubaud, 2010: 1058). This definition does not distinguish between different types of corruption, nor does it imply what motivates corrupt acts. Corruption is constructed by rankings as a global issue, not as a country-specific issue. From that point, we would argue in line with Heywood (2018: 87) that when defining corruption, we have to pay more attention to the unwritten and informal practises that give rise to corruption and corrupt behaviour. In other words, it is important to identify the social drivers of corruption that are specific in Iraq in order to design an effective anti-corruption package on how to combat it.

Iraq is highly connected to the activities of corruption, which is also one of the most pressing issues in the country (Schoeberlein, 2020: 9; Arab Barometer, 2019). However, the country is now aware of the extreme challenges it faces combating this widespread problem and its threat to state-building efforts (Agator, 2013: 1). Due to massive embezzlement, money laundering, oil smuggling, and bureaucratic bribery, Iraq has repeatedly been positioned at the bottom of many different international

rankings on corruption, such as the Corruption Perceptions Index (CPI) and the World Bank's World Governance Indicators (WGI) (Agator, 2013). Since 2012, Iraq has had a low score on the CPI and in 2019, Iraq scored 20 out of 100 possible points. Similar results have been shown on the WGI, where Iraq had an average score of -1.5 in 2019. Particularly prominent were the low scores on political stability (-2.6) and the rule of law (-1.7) (Schoeberlein, 2020: 9). In 2020, Iraq scored 21 points and was ranked as 160 out of 180 countries on the CPI (Transparency International, n.d.).

As previously mentioned, there are systems in the public sector that contribute to the corruption situation in Iraq today. The main driver of corruption can therefore be traced back to its consociationalist governance system, *muhasasa* (Schoeberlein, 2020: 3). In line with this, corruption at the highest level of the state could be the most worrying factor in the country's corruption tendencies. In 2011, the current head of the Commission of Integrity was forced to resign after the discovery of a network of shell companies engaging in corrupt activities that were linked to major political parties. This shed light on the corrupt activities of the government, which caused the President of the Board of Supreme Audit to state that corruption had "become an institution in itself" (Agator, 2013: 4).

However, other factors have also contributed to corruption's active operation. Among those, we can point to the effects of the United Nations' sanctions following Hussein's invasion of Kuwait (Worth, 2020). As the value of citizens' salaries collapsed, government officials could not survive without taking bribes, which became the currency of everyday life (ibid.). This worsened after the invasion of 2003, when American officers began handing out $100 bills to make connections with locals and aid the economy. This has led to catastrophic consequences as it attracted a new group of opportunists, including returning Iraqi exiles, who lined up for big government contracts. After these events, corruption grew stronger and increased further with the oil boom of 2008, thanks to a network of oligarchs empowered by Prime Minister Nuri Kamal al-Maliki (ibid.). Thus, the current corruption in Iraq is also a consequence of Western actions and imposed sanctions.

Past and current anti-corruption strategies: successes and failures

The discourse concerning anti-corruption has developed and dispersed across ideologies and taken different forms. This can be reflected in the diversity of how corruption is perceived depending on what context is targeted for evaluation. Robert Rotberg (2018) presents a similar trend among various scholars pointing to different

outlooks on how to strategise when combating corruption. Even though opinions on how to tackle corruption may differ, most scholars are in agreement about the fact that, because of the extent of corruption, the strategies applied to combat it should not have only a public or a private role. Instead, anti-corruption efforts require a coalition of multiple sectors to be built across society (Bracking, 2018; Heywood, 2018; Rotberg, 2018; Teachout, 2018; Torsello & Venard, 2016; Urinboyev & Svensson, 2013)

In the article "Corruption & State Capture: What Can Citizens Do?", Sarah Bracking discusses how South Africa's recent history of corrupt state capture could benefit from applying a strategy based on a union of anti-corruption agents from both the public and private sectors. This effort, she argues, will be successful "to the extent that it can link people across traditional class and race divides" (Bracking, 2018: 169). Moreover, the transition of elite power will require a more democratic rule and a more transparent and open political order that reverses the use of violence and protect the political systems (Bracking, 2018).

In a discussion of anti-corruption strategies, Rotberg (2018) mentions Matthey Taylor, who indicates that holding rule-makers and government actors accountable is essential for combating corruption. The element of accountability is based on his philosophy, paving the way for efficient anti-corruption efforts. Taylor states that "accountability encompasses oversight and sanctions" (Rotberg, 2018: 11), and further illustrates this in the example of Georgia. Through the implementation of meaningful reforms and related sanctions, the governmental functions in Georgia have operated less opaque, civil service examinations more competitive, and interactions with bureaucrats more automated. However, what Taylor calls "accountability reforms" also led to a form of "hyper-centralization" and regime domination that eventually became counterproductive to the completion and sustainability of Georgia's anti-corruption achievements (Rotberg, 2018: 12). This example shows how a strengthened rule-of-law regime and accountability theories are in need of completion from other elements.

Heywood (2018) also raises the issue of failures regarding anti-corruption efforts. One point he makes is that we should accept that in some cases we might never "win the battle against corruption in the sense of defeating or eradicating it" (Heywood 2018: 87). He proposes that we instead should have more realistic ambitions regarding anti-corruption efforts, such as identifying the most pressing forms that cause the most social harm. To do that, he suggests feasibility as an important consideration when dealing with anti-corruption strategies. Without any understanding or insight into interaction between institutions, people, and behaviour, anti-corruption interventions might continue to fail and not be implemented successfully (ibid.).

When looking closer at how anti-corruption strategies have been applied efficiently in Iraq, we tie back to the structural corruption and centralised power of the elite. The government of the country's previous prime minister, Al Abadi, had, in the effort to combat corruption, issued warrants and arrested a number of officials on charges

of bribery (Pring, 2015: 7). However, the citizens were still not convinced that the removal of certain powerful people was going to resolve the issue of corruption. Instead, they argued that the focus should not be on petty bribes, but rather on the systemic governance that facilitates the gain in wealth and power on the part of the major political parties and ensures basic utilities, such as hospital safety (Mansour, 2021). In response, Al Abadi declared his ambition to fight corruption, money laundering, and waste. The Iraqi government published the Government Work Program for 2014-18, which would include a national strategy to combat corruption through the adoption of "e-government" measures to reduce corruption risks (Pring, 2015: 7).

Furthermore, a U4 Expert report with an overview of corruption and anti-corruption illustrates how the country has developed efforts to combat corruption. While many forms of corruption have been criminalised, such as public sector bribery, embezzlement, and obstructing justice, units working against corruption have been reported to be not fully functioning, lacking both power and resources. The same report gives examples of how corruption in Iraq is only evident in national legislation or international conventions, but also on institutional levels and through civil society and the media (Pring, 2015).

In Iraq, many forms of corruption have been criminalised, such as "public sector bribery (Articles 15, 16, 18, 21, Law 111 of 1969), embezzlement (Article 315 of the criminal code) and obstructing justice (Article 229 of the criminal code)" (Pring, 2015: 7). Top public officials are also required to disclose their assets and the courts have the authority to freeze, seize, and confiscate certain assets. Other laws that have been implemented to reduce corruption are the Public Procurement Law (2004) and the Investment Law (2006), which have had some success. However, due to a culture of political pressure and impunity, there is still a risk that companies are unwilling to report corruption if detected. Another anti-corruption effort and improvement within the Iraqi legislation is the revocation of "Article 136b of the criminal code in 2011" (Pring, 2015: 8). This law allowed ministers to protect their employees from being prosecuted for corrupt criminal behaviour. However, as mentioned above, the culture of impunity that continues to exist in the country essentially still makes it possible for members of the government to avoid prosecution. Although anti-corruption efforts regarding the legal framework in Iraq have been made, these efforts have been deemed insufficient. With the insufficient desire or intention on the part of enforcement by the political sector and the lack of necessary institutional resources, corruption seems to persist (Pring, 2015: 7-8).

The main anti-corruption body in Iraq is referred to as the Federal Commission of Integrity (CoI). This institution works most often with institutional frameworks and is responsible for preventing as well as investigating government corruption. It is also in charge of enforcing legislation for anti-corruption purposes. In 2014, they stated that 17,616 cases of official corruption had been investigated by the institution since 2004. Furthermore, they estimated that USD 330 billion of public

money was missing or unaccounted for, and named three former ministers and 53 senior officials for alleged corruption (Pring, 2015: 8). In CoI's more recent efforts to combat corruption, they have presented a new strategy that aims to mobilise ministers, institutions, and other key stakeholders through a comprehensive policy and regulatory framework designed to assist Iraqi institutions in reducing the prevalence of systemic corruption. The intervention, named the *National Integrity and Anti-Corruption Strategy,* was endorsed by the prime minister's cabinet and is planned for implementation from 2021 to 2024 (EUAM, 2021). As it is an ongoing process, the results are far from determined. One of the considerations to have in mind during this intervention is that even though the law declares the CoI independent, it is subject to interference from the government (Pring, 2015: 8). Previous commissioners have resigned due to the governmental pressure in corruption cases (ibid.), which can speak for the internal pressures that could impact the practical efficiency of the strategy.

Anti-corruption efforts among civil society in Iraq have re-emerged after the fall of Saddam Hussein. However, such efforts remain limited and poorly structured. In 2003, several civic groups were established, but these failed to elaborate on public interest areas and address more specifically the issues of sectarianism and ethnic and political tensions. Furthermore, civil society groups face numerous challenges, such as intimidation, violence, and arbitrary arrest, all elements that hamper their work. Additionally, such groups are financially supported by donors, which makes the oversight of funds challenging, with little transparency on how such funds are spent. Nevertheless, civil society groups in Iraq have achieved some goals, such as the scrapping of the Cybercrime Bill, which foresaw the criminalisation of online criticism of the Iraqi government (Pring, 2015: 10).

In line with the fall of Saddam Hussein's regime, several media companies have started in Iraq. The standards of journalism, such as independent reporting, are affected by the political party ownership of the respective media companies and the standards are also challenged by the different political, ethnic, and sectarian divisions in Iraq. Furthermore, this entails that Iraq has scored low on numerous free press indicators; Freedom House rated Iraq as "not free" in 2014 (Pring, 2015: 9). However, several pieces of legislation have been implemented to change the situation of journalism in Iraq. For example, a law from 2006 makes it illegal to "ridicule" public officials; this law has subsequently been used to control journalists who expose corruption. In addition, the 2011 Journalist Protection Law provides restrictions on who can be a journalist and what access they have to information, while giving no protection to the journalists themselves (Pring, 2015: 9). In other words, such legal restrictions may hinder the investigation of corruption.

In conclusion, even though there have been some strategies for combating corruption in Iraq, the extent of today's corruption permeating all levels of society, in both the public and private sector, shows that the existing anti-corruption frameworks have been ineffective. In 2010, the Middle East and North Africa Financial Action Task

Force (MENAFATF) found that Iraq was non-compliant in 35 of 40 categories of its anti-money laundering regime. Furthermore, although there are structural bodies to expose potential financial crimes such as money laundering, the Central Bank of Iraq's Monetary Laundering Reporting Office, among others, have been described as "completely inadequate" (Pring, 2015: 8). The U4 Expert Answer argues that the initiatives in Iraq "suffer from a fragmented institutional arrangement, a lack of clear understanding of the various roles, little enforcement of legislation, a lack of political will, and political influence, and impunity in corruption cases" (Pring, 2015: 7).

Theoretical approaches to understanding and combating corruption in the context of Iraq

There are four approaches that could be appropriate to understanding and combating corruption, but whether and how they could be used depends on the socio-legal context. The first approach is the interactional approach, which tackles corruption "as a principal-agent problem" (Prasad et al., 2018: 99). This means that the agent (the bureaucrat) is not acting from the interest of the principal (the public), but rather for their own profit (Rose-Ackerman, 2008: 552). By focusing on the individual behaviour of public actors, this approach can be considered an "individual level strategy" (Prasad et al., 2018: 107). The solution to the principal-agent problem is to reward the agent for avoiding corruption and punish them for being corrupt, and the strength is that it shines a light on the issue of corrupt behaviour and it is relatively simple to implement (Prasad et al., 2018: 99). On the other hand, it could be difficult to identify corrupt agents in societies where corruption is strongly permeated, as in the case of Iraq. Another weakness of such an approach is that it is also problematic to have insight into whether the persons who reward and punish agents are corrupt themselves (Prasad et al., 2018: 107). One could also argue that such an individualistic approach is not fruitful in the case of Iraq where social groups and kinship relations play a prominent role in corrupt activities (NCCI, 2011: 15).

The second approach, the collective action approach, also known as the "big bang" strategy, was developed as a critique of the interactional approach, which suggests that "corruption is a problem of the system, a collective action problem in which there are no principals in a context in which corruption is the expected behavior" (Prasad et al., 2018: 100). Corruption should therefore be combatted through a rapid and large-scale transformation of the whole society. The strength of this approach is that it considers corruption as an alternative order by taking into account social norms and rules. It focuses on behavioural change and regards collective cooperation as necessary to change existing norms and combat corruption (Kubbe & Engelbert, 2017: 45). The limitations are that such behavioural change could be

difficult to achieve. Furthermore, to transform an entire society in the form of a "big bang" might be appropriate for some contexts but not others (Prasad et al., 2018: 108). Moreover, in the case of Iraq, one could argue that such an approach could be inadequate as major crises have previously occurred in the country without bringing substantial change to the issue of corruption (Schoeberlein, 2020: 2,3; Prasad et al., 2018; Kubbe & Engelbert, 2017).

The third approach is the structural approach, which focuses on institutions and considers corruption as an institutional phenomenon from the top down. This perspective pays attention to the fact that rules, norms, and structures require the maintenance of a state or institution. Arguably, it considers the public and private spheres as intertwined. Institutions can affect how people understand corruption and, hence, the social behaviour in a society. Furthermore, this approach could also be used to understand a certain actor's possibility of acting for private gain (Haller & Shore, 2005: 4; Hodgson & Jiang, 2007: 1048). Hodgson & Jiang (2007: 1050) refer to two propositions that are relevant for analysing corruption. The first states that "institutions are the stuff of social life", meaning that the social reality is structured by social rules, which shapes different types of habits. The other refers to "the normative nature of social rules", meaning that rules could be seen as socially transmitted or as having a normative imposition. The strength of this approach is that it acknowledges the dualism of the public and private spheres (Hodgson & Jiang, 2007: 1044). The limitations are that it focuses on the institutional level and does not take into account the individual level of corruption. Since, as previously mentioned, corruption in Iraq operates through institutions working top-down, this could be a well-fitting perspective to apply, however. In addition, we argue that to prevent corrupt practises, we will have to gain a deeper understanding of corruption in this country, and thus focus on the normative structures of the institutions that contribute to the problem.

Lastly, the legal pluralistic approach suggests that combating corruption requires an understanding of social life from a bottom-up perspective. Legal pluralists investigate corruption from an ethnographic standpoint where the "emic approach" often is applied. This means that the approach strives to consider corruption from the standpoint of informants instead of the researchers' own definitions, or a universal one (Haller & Shore, 2005: 12; Torsello & Venard, 2016: 35). The strength of this approach is that one could create an in-depth understanding of the factors that could help to explain corrupt behaviour (Mungiu-Pippidi & Heywood, 2020: 45). However, there is a risk that informants might hide valuable information. It can also be difficult to make generalisations, since corruption is defined from a local individual's point of view (Torsello & Venard, 2016: 38). This perspective could contribute to our approach by allowing access to valuable information that can aid the understanding of corruption in the Iraqi context. Consequently, such information will help in the selection of relevant anti-corruption strategies that can be applied to our case country.

The socio-legal perspectives to understanding the relationship between law and society

The instrumental perspective on legal compliance

The instrumental perspective to legal compliance resonates with a method of deterrence, so that people will change their behaviour and comply with the law in order to avoid possible penalties. Factors such as severity and certainty of punishment have repeatedly been perceived as effective in relation to crime rates. Thus, the instrumental approach has proven popular amongst policymakers in questions regarding legal compliance (Tyler, 2006: 3; Batory, 2012: 71). Decisions and behaviours based on instrumental perceptions will be dictated upon the likelihood of being punished, and actions with low risk of sanctions or punishments will more likely be performed rather than behaviours and actions resulting in a high risk of penalties. Thus, the instrumental perspective on legal compliance regards behavioural responses to external rather than internal or moral factors (Tyler, 2006: 4).

Fisman and Miguel (2007) illustrate one of the strengths of this perspective, which is a possible decline in criminal or corrupt behaviour and an assurance of legal compliance to a certain extent. In their study, they examine the change in corrupt parking behaviour amongst United Nations officials in New York after a legal sanction made it possible to remove their parking immunity when receiving more than three violations. This legal enforcement resulted in a 98 percent drop in parking violations due to the officials' fear of possible penalties (Fisman & Miguel, 2007: 1022). Thus, it increased the level of legal compliance whilst decreasing corrupt behaviour. However, there are weaknesses to this perspective as well. We would argue that this perspective has a greater success rate in short-term compliance. In the long run, it could be perceived as less effective since a major contributor to people's behaviour also lies in normative and moral influences from other people, who cannot be fully controlled by legal sanctions alone.

This instrumental perspective on legal compliance can be connected to the "principal-agent model" (Prasad et al., 2018: 99). This individual level approach concerns the actions of agents or bureaucrats, being driven by personal gain and self-interest rather than from the interest of the public (Rose-Ackerman, 2008: 552; Prasad et al., 2018: 107). This reward-punishment approach resonates rather well with the instrumental perspective, where the agent's behavioural pattern is influenced by the risk of legal sanctions or punishment (Prasad et al., 2018: 99; Tyler, 2006).

The instrumental perspective in the socio-legal context of Iraq

As previously mentioned, the level of corruption currently existing in Iraq is more than has ever been experienced in the country, which is partly due to its history

of political instability, weak institutions, and weak rule of law (Sassoon, 2016: 25; Schoeberlein, 2020: 2). According to Sassoon (2016: 25), it is most likely that senior officials did not engage in as many corrupt activities during Saddam Hussein's regime due to the fear of possible sanctions, which kept corruption at a lower level. Therefore, implementing a strategy with an instrumental perspective to combat corruption could arguably work to increase legal compliance, albeit with a much more democratic ideology than the one during Hussein's regime. This would also mean implementing legal enforcement for all who engage in corrupt behaviour and actually following through with the applied punishment in order to mitigate the nationwide problem of corruption. However, considering that corruption is such an all-encompassing problem in Iraq, this would most likely result in a near-total change and a reconstruction of employees and staff in most institutions. In that case, it would resemble a strategy in line with the collective action approach, which we previously have argued would not work in Iraq, since the major crisis and reconstruction of society has happened before and corruption still persisted (Prasad et al., 2018; Kubbe & Engelbert, 2017). That said, even though the instrumental perspective in connection to the principal-agent model could be applicable, in combination with a collective action approach, it might not be as successful.

The normative perspective on legal compliance

The normative perspective on legal compliance is based on the idea that people's compliance with the law is the result of their moral judgement with regard to the appropriateness of specific laws and regulations (Tyler, 2006: 4). Whereas the instrumental perspective regards compliance as a reaction to external factors, the normative perspective focuses on people's "*internalised norms of justice and obligation*" (Batory, 2012: 75). Additionally, the normative perspective holds that if individuals regard legal authorities as more legitimate, they are more likely to comply with the law, thus outlining the importance of the question of legitimacy in relation to legal compliance (Tyler, 2006: 4; Batory, 2012: 74).

This question of legitimacy is rather complex, however. As Tyler suggests, political scientists have distinguished between three potential actors who are the objects of legitimacy: "authorities, the regime, and the community" (Tyler, 2006: 29). These objects of legitimacy can also overlap, creating a system where legal and political authorities are intertwined with members of one's own social group (Tyler, 2006: 4, 29; Batory, 2012: 74-75). Furthermore, as opposed to the instrumental perspective, the normative perspective suggests that people do not base their actions on the *favourability* of specific outcomes in, for instance, procedural justice. Instead, they are more concerned with the *fairness* of such outcomes (Tyler, 2006: 7). The normative perspective also advances the concept of social relations and normative values as driving forces in the issue of legal compliance. In fact, influence by social groups can be both *instrumental*, where group members punish or reward other members, as well

as *normative*, in which case individuals turn to their social group "for information about appropriate conduct" (Tyler, 2006: 24).

Regarding the weaknesses of this perspective, we argue that changing the normative values of individuals in such a diverse socio-religious and ethnic context as Iraq can be complicated, as social norms and values vary across the different groups. Thus, according to our understanding, finding one set of shared values may be a challenge. Another weakness is that given the limited timeframe in which policymakers have to issue policies, it is hard for them to manipulate the groups' normative judgements; therefore the instrumental perspective might be preferable from a cost-benefit calculation (Batory, 2012: 78-79). The strengths of this perspective are various: the normative perspective has the advantage of focusing on individuals' morality and values, which can enable a better understanding of what drives individuals to corrupt behaviour. As opposed to the instrumental perspective, such a perspective can be fruitful in long-term through projects aimed at changing the beliefs and norms of individuals and social groups in relation to corruption. Additionally, from the policymakers' point of view, legal compliance based on a normative commitment on behalf of individuals is ideal, as it does not require the involvement of the state and can prevent political influence (Batory, 2012: 78).

The normative perspective relates quite well to the legal pluralistic approach based on an anthropological perspective. Placing individuals' values, morals, and outlooks at the centre of the picture is something that both perspectives have in common (Tyler, 2006: 4., Torsello & Venard, 2015: 40). Moreover, the normative perspective's consideration of the internalised morals of individuals is compatible with the emphasis that the anthropological perspective places on cultural relativism and the need to not take a moral stance on the issue of corruption (Torsello & Venard, 2015: 40). Both the normative perspective and the legal pluralistic approach also share a bottom-up perspective, which characterises them.

The normative perspective in the socio-legal context of Iraq

The normative perspective fits well within the context of Iraq for numerous reasons. First, if we consider the issue of the objects' legitimacy and their overlapping, we can see that this is something particularly relevant for the case of Iraq, where kinship and group membership play a significant role in the everyday lives of Iraqis (Kuoti, 2018: 1). Second, this perspective's idea of individuals being concerned with the fairness of outcomes rather than their favourability is true for individuals in Iraq, who have engaged in protests and denounced the unfair system behind such issues as unemployment and the political system (Mansour, 2021). Finally, the normative function of social groups (as set forward by the normative perspective) is particularly relevant in the socio-legal context of Iraq, in which social, religious, and ethnic groups play a primary role in the country's social structure and in informing members' behaviour by laying out possible "informal rules" related to culture and religion. Thus, we argue that the normative perspective can be placed at the centre of projects that focus on

changing social groups and individuals' morals and social norms in relation to corruption so as to foster long-term change within society.

The expressive perspective on legal compliance

The instrumental and normative perspectives have been in a long-running conflict with one another and have established a classic dichotomy of rivalry hypotheses to explain behaviour. Arguably, legal compliance is not explained entirely by deterrence and legitimacy (McAdams, 2015: 41). The expressive perspective contributes to the discussion by treating behaviour "as the dependent variable and use the legal expression as the independent variable that explains why a particular behaviour, such as compliance, exists" (McAdams, 2015: 14). Described as a perspective that creates an incentive for compliance by the power of the law's expression, for instance in criminal punishments, voting, or the relationship between law and social movements, this force can take shape in multiple levels of society. Through the lens of the expressive perspective, it is also possible to make a connection with the structural approach, where one could pay attention to the influence of institutions on behaviour (Hodgson & Jiang, 2007: 1048; McAdams, 2015: 14). We believe that this perspective and approach could be used for looking at institutions from a top-down approach to both combat corruption and increase legal compliance.

Recognising the fundamental functions of law as both coordinating and informative, we also acknowledge the strengths and weaknesses of the expressive perspective (McAdams, 2015: 6). This perspective questions how and why corrupt actions might be wrong and what that implies, which also refers to the recognition of a variety of normative structures where a pluralistic approach includes different reactions to the expression of power, depending on their normative order (McAdams, 2015; Kubbe & Engelbert, 2017; Urinboyev & Svensson, 2013). Further, this perspective could also inform us about why the law criminalises corruption. By explaining why this phenomenon is wrong, we could understand what indicates a violation of the law and denote the expression and its effect on the individual and society.

However, while this perspective focuses on what the law ought to be, it could lose focus on explaining what it actually is. In the example of bribery in Iraq, there are legal norms regulating its practice as illegal (Agator, 2013: 5). In positioning the state law in opposition to social norms, the socialisation process that reproduces the prioritised values of society (the normative perspective) does not necessarily have to be synchronised with the reforms of state law.

The expressive perspective in the socio-legal context of Iraq

When relating this perspective to institutional corruption in Iraq in order to study how the reproduction of corrupt values contributes to a weak rule of law, we can find expressive power taking the form of criminal punishment. Scholars have found that bribes are very common when civilians interact with police departments. Moreover, new legislation surrounding bribery has been drafted but not enacted, and criticism has been raised about politicians convicted of corruption who are not barred from continuing to run for office (Agator, 2013: 5, 19).

Iraq is characterised by cultural diversity and the civil society is grounded on traditional values that are created by politicians, the state, and religious leaders (Alaaldin, 2017: 3). On a local level, corruption is linked to tribal norms and the perception of the honour culture. This means that individuals should help "group members" such as family, and this often occurs without any notice that it could be a corrupt act (Kuoti, 2018: 1). McAdams (2015: 11-12) points out that individuals comply with laws due to their expressive or symbolic effect. Since kin groups and religion are of importance in Iraq (Alaaldin, 2017: 3), that could explain how some rules have a symbolic effect on people's behaviour. The expressive perspective could thus be helpful to understand why people comply with the law or not (Tyler, 2006: 4). By expanding on the factors behind legal compliance and the expressions of certain laws or religious practises that influence people's behaviour (McAdams, 2015: 16), we could have a better chance to increase compliance.

Methodological tools and challenges in diagnosing and measuring corruption

The research methodology we propose is the ethnographic method. Specifically, we suggest an ethnography based on an anthropology of bureaucracy, as it would enable the study of the institutions in Iraq, both at a local and national level. An anthropology of bureaucracies consists of two empirical foci: it can allow a focus on the "interface of bureaucrats and their clients" and also enable the internal study of bureaucracies (i.e., the dynamics within public services and bureaucracies) (Bierschenk & Olivier de Sardan, 2019: 244). By utilising the ethnographic method, we would be able to consider the bureaucrats within Iraqi institutions as the "natives" and acknowledge their agency. In doing so, three strategies at the core of ethnographies of bureaucracies ought to be utilised: methodological interactionism, methodological individualism, and methodological holism. When focusing on methodological interactionism, we would observe and analyse the interactions between bureaucrats or the clientele, as these are fundamental elements of the research. Furthermore, when utilising methodological individualism, the dynamics should be examined through

an actor-centred perspective by also applying the strategy of methodological holism, which enables the recognition of "various registers of social reality and the embeddedness of actors in socially defined contexts" (Bierschenk & Olivier de Sardan, 2019: 246). Moreover, the ethnographic method is especially relevant given that organisational anthropology suggests that one cannot understand organisations only through their official structures; instead, an organisations' workings are massively based on informal practises that need to be observed in order to understand the mechanism behind the organisation (Bierschenk & Olivier de Sardan, 2019: 248).

Another essential element of the study of bureaucracies through the ethnographic method is the idea that formal accountability is not the only existing accountability. Rather, informal accountabilities are also part of organisations, and they entail that a "bureaucrat is not only accountable to their superior" (Bierschenk & Olivier de Sardan, 2019: 248). Instead, they are also accountable "to the 'big man' who has intervened for [their] appointment, to the village chief or to a merchant with whom [they have] developed transactions", etc. (Bierschenk & Olivier de Sardan, 2019: 248). The latter is particularly relevant to the Iraqi context since loyalty and collaboration between social groups and kinship are prevalent and widespread.

When utilising the ethnographic method, intensive fieldwork will be carried out. This includes participant observation, open and unstructured interviews, formal interviews, situational analyses, the analysis of written sources, and extended or straightforward case studies (Bierschenk & Olivier de Sardan, 2019: 246, Schwickerath et al., 2016: 36). These elements are also the data collection strategies that we suggest for the research. In fact, we plan to gather data by interviewing government officials, local authorities, and non-state actors working on corruption, such as NGOs. We further intend to collect data through participant observations and situational analyses.

However, the chosen ethnographic methodology poses several operational challenges and risks. One is that ethnographic fieldwork requires us to be present in Iraq to conduct the research, which includes difficulties such as access to the country (including visas, research permits, and Covid-19 restrictions), language barriers, local contacts and connections, access to institutions and officials, and threats to our own safety (Glasius et al., 2018; Bierschenk & Olivier de Sardan, 2019). The process of accessing the country and acquiring visas and research permits will be problematic and challenging. We will most likely be asked to explain what the purpose for our visit is and explaining that we would be researching institutional corruption might not be acceptable. Thus, we would have to give another reason for being in the country, which is an ethical boundary we would have to consider and essentially might cross. Furthermore, regarding the current global situation with Covid-19 and its restrictions, a sudden increase in Covid cases could pose a threat to our research.

Another challenge with our presence is getting access to the different institutions that the research requires. Having a fair number of local contacts and connections – in other words, gatekeepers – would be vital in order to navigate and access locations

and institutions (Bierschenk and Olivier de Sardan, 2019: 250). For this matter, we would contact, for example, local NGOs or researchers at the local Universities prior to the research and/or go through a UN Agency to get assistance with the formal and informal or social connections (ibid.). Furthermore, there are also apparent language barriers that need to be assessed, which in turn requires an interpreter (Glasius et al., 2018: 60-61). However, using an interpreter increases the risk of important meanings or cultural symbolisms being missed in the interpretation process. Our plan would be to acquire an additional research team member with Arabic linguistic skills and a background in Iraq, who could aid with this and also help us further with the local NGOs and contacts. Lastly, our presence represents a risk to our safety. Considering the socio-legal context of Iraq and the country's history of wars and conflicts (Sassoon, 2016; Schoeberlein, 2020), being on location would be a risk for us as researchers. Conducting ethnographic fieldwork on organised crime – which political and institutional corruption is – in Iraq, with such high levels of corruption, could be both dangerous and risky (Glasius et al., 2018: 23).

Considering the interviews with government or state officials, we would have to take into account that these might not always be effective or provide us with the relevant information or material that we need for research purpose. There is a risk that the informants, during the interviews, would want to portray the best version of themselves and not incriminate themselves or someone else (Gupta, 2005: 176). Furthermore, they would most likely want to avoid damaging their international reputation and risk losing any international aid or funding. They would also want to avoid worsening their ranking in international corruption indexes and try to portray themselves as legal and honest as possible in order to safeguard their legitimacy as officials. All of these risks might be palpable in our research process and data collection, since the extent of institutional corruption is nationwide in Iraq.

According to Glasius et al. (2018: 24), researchers may need to be prepared for electronic or physical surveillance, interviews by security guards, and warnings, depending on which country and topic is under investigation. In fact, 22 % of researchers in the Middle East and North Africa have stated that they at one point had difficulty in entering their chosen country or obtaining research visas, but this depends on the different countries' perception regarding the political sensitivity of the research topic. Given our specific topic of corruption in a context such as Iraq, this could be a possible obstacle during our research process. However, with the assistance of local NGOs, researchers, universities, and other contacts, we hope to be able to navigate these types of situations more smoothly, and that they could even provide us with useful material.

Although the risks and challenges of this proposed research methodology are many, and some highly palpable, we believe that taking them into consideration, reflecting on them, and being aware of them will help the research process essentially.

Our policy recommendations to understand and combat corruption in Iraq

When studying corruption, it is important to acknowledge the local and the contextual understanding of the problem (Polese, 2008: 57; Gupta, 2005: 176; Urinboyev & Svensson, 2013: 375). This is one reason why we believe that ethnography is suitable as a method for our hybrid approach, in combination with the legal pluralistic approach and the structural approach. The institutional perspective's recognition of social reality as constructed by social norms as important driving forces in the system of corruption in Iraq (Torsello & Venard, 2015: 40) confirms an important aspect of being in the field. This method could thus be used to get in contact with state officials and bureaucracies. Since corruption is mainly an institutional phenomenon, interactions between state officials and local citizens are of interest (Bierschenk & Olivier de Sardan, 2019: 246). According to Rose-Ackerman (2018: 108), institutional reforms in efforts to combat corruption are the most suitable strategy if bribes are conditional to a dysfunctional societal system – which is the case in Iraq. We strive to understand the social norms that dominate the institutions that affect individual behaviour in society from a top-down perspective (Torsello & Venard, 2016., Gerhard & Nuitjen, 2007; Kubbe & Engelbert, 2017; Urinboyev & Svensson, 2013). Rose-Ackerman (2018: 109) further argues that institutional and governmental transparency and public accountability, such as the disclosure of budgets, contracts, and government rules and ordinances, are important in anti-corruption efforts.

In order to avoid neglecting the local contextualisation of corruption in Iraq, we have found reasons to not only focus on institutions but also consider religious practises and tribal norms (Torsello & Venard, 2015: 40; Alaaldin, 2017: 3). Therefore, we will apply the legal-pluralistic approach to implement a bottom-up approach. The ethnographic method makes it possible to compare the local citizens' views of corruption with that of state officials (Werner, 2000: 15). Referring back to the gap between the state and the citizens (Schoeberlein, 2020: 2) and the protests that erupted (Mansour, 2021), Rose-Ackerman (2018: 109) points out the importance of civil societies' engagement in anti-corruption efforts. Therefore, we find it important to include the local citizens' perceptions as support to combat the institutional problems of corruption. In line with what Urinboyev and Svensson (2013: 377) argue, we believe that the hybrid approach in combination with the chosen methodology can provide a holistic view of corruption, with both internal and external insights into how to fight it.

The limitation of quantitative methods is that they cannot capture the "hidden things" such as informal routines and unexpected situations (Bierschenk & Olivier de Sardan, 2019: 249). Since the level of corruption is a well-known phenomenon in Iraq (Mansour, 2021), examining individuals' knowledge or opinions about corruption is not our only intention. Consequently, considering the socio-legal context of Iraq, ethnography as a method would be more suitable as it allows us to discover

the informal and the unexpected (Bierschenk & Olivier de Sardan, 2019: 249). For that reason, we argue in line with Blundo (2007) that sources such as surveys only reveal obvious and visible corruption. With observations and interviews, we could have a better opportunity to acknowledge the gap between institutional and normative structures that give rise to corruption, and also gain potential access to "practices that remain in the sphere of the implicit, the unsaid, and the inadmissible" (Blundo, 2007: 36). The study of institutions, the context, and individual acts are important aspects to understand and combat corruption in Iraq. As Heywood (2018: 87) states, an understanding of the interaction between behaviours, institutions, and local beliefs is essential for anti-corruption strategies to be successful. Therefore, we propose that our hybrid approach, consisting of two different approaches, could be implemented from an ethnographic standpoint to combat corruption in Iraq.

Discussion and concluding remarks

As can be seen throughout this package, our take on the fight against corruption is mainly anthropological, with the incorporation of top-down perspectives that can complement our proposed strategy. In fact, we believe in the importance of applying theoretical perspectives and approaches which can enable both a bottom-up and top-down approach to the issue of corruption, specifically in the case of Iraq. Moreover, using the ethnographic method to gather valuable data on the perception of corruption in particular social contexts can help reshape the fight against this phenomenon, which until now has proven unsuccessful in the case of Iraq. Additionally, issues such as a universal definition of corruption and strategies such as the principal-agent model are obstacles that can be overcome by shifting to an anthropological approach that does not take a moral stance on the issue of corruption but rather enables a deep understanding of the cultural norms and codes that surround it. Breaking the divide between private and public, which is at the basis of many anti-corruption strategies utilised today, can help us to understand corruption as a phenomenon that knows no sectoral boundaries (Hodgson & Jiang, 2007: 1047; Torsello & Venard, 2016: 36.). This realisation would in turn lead to a better anti-corruption strategy that can actually tackle the issue of corruption at its core.

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The final assignment paper of the student group 4

Topic: Understanding Corruption: Proposing developments of anti-corruption efforts in the state of Iraq

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Introduction

Iraq is a country with a turbulent history to say the least, and its fragmented politics reflect that. A nexus of armed conflicts of various scales, ethnic and religious societal fragmentation, divided loyalties, and a lack of trust in the government have left contemporary Iraq in a tumultuous state. To begin introducing the Iraqi context and political background, it should be noted that it cannot be understood in isolation from geopolitical developments that have significantly influenced the social, political, and legal structures in the country in recent decades. After the invasion of Iraq by a United States-led international coalition to end the rule of Saddam Hussein, there were hopes internationally of Iraq transitioning away from dictatorial regimes and towards a democratic system. Developments following this invasion did not head in this direction, however. Rather, a deterioration in security and an increase in con-

flicts have been common themes in Iraq (SIDA, 2021). This has resulted in further entrenchments into sectarian positions, which have in turn contributed to the elevation of religious and military leaders into political roles, particularly after the rise of ISIS and the formation of numerous counter-militias falling under the umbrella of the Popular Mobilisation Forces (Gulmohamad, 2020). These counter militias have received support from the Iraqi government, but it does not have full control over their operations (Salehyan, 2020). This is notable, as a gap of sorts between the government and the militias can be seen to be widening. This became evident after numerous militias rejected the results of parliamentary elections in October 2021, and threatened violence if a recount was not held (The Guardian, 2021). The social and legal context of Iraq is then also characterised by the important role of religious authorities, due to their political influence. This is largely thanks to high degrees of religious and sectarian partisanship. Religious *fatwas* have significant power in their respective communities. It is common knowledge that such *fatwas* can direct the collective behaviour of people belonging to their respective religious sects. This reinforces legal pluralism in Iraq, and pits rules and social norms against formal law. An example of this was the *fatwa* issued by the Shiite establishment, which called on citizens to take up arms against ISIS, after which hundreds of thousands of followers formed the Popular Mobilisation Forces (Smith & Singer-Emery, 2019). Another complex aspect to corruption in Iraq is that corrupt politicians are confirmed into their positions by people who are affected by corruption due to their adherence to the *fatwas* of influential religious or military leaders.

Corruption in Iraq

The social and legal context in Iraq contains diverse and competing ethical views (SIDA, 2021), Many Iraqis have joined military and sectarian militias outside the constitutional institutions, which confirms their weak confidence in the power and legitimacy of the state (Salehyan, 2020; Smith & Singer-Emery, 2019). In light of the poor conditions in Iraq, these forces seemingly represent an acceptable alternate authority for those people. These circumstances have further prompted many Iraqis to put their loyalty to the social norms and standards that prevail within the clan or sect to which they belong before their loyalty to the official laws issued by legitimate state authorities. These circumstances will remain as long as they serve people's interests and protect them in this state of political and societal division.

Corruption is defined by the World Bank and the International Monetary Fund as "the abuse of public office for private gain" (Lagarde, 2017; Wei, 1999), and as "the abuse of entrusted power for private gain" by Transparency International (n.d.). However, corruption in Iraq is rather the result of a greater legitimacy crisis: The

weak loyalty of Iraqis to the official authorities and the lack of confidence in the legal system in its current form pushes citizens to search for solutions outside the law in order to protect their personal affairs and interests. This has in turn caused Iraq's state institutions to weaken, allowing a reproduction of corruption on a national level.

Iraq's position on global indicators of governance

Global governance rankings, based on indicators "which purport to render characteristics of states measurable and comparable across national borders" (Bradley, 2015: 27), provide criteria for decisions such as transnational agreements and aid allocations. They also have direct effects on the global economy as well as on nations' social and political dynamics (Dial, 2010; Cooley, 2015). Davis et al. (2012) argue that global governance indicators have developed into a "technology of global governance", which construct and disseminate new standards for knowledge that is in turn internalised by both international and state institutions as well as the public. Considering the importance and influence of global governance indicators, governments for nations such as Iraq strive for an acceptable ranking in order to gain status on the international platform. Iraq ranked 160 out of 180 countries in 2020 on Transparency International's (2021) Corruption Perceptions Index (CPI). As of 2020, Iraq also has a percentile rank ranging between 1.42 and 20.77 on the World Bank's six Worldwide Governance Indicators (WGI): corruption, rule of law, government effectiveness, rule quality, political stability, and voice and accountability (World Bank, 2021a).

The potential issue with the prevalent reliance on global governance indicators, along with the organisations responsible for their production, is that they are not unequivocally objective. Dial, (2010: 1057) argues that "experiences are much less widespread than perceptions tend to suggest" with regard to indicators based mainly on expert assessments, such as in Transparency International's CPI. "Experts" and their opinions can vary greatly depending on their ideological and disciplinary backgrounds, experience, and underlying motives. Additionally, main basis of expert surveys for measuring corruption is limited to the internal quality of national institutions, thus forsaking the transnational context and influences facilitating corruption (Cooley, 2015). The World Bank's WGI are not primarily based on expert surveys, but on measurements of various independent variables manifested in six overarching governance quality indicators. However, Langbein and Knack's (2008) work questions WGI's methodology. First, these six different indicators are conceptually overlapping, which undermines their scientific relevance. Second, the independent variable does not have a proven causal connection to any single indicator; it instead seems to accurately measure one single unidentified, overarching concept. Furthermore,

indicators themselves are essentially a transformation of subjective legal norms into binary, quantifiable data. This process is sure to ignore relevant social context while concealing potential conflicts of interest among the researchers or their sponsors (Cooley, 2015). Iraq's ranking based on these indicators of governance should therefore not be perceived as the unequivocal truth, as it is grounded in westernised standards incompatible with the cultural context of Iraq.

Past and current anti-corruption strategies: successes and failures

The successive Iraqi governments have been keen since the fall of the former Iraqi regime to pledge to fight corruption, and these governments have worked to announce many programs for political and economic reform, using the oversight bodies provided by Iraqi law to perform this task. In this context, the establishment of the Commission on Public Integrity (CPI) was announced in 2004. The Iraqi constitution issued in 2005 changed its name to the Federal Commission of Integrity (FCOI) (Federal Commission of Integrity, n.d.), and it was placed under the direct supervision of Parliament in order to ensure its independence.

In addition to the Commission of Integrity, there is also the Federal Board of Supreme Audit (FBSA), which was revived in Article 103 of the Iraqi Constitution of 2005 (Federal Board of Supreme Audit, n.d.). This Board is specialised in auditing financial information, evaluating performance, combating financial corruption, and briefing the government on the details of all that. There are also the offices of general inspectors that were established in all ministries under Order 57 of 2004 to carry out the task of review and audit, in order to raise levels of integrity and reduce waste, fraud, and abuse of power by submitting their reports to the relevant minister (Coalition Provisional Authority Order No. 57, 2004). In addition to all these bodies and committees, in 2020, Iraqi Prime Minister Mustafa Al-Kazemi formed the high committee to investigate major cases of corruption (Middle East Monitor, 2021) in order to follow up on major corruption files in coordination with the Commission of Integrity and the Federal Board of Supreme Audit.

What seems to us is that all these bodies are based on similar strategies, which are represented in the inventory of corrupt practises, identifying those responsible, and trying to refer them to trial in its broadest sense, and then impose the appropriate penalties against them, if possible, whether before the judiciary or before the relevant minister. Hence, we can say that the Iraqi government resorts to the instrumental perspective on legal compliance and the traditional social theory, so that it uses the policies of reward and punishment and increasing surveillance mechanisms to solve

the problem of corruption. We have previously argued that the solutions offered by the instrumental perspective and traditional social theory associated with the policy of reward and punishment are not sufficient to guide the behaviour of individuals alone, especially in a country like Iraq, which suffers from a weak rule of law, weak political rule, and weak state institutions. This is confirmed by the limited outcomes that have been achieved through these strategies – especially in light of the continued low rating of Iraq in global corruption indicators, which we referred to above.

We argue that these traditional anti-corruption strategies are based on normative approaches to understanding corruption and do not take into account the legal-pluralistic approach. Therefore, they are unable to achieve their desired goals, especially since the strategies these committees and bodies are working on are also governed by the sectarian quota system, "The Muhasasa power-sharing agreement", sectarian and clan loyalty, and a system of political governance based on the extensive exercise of political pressures, which are exerted at the highest executive and judicial levels. These obstacles have prompted many insiders to question the ability of these bodies and committees to address the issue of corruption in Iraq. This is shown by their description of the Integrity Commission, which is considered the main anti-corruption body in Iraq, as a "paper tiger" or as a "marginally effective force" (U4 Expert Answer, n.d.).

Theoretical framework to understanding and combating corruption in the context of Iraq

Theories on understanding and combating corruption

In order to discuss the different approaches to corruption in relation to Iraq, we find it relevant to categorise approaches to corruption in terms of *conventional* and *legal-pluralistic* understandings of the concept. The three conventional theoretical approaches are the *interactional* approach, also known as the principal-agent theory, which focuses on corruption as specific to the behaviour of public office representatives and civil servants (Prasad, da Silva & Nickow, 2018; Rose-Ackerman, 1999); the *collective action* approach, which views corruption as a reproduction of mistrust among both agents and the people (Köbis, Iragorri-Carter, & Starke, 2018); and the *structural* approach, which considers corruption a result of lacking regulatory systems and the absence of rule enforcement by the state (Prasad, da Silva & Nickow, 2018). Together, these approaches see corruption through a shared definition which can be universally applicable, and they heavily rely on cultural determinism. Furthermore, each approach comes with their own limitations: the interactional

and the collective action approaches both lack realistic solutions to the problem (Rose-Ackerman, 1999), while the structural approach tends to compare corrupt and non-corrupt institutions in order to identify the differences, then bases its solutions on those differences, which, according to Prasad, da Silva, and Nickow (2018), is a trivial attempt at combating corruption. Rothstein (2021: 13) argues that these analyses are "deeply problematic" as they "conflate culture as a moral orientation with informal institutions". They also ignore the question of alternative moralities of both individuals and institutions within a corrupt system (Prasad, da Silva & Nickow, 2018).

In contrast, the legal-pluralistic approach does not understand corruption as a singular, universal concept. Instead, this approach explains corruption as contextually dependent and relative in its definition. It is methodologically based in ethnographic studies, which results in multiple understandings of corruption derived from different perspectives within a society. The legal-pluralistic approach frames the concept of corruption as relative, and its definition as dependent on the perspectives of different social actors involved in each separate case (Haller & Shore, 2005). Due to the historical and political context of Iraq, one cannot simply apply a universal understanding and strategy to approach the corruption issue, as it is deeply embedded into society (Williams, 2009). Instead, one must focus on discerning it from its foundation and how it has developed into the political, economic, and social spheres. This approach allows for a thorough examination of corruption and its various factors by breaking it down into the micro, meso, and macro levels of society.

While it is limited to local, micro-level platforms, it does open up both bottom-up and top-down strategies, which is why the legal-pluralistic approach is also valuable for a hybrid approach. As the Iraqi context requires in-depth analysis of various aspects of society, there is a need for the involvement of different research methods from different disciplines (Mungiu-Pippidi & Heywood, 2020). The legal-pluralistic approach is the best option for understanding corruption in Iraq, but the collective action and structural approaches may be valuable as well.

The collective action approach may be beneficial in the context of Iraq. Previous studies have shown that attempting to combat corruption through economic means does not gain significant results (Rothstein, 2011). With a cultural mindset, involving the people on an individual and collective level could improve conditions. One of the main issues with corruption in Iraq today is that nobody believes that others have the same opinion of corruption as themselves. The collective action approach specifically deals with this mistrust between people: if one believes that others have no qualms about corruption, then they will not attempt to change it or they will refrain from joining in (Köbis, Iragorri-Carter & Starke, 2018). Because this is unfortunately a widespread notion, there is virtually no way to improve the situation until the individuals understand that they are not alone. Thus, by highlighting the human insecurities and faulty speculations at the micro level and working to help the community build trust again, we can then move on to the macro level.

Furthermore, there is a lack of trust in the government and its institutions. As we have previously established, historical events have led to a weak rule of law and weak institutions, with corrupt politicians and networks and an ineffective bureaucracy (U4 Anti-Corruption Resource Centre, 2020). Once the collective action approach has helped the people understand each other, the structural approach may aid in rebuilding their trust in national institutions by strengthening them. This combination would also help politicians recognise the people's needs and desires for stronger leadership and rule of law. Ultimately, a hybrid approach of collective action and structural elements, framed by a legal pluralistic understanding, would be beneficial for anti-corruption engagement in Iraq.

Applied socio-legal theories on corruption and legal compliance

We believe that the normative perspective on law and legal culture is the most appropriate approach for understanding corruption in Iraq. We argue that the solutions presented by traditional social theory and the instrumental perspective are insufficient for influencing the corruption-related behaviours of individuals. This is due to the suggested reward and punishment strategies being reliant on the existence of an authoritative, impartial administrative and judicial body – and because such a strategy is nigh on impossible in Iraq due to its weak state institutions and weak rule of law (SIDA, 2021). Thus, as long as systems of corruption are produced and reproduced in the institutions that can be used to fight corruption, enacting laws that increase the penalties of being caught for corruption is not seen as the best strategy (Schoeberlein, 2020: 6) – hence the importance of the normative perspective, which conceives of individuals' law abidance as being based on their belief in the legitimacy and capacity of the authorities to impose and enforce laws (Tyler, 2006). This perspective then focuses on studying people's beliefs, judgments, moral standards, etc., and how they influence legal compliance (Tyler, 2006). In the Iraqi context, this is complicated by a diversity in moral standards along ethno-religious lines. However, by constructing solutions based on a normative approach, confidence may return to Iraqis that politicians and bureaucrats are placing public interests over the potential personal gains from corrupt practises.

While the normative perspective on legal compliance would evidently be the best fit for the context of corruption in Iraq, other perspectives would be useful complements. The expressive perspective focuses on the formulation of laws and the coordinative and informative ability of legislation (McAddams, 2015). This perspective is relevant for various approaches to corruption, and its incorporation can provide useful insights into the workings of corruption in a given context. This is because

of the way that the perspective focuses on how legislation functions in order to gain (or fail to gain) legitimacy, respect, and thus compliance (McAddams, 2015). This is particularly relevant to Iraq, as informal norms and rules take precedence over other institutions. Thus, laws must earn sufficient authority to become the normative set of guidelines for behaviour. It should be considered, though, that the expressive approach does not highlight situations in which religious or other informal institutions fulfil this societal role instead. This perspective also does not pay attention to instances of individual political or religious leaders having more authority and social power than legal or regulatory institutions. Such instances then undermine the relevance of law enforcement and formulation. To round off, the intention is then to utilise the expressive perspective, under our main normative perspective on legal compliance, as it has potential to be a way to increase trust in legal institutions. By doing so, the law can be instated as a legitimate authority on dictating behaviour by paying attention to and reflecting existing normative moralities in Iraqis. This could be done whilst increasing solidarity and compliance within and between groups via the neutrality and expressive powers that a functioning legal system can provide.

The instrumental perspective on legal compliance adopts a rational choice approach to compliance, meaning that deterrence and incentives for complying with the law are enough to explain compliance (Tyler, 2006). Such external incentives should never be ignored, as punishments and law enforcement are shown to change behaviour in various ways (Fisman & Miguel, 2007). However, this perspective assumes that the law and legal enforcement are perceived and practised in a legitimate fashion (McAdams, 2015). This is then a problem for the case study, as the law has limited authority when compared to social and religious customs in Iraq. The instrumental perspective then does not pay attention to the many other (internal) influences on behaviour. This is problematic for our case due to the importance of normative factors behind legal compliance or non-compliance in Iraq. This perspective would be most useful in contexts where non-compliance is the *exception* rather than the norm.

Importantly, these compliance perspectives must then work together with the chosen anti-corruption approaches. To on the anti-corruption approaches, the legal-pluralistic approach is the main approach, followed by the collective action approach. We will then also employ the structural approach as a way to approach corruption in Iraq from the micro, meso, and macro levels of society. For the structural approach, the expressive perspective may be a valuable tool.

The normative perspective is compatible with the legal pluralistic and collective action approaches. The structural approach is also a somewhat compatible perspective, as Iraqis are generally committed to political and religious leaders via normative customs rather than to official institutions generally across the scales. This will be important going forward, but this approach is more compatible with the expressive perspective. The expressive perspective conceives that the law's expressive power is sufficient to encourage legal compliance, regardless of normative powers or law enforcement (McAdams, 2015). According to McAdams (2015), the expressive

perspective considers the law to have informative and coordinative functions. This means that it informs people about safe ways to behave and how others are likely to behave, and that it provides means for coordination. The law thus directs people as they pursue their own interests, which further increases compliance. The structural approach can then be employed in this context to support institutions and develop trust in them; the expressive perspective can be used to supplement this as the law and the legal authorities can be conceived of as an official institution. By employing our framework so far, the authority of the law could then be sufficient to improve legal compliance.

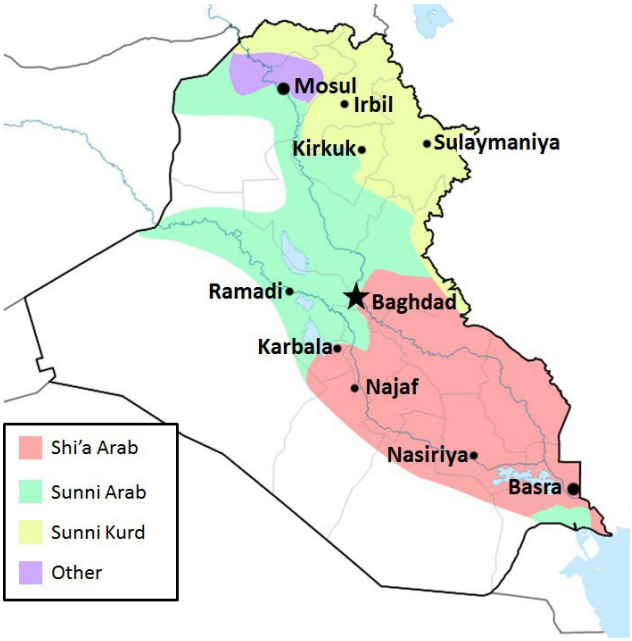
A methodology for understanding corruption in Iraq

The legal-pluralistic approach within a normative perspective, chosen as the main frameworks to study corruption in Iraq, is best suited to qualitative methodologies such as ethnographic studies, as fieldwork is one of the few ways to study the local, unofficial, and cultural understandings of corruption. According to Kaufmann, Kraay, and Mastruzzi (2010), qualitative methodologies provide more accurate and less subjective data with regard to corruption research, as it is necessary to study corruption in relation to the underlying cultural and historical context. This is especially relevant in a country like Iraq, where corruption has become normative and entrenched in the existing culture (Williams, 2009). It is also vital to include as many relevant factors as possible that contribute to the understanding of corruption in Iraq, such as the (in-)effectiveness of institutions and people's mistrust in official authorities, in order to present any adequate solutions for legal and social reform. Our methodological approach thus includes a plan to compare the normative, unofficial understanding of corruption with the formal, official laws regarding corruption in order to analyse their compatibility. This would in other words be an analysis of how the law in books and the law in action correspond and interact in Iraq, grounded in a mainly legal-pluralistic understanding of the law and legal consciousness. This methodology is developed with the aim of utilising the results to construct viable and effective anti-corruption efforts specifically tailored to the context of Iraq.

Proposed methodology

The main aim for developing this methodology is to establish how corruption is generally understood and conceptualised in Iraq. It is therefore necessary to employ a mixture of ethnographic fieldwork methods to collect qualitative data from *both* informal as well as official and legal sources. In order to gain an understanding of the normative understanding of corruption in Iraq, data from informal sources will be gathered through participant observation, informal discussions, and semi-structured interviews. The observational aspect is an inherent part of fieldwork, where the main focus will be on understanding the normative context wherein systemic corruption takes place. Any discussions with the people from the area under observation will be conducted in informal settings as a part of the fieldwork, and will be done with the main aim in mind. If any interviews can be agreed upon, they will be conducted with guiding questions designed to generate answers that can be explored further. Data will be recorded, preferably in sound recordings with regard to any interviews, but otherwise through notes during or after all active fieldwork.

To make our data comprehensive and representative, despite its qualitative nature, we propose selecting a variety of destinations to conduct our fieldwork based on the potential differences in socio-economic status, culture, or religion, which may affect the normative perception of corruption. The final number of destinations will be determined according to the resources made available for the research project. One conspicuous divide among the Iraqi population that could provide differing results is the diverse religious and ethnic groups that exist within Iraq's borders. A preliminary selection of fieldwork destinations will thus be decided in an attempt to develop an understanding of the contexts of the three main ethno-religious groups in Iraq, which consist of Shia Arabs, Sunni Arabs and Sunni Kurds (Mohamed, 2014; Ireland, 2015).



(Ireland, 2015)

Baghdad will be selected due to its location in the overlap of both Shia Arab and Sunni Arab-dominated regions. Sulaymaniya will be selected to get exposure to the Sunni Khurdish context, along with Ramadi within the Sunni Arab region. Then, Basra and Najaf will be selected due to their location in Shia Arab-dominated regions. Given that Shia Arabs constitute over 60% of the Iraqi population (Ireland, 2015), two sites have been selected to gather data within the Shia Arab region due to its strong majority over the other groups. One practical consideration is that the researchers, in our role as outsiders, need to be adaptive to language and social norms, as well as possess a comprehension of the *red lines* – the limits of acceptability with regard to behaviour and questions – in Iraq (Glasius, 2018). This will be important for improving the quality of the data collected as well as for the ethical considerations discussed below.

The data gathered through fieldwork will later be compared with a document analysis in accordance with the relevant legal definitions and applications of the term. Kristian Lasslett (2017) promotes both this form of document analysis along with fieldwork in his proposed methodology, the Corruption Investigative Framework (CIF). In order to adequately map culturally situated corruption, the methodology should include data covering "motivations, institutional structures, actor networks, illicit repertoires and terrains of impunity" (Lasslett, 2017: 30). Document analysis in addition to fieldwork will thereby contribute a top-down approach to corruption, wherein "organisational spokes, institutional mechanisms and facilitating activities" can be observed (Lasslett, 2017: 30). It is also relevant to corroborate the results from our fieldwork and document analysis with secondary quantitative data in order to

further explore possible discrepancies between the official, detached definitions of corruption and assessments of Iraq from external evaluations and the internal normative understanding of corruption in the country.

Methodological limitations

The methodology of this research is mainly qualitative in nature, although with some relevant quantitative data included. Fieldwork and document analysis will provide the main bases for the connection and discrepancies between the understandings of the corrupt activities and behaviour present in Iraq. It must be recognised, however, that this is a fairly immense methodology that will require comprehensive resources to conduct. From doing fieldwork in several regions, to semi-structured interviews with a large sample of people from various backgrounds, to informal chats and discussions whenever possible, this type of research is not only going to need almost unlimited resources, but it will also demand a lot of time and effort. At the same time, this level of extensive research remains necessary to fully consolidate the discrepancies between the bottom-up and the top-down approaches to understanding and combating corruption. However, despite our efforts, the results may still be challenging to generalise, since methods like fieldwork require smaller, micro-level contexts (Denscombe, 2016).

As part of this endeavour, the researchers will be coming into another country and a cultural context that is unfamiliar. Moreover, arriving in a foreign country with the intent to study and observe the people living there is a difficult situation. There is a possibility that we may reach misunderstandings due to our perspectives as researchers and outsiders and might miss out on hidden but nonetheless significant cultural nuances. Not only that, but for the research to proceed, it requires the trust of the people. Corruption is a sensitive topic for many, painted with secrecy and discretion; thus it may be challenging to get people to open up and discuss the situation (Ledeneva, 2008; Flood, 2005). There is also the possible risk of selection bias due to the fact that the researchers are not from Iraq and cannot fully know the people, contexts, or culture. While the fieldwork destinations have been selected geographically based on ethno-religious regions, a social network approach may therefore still be necessary to gain access to relevant data. Consequently, it is possible that we might only come into contact with certain groups and exclude others, which further hinders the generalisability of the results.

As for practical challenges, uncertainty is unavoidable when conducting research on such a scale. This type of study requires extensive preparation in order to ensure that resources are not used in vain and to avoid the loss of important data. However, it must be acknowledged that no amount of preparation will be enough to cover any and all possible obstacles, which is why we need to be able to adapt, improvise, and be flexible when needed.

Ethical considerations

Given our choice of research methods, which require serious engagement with fieldwork, we are morally obligated to take into account our own security as researchers and the security of the participants in our interviews and discussions. Furthermore, the Iraqi government is not the only regulatory force in the country; there are many military and sectarian militias as well. This must be considered in a manner that excludes analyses of Iraq as a single tyrannical regime that controls all of Iraq. The danger from the tyrannical practises of some of these forces is still a possibility, especially in light of the continuing violations of civil rights and the security and political deterioration in the country (SIDA, 2021). These circumstances require a comprehension of the risks during fieldwork.

Matching our discussions and interviews (or their protocols) with the ethical review procedures of supervisory bodies is an issue that is not without challenges. Especially since we intend to conduct semi-structured interviews, and it is difficult to predict in advance the ideas and trends that will be addressed, given the nature of this type of free-flowing interviews (Glasius, 2018). Another ethical challenge we may face is obtaining official approvals for our field research work. This is due to the sensitivity of the issue of corruption in the Middle East (Glasius, 2018), especially in light of the multiplicity of authorities, as well as the health policies related to Covid-19.

Moreover, as researchers, we must gather information that enables us to analyse the differing understandings of both petty and grand corruption in Iraq, objectively and without personalisation. What we do in discussions and interviews is completely different from conventional legal or judicial investigations and research. Perhaps the most difficult challenge will be to dive deeply into a sensitive topic that is closely linked to the political and social context while simultaneously avoiding politicised language that crosses red lines (Glasius, 2018). The questions must similarly be constructed in a manner that avoids offensive or accusatory formulations, so that no offence is directed against political, religious, or military personalities. As an example, questioning the holiness of religious references would be crossing a red line, as would questioning the eligibility of any of the ethnic or religious sects in power. Disrespecting or dismissing these ethnic and religious divisions may be considered a red line for said regulatory forces and their agents (Glasius, 2018). Understanding the limits of what is and is not allowed in the Iraqi context will thus contribute to ensuring the safety of the respondents and participants in these discussions and interviews.

Finally, as researchers, we must establish trust between ourselves and the local participants and collaborators on a transparent and honest basis. This will be done by informing them of the nature of the research that we are inviting them to participate and collaborate in (Varraich, 2016). When using their opinions and points of view to reach the desired results of the research, we must do so honestly and without distorting them. We must also realise that when we get their trust, we are morally obligated to take responsibility for conducting the research by taking measures to preserve

their safety. It is thus vital to maintain confidentiality whenever necessary and to protect information that may endanger their safety to the full extent of our capability (Varraich, 2016), especially as they will continue their lives in Iraq after we leave.

Anti-corruption strategies, social change, and development

The Iraqi case is a good example of where corruption is a daily routine, as recent history has brought about a lot of change in the country. Historically, Iraq has been fraught with political instability, violence and authoritarianism. This has left Iraq with weak institutions and with problems with the rule of law, where powerful vested interests dominate and are resistant to reform.

A substantial anti-corruption movement has emerged in recent years, which has been pressuring the government for meaningful reforms – but the aforementioned vested interests are resistant to reform. Additionally, previous anti-corruption efforts in Iraq have been economic approaches grounded in westernised understandings of corruption. These efforts have proven ineffective because this understanding of corruption does not fit within the context of Iraq. All this has resulted in a lack of trust and belief in government that must be overcome in order to see meaningful change. There is a need for the kinds of changes advocated in our hybrid strategy of structural, collective action and legal-pluralistic approaches.

In sum, for many years, there has been a worsening of the public perception of corruption, which has led to a degradation in trust of government and institutions. For the people of Iraq, the persistent feeling remains that corruption is the destiny of the country and impedes any possibility of reform, which in turn leads to more religious and sectarian partisanship. Considering how Iraq already has sufficient cultural and material resources for societal change, getting rid of corruption mainly requires a deep mental shift towards inspiration, hope, and trust in their own ability to build a state of law.

In order to develop effective strategies to combat corruption, we must first understand how corruption is understood and conceptualised on different levels in Iraqi culture. We argue that to adequately and effectively combat corruption in Iraq, a consolidation of normative understandings of corruption and legal and institutional policies must occur. This conflation of values will strengthen the legitimacy of the law and people's trust in the state, but it requires changes on both sides. These new understandings of corruption in all cases should be grounded in demarcations of unnecessary costs and unacceptable levels of social harm as a result of informal practises. In other words, corruption must be defined in relation to the social context of

Iraq, which includes a bottom-up perspective as well as a top-down understanding of the issue.

First of all, the Iraqi government must develop a new anti-corruption strategy that includes Iraqi citizens, so that the government can build trust in institutions. Secondly, financial help for Iraqi anti-corruption institutions should be reduced, and anti-corruption NGOs should instead help the Iraqi government and its citizens directly in building up society in cooperation with socio-legal research. Another example that could help construct effective anti-corruption enforcement would be to implement traineeship programs for the employees of Iraqi anti-corruption institutions, as they will ultimately be the ones responsible for fighting corruption in the future.

Discussion and Concluding Remarks

Rothstein argues that the quality of government and the level of corruption comes from impartiality. At the very least on a domestic level, the government cannot be partial nor personal-particularistic, meaning the "governing institutions and their functionaries [cannot] have favourites in the exercise of public authority" (Rothstein, 2011, cited in Rotberg, 2018: 34). In many countries with high levels of corruption such as Iraq, family and kinship has replaced the government in various facets of life, to the point where informal rules and norms have taken a larger part in society than state law. In these countries, corruption is closely related to the lack of trust in institutions: even if people are against corrupt activities, they tend to still participate in order to reach their goals. Therefore, according to Rothstein, no government will be able to improve their ranking on the CPI without becoming impersonal-universalistic (Bukovansky, 2015), which encompasses a broad and thorough change in their society.

This does, however, come with limitations. Theoretically, one may agree that as long as kinship culture outranks other means, it would be difficult to eliminate corruption, which concerns public figures placing their private interests ahead of their official duties. In order to effectively reduce corruption and be recognised by the CPI and the EU, the use of connections to "get ahead" would need to be removed and replaced with an impartial system of equal opportunity. On the other hand, attempting to transform a society at its core is a rather difficult and presumptuous idea. One would need to conduct this on a national level, involving every societal institution on a micro, meso, and macro level. Secondly, who would be responsible for such a profound change? The World Bank Group, for example, believes that stopping corruption is a global effort that demands global solutions (World Bank, 2021b). The leading authority of the nation may be part of the corruption themselves, and involving international figures would arguably further complicate the situation.

A society built on informal and normative rules struggles with being objective and fair in the political spectrum (Rotberg, 2018); thus it needs to be reformed. Yet this raises the question of what the ideal society is. On the basis of global indicators like the CPI, the countries with positive rankings are often Westernised, such as New Zealand and the Nordic countries (Transparency International, 2021). Rothstein himself is Swedish, and one could argue that his ideals are biased due to his own origin, having grown up in a culture where kinship and informal rule were often in line with the formal state law. This might, perhaps theoretically, solve the issue of corruption, but the ethical question of whether this is fair on a cultural level begs to differ.

Past global anti-corruption efforts had a tendency to use economic means to solve corruption in most countries, not to mention the top-down focus from which they designed their efforts. Global efforts mean well, but tend to ignore contexts. Using the same strategies everywhere is only going to yield positive results in some contexts but not others. Heeks and Mathisen (2012) explain that the reason most initiatives fail is because of the design-reality gap: Anti-corruption reforms coming from westernised, industrialised worlds bring with them initiatives that only make sense from a westernised point of view. Our proposal, however, suggests we start by understanding how corruption exists in Iraq before we try to combat it. Perhaps if one looks at corruption as a social harm rather than an economic issue, future global efforts would have a stronger chance of succeeding.

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Law, Society, and Corruption: Exploring (Anti-) Corruption From Interdisciplinary and Multilevel Perspectives

Corruption has become, without a doubt, a buzzword in both academic and policy debates over the last three decades. The initial view that "corruption greases the wheels of economic growth" in the newly independent states of Africa and Asia has lost its validity in light of the current and ever-growing global coalition against corruption, spearheaded by Transparency International (TI) and the World Bank. However, despite the unrelenting global anti-corruption efforts, one thing seems clear: There is no remedy to this "cancer." In light of the obvious failure of global anti-corruption initiatives, there has been a growing call to rethink the existing approaches. Responding to this call, this educational and research material aims to contribute to global anti-corruption efforts by examining (anti-) corruption from an interdisciplinary perspective, looking at mainstream theoretical, empirical, and methodological issues and debates in economics, political science, business, organizational sciences, criminology, social anthropology, and socio-legal studies. It will also explore corruption from a multi-level perspective, exploring the mutually transforming interactions between (a) global and transnational anti-corruption laws, initiatives, discourses, and institutions, (b) national/central-level institutions, initiatives, policies, and laws, and (c) local, meso- and micro-level actors, social norms, and practices.

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