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CORRUPTION, GOVERNANCE AND COLLECTIVE SANCTIONS: CAN A WICKED PROBLEM BE TAMED?

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Research Question: *Tackling a problem requires mostly, an ability to read it, conceptualize it, represent it, define it, and then applying the necessary tools and mechanisms to solve it. This may sound self-evident except when the problem to be engaged happens to be “complex,” “ill-structured,” and/or “wicked.” Corruption, defined in this paper in terms of bribery and/or extortion, is one of those kinds of problems. Both in its global and national manifestations it is ill-structured. Where it is structural in nature, endemic and pervasive, it is perhaps even wicked. Qualities of the kind impose modest expectations regarding possibilities of any definitive solution to this insidious phenomenon. If so, it may not suffice to address the problem of corruption using existing categories of law and/or good governance, which overlook the “long-term memory” of the collective and cultural specific dimensions of the subject.*

Research Findings/Insights: *The above socio-historical conditions require focusing on the interactive and self-reproducing networks of corruption and attempting to ‘subvert’ that phenomenon’s entire institutionalized matrix. Concepts such as collective responsibility, collective punishment and sanctions are introduced as relevant categories in the structural, as well as behavioral, subversion or ‘unfreezing’ of the path dependent aspects of corruption.*

Theoretical/Academic Implications & Practitioner/Policy Implications: *These concepts may help in the evolving of a new perspective on corruption fighting strategies. They may also form the foundation of future empirical studies regarding their effectiveness in fighting corruption.*

Keywords: *bribery; collective responsibility; collective sanctions; corruption; governance; modified vendetta; path dependency; wicked problem.*

Introduction: Representing Corruption

Tackling a problem requires an ability to read it, conceptualize it, represent it, define it, and then applying the necessary tools and mechanisms to (re)solve it. This may sound self-evident except when the problem to be engaged, in this case *corruption*, happens to be “complex” (Fernandes& Simon 1999), “ill-structured” (Simon: 1973) and/or “wicked” (Rittel& Webber: 1973). The former requirements may become less straightforward or feasible imposing modest expectations regarding possibilities of any definitive solution to such an insidious phenomenon. They also entail initially approaching and defining the problem abstractly, moving thereon, and if possible, toward what Herbert Simon indentified as the plane of a “well structured problem” (Simon 1973: 181). This involves “identification” (Simon 1997: 11) as well as problem “representation” (Fernandes& Simon 1999; Simon 1997). *Identification* allows for limiting the range of values to be considered to a set of specific aims or purposes rather than that of the entire domain of human values. This allows for a measure of *parsimony*, task feasibility, as well eventual representation based upon which alternative problem-solving strategies may be formulated (Simon 1999:226; Simon 1997: 11). *Representation*, by the same token, is an ambiguity and complexity reducing exercise, based on establishing a common frame of reference and goals, and is the pre-requisite for any possible problem solving or strategy choice (Simon 1997: 52). It starts with advancing an abstract vision of an alternative followed by “decomposition” of the various components of sub-problems, addressing each one on its own then integrating all sub- solutions into one (Fernandes& Simon 1999:227). This constitutes a form of “diagnosis,” followed by “prescription” and then “action” (Mintzberg, Ahlstrand&Lampel 1998: 32) or, in other words, analysis, and then synthesis. Unfortunately, things may not be that simple when dealing with the problem of corruption, when it is difficult to indentify it with any single or group of factors and almost impossible to problematize in all its dimensions. Thus, Simon invites a measure of skepticism when he states—especially when it comes to non-exact social and organizational problems—that the boundary between a well structured and ill structured problem solving is vague and fluid and merely quantitative depending on the “size of knowledge base.” That therefore, no new concepts or techniques are needed (Simon 1973: 181, 197, 200). Skepticism does not imply that Simon’s methodology offers no help, but rather is simply a reminder of some

of its limitations. For the problem at hand may be more complex, related less to the boundary between the well structured and the ill structured, but to that between the ill structured and the *wicked*.

Corruption, *identified* and *represented* in the context of this paper, as *bribery* and/or *extortion* is one of those kinds of problems. Both in its global but particularly national manifestations it is ill-structured. Where it is structural, endemic and pervasive, it is perhaps even *wicked*. If so, it may not suffice to address the problem using existing categories of law and/or good governance, which overlook the “long-term memory” of the collective and cultural specific dimensions of the subject (Simon 1973: 181)—i.e. its path dependency. Such socio-historical conditions require focusing on the interactive and self-reproducing networks of corruption and attempting to “*subvert*” (Klitgaard 2000) that phenomenon’s entire matrix. For this to work, it may be more effective to focus on a certain aspect of this negative value (e.g. bribery) rather than on its entire spectrum. Invoking the *sufficing* principle and narrowly specifying bribery as a foundational factor or element that influences this phenomenon’s pervasiveness, and then targeting it may be a more practical option. In order to undergo such an exercise, this study suggests collective punishment and sanctions (French 1985), and “modified vendetta” (Corlett 1989; Shipp 1987) as conceptual tools or mechanisms that may help in reducing or even undermining the untenable problem of bribery. They are linked to Kurt Lewin’s ‘theory’ of change, incorporating the three steps of *unfreezing* a situation, inducing *change*, and then *freezing* achieved changes as a norm (Wirth 2004). By exploring these as potentially relevant categories in the structural, as well as behavioral unfreezing of some of the most prevalent and institutionalized aspects of corruption, perhaps a new perspective on corruption fighting strategies may consequently evolve.

The Wickedness of Corruption

What is corruption, what are its causes, and why have numerous anticorruption policies failed to deal with it, have been questions, which dogged many—theoreticians and practitioners alike. Jakob Svensson for instance admitted that there is no clear definition of what constitutes corruption (Svensson 2005: 21). Much perhaps has to do with the fact that “different causal chains” pertaining to this phenomenon have led to “different discourses on corruption prevention and corruption control” (Graaf 2007: 39). Anti-corruption organization Transparency International for instance, defined the phenomenon as ‘the misuse of entrusted power for private benefit.’ A broader definition provided by the Tax Justice Network in Australia proposed that, “an activity which undermines

public confidence in the integrity of the rules, systems and institutions that govern society is corrupt” (Zirnsak et al 2008: 9). The significant point in the latter understanding is no longer whether corruption can be observed and judged in relative or absolute terms, but rather if it fits the ‘*duck test*. That is, “if it looks like a duck, swims like a duck, and quacks like a duck, then it probably is a duck.” This suggests it *suffices* to identify the different, even if sometimes vague, fluid, or contested manifestations of a phenomenon or subject matter by observing its “habitual characteristics” and implications, even in the absence of a clear definition or label (Wikipedia; internet). This necessitates that not only actual corruption be observed and prevented, but as importantly, the “appearance of corruption” (Warren 2006: 161). “*Integrity of appearances*” provides clues to the ethical performance of an individual, a public official, or an institution. Failure in this respect, presumably “disempowers” citizens by denying them participation, or the “means for inclusion in public judgments” (Warren 2006: 160).

Competing representations contribute to dissipating strategies and efforts of fighting corruption as they serve to undercut consensus on the issue, and challenge any common frame of reference that would guide policy action. This may not be merely a *cause* for failing to grasp the issue but perhaps also an *effect* of the immense complexity or wickedness of the problem and how to confront it. Corruption involves a most intricate and elaborate labyrinth of human moral, cognitive and social processes. These range from the psychological and ideological to externally imposed agendas, the economic, the political, the socio-cultural and the technological. It is contagious and nebulous, and in fact “can be attributed to almost anything” (Caiden, Dwivedi&Jabbara 2001: 21-26). In poorer and transitional countries where corruption is structural, pervasive and endemic, and despite its harmful impact on “good governance,” “sustainable development,” and “human justice,” it is considered to be something of a natural order. It is the way things are done in the conduct of business and governance, “habitualized” and “institutionalized” into the social fabric, rationalized and justified. Reasons to fight it or oppose it are weakly internalized so as to sustain any significant counter collective action. The system continues to self-reproduce until “conducting personal and public affairs eventually collapses” and as “rotteness” strikes at the core, society and the State are rendered “incapable of facing major outside challenges. Then, the price is very high in terms of uncertainty, loss of trust, and risky supersession at best— and civil unrest, revolt, and bloody revolution at worst” (Caiden et al 2001: 2).

This does not mean that the whole blame is to be rested on the shoulders of the 'system,' guilty as it may be, while exonerating individuals and group agents, explaining corrupt behavior by causes beyond their control. This would allow the "corrupt agent" to disappear together with the phenomenon under observation, despite that agent being a source of corruption. Agency consequently would be reduced to "background characteristics, translated into variables" (Graaf 2007: 41); essentially that is, "swallowing" the whole "subject matter" (Wildavsky 1980:12). On the contrary, this is to highlight agency and emphasize corruption as a *collective responsibility* susceptible to forms of *collective punishment* and sanctions. Such recourse is justified by the nature and *wickedness* of the problem and applies to the system, state, government as well as groups and individuals. In a rather reflective statement along those 'wicked' lines, Rachel Ehrenfeld, observed that,

Official corruption thrives on darkness and invisibility. It is anonymous and unmeasurable. It is rooted in the very human vices of greed and lust for power through wealth Corruption is colorless, shapeless, odorless, collusive, secret, stealthy, shameless. Even when it becomes pervasive, it still retains those qualities. It often leaves no trail but that impressed in human minds, memories and perceptions... (Caiden et al 2001: 1).

While it is apt to refer to corruption as evil, wrong, and immoral, the term 'wicked,' at least as conceived back in the early 1970s by Rittel and Webber (1973), did not necessarily envisage negative ethical attachments to any particular issue. Rather, it was to contrast it with a tame, well-structured social problem. Wicked, as has been applied in this context was used to refer to the "malignant," "vicious," "tricky," and "aggressive" nature of a social problem rather than to "malicious intent" (Rittel & Webber 1973: 160-61). This analytical distinction does not hold when dealing with the problem of corruption. In addition to being difficult to formulate, with no "stopping rule" or final and clearly identifiable solution, and in many cases symptomatic of other problems (Rittel & Webber: 1973: 161-65), corruption is also wicked in an ethical-moral sense. It is wicked as a problem and as a value. Yet, this does not simplify matters much. For while it may be possible to develop a consensus of condemnation in the abstract, this is likely to breakdown once action and policy are undertaken, and 'interests' threatened. As anti-corruption investigations of political and administrative executives, for example, "hit close to home," attempts are made to derail these investigations by those very same executives (Maor 2004:1). Accountability and transparency are early victims. In other cases and quite significantly, measures to fight corruption may end up instead producing adverse

outcomes. One then, is faced with the *ambiguous* task of having to “weigh” (Simon 1997: 47) trade-offs—what one hopes to achieve versus potential losses in terms of unintended consequences. One study for instance found that policy measures providing incentives or positive sanctions to fight bribery have created in some cases, inducements for extortion—a greater evil. Citing an example of a corrupt police officer who when officially rewarded would presumably be less inclined to accept a bribe from a driver who broke the red light, he may in fact, and in lieu of the same reward extort innocent drivers by claiming they have broken the red light when they had not (Khalil, Lawrrée& Yun 2010: 179). Ironically, even the ethical decision to provide incentives to reduce bribery incidences, cannot be defined as correct or incorrect, right or wrong, good or bad (Simon 1997: 59; Rittel& Webber: 1973: 162). While the chain of means-ends in such a case may be traced to the abstract realm of fighting corruption, the connection eventually becomes so “conjectural” and the “content” of the value so “ill defined” that analysis would hold little significance for administrative or policy purposes (Simon 1997) The “ramifications” of the problem solving decision turn out to be confusing, and suggested solutions end up being in many cases, worse than the symptoms; hence wickedness (Churchman 1967: B-141). A more insidious component of such wickedness is that the margin of error is limited and in many ways quite risky. Once a decision has been made to confront the phenomenon, which must be first and foremost a political decision, failure is not an option. There is “no right to be wrong” so to speak (Rittel& Webber: 1973: 166). With all its intricacies, corruption is like a hornet’s nest. Either one burns it down in its entirety or suffers the consequences of being painfully, if not fatally, stung by its agitated inhabitants. Half hearted, skeptical or insincere measures may very well incite a vicious response that would enshrine a self assured corruption structure against a seemingly weak or failed state. Good and well intentioned laws may end up causing social unrest and unraveling activities (Dobel 1978: 972), exacerbating the “softness of the state” (Caiden et al 2001: 31). Thus, in addition to being a matter of collective moral and social responsibility, fighting corruption is also a matter of national security and high politics.

Corruption, particularly where it is structural, pervasive and endemic, is one of those problems which beg some form of “resolution,” where at best the “system of problems” or “mess”ⁱⁱ can only be iteratively “re-solved—over and over again” (Ackoff 1974: 21 & 33; Rittel& Webber: 1973: 160). It is a condition where, in most cases, one can only hope for a re-solution rather than a solution, i.e. the type of response that may address a particular problem or aspect of it but at the same time creates a new set of problems. What this means is that no definite *solution* to the social “mess” (Ackoff 1974:

21) of corruption is or can be proposed. At the same time, corruption is perceived as wicked not as a matter of *definite* representation, but as a worst case *scenario* among better hopefuls, in order not to underestimate its complexity. If the problem happens to turn out to be tamer than it actually appears to be, then well and good. After all there are societies that have gone a long way toward minimizing levels of societal corruption. Whether their examples can be replicated is a contingent matter which depends on context, situation and environment as well as leadership and a host of other factors. For there is always the alternative possibility that once the system of corruption gets on top of things "it stays there" (Rothstein & Uslander 2005: 72). Hence, readymade representations of 'good governance' mechanisms as the 'one best way' may not be totally relevant to the problem at hand.

On Governance

The concept of governance and for that matter 'good' governance is a term that has become increasingly in vogue since the 1990s. Yet it remains contested and ambiguous, lacking in precision or contextual meaning (Kjaer 2004: 2). The United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) for example defined the term as referring to processes of decision making and implementation in broad terms so as to include both formal and informal actors (UNESCAP: 1). This was quite similar to Keohane and Nye's definition, who in addition to incorporating both the former actors, identified *government* as a "subset" of governance, rather than as a synonym, "that acts with authority and creates formal obligations" (Pollitt & Bouckaert 2004: 10). Both definitions tended to agree about the expansiveness of the concept and its applicability to non-governmental organizations (NGOs), religious leaders, research institutes, political parties, businessmen among others, constituting what is termed "civil society," as well as to corporate governance, international governance, national governance and local governance (UNESCAP: 1; Pollitt & Bouckaert 2004: 10). Eight characteristics or tools were attributed to good governance as techniques and means of fighting corruption, namely: participation, accountability, transparency, responsiveness, effectiveness and efficiency, equity and inclusiveness, consensus orientation and following the rule of law. These are then presented as the ideal that is to be strived for and brought to "reality" (UNESCAP: 2-3).

From a more focused administrative point of view however, Rod Rhodes perceived governance as "self-organizing, interorganizational networks characterized by interdependence, resource-exchange, rules of the game, and significant autonomy from

the state” (Kjaer 2004: 3). Ironically, this same definition can apply to the very concept of corruption in societies where it is structural, pervasive and endemic. So pervasive it becomes that it incorporates most, if not all, the characteristics of the above definitions. Corruption very well constitutes self organizing, interdependent, formal or informal networks, with their own rules of engagement and resource exchange, autonomous of the state or even in control of it. Most of the criteria of good governance mentioned above become quite irrelevant. Who after all is going to be held *accountable*, for what, and by whom? “Structural transformations in the nature of governance—including the privatization of some state functions—” as Rob Jenkins has put it, “have blurred lines of accountability, making it difficult to establish which actors hold ultimate responsibility for certain types of policies or services (Jenkins 2007: 137). Where there is *participation*, relative *equity* and *inclusiveness*, it is likely to be with respect to how the public spoils and loot are distributed. To the extent that there may be *effectiveness* and *efficiency*, it may be that of a self-reproducing system of corruption which meets the needs of a corrupt society, including being a *perverse* means of trickling down income distribution. How would *transparency* matter if corruption is a norm? Legal scholar Lawrence Lessing argued that transparency may instead contribute to increased distrust in society (Schmitt 2010: A11), the very outcome that corruption brings about. “Much transparency encourages cynicism, invades privacy, or actually obscures important facts in a sea of data...” (Schmitt 2010: A11). Can one still speak about the *rule of law* in an environment where integrity may be taken as a sign of disloyalty; where instead of the rule of law, it is the law of corruption that rules; where law is the instrument of corrupt control rather than its nemesis? Under the circumstances and the pervasiveness of corruption, people may accept and participate in it even when *conscious* of the error of its ways (You & Khagram 2005: 139). This constitutes a “social dilemma,” where despite the fact that people do understand the situation and the disastrous consequences of their own attitudes, they are unable or continue to be unwilling to do anything about it (Kollock 1998 185). Through a continuous process of ‘denial’ they may condemn corruption verbally but resist attempts at breaking its networks as many adapt to its order of things. Christopher J. Anderson and Yliya V. Tverdova for instance, observed that political allegiances in modern democracies filter perceptions or negative attitudes toward corruption depending on whether a group of people supports the government or not (Anderson & Tverdova 2003). This raises the question as to whether this group is guilty by association and therefore collectively responsible for corruption as well as deserving of concomitant collective punishment. In states, particularly those with weak controls, *democracy* in fact, can be a source of corruption and crime especially in societies with high

socio-economic inequality levels, as the two separate studies of Rose-Ackerman, and You and Khagram have observed (Rose-Ackerman 2001: 417; You & Khagram 2005: 155).

NGOs are not above suspicion either. In most cases, they are funded and controlled by external actors with their own *agendas*, including, as Gerald Segal has put it, encouraging capitalism's secret weapon—an apolitical middle class, and empowering business leaders through trade, in order to create presumably alternative centers of power (Segal, 1998: 2). Yet in many cases, both business leaders and the terms of *trade* are a major source of corruption. As alternative centers of power they either become autonomous of the state, with external commitment and support, or in fact become the state; establishing a form of a kleptocracy or what has come to be termed “state capture” (Hellman et al 2000). This ‘wicked’ problem and by its very nature, is “enmeshed in established ways of life and patterns of thinking” (Clarke & Stewart 2003: 274) as the boundaries between kleptocracy on one hand, and freedom and free market on the other, wither away. Adding to wickedness is a situation where ‘civil society,’ in many countries, fails to materialize as what may be designated the ‘corrupt society’ replaces any semblance of the former. In this sense, corruption reflects a form of governance or in fact, *is* governance, for to *capture* the state as well as the society is to run both.ⁱⁱⁱ

In order to avoid arriving at such an ‘undesirable’ conclusion Hellman and Kaufman introduced the concept of *state capture* as an alternative term to salvage that of ‘governance’; perhaps also as a means to circumvent the wicked problem. State capture is defined as “the efforts of firms (or such groups as the military, ethnic groups or kleptocracies, formal or informal) to shape the laws, policies, and regulations of the state to their own advantage by providing illicit private gains to public officials” (Hellman & Kaufman 2001). It involves “parliament [legislative] capture,” “*executive decree capture*,” controlling and influencing the “*formulation*” and “*content*” of laws and regulations (e.g. courts capture), and shaping the “basic rules of the game”. As such, state capture is “closely embedded in political processes” as well as in legal and economic activities (e.g. banks capture) (Anderson & Gray 2006: 3, 7, 29, 85 & 86; Hellman et al 2000: 3). With such extensive control, state capture reflects “not merely a *symptom* but also a *fundamental cause* of poor governance” as “collusion between powerful firms and state officials ... reap substantial private gains from the continuation of weak governance” (Hellman & Kaufman 2001). Reading through the above definitions and understandings of state capture, its characteristics and what the term is all about, one cannot but infer it to be government as well as

governance. In a rather candid admission of such a reality former Russian President Vladimir Putin in a meeting with Russia's business leaders in July 2000 stated:

I only want to draw your attention straightaway to the fact that you have yourselves formed this very state, to a large extent through political and quasi-political structures under your control. So perhaps what one should do least of all is blame the mirror (quoted in Hellman, Geraint, & Kaufmann 2000: 1-2; Hoffman 2000).

This condition does not, of course, apply to Russia alone. Yet if such is the case, then what we are observing in countries or societies with rampant corruption is not merely a relationship of influence or control, but of *immanence*. For instance, South Korea considered to be an economic and developmental success story, achieved its status in the context of state capture. Bhargava and Bolongaita identified this country as a very interesting case study because it exemplifies an advanced industrial country, a member of the Organisation for Economic Co-operation and Development (OECD), that is grappling with issues of state capture that more commonly afflict less developed countries. It underscores the fact that corruption is an acute problem of governance and cuts across all kinds of governance and operating environments. At the same time it presents a different kind of challenge for anticorruption policy, precisely because its governance conditions are different from others (Bhargava and Bolongaita 2004: 136).

In such and similar societies, the margins between good and bad governance break down and distinctions are blurred, as corruption becomes the way things are run and done. Identifying state capture simply as a form of bad governance when the boundaries between the good and bad had collapsed does not make much of a difference. In a morally, politically, socially and economically corrupt and decaying state or society, *governance*, *state capture* and *corruption* merge and fuse; they become largely interchangeable, leading to a state of "banality of wrongdoing" (Moody-Adams 1994: 299). The proposed governance re-solution becomes the problem as the very concept of 'good governance' fluctuates from being an "insight" to being nothing more than a "cliché" (Schmitt 2010: A10). Thus is the nature of the 'wicked' problem.

An important point worth drawing attention to in this context pertains to the change in the very conception of the role of the state and how this served to affect incidences of corruption. Traditionally, the modern state was expected to play the role of a sovereign power structure that aimed at projecting national economic demands onto

the international system. As opposed to this image, neoliberal notions of global interdependence came to perceive the state as the instrument through which external demands of capital flows are imposed on domestic focal groups. This in fact, constituted a reversal of its earlier role (Clark, 1999:94). Whereas bureaucracy reflected the organizational structure which served the interests of the national state, *state capture*, bearing the seemingly benign term of 'management reform,' constituted the changing domestic equivalent, mirroring demands of global capital flow. State capture has in reality become a demand of transnational capital and foreign direct investment, for economic but also political and strategic interests. Global attitude toward commensurate corruption thus, came to depend on the extent to which this behavior facilitated or stalled such demands. Where it *enabled* interests of the kind, it was tolerated if not encouraged. When it constituted a *hindrance* or a loss, it was condemned. This helps explain ambivalent attitudes toward such behavior and sheds light on the ecology of the reciprocally supporting connections between globalization, governance and pervasive corruption. Corruption has simply come to reflect the *politics* of global capital flow taken to a much higher dimension of unethical behavior. Particularly as it impacts on societies, where the modern state structure, and its concomitant social capital, had never been totally consolidated, and therefore legitimized, and as such constituted a partial and fragile historical existence.

Globalization, according to Herman Schwartz, is a process characterized by mutually constituting states and markets as well as by continuously decreasing mediation between states and citizens and incessantly increasing pecuniary mediation of social relations (Schwartz 2005). As the formal and functional role of the state as the sole monopolizer of coercive power recedes in favour of global and external influences, marketing agents resort to hire or finance *informal* "specialists" in the use of violence such as, militias or mafias, but where tribes, subnational as well as supranational groupings may also play an important role. This becomes the means to self-protect but also "to enforce contract and assure property rights." Actors with comparative advantage in the use of force are equally willing to extort a share of production from direct producers as they increasingly come to replace the state as alternative centers of power (Schwartz 2005). *Security*, let alone other needs, becomes a marketing enterprise. Modern globalized *marketing* as Ignacio Ramonet insightfully observed, "has become so sophisticated that it aims to sell not just a brand name or social sign, but an identity. It's all based on the principle that *having is being*" (Asad 2003:152; my emphasis). In a world of scarcity, inequality and anxiety, *having* in order to *be* is conducive to, and helps explain why, corruption, the

ripping apart of the fabric of ethical intersubjectivities, the destruction of vital forms of organizational structures and the degradation of human relations, and moral values in the global market, are being normalized as a way of life (Sabet 2008: 242). Having as being, insidiously imposes corrupt behavior, and as it links such behavior to security, the foundational aspect of any subsequent welfare, it creates the *corrupt identity* and from thereon, the *corrupt society* which at its extreme, becomes the *insane society*—the “unadjustment” of the entire culture itself rather than just individuals (Fromm 1955: 6).

The wicked problem, in other words, is at its worst when this state structure is required to transform to serve the interests and demands of global capital. This does not mean there is nothing that could be done, that there can be no re-solution, or that this is a despairing situation. Rather, it is to propose a collective responsibility or perhaps ‘collective sin’ approach which demands a form of *collective* response and sanctions. Such a collective sanctions proposition may not necessarily be consistent or consonant with the philosophical underpinnings and tools or mechanisms of good governance put forward by different international and global institutions. However, it may be closer to being a more holistic, non-linear, non-partial re-conceptualization of the problem, cutting across societal boundaries while involving the public, even if in a different way (Clarke & Stewart 2003), and hence more realistic. For as Geoffrey Garret and Barry Weingast put it, “to assert that institutions help assure adherence to the rules of the game is to overlook a prior and critical issue. If the members of a community cannot agree to one set of rules, the fact that institutions might facilitate adherence to them would be irrelevant” (Goldstein and Keohane 1993:18).

On Corruption

Despite the corruption problem’s presumed ‘wickedness’ one may still attempt, to the extent possible, to structure and contextualize it. If the above analysis and inferences are correct, then what we have here in fact is an institutionalized phenomenon—corruption that is, as *institution*. Conceptualization helps link both notions in a common framework where fighting corruption becomes intertwined with institutional perspectives. The question of how to fight corruption becomes one of how to perform acts of institutional *subversion* through both *endogenous* and/or *exogenous* imperatives i.e. to transform, demolish, deconstruct, infuse and rebuild institutions and their concomitant structures—by nature a *collective* and systemic enterprise, but also contingent. *Contingency* implies that the

organizational structures to be set to confront this problem must fit the context to which it must relate (Donaldson 2001: 1 & 3), even if de-linked from presumed governance 'best practices' and their theoretical underpinnings. Structural contingency of the kind presumes that the effect of one variable on another depends upon some third variable. As Donaldson elaborated, the effect of say, variable X on Y is different when W is low than when W is high (Donaldson 2001: 5-6). Thus, while governance practices may have positive impact in societies with low levels of corruption or factors conducive to such behavior they may have an opposite effect in societies with high levels of such factors. Structures and policies consequently, must "fit" the contingencies of "environment," "size" and "strategy" (Donaldson 2001: 3).

Environment here refers to a context—cultural, organizational or ethical— in which corruption is *structural, pervasive* and *endemic*. Corruption that is, is perceived as something more than the mere "betrayal of public trust" (Dobel 1978: 958) or the "misuse of public office for private gain" (Svensson 2005: 20). More broadly, it is a "symptom of something gone wrong in the management of the state" (UNDP 1997: xi) and is strongly associated with manifestations of decay in social organization, structure, trust, equality, legitimacy and civic loyalty, as well as development—economic or political (Dobel 1978; Rothstein&Uslaner 2005; Werlin 1973). Nevertheless, a rather weak assumption is made that there already exists a semblance of State 'intention' to fight corruption or at least one that harbors a willingness to do something about it. This assumption is fairly weak because in many cases, the state is a big part or cause of the problem and an avowed accomplice. It may be possible nevertheless to do away with this weak assumption and simply suggest possible anti-corruption mechanisms to be used if and when some government of good order comes to power. This however, would take us beyond administration into the realm of politics as the entire situation becomes one where a re-solution must await a re-solution.

Size refers to the limiting of policy focus to 'administrative' corruption, defined as "*private* payments to public officials to distort the prescribed *implementation* of official rules and policies" (Hellman 2000: 3) — i.e. bribery and/or extortion. This suggests some kind of "sequencing" over time that would allow countries or societies to "first gain the capacity to control lower-level administrative corruption as their economies and institutional capacities grow," even if they "continue to have difficulty addressing areas (such as public procurement) that span the boundaries between administrative corruption and state capture" (Anderson & Gray 2006: 72). As well as sequencing, this also is a matter that has

to do much with practical considerations. State capture, as opposed to lower level “little guy” administrative corruption, is a high stakes game performed by people high up in the social and political hierarchy and therefore, may be much more difficult to control or change (Anderson & Gray 2001: 29). Admittedly, by focusing on administrative corruption, one is dealing with a causal *effect* rather than a root *cause*. A less than ideal situation—as what anti-corruption measures serve to build, state capture may well destroy — yet perhaps one that may help reduce complexity and demarcate domains. Limiting initial focus on combating administrative bribery may allow for some measure of political commitment and support even from a captured state. Implementing principles of collective punishment may help save the state as well as society from itself, or at least one may hope so. Until such a time when the idea of state capture comes to incorporate a different perhaps more positive meaning related to a different order of things i.e. some form of transformation, one will have to make do with a situation where a ‘re-solution’ must await a ‘re-solution.’

This brings us to the third structural contingency of *strategy*. Strategy at least as one of its important schools emphasize, must “fit” policy and structure to goals and objectives (Mintzberg et al 1998: 24 & 35). Yet, this may not be as straightforward as it may sound since a fairly clear representation of the problem is a necessary prerequisite, made all the more difficult if it is wicked or ill-structured. Nevertheless, whatever the case may be, this vicious and self-reproducing order of corruption must be broken somewhere. Something may have to be done, with an empirical proof of the fit coming later through a learning process or an emergent strategy. Some suggested concepts and tools which may be relevant toward the eventual formulation of an anti-corruption strategy include collective responsibility, punishment and/or sanctions, and modified vendetta. Integrated together they may serve to offer a different conceptual framework or strategic perspective regarding how to deal with the pervasiveness of such a mess, by *changing* collective behavior as well as values, and where possible, *subverting* corruption.

Thus, focus will be more on the micro and/or intermediate levels of the problem rather than the macro or state level. This tends to be consistent with Susan Rose-Ackerman’s proposition that research should gravitate more toward microeconomic studies of corruption, in both the private and public sectors, and on the policies which lead to its aggravation. Francisco Rodriguez by the same token, linking environment to size, cautioned against attempting to attribute the cause of corruption to any single political or economic aspect. Rather

he called for looking at the factors which create a facilitative and conducive environment (Erickson & Hill 2006: 3-4). Taken together, both views tend to connect the micro and the meso, and even possibly the macro levels of the phenomenon. The objective here however, is not to dwell on the macro causes of corruption (e.g. the state or systemic level; economic and social inequalities), despite their centrality, but rather on what perhaps can be done at least at lower levels of analysis i.e. more of a sectoral rather than comprehensive approach.

Path dependency and Bribery: The Contagion of Illegitimacy

The Final Declaration of Global Forum III indicated that “anti-corruption measures tailored to the specific circumstances of a particular society should be devised in order effectively to deliver practical solutions” (Bhargava&Bolongaita 2004: 17). Such measures require not only the difficult task of identifying the diverse causes of corruptions, but also proposing possible tools and mechanisms of *control*. Pointing at a couple of important *characteristics* and *forms* of corruption and then attempting to *subvert* them is perhaps a useful exercise in this direction. Gerald E. Caiden attempted to offer generalizations about both. Corruption is observed to be in all political systems and at all levels. It is related to many causes, different social contexts, varied origins, assorted cultures, facilitated by political and economic instabilities including unequal wealth distribution. It is persistent, cancerous and contagious, benefitting the privileged and powerful few and is essentially ineradicable. As to the *forms* it may take they ranged from treason, kleptocracy, abuse of power, deceit and perversion of justice, dereliction of duty, vote rigging, unauthorized licenses and sale of public offices, tax evasions, favoritism, influence peddling, perjury, accepting improper gifts, organized crime, illegal surveillance, and the list can keep going on (Caiden 2001: 17-18). The catch here is that almost everything can be included. Caiden does not economize on explanation and consequently lacks in *parsimony* and succinctness.^{iv}

The “law of parsimony” proposes to make issues, to the extent possible, “clear, simple and specific” (Mintzberg et al 1998: 28). In attempting to move closer in this direction it may help to seek a common or ‘foundational’ principle that permeates the dynamics of corruption in all its forms and characteristics. Admittedly this incorporates an element of subjectivity, but the attempt nevertheless, remains worthwhile. For the purposes of parsimony, *path dependency* is chosen as the defining characteristic, *bribery* as the defining form. The connected dynamics of both elements contribute to perpetuating the environment in which individuals and

groups function, largely shaping both their *values* and *behavior*. Together they constitute the “contagion of illegitimacy” (Zucker 1987: 446) or the *structure* which “infects,” institutionalizes and socializes *agents* into this mess. To fight corruption therefore is to strike at those two conceptual elements by providing relevant counter-tools and mechanisms. Such tools and mechanisms do not have to do everything well, they only have to do something well (Rigby 1994: 23). One that is, should not harbor ambitions for a “doing it all” or “one all purpose” tools or mechanisms, as this rarely is feasible (Rigby 2001: 158; Rigby 1994: 24). They need not be there to eradicate all corruption, but perhaps only one aspect of it — bribery. Choice may be informed by the same logic that J.T.J Noonan has insightfully and parsimoniously applied when he observed that, “as a world evil,” “corruption,” defined as bribery,

is not as bad as the exploitation of children by child slavery, child prostitution, child pornography, and child labor. Corruption is not as destructive of life as AIDS or as tobacco or some drugs. Corruption control may not be as vital to the planet’s health as arms control. All of these subjects may be more important globally than bribery. But the reduction, if not the elimination, of bribery may be the key to reducing each of the other evils (qtd in Lennerfors 2008:13-14).

In other words, bribery is identified and represented as a “weakest strategic component” which to a great measure determines corruption combating performance at all other levels (Rigby 1993: 9); a center of gravity so to speak. The mechanisms and tools to be chosen and used for that purpose must be representative and relevant to the problem at hand, specifically made to serve its focus. To improve the level of performance and probability of success in implementation, two main conditions are necessary, ideally speaking: a- strong top-down support and commitment from the political hierarchy and; b- chosen tools and mechanisms should be used in a “major effort” and as “linchpins” not as a “limited initiative” i.e. “go deep, not broad” (Rigby 2001: 152 & 154).

Focusing on bribery may still be a broad effort given its pervasiveness. At an early stage of policy implementation it may be better still to narrow focus further on a particular organization or (sub)sector (e.g. corrupt police force which presumably is responsible for law enforcement) where the full force and brunt of the tools and mechanisms could be applied. Maximizing ‘major’ effort while minimizing target space may not only increase desirable outcome levels, but may also create a shock wave or ‘ripple effect’ that spreads onto other domains or sectors bringing about an additional desired outcome elsewhere, even if one cannot fully

anticipate its characteristics, while helping economize on energy. By going *deeper*, one at the same time, can go *broader*, as change in the performance of one institution or sub-institutional structure can very well affect the functioning of others (Jenkins 2007: 136).

The second component or the path dependency of corruption relates to the mechanisms of *reproduction* which sustain this perverse institution. It is beyond the scope here to examine all the specific causes or mechanisms of reproduction which serve to perpetuate this behavior. The point remains however, that an institutional approach offers “insights” into the nature of both endogenous and exogenous influences or even shocks, which may help bring about a “breakdown” or “decay” in such a highly resilient institutionalized corruption (Thelen 2003: 209). According to James Mahoney, “path dependence characterizes specifically those historical sequences in which contingent events set into motion institutional patterns or event chains that have deterministic (self-reinforcing) properties” (Mahoney 2000: 507 & 508). One interesting study which corroborated his findings has been conducted by Jean Tirole (1996), who attempted to examine the persistence of corruption. The study started with a hypothetical steady state low corruption economy that was subjected to a perturbation, at an initial date zero, resulting in a “one-shot increase in the gain to being corrupt (or a relaxation in the enforcement of anticorruption laws)” (Tirole 1996: 3). While the economy does not change much in subsequent times (1, 2, ...) most agents (individuals) at the initial date i.e. time 0, have in fact engaged in corrupt activities. Tirole found that in “the unique continuation equilibrium” the temporary increase in corruption due to an initial temporary perturbation, transformed into a long term condition. The economy is unable to return to the earlier low corruption steady state, and must therefore remain corrupt. The agents at time zero have already “smeared” their reputation with more incentives to engage in corruption than if they had always remained honest. They have already been “locked into corruption” (Tirole 1996: 3), as the honesty barrier, so to speak, has been broken. The ongoing question however, is why do subsequent incoming agents with unsmeared individual reputations, also engage in corruption despite the fact that the first agents have been progressively replaced. Tirole posed the question: Why do the young inherit the corrupt practices of their elders (Tirole 1996: 3)? In response, he stressed the idea of “imperfect observability” of individual past behavior as an explanation. While an agent’s reputation as part of a group, is individually built depending on that person’s observed traits based on past behavior, as part of group belonging, individual past behavior is “imperfectly observed.”^v Concomitantly, the group members’ *past* behavior conditions both this group’s as well as its individuals’ *current* behavior. In a “self-regenerating” imperfectly

observed group, behavior of new members, whose welfare and incentives are shaped by the group's existing reputation, will largely depend on the past behavior of their elders (Tirole 1996: 2). Things get worse over time as a pattern of path dependency is established and as "poor collective behavior in the past ... make current good behavior a low-yield individual investment," generating "poor collective behavior in the future" (Tirole 1996: 18). What we have here is a situation where, as William H. Sewell has described it, "what has happened at an earlier point in time" affects "the possible outcomes of a sequence of events occurring at a later point in time" (Thelen 2003: 218). The result is a "vicious circle of corruption," leading to such behavior becoming structural, pervasive and persistent. Going further beyond mere bribery, the members of the group may deliberately seek to sustain a reputation of being corrupt in order to extract or extort bribes from their "trading" partners (Tirole 1996: 3 & 4). Consequently, even a "one-shot" enforcement of anticorruption laws leading to some measure of short term reduction in corrupt activities would have no permanent impact as corruption "ratchets up" rather than "down" (Tirole 1996: 3 & 10).

Path Dependency and Change: Kurt Lewin Revisited

Path dependency implies stability, persistence, and continuity. Decisions are influenced by earlier decisions, forcing corrupt behavior and fomenting a corrupt culture, reproduced in a self-generative form. It becomes institutionalized as its structures, actions and roles proliferate. The question of dealing with institutionalized corruption becomes one of how to break its path dependency and the 'rigidities' it creates. What *tools*, if any, may serve this purpose? How may it be possible to bring about or allow for an endogenous process of "creative destruction" capable of undermining corruption "*from within*" (Schumpeter 1970: 83) with or without necessarily having to demolish an entire administrative structure, such as the bureaucracy for instance, with it? In a society where corruption is pervasive, connecting the concept of the *collective* to Kurt Lewin's theory of change may help contribute to developing such contextual tools.

In his model Lewin underscored the broad conditions that could bring about change in human behavior in terms of a balance of opposing, driving and restraining, forces. He observed that it was more important to remove the "*restraining*" forces which resisted change than merely to consolidate the opposing "*driving*" forces, even though change from an earlier equilibrium was possible only when the latter were more powerful than the former. The model comprised of three steps: a-unfreeze (create a felt need for change),

b-change (attitudinal or behavioral modification or conversion) and, c-re-freeze (institutionalizing and reinforcing the change in behavior) (Schein; internet: 1; Mathews 2009: 7); the first step disconfirms, the second drives, and the third locks-in.

Unfreezing a corrupt situation or, the *path dependent status quo* equilibrium, takes place under “complex *psychological*” (agent) as well as *structural* conditions. This is due to the fact that a driving force in one direction almost inevitably produces counter restraining forces in the opposite direction in order to preserve the equilibrium (Schein: 1). Those involved in corrupt behavior will resist any type of change that would disrupt the benefits that accrue to them from such an attitude. Unless of course some increased benefit or cost is sufficiently involved and a fundamental change in their perceptions of the situation has been brought about.^{vi} The purpose here is to increase the driving forces, reduce their restraining counterparts, and to introduce “implicit” as well as “explicit” consciousness altering modifications (Mathews 2009: 7; Anderson et al 2000). The latter involves creating an awareness that corruption “demoralizes the human spirit” even if the waste it causes in terms of energy and resources is not individually clearly observable (Johnson 2004: x). This constitutes the motivational, disconfirming stage.

Change involves moving to a new equilibrium through some form of “institutional conversion” (Thelen 2003: 228), “reeducation” (Coghlan& Jacob 2005) or, environmental shift. An ecological shift shocks institutions into conversion away from earlier objectives toward other ends by confronting actors with different sets of issues and problems, causing them to re-conceptualize the entire institutional culture in favor of a *behavioral* change (Thelen 2003, 228). It creates a situation of so called “survival anxiety” (Schein: 1; internet). This means that the path dependent status quo, corruption in this case, must be perceived or deemed not only inappropriate and unethical, but also very costly, both individually and collectively, rendering identification with it, of any kind or form, self-defeating. Behavioral change, as a most effective way of transforming culture, or the mental programming of the mind, as Geert Hofstede has designated it (Hofstede 2001: 12), is to be followed by or commensurately associated with a process of *reeducation*: the “unlearning” of “patterns of thinking and acting that are well established in individuals and groups and operates at the level of norms and values expressed in action” (Coghlan& Jacob 2005: 446). In other words, change, whether environmental or institutional requires, as the content of such a change, both behavioral and values conversions, with the whole idea being to increase the cost of the path dependent status quo to intolerable levels.

Refreezing is the final stage which attempts to stall possibilities of reverting to an earlier or initial stage. It formally or informally *coopts* (Selznick 2007: 143) the agents, subjected to behavioral and values changes, into the new institutional structure, through different policies and procedures, as well as through commitment to and following up on replacing old attitudes with new alternatives. Together these elements constitute the new *legitimizing* and stabilizing tools and mechanisms. It is worth noting that this three-step model has been frequently and quite effectively used for political objectives of control, with various tools and mechanisms applied to politicize or depoliticize i.e. sway a populous, in one way or the other. It would be a relevant exercise to apply it to *administrative* ethics in an attempt to de-corrupt or sanitize a corrupt environment, as well. Some tools will be suggested in what follows which may serve the purposes of innovation in this respect; *innovation* being “the effort to create purposeful, focused change in an enterprise’s economic or social potential” (Drucker 2002: 96).

Collective Responsibility, Collective Punishment, and Modified Vendetta

Lewin constructed his model with the purpose of analytically identifying the steps that ought to be followed in order to bring about a desired change. However, he did not provide in clear terms what the agents of change should do in detail in order to accomplish such an objective (Levasseur 2001: 73; Mathews 2009: 8). In order to help launch the unfreezing stage, by which the “natural defense mechanisms” and “mental set” (Mintzberg et al 1998: 142) of corrupt *group* identifications, may be surmounted, the notion of the ‘collective’ needs to be reinstated as a tool of change.

Collective sanctions refer to a situation in which, “when an individual violates or complies with a rule, not merely the individual but other members of that person’s group as well are collectively punished or rewarded by an external agent” (Heckathron 1988: 535-536). Its punitive aspect aims at pervasive corruption as an intentional and willful act of wrongdoing. In a collective sense it involves the *perpetrator*, the *accomplice* as well as possibly the *witness* or *fellow traveler*.’ The latter may have not been a direct accomplice or culprit, yet becomes indirectly so given that he could have done something to stop or report the wrongdoing but chose not to. In addition, the environment in which all three parties practice their agency also exerts a crucial influence. Pervasive societal and organizational corruption therefore, is to be perceived from the different perspective of collective responsibility and collective punishment, as a means of changing the environment structure by altering agents’

behavior and increasing the cost of maintaining the status quo. This requires a *major effort*, and if fighting corruption is to constitute such an effort, punishment may well have to be *disproportionate*. Collective sanctions as a representation of disproportionality based on the principle that corruption is a collective responsibility helps “unfreeze” a situation and break path dependencies and patterns, as a prelude to changing behavior toward a new equilibrium. This is the case because a one time or sporadic anti-corruption campaigns by say, an autonomous or semi-autonomous supervisory agency, while they may reduce the level of corruption during the operation, frequently have no effect thereafter (Tirole 1996: 11). Disproportionate sanctions can work both ways; not only in the direction of punishment but also in that of “*amnesty*.” According to Tirole’s study, amnesty, if feasible and depending on types of corruption involved, may be “*welfare enhancing out of [the] steady state*” of corruption (Tirole 1996: 12). Offered to those who had committed acts of corruption at some initial point say, time zero, “*yields a Pareto improvement*,” and enables a group to return immediately to the low corruption steady state (Tirole 1996: 12).^{vii} Certainly, an amnesty is not possible in all cases, and should not be offered to the ‘big guys’ as this would be a sign that *big guys* do get away with their misdeeds. Any subsequent anti-corruption discourse would consequently lose its credibility, when the essence of any such endeavor is what has just been lost. As a result, no trust is likely to be restored. Amnesty therefore, should not be perceived as a means of escaping consequences of misdeeds. In fact, it serves the additional purpose of its opposite—disproportionate punishment. It helps to justify and set the psychological ground for applying a strict and collective form of retribution beyond any reasonable excuses that could be made. Those who commit any form of administrative corruption or bribery, after time zero, would be administratively penalized *individually*, as well as being subjected to severe legal repercussions, but also as part of a collective form of punishment, all for having wasted their ‘*second*’ chance. The purpose is to help demoralize and weaken responsive defenses of a *potentially* corrupt (bribe sharing) cohort, as well as identifying an individual and collective focus of “responsible agency” (Moody-Adams 1994: 292). Such a regime provides individuals belonging to a particular group with “incentives to regulate one another’s behavior,” thus enforcing norm compliance and creating a social context in which a wrongdoing individual turns his entire group into a group of wrongdoers as well. For it is to be clear that when dealing with others, a corrupt individual “never stands alone” (Heckathron 1988: 535-536). This constitutes a form of “modified vendetta” which recalls ancient tribal and group notions of informal and ‘unofficial’ control and retaliation against aberrant behavior by an individual(s)

belonging to a collective, as well as injury by 'outsiders'(Shipp 1987: 606).

Advocates of individual responsibility, to whom group punishment is perceived as a "primitive" and "disreputable atavism of premodern, communalist cultures," as "anachronistic" as "punishing the innocent" is immoral," may strongly oppose the idea (Levinson 2003). This would tend to confine possible approaches to *linear* perspectives despite the need of applying *non-linear* tools to ill-structured or wicked problems such as pervasive corruption. Tools should be evaluated in relation to their "utility" not their "novelty," as they exist for the benefit of the people not the other way round (Rigby 1993: 15). Yet, despite Daryl J. Levinson's interesting study justifying the principle of collective sanctions, he seemed constrained by the limitations of linearity. He felt obliged to speak in the language of a "forward-looking, functional perspective" (Levinson 2003: 6) in order perhaps to avoid perceptions of being backward looking and therefore adopting some form of a non-linear approach. This however, need not be necessary in general, but particularly when dealing with pervasive corruption in societies where the idea of the collective is not strange to their culture and ethical values. In many of these societies, members can readily accept the notion of collective responsibility to an act committed by an individual within the group. Levinson suggested a strategy of "*delegated deterrence*" as an alternative conception by which the "responsibility for deterring individual wrongdoers is effectively delegated by an external sanctioner to a group that is well-situated to implement an efficient regulatory regimen" (Levinson 2003:5). This is a form of "informal monitoring" mechanism or tool, delegating monitoring of individual members to the group. Internal informal monitoring is believed to be much more effective than, formal monitoring by an external agent (Heckathron 1988: 538), as it becomes a form of self-policing.

Collective sanctions and delegated deterrence however, are not the same, even if overlapping and their differences remain quite subtle. Collective sanctions create a condition designated by Lewin as "*interdependence of fate*," where a heterogeneous group comes to form a psychological construct, not because of any particular similarities among its members, but due to a feeling of a common fate, or due to a strong sense that the fate of each member as well as that of the group is interdependent. The stronger the interdependence of fate the more an individual would be expected to contribute to the group's welfare. Delegated deterrence in turn strengthens this relation by creating "*task interdependence*" or common goals and objectives among a group of possibly diverse

members (Smith 2001: 2-3). Both tools link the group members' *task* and *fate* in such a way that if the group as a whole fails to perform the task of monitoring and policing corruption among itself, all members are punishable. "Not because they are deemed collectively responsible for wrongdoing but simply because they are in an advantageous position to identify, monitor, and control responsible individuals — and can be motivated by the threat of sanctions to do so" (Levinson 2003: 4). If and when such a mechanism does in fact produce a new equilibrium of norm compliance, the external agent can eventually establish significant influence over group behavior as both formal and informal regimes of control buttress each other (Heckathron 1988: 538-539).

It is possible however, that members of the entire group may choose to '*rebel*' and decide that all of them would take bribes. Since all of them are culprits, the assumption is that no one will have an incentive to bear the risk or responsibility of exposing the activity. This situation can however, be turned into an opportunity. For one thing, if all engage in taking bribes, such a group activity would become more visible and discernable to '*integrity*' agencies as well as their network of *informants*, thus reducing the costs and demands of monitoring. In addition, it should be made clear that collective culpability and/or connivance would lead to ratcheting punishment up not down, given that as individuals they have failed to perform their collective *task*. There is no room here for pointing a finger of blame toward somebody else. Reporting a person who takes bribes becomes simply an act of self-preservation as well as self-defense given that such a person who chose to commit this act has at the same time, chosen to jeopardize the welfare of those working with him. In this case he has already committed a threatening and detrimental act to all others, the entire group, or the colleagues in the bureau. He has broken the code of *interdependency*. Thus, when one or more members of the group, say, reports the corrupt activities of a coworker to a supervisory agency, this individual is not to be perceived necessarily as a 'whistleblower' in the strict sense of the word.^{viii} Knowing this is important in minimizing psychological hindrances that may be associated with possible feelings of having betrayed a coworker.

The application of the tool of *amnesty* may also be practical in this framework. Any individual or member of this group who exposes its corruption would become automatically immune from any kind of responsibility or liability even if at one point of time, he had engaged in this very same wrongdoing. 'Honor among thieves,' or the minimal level of trust that must exist among them in order to continue to function effectively as a group or as a network, is to be undermined

by creating a context or a permanent environment of distrust, anxiety and uncertainty— a sort of a pervasive prisoner’s dilemma. This would set *path dependency* under constant stress, as past collaborative behavior need not ensure the same in the future. Each member of the group will constantly recognize that at any time in the future, one or more individuals may very well decide to defect or jump ship in order to save oneself, wipe the slate clean, or for any number of reasons, personal or otherwise. Distrust of the kind also serves to *unfreeze* the problem as it destabilizes the ‘rules of the game,’ jolts people out of “moral lethargy” by bringing them around to the idea that one can still be guilty for shirking responsibility or doing nothing when one should have (Houston 2002: 1 & 5; Rääkkä 1997), and *subverts* corruption by turning it against itself. In fact, the study on collective reputations conducted by Tirole, made the insightful point that in order for an organization or firm to undergo the very difficult process of trying to restore a compromised reputation, due for instance to lax management and/or poor workers’ performance, its only choice is to mass fire its workers if it could afford the cost, even without evidence. This presumably implied firing honest workers as well. For if the organization or firm were to rely on evidence to conduct firings and to renew its labor force, this structure as the study concluded, would never be able to restore its reputation even long after negligent management had been replaced (Tirole 1996: 17). This outcome may be in stark contrast to the Kantian maxim that “only the guilty should be punished” (Corlett 1992: 209; Altman 2007). However, rehiring the honest workers, in case they are identifiable, remains an option, and is not to be precluded.

Collective responsibility and sanctions by the same token, may contribute to producing the opposite effect of increasing broader social cohesion and responsibility and consequently, social trust. Social trust encourages the building of “reputations” as important sources of “social information,” “identifiability,” and “control” (Kollock 1998: 199), possibly instigating a *snowball* as well as a *ripple* effect that would help restore a measure of societal integrity and equilibrium. Collective sanctioning, to the extent that it can help strengthen the notion of collective responsibility as well as social structures, and encourages reputation building, becomes an important tool and mechanism in an *environment* where the costs of monitoring individual moral agency may be prohibitive. By restraining the ‘*having to be*’ mind-set, it may contribute to unfreezing the corrupt identity and its cumulative manifestations.

Some Practical Implications

Bureaucratic organization remains necessary even if it suffers from a *reputational* crisis or loss of public trust, due to a discrepancy between “norms” and “practices” (Peters 2001: 165). The question then becomes how to reform it by subverting its corrupt institutional elements— i.e. how to subvert the institution of corruption that has overtaken bureaucracy? State capture where public officials create a ‘nonstate’ private market for the provision of normally public goods (e.g. the security of property and contract rights) as well as rent-seeking opportunities (Hellman et al 2000: 4) may be one way to subvert the bureaucracy, but hardly its corrupt practices. Attempts at going around inefficient state institutions, especially in countries which suffer from poor state capacity, can lead to further “atrophy” of official organs (Jenkins 2007: 176). It is important to note that reforming that which had functioned relatively well in its proper environment, but fell short when the context changed, is different from reforming that which had not functioned well in the first place (an element of path dependency). It is important also, to emphasize the pervasive corrupting influences associated with rolling back the state, particularly in less developed countries. For while earlier sources of bureaucratic corruption may have been largely endogenous, state capture reflects the interplay of endogenous as well as exogenous sources of the same. This is perhaps a main reason way the global scene has come to exhibit a perhaps unprecedented explosion in the manifestations of this phenomenon at all levels. Ongoing attacks on and criticisms of bureaucracy in fact have less to do with its proclaimed inefficiencies and more with ideology— the ideas and interests of dominating forces (e.g. neo-liberalism), as much of the so called reforms adopted by these countries, are undertaken in response to exogenous rather than endogenous pressures (Peters 2001: 3). This is why Guy Peter’s call for governments in developing and transitional countries to develop their administrative competencies before attempting to ‘reform’ or ‘dismantle’ their more or less formalistic system of the bureaucracy, while insightful, is likely to fall on many deaf ears. (Peters 2001: 164). For it bears serious implications regarding perceptions of the continuous existence of a functioning bureaucracy, not only as a mechanism of state formation and consolidation, but also of collective corruption control.

Following from the above reasoning some broad heuristic observations may provide hints for further consideration even without delving into details of bureaucratic reforms. A bureaucracy, presumably, is a setting where a public servant would have a permanent job, for life so to speak, among other privileges. Changing

a parameter into a variable and then measuring the effect of such a change may be of relevance. A new bureaucratic rule may be something like this: as a civil servant you have a permanent job except if you take a bribe. Then you will be fired and subjected to other forms of punitive actions, while your immediate coworkers as well as superior(s) will be collectively fired for failing their collective responsibility, together with say, no severance pay. Of course it must also be handy knowledge to all civil servants who to contact (e.g. autonomous or semi-autonomous investigative organization), and which phone number(s) to dial in order to report an incident should immediate collective controls fail to rectify a situation. In addition to fighting bribery, this may also be a means to cheaply cut down the size of a bloated bureaucracy.

In his *'Ethical Cleansing'* article Brian Moran suggested that, "organizations and institutions can only be as ethical as their employees and members" and that time was opportune for innovating in the "realm of ethics training" (Moran 2007: 019). This means that "moral blame and punishment must ultimately go to the people who have deliberately set the viruses loose or failed to control them or willingly submitted to them." In other words, the target of punitive action should be the concrete "flesh and blood", not the abstract structure as such, even if the latter may need some measure of 'reengineering' Otherwise, it remains an ethical mistake as well as misdirected energy to consider an organization, in this case, bureaucracy, as a moral agent per se, and the sheer focus of blame, for one "cannot reason with the organization nor ... shame it" (Kerlin 1997: 1437). Thus, if there in fact, is corruption in bureaucracy, this however, is no reason to demolish or undermine the entire institution as it does serve the important purpose of allowing better possibilities for applying mechanisms of collective sanctions and modified vendetta.

An additional effective way of dealing with institutionalized corruption is through altering institutional power relations. "institutions are concentrations of power in the service of some value. A correlation between power and commitment to a certain value is thus the defining characteristic of an institution and determines its causal impact on social life" (Stinchcombe 1968: 9-10). If corruption is institutionalized, and commitment to bribery is a defining (negative) value, then shifting the power relations between the corrupt civil servant and the individual seeking service, may be an important factor in changing behavior, while still maintaining an organization's basic structure. One can cite an empirical case observed by the author, related to a European international superstore chain that established its branches in a Middle Eastern

country where giving tips for any service rendered is a matter of course. The store management wanted to eliminate this type of behavior, coming from both sides, the customer and, the service provider who typically makes the customer aware that he expects a tip even for just doing his job (a subtle form of extortion). The store hanged posters all over the store which stated something like: "Please do not give me a tip, I do not want to lose my job." It was possible to observe an actual and even immediate change in behavior where tip giving actually ceased. This was a much more successful case as opposed to others where posters stated for example, that tips are not allowed, or that "we are here to serve you," among other stylistic variations. In the latter cases, the client was never sure whether he should *really* not pay anything, and had to continue to speculate as to how this might impact on the quality of the service provided. Tips or bribes consequently continued to be paid as usual. In the superstore case and through a better choice of words power relations were significantly altered. The customer acted as if he was doing the service-provider a favor by in fact not giving any tips since that would cause him to lose his job. The service provider was aware that the customer thinks this way and acted accordingly. Of course, both must know that in case a tip is asked for or paid, the employee will in fact lose his job. This is a constraint on management credibility, to which the tool collective punishment may be added (this tool was not applied by the chain). According to the principle of collective responsibility, if someone does take a tip, his sectional or departmental coworkers must make sure to report the incident, in case they fail initially to restrain the wrongdoer, otherwise they too would lose their jobs. In any case, the contextual change created a situational "dilemma" by which the previous order of individual 'rationality' associated with maximizing gain through taking tips is transformed into being an act of both individual and collective 'irrationality.' Everyone becomes worse off if they choose to persist in their behavior (Kollock 1998: 183). All become guilty by virtue of not applying the corrective tool of modified vendetta.

This was an interesting case that showed how minor changes or adjustments can in fact produce significant differences provided the decision-maker or management is able to correctly read the context and pursue policies accordingly i.e. parsimoniously formulate a strategy that is appropriate to the "empirical terrain" (Stinchcombe 1968: 4). Admittedly, the superstore chain was not a bureaucratic structure, and whether this outcome can be universalized remains an empirical question. Yet its experience may still offer helpful insights — through a simple device, power relations were relatively altered, a situation was un-frozen, and a path dependent behavior broken.

Conclusion

Bribery, as a representation of structural, pervasive and endemic corruption, is wicked both ethically and as a problem seeking a resolution. The global explosion in this phenomenon, which underlies much of all other forms of wrongdoing, has rendered it a form of “routine” cultural practice generating a state of “banality of wrongdoing”. A constructed environment, where cultural ‘blindness’ as well as “blindness” to ethical alternatives is set, in order to prohibit or constrain any possible questioning of the morality of ‘cultural practices’ of the kind (Moody-Adams 1994: 298 & 294). The fact that corruption is contagious and capable of producing an intricate network of interests, spanning all class distinctions and economic variations, ‘freezing’ them into a self-consolidating complex environmental and cultural setting, makes any attempt to reverse this pattern risky and extremely complicated. Particularly so, when corrupt political, administrative and governmental systems are major causes as well as effects of such a wicked outcome. Both *formal* and *informal* forces and structures are at play as the entire society becomes enmeshed into the vicious circle of corruption. State capture not only reflects high level corruption up the hierarchical echelons, but also the state as a producer of corruption, or the corruptor state, in response to demands of transnational capital flows, with serious economic and political implications. Administrative corruption in turn constitutes the lower level mirror image with additional negative social implications. The connective hierarchy of corruption which represents the wickedness of the problem goes something like the following: global capital flow demands—> administrative and organizational corruption—> domestic state capture —> corrupt identity—> corrupt society—> insane society. Governance institutionalizes all those aspects of ethical decay into a ‘frozen’ framework — a norm.

To attempt to break the vicious circle of corruption, the very concept of governance need be recognized if not part of the problem then at least not the one best representation of it. The focus in this paper on the administrative manifestations of the dilemma is made for purposes of analytical parsimony, despite acknowledged shortcomings of such a method in dealing with a mess of this nature. I have tried therefore to develop a measure of form or structure to the problem by suggesting a possible comparison of policies adopted by many regimes to depoliticize their societies and to control political action, and refocus such policies instead on *de-corrupting* or ‘unfreezing’ strategies that help break path-dependencies. In many ways, corruption is similar to politics or to a political situation. A comparison with politics, with its different degrees of failures and

successes, may allow for learning from actual experience. The characteristic *resilience* and *complexity* of political gaming between protagonist and antagonist groups is relevant to the equivalent characteristics of corruption. Like politics, it is an expression of power and interests, taken to the extreme, unconstrained by moral, ethical, or legal considerations. It is also a form of base violence, deprived of any of the virtues of war as the continuation of politics by other means — to paraphrase Carl von Clausewitz. An institutionally corrupt society in other words is a society at war with itself or against itself— a subverted and therefore insane society.

Like a political process, corruption is a resilient phenomenon that at best may be *resolved* not *solved*. Thus, I have attempted not to lose sight of a main constraint of dealing with a wicked or ill-structured problem, and that is not to be overly ambitious about what can be accomplished. Attempts at a 'rational' approach to problem solving may not be of much help, as it is very difficult to delineate all strategic options or novel tools and then choose the most appropriate. This is so as not much confidence in the representation of the problem is possible from the outset, nor can the outcomes and consequences of any proposed re-solutions or strategies be initially anticipated. For in a wicked setting any response is very likely to change the nature of the problem—the type of resilience capable of making a comeback even if in a different form. (Camillus 2008: 104). The alternative approach suggested by John Camillus is to simply "experiment" with any number of feasible strategies or re-solutions despite uncertainty about what may in fact transpire (Camillus 2008: 104); a form of *action learning*, consistent with Lewin's aphorism "if you want truly to understand something, try to change it."

In choosing tools one need not be constrained by their novelty— i.e. linearity. Experimenting with older or ancient wisdom is not necessarily a vice. As a form of '*experimentation*,' I have suggested collective responsibility and collective sanctions/punishment as potentially relevant and effective tools and mechanisms of corruption control. This is particularly so when efficient formal monitoring is inadequate, for whatever reasons, and needs to be complemented with some form of "mandatory self-policing" (Feinberg 1968: 681). They are relevant because in societies with endemic corruption, a collective phenomenon of the kind necessitates a collective rather than a mere individual case by case approach. Collective sanction norms provide and highlight the link "between the macro- and microsocial levels and between formal and informal social control." They also contribute to "norm emergence" particularly suited to the diverse contexts of "the agent and the group subject to the agent's sanctions," and can integrate the

experiences of these contexts, e.g. politics, war, subversion, and corruption, into some common framework in order to gain additional insight (Heckathron 1988: 540-541). Such insight can inform action learning. By exacting social responsibility on diverse groups, norms of social as well as moral control may support counter-corruption values and behavior by re-constructing affective solidarities as well as inter-subjective communication in pursuit of an ethical “collective purpose” (Levasseur 2004: 147). Otherwise, endemic corruption can lead to very serious implications and consequences — as far as the deserved collective dismantling of the state structure itself.

Endnotes

ⁱ The logic of this test is frequently utilized to counter confounding arguments that something is not what it appears to be (Wikipedia; see Duck Test); for instance that what constitutes ‘corruption’ is a *relative* matter. See also ‘the elephant test.’ It refers to situations in which an idea or thing “is hard to describe, but instantly recognizable when spotted” (Wikipedia: see elephant test)—a sort of ‘I know it when I see it’ type of argument. Both are utilized in this paper as sufficing conditions in order to circumvent contentions about the diverse meanings of corruption in different cultures and societies or about cultural relativity.

ⁱⁱ According to Ackoff, “...no problem ever exists in complete isolation. Every problem interacts with other problems and is therefore part of a set of interrelated problems, a *system of problems*.... I choose to call such a system *a mess*” (1974: 21).

ⁱⁱⁱ In fact, ‘state capture’ fuses two unvirtuous concepts: *Kleptocracy* and *Kakistocracy*. The first one refers to a rule or government by thieves; from Greek *kleptes* (thieves) and *kratos* (government, rule) (Wordsmith Words 2010a; Oxford English Dictionary 2010) and the latter to the government by the worst, least qualified or most unprincipled and unscrupulous citizens; from Greek *kakistos* (worst) + *-kratos* (government, rule). (Wordsmith Words 2010b; Oxford English Dictionary 2010). Together they combine the economic and political capture of the state and this is what makes the problem of corruption ‘wicked’ both ethically and in terms of having no possible solution. This fusion is common among many regimes in less developed as well as transitional countries. The Mubarak regime of Egypt is an archetypal case in point.

^{iv} *Parsimony* is the use of the simplest or most frugal route of explanation available. See also *Occam’s razor* or “the meta-theoretical principle that “entities must not be multiplied beyond necessity” (*entia non sunt multiplicanda praeter necessitatem*) and the conclusion thereof, that the simplest solution is usually the correct one” (Wikipedia.org).

^v According to Tirole, “[i]f past individual behaviour was fully unobserved, members of the group would have no incentive to sustain their own reputation and therefore the group would always be expected to behave badly. Conversely, the collective reputation would play no role if individual behaviours were perfectly observed” (2). In other words, a “group’s reputation is only as good as that of its members” (1).

^{vi} Lewin observed behavior and change to be a function of the individual (agent) and the environment (structure). He set the formula as follows: $B = f(P, E)$ where behavior (B) is a function of the person (P) and the environment (E) (Coghlan & Jacob 2005: 446).

^{vii} Pareto improvement refers to a “set of alternative allocations of goods or outcomes for a set of individuals, [where] a change from one allocation to another ... can make at least one individual better off without making any other individual worse off” (http://en.wikipedia.org/wiki/Pareto_efficiency).

^{viii} On the risks of whistleblowing see (Dye 2007: 318).

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