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Understanding Corruption: An Interdisciplinary Socio-Legal Perspective

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ЎЗБЕКИСТОН РЕСПУБЛИКАСИ
ХУҚУҚНИ МУҲОҒАЗА ҚИЛИШ
АКАДЕМИЯСИ

АХБОРОТНОМАСИ

ИЛМИЙ-АМАЛИЙ, ИЖТИМОИЙ-ҲУҚУҚИЙ НАЗАРИЯ ВА АМАЛИЁТ УЙҒУНЛИГИ САРИ

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UNDERSTANDING CORRUPTION: AN INTERDISCIPLINARY SOCIO-LEGAL PERSPECTIVE

ABSTRACT. This article describes the mainstream global debates in the field of (anti-) corruption, discusses the main challenges to understanding and combating corruption, as well as introduces an interdisciplinary socio-legal perspective to the study of (anti-) corruption. Based on these global experiences, the article provides recommendations for developing an educational program in the field of (anti-) corruption studies at higher educational institutions in Uzbekistan. We believe that (anti-) corruption should be studied and understood from an interdisciplinary and multilevel perspective.

АННОТАЦИЯ. Ушбу мақола (анти-) коррупция соҳасидаги глобал мунозараларни тавсифлайди, коррупцияни тушуниш ва унга қарши курашишнинг асосий муаммоларини муҳофаза қилади, шунингдек, коррупцияни ўрганишнинг фанлараро ижтимоий-ҳуқуқий нуқтаи назардан тақдим этади. Ушбу жаҳон тажрибасидан келиб чиққан ҳолда, мақолада Ўзбекистондаги олий таълим муассасаларида коррупцияга қарши тадқиқотлар соҳасида таълим дастурини ишлаб чиқиш бўйича тавсиялар берилган. Биз коррупцияни фанлараро ва кўп босқичли нуқтаи назардан ўрганиш ва тушуниш керак деб ҳисоблаймиз.

АННОТАЦИЯ. В этой статье описываются основные глобальные дебаты в области (анти)коррупции, обсуждаются основные проблемы понимания коррупции и борьбы с ней, а также представлен междисциплинарный социально-правовой подход к изучению (анти)коррупции. На основе глобального опыта в статье представлены рекомендации по разработке образовательной программы в области (анти)коррупционных исследований в высших учебных заведениях Узбекистана. Мы считаем, что (анти)коррупцию следует изучать и понимать с междисциплинарной и многоуровневой точки зрения.

Key words: understanding corruption, interdisciplinary socio-legal perspective, anti-corruption studies.

Калит сўзлар: коррупцияни тушуниш, фанлараро ижтимоий-ҳуқуқий нуқтаи назар, коррупцияга қарши тадқиқотлар.

Ключевые слова: понимание коррупции, междисциплинарная социально-правовая перспектива, антикоррупционные исследования.

Global Debates in the Field 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; Vlasis, 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 economic 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).

Challenges to Understanding and Combating Corruption

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, organization 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 in 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.

Introducing an Interdisciplinary Socio-Legal Perspective to the Study of (Anti-) Corruption: Teaching

Corruption at Higher Educational Institutions of Uzbekistan

Today, in Uzbekistan, in particular, at the Law Enforcement Academy, both scientific and policy-oriented work is being carried out to understand the causes, persistence, and societal consequences of corruption. For example, on the basis of the master's program, graduate students are being trained in the specialty of "Combating Corruption". In the frame of this master's program, students conduct scientific research and write a master's thesis in the field of (anti-) corruption (master theses are publicly announced on this site: <https://proacademy.uz/uz-cyr/menu/magisterskie-dissertatsii>). At the Academy, in addition to the master's program, there is also strong scientific expertise in (anti-) corruption research. Doctoral students and independent researchers are also conducting research in order to obtain scientific degrees in the specialty "12.00.12 – Problems of Corruption (in legal sciences)". Institutionally, the Law Enforcement Academy has established a scientific-educational center for combating corruption, which conducts scientific-practical research on corruption-related problems and develops scientifically-based proposals and recommendations. Also, this center runs educational and capacity-building training programs to improve the skills of prosecutors, law enforcement officers, state bodies, and other organizations in the field of combating corruption.

Based on the considerations in the previous section, in this article, we make recommendations for the introduction of a new course at higher educational institutions in Uzbekistan, tentatively titled: "Law, Society and Corruption". 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, organizational 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, organizational 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*

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