‘I AM NOT CORRUPT’: TARGETED AWARENESS MESSAGES TO FIGHT CORRUPTION

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About the practice notes

The Global Rule of Law Exchange (‘the Exchange’) is a project of the Bingham Centre for the Rule of Law in London supported by law firm Jones Day. The Exchange aims to address key challenges posed by global development and its relationship to the rule of law. It will consider the place of the rule of law in emerging economies, including on issues such as access to justice, administrative justice and corruption. It will also examine the relationship between formal and informal legal systems and the measurement of success in rule of law interventions.

The Exchange also aims to explore and contribute to the evidence-base on the relationship between development and the rule of law. The Exchange launched a call for practice notes in May 2015 to this end. Among other things, these short documents (around 3,000 words) aim to provide new ideas, identify research gaps and discuss what works and what does not in rule of law interventions. The full list of practice notes touch on a wide array of topics, including corruption, access to justice, legal aid, prison systems and international justice mechanisms, and the impact and measurement of rule of law reforms. The list of published practice notes can be accessed online: http://binghamcentre.biicl.org/ruleoflawexchange/research-to-practice

There are two categories of practice notes in the series: ‘Comments’ capture those that analyse a discrete rule of law issue or theme (e.g. access to justice) and ‘Field Notes’ tend to be papers that present a new approach or framework to studying rule of law and/or provide new evidence (sometimes drawing on the author’s own research).
'I am not corrupt': targeted awareness messages to fight corruption

FIELD NOTES

Corruption of public officials constitutes a serious infringement of the core principle of the social contract. It violates the principle of the rule of law and instils doubts as to what citizens can reasonably expect from the state and from one another. As research carried out in the past decades has largely documented, corruption also negatively affects economic development and social cohesion. The regulatory, legal, and repressive anti-corruption arsenal has improved over the past few years, but there remains little understanding of what works and what does not in awareness campaigns, and especially how one's relationship with one's identity (that is, how one's perceives one's place and role in society) matters in the fight against corruption. Using the concept of '(self)-identity' is, however, potentially promising for one simple reason: most of us do not see ourselves as (nor do we want to be perceived as) corrupt individuals.

This paper focuses on the role of identity in anti-corruption initiatives. The first section presents an overview of the main anti-corruption tools and introduces the economics of corruption. The second section presents two recent research pieces connecting different identity concepts to dishonest behaviour and our own research on professional identity and bribery. The last section discusses these results and their implications for policy-making.

1. Practical and theoretical approaches to fighting corruption

Corruption is typically defined as “the abuse of entrusted power for private gain,” and can be applied to the various forms of corruption: from petty bribery to kleptocracy. In this paper, we focus on the bribery of public servants, a topic which has gained explicit and substantial attention since the mid-nineties. Corruption is now high on the agenda of governments, international and civil society organisations. Electoral campaigns running on anti-corruption platforms – for reasons that may or may not be legitimate – are quite common. This surge of attention has stimulated research on 'corrupt' systems. The context in which corruption occurs, the socio-economic situation and the self-identity of an individual have slowly been gaining more attention in this research.

A. Practical approaches

Policy makers have the choice between different, non-exclusive, approaches to fight corruption. They can:

- Adapt international legal instruments to national law. One of the first of such treaties was the 1997 OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, which was followed by the 1999 OECD Anti-Bribery

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Convention and finally, in 2003, the adoption by 140 countries of the United Nations Convention against Corruption (UNCAC). Like most international conventions, enforcement is exclusively a state prerogative.

- Use repressive tools. These include regulatory and administrative measures against corrupt individuals such as prison sentences and fines, as well as bans from political mandates or public service. These can be applied at the sub-national or local level as required.

- Employ tools to improve law enforcement and detect corrupt individuals. This includes for example: special anti-corruption brigades and courts (which should be independent from otherwise potentially corrupt police forces and the courts), anonymous phone lines or mail boxes to facilitate denunciations, asset declaration systems for civil servants and politicians and special protection for whistle-blowers. The effort is mostly state-driven, though activists and the civil society can also help. These tools often necessitate a strong and independent judiciary, a condition that might not be met in fragile contexts.

- Resort to awareness-raising tools, which we will discuss in this article, and which are typically less well-researched. Often, project documents discuss anti-corruption awareness campaigns but rarely give further details about who they target and what exactly should citizens or public servants be aware of\(^3\). Raising awareness (for example through slogans such as “with corruption, everyone pays”, “corruption robs us all”, or “corruption kills”) implies working on the context of corruption and stimulating the decision-making and cognitive processes of the people who could be corrupt or interfere with corruption.\(^4\) When more information is available on the nature of the awareness campaigns, the emphasis almost always appears to be on the potentially unknown or neglected costs of corruption or on the rules and costs of being caught.\(^5\)

A series of policy-makers have, however, decided to go one step further in shaping the general public attitude towards corruption. Among others, Nepal has recently launched a reality TV show called ‘Integrity Idol’, where civil servants exposed to corruption run for the title of the most honest civil servant in the country, while an anti-corruption museum stressing the damages of corruption has just opened in Bangkok and a movie featuring an anti-corruption hero been released in Ghana. These preventive initiatives are often solidly grounded in basic ethical values. They appeal to the way one relates not only to others but also to oneself. A short detour through scientific research is, however, useful to understand corrupt behaviour and what could make preventive tools efficient.


\(^3\)Aiddata.org, which tries to list development aid programmes worldwide, contained 4,440 projects against corruption (on 03/10/2015 – out of 1,660,000 projects) and most of them had a corruption awareness component.

\(^4\)For anti-corruption campaigns in various countries see: https://goo.gl/b6vl8x

B. Anti-corruption in Theory

Economists tend to construct their analysis of corruption around the monetary incentives encountered by a money-maximising agent in an illegal situation. This approach rests on the assumption that fighting corruption is essentially a matter of incentives. Economists apply a cost-benefit analysis and propose to act on three complementary points: (i) the wage of the public servant, which should be significant enough so that the public servant does not want to risk losing it by accepting bribes; (ii) the monitoring system, since experiments suggest that even a low probability of getting caught is a powerful deterrent for a potentially corruptible agent; and (iii) punitive sanctions, which, provided that they are severe enough and enforced in a credible manner, are also known to deter corrupt behaviour. Implementing these economic solutions, however, relies on the political will of the government and entails large costs.

There are, however, alternative explanations to corruption which relate to the concept of identity. Psychologists and anthropologists consider the intrinsic motivation of the individual as an important non-monetary incentive for corruption. Economists like Akerlof and Kranton have explored the ‘identity side’ of one’s individual behaviour. They highlight the fact that agents do not only make economic decisions on the basis of external rational incentives, but, rather, based on their conception and expression of their own identity. In their theoretical model, the closer one person is to his/her ideal self in reality (observed through his/her actions), the more utility he/she gets. This suggests that identity might then be worth considering as a preventive policy tool. We now discuss this in greater depth, based on existing research and our own findings.

2. How does one’s relationship to herself matter in awareness-raising campaigns? Some experimental evidence

Three recent studies cast a new light on the cognitive and rational processes involved in corruption on the ‘supply’ side of public service delivery i.e. the individuals that are exposed to bribery. In this section, we briefly summarise the key results of the studies.

In order to understand an individual’s typical decision-making process, all three studies use behavioural games in which participants play a game that models a real situation with real (financial) incentives. This sort of set-up, which follows the first corruption experiments by Frank and Schulze carried out in the late 1990s, is carried out in relative isolation from the broader context in which the experiment takes place. The fact that it is a game whose different parameters are controlled by the experimenter enables to sharply focus on the mechanisms at play.

The first experiment by Bryan, Adams and Monin was carried at Stanford University with student

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6 Gary S Becker and George J Stigler, ‘Law Enforcement, Malfeasance, and Compensation of Enforcers’ (1974) 3(1) Journal of Legal Studies 1; Susan Rose-Ackerman, ibid 1
participants who were asked to play a simple game. They had to pick a number and were told that only those who had picked an odd number would be rewarded with $5. They were also asked to report the number they had initially picked to the experimenter, who instructed one group of participants “not to be cheaters” and the other “not to cheat”. Results show that the former group cheated (reported wrong results) twice as less. The authors conclude that stimulating players’ self-identity —nobody wants to see him/herself as a cheater— could be an efficient mechanism to prevent cheating behaviour. They argue that the first message (“do not be a cheater”) renders self-identity more salient and makes it harder for participants to engage in unethical actions. The results of this experiment bring an important insight on the effect of self-identity that echoes theoretical findings on the importance of one’s (perceived) identity in economic and social behaviour.

Maréchal and colleagues shed light on the impact of professional self-identity on ethical behaviour. Before taking part in a game where, again, total confidentiality was guaranteed, participants who are bankers in real life were asked to answer a series of questions. These questions were meant to implicitly prompt the participant’s professional identity. The game simply consisted in reporting the results of tossing a coin. The results show that reminding bankers of their profession and professional culture before asking them to report the results leads them to more misreporting (cheating). The bankers who were given the opportunity to cheat in order to earn more money were more likely to do so after their professional identity was rendered salient by the experimenter, while other professional groups who were subject to the same treatment were not similarly influenced. The authors conclude that the decadent business culture and the unethical practices of some bankers are largely due to a perverted professional identity.

These two studies look at cheating and honesty, which are similar but not identical to corruption. In December 2013, we conducted our own behavioural bribery game to test the self-identity hypothesis in the context of corruption. Policemen, teachers, nurses, and court staff from Bujumbura, Burundi’s capital city, played a game in which they were asked to allocate 12 vouchers between three citizens who submitted their requests in envelopes (the vouchers gave the citizens access to a rationed public service). It was specified to the public servant that the rationed public service was meant to fulfil a basic need (e.g. water, food) and that every citizen was entitled a maximum of four vouchers. In an attempt to bribe the public servant in his favour, one of these citizens requested more vouchers than the amount he was officially entitled to, and proposed to buy the vouchers above price. The (public servant) players were randomly allocated to three groups: a control group, a group exposed to a standard anti-corruption message, and a group exposed to a message reminding the public servant of his/her identity as a public servant. There was no difference between the three groups in terms of bribe-taking: 90% of the public servants did take the bribe. However, players exposed to the self-identity message allocated the vouchers in a more equitable way than the participants of the control and standard message groups. In line with the previous two pieces of research, our findings suggest that identity is key when dealing with unethical behaviours.

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10 The details of this game are explained in the paper, which also reports the results of other similar ones. Christopher J Bryan, Gabrielle S Adams and Benoît Monin, ‘When Cheating Would Make You a Cheater: Implicating the Self Prevents Unethical Behavior’ [2012] Journal of Experimental Psychology: General No.

11 Alain Cohn, Ernst Fehr, and Michel André Maréchal ‘Business culture and dishonesty in the banking’ (2014) 516 Nature 7529
3. Conclusions and Policy Implications

A. How are (self) identity and corruption related?

All three experiments described above suggest that identity matters when it comes to ethical behaviours. This is an important contribution to the existing understanding of identity and corruption, which has, until now, mostly focused on the 'cultural' side of identity. Indeed, most approaches argue that some cultures - or rather contexts - are more permissive to corruption than others, and that the experience of these contexts shape personal characteristics, thus making some individuals more prone to corruption than others. The results presented in the previous section are of a slightly different nature, since they suggest that the way one perceives oneself has a key influence on ethical behaviour. This has been understood for a long time by psychologists and is exemplified by the slogan against rape “real men don’t rape,” which openly and directly targets the rapist. What seems to be crucial is one’s distance with one’s self-image. Corruption occurs either when one’s image is not associated with strong integrity values (like the bankers in Cohn, Fehr, and Maréchal) or when one distances oneself from an image of integrity (like the public servants in our study). Experimental evidence, however, gives little information about the precise mechanism at play. More research is needed to understand how conscious this mobilisation of self-identity is.

B. What is the external validity of such experiments and what are their policy implications?

The external validity of experimental results is often debated. It is a challenging question: ‘real-life’ behaviours imply a set of contextual elements that may interact with the mechanisms studied in the lab and can neutralise the effect of self-identity messages. More attempts to replicate the results are still needed and should build on the interest of policy-makers around the world.

Policy-makers have little to lose in reflecting upon anti-corruption messages and experimenting with (self) identity based messages. Large-scale natural experiments are, however, needed to document the longer-term effects of awareness campaigns on corruption. They may not be complicated or costly to set up. But they need to be prepared carefully and their effects have to be monitored over a substantial period of time.

The experiments also question some assumptions held by new public management approaches, in which public servants are depicted primarily as self-interested and driven by external incentives. In the Maréchal and colleague paper, judges displayed a behaviour in line with the values of integrity and fairness associated with the justice system. Even in our Burundi experiment, despite the different challenges undermining public service, people still associated their professional identity as public servant with the values of honesty and integrity. Attempts to foster a stronger ethos within the public service may therefore be relevant.

The question for policy-makers is also one of priority. In certain contexts, especially in cases of

petty corruption where the briber has little or no leverage on the bribe-taker and where the public servant is self-aware or reminded of its responsibility, corruption may not necessarily always bias service delivery. Depending on public policy objectives, the policy-maker may then want to focus on creating a fair public service and invest energy in curbing low-level bribery that has little impact on service delivery at a later stage, especially when a strong culture of 'gifts' blurs the definition of a 'bribe.' This is not to suggest that anti-bribery actions should not be pursued, quite the contrary. In most cases, bribery does lead to more unfair public services. However, it can be useful for policy-makers to disentangle the 'fair public service delivery' and 'corruption' aspects when deciding on their approach. In other words, although, in an ideal world, public service should be both fair and corruption-free, in the real world, policy-makers may face financial and logistical constraints that lead them to prioritise either equity in access to services or the perfect integrity of public servants. In the longer-run, one should normally imply the other: why try to bribe if it does not change service delivery – or why provide differentiated services if the pay is the same?

Finally, it is important to bear in mind that working on self-identity alone is probably not sufficient to curb corruption. In line with the current recommendations of anti-corruption agencies and studies, a combination of tools is crucial for tackling corruption and restoring the rule of law. The main contribution of this paper has simply been to emphasise the importance of perceptions of one’s identity and its impact on anti-corruption approaches.
The Global Rule of Law Exchange

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