Index

Aaken, Anne van 199–200
access to information 23–5, 71, 119, 123, 148, 150, 202–4, 234
Acemoglu, Daron 40, 63
administrative law 19, 27, 158, 184–6, 203–4
Africa
elephant poaching 39, 50–51
see also individual countries
African Union (AU)
agreements, narrow interpretation of 88–90
aid see development loans/lending; foreign aid
AIG 10
Albania
CPI ranking 114
Alderman, Richard 228
Allingham, Michael G. 140–41
Al-Shabab 50
Alt, James 97
André, Michel André 141–2
Andvig, Jens 207–8
Angola
BP reputation in 218
condomeration of corruption 236
infrastructure investments 36
anthropological perspective, on corruption 18
anticorruption approaches and integrity systems 22–6
evaluation of integrity systems 25–6
non-criminal anticorruption strategies 23–5
in state administration 53–4
Arab Spring (2010) 7, 79–80
arbitration see investment arbitration
Argentina
CPI ranking 114
Arlen, Jennifer 158
Arthur Andersen 186–8
asset recovery 109–10
Asset Recovery Network of the Financial Action Task Force of South America against Money Laundering 103
attorneys 94–5
Auriol, Emmanuelle 39–40
Australia
WGB report findings on 94
Austria
fines for corruption 106
lack of professional restrictions 108
WGB report findings on 88, 102
autocratic regimes 7, 209
banking industry, corruption within 10
Bank of China 104–5
bargaining powers 144, 191
basic/essential services 208, 227
Beccaria, Cesare 137
Becker, Gary 21, 137
behavioral economics 126–8, 140–42
Bel, Germà 36–7
Belgium
CPI ranking 114–15
WGB report findings on 93, 96–8
Benson, Michael L. 19
Bentham, Jeremy 137
bilateral investment treaty (BIP) 229
blame see placing blame
board members 81, 106, 157–8
Bosnia and Herzegovina
private-sector bribery 90
WGB report findings on 89
Botswana
CPI ranking 114–15
bounded rationality 126–8
BP 218
Brazil
lack of foreign bribery convictions 96
Petrobras scandal (2014) 80–81
repression levels 105
Rule of Law Index ranking 96
breach of trust 91
bribery 8–9
allure of, in challenged societies 213–15
definition 14
legal bribes 87–8
OECD review of cases 9, 24–5
by organizations 153
price-mechanism of
(Rose-Ackerman) 41
sanctions 31
tax deductibility for 85
see also headings at law enforcement; international conventions/treaties; individual countries
B20 Task Force 228
budgets 45–6
of governments 45–7, 55, 97–8, 199
of law enforcement systems 171, 177
Bulgaria
CPI ranking 114
WGB report findings on 88, 92, 101–2
bureaucracy 13
Burkina Faso
Rule of Law Index ranking 96
business surveys 72
Bussel, Jennifer 44–5
Cambodia
CPI ranking 114
Canada
CPI ranking 114
WGB report findings on 88
capital flight, definition 16
capital markets 180, 215
cartels 55, 80–81, 100–101
see also organized crime
Chayes, Sarah 7
Chile
CPI ranking 114–15
lack of foreign bribery convictions 96
China
Communist Party priorities 105
death penalty 31
lack of professional restrictions 108
so called ‘legal firewall’ 104–5
Tianjin chemical explosion (2015) 40–41
The Choice Lab 140
citizens and household surveys 72–3
Civil Law Convention (1999) (CoE) 29
civil law remedies 185
civil society organizations
evaluation of integrity systems 25
role of 234
transparency and integrity initiatives 79
classic prosecutor 195
CMS Guide 90
Coach 10
Cohn, Alain 141–2
collective action 147, 219
collusive corruption
definition 14–15
in state institutions 82
Colombia
Rule of Law Index ranking 96
commercial benefits at expense of anticorruption 84–5
commercial loss, risks of 221
competition authorities 6, 24, 55, 81, 100–101
competition law 24, 55, 100
composite index, definition 66
confidentiality 191, 202
conflict-of-interest regulation 23
Confucius 173–4
Index

consequences of corruption see corruption, causes and consequences of
corruption, causes and consequences of
control and criminal law see crime control equilibria; economics of
crime/corruption
controlled experiments see micro-level controlled experiments
(AU) 29
Convention on the Fight against Corruption (EU) 29
conviction-based forfeiture (Hatchard) 110
coordination failure 218–25
challenges of joint action against foreign bribery 219–23
criteria for 218
enforcement substitutes 223–5
coordination problem, use of term 147
corporate compliance see corporate liability and economics; law enforcement systems, and corporate criminal liability
corporate corruption see corporate liability and economics; law enforcement systems, and corporate criminal liability;
scandals; individual corporations
corporate cronyism 9–10
corporate culture 183, 188, 196, 198
corporate liability and economics 152–6
compliance incentives 153–6
duty-based liability 157–60
negotiated settlements 160–62
summary recommendations 165
corporate political influence 217–18
corporate scandals see scandals
corrump decision-making 13, 23, 25–6, 41–4, 143–4, 199, 221
see also corruption, causes and consequences of; economics of crime/corruption
corruption, causes and consequences of 34–75
criteria for corruption 51–2
high risk environments for 51–64
impacts on economic development 35–49
methodological approaches 64–73
summary conclusion 73–5
corruption, introduction 3–33
overview 4–6
anticorruption approaches and integrity systems 22–6
concept of 12–13
criminal law regulation 26–8
definitions 13, 28–31
efficiency in criminal justice 31–3
forms of 14–17
law and economics discourse 20–22
as law enforcement difficulty 7–12
social science perspective on 17–20
corruption as dispositional concept (Underkuffler) 12
corruption-fueling activities, definition 16
corruption indices 38, 66–9
see also Corruption Perceptions Index (CPI); Rule of Law Index (WJP)
corruption-like circumstances, definition 87–8
Corruption Perceptions Index (CPI) 36, 66–9, 114–15, 209, 214
corruptio optimi pessima (the corruption of the best is the worst) 7
corrupt regimes and unintended consequences 216–18
Costa, Alberto 80
cost-benefit analysis 21, 132
Council of Europe (CoE) Civil Law Convention (1999) 29
Criminal Law Convention (1999) 29
Group of States against Corruption (GRECO) 25, 78, 97, 113–14
Crédit Lyonnais scandal (2001) 201
Crime and Punishment: An Economic Approach (Becker) 137
crime competence 134
crime control equilibria 207–13
crime elasticity 135
Of Crimes and Punishments (Beccaria) 137
criminal justice systems, overview

criminal law regulation 26–8
definitions of crime and 28–31
efficiency in 31–3
investigation and prosecution see investigation and prosecution, and efficiency in criminal justice
law enforcement and efficiency in see law enforcement systems, and criminal justice efficiency
law formulation and efficiency in see law formulation, and efficiency in criminal justice
obstacles to efficiency in see efficiency in criminal justice, obstacles to
penalties and sanctions see penalties, sanctions, and consequences, and efficiency in criminal justice
political obstacles to efficiency in see political obstacles, to efficiency in criminal justice
value chain 27
criminal law and absolute standards 27–8
Criminal Law Convention (1999) (CoE) 29
criminal negligence, definition 15–16
criminal procedure acts 123
Croatia
CPI ranking 114
crony capitalism 6, 16
cronyism 9–10, 40
Czech Republic
immunity for public sector 95
WGB report findings on 85–6, 102

Dasgupta, Nandini 37
Davies, Kevin 212
debarment
crime elasticity and 135
fairness and 173
Hatchard on 185
from public procurement 6, 198, 203, 205, 227
repression levels and 107–9
self-reporting and 197–8
defense sector 54–5

deloitte 72
democratic governments 224–5
Denmark
CPI ranking 114
WGB report findings on 98, 108
detection 179
deterrence 31, 128–36
criminal justice efficiency and 171–3, 177
detection vs. 179
marginal 136
propensity to commit crime 129–31
sanctions under resource constraints 132–4, 163
sentencing and repression 131–2
sentencing factors 135–6
Deutsche Bank 10
developing countries
audit institutions 24–5
capacity issues 213, 215–16
colonial legacy 40
impact of corruption on GDP growth 37–40
investment arbitration 230
see also foreign aid; individual countries
development loans/lending 16, 59, 68–9, 87, 216
dictatorships 19
discretionary judgments/powers/decisions
administrative monitoring and 187
bargaining powers and 144–5
as condition for potential corruption 51–2, 82
efficient performance and 13, 53–4
within judiciaries 113, 145
negotiated settlements and 160, 195–6
self-reporting and 190
strict liability with compliance-based defense 182–3
dispute settlement see investment arbitration
domestic law enforcement coordination 100–103
Dufwenberg, Martin 151
duty-based liability 157–60
economic crime 130
inadequate law formulation and
crime definitions 86–95
economic development, impacts of
investigation and prosecution 95–105
corruption on 35–49
law enforcement obstacles, in
categories of distortions of
practice 115–16
allocations 41–4
political level obstacles 78–86
damage due to corrupt acts 40–51
unpredictable penalties, sanctions,
income level and GDP growth 35–40
and consequences 105–10
sectoral variations 44–9
see also individual types of obstacles
economic growth
efficiency in criminal justice, overview
corruption and 37–40
31–4
income level and GDP growth 35–40
efficiency trade-offs 176–80
investment-related disputes and 230
trickle-down effects 49–51
Economies of crime/corruption 119–66
behavioral economics 126–8, 140–42
bridging law and economics
discourse 138–42
bureaucratic structures 145–7
corporate liability 152–62, 165
corrupt decision-making 143–4
deterrence policy choices 128–36
effect of control and sanctions
empirical validation of theories
148–50
126–8
exchange of information and
impact of control and sanctions
transaction costs 145
148–50
incentives for self-reporting 150–52
legal conditions for sentencing
law enforcers 121–4
offenders 121–4
legal skepticism toward economic
loyalty to corrupt deals 147–8
solutions 137–42
rationality assumption 124–6
sanction principle 132–6
sentencing and repression 131–2
summary recommendations 162–6
economics perspective see law and
economics discourse
economy, size of 222
Ecuador
CPI ranking 114
education sector 45–8
efficiency, use of term 31–3
efficiency in criminal justice, obstacles
to 76–116
corruption in law enforcement and
oversight institutions 111–15
Estonia
CPI ranking 114–15
WGB report findings on 93
ethical values see moral values
Europe
CPI ranking 114
European Anti-fraud Office 103
European Police Office 103
European Union (EU)
Convention on the Fight against
Corruption 29
Protocol to the Convention on the
Protection of the European
Communities’ Financial
Interests 29
evaluation
by civil society organizations 25
efficiency trade-offs 176–80
of corporate culture 183, 198
Corruption and criminal justice

of criminal negligence 184
of enforcement impacts 169, 171–3
of integrity systems 25–6
prosecutor as regulator and 197
of reform initiatives 212, 216
see also Group of States against Corruption (GRECO);
monitoring: United Nations Convention against Corruption (UNCAC); Working Group on Bribery (WGB) (OECD)

evidence 123
Ewing, Thomas 50
executives 8, 54, 89, 174, 183–4
export credit agencies 94–5
external auditors 94–5
extortive corruption 14
extractive industries 45–8, 54–5

façades see good governance façades
facilitation payments 94–5
fairness 173–5, 177, 186
Fehr, Ernst 141–2
Feld, Lars P. 199–200
financial institutions 94–5, 101
financial/transaction secrecy 10, 23, 56–8, 67, 122, 203, 215
see also scandals
fines 106–7, 155–6, 192–3
Finland
trade and foreign bribery concerns 84
WGB report findings on 89, 98–9
Finmeccania 84
Fisman, Ray 40
foreign aid 16, 55–6, 59, 214, 216
Foucart, Renaud 36–7
framework for categorizing corrupt distortions 41–4
France
corporate liability 182
CPI ranking 114–15
Crédit Lyonnais scandal (2001) 201
Elf Aquitaine scandal (2007) 9
fines for corruption 106
judicial power 201
private-sector bribery 90
professional restrictions 108
Total corruption and 9

WGB report findings on 85–6, 88–90, 93, 96, 108
fraud 94–5, 231
Friedman, Lawrence 185
game theory 125–6
Georgia
CPI ranking 114–15
Germany
corporate liability 182
CPI ranking 114–15
fines for corruption 106
professional restrictions 108
WGB report findings on 91, 102
Global Corruption Barometer 73, 80
global financial crisis (2007), due to corporate cronyism 9–10
Global Integrity 25
global settlements 226–9
good governance façades 26
governance entrenched corruption and disconnected governance 61–2
good governance façades 26
Worldwide Governance Indicators 38
worst case scenarios 60
see also corruption, causes and consequences of; efficiency in criminal justice, obstacles to; state administration/state authority; individual countries
government hierarchy 143–4
grabbing, use of term 16
Gramkow, Heike 112
Great Britain see United Kingdom (UK)
Greece
CPI ranking 114–15
shipping industry 85
WGB report findings on 90, 93, 98
greed 12, 66
gross domestic product (GDP) see economic development, impacts of corruption on
gross negligence 15
Group of States against Corruption (GRECO) 25, 78, 97, 113–14
G20
Anti-Corruption Working Group 45, 79
on damages due to corruption 31
guilt
as criminal law condition 122
fairness and 173
law and economics discourse on 138, 149–50, 155
organizational retribution and individual 188
responsibility incentives vs. 179–80
see also penalties, sanctions, and consequences, and efficiency in criminal justice

Gutmann, Jerg 200

Haiti
condonement of corruption 236
harmonization of rules/controls 5, 19, 28–30, 57, 90, 122, 210
Harsanyi, J. C. 126
Hatchard, John 110, 185
health sector 46–8, 54–5
high risk environments for corruption 51–64
criteria for corruption 51–2
entrenched corruption 60–64
manipulated regulation for market power 54–6
secrecy in business 56–8
unchecked state authority 52–4
unmonitored access to state revenues 58–60
Hobbes, Thomas 174
Høyland, Bjørn 67–9
human rights 33, 49, 91, 172
arbitration agreements and 230
criminal procedure Acts 123
fairness and 173
law and economics discourse on 138, 155
of offenders 110
threat-based vs. trust-based approaches and 178–9

Hungary
WGB report findings on 92–3

Iceland
WGB report findings on 93, 98, 101
IKEA 10
illicit payments see bribery
immunity
judicial 199
legitimate reasons for 83
from prosecution 59
for public sector 95
see also impunity for law breakers
imprisonment 27, 30–31, 49, 99, 105, 107, 113, 123, 130, 133, 155, 161–2, 175–6
impunity for law breakers 82–3, 204, 232–5
incentives 20, 150–56, 179–80
income level and GDP growth 35–40
indexes (corruption indices) see corruption indices

India
CPI ranking 114
driver license issuance 70
fines for corruption 106
private-sector bribery 90
water infrastructure corruption study (Wade) 82
indirect deterrent effects 138

Indonesia
CPI ranking 114
infrastructure investment field experiment 70
Suharto regime corruption 8
informational asymmetry 146–7, 152
infrastructure sector 46–8, 70, 82
institutional corruption 113–15
institutional structures 11, 19, 26–7, 30, 189
integrity systems see anticorruption approaches and integrity systems

Inter-American Convention against Corruption of the Organization of American States (1996) 29
International Consortium of Investigative Journalists 234
International conventions/conventions/treaties
Civil Law Convention (1999) (CoE) 29
Convention on the Fight against Corruption (EU) 29
Criminal Law Convention (1999) (CoE) 29
Inter-American Convention against Corruption of the Organization of American States (1996) 29
Protocol to the Convention on the Protection of the European Communities’ Financial Interests (EU) 29
United Nations Convention against Corruption (UNCAC) 28, 78, 86–7, 89–90, 92, 97, 103–4, 222, 226, 228
international enforcement see law enforcement, national and international
International Monetary Fund (IMF) awareness of inequality 49–50
INTERPOL 103
intra-regional collaboration 104–5
An Introduction to the Principles of Morals and Legislation (Bentham) 137
investigation and prosecution, and efficiency in criminal justice 95–105
investor-state dispute settlement (ISDS) 229–32
Iran CPI ranking 114
Ireland Criminal Justice Act (2010) 102 WGB report findings on 90, 94, 97–8, 102
Israel lack of foreign bribery convictions 96
Italy ‘clean hands’ operations (1990s) 200–201 corporate liability 182
investigation of funds smuggling to China 104–5
strict residual liability 188
Transparency International recommendations on monitoring 84
WGB report findings on 89, 98
Ivory, Radha 30, 110, 181, 185
ivory market 50–51
Japan CPI ranking 114–15 fines for corruption 106
WGB report findings on 84–5, 90–91, 102
Johnson, David 202
Johnson, Simon 40, 63
Joly, Eva 9
judicial corruption 85–6, 112–15, 198–200
Kant, Emmanuel 174
Kazakhstan Rule of Law Index ranking 96
Kenya condonation of corruption 236 CPI ranking 114
investment arbitration 231 presidential corruption 8
kleptocracy 62–4
Kraakman, Reinier 158
Kruger, Anne 212
Kyrgyzstan CPI ranking 114
Index

Lambsdorff, Johan Graf 39–40, 147–8
Lassen, David 97
law and economics discourse
classic economics and 21–2
on corruption 19–22
on use of ‘efficiency’ 32
see also economics of crime/corruption
law enforcement, corruption within 61, 111–13, 115–16
law enforcement, national and international 206–37
anticorruption coordination failure 218–25
collaboration for reduced impunity 232–5
corrupt regimes and unintended consequences 216–18
crime control equilibria 207–13
enforcement substitutes 223–5
global settlements 226–9
international corruption cases 225–35
international enforcement obstacles 213–18
international investment arbitration 229–32
role of other governments 215–16
summary conclusion 235–7
threat-based vs. trust-based approaches 209–13
law enforcement systems, and corporate criminal liability 180–94
applicability of criminal law 184–6
criminal corporate sanctions and procedure 186–9
criminal liability for state institutions 192–4
justification of criminal liability 181–2
negotiated settlements 189–91
strict liability with compliance-based defense 182–4
summary conclusion 204–5
vicarious liability 181–6
law enforcement systems, and criminal justice efficiency 167–80
crime deterrence 171–3, 177
detection vs. deterrence 179

efficiency concept in criminal law context 169–70
efficiency trade-offs 176–80
fair process 173–5, 177, 186
functions of 171, 177
guilt vs. responsibility incentives 179–80
summary conclusion 204–5
threat-based vs. trust-based approaches 178
value for money 175–7
law enforcement systems, and prosecutorial responsibilities 194–205
access to information 202–4
competencies for efficient law enforcement 194–8
independence and accountability 198–204
risks of judicial corruption 198–200
summary conclusion 204–5
law fatigue 216
law formulation, and efficiency in criminal justice 86–95
corruption facilitation 94–5
corruption-like circumstances 87–8
inconsistencies among relevant legislation 90–92
legal vs. natural person liability 92–4
narrow interpretation of international agreements 88–90
weakly enforceable legal solution and definitions 87
legal bribes 87–8
legal immunity see immunity; impunity for law breakers
the legality principle 200
legal vs. natural person liability 92–4
legitimacy in behavioral economics 174
in government 177
law enforcement equilibria and 208–10
negotiated settlements and 190–91
vicarious liability for corporations and 181
liability
duty-based liability 157–60
legal vs. natural person liability 92–4
strict residual liability 159, 165, 187–9, 205
vicarious liability 181–6
see also corporate liability and economics; law enforcement systems, and corporate criminal liability
Llamzon, Aloysius 223, 230–31
lobbyism, definition 16
Locke, John 174
loopholes 30
Luxembourg
LuxLeaks scandal (2014) 10
LuxLeaks scandal (2014) 10
macro-level perceptions-based corruption indices see corruption indices
Makinwa, Abiola 189–90, 232
Malawi
CPI ranking 114
Malaysia
CPI ranking 114–15
malefaseance, definition 15
marginal deterrence 136
market performance 227
market power and regulation manipulation 54–6
Marsilius of Padua 174
Matthews, Stephen 196
methodological approaches 64–73
corruption indices 66–9
micro-level controlled experiments 69–72
questionnaire-based surveys 72–3
Mexico
CPI ranking 114
lack of foreign bribery convictions 96
Rule of Law Index ranking 96
WGB report findings on 108
Miceli, Thomas 139
micro-level controlled experiments 69–72
Moen, Kalle 67–9, 207–8
Moi, Daniel arap 231
Moldova
CPI ranking 114
money laundering 10, 49, 57, 102, 109–10
Mongolia
CPI ranking 114
monitoring 196
administrative monitoring and 187
of high risk sectors 55
of integrity systems 24
of principal-agent framework 145–7
Transparency International recommendations on 84
unbridled access to state revenues and 58
unchecked state authority and 53–4
see also evaluation; headings at law enforcement
Montesquieu, Charles de 174
moral cost of corruption 13, 21, 28, 130, 140–42, 164, 172, 210
moral values
Confucius on 173–4
criminal law reinforcement of 172, 233
economic perspective and 128–9, 142
function of criminal law and 121, 124
good governance and 62
legal perspective and 138
see also legitimacy
Mungiu-Pippidi, Alina 19
mutual legal assistance 104
National Integrity Studies (NIS) 25
national law see law enforcement, national and international; individual countries
natural resources 58–60
negligence, definition 15
negotiated settlements 160–62, 189–91, 226–9, 233
negotiating prosecutor 195–6
Netherlands
corporate liability 182
Philips investigation 104
professional restrictions 108
WGB report findings on 93
Index

New Zealand
  CPI ranking 114–15
  WGB report findings on 94
Nigeria
  CPI ranking 114
  Rule of Law Index ranking 96
  non-criminal anticorruption strategies
    23–5
  norms 12–13, 18, 24, 28, 30, 61–2, 178, 207, 233
Norway
  professional restrictions exclusion
    from convictions 108
  sanctions on reckless driving 15
  not legitimate, use of term 17
Obama, Barack 235
obstacles to efficient criminal justice
  see efficiency in criminal justice, obstacles to
Oded, Sharon 190
offset arrangements 55–6
Olken, Ben 70
oppression 62–3, 73
Organisation for Economic Co-operation and Development (OECD) 226
  Anti-Bribery Convention (1997)
    28–30, 86–7, 90, 219–23, 228
  Anti-Bribery Recommendation (2009) 30
  awareness of inequality 49–50
  sectoral report (2014) 45–9
organized crime 154–5, 201
Organized Crime and Corruption Reporting Project (OCCRP) 234
Pakistan
  CPI ranking 114
  Rule of Law Index ranking 96
  patronage 16
  penalties, sanctions, and consequences, and efficiency in criminal justice
    105–10
  asset recovery and neglected victim compensation 109–10
  debarment 107–9
  variation in repressions levels 105–9
  see also sanctions
  Pepsi 10
  personal benefits 81
Peru
  CPI ranking 114
  Fujimori corruption 8
  Petrobras scandal (2014) 80–81
Philippines
  CPI ranking 114–15
  Rule of Law Index ranking 96
  Philips 104
  Pieth, Mark 181, 185
  Piketty, Thomas 49–50
  placing blame 18, 122–3, 125, 138–42, 161–2, 169, 179–80, 220
  plea bargaining 27, 190
  Polan
  Philips investigation 104
  WGB report findings on 96–7, 102
  police corruption see law enforcement, corruption within
  Polinsky, Mitchell 139
  political commitment 79–81, 85, 115, 195
  political connections 40–41
  political corruption, Transparency International on 9
  political obstacles, to efficiency in criminal justice 78–86
    collusion with corrupt state institutions 82
    commercial benefits at expense of anticorruption 84–5
    impunity for law breakers 82–3
    insufficient prosecutorial independence 85–6
    undue personal benefits 81
    weak political commitment 79–81, 85, 115, 195
  political parties 16, 87–8, 105, 121, 152–3, 177, 201
  political science perspective, on corruption 19
  popular support 63, 223
Portugal
  corporate liability 182
  improvements to protection for
  whistle-blowers 99
press freedom 24–5, 65, 234
price-mechanism of bribery
  (Rose-Ackerman) 41
PriceWaterhouseCoopers 72
principal-agent models 146–7
private sector 5–6, 16, 26, 54–8, 61,
  87–8, 106–7, 203–4, 228
  see also headings at corporate
procedural justice 173–5
procurement reform 56
procurement see investigation and
  prosecution, and efficiency in
  criminal justice; law enforcement
  systems, and prosecutorial
  responsibilities
prosecutor as regulator 196–8
prosecutorial corruption, definition 112
prosecutorial independence 85–6
Protocol to the Convention on the
  Protection of the European
  Communities’ Financial Interests
  (EU) 29
public official, narrow definitions of 89
public procurement 6, 198, 203, 205,
  227
public-sector expenditure tracking
  surveys (PETS) 65–6
questionnaire-based surveys 72–3
queuing scenarios 53
Rajan, Raghuram G. 211
randomization, in field experiments 71
rank-seeking behavior (Høyland,
  Moene, and Willumsen) 68–9
rationality assumption 124–6
recidivism 135
recklessness, definition 15
recursive corruption, definition 111
regulation 23, 26–8, 54–6
  see also self-regulation/self-policing
  /self-reporting
Reporters Without Borders 25
repression levels 105–9
reputation 57–8, 84, 130, 147, 155–6,
  161, 202, 207, 224–5, 227
resource allocation 5, 8, 13–15, 20, 31,
  41–9, 53, 57, 74, 111, 137, 175
resource-rich economies 58–60
respondent superior principle 93–4,
  181–2
risk aversion 127, 133–4
Robertson, Sandy 18
Robinson, James 40, 63
Romania
  CPI ranking 114
  Rose-Ackerman, Susan 41
  Rosetti, Carlo 200
Rothstein, Bo 19
Rousseau, Jean-Jacques 174
Rule of Law Index (WJP) 76–7, 96
Russia
  fines for corruption 106
  lack of foreign bribery convictions 96
  lack of professional restrictions 108
  Rule of Law Index ranking 96
sanction principles 131–6, 159, 163–4,
  181, 187, 193
sanction rebates 152
sanctions
  for bribery 31
  for corrupt state institutions 193
efficiency in criminal justice and 34
examples of 15
  fines for corruption 106–7
  professional restrictions 106–9
  proportionality of 123–4
  see also deterrence; penalties,
  sanctions, and consequences,
  and efficiency in criminal justice
Sandmo, Agnar 140–41
scandals
  Crédit Lyonnais (2001) 158
  Elf Aquitaine (2007) 9
  Enron (2001) 158
  LuxLeaks (2014) 10
  Petrobras (2014) 80–81
  Schengen Information System 103
  Schjelderup, Guttorm 215
second-best data 72–3
secrecy in business see financial/transaction secrecy
self-regulation/self-policing
self-reporting surveys see questionnaire-based surveys
Sen, Amartya 139
sentences and sentencing 121–4, 131–2, 135–6
settlements see global settlements; investment arbitration; investor-state dispute settlement (ISDS); negotiated settlements
Shavell, Steven 139
Shelley, Louise 7, 43
Siemens (Enel) case 91
Simpson, Sally S. 19
Slovakia
WGB report findings on 93
Smid, Gerben 190–91
social contract 19
social science perspective, on corruption 17–20
socially responsible arbitration tribunal (Makinwa) 232
sociological perspective, on corruption 18–19
South Africa
Protection of State Information Bill 99
WGB report findings on 85, 92, 99, 101
Spagnolo, Giancarlo 151
Spain
corporate liability 182
‘ghost airport’ 37
infrastructure investments 36–7
lack of foreign bribery convictions 96
Spinoza, Baruch 174
Sri Lanka
CPI ranking 114–15
StAR report (2013) 109–10
state administration/state authority
corrupt decision-making 13, 23, 25–6, 41–4, 143–4, 199, 221
disconnected governance 61–2
integrity systems 13, 23–5, 53–4, 59, 74
kleptocracy 62–4
law fatigue 215–16
market power regulation 54–6
monitoring 187
Sanctions on Government Misconduct 76–8
threat-based vs. trust-based approaches 178
unchecked authority 52–4
undue personal benefits 81–3
see also governance
state capture 16
state institutions, criminal liability for 192–4
strict residual liability 159, 165, 187–8, 193–4, 205
surveys see business surveys; questionnaire-based surveys
Sutherland, Edwin H. 18–19
Svensson, Jakob 39
Sweden
CPI ranking 114–15
WGB report findings on 84–5
Switzerland
professional restrictions 108
Tanzania
CPI ranking 114
Rule of Law Index ranking 96
tax advisers 94–5
tax authorities 101–2
tax deductibility 85, 101–2
tax evasion 16, 56–7, 140–41
tax havens see financial/transaction secrecy
terrorism/terrorist attacks 7
illegal business profits for groups 50
Shelley on 43
Thailand
CPI ranking 114
theft 13, 94–5
threat-based vs. trust-based approaches 178, 209–13
Tianjin chemical explosion (China) 40–41
Tirole, Jean 139–40
Corruption and criminal justice

Torny, Michael 138
Tort law 27
Total 9
Transparency and integrity initiatives 79
Transparency International 9, 10, 29
Corruption Perceptions Index (CPI) 36, 66–9, 114–15, 209, 214
Global Corruption Barometer 73, 80
National Integrity Studies (NIS) 25
Philips investigation 104
recommendations to Italy 84
trust-based vs. threat-based approaches 178, 209–13
Tullock, Gordon 61, 212, 222, 224–5
Tungodden, Bertil 140–42
Turkey
CPI ranking 114–15
Rule of Law Index ranking 96
Uganda
CPI ranking 114
Rule of Law Index ranking 96
Ugur, Mehmet 37
Ukraine
condonation of corruption 236
CPI ranking 114
Underkuffler, Laura 12
United Kingdom (UK)
fines for corruption 106
Public Interest Disclosure Act (1998) 99
WGB report findings on 94, 99
United Nations
Crime Victimization surveys 73
United Nations Convention against Corruption (UNCAC) 28, 78, 86–7, 89–90, 92, 97, 103–4, 222, 226, 228
United Nations Human Development Index 9
United States (US)
CPI ranking 68, 114–15
Dodd-Frank Wall Street Reform and Consumer Protection Act (2010) 99
Enron scandal (2001) 158
fines for corruption 106
Foreign Corrupt Practices Act 29, 102
law and economics discourse 21
prosecutorial resources impact convictions 97
respondent superior principle 93–4, 181–2
sanctions as deterrence 31
SiAR report on victim compensation 109–10
strict residual liability 188–9
WGB report findings on 91–2
Uruguay
CPI ranking 114–15
utility function 129
Uzbekistan
CPI ranking 114
value chain, of criminal justice/law enforcement 27, 111–13
value for money 175–7
Vannucci, Alberto 200
Van Wingerde, Karin 190–91
Venezuela
condonation of corruption 236
CPI ranking 114
verdicts 78, 107–8, 110, 122, 124–5, 145, 168–9, 201, 223
vicarious liability 181–6
victim compensation 109–10, 193
Vietnam
CPI ranking 114
Vira, Varun 50
Voigt, Stefan 199–200
Wade, Robert 82
wealth registries of parliamentarians 87–8
whistle-blowers 24, 30, 98–100, 136, 159, 164, 192, 196, 199, 207
white-collar crime 18–19
Wikileaks 234
William of Ockham 174
Willumsen, Fredrik 67–9
witnesses 27, 83, 98–9, 112–13, 136, 195
Wolfensohn, James 235
<table>
<thead>
<tr>
<th><strong>Index</strong></th>
<th>267</th>
</tr>
</thead>
<tbody>
<tr>
<td>World Bank 226</td>
<td>corruption estimates 38</td>
</tr>
<tr>
<td>awareness of inequality 49–50</td>
<td>Rule of Law Index 76–7, 96</td>
</tr>
<tr>
<td>Business Climate Survey 39–40</td>
<td>survey questions 114</td>
</tr>
<tr>
<td>Enterprise Survey 72</td>
<td></td>
</tr>
<tr>
<td>Indonesian corruption study 70</td>
<td>Yara 103–4</td>
</tr>
<tr>
<td>on infrastructure investments 36</td>
<td>Youssef, Alberto 80</td>
</tr>
<tr>
<td>STAR initiative 109–10</td>
<td></td>
</tr>
<tr>
<td>Worldwide Governance Indicators 38</td>
<td>Zimbabwé</td>
</tr>
<tr>
<td><em>World Duty Free v. Kenya</em> 231</td>
<td>CPI ranking 114</td>
</tr>
<tr>
<td>World Economic Forum</td>
<td>Rule of Law Index ranking 96</td>
</tr>
<tr>
<td>awareness of inequality 49–50</td>
<td></td>
</tr>
<tr>
<td>World Justice Project (WJP) 25, 76</td>
<td>Zingales, Luigi 211</td>
</tr>
</tbody>
</table>