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# Institutional Corruption as a Problem of Institutional Design: A General Framework

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*Institutional Corruption as a Problem of Institutional Design:  
A General Framework*

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## Abstract

Even though developed to explain institutional dysfunction in Congress, the concept of institutional corruption has been applied to different types of organizations and industries. This application has generated insights about the problems affecting different sectors, but it has also raised questions about the accuracy of using the concept in other, non-Congress, contexts. This paper argues that the concept of institutional corruption has broad applicability, but it needs some conceptual adaptation when used in contexts different from the original one. By analyzing the institutional corruption features with this adaptation in mind, this paper proposes a more general framework for the theory that is broadly applicable to different settings while retaining its internal coherence. To do so, this paper approaches institutional corruption from the lens of organizational design. In this perspective, institutional corruption will be described as a type of failure in achieving the institutional purpose that happens because of the institutional design, rather than because of unsatisfactory performance. This paper explains the institutional mechanisms that cause this failure, and concludes with some theoretical implications of the framework proposed.

Keywords:

Institutional Corruption, Organizational Design, Organization Theory, Performance Measurement, Strategic Planning, Rationality

## Introduction

In his study of Congressional ethics, Dennis F. Thompson proposed a distinction between individual and institutional corruption; both undermine the goals Congress is designed to achieve and the processes with which it is supposed to work, but they do so through different mechanisms. Individual corruption refers to illegal, private gain-seeking behavior, such as accepting bribes or favoring friends over the public interest, while institutional corruption refers to legal (and sometimes even well regarded) political gain-seeking conduct. Despite its legality, institutional corruption creates incentives for behaviors that are counterproductive to the institution, such as accepting undue lobbying influence on political decisions, which shifts the elected officials' role from a dependence upon the people to an improper dependence upon other, illegitimate sectors.<sup>1</sup> By bringing attention to the institutional aspects of corruption, Thompson offered an analytical tool that many found useful in other, non-Congressional contexts. The concept has been used to understand similar problems in sectors as different as banks, think tanks and even whole industries.<sup>2</sup>

Finding similarities across different settings and transposing concepts and theories developed in one context to another is a widespread,<sup>3</sup> albeit delicate, practice. When a concept developed in the Congressional context is applied to a different one, this means that we perceive similarities across these different contexts; in transposing the concept, though, it is likely that there are aspects about the institutional corruption theory that matter, and others that do not matter, in the new context. For example, the concept of “institutional purpose” has different characteristics and implications when applied to different settings, such as Congress, think tanks or whole industries. Whenever we apply a theory to a circumstance outside its original intended scope, we need to adapt it and explain

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<sup>1</sup> Dennis F. Thompson, *Ethics in Congress* (Brookings, 1995); Lawrence Lessig, *Republic, Lost: How Money Corrupts Congress—and a Plan to Stop It* (Twelve, 2011); and Lawrence Lessig, “Institutional Corruptions,” Edmond J. Safra Research Lab Working Papers, No. 1, March 15, 2013, <http://ssrn.com/abstract=2233582>.

<sup>2</sup> For a review of some of those applications, see Marie E. Newhouse, “Institutional Corruption: A Fiduciary Theory,” Edmond J. Safra Research Lab Working Papers, No. 25, October 3, 2013, <http://ssrn.com/abstract=2335619>.

<sup>3</sup> Dedre Gentner and Michael Jeziorski, “The Shift from Metaphor to Analogy in Western Science,” in Andrew Ortony, ed., *Metaphor and Thought* (Cambridge University Press, 1993), 448.

how its main concepts should be understood; that is, how different the meanings of its component parts are when applied to new contexts.

This process of adaptation is not a unidirectional process in which a theory can be adapted to new contexts in a straightforward manner by just making direct, biunivocal relationships between the old scope of the theory and the new one. Rather, as Donald Schön states, every context has “a conceptual structure of sorts before any old theory is displaced to it”; in this sense, the “pre-existing structure resists some transposition and interpretation, and there is resulting adjustment in the process of displacement.” This process, which Schön calls “correction,” involves “mutual adaptation, in which the old theory and the new concept-structured situation are modified in various ways so as to suit one another.”<sup>4</sup>

This paper proposes such an adaptation of institutional corruption theory to make it more general and, as such, applicable to different contexts. This task is approached through the lens of organization theory (particularly, organizational design), which offers a general perspective on organizations that is helpful for the task. In this perspective, institutional corruption will be described as a specific type of institutional dysfunction, which arises due to specific mechanisms, as will be explained later. By reframing institutional corruption as a problem of institutional design, the concept acquires a more general nature while retaining conceptual precision—thus, we hope, not making it too abstract to be useful.

The idea of looking at institutional corruption as a problem of design is not new, and has been mentioned—or at least alluded to—many times before. For instance, Lawrence Lessig states that institutional corruption is manifest “when there is a systemic and strategic influence which is legal, or even currently ethical, that undermines the institution’s effectiveness by diverting it from its purpose.”<sup>5</sup> The idea that this influence is “systemic,” “strategic” and “legal” is not far from the assertion that it is an institutional “design” problem, as will be explained in this article. As a second example, we may refer to William English’s explanation of how “institutional corruption is an immanent feature of our political system.” As he states, “at first glance, institutional corruption may appear a chance artifact of

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<sup>4</sup> Donald Schön, *Displacement of Concepts* (Tavistock, 1963).

<sup>5</sup> Lawrence Lessig, “‘Institutional Corruption’ Defined,” *Journal of Law, Medicine and Ethics*, 41.3 (2013): 2, <http://ssrn.com/abstract=2295067>.

organizational drift, and something that minimal vigilance can guard against. The truth, however, is that the logic of democratic politics generates centrifugal forces that systematically threaten to corrupt our political institutions.”<sup>6</sup> This distinction between a circumstantial problem of a “chance artifact” and one embedded in the “logic” of institutions is interpreted in this paper as a distinction between problems of institutional *performance* versus problems of institutional *design*, as will be explained later. These two examples demonstrate that rather than a complete reformulation of institutional corruption, this paper presents a re-description of the theory in light of the challenging design elements present in any institution.

The paper is divided in three parts. The first section explains our working definition of institutional purpose, a key idea in the theory. The following section presents the difference between institutional design and performance, and proposes mechanisms that may generate institutional corruption. We conclude with some general implications of the framework proposed.

## The Institutional Purpose

Most researchers define institutional corruption as some kind of deviation from a purpose. In Lessig’s definition, institutional corruption “undermines the institution’s effectiveness by diverting it from its purpose or weakening its ability to achieve its purpose.”<sup>7</sup> Donald Light affirms that “broadly conceived, both the institutional corruption of a democratic body like Congress and the institutional corruption of a company or industry like the pharmaceutical industry consist of deviations from their societally relevant mission and ethical foundation.”<sup>8</sup> The idea that the purpose or mission of the institution is a component of the concept of institutional corruption is widespread; if an entity suffers from institutional corruption, it means that, among other things, it is not realizing its purpose. But what is meant by “institutional purpose” is not always clear and, as such, demands some analysis.

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<sup>6</sup> William English, “Institutional Corruption and the Crisis of Liberal Democracy,” Edmond J. Safra Research Lab Working Papers, No. 15, June 20, 2013, 16, <http://ssrn.com/abstract=2281305>.

<sup>7</sup> Lessig, “‘Institutional Corruption’ Defined,” 2.

<sup>8</sup> Donald W. Light, “Strengthening the Theory of Institutional Corruptions: Broadening, Clarifying, and Measuring,” Edmond J. Safra Research Lab Working Papers, No. 2, March 21, 2013, <http://ssrn.com/abstract=2236391>.

## Two Meanings of “Institutional Purpose”

Some concepts may be composed by words that are so semantically loaded that it becomes difficult to define its key features in precise terms. This problem does not arise only because of multiple meanings of a single word, but also because the different meanings usually induce us to use the word with different thought processes. The word “purpose” as used in the theory presents this type of problem.

Let us look, at first, at two extreme cases of the use of the word purpose. We may speak of the purpose of a certain business venture, but also of the purpose of the universe. Even though both uses indicate some kind of goal-like property (some kind of directionality), each induces us to a different thought process. A business venture is a human activity, and therefore speaking about its purpose induces us to *find the reasons for its creation or for supporting its existence*—as explanations or intentions regarding some goal it is designed to achieve—which is *relatively* straightforward.<sup>9</sup> The question of the purpose of the universe, however, if not dismissed (“there is no purpose”), would induce us to two options: (1) treat it just like a venture (maybe God’s) and try to find the reasons for its existence; but also (2) consider that there is no plan, no overall design, no underlying intentions, but nonetheless *develop a rationalization for it*. This point is made clear if we take a less extreme example, such as the purpose of humankind: there might not be a reason behind humankind’s existence, but we may ascribe a purpose to it (thus finding, in this case, some grand meaning in human history). Finding reasons is a matter of historical investigation; developing a rationalization is a matter of creating a value-based argument which attributes, normatively, a justification for an institution. This problem is referred here as the reason-versus-rationalization issue.<sup>10</sup>

This confusing use of “purpose” would not be a problem to our topic if it happened only with more extreme cases; but it also happens with the more usual case of talking about the purpose of institutions. In the example of the business venture,

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<sup>9</sup> This would depend, of course, on the view one holds of the place of goal-orientation in rational choice—e.g., consequential versus sense-making. In our view, though, the argument being made here can be sustained even without this debate.

<sup>10</sup> For the purposes of this paper, this distinction is equivalent to Paul C. Taylor’s distinction between discovery and construction regarding institutional purposes. Unfortunately, when Taylor’s paper was published, this one was already in copy-editing, so we could not take full advantage of his analysis of this duality. Paul C. Taylor, “Institutional Corruption: From Purpose to Function,” Edmond J. Safra Research Lab Working Papers, No. 40, March 27, 2014, <http://ssrn.com/abstract=2417066>.

we may understand its purpose as the reasons that moved its originators to create the company, or the reasons that make its stakeholders maintain it. In this case, finding the purpose is a matter of finding evidence; for instance, in history, in the origins of that institution. Even when an organization changes its purposes (for example, a re-design of its strategic plan), we could still resort to this evidence-based investigation to find what their (new) purposes are. If the organization has some kind of decentralized process to define its purposes, with principal-agent relationships, this could still fit this reasons-based assessment, with just a shift in where we would look for the decisions regarding purposes (in this case, with the principals). The process of finding evidence is, of course, complicated by many sorts of methodological problems; but it is, in *relative* terms, straightforward.

The problem is that, as the word purpose induces us, we may also think of purpose as a rationalization, as a justification for the existence of an institution. In this sense, even if an institution was created and is maintained with the wrong reasons in mind, we could still develop a legitimate purpose for it. There is a difference, in sum, between the historical reasons and the justification for the existence of institutions.

If the argument above is accepted, there remains the question regarding how this ambiguity should be treated by the theory. It is not only an ambiguity referring to what the institutional purpose of a particular case is; it is a second order ambiguity referring to which method should be used to find (or define) the institutional purpose. As will be explained later, this paper argues that a theory of institutional corruption can still be useful while being agnostic not only regarding the purpose of institutions, but also regarding the methods utilized to find (or define) those purposes.

## **Ascribing the “Institutional Purpose”**

One of the central ideas of institutional corruption is that there is deviation from a certain standard, from a certain baseline captured by the concept of the institutional purpose, which serves as a point of reference to adjudicate the level of institutional corruption. But in studying a certain organization, how should the analyst proceed to find (or set) the institutional purpose that will be used as the

point of reference? What should we see as the legitimate and robust sources of an organization's purposes?

Lessig states that there is no need for the theory, in its general form, to specify what the purposes of an institution are.<sup>11</sup> But when the theory is applied to a particular case, a certain point of reference must be chosen in order to assert the level of achievement of institutional purposes. Newhouse provides an in-depth exploration of this difficulty in defining the purpose, arguing that if institutional corruption theory is based on the deviation from a purpose, any general theory must deal with the challenge of defining what is meant by it.<sup>12</sup>

As mentioned above, there are two ways in which we can talk about a purpose: reasons-based and rationalization-based. If we mean the former, the institutional purposes will be found within and around the institutional context itself; that is, they will be the ones defined by the founders, managers or stakeholders of that organization. If, on the other hand, we mean the latter, the institutional purposes will be found amongst the most legitimately justified ones; since this is a normative question, it may come from anywhere, as long as a legitimate argument can be made for it. This argument needs some further explanation.

Drawing on the paradigmatic case of Congress, Newhouse describes a specific solution for the problem of defining the purpose. She proposes that the distinctive characteristic of Congress' institutional corruption resides in the fact that its institutional purpose has an obligatory nature. This obligatory purpose can be defined, in its turn, as "the purpose for which the institution's activities must be solely conducted in order to avoid wronging others." As Congress coerces people with laws, "their activities wrong us unless they act for our—the people's—purposes."<sup>13</sup> This interpretation of the theory works fine for institutions with fiduciary relationships—that is, with obligatory purposes—but there remains a challenge in applying it to other institutions.

This challenge can be met if the obligatory purpose case is interpreted as a special case of a more general theory. We propose that the fiduciary relationship be seen

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<sup>11</sup> Lessig, "'Institutional Corruption' Defined," 3.

<sup>12</sup> Newhouse, "Institutional Corruption: A Fiduciary Theory."

<sup>13</sup> *Id.*, 14-15.

just as a special case in which defining the institutional purpose becomes easier (and more paradigmatic) due to the existence of clear principals. Fiduciary relationships make the identification of the institutional purpose easier in two ways: a) from a reasons-based perspective, fiduciary relationships enable us to easily identify the principals, who are setting the purposes (possibly, for example, through participatory mechanisms); and b) from the rationalization-based perspective, principals provide one of the strongest sources of legitimation of institutional purposes, since the institution is just—legally and/or ethically—an agent of its principal.

In Newhouse's solution to the purpose problem, the fiduciary relationship is embedded in the mechanism of setting the purpose of the institution (which would make organizations with no fiduciary relationships outside the scope of applicability of the theory). In the solution presented here, the fiduciary relationship is looked at as a *source of reasons or rationalization* of the purpose, *one amongst other sources*. The key to the validation of a purpose—which, for instance, makes the fiduciary relationship valid—resides in our capacity to formulate (from reasons or rationalizations approaches) a legitimate argument for it. And it just happens that the fiduciary relationship provides one of the best-case scenarios for this: it is, by definition, a relationship which clearly identifies a “principal,” for which the “agent” is an agent in the first place. In this framework of the theory, principals exert the analytical function of a *source*, providing us (the analysts of institutional corruption) means to identify or set the institutional purpose that will serve as the baseline for analysis. But they are not necessary, nor the definitive sources of it. In this sense, we see the theory of institutional corruption as being agnostic not only regarding the specific purposes of institutions, but also regarding the methods utilized by analysts to find or set the purpose of institutions under analysis.

An interesting application of this framework would be, for instance, to a case in which we may find an institution working perfectly for its principals while, at the same time, we feel we can say it is institutionally corrupted. Because even principals may be bound by broader, overarching purposes (such as Constitutional ones, or even industry-level ones), there is always the possibility that they might induce their organization to work against its institutional purpose—*which has to be, as such, definable by other sources*. (This will become clear when the concept of

multiplicity of purposes is presented in the next section.) The approach presented here provides flexibility to interpret this situation as a problem of institutional corruption because: 1) it allows for many sources of institutional purposes, even if no fiduciary relationship exists; and 2) it allows for multiple, even contradictory, levels of institutional purposes, as will be explained later.

In an analysis of institutional corruption, as such, the institutional purpose is defined by the analyst through the use of *sources*. *Individual* corruption is a way for us to talk about deviations from a standard of behavior, and this standard is usually offered by the law; that is, it is a type of deviation that has a clear baseline for analysis. *Institutional* corruption, on the other hand, is a way for us to talk about deviations from a standard of operation, but we cannot count as much on the law to provide us the standard, because these deviations are usually legal; there is no clear baseline in this case. The analyst must work with sources that will legitimize the choice of institutional purposes that will serve as baseline for the analyses.

## The Multiplicity of Purposes

Some situations demand analysis from different perspectives—such as from different levels/units of analysis—and might, as such, demand that we work with multiple purposes simultaneously. Let us take, for example, the case of a pharmaceutical company that is engaged in coopting doctors with gifts so that they will favor its products. In this case, how do we find or define the purpose this company is working for?

To illustrate, there are at least two purposes that we can use to analyze this situation: at the level of the company and that of the industry. At the level of the company, they might be doing what they have set for themselves: increasing profit no matter what, or increasing profit while respecting the legal framework (even if unethical). At the same time, though, most would say that their coopting practices undermine the efficiency of the broader health system. This second interpretation is possible if we check their practices against a purpose defined at the level of the industry: it is the health sector, as a whole, that has the purpose of improving general health.<sup>14</sup> We may also speak of the institutional corruption of the whole

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<sup>14</sup> The two purposes need not be conflicting. In fact, many would argue that this particular company was expected to contribute to the industry-level purpose by engaging in self-interested activities, just as most

industry, which would be deviating from the institutional purpose defined by society—in Donald Light’s words, deviating from its “societally relevant mission.”<sup>15</sup>

A social system is composed by multiple, nested, institutions; in the example above, we referred to three levels: company, industry, and society. A company may have an institutional purpose that is defined at the level of the industry; that is, because the industry has a certain purpose, it must follow that a company in this industry must have a certain purpose; a well-functioning part of a system cannot work against its system. Of course, as the company has a more “specialized function”<sup>16</sup> than that of the industry, the purpose has to be adapted; a hospital cannot care for the health of the whole nation, but only for the health of those in its neighborhood. The argument here does not imply that the institutional purpose will always be defined at a higher societal level; it aims to recognize that in certain cases we can only understand an institution’s purpose when we understand its broader context.

As such, institutional corruption theory should be flexible enough to allow for the analysis of an institution whose purpose might be defined outside of it, or even imposed upon it. The institutional purpose need not be defined by entities at the level of the institution (for example, founders or shareholders); even though it exists at that level—it is, after all, the institution’s purpose—it can be defined by entities at a higher level (the industry or the societal level, for example).

## **The Institutional Purpose in Practice: The Gap between Purpose and Goals**

Even though in theory a purpose describes what is desired, in practice it is too broad to be executed directly; that is, too broad to serve as a guide for action. Since purpose refers to the broad reasons or justifications for existence, it cannot refer to specific objectives which, by being specific, would not offer the necessary

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companies in a free market are expected to contribute to general economic efficiency by working for their private (selfish) interests. (The fact that this company’s focus on its company-level purpose is not leading to the industry-level purpose is a problem of low means-ends adequacy in the work breakdown structure of an institution, as will be presented later in this article.)

<sup>15</sup> Light, “Strengthening the Theory of Institutional Corruptions.”

<sup>16</sup> Drawing on the work of Talcott Parsons, Scott states that “what is termed a goal or objective by a specific organization is, from the point of view of the larger society, its specialized function.” W. Richard Scott, *Organizations: Rational, Natural, and Open Systems* (Prentice-Hall, 1987).

description or justification for the grand existence of a whole institution. In this sense, the purpose of an institution leads us to think of broad goals, which are usually stated in a language that implies some kind of grand mission. The purpose of an organization is rarely something procedural, short-term or small scale; we would usually refer to it as ultimate ends—such as Congress’ purpose in realizing the public interest, or Red Cross’ purpose “to protect life and health and to ensure respect for the human being”<sup>17</sup>; an organizational purpose is usually found in its mission statements, not in its work breakdown structures. This broadness carries an ambiguity that can be beneficial for the legitimation of the purpose; by allowing multiple—and even contradictory—interpretations, a broadly stated purpose galvanizes support for the institution.

There are, however, two problems with this conceptual broadness. The first is that it makes it hard for members of an institution to work for a purpose that is not precise enough so as to serve as a guide for action; the purpose needs, as such, to be translated into more specific goals. This process of translation—which consists in the work breakdown structure—is not straightforward and is one of the mechanisms of institutional corruption, as will be explained in the next section of this paper.

The second problem of this broadness is that it makes it hard to evaluate cases of institutional corruption. As stated above, in order to realize the purpose, an institution must work for more specific goals, which will serve as guides for action that enable individuals to pursue the goals that will contribute to the institutional purpose. When we observe the behavior of institutional members, we will not observe, as such, behaviors directly related to the institutional purpose, but rather to the specific goals. This makes analysis more difficult because even though we are observing specific goals, we want to make claims about the achievement of the (broad) purpose.

For instance, Congress’ purpose is to realize the public interest, or the public good; but institutional corruption may involve, to take a specific case, members voting based on the amount of funding they receive from lobbyists. Only because we have seen multiple cases of such deviation may we come to the broad conclusion that

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<sup>17</sup> American Red Cross, “Mission, Vision, and Fundamental Principles,” <http://www.redcross.org/about-us/mission>.

“Congress is not working for the public interest.” The language that we use to describe the purpose (realize the public interest) is at levels of abstraction higher (that is, more parameterized) than the language we use to describe the observed evidence of institutional corruption—both its occurrence (voting based on funding) and its non-occurrence (correctly voting on the merits) are more granular than the purpose-related language.

The analyst observes only the achievement of goals, but wants to make claims about the purpose; in this sense, the analyst is interpreting goals from the ground up, verifying their compatibility with the purpose; it is a process of synthesis, of combining the multiple specific goals to evaluate if the purpose that this combination implies is the same as the institutional purpose (in which case there would be no institutional corruption).

## Ascribed and Achieved Purposes

To achieve its purpose an organization must define more specific goals, which are here called *planned goals*. When researchers analyze an institution, they will have to find or define the purpose of the institution under analysis; this purpose is called the *ascribed purpose*, which will serve as the baseline for analysis. The achievement of ascribed purposes demands the achievement of the more particular *ascribed goals*.

In the state of affairs depicted by institutional corruption theory, the ascribed goals are not being achieved. *Achieved goals* refer to an evaluation about the goals being realized. As organization theory suggests, organizations are not perfectly rational systems which are always pursuing their ascribed goals; quite the contrary, it is common that organizations drift away from their purpose, for different reasons.<sup>18</sup> Institutional corruption is a specific case of such drift, as the analysis of the next properties should make clear.

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<sup>18</sup> There are many works referring to this problem in sociology and organization theory. See, for instance: Max Weber, *From Max Weber: Essays in Sociology* (Galaxy, 1958); Peter M. Blau, *The Dynamics of Bureaucracy: A Study of Interpersonal Relations in Two Government Agencies* (University of Chicago Press, 1963); Ronald E. Rice and Stephen D. Cooper, *Organizations and Unusual Routines: A Systems Analysis of Dysfunctional Feedback Processes* (Cambridge University Press, 2010).

# Institutional Design: Purpose, Goals and Action

## Two Types of Ineffectiveness: Performance and Design

The distinction between individual and institutional corruption can be abstracted so as to mean that certain organizations are ineffective because of idiosyncratic (that is, individual) behavior, while others because of their systemic influence (that is, institutional) over behavior. The individual-institutional corruption distinction suggests, as such, that we intuitively make a difference between ineffectiveness due to *performance* and that due to *design*.

Ineffectiveness due to performance is said to happen when a plan is perfectly designed, but because of some error or fatality in execution, its goals were not achieved. For example, a diligent student does not want to be late for an exam, so she plans to arrive one hour before it starts. Unfortunately, a major unpredictable storm prevented the student from getting to the exam site by any means of transportation available in the city. Most people would consider her plan good enough, in the sense that there is a high *means-ends adequacy*; but something happened at execution that prevented the goals from being achieved; it was a problem of performance.

A problem of design, on the other hand, is one in which the plan itself is flawed. When the design has problems, even perfect execution by individuals would not achieve the desired goals. For example, let us imagine that a student planned to arrive at the exam site only ten minutes before the exam starts, and let us suppose he printed the wrong map for the site location. One need not see the results to realize the plan itself is flawed. It might end up working, but if the student is late for the exam, most would consider the plan was badly designed.<sup>19</sup>

Individual corruption is a problem of performance because it means that individuals decide to act in an improper manner, contrary to what is expected and designed by the institution; in our terms, it is a problem of *institutional performance*. Institutional corruption, on the other hand, happens because the design itself, the very methods of work developed by the organization (which are explained later in

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<sup>19</sup> Of course, this depends on what is accepted as a plan, and the conceptualization of risk management within it. But we believe the argument is convincing without a detailed discussion about this.

the article) run contrary to the organization's goals; institutional corruption is a problem of *institutional design*, in which the very design aimed at achieving the goal undermines the expected achievement.

Not every problem of design signifies institutional corruption, though. Imagine, for instance, an organization that lacks the resources (such as raw materials) to pursue its mission because the managers made a mistake in planning its budget. Despite their mistake, they might still be working towards the institutional goals, even if they lack the resources; in this case, there is no institutional corruption, because institutional corruption refers to a situation in which the design undermines the institutional purpose by making people pursue other goals. Every institutional corruption is a problem of design, but not every design problem will lead to institutional corruption. Institutional corruption can be defined, as such, as the condition in which an institution does not achieve its purpose because its very design induces its members to work for other goals. It is, as such, a type of institutional failure with two traits: 1) the ascribed goals (and, thus, the ascribed purpose) are not being achieved; and 2) this happens because the very design of the organization (that is why it is said to be “institutional” rather than “individual”) is leading members to work for other goals.

## **Mechanisms of Institutional Corruption**

The design of an organization is composed by many elements, such as hierarchical structure, level of specialization, and patterns of information flow, among others.<sup>20</sup> There are many design elements that could cause an organization to fail to achieve its goals; for instance, it may not have the necessary resources to compete with other organizations in its industry. Nevertheless, only specific design aspects matter for our discussion on institutional corruption; particularly, those aspects that make members work for goals different than the planned ones.

The definition of institutional corruption provided above makes clear that despite the established institutional goals, something happens when the organization is designed so that, in their daily tasks, individuals are induced to work for goals

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<sup>20</sup> See, for instance, Richard L. Daft, *Organization Theory and Design* (South-Western, 2001).

different from the institutional ones. The next sections present the three main mechanisms through which institutional corruption occurs.<sup>21</sup>

### **Mechanism 1: Work Breakdown Structure**

In order for a purpose or overarching goal to be achieved, it must be broken down into goals and tasks that organizations or individuals must cognitively apprehend and execute.

A purpose or overarching goal is usually stated at such a high level of abstraction that it is not directly translatable into action. To enable action, the overarching goal must be broken down into more granular goals, at the level of granularity appropriate to the level of execution. This is equivalent to the multiplicity of purposes mentioned before in this paper. While the healthcare system as a whole may have as its purpose “to improve the nation’s well-being,” a particular hospital clerk may have the more immediate goal of answering phone calls or doing general reception work. These more granular goals are part of the general work breakdown structure of the overarching goal.<sup>22</sup>

This process—of breaking the overarching goals down to increasingly more granular goals for organizations and individuals—is an essential part of what this paper refers to as institutional design. As was noted, the first step of such process is to define goals at the level of granularity compatible with their level of execution. The higher the adequacy between the granular and the overarching goals, the better the design. The relationship between the more general and the more granular goals is similar to what is commonly referred to as “means and ends,” because more general goals are just the ends of more granular ones, which are in turn the ends of even more granular goals. To embellish a room (the end), we may decide to put a picture on the wall (the means), which becomes the end of the more granular task of putting a nail in the wall, and so forth.<sup>23</sup>

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<sup>21</sup> The concept of mechanisms can be somehow related to Thompson’s concept of institutional procedures. Both highlight the importance of internal institutional processes to the characterization of institutional corruption, which is not only any deviation from a purpose, but one that occurs in a specific manner. See Dennis F. Thompson, “Two Concepts of Corruption,” Edmond J. Safra Research Lab Working Papers, No. 16, August 1, 2013, <http://ssrn.com/abstract=2304419>.

<sup>22</sup> Daft presents a distinction between official and operative goals which is similar to this overarching and granular distinction. See Daft, *Organization Theory and Design*, 53.

<sup>23</sup> For a thorough debate on the means-ends schema, see Herbert A. Simon, *Administrative Behavior: A Study of Decision-Making Processes in Administrative Organizations* (The Free Press, 1997); Herbert A. Simon, *The*

A breakdown structure may introduce drift in the institution in many ways.<sup>24</sup> It might, for instance, establish goals and tasks that are not adequate for the achievement of the purpose; that is, establish tasks with low means-ends adequacy. In this paper, though, we will not survey every possible drift caused by this mechanism; we will focus, instead, on the drift that happens when the work breakdown structure creates means-ends pairings that make the means an *inflexible logistical pre-requisite* for the ends. This type of means is problematic because it may generate drift even when there is high means-ends adequacy.

Logistical prerequisites are the means that must be accomplished before the ends can be accomplished; they are said to be inflexible if they offer no alternative paths to the ends, possibly creating a bottleneck. In this case, the more complex the means of a specific pairing is, the less the resources that will be dedicated to pursuing its ends. Even if individuals want to pursue the ends, because they are logistically tied to pursuing the means first, these means gain relevance over the ends. The nail-and-picture example demonstrates this: the time available for hanging pictures is the total time available for work minus the time for putting nails in the wall; there is a trade-off between means and ends (of course, the higher the means-ends adequacy, the less this trade-off matters, as achievement of ends is indeed becoming closer as means are progressively being achieved). With simple pairings such as nails and pictures, this does not provoke an institutional drift. But when complexity increases, especially when the means takes up a long time to complete (even years), inflexible logistical means end up replacing the ends, at least for the time required by the means. And if the means are established as recurring events—rather than being a one-time event—chances are that they will never give way for the ends to be pursued.<sup>25</sup>

Let us look at the example of an individual wanting to enter a profession that is regulated by law. In order to enter the profession, this individual will have to meet the legal demands (such as receiving a specific degree from a certified institution).

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*Sciences of the Artificial* (MIT Press, 1985), particularly his explanation of means-ends analysis as process descriptions, 222-223; and James March and Herbert A. Simon, *Organizations* (Wiley-Blackwell, 1993).

<sup>24</sup> Rice and Cooper, in *Organizations and Unusual Routines*, present may instances of “unusual routines” which can serve as inspiration for studying different types of means-ends inadequacy.

<sup>25</sup> The competition of means with ends has been extensively referred to from different perspectives. Perhaps the most known reference is Merton’s explanation of the *displacement of goals*. Robert K. Merton, “Bureaucratic Structure and Personality,” *Social Forces* 18.4 (1940): 560-568.

In this example, receiving this degree—a complex, logistical means—replaces the ends of entering the profession. Since the means is temporary, and is a one-time event completed with the awarded degree, it precludes the ends only while it lasts. We cite this as an example of a logistical means-ends pairing, but it is not meant here that this pairing is inappropriate. Actually, we might argue that the drift here is intentional: we do not want people entering certain professions without the necessary skills. The situation would be different if, for example, this individual had to be awarded a new degree every four years. In this case, one of the following two scenarios is likely to happen: either 1) pursuing the degree will dominate this individual's entire career; or 2) pursuing the degree would have to be simplified (so as not to compete with the ends) and, as such, might end up losing its meaning as a means to give legitimacy and to prepare for the career. It is clear, as such, that in order to avoid drift the regulation for this profession must be carefully planned so as to avoid problematic means-ends pairings.

This example is similar to the electoral process: to be able to officially represent the people, a citizen must be elected; and in order to remain in Congress, a representative must be re-elected. Elections are, as such, a complex logistical prerequisite for being a representative; they introduce a trade-off between the means (being elected) and the ends (voting on issues, rather than working for re-election). This means-ends pairing creates a situation in which pursuing elections dominate representatives' careers, because, as stated above, they are complex and recurring. As such, instead of doing the legitimate work we would expect, many representatives spend their work hours raising money for the next election cycle. Based on that, we could say that if we wanted to reduce the drift caused by such pairing, we are left with two options: 1) either simplify the means, so that they compete less with the ends (for instance, limiting campaign donations, expenditures, or actions); or 2) imposing elections as a one-time event (such as prohibiting re-elections). This is not stated as an endorsement for any agenda of reform, but rather as an illustration of how to understand this mechanism in the context of Congress.

The more difficult it is to realize the means, the less time will be available for the ends. Breakdown structures that impose costly means will, as such, induce people to work for these means rather than for the ends, which are closer to the ascribed goals of the institution. Members of an institution with a low means-ends adequacy

might even become better at the means than at the ends; as a matter of fact, they might be induced to train for the means, thus overlooking—and becoming incompetent at—achieving the ends.<sup>26</sup>

## **Mechanism 2: Motivating for the Goal**

After setting the appropriate goal for the level of execution, the second step of the design involves motivating the individual for the particular tasks. In his study of administrative behavior, Herbert A. Simon identifies two categories of motivation for individuals in organizations: direct and indirect. Direct motivation refers to the “personal rewards deriving directly from the accomplishment of the organization objective.” According to Simon, this involves the individual deriving personal value from the accomplishments of the organization, such as a non-profit worker who cherishes the purpose of her organization or an employee who trusts her company and its vision and mission. Indirect motivation refers to rewards offered by the organization “to the individual in return for his willingness to contribute his activity to the organization.” These rewards are commonly monetary (that is, wages), functioning as inducements that are not directly related to the purpose of the organization.<sup>27</sup>

Whenever there is direct motivation, it is easier to maintain the organization in its course. It is even likely, for instance, that members of the organization would resist performing goals that undermine the institutional purpose, for this is the reason that motivates them to work. Of course, there would still be a question of how a purpose should be achieved, and as Simon explains, if “the goal is less tangible—like that of a religious organization—it becomes more debatable whether a particular activity contributes to the goal; and hence there may be considerable controversy, even among those who wish to work for the goal, as to how it is to be attained.”<sup>28</sup> Despite controversy, we may assume that an organization whose members have a perfect direct motivation towards the purpose will, in relative terms, self-correct and rarely drift from its institutional purposes. The problem arises, though, when indirect motivation is present. Since people with indirect motivation work for the reward, they will not work for any institutional purpose, but

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<sup>26</sup> This idea draws on Veblen’s concept of “trained incapacity.”

<sup>27</sup> Simon, *Administrative Behavior*, 140.

<sup>28</sup> *Id.*, 142.

rather for the institutional purpose *as it is defined for them in the reward mechanism*; and to the extent that the purposes suggested by this mechanism are different from the institutional purpose, there will be institutional corruption.

One example of this problem refers to the perverse incentives produced by performance measurement systems. Whenever a measure is imposed as the criterion for a reward, the measure itself becomes the goal.<sup>29</sup> The case of the test score is the classic example, regarding which teachers engaged not only in “teaching to the test” but also in cheating, both of which undermine the institutional purpose of the educational system.<sup>30</sup> Another example is the case of a salesman who is compensated for the amount of sales (rather than, for instance, long-term customer satisfaction); in this case, this might induce the salesman to work against his client’s interests. The performance measurement (amount of sales) implemented to guarantee the goal (continuous sales through customer satisfaction) may end up sabotaging the very goal it aimed to promote. Speaking about this, Spitzer states that “what is commonly referred to as ‘measurement dysfunction’ occurs when the measurement process itself contributes to behavior contrary to what is in the best interests of the organization. When measurement dysfunctions occur, specific numbers might improve, but the performance that is really important will worsen.”<sup>31</sup> Using measurements is not a problem in itself, but it becomes a problem when it is used as the sole criterion for rewards. In this case, employees may start to work for the measures, ignoring that they are just proxies for the purpose the organization is trying to achieve.

Members of an institution need to be motivated to work for the tasks that will lead the institution towards its purposes. Usually, members are motivated through indirect measures and, as such, their motivation will depend on the nature of what is being measured and rewarded (reinforced). To the extent that the tasks being rewarded are different from the ones leading to the purpose—because of the work breakdown structure or because of motivation issues—institutional corruption will ensue.

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<sup>29</sup> This is a known problem, and has been referred to by different names; see, for instance, Campbell’s Law, Goodhart’s Law, or Lucas Critique.

<sup>30</sup> John Merrow, “Michelle Rhee’s Reign of Error,” *Taking Note: Thoughts on Education* by John Merrow, April 11, 2013, <http://takingnote.learningmatters.tv/?p=6232>.

<sup>31</sup> Dean R. Spitzer, *Transforming Performance Measurement: Rethinking the Way We Measure and Drive Organizational Success* (Amacom, 2007).

### Mechanism 3: Formalization and Communication

The work breakdown structure and the motivation plans of an institution need to be formalized and communicated to its members. They need to be materialized in some medium so that members can apprehend their content. In this process—which we call formalization and communication—ambiguities may be produced, which could lead to institutional corruption. Usually, the institutional medium for formalizing and communicating the previous mechanisms is the written language; more specifically, in the forms of plans, laws, rules in general. These artifacts become the primary source of the work breakdown structure and the motivation plans. There are numerous uses of language in institutions, but here we will focus on the use of language in rules, which will serve as a paradigm for understanding this mechanism.<sup>32</sup>

In order for members to know what the institutional purpose is, it has to be substantiated into some concrete form, which can be used as a mnemonic and communication artifact. A rule, which is a common form of such concrete form, is made through the construction of a wording that conveys the meaning of a desired situation or behavior. The semantic operation of developing a sentence to match the content of the desire/intent is very delicate, and two problems may arise. First, the wording of the rule might not match, perfectly, the meaning it is supposed to convey; in Saussure's terms, there is a gap between the *sign* (the words composing the rule) and the *signification*<sup>33</sup> (the meaning of the rule, the concept that the words are or should be communicating). Second, rules are usually stated in a general manner, so as to encompass a number of situations subsumed under its predicted circumstances. It is likely, though, that each particular situation—that is, each particular circumstance calling for the application of the rule—will demand slightly different treatments. Every application of a rule is an adaptation of its general form to the concrete case, which brings some level of ambiguity and uncertainty about how rules will be understood and applied to each case. Because of these two problems, there is a gap between how the rule is applied to the particular case (the rule-in-context) and how the rule would be applied if it were, in the particular

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<sup>32</sup> The problem with rules has been identified before in the literature of institutional corruption. See, for instance, Malcolm Salter, "Is Financial Reform Being Gamed? What Implementation of the Volcker Rule will Reveal about the Gaming of Financial Reform," The Lab @ Edmond J. Safra Center for Ethics blog, August 22, 2013, <http://www.ethics.harvard.edu/lab/blog/335-is-financial-reform-being-gamed>.

<sup>33</sup> Ferdinand de Saussure. *Course in General Linguistics* (Open Court, 1986).

context of application, perfectly compatible with its intent and purpose (the rule-as-intended).

This gap may generate institutional corruption. Even if the work breakdown structure and the motivation structure are perfectly structured, they might be formalized and communicated in terms so imprecise that they generate drift. Through this mechanism, members may be influenced to work for goals different than the institutional ones, not because the work breakdown or motivation structures were badly designed, but rather because they were formalized and communicated in defective ways. This drift can also happen purposefully: members may use the gap mentioned to explore ways to game the rules; that is, to follow the letter of the rule while undermining its intent and advancing other goals.

This malice may reach, of course, the rule-making process as well. Members who are purposefully willing to procure other goals—that is, who are consciously working for other goals—may sabotage the rules by influencing the rule-making process preemptively. This is what Malcolm Salter calls the “rule-making game”; that is, institutional members influencing the very design of the institution so that they can, later, exploit the design flaws for their benefit.<sup>34</sup>

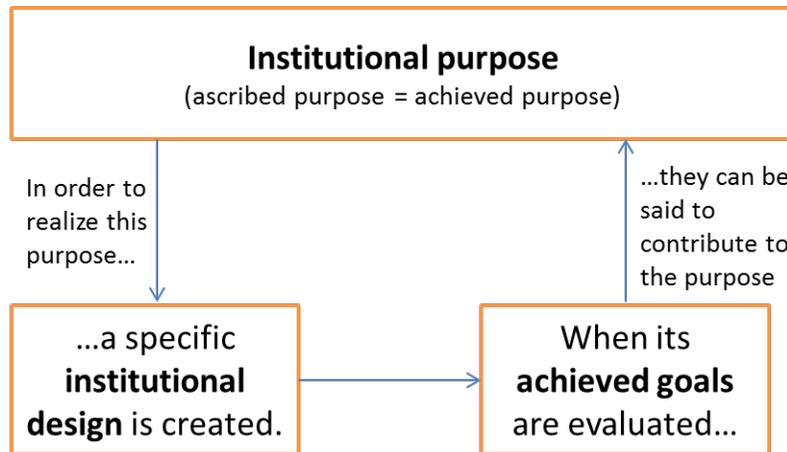
This mechanism is relevant for the theory as presented in this paper because even though we focus on the institutional *design*, institutional corruption is not only a problem of design as it is *designed or intended*; it is a problem of how the institutional design manifests itself *in practice*: that is, as it is apprehended every day by the members of an institution.

## **Institutional Corruption: A Schematic View**

As a summary, it is useful to present the concepts introduced above in a schematic manner. Figure 1 below presents the case of an institution with no institutional corruption. In this circumstance, a perfectly functional institutional design is created, which leads to the achievement of the institutional purpose.

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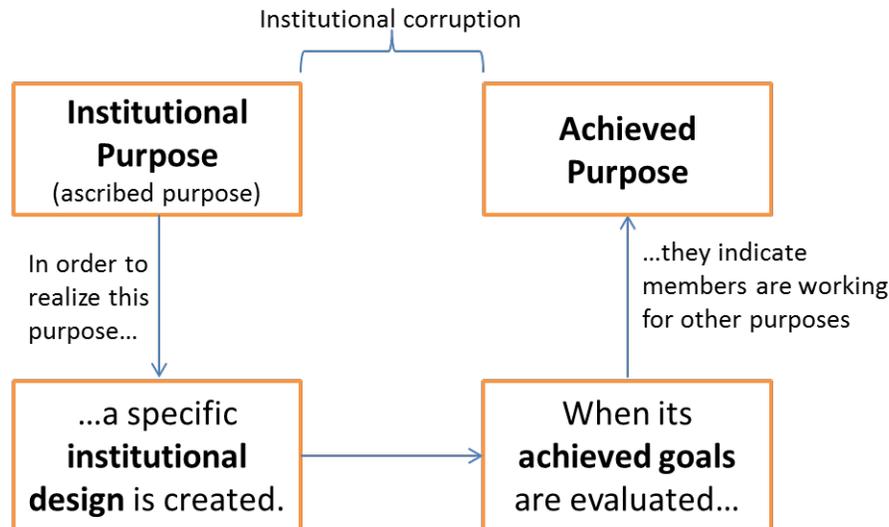
<sup>34</sup> Salter, “Is Financial Reform Being Gamed?”



**Figure 1. A schematic view of an institution with perfect institutional design (and thus no institutional corruption).**

Figure 2 below presents a situation with institutional corruption. Imagining a new institution being created, the process leading to institutional corruption would follow the logical steps below:

- 1- An institution (organization, industry) is created for a purpose;
- 2- A specific institutional design is created, with:
  - a. The goals/tasks (means) that will be needed to achieve the purpose (mechanism 1);
  - b. The motivation mechanisms (that is, rewards) so that members will work for the purpose (mechanism 2);
  - c. Formalization and communication mechanisms so that members will know what the mechanisms 1 and 2 are (mechanism 3);
- 3- Because of imperfections in mechanisms 1, 2 or 3, members are working for goals that are not compatible with the institutional purpose. This is said to be institutional corruption.



**Figure 2. A schematic view of the process of institutional corruption.**

From the perspective of the analyst—that is, of people studying the state of affairs of existing organizations or industries—the diagnosis of institutional corruption would follow the steps below:

- 1- The unit of analysis (an organization; an industry etc.) is defined;
- 2- The baseline (the ascribed purpose) of the institution under analysis is defined;
- 3- Members of such institution are working for goals different than the ascribed ones—that is, there is no adequacy between the institutional purpose and the goals for which members are working. The analyst has to query if this dysfunction is due to its design (versus due to performance), and then query:
  - a. Is it because of the work breakdown structure? (mechanism 1)
  - b. Is it because of the motivation structures/incentives put in place? (mechanism 2)
  - c. Is it because of formalization or communication issues? (mechanism 3);
- 4- If answered “yes” to any of the questions above, we may say there is institutional corruption.

## Conclusion

Dennis Thompson demonstrated how efficient the concept of institutional corruption is to explain certain types of dysfunction in Congress. As the concept was so useful in addressing Congressional problems, many have applied the concept to different situations, such as investment banks, think tanks, or the health sector. As the concept was applied to different settings, though, some incoherence was produced. In this paper, we have proposed a re-description of the concept of institutional corruption, trying to provide a language that enables us to speak of institutional corruption in different settings.

From an institutional perspective, every institution—understood here in a broad sense encompassing particular companies, the whole industry, or society—that has a purpose needs structures to realize it; in particular, structures to enable members to work for its purpose. These structures involve elements—the work breakdown structure, motivation, and formalization and communication—that may be badly planned and, as such, may lead members to work for goals incompatible with the institutional purpose. Insofar as an institution has a purpose (regarding both meanings of “purpose” mentioned in this article, or others), it will need a design to achieve it, which may, in turn, engender institutional corruption.

The fact that an institution needs a design to achieve its purposes means that, in most cases, this design will be created according to the accepted norms of designing institutions; the design is usually compatible with the legal framework of society. Institutional corruption is usually legal, perhaps even well regarded; it is, after all, a consequence of an institutional design which is composed by accepted structural elements.

Institutional corruption theory is useful because it calls our attention to problems of corruption and behavior which should not be seen as individual problems; it does not refer to isolated, contra-institutional, individual corruption cases. Rather, in institutional corruption individuals act according to the institutional design, but it is the flawed design that leads to the deviation from a purpose; it is not necessarily about “good people doing bad things,” but about “people (good or bad) following the design, which happens to lead to bad outcomes”; by design they must do things that, by the institutional purpose, they should not.

## Postscript: Modernity and Institutional Corruption

We would like to add a comment on more foundational, structural, reasons for the problems alluded to by the concept of institutional corruption. If the analysis presented above resonates with some of the problems identified by current research on institutional corruption, it is likely that institutional corruption has deeper roots; that its foundations reside not on the particular structures of existing institutions, but rather on the ways we have learned to design institutions in the first place. There is something about the way rational design is practiced that it allows this decoupling between overarching purpose and daily action to take place.

Setting aside technical limits to rationality,<sup>35</sup> members of institutions may use rationality to work for the achievement of goals set to them, or they may use rationality to critique the institutional purpose and their own place in achieving it. The former refers to *functional* rationality, which “relates to any conduct, event, or object insofar as it is recognized as purely a means to attain a given goal.”<sup>36</sup> The latter refers to *substantive* rationality, which is the capacity to make interrelations between events and actions and to produce independent judgments.<sup>37</sup> Because of this difference, and because functional rationality can operate even while substantive rationality is numbed, “a high degree of technical and economic development can be coincident with low ethical development.”<sup>38</sup> Drawing further on Karl Mannheim, Ramos argues that modern society witnesses, for the first time, the dominance of functional rationality in all spheres of life. Due to the numbness of substantive rationality, it is natural that most people will operate efficiently but uncritically—in functional rationality—towards the goals set to them by other people. Interpreted in the light of Veblen’s concept of “trained incapacity,” this problem has an almost logical nature: the more we focus on something, the less we focus on other things; the more trained we are to perform functionally, the less we will perform substantively.

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<sup>35</sup> See, for instance, Jon Elster, *Solomonic Judgements: Studies in the Limitation of Rationality* (Cambridge University Press, 1989).

<sup>36</sup> Alberto Guerreiro Ramos, *The New Science of Organizations: A Reconceptualization of the Wealth of Nations* (University of Toronto Press, 1984), 8. For this distinction, Ramos relies substantively on Karl Mannheim who, in turn, relies on Weber’s distinction between formal and substantive rationality.

<sup>37</sup> *Id.*, 8.

<sup>38</sup> *Id.*, 9.

Functional rationality is reinforced when institutions assume that it is the standard of human behavior, the principle around which it should be designed. This view of the human being, which Ramos calls the “behavioral syndrome,” tends to obtain behavior that is connected to the particular tasks being rewarded, rather than to the ultimate purpose of the institution. What is expected from the institutional members is conformity, “a mechanomorphic type of conduct dictated by external imperatives” which is, in this sense, “accordingly void of generally valid ethical content.”<sup>39</sup> It may happen, of course, to be (accidentally) ethical if it is interpreted against what was desired and designed by the institutional designers; but it is not ethical in the sense that the members are taking ethics in consideration—they are just behaving according to the incentives; as Ramos states, “abiding by the rules substitutes for a concern for substantive ethical standards.”<sup>40</sup>

Applied to institutional corruption, the problem we face is that of a foundational belief in the possibility of processes which, if strictly followed, will guarantee the realization of the purpose. For instance, the free market is a set of structures aimed at motivating individuals to pursue their private goals, with the expectation that this will, in turn, generate an allocation of resources better than any central planning effort could achieve. It turns out, though, that something may go wrong by working too well—for instance, the higher efficiency of the free market institution contributes to the depletion of nature, an unintended consequence of its incentive/motivation structure. When this unintended consequence happens, it is understood that some modification in the design is in order; for example, the reward structure of the market might be changed so as to account for environmental externalities. But the challenge is that this modification—or the actions by which the problem is raised and the modification is enacted—demands a capacity for self-correction that may not be present in the current institutional structure. A full compliance with institutional structures, as the functional rationality would assume, may prevent improvements. The very perception of the necessity of change demands an understanding of the purpose, rather than an instrumental view of evaluation of means and processes being followed. Self-correction of the institution demands that (some) members are not fully operating according to the design; that is, are not fully in functional rationality mode, but are

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<sup>39</sup> Id., 45.

<sup>40</sup> Id., 53.

actually judging the design with some autonomy from the institutional structure—which is just another way to say that they have some direct, intrinsic commitment to some ethics.<sup>41</sup> If an institution is to remain on course, it must count on some level of internalization, of direct and intrinsic commitments, rather than count merely on the formal, external and (functionally) rational common elements of institutional design.

Many institutions can be improved by modifying their structure, while still relying on this functional approach to human behavior. But these assumptions about rationality and behavior are, at least, historically contingent, which does not guarantee they are the best foundation for the organization and attainment of social purposes. New ways of organizing, based on different assumptions of behavior—for example, based on substantive rationality—should be explored so that institutions become more resilient to problems of drift and corruption.

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<sup>41</sup> The argument being made here between extrinsic and intrinsic (or indirect and direct) elements of institutional effectiveness are also discussed, although with a different perspective, in English, "Institutional Corruption and the Crisis of Liberal Democracy," 32-37.

## About the Author

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