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ABSTRACT

Unless it is understood that bureaucratic corruption is opportunistic behavior and is related to the scope and extent of government regulation of economic activities, cleanup programs are unlikely to succeed. This article examined bureaucratic corruption and cleanup strategies in developing countries. It particularly examined Kenya Public Sector corruption and advanced initiatives like the public-choice approach as the most effective and intellectually sastifying framework for corruption cleanup. The rules that regulate socio-political relations in a country have a significant impact on the ability of civil servants to seek and secure, either legally or illegally, outside income. In non-democratic societies, bureaucrats are less constrained in their employment of public resources to lobby legislators and influence those individuals with direct responsibility for determining levels of compensation for the public sector. In fact, in many developing countries, most civil servants are members of the politically dominant group and have significant influence over the allocation of resources. Under these conditions, civil servants behave like interest groups whose primary objective is to put pressure on the political system in an effort to redistribute wealth to themselves.

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INTRODUCTION

Corruption has been an important subject of analysis by social scientists and researchers for many years (Omar, 2011). Corruption in developing countries is often believed to arise from the conflict between traditional values and the imported norms that accompany modernization and socio-political development. Bureaucratic corruption is seen by some researchers, then, as an unavoidable outcome of modernization and development. Various studies offer different explanations for why bureaucratic corruption is more pervasive in certain countries than others. However, not much empirical work has been done comparing competing explanations of bureaucratic corruption (Evans, 2000). In this article, the author compares informal, formal and cultural control explanations against one another in an effort to understand cross-national variation in bureaucratic corruption. Democracy, strong judiciaries, and parliamentary democracy in particular reduce the prevalence of bureaucratic corruption. Electoral accountability and judicial efficacy produce good politicians, and good politicians monitor bureaucrats well enough to reduce bureaucratic corruption. It is important to note that corruption is one of the aspects that significantly diminishes the civil service in relation to the political class creating in effect a political bureaucracy that almost functions as a secretariat for the ruling party in a given country (Githongo, 2000).

Corruption in the Public Service

According to the informal, formal and cultural control perspectives, bureaucratic corruption prevails where merit-based recruitment, electoral and judicial accountability, and cultural constraints are limited (Treisman, 2000). The informal control explanation emphasizes merit-based recruitment in the bureaucracy as the key to mutual peer-supervision and control of corruption. The formal control explanation suggests that institutional democracy and balances of powers hold political agents accountable for their actions while in public office, and thereby reduce corruption. The cultural control explanation suggests that bureaucrats in a civic region are honest since they are aware of their own duties and monitored by their constituents. It is important to distinguish between political and bureaucratic corruption. While the latter involves efforts by civil servants to enrich themselves through illegal means, the former is used by political coalitions to capture the apparatus of state or maintain a monopoly on power. Political corruption usually includes activities such as vote-rigging, registration of unqualified, dead, or non-existent voters, purchase and sale of votes, and the falsification of election results (Goodman 1990).

The public sector becomes competent when it realizes the prescriptions for an ideal bureaucracy. In an ideal bureaucracy, the recruitment and promotion processes are based on merit. Evans (2000) argues that institutional differences in a bureaucracy create distinct normative expectations among bureaucrats. Since bureaucrats secure jobs based on merit, as opposed to nepotism, achievement, not ascription, is a valued attribute in the bureaucracy (Rauch and Evans, 2000). Long term careers in the bureaucracy enable bureaucrats to form stronger ties with peers. Bureaucrats value what their peers think of them, leading them to adhere to accepted norms of behavior in the bureaucracy. Evans (1992) asserts that bureaucrats gain more from conforming to norms than from engaging in corruption. Evans and Rauch (1999) construct an index of meritocratic recruitment to test their bureaucracy hypothesis, and find that merit-based recruitment significantly reduces bureaucratic corruption.

Peer supervision, as implied by merit-based recruitment, might appear futile in controlling bureaucratic corruption in less developed countries (Schneider, 1991). Whereas bureaucrats have short tenure in the same office, they are unable to form meaningful relations with peers yet they work under the supervision of the executives. Therefore, institutionalists contend that bureaucratic probity is a function of formal control, exerted by political actors like judges and legislators in policing and punishing bureaucratic misconduct (Geddes, 1994).

Political institutions such as democracy, and parliamentary democracy, in conjunction with an effective judiciary, increase the likelihood of selecting as well as retaining “good public officers” in public office (Caselli and Morelli, 2004). They also ensure that such incumbents are held accountable for their actions during election as well as non-election years. In addition, they ensure that bureaucrats are thoroughly monitored and, thereby, stay honest. Political competition, symbolized by free and fair elections in a democracy, poses a credible threat to incumbents of losing office in the next period, and thereby controls politicians’ behavior (Rose-Ackerman,1999). Parliamentary constitutional structures perhaps complement the electoral control of corruption in a democracy while keeping executives in check, especially during between-election years (Linz and Stepan, 1996).

Parliamentary democracy allows for the stronger and more immediate monitoring of the executive by the legislature, and thereby, increases accountability and reduces corruption (Linz and Stepan, 1996). Effective judges, in addition, hold both elected and appointed officials accountable, while protecting citizens’ voting rights and ensuring that executives and legislatures adhere to constitutional norms, and do not abuse bestowed political power, among others. While lacking any serious efforts to tap judicial efficacy’s effects on corruption, empirical studies are divided regarding the parliamentary democracy-corruption dynamic. Corruption is found to be lower in both parliamentary democracies and their presidential counterparts (Kunicova and Rose-Ackerman, 2005). Corruption, nonetheless, consistently appears to be less in a democratic regime according to empirical studies by Montinola and Jackman (2002).

Bureaucracy in developing countries is not a self-governing organization. It is contingent upon the executive branch (Geddes, 1994). The determinants of bureaucratic corruption are less likely to be the same both for the autonomous bureaucracy, such as the Japanese bureaucracy, and the non-autonomous bureaucracy, such as those in developing countries. Evans’ informal control explanation may not apply in the context of less developed countries since bureaucrats do not work at the same office long enough (Schneider, 1991) to pursue the ostensible objectives of the bureaucracy or form ties with peers who informally control peer-misconduct. Wade (1985) asserts that public officials in the Indian bureaucracy maximize bribe revenues or save funds during their temporary incumbency at a particular office to buy a lucrative posting in the next transfer order. Periodic migration from office to office does not allow bureaucrats to connect with their peers. This means that controlling corruption might be difficult as a result of those weak ties (Geddes, 1994). Geddes’ argument postulates that bureaucrats in a non-autonomous bureaucracy are concerned more about the vertical formal control from the politicians than the hierarchical informal control from the peers. Furthermore, this might be the case in less developed countries where the general level of development and education are low, and citizens are often unaware of civic rights and privileges, and not even collectively organized to realize those rights such as bureaucratic services (Geddes, 1994).

In African countries like Kenya, bureaucrats attempt to increase their level of compensation by lobbying lawmakers and politicians and by engaging in other activities to influence the political system and maximize benefits accruing to them (Caselli & Morelli, 2004). Many civil servants also illegally increase their compensation by providing services to interest groups that seek favors from the government. Political coalitions seeking ways to subvert the existing rules to redistribute national income and wealth in their favor can achieve their objectives by bribing civil servants whose job is to enforce state regulations and implement national development plans. If bureaucrats discover they can earn more income from providing services to groups seeking state favors than from their regular public jobs, they may pay more attention to the demands of such interest groups than to the proper enforcement of state laws and regulations and the effective implementation of national development plans. In societies where civil service compensation levels are relatively low, a significant part of the public employee's total compensation may be derived from engagement in outside activities, resulting in a significant increase in bureaucratic corruption (Montinola & Jackman, 2002).

Structural conditions also limit the potential of cultural control on corruption. Since patron-client networks are prevalent in less developed countries, the citizens of these countries seem to organize vertically, as opposed to horizontally in order to maximize patrons' narrow utilities rather than collective utilities such as bureaucratic equity (Scott, 1972). In the realm of the empirical reality in less developed countries where bureaucracy has limited institutionalized informal or cultural control on corruption, meritorious bureaucrats are as likely to engage in corruption if good politicians do not discipline bureaucratic misconduct, just like the politically appointed bureaucrats (Montinola & Jackman 2002).

Following Caselli and Morelli (2004) this argument holds that quality of politicians may vary from good to bad, and formal controls via democratization, parliamentary democratization in particular, and effective judiciaries might lead to a greater aggregation of good politicians in the government. In addition, proportional representation interacting with parliamentary democracy may help select honest politicians. "Good public officers" selected with political institutions such as democracy, parliamentary democracy, and effective judiciaries are important checks against bureaucratic corruption. "Good public officers" in countries with electoral and judicial accountability in their political systems do not take state resources, or play favorites. Instead, they implement public policies supported by the citizens. These "Good public officers" monitor bureaucrats so that their expertise is utilized in implementing policies. Bureaucrats gain more from efficient performance than corrupt endeavors. On the contrary, "bad public officers" demand bureaucratic assistance to extract state resources, or exercise nepotism, such as to provide lucrative government contracts or subsidies to politically powerful individuals or groups (Jones & Olken, 2005).

A corrupt bureaucrat regards his office as a business from which he is able to extract extra-legal income (Klaveren, 1990). As a result, the civil servant's total compensation does not depend on an ethical evaluation of his usefulness for the common good but precisely upon the market situation and his talents for finding the point of maximal gain on the public's demand curve. As part of his definition of corruption, Leff (1964) includes bribery to obtain foreign exchange, import, export, investment or production licenses, or to avoid paying taxes.

According to Friedrich (1990), individuals engage in corruption when they are granted power by society to perform certain public duties but, as a result of the expectation of a personal reward or gain (be it monetary or otherwise), undertake actions that reduce the welfare of society or damage the public interest. This argument holds that bureaucratic corruption provides civil servants with the opportunity to raise their compensation above what the law prescribes. Through the practice of corruption, private entrepreneurs are able to capture and maintain monopoly positions in the economy. Politicians, who serve as wealth brokers, obtain the resources they need to purchase security and continue to monopolize the supply of legislation. The biggest loser from corruption is society as a whole. Corruption allows inefficient producers to remain in business, encourages governments to pursue perverse economic policies, and provides opportunities to bureaucrats and politicians to enrich themselves through extorting bribes from those seeking government favors. Thus, corruption distorts economic incentives, discourages entrepreneurship, and slows economic growth (Jones and Olken, 2005).

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In examining bureaucratic corruption in developing countries, it is important to discuss the supply side. Unless entrepreneurs and groups seeking government favors supply the bribes, then most bureaucratic corruption would be limited to nepotism, illegal levies, and the illegal appropriation of public resources. In African countries, payments from entrepreneurs seeking state favors represent an important source of extra-legal income for civil servants. A society's laws and institutions have a significant impact on the level of bureaucratic corruption. State regulatory programs can place a significant burden on business enterprises and entrepreneurship and encourage investors to seek ways to minimize these state-imposed costs. Most intervention schemes, of course, create rents that are usually competed for through a political process. Paying bribes to civil servants has emerged as an important method to compete for those rents. For profit-maximizing enterprises faced with ruinous government regulations, bureaucratic corruption can be viewed as a survival mechanism

On the supply side, bureaucrats respond to politicians' wishes. They also suggest better ways to fulfill politicians' desires so that the politicians think positively of them given their knowledge of state resources, better technical efficiency, or greater access to policy information. In addition, bad politicians lose their legitimacy to effectively play their monitoring roles. Electoral and judicial accountability in the political structure produce good politicians, and good politicians monitor bureaucrats well enough to reduce bureaucratic corruption. The quality of politicians is appearing into academic literature increasingly as a key determinant of economic development in less developed countries (Jones and Olken, 2005). However, its significance remains theoretical until researchers find evidence in empirical research. Besley (2005) suggests that it is important to consider the quality of politicians for the precise understanding of the role they play in reducing bureaucratic corruption and enhancing economic development of a country.

The Case of Kenya

According to Githongo (2000), Kenyans refer to corruption in different ways; *graft, kitu kidogo, chai, commission, hongo*, or *ruhswa.* Many African countries like Kenya are characterized by weak and vulnerable national governance institutions, such as parliament, the judiciary, civil service and police. They are also characterized by a limited democratic culture; and, human, natural, technological resources that are not as developed as they are in the West from where the governance institutions were borrowed in the first place. In addition, Kenya is an environment where there is often limited awareness on the part of wider population with regard to their fundamental rights and this makes for the most fertile ground for corruption generally. As a result, corruption is also a human right and political issue as well (Kempe, 2013).

The reality in many developing countries like Kenya with small economies is that the local financial elite, those with serious resources in relative terms, is comprised of two players: foreign capital, comprising mainly multinationals and other firms representing overseas interests; and, secondly, a local elite of businessmen, traders and landholders who acquire wealth either through traditional inheritance or through some connection with the State. This connection can take many forms (Omar, 2001). Gathii (2009) argues that in many African countries which had not established trader classes by the time of foreign colonialisation, those who came to be described as 'the rich' after independence started off as civil servants, politicians, military men or other players whose main characteristic was that they were close to the centre of power. The nature of present-day corruption in the Third World, therefore, varies depending on the relative size of the state sector in the economy at the time of independence from colonial rule (Gathii, 2009).

Anassi (2004) sought to show that corruption poses a serious challenge in terms of the economic, political and social development in the African Continent According to the author, corruption

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undermines democratic institutions and good governance in the political landscape. It reduces accountability and negates representation and policymaking in the electoral process. It abrogates the rule of law in the judiciary. Corruption also encourages nepotism resulting into unequal provision of resources to the population in the public sector. For instance, correctly remarked that 'the political will to fight corruption was absent' because "of the regime's control of all the arms of government, including parliament and the judiciary. Consequently, corruption was nurtured and perfected by those in authority. Parliament was impotent, because the party threatened those perceived as against the establishment with expulsions. The judiciary was compromised, and it did nothing to improve the situation (Wainaina, 2017).

According to Kempe (2013), despite the existence of the Anti-Corruption Commission and several other measures that have been put in place to try to tackle the corruption problem, Kenya is still classified as one of the most corrupt States in the world. Combating corruption is one of Kenya's most critical governance and development challenges even though all the necessary tools are in place to combat corruption in the country (Omar, 2011). This evidence appears to suggest that fighting pilferage of public resources is central to economic progress since huge resources are lost to corruption at the expense of the provision of public goods to the citizens.

For profit-maximizing enterprises faced with ruinous government regulations, bureaucratic corruption can be viewed as a survival mechanism (Kempe, 2013). In Kenya for example, payments from entrepreneurs seeking state favors represent an important source of extra-legal income for civil servants. A society's laws and institutions have a significant impact on the level of bureaucratic corruption. State regulatory programs can place a significant burden on business enterprises and entrepreneurship and encourage investors to seek ways to minimize these state-imposed costs. Most intervention schemes, create rents that are usually competed for through a political process. Paying bribes to civil servants has emerged as an important method to compete for those rents (Gathii, 2009).

Corruption is common whenever big government infiltrates all facets of economic life, never mind the political and business systems (Githongo, 2000). If the country's rules make the political system the primary determinant of firm profitability, then entrepreneurs are likely to devote most of their resources, including their time, to rent seeking. For example, if state subsidies, discretionary tax relief, and other forms of regulations instead of managerial expertise, business acumen, and competition become the primary determinants of the profitability of firms, rent seeking, including bureaucratic corruption, would become pervasive. Entrepreneurs in such an economy will devote a significant portion of their activities to lobbying and bribing politicians and civil servants in an effort to maximize profit levels (Mbaku, 1996).

Mauro (1995) argues that corruption is strongly negatively associated with the investment rate, regardless of the amount of red tape , asserting further that there is evidence that institutional inefficiency causes low investment. Everhart and Sumlinski (2001) find that public investment crowds out private investment and that in more corrupt countries, the crowding out effect is stronger. They argue that when government projects are tainted by corruption, the quality of infrastructure suffers and this discourages private investment. Taslim (1994) argues that corruption in the form of bribetaking is like sand in a machine rather than oil because it drives out firms with lower entrepreneurial skills from the market. In Kenya, where entrepreneurial skills are scarce are adversely affected because there will be even fewer active entrepreneurs who can seek out profitable opportunities and directly add to the wealth of the nation in addition to enriching themselves.

According to Bezerra (1994), corruption affects entrepreneurship in a myriad of ways. This argument holds that by limiting access to government funds and permits, the government agents reduce participation in some kinds of entrepreneurial activity to their own circle of friends and relatives, or to people who have access to this circle and can get a representative. In this respect, personal relations represent a kind of social capital in scarce supply. Funds and contracts go not to the best proposals, but to those proposals which have sponsors within the agency in charge. Corruption reduces the rewards for merit and reinforces the belief that the only roads to success are through luck or through corruption, and not through education. Thus, the returns to education are perceived to be low, resulting in lower enrollment rates than would be observed in the absence of corruption. The waiving of technical audits, however, reduces government expenditures on gathering information, potentially leaving more funds for entrepreneurial projects. The risk is that the projects will not be technically or economically viable (Everhart & Sumlinski, 2001).

Judicial reform initiatives give priority to facilitating the implementation of market reforms to ensure that investors can enforce their rights at the lowest cost and within the shortest time (Wainaina, 2017). By contrast, there is little or no effort to ensure access to courts, lower costs or shortening the time period within which the poor, the marginalized and the disadvantaged can similarly enforce their rights within the judicial system. For example, large numbers of the incarcerated poor go without a fair trial or even access to the judicial system to enforce their rights. On the other hand, the rights of investors are protected by the government through largescale legal reform efforts (Caselli & Morelli, 2004).

Anti-corruption reforms privilege investors, making it easier for them to do business, rather than address the problems related to corruption that are faced by the poor, marginalized and disadvantaged (Kempe, 2013). For example, while petty corruption affects the poor disproportionately as when the police enforce city ordinances to shut down or demolish informal open-air markets it seems to get less attention from reformers in both the public and non-governmental sectors. By contrast, when there is grand corruption or theft of public resources as when bribes are involved in contact bids by foreign corporations the outcry is bigger than when petty corruption affects the poor's ability to get access to government services, enroll in vocational and teacher training colleges supported by the state or obtain employment in the private sector (Caselli & Morelli, 2004).

Efforts to address issues of poverty primarily through market-centered reforms that foreclose addressing questions of inequality and injustice can be reframed to alleviate the conditions of the poor, by making these central goals in economic and judicial reform (Omar, 2011). The problem with current economic and legal reform initiatives is that issues of inequality and injustice are not regarded as integral issues. These reform programs seek to deal with inequality and injustice indirectly not through public spending, but rather through the trickle-down effects of private investment. Thus a fundamental problem with current approaches to addressing the of challenges posed by poverty is that they discourage and discredit such public spending (Gathii, 2009).

Corruption prevents economic growth because it distorts incentives and market signals leading to misallocation of resources (Wainaina, 2017). Moreover, corruption in Kenya, where it has degenerative impact, destroys the productive capacity of local talent and entrepreneurs. The opportunities for corrupt practices lead to resources, especially human resources, being channeled into rent seeking rather than productive activities Entrepreneurial and academic skills may be attracted to public sectors to earn extra benefit through corruption. Entrepreneurs may also find it financially more rewarding to leave the private sector and instead become a corrupt public official. As a result, growth of private sector may be reduced. Kenya is currently trying to put its act together so as to institute reforms in a number of sectors of the economy. These reforms may aid in the removal of long-standing traditions of corruption. One thing that is clear is that for this to happen there has to be political will and a paradigm shift among Kenyans. We need to believe that we can conduct business in all sectors without the intervention of corruption mechanisms and that it is possible to deinstitutionalize corruption. Long term measures to be taken that aim at fundamentally changing the formal institutions. Short term measures such as corruption campaigns serve to reduce corruption only when they are in effect (Kempe, 2013).

CONCLUSION

Bureaucratic corruption is an outcome generated within a given set of rules. An effective evaluation of such an outcome can only be undertaken after a thorough understanding of the rules that generate the outcome. Therefore, understanding why people engage in corruption requires an examination of the rules that regulate the socio-political behavior of individuals. Since these rules determine how individuals behave and relate to each other, they also determine the outcomes to be generated in the post-contractual society. Thus, effective corruption cleanup should not involve efforts to manipulate outcomes within rules. Instead, an effective approach should involve reform of existing rules and the subsequent selection and adoption of new rules that can generate the outcomes desired by the citizens of a particular country. Since the rules determine the incentive system that will prevail in the post-contractual society, society can effectively impose the outcomes it wants through rules design.

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