New paper lays out framework for understanding 'institutional corruption'

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In many ways, the polarizing 2016 U.S. elections inflamed public concern regarding the power of wealth over politics and policy, providing raw and emotional examples of "institutional corruption"—a term that broadly refers to legal, systemic corruption rather than illegal, quid pro quo corruption.

In a new paper, a team of scholars co-led by Elinor Amit, an assistant professor of cognitive, linguistic and psychological sciences at Brown University, provides a framework for understanding institutional corruption. The study raises the most crucial questions scholars are attempting to answer in the context of contemporary examples, such as: the power of super PACs (political action committees) over policy and electoral outcomes; the pharmaceutical industry's influence on the approval and prescription of drugs; how corporate contributions bias ostensibly objective think tanks; and how defense contractors political contributions lead to the militarization of the police.

"Institutional corruption is as dangerous as 'regular' corruption if not more so," Amit said. "This is because the 'regular' corruption consists of individual infractions that are punished by society, whereas institutional corruption is systemic and approved by the legal system, and often woven into the fabric of how organizations operate.

"However, just because a certain action is legal doesn't make it okay," she said. "The legality of institutional corruption makes it much more dangerous because it prevents people from recognizing it as a problem."

The paper, published in the *Southern California Interdisciplinary Law Journal*, explores the existing research on institutional corruption, organizing it by the essential questions the literature confronts: What exactly is institutional corruption? What are its manifestations? Who can be held responsible? And what can we do about it?

"This paper aims to give people clarity about what it is that they keep seeing and keep being upset about and keep protesting against," Amit said. "This is not an easy task, as institutional corruption is an extremely loaded concept, and scholars as well as the general public seem to disagree on many aspects of its definition. But talking about questions is part of the process of deepening our understanding of the core aspects of the concept of institutional corruption and therefore part of the process of remedying it."

Several scholars including co-author Lawrence Lessig, professor of law at Harvard University, have offered a definition, but none has achieved consensus. Co-lead author Jonathan Koralnik, Amit's former research assistant at Brown who is now a XXXgraduateXXX student at Washington University, said he hopes the paper will spark the needed public discussion to help shape public understanding and policy.

"This paper showcases what we know about intuitional corruption and where we still have questions," he said. "Its ultimate goal is to spark a new wave of academic and public discourse on this issue, to continue the conversation about what exactly institutional corruption is and what we can do to stop it."

Who is responsible?

For example, one of the major questions that scholars, policymakers and the general public need to answer is: Who is institutionally corrupt? Take, for example, the question of ascribing blame for an innocent

civilian's injury at the hands of a heavily militarized police force: Is it the fault of individual officers, the weapons contractors that contributed to the militarization of the police force, or the system that brought the weapons and police together?

Other examples arose on the 2016 presidential campaign trail. The authors noted that candidate Bernie Sanders criticized the "corrupt" campaign finance system itself, rather than individual politicians or campaign donors, for the influence of money on politics. Meanwhile, in a dustup during the second presidential debate in 2016, Democrat Hillary Clinton and Republican Donald Trump laid bare the related issue of who is responsible for institutional corruption: Clinton chided Trump as a businessman for taking advantage of tax loopholes, but Trump countered that Clinton failed as a senator to fix the system that allowed for them.

People are not always aware of the institutional corruption they are taking part in, the authors note. For example, doctors sometimes accept small gifts from drug companies without acknowledging the effect it has on their decisions to prescribe medications. Should they be held accountable for their biased decision-making?

The questions are not just abstract matters of ethics, Amit and her co-authors emphasize. For example, if an act of institutional corruption is to become regulated or made illegal, knowing when it has happened and where society lays the blame is crucial for enforcing such laws.

What can be done?

The paper concludes with a discussion of how institutional corruption could be remedied, starting with the question of what is the responsibility of individuals within corrupted systems to resist it. Scholars of institutional corruption have debated whether and when civil disobedience is the best path, versus trying to reform a system from

within but obeying it until it is fixed.

"The question is how far one must take that protest," the authors wrote.

Top-down remedies fall into three bins: disclosure of conflicts that could lead to corruption, elimination of such conflicts (for instance by regulations or bans), and "blinding" influencers and the influenced the prevent conflict.

"Many scholars are skeptical that mere disclosure, or transparency, is enough to prevent corruption," Amit said.

Solutions that eliminate conflicts of interest, like prohibiting pharmaceutical companies from funding drug trials or banning campaign donations, might work. But they are also huge changes to the system that, among other things, raise questions of where alternative funding sources would come from.

"Blinding," an idea proposed by Christopher Robertson, might prove to be a middle ground, at least in some situations, Amit said. In the drug trial model, drug makers could contribute to a trial-funding pool managed by the National Institutes of Health, who would pick the researchers to conduct the trial without the drug maker knowing. In this model, the research could be funded without the influencers having any relationship or leverage over the influenced.

"Of all the unresolved questions, the question of whether disclosure, blinding or elimination is the best way to combat institutional corruption has the most practical importance," the authors wrote. "The answer determines how anti-institutional corruption policy will be shaped."

  More information: gould.usc.edu/why/students/org … s/docs/26-3-Amit.pdf

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