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Defining Corruption in Business
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Abstract: This paper proposes a new definition of corruption that includes as a part of the definition the potential harm that corruption originating from business decisions can cause. The purpose of this paper is to enlarge the scope of corruption research and encourage future research to consider the role of business and managerial decision-making in corruption in addition to the prevalent focus of corruption research on the public official.

Keywords: Corruption, Corruption in Business, Managerial Decision-Making, Stakeholder Obligations

Introduction

Our interest in studying corruption has gained momentum during the past two decades with social scientists, economists, policy makers, management scholars and business ethicists adding to the kaleidoscope of corruption literature. Nevertheless, existing definitions of corruption available in literature are used repetitively in current works. These definitions confine themselves to the explanation that a corrupt act amounts to deviating from some norms (Scott, 1972; Huntington, 1968) or laws (Leff, 1964) or jumping the queue (Rose-Ackerman, 1978) or securing an undue favour or making a private gain (Nye, 1967) amongst other notable ones. And these definitions treat corruption more as an issue of non-compliance with rules, norms or the law and focus on the role of the public official. But corruption many a time is more than non-compliance of some norms, rules or the law. It can originate from ostensibly commercially prudent business decisions made by companies and their executives to 'get the job done' (could range from an amendment of an unsuitable law to approval of anything that business needs) and may involve lobbying public officials, donating to election campaigns, active bribery of public officials (because the company's competitors could be doing the same or the business environment is such that public officials demand bribes). And as a decision outcome, whether intended or not, the outcome may have the potential of inter-alia jeopardising human rights, the environment, issues of sustainable development and undermine stakeholder rights as in Enron (see Prashad, 2002) or Shell in Nigeria (see Wheeler et al., 2002). Therefore, corruption originating from business decisions needs to be included as a part of the literature on corruption definitions.

The study of corruption to a large extent has focused on government corruption, the corrupt public officials, corruption in public office, the nature and causes of such corruption (Scott, 1972; Rose-Ackermann, 1978; Bhagwati, 1982; Klitgaard, 1988; Theobald, 1990; Alatas, 1990; Elliot, 1997). This could be because the study of corruption originated in the domain of political science and economics. Over the years, the study of corruption has become an important area of study for management scholars and business ethicists too. It is argued that the compelling circumstances of business that many a time lead managers to take part in corrupt acts ought to be included as another aspect of our study of corruption as a subject.
Therefore, corruption in business and in international trade as originating from the business sector of society needs to be an important inclusion in corruption literature. As a starting point of generating future research in this direction, a more inclusive definition of corruption in business is proposed in this paper. The proposed definition has a clear inclusion that corruption originating from business decisions can have a serious impact on crucial stakeholder. The first section of the paper discusses at length typical definitions and discussions in literature as to what constitutes corruption. This is followed by an analysis of the study of corruption in society in the second section. The third section discusses the phenomenon of corruption in business which is complemented by the fourth and concluding section of the paper proposing a more inclusive definition of corruption to encourage future corruption research from another perspective.

Corruption: Existing Definitions

What constitutes corruption and acts of corruption is a question of debate amongst scholars; however, they agree on certain common features evident in an act of corruption. Scott (1972:3) sums this up in his book, “Corruption, we would all agree, involves a deviation from certain standards of behaviour.” This gives rise to a series of pertinent questions as to what those standards of behaviour are from which one deviates? What are the criteria to establish those standards and who lays them down? Whose behaviour is to be checked against those standards? Scott (1972:3) mentions three broad criteria to answer these questions, each with a distinct analytical focus but overlapping with each other, namely: public interest, public opinion, and legal norms. He debates what constitutes “public interest” and what is “public opinion” and issues of law. He concludes that both public interest and public opinion have different connotations in different situations and may be difficult to use as yardsticks in all cases. If compliance with the law is the expected standard of behaviour, then are we narrowing down the issue of corruption to contractarian requirements and in the process are we relegating a moral problem to a contractarian solution? The requirement of compliance with law would still harbour lingering doubts as to what is acceptable behaviour and what is not, and whether the law in question is unconstitutional or repressive. Scott (1972:5) addresses this dilemma aptly when he writes:

Our conception of corruption does not cover political systems that are, in Aristotelian terms, “corrupt” in that they systematically serve the interests of special groups or sectors. A given regime may be biased or repressive; it may consistently favour the interests, say, of the aristocracy, big business, a single ethnic group or a single region while it represses other demands.

Scott’s definition mentions “special groups” whose interests are served, albeit within the law by designs of a political structure. Some formal special interest groups who expressly promote the interest of their own groups within the law are professional bodies of accountants, lawyers, doctors, architects, engineers and trade associations, wherein the rules are set for satisfying specific group interests, and in so far as they disadvantage and inflict an unwarranted cost on society, such systems still remain corrupt. This happens if in the process of serving their own interest, they act to the detriment of society. Likewise, the theory of
'Milgram’s six degrees of freedom' or the concept of Chinese guanxi or the old boys network are indicators of the prevalence of informal groups of people who can end up serving their group interest to the detriment of others. The activities of such groups may meet legal compliance but that compliance may not rule out pursuit of corrupt advantage over others.

Legal compliance, however, as a criterion is not ruled out and scholars have used words like "norms", "formal duties", "extra legal", "system of public order" to define corruption and the underlying notion of legal compliance. Leff (1964:510) has highlighted the outcome of a corrupt act, namely: private gain at the expense of common good. He defines corruption as:

Corruption is an extra-legal institution used by individuals or groups to gain influence over the actions of the bureaucracy. As such, the existence of corruption per se indicates only that these groups participate in the decision-making process to a greater extent than would otherwise be the case.

Leff’s definition strengthens the use of legal compliance as a criterion, but at the same time discusses influence to a "greater extent than would otherwise be the case" as an outcome of the process. However, Leff’s use of the word "extra-legal" and his definition and related work is critically assessed in the work of Alatas (1990: 177-182).

In addition, Alatas (1990:3) has categorised corruption into seven distinct types: transactive, extortive, investive, defensive, nepotistic, autogenic and supportive and provides a context-specific insight into corruption in public office. Huntington (1968:492) defines corruption as, "behaviour of public officials, which deviates from accepted norms in order to serve private ends." Huntington highlights the private nature of gain made through a corrupt transaction by public officials. Nye’s (1967:567) definition is more comprehensive:

Behaviour, which deviates from the formal duties of a public role (elective or appointive) because of private-regarding (personal, close family, private clique) wealth or status gains; or violates rules against the exercise of certain types of private-regarding influence.

Nye (1967) offers a better understanding by mentioning the possible beneficiaries of a public official’s corrupt transaction. Rogow and Lasswell (1963:132) define it from the viewpoint of public good or common good, thus:

A corrupt act violates responsibility toward at least one system of public or civic order and is in fact incompatible with (destructive of) any such system. A system of public or civic order exalts common interest over special interest; violations of the common interest for special advantage are corrupt.

Klitgaard (1988:75) contends that illicit behaviour (corruption) flourishes when agents (public officials) have monopoly power over clients by virtue of great discretionary powers that they (public officials) command by way of occupying a public office. On the other hand

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1 Milgram’s six degrees of freedom is based on an experiment conducted by Prof. Milgram on a hypothesis that everyone in this world is connected through a short chain of acquaintances (approximately 6 persons in a chain).
2 The underlying theme in a Guanxi relationship is a reciprocal relationship for mutual benefit between people in business or otherwise. Guanxi is a word coined during Confucian times to indicate various relationships between the Emperor and people and between networks of people.
the agent’s (public official’s) accountability as an agent to the principal (the nation’s elect­
orate) is weak. In his work detailing control mechanisms for corruption, he has defined these
ingredients of corruption in an informal equation thus: Corruption = Monopoly + Discre­
tion–Accountability. In other words, corruption is a situation of monopoly arising out of the
discretionary powers vested in a public official’s position without being accountable for
one’s actions.

A general consensus is noticed amongst these scholars: that corruption is for private gain
at the expense of common good, a deviation from norms, and subverts the rule of law and
all the above definitions refer to the role of a public official. ‘Private gain at the expense of
common good’ provides the ground of moral reasoning against corruption in these definitions.
However, literature also provides exceptions to what is perceived as common good, but in
reality may not be fair on an individual nor satisfy basic principles of equity and justice. For
instance, in war time Germany the Nazi perception of common good involved imprisonment
and extermination of Jews. Rose-Ackerman (1978:9) explains this situation in her book
when she writes, “One does not condemn a Jew for bribing his way out of a concentration
camp.” The morality of this act of corruption overrides issues of legal compliance and private
gain. Hence, the definition of corruption needs contextual application. Johnston (1989: 16)
asserts the contextual nature of corruption when he writes “there are many forms of corruption,
differing in participants, settings, stakes, techniques, and cultural legitimacy.”

We can conclude from these definitions and related discussion that corruption is private
gain at public cost and involves deviation from rules, norms and the law. It involves a
trade in discretionary powers of a public official with an underlying element of a quid pro
quo relationship between the public official and the beneficiary of the discretionary powers.
It usually has the ingredient of illegal and immoral gratification.

However, there are exceptions to the presence of illegal and immoral gratification in a
corrupt transaction as explored in the work of Abueva (1966). For instance in certain cultural
situations, the discretionary powers are exercised by a public official’s corrupt act to provide
private gain to a close circle of people at public costs, without the underlying element of
reciprocity. These beneficiaries (people) could belong to the public official’s own family,
extended family, circle of friends and associates, persons from one’s tribe or ethnic back­
ground or province. Such misuse of powers vested in a public office of national trust is un­
dertaken by the public official to express love, devotion, loyalty towards one’s family, tribe,
province or friends and associates, although the public official is not paid for it by the bene­
ficiaries. This exception to the standard quid pro quo practice also amounts to corruption
because the actions are designed to provide an unfair advantage to certain individuals or a
section of society.

Corruption and Society

Corruption in our society has been studied from a number of angles in its various aspects.
Perry (1997) views corruption as a part of human activity in the geographical context and
has discussed the causes, proximates, characteristics and functions of political corruption in
his work. Many noted authors have studied the causes of corruption, its consequences, and
its occurrence as a part of political structures as well as the public official’s role in corruption
(Scott, 1972; Rose-Ackerman 1978; Klitgaard, 1988; Alatas, 1990; Theobald, 1990; Mauro,
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has also been seen as a result of “political structures and institutions” (Heywood, 1997). Publications discussing corruption-control and installation of control mechanisms too have focused on the public official (Klitgaard, 1988; Rose-Ackerman, 1999).

Some scholars have explored the correlation between the stages of a nation’s development and their influence on corruption and found that increased corruption is experienced as an economy takes off and developing nations experience increased corruption in times of rapid development (Wraith & Simpkins, 1963; Theobald, 1990). In certain situations corruption has been seen as a positive occurrence. Altman (1989) considered corruption and black market in the erstwhile Soviet Union as a “market correction mechanism”, correcting the Soviet government’s price and distribution control policies. Tillman (1968:437-443) considered the black market price as a “mandatory pricing system.” Szeftel (1983) in his study of private enterprises in Zambia felt corruption led to ‘formation of capital and enterprise’ as Zambian public officials who amassed wealth through corrupt means became entrepreneurs in later life. Corruption can also cut down bureaucracy and save time in certain organizational situations, writes Klitgaard (1988). However, authors such as Leff (1964); Scott (1972); Szeftel (1983); Klitgaard (1988) and Theobald (1990) have extensively argued against corruption asserting that the negative side of corruption far outweighs its perceived contextual benefits.

Elliot (1997) in her work analyses three different actors in the arena of corruption in society, namely: elected officials and politicians, non-elected officials (identified as judiciary and the bureaucracy) and private actors (which includes business). Elliot (1997) also distinguishes between “grand corruption” and “petty corruption”. She describes ‘grand corruption’ as corruption occurring at the highest levels of government involving decisions such as “procurement of military equipment, civilian aircraft, or infrastructure or broad policy decisions about the allocation of credit or industrial subsidies” (Elliot, 1997:178). While “petty corruption” according to Elliot, occurs when private actors interact with non-elected government officials for transactions such as “taxes, regulations, licensing requirements and the discretionary allocation of government benefits.”

In recent times, scholars have studied the impact of corruption on society (eg: Alatas, 1990). Empirical studies, such as Mauro (1997) provide tentative evidence about the economic effects (i.e. lowers growth and investment) of corruption. Mauro (1998) provided the first cross-country (across sovereign nations) empirical evidence that corruption affects the composition of government expenditure and adversely impacts government expenditure on education. Gupta, Demello, Sharan (2001) suggest in their study that nations with higher incidence of corruption also experience higher military expenditure in relation to both a nation’s GDP and government spending. Leite & Weidmann (2002), in their empirical studies of natural resource rich nations, who are otherwise poor, found that such nations experience slow economic growth due to the incidence of rent-seeking activities of public officials and corruption. Gupta, Davoodi & Tiongson (2002) concluded in their empirical study that nations with high levels of corruption experience adverse consequences on infant mortality rates, higher percentage of low birth weight babies and higher dropout rates in primary schools (the authors used Corruption Perception Indices of each country selected for the study and

Corruption Perception Indices are annual indices released by Transparency International. They convey the level of corruption in a country as perceived by its people (business leaders, press, scholars, accountants are usually surveyed)
Tanzi (1998:45) explains the qualitative effects of corruption on the economy, namely: distortion of markets, distortion of allocation of resources, distortion of incentives, corruption as an arbitrary tax, increase in poverty, reduction of the legitimacy of a free market mechanism and distortion of the fundamental role of government.

From the aforesaid discussion, it is evident that the phenomenon of corruption has been overwhelmingly studied with a focus on the public official and presence of corruption has serious negative impact on our society. Although it is important to study the role of the public official in corruption, we also need to remind ourselves that public officials are the ‘demand side of corruption’ as they seek wealth and influence by trading the discretionary powers of their office but any act of trading involves the presence of a supply side of corruption. In acknowledging that, we need to remind ourselves in our research that the ‘supply side of corruption’ needs to be explored in our research of corruption with equal importance. Companies and their business managers are the most prominent actors on the supply side of corruption and our study of corruption will remain incomplete if we lose sight of this aspect.

It may also be worthwhile to note here that, our study of corruption is largely based on post mortem of exposed cases of corruption of public officials, companies that have either confessed under amnesty (such as Lockheed and 500 other US companies in the seventies) or those who have been exposed by the media, and the correlation that one finds between indices of corruption developed by NGO’s such as Transparency International and economic indicators of the World Bank or IMF. What we all possibly miss out is the study of corruption that is hidden from the public eye and which has never been exposed. In other words our study and understanding of the phenomenon of corruption in business and society is based on ‘corruption that has been exposed’ or ‘unsuccessful corruption’. Our study of corruption is therefore not based on the study of ‘successful corruption’. Perry (1997) has indirectly made a reference to this aspect in his book where he writes “totally successful corruption is totally unsuspected corruption”. As an attempt to address this major limitation in our study of corruption it is imperative that corruption researchers pay particular attention to corruption in business.

Corruption in Business

Corruption in business is a subset of the wider phenomenon of corruption prevalent in our society. It usually occurs during the interface between business managers and public officials. Business managers seek dispensation of favours (both legitimate and illegitimate) and public officials command the discretion to dispense those favours, many a times at a cost to the public and society. Some examples of legitimate (within law) favours sought by business could be grant of trading rights, licenses, permits, award of contracts, tenders and amendment of laws to suit business interest. Illegitimate favours could range from tax avoidance; suppression of wrongdoing to employees and stakeholders, including illegal acts and anything that maybe *ultravires* the law that serves the economic interests of business. On the other hand, public officials command discretionary powers to satisfy both the legitimate and illegitimate favours that business may need. Thus, there is room for trade of these discretionary powers, for a *quid pro quo* between public officials and business managers as explained in Rose-Ackerman (1978); Elliot (1997); Harris (2003) amongst a few notable ones. The desire to trade these discretionary powers by a public official has often been referred to as “rent-
seeking behaviour” (Rose-Ackermann, 1978; Bhagwati, 1982; Klitgaard, 1988, Bardhan, 1997). Likewise, the desire to pay for those discretionary powers and make private gain at public cost can be termed as gain-seeking behaviour of business managers. Corruption also takes place in the private sector (without the involvement of public officials) between business managers and between companies colluding to perform an act of corruption, termed as “private to private corruption” (Argandonna, 2003).

The gain-seeking behaviour of corporations and their business managers achieved through the satisfaction of the “rent-seeking behaviour” of public officials breaches the fundamental principle of distributive justice and undermines the fiduciary role of business as a custodian of societal wealth and resources. In addition, such corrupt collusions violate the utilitarian role of business to achieve the economic welfare of society. This logic has prompted the formulation of anti-corruption legislation both at national, regional and international levels to protect the economic interests of society and protect society from an immoral situation of private gain at public costs. Many a time, such private gain inflicts huge public costs on society as evidenced in the collapses of fraudulent corporations in US during 2001-2002, and in recent times in 2008-2009. These corporate collapses have hurt society’s older generations (pension funds), the middle class (small investors and employees), eroded societal wealth (banks and financial institutions) requiring tax payer bailouts that future generations will have to pay for.

Many of these acts of *quid pro quo* (trade of discretionary powers) and collusion between public officials and companies/business managers get exposed in the media, usually too late, either as allegations or actual scandals with evidence from time to time. Not a single working day passes without exposure of the occurrence of corruption in some part of the world or the other as is evidenced from the daily email service run by Transparency International (an NGO fighting corruption) exposing corruption. To a great extent this has prompted an unprecedented awareness and action against corruption in many parts of the world. Besides national governments, the international community and global organizations such as the OECD4, UN5, IMF6, World Bank and regional organizations in Europe, the Americas and Africa have recognized the incidence of corruption in public office and international trade. In February 1999, the OECD criminalised bribery of foreign public officials through the OECD Anti-bribery Convention, 1999. The document is internationally significant as it is signed by 34 nations who control 70% of exports and 90% of direct foreign investment worldwide (Pieth, 1999).

Moreover, twelve international anti-corruption conferences under the aegis of Transparency International; the role played by (TI) Transparency International’s 60 national chapters, the strengthening of the FCPA7 in USA; the regional anti-corruption conventions in Africa, America and Europe and the United Nations Convention against Corruption, 2003 indicate deep concern about the prevalence of corruption in international business and public life. The United Nations Convention against Corruption, 2003 (UNCAP) is by far the most comprehensive international effort covering all aspects of corruption in public life. These

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4 Organisation for Economic Co-operation and Development.
5 United Nations
6 International Monetary Fund
7 Foreign Corrupt Practices Act
international efforts imply that corruption is an issue of significance and does occur in the interactions between public officials and corporations/business managers.

However, international efforts in the form of such signed conventions lack uniform legislative enforceability across all signatory nations as well as non-signatories due to various reasons ranging from varying stages of ratification of these instruments to differences in the judicial and legislative structures of individual signatory nations (Pieth, 1999) and the weak governance situations in many parts of the world. Legislation has not been successful in curbing the incidence of corruption in international business as is evident from the Bribe Payer’s Index 8 2002 and 2006 that have been published after the OECD Convention came into effect. The indices indicate that the propensity to pay bribes to secure business has increased over the years even after the OECD Anti Bribery Convention, 1999 came into effect.

Effective curbing of corruption in international business through legislation is still in its nascent stages, and will take years to catch up with the reality of doing business in many parts of the world. Adding to this difficulty is a perception on part of business managers that corruption is a part of the business environment and they do not think of stakeholder issues or corporate social responsibility when they take part in any act of corruption. For instance, CEOs in India acknowledged in 1993 that their companies constantly engaged in bribery and payoffs and they justified their actions on grounds of “extortion” (by the Indian government officials) as they were “forced to bribe” (Donaldson & Dunfee, 1999:226). Thus, these business managers did not see it as a matter of right or wrong or as a stakeholder issue but as a matter of their business environment that forces them to pay a bribe or take part in corruption.

This line of thought on part of managers is also found in Roy (2005) where in a survey of 41 multinational business managers conducted at Mumbai, India it was revealed that business managers while dealing with corruption-related situations do not really think of corporate social responsibility or stakeholder issues. Instead they think in terms of business opportunities that could be lost due to non-bribery, competitor actions, and of their own career graphs. If bribery/corruption was required to achieve these objectives then it was considered as a normal business practice because everyone else was doing so. Interestingly in the same survey when it was pointed out to the very same managers that in some situations their corrupt collusion with public officials can actually harm the environment (when prescribed pollution control measures are avoided by paying a bribe to the inspecting government official), human rights issues (when land is procured by the government from farmers without satisfactory compensation and then given to the company as industrial land for setting up the company’s manufacturing operations) and various other stakeholder issues, the managers conceded without a single exception, that they had never thought in terms of a link between their business decisions (corrupt collusion with public officials) and stakeholder issues such as human rights, issues of the environment or sustainable development but considered it as a matter of commercial compulsion.

The same arguments were also offered in the infamous Lockheed case and by 500 US companies who confessed to overseas bribery (under amnesty) before the US Senate during the seventies (Jacoby et al., 1977) saying that bribes had to be paid as a matter of commercial prudence. This is a timeless argument noticed in corruption literature. Thus, in order to

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8 Bribe Payer’s Index (BPI) is an index of ‘propensity to pay a bribe’ by major exporting/trading nations. The index is published by Transparency International and available at www.transparency.org
achieve the economic objectives, the very same company may enter into corrupt transactions with the justification that other companies are doing it or it is the norm of doing business in country ‘x’ or country ‘y’. And while doing so, the decision-making managers taking part in corrupt acts actually ignore that it is a corporate social responsibility issue more so because corrupt acts can have substantial stakeholder impact. For instance the corrupt collusion between Enron and the public officials in India had severe stakeholder implications that included violation of human rights in the form of displacement of over 2000 people, loss of their livelihood, illegal detentions and physical torture of stakeholder protestors (Prasad, 2002). Likewise, the much researched and written about Shell in Nigeria case also speaks of human rights violations, corrupt acts by the Nigerian military government and Shell (Manby, 2000; Wheeler et al, 2002).

An Inclusive Definition of Corruption

It is thus highly relevant to define corruption in business to include stakeholder issues as that will help all of us enlarge the frame of reference of corruption research in clear terms and at the same time could alert business managers that corrupt actions on their part ought to be seen in the larger context of stakeholder impact rather than as an economic transaction under whatever compulsion. As a starting point to generate further research and debate, corruption in business ought to be defined as:

A phenomenon that originates from managerial decisions that can involve lobbying, nepotism, making campaign donations, or any other legal/illegal and/or immoral gratification in cash or kind in exchange for securing an ‘unethical advantage’ over others in business and/or in society and such acts impact stakeholder issues of grave importance such as violation of human rights, destruction of the environment and undermining of sustainable development.

The word ‘unethical advantage’ here refers to corrupt acts that lack justification from a stakeholder perspective, regardless of the commercial compulsion or even legal sanction. A number of high profile cases such as Enron, Shell in Nigeria and corporate collapses such as Parmalat, World.com have demonstrated that corrupt business conduct has the potential to undermine human rights, democracy and sustainable development, amongst other stakeholder obligations. The explicit mention of human rights and sustainable development is essential to the core of all stakeholder commitments that any business operation has to honour in today’s global society. Donaldson & Dunfee (1999) have argued that an unwritten social contract exists between business and society and the core social clause in the contract between business and society requires business has to honour its stakeholder obligations.

The unethical advantages sought by companies and managers over others in business and/or society can manifest itself in various forms, such as bribes paid to secure land with oil deposits without caring about the loss of livelihood of the community which had owned the land, and without putting back a part of the oil revenues for the betterment of the community as in the case of Shell’s operations in Ogoni land Nigeria extensively explored in the works of Manby (2000) and Wheeler et al (2002). It can also include winning commercial tenders and contracts through bribery, obtaining of promotional articles in return for paid advertisements, bribes paid to escape legal obligations such installation of pollution control
equipment or treatment of effluents before they are discharged in waterways. Such situations can also include usage of political influence for passage of favourable legislation by governments, installation and support for military regimes that commit human rights abuses, corporate actions that result in wilful damage to means of livelihood, wilful damage to the environment, compromising on human right issues and issues linked to sustainable development.

In conclusion, defining corruption to include the role and the possible stakeholder impact of corruption originating from business decisions is a new direction for further research contributing to a better business and society osmosis.

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