

MASTER IN ANTI-CORRUPTION STUDIES PROGRAMME

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# **Examining the Deterrent Effect of Punishment in Controlling Corruption in the Public Service**

## A Case Study of Malawi

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## TABLE OF CONTENTS

Abstract .....	IV
Acknowledgment .....	VI
List of Figures/Tables .....	VII
List of Abbreviations.....	VIII
1. GENERAL INTRODUCTION .....	1
1.1 Introduction .....	1
1.2 Context of the Research .....	4
1.2.1 Prevalence of Public Corruption in Malawi .....	4
1.2.2 Punishment of Public Corruption in Malawi .....	6
1.3 Research Objectives .....	8
1.4 Research Hypotheses.....	8
1.4.1 Null Hypothesis (H <sub>0</sub> ) .....	8
1.4.2 Alternative Hypothesis.....	9
1.5 Research Variables.....	9
1.6 Significance and Relevance of the Research .....	9
1.7 Structure of the Thesis.....	10
1.8 Conclusion.....	11
2. LITERATURE REVIEW .....	12
2.1 Introduction .....	12
2.2 Detrimental effects of public corruption and Efforts to control it.....	12
2.3 Conceptual Framework.....	13
2.4 Theoretical Framework – An overview .....	19
2.4.1 Deterrence Theory.....	19
2.4.2 Social Learning Theory .....	22
2.5 Deterrent Effect of Vicarious Punishment .....	23
2.5.1 Deterrence Theory of Vicarious Punishment - Link between Deterrence and Social Learning Theories.....	23
2.6 Conclusion.....	26
3. METHODOLOGY.....	27
3.1 Introduction .....	27
3.2 Research Philosophy .....	27
3.2.1 Interpretivist Paradigm.....	28
3.3 Research Setting .....	29

3.4	Research Strategy and Design .....	29
3.5	Sample and Sampling Procedures .....	30
3.6	Sources of data.....	32
3.7	Data Collection and Analysis.....	33
3.8	Ethical Considerations.....	35
3.9	Conclusion.....	36
4	RESEARCH FINDINGS AND ANALYSIS .....	37
4.1	Introduction .....	37
4.2	Summary Findings on the Hypotheses.....	37
4.2.1	Null Hypothesis ( $H_0$ ) .....	37
4.2.2	Alternative Hypothesis.....	38
4.3	Detailed Findings Related to the Hypothesis .....	38
4.3.1	Understanding of Corruption .....	39
4.3.2	Level of Corruption.....	40
4.3.3	Prevalence of corruption in the Malawi Public Service.....	42
4.3.4	Perceived certainty of punishment for corruption.....	44
4.3.5	Perceived severity of punishment for corruption.....	45
4.3.6	Deterrence Effect of Vicarious Punishment.....	47
4.3.7	Impact on Individual officials following the punishment of a Colleague .....	48
4.3.8	Impact on the level of corruption in the public service following punishment of officials.....	50
4.4	Other Key Finding .....	51
4.4.8	Causes of Public Corruption in the Malawi Public Service.....	51
4.5	Conclusion.....	57
5.	DISCUSSION OF THE RESULTS .....	59
5.1	Introduction .....	59
5.2	What constitutes Public Corruption?.....	59
5.3	Levels and Prevalence of corruption in the Malawi Public Service.....	59
5.4	The general deterrence effect of vicarious punishment on public corruption.....	60
5.4.1	Perceived Certainty of Punishment.....	61
5.4.2	Perceived Severity of Punishment .....	62
5.4.3	Impact of punishment of a colleague on Individual official's behaviour .....	63
5.4.4	Impact of punishment on the level of corruption in the public service ministries or departments .....	64

5.5	<b>Other Key Finding</b> .....	65
5.6	<b>Conclusion</b> .....	66
6.	<b>CONCLUSIONS AND RECOMMENDATIONS</b> .....	68
6.1	<b>Introduction</b> .....	68
6.2	<b>Key Conclusions</b> .....	69
6.2.1	<b>General Deterrence Effect of Vicarious Punishment on Public Corruption</b> .....	69
6.2.2	<b>Perceived Certainty of Punishment for Corruption</b> .....	69
6.2.3	<b>Perceived Severity of Punishment for Corruption</b> .....	70
6.3	<b>Key Recommendation</b> .....	70
6.4	<b>Strengths of research and contribution to theory and practice</b> .....	71
6.5	<b>Limitations of the Study and Implications for Future Research</b> .....	71
6.6	<b>Challenges faced during the research</b> .....	72
6.7	<b>Conclusion</b> .....	74
7.	<b>Appendixes</b> .....	i
	Appendix 1: Number of interviews conducted – Government ministries and departments.....	i
	Appendix 2: List of Anonymised interviewee identification codes and Number of Years in Public Service	ii
	Appendix 3: Letter to Anti-Corruption Bureau requesting data on cases of public corruption	iv
	Appendix 4: Letter to Malawi Courts of Law requesting data on cases of public corruption	vi
	Appendix 5: Letter requesting to conduct research interviews .....	viii
	Appendix 6: Questionnaire to collect information from serving public officials .....	ix
	Appendix 7: Interview Participant Consent Form.....	xv
8.	<b>BIBLIOGRAPHY</b> .....	xvii

## **Abstract**

Public corruption continues to be the bane of most countries. It is illegal, harmful, and remains an endemic problem that is particularly prevalent in developing and transition economies. The growing awareness of the negative effects of corruption has led to increased efforts at formulating and developing anti-corruption policies, strategies, and mechanisms aimed at fighting and controlling it. One of the commonly deployed strategies in combating corruption is having in place laws condemning and criminalising corrupt practices, with well stipulated corresponding consequences in terms of sanctions for the violators. This thesis is aimed at examining the deterrent effects of punishment in controlling public corruption in the Malawi Public Service.

To achieve this, the thesis analyses the academic literature on theories of deterrence. Secondly, the study conducted a survey by administering a semi-structured interview, on a one-to-one basis (in-person, via email, or by telephone) whereby respondents were asked a series of questions through which they share their views and experience on the subject. The respondents were identified from ten government ministries and departments where public officials had been punished for corruption.

On analysing this information, the study establishes that the punishment of other public officials for corruption has a large impact on the conduct of other public officials. By observing fellow officials being punished for corruption, other public officials are deterred from committing the same or similar corrupt acts. Further, the threat of certainty and severity of the punishment of corruption have a deterrent effect on the would-be offenders through observational experience.

**Key Words:** punishment, legal sanction, deterrence, social learning, vicarious punishment, certainty, severity, Malawi

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## List of Figures/Tables

Table 1: Targeted Ministries and Departments.....	31
Figure 1: Deterrent Theory of Vicarious Punishment.....	25
Figure 2: Respondents' Understanding of what acts constitutes Corruption.....	40
Figure 3: The Level of Corruption Ratings in Ministry or Department.....	41
Figure 4: Prevalence of Corruption in Public Service.....	43
Figure 5: Perceived Probability of being punished for Corruption .....	44
Figure 6: Severity of Punishment for Corruption.....	45
Figure 7: Total Instances of known Corruption .....	48
Figure 8: Impact on Individual Officials' behaviour following the punishment of colleagues - Vicarious Punishment .....	49
Figure 9: Impact on Level of corruption on Ministry or Department following .....	50
Figure 10: Reasons for the existence of corruption in the Malawi Public Service.....	51

## List of Abbreviations

ACB	Anti-Corruption Bureau, Malawi
AU	African Union
BBC	British Broadcasting Corporation
CPA	Corrupt Practices Act
CPI	Corruption Perception Index
DAG	Department of the Accountant General
FIA	Financial Intelligence Authority
IPOR	Institute of Public Opinion and Research
MRA	Malawi Revenue Authority
NAO	National Audit Office
OECD	Organisation for Economic Co-operation and Development
TI	Transparency International
UNCAC	United Nations Convention Against Corruption

# 1. GENERAL INTRODUCTION

## 1.1 Introduction

Public corruption continues to be the bane of most countries. It is illegal, harmful and remains an endemic problem which is particularly prevalent in developing and transition economies (Boly, Gillanders and Miettinen, 2016; Dufwenberg and Spagnolo, 2014; Svensson, 2005) to which Malawi and other African countries belong. There is ample and well-documented evidence all around the world of the detrimental effects of public corruption. It is an obstacle to social and economic development as it hinders growth (Meon and Sekkat, 2005; Schulze and Frank, 2000; Ackerman, 1997; Mauro, 1995; Klitgaard, 1988; 1998), it hurts the legitimacy of countries and it stifles bureaucratic efficiency which leads to misallocation of resources and public expenditures (Schulze and Frank, 2000; Mauro, 1997) thereby widening income inequality (Gyimah-Brempong, 1997) and increases poverty as resources are diverted from public service delivery into private hands thereby widening the gap between the poor and the rich (Gupta, Davoodi and Alonso-Terme, 2002; Dulani, Jamu and Tengtenga, 2019). It is a key obstacle to effective service delivery (Hanna, et al., 2011). It also affects human rights and the rule of law (Olken and Pande, 2012; Mungiu-Pippidi, 2015 cited in Tankebe, 2019, p.1391). Public corruption negatively affects everyone in one way or another.

The most common generic definition of public corruption is the one by the World Bank (1997, p.8), "the abuse of public office for private gain". This definition rightly explains the traditional understanding of corruption as that which is committed by the public officials and is referred to as public corruption; as opposed to

commercial corruption. For a more specific, clear and elaborate definition of public corruption which is the focus of the present study, I adopt one by Banerjee, Hanna and Mullainathan (2012, p.6), ‘breaking of a rule by a bureaucrat (or an elected official) for private gain.’ In this context, a bureaucrat refers to all public officials or public employees. This definition includes such acts as bribery, kickbacks, fraud, embezzlement, misappropriation, extortion, nepotism, patronage, official misconduct, obstruction of justice, influence peddling, abuse of authority, and related financial crimes (Albanese and Artello, 2018; Armantier and Boly, 2008). However, occasionally, public corruption is broadly interpreted to “encompass any activity lacking integrity, virtue and moral” (Armantier and Boly, 2008, p. 2) which are the expected tenets of an effective public service. All these acts have a direct impact on public interest as they have a more serious social and economic negative impact than commercial corruption (Albanese and Artello, 2018).

The growing awareness of the negative effects of corruption has led to increased efforts at formulating and developing anti-corruption policies, strategies, and mechanisms aimed at fighting and controlling it; which have been suggested and deployed at both national and international levels. Some of these initiatives have produced positive results while others have shown marginal impacts.

One of the commonly deployed strategies in combating corruption is having in place national and international laws condemning and criminalising corrupt practices with well stipulated corresponding consequences in terms of sanctions for the violators. The laws outline and define different corrupt acts and their respective punishments for those who commit them, according to the different jurisdictions. Criminalisation of corrupt acts by public officials is also emphasized in the United Nations Convention Against Corruption (UNCAC, 2004) as one of its mandatory

provisions. This means that the State Parties must enact laws criminalizing and punishing public corruption.

Punishment, defined as the “legal process whereby violators of the criminal law are condemned and sanctioned as per specified legal categories and procedures” (Garland, 1990 cited in Banks, 2017, p.104) has been emphasized by some well-renowned experts in the field of anti-corruption, as one of the effective ways in curbing corruption. In his papers, Klitgaard (1998; 2014) points out the punishment of ‘major offenders’ as one of the effective strategies in controlling corruption in societies where it is widespread in Hong Kong, China, Columbia, Indonesia, and The Philippines as examples. Johnston (2019, p.2) also points out that the most common method of addressing crime is punishment. Besides, all around the world, whenever there is a corruption scandal, the immediate expectation of the victims (the public) is that the perpetrators must be punished. People cry for the stiff punishment of the wrongdoers (BBC News, 2013; TI, 2015). This indicates people’s desire for the punishment of the offenders, whether or not laws exist. Above all, the main reasons for punishment are deterrence, rehabilitation, incapacitation, and retribution (Marson, 2015).

However, in as much as there is evidence on the effectiveness of punishment in fighting corruption, success stories are few. In most developing countries, despite the enacted national anti-corruption laws and the corresponding punishments to the offenders, public corruption levels remain high. For example, 186 countries have enacted anti-corruption laws since the adoption of the United Nations Convention Against Corruption (UNCAC) in 2003 (Hechler, Huter and Scaturro, 2019), 55 countries have enacted the laws since the adoption of the African Union Convention on Preventing and Combating Corruption in 2003 (AU, 2019) and 44 have enacted the laws since the OECD Convention entered into force in 1999 (OECD, 2018), yet

there are continuing reports of widespread corruption in these places, most of which involve public officials (Olken and Pande, 2011). The question is whether or not punishment (which is usually imposed much less often) or the threat of punishment has any significant impact at all, in controlling public corruption, and to what extent? This question is the reason for the present study in the context of Malawi's Public Service. Answers to these questions are important in informing the anti-corruption strategies at the country level.

## **1.2 Context of the Research**

### **1.2.1 Prevalence of Public Corruption in Malawi**

The Malawi Public Service comprises the following institutions and staff that work therein: The National Assembly or the Parliamentary Service; The judiciary or the Judicial Service; All Government Ministries and Departments; The defense force; The police Service; Local Government Authorities; Any Corporation, Council, Board, Committee, public university or other body which has the power to act under and for any written law relating to local government, public health or undertakings of public utility or otherwise to administer funds belonging to or granted by the Government or money raised by rates, taxes or charges in pursuance of any such law; Any other body prescribed by regulation, and any company in which Government has majority share equity (Malawi Public Service Management Policy, 2018-2022, 2018).

Since 1994, after Malawi transitioned to multi-party democracy following three decades of a dictatorship regime, public corruption has continued to receive a lot of attention both at national and international platforms. During the autocratic rule, between 1964 and 1994, corruption was rarely heard of in Malawi. People who can relate with such a time "often express sentimental feelings for the good old time" (Anders, 2002, p.4) when corruption stories were "rare exceptions" (Anders, 2002,

p.4), and when employment in government positions was based on merit and not through connections. However, the reality of the situation then, might not be as portrayed. The fact that corruption issues were not known to the people does not mean that corruption did not exist before 1994. Under the autocratic rule, no corruption cases were documented. People lived in fear and could not talk about anything that would taint the image of the government (like corruption issues), otherwise, they would be arrested and severely punished. No corruption news was permitted both in public and in private arenas (Anders, 2002).

However, for the past two decades, stories of public corruption scandals have become everyday news. It is a hotly debated issue amongst different circles of people, including the international community. Anders (2002, p.4) states that “everybody, including the civil servants themselves, can relate stories of the greed and inefficiency of public [officials].” Public corruption has become a part of the public official’s everyday work. It is evident at all levels within the civil service (Nawaz, 2012) from the executive (president, ministers, Principal Secretaries) who are involved in grand corruption to the office messengers, accounts clerks, police officers at a road-block who are involved in petty corruption. A good clear example is the 2013 Malawi ‘cashgate scandal’ which involved massive looting of the government’s public funds by both senior and junior government officials. This scandal worsened the perceived corruption levels in Malawi and pushed the Transparency’s Corruption Perception Index (CPI) further down.

The most recent Governance and Corruption Survey (Dulani, Jamu and Tengtenga, 2019) show that 97% of Malawians perceive corruption as a serious problem and 61% say that corruption in Malawi has increased and it is more prevalent than it was ten years ago. These findings “suggest a worsening situation with regards to corruption in Malawi” (Dulani, Jamu and Tengtenga, 2019, p. 7), and it is more prevalent in the public sector than in the private sector involving both grand and

petty corruption (Nawaz, 2012). Furthermore, this is consistent with the Transparency International Corruption Perception Index (CPI) (TI, 2019) scores. The available data for the CPI (which measures perceived levels of public sector corruption) for Malawi from 2012 to 2019, shows Malawi's rankings as between 88 and 123 out of 180 countries with scores of between 31 and 37 out of 100 (TI, CPI, 2019). The CPI scores countries using a scale of 0 to 100, where 0 is perceived as highly corrupt and ten very clean. It also ranks the countries from 1 to the number of countries assessed, for example, 180 for the 2019 CPI with one perceived as least corrupt and 180 as highly corrupt. The rankings and scores for Malawi show that it is persistently in the bottom half category of the CPI's assessment, indicating serious increasing levels of public corruption.

The most common types of corruption in the Malawi Public Service include bribery, fraud, embezzlement, kickbacks, nepotism, and abuse of authority among others ((Dulani, Jamu and Tengatenga, 2019; Chinsinga, et al., 2014).

### **1.2.2 Punishment of Public Corruption in Malawi**

Malawi enacted the Corrupt Practices Act (CPA) in 1995 which stipulates corruption offences, whose sanctions are fines or jail sentences. The Malawi law identifies any corrupt practices offence as a felony punishable by stiff penalties as stipulated by the laws.

As per the anti-corruption laws, the maximum sentence for public corruption is twelve years and the minimum is three years and recovery of the corrupt advantage (Corrupt Practices Act 1995. s.34 and s.36 (1)). The CPA establishes the Anti-Corruption Bureau (ACB), as the national body mandated to perform four functions to combat corruption. The mandate of the ACB includes; corruption prevention, civic education of the public on the issues of corruption, investigating and prosecuting the offenders both in public and private sectors. Since its

establishment, the ACB has pursued several corruption cases resulting in convictions of offenders, including public officials. For the past six years, the ACB has prosecuted a total of 100 public officials for corruption, out of which 38 officials were convicted and sentenced to three years or more imprisonment with hard labour (ACB, 2019). However, despite the successful prosecutions and convictions (with jail sentences) of corrupt officials for the past six years, the corruption level in Malawi is still perceived to be high. Do legal sanctions of corrupt officials have any deterrent effect on corruption?

Studies have been conducted to understand why public corruption continues to be getting worse in Malawi and to find ways of combatting it (Chinsinga, et al., 2014; Hussein, 2005). However, the literature on the deterrent effect of punishment in controlling public corruption in Malawi is conspicuously missing. The available scholarly research on deterring corruption in the Malawi Public Service is very limited. A field experiment that was done by Robinson and Seim, 2018, focused on the anti-corruption tactics in Malawi and who are the players in Malawian corruption to test the three aspects of sanctions namely certainty of detection, the severity of punishment, and swiftness in sentencing offenders. They targeted traffic police roadblocks and they found that swift punishment and increasing detection of corruption are the most important deterrents. On the other hand, they found that the severity of punishment does not decrease corruption. Inasmuch as their results show the deterrent effect of punishment in reducing corruption, their study does not go deep to elaborate on who and how these three aspects of legal sanctions function in controlling corruption. Their argument is based on theory and may be misleading in understanding the impact of legal sanctions on corruption prevention. To assess how effective deterrence of punishment is in controlling public corruption, there is a need for a deep analysis of the elements of punishment to examine the extent to which the legal sanctions deter corruption. How are the

public officials impacted by the legal sanction in their behaviour? My study is thus an attempt to fill this gap.

### **1.3 Research Objectives**

This paper endeavours to examine the extent to which legal punishment of corrupt officials restrains other public officials from committing similar or other corrupt acts. Specifically, the study answers the following questions:

- a) How does the punishment of a fellow public official influence one's decision on whether or not to engage in corrupt practices?
- b) Does certainty and/ or severity of the punishment of a corrupt public official impact on another's decision to engage in corrupt conduct and;
- c) How effective is punishment in deterring and reducing corruption in the Malawi Public Service?

In this context, punishment means an arrest, fines, or custodial sentences as provided for in the Corrupt Practices Act (CPA) and any other relevant law.

**To what extent do legal sanctions deter public corruption in others?**

### **1.4 Research Hypotheses**

The study attempts to test two possible hypotheses, a null hypothesis and an alternative hypothesis based on the research question. The hypotheses guided the collection and analysis of data to examine the extent to which punishment deter public officials from engaging in corrupt activities.

#### **1.4.1 Null Hypothesis (H<sub>0</sub>)**

**H<sub>0</sub>: The threat of punishment does not have a deterrent effect on the public officials who see other officials punished for corrupt conduct.**

This hypothesis predicts that the threat of punishment does not have any deterrent effect on an official who witnesses a fellow public official being punished for corruption.

#### **1.4.2 Alternative Hypothesis**

**H<sub>1</sub>: The deterrent effect of the threat of punishment is limited to public officials who see other officials punished for corrupt conduct.**

This hypothesis predicts that the punishment of a public official involved in corruption serves to deter the observing official from committing the same or similar corrupt conduct.

#### **1.5 Research Variables**

Following the hypotheses above, punishment for corruption is an independent variable. Other variables do not influence it in both hypotheses. Public corruption control in others is a dependent variable in the hypothesis. This study assumes that effective control of public corruption on the would-be offenders is determined through observing the punishment that their fellow officials get for engaging in corrupt practices.

#### **1.6 Significance and Relevance of the Research**

The present study adds significant knowledge to the existing literature on the deterrent effect of punishment in controlling public corruption. Most available empirical research on controlling public corruption is based on experimental studies and mainly focuses on the effect of monitoring in controlling corruption which only aims at detection. While appreciating these experimental studies since corruption is difficult to study in the real-life field, my research draws insights from the real-life environment where public corruption takes place. Furthermore, the study goes beyond the effect of the *perceived threat of certainty* of punishment to the *perceived threat of punishment through observational experiences*. This

research study thus adds value to the existing academic literature with a departure from the general approach of the past deterrence research on corruption, by focusing on officials who observe corruption instead of on the general public perceptions.

This study is significant and relevant for Malawi, and the entire developing world, because there is very limited literature on the deterrent effect of vicarious punishment on public corruption. The study will add to this knowledge gap considering the role that actual punishment plays in deterring crime. The findings and recommendations therein might guide the identification of measures that can enhance punishment of corrupt public officials which would, in turn, deter the observing officials from engaging in the same malpractices.

### **1.7 Structure of the Thesis**

The thesis is organised in six chapters with the first chapter providing an introductory setting for the thesis. It has introduced the research topic and has highlighted the research objectives, the proposed research hypotheses, and the relevance of the study.

Chapter two reviews the relevant academic literature on the subject under study which includes the discussion of theoretical frameworks on the deterrent effect of criminal punishment. The chapter will also highlight a deterrent theory of vicarious punishment which has been developed by the author.

Chapter three will discuss the methodology used in this study including a review and discussion of the research philosophy and the research design that has informed the study. This chapter will further discuss the sources of data, sample and sampling procedures, usage of data collection tools, and the analysis of data. In conclusion, the chapter will highlight some of the ethical considerations and limitations encountered in the study.

Chapter four presents the findings of the study, as suggested by the data highlighting the deterrent effect of vicarious punishment in controlling public corruption and if the findings support the proposed hypotheses or not.

Chapter five interprets the analysed data and critically discusses and analyses the results in light of the research question, the proposed hypotheses, and relating them to the theoretical framework developed and outlined in chapter two.

Chapter six concludes the study by summarizing the results and proposes some critical recommendations.

## **1.8 Conclusion**

This chapter has introduced the subject and context of the study. Additionally, the chapter includes an overview of public corruption in Malawi and its legal sanctions according to the relevant laws and regulations. The chapter further presented the study objectives, research hypotheses, and the significance and relevance of the study. Chapter two will review the available literature on the deterrent effect of punishment, specifically on public corruption and its theoretical framework.

## **2. LITERATURE REVIEW**

### **2.1 Introduction**

This chapter reviews some of the available major scholarly articles both in print form and online in the context of the conceptual framework and theoretical framework for crime deterrence. It briefly highlights the detrimental effects of public corruption in the developing world and the deterrent effect of punishment (as an anti-corruption tool) in controlling it. The discussion further identifies the gap that this study desires to fill.

### **2.2 Detrimental effects of public corruption and Efforts to control it.**

It is undeniable that public corruption has damaging effects on the social-economic development of most countries, especially in the developing world (Ackerman, 1997; Klitgaard 1988, 1998; Dulani, Jamu and Tengtenga, 2019). Johnston, (2017, p.69) points out that it is a 'cancer....spreading relentlessly from official to official, and agency to agency, undermining institutions until the political system they represent collapses". It must, therefore "be stopped".

As already pointed out, the wide recognition of the detrimental effects of corruption on economic activities and welfare by the national states and the international institutions (IMF, n.d; World Bank, n.d. cited in Armantier and Boly, 2008), has intensified efforts to develop more anti-corruption strategies. In particular, many countries have enacted and adopted national and foreign anti-corruption laws to punish offenders. Laws are thus developed to "decree punishments for

crimes.....and punishments are established against infractors of the laws” (Beccaria, 1963, pp.7, 6).

“A commonly advocated anti-corruption approach is deterrence” (Boly, Gillanders and Miettinen, 2016, p.1) and one widely used crime deterrent tool is punishment. The focus of my study is, therefore, to examine the extent to which legal sanctions control public corruption. A basic thrust of my argument is the impact of legal punishment as a deterrent of public corruption, in its impact on public officials through witnessing the punishment of their peers and workmates; that is, the indirect effect of punishment on the observing officials which is known as vicarious punishment, “premised on social learning” (Yiu, Xu and Wan, 2014, p.1549).

The following sections will explore the conceptual framework and the theories of deterrence and social learning.

### **2.3 Conceptual Framework**

The empirical study of deterrence theory of punishment dating as far back as the mid19<sup>th</sup> century is a clear indication of the great academic attention the theory has received and continues to receive regarding its role in preventing crime. So far, assessing the deterrent effect of punishment on crime, based on deterrence and social learning theories is the focus of most researchers. Most of the studies have, however, mainly focused on the deterrent effects of the two traditional elements of deterrence theory namely ‘certainty’ and ‘severity.’ A large body of empirical research on different crimes exists with evidence that often shows that perceived certainty has a stronger deterrent impact on criminal behaviour than severity (Pratt, et al., 2006; Nagin, 2013). Other scholars hold the view that severity has a greater specific deterrent impact for some crimes, but not others (Sherman and Berk, 1984; Berk and Newton cited in Piquero et al., 2011, p.336).

In extending the impact of certainty and severity of punishment in controlling corruption, studies have also been conducted on other varying effects of punishment. Other scholars have argued that the deterrent effect of legal sanctions also depends on individual characteristics which include moral inhibitions, social bonding, impulsivity, self-control, and position in the social network (Piquero et al., 2011; Piquero and Pogarsky, 2002). However, most of these studies have mainly focused on street crimes like robbery and burglary, ignoring white-collar crimes.

In the specific field of corruption (both public and commercial), several studies based on different methodologies which include meta-analyses, theoretical analyses, laboratory and field experiments show mixed results on the impact of certainty and severity in preventing public and commercial corruption; some showing the stronger impact of certainty and other studies on severity. These studies also show evidence on the conditions under which punishment of corruption can prevent potential corruption.

Some studies have primarily focused on the deterrent effect of certainty, which is the probability of detection, mainly through monitoring and punishment. In a framed laboratory experiment carried out in Kenya, Boly, Gillanders and Miettinen (2016) found that public officials influence each other into engaging or not engaging in embezzlement of funds and that a higher probability of detection and punishment can curb public corruption. In a specifically designed bribery lab experiment, Serra (2008) finds that a combination of top-down and bottom-up accountability can be highly effective in curbing corruption. A field experiment conducted by Olken, (2004) in Indonesia, found that certainty of detection through monitoring (i.e. audits) reduced the incidences of corrupt exchanges, thereby deterring officials from engaging in corrupt acts. Another experimental study on

corruption conducted by Schulze and Frank (2000) also showed a deterrent effect of monitoring on corruption.

On the effect of severity, some studies have found that severe punishments deter corruption while other studies find that severe punishments do not have any effect on public corruption. Abbink, Irlenbusch, and Renner (1999) carried out an experimental bribery game, and they found a deterrent effect in monitoring and punishment. The threat of severe penalties, imposed with very low probability increased a higher tendency by the public officials not to accept bribes even though the probability is very low. A meta-analytical review by Pratt, et al. (2006) found the mean effect of severity on white-collar offending to be strong. However, on the other hand, in a game-theoretic analysis of the deterrent effect of severe penalty for criminals convicted of corruption in China, Zhu (2012, p. 2) states that despite a death penalty for corrupt officials (a very severe punishment), corruption in China has “grown more sophisticated and includes more senior officials and larger sum, suggesting that the threat of severe punishment does not deter public corruption.

Inasmuch as the evidence from these studies show that monitoring can be an important aspect of an effective national anti-corruption strategy, there are three shortfalls with this approach. First, the studies are experiments that are limited in their scope and do not reflect the natural environment in which the public officials find themselves. In an experiment, corrupt actions are controlled by the experimenter while in the real world, there is no control over corrupt acts. Even though Experiments assume an ideal environment and an “ethically feasible setting” (Dusek, et al., 2005; Abbink, 2006 cited in Boly, Gillanders and Miettinen, 2016. P. 31), it is artificial and not a true reflection of the real world where real corrupt exchanges take place. Some features like subjects pool in a lab environment experiment may differ from the real-life environment resulting into different

outcomes. Furthermore, the two environments also differ in dimensions which could lead to misunderstanding of public corruption. Armantier and Boly (2008, p. 4) found that “increasing the amount of bribe has no effect in the lab” while in the real-life world, it increases corruption. The experimental bribery game conducted by Abbink, Irlenbusch and Renner (1999) showed that a severe penalty (what they called ‘sudden death’) significantly reduced bribery by the officials while in the real world the death penalty has no significant impact on public corruption in China (Zhu, 2012).

It should be acknowledged that it is difficult to study corruption in the real world environment because corruption is usually done in secret. This makes it hard to observe in the field (Abbink, Irlenbusch and Renner, 1999). However, a corruption study in the natural environment would give better results and guide for anti-corruption strategies than experimental studies. Also, the practical relevance of the experimental literature remains unclear (Armantier and Boly, 2008).

Second, these studies have concentrated on testing the deterrent effects of perceived *certainty* of punishment, and the *severity* of punishment though punishment shows a very marginal effect on corruption. Overall, they suggest monitoring and punishment as a potentially effective anti-corruption tool. However, the studies have gone only as far as the probability of detection. The certainty of punishment entails the probability of detection and apprehension, prosecution, conviction, and sanction. Results show no evidence on the impact of legal penalties on the convicted corrupt officials (Nagin, 2013). The missing evidence on the impact of penalties gives one an impression that monitoring is an end in itself; that is to say, if an effective monitoring system is in place, then the threat of probability of detection is very high, and the officials are aware, so officials will be deterred from engaging in corrupt acts. The studies are not extended to examine the impact

of penalties upon the conviction of the official. The results of these studies might be misleading in that they push away legal penalties as not important, and yet even with a good monitoring system, there could still be some officials who might be apprehended for corruption and be punished. To understand the deterrent impact of the legal sanction in controlling public corruption, it is necessary to examine this aspect of legal penalties.

Third, inasmuch as monitoring is key in detecting corrupt acts, in most developing countries it is a challenge having a good monitoring system in place. An effective monitoring system demands commitment at all levels of the bureaucratic machinery and requires large amounts of resources in terms of capacity, skill, and expertise (Serra, 2008). In jurisdictions with weak institutions, however, this can be a challenge, entailing low probability of detection and low successful prosecution of corruption cases. The characteristics of these weak institutions include weak law enforcement agencies, high political interference, lack of political will, and lack of resources. Additionally, there is an unwillingness by officers in the organisations to report corrupt practices or give evidence for fear of being victimised because there are no whistleblower protection laws. Besides, due to its clandestine nature, it is not possible to systematically monitor individual corrupt activities (Schulze and Frank, 2000). The preceding description provides a picture of the state machinery in developing countries (Kamanga, 2013). It also offers some explanation of why corruption in some developing countries shows no sign of decreasing despite various anti-corruption interventions already in place. In the absence of a functioning monitoring system and tools, the threat of certainty is very low, resulting in systemically rooted corruption, so legal sanctions become the only available tool in combating corruption. As slim as the enforcement of legal sanctions might be in developing countries, [sanctions] still have a deterrent effect on public corruption, but to what extent? Unlike the certainty of punishment (the

probability of detection), the deterrent effects of legal sanctions in combating public corruption remain unexamined. The study reported here fills this gap by examining the deterrent effects of sanction in controlling corruption in the Malawi public service.

A step away from the studies on certainty and punishment, other scholars have argued that the question should not be whether sanctions deter, but “under what conditions are persons deterred from committing a crime?” (Piquero, et al., 2011, p.336). Such studies have shown evidence that increasing incentives for law enforcement officers, specifically rewarding investigators for their anti-corruption efforts (Zhu, 2012) can deter public corruption. In their study on white-collar crime, Paternoster and Simpson (1996) found that people are restrained from bribery by normative factors like moral inhibitions. They state that a person’s moral belief about the illegality of bribery and other corporate crimes effectively inhibits them from committing the act.

Yiu, Xu and Wan (2014) conducted a study on the deterrent effects of vicarious punishment on corporate financial fraud. They found that firms in the same industry are deterred from committing fraud if their peers are caught and punished. I extend this argument to public corruption.

The observation made by Piquero, et al. (2011, p.336) of exploring the conditions under which legal sanctions would deter people from committing corrupt acts, is an important consideration which would help in informing effective anti-corruption strategies, but it has received little attention in the academic research. The general prevention aspect of punishment has been used in different judgments of corruption cases as justification for stiffer penalties, as a strong warning to others so that they are deterred from committing similar corruption offences (R v Msyamboza [2012] SRMC Crim 151, 2012; R v Senzani [2013] HC Crim 62, 2013; R

v Kalonga [2015] HC Crim 68, 2014). The studies of corruption have further ignored the link between general deterrence and vicarious punishment in controlling public corruption. This study is thus an attempt to contribute to this knowledge gap by extending the study of the deterrent impact of legal sanctions through social learning, from the corporate corruption context (Yiu, Xu and Wan, 2014) to controlling public corruption. My study also departs from the general approach of the past deterrence research on corruption, by focusing on officials who observe corruption instead of relying on general public perceptions.

## **2.4 Theoretical Framework – An overview**

### **2.4.1 Deterrence Theory**

Paternoster (2010, p. 766) defines deterrence as the “omission of a criminal act because of the fear of sanctions or punishment.” The intellectual roots of deterrence theory are based on two philosophers; Beccaria (1986; 1764) and Bentham (1988; 1789) while its empirical origins begin with Gibbs, (1968) and Title, (1969) (cited in Schell-Busey, et al., 2016, p.390).

Beccaria (1986, p. 6) argued that people are motivated to commit a crime by self-interest, referred to as “despotic spirit, which is in every man,” and that there is a need for punishments that prevent or discourage the despotic spirit from committing the crime. Beccaria further argued that for a more effective deterrent impact, punishments should be certain, severe, and promptly applied. The certainty of punishment is the probability of being detected and apprehended, prosecuted, convicted, and sentenced. The severity of punishment is the high magnitude (severe enough) to outweigh the self-interest motivations for committing a crime and it must be swiftly applied after the commission of the crime (Nagin, 2013).

Beccaria (1986; 1764, p. 58) however presented a proposition that has formed the basis of many studies on deterrence theory; certainty is much more effective in

detering crime than severity. He stated that; “one of the greatest curbs on corruption is not the cruelty of punishments, but their infallibility.....The certainty of punishment, even if it be moderate, will always make a stronger impression.”

Bentham (1988; 1789), introduced the principle of utility to explain human conduct. He argued that before engaging in any act, a human being weighs its benefits (pleasures) and costs (pains) and makes a decision based on the calculated gains and consequences of their intended actions. Human beings engage in actions that bring pleasure (providing utility), for example, monetary gains from stealing, than those that bring pain (which provide disutility), presented by legal punishments and other informal sanctions (Paternoster, 2010). The motivation to commit a crime is thus triggered by the desire to attain the pleasures and avoid the pains. Bentham’s discussion of characteristics of deterrence theory resembles the rational choice theory which followed later (Paternoster, 2010).

Other scholars also support the theories and arguments of Beccaria (1986; 1764) and Bentham (1988; 1789). These were followed by other scholars’ work which supported their theory. These include; Andenaes (1952; 1966) who argued for the elimination of crime by heavier penalties. He also distinguished between individual prevention, the effects of punishment on the person being punished, and general prevention, the effects of punishment on the members of the society in general. Andenaes described general prevention as the “restraining influences from the criminal law and the legal machinery...as messages are sent to the members of the society containing factual information about what would be risked by disobedience” (Andenaes, 1966, p.949).

Ball (1955) proposed comprehensive empirical research on perceptions of certainty by would-be offenders (rather than objective properties of punishment) as the effective deterrent aspect of punishment. Jeffery (1965, cited in Paternoster, 2010,

p. 777) supported Beccaria's position that certainty of punishment "can play a constructive role in deterring criminal behaviour."

Becker (1974) argued the same premise as Bentham's utility model (1788; 1789). He agreed with Bentham that one's decision to engage in a criminal act is dependent on the costs and benefits of the crime with the cost being the available legal punishments. On the other hand, Becker, like Beccaria (1786; 1764), noted that the certainty of legal sanctions has a stronger impact than their severity. He enunciates that deterrence is dependent on the form of punishment. He thus argued that if the aim of punishment is deterrence, then the probability of apprehension and conviction should be high, and the punishment should exceed the gain of the crime. The anticipation of conviction and punishment would therefore discourage some would-be offenders. However, Becker (1974) strongly supports hefty fines more as a form of severe punishment for the offenders and which would deter 'would be' offenders.

Another scholar, Gibbs (1968, cited in Paternoster, 2010 p. 779) agreed with Beccaria (1786; 1764) and empirically assessed the impact of certainty and severity of punishment for particular crimes.

Deterrence theory thus posits that human behaviour is motivated by self-interest and rationality, which guides in decision making whether or not to engage in crime, based on the benefits and costs of the criminal activity. Legal punishment is one of the costs of crime, which includes being arrested, investigated, prosecuted, and punished upon conviction (with jail, prison, or fines). Legal punishment is more costly to the offender. It would deter future crime to the extent that its certainty is high, more severe (greater in magnitude), and is administered promptly (not long after the crime is committed). The properties of the punishment are both objective and subjective or perceptual. The perceptual theory of deterrence was developed by

Geerken and Gove (1975) who posit that the deterrence process is a system of communication that attempts to pass on the message of consequences of a criminal act to potential offenders. They added that the success of the deterrence system is dependent on the degree to which the message is successfully conveyed to the 'would be' offenders.

According to deterrence theory, punishment "enhances compliance [with the law] and deters future criminal activities" (Piquero, et al., 2011, p. 335). It is concerned with threats of legal sanctions whose imposition inhibits criminal activity from recurring and occurring in society. It has two crime control aspects: *specific deterrence*, preventing the already punished individual from committing the same crime again or another crime, and *general deterrence*, preventing others as 'would be' offenders from engaging in crime (Piquero et al., 2011). Williams and Hawkins (1986, cited in Paternoster, p. 781) expanded the deterrence theory with their argument that any direct or indirect inhibition brought about by the threat of legal sanctions "should [also] be considered part of the deterrence process."

#### **2.4.2 Social Learning Theory**

The Social learning theory which was developed by Bandura (Bandura 1968, 1977) posits that one can acquire a new form of behaviour through direct experience or on a vicarious basis (observational experience) by observing models or live peoples' behaviour and the consequences that follow. The behaviours are governed by the "rewarding and punishing of the consequences that follow any given act" (Bandura, 1971, p.3). By observing a reward or punishment as a consequence of another person's behaviour, the observer forms a reward or punishment expectancy, which in turn regulates their course of action.

In his argument, Bandura (1971, p.24) states that one major factor in determining observational learning experiences is associational preferences. The people with

whom one regularly associates, govern the boundaries of the types of behaviour a person repeatedly observes and hence learns thoroughly. People profit from the experiences of others as they “repeatedly observe the actions of others and the occasions on which they are rewarded or punished.”

Much human behaviour learning, therefore, occurs through a two-level vicarious process; vicarious reinforcement and vicarious punishment. Vicarious enforcement is the “change in the behaviour of observers resulting from seeing the response consequences of others” and vicarious punishment is “indicated when observed negative consequences of behaviour reduce people’s tendency to behave in similar or related ways” (Bandura, 1971, p.24). Vicarious learning also involves an identification process whereby the observing person matches or identifies themselves with the punishment target that they will “subsequently have a contiguous association of the sensory event” (Yiu, Xu and Wan, 2004, p. 1550). Observational learning thus produces inhibitive learning effects of vicarious punishment.

## **2.5 Deterrent Effect of Vicarious Punishment**

### **2.5.1 Deterrence Theory of Vicarious Punishment - Link between Deterrence and Social Learning Theories**

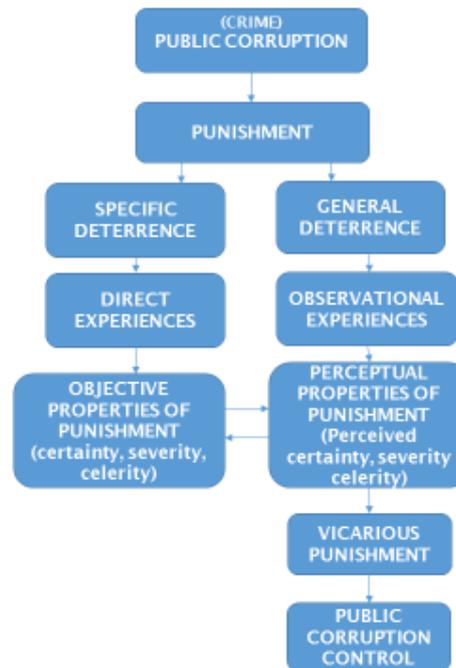
Behaviour is learned through interactions between individuals and situations (Gather and White, 1982, cited in Yiu, Xu and Wan, 2004, p.1552). As people observe others, they are subjected to a cognitive process (of acquiring and evaluating knowledge) through which new patterns of behaviour are formed. Through observation, they learn and acquire knowledge about the consequences of different types of behaviours.

General deterrent effect of punishment is thus achieved when one witnesses the punishment of a peer or a colleague for a crime and in turn refrains from engaging

in a similar crime. The deterrent effect relies on the self-generated anticipatory outcomes resulting from the observation. The inhibitive effect of the social learning process is an important deterrent aspect of punishment but has received much less attention in the anti-corruption literature.

The theories of deterrence and social learning can thus be linked to explain one of the ways of how one is deterred from committing a crime. They both aim at crime prevention and agree that before engaging in a criminal act, a human being weighs the benefits and the costs, which in turn produce a deterrent effect, determined by the cost of the crime, the legal sanctions (punishment) either directly or indirectly. The attainment of specific (direct) deterrence is through direct experiences of the punishment which are informed by the objective level of the punishment properties. In contrast, the attainment of general (indirect) deterrence is through observational experiences that are informed by the subjective (or perceptual) level of the punishment properties. My study shows how the two theories are linked to explain the deterrent effects of punishment in controlling public corruption as illustrated in Figure 1.

Figure 1: Deterrence Theory of Vicarious Punishment



My study is interested in this linkage between deterrence and social learning theories and particularly focusing on the general deterrence of punishment through vicarious punishment (as illustrated in figure 1). Specifically, I examine the extent to which legal sanctions deter public corruption in others. Beccaria and Bentham’s general deterrence theory has mainly focused on the public at large and has shown little effect in controlling public corruption. This study argues that the general deterrent effect of punishment is effective in preventing public corruption to the extent that observing public officials (would-be offenders) are restrained from engaging in corrupt acts after witnessing the negative consequences of the same behaviour as experienced by their peers and colleagues. Albanese and Artello (2018, p.476) state that individuals “learn through personal associations that crime is acceptable behaviour.” It, therefore, follows that through the same personal associations, the individuals will also learn that engaging in criminal behaviour is punishable and are deterred from engaging in it. The deterrence effect is manifested when a potential offender observes a colleague being punished for

corruption and they in turn refrain from engaging in similar corrupt conduct in the future. General deterrence of this nature is also referred to as vicarious punishment. This form of crime prevention lies in the subjective (perceptual) level of the punishment properties. The would-be offender is informed of the perceived certainty, severity, and celerity of punishment, which then guides their decision not to commit the crime.

## **2.6 Conclusion**

This chapter has reviewed the scholarly arguments and theoretical applications relating to the focus of this study. The evidence is clear that much of the studies have concentrated on the deterrent effect of the perceived probability of detection in controlling public corruption. Studies on the impact of legal sanctions are conspicuously missing, not only in the Malawi context but everywhere. Furthermore, no research has been undertaken in the natural environment of the public officials as most arguments are based on experiments whose results might be misleading. The review has thus exposed the gap in the existing scholarship on the deterrent effect of legal sanctions in controlling public corruption. The next chapter discusses the research methodology applied in this study to collect, interpret, and analyse the data.

### **3 METHODOLOGY**

#### **3.1 Introduction**

This chapter highlights the methods used in the data collection and data analysis process to answer the research question and the research objectives. It elaborates on the research philosophy underpinning the study, the research design and strategy, data collection techniques, and data analysis procedure, among others. In conclusion, the chapter highlights ethical issues and limitations encountered during the study.

#### **3.2 Research Philosophy**

The research philosophy is defined as “a system of beliefs and assumptions about the development of knowledge” (Saunders, 2009, P.124). It forms the basis of the research and “involves the choice of the research strategy ....data collection, processing and analysis” (Zukauskas, Vveinhardt and Andriukaitiene, 2018, p.121). The research philosophy is defined by the research paradigm, which is the more comprehensive structure used to undertake the research. The research paradigm encompasses the perceptions, beliefs, and awareness of the theories. It provides and directs the process of carrying out the research.

Hitchcock and Hughes (1995) claim that research stems from assumptions which the researcher makes at every stage of the research process (Burrell and Morgan, 1979 cited in Sunders, 2009, p.124). These assumptions include epistemological assumptions (about human knowledge), ontological assumptions (about the realities one encounters), and axiological assumptions (how values and ethics

influence the research process). These assumptions distinguish the research philosophies, describe the research paradigms, and shape one's understanding of their research question (s), the methods to use, and how to interpret the findings (Crotty, 1998).

Four main trends of philosophies include; positivism, interpretivism, realism, and pragmatism which are differentiated by the ontological, epistemological, and axiological aspects.

The present study attempts to understand how people create knowledge about punishment for corruption and how they interpret that knowledge to impact their behaviour. The study thus adopted the interpretivist research philosophy with regard to the epistemological assumption, which is concerned with knowledge.

### **3.2.1 Interpretivist Paradigm**

This research approach, also called a constructive paradigm, posits that the “social world can be interpreted in a subjective manner” (Zukauskas, Vveinhardt and Andriukaitiene, 2018, p.123). The interpretivist paradigm was thus used to understand the behaviour of people based on the experiences of other people in the social world and how they interpret those experiences. Saunders (2009, p.130) points out that “the social reality is made from the perceptions and consequent actions of [the] actors (people).” The social phenomenon under the study is how the behaviour and experiences of public officials impact the behaviour of their fellow officials. According to Sunders (2009, p.140), interpretivist research serves the purpose of creating “new richer understandings and interpretations of social worlds and contexts” hence the application of interpretive research approach to understand in-depth the effect of experiences of others on and from the perspective of others (those observing them).

### **3.3 Research Setting**

The research was carried out among the Malawi government ministries and departments where there have been cases of public officials being involved in corrupt conduct and were punished, for the seven years between 2013 – 2020. This period was chosen because it is within this period when the Malawi corruption scandal called ‘cashgate’ happened, where a lot of government money was looted through different government departments. The year 2013 saw a revelation of one major scandal of systemic corruption in Malawi termed ‘cashgate’. A forensic audit report (NAO, 2014) revealed that within six months Malawi government lost about 13.7 billion Malawi Kwacha, an equivalent of US\$ 18 million through public sector fraud in collusion with the private entities.

During the period 2013-2020 several public officials at varying levels of seniority in various ministries and departments involved in this corruption scandal, were investigated, arrested, prosecuted, and sentenced. As such, many public officials witnessed their colleagues and peers being punished for corruption. Alongside the cashgate cases, other corruption cases involving public officials were also handled.

### **3.4 Research Strategy and Design**

The nature of the research question entailed the use of a qualitative research strategy as it demanded the collection of non-numerical data rather than numerical data (quantitative). From the literature review, the empirical research on the effects of punishment in corruption prevention is limited to experiments and meta-analysis reviews with a focus on general deterrence of the public at large. This study aimed at examining the extent to which punishment for public corruption deters others from engaging in corrupt conduct and hypothesized that it is to the extent that the observing official is refrained from engaging in corrupt conduct. To test this hypothesis, the study required conducting interviews with some targeted public

officials to share the impact of the experiences they have had due to the punishment of their colleagues. The interviewees thus responded to a semi-structured questionnaire with both open-ended and closed questions. The study then applied a deductive approach to confirm or reject the hypothesis. A deductive approach involves the identification of a relevant (to the area of study) theory from which a hypothesis is deduced and then subjected to “empirical scrutiny” (Bryman, 2016, p.21).

The study used a cross-sectional research design which is a survey method and involves the collection of data from a selected sample at the same point in time. This research design was considered the most appropriate for the study because the study sought to observe variation in respect of people’s perceptions, opinions, and impact of punishments. The survey method was chosen because it allows the collection of data from subjects who, through a questionnaire, respond to a series of structured questions about behaviours and opinions. The collected information was analysed to assess the impact of vicarious punishment in controlling public corruption.

### **3.5 Sample and Sampling Procedures**

To examine the extent to which legal punishment controls public corruption, the study sample was selected using purposive sampling, a non-probability form of sampling which, according to Bryman (2016) is the selection of the study units (people, organisations, departments) with a direct reference to the research question. The sample selection process is thus driven by the research question as “it provides the characteristics of the cases to be studied” (Wahyuni, 2012, p.73). The initial sample was one or two participants (officials) from a selected ministry or department, who in turn proposed other participants who had characteristics

relevant to the research focus. These participants also suggested others; thus a snowball sampling technique was deployed.

This study targeted five ministries and five departments which experienced between 1-6 cases of officials being punished for corruption during the period 2013-2020. The ministries and departments are as shown in table 1 below:

*Table 1: Targeted Ministries and Departments*

S/N	Ministry/ Department	Number of corruption cases (2013-2020)
1.	Ministry of Tourism, Culture, and Wildlife	4
2.	Ministry of Local Government	6
3.	Ministry of Lands	2
4.	Ministry of Disability and Elderly Affairs	5
5.	Ministry of Gender, Community Development, and Social Welfare	1
6.	The Judiciary	5
7.	Department of the Accountant General	6
8.	Financial Intelligence Authority (FIA)	1
9.	National Audit Office (NAO)	2
10.	Malawi Revenue Authority	5

Interviews were conducted with public officials serving at different grades (from the position of a Director to Office Assistant) and who have been in the public service for a period between one year to more than twenty years.

The sample size was 50 but the researcher managed to interview 51 respondents. The contact persons of the ministries and departments were the heads (i.e. the Principal Secretaries or Heads of Administration) who identified the relevant respondents, after providing them with names of public officials who were involved and punished for corruption in their ministry or department. The officials identified were those who had worked with or knew the punished officials and had observed their colleague being punished for corrupt conduct. After interviewing those initial officials (still working in the public service), they vouched for me with other relevant officials either within the same ministry or department or in another ministry or department (those who had been transferred). For the number of interviews conducted per ministry and department and the years in service for the respondents, refer to Appendices 1 and 2.

### **3.6 Sources of data**

The study relied on both the primary and secondary sources of data. Primary data was obtained from the interviews conducted with the public officials from the selected ministries and departments. Secondary data included scholarly journal articles, books, book chapters, online articles, prosecution, and annual reports from the Malawi Anti-corruption Bureau (ACB) and court case reports.

The names of the ministries and departments where there have been cases involving public corruption and names of concerned public officials were sourced

from the ACB which conducts prosecutions and also provides case summaries of their annual reports as well as the courts of Malawi which preside over corruption cases.

### **3.7 Data Collection and Analysis**

Because the general deterrent effect of punishment through the observational learning hypothesis has received little or no research attention, an initial data-collection effort was necessary to help fill this gap. The primary data collection was done through semi-structured interviews, on a one-to-one basis (in-person, via email, and telephone) with the targeted interviewees, (refer to Appendix 6). There was only one type of questionnaire which was separately administered to each of the 51 respondents. The questionnaire had two parts; Part A sought information about the respondent which included name (which was optional), gender, their ministry or department, current grade and position, and the number of years they have worked in the government. Considering the sensitive nature of the questions, the participants were at liberty to mention or not to mention their name and 99% of the sample did not reveal their names. Part B asked questions on the general deterrent effect on corruption through vicarious punishment. The questions were carefully and delicately phrased to focus more clearly on the behaviour of others and its impact on the respondents, and also to reflect on possible future improper behaviour by the respondents.

Each respondent was asked a series of structured open-ended and closed questions. Some of the questions during the semi-structured interviews inquired about the impact that instances of corruption in their ministry or department which resulted in the punishment of a fellow public official had on them and how they perceived the probability of them being punished, as well as if they committed a similar

offence as their colleagues. The individual interviews each took about 15 minutes to complete.

From the 51 total respondents, 44 were conducted in person, five through the telephone, and two responded to the questions through e-mail. These two requested that the researcher should send them the questionnaire through e-mail as they were not available at the time the researcher wanted to meet them, but they were interested in the study. For those whose interview was done via telephone, the questionnaire and the consent form were sent through WhatsApp so they could see the questions in advance before the agreed time of the interview. The completed questionnaires were sorted out according to ministry or department and were anonymised with an identification code for each questionnaire which was used to quote the respondents without suggesting their identity. The code was a label identifying each respondent with PO (to mean public official) and a number 1-51. Refer to Appendix 2 for the list of the anonymised interviewee identification codes. A note was also put on top of each completed interview questionnaire indicating the name of the ministry or department to track the progress of the interviews.

The interview transcripts were coded and analysed using Microsoft Word and Excel, and also manually based on themes covered in the discussion of findings and results. Microsoft Excel worked better for analysing closed multiple-choice questions which required respondents to choose multiple answers best suited for their views from a list of options. Furthermore, Microsoft Excel was also used for generating charts that separated the grouping of themes across the interviews. This thesis focuses on the respondent's understanding of what constitutes corruption, rating of the level of corruption in their ministry or department. It further considers known instances of corruption and the ensuing punishment and how these have impacted them.

The study used a deductive data analysis approach which precedes with a theory, followed by developing and testing the hypotheses. Since the study aimed at examining the extent to which punishment deters public corruption, the deductive approach was more suitable as the theory of deterrence was identified and this approach allowed for the formulation of the hypothesis which was then tested through the empirical results.

### **3.8 Ethical Considerations**

In conducting this research, all the research ethical conduct and integrity principles as directed by the IACA's Master's thesis guidance notes were strictly followed. The initial contact was writing formal letters to two key institutions in combating corruption in Malawi namely the Anti-Corruption Bureau (ACB) and the Judiciary (refer to Appendices 3 and 4) requesting for data on cases of public corruption in which officials were punished. In the letters, it was clearly stated that all the information provided by the institutions would be treated with strict confidentiality and will solely be used for academic purposes only.

Letters were also written to the identified ministries and departments with the same assurance on confidentiality and the use of the information provided (refer to Appendix 5). Upon obtaining the approval to conduct the interviews, and before the commencement of each interview, the researcher introduced herself, mentioning her name, the institution she is affiliated with, and clearly explained the purpose of the research. The respondents were informed that they were at liberty to be anonymous and were assured of the confidentiality of their identity and information they would provide. Each respondent was asked if they were willing to participate in the study through a semi-structured interview voluntarily. If they agreed, an informed consent form (refer to Appendix 7) was presented in which the ethical issues were covered. After reading through the consent form, the respondent was

officially requested to append their signature only and a date. The researcher also signed the consent form. All respondents signed the consent form and agreed to voluntarily participate in the study except for the five whose interview was done via the telephone who provided verbal consent.

### **3.9 Conclusion**

This chapter presented and discussed the methods and methodology used to undertake the research. It identified the study as social research and would use a qualitative form of data collection. The chapter further highlighted the research strategy and design, how the sample was selected, the data sources, data collection and, analysis tools. It concluded with the ethical considerations and the study limitations faced in conducting the research.

The next chapter will present the research findings.

## 4 RESEARCH FINDINGS AND ANALYSIS

### 4.1 Introduction

This chapter presents and analyses the findings derived from the information collected from the semi-structured one-to-one interviews with the public officials from a purposively selected sample. The interviewees were from government ministries and departments where officials had been punished for corruption: arrested, prosecuted, and convicted, and/or dismissed from employment through internal administrative measures. The number of officials punished in the selected five ministries and five departments ranged from 1 to 6 for the period 2013 – 2020. The chapter will present a summary of the findings and discuss the findings on the hypotheses developed in chapter 1 in detail.

### 4.2 Summary Findings on the Hypotheses

To answer the research question: To what extent do legal sanctions deter public corruption in others? This thesis presented (in chapter 1) two hypotheses as possible answers. This section will present a summary of the results for each of the two hypotheses based on the interviews conducted.

#### 4.2.1 Null Hypothesis ( $H_0$ )

**$H_0$ : The threat of punishment does not have a deterrent effect on the public officials who see other officials punished for corrupt conduct.**

This hypothesis predicted that the threat of punishment does not have any deterrent effect on an official who witnesses a fellow public official being punished for corruption. This hypothesis was tested by asking the respondents to provide their answers to the following two questions: *How many total instances of*

*corruption in the public service have you been aware of in your ministry or department during your working in public service? What has been the impact on you of these (observed) instances of punishment of others for corruption?* The evidence shows no support for the hypothesis as only 3 out of 51 respondents (5.9%) said it had no impact. They instead stated that corruption is bad, due to their personal moral principles. This interview finding rejects this hypothesis.

#### **4.2.2 Alternative Hypothesis**

**H<sub>1</sub>: The deterrent effect of the threat of punishment is limited to public officials who see other officials punished for corrupt conduct.**

This hypothesis predicted that the punishment of a public official involved in corruption serves to deter only the observing officials from committing the same or similar corrupt conduct. In testing this hypothesis, the following survey questions were asked: *How many total instances of corruption in the public service have you been aware of in your ministry or department during your working in public service? What has been the impact on you of these (observed) instances of punishment of others for corruption?* The findings support this hypothesis as the results from the interviews show that 94.1% (48/51) said the corruption instances had a deterrent impact on them.

#### **4.3 Detailed Findings Related to the Hypothesis**

This section presents the findings of the research in detail by providing the statistics based on the responses to the survey questionnaire and the collaborative explanations of the respondents. The discussion will present the Malawi public officials' understanding of what acts constitute corruption, the ratings of levels of

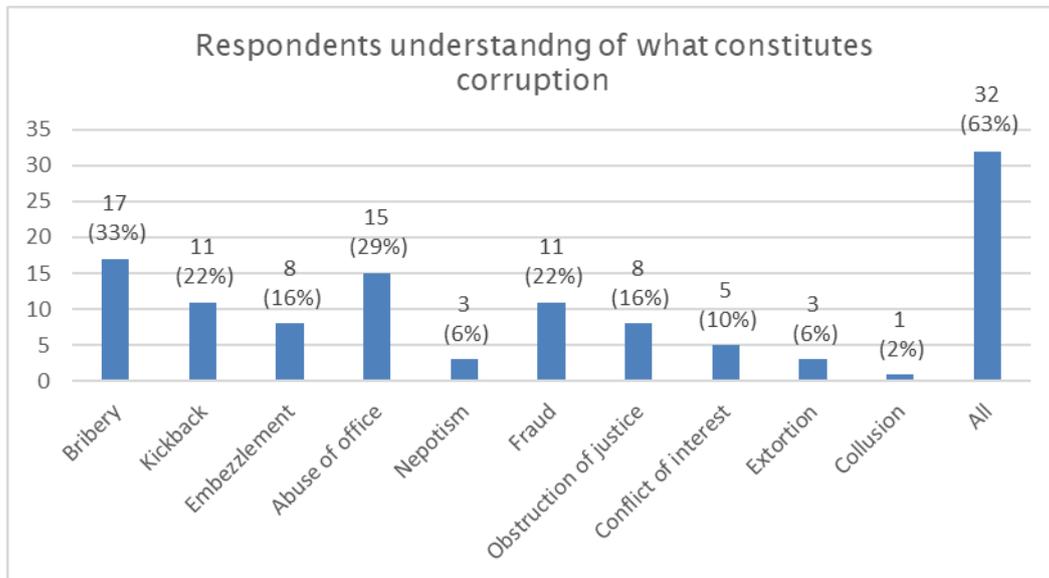
corruption in the public service, the impact on; individual officials, and on ministries/ departments of the known instances of corruption and their punishments. The discussion will also present the reasons for the existence of corruption in the Malawi Public Service from the public officials' perspectives. In the discussion, the views of some respondents are quoted directly or paraphrased using the codes presented in Appendix 2.

#### **4.3.1 Understanding of Corruption**

Corruption has different meanings for different people. The respondents were asked to choose from a list of 10 options of what they understand to be acts of corruption, which included bribery, kickback, embezzlement, abuse of office, nepotism, fraud, obstruction of justice, conflict of interest, extortion, and collusion. It is not surprising that the public officials are not unanimous in their understanding of the acts that constitute corruption as shown in figure 2 below. However, nearly two-thirds of the respondents (63%) mentioned that all the ten listed acts constituted corruption. On the other hand, all the other acts selected separately also scored over 50% of all the respondents, suggesting that public officials are well aware of acts of corrupt conduct. The results of the individual acts show that the top five acts which the public officials believe constitute corruption are bribery (33%), abuse of office (29%), kickbacks and fraud (22%) and Embezzlement, and obstruction of justice (16%).

Figure 2: Respondents' Understanding of what acts constitutes

*Corruption*

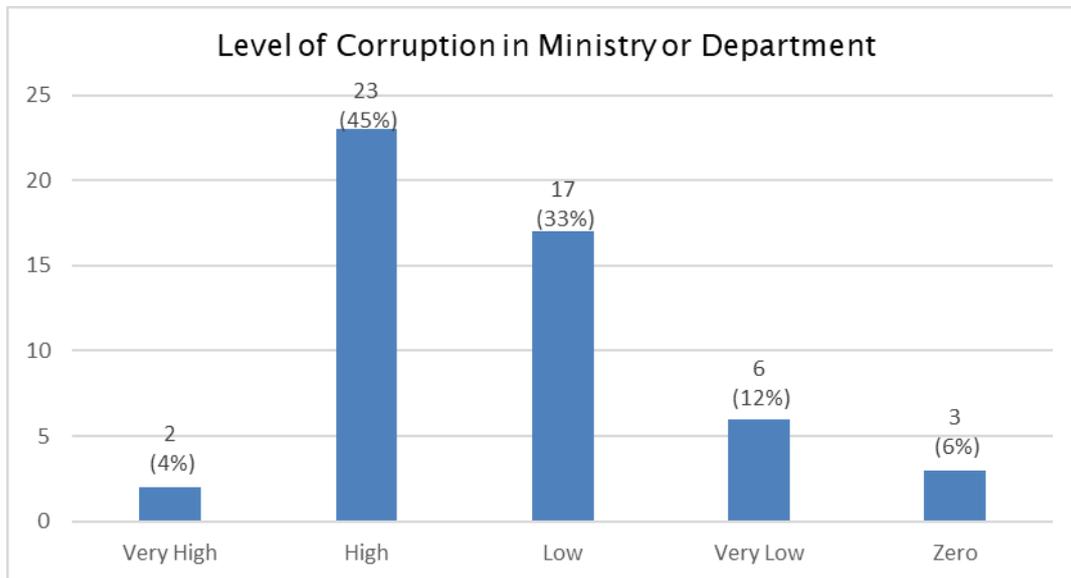


**Survey question:** *What is your understanding of which acts constitute corruption?*

**4.3.2 Level of Corruption**

On the levels of corruption, the public officials were asked to rate the overall level of corruption in their ministry or department as very high, high, low, very low, or zero. Figure 3 presents the ratings of the level of corruption in the ministries and the departments.

Figure 3: The Level of Corruption Ratings in the ministry or department



**Survey question:** *How do you rate the overall level of corruption in your ministry/department?*

The results in figure 3 indicate that more officials rate the overall level of corruption in their ministry or department as high - 45% (23/51) of the respondents, while 33% (17/51) rate it to be low in their ministry or department. On the other hand, only 4% (2/51) rated it to be very high and 12% (6/51) as very low. 6% (3/51) said it was at zero.

It is interesting to note that some of the reasons given for the very high and high levels of corruption are the same. Respondents for both ratings stated that there were more incidences of bribery (from both the officials' side and those seeking services), fraud, abuse of office, public perception about the and kickbacks especially in the procurement of goods and services. Three respondents of the same department (PO48, PO50 and PO46) rated it as 'very high' and 'high' respectively but stated the same reason as "there were more bribery and fraud cases involving staff". These ratings were collaborated by those of respondents

from different ministries (PO6 and PO15) and rated it as 'very high' and 'high' respectively stated that their rating was based on "the public perception that the ministry is highly corrupt" adding that they believe the citizens' views as true since the public are better judges than the officials themselves.

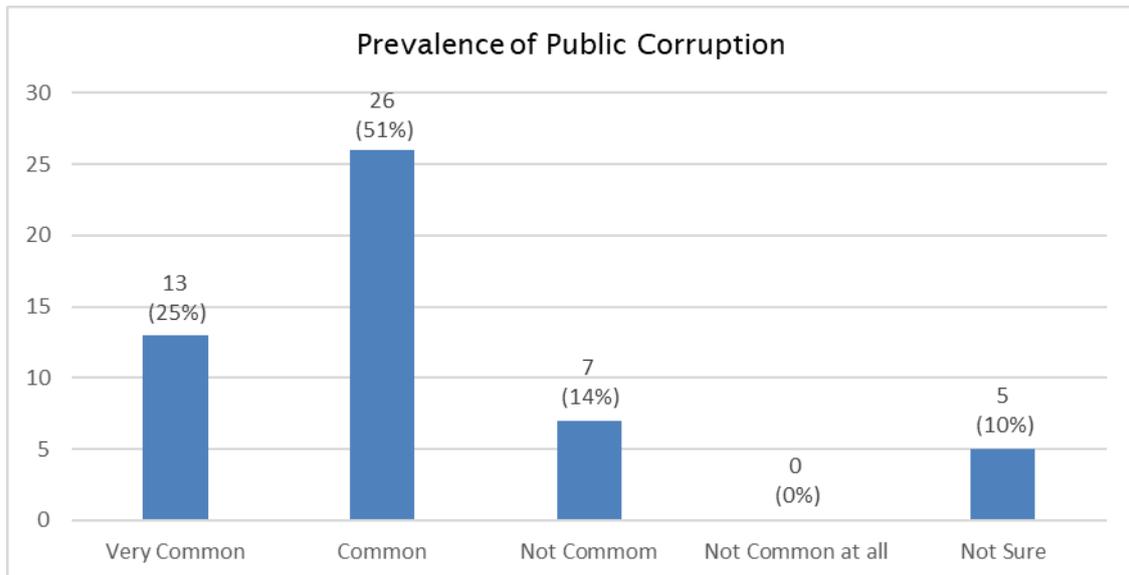
The interview results for the ratings of 'low' and very 'low' also show the same reasons given for the two ratings. Those who rated the level of corruption in their ministry or departments as 'low' or 'very low' gave similar reasons. PO22 and PO19 of the same ministry rated it as 'low' and 'very' low respectively, explained that following the punishment of other officials, people are now more careful not to engage in corrupt acts for fear of being punished as well. This reason was collaborated by PO12 of a different ministry. However, some respondents justified their rating as low, that even though there have not been any proven cases of corruption, it does not mean that corruption is nonexistent in the ministry or department, there might be other factors at play like people are now smarter that they cannot easily be detected (PO23). Those who rated it at zero pointed out strong internal control measures which are in place within the ministry or department which gives no chance to corrupt transactions. Another reason is that there are not many serious cases of corruption as there are only a few cases of petty corruption (PO21).

#### **4.3.3 Prevalence of corruption in the Malawi Public Service**

The respondents were presented with one or two name(s) of public officials who worked in the same ministry/ department as them and were punished for corrupt acts in recent times. The respondents were then asked if they could recall the act that got their colleagues into trouble and were asked their opinion on whether these types of corruption were; very common, common, not common, or not common at all in public ministries and departments. All the respondents were able to recall the

acts that got their colleagues into trouble which included bribery, kickbacks, embezzlement, abuse of office, and fraud. The results of the respondent's responses are presented in figure 4.

Figure 4: Prevalence of Corruption in Public Service



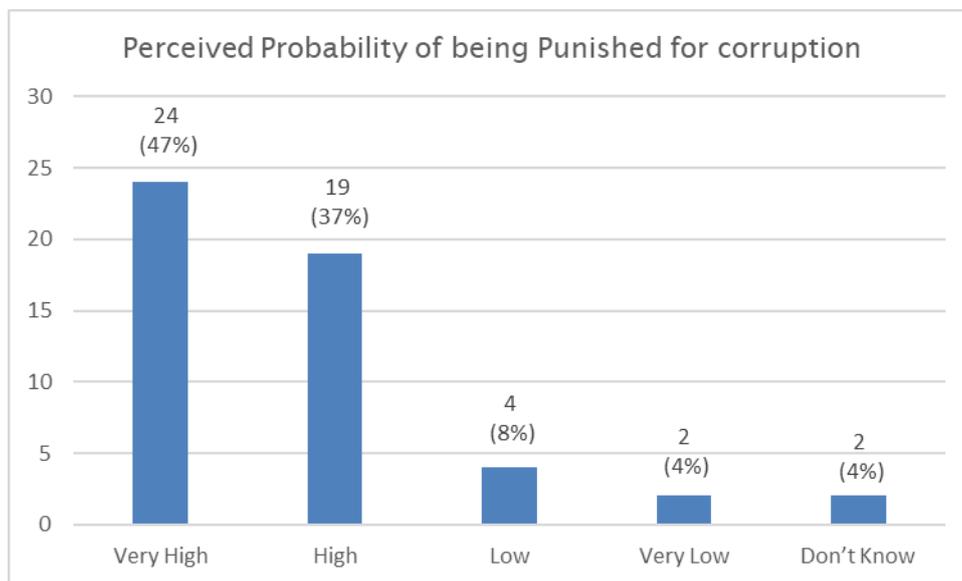
**Survey question:** *I will mention one or two name(s) of public officials who worked in the same department as you and were punished for corrupt acts in recent times. Do you recall the acts they got into trouble for doing? In your opinion, how common are these type(s) of corruption in public service ministries and departments in Malawi?*

The results as indicated in figure 4 indicate that overall, these types of corruption are common in the public service ministries and department of Malawi. Just above half of the respondents 51% (26/51), were of the view that these types of corruption are common while 25% (13/51) said that they are very common showing no much difference between the two ratings. On the other hand, a few officials 14% (7/51) only stated that they were not common.

#### 4.3.4 Perceived certainty of punishment for corruption

Further to the question asked to the respondents in 4.4.3, respondents were asked if they could recall the punishment their colleagues received and to rate their perceptions of the probability of being arrested, prosecuted, and convicted if they committed a similar offence as their colleagues as 'very high', 'high', 'low' and 'very low'. The results of their responses are presented in figure 5.

Figure 5: Perceived Probability of being punished for corruption



**Survey question:** *Following the punishment of your colleague(s) for corruption, if you committed a similar offence, how do you perceive the probability of you being arrested, prosecuted, and convicted?*

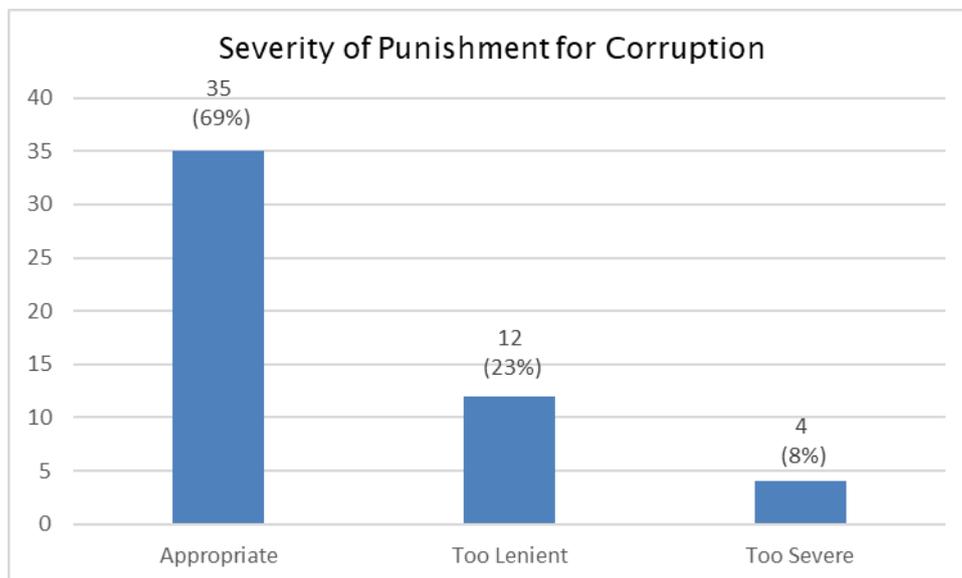
The results from the interviews show that just under half of the respondents, 47% (24/51) said that they perceived the probability to be very high, 37% (19/51) perceived the probability to be high, 8% (4/51) said the probability was low, 4% (2/51) were of the view that the probability was very low and 4% (2/51) said they did not know.

The respondents further explained that the punishment of their colleagues served as a lesson to them that if they would engage in the same behaviour chances of being arrested, prosecuted, and convicted were higher (just as happened with their colleagues).

#### 4.3.5 Perceived severity of punishment for corruption

In extending the question in 4.4.3, upon mentioning one or two name(s) of public officials who worked in the same ministry/ department as the respondents and were punished for corrupt acts in recent times, they were asked if they could recall the punishment their colleagues received for the corrupt acts they committed. All the respondents were able to recall the punishments their colleagues received which were mainly jail sentences. They were then asked their opinion if the punishment for the offence(s) their colleagues committed was either appropriate, too lenient, or too severe. The respondents provided different ratings as presented in figure 6.

Figure 6: Severity of punishment for corruption



**Survey Question:** *I will mention one or two name(s) of public officials who worked in the same department as you and were punished for corrupt acts in recent times.*

*Do you recall what punishment they received? In your opinion, was the punishment for the offence they committed, appropriate, too lenient, or too severe?*

The results in figure 6 above indicate that a total of 69% (35/51) of the respondents were of the view that the punishments (jail years) given to those who committed corruption offences were appropriate. Respondents stated that the offences they committed “deserved jail sentences to serve as a lesson to others” (PO14). Another respondent agreed, jail sentences were duly deserved punishments and according to the law so as “to deter others from committing the same offence’ (PO29).

Though the results show that more respondents were of the view that the punishments given to their colleagues for corruption were proportionate to the offences they committed, it is essential to note the views of those who had contrary views. According to the findings highlighted in Figure 6 above, 12 respondents (representing 23% of all the respondents) were of the view that the said the punishments given to their colleagues convicted of corruption were too lenient. These officials indicated that the jails years (3-4 years) were not severe enough compared to the huge amounts of money that they stole (PO7). This respondent was specifically referring to the cashgate convicts. A similar view was expressed by PO23 who indicated that “five years was not enough compared to what they fraudulently benefited” also in reference to the same cashgate cases. Apart from agreeing to the punishments for corruption as appropriate, other respondents were of the view that the punishments were lenient and others felt that they were too severe. The respondents expressed concerns that jail years which were between 3 and 5 were not enough compared to the huge amount of money their colleagues embezzled. PO23 stated that “I wish he was given 10 years or more because they benefit a lot from the fraudulent acts he was engaged in.” Respondent PO21 was also of the view that a suspended sentence given to one of the offenders was

lenient because he deserved a custodial sentence for embezzling a huge amount of public funds. Another respondent (PO43) pointed out the punishment for one of the offenders was lenient because he was charged with only one offence, yet he had committed several offences.

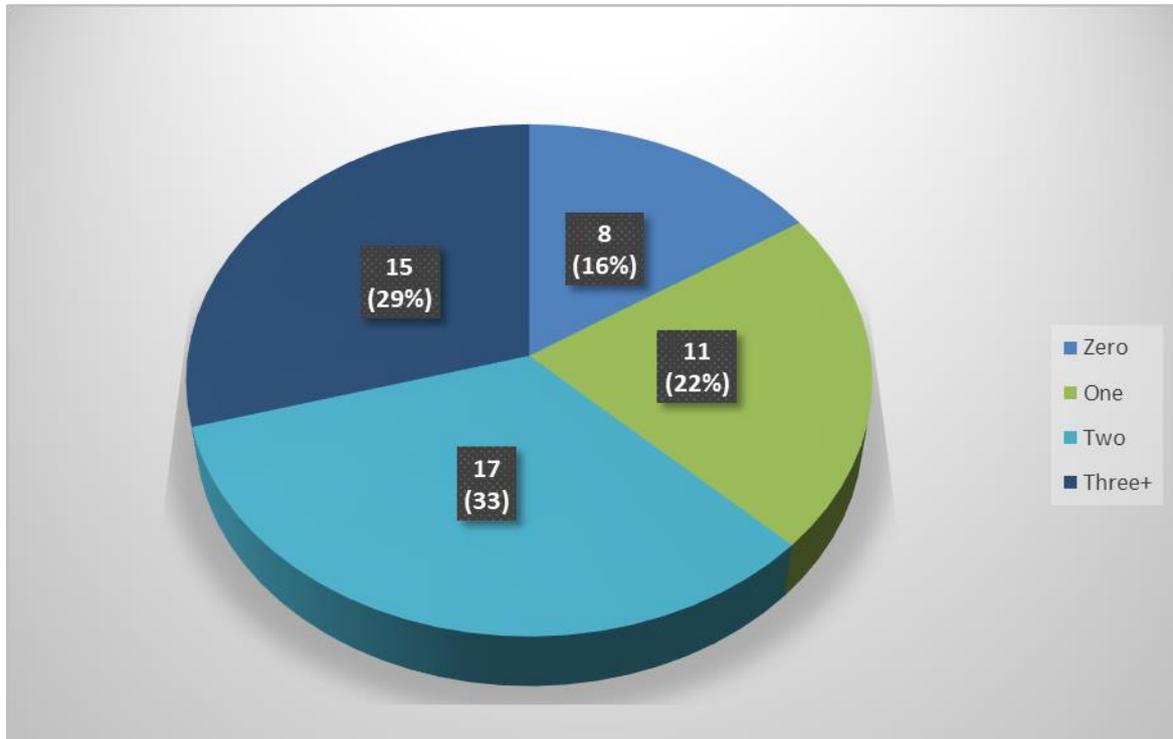
On the other hand, some respondents believed that the punishments were too severe. None of the respondents mentioned that any of the punishments given to their colleagues (custodial sentences) were too severe. Respondent PO13 explained that some of the officials who were punished for corruption did not deserve such punishments as custodial sentences because they were junior officers who were just being used by senior officials. Another respondent holding the same view, PO21 stated that some were first offenders and so deserved a lenient punishment.

#### **4.3.6 Deterrence Effect of Vicarious Punishment**

##### **4.3.6.1 Known Instances of Corruption**

The respondents were asked to mention the number of observed instances of corruption which they have been aware of in their ministry or department during the time they have worked in the public service. These are instances where a public official was punished for corruption. The results from the interviews as presented in figure 6 below show that a large proportion of the public officials, 84% (43/51) are aware of instances of corruption in their respective ministries or departments. A total of 33% stated that they were aware of two instances, 29 % have been aware of more than three instances, 22% have been aware of one instance and 16% responded that they were aware of zero instances of corruption. Those who reported zero known instances are those who have been in the public service for between 1-4 years which justifies their response.

Figure 7: Total Instances of known corruption

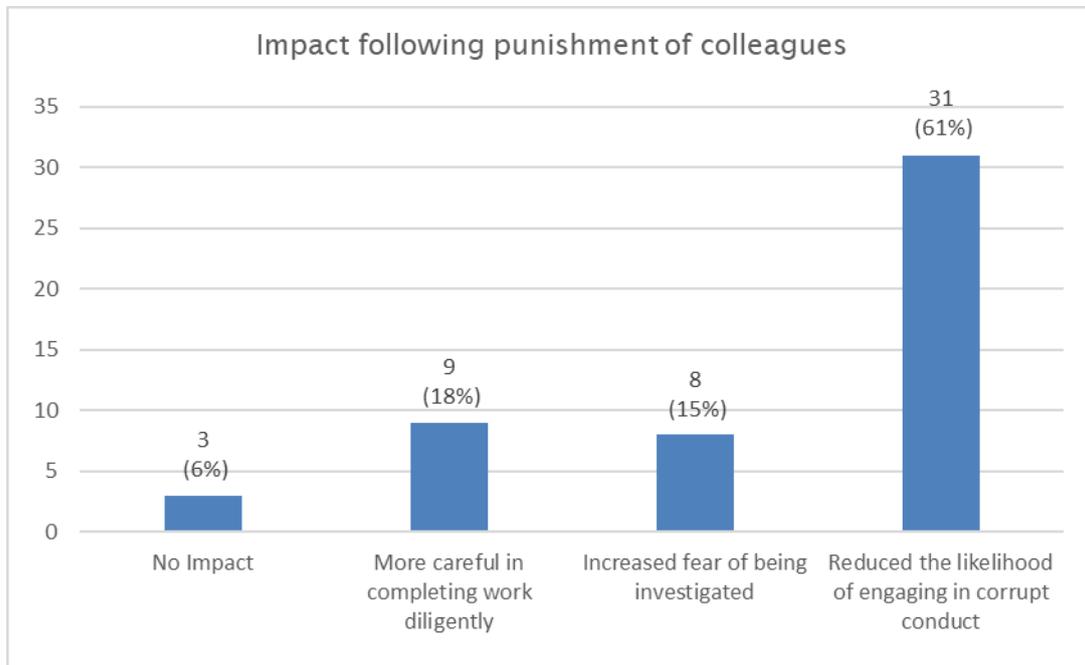


**Survey question:** *How many total instances of corruption in the public service have you been aware of in your ministry or department during the working in the public service?*

#### 4.3.7 Impact on Individual officials following the punishment of a Colleague

The respondents were asked the impact that the observed instances of punishment of others for corruption had on their behaviour. The findings are shown in figure 7.

*Figure 8: Impact on individual officials' behaviour following the punishment of colleagues - Vicarious punishment*



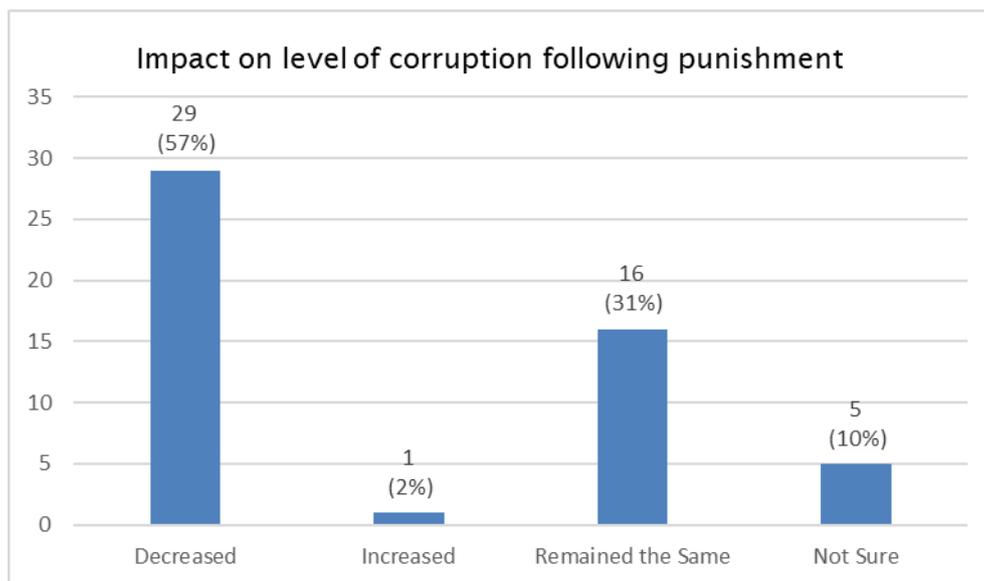
**Survey question:** *What has been the impact on you of these observed instances of punishment of others for corruption?*

The results as presented in Figure 8 indicate that 93 % (48/51) stated that observed corruption instances had a deterrent impact on them. 61% (31/51), just under two-thirds of the respondents said that the observed instances of punishment of their colleagues for corruption, reduced the likelihood of them engaging in corrupt conduct. A total of 18% (9/51) said they were now more careful in completing their work diligently, 15% (8/51) said that the corruption instances increased fear of being investigated themselves. On the other hand, only 6 % (3/51) stated that the observed instances of punishment of colleagues had no impact on them, while on the other hand, 3 out of 51 respondents (6%) said that these instances had no impact on them. Instead, they stated that based on their moral principles, corruption is bad.

#### 4.3.8 Impact on the level of corruption in the public service following punishment of officials

Following the punishment of their colleagues for corruption, the respondents were asked to rate whether corruption in their ministries and departments had decreased, increased, or remained the same. The results in figure 8 show that a total of 57% (29/51) of the respondents said corruption had decreased in the ministry/ department. 31% (16/51) said it had remained the same, only 2% (1/51) said it had increased and 10% (5/51) said they were not sure.

*Figure 9: Impact on level of corruption on the ministry or department following punishment of officials*



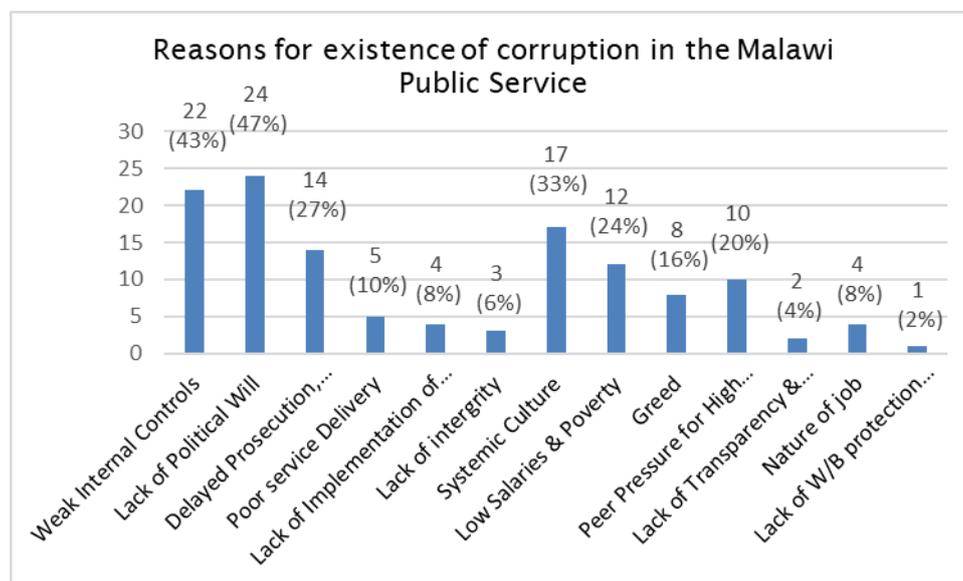
**Survey Question:** *Following the punishment of your colleagues/peers, what was the impact on corruption in your ministry/department?*

#### 4.4 Other Key Finding

##### 4.4.8 Causes of Public Corruption in the Malawi Public Service

This section presents another finding apart from the findings related to the hypotheses. It will highlight the reasons for the existence of corruption in the Malawi Public Service. The respondents were asked to explain what they believe is the primary reason that corruption exists in the Malawi Public Service. They identified thirteen reasons as shown in figure 10. These reasons include weak internal controls, lack of political will, delayed prosecution of offenders, leniency and selective application of the law, poor service delivery, lack of implementation of anti-corruption strategies, lack of integrity, systemic corruption culture, low salaries and poverty, greed, peer pressure for high standard life, lack of transparency and accountability, nature of the job and lack of whistleblower protection laws, as shown in figure 10.

Figure 10: Reasons for the existence of corruption in the Malawi Public Service



**Survey Question:** *What do you believe is the primary reason that corruption exists in the Malawi Public Service? (Please explain)*

The results in Figure 10 above indicate that the respondents believe that the top five primary reasons why corruption exists in the Malawi Public Service are: lack of political will (47% - 24/51), weak internal controls (43% - 22/51), systemic corruption culture (33% - 17/51), delayed prosecution, leniency and selective application of the law in punishing the offenders (27% - 14/51) and low salaries and poverty (24% - 12/51).

#### **4.4.8.1 Lack of political will**

Respondents stated that the lack of political will in the fight against corruption is primarily what staggers the fight against corruption (PO9). This reason was supported by several respondents like PO41 who stated that lack of political will results in the anti-corruption agencies not being granted the independence which they deserve. PO16 added that weak leadership breeds corruption. The leaders are not leading by example as they are the ones in the lead, engaging in corrupt acts. PO48 further noted that lack of patriotism amongst the leaders and all the public officials, leads to “gross abuse of resources at top management levels and gross mismanagement of resources at lower management levels”.

#### **4.4.8.2 Weak internal controls in the ministries and departments.**

Several respondents believe that lack of internal control measures in the different government departments and ministries is a primary reason for public corruption as it creates opportunities for people to engage in corrupt acts such as embezzlement, fraud, and abuse of power (PO5; PO20 and PO41). To support this point, PO33 added that this kind of situation gives too much discretionary authority to some public officials because there is a lack of accountability measures. Inadequate checks and balances in the civil service create loopholes in the systems/sectors that are susceptible to corruption as observed by PO3 who further added that it could be done deliberately or due to lack of enforcement procedures or negligence. This, in

turn, impairs the fight against corruption because no priority is given to it, as long as the work gets done (PO38).

Another respondent (PO12) pointed out that lack of in-house enforcement bodies/ departments investigating corruption, and no proper structures for following up on people's behaviour, makes the detection of corrupt officers difficult. The absence of anti-corruption training also makes corruption an acceptable culture.

#### **4.4.8.3 It is systemic and it has become a culture**

The results in Figure 10 above show that 33% of all the respondents believe that corruption is systemic in the Malawi Public Service. According to PO40, people influence each other directly or indirectly to indulge in corrupt conduct that it has since become habitual. It has been embraced as a culture, e.g., when a new employee joins a government ministry or department, he/she is introduced to a way of doing things, which might include demanding or receiving a bribe from a person for a service which is supposed to be free. PO23 added that those providing public services normalise corruption as it 'speeds' up the process. It becomes an organisational culture that starts from the very top and trickles down the ladder to the bottom. Some officials are not afraid of punishment as they know that they will be protected through their political connections mainly the senior corrupt people who get away with it because of the political connections and through the patron-client networks (PO2).

Corruption has become a norm that some people believe that a public servant engaging in corruption is not a problem. They say 'government money is everybody's money' (PO49). It's such a deep-rooted culture that has bred a chronic institutional corruption, which has not been treated for a long time, resulting in resistance to change by the old employees to newly established corruption initiatives. It has also become contagious and moves from ministry to ministry to

department as the corrupt officials are not punished. Instead they are just being transferred from one ministry or department to another, taking the corruption along with them to their new work station (PO51).

#### **4.4.8.4 Delayed prosecution, lenience, and selective application of the law in punishing corruption offenders**

Respondents expressed concern that when people are arrested for corruption, the trend is that it takes a long time for them to be prosecuted, which results in evidence being lost and most cases are not successfully prosecuted (PO1). Respondents PO27 and PO 29 agreed that the lack of defined or imminent consequences for those engaged in corruption results from a lack of enforcement of existing controls and laws. Besides, PO46 explained that when people are caught engaging in corruption, they are not given stiffer penalties. The corrupt officials are not punished enough and the punishment for corruption is not severe enough to deter others from engaging in the same conduct.

Other respondents like PO7 and PO23 are of the view that corruption offenders are given lenient punishments and even though there is a law on asset recovery, it has never been fully enforced until just recently when it has successfully been applied on one case (*Financial Intelligence Authority v Lucy Rachael Sukali and Charles Ezra Mchakulu, 2019*). PO7 added that all along, the proceeds of corruption were not recovered, so people serve lenient jail terms and go back to enjoy their ill-gotten assets. People thus feel they can engage in corruption and they won't be given stiff punishments. Another respondent, PO12 stated that most corrupt people are not punished because they are connected to top government officials and so they indulge in corrupt practices with impunity and results in selective application of the law. PO15 and PO50 added that only junior officers are the ones who are punished

for corruption while the senior officials are left scot-free even when there is evidence against those senior officials.

#### **4.4.8.5 Low salaries and poverty**

The respondents lamented that they receive low salaries which are not enough to meet their needs and that of those of their extended families (numerous dependents), so they engage in corruption to supplement their low salaries (PO4, PO18 and PO29). To support this point, PO10 stated that a public officer is attached to too many dependents which forces him or her to look for more income and the easiest alternative is corruption. She further added that the officials feel that there is an uneven distribution of emoluments between the senior and junior officials and also a lack of equitable reward; so those who feel that they are lowly paid, compensate themselves through corruption. Also, the lack of benefits for junior officers like medical insurance cover pushes them to engage in corruption to fill that gap (PO8).

Respondents PO3 and PO46 unanimously stated that people indulge in corruption because they scramble to get basic public services, hence they bribe those who are entrusted to provide these services for survival. Low salaries are not enough to support extended families.

In addition to the top five identified reasons for corruption in the public service, other reasons mentioned include;

#### **4.4.8.6 Greed**

Other respondents like PO29 and PO33 stated that some public officials are just greedy by nature, they just want more money for themselves. They want extra money to live a high standard of life when their salaries cannot support that kind of life. People are not satisfied with what they have. They added that most officials involved in corruption are the senior officials who just want more for themselves.

#### **4.4.8.7 Poor service delivery**

PO11 and PO48 mentioned that poor service delivery causes unnecessary delays which in turn gives public officials an advantage to demand bribes from clients so that they are assisted. On the other hand, people seeking the official's services offer bribes so that they can be assisted quickly.

#### **4.4.8.8 Lack of implementation and enforcement of corruption prevention strategies**

Respondents PO18 and PO27 stated that implementation and monitoring of the corruption prevention strategies are not done adequately, probably deliberately, so that corruption can continue. They added that there are good corruption prevention measures in place but there must also be actual will to stop corruption.

#### **4.4.8.9 Lack of integrity and ethical behaviour amongst the civil servants**

Three respondents (PO18, PO26 and PO42) mentioned a lack of integrity and ethics on the part of public servants as one reason for the existence of corruption in the public service. They explained that public officials lack integrity and have poor ethical values that breed a corrupt mindset in them. They further added that others are just corrupt by nature - they have a corrupt character. Also, they stated that there is also a lack of measures enhancing individual integrity in the whole public service and Malawi as a country.

#### **4.4.8.10 Peer pressure for high a standard of living**

Two respondents, PO3 and PO49 highlighted high competition amongst the public officials for a high standard of living, which puts the officials are under pressure to live a standard of life that matches with their friends. They, therefore, engage in corruption to live and maintain such kind of a high lifestyle.

#### **4.4.8.11 Nature of job**

Other respondents (PO17 and PO47) said that the nature of the job also can influence a public official to engage in corrupt acts. For example, those jobs which demand more interaction with people in the provision of services like customs officers, have more opportunities and loopholes for corruption.

#### **4.4.8.12 Lack of whistleblower protection laws**

One responded (PO17) also pointed out that most corruption is not reported as those who try to fight against corruption are punished/ victimised themselves, as a result, people are afraid to report corruption to the authorities or to give evidence on corruption cases for fear of being victimised.

#### **4.4.8.13 Lack of Transparency and Accountability**

Other respondents (PO5 and PO49) also mentioned a lack of transparency and accountability which allows some officials to have so much discretionary powers which they in turn abuse for personal gains.

### **4.5 Conclusion**

The research findings in this chapter have revealed some key issues in terms of the deterrent effect of punishment in controlling public corruption. First, the punishment of other public officials for corruption has a larger impact on the conduct of other officials. Those officials who observe their colleagues being punished for corruption are deterred from engaging in the same or similar corrupt conduct which leads to a decrease in the levels of public corruption. Secondly, the findings revealed that the punishment of other public officials increases the perceived threat of certainty of punishment on the other public officials thereby deterring them from engaging in corrupt practices. Lastly, the findings show that to deter others from engaging in corruption, the punishment must be severe enough. On the other hand, however, the degree of severity is subjective.

The chapter also presented findings on the public officials' perspectives on the primary reasons for the existence of corruption in the Malawi public service. The next chapter will present a discussion on the results as identified in Chapter 4.

## **5. DISCUSSION OF THE RESULTS**

### **5.1 Introduction**

This chapter discusses the issues and observations identified in Chapter 4 in relation to the research question. The discussion will also link the findings with the objectives and the theories, as outlined in chapter 2. The study purposively selected 10 ministries and departments where there have been cases of public officials being involved in corruption in the past seven years. One-to-one interviews were conducted with 51 public officials who were aware of instances of corruption in their respective ministries and departments during the time they have been in service and who had observed their colleague(s) being punished for corruption. Punishment is defined as the “legal process whereby violators of the criminal law are condemned and sanctioned in accordance with specified legal categories and procedures” (Garland, 1990 cited in Banks, 2017, p.104).

### **5.2 What constitutes Public Corruption?**

The study has established that public officials are well aware of most of the acts that constitute public corruption. The results indicate no major differences in the understanding of the corrupt acts by years of experience or grade of the respondent’s official position, whether one is a senior or junior official.

### **5.3 Levels and Prevalence of corruption in the Malawi Public Service**

The findings in this study show that the public officials themselves are of the view that corruption in the public service remains highly prevalent. The findings confirm the citizens’ perception of high and prevalent levels of public corruption in Malawi Public Service (Dulani, Jamu and Tengatenga, 2019). This finding is clear evidence that public officials are well aware of the high prevalence levels of corruption in public service.

The findings also show that the public officials have a clear knowledge of the common types of corruption in the public service which include bribery, kickback, embezzlement, abuse of office, nepotism, fraud, obstruction of justice, conflict of interest, extortion, and collusion.

It is interesting to note that some of the reasons given for the zero ratings suggest that some public officials are of the view that petty corruption does not matter and it's not an indication of high levels of corruption. One respondent, PO21, rated the level of corruption in his ministry as zero and explained that it is because there are few incidences of petty corruption.

It should also be noted that there is a small difference between the corruption level ratings of 'very high' and 'high'. This could just be an individual perception difference by the officials giving the ratings. The important point to note is that the ratings are in the category of high levels.

These results link with the ratings of the high prevalence of corruption as the study has found that such corrupt acts as bribery, kickbacks, embezzlement, abuse of office, and fraud are common in the Malawi Public Service.

#### **5.4 The general deterrence effect of vicarious punishment on public corruption**

The study employed insights from the deterrence and social learning theories to underpin the theoretical framework that explores whether and how punishment levied on other public officials for corruption deters other officials from committing the same or similar corrupt conducts. I postulated a theoretical framework on vicarious punishment (refer to Figure 1) that illustrates a deterrent impact whereby a public official in the same ministry or department (observing a punished official) is deterred from committing the same or similar corrupt act. The theory incorporates general deterrence effect through the observational experience of the

observing official thus highlighting the perceptual deterrence of the properties of punishment (perceived certainty and severity). The theory helps illustrate the deterrence outcome of vicarious punishment in controlling corruption in the Malawi Public Service.

Vicarious punishment is particularly relevant in highly corrupt environments and so, selected government ministries and departments were used as the context of the study because the ministries and departments had cases of public officials who were punished for corruption.

The results of the study indicate that public officials are deterred from engaging in corrupt conduct by observing their colleagues' or peers' punishment as a consequence of corrupt conduct. The results clearly illustrate that through observational experience, vicarious punishment has a far-reaching general deterrence effect on the observing official. The study, however, shows that in highly corrupt environments where internal control systems are weak, the deterrent effect of the threat of punishment of public officials is limited to the public officials who observe other officials being punished for corrupt conduct.

#### **5.4.1 Perceived Certainty of Punishment**

Certainty is one of the elements of the deterrence theory which posits that for an effective deterrent impact, punishments should be certain, that is, high probability of being detected and apprehended, prosecuted, convicted, and sentenced (Nagin, 2013).

One of the given reasons why corruption exists in the Malawi Public Service is that it involves a chain of people from the top level of the bureaucracy to the bottom who protect one another and corruption becomes systemic. Systemic corruption coupled with weak internal controls renders chances of detection, arrest, prosecution, and conviction of the corrupt officials very slim, hence persistent high levels of public

corruption. In such an environment, legal sanctions become the only available tool in combating corruption. The study has established that punishment of other public officials for corruption increases the perceived threat of certainty of punishment on the observing official thereby deterring them from engaging in corrupt practices. The punishment of a colleague increases the perceived probability of the other officials being arrested, prosecuted, and convicted just like their colleagues, which in turn deters them from engaging in the same or similar corrupt acts.

Punishment of public officials for corruption is of great information value as it conveys to the observing other officials the information about the consequences of indulging in corrupt conduct. Since the observing officials are in the same environment as the punished ones, they identify themselves with the punishment targets and are self-informed of the perceived consequences if they indulge in the same or similar behaviour. The punished officials are thus the reference points for the observing officials that the observed outcomes of the corrupt conduct of their colleagues would also be applied to them.

#### **5.4.2 Perceived Severity of Punishment**

Another element of the deterrence theory is the severity of punishment. This was also discussed in detail in chapter two. The theory posits that punishment must be severe enough to outweigh the self-interest motivations for committing a crime to deter both the individual who has already committed the crime not to commit another one and the would-be offender.

The study found that punishment of corrupt officials is either appropriate, too lenient, or too severe, depending on the gravity of offence committed. One of the respondents commented that “no punishment for corruption can be too severe, it’s either it is the right punishment or it is lenient” (PO33). This comment and the

mixed ratings of the punishments point to an argument that the degree of severity of punishment is subjective as, what one considers as an appropriate punishment another may think that it is lenient or severe. On the other hand, there are arguments on the leniency whereby some officials stated that some punishments meted on corruption offenders are lenient which makes other officials engage in corruption with impunity knowing that they if caught they will not be given stiff penalties.

The findings of the study support the deterrence theory that punishment should be severe enough to deter others from indulging in corrupt acts [Beccaria (1986; 1764); Bentham (1988; 1789)]. The severity of the punishment is perceived in terms of the number of years for a jail term plus confiscation of the proceeds of the corrupt acts. The study has thus found that corruption offences should be punished by more years of jail terms (for example, according to PO23, it should be 10 years or more) and the proceeds from the corrupt acts should be confiscated. This is severe enough to deter other officials from engaging in the same or similar corrupt conduct. To collaborate with this finding, one of the primary reasons given for the existence of corruption in the Malawi Public Service is that corrupt officials are not punished enough. They are given fewer jail years and the assets which they got through the corrupt means are not confiscated so after serving the few years in jail, they go back and continue enjoying the proceeds of corruption. Public officials would be deterred from corruption if they perceive the threat of punishment as severe by observing longer jail sentences given to their colleagues.

#### **5.4.3 Impact of punishment of a colleague on Individual official's behaviour**

The findings of the study show that the punishment of other public officials for corruption has a large impact on the conduct of the other officials. The results thus

show the deterrent effect of punishment of others in preventing corruption in the public service through vicarious punishment.

The study further found that public officials are deterred from engaging in corrupt transactions when they witness their colleagues being punished for corruption. Punishment of a colleague or a peer for corruption has a deterrent impact on the other officials because it reduces the likelihood of the other officials from engaging in corrupt conduct, the observing officials become more careful in completing their work diligently, and it increases fear of being investigated themselves. This elaborates on the theoretical framework underpinning this study which employed a theory of general deterrence effects of vicarious punishment whereby punishment of a colleague for corruption serves to deter a would-be offender from committing the same or similar corrupt acts and receiving similar punishment.

#### **5.4.4 Impact of punishment on the level of corruption in the public service ministries or departments**

The findings in the study further show that the individual public officials' deterrent effect of vicarious punishment translates into reduced levels of corruption in the respective government ministries and departments. An important observation to note is that, even though the overall level of corruption in the Malawi Public Service ministries and departments is perceived to be high, corruption had decreased in the ministries and departments where public officials observed their colleagues being punished for corruption. The decrease in corruption level in the ministries or departments followed the punishment of public officials for corruption. The results show a deterrent impact of punishment on public corruption.

On the other hand, one important observation is that even though more public officials, i.e. 57% of the respondents stated that following the punishment of their colleagues, corruption in their respective ministries and departments had

decreased, a good percentage (31%) said that it had remained the same. This needs to be explored further to understand the reasons why the corruption levels have remained the same even after a positive general deterrent effect of vicarious punishment in other ministries and departments. However, the reasons for the continued existence of corruption in some ministries and departments can be the same as why corruption exists in the Malawi public service.

### **5.5 Other Key Finding**

This section will discuss another key finding which may not be directly related to the research question but is critical in informing a better appreciation of the subject matter of the thesis. The discussion mainly focuses on the primary reasons for the existence of corruption in the Malawi Public Service from the perspectives of the public officials themselves.

While much has been written about the causes of public corruption in Malawi, the focus has mainly been on the broader perceptions of the citizens. The literature concludes on the drivers of public corruption based on the Country Governance and Corruption surveys (Dulani, Jamu and Tengtenga, 2019; Chinsinga, et al., 2014; Anders, 2002) which seeks the views of the general public on their perceived reasons why people, in general, engage in corruption. But the perspectives of the public officials themselves on what causes public corruption is mostly lacking in the research literature. Views of people who are part of the perceived 'corrupt' system are valuable as they provide inside observations of what the primary causes of public corruption might be. As already pointed out in 1.1.2, corruption levels in Malawi are persistently high, and to have a deeper understanding of why corruption still exists in higher levels in the Malawi public service, it is of much value to hear the views of the people who are perceived the most corrupt, the public officials.

The most identified and cited top drivers of corruption in the Malawi Public Service are greed, poverty, and low salaries (Dulani, Jamu and Tengtenga, 2019). This study established that there are more other primary reasons why corruption exists in the public service in addition to greed, poverty, and low salaries which include. The top five reasons as identified by the public officials themselves are; lack of political will, weak internal controls, systemic corruption culture, delayed prosecution, leniency, and selective application of the law in punishing the offenders, and low salaries and poverty. Low salaries and poverty are also part of the top list for public officials. The other reasons include greed, poor service delivery, lack of implementation and enforcement of corruption prevention strategies, lack of integrity and ethical behaviour amongst the civil servants, peer pressure for a high living standard, nature of the job, lack of whistleblower protection laws, and lack of transparency and accountability.

The reasons given by the public officials for the existence of corruption in the public service, to some extent explains the high overall levels of public corruption in the Malawi public service.

## **5.6 Conclusion**

This chapter has discussed key findings in light of the theories and literature presented in chapter two. The discussion has revealed that, first, the impact of the threat of punishment for corruption has a positive deterrent effect to the extent that; a public official identifies himself/ herself with a colleague who has been punished for corruption and through the observational experience of the punishment, they are deterred from committing same or similar corrupt acts and receiving similar punishment. Thus punishment of other public officials for corruption has a larger impact on the conduct of the other officials. The evidence clearly shows a significant deterrent effect of vicarious punishment in preventing

public corruption in the Malawi Public Service. The general deterrence of vicarious punishment also translates into decreased incidences of corruption in different government ministries and departments.

Second, the punishment of other public officials increases the perceived certainty of punishment by the observing official; that is, it increases the probability of the observing official being arrested, prosecuted, and convicted just like their colleagues. Lastly, the study found that corruption offenders should be given more jail years (not less than 10 years) and the proceeds of the corrupt acts should also be confiscated.

Other findings reveal the public officials' perspectives on the primary reasons for the existence of corruption in the public service which include lack of political will, weak internal controls, systemic corruption culture, delayed prosecution, leniency, and selective application of the law in punishing the offenders and low salaries and poverty among others.

The last chapter will present the key conclusions and suggest some recommendations.

## **6. CONCLUSIONS AND RECOMMENDATIONS**

### **6.1 Introduction**

This last chapter presents key conclusions based on the research findings and discussion of results presented in chapters four and five respectively. The chapter will further make recommendations on how to effectively control corruption in the Malawi Public Service and it suggests other possible areas of research and offers some contributions to theory and practice.

The study sought to examine the extent to which punishment of public officials involved in corrupt behaviour deters their fellow observing colleagues from engaging in the same or similar corrupt conduct. To answer the research question and the objectives of the study (see chapter 1), this thesis presented two hypotheses as possible answers to the research question. To test the hypotheses, in answering the research question: To what extent do legal sanctions deter public corruption in others?, The author developed a Deterrent Theory of Vicarious Punishment (refer to Figure 1). Using the Deterrent Theory of Vicarious Punishment, she argues that general deterrence of punishment of corruption is effective through vicarious punishment. The deterrence effect is manifested when a potential offender observes a colleague or a peer being punished for corrupt conduct and they in return refrain from engaging in similar corrupt conduct in the future. This form of corruption prevention lies in the subjective (perceptual) level of the punishment properties whereby the would-be offender is informed of the perceived certainty, severity, and celerity of punishment for corruption, which then guides their decision not to engage in any form of corruption.

## **6.2 Key Conclusions**

The public officials are well aware of the different acts that constitute corruption which include bribery, kickback, embezzlement, abuse of office, fraud, obstruction of justice among others. The officials agree with other findings (Dulani, Jamu and Tengtenga, 2019) that the level and prevalence of corruption in the public service are high. Despite the high levels of corruption, the punishment of corrupt officials has a deterrent effect in controlling public corruption.

### **6.2.1 General Deterrence Effect of Vicarious Punishment on Public Corruption**

The study observes that the punishment of other public officials for corruption has a large impact on the conduct of other public officials. By witnessing colleagues or peers being punished for corrupt conduct, the sanction informs the observer that the corrupt conduct is illegal and also produces fear of the perceived threat of punishment, thereby deterring them from committing the same or similar corrupt conduct.

The perceived threat of punishment reduces the likelihood of engaging in corrupt conduct by observing officials as they become more careful in completing their work diligently. It also increases fear in them of being investigated themselves. This evidence indicates the impact of vicarious punishment in controlling public corruption both at the individual level and at the ministry or department level.

### **6.2.2 Perceived Certainty of Punishment for Corruption.**

The research findings show that punishment of other public official increases the perceived certainty of punishment by the observing official. It increases the probability of the other official being arrested, prosecuted and convicted just like their colleagues, which in turn deters them from engaging in the same or similar corrupt acts.

### **6.2.3 Perceived Severity of Punishment for Corruption**

The results of the study have shown that while the perceived threat of stiff penalties, i.e. more years of jail term (10 years or more) and confiscation of the proceeds/ assets obtained from the corrupt transactions deters the observing officials from committing the same or similar acts, the perceived degree of the severity of punishment is subjective and depends on the gravity of the matter. What one deems severe, another would think it is not.

The study further establishes that following punishment of public officials, corruption in the different ministries and departments decreased.

The study further established that in addition to the top-cited reasons for the existence of corruption in the public service, greed, poverty and low salaries (Dulani, Jamu and Tengtenga, 2019; Anders 2002) the public officials identified other primary reasons for the prevalence of corruption in the public service which include a systemic corruption culture, leniency and selective application of the law, weak internal controls, weak and corrupt leadership and lack of integrity amongst the public officials.

### **6.3 Key Recommendation**

The study has revealed several issues that could help in developing effective anti-corruption strategies in the Malawi Public Service. The findings of the study show that first, even though following punishment of corrupt officials, corruption is perceived to have decreased in most ministries and departments, in others it has remained the same (refer to Figure 8). Secondly, even though the overall level and prevalence of public corruption are high, in the ministries and departments it has decreased. Based on these findings the following are some of the suggested recommendations. These findings suggest that the existence of corruption in the public service may have different reasons for the different ministries and

departments which calls for tailor-made and targeted corruption prevention measures and not a 'one size fits all' strategy. There should be a targeted assessment of the level and causes of corruption in the different ministries and departments. Each ministry and department should therefore have their corruption control strategies that focus on the nature of their business.

#### **6.4 Strengths of research and contribution to theory and practice**

This study is unique in that it is a first attempt to examine the general deterrence effect of punishment in preventing public corruption with a focus on the observing official. The research attention is directed on the impact of punishment of other public officials for corruption on the conduct of other (observing) public officials, rather than on the broader 'general' public. The study, therefore, contributes to the body of knowledge and theories by advancing a theoretical framework that illustrates the deterrence of public corruption through observational experience. Besides, the results of the research may have practical implications for the formulation of anti-corruption strategies.

#### **6.5 Limitations of the Study and Implications for Future Research**

This study is not without limitations. First, the study concentrated only on those ministries and departments where there were known cases of corruption and not where there were no known cases. The conclusions drawn are therefore only for the selected ministries and departments and not the whole civil service. The ministries and departments with no known cases of corruption do not entail that there is no corruption. It would be interesting to study officials from those ministries and departments to see if perceived threat of punishment would have the same effects as on officials who had observed their colleagues punished for corruption.

Even though the study found that corruption had decreased following punishment of colleagues, the officials were also of the view that the incidences of acts which got their colleagues into trouble were common in the public service which meant that they were aware of the existence of such malpractices, the study did not find out why they were not reporting to authorities as it was outside the scope of the present study. Future research may consider probing more on this.

Although this study represents a unique focus in the scholarship of legal sanctions and control of corruption through a deterrence theory of vicarious punishment, it only focused on public officials and not on the private persons who are also part of most of the corrupt transactions. The study was not able to reach out to the private persons and see if the punishment of a colleague for corruption would have the same deterrent effects as on the public officials. Future research may consider exploring this.

Furthermore, the study provides an opportunity for further research on such issues as exploring the reasons why corruption level and prevalence in some ministries and departments remain the same despite the punishment of public officials for corruption and despite the positive impact of punishment on other ministries and departments.

## **6.6 Challenges faced during the research**

The challenges that the research faced included limited literature on the deterrent effect of punishment in controlling public corruption in Malawi and even beyond. The literature available is further limited to experimental studies and not natural environment studies, which poses a challenge in reviewing the literature. Regardless of this challenge, it has provided an opportunity to create new understanding,

knowledge, and interpretations of some social contexts in which public corruption can be controlled, and might be considered for anti-corruption policies.

Initial data collection was another challenge faced by the researcher. Due to poor record-keeping and management, it took more than a month for both the ACB and the Judiciary to provide the requested data (which was also incomplete). These institutions, like many other government institutions, keep their data manually and it was difficult for them to source information for the past six years (as per the research focus period of 2013-2020). For court case records, the data provided was for very few cases as the researcher was informed that case files could not be traced. Also, due to COVID-19 preventive measures, all government officials were working in shifts between the office and home so there were no specific officers assigned to provide the information that the researcher had requested. This challenge delayed the identification process of the target ministries and departments for the study.

Another challenge encountered during this study was hesitation in responding to my request (to conduct interviews with officials) from other ministries and departments who seemed suspicious of the research topic and thought that the researcher wanted to investigate them. In one department the researcher was denied approval because the department considered its operations as sensitive. This is the department where the 'cashgate' scandal is believed to have originated (Ntata, 2013). This department was then replaced with another in the sample for this study. However, the change did not in any way affect the research process. The last limitation was that the researcher was unable to find software for data analysis and the manual analysis took a long time.

## 6.7 Conclusion

This thesis aimed at answering the following research question: To what extent do legal sanctions deter public corruption in others? The study developed one null hypothesis and one alternative hypothesis. To test these hypotheses, fifty-one public officials in ten ministries and departments were interviewed. The ministries and departments were those where there were cases of corruption by public officials and they were punished. Interviewees responded to a semi-structured questionnaire on a one-to-one basis. The research findings have rejected the null hypothesis but have confirmed the alternative hypothesis.

The research has concluded that the punishment of other public officials for corruption has a large impact on the conduct of other public officials. By observing fellow officials being punished for corruption, other public officials are deterred from committing the same or similar corrupt acts. Further, the threat of certainty and severity of the punishment of corruption have a deterrent effect on would-be offenders through observational experience. The research also identified the reasons for the existence of corruption in the Malawi Public Service from the public officials' perspective. The study has proposed recommendations on how to formulate effective anti-corruption strategies for public service.

## 7. Appendixes

### Appendix 1: Number of interviews conducted – Government ministries and departments

	Name of government ministry/ department	Number of interviews
1.	Ministry of Tourism, Culture, and Wildlife	7
2.	Ministry of Local Government	7
3.	Ministry of Lands	4
	Ministry of Disability and Elderly Affairs	4
5.	Ministry of Gender, Community Development, and Social Welfare	4
6.	National Audit Office (NAO)	2
7.	Department of the Accountant General (DAG)	8
8.	The Financial Intelligence Authority	3
9.	The Judiciary	6
10.	Malawi Revenue Authority (MRA)	6
	<b>TOTAL</b>	<b>51</b>

**Appendix 2: List of Anonymised interviewee identification codes and Number of Years in Public Service**

	<b>Interviewee Identification Code</b>	<b>Government Ministry/ Department</b>	<b>Number of years in public service</b>
1.	PO 1	Ministry of Tourism, Culture, and Wildlife	17
2.	PO2	Ministry of Tourism, Culture, and Wildlife	12
3.	PO3	Ministry of Tourism, Culture, and Wildlife	13
4.	PO4	Ministry of Tourism, Culture, and Wildlife	11
5.	PO5	Ministry of Tourism, Culture, and Wildlife	12
6.	PO6	Ministry of Tourism, Culture, and Wildlife	21
7.	PO7	Ministry of Tourism, Culture, and Wildlife	24
8.	PO8	Ministry of Local Government	28
9.	PO9	Ministry of Local Government	15
10.	PO10	Ministry of Local Government	18
11.	PO11	Ministry of Local Government	12
12.	PO12	Ministry of Local Government	2
13.	PO13	Ministry of Local Government	15
14.	PO14	Ministry of Local Government	26
15.	PO15	Ministry of Lands	30
16.	PO16	Ministry of Lands	20
17.	PO17	Ministry of Lands	7
18.	PO18	Ministry of Lands	7
19.	PO19	Ministry of Gender, Community Development, and Social Welfare	30
20.	PO20	Ministry of Gender, Community Development, and Social Welfare	26
21.	PO21	Ministry of Gender, Community Development, and Social Welfare	2
22.	PO22	Ministry of Gender, Community Development, and Social Welfare	4

23.	PO23	Ministry of Disability and Elderly Affairs	15
24.	PO24	Ministry of Disability and Elderly Affairs	1
25.	PO25	Department of Disability and Elderly Affairs	15
26.	PO26	Ministry of Disability and Elderly Affairs	16
27.	PO27	National Audit Office	13
28.	PO28	National Audit Office	34
29.	PO29	Department of the Accountant General	29
30.	PO30	Department of the Accountant General	20
31.	PO31	Department of the Accountant General	36
32.	PO32	Department of the Accountant General	16
33.	PO33	Department of the Accountant General	23
34.	PO34	Department of the Accountant General	18
35.	PO35	Department of the Accountant General	10
36.	PO36	Department of the Accountant General	22
37.	PO37	The Financial Intelligence Authority	8
38.	PO38	The Financial Intelligence Authority	8
39.	PO39	The Financial Intelligence Authority	19
40.	PO40	The Judiciary	35
41.	PO41	The Judiciary	3
42.	PO42	The Judiciary	12
43.	PO43	The Judiciary	15
44.	PO44	The Judiciary	10
45.	PO45	The Judiciary	7
46.	PO46	Malawi Revenue Authority	4
47.	PO47	Malawi Revenue Authority	7
48.	PO48	Malawi Revenue Authority	11
49.	PO40	Malawi Revenue Authority	20
50.	PO50	Malawi Revenue Authority	14
51.	PO51	Malawi Revenue Authority	20

### **Appendix 3: Letter to Anti-Corruption Bureau requesting data on cases of public corruption**

E-mail address: [lgulumba@mra.mw](mailto:lgulumba@mra.mw)

Telephone (m): 0888890067

Dear Sir,

#### **Request for Research Data**

I am Liness Gulumba. A student pursuing a two year (2018-2020) Master of Arts in Anti-Corruption Studies programme at the International Anti-Corruption Academy (IACA) in Vienna, Austria.

One of the requirements for the successful completion of the programme is the submission of a Master Thesis. I am thus researching the topic ***“Examining the Deterrent Effects of Punishment in Controlling Corruption in the Public Service: A Case Study of Malawi”***. The focus of my thesis is to examine the impact of punishment of public officials involved in corruption on their colleagues and peers.

The data provided by the Anti-Corruption Bureau (ACB) will help in identifying government ministries and departments where public officials were involved in corruption and were punished.

I would therefore like to request if you can share with me the following data;

- i. Details of corruption cases where public officials were investigated, arrested, and prosecuted. The information should include; the name of the public official involved, government ministry or department where they were working at the time of committing the offence, the action taken (arrest or prosecuted and if convicted, the sentence).

Be assured that all the data or any other information given will be handled confidentially and strictly used for academic research purposes only.

Find attached an accompanying letter from IACA.

Your assistance will be greatly appreciated.

Yours Faithfully,

A handwritten signature in black ink, appearing to read "Liness T. Gulumba", with a horizontal line underneath.

Liness T. Gulumba (Mrs.)

## **Appendix 4: Letter to Malawi Courts of Law requesting data on cases of public corruption**

E-mail address: [lgulumba@mra.mw](mailto:lgulumba@mra.mw)

Telephone (m): 0888890067

Your Honour,

### **Request for Research Data**

I am Liness Gulumba, a student pursuing a two year (2018-2020) Master of Arts in Anti-Corruption Studies programme at the International Anti-Corruption Academy (IACA) in Vienna, Austria.

One of the requirements for the successful completion of the programme is the submission of a Master Thesis. I am thus researching the topic ***“Examining the Deterrent Effects of Punishment in Controlling Corruption in the Public Service: A Case Study of Malawi”***. The focus of my thesis is to examine the impact of punishment of public officials involved in corruption on their colleagues and peers.

The data provided by the courts will help in identifying government ministries and departments where public officials were involved in corruption and were punished.

I would therefore like to request if you can share with me data on the public corruption cases which have been tried in the courts of Malawi for the period 2013 – 2020. The information should include the name of the public official involved, ministry or department where they were working at the time of committing the offence, charges, and the verdict.

Be assured that all the data or any other information given will be handled confidentially and strictly used for academic research purposes only.

Find attached an accompanying letter from IACA.

Your assistance will be greatly appreciated.

Yours Faithfully,

A handwritten signature in black ink, appearing to read "Liness T. Gulumba". The signature is stylized and somewhat cursive.

Liness T. Gulumba (Mrs.)

## Appendix 5: Letter requesting to conduct research interviews

To:.....

Dear Sir/ Madam

### **REQUEST TO CONDUCT RESEARCH AT YOUR MINISTRY/ DEPARTMENT**

I am Liness T. Gulumba, a student pursuing a two year (2018-2020) Master of Arts in Anti-Corruption Studies programme at the International Anti-Corruption Academy (IACA) in Vienna, Austria. I am currently researching for my Master's Thesis to be submitted in partial fulfillment of the requirements for MACS. My research topic is ***“Examining the Deterrent Effect of Punishment in Controlling Corruption in the Public Service: A case study of Malawi”***.

This research is seeking to examine the impact of penalties on the behaviour and views of others. It is important as the results will help in informing effective anti-corruption strategies for the Malawi public service. Your ministry/department is one where some officials were involved in corruption for the period between 2013 - 2020.

I would therefore like to request your permission to meet and interview a few officials in your ministry/ department at different levels to hear from them whether the punishment of their colleagues has had any impact on them. All the information/ data given will be strictly used for academic research purposes only.

Find attached an accompanying letter from IACA. Your assistance will be greatly appreciated.

Yours Faithfully,



Liness T. Gulumba (Mrs.)

## **Appendix 6: Questionnaire to collect information from serving public officials**

### **INTERVIEW QUESTIONS TO COLLECT INFORMATION FOR A MASTERS DEGREE THESIS**

#### **THESIS TOPIC:**

**EXAMINING THE DETERRENT EFFECT OF PUNISHMENT IN CONTROLLING  
CORRUPTION IN THE PUBLIC SERVICE: A CASE STUDY OF MALAWI.**

#### **Introduction**

I am Liness Gulumba, a student pursuing a Master of Arts Degree in Anti-Corruption Studies (MACS) at the International Anti-Corruption Academy (IACA) in Vienna. I am currently researching for my Master's Thesis to be submitted in partial fulfillment of the requirements for MACS. My research topic is *“Examining the Deterrent effect of punishment in controlling corruption in the Public Service: A case study of Malawi”*.

#### **Purpose**

The research examines the impact of punishment of public officials involved in corruption on their colleagues and peers. This research is important as the results will help in informing effective anti-corruption strategies for the Malawi Public Service.

You have been selected to participate in the research because you are working in a ministry/ department where some public officials have been arrested or punished for corruption. I would like to hear from you how that has any impact on your behaviour in public service. This research is seeking to examine the impact of penalties on the behaviour and views of others. Your participation in the research is voluntary, and you are assured that all the information you will provide will solely be used for academic purposes only and will be kept confidential. You are at liberty

not to reveal your identity (name) but in a case where you have revealed your identity, it will be kept confidential and not be released to others. All my materials will be destroyed at the end of the study. You are therefore requested to be free, honest, and frank in responding to the questions.

**Presentation of the Consent Form** – Both Interviewer and Interviewee to sign

### **Structure of the interview**

The interview has been divided into two sections covering the following issues:

- A- Respondent Biodata (optional)
- B- General Deterrent effect through vicarious punishment (*only 10 questions*)

### **Section A**

#### **Respondent Biodata**

Name  
(*optional*):\_\_\_\_\_

Gender: Female [  ]      Male: [  ]

Government Ministry/ Department:\_\_\_\_\_

Current Grade & Position: \_\_\_\_\_

Number of years working in government: \_\_\_\_\_

## Section B

### Interview Questions

1. What is your understanding of which acts constitute public corruption?

- |    |                 |    |                                 |
|----|-----------------|----|---------------------------------|
| a. | Bribery         | g. | B<br>Obstruction of justice     |
| b. | Kickback        | h. | K<br>Conflict of interest       |
| c. | Embezzlement    | i. | E<br>Extortion                  |
| d. | Abuse of office | j. | A<br>Collusion                  |
| e. | Nepotism        | k. | N<br>Any other (please mention) |
| f. | Fraud           | l. | F<br>All of the above           |

2. How do you rate the overall level of corruption in your Ministry/ Department?

- |    |           |
|----|-----------|
| 1. | Very high |
| 2. | High      |
| 3. | Low       |
| 4. | Very low  |
| 5. | Zero      |

3. What is the primary reason for your rating to Q.2 above?

4. During the last year, have there been incidences of corruption in your Ministry or Department that resulted in punishment of a person in the public service?

Yes. [ ] - What type of corruption? (Choose from Q.1)\_\_\_\_\_

No. [ ]

5. How many total instances of corruption in the public service have you been aware of in your ministry or department during your time working in public service?

Number: \_\_\_\_\_

6. What has been the impact on you of these instances of corruption?

- No impact
- I am more careful in completing my work diligently
- I have increased fear of being investigated myself
- It has reduced the likelihood of me engaging in corrupt conduct

7. (Here I will mention one or two name(s) of public officials who worked in the same ministry/ department as the respondent and were punished for corrupt acts in recent times.

a. Do you recall what act they got into trouble for doing? Yes/No

b. Do you recall what punishment they received? Yes/No

c. In your opinion, was the punishment appropriate for the offence they committed?

- |    |             |
|----|-------------|
| 1. | Too lenient |
| 2. | Appropriate |
| 3. | Too severe  |

d. In your opinion, how common are these type(s) of corruption in public service ministries or departments in Malawi?

- |    |             |
|----|-------------|
| 1. | Very common |
| 2. | Common      |
| 3. | Not common  |
- at all

8. Following the punishment of your colleague/peer (for corruption), if you committed a similar offence, how do you perceive the probability of you being arrested, prosecuted, and convicted?

- a) Very High
- b) High
- c) Low
- d) Very Low

9. Following the punishment of one of your colleagues/ peers, has corruption in your ministry/ department decreased, increased or remained the same?

- |    |                   |
|----|-------------------|
| 1. | Decreased         |
| 2. | Increased         |
| 3. | Remained the same |

10. What do you believe is the primary reason that corruption exists in the Malawi Public Service? *(Please explain)*

*Thank you for sharing your time and experience with me!*

## Appendix 7: Interview Participant Consent Form

<b>INTERVIEW PARTICIPANTS CONSENT FORM</b>	
Title of the MACS Thesis	<b>Examining the deterrent effect of punishment in controlling Corruption in the public service: A case study of Malawi.</b>
The person conducting the research	Liness T. Gulumba
Programme of the study	MACS, 2018-2020, International Anti-Corruption Academy
Address of the researcher for correspondence	C/O Malawi Revenue Authority Private Bag 247 Blantyre
Telephone	+265 888 890 067
E-mail	lgulumba@mra.mw
A broad description of the aim of the research	The research aims at examining the impact of punishment of public officials for corruption, on their colleagues and peers.
Description of the involvement expected of the interviewees, including the broad nature of questions to be answered, the expected time commitment, and potential interview follow-up mechanism	<p><b>The interviewees will be asked:</b></p> <ul style="list-style-type: none"> <li>• To participate in a semi-structured interview, on a one-to-one basis (in-person, via email, or by telephone)</li> <li>• To share their views, experience on the subject</li> <li>• The interview session may last 15 minutes maximum</li> </ul>
Description of how the data provided by the interviewee will be securely stored and/or destroyed upon completion of the project	<p>Information obtained from this study will be strictly kept confidential and solely used for academic purposes only.</p> <p>The questionnaires will be destroyed upon completion of the study.</p>

<p><b>Other details</b></p>	<p><b>Data obtained through this research may be reproduced and published in a variety of forms and for a variety of audiences related to the broad nature of the research detailed above.</b></p> <p><b>It may not be used for purposes other than those outlined above without (the known) interviewee permission.</b></p> <p><b>Participation is entirely voluntary and participants may withdraw at any time.</b></p>
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By signing this consent form, the interviewee is indicating that he/she fully understands the above information and agrees to participate in this study on the basis of the above information.

**Interviewee's signature:**

*Please keep one copy of this form for your records.*

**Date:**

By signing this Consent Form, the researcher indicates that she fully understands the above information and commits to confidentiality on the basis of the above information.

**Researcher's signature:**

**Date:**

**Source:** Parent, M. 2016

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