

Original Paper

The Public Authority of the Modern State: The Phenomenon of Corruption

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Received: March 15, 2019

Accepted: March 28, 2019

Online Published: April 4, 2019

doi:10.22158/wjssr.v6n2p150

URL: <http://dx.doi.org/10.22158/wjssr.v6n2p150>

Abstract

The article is devoted to the analysis of the influence of the human factor on the corruption in the public authority. The corruption depends on the institutional quality of the public authority, its ability to withstand the negative manifestations of the human factor, and on the officials' qualities. The motivation of "going to power" has a big significance. Under the authoritarian regimes, the corruption system is generated by the deformations in the election institution. The managerial lustration expediency for the power purification after the regimes' changes is substantiated. The institutional measures to combat the corruption have been identified.

Keywords

public authority, modern polity, corruption, human factor, motivation, the election institution

1. Introduction

It is generally accepted that public authority, defined as institutionalized legal power, separated from society (Rachinsky, 2003), serves as the breeding ground, source, and at the same time the main area of corruption in the state. But why, since ancient civilizations, has public power been so susceptible to corruption, which today can be justly regarded as a "social pandemic" (Campos & Pradhan, 2007, p. 295) that has overwhelmed most states?

Public authority and its system of bodies and organizations, as well as any administratively organized structure, function due to officials who are vested with administrative authority. These officials have rights to distribute and use the resources necessary to realize the functions and tasks of the structure in accordance with their position in the administrative hierarchy. The higher the position of an official in

the administrative hierarchy, the greater power, authority, and rights endowed upon this person, and the greater the amount of resources that can be disposed of and used at this official's discretion (i.e., the more discretionary power the official has). The possession of discretionary power serves as a source of danger for an official to be involved in corruption.

The administrative powers and rights of an official, and the resources of the structure at an official's disposal, constitute the normatively regulated management tools that an official can and must use to fulfill the duties of ensuring the implementation of the functions and tasks of the structure. Corruption occurs when an official, beyond established limits and violating the regulation of their official powers and rights, distributes and uses the resources of the structure not for the realization of its functions and tasks, but for personal or group benefit. This is the essence of the institutional mechanism of corruption (Nisnevich, 2012a, p. 109).

In the sphere of public authority, corruption manifests and is carried out in the form of various abuses of administrative resources and authority. More specifically, the resources are not used for the legitimate duties of the officials, but to extract any undue personal or group advantage, both tangible and intangible. But is the phenomenon of corruption ontologically inherent in public authority? Is its prevalence in public authority predetermined by the certainty of Lord J. Acton's maxim that "Power tends to corrupt, and absolute power corrupts absolutely" (Dalberg-Acton, 1907, p. 509)? Is the atmosphere of power spoiling people, and does its selfish origin give rise to those who exercise power a tendency to use it for material gain and to satisfy their ambitions and appetites (Jouvenel, 2011, pp. 169-175) ?

In search of answers to the previous questions, Arnold Rogow and Harold Lasswell conducted an historical case study of the reliability of Acton's maxim, focusing on the political career of thirty politicians who dominated the US public administration system in the late 19th and early 20th centuries (Rogow & Lasswell, 1977, pp. 32-64). In light of the results of the study, they came to the conclusion that the maxim cannot be recognized as a kind of law or fundamental axiom that corruption does not come from power, but depends on the personality of the individual and societal conditions. They formulated their conclusion as follows: "Rectitude does not vary with power. Power does not necessarily lead to corruption or to ennoblement" (Rogow & Lasswell, 1977, p. 65).

2. Method

The human factor plays a significant role in the quality of public power. Indeed, public authority, as well as power in general, is considered one of the forms of social causal connection. The relations between people act as subject and object of power, and they're a combination of subjective (personalized) and objective (structural) factors. At the same time, although the structure is able to largely predetermine the capabilities and resources of the actors, power does not exist in addition to the

will of the subject. The subject is not a passive bearer of the role, but an active agent; their actions (or inactions) make the results of exercise of power their responsibility (Ledyayev, 2000, pp. 97-107).

Therefore, consideration of public authority in the framework of a neo-institutional approach is based on the fact that its functioning as an institution depends on the activities of the people involved. A similar approach to institutions was aphoristically formulated by Karl Popper: “Institutions are like fortresses. They must be well designed *and* manned” (Popper, 1947, p. 116).

Thus, hypothetically, one can assume that the state (distribution) of corruption in the sphere of public power is determined by two key factors. Firstly, the institutional quality of public authority; or more precisely, the ability of its institutions to oppose corruption, to curtail corruption relations, and to resist these and other negative manifestations of the human factor. Secondly, the individual qualities of public officials exercising public authority, and specifically their predisposition or not to corruption relations and a tendency towards conformism or non-conformism in relation to manifestations of corruption in environment of power that surrounds them.

To analyze and evaluate the influence of the individual qualities of public officials on the state corruption in the sphere of public authority, it is advisable to use a socio-anthropological approach (Olimpieva & Pachenkov, 2007), the distinctive characteristic of which is to strive to understand the processes and events under the study from the point of view of their participants.

With the use of the socio-anthropological approach, it is obviously impossible to ignore the fact that “Psychologists—especially those with practical experience—know that every individual, as a biosocial being, is not a fount of virtues and is, by nature, aggressive, egotistical, narcissistic, asocial, has no spontaneous love for work, and seeks satisfaction, including the satisfaction of his material and sexual needs...” (Reshetnikov, 2008, p. 29). Nevertheless, those who come to the sphere of public power to manage, as well as those whom they are going to manage, have both negative and positive qualities.

As Niccolo Machiavelli wrote: “Leaving aside, therefore, matters concerning an imaginary prince, and taking into account those that are true, let me say that all men..., especially princes, since they are placed on a higher level—are judged by some of those qualities that bring them either blame or praise... And I know that everyone will admit it would be a very praiseworthy thing to find in a prince those qualities mentioned above that are held to be good. But... it is neither possible to have them nor to observe them all completely, because the human condition does not permit it...” (Machiavelli, 2005, p. 110).

This provokes the manifestation of the negative qualities of human nature, which determine the corrupt behavior of public officials. The following research question is raised: how do officials choose a corrupt behavior model that motivates them? The answer to this question in the context of the spread of corruption in public authority can be given by an analysis of the influence of the motivation on the

corrupt behavior of public officials, in which the socio-anthropological approach is used in conjunction with the approaches of modern psychology (Nisnevich & Tomilova, 2016).

3. Result

The decisive role in the spread of corruption in the sphere of public power is played by the human factor. And, above all, the motivations for those who are trying to get into public power “populate” its institutions. It is personal motivation that determines whether or not public officials are predisposed to corruption relations, and their propensity to conformism or non-conformism in relation to manifestations of corruption in their ruling environment. Therefore, in order to counteract the spread of corruption in the sphere of public authority, it is necessary to “erect” institutional barriers to protect public authorities against the penetration and activities of those who want to use it for their own mercenary interests.

After the change of authoritarian regimes, of which one of the basic mechanisms of functioning is corruption, favorable conditions for “erecting” institutional anti-corruption barriers can be created by managerial lustration, which facilitates the purification of the system of public authority of the holders of corruption relations and state management practices. With regard to elected public officials, the key practical measure of counteraction and suppression of corruption is the strengthening of fair and transparent political competition in elections to public authorities, and increasing the political responsibility of voters when they make decisions in elections.

One of the effective strategies of preventative and systematic counteraction to corruption in the sphere of public authority is the organization of its staffing on the basis of a meritocratic approach (the principle of prioritizing professional qualities) when appointing people to public administrative posts or promoting them, as well as depoliticizing the activities of administrative officials. The use of ethical codes and standards of conduct, the implementation of statutory norms for the prevention of conflicts of interest and the protection of the applicants from corruption, and educational work aimed at the formation of anti-corruption societal conditions can serve as significant measures to prevent and suppress the corrupt behavior of public officials.

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4. Discussion

4.1 Public Authority and the Motivation of Public Officials

It seems that the determining influence of corruption in public power is motivated by those who come to occupy public posts, “populate” the institutions of public power, and, above all, the internal motivation of public officials. That internal motivation is determined by the level of development of their personality and the nature of its values. Motivation in this sense is the system of motives of the individual, conditioned by its subjective features.

There are several approaches to the classification of motivation. First, motivation is divided according to the control locus: internal and external. With an internal locus of control, a person relies more on their own opinion, feelings, and values in choosing behavior. This allows the person to maintain a greater stability and show greater independence. With an external locus of control, the individual is more likely to rely on the opinions of others and group values, even if they may be at odds with their own values. Often people with an external locus of control are less aware of their own feelings, interests, and motives, so they can replace their own interests with those of others. In this case, the personality is less stable because its behavior is not regulated by its own needs, but by the interests of other people. This is especially dangerous in cases when such interests are antisocial and inhuman, or are hidden for unknown reasons.

There are also many classifications depending on the direction of the motivation as either prosocial or non-prosocial. Prosocial motivation is associated with the presence of a person’s sense of duty and a desire to serve society. It’s also connected with attachment to peer groups and identifying oneself as a member. The activity of such a person, as a rule, is aimed at the prosperity of society. The

non-prosocial motivation can be associated with both ignoring society and the desire to destroy the existing community. Despite the seeming positivity of the first motivation and the negativity of the second, it is difficult to evaluate them completely unambiguously. The uncritical perception of other people's values may lead to a person being quite sure, for example, that the person is helping society by calling for violence and war.

The motivation of those who aspire to public power is not unambiguously defined and includes a wide range of different motives. It should be noted here that the opinion formulated by Thomas Hobbes, who believed that there was "a general inclination of all mankind, a perpetual and restless desire for power after power, that ceaseth only in death" (Hobbes, 1991, p. 74), is widespread and has popularized the view that "the thirst for power" is an ontological property of human nature.

Proceeding from this position, Rogow and Lasswell write: "(Acton) was saying, as we shall see, that those who hold power tend to value it above all other values, including rectitude and responsibility, to abuse it, and to justify their immoral acts in terms of their authority and position... Convinced that men seek power for its own sake, Acton also believed that no man or institution of power could be relied upon not to behave in a corrupt manner" (Rogow & Lasswell, 1977, p. 2).

By this, Acton substantiated the thesis that "power corrupts". However, Rogow and Lasswell point out that "Most modern empirical research, however, rejects the premise of an innate power drive in human behavior. The evidence suggests that the crucial factor in any generalization involving the power value is the personality structure of the power-seeker" (Rogow & Lasswell, 1977, p. 34).

In the wide range of motives for aspirants to public power there are dominant motives that are tightly connected—and in many ways predetermine—the choice of which post an individual starts at and their target position. Despite a certain blurring of the boundaries between them, it is possible to single out two clusters of posts in public authority in the modern state: a cluster of public political positions and a cluster of public administrative posts.

Political offices generally include positions of public authority, the occupation of which grants the occupants the right to participate in the development and adoption of political decisions and the implementation of political projects and programs. They engage in politics as a "kind of *independent* leadership in action" (Weber, 1946, p. 1). The number of political posts and the scope of their functional powers vary from state to state depending on the form of government, the form of political-territorial structure, and the ruling political regime. In democratic states, public political positions are occupied by elected politicians, as well as political appointees who are appointed to such positions by elected officials or elected public authorities. The turnover of directly elected and appointed public political officials is realized according to the results of elections. This is one of the key and obligatory attributes of modern polyarchal democracy, providing political control over citizens for public authorities.

The delineation of public political posts from public administrative posts, including posts in the system of executive power, commanders of the army, police, special services, judges, prosecutors, and employees of other law enforcement bodies, depends significantly on the institutional organization of public authority in a particular state.

In the scientific literature, a wide range of motives for “going to power” (Artemyev, 2011; Bakstansky, Sogomonov, & Churilov, 2011; Jouvenel, 2011; McGraw, 2003) are considered. Power is usually understood as political power, and in this context it is more in line with the political component of public power. Weber defined the motivations for engaging in political activities as follows: whoever “is active in politics strives for power either as a means in serving other aims, ideal or egoistic, or as «power for power’s sake», that is, in order to enjoy the prestige-feeling that power gives” (Weber, 1946, p. 2). The specificity of such activities is that “on the one hand, it affects the politician, and on the other it is influenced by the personal qualities of the politicians” (Rakityansky, 2008, p. 13).

The public administration system is much more formalized, and its rules are much clearer and set for it primarily on the legislative level. Therefore, it should be less affected by the personal qualities of the officials in the system, although such influence cannot be underestimated. However, the motivation for engaging in administrative activities seems to be largely similar to the motivation for engaging in political activity.

A wide range of motives for entering the public administration system exists, according to scientific sources, and includes both positive and negative motives in the sense of prosocial or non-prosocial orientation, but negative motivations are mainly accentuated in the works of modern researchers. Motives, both prosocial and non-prosocial, include greed, vanity, ambition, professional achievement, service, altruism, and their various combinations. However, it seems that the true motives of specific public officials are latent in nature and are not publicized. They can differ significantly from those that are articulated in open interviews, or even those that are reported in an impersonal questionnaire. Nevertheless, it makes sense, although hypothetically, to assess how the influence of the dominant motives of aspiration to public power impacts the state of corruption in public authority.

The whole spectrum of motives for aspiring to public power can be divided into two segments that characterize the main types of motivation. The first segment of motives, having a predominantly prosocial, positive, and altruistic character, can be designated, in the terminology proposed by Francis Fukuyama, as “a desire for recognition” (Fukuyama, 1992, p. 172). This segment includes initially intangible motives, from achieving professional success to “pure” altruism. However, as Talcott Parsons notes:

...money, income, or wealth, i.e., resources convertible into or measurable in money terms, are, in an economy with a high development of monetary exchange, an important reward symbol. As such profit may be a measure of otherwise valued achievement acquisition, or it may be a direct goal of

success-striving, so that other forms of achievement content become instrumental to monetary gain (Parsons, 1991, p. 166).

The second segment of motives, which have a predominantly non-prosocial, negative-egoistic character, can be designated by analogy with the previous one as “greed for profit”. This segment includes both material and initially intangible motives greed to ambition. At the same time, anyone who aspires to public power, driven by such motives, eventually comes to the goal of material enrichment even in those cases when the initial motive was the thirst for power and the passion for domination. Even “power for power” always inevitably engenders mercantile interests and is intertwined with a thirst for material wealth, an important symbol and indispensable attribute of domination over other people.

Everyone who aspires to public power, as a rule, has a set of motives from both segments and types of motivation, but in different proportions. This can be represented by a point on the conditional two-dimensional line of motivation shown in Figure 1.

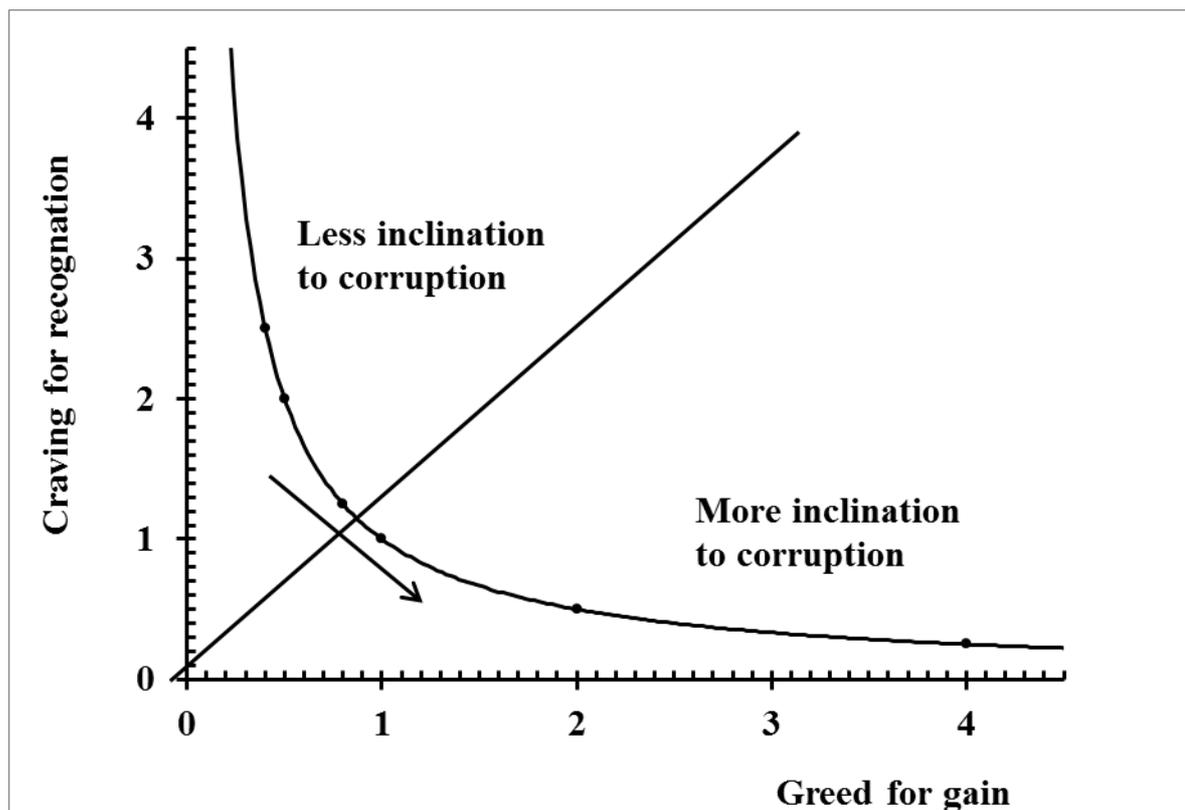


Figure 1. Line of Motivation

It seems fairly certain that those who come to public power who are motivated by gain from greed are significantly more inclined to engage in corrupt relations and adapt in a professional environment much easier with such attributes than those that are motivated by a thirst for recognition. The latter are, most often, rejected by a corrupt environment. Parsons pointed out that, at the same time, the profit motivated by desire cannot be reoriented to the thirst for recognition, not counting those situations in which the rise up the professional career ladder is one of a number of tools for profit. The reverse process of reorientation from a thirst for recognition to greed and a desire for profit is, unfortunately, possible. It is encountered in practice in societal conditions affected by the pandemic of corruption. This fact reflects a negative slope (negative first derivative) of the line of motivation, along which one can slip into a thirst for profit, self-interest, and greed, but one cannot rise from the desire for profit serve the cause and altruistic motivation.

The tendency toward corruption that is motivated by greed and a desire for profit appears to exist primarily due to the fact that, for such seekers of public positions of power, the principle “the end justifies the means” is, if not quite the main principle, considered quite acceptable. Therefore, for personal gain and enrichment it is permissible and possible to use official powers and rights to distribute controlled resources in order to bypass the norms and rules established by normative legal acts, as well as moral and ethics norms. This is the institutional essence of corruption.

The motivation of activity in the system of public authority largely inherits and continues to motivate entry into public power, and also has a significant impact on the opportunities for the spread of corrupt behavior in this area.

From the viewpoint of the ability to influence the behavior of employees in order to increase the efficiency of the performance of their official duties, external motivation and an external locus of control seem more favorable. The collective solution of the functional tasks of the public authority in a corrupt environment can facilitate the active inclusion of a new employee in corruption relations and connections.

In particular, such external motivation as conformism can significantly aggravate the spread of corrupt behavior. When corrupt behavior is considered the norm, people become imbued with the ideas of their environment. Comparing themselves to their colleagues, they want to receive the same benefits that others receive. Here, the rule is “If you can do it to others, then I also want it and I can do it”. Only individuals with a strong sense of self can overcome these manifestations, but it takes great effort. However, most people, unfortunately, do not have such independence, so their ideals can be changed under the influence of societal conditions. On the other hand, if the working environment is not a reference group for the employee, the appearance of a new employee can cause conflicts with colleagues and lead to the employee’s dismissal.

In general, external motivation (the external locus of control) is the type of motivation for entry and activity in the system of public authority, which can serve as a basis for corrupt behavior. If the management of the affairs of the state is not valuable in itself, but serves only as an instrument for achieving other goals, it can reduce the quality and effectiveness of such activities and lead to the spread of corruption in the system of public authority. The external locus of control, expressed in loyalty and conformism, can carry danger in the form of corrupt behavior in the conditions of systemic corruption and widespread dissemination of this model of behavior.

It should be separately noted that this motivation of deviant corrupt behavior is an inaccessibility of other ways to satisfy one's needs. If a person, due to education or other social attitudes, has certain needs in close connection with the motive (for example, respect or wealth), then it will be more difficult for this person to find other ways of satisfying those needs. The dissatisfaction of the person's needs can cause severe frustration, from which a person is not always able to escape without help. Corrupt behavior, in this case, becomes an instrument to avoid frustration.

However, motivation not only negatively, but also positively, influences the performance of official duties and the counteraction of corruption in public authority. To this end, public officials should have high internal motivation and interest in managing the affairs of the state as a professional activity. At the same time, it is necessary to create conditions so that, in the course of their activities, public officials not only increase their professional skills, but also develop as a person. To achieve the latter goal, those who exercise public power must realize and understand their own motives (whatever they may be), and have the inner strength to be able to defend their point of view and the ability to perceive that of another.

4.2 Politicians and Corruption

Is it possible to protect system of public authority from profit-motivated job seekers, or at least to minimize any damage they may cause, and to stop the spread of corruption in cases where such applicants enter power?

Of course, it is impossible to build ideal institutional barriers that completely and permanently protect the public authority from penetration of these individuals, or the activities of those who want to use it for their own selfish interests. Human nature is characterized by adaptability, the ability to find new ways and mechanisms to overcome any known and newly created barriers, especially on the ways in which to profit or for personal enrichment. At the same time, one should also take into account the fact that even now, free institutions of public authority under the influence of changes in the external and internal environment, including the human factor, can undergo erosion from corruption.

Rogow and Lasswell, conducting an institutional verification of the reliability of Acton's maxim with regard to United States public authorities as an institution of the presidency, Congress, and the Supreme Court, concluded that "the tendency toward rectitude or corruption at a given time relates to

the prestige and morale of the institution under examination...” and that “...if the leadership of the institution does not serve as a rectitude model, those belonging to or serving in the institution may «yield willingly or without much resistance»” (Rogow & Lasswell, 1977, p. 58).

From that it follows that the key role in the spread of corruption in the system of public authority is played by those who occupy, above all, the highest political positions of public authority, heads its institutions, and who form and implement the ruling political regime. Politicians, who occupy leading positions in the structures of public power, have a decisive influence on the extent to which corruption is used or not as a driving mechanism of political, economic, information, and other social processes. This is one of the most important characteristics of the ruling regime. Their attitude on corruption depends on how they came to power and what methods and means they use to retain and legitimize the power that the regime exercises.

As a rule, corruption becomes one of the dominant mechanisms for the function of the ruling regime, especially when power comes as a result of state or military coups, which is itself a specific form of political corruption. Indeed, when such mechanisms of power change occur, one part of the ruling class takes power from another, using “security” not for the struggle for power or law enforcement agencies and special services, which fully corresponds to the institutional essence of corruption.

Those who want to use power in their own mercenary interests can take political positions in the public authority, and do so in full accordance with the constitutionally established and legally regulated procedure for its formation and, above all, as a result of free and fair elections. However, during the privatization of public power and the creation of the ruling regime necessary for them to realize their selfish interests, such figures will necessarily use political corruption to retain and legitimize their power while, as a rule, initiating the observance of the constitutional order for the formation of public power.

The constitutional procedure for the formation of public authority, the implementation of which is regulated at the legislative level, is a normatively established mechanism for the acquisition and retention of public power by political actors, which is a decisive influence on the typology of its legitimacy. It should be noted that, at present, there is no single and universally recognized definition of the legitimacy of political power. The following generalized definition, from the neo-institutional approach, can be used: “Legitimacy of political power is the recognition by the people, political subjects of the legitimacy of political power, its instruments, mechanisms of formation and activity, and its policies” (Miller, 2004, pp. 188-189).

The source of such rational (structural) legitimacy of political power (Weber, 1978; Easton, 1965) is the recognition by the people of the rational procedures, rules, and norms on the basis of which such power is formed and acts, i.e., this type of legitimacy has a normative basis. Therefore, it seems appropriate to designate this type of legitimacy as rational-normative. For most modern states, the

mechanism of elections, which is used for this purpose differently depending on the type of ruling political regime, is called upon to serve as the dominant mechanisms for the formation of public power and its rational-normative legitimation. This is to, in part, to what Fukuyama notes was “a growing belief that democracy was the only legitimate source of authority in the modern world... Even the most die-hard dictators believed that they had to endow themselves with at least a patina of democratic legitimacy by staging an election” (Fukuyama, 1992, p. 21).

The normative procedure for the formation of public authority is determined by the form of government established by the constitution or other constitutional acts. The distribution of forms of government in 192 sovereign United Nations member states is shown in Figure 2.

From the data presented in Figure 2, it follows that of the 192 sovereign states, 144 (75 percent) have constitutions that have established republican forms of government. Forty-nine (25.5 percent) have a parliamentary republic, thirty-four (17.7 percent) have a semi-presidential (mixed) republic, and sixty-one (31.8 percent) of states have a presidential republic.

For such republican forms of government, a general election by secret ballot is the constitutional order for the formation of the supreme legislative body—the parliament. In presidential and semi-presidential (mixed) republics, the post of the head of state—the president with legislative powers—is also replaced in general elections by secret ballot. In parliamentary republics, the post of head of state, performing mainly representative functions, can be replaced both in general elections and through the election by the parliament. For all republican forms of government, legislative and representative bodies of all levels of public authority are formed by elections, while executive and other positions are replaced either by elections or by appointment by the appropriate elected bodies.

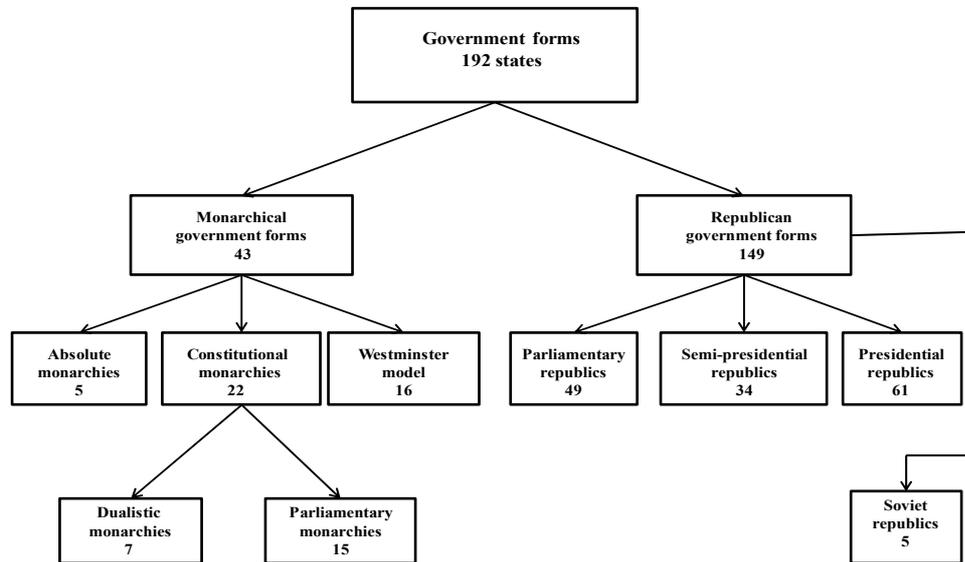


Figure 2. The Distribution of Government Forms

A separate place among modern states is occupied by five “communist rudiments” (2.6 percent), and they are the People’s Republic of China, the Democratic People’s Republic of Korea, the Lao People’s Democratic Republic, the Socialist Republic of Vietnam, and the Republic of Cuba. In these states, the form of government is the Soviet republic, a special republican form of government characterized by the fact that the unified system of government consists of councils operating on an unprofessional basis, to which all public authorities are accountable. In these states, election to nonprofessional councils is established by the constitution, but the procedure for holding such elections, according to legally established norms of representation, really consists of voting for a single candidate, which obviously cannot be considered real elections.

Of the forty-three (22.4 percent) states with monarchic forms of government, five (2.6 percent) are absolute monarchies, which include the Theocratic Sultanate of Brunei Darussalam, the Kingdom of Saudi Arabia, the Sultanate of Oman, the Emirate of Qatar, and the Federation of Seven Emirates—United Arab Emirates (UAE). In these absolute monarchies, the formation of state power is exercised by the supreme ruler—the monarch—whose position is replaced in the established order of succession to the throne. Elections for the formation of public power are practically unused, although recently there has been a tendency to form proto-parliaments with partial use of elections.

Forms of constitutional (limited) monarchies that take place in thirty-eight (19.8 percent) modern states are distributed as follows: seven (3.7 percent) constitutional dualistic monarchies, fifteen (7.8 percent) constitutional parliamentary monarchies, and sixteen (8.3 percent) the Westminster model, including

the “founding father” of this form of government, Great Britain. In constitutional monarchies, the post of head of state—a monarch who, in dualistic constitutional monarchies, is also the head of executive power—is replaced in the order of succession to the throne, established by the constitution or other constitutional acts. The order of formation of the supreme legislative body (the parliament) is the general election by secret ballot. With all forms of constitutional monarchy, legislative and representative bodies of all levels of public authority are also formed by elections, while executive and other positions are replaced either by elections or appointed by the monarch or elected bodies.

Thus in 182 (94.8 percent) of modern states, that is, in the overwhelming majority, the institution of elections has been established as the fundamental procedure for the formation and, consequently, the retention of public authority at the constitutional level. Therefore, the rational-normative legitimation based on the recognition by the people and political subjects of the legitimacy and reliability of elections conducted in accordance with the established procedure should serve as the dominant type of legitimation of public authority.

In the context of practical implementation, the institution of elections is designated as “free, fair, and competitive elections” (Nisnevich, 2012b). In such instrumental interpretation, this institution is universally recognized as a minimum necessary attribute of representative democracy. With a dichotomous approach to assessing the democratic character of sovereign states, an assessment of the state and quality of the implementation of the institution of elections is fundamentally binary in nature, in which free, fair, and competitive elections are either implemented precisely in this way, or there is another event that mimics elections. Therefore, various arguments about the “partially” free, “relatively” honest, or “limited” competitive contests seem like logical nonsense.

The institution of free, fair, and competitive elections is the fundamental procedure for the formation of public power for states that are at least electoral democracies. In such states, the institution of elections serves as a key mechanism for acquiring (conquering) and retaining public power in order to replace political posts with competing political actors, as well as resolving political conflicts and crises. At the same time, it serves as the dominant mechanism for the rational-normative legitimation of the ruling regime of the democratic type.

Modern authoritarian regimes, in which the republican forms of government serve as the constitutional basis for the functioning of public authority, use the institution of elections for fundamentally different purposes, and in another way. Such regimes hold events that can only be conditionally called “elections”, in order to preserve public power in the hands of ruling political actors and so that the results of the “elections” were determined in advance exclusively in favor of the regime, while insuring the legality and appearance of “democratic” legitimacy of such events.

To solve such a two-fold problem, electoral corruption based on the misuse of various types of administrative resources of the public authority in the electoral process is used (Nisnevich, 2012a).

Striving for high fictitious indicators allows us to say that non-democratic regimes tend to give the events called “elections” the character of plebiscitary legitimation, but unlike similar events of communist regimes, doing so while preserving the appearance of competitiveness.

The power of election corruption is due to the fact that virtually all modern authoritarian regimes, with the exception of Singapore and to some extent authoritarian monarchies, are characterized by high level and systemic corruption that is generated as a matter of priority by those who hold political office in public authorities.

4.3 “Purification” of Public Authority

Real and long-term suppression of corruption in states with authoritarian-type ruling regimes is impossible without political surgery, and without changing the ruling regimes that are organically incapable of self-reform and self-purification, which are based on political corruption and which inevitable breed and promote the prosperity of all types of corruption.

The primary task of changing the authoritarian-type ruling regime should be to launch and ensure the sustainable operation of free, fair, and competitive elections, with mandatory replacement by results of not only elected, but also appointed, political public officials. This mechanism, together with activities in the period between the elections of the political opposition, provides for the political control of its activities outside of the public authority and acts as the key and most effective mechanism of political responsibility and combating corruption, primarily by political officials of public authority.

It should be emphasized that it isn’t only the election of public officials that is needed, but also the replacement of all political public officials according to the results of the elections. This is fundamentally necessary because, with long irremovability of public officials, a regime arises to dominant power, to which systemic corruption is ontologically inherent (Carothers, 2002), acting as one of the dominant mechanisms for the functioning of such a regime.

After the change of the ruling totalitarian and authoritarian regimes, in which, as a rule, the whole system of public power is hit by corruption, in order to minimize the likelihood of the recurrence of this “cancerous tumor of social relations”, it is essential to perform the fifth feat of Hercules. Namely, to clear the Augean stables of the public authority from the holders of the corrupt technology of public administration, who seized, under the previous regime, not only all of the political posts, but also the majority of the public administrative posts.

To this end, lustration should be conducted, not so much for political reasons as management ones. The purpose of this should be to prohibit all those who held positions under the previous regimes (regardless of their political predilections) from holding important position in the public authority, whose powers included the adoption of managerial decisions. Such lustration, which certainly should not be seen as a panacea and full guarantee against corruption in the public authority, should be carried out only on the basis of the laws adopted by the new government and preferably by a specially

authorized body. Such a body may be a specialized institution for public authorities to combat corruption, such as the Corrupt Practices Investigations Bureau of Singapore (Klemenčič & Stusek, 2008).

In the twentieth century, the use of lustration, which, among other things, leads to the purification of public authorities from corrupt administrators of previous totalitarian and authoritarian regimes, began with the denationalization of Germany after the end of World War II by the decision of the 1945 Potsdam Conference (Entsiklopediya Tret'yego Reykha, 2005). Lustration took place in the 1990s in a number of states in Central and Eastern Europe after the collapse of Soviet (communist) regimes, and in subsequent years began to be applied in some states. In 2013 Libya adopted a law on lustration which prohibits high-ranking representatives of the regime of Muammar Gaddafi to hold posts in the new government. In the same year, the Georgian Parliament adopted the “Charter of Freedom”, which contains rules that establish political lustration against former officials of the Communist Party of the Soviet Union (CPSU), the Komsomol, and special services of the USSR. In 2014, Ukraine adopted the Law “On the Purification of Power”. This law established a “selective” lustration that applies to those who held the positions, listed in the law, in the system of public authority during the presidency of Viktor Yanukovich and under the Soviet regime.

In order to verify that counteraction of corruption after the change from the authoritarian type—of which the basis of function is corruption—is really effective, management lustration is important. It contributes to the purification of public authorities from the administrations of the previous regime. Together with Peter Rožič, professor at the University of Santa Clara, I conducted a study of the impact of lustration on the spread of corruption in a group of twenty-eight post-Soviet states, including the states of Central and Eastern Europe, and the states formed after the collapse of the Soviet Union and the Socialist Federal Republic of Yugoslavia (Rožič & Nisnevich, 2012).

This study led to the conclusion that management lustration after the change of totalitarian and authoritarian regimes based on corruption serves to purify public authorities from those who hold corruption relations and state management practices, and is a favorable starting point for the subsequent implementation of the set of measures necessary to counter corruption.

4.4 Institutional Anti-Corruption Barriers

Corruption afflicts more than states with authoritarian regimes. Approximately half of the states that, following the results of UN (Klugman, 2010) and Freedom House (Freedom in the World) research, are recognized as electoral democracies have a high level of corruption. And not only in such states, but also in democracies with more-or-less acceptable and even low levels of corruption there is constant external and internal control over the activities of public authorities using specific institutional measures to counter corruption. Indeed, a thousand-year historical experience shows that corruption as

a type of informal social practice is characterized by mimicry and adaptability, modification and complication of forms and manifestations in an effort to overcome the obstacles erected in its way.

One of the main preventative and systematic counteractions to corruption in the sphere of public authority is an increase in the “quality” of those who inhabit the institutions of public power and its staffing. Candidates, both for election and for appointment to political posts of public authorities, are usually members of teams led by party leaders who, along with party programs wrapped in election packaging, are put on the political market in exchange for votes. Therefore, the parties should, as a matter of priority, bear political responsibility to voters for their professionalism, preparedness to manage the affairs of the state, and the moral and ethical qualities of their candidates (Nisnevich, 2013).

With regard to elected public officials, the United Nations Convention against Corruption (United Nations Convention against Corruption, 2004) (herein after referred to as the Convention), Article 7 proposes the adoption of legislative and administrative measures that establish criteria for candidates and elections for public posts and the enhancement of transparency in the financing of candidates for such positions and political parties. Thus, the Convention defines, as a practical measure of counteraction and suppression of corruption, increasing the integrity and transparency of political competition in elections to public offices, including transparency in the financing of political parties. Practical recommendations for ensuring the integrity and transparency of the electoral process in the context of the fight against corruption are set forth in the report “Handbook on Combating Corruption” published by the Organization for Security and Co-operation in Europe (OSCE) (Handbook on Combating Corruption, 2016, pp. 33-41).

From the point of view of the “quality” of those who inhabit the institutions of public authority, the problem of financing political parties in both elections and periods between elections becomes particularly acute when funding is not provided from a multitude of sources ranging from personal to corporate donations, but by large industrial and financial corporations. In this case, there is ground for corruption relations, which can be expressed in providing public offices, including deputy mandates, as sponsorship payments to corporations. Politicians and high-ranking officials can also “sell” their influence in the form of “influence trading”, in which influence is exchanged for secretly financing their political activities, thereby deforming the proper functioning of the democratic system. This violates the principle of equality and weakens the principles underlying the system of merit (Handbook on Combating Corruption, 2016, pp. 33-41).

Given the particular importance of the problem of financing political parties in the fight against corruption, the Committee of Ministers of the Council of Europe in 2003 adopted recommendations on uniform rules against corruption in the financing of political parties and election campaigns (Recommendation of the Committee of Ministers..., 2003).

Politically responsible voters can and should make sensible decisions about which party and candidate they cast their votes for in an election. This serves as the main mechanism for protecting public authorities from candidates who are susceptible to corruption and other unscrupulous acts and keeps them out of political posts and helps block external political control of those who already hold such positions. The political responsibility of a citizen is an indicator of both the level of the citizen's political and common culture, and the education of citizens on political responsibility and culture is an important component of educational activities to combat corruption.

The reorganization of the staff in the executive component of public authority has become one of the basic directions of programs of complex reform of public administration, which began to be implemented in various states in the last quarter of the twentieth century. These programs can be conceptualized in a system of such interrelated management concepts or models as New Public Management, Neoweberianism, and New Governance (Nisnevich & Hahunova, 2015). In these models, with varying degrees of emphasis for the formation and improvement of the state bureaucracy, including the reduction of the risks of corruption in this environment, the following meritocratic principles are used in personnel policy: decentralization and depoliticization of the bureaucracy of personnel, the formation of a competitive bureaucracy, the human factor when rendering public services, and others.

One of the central problems of staffing the executive component of public authority in the context of preventing and combating corruption is nepotism in the appointments to public administrative positions and promotions up the career ladder. This includes political protectionism, where job preferences are granted on the basis of belonging to or support of a particular political party. In solving this problem, two interrelated strategies can be distinguished.

The first strategy is the application of a meritocratic approach (the principle in which professional qualities are prioritized) when appoints are made to the public administrative positions, and with regard to promotions (Manning & Parison, 2004). Article 7 of the Convention, as a practical measure to prevent and combat corruption, determines the organization of the staffing of public authorities by establishing, supporting, and strengthening such systems of recruitment, service, promotion, and retirement of civil servants and other indiscriminant public officials, which:

- are based on the principles of efficiency and transparency, and on objective criteria such as impeccability, fairness, and ability;
- include appropriate selection and training procedures for public positions that are considered particularly vulnerable to corruption and the rotation of such personnel;
- contribute to the payment of proper remuneration and the establishment of fair salaries;

—facilitate the training and retraining of personnel who meet the requirements of correct, conscientious, and proper performance of public functions, taking into account risks associated with corruption.

In a meritocratic approach, professional competition rests at the heart of the organization which staffs the public authority, implemented, first of all, in the form of appointment to the post based on the results of an open and public competition conducted on the basis of the selection of qualifying applicants.

Strengthening the principle of professional qualities in personnel policy and reducing the influence of nepotism can improve competence and simultaneously reduce the risks of corruption and the creation of corrupt hierarchies and networks in public authorities. At the same time, contests for filling vacant public administrative positions should allow for the participation of applicants from the public and the private sector. This broadens the attraction of highly qualified specialists from the private sector to public service, ensures the proper updating and rotation of personnel, and creates personnel competition, which also contributes to reducing the risks of corruption hierarchies and networks. However, it should be noted that when attracting specialists from the private sector to public administration systems, new specific problems arise that require a precise and correct solution, primarily by using regulatory legal mechanisms (Nisnevich, 2012a, pp. 170-171).

The second strategy is the depoliticization of the activities of officials holding administrative positions in the public authority. Depoliticization of the executive structures of public authority on the basis of the separation of political and administrative positions in all public authorities is designed to ensure the organizational unity and coherence of the work of all executive structures. This limits the influence on their activities of political protectionism, conjuncture, and corruption and increases the value of a meritocratic approach in appointing and promoting.

It seems that one of the effective solutions to the problem of depoliticization can be the establishment of restrictions for certain categories of public administrative officials at the regulatory legal level, especially on their participation in the work of political parties and in other political activities. Such restrictions should obviously be limited, and certainly should not affect the active electoral rights of public officials.

The restriction of political rights is recognized as necessary for the purposes of observing and protecting the rights and freedoms and citizens and is implemented at the normative legal level in most states with respect to the military, judges, prosecutors, members of other law enforcement agencies, and special services. A good example is the law “On the Constitutional Court of the Russian Federation”, which regulates in detail the participation of judges of the court in political activities. A judge of the Constitutional Court of the Russian Federation cannot belong to political parties or movements, financially support them, participate in political actions, conduct political propaganda or

agitation, participate in elections for public authorities or local self-government, attend congresses and conferences of political parties and movements, or engage in other political activities.

Such restrictions appear to be extended to civil servants of public authorities, but perhaps only at those who, by virtue of their official position, participate in making managerial decisions on officials in higher and secondary non-political levels. An example of this approach to depoliticization is the Hatch Act, adopted in 1939 in the United States, according to which persons holding public administrative positions are not allowed to participate, in any capacity, in election campaigns, including collecting donations, propaganda, and using their official positions for action in favor of a political party. Another example is the rule of Article 3 of the Hungarian Constitution of 1949, which stipulates that “In the interest of ensuring the separation of political parties and public power, the law shall determine those functions and public offices which may not be held by party members or officers” (The Constitution of the Republic of Hungary).

In a number of states, the depoliticization of management of the staffing of the executive structures of public authority are solved by a single task. In the US and Brazil, the service of senior civil servants was created for the management of promotion and depoliticization. In Poland and South Korea, special bodies—the State Civil Service Department in Poland and the Civil Service Commission in South Korea—have been established to provide the principle of professionalism, political neutrality, and depoliticization in appointments to civil service (Manning & Parison, 2004).

Article 8 of the Convention—as a significant measure for preventing and combating corrupt behavior—invites participating states to promote the integrity, honesty, and responsibility of their public officials. Furthermore, it suggests applying codes or standards of conduct for the proper and conscientious performance of public functions by these persons. It also establishes disciplinary and corrective measures for those responsible for violations of the codes or standards. An example of such standards is the code of conduct for public officials entitled “The 7 principles of public life”, introduced in 1995 in the United Kingdom and developed by an independent advisory body to the Government under the leadership of Lord Michael Nolan, called the Committee on Standards in Public Life (The 7 principles of public life, 1995).

One of the central problems of the prevention of the influence of the human factor and the behavior aspect of corruption in the sphere of public authority are conflicts of interests. In this sphere, a conflict of interest can be defined as a conflict between the duty of a public official to serve the public interest and his own private interests. Such a conflict can be categorized three ways: actual conflict of interest, perceived or apparent conflict of interest, and potential conflict of interest (Atkinson et al., 2004).

The first kind (actual conflict of interest) is a direct conflict between a public debt and the duties of an official and his personal interest. Such conflicts of interest are already occurring and can be identified.

The second type (perceived or apparent conflict of interest) is a situation in which the emerging conflict

is already apparent in the fact that the official makes inefficient decisions in the performance of the official's duties, which are likely to be affected by the official's personal interests. The third type (potential conflicts of interest) is the situation where the personal interests of the official exist and are identified. The interests of the official may, in the future, come into conflict with the official's public duties. There is no conflict in the present, and one cannot say for certain that it will arise later.

These situations in relation to public officials are such a significant source of potential danger of corruption that, in many states, they are regulated on the legislative level and beyond. For instance, in Croatia there is a special law on the prevention of conflicts of interest (Law on Prevention of Conflict of Interest). Another level in which conflicts of interest are regulated is on the constitutional level, such as in Thailand (Chapter XII: Inspection of the Exercise of State Power) (Thailand's Constitution of 2007).

Obviously, it is not possible to completely avoid situations where conflicts of interest arise, when the personal interests of public officials can enter into some contradictions with the decisions and actions that they must take in the performance of their duties. Therefore, it is crucially important to timely identify and eliminate any conflicts of interest before they damage the interest of citizens, society, and state. One of the main mechanisms for eliminating conflicts of interest is the removal of public officials from making decisions on issues in which they or their immediate relatives may have personal interests.

The most important prerequisite for the emergence of a conflict of interest in the system of public authority is nepotism, including political protectionism, when appointed to office or promoted, as well as exercising other discretionary powers. Therefore, the principles and mechanisms of the staffing of public authorities should include the ability to curtail the possibility of nepotism manifesting in any form. The problem of a "deferred" conflict of interest can arise even when a public official works in the private sector after retirement.

To prevent conflicts of interest and, as a consequence, manifestations of corruption, it is not only necessary that the activities of public officials be based on high moral and ethical norms and principles, but also on the introduction of mandatory legislative or regulatory norms governing their activities. Such norms may include: the duty to inform higher-level managers or special, authorized bodies about the occurrence or possibility of a conflict of interest; the duty of the official, members of the official's family, and close relatives to declare their financial status and ownership of property; and temporary and functional restrictions on work in the private sector after retirement.

It should be especially noted that the declaration by the public officials and their relatives of their finances and property may not lead to the desired result unless such declarations are subjected to verification by those authorized by public authorities, who possess for this purpose all of the necessary rights, powers, and resources for such verification. The declarations will not be officially published for

the public or for verification by “third parties”, within the framework of their right to privacy. In international practice, there are cases when a body is established that receives declarations, but does not have the authority of resources to verify the accuracy of the declarations (Handbook on Combating Corruption, 2016).

Necessary to achieve the effectiveness of institutional measures to prevent and suppress corruption are also such societal conditions in which citizens not only unequivocally negate its manifestations both in the sphere of public authority and in everyday life, but also understanding its harmful impact on the quality of their life and that they are themselves actively involved in the fight against this phenomenon. To ensure these conditions, Article 13 of the Convention requires that “Each State Party shall take appropriate measures, within its means and in accordance with fundamental principles of its domestic law, to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes, and gravity of and the threat posed by corruption” (United Nations Convention against Corruption, 2004).

At the same time, public opinion holds that the corrupt behavior of public officials should be perceived only as deviant and criminal, which, given the transparent nature of work in public authorities, makes it less attractive to those who are primarily motivated by selfish reasons.

Ensuring the necessary societal conditions in most countries is a complex and long-term problem. The solution is connected with the difficulties of overcoming cultural and behavioral patterns that have historically developed in different societies; for example, donation or related solidarity, which are corrupt in modern conditions and only situationally distinguishable from manifestations of corruption (Klemenčič & Stusek, 2008), as well as a perception of corruption as informal practices conducive to overcoming the weakness of public authorities and bureaucratic barrier in developing and transitional states (Sissener, 2007). The specialized anti-corruption institutions prescribed by the Convention, whose tasks are educational work (Skott, 2007), and, in general, the whole system of primary, secondary, and higher education should be a part of the solution to this problem.

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