

LA3D1-15 Corruption and Law

26/27

Department

School of Law

Level

Undergraduate Level 3

Module leader

George Meszaros

Credit value

15

Module duration

10 weeks

Assessment

100% coursework

Study location

University of Warwick main campus, Coventry

Description

Introductory description

Law's opposition to corruption is well known. Law possesses a uniquely powerful role in both prescribing and sanctioning corrupt conduct, to say nothing of confiscating its proceeds. Corruption is taken seriously at the highest levels, as illustrated by the legally binding United Nations Convention on Corruption and the Organisation of Economic Cooperation and Development's (OECD) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. At the national level too, most countries across the globe have established an extensive array of anti-corruption legislation and anti-corruption institutions.

Although instinctively we all 'know' what corruption is, strikingly, the UN convention does not define it, preferring instead to give concrete examples. This inability to define corruption is not accidental or confined to international conventions. It reflects corruption's differentiated, contextually embedded and complex nature as well as conceptual challenges. Although there are definitions out there, like corruption as 'the abuse of public office for private gain', such state centric definitions have come under increasing scrutiny. Privately driven corruption is increasingly acknowledged, hence the broader definition, 'the abuse of entrusted power for private gain'.

An additional problem lies with law itself. Although prima facie opposed to corruption, many observers are beginning to question its relationship to corruption. Daniel Kaufman, an architect of World Bank anti-corruption strategies, has coined the term 'legal corruption' to describe law's potential as driver of corruption through a host of enablers (accountants, tax advisors, etc). In a

similar vein, the legal scholar Lawrence Lessig has developed the concept of 'institutional corruption', giving the example of campaign finance as both a legal and a corrupting influence on US politics and its constitutional arrangements.

More radical conceptions acknowledge law's disastrous legacy in earlier events and institutions like land enclosure, piracy, colonialism, and the East India Company to slavery – all of which were legally underpinned. Were these corrupt enterprises or something else, and if so, what does that tell us about the applicability and value of this term and role played by law? Recent debates by Transparency International asked whether 'tax abuse' (often legally enabled) should be defined as corrupt. It declined to accept that definition on the grounds that whilst two sides of the same coin, they are analytically distinct.

Through a series of contemporary examples and historical case studies, ranging from modern finance and 'white collar crime', to historical modes of accumulation and dispossession, we will explore the complex, contradictory and challenging relationship between corruption and law.

Module aims

The module aims to introduce students to selected features of international and national legal orders governing anti-corruption.

Conduct contemporary and historical case studies, including role play, in order to introduce students to contemporary debates, theorisations and institutions governing corruption and law.

Develop critical thinking about the normative assumptions underlying definitions of corruption, the complexities of this phenomenon, as well as assumptions governing the design and development of legal institutions designed to combat it.

Develop a critical awareness of some of the limitations of legal enforcement, including criminalisation.

Encourage students to engage, both conceptually and practically, with the complex and challenging relationship between corruption and law, including concepts like 'legal corruption' and 'institutional corruption'. Critically apply their understanding to historical and contemporary settings.

Outline syllabus

This is an indicative module outline only to give an indication of the sort of topics that may be covered. Actual sessions held may differ.

1. The legal architecture and the case against corruption; international conventions, national laws, regulations and enforcement bodies.
2. Conceptualising corruption: defining, measuring, normative and ideological assumptions.
3. Corruption and law discourses in historical perspective (for example the cases of enclosure, piracy, colonialism and slavery).
4. Exploring corruption and law in historical perspective (for example East India Company to the South Sea Bubble).
5. Contemporary case studies of corruption in a global context (for example the Great Financial

Crisis of 2008)

6. Contemporary case studies of corruption in the UK (for example cases addressed by the Serious Fraud Office).
7. New thinking on corruption (for example 'institutional corruption' and the concept of 'legal corruption').
8. Anti-corruption discourses: the viability and implications of criminalisation in high finance and politics.

Learning outcomes

By the end of the module, students should be able to:

- Understand selected features of international and national legal orders governing anti-corruption.
- Critically analyse contemporary and historical contexts where law and corruption play a pivotal role.
- Demonstrate transferable and interdisciplinary skills, including the ability to communicate concisely exchange ideas and develop a reasoned position.
- Find and use research materials, drawn from multiple disciplines, to construct a deeper and more nuanced contextual understanding of the constitutive elements of corruption and law.

Indicative reading list

[Reading lists can be found in Talis](#)

Research element

100 per cent of the summative assessment is constituted by a research essay.

Interdisciplinary

The readings are drawn from a wide range of disciplines, methodologies and there is a significant historical as well as contemporary focus. The texts will encourage critical thinking across a range of disciplines.

International

As well as examining module examines international treaties directly, the module encourages consideration of national adherence to treaties as well as considering country cases comparatively.

Subject specific skills

Understanding philosophical, economic and political bases behind conceptual constructions of corruption and legal institutionalisations (international treaties, regulatory and law enforcement

agencies) for combatting corruption.

Awareness of relevant international treaties as well as legislation and institutions combatting corruption.

Awareness of contemporary debates around definitions of corruption; awareness of contextual settings; and efficacy of legal approaches to the issue.

Transferable skills

Transferrable skills for careers public administration, regulation, law enforcement, NGO's and journalism.

Critical thinking.

Demonstrate transferrable and interdisciplinary research and writing skills.

Awareness of context in defining scope and appropriate resolution of challenges.

Ability to articulate arguments orally and in writing.

Study

Study time

Type	Required
Lectures	8 sessions of 1 hour (5%)
Seminars	8 sessions of 2 hours (11%)
Private study	126 hours (84%)
Total	150 hours

Private study description

Reading and seminar and assessment preparation.

Costs

No further costs have been identified for this module.

Assessment

You must pass all assessment components to pass the module.

Assessment group A

Weighting Study time Eligible for self-certification

Assessment component

To be determined with individual students 100% 50 hours Yes (extension)
Essay

Reassessment component is the same

Feedback on assessment

Written feedback

Availability

Courses

This module is Optional for:

- Year 2 of ULAA-M130 Undergraduate Law
- ULAA-M105 Undergraduate Law (3 year) (Qualifying Degree)
 - Year 2 of M105 Law (3 year) (Qualifying Degree)
 - Year 3 of M105 Law (3 year) (Qualifying Degree)
- ULAA-M131 Undergraduate Law (4 Year)
 - Year 2 of M131 Law (4 year)
 - Year 4 of M131 Law (4 year)
- ULAA-M106 Undergraduate Law (4 year) (Qualifying Degree)
 - Year 3 of M106 Law (4 year) (Qualifying Degree)
 - Year 4 of M106 Law (4 year) (Qualifying Degree)
- Year 2 of ULAA-M132 Undergraduate Law (Year Abroad)
- Year 4 of ULAA-M108 Undergraduate Law (Year Abroad) (Qualifying Degree)
- Year 2 of ULAA-M133 Undergraduate Law with French Law
- Year 2 of ULAA-M134 Undergraduate Law with German Law
- ULAA-M136 Undergraduate Law with Humanities (3 Year)
 - Year 2 of M136 Law with Humanities (3 year)
 - Year 3 of M136 Law with Humanities (3 year)
- UPHA-V7MW Undergraduate Politics, Philosophy and Law
 - Year 2 of V7MW Politics, Philosophy and Law
 - Year 3 of V7MW Politics, Philosophy and Law
- Year 4 of UPHA-V7MX Undergraduate Politics, Philosophy and Law (with Intercalated Year)

This module is Option list A for:

- Year 4 of ULAA-ML35 BA in Law and Sociology (Qualifying Degree) (with Intercalated year)
- Year 3 of ULAA-M131 Undergraduate Law (4 Year)
- Year 4 of ULAA-M132 Undergraduate Law (Year Abroad)
- ULAA-M135 Undergraduate Law and Sociology
 - Year 3 of M135 Law and Sociology
 - Year 4 of M135 Law and Sociology
- Year 4 of ULAA-M133 Undergraduate Law with French Law
- Year 4 of ULAA-M10A Undergraduate Law with French Law (Qualifying Degree)
- Year 4 of ULAA-M134 Undergraduate Law with German Law
- Year 4 of ULAA-M10C Undergraduate Law with German Law (Qualifying Degree)

This module is Option list B for:

- ULAA-ML34 BA in Law and Sociology (Qualifying Degree)
 - Year 3 of ML34 Law and Sociology (Qualifying Degree)
 - Year 4 of ML34 Law and Sociology (Qualifying Degree)
- Year 3 of ULAA-M130 Undergraduate Law