

**THE SERVICE USERS' ROLE IN
CORRUPTING PUBLIC OFFICIALS**

**A Study of Legal Practitioners' Accounts of
Interactions within the Lagos Lands Bureau**

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ABSTRACT

This research examines how legal practitioners discursively construct corruption from their experience as users of the services of a public institution. In the legal field, corruption is a word rarely used in connection with practitioners, it is substituted with a less felonious alternative, 'misconduct'. As a result, this research focuses on how legal practitioners talk about their interaction with the public institution, especially their construction of corrupt transactions. This qualitative study is located within the interpretive paradigm of social constructionism, and the primary source of data is from semi-structured interviews. Due to the focus on *talk*, the study adopts the philosophies of discourse analysis for collected data.

Contrary to the popular assumptions that participants in corrupt transactions are unwilling to talk about their involvement, the findings revealed that participants are willing to talk about their involvement in corrupt practice, but mainly through the use of euphemisms. The empirical contribution of this study suggests on one hand that the extensive use of euphemisms in the construction of the self, processes of corrupt interaction and actions, illustrates the significance of language use in the study of corruption. On the other hand, it emphasises the extent of 'ethical fading' and moral disengagement amongst professional service users which is due in part to their popular typecasting as victims, and the inherently contradictory principles of practice within the legal field.

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DEDICATION

**This thesis is dedicated to my mum,
Sarah Omotigho Esesanovbe Osia,
with much love.**

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I Hail Jehovah and Jesus Christ for bringing me thus far in this journey that has been filled with ups and downs. I could not have made it this far without the three women who have impacted my life so much, my loving mum, Sarah Omotigho Osia, my dear supervisor, Lynne Baxter and my dear friend, Ada Ofordeme.

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Thank you all for being a part of my story!

AUTHOR'S DECLARATION

I hereby declare that except where specific reference is made to the work of others, the contents of this dissertation are original and have not been submitted in whole or in part for consideration for any other degree or qualification in this, or any other University. This dissertation is the result of my own work and includes nothing which is the outcome of work done in collaboration, except where specifically indicated in the text. All sources used are acknowledged as references.

CHAPTER 1

RESEARCH OVERVIEW

At the start of this research journey, my perception of the Nigerian bureaucracy mirrored the ‘fantastically corrupt’ view expressed by the English Prime Minister, David Cameron (BBC, May 2016). This perspective of the bureaucracy was heavily influenced by my professional interaction with the Lands Bureau of Lagos state. In my capacity as a legal practitioner, I have had frequent interactions with this key parastatal of the Lagos state government and as such I am familiar with the informal notoriety of the Bureau as a den of corruption (Ajayi, 2016). Consequently, the first set of meetings with my supervisors in 2012 was dominated by my argument that the Lands Bureau singularly had a problem of bad leadership, which I was ready to investigate. The research was entered into in order to understand why some departments functioned better than others in this Nigerian public institution. The strategic importance of the Lands Bureau to a society (Hudson, 2016) also made it the ideal institution for this study.

After the first year of critically reviewing the literature on the Nigerian bureaucracy and corruption in general, I found one key stakeholder that was always typecasted and ignored at the same time, the public service user. Once her status as a ‘victim’ has been established no further thought is given to her, rather the discussion turns to an extensive analysis of the public official, his role in corrupt transactions and its various impact on services, organisations and even societies. But no similar in-depth understanding is shown with regards to service users, almost as if she has been ruled a passive participant and her role is deemed inconsequential. This led me to reflect on how my behaviour, action or inaction as a service user has impacted on the Lands Bureau. As a result, I came to the realisation that perhaps I eagerly adopted the popular understanding of bureaucratic corruption

because it pushes the responsibility for such transactions to others and leaves me guilt free to go about making these types of informal transactions as a ‘victim’. This view influenced the later progression of the research, from the research question to the participants I approach for data.

The remainder of this chapter introduces the context of the study by highlighting the underlying necessity of the research. It states the research question, the aims and objectives of the study and provides justification for the nature of the research. It further discusses the expected contributions to be made to the research area and provides a pictorial synopsis of the thesis.

1.1. Corruption: A Non-Western Problem?

Corruption is a worldwide phenomenon from which no nation is completely immune. In the West, the famous Lockheed scandal of the 20th century comes to mind as it saw the payment of millions of dollars by the American aviation giant in bribe money to encourage the international sale of their products (Legan, 2013). The significance of this case lies in the fact that it had a far-reaching international impact that not only led to the probing and indictment of officials and individuals in Japan, the United States, Italy, The Netherlands and Indonesia amongst others (Leigh & Evans, 2007; Carr & Outhwaite, 2008). It put the spotlight on the popular act of bribe payment among American companies to overseas government officials (Pae, 2008) and informed the promulgation of the Foreign Corrupt Practices Act of 1977 in America.

Heralding the 21st century was a succession of corporate scandals which pointed to the lingering height of corruption in corporate America, starting from the class leading Enron scandal, to the WorldCom and Tyco scandals amongst others (Fleming & Zyglidopoulos, 2009, p. 1–2). While in the United Kingdom, the pervasiveness of corporate corruption

was highlighted by the alleged presence of a high rate of insider trading which is reflected in the buying behaviour that precedes most mergers and acquisitions (Ibid, p. 2). The actions of public officials have not been spared either from the influence of corruption. This is seen from the scrutiny that some UK MPs came under over allegations of corrupt practices with regards to their expense accounts in 2009 (Evans, 2010). More recently is the alleged rise in unmonitored levels of corruption in the United Kingdom's police force (Halliday, 2015; Wilson, 2016; Darbyshire, 2015; BBC, 2015). Thus, revealing that corruption is as present in the developed countries as it is in other nations at varying stages of development.

Based on the foregoing, it is interesting that the focus of international organisations and most research on corruption is in the developing country contexts like it exists solely in these regions. This raises questions such as, does the level of refinement of the corrupt activity matter in determining whether an action is corrupt or not? Or is it the level of modernisation of the society that determines whether an act should be defined as corrupt? Based on a certain level of agreement that corruption involves exploiting a position or person in position in order to gain a specific advantage, lobbying and election campaign sponsoring which is prevalent in Western countries bear a strong resemblance to bribing public officials in order to influence their decisions (Collins, Uhlenbruck & Rodriguez, 2009, p. 90). Thus, a case may be made for the fact that while the developed countries may have moved on to what is described as 'complex forms of corruption' (Thompson, 2000, p. 6) which encompasses the 'shadowy world of implicit understandings, ambiguous favours and political advantage (Ibid, p. 7), developing states are still basking in simplicity and the easily identifiable forms of corruption that are the focus of various corruption surveys.

Measurements of corruption perception, most of which have been based on quantitative surveys by international organisations, have suggested the prevalence of the phenomenon in developing countries (Ikeayinbe, 2016). Its pervasiveness is argued to be a key contributor to the current state of poverty and public sector inefficiency, and a deluge of other ills, in the countries affected (World Bank, 1997). In the case of a developing country like Nigeria, past reforms have had little to no effect in reducing incidents of bureaucratic corruption or improving the efficiency and performance of the institution (Ahmed, 2007). This, therefore, calls into question the understanding of the problem the reforms were supposed to address.

The popular understanding of corruption hinges on public officials being the main culprits. To this end, they have been depicted as the sole drivers of bureaucratic corruption (Rose-Ackerman, 1996; Hyden, 1995; World Bank, 1997) and this has been the basis of public service reforms. However, in certain forms of corruption, e.g. bribery, a bureaucratic official cannot be corrupt on her own as it involves more than one participant (Sikka & Lehman, 2015). One stakeholder that the official comes into regular contact with is the user of their services, but the service user is not usually considered as the initiator of a corrupt transaction, resulting in a scarcity of research examining her as a possible facilitator of these kinds of transactions. Questioning the current conceptualisation of the phenomenon, this study transfers the focus from the official to another participant, the service user, to examine her role in corrupt practices within the bureaucracy.

1.2. They are All Corrupt

'Luke, you are going to find that many of the truths we cling to depend greatly on our own point of view' (Obi-Wan Kenobi, (1983) in the movie *Star Wars: Return of the Jedi*).

'They are all corrupt here!' was a common sentiment encountered by Dracklé (2005, p. 194) in his research on corruption in the south of Portugal. This statement characterises the international and local perception of corruption and the nature of its research. Generally, the term 'corrupt' denotes a form of moral condemnation (Larmour, 2009, p. 121) that symbolises something intrinsically negative which leads most people to distance themselves from the act. In this respect, the definition of corruption is important as it determines the participants and actions which constitute the phenomenon.

The role of the World Bank in the international society and their self-construct as experts in this area is significant as it encourages an adoption of a particular view of the phenomenon. This has led to the popularity of the Bank's definition of corruption as '*the abuse of public office for private gain*' (World Bank, 1997, p. 8) According to Polzer (2001) the conception of corruption by the Bank is value-laden and it acts as an 'othering' tool (p. 11). In other words, corruption is always perpetrated by other countries, other organisations or someone else (Lazar, 2005; Lennerfors, 2009). The Bank's conception of corruption is based on a Western understanding of the phenomenon, 'othering' in this sense excludes Western countries and suggests that it is more of a developing country issue. This is reflected in the Bank and other international financial institutions (e.g. International Monetary Fund (IMF) and World Trade Organisation (WTO) funding policies in countries regarded as having weak governance and economic structures (News & Notices, 1999). The general adoption of this frame of understanding corruption means that the 'othering' feature also finds its way into the local understanding of the concept

and a similar form of externalisation is thus reflected, just like in the phrase earlier quoted from Dracklé.

Such adoption could mean that while it is easier to scrutinise the activities of others based on a popular understanding of corruption, the individual does not pay attention to how their actions and behaviour affect the perpetuation of the phenomenon and the society as a whole. In this context, whereas public officials are accused of corrupt practices it can be argued that there is a lack of self-awareness on the part of service users as to the impact of their actions on its reproduction. The same can also be said of the actions of international financial institutions. While the institutions' sole focus is on opening the economy of a developing country up to the international society by reducing corruption through the improvement of governance and economic structures in the society (Hindess, 2004), recommended policies are generally based on a western understanding of what 'should' work (Polzer, 2001) e.g. the Structural Adjustment Programmes (SAP) of the 1990s. These policies were deemed counterproductive as their implementation resulted in an increase in corrupt practices and further economic downturn in target countries (Fidler, 2000). Policies based on a similar understanding of the phenomenon are still being presented despite their ineffectiveness over the decades (Polzer, 2001). This leads to a discussion of the objectives of this research.

1.3. Objectives of the Study

This study represents a departure from the mainstream focus on public officials to address the knowledge gap that has been created on the role of service users' in corrupt transactions. As such, it aims to understand the phenomenon of bureaucratic corruption as constructed by professional service users of a public bureaucracy. Through an analysis of their spoken experience, the goal is to illustrate how Users perception of the phenomenon has influenced their behaviour and interaction with the bureaucracy.

The study expects to provide deeper insights into the phenomenon, contribute to the sparse literature on service user corruption and inform reform policies targeted at reducing incidents of corruption in the public bureaucracies of developing countries, while also providing data for further studies in this area.

1.4. The Research Question

In line with the stated objectives and the present nature of corruption research, the question to be examined in this study is **“are service users merely the ‘unfortunate’ victims of bureaucratic corruption or co-producers of corruption?”**

1.5. Significance of the Study

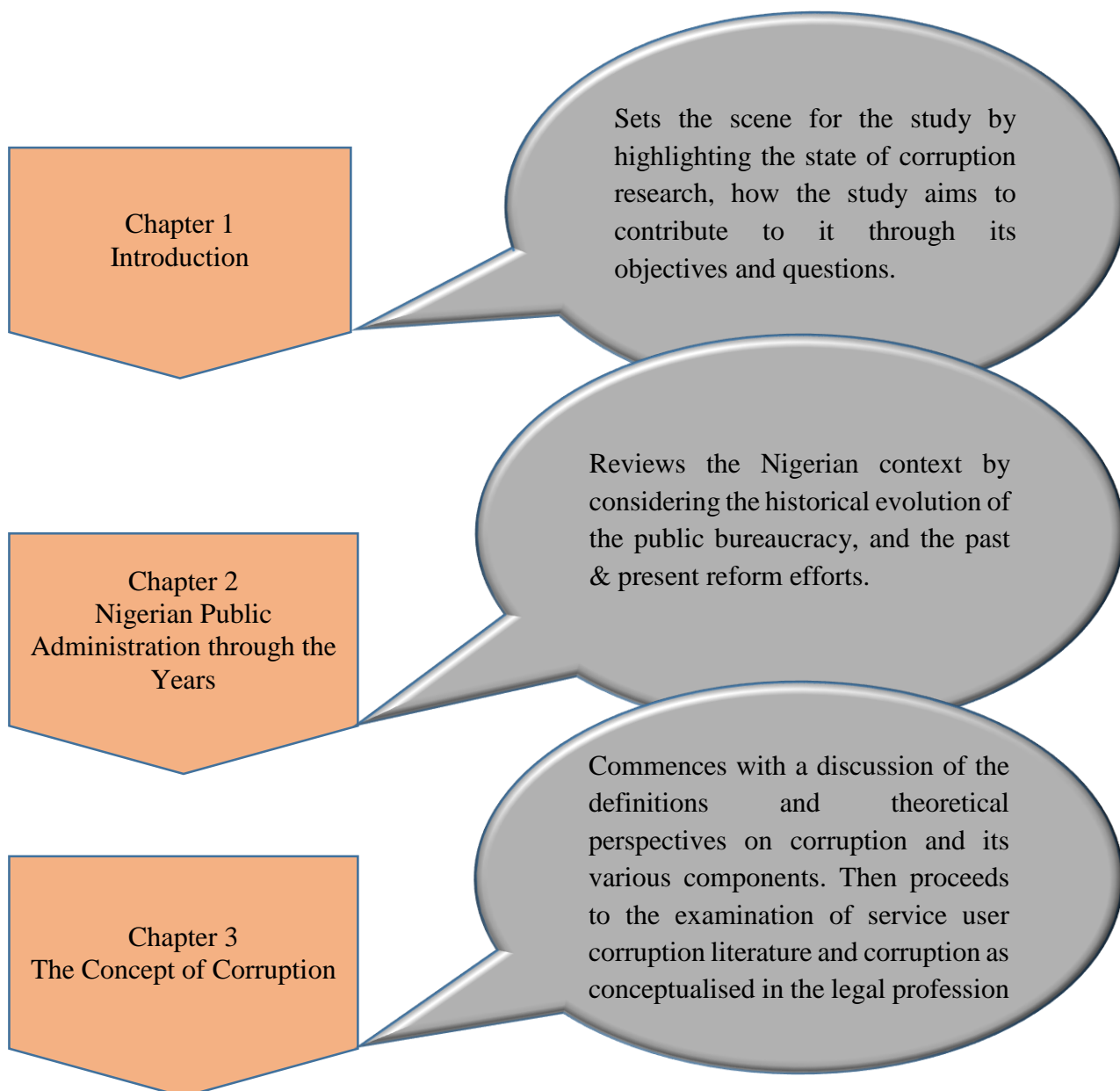
Aside from previously stated arguments for considering corruption from a user perspective, two other arguments for this study is put forward in this section – the focus on the use of language in constructing corruption and the relevance of the research country.

This research focuses on how corruption is discursively constructed through ‘talk’. Very few research in this area adopts a discursive view of corruption (Polzer, 2001; Gupta, 2005). Due to the sensitive nature of the phenomenon, it is difficult to obtain natural data by way of observation (Blundo & de Sardan, 2006), thus, most researchers adopt a quantitative approach and this has contributed to the popularity in the use of surveys in corruption research. The focus on talk is essentially an examination of descriptions and words used in constructing everyday reality. This enables a deconstruction of metaphors and expressions to provide a better understanding of service users’ encounters with the bureaucracy and their role in corrupt transactions.

The significance of Nigeria in this study stems not only from its regional influence in sub-Saharan Africa. As a developing country that is constantly ranked low on international corruption perception surveys, e.g. it ranked 136 out of 168 countries (Transparency International, 2015), the findings and discussion from this country may be applicable to the situation in other developing countries with similar structures and experiences.

The next section provides a pictorial guide to the contents of the thesis.

1.6. Synopsis of Thesis



Chapter 4
Research Design,
Methodology and
Analytical Methods

It discusses the underlying constructionist and interpretivist philosophy of this study which informed the qualitative case study approach and discursive method adopted for the analysis.

Chapter 5
The Lands Bureau: Service
User Perception and
Experiences

The analysed data is presented here. The chapter is divided into two parts with the first part describes the data from the Lands Bureau and their perspective on concluding land transactions. While the second part juxtaposes this with service users description of their experiences.

Chapter 6
Discussion of Findings

Details the theoretical linkage of the findings to existing literature. This is divided into two parts; the first part discusses findings on 'talk' e.g. the use of euphemisms to describe corrupt practices. The second part describes findings that focus on the nature of the 'interaction' with the Lands Bureau.

Chapter 7
Conclusion

This chapter closes the discussion by providing answers to the research question. It discusses the contributions of this research and the implications thereof.

1.7. Chapter Summary

The understanding of public sector corruption is based on the fact that it is only carried out by public office holders and this is gleaned from the way the phenomenon is defined. The narrowness of this conceptualisation is emphasised by the different situations which may carry the tag 'corrupt', especially in situations where the initiator is not an office holder, while some situations may be easily identified others may not be so simple. Thus this informed an objective of this study to examine a stakeholder that is less understood in corruption studies, in order to explore such ambiguous situations. Aside from contributing to the little research that has been done in this area, this perspective is also significant for policy makers that are focused on reducing incidents of corruption in the public service.

To set the context for this research, the next chapter delves into a detailed review of the literature on the historical evolution of the bureaucracy in Nigerian.

CHAPTER 2

NIGERIAN PUBLIC ADMINISTRATION THROUGH THE YEARS

This research was begun based on the researcher's perception that Nigeria's public bureaucracies are 'fantastically corrupt' (BBC, 2016) and inefficient. The notion was founded not only on Nigeria's ranking as a very corrupt country on corruption indexes provided by international organisations (such as the World Bank, International Monetary Fund (IMF) and Transparency International (TI), but also on the researcher's experience interacting with different public institutions in the region, most notably the Lands Bureau of Lagos state. This view led to the desire to better understand the bureaucracy and the issues that have led to a perception of poor performance on its part. The importance of this perspective lies in the fact that public bureaucracies play an important role in developing countries, and this role has been described as being key to the developmental process in those societies (Palombara, 2006). Consequently, this chapter reviews the literature on public administration in Nigeria and its development through the years.

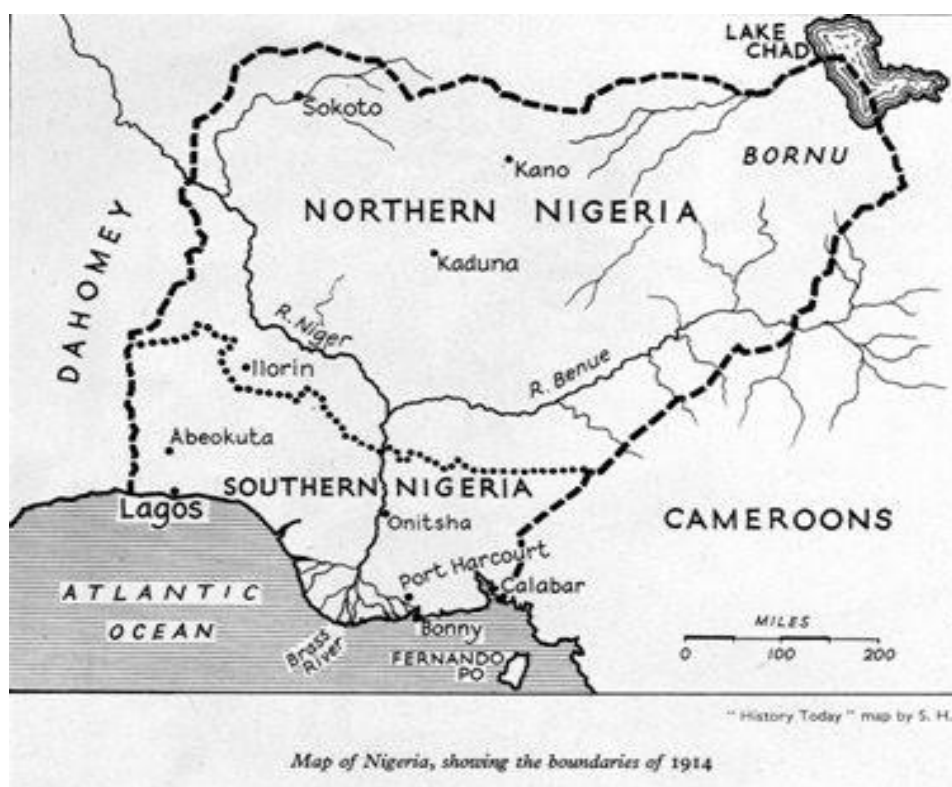
The rest of the chapter is divided into four main sections. The first section describes the colonial history of Nigerian bureaucracy, focusing on the Southern administration where the Lands Bureau of Lagos is located. How the post-colonial bureaucracy evolved is described in the second section, followed by a discussion of the current state of the institution and its post-independence performance. This section provides a detailed discussion of the perceived causes of the bureaucracy's problems. The third section considers some post-independence reform efforts that were designed to improve the performance of Nigerian public institutions. A chapter summary and guidance for the next chapter is provided in the fourth section.

2.1. Colonial Roots of the Public Bureaucracy

Arguably, the bureaucracy of a state may be seen as a reflection of the larger society. This is owed to the fact that the society, like public administration, is moulded by, amongst other things, the different experiences, history, values and culture of its people (Hyden, Jackson & Okumu, 1970; Claver *et al*, 1999) and the Nigerian bureaucracy is no exception.

The establishment of bureaucratic institutions in Nigeria can be traced to British colonial activities in the region (Anene, 1966). In the early periods of colonial administration, Nigeria was divided into three separate regions. These were the Colony of Lagos, the Southern Protectorate and the Northern Protectorate. Although the different regions were conquered by Britain, each was administered independently from the other (Afigbo, 1991; Coleman, 1958) and thus evolved different forms of public administration. In 1906, the

Figure 1: Geographical Boundaries of Colonial Nigeria



Source: Rossiter & Flower (1986)

administration of the Colony of Lagos and those of the Southern protectorate were merged (Burns, 1955) and both were administered as 'Southern Nigeria' protectorate (See Figure. 1). With this consolidation, Nigeria was effectively divided into Southern and Northern protectorates with each having its own form of public administration and bureaucracy shaped by the different history, culture and experiences of its people. Differences may have been exacerbated by the nature of traditional forms of administration in each region, thus contributing to the character and style of the bureaucracy that developed. As the focus of the research is on the Southern bureaucracy, the next section will proceed with a description of pre-colonial administrative styles in Southern Nigeria.

2.1.1. Traditional Administration in the Southern Protectorate

Nigeria is home to over 350 ethnic groups (Otite, 1990) with a large concentration of these in the Southern part of the country. Describing the nature of the region, the renowned Nigerian historian, Anene argued that 'the linguistic heterogeneity is so marked that neighbouring villages speak languages which are mutually unintelligible' (Anene, 1966, p. 8). This makes it impractical to discuss the nature of administration under all the ethnic groups in the region. As such, the section will only be focusing on traditional administration amongst the two dominant ethnic groups in the region – the Yorubas and the Igbos.

Pre-colonial administration amongst the dominant groups in the South was characterised by semi-centralised and in some places completely decentralised structures. The Yorubas occupy the western part of the country where they operated a highly centralised socio-political structure in the 17th and 18th century (under the Oyo Empire) (Eades, 1980). As a result of internal squabbles amongst the ruling class, the empire was fragmented into

autonomous states with semi-centralised administrative structures (Coleman, 1958). The office of the ‘commoner chief’ is a salient feature of the administrative order in the Yoruba society. This is because they were regarded as the king-makers and thus acted as checks on the powers of the king; this gave them the power to depose an erring monarch (Eades, 1980). As the name implies, they did not need to be of royal descent and could be chosen from any of the state’s traditional groups and societies.

In contrast, the Igbos are located in the eastern part of the country in a society that was made up of small independent villages and operated a decentralised administrative structure (Coleman, 1958). Administration of the village unit is described as reflecting a form of ‘village democracy’ (Anene, 1966, p. 12) that made governance the responsibility of everyone. The ‘Council of Elders’ is the closest to a formal administrative organ in the region and it consists of the heads of different lineages; they do not strictly speaking perform the duties of legislatures, executives or judiciaries, rather they are seen as arbiters and keepers of the customs and traditions (Ibid, 1966, p. 13). The densely forested nature of this region has been suggested as a reason for the decentralised political order (Coleman, 1958). The topography prevented easy interactions between the villages and also the possibility of invasions (Anene, 1966). Hence, it was the last region in the area to be colonised by the British (Dudley, 1968).

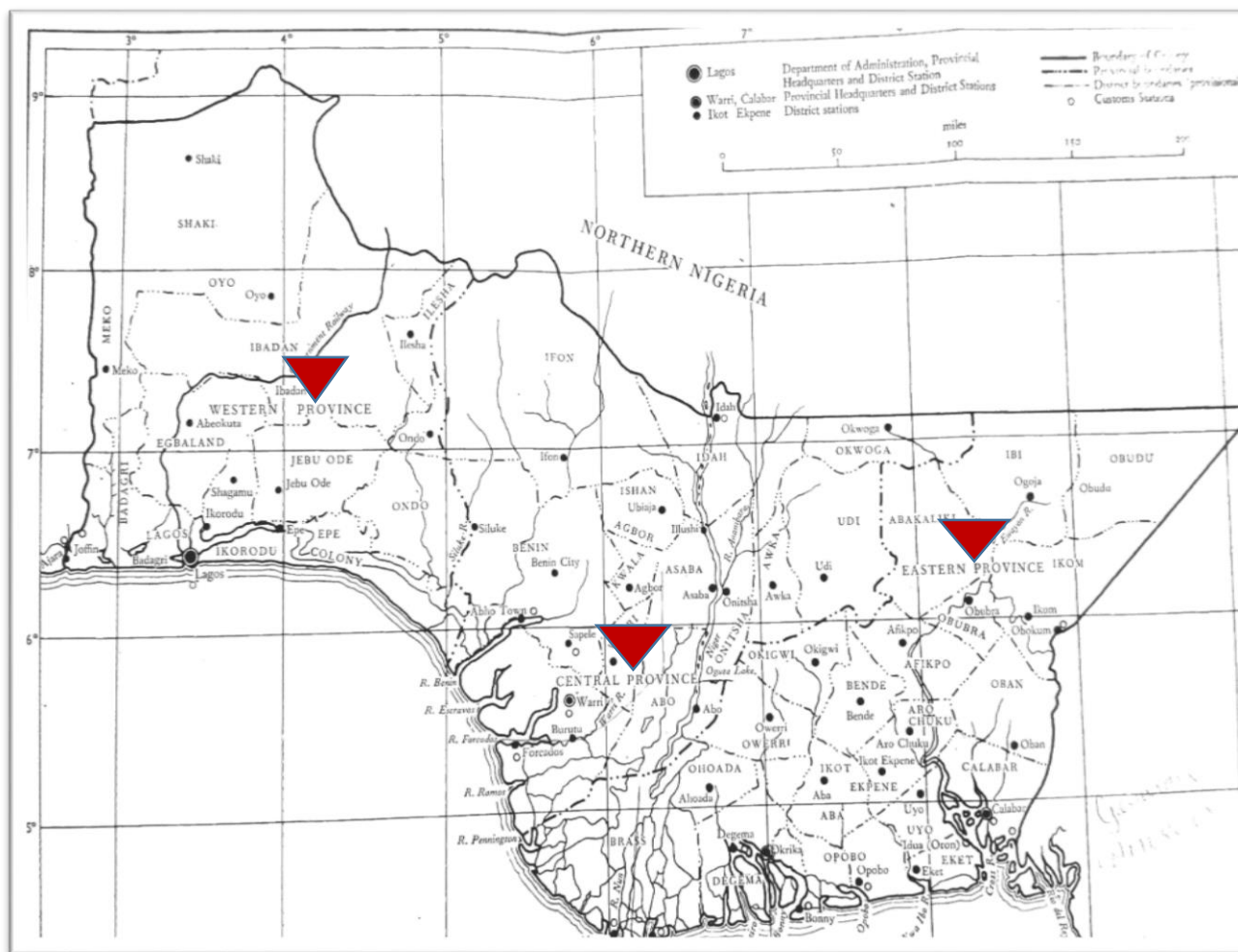
During the period before the colonial conquest, the entire Southern region was filled with the activities of European merchants and Christian Missionaries (Eades, 1980), this was mainly due to the coastal nature of the region (See Fig. 1). In the bid to convert the locals to Christianity, Missionary schools were established in the region as early as in the 1840s (Jarmon, 1988), long before the formal establishment of colonial governance in Lagos in the 1860s and in the other parts of the Southern region in the late 1880s (Burns, 1955). Thus, the growth of western-styled education amongst the people of the region meant

that there were qualified natives to take up positions in the colonial bureaucracy upon its establishment. The next section turns to a discussion of the growth of the colonial bureaucracy in Southern Nigeria.

2.1.2. The Southern Colonial Bureaucracy

The merger of the Southern administrations in 1906, i.e. the Colony of Lagos and the Southern Protectorate, saw a unified colonial bureaucracy within the region (Burns, 1955). For administrative convenience, the region was subdivided into three provinces (see Fig. 2), the Western, Central and Eastern provinces (Nicolson, 1969). The

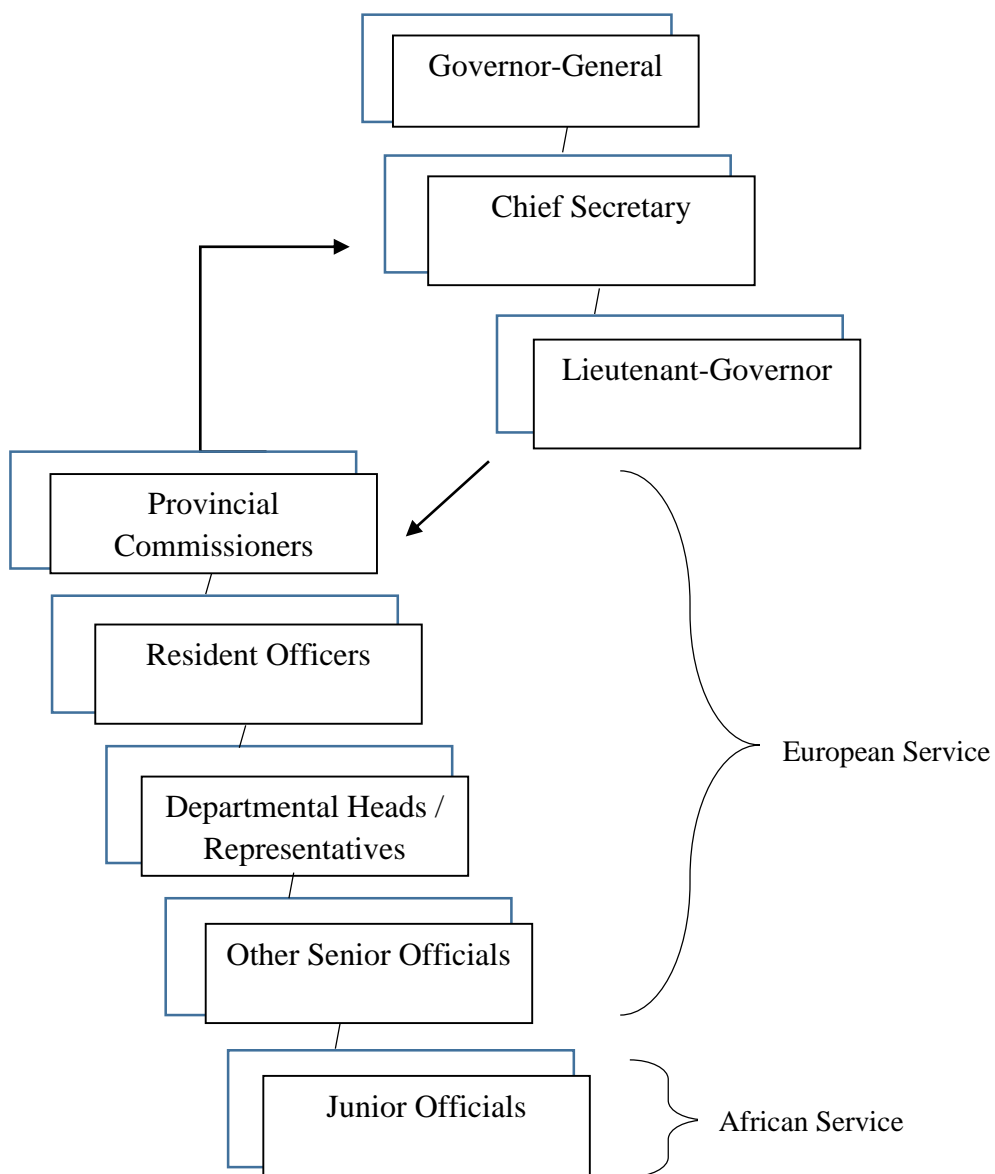
Figure 2: Provincial representation of Southern Nigeria



Source: Adapted from Anene (1969)

administrative structure is centralised (See Fig. 3) with its epicentre in Lagos (Western region), where matters from the different provinces are referred. The administrative head of each province is called the Provincial Commissioner. The day-to-day running of the province is the duty of the Resident and this includes overseeing the administrative, judicial and political affairs amongst the natives (Nicolson, 1969). In the initial periods of colonial administration, there was a shortage of European manpower in the colonial

Figure 3: Structural Representation of the Southern Colonial Bureaucracy



Source: Created by the researcher based on data from Crocker (1936) and Nicolson (1969)

Bureaucracy. This shortage of foreign manpower was due to the health challenges encountered by Europeans in West Africa. There was a high death rate from malaria fever and other diseases common to the tropics, and this earned the region the label of ‘the White man’s grave’, (Olusanya, 1982, p. 175). As a result of these issues, recruitment and advancement within the colonial bureaucracy were based solely on the skills and merit exhibited by the available population, until the arrival of British personnel (Crocker, 1936). The late 1880s heralded the arrival of British personnel to the colonial service. This turning point is marked by the discovery of a cure for malaria, making the region more habitable. According to Crocker, a Resident Officer in the colonial bureaucracy, this group of recruits were barely more educated than the Africans they were meant to take over from, in some cases the locals were more educationally qualified, as they were mostly war veterans with ‘chequered careers’ (Ibid, p. 199). Their arrival, however, signalled changes in the practices of the bureaucracy which in turn affected its structure. One of the first features to suffer was meritocracy in the recruitment and promotion of Africans. In its place was the introduction of the practice of exclusion and the gradual demarcation of the colonial service along racial lines (Olusanya, 1982). Under the new practice, the higher cadre of the service was dominated by Europeans while the lower rung by the locals, irrespective of educational qualifications (Tamuno, 1972). Due to this arrangement, the higher cadre of the bureaucracy was addressed as the ‘European or British service’ while the lower cadre was called the ‘African service’ (Nicolson, 1969, p. 218); until 1946 when the Harragin Commission recommended that the names be changed to ‘senior’ and ‘junior’ services (Ibid, p. 249).

The practice of exclusion in the colonial bureaucracy had a major impact on the local population. It resulted in the locals viewing the institution as an alien entity, in which they had no sense of belonging (Olusanya, 1982, p. 183). This conception of the bureaucracy persisted even after the independence of the Nigerian state. Accordingly,

Marinho, a former head of the Public Service Commission of the Western Region noted that the bureaucracy is still viewed as:

A foreign capitalistic organisation owned by the White man for the purpose of the White man . . . An organisation in which the indigenous participator regarded himself, and perhaps correctly so, in the scheme of things as then prevailed not as owners of, nor even partners in the service, but as hired labourer with his monthly cash payment as the only motivation to work and as the only connecting link, a very tenuous one between him and those he professed to serve. In many quarters then, the approach to Civil Service was characterised by the old saying that ‘whether the business prospers or not, the labourer must be paid their wages in full’. This generally speaking has been the way in which the public service has been conceived (Marinho, 1967, p. 97).

This perspective of the bureaucracy resulted in Nigerians seeking out professions that provided them with alternative employment besides those of the colonial service, which led to the increase in the number of law and medical graduates (Olusanya, 1982, p. 179), as these professions allowed for private practice.

In the 1940s, the colonial administrator at the time, Sir Arthur Richards introduced a ‘Nigerianisation’ policy geared towards including the locals in the higher echelons of the bureaucracy. Considering the ‘psychological fear of discrimination and domination’ (Kirk-Greene, 1975, pp. 19–20) that had been ingrained in the regional elites, this became a scramble for controlling representation in the regions, The policy evolved into a regionalisation policy which was expressed in the ‘northernisation’ (Mustapha, 2007, p. 6), westernisation and easternisation of the civil service in the different regions (Gboyega, 1984). In other words, each region undertook to populate their civil service with natives of that region. For the Southern regions it was much easier to achieve as the lower rung

of the colonial bureaucracy had been dominated by people from these regions, so most of the junior officials took up senior appointments with regional services (Oyovbaire, 1983). Regionalisation of the bureaucracy divided the institution into four parts, thus, in addition to the central colonial administration each region of the country (the west, east and north) then had the opportunity to develop its own civil service. Although the regions had a level of autonomy in the recruitment and promotion of officials, they were still subject to the control of the central colonial office and this reflected in the continuation of the practice of Europeans not serving under the locals (Nicolson, 1969) until they decided to leave the service.

Aside from the issue of discrimination, some other problems identified in the colonial bureaucracy includes:

1. *Over-centralisation and lack of delegation* – for example, there were frequent referrals by the provinces to the central service for guidance on practical application of policies and the running of day-to-day affairs (Crocker, 1936). The process involved was laboriously slow, as the request moved from the department heads, through to the residents until it finds its way to the office of the Governor-General (Ibid, p. 237) (See Fig. 3, p. 25 for the different stages involved). The convoluted practice characterised most of the workings of the service and as such resulted in poor time management in the conclusion of tasks.
2. *Patronage* – Started with the initial recruitment and posting of officials by the Colonial Office in London. Relationships with this key department determined if and what calibre of recruits a protectorate got, which has resulted in the creation of patron–client relationships (Tamuno, 1972, p. 199), a feature of the Nigerian colonial service. Due to the discriminatory practices within the bureaucracy, the institution was left with a limited number of locals in the lower echelon, and this

resulted in the need for patronage in order to attract locals into the colonial service (Nicolson, 1969, p. 230).

3. *More time spent on mundane issues* – The huge number of senior officials to junior officials (See Fig. 3) has created the need for senior officials to spend more time on routine and mundane issues that could have normally been carried out by juniors (Crocker, 1936, p. 238).
4. *Competition amongst officials* – attributed to the lack of *esprit de corps* amongst officials (Ibid, p. 239). The nature of the colonial civil service in Nigeria was such that, promotion to higher positions such as Residents and above is based on the recommendations of the Governor and his Lieutenants (Nicolson, 1969). Thus, due to economic considerations, officials may go to extreme lengths to create the necessary impressions, even at the expense of their fellow bureaucrat (Crocker, 1936, p. 240).
5. *Low salaries and poor living conditions* – the colonial bureaucracy in Nigeria was characterised by poor salaries, health conditions and ‘shocking housing conditions’ (Nicolson, 1969, p. 224) for both the European and African service. The service was described by Clifford, the Colonial Governor, in 1919 as a ‘sick administration... [with employees that were] practically starving’ (Ibid p. 218). Examples were given of officers that had been with the service for over eight years and were still unable to support their family due to the meagre salary (Ibid, p. 224). This led to low morale in the service. Due to a lack of funds and the refusal of the Colonial Office to respond to requests for assistance, the problem persisted (Ibid, p. 221).
6. *Over-stretched administrative machinery* – the combined effects of the world wars (1914 – 1918 and 1939 – 1945), the notoriety of the working conditions in Nigeria, and the discriminatory practices against the locals constantly left the

colonial service shorthanded (Crocker, 1936; Nicolson, 1969). The practice that only Europeans made up the senior levels of the bureaucracy meant that the institution suffered when Britain required their services in times of crisis.

These are examples of the legacy of colonial administration and the issues that the indigenous civil service had to resolve after independence. Considering that the main objective of the colonial bureaucracy was not the development of the host society but rather the imperial interests of Britain in the region (Anazodo, Okoye & Chukwuemeka, 2012), the colonial institution was perceived as efficient at carrying out their objective despite the various issues (Nicolson, 1969). As the bureaucracy was a foreign institution that was sub-planted in the region, how did the institution fare after the departure of the colonialists? The next section describes the post-colonial bureaucracy to date.

2.2. The Post-Colonial Bureaucracy in Modern Times

Despite the problems with the colonial bureaucracy, the post-colonial bureaucracy was described by Olowu (2001), a professor of African public administration, as performing well in the early periods of independence as its policy implementation strategy helped growth and development. The then Premier of the western region of Nigeria, Chief Obafemi Awolowo, described the region's civil service performance – of which Lagos State forms a part – as being 'exceedingly efficient, absolutely incorruptible in its upper stratum, and utterly devoted and unstinting in the discharge of its many and onerous duties' (Awolowo, 1960, pp. 264–265). Murray (1970), commissioned as an expert to develop the western Nigeria civil service to achieve the regionalisation policy, confirmed this when he referred to the institution as 'a pacemaker and model for other civil services in Anglophone Africa' (Murray, 1970, p. 229). However, due to a combination of events the bureaucracy started a slide into inefficiency and poor performance from the mid-

1970s (Olowu, 2001). This ranged from the heavy meddling of the military governments in the affairs of the bureaucracy (Omitola, 2012), to the mass termination of the employment of bureaucrats (Olowu, 1989), after which morale in the civil service dropped along with its performance. By 1985 the panel that was set up to look into reforming the institution described it as:

A battered institution which has virtually lost its vital attributes of anonymity, neutrality and security of tenure; an institution in which morale had reached its nadir, in which excessive caution, undue bureaucratic practices and interminable delays have become the hallmarks . . . an institution which has become the object of constant criticism (Phillips, 1985, p. 293).

The institution has continuously been perceived as being plagued, amongst other things, by the issue of corruption and inefficiency (Olumide, 2015; Olowu, 2010) and according to a former Head of Service, Ahmed (2007), the 21st century Nigerian bureaucracy is characterised by:

- an antiquated, non-transparent and corrupt-ridden procurement system;
- erosion of professionalism and esprit de corps;
- a fundamentally flawed performance management system, devoid of objectivity in measuring performance;
- an unproductive rule-based hierarchical system which stifles individual and corporate creativity as well as accountability;
- a preponderance of unskilled staff constituting 70 percent of the entire workforce (Ahmed, 2007, pp. 4–10).

Interestingly, the issues highlighted by Ahmed seem to be of the same nature as those that were described as plaguing the colonial bureaucracy. This has led to the argument that

the foundation of the Nigerian bureaucracy is where its problems lie (Hellsten & Larbi, 2006).

There are various reasons given in public administration literature for the problems in the Nigerian bureaucracy. The following sections examine two main perspectives on causes of bureaucratic inefficiency and poor performance that have come to characterise the public bureaucracy.

2.2.1. The Modernisation Perspective

There are different variants (Olowu, 1988) of the modernisation view but the general premise is based on Riggs's conception of the prismatic society (1964). Riggs argues that a society that is transitioning from predominantly traditional to modern structures is going to be caught in a phase where the structures and norms from the past and the future interact to create something new. The nature of the new structures and norms are what distinguishes the 'prismatic' society. In this prismatic phase, the traditional structures are no longer whole and the modern structures are not fully developed, thus leading to a crisis of norms (this theory is discussed in more detail in chapter three). According to proponents of this view Nigeria, like other developing states, is passing through a phase in its transition to modernity and as such is faced with problems peculiar to such circumstances. The country is characterised by un-synthesised bureaucracies that are prone to normlessness due to the plurality of values to which the bureaucrats are subjected (Riggs, 1964, pp. 19–23), a mix of traditional and formal values. This has led to the view that the bureaucratic machinery was prematurely introduced into Nigeria through colonisation (Okoli, 1980) as there is no established way of synthesising the different values (Gusfield, 1971). In other words, in trying to balance conflicting values, some bureaucrats engage in corrupt practices that have invariably led to poor institutional performance and bureaucratic inefficiency.

Some advocates of this perspective argue that the intrinsic nature of the primordial or traditional values – e.g. gift giving (Rose-Ackerman, 1999), familial and clanship expectations (Werlin, 1972; Aluko & Adesopo, 2004; Hydén, Jackson & Okumu, 1970) – promote corruption and as such contribute to the inefficiency and poor performance of the bureaucracy. This is mainly because a key feature of gift-giving is the reciprocal obligation that follows (Mauss, 1966). With the obligation to reciprocate comes the possibility of corruption and the passing-off of a bribe as a gift. In response to this cultural argument about gifts, Hellsten & Larbi (2006) asserted that the problem with public administration in developing countries is not with the culture neither is it with the bureaucratic principles, the problem lies with the faulty foundation, ‘the lack of fit with societal contexts’ (Ibid, p. 137). The next perspective explores the political view as a reason for corruption, non-performance and inefficiency of the bureaucracy.

2.2.2. The Politicisation Perspective

Advocates of the political perspective hold the view that there was a gradual politicisation of the bureaucracy after independence and this is to blame for the downward spiral in the performance of administrative institutions. In support of this view, Hyden (1983) argued that the politicisation of the bureaucracy stemmed from the fact that the indigenous political leadership were unaccepting of the segregational policies of the colonialists which created a divide between the bureaucracy and the rest of the society, making them an elite class. Efforts to promote equality in the society led to a gradual corrosion of the formalistic ideology of the colonial times and this opened the backdoor for ethnicity and clanship in the bureaucracy (Ibid, p. 60).

Another strand of the politicisation view de-emphasised the contributions of the colonial bureaucracy and highlighted the impact of indigenous political culture on the performance of the institution (Dibie, 2003a). Advocates of this view argued that the

political arena after independence was volatile and fragile and this resulted in alliances being drawn along ethnic and bureaucratic lines (Lofchie, 1967; Suberu, 2001). The volatility in the political arena stemmed from the struggle for leadership amongst the different regions (Dauda, 1990). The commencement of the civil war in 1967 put a further strain on the administrative capabilities of the bureaucracy as they were practically in charge of running the country (Heady, 2001;) due to military rulers' inexperience with administrative affairs (Adebayo, 2000) and their pre-occupation with the war (Olowu, 2001).

In addition, there are arguments that the instability that has characterised Nigeria's political administration and earned it the label of 'a pendulum state' (Heady, 1991, p. 351) is responsible for the inefficiency and performance of the bureaucracy. Nigeria's political history is replete with the frequent foray of the military into the political arena. Military regimes have ruled the country for approximately thirty years of the country's fifty-six years since independence on 1st October 1960 (Ayo, Adebisi *et al.*, 2008). While there have been arguments as to under which regime the bureaucracy possessed more power and possibly performed better (Adamolekun, Erero & Oshinebo, 1991; Adeosun, 2011; Adebayo, 2000), there is a consensus that the frequent power tussles have left their mark on the public administrative system. The constant radical change of strategy and focus by each ruler trying to leave his 'unique' mark on the country (Jackson, 1993) has resulted in the bureaucracy being in a continuous state of unsettlement.

Policies under the various military regimes from 1966 until 1999 saw the stripping of the features of anonymity, neutrality and security of tenure from the bureaucracy (Omitola, 2012). The period was dominated by the mass dismissal of bureaucrats without due process (Olowu, 1989, 2001) which violated the principle of security of tenure that had been upheld before then (Adamolekun & Ayeni, 1990). This was a watershed for the

bureaucracy as bureaucrats sought political affiliations in order to protect their tenure (Adebayo, 2000) and where this was not possible, they resorted to corrupt practices as an alternative to political protection (Anazodo, Okoye & Chukwuemeka, 2012). One such controversial policy by the military, which was later made a part of the Nigerian constitution, is that regarding federal character. This is discussed in the next subsection.

2.2.2.1. The Federal Character Effect

The federal character principle was initially introduced in the 1950s as an informal political practice geared at preventing the domination of one ethnic group by others (Adeosun, 2011). It evolved into a form of affirmative action and was introduced into the 1979 constitution to mitigate the effects of colonial policies, on some regions, that had resulted in differences in educational attainment (Igwe, 2012). In this form, the principle was used during recruitments and promotions in the Nigerian public service. In matters relating to the Nigerian public bureaucracy, the federal character principle systematically takes into consideration the ethnic diversity of the society, paying particular attention to the ‘under-represented’ regions in the public service in order to provide a just and equitable representation in the bureaucracy (Joshua, Loromeke & Olanrewaju, 2014). It provides thus:

The composition of the Government of the Federation or any of its agencies and the conduct of its affairs shall be carried out in a manner as to reflect the federal character of Nigeria and the need to promote national unity, and also to command national loyalty, thereby ensuring that there shall be no predominance of persons from a few States or from a few ethnic or other sectional groups in that Government or any of its agencies (Nigerian Constitution, 1999, S. 14 (3))

A major reservation that was raised during a consideration of the provisions to be included in the 1979 Constitution was the ‘danger inherent in using a man’s ethnic or linguistic affiliation as the primary definition of his quality... [instead of] ideas and values which render the area or ethnic origin of a person irrelevant’ (Adamolekun, Erero & Oshinebo, 1991, p. 76). The rationale for its implementation was the domination of certain ethnic groups in government departments, ministries and agencies at the time (Mustapha, 2007; Afigbo, 1991).

On one hand, proponents of the principle have argued that its implementation had not only resulted in a more representative civil service (Mustapha, 2007), it had also enabled fairness and equity in recruitments and promotions in the service (Adibe, 2016). On the other hand, critics like Ekweremadu, the Deputy Senate President, argue that the principle has downplayed meritocracy for the furtherance of ethnic and regional agendas (Alechenu, 2016), thus affecting morale and promoting political affiliations in the bureaucracy (Adeosun, 2011). In addition, the principle is said to favour the dominant ethnic groups (Suberu, 2001) to the detriment of the 350 other groups in the country. The sheer number of smaller ethnic groups may make it impracticable to provide representativeness, this may have led to the creation of the label ‘minority’ as a category for this group of people (Rindap & Mari, 2014). With this in mind, the implementation of the federal character principle in the regional bureaucracy is argued to have led to discrimination against minority ethnic groups as the requirement for representativeness may be said to be met by randomly selecting from the group labelled ‘minority’ (Suberu, 2001). As such, political influence may be regarded as advantageous in this sense as it increases the likelihood of selection.

Contrary to the aim of integration, the federal character principle is perceived to have emphasised divisions in the public service, tending towards regional and ethnic cleavages

and exhuming old hostilities and suspicions of domination (Kirk-Greene, 1975, p. 19; Crisis Group Africa, 2006). This may have promoted politicisation and corruption in the bureaucracy as bureaucrats were more concerned with nurturing political connections and giving out favours (Adeosun, 2011) than efficiently carrying out tasks. According to Suberu (2001, p. 121) the implementation of the principle has caused an increase in patronage and clientelistic relations in the bureaucracy where politicians lobby for bureaucratic positions for constituents.

Aside from the reasons for bureaucratic corruption discussed above, there is the view that the poor and stagnant salaries of officials contributed to the spread of the phenomenon, this is explored next.

2.2.3. Bureaucrats Salaries

Proponents of this view argue that the amount of wages that bureaucrats are paid in comparison to their counterparts in the private sector has contributed greatly to the problem of corruption and inefficiency in the public service (Olowu, 2010).

Olowu (1993) and Prah (1993) observed that a host of the economic reform programs entered into by the government has inadvertently caused hardship in the society, and this is coupled with prevailing high inflation, a lack of upward review of salaries and a general deterioration of the economic conditions in the state. It helped create a chain reaction of bribery and corruption that has adversely affected performance, as bureaucrats have resorted to using their official positions to satisfy their needs (Prah, 1993), while subordinating institutional objectives and goals for personal gratification. These identified issues and causes in the public bureaucracy have created the need for reforms. Different political regimes, both military and democratic, have in the past embarked on reform efforts in order to improve the institution, these are discussed in the next section.

2.3. Reform Regimes

Since the implementation of the Nigerianisation policy in the 1940s, the practice has been that reforms in the federal bureaucracy are generally adopted and implemented by the state civil services. Hence, this section will focus on reform regimes initiated by the federal service and adopted by state civil services.

Different Nigerian governments since independence have embarked on series of reforms aimed at improving the bureaucracy's performance. Table 1 provides details of reform regimes from the colonial era till date. Most of these reforms have focused on structural issues such as the grading system in the bureaucracy, creation of different levels and departments and re-evaluation of salaries.

Table 1: Civil Service Reform Efforts: 1946 – 2016

Reform regime	Year	Nature of Reform
1. Harragin Commission	1946	Structural (created the senior and junior civil service framework) and Salaries
2. Foot Commission	1948	Structural (implementing the Nigerianisation policy of the civil service)
3. Phillipson–Adebo Commission	1952–53	Structural (to review the policy of Nigerianisation of the service)
4. Gorsuch Commission	1954	Structural (divided the service into five different salary groups) and Salaries
5. Mbanefo Commission	1959	Salaries
6. Newn Commission	1959	Structural (re-designed the civil service as ministries to be headed by Permanent Secretary)
7. Morgan Commission	1963	Salaries
8. Eldwood Commission	1966	Structural (grading structure) and Salaries

9. Adebo Commission	1971	Salaries and other conditions of service (e.g. training)
10. Udoji Commission	1974	Structures & Personnel focused (re-organised the service for the application of managerialist techniques) and Salaries
11. Williams & Williams	1975	Structures & Salaries (grading & salary structures of previous reform)
12. Decree No. 43 (Civil Service Reorganisation Decree)	1988	Structural (radical re-structuring of senior service posts)
13. Ayida Review Panel	1994	Structural (review of the previous reform) & Salaries
14. President Obasanjo's Civil Service Review	1999 – 2007	Structural (re-structuring and merger of government Ministries and Departments; financial management and reduction of the bureaucracy's overhead) & Salaries
15. Oronsaye Panel	2010 – 2012	Structural (merger of departments and Ministries, limited the tenure of senior officers and financial management)
16. Service reforms under President Buhari	2015 – 2016	Structural (focus on accounting practices, financial management and reducing overhead of the service)

Source: Created by the researcher

Despite these efforts, the institution is still besieged by poor performance and corruption (Ahmed, 2007). The following sections will discuss in more details the highlighted reforms from Table 1 above, because these mark the turning points in civil service administration, and their impact is still being felt years after implementation.

2.3.1. The Adebo Commission of 1971

A Commission was constituted in 1971 after the conclusion of the Nigerian civil war of 1967 – 1970 with the instruction to review the issues of wages and salaries of all levels of personnel in the public service (Oyelaran-Oyeyinka, 2006). In its report, however, the commission went beyond the scope of its assignment and emphasised the need for an in-depth review of the entire civil service by calling into question the ability of the institution to carry the weight of development (Collins, 1980) which had become crucial as a result of the war. Thus, it recommended that a review commission be set up to examine comprehensively the structural composition of the civil service (Salisu, 2003). This led to the setting up of the Public Service Review Commission in 1972, called the Udoji Commission.

2.3.2. The Udoji Commission of 1974

A Public Service Review Commission was set-up in 1972 and was named after its chairman, Jerome Udoji. On the recommendations of the Adebo Commission, it was constituted to propose ways of increasing the efficiency of the Nigerian bureaucracy to enable it to meet its developmental mandate (Ikeliwu, 2011). The Commission tendered its final report in 1974.

Drawing on the knowledge of its British and Canadian consultants (Olowu, 1989), the Commission's recommendations were influenced by the contents of the Fulton Report of 1968 (Olaopa, 2015), a review of the British civil service. The Commission's recommendations are regarded as one of the most comprehensive civil service reforms in Nigeria's history (Ibid, p. 3). Amongst other things they suggested the application of managerialist techniques in the public bureaucracy to improve its efficiency and performance (Adebayo, 2000, p. 213), a unified grading structure for the purpose of salary

administration (Ikeliwu, 2011, p. 36), a more detailed personnel performance management practice (Sekwat, 2002, p. 501) and training of officials (Collins, 1980). The implementation of the recommendations was another story all together, as the military government at the time decided to focus on only the part of the reforms that had to do with salaries (Olaopa, 2015, p. 4).

In the guise of following the structural recommendations of the Udoji Commission the ruling military regime summarily dismissed about ten thousand (10,000) civil servants in 1975 (Adebayo, 2000). Thousands more were dismissed between 1984 and 1985 for offences ranging from dwindling performance to drunkenness, without recourse to due process (Olowu, 1989, 2001). This violated the principle of security of tenure which before that time had been held sacred, and created fear amongst civil servants (Adamolekun & Ayeni, 1990). Consequently, the principle of neutrality of civil servants suffered, as political affiliations were sought in a bid to secure tenure of office (Adebayo, 2000, p. 213; Njoku, 2005) and this impacted negatively on performance. However, critics of the Udoji Commission reform have argued that it was far from successful because it did not take into consideration the fundamental role that the political philosophy of the environment played on the effectiveness of the bureaucracy and its reform (Olowu, 1989, pp. 63 – 67). In essence, just as the bureaucratic institution was imported this reform was also imported, as such it suffered from the same issue of ‘fit’ with cultural context. This led to the development of another reform regime.

2.3.3. Decree No. 43 of 1988 (Civil Service Reorganisation Decree)

There are two main views on the exact point the post–independence Nigerian bureaucracy started the uncontrollable slide to perceived inefficiency. The first perspective argues that the summary dismissal of over 10, 000 bureaucrats in 1975 marked a turning point for

the institution (Magbadelo, 2016; Olowu, 2001), while the second argues that the effects of Decree No. 43 was the downfall of the institution (Abah, 2016). The foundation of Decree No. 43 can be traced to a panel that was set-up in 1984 headed by Prof. Dotun Phillips, to yet again look into improving accountability, efficiency and performance of the civil service and advice the government on reorganisation (Phillips, 1991). The panel presented its report in 1985 and the recommendations of the panel was incorporated into the provisions of Decree No. 43 of 1988.

The Phillips panel focused on the structural composition of the institution and this was reflected in its recommendations. Three key features of the 1988 reform included:

1. Abolishing the position of the Permanent Secretary and replacing it with a political appointee to be called Director-General who may be chosen from within the ranks of the civil service whose tenure terminates with the administration except where reappointed;
2. The Minister, who is ordinarily the political head of the Ministry, also became the chief accounting officer – a role which was formerly under the purview of the Permanent Secretary (a career civil servant) who acted as a check on the powers of the Minister;
3. Creation of an Audit Alarm System to ensure public accountability (Phillips, 1991, pp. 230-231).

Contrary to the expectations of the reformers, the implementation of the Decree was perceived to have had a negative impact on the bureaucracy's performance. By making the top posts in the bureaucracy subject to political appointment, politicking became a formal feature of the civil service, as senior bureaucrats openly fraternised with politicians in order to gain their favour (Olaopa, 2015). Also, while in theory it may be efficient and time-saving for one person to have the power to make decisions and to also

approve funds to implement the decision, in reality however, it creates issues of accountability and this was the case with the Ministers. Fusing the political and financial powers in the Ministers resulted in wastage of public funds and outright corruption (Adebayo, 2000). The only attempt that was built into the system to make Ministers accountable was the whistle-blower feature that provided that in the case of financial impropriety, audit alarm may only be raised by the auditor who incidentally could be 'hired and fired by the Minister' (Olowu, 2001, p. 127). Thus, the reform was highly criticised for undermining the bureaucracy through a subtle infusion of politics and implementing changes that were capable of impairing accountability (Salisu, 2003) and as such contributed to the further poor performance of the civil service.

The negative impact of this reform on the civil service resulted in the need to review the institution yet again in 1994.

2.3.4. Ayida Review Panel of 1994

The next Military regime which came into power summarily constituted a reform committee that was named after its chairman, Allison Ayida, to look into the provisions of Decree No. 43 of 1988 and make recommendations as to its amendment and to the general improvement of the civil service (Omitola, 2012). The recommendations of the Panel reversed a host of the provisions of the Decree which among other things included the restoration of the position of the Permanent Secretary who was to be a career civil servant and the accounting officer of the Ministry, leaving the Minister as the political head of the institution for directional purposes (Adebayo, 2000). This had the effect of depoliticising the bureaucracy to an extent and reinstated the former accountability structure. But how effective was the reform in improving the performance of the bureaucracy?

Before the 1988 Decree was repealed by the Ayida Panel reforms, its effects had been evident in the civil service (Abah, 2016) through the perceived pervasiveness of corruption, and the general state of the institution (Oyelaran-Oyeyinka, 2006). However according to Olaopa (2015), a former Permanent Secretary, the Ayida Panel reforms did not introduce anything new, it merely reverted the bureaucracy to its pre-1988 form, at which time the institution was perceived as already being in a bad shape.

This reform was the last under the Military regime before the democratic dispensation began in 1999. From here onwards the reforms to be discussed were instituted under democratic regimes saddled with reforming a bureaucratic institution that was carrying the burdens of the past. The following sections consider how they have fared in turning the institution around.

2.3.5. President Obasanjo's Civil Service Review of 1999 - 2007

This review panel was tasked with repositioning the bureaucracy to be able to carry out its developmental function in a democratic era. As a result, the nature of the reform was quite extensive. Its recommendations focused on structural changes and the re-evaluation of salaries and other benefits. The recommendation of the commission was fashioned after the 1980s public service reform in Britain, under former Prime Minister, Margaret Thatcher, that was aimed at reducing the size of government amongst other things (Osborne & Pastrok, 1998). To achieve this objective, the reform committee recommended that various government ministries and departments should be merged while some others should be scrapped altogether (Okorie & Odo, 2014). The rationale for this view was that the bureaucracy had become too large, having various Ministries and departments carrying out similar tasks, thus bringing about corruption and inefficiency

(Omitola, 2012). This led to the dismissal of over thirty-five thousand public officials between 2005 and 2006 (Eme & Ugwu, 2011, p. 49).

Aside from reducing the size of government the reform was also aimed at improving civil service accountability and promoting efficiency and performance through general reforms to salary packages (Omitola, 2012). Accordingly, the reform panel recommended the monetisation of some benefits and the sale of government-owned houses and cars to officials (Abah, 2016, p. 4).

Critics of the Obasanjo reforms have argued that its impact on the bureaucracy was no different than previous attempts. The mass dismissal of officials emphasised the lack of security of tenure that has come to characterise the Nigerian bureaucracy (Adewumi, 2012), and this is especially so when such dismissal is marked by allegations of lack of transparency (Okorie & Odo, 2014, p. 271). Thus like previous reforms, the drive for a lean government may have further contributed to the poor performance of the bureaucracy as civil servants were more concerned with preserving their jobs (Maikudi, 2012) than delivering efficient service.

In addition, the reform was argued to have fallen prey to task duplication and inefficiency that had resulted in the need to merge departments. The rationale for the merger of government departments, ministries and agencies was built on the fact that several departments were designed to perform the same tasks leading to conflict, waste of manpower, and financial burden on the government (Bureau of Public Service Reforms, 2009). For example, the Independent Corrupt Practices Commission (ICPC) and the Economic and Financial Crimes Commission are agencies with identical functions, to fight corruption, as such, they go after the same culprits (Raimi, Suara & Fadipe, 2013). Under the Obasanjo reforms three government agencies – Bureau of Public Service Reform, Public Service Reform Team and Federal Civil Service Commission – were

assigned identical tasks, implementing the mergers (Okorie & Odo, 2014). As a result, there was an overlap and conflict of interests amongst the agencies as to the form the merger should take (Ibid p. 271), resulting in the non-implementation of this part of the reform.

The ineffectiveness of the Obasanjo reforms in improving the performance of the civil service led to the next government setting up the Oronsaye panel in 2010.

2.3.6. Oronsaye Panel of 2010 – 2012

As with previous reform commissions, this panel was named after its chairman, Stephen Oronsaye, a former Head of the Nigerian Civil Service. The emphasis of the panel was on restructuring the bureaucracy by examining how the merging of ministries and departments, proposed under the Obasanjo reforms, could be realised (Oyedeki, 2016). In its report, the Panel explained that the mass dismissal of the previous reform resulted in the bureaucracy having a pyramidal structure with an overcrowded top (Okorie & Odo, 2014, p. 272), which resulted in stagnated promotion for those lower down the hierarchy (Ogunrotifa, 2012). This may have contributed to the poor performance of the bureaucratic institution as lack of promotion may lead to reduced motivation to work.

In order to reduce the number of senior personnel at the top of the hierarchy, the Panel recommended that Permanent Secretaries and Directors should be allowed to serve a maximum of eight-years, subject to good performance (Ogunrotifa, 2012, p. 24), after which they should be retired. While this may be a pragmatic way of gradually clearing the top of the ladder, it ran the risk of being politicised (Adamolekun & Ayeni, 1990). In other words, a Permanent Secretary with the necessary political influence may not be judged solely by performance for extension of tenure. On the other hand, it was argued that the compulsory retirement of senior officials, which led to their loss of livelihood,

may have created the need for participating in corrupt activities (Okorie & Odo, 2014, p. 272). In essence, the reform had no chance of succeeding as those to implement it were negatively affected by its provisions.

Similar to the Obasanjo regime, the recommendations of the Panel were only partially implemented and the merger of government ministries and departments was also ignored. The continuing perceived inefficiencies of the Nigerian bureaucracy led to the reforms embarked on by the current president, Muhammadu Buhari.

2.3.7. President Buhari's Civil Service Reforms, 2015 - 2016

The current civil service reforms being pursued by President Buhari are based on some partially implemented and unimplemented reform recommendations under President Obasanjo and the Oronsaye Panel (Abah, 2016). In the bid to reduce the size of the civil service, President Buhari has proceeded with the merger of some government ministries and departments and the dismissal of over ninety top bureaucrats (Payne & Laessing, 2016). The most touted reform is the changes made to government accounting system, which created the Treasury Single Account (TSA) (Eme, Chukwurah & Iheanacho, 2015). The TSA is a centrally controlled account which requires all government ministries, agencies and departments to remit all revenues to a central point. The rationale behind the scheme is that it promotes transparency and discourages corruption, as payments, expenditures and receipts are all centrally monitored (Bello, 2016).

As an accounting and transparency policy, the TSA has been lauded as the best tactic to curtail financial loss in the public bureaucracy and curb corruption (Eme, Chukwurah & Iheanacho, 2016; Ude, 2016). According to Adeosun, the Minister of Finance, the implementation of this policy has resulted in over ₦3 Trillion (over £10 Billion) being

remitted by different government agencies, ministries and departments (This Day, 2016) to the central coffers. Thus, this reform has been lauded as a success as it has led to a significant reduction in public service accounting–type corruption (Bello, 2016, p. 5).

Additionally, the Integrated Payroll and Personnel Information System (IPPIS), of the past administration, which required the data of every government employee to be stored in a central location for better payroll management was expanded to cover most of the civil service (Balogun, 2016). The implementation of this reform has led to the detection of over 65, 000 fictitious employees (New Telegraph, 2016) called ‘ghost workers’, saving the government about \$11.5 Million monthly in monies not paid to corrupt officials.

However, due a lack of data, the impact of the reform on civil service performance and service delivery in general is still uncertain. With the economic focus of this reform, corruption ‘against’ the government may have been reduced, but can the same be said about corruption involving service users? The focus of these bureaucratic reforms in Nigeria have been on the institution to the exclusion of other stakeholders, suggesting that the performance and corruption problems of the bureaucracy can only be solved through an internal reform process. Hence, each reform regime takes a critical look at the structures of the institution to determine where the fault lies. In certain cases, wastage and siphoning of public funds may be reduced through policy implementation, but the issue of perceived bureaucratic corruption and inefficiency still persists.

Various explanations have been proffered for the persistence of this situation, one of which is that the reform designs were imported from Western countries without a proper consideration of the cultural and environmental factors that would impede their effectiveness in a different setting (Olowu, 1989). Another argument is that the improper and partial implementation of reforms is responsible for the ineffectiveness of reform

regimes (Olaopa, 2015). Others have argued that insincerity and a lack of political will is a possible reason why some good reform recommendations are left on paper (Ogunrotifa, 2012) and not pursued further. For example, with regards to political considerations, Oyelaran-Oyeyinka (2006) argued that some past governors of Lagos state carried out politically motivated civil service restructuring which had been counter-productive as they led to further overlapping of functions and inefficiency. An example of this was the simultaneous creation of the positions of the Head of Service, Secretary to the State and the Office of the Chief of Staff; with virtually the same job description (Oyelaran-Oyeyinka, 2006, p. 181). The effect was that instructions from one office was overruled by the other. Such duplications and overlapping underscores the fact that some good bureaucrats are underutilised and this may create a situation of friction within the organisation that may result in delays in decision making and poor service delivery and organisation performance.

Aside from the reasons described above, an absence of sincerity on the part of political and administrative heads have been blamed for the less than optimal impact of civil service reforms, as the implementation focus for reforms have been described as being cosmetic and peripheral with the emphasis on remuneration (Agagu, 2008). Table 1 shows that the tradition of colonial civil service reforms, which was generally focused on civil service structures and salaries of officials, was sustained by successive governments after independence. Paying scant consideration to the need for attitudinal change which was highlighted by Marrinho's (1967, p. 97) description of public officials' psyche. A change in reform strategy might be necessary to achieve a different result. It is argued that the impact of stakeholders such as the service user, on the functioning and practices of the bureaucracy is oftentimes ignored and this is reflected in the structural focus of civil service reforms.

2.4. Chapter Summary

In terms of structure, the Nigerian bureaucratic institution has come a long way from its colonial administrative roots, but the paradox is that it still largely shares the same problems that plagued the colonial institution. One of the main problems of Nigerian civil service is the issue of bureaucratic corruption, which has led to poor performance (Anazodo, Okoye & Chukwuemeka, 2012). Over the years, different reforms have been recommended to improve the civil service, but with questionable results. This may be due to the ideological foundation of the issues, that the bureaucrats are the problem. Thus reforms have been centred on the bureaucratic structures and the bureaucrats, with no consideration of the role of other stakeholders in shaping the practices in the institution.

Regardless of the target of bureaucratic reforms, corruption is still perceived as a key factor in the poor performance of the Nigerian bureaucracy, as such, the next chapter examines the concept of corruption.

CHAPTER 3

THE CONCEPT OF CORRUPTION

Corruption is perceived as one of the main hindrances to efficient public service delivery (Cockcroft *et al.*, 2008). In order to improve service delivery, it is important to understand its nature and why it defies the various reforms that have been embarked upon in the past. This chapter contains a review of the literature on corruption. The review begins with a look at the ambiguities surrounding the general understanding of corruption. Through examining some definitions and debates of the concept I will argue that the popular understanding of the phenomenon may not be telling the whole story, as it puts the focus wholly on public institutions to the exclusion of other stakeholders.

The chapter is divided into four sections, the first being corruption as a concept. In this section the focus is on examining the various attempts at defining the phenomenon and the emphasis of these definitions on the public official. It goes further to discuss the various forms of corruption, the scale and theoretical underpinnings of these understanding of the concept. Different categories of corruption are also examined, highlighting one of its common forms, bribery. The section closely examines the nature of bribery and other related acts which are easily misunderstood with concepts such as gift giving. Section two discusses corruption in its relational context. The section reviews the research that has been carried out on service user involvement in corrupt practices and the general impact of the perception of corruption on the way service users construct their social reality. How corruption is understood from the perspective of the legal profession is addressed in section three. This section reviews how corruption is constructed in the legal profession under the legal ethics discourse, and how ethical dilemmas may lead to corrupt practices. This area is reviewed to help the reader to better

understand the context of my study. The main ideas I will be researching is drawn together in the fourth section along with the conclusion.

3.1. Defining Corruption

In recent times, there is a marked interest in the subject of corruption all over the world and this is evident from the substantial volume of research on the concept. An initial search of the term *corruption* within the last five years returned 151, 000 documents on Google Scholar, 22, 123 on JSTOR and 11, 093 on ScienceDirect. The yearly data

Table 2: Breakdown of 'corruption' search from ScienceDirect (2012–2016)

Year of publication	Number of documents
2012	1, 766
2013	2, 125
2014	2, 372
2015	2, 869
2016 (JAN - JUN)	1, 963

Source: Created by researcher with data from ScienceDirect (accessed 20th June 2016)

from ScienceDirect, as portrayed in Table 2, indicates a rapidly growing interest in the subject. Research interest in this area may be influenced by various ongoing corruption scandals e.g. the Petrobras scandal in Brazil (Segal, 2015), the FIFA and IAAF scandals (Miller & Barbash, 2015; WADA, 2016), and the growing body of work on anti-corruption.

However, the weightier question seems to be ‘what actually is corruption?’ While the term has been variously used to describe aberrant and illegal actions (Asian Development Bank, 1998) a striking feature of corruption literature remains the lack of agreement on a

definition. This section begins with a critical examination of some of the popular definitions, descriptions and categorisation of corruption.

3.1.1. Corruption as an enigma

The phenomenon has been described as being ‘elusive’ (Caiden, 2005, p. 286; Leys, 1965) and ‘slippery’ (Shore & Haller, 2005, p. 8; Lazar, 2005) making it difficult to capture its essence. Many writers have either shied away from proffering a definition (Senior, 2006, p. 20) or stuck to a discussion of its different manifestations. In other words, as far as a standard definition of corruption is concerned, there exists no consensus amongst politicians (UNODC, 2004) as well as academics (Osei-Hwedie & Osei-Hwedie, 1999).

Despite the lack of a standard definition of corruption, researchers have defined and described the concept mostly from either a disciplinary or an ideological standpoint (Lennerfors, 2008; Meny, 1996). There are three key features that, however, cut across the different disciplines, these are: 1.) the notion that corrupt practice is tied to an official position, 2.) that there has to be a departure from the laid down procedural rules and, 3.) the departure is usually instigated by self-interest. The multi-disciplinary definitions, highlighted in Table 3 below, suggests that these features are not mutually exclusive, the three have to be present at the same time for there to be an assumption of corrupt practice.

Table 3: Example of disciplinary definitions of corruption

Author / Year	Definition / Description of Corruption	Discipline
1. Brooks, 1909, p. 4	The intentional misperformance or neglect of a recognised duty, or the unwarranted exercise of power with the motive of gaining some advantage more or less directly personal.	Political Science
2. Nye, 1967, p. 419	Corruption is behaviour which deviates from the formal duties of a public role because of private-regarding (close family, personal, private clique)	Political Science

	pecuniary or status gains; or violates rules against the exercise of certain types of private-regarding influence. This includes such behaviour as bribery (use of reward to pervert the judgement of a person in position of trust); and misappropriation (illegal appropriation of public resources for private-regarding uses).	
3. Huntington, 1968, p. 59	Behaviour of public officials which deviates from accepted norms in order to serve private ends.	Political Science
4. Alam, 1989, p. 444	Corruption...may be defined as (1) the sacrifice of the principal's interests for the agent's or (2) the violation of norms defining the agent's behaviour.	Economics
5. Tarkowski, 1989, p. 53–54	Corruption...is any activity motivated by interest, violating the binding rules of distribution, the application of which is within one's responsibility...	Sociology
6. Meny, 1996, p. 313	A clandestine exchange between two markets – the political and/or administrative market and the economic and social market. This exchange is covert, since it violates the public rules of law and ethics, and sacrifices the general interest to private gain (personal, corporate, factional etc.). Lastly, this transaction, which enables private actors to have access to public resources (contracts, financing, decisions) in a privileged and biased way (absence of transparency and competition), procures for corrupt public figures immediate or future material benefits for themselves or for the organisation of which they are members.	Political Science
7. Rose-Ackerman, 1996, p. 365	Corruption...occurs in such societies when officials use their positions of public trust for private gain.	Economics
8. Neild, 2002, p. 6	The breaking by public persons, for the sake of private financial or political gain, of the rules of conduct in public affairs prevailing in a society in the period under consideration.	Economics
9. Anand, Ashforth & Joshi, 2004, p. 40	Misuse of an organisational position or authority for personal or organisational (or subunit) gain, where misuse in turn refers to departures from accepted societal norms.	Organisation Studies
10. Senior, 2006, p. 27	Corruption occurs when a corruptor (1) covertly gives (2) a favour to a corruptee or to a nominee to influence (3) action(s) that (4) benefit the corruptor or nominee, and for which the corruptee has (5) authority.	Economics
11. Ashforth, Gioia, Robinson &	The illicit use of one's position or power for perceived personal or collective gain.	Organisation Studies

Treviño, 2008, p. 671		
12. Lange, 2008, p. 710	The pursuit of individual interests by one or more organisational actors through the intentional misdirection of organisational resources or perversion of organisational routines.	Organisation Studies
13. Collins, Uhlenbruck & Rodriguez, 2009, p. 90	An act done with the intent to give some advantage inconsistent with official duty and the rights of others.	Organisation Studies
14. Roberts, 2015, p. 82	The illegitimate use of public or communal resources for private gain.	Accounting

Source: *Developed by the researcher*

An example of the first feature, that for an action to be deemed corrupt it must be tied to an official position, is given in Nye's (1967) commonly cited definition of corruption as being 'behaviour which deviates from the formal duties of a public role ...' (Table 3, No. 2). When taken together with Anand, Ashforth & Joshi's (2004) definition, 'misuse of an organisational position or authority ...' (Table 3, No. 9), this suggests that corrupt practices can only emanate from persons occupying an 'office', in which case it is immaterial whether the position is held in a private or public organisation. However, as this research explores the nature of corruption in public institutions, I will be focusing on definitions with similar 'public official' outlook.

Having established that an individual is a public official, the second feature which is the departure from official rules and regulations is the next requirement to be considered. This precondition is exemplified in corruption definitions such as Nield's (2002) 'the breaking by public persons... of the rules of conduct...' (Table 3, No. 8), and Alam's (1989) 'the violation of norms defining the agent's behaviour' (Table 3, No. 4) amongst others. While it may generally be assumed that the norms that these authors refer to are those regarding the formal rules and regulations of the institution, the question may then

arise as to the position of informal institutional rules, i.e. organisational practices, considering the impact that they have in shaping the way things are done in the organisation (Keig, Brouthers & Marshall, 2015). It is unclear how informal norms are categorised, especially where the rules of informal practices are in opposition to those of the formal rules. In this regard, Huntington (1968) provides a much broader definition, ‘behaviour of public official which deviates from accepted norms...’ (Table 3, No. 3). In this case, ‘accepted norms’ may be extended to cover departures from both formal and informal rules and practices.

The final feature to be considered is that the public official is usually motivated by self-interest or private benefit (World Bank, 1997). For the official to be regarded as acting in a corrupt manner authors such as Lange (2008) and Brooks (1909) have emphasised that exercise of authority should be ‘in the pursuit of individual interest’ (Table 3, No. 12), ‘...with the motive of gaining some advantage more or less directly personal’ (Table 3, No. 1). While Brooks and Lange’s descriptions focus on the benefits that accrue to the individual from a corrupt transaction, the definition by Ashforth, *et al.* (2008), i.e. ‘the illicit use of one’s position or power for perceived personal or collective gain’ (Table 3, No. 11), suggests that benefits from a corrupt transaction could also be in the interest of the organisation.

To provide a better understanding of the phenomenon, the following subsections provide a more detailed discussion of some of the definitional features of corruption.

3.1.1.1. The Public Office

Definitions of corruption suggest that an action must be carried out in an *official* capacity for it to be labelled corrupt. In other words, the official must use the powers and discretions associated with his or her public role to his own benefit. It has been argued

that this perspective of corruption is based on the assumption that a clear distinction exists between the public and private spheres (Mungiu, 2006) and the crossover between the spheres is what brings about corruption. The popularity of this strand of argument is predicated on Max Weber's description of a legal-rational bureaucracy (Polzer, 2001, pp. 18–19; Gerth & Mills, 1946). According to Weber, the ideal typical bureaucracy is an organisation that has attained the maximum level of rationalisation of services and interests. He argues that at optimum rationalisation, there is a clear distinction between the role and needs of the bureaucrat as a public official and his or her needs as a private individual, and there is no room for a crossover or overlap of those needs (Gerth & Mills, 1946, p. 214–216). In other words, there is a requirement for the bureaucrat to keep the two spheres separate – public on the one hand and private on the other – to enable the growth of an efficient and rational bureaucracy. Corruption thus emerges where the public and private spheres are not distinguished (Ruud, 2000; Riggs, 1964), thereby undermining the rationality of the bureaucratic institution. It must, however, be noted that Weber's conceptualisation of rationality in this manner was based on an ideal type of organising and not on reality.

Aside from highlighting the sphere that corruption takes place, definitions of the concept also focus on the public official as the sole participant.

3.1.1.2. The Public Official

Popular descriptions of corruption emphasise the culpability of the public official. There is a pervading presupposition that the corrupt person must be in a *public* office and as such imbued with powers or authority that is misused for their own *private* needs (World Bank, 1996, p. 95; Neild, 2002, p. 6; Rose-Ackerman, 1996; Nye, 1967). Hence the focus of most descriptions and definitions of corruption has been on a predetermined culprit – the public official – with hardly a mention of the existence of other participant(s) (Senior,

2006). This omission is further emphasised when, for example, considering the nature of *bribery* a form of corruption which is regarded as the most common manifestation of the phenomenon (Jain, 2012; Cleveland *et al.*, 2009). The public-centric view of corruption fails to consider the interest-based nature of corruption (Roberts, 2015) which is by no means restricted to public office holders. As such, this popular definition of corruption can be said to raise issues of definitional boundaries. That is, at what point can a transaction be said to be corrupt? In the case of bribery, which ordinarily involves the exchange of money or any other form of payment for the extra services rendered by the public official – is it after the public official collects the money from the briber that corruption has taken place? Or does the term ‘corrupt’ only apply if the public official coerces the service user to make the payment? These are questions that are not addressed in corruption literature. Thus most corruption definitions do not take into consideration the role of other participants who can also initiate the transaction for their own reasons.

In Senior (2006), the role of other stakeholders in a corrupt transaction is articulated. According to him, the following elements *must* be present for corruption to occur:

A corruptor (1) covertly gives (2) a favour to a corruptee or to a nominee to influence (3) action(s) that (4) benefit the corruptor or nominee, and for which the corruptee has (5) authority (Senior, 2006, p. 27).

In other words, the nature of a corrupt transaction is such that it can be initiated by any of the parties, therefore such a term as ‘corruptor’ is fluid and does not necessarily apply to the public official at all times as suggested by popular definitions of the phenomenon. The significance of this definition lies in the fact that it acknowledges the somewhat fluid nature of the relationship which exists between the parties in a corrupt transaction.

However, one of the possible drawbacks of this description is the requirement that the favour must be *covert*, which raises the question of what happens in a situation where exchange of favours is the norm and not the exception. By insisting that secrecy must characterise a corrupt transaction the description fails to take into consideration situations where corruption is systemic and as such could pass as ‘an unwritten convention which is known and accepted by all’ (Mény, 1996, p. 310).

Furthermore, the Asian Development Bank (ADB) also argued that definitions which focus on public officials as the only culprit are too narrow as they do not take into consideration private actors in corrupt transactions (ADB, 1998). According to the ADB:

Corruption involves behaviour on the part of officials in the public and private sectors, in which they improperly and unlawfully enrich themselves and / or those close to them, or induce others to do so, by misusing the position in which they are placed. (ADB, 1998, p. 9–10).

Much like the definitions suggested by Senior (2006) and Collins *et al.* (2009) the ADB definition is more rounded as it considers the private and public office holders as potential deviants. Despite the Bank’s inclusion of private sector actors, the ADB’s definition could be regarded as a mere extension of the World Bank’s popularly cited definition of corruption – ‘the abuse of public office for private benefit’ (World Bank, 1996). As the definition may still be interpreted to mean that corruption is only perpetuated by *office* holders, regardless of whether they are in the private or public sector. Consequently, the ADB’s definition is still bedevilled by the question whether corruption is strictly an ‘office holder’ problem and where the answer is in the negative, it gives no inkling as to who the other participants are in a corrupt transaction.

The difficulty of finding a definition to cover every form of corrupt behaviour has led researchers to either focus on a discipline-specific discussion of the phenomenon or examining the different manifestations of corruption. The next section explores specific theoretical foundations of some popular definitions and causes of corruption. It highlights the reasons why certain forms of corruption are prominent in some societies.

3.1.2. Corruption Discourse

Corruption discourses in the social sciences can be said to fall into either of two main paradigms – the *structural* or the *interactional* variety (Shore & Haller, 2005). According to professors of anthropology Shore and Haller (2005), the structural brand of corruption is most common in developmental studies, especially studies on the formation and development of societies and democracies. To proponents of this view, corruption is a phenomenon that occurs as a result of the nature and / or organisation of societal structures – which intrinsically is a symptom of an underdeveloped democracy or a society in transition. Examples of theoretical perspectives which fall under this category are those of Weber’s ideal-typical bureaucratic institution (Gerth & Mills, 1946) and Riggs’s theory of the prismatic society (1964), which is discussed under the structural functionalist perspective.

In contrast to the macro perspective of the structural approach is the interactional school of thought. Proponents of the interaction variety of corruption discourse emphasis the individualistic feature of corruption (Shore & Haller, 2005; Johnston, 1996). It is grounded in the micro-level analysis of human behaviour. Examples of this approach can be gleaned from the popular definitions, discussed in Table 3 (p. 53), of corruption as the abuse of public office for private benefit. This perspective examines the behaviour of participants to a corrupt transaction but, in most cases, with a focus on the public official due to the perceived distinctions between the public and the private arena (Lennerfors,

2009). Two perspectives will be discussed under this heading – Rose-Ackerman’s institutional economics view (1999) which is also called the rational–actor approach and the relational view. The relational view was adapted from the principles of social exchange theory and developed out of the work of Marcel Mauss, Claude Levi-Strauss and Bronislaw Malinowski (Torsello, 2015, p. 169).

Accordingly, the next section will proceed with the discussion of these perspectives by first examining the structural approach and then proceeding to the interactional approach.

3.1.2.1. Structural Perspective: Weberian Ideal-Type

Bureaucracy

This perspective developed out of the work of Max Weber, a German Sociologist and political scholar. In his research on ideal-typical bureaucracy, he posited that this administrative form, characterised by hierarchies and a strict adherence to rules and procedures, is the most efficient form of organisation to eradicate the ‘spoils’ regime prevalent in America and Europe at the time (Gerth & Mills, 1946, p. 18; Lynn, 2006). It should be noted that despite his acknowledgement of the spoils system and political corruption in both Europe and America, corruption was not the main focus of Weber’s research (Rubinstein & Maravic, 2010). Rather he argued that the bureaucratic institution was indispensable to a society that seeks development and yearns to be more democratic, and this administrative tool can bring about the necessary changes through the process of rationalisation.

As discussed in the sections explaining the definitional features of corruption, (Section 3.1.1.1, p. 56), rationalisation is a key characteristic of Weber’s ideal-typical bureaucratic institution. It affects the functioning of the institution and the nature of the ensuing relationship between the bureaucrats and the people they serve. The institution is

described as highly efficient and staffed with specialist and objective officials, leading to the delivery of a considerably depersonalised service, strictly based on the rules and regulations of the institution; with one of its cardinal rules being the separation of the private needs of the bureaucrat from the needs of the office (Gerth & Mills, 1946, pp. 215, 197). The focus on the individual public official in this manner resonates with the perspective of the interactional school of thought. However, the difference between this perspective and those of the interactional view is that the flaws in the structure of the bureaucracy are what gives rise to corrupt behaviour. These flaws are noticeable because the structures of the society and its various institutions are still in flux (Hoetjes, 1977 cited in Graaf *et al.*, 2010). Thus the full development of the institution and society will mean the crystallisation of a rational bureaucracy and the possible eradication of bureaucratic corruption.

In discussing the ideal-type bureaucratic institution, Weber highlighted some of the important features of the institution to include, security of tenure, meritocracy in recruitment and depersonalisation of bureau officials (Gerth & Mills, 1946, pp. 196–203). According to these highlighted features, the Nigerian bureaucracy is yet to attain rationalisation, as the existing administrative institution is argued to lack some characteristics prescribed by Weber, such as meritocratic recruitment and promotion (Mustapha, 2007; Suberu, 2001; Minogue, 2000), tenure security (Adebayo, 2000; Adamolekun & Ayeni, 1990) and depersonalisation (Aluko & Adesopo, 2004, p. 18) amongst other things. As a result, the lack of these key features in the Nigerian bureaucracy creates opportunities for corruption and these opportunities are, arguably, exploited by some bureau officials. As stated earlier, due to the idealised character of the bureaucracy as envisioned by Weber, it is impossible for any bureaucracy to possess all the features.

3.1.2.2. The Structural Functionalist Perspective

One of the most influential works in this area is that of Riggs (1964) on prismatic societies. According to Riggs transitioning (prismatic) societies are a halfway house between underdevelopment (traditional) and being fully developed. In most of these transitioning societies, a foreign institutional process is influencing the traditional society. Due to the foreign nature of the institution the subsystems are in a constant state of flux trying to negotiate a settlement between adopting the practices of the foreign and retaining the traditional features. Consequently, the combination of these practices i.e. the traditional and foreign creates a form of unsettlement or uncertainty or even rebellion against the unrecognisable institution that has been created.

To proponents of this view, a society is made up of different subsystems with various phenomena playing a role or function, in this case corruption is deemed a functional phenomenon. Corruption is regarded as a 'functional disfunction' which enables adaptation to changes in the various sub-systems (Porta, 1996, p. 349). Thus, advocates of the structural-functional approach argue that corruption is a tool to be utilised during the developmental process of the society at which stage it will help propel the wheels of development through snags occasioned by the change process. With this ideology is also attached a naive optimism that with development chances are that it would fade as the need for it diminishes (Werner, 1983). Riggs discusses these features in his explanation of the functioning of the adapted institutions that has been created, which he referred to as the *sala model*.

In Riggs-style, 'sala' is another word for the bureaucratic institution that is plagued by a considerable level of corruption in a prismatic society. He posited that this may be as a result of the extensive overlapping caused by the imposition of new western practices on old traditional ones, thus leading to the proliferation of adapted practices, and these

adapted practices have corrupt features embedded in them (Riggs, 1964, p. 12–13). While the overlap apparently causes some form of heterogeneous practices in the different sub-systems it is imperative to understand that it reinforces the creation of what may be described as ‘different publics’ – the modern public, influenced by western practices and the traditional public, influenced by prior socialisation. For emphasis, although officials in these modern institutions are expected to adhere to its prescribed norms and practices they are also members of the traditional public and thus subject to its norms and practices. Therefore, creating a situation that Riggs called poly-normativism (Riggs, 1964, p. 277–278). A condition where the individual official is confronted with a variety of incongruent norms and is judged for his or her adherence or nonadherence by the two publics (Ekeh, 1975). According to proponents of the functionalist perspective, corruption becomes a useful tool to navigate the resulting tensions created in the sub-systems due to the plurality of values and norms which have become highlighted as a result of the developmental change process.

The form of dualism created in these societies was extensively discussed by Professor Ekeh, a renowned political scientist, in his influential work, *Colonialism and the two publics in Africa* (Ekeh, 1975). Of significance is Ekeh’s argument that the developing society (African) is made up of three realms. The ‘civic public’ – the western influence – the ‘primordial public’ – the traditional influence and the ‘private realm’. This description raises a curiosity of how the common understanding of corruption fits into this conceptualisation of the phenomenon. Based on the nature of dualism in corruption literature, which relates to the public and private spheres, the fit of these definitions to the developing (African) state context may be weakened by a lack of specificity as to the ‘public’ it refers. In light of Ekeh’s propositions and Riggs discussion of the transitioning society, the current understanding of corruption which is arguably based on the presumption of a universal monolithic public seems unsubstantiated, as its non-existence

is what has been posited to be the main cause of corruption in these societies, because it supposedly connotes the unsettlement of the structures of the society during the change process.

The subsequent sections now turn to an examination of micro-level considerations in corruption discourse i.e. the interactional approach to studies of corruption. Under this approach, the institutional economics perspective and the relational perspective are considered.

3.1.2.3. Interactional Perspective: Institutional Economics Approach

This approach is grounded in the field of economics and made popular through the works of Rose-Ackerman (1999, 2004, and 2010). The focus is on the behaviour of officials of public institutions. According to proponents of this view participation in corrupt transactions is based solely on a consideration of profit maximisation. Thus, based on market considerations, the individual public official is in possession of a scarce resource which he or she can sell to willing buyers in order to maximise his own profit (Rose-Ackerman, 2010; Jacsics, 2014). This perspective is based on a principal–agent discourse which posits that there is a conflict of goals between what is prescribed by the principal and what is eventually carried out by the agent (Persson, Rothstein & Teorell, 2013). In other words, the agent is in violation of the entrusted interests of the principal in favour of a much lucrative personal gain.

However, the premise of this argument seems to be based on an assumption that corrupt practice is restricted to the lower cadre of (bureaucratic) institutions or in the case of grand corruption, that there is another authority that could demand accountability of the senior public official. In cases of systemic corruption which has been referred to as

corruption based on a ‘collective action’ problem (Persson *et al*, 2013) or ‘social trap’ (Rothstein, 2011, p. 232) – meaning corruption that resonates within the entire society and not just the institution – this creates a much more complex scenario than the principal–agent theory may be able to explain. As the principal may also view corruption as the norm, thus the agent may not be seen as violating per se or the principal may have no will to enforce sanctions where there is a violation (Persson *et al*, 2013, 2010). Thus, reforms based on this popular model of combating corruption may be set-up to fail due to the complexity of the problem on ground.

The next subsection turns to a discussion of the relational approach which also identifies with the interactional ideology.

3.1.2.4. Interactional Perspective: Relational Approach

This approach developed out of anthropology, from the works of Malinowski (1922, 1944), Mauss (1954) and Lévi-Strauss (1969) on gift giving and its use as a tool of exchange in building relationships and social interdependence. Social interactions, particularly interpersonal relations, calls for reciprocity. According to Blau (1964), the nature of the benefits from these reciprocal relations act as the sustenance for long-term relationships, but might not necessarily result in direct or immediate monetary rewards.

Social exchange networks may become structured along two lines – vertical and / or horizontal (Jancsics, 2014, p. 364–365; Blau, 1964, p. 25–32; Malinowski, 1922, 1944). The vertical structure highlights the power imbalance between the members in an interaction, which results in a patronage situation. For example, a bureaucratic official and his or her superior may create a patron–client relationship which leads to the superior being unable to enforce sanctions against the corrupt junior official. On the other hand, the horizontal structure has reciprocity based on status equality of members or transacting

parties. Popular examples in this respect are the *guānxi* network in China (Matondo, 2012), *blat* in Russia (Ledeneva, 2008) and *confianza* in Latin America (Lomnitz, 1988). In most of these cases, the networks are sustained through the exchange of favours between peers.

It should be noted however, that the relational view of corruption is not far removed from Rose-Ackerman's institutional economics perspective as they both explore the exchange of scarce resources between participants. Nevertheless, the main premise is that the strict economic view of utility maximisation is inadequate to explain the complexity of corruption (Torsello, 2015; Lomnitz, 1988). Proponents of this view argue that contrary to the institutional economics perspective of a simplistic agent–client relation, it may be more astute to consider a larger network of participants (Jancsics, 2014) whose informal mode of transacting has been built into the formal social processes (Lomnitz, 1988).

It is essential to understand that the foundation of this relationship is mutual benefit based on *trust*. Trust in this regard relates to 'relational trust' (Rose-Ackerman, 2001, p. 529) based on reciprocity as opposed to trust in government and its institutions. In the case of developing countries, such as Nigeria, there is a general low level of trust in government and a diversion of trust to social networks along ethnic cleavages (Ekeh, 1975). Interactional exchanges which promote corrupt practices may become prevalent in these social networks, subjecting the bureaucratic official to what has been termed the 'economy of affection' (Hyden, 1995, p. 8). That is the membership of a network that may require the public official to provide administrative favours and advantages to friends, relatives and other members of the network with the promise of future assistance or benefits when required (Lomnitz & Sheinbaum, 2004).

While the perspectives discussed in this section highlight the actions and behaviours that give rise to certain types of corruption in some societies, the next section discusses how these practices are grouped in corruption studies.

3.1.3. Categorising Corruption

Categorising corruption may take one of two forms, a detailed or an overarching view (Lambsdorff, 1998). The detailed view focuses on the actions and behaviour that constitutes the corrupt practice, while the overarching view emphasises the scale and impact of the actions. Johnston and Sharma (2004) and the Asian Development Bank (1998) provided examples of the detailed view of corruption by describing some actions and behaviours which qualify as corrupt:

- Bribery (extortion and kickbacks) – is a reciprocal exchange where the service user makes a form of payment to the public official in exchange for an extra service (Rose & Peiffer, 2015). Due to my interest in these types of interactions, the concept of bribery is explored in more depth in the next section;
- Procurement fraud (including collusion, overcharging, or the selection of contractors, suppliers, and consultants on questionable criteria) – as governments are one of the biggest spenders in most societies (Sikka & Lehman, 2015, p. 62), this results in the area of procurement being highly susceptible to corrupt practices due to the extent of discretion exercised by public officials in this area (Neu, Everett & Rahaman, 2015);
- Payments to government officials to foster or sustain monopolistic or oligopolistic access to markets and influence peddling (favour-brokering and conflict of interest) – these are some of the features of rent-seeking (Hillman,

2013). In this scenario the public official creates avenues for corruption by peddling his influence to the highest bidder;

- Embezzlement of public funds and properties – relates to situations where public officials appropriate or divert public funds for their personal benefit (Morris, 2011);
- Clientelism and patronage (politicians giving material favours in exchange for citizen and party support) – describes some reciprocal exchanges between people in unequal power relations (Jancsics, 2014). Continuity or iteration is described as a key feature of this type of relation (Hicken, 2011, p. 292)
- Illegal campaign contributions (giving unregulated gifts to influence policies and regulations);
- Obstruction of justice and interference in the duties of agencies tasked with detecting, investigating and prosecuting illicit behaviour.

Under the overarching view corruption can be classified as being either petty or grand (Jancsics, 2013). According to Professor Theobald (2008), petty corruption which is also referred to as low-level corruption (Rose-Ackerman, 1999), can be described as follows:

Low level public servants (including police and military personnel) performing narrowly circumscribed roles within formal organisations, breaking or not observing rules and procedures in return for pecuniary rewards or other forms of self-aggrandisement (Theobald, 2008, p. 160).

In contrast, grand corruption is in principle not so different from petty corruption. However, the players are more senior public officials in the highest levels of government – in dalliance with other politicians, private corporations and international agencies – with the power to not only bend rules but also create and influence policies for self-aggrandisement (Maeda & Ziegfeld, 2015; Hellman & Kaufmann, 2001; Gray, 2015) and

oftentimes the monetary rewards from this is far more substantial than those involved in petty corruption. Therefore, considering the apparent huge and varied nature of corrupt transactions, this research does not presume to examine all the possible manifestations of corruption, rather the focus is on petty corruption especially in the form of bribery. As such the next section examines the concept of bribery in more details.

3.1.4. Understanding Bribery

Bribery is the most commonly encountered form of corruption (Jain, 2012), and depending on the participants and amount of money involved can either be grand or petty. Researchers in the health sciences commonly refer to it as ‘informal payment’ (Lewis, 2010; Cockcroft *et al.*, 2008; Gaal, & McKee, 2006;), while in the social sciences it is sometimes referred to as ‘rent’ or ‘rent-seeking’ (Coolidge & Rose-Ackerman, 1997). Rent-seeking can be distinguished from bribery, although the distinction may be blurry in certain circumstances. Rents have been likened to favours or influential gifts wielded by a public official (Hillman, 2013) and in order to obtain these rents, resources are expended by the rent-seeker (Aidt, 2016). In other words, bribes may be paid in the pursuit of a rent. Rent-seeking is a broader concept identifying certain actions and behaviour that is concluded with a bribery transaction. The ambiguity surrounding these concepts creates the need for a deeper exploration.

Understanding the concept of bribery is particularly important because of its prevalence in the day-to-day contact between the individual and the government in most developing countries (Blundo *et al.*, 2006). According to Rose & Peiffer (2015) this phenomenon directly affects more than 1.6 billion people each year (p. 2). Despite the significant number of people affected by this form of corruption, very little research is focused on understanding this concept from the perspective of those that it is described to affect

(Jancsics, 2013). To provide a clearer picture of this widely impacting phenomenon the next subsection commences the review of bribery by examining its definition.

3.1.4.1. Defining Bribery

Much like corruption, defining bribery has been a difficult task for researchers due to a lack of consensus as to acts which should carry the tag. Social practices in some developing societies, particularly gift-giving, creates further division among researchers on acts which should be categorised as bribes (Gordon & Miyake, 2001). Unclear boundaries between where a gift stops and a bribe begins have contributed to the lack of a universally agreeable definition of bribery. Rose & Peiffer defined bribery as:

An exchange between an individual and a public official in which the former gets a service to which he or she is not entitled and the official gets a material benefit (Rose & Peiffer, 2015, p. 3).

This definition represents the popular understanding of bribery (Lindgren, 1993) and reflects the guilt of both participants i.e. the briber and the official. Although it clearly states the participants and their roles, it also raises the issue of how to measure the actual services that a user is entitled to get, as this may not be easily identified in certain circumstances. Take for example when dealing with a public bureaucracy with characteristically long and indeterminable processing times, how will the entitlement of a service user be determined? Also, with regards to the definition, others have argued that a bribe-related benefit does not necessarily accrue to the official, it could be for the benefit of a third party (Bello, 2014).

Providing a broader definition, the Organisation for Economic Co-operation and Development (OECD) described bribery thus:

Involves intentionally offering, promising or giving any undue pecuniary or other advantage to an official or decision maker, with the intention that the official or decision maker acts or refrains from acting in relation to the performance of their duties (OECD, 2013, p. 10).

This definition emphasises the culpability of the bribe payer without clearly identifying those of the official. In this sense, for a payment to be labelled a bribe it has to originate from the service user, what then will such a payment be called where it is requested by the public official? Such a request has been described as the main feature of ‘extortion’ (Grødeland & Koshechkina, 1998, p. 672). Similarities between bribery and extortion leads to the need to distinguish the acts. Extortion by a public official has been defined as:

The seeking or receiving of a corrupt benefit paid under an implicit threat to give the payor worse than fair treatment or to make the payor worse off than he is now (Lindgren, 1987, p. 825).

Based on these definitions of bribery and extortion, identifying the ‘initiator’ of the transaction presumably determines the label that is attached to the act. In the case of bribery, emphasis is placed on the service user being the initiator while the opposite is the case for extortion. With extortion an important distinction is noted, this is the requirement that *threat* be used by the official to influence the action of the service user. This element is significant because in the absence of such threat a request for payment by the official does not translate to extortion as long as the service user is still given a fair treatment (Lindgren, 1993), it rather amounts to soliciting for bribes. However, the question still remains, in the absence of an institutional benchmark what constitutes ‘fair treatment’? Simply put where a service user makes informal payment to get something

‘extra’, bribery has occurred, but where the absence of such payment leads to a less than normal service, this leads to an implication of extortion (Lindgren, 1987, p. 826).

The reciprocal nature of bribery transactions has led to the argument that reciprocity distinguishes the act of bribery from other social practices which may disguise a similar exchange (Tanzi, 1998). This view on reciprocity leads to a discussion of such similar exchange in the form of gifts.

3.1.4.2. Gift Exchange and Bribery

Gift giving is considered an essential part of social interaction as it creates social bonds between people. The controversial nature of the practice has resulted in the lack of an agreeable definition amongst researchers interested in this social practice (Camenisch, 1981). The dictionary definition of a gift as something given voluntarily without payment in return – as to show favour towards someone, honour an occasion, or make a gesture of assistance – reflects an ideal-type understanding of the practice. This understanding of a gift is the basis of the argument that ‘reciprocity’ is the main feature that differentiates a gift from a bribe (Tanzi, 1998, p. 565). Such conception does not reflect the reality of the practice (Parry, 1986, p. 455) as reflected in Mauss’s famous work on gift and its significance in the society (1966). The exchange is deemed important not only because of the value of what is gifted but more for the ‘spirit’ behind the gift that creates an obligation on the part of the receiver to reciprocate (Mauss, 1966, pp. 8–9). This is where gift’s similarity with the practice of bribing is emphasised, as a briber only makes a payment based on the assumption that the official will reciprocate by providing the required service. While the requirement to reciprocate is implicit in the case of gift exchanges, it is explicit in bribery as the corrupt transaction may be viewed as a form of contract, payment made for services rendered.

The difference between a gift exchange and bribery is also reflected in the moral undertone that the practice takes in the society. Generally, the exchange of gifts is positively perceived, while the opposite is the case with the payment of bribes. The use of the term 'bribery' denotes a moral condemnation of the act in question (Steidlmeier, 1999, p. 125) and it makes participants to distance themselves from the negativity that it signifies. Common tools typically used to express morally repugnant or distasteful words are euphemisms and doublespeak (Mintz, 1992). These linguistic tools are used to purify words to disinfect them from the associated negativity. Thus by relabelling negative acts with positive ones there is a gradual distancing of the negative interpretation. In the case of bribery and gift-giving, the requirement for reciprocity that is tied to both acts may enable corrupt parties to pass off a bribe by relabelling it as a gift. Therefore, in societies where gift-giving is an integral part of the relationship network, there is the tendency for a blurring of the line between a bribe and a gift (Steidlemeier, 1999), making it that much more difficult to determine when the line is being crossed.

Consequently, language plays an important role in how an exchange is constructed by the parties involved. The relabelling of corrupt exchanges through the use of euphemisms and doublespeak has created the need to pay closer attention to what people say in order to be able to decipher what they actually mean (Pinker, Nowak & Lee, 2008, pp. 833–834). This underscores the argument of discourse analysts that social interactions cannot be understood in isolation of the discourses that give them meaning (Phillips & Hardy, 2002, p. 3). It would be enlightening to explore how service users in this context use language to discursively construct their actions and interaction with the bureaucracy.

The review thus far has critically examined how corruption researchers have constructed the public officials as agents of corruption in their exploitation of institutional structures.

The next section sees a departure from this view to explore the role of service users in corrupt practices and how they are perceived and constructed by researchers in this area.

3.2. The Service User: A Silent Supporting Cast?

This section explores the role of service users in bureaucratic corruption and how they have been cast in previous public administration literature. The review emphasises the dearth of literature in this important area and suggests a closer look at the roles of participants in a corrupt transaction.

As discussed in the sections on defining corruption and bureaucratic reforms in Nigeria, the perspective of bureaucratic culpability is so prevalent in corruption research that there are limited studies on the role of the service user in its reproduction (UNODC, 2011; Smith, 2010). An instructive study in this regard was carried out by Smith (2010), a professor of anthropology, on the social reproduction of corruption amongst Nigerians. His work highlights the everyday participation of the ordinary Nigerian in petty corruption, specifically in the form of bribe payment. Describing the role of individuals in corruption, Smith encapsulates the paradoxical roles which people in this community face as thus: ‘ordinary Nigerians are participants in a process wherein they are simultaneously the main victims and the loudest critics’ (Smith, 2010, p. xii). The statement clearly shows that the people, in this case service users, have a role that they play in the perpetuation of corrupt practices, but what is the nature of this role? Researchers in this area are silent on the issue.

A review of the literature revealed that very few corruption researchers consider the perspective of service users (Jancsics, 2013), and where they do a macro perspective is preferred. Two main reasons have been suggested for the preference of a macro view, the first is the ready availability of countrywide data from Corruption Perception Indexes

(CPI) (Andersson & Heywood, 2009). The second is the assumption that participants in corrupt transactions are unwilling to talk about their participation (Blundo et al., 2006), hence a reliance on quantitative techniques that take an overarching view of the issue. Macro perspectives of the concept have led to researchers not paying enough attention to service user corruption. Compared to other disciplines the public health sector reveals a growing scholarship in this area. Some of the research on service user corruption in this field includes examining the impact of informal payments amongst users of the Greek health services (Souliotis *et al.*, 2016), analysis of the practice of informal payments amongst rich and poor users of health services across thirty-three African countries to determine its impact on quality of service (Kankeu & Ventelou, 2016), and a study of service users experience of health care in Estonia, Latvia and Lithuania after some major reforms (Cockcroft *et al.*, 2008), amongst others. A key issue raised in discussions on service user corruption is the impact of perception on the behaviour of service users (UNODC, 2011) and how some of these perceptions are not founded on the actual experience of the individual's interaction with the institution. However, the perception held plays a role in influencing Users' behaviour and subsequent interaction with the institution. As a result, the following subsections will examine the literature for the impact that perception of corruption has on the way service users interact with public institutions.

3.2.1. Impact of Service User Perception on Reality: A Possible Case of Distorted Vision

Corruption and what is perceived as corrupt actions in a society may be described as part of a social process (Melgar, Rossi, & Smith, 2010) which reflects the general understanding of the rules and what constitutes a departure from the same. An act which may be deemed corrupt in one society might be normal or justifiable in another (Melgar & Rossi, 2012). However, perception plays a central role on how the rules are interpreted

and translated into actions (Goffman, 1959; Melgar, Rossi, & Smith, 2010). Social perception itself has been described as possessing ‘subjective influences’ (Jussim, 2012, p. 14) which may consist of individual expectations, fear, bias etc. These subjective influences are deployed to interpret social environments, interactions and reality (Berger & Luckmann, 1966). The importance of perception in any society is particularly noted in the relationship between the individual and the government, as the perception the public has of its government influences the level of perceived corruption in its agencies (Van de Walle & Bouckaert, 2003) and the society as a whole. This in turn informs the actions of the service user when interacting with the public institution. For example, Nigeria’s rank at number 136 out of 167 countries on Transparency International’s CPI database (Transparency International, 2015), and the fact that the ‘fantastically corrupt’ comment of Prime Minister, David Cameron went viral could form the basis of perceptions held by business people thinking to enter the Nigerian market. Such perceptions could influence their behaviour by prompting them to seek out ‘middlemen’, who supposedly understand the way things are done, for corrupt transactions from the outset before actually interacting with the market to determine whether it is corrupt or not.

Similarly, the level of tolerance to corrupt activities may be amplified by a high rate of perceived corruption in the society (Čábelková & Hanousek, 2004). The response of the government to high-profile corruption scandal is identified as a key influencing factor in this respect (Ibid, p. 384). As this informs the general public, service users and bureaucrats alike, of the acceptability of corrupt actions and the extent to which it should be recognised as the norm or otherwise. In such societies, there is the possibility that the majority of the people that take part in corruption assume it to be the norm (UNODC, 2011), and in any case a victimless crime. Addressing the issue of tolerance and normalisation of corruption in the African context Kwaku Osei-Hwedie, a professor of African public administration, and Osei-Hwedie (1999), noted that in Nigeria corruption

is now perceived as a way of life while in Sierra Leone it has attained the level of being perceived as a culture (Osei-Hwedie & Osei-Hwedie, 1999; Smith, 2010). Based on these observations, the likelihood that service users in these societies are merely passive participants or by-standers, is quite low.

However, users are still generally perceived and strictly cast in the literature as victims, without taking into consideration the variable nature of corrupt relations. Justifications for such typecasting have included: the pursuit of quality service (Souliotis *et al.*, 2016; Ensor & Thompson, 2012; Gaal & Mckee, 2006); evasion of red-tape (Melgar, Rossi, & Smith, 2010); educational attainment of the individual service user which enables knowledge and understanding of the proper procedure (Melgar & Rossi, 2012); indigenous traditional beliefs in the society (Hyden, 1995; Moyo, 1992), fear of being sanctioned by bureaucratic officials where bribe is not paid (Hunt & Laszlo, 2012) amongst others. These arguments do not take into consideration the influencing ability of perception. Research in some countries have noted the impact of perception on service user actions and behaviour, these are discussed in the next subsection.

3.2.1.1. 'We Ourselves Are Guilty'

So far in this review, 'perception' has been extended as a concept of significance, but to what extent does it influence service user behaviour? A United Nations report on Serbian public service users suggests the possible psychological impact that the perception of corruption has had on the perpetuation of bureaucratic corruption (UNODC, 2011, p. 35). This impact is reflected in the fact that in more than half (56%) of bureaucratic encounters, service users are the *initiators* of bribe payments and such involvement is rationalised by the perception of mutual benefit (UNODC, 2011). The data on service users in the Czech Republic and Slovakia reveals that the problem of bureaucratic corruption does not reside solely with the bureaucrats as more than half of the respondents

believe that bureaucratic corruption is being sustained by the majority of service users who are eager to bribe officials for services (Miller, Grødeland & Koshechkina, 2001). Furthermore, the data from Nigeria also reflects the culpability of the service user in the social reproduction of corruption (Smith, 2010).

Considering the impact of perception in shaping the behaviour and disposition of service users towards bureaucratic corruption it is unsurprising that the data from Latvia reveals that majority of the respondents agreed with the statement that ‘a system whereby people could anonymously report instances of corruption would *not* be successful because corruption is a natural part of our lives and helps solve many problems’ (Anderson, 1998, p. 48). The data from Ghana also suggested that a considerable percentage of respondents were reluctant to report the collection of a bribe (Ofori-Atta & Gadzekpo, 1999) on similar grounds. Thus, justifying a Ukrainian service user’s statement that: ‘we ourselves are guilty’ (Miller, Grødeland & Koshechkina, 2001, p. 75). Despite evidence pointing to a co-production of corruption, (UNODC, 2011; Miller, Grødeland & Koshechkina, 2001; Anderson, 2001) researchers in this area have consistently sought to justify the participation of the service user in corrupt activities.

An effect of a high rate of perceived corruption in the society is that it may not reflect social reality. In other words, a public display of governmental tolerance for corruption may not be consistent with practices in every government ministry or department (Miller, 2006). Thus creating a distortion between what is perceived and what is experienced. The World Bank research in Latvia is an example of a situation where perception does not necessarily reflect reality. The findings from Latvia suggests that the prevailing perception about the judiciary was that bribes were a necessity 30 to 40 percent of the time, however, only 14 percent of actual service users *experienced* the need to pay a bribe (Anderson, 1998, p. 48). The United Nations researched Serbia and found that the lands

registry was generally perceived to be one of those institutions immune to corruption, but actual experience reveals that this institution has one of the highest records of bribery from service users who encounter it (UNODC, 2011, p. 37). Miller, Grødeland & Koshechkina (2001) reported similar findings from their field work in the Czech Republic, Slovakia, Bulgaria and Ukraine, where over four-fifths of their respondents perceive that a bribe would most likely be needed in an encounter with the state ministry, however only a fifth had 'rarely or never' experienced fair treatment without the payment of a bribe (Miller, Grødeland & Koshechkina, 2001, p. 91). A similar conclusion was drawn from the research in Romania (Anderson et al, 2001). This illustrates that a reliance on only the perception of service users as the basis of a reform may be misleading, thus a better understand of what influences their construction of reality is essential (Miller, 2006). This is important because the variation between perception and what is experienced might have a substantial impact on service delivery and its improvement (Melgar, Rossi, & Smith, 2010). Previous reform efforts may have been focusing on just the perception of corruption and not the actual experience of service users.

Despite possibilities of service user induced corruption and the arguments in some quarters of the unbalanced nature of current research in corruption (Robertson, 2006; Hindess, 2001; Vogl, 1998), the majority of the literature on corruption still adopt a rigid public sector perspective in studying the phenomenon (Jancsics, 2013). This may largely be as a result of the pervading 'othering' (Polzer, 2001, p. 11) or externalisation (Lennerfors, 2009, p. 12; Dracklé, 2005) of corrupt practices in the society. Corruption is viewed as sinister, people rarely admit to their voluntary participation in such practices but rather transfer the blame to another, and in this case, the usual culprits are the public office holders, hence the current dearth of literature on service user corruption, particularly the role of local private and professional individuals in corrupt practices.

The growth of evidence on acts of bribery and other forms of corrupt practices by international businesses in developing countries led to the current international regulatory regime (Pae, 2008). Although the regulations are geared towards discouraging international bribery and other corrupt practices (OECD Anti-Bribery Convention, 1997; Foreign Corrupt Practices Act, 1977; Leigh & Evans, 2007), the extent of their effectiveness is debatable (Sikka, 2008). While the importance of researching the practices of these international organisations is ever present, as they have been implicated severally for laundering monies for political office holders in developing countries and bribing officials to obtain contracts (Africa All Party Parliamentary Group, 2006, p. 20), this group of culprits do not sum up private participation in public corruption. A consideration of this is noted in the work of Sikka, a professor of accounting, on the role of accountants in the perpetuation of corruption (Sikka, 2008). In his research, he examined the involvement of accountants in corrupt practices by analysing the inherent professional skills which properly qualifies the individual professional and firm to participate in corruption unfettered. This is an exceptional example of an insight into specific professional bodies which is rare in corruption literature and thus bears further consideration. In this regard, this study seeks to examine another professional body, legal practitioners, whose inherent skills and legal obligations makes them vulnerable to corrupt practices.

The next section considers the relationship between legal practice and corruption. It specifically discusses how the nature of legal practice and the skills of the legal practitioner can be used for corrupt ends.

3.3. The Legal Practitioner and Ethical Considerations

A discussion of corruption within the legal literature is generally found under the discourse of professional misconduct and legal ethics. While there are lots of discussions about unethical practices amongst legal practitioners, there seem to be a literary reluctance to go a step further to examine corruption and corrupt practices amongst lawyers. Therefore, to proceed with this unexplored area the next section will turn to the critical examination of legal and professional ethics which is supposed to guide the actions and conducts of members of this group.

From an outsider's perspective the legal practitioner, ordinarily, represents a symbol of ethics. Legal practitioners all around the world are subject to a form of legal ethics, whether codified or otherwise, which in Nigeria is primarily contained in the Legal Practitioner's Act (2004) and the Rules of Professional Conduct for Legal Practitioners (2007). In the United States, it is referred to as 'professional responsibility' and legal practitioners are subject to the rules and guidelines adopted by the American Bar Association which is contained in the Model Rules of Professional Conduct (Schiltz, 1999). In the United Kingdom, the profession is not fused as it is in Nigeria and the United States and legal practitioners have to either choose to be a solicitor or a barrister, and they both have different rules on ethics. On the one hand, solicitors are guided by the Solicitors Regulation Authority's Code of Conduct (2011) and on the other hand, barristers are guided by the Bar Standards Board and the Bar Council (The Bar Council, 2016). Due to the dearth of literature on legal ethics amongst Nigerian lawyers and the similarity of the professional framework in Nigeria with those of the United States, there will be a reliance on the extensive ethics literature of the latter. To understand what legal ethics means to

legal practitioners in order to appreciate how its violation ties in with corruption, the following subsections examine the concept.

3.3.1. Exploring Legal Ethics

Like most concepts, ethics has various meanings depending on who is asked. It has been described as the moral compass which directs the choices and behaviour of individuals based on general beliefs of right and wrong (Velasquez, Andre, Shanks & Meyer, 2015). However, this description is regarded as being too broad for legal practitioners due to the inherency of contradictions in the practice of law (Chambliss, 2012). These contradictions have led to legal practitioners occupying ‘institutionally schizophrenic’ (Wolfram, 1986, p. 585) roles. The basis of such contradictions is usually professional or personal. Professional contradictions arise due to the conflicting duties that the practitioner owes to the courts and the client (Rules of Professional Conduct, 2007, rule 30; Hussey Freeland, 2012). While personal contradictions originate from the practitioner’s consideration of such matters as finance and reputation in their legal practice. These contradictions will be expanded later. The meaning of legal ethics will be discussed first.

3.3.1.1. Defining Ethics in Legal Practice

According to Black’s law dictionary, a widely used reference dictionary for lawyers and students of the law, the third definition of legal ethics is:

A lawyer’s practical observance of or conformity to *established standards of professional conduct* (2009, p. 976).

This definition emphasises adherence to established standards as the criteria for complying with ethical requirements. In other words, as long as the practitioner conforms to the requirements prescribed in the written or unwritten codes of conduct there is an

assumption of ethical practice. The next question that arises is how comprehensive are these ethical codes of practice? The codes are such that they provide basic ethical requirement and give practitioners considerable discretion to determine what is ethical in situations not specifically provided for (Matther & Levin, 2012; Wilkins, 2012). It is doubtful that any one code of conduct will be able to provide for every ethical dilemma that a practitioner may likely encounter. In practice, where the basic prescribed standard and ordinary morality are in conflict, legal practitioners in most cases revert to the professional code of conduct as the requirement expected and nothing more (Schiltz, 1999; Chambliss, 2012) resulting in a narrow construction of legal ethics. Which leads in certain circumstances to practitioners being accused of unethical conduct (Frenkel, Nelson & Sarat, 1998).

Further clarification was provided on legal ethics, by the Black's Law Dictionary. It went on to elaborate;

In one sense, the term 'legal ethics' refers narrowly to the system of professional regulations governing the conduct of lawyers. In a broader sense, however, legal ethics is simply a special case of ethics in general, as ethics is understood in the central traditions of philosophy and religion. From this broader perspective, legal ethics cuts more deeply than legal regulation: it concerns the fundamentals of our moral lives as lawyers' (Deborah L. Rhode & David Luban, *Legal Ethics* 3 (1992) quoted under "Legal Ethics" in Black's Law Dictionary, 2009, p. 976)

Despite the broader perspective advocated above, there is a difference between finely stated moral advice and the decisions a practitioner has to make when confronted with the scenario (Frenkel, Nelson & Sarat, 1998). In reality these unregulated situations create dilemmas that act as the rationale for some unethical or even corrupt decisions that legal

practitioners make in the course of their duties. Tenbrunsel & Messick (2004) explain the downward spiral of decision making from the straight-and-narrow to the unethical and corrupt in a framework called *ethical fading*. This framework will be explained in the next subsection.

3.3.1.2. Ethical Fading and Legal Practitioners

This is a process whereby ethical decisions have gradually been ‘bleached’ of their moral implications to the extent that the social actor does not see the absence of morality in his or her decisions. Thus, a legal practitioner in this state may participate in bureaucratic corruption without a consideration of the ethical implications of such actions while rationalising that they have followed the letters of the rules of professional conduct which advocates for a seasoned representation of clients’ interest. A person in this state may, arguably, be regarded as being under the influence of ‘self-deception’ (Tenbrunsel & Messick, 2004)

Self-deception has been explained by the dual concepts of ‘intention’ and ‘knowledge of the contradictory nature of the belief that is held’. In other words, where a person *knows* that s/he holds a contradictory belief and still acts on it, there is an assumption that such deceptive acts are intentional (Levy, 2004; Deweese-Boyd, 2006). Recent studies on the subject have gradually moved away from this strict culpability view. Self-deception may be as a result of falsely believing or being unaware of motivational biases that underscore our actions and judgments (Mele, 2001; Messick & Bazerman, 1996). Consequently, self-deception can make a legal practitioner act in a self-interested manner with no regards for ethical considerations, while holding the belief that s/he is being objective. Tenbrunsel & Messick posits that there are ‘enablers’ which aggravate self-deception, three of which are; language euphemisms, the slippery slope of decision making and biased perceptual causation (2004). These self-deceptive enablers reinforce this state by re-labelling the

ethically questionable actions, rationalising the actions in terms of its economic or legal importance and transferring the blame or responsibility for the act to another, thus discarding the attendant ethical burden.

Applying the concept of self-deception to the legal practitioner, there is an assumption that the letters of the codes of professional conduct are being followed, however, the line between ethical requirements and morality can be blurred to non-existence. The professional is probably unaware that the morality has been drained from his or her actions. An example of this is given in the quote by Schiltz, a professor of law and a serving judge in the United States federal court, as thus:

Unethical lawyers do not start out being unethical [...] they do not become unethical overnight; they become unethical [...] a little bit at a time [...] by cutting a corner here, by stretching the truth a bit there. Let me tell you how you will start acting unethically: It will start with your time sheets. One day, not too long after you start practicing law, you will sit down at the end of a long, tiring day, and you just won't have much to show for your efforts in terms of billable hours. It will be near the end of the month. You will know that all of the partners will be looking at your monthly time report in a few days, so what you'll do is pad your time sheet just a bit. Maybe you will bill a client for ninety minutes for a task that really took you only sixty minutes to perform. However, you will promise yourself that you will repay the client at the first opportunity by doing thirty minutes of work for the client for "free." In this way, you will be *"borrowing," not "stealing"* [emphasis mine]. And then what will happen is that it will become easier and easier to take these little loans against

future work. And then, after a while, you will stop paying back these little loans (Schiltz, 1999, p. 917).

Of particular importance in the above quote is the euphemistic use of *borrowing* in place of *stealing*. The nature of such relabelling may act to distance the speaker from any possible negative interpretation of their actions by others and most especially to themselves. Thus crystallising the self-deceptive tendencies alluded to by Tenbrunsel & Messick (2004). Also, these self-deceptive tendencies may have the ability to make the professional believe that since corrupt transactions are deemed popular in the public sector, bribing officials to allegedly hasten the transactions of their client may not be breaching any ethical or moral duty (Robertson, 2006). But rather, they may see themselves as ‘obeying’ the perceived norms of transacting business with government departments. Continuous exposure to such corrupt practices leads to the slippery slope of decision making, thus, dissociating the individual from their actions and enabling the rationalisation of corrupt behaviour (Ashforth & Anand, 2003; Tenbrunsel & Messick, 2004).

The inherent conflict which exists in legal practice and the consequent minimalist construction of the rules gives practitioners the ‘discretionary space’ (Wilkins, 2012, p. 25) to construct the kind of ethics they would like to practice. Some authors have argued (Rose-Ackerman, 2008, 2010; Neu *et al.*, 2015; Dalton, 2006) that discretion is often the subject of abuse and the foundation for corrupt behaviour. However, due to the alleged schizophrenic nature of legal practice and the preponderance of conflicting values, the possibility of providing strict rules of ethical conduct for all legal practitioners may be an illusion. This is mainly because it raises contextual issues which Chambliss (2012) refers to as the benchmark problem. Due to the nature of conflicts in the practice of law, what then is the desirable standard to determine the ethicality of a legal practitioner’s actions?

Also in what context can a practitioner be said to have overstepped her discretionary boundaries in the fight to protect the client's interest?

3.3.2. Contextualisation in Legal Ethics

Deciphering the applicable context in which to apply specific rules of professional conduct has always been an issue in the legal profession (Mather & Levin, 2012). The main cause being ethical dilemmas brought about by the concurrent duties a practitioner owes to the client and court. These two duties reflect the professional and personal conflicts which the practitioner encounters in practice. The duty to the court is allegedly based on a call to serve the public and to aid in the administration of justice (Hussey Freeland, 2012). However, it is characterised by uncertainty as to what the duty actually entails (Gaetke, 1989). The duty appears to be in stark contrast with the duty to the client, who is regarded as 'the first and foremost concern' of the legal practitioner (Patterson, 1979, p. 1263; Mtavangu, 2015).

The conflicting interests of the public and private roles have raised arguments as to whether the practice of the law should be regarded less as a profession and more as a business (Whelan, 2009). If it is to be regarded more as a business, under what context will the practitioner be viewed as an 'officer of the court?' As legal practitioners are not measured on their duty, but on their finances and reputation (Aspen, 1994, p. 517), they are in the 'business' of the law, and like investors, clients pay attention to this bottom line when shopping for representation. Thus a quote from the *Interim Report of the Committee of Civility of the Seventh Federal Judicial Circuit* (1991) in the United States is informative of this current state of legal practice:

'The law profession is now a competitive business with enormous pressures on lawyers... I have found a "kill or be killed" attitude between

lawyers who will probably never see an opposing counsel in another case.

Clients also seem to want lawyers who take the "Rambo" approach and lawyers give in to this pressure (cited in Aspen, 1994, p. 517).

If the above interpretation is coupled with the ambiguity surrounding the role of the legal practitioner as an officer of the court (Gaetke, 1989), there is bound to be greater identification with the much clearer client-centred role. At this point the personal dilemma becomes mixed up with the professional, as competition amongst practitioners for clients enables the client to ask the impossible and the practitioner may not be in the position to refuse. This type of pressure may induce the practitioner into a sort of 'the end justifies the means' form of legal practice which may in turn gradually drain out ethical considerations from legal decisions.

The diversity of legal practice area is another reason for professional conflict. The codes provide generalised ethics to be observed by all practitioners, but it might be inapplicable in the context of the specific practice area (Wilkins, 1990). For example, there is a significant difference between the norms and ethical considerations of a divorce practitioner, a property practitioner and those required in insolvency practice. As such ethics in these specialised areas are fuzzy and mostly left to the discretion of the legal practitioner (Chambliss, 2012; Wilkins, 2012) guided by the norms prevalent in that field. The norms might tend towards unethical practice, and even the normalisation of corrupt activities if unfettered discretion is allowed in these specialist areas. Thus this review suggests that the conflict-prone arena of legal practice may be an area ripe with corrupt practices. As such, it would be interesting to study the legal practitioner as a user of public services and how the nature of the legal terrain, in general, shape their interaction with the public bureaucracy.

3.4. Chapter Summary

Corruption in the public sector has generally been viewed as a public official related problem, and this is reflected in the definitions and general understanding of the phenomenon. The tendency to view the official as the sole participant in corrupt transactions stems from the alleged distinction between the public and the private roles of the official. It has led research in this area to ignore the role and impact of other participants in bureaucratic corruption, despite existing data suggesting the active participation of service users in the reproduction of the phenomenon (UNODC, 2011; Miller, Grødeland & Koshechkina, 2001; Smith, 2010).

This review exposes a dearth of research on service users' participation in corruption. The few research in this area has focused on the perception of corruption rather than actual experience. Perception of corruption does not reflect the actual level of corruption in the society, rather, it has been suggested to increase participation in the reproduction of the phenomenon (Čábelková & Hanousek, 2004). Thus, understanding the role of the service user in bureaucratic corruption is important as it informs on how their behaviour impacts on the services of the public institution and the perpetuation of bureaucratic corruption.

The research gap on corruption in legal practice is fascinating considering that the legal profession is prone to ideological conflicts. In order to fill this gap, will it not be interesting to study the legal practitioner as a user of the services of the public bureaucracy? In this quest, the study will discursively construct the ethical environment of legal practice in Nigeria and how this affects the interaction between the practitioner and the public institution. Thus enabling a better understanding as to their participation or otherwise in bureaucratic corruption.

CHAPTER 4

RESEARCH DESIGN, METHODOLOGY AND ANALYTICAL METHODS

The review of corruption research in Chapter three led to two discoveries. Firstly, the fact that there have been very few empirical studies on corruption amongst service users, and secondly, the existence of the phenomenon is barely acknowledged in the legal profession, despite the annual increase in studies on corruption (See Table 2, p. 47). In the field of law, corruption is revealed to be a topic that is taboo, hence the use of the word ‘misconduct’ with regards to any untoward behaviour amongst practitioners. Such a substitution suggests the level of importance of language usage in constructing phenomena and social reality. But this important role of language is not reflected in mainstream consideration of corruption. Also not reflected is the role of service users in a corrupt transaction; this research aims to address these knowledge gaps as shown in the objectives outlined in the next section.

4.1. Aims and Objectives of the Study

This study aims to improve the general understanding of corruption by providing empirical data on the gaps in the study of service user corruption and legal profession construction of the phenomenon. Representing a departure from the mainstream focus on public officials this research sought to provide a better understanding of service users and their role in a corrupt transaction. Owing to the fact that bureaucrats are not the sole participants in a bribery transaction, the research aimed to shed more light on the nature of such transactions and the role played by service users in the reproduction of same. The study also sought to understand the nature of the interactions between service users and service providers and how this interaction shapes the behaviour of the service user.

The lack of research on corruption amongst legal practitioners and service users provided me with the opportunity of filling these gaps simultaneously, through a consideration of the legal practitioner in his role as a service user. In other words, the study aims to understand the phenomenon of bureaucratic corruption as constructed by professional service users, in this case, legal practitioners, of a public bureaucracy. The resulting goal is to illustrate how their perception of the phenomenon has influenced their behaviour and interaction with the bureaucracy through an analysis of their spoken experiences. A reason for the emphasis on spoken experience is not only because this perspective is underutilised in corruption research, but also because it provides an effective way to distinguish between the perceptions and experiences of the individual and the effect of this on their behaviour.

Consequently, the study expects to contribute to the literature and inform reform policies through a better understanding of incidents of corruption in the public bureaucracies of developing countries, while also providing suggestions for further studies in this area.

4.2. Research Question

The research sought to provide answers to the question **‘are service users merely the ‘unfortunate’ victims of bureaucratic corruption or co-producers of corruption?’**

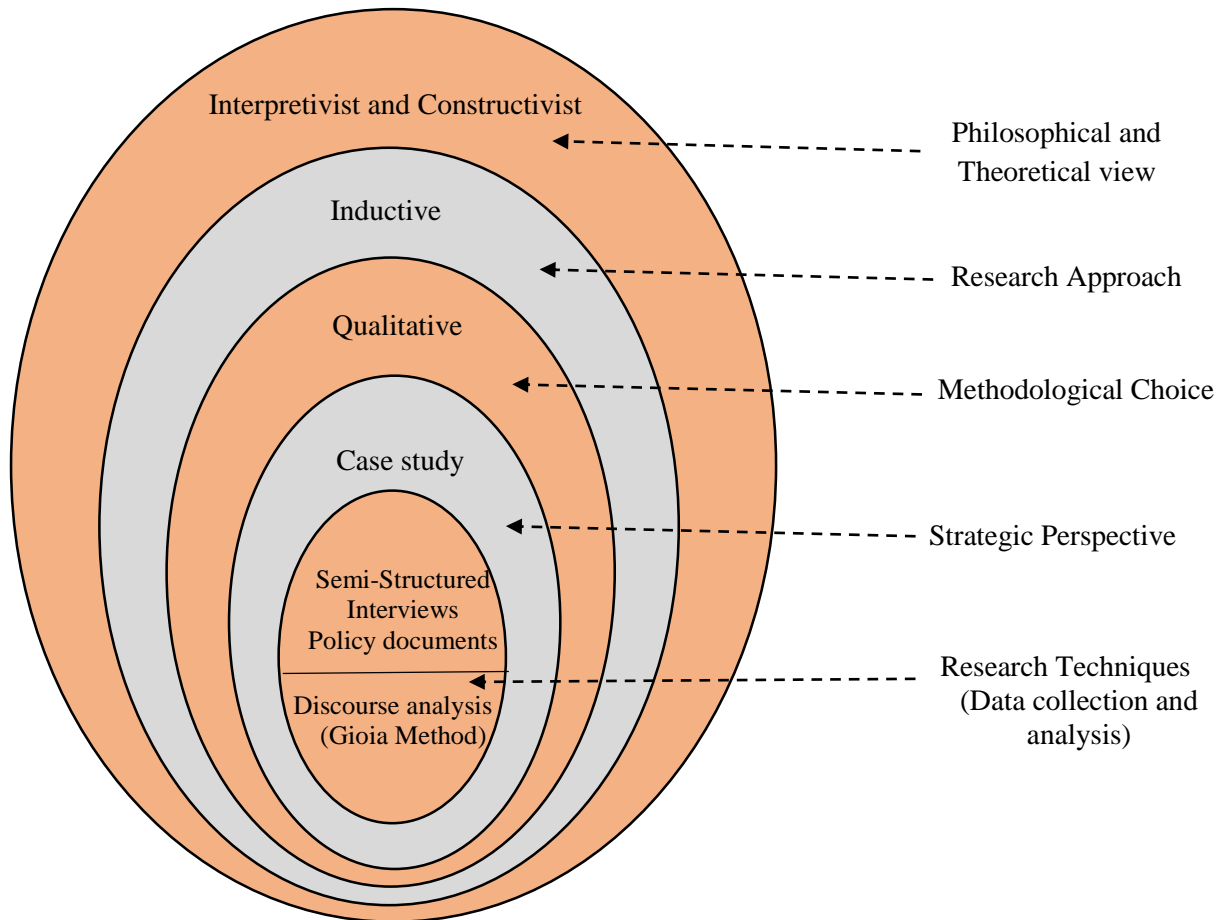
The nature of this question led to a review of my past encounters with certain public institutions in Nigeria, and a notable one is the Lagos state Lands Bureau. In my capacity as a legal practitioner, I have had extensive experience interacting with the different departments of this institution and I am familiar with the informal notoriety of the institution with regards to bureaucratic corruption and poor service delivery, but I never considered the impact of my actions on the Bureau and how this might shape the nature of the service that is delivered. As such, the study’s focus on how legal practitioners discursively construct corruption through the description of their experiences interacting

with the services of a public institution provides a unique insight into how interaction is constituted through talk.

The remainder of this chapter provides comprehensive details of the research design adopted, the discussion of which is divided into six sections. Description of the philosophical and theoretical view underpinning this research is provided in the first section. The section highlights the interpretivist and constructionist foundation of the research. The second section discusses the inductive approach that was employed as a result of the nature of the enquiry. This is followed by a discussion of the qualitative methodological choice and consideration of the approaches popularly used in corruption research, highlighting their fit or lack thereof with the present study. The fourth section describes the different analytic strategies that were examined and the rationale for choosing the case study approach. A discussion of the research techniques employed is carried out in the fifth section and this section is divided into two, pre-fieldwork and post-fieldwork. Pre-fieldwork describes the rationale for the selection of the public institution, the participants and ethical considerations made before the actual data gathering exercise. The section on post-fieldwork describes the data management and analysis process and reflexive activities of the researcher. Section six provides a chapter summary.

Commencing the discussion is a pictorial adaptation of the research 'onion' by Saunders, Lewis & Thornhill (2012, p. 128) (See Figure 4), showing the different layers of the research and what was covered in each layer.

Figure 4: Representation of the Research 'Onion'



Source: Adapted from Saunders, Lewis & Thornhill (2012)

Representing the outer layer, the first section provides a description of the theoretical and philosophical foundations that underpin the study, this is discussed next.

4.3. Philosophical and Theoretical View

A research enquiry is shaped by the nature of its philosophical assumptions, which is made up of the ontology and epistemology. Ontology refers to the nature of social reality (Raadschelders, 2011), in respect of which three key decisions have been identified. According to Hansen (2010) these include making decisions about what exists, what should be studied and what constitutes the basic nature of what is studied. Ontology encompasses how corruption is perceived and conceptualised in the different fields of research, particularly in public management, and an understanding of the different

features that make up the phenomenon (Blaikie, 2007). As such, the understanding of corruption could either be from an objectivist viewpoint – the belief that a phenomenon or its meaning is separate from the social actor and not determined by them – or from a subjectivist / constructionist perspective – which holds that a phenomenon or social reality is in a constant state of being constructed by social actors (Saunders, Lewis & Thornhill, 2012; Bryman, 2016). Epistemology, on the other hand, is described as the theory of knowledge, it determines the nature of acceptable knowledge in a discipline and ways by which it may be generated (Blaikie, 2007; Yin, 2016). Orlikowski & Baroudi (1991) identified three epistemological perspectives – positivist, interpretivist, and critical perspectives. Positivist epistemology seeks to apply the principles of the natural sciences to the study of social reality, through theory testing and the application of other quantifiable measures (Yin, 2009). The interpretivist epistemology resides at the opposite end of the continuum to the positivist. It advocates an acceptance of the subjective nature of social participants in the attribution of meaning to social phenomena and social actions (Bryman, 2016), and as such rejects the detached quantification of positivists. Critical perspective resides somewhere along this continuum depending on the focus of the researcher. This epistemological position highlights the influence of processes and structures of dominance on the behaviour of social actors (Schensul, 2008). Due to its focus on societal structures and its position on the epistemological continuum there is the possibility of an overlap with the other epistemological views. As such, it is argued that a critical study could lean towards a more positivist view of a phenomenon – as commonly seen in corruption research in the fields of economics and accounting – or towards an interpretivist view – as seen more in organisation studies and anthropology. In this study, I adopt a critical view of corruption from an interpretivist epistemology. In other words, I consider the influence of social structures and day-to-day interactions on how corruption is perceived and constructed by the social actor.

Accordingly, this research enquiry is grounded in the social constructionist perspective which draws on the interpretivist idea of the importance of understanding the differences between humans and their role as social actors (Silverman, 2010). Social constructionism emphasises that ‘reality and knowledge are constructed and reproduced by people through communication and interaction’ (Tracy, 2013, p. 63), and language has been identified as a key medium for these sorts of communication and interactions (Berger & Luckmann, 1966). Thus, to understand the nature of corruption and corrupt transactions, it becomes imperative to study the language used by participants to construct these interactions and transactions. Berger and Luckman in their influential work *The Construction of Social Reality* (1966) defined language as ‘a system of vocal signs’ (p. 51), a form of linguistic signposting which signals to recipients, of the communication, the form in which the response is to take. As such, reciprocity is a key feature of language–use in interactions, which makes it more interesting to study in the context of corruption. The complexity of communication and the need to unravel the language that is used in interactions is also evident in the works of Goffman (1959, 1961, 1963, 1982), an eminent scholar in the intricacies of face-to-face interactions. In *Behaviour in Public Places* (1963, pp. 15 – 17) and *Encounters* (1961, pp. 17 – 18), he highlights the features of language and communication to be more than mere vocal and linguistic capabilities, it is extended to include other ‘expressive signs’ which is understood by the parties in the interaction. In other words, an individual can transmit non-verbal information and this information is only decoded by the intended recipient (Goffman, 1963). Therefore, it is highly likely that an observer of a bribery transaction may be oblivious to communications taking place between the parties, especially where there is no physical exchange of money. The complexity of this situation underscores Goffman’s call for a better understanding of the ‘interaction order’ (Goffman, 1982), an interaction space which could either be face-to-face or otherwise, where participants based on prior dealings with existing parties or

experience of dealing with others, understand the rules of the interaction. Thus, gaining an insight into corrupt interactions from the perspective of a participant may provide a better understanding of the phenomenon under study.

Previous research on corruption, as discussed in chapter three, revealed the ontological importance attached to definitions of corruption, as this determines the participants and the nature of the actions considered corrupt. However, most researchers of corruption do not acknowledge the relational nature of the phenomenon, instead adopting more of a positivist approach to exploring the concept. The non-adoption of an interactional view may account for the lopsided approach to the study of corruption prevalent in this area of research.

The next section discusses the second layer of my research onion, which elaborates on the approach that was employed in this constructionist study of corruption.

4.4. Research Approach

There are two main approaches that may be applied in a research enquiry, the deductive and inductive approach. The choice of which to apply in practice is linked to the philosophical assumptions of the researcher, that is whether positivist or interpretivist. On one hand, the deductive approach generally commences with a theory from which hypothesis are drawn and tested to verify its truthfulness or accuracy, on the other hand, the inductive approach proceeds with the collection of data from which theories explaining phenomena are derived (Bryman & Bell, 2015). The growth of the inductive approach is attributed to the inadequacy of the usual 'positivist testing' in addressing issues of social relations (Ibid, p. 25). However, there are arguments that both approaches represent an ideal form as no social science research strictly utilises the one without elements of the other (Eriksson & Kovalainen, p. 22). Explaining the nature of their

grounded theory design, Corbin & Strauss (2008), stated that while their research is regarded as an inductive enquiry because the theory is derived from the data, the research process also involved the application of deductive reasoning (p. 326). Thus, academic enquiries make use of both approaches, but to varying degrees.

The approach favoured by a researcher is reflected in the choice of methodology, which could either be qualitative or quantitative. Hypothesis testing feature of deductive reasoning is commonly paired with quantitative methodology, while the exploratory nature of the inductive approach is more suited to qualitative methodology (Bryman & Bell, 2015). These two represents the popular methodological choices available to a researcher and they are explored next in a discussion of the third layer on the research onion.

4.5. Methodological Choice

On one hand, the word *quantitative* identifies the weight attached to the quantification of data, that is the numerical representation of data collected in the study of concepts and phenomena (Babbie, 2013). On the other hand, the word *qualitative* suggests a focus on the unmeasurable qualities of concepts, phenomena or processes (Denzin & Lincoln, 2005). It places a particular focus on the context in which the data is being produced and the meaning-making process in those social situations (Krauss, 2005). The difference between the two approaches is argued to be epistemological – what is acceptable knowledge and the process of generating the same in a field of study (Tuli, 2010), thus bringing us back to the positivist / interpretivist continuum (see Section 4.2). What informs the actual application of one over the other, or in some cases both, is the nature of the research question and the phenomena to be studied (Yin, 2014).

The rest of this section is divided into two – the first part examines the methodology popularly used in corruption studies, while the second part identifies the method adopted in this study.

4.5.1. Popular Methods in Corruption Studies

Corruption researchers tend to use the quantitative methodology, especially survey research method. This may be due to the difficulty of employing the anthropological approach of direct observation to corruption as it is generally perceived as an illegal activity (Bader, *et al.*, 2013; Blundo et al., 2006) which participants seek to keep covert. This leads researchers interested in studying the phenomenon to instead rely on how corruption is generally perceived in a society or organisation (Lewis, 2010). Heavy reliance is thus placed on corruption perception indexes (CPI) (Miller, 2006) compiled by organisations such as Transparency International. The CPI is essentially based on surveys of perceptions of corruption in about 168 countries (Transparency International, 2015). Additionally, data from Serbia (UNODC, 2011), Latvia (Anderson, 1998), Romania (Anderson, 2001), the Czech Republic, Slovakia, Bulgaria and Ukraine (Miller, Grødeland & Koshechkina, 2001) reveals that a complete reliance on only the perception of corruption might be misleading, as it does not reflect the actual experiences of the people intimately involved with this phenomenon.

Underscoring the unsuitable nature of the survey research method, anthropologist Sardan *et al.* (2006), argued that the questions contained in a survey are interrogatory by nature as they tend to restrict the responses of participants, thus inducing participants to assume a defensive posture (Blundo et al., 2006, p. 11). Questions about participation in corruption touch on a person's definition and understanding of what constitutes corrupt actions, and their perception of themselves, as such this might lead respondents to redefine the phenomenon. The survey research method cannot capture the self-deceptive

indications given by individuals who are already on the ethical fading path (see Section 3.3.1.2). Thus such participants can portray themselves in a favourable light (Goffman, 1959) by resorting to constructing complimentary accounts of events or transferring the blames or responsibilities for their actions (Tenbrunsel & Messick, 2004), and this cannot be questioned due to the rigid nature of a quantitative approach.

Since I was studying how people talked about a sensitive topic like corruption, I knew I needed a methodology that would allow for flexibility in the field in addition to other considerations, and the quantitative approach will not effectively capture the required data to answer the research question. Thus, I adopted the qualitative approach.

4.5.2. Methodology Adopted

The nature of my research query involved understanding how participants constructed their experience and the social processes that informed such construction and this falls under the purview of the qualitative approach (Denzin & Lincoln, 2008). Pope, Royen & Baker (2002), aptly described a qualitative enquiry as:

The systematic collection, organisation, and analysis of textual material derived from talk or observation. It is rooted in the interpretive perspectives found in the humanities and social sciences that emphasise the importance of understanding, from the viewpoint of the people involved, how individuals and groups interpret, experience, and make sense of social phenomena (p. 148).

The focus on this research on the relational and discursive influences of corruption represents a different perspective that is rarely discussed in the literature, as such the application of the 'usual' methods of research will not be feasible. Thus in order to provide a deeper understanding of the concept of corruption, the inductive approach was applied

and the application of qualitative methodology ensures adaptability, an important feature for the study of a phenomenon that is deemed covert.

The next section discusses the fourth level of the onion, the adopted strategy that provides direction for conducting this research.

4.6. Research Strategy

A research strategy is described as a framework that provides direction for answering the research question (Farquhar, 2012). The researcher has a number of strategies to choose from, the selection of any, however, must take into consideration the philosophical, theoretical and methodological foundations of the research and the fit with the enquiry. Some of the strategies commonly used in qualitative research are grounded theory, ethnography, and case study. As a research strategy, *grounded theory* provides a detailed roadmap on conducting inductive research, with the main aim of developing theory from data (Silverman, 2013). This roadmap covers the collection of data, its management and organisation into analytical codes from which theoretical deductions are made (Corbin & Strauss, 2008). As my research is not focused on the development of theory but rather on providing alternative explanations for the existence of a phenomenon, the grounded theory approach did not provide the right fit.

Another approach that I considered was *ethnography*; mainly because it has been established as a strategy commonly used in the study of groups and the nature of their interactions and culture, since the initial period of colonial rule in so-called ‘primitive societies’ (Saunders, Lewis & Thornhill, 2012). I considered adopting this strategy because it touches on the objective of this study to understand the nature of interactions between service users and service providers and how this shapes the behaviour of the service user. However, two key features of the ethnographic strategy made its use in this

research impracticable, and they are the requirement for the researcher to be immersed in the social settings of the phenomenon and the use of observation as one of the methods for data gathering (Bryman, 2016). The sensitive nature of corruption and the fact that participants in such informal transactions tend to keep it covert makes the immersion of a researcher into such social settings for the purposes of observation and data gathering risky (Blundo *et al.*, 2006). Moreover, since the focus is on how participants discursively construct their interactions, this cancels out the need for immersion in the social settings and observation as a data gathering tool. The inadequacies of this strategy led to a consideration of the case study strategy.

The *case study* can be described as a research strategy that is used to conduct the in-depth investigation of phenomena in their real-world contexts (Yin, 2014), and the phenomenon being studied represents the ‘case’. In principle, the case study strategy is similar to ethnography in the sense that researchers using either approach carry out an in-depth examination of phenomena within their social context (Saunders, Lewis & Thornhill, 2012). The key difference between the two strategies is the level of immersion, into the research environment, that is required of the researcher (Myers, 1999). In the use of a case study, immersion into the social environment of a study is dependent on the nature of the enquiry, while in ethnography immersion is fundamental to the study. Thus the case study approach is described to be a particularly good fit for studies that focus on understanding the context of complex phenomena and the social processes surrounding their enactment (Yin, 2014).

A qualitative case study approach can be used to answer research questions that are either theory-driven – that is, geared towards the development or extension of a theory – or phenomenon-driven (Eisenhardt & Graebner, 2007). In the latter case, the justification for this type of enquiry should be based on the importance of the phenomenon and the

lack of existing applicable theory and empirical evidence (Ibid. p. 26). These research questions may form the basis of a single or multiple case study inquiry. A single case study could either be intrinsic or instrumental, depending on the interests of the researcher (Stake, 2005). The researcher adopts an intrinsic view where the focus is on a particular case without a consideration of its applicability to other cases, due to the uniqueness of the case or phenomenon under study, e.g. a study of hostage victims or the life of Michelle Obama. On the other hand, an instrumental view is adopted where the interest in a case is to provide an insightful explanation of a phenomenon and its context with the possibility of adopting similar interpretations in other cases (Stake, 1998). Researchers carrying out the multiple case inquiry are more focused on the generalisability of interpretations (Yin, 2014), and this is one of the criticisms of the single case study approach. It has been argued that the main purpose of a qualitative case study is not to proffer generalizable interpretations, but rather to provide a deeper understanding of a selected case (Stake, 2005, 1998).

The case study strategy was a better fit for this study as it provided a framework through which the complex phenomenon of corruption may be studied in different contexts (Stake, 2005) – institutional and relational – using different data sources (Baxter & Jack, 2008). The flexibility of this approach (Farquhar, 2012) in adapting to changes in the field, makes it suitable for the study of a sensitive topic like corruption. This research adopts an instrumental case view to the study of corruption by examining how a group of service users talk about their interaction with the services of a public institution, with the objective of providing a deeper understanding of corruption. The next section discusses the techniques that were incorporated into this framework to answer the research question.

4.7. Research Techniques

This section describes the processes by which empirical data was selected, collected and analysed for the purpose of addressing the research question. The section is divided into two parts – pre–fieldwork, and post–fieldwork – and these are discussed next.

4.7.1. Pre–Fieldwork

A step by step discussion of the different things that were considered before embarking on the fieldwork is provided under this heading. This covers the rationale for the selection of the public institution that was used, the participants, methods used for the collection of data and ethical considerations.

An important consideration for a qualitative case study researcher is selecting the ‘case’ to be studied (Yin, 2014), because once a phenomenon has been identified, a case creates an opportunity for it to be examined (Stake, 2005). Selecting a case that creates a potential for learning may be regarded as more important than how representative a case is (Ibid., 2005, p. 451). Most qualitative researchers adopt the purposive selection technique over the random selection method favoured in quantitative studies (Onwuegbuzie & Collins, 2007). The purposive selection technique advocates for choosing a research setting or group based on their ability to provide substantial information on the phenomenon under study (Saunders, Lewis & Thornhill, 2012), and this was the approach used in this study. This selection technique consists of two levels, context selection and participant selection (Bryman, 2016). A case may be examined from multiple dimensions and consisting of layers of contexts, from the institution to its different departments and groups within the departments. However, a qualitative researcher is guided by the research questions and the research objectives in focusing on the contexts which are able to adequately provide a richer and deeper understanding of the phenomenon (Farquhar, 2012). In this research,

the case is the service user and the context is a public institution, the next subsection discusses the basis for the selection of this context.

4.7.1.1. Choice of Public Bureaucracy: The Lands Bureau, Lagos State

In choosing the Lands Bureau of Lagos state, I relied heavily on my prior experience of interacting with public bureaucracies in Nigeria. This institution stood out as a research context, because of the popular perception that it is a hotspot for bureaucratic corruption (Ajayi, 2016; Sahara Reporters, 2010), and as such provides an opportunity to study the phenomenon. Also, the fundamental nature of land in a society and its considerable contributions to government revenue (Hudson, 2016), and the development process (Thontteh & Omirin, 2015) makes this an important context from which the phenomenon is examined.

The Lands Bureau of Lagos state is the institution charged with the administration of land in the commercial capital of Nigeria, the most populous country in Africa. A land's economic and social utility makes the institution charged with its administration vulnerable to corrupt practices (Burns & Dalrymple, 2012) and this is made apparent from the data on Serbia's land registry (UNODC, 2011) which identifies a high perception of corruption in the department. While the Bureau is regarded as being characterised by complicated procedures which make it prone to corruption (Thontteh & Omirin, 2015), in the experience of the researcher, attention is not paid to the role that service users play in the reproduction of corruption. This knowledge is what the research aims to tease out.

The next section describes the criteria for the selection of the participants from amongst users of the services of the Lands Bureau.

4.7.1.2. *Participants Selection*

Identification of the group from which participants were selected was largely based on a review of the literature, personal experience and enquiries from informants working in the Lands Bureau. Section 3.3 which covers the examination of corruption in the legal profession revealed a reluctance to discuss the phenomenon within this professional group, thus identifying the possible research participants. Based on my experience of interacting with the Lands Bureau, I knew that legal practitioners are the group of service users that interacted more with the different departments of the institution compared to other professional users. This was further confirmed by the response from the informal enquiry to three officials from different departments of the Bureau.

The next task was deciding how the legal professionals were to be recruited. Some of the selection strategies commonly employed by qualitative researchers include purposive random selection, convenience technique, snowballing, and typical selection. The rationale for using a *purposive random selection* for recruiting participants is the same as its use in a quantitative study – generalisability. It is commonly used by researchers that aim for the breadth of coverage over depth of analysis (Tracy, 2013, p. 134). The size of research participants is usually large, and based on the need for representativeness, each member of an identified group has an equal opportunity to be selected (Ibid). This approach is ill-fitted for this study as the focus is on the depth of analysis and not representativeness. *Convenience technique* is when a research bases the selection of participants on criteria such as fast, easy or convenient and not on any strategic or purposeful consideration (Patton, 2002). There are arguments that this approach may not produce credible data for analysis (Tracy, 2013), as such, it was not adopted in this study. The *snowball technique* is an approach where the researcher starts with a small number of key participants relevant to the study, and base the recruitment of other participants on

the recommendations of these informants (Saunders, Lewis & Thornhill, 2012). This technique is especially useful in situations where identifying members relevant to a research context become problematic (Bryman, 2016), for example researching a hidden phenomenon like genital female mutilation in some communities. The snowball approach was not relevant in this study because the population pool for the recruitment of participants was quite huge and it was not difficult to identify the service users in this group.

The *typical selection* technique involves choosing participants as a result of their identification with the phenomenon under consideration (Tracy, 2013) and legal professionals have been identified as the typical service user of the services of the Lands Bureau. Using this technique, I recruited property law practitioners by reviewing and obtaining the details of their firms from an online directory provided by HG.org, a global provider of legal information on law firms and legal services and also approached some smaller unlisted law offices. I then telephoned the firms to confirm that they interact with the Lands Bureau and then sent them copies of the participant information sheets (Appendix A). A total of twenty-four legal professionals were sourced from twenty-one commercial law firms in Lagos state, a selection size that was informed by the strategy and analytical approach (Silverman, 2013). The selection size took into consideration the in-depth nature of the analysis to be undertaken in understanding the role of service users in bureaucratic corruption. As such, the use of the research data is essentially intended for illustrative and explanatory purposes (Davis, 2004) and is not reflective of all service user interaction with the bureaucracy. The next section provides details of the participants that were recruited.

4.7.1.3. Description of Participants

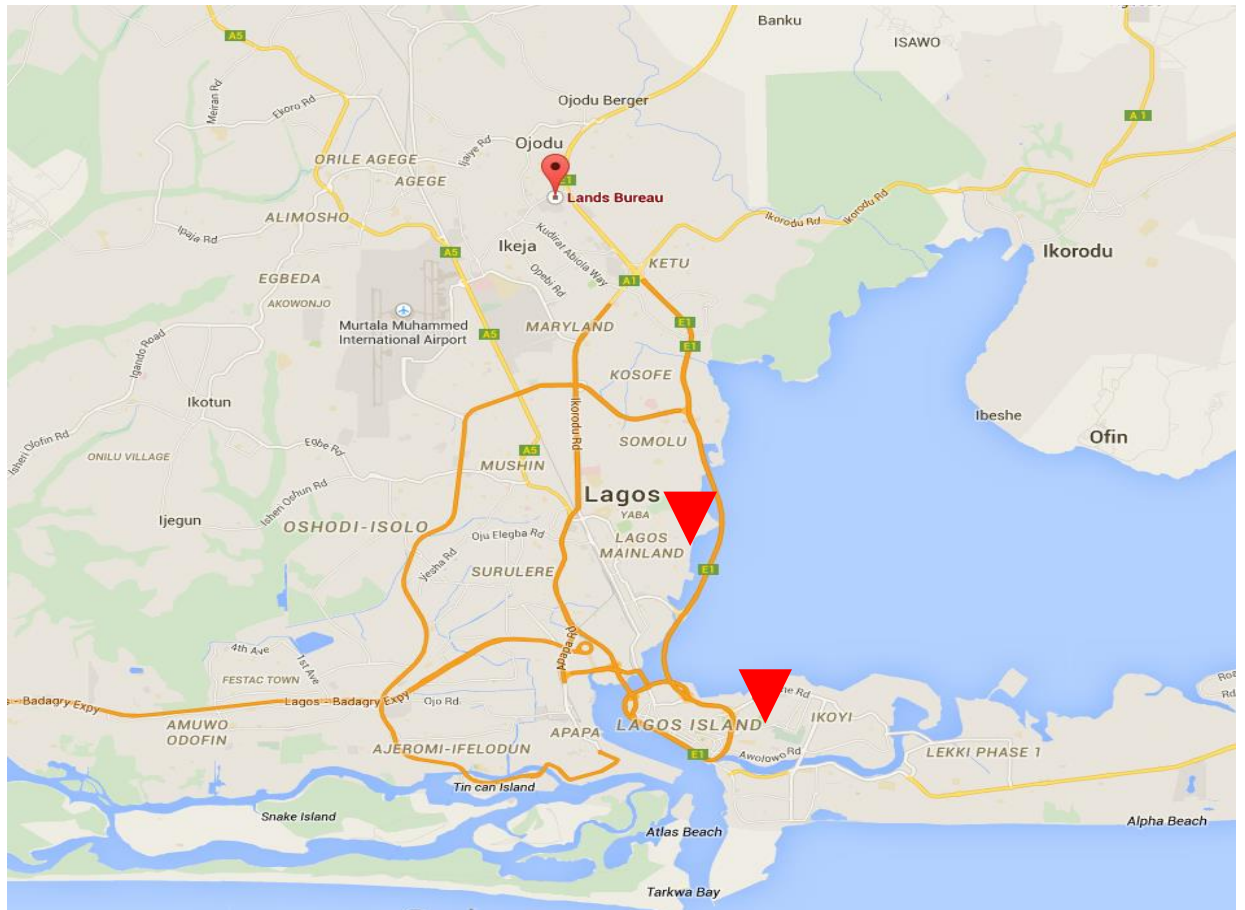
A description of the participants and their role is essential at this stage not only because it acts as a foundation for the detailed discussion that will follow in the subsequent chapters but also because it introduces the individuals whose experiences, claims, descriptions and perceptions are examined in this study.

As far as legal practice is concerned, lawyers in Nigeria are trained generalists. While some law firms and practitioners tend to specialise in certain areas of the law like property or oil & gas laws, most firms and practitioners have the capability to practice in these areas as well. The section gives a detailed account of the experiences of property law practitioners in their interactions with the Lands Bureau. In particular, the part of property law practice under examination in this study is that which relates to 'land'. The share of property law transactions that touch on land is vast and this can range from a transaction involving the sale or lease of land to a court judgment which touches on land. Specifically, this study focuses on land transaction types which ordinarily brings the legal practitioner in contact with the Lands Bureau as a professional service user.

For simplicity, the practice area in Lagos state can broadly be divided into two, the Lagos Island and the Lagos Mainland. This factor is considered important because of the location of the Bureau itself which is situated on the mainland and quite a distance from the Island practice area considering the highly populated – with 21 million residents – and traffic-prone nature of Lagos state. Owing to this factor, it is imperative to understand if the location of the Bureau itself contributes to the manner in which service users access the services and the nature of the user / provider relationship. Twenty-two commercial law firms which engaged in landed property practice, although at varying degrees, were

approached but one firm declined to participate. While fifteen of these firms are heavily into land property transactions and construct themselves principally as land law

Figure 5. Map of Lagos State



Source: Google maps (2015)

practitioners, the other six participants admit to an average to low participation in land transactions, four and two participants respectively. Average participation as used here means that land transactions do not represent the primary practice of the practitioner or the clientele of the law office, while low participation means that the practitioner infrequently engages in land practices. Importantly, different legal professionals with varying roles and levels of experience of interacting with the Lands Bureau were recruited. In three of the twenty-one firms, more than one participant was interviewed –

a senior and a junior professional. This variety enabled an understanding of the possible influence of ‘experience’ on conducting transactions in the Bureau.

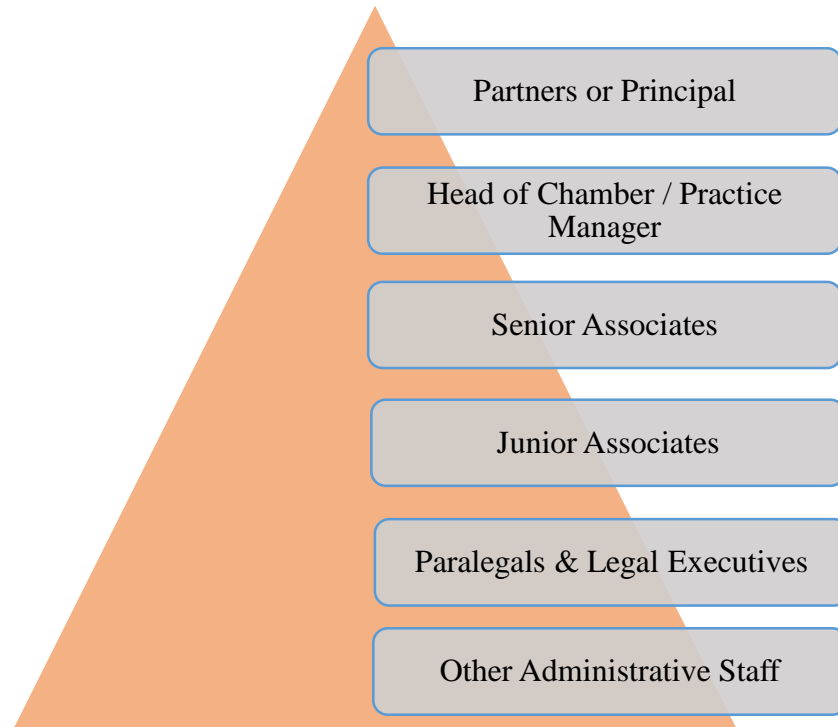
The next subsection provides a detailed description of the general structure of a conventional law firm and the position of each participant.

a. Participants Affiliation

The structure of the law firms to which this group of service users are affiliated is mostly conventional – that is centralised (Chambliss & Wilkins, 2002a). In other words, the firms are hierarchical with authority flowing from top to bottom. The head of a law firm is referred to as the ‘principal’ and in the case of a partnership, partners, and these sit at the top of the law office hierarchy (see Fig. 8). The partners and the principal are usually experts in specific areas of the law and based on their position, form the core of the management of the law firm.

The next on the hierarchical rung is the ‘head of chamber’ which is sometimes called, the practice manager. These perform the operational role in the firm and are in charge of the day to day functioning of the law office. Aside from practising as lawyers in certain cases, their duty also involves coordinating and monitoring the work output of the associates. It should be noted, however, that in most small sole-entrepreneurship firms this role is usually played by the principal.

Figure 6. Structure of a conventional law



Source: Developed by the researcher based on information from the participants

The two subsequent steps on the hierarchy after that of the head of the chamber are those of the senior and junior associates. Generally, there is usually no apparent difference between the classes of associates, and most firms refer to the other lawyers in the firm, i.e. excluding the partners and the heads of chamber as just associates. The difference between the two classes of associates is usually the level of experience and the type of legal work or transactions that each associate is permitted to be involved in, this is aside from their salaries. For example, in some firms, the junior associates are the ones tasked with the duty of interacting with the Lands Bureau. The reason for this duty being assigned to a junior associate was given by one of the principals as thus:

[...] my time naturally is a lot more expensive than that of the admin officers or the junior colleagues in the office (LP 15).

Next to the junior associates on the hierarchy are the paralegals or executive secretaries. This category of professionals are high up on the structural ladder of law office administrative staff. They are generally in charge of carrying out legal work which does not specifically require the attention of a lawyer but requires a knowledge of the applicable rules and procedures. Examples of such duties include filing court processes which have already been prepared by lawyers, management of landed properties on behalf of clients and in some law firms the duty of interacting with the Lands Bureau also falls within the purview of the paralegal. In three of the firms, interaction with the Bureau is seen primarily as the duty of a paralegal, this explains why three paralegals were interviewed.

The twenty-four participants in this research are from different levels of a law firm's structure, from the position of the partner / principal down to those of the paralegal / executive secretaries. Specifically, data was sourced from 2 partners, 9 principals, 2 heads of chamber, 8 associates – which includes both senior and junior associates – and 3 paralegals.

As a result of this variety, the discourse and experiences proffered by this group of service users are varied with a minimum of 2 years and a maximum of 32 years of experience of interacting with the Lands Bureau (Table 4 provides a detailed summary of each participant). This information consequently enabled an in-depth comparison of the various discourses at varying levels of experience with the aim of understanding if this affects the individual's disposition to bureaucratic corruption.

Next is a discussion of the ethical issues that had to be taken into consideration before the commencement of the data collection.

Table 4: Details of Participants and Affiliated Legal Practice

Participant(s)	Designation in Law Firm	Length of interaction with the Bureau (Years)	Location in terms of practice area (Lagos)	Extent of Land law practice
LP 1	Principal	23	Mainland	Land law practitioner
*LP 2	Head of Chamber	5	Mainland	Land law practitioner
LP 3	Principal	10	Mainland	Average participation in land matters
LP 4	Senior Associate	5	Mainland	Land law practitioner
LP 5	Partner	24	Mainland	Land law practitioner
LP 6	Associate	3	Island	Average participation in land matters
LP 7	Principal	10	Island	Average participation in land matters
LP 8	Principal	21	Mainland	Land law practitioner
LP 9	Senior Associate	16	Mainland	Land law practitioner
LP 10	Associate	5	Island	Low participation in land matters
LP 11	Principal	13	Mainland	Land law practitioner
LP 12	Principal	19	Island	Land law practitioner
LP 13	Senior Associate	6	Mainland	Land law practitioner

LP 14	Principal	28	Mainland	Land law practitioner
*LP 15	Principal	32	Island	Land law practitioner
LP 16	Associate	3	Mainland	Average participation in land matters
LP 17	Head of Chamber	6	Mainland	Land law practitioner
LP 18	Managing Partner	10	Mainland	Land law practitioner
*LP 19	Associate	2	Island	Land law practitioner
*LP 20	Senior Associate	6	Island	Land law practitioner
LP 21	Principal	20	Mainland	Low participation in land matters
*PL 1	Head of Administrative Matters	20	Mainland	Land law practitioner
PL 2	Legal Executive	22	Island	Land law practitioner
*PL 3	*Non-Litigation Manager	7	Island	Land law practitioner

() LP 2 & PL 1 – are from the same law firm; LP 15 & PL 3 – are also from the same law firm; LP 19 & LP 20 – are from the same law firm; (*) Non-litigation manager is also a paralegal*

4.7.1.4. *Ethical Considerations*

Due to the subjective and social nature of most qualitative research, the importance of ethical awareness cannot be overemphasised. A form of moral contract may be said to exist between the researcher and her participants (Stake, 2005), thus obligating the researcher to take certain steps to protect the integrity of the information that has been obtained. This is done by actively taking steps to obtain the informed consent of participants, ensuring confidentiality and anonymity, integrity and objectivity of the researcher (Saunders, Lewis & Thornhill, 2012; Wiles, 2014), amongst other things.

In consideration of these ethical obligations, before I proceeded with the collection of the data, I applied to the University of York's Economics, Law, Management, Politics and Sociology Ethics Committee (ELMPS) in August of 2013 and approval was given in October, 2013 (Appendix C). The sensitive nature of corruption further emphasised the need to not only act ethically but to be able to convince my research participants of my ethical disposition. This led to them signing consent forms (Appendix B) which highlighted the fact that they could withdraw from the research at any time and a detailed description of the protocol for the protection of the recorded and transcribed data. The main concern that was expressed was the confidentiality and anonymity of their identity, and this was taken into consideration in the creation of generic pseudo names for the participants.

The next section proceeds with a discussion of the techniques that were considered for a gathering of the data.

4.7.1.5. *Data Gathering Techniques*

A key feature of the qualitative research is its focus on naturally occurring data (Miles, Huberman & Saldaña, 2014), in the absence of this, researchers seek to obtain this data

from those that experienced it or documents recording its occurrence (Stake, 2005). There are a number of methods suitable for this type of data gathering, however, the selection of any is based on the nature of the research inquiry. Some of these methods include observation, interview, focus group, and documents. The *observation* method is popularly used in ethnographic studies and in situations where it is possible to obtain naturally occurring data in a specific social setting. It could either be participant or non-participant in nature. A key difference between the two types is the depth of embeddedness of the researcher in the social setting being observed. In the case of the participant observation, there is a requirement for the researcher to have firsthand experience of the social setting being studied (Marshall & Rossman, 2011). Similar to the rationale provided in the discussion of the ethnographic strategy (Section 4.5, p. 97), the sensitive nature of the phenomenon under consideration makes the observation method an improper approach for the collection of data.

The *interview method* is the most commonly used data collection technique in qualitative research (King & Horrocks, 2010). It is mostly used in situations where the researcher is unable to obtain naturally occurring data, in which case she relies on the descriptions of those that experienced or are part of the social setting. As such, it is described as a process whereby knowledge is constructed in the interaction between the researcher and the participant (Kvale & Brinkmann, 2009). Two main types of interview frequently used in qualitative research are the unstructured and semi-structured approaches. The unstructured approach has also been called an ‘informal conversational interview’ (Patton, 2002, p. 342) because of the pattern the interview takes. There are no pre-planned guide questions as the researcher assumes an exploratory position and probe questions are based on information shared by the participant. Based on the conversational nature of this approach, the researcher enjoys maximum flexibility to individualise the process. The

downside, however, is that it could produce an unwieldy and incoherent amount of data that is difficult for the researcher to analyse (Ibid.).

On the other hand, the researcher using a semi-structured interview makes use of guide questions covering the themes to be discussed. The list of questions provide direction for the interview and ensures that important areas are covered, while still allowing enough flexibility for the participant to adequately discuss a topic (Bryman, 2016), and the researcher to question the participant based on the responses. A third approach to the interview is the structured interview which is commonly used in quantitative studies and is one of the tools used in survey research (Ibid.). Its name indicates the rigid pattern that it takes, as the researcher compulsorily relies on a list of questions, contained in a questionnaire, that must be addressed to all participants, with no allowance for deviation (Saunders, Lewis & Thornhill, 2012).

Similarly, the *focus group* method is conducting an interview with a group of persons on specific themes and topics, with particular emphasis placed on the interactive discussions amongst group members (Saunders, Lewis & Thornhill, 2012). This method was popularised by market researchers in their bid to gather information on customer impression of products and services (Patton, 2002). Focus group is advantageous for saving time and resources in a research project and the interactions amongst participants produce a rich data (Ibid). However, the views of the majority may lead to the silencing of dissenting or minority views in such group interviews, leading to the production of only a certain kind of data. Thus the focus group method was considered inappropriate for this study as the emphasis of the study is on how individual participant discursively constructed their experience of interacting with the Lands Bureau. A group discussion of such sensitive issues may cause participants with dissenting opinions or experiences to remain silent.

A common issue like fabrication of accounts may be encountered by users of qualitative interviews and survey method approach. Section 1.2 (p. 6), explains the fact that the negative connotation of corruption leads to a fair amount of othering and externalisation (Lennerfors, 2009, p. 12; Dracklé, 2005) by respondents who seek to distance themselves from such acts. Participants being interviewed may also be inclined to construct accounts that portray themselves favourably. But unlike the rigid nature of survey method, qualitative interviews can be adapted in real time to suit the emerging situation or data (Saunders, Lewis & Thornhill, 2012). In other words, additional unplanned questions can be put to respondents to investigate the nature of this information.

Another source of data in qualitative studies are *documents*. These are referred to as secondary data largely because the researcher is not involved in its creation; it includes diaries, minutes of meetings, and other organisation publications or records (Saunders, Lewis & Thornhill, 2012). In a case study research, it is especially useful for providing contextual information (Mason, 2002) and corroboration, or otherwise, of evidence or facts (Yin, 2014). Documents are usually created for certain purposes, as such Yin cautions against an overreliance on information contained therein and rather advocates for the combination of this technique with others (2014, p. 108).

Some of the techniques available to a qualitative researcher have been considered in this section, the next sub-section describes the method(s) adopted and the rationale for their adoption.

a. Gathering Techniques Adopted

Semi-structured interview technique was used in this study because it provided a better fit for the explanatory approach taken to my discussion of service user corruption. In comparison to the unstructured and structured interviews, the highly adaptive and private

nature of this technique enables flexibility of discussions around predetermined themes (Saunders, Lewis & Thornhill, 2012). The predetermined themes allow for direction and prevent the intentional avoidance of an issue which can happen in the use of unstructured or focus group interviews (Hesse-Biber & Leavy, 2011), especially in the discussion of a participant's role in corrupt transactions. Also, the flexibility afforded by a semi-structured interview permits the discussion of sensitive matters in a less direct manner compared to a structured interview (Blundo et al., 2006).

However, the use of a semi-structured approach is not without its shortcomings. For example, the one-on-one nature of the discussion is akin to being on the hot seat, thus creating unease in participants about discussing their involvement in corrupt practices. This is unlike the atmosphere in a focus group discussion where the possible 'confessions' of a fellow participant could naturally trigger the free trading of experiences (Miller, Grødeland & Koshechkina, 2001). In this case, the fact that I was viewed as a colleague and not an 'outsider' contributed to the familiarity and openness which participants exhibited during the interview process. Additionally, the unease of participants was further assuaged by communicating the ethical obligations that I owed to them and this included the assurance of confidentiality and anonymity. The form of familiarity shared by the researcher and the participant may arguably create bias in the research (Brown *et al.*, 1991; Galtung, 1969). This is however mitigated by constant self-reflection and a reflexive focus on how the researcher has impacted on the research (Bryman & Bell, 2007).

Documentary evidence was also relied upon to provide context for the descriptions of participants. Policy documents highlighting workflow processes and departmental duties in the Lands Bureau was obtained and compared with descriptions from the semi-structured interviews.

b. Conducting the Interview

The interviews were conducted between November 2013 and February 2014. At the outset, I had divided the Lagos practice area into two – Lagos Island and Lagos Mainland – to understand if the location of the firm affected the way the participants interacted with the Lands Bureau. The mainland is larger in size than the Island (See Figure 7, p. 132) and it has more law offices, as a result I conducted nine (9) interviews on the Island and fifteen (15) interviews on the mainland. Recruitment of participants started with me approaching colleagues that I had worked with in the past, through this process I completed four interviews, all of which were on the mainland. After this, I conducted a search of commercial law practitioners in Lagos from the database of HG.org. Recruitment through this medium turned out to be more difficult than I had envisaged as a host of the contact details were outdated, especially for firms that did not have their own website. Contact details for all of the participants on the Island and nine (9) of the participants on the mainland was obtained from HG.org database, two (2) other participants were co-opted into the process by chance as their law firms shared the same building complex as some of the others that I had recruited earlier. I telephoned each of the firms to confirm that they interacted with the Lands Bureau and enquired if any practitioner was willing to discuss their experience with me. On confirming their willingness and setting interview dates, I requested for their email addresses and forwarded to them the participant information sheet which contained details of the research.

All of the interviews were face-to-face and were conducted in participants' offices and they lasted between forty-five (45) minutes and one hour. Printed copies of the participant information sheet and the consent form were made available and discussed at each interview and permission to electronically record the meeting was also sought before

commencement. Participants were comfortable with the interview being recorded, although in one case, I was told to turn off the recording device before discussions of involvement in some informal transactions could be revealed, at which stage I switched to note taking. The interview guide questions were made flexible to focus on the experiences of participants, and further questions developed out of their responses. It has been suggested that such interview strategies that specify issues in advance and allow the researcher flexibility to determine the sequence of questions result in the production of a comprehensive data that emphasises the circumstances of each participant (Patton, 2002, p. 349). However, the tailored nature of the interview may make comparing responses difficult (Ibid.). To prevent such difficulty, a number of similar questions were put to all the participants, and further individualised questions were developed from there. Some of the specific questions include:

- How long have you been into land law practice?
- How long have you been interacting with the Lands Bureau?
- What kind of transactions do you conduct there?
- Pick a transaction and describe to me the process from start to conclusion.
- On this transaction, how many departments of the Bureau do you have to interact with? (And how long does it take to complete it?)
- How easy is it to navigate through the different departments?
- When you encounter bottlenecks how do you resolve them?
- Describe a situation where you encountered a bottleneck and what you did to resolve it.

The flexibility of the questions and the rapport between the researcher and the participants resulted in the free flow of information, even when they were talking about their participation in corrupt transactions. I find that this is incompatible with the argument in

the literature that participants in corrupt transactions would be unwilling to talk about their involvement (Blundo *et al.*, 2006).

The next section turns to a discussion of the post–fieldwork activities which include a discussion of the analytical methods considered.

4.7.2. Post–Fieldwork

This section represents the second part of the research techniques highlighted on my research onion in Figure 4 (p. 94). It discusses the processes after the collection of the data. It focuses on the methods considered for the analysis of the data and the rationale for the choice of the one selected. Also, it describes the reflexive exercise of the researcher throughout the research process.

4.7.2.1. Data Analysis Process

After the data collection, which was in a recorded format, the transcription process began. Transcription is a process whereby an audio or video data is reproduced verbatim, in a written format (Saunders, Lewis & Thornhill, 2012). This is a time consuming process, as a manual transcription involves the researcher listening to the recordings over and over again in order to get as close a reproduction as possible. As such, some researchers may either opt to engage the services of a transcriber or make use of voice–recognition software. I decided to transcribe my own interviews for two main reasons: it was cheaper to do so and it provided the opportunity to be completely immersed in the data (Bryman, 2016). Using the Express Scribe transcription software, I manually reproduced the audio recordings into a written form, thus preparing the data for analysis.

There are as many approaches to qualitative analysis as there are qualitative researchers (Bryman, 2016). Some of these include, grounded theory approach (Strauss & Corbin,

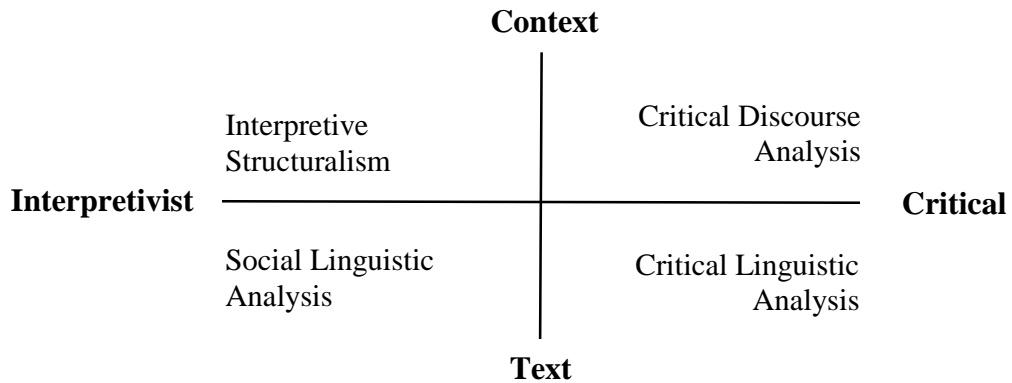
1994), analytical induction (Yin, 2014), thematic analysis (Braun & Clarke, 2006), template analysis (King, 2004), discourse analysis (Potter & Wetherell, 1987), amongst others. However, grounded theory approach and discourse analysis have been identified as the predominant methods in social science research (Bryman & Burgess, 1994). Due to the focus of this research on ‘talk’ and the constitutive power of language, discourse analysis is considered a better fit for this study. As such, the following subsections presents a discussion of discourse analytical approach.

a. Discourse Analytical Approach

‘Discourse analysis’ is an umbrella term that has been used to describe a variety of approaches that study ‘talk’, text and language in use (Marshall & Rossman, 2011). Most of these approaches developed out of fields such as linguistics, sociology, anthropology, politics, psychology and critical studies amongst others (Eriksson & Kovalainen, 2008). This multidisciplinary analytical approach emphasises the importance of language in the social world. Based on its strong constructionist foundation (Jørgensen & Phillips, 2002), it advocates an understanding of how language (both oral and written) is used in the construction and reproduction of social practices (Potter, 2004; Dick, 2004).

Four main discursive clusters have been identified based on the weight attached to a text versus the context and the epistemological grounding of the study, interpretivist versus critical discourse studies (Phillips & Ravasi, in Phillips & Hardy, 2002, p. 19) (see Section 4.2, p. 91). These clusters are social linguistic analysis, interpretive structuralism, critical discourse analysis and critical linguistic analysis. Figure 7 is described as representing a continuum and not a dichotomy (Phillip & Hardy, 2002, p. 20) between clusters, as such, the end points may be seen as ideal types. In other words, most discursive research do not fit neatly into one cluster, as the views and analytical technique adopted by a researcher may combine the features of different clusters.

Figure 7: Discourse Analytical Approaches



Source: Adapted from Phillips & Hardy (2002)

The interpretivist end of the continuum is described as representing studies that focus on the social processes involved in the day-to-day construction of reality as compared with the critical researchers who are especially interested in power dynamics as represented in social structures (Jørgensen & Phillips, 2002). On the analytical front, these studies could either embark on the micro analysis of a text or focus on the social context. Interpretive structural studies focus on the analysis of social contexts and the related discourses, especially from a macro perspective (Phillip & Hardy, 2002, p. 23), e.g. Maile’s study of gender discourse in organisations (Maile, 1995). A social linguistic study, on the other hand, adopts a microanalytical construction of the text, a research practice common in the area of social psychology (Potter & Wetherell, 1987). An example of a social linguistic research is Scollon’s study of mediated discourse as a form of social interaction (Scollon, 2014). At the other end of the continuum, critical discourse analysts focus on the relational context of power and how it influences and normalises practices within social structures (Foucault, 1971; Fairclough, 2013), e.g. Uzuner-Smith & Englander’s study on the effects of neo-liberal ideologies on management practices in some universities (2015). Critical linguistic analysts also share a similar interest in power relations but with a focus

on the micro analysis of texts, e.g. Salzer-Mörling's study of how identity is constructed in organisations (1998). This research is situated within the social linguistic cluster as it identifies with the clusters practice of conducting a micro analysis of textual data to provide insights as to its function in the construction of phenomena (Phillip & Hardy, 2002).

Discourse analysis could either be used as a method of analysis (Silverman, 2013) or as a theoretical perspective (Phillip & Hardy, 2002, p. 60). Most researchers in this area focus on explaining the theoretical suppositions of the approach, but little is said about the actual method and process of analysis. As a method, it offers guidelines for the analysis of textual data through a focus on the linguistic structures, by closely examining variations in constructed accounts and linguistic functions of such construction (Potter & Wetherell, 1987). As an analytical perspective, discourse analysis provides the researcher with a theoretical lens through which the data may be understood. The focus of discourse analysis on linguistic structures may lead to a confusion of this method with other similar analytical techniques like conversation analysis, thus it is important to distinguish them. Both forms of analysis study the contextual nature of spoken and written texts in social interaction (Marra, 2013), however, conversation analysis is strictly concerned with the contextual use of these texts in the interaction under examination (Aguinaldo, 2012). A process which Holloway (1989) described as inferring that the 'text speaks for itself' (p. 19). In contrast to conversation analysis, discourse analysis is built on the premise that a phenomenon does not happen in isolation and as such cannot be understood in isolation of the discourses which gives it meaning (Phillips & Hardy, 2002).

The application of discourse analysis is not without its own challenges. An important criticism of this approach is that discourse analysts rely heavily on theories and discourses and not on the data per se (Aguinaldo, 2012; Wooffitt, 2005) and as such this raises the

question of validity and reliability (Marra, 2013). These arguments may be said to be related the notion of variability in discursive construction, thus resulting in the eclectic nature of interpretation. Nevertheless, the rigour of this analytical perspective is reflected in the synergy created by the combination of the texts, the context and the participant's orientation (Potter & Wetherell, 1987; Dick, 2004) which enables the researcher to construct a fuller picture of the phenomenon under study. Thus, as stated earlier, unlike conversation analysis which mainly focuses on the texts and its contextual use, discourse analysis zooms in on the social actors' orientation which predisposes them to such a construction. Also, by applying the process of triangulation discourse analysts validate their research by comparing their findings with those from other sources such as existing research or results from other data sets (Mara, 2013).

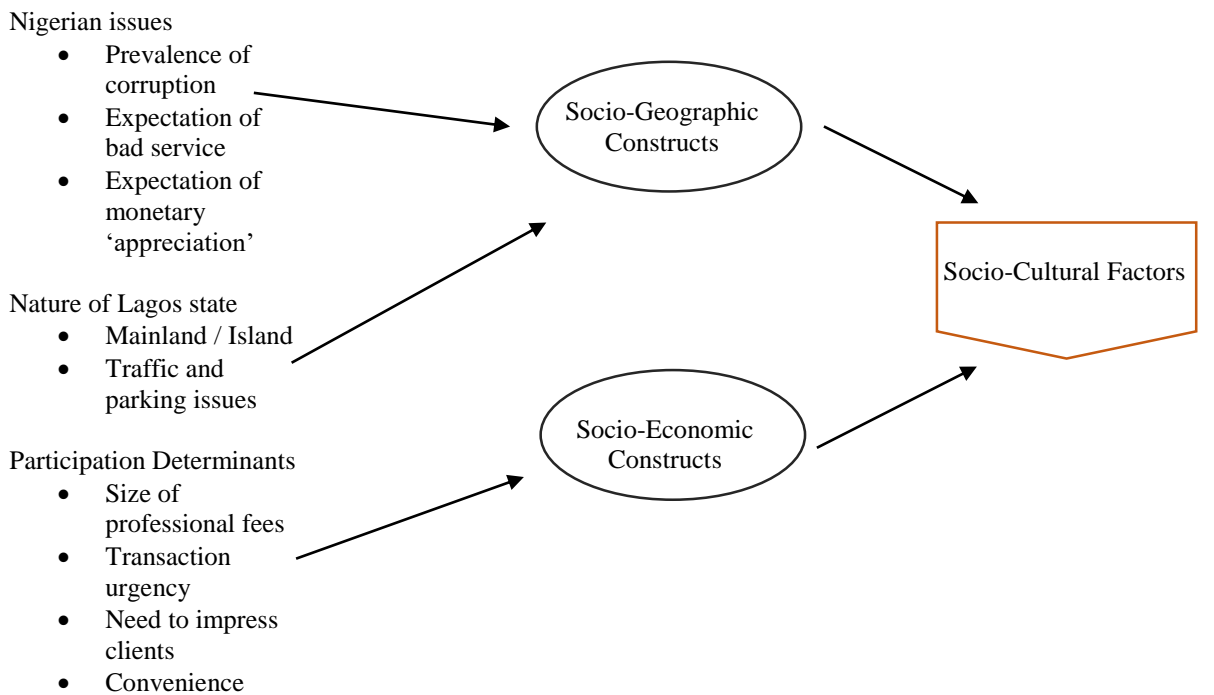
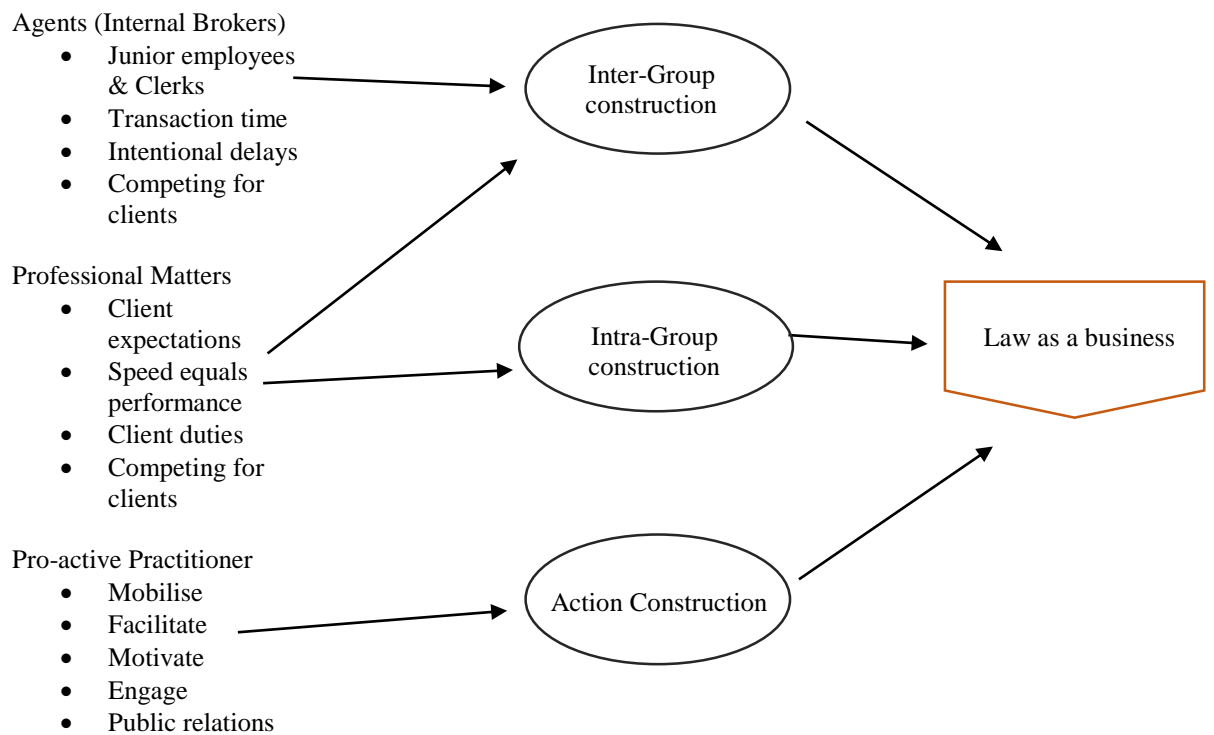
b. Managing and Analysing the Data

A huge amount of discursive resources was produced from the semi-structured interviews that were conducted, as such, it was initially problematic managing and reordering them for analysis. Unlike the grounded theory approach that provides a clear and structured method for analysis to be followed, discourse analytical process is not as clear cut (Jørgensen & Phillips, 2002). However, like most other qualitative analytical methods, the process starts with coding the data, i.e. dividing the data into 'manageable chunks' (Potter & Wetherell, 1987, p. 167). For this process, I adopted a template provided by Corley & Gioia (2004), a template now referred to as the 'Gioia methodology' (Gioia, Corley & Hamilton, 2013). It is an adaptation of the grounded theory approach which advocates rigour and a clear and concise presentation of the analytical journey. Combining this data analysis and presentation method with my selected approach of discourse analysis, provided the much needed guidance and some

skeletal structure for a young researcher to work with. In the Gioia method three levels of analysis are suggested (shown in Figure 8).

Figure 8: A Snapshot of Data Organisation & Analysis Progression





The first level deals with codes derived from the actual words of participants', this represents the 'informant-centric' first-order analysis' (Ibid., p. 4). The second order

analysis is researcher-centric, as the researcher starts to group the themes and concepts emanating from the data. The third order sees a combination of the participant and researcher voices in the theoretical explanation of the phenomena. During the process of the analysis, I not only sought to understand areas of convergence amongst participants, but also to identify possible variability in their constructions and the role that they play (Potter & Wetherell, 1987).

The policy documents from the Lands Bureau on procedural matters were used as the basis of the comparison and evaluation of participants' descriptions on such matters as the trajectory of a transaction, timeframe for the conclusion of different transactions etc. Thus, providing a better understanding of participants constructed experiences. Chapter five provides a detailed description of the data.

The next section describes some of my reflections on the research progression, particularly with regards to the data collection process.

4.7.2.2. Researcher's Reflexive Activity

Reflexivity is a key feature of qualitative research. Its importance lies in the ability of the researcher to be aware of her impact on the research being conducted, considering the highly subjective nature of qualitative research (Wood & Kroger, 2000). As a result of this and for the purpose of reliability (Silverman, 2013), qualitative researchers have to sincerely evaluate how they and their actions have impacted on the research.

Before embarking on the fieldwork to conduct the interviews, I had some reservations as to whether participants would be willing to discuss their participation in bureaucratic corruption, more so as they were mostly legal practitioners. Due to this anxiety, I started off the interview sessions with colleagues that I was familiar with and found out that I had to tweak some of the questions and the order in which they are put to participants.

Importantly, I could sense a form of dualism in participants' reaction during the interviews. On one hand there is an acceptance of the researcher as being a part of the legal culture and as such would understand the nature of the bureaucratic system, while on the other, the affiliation of the researcher with a foreign institution was perceived like she may have the ideological view held by 'outsiders' to the system. The first part of inclusion allowed participants to open up about their day-to-day interactions with the Lands Bureau, the difficulties they face and the problems that they think the institution has based on 'our shared' experience. At this level, they frequently called upon the researcher's legal background in search of solidarity or understanding of the technical and difficult issues that they face in their legal practice and interactions before giving examples of how they overcame difficult situations.

The second part reflected a level of exclusion. At this level, participants tend to stress the fact that not all officials are corrupt and that corruption is all over the world. I noticed that even amongst the colleagues that I had worked with before, I was treated as an 'outsider' when it came to the issue of talking about corruption in the system. They were defensive and kept on emphasising that 'corruption was everywhere in the world', some out rightly said, 'even the England that you are coming from [...], there is corruption there'. So I got the feeling that in these cases they try to portray the institution in as good a light as they can. Some of them go over the participant information sheet again to create a narrative that they think would best suit the subject of the research. To counteract this participants' response to me, I asked probe questions asking them to describe situations where they have experienced bureaucratic bottlenecks and what they did to overcome it. At which stage, they volunteer experiences contradicting their initial argument. Emphasising the inherency of contradictions in talk suggested by discourse analysts (Potter & Wetherell, 1987), these two orders of perception by participants did not occur

in a neat sequence of one followed by the other, rather they were intertwined throughout the interview process.

4.8. Chapter Summary

This chapter detailed the research design adopted in the study. Specifically, the theoretical and philosophical foundations which informed the methodological choices and methods employed in data gathering and analysis. It provided details of the fieldwork i.e. the participants that were interviewed, nature of the interview process and some reflexive notes of the researcher. The next chapter turns to a presentation and discussion of the data.

CHAPTER 5

THE LANDS BUREAU: SERVICE USER PERCEPTIONS AND EXPERIENCES

This chapter lays out a detailed description of the role of the Lands Bureau of Lagos state in the administration and management of the processes involved in obtaining the proper documentation for the valid transfer of a land title. It contrasts this information with the accounts of the experiences and perceptions of the participants who interact with the Bureau. This in-depth description provides the foundation for the subsequent discussion of the findings in the next chapter. While the focus of analysis in this research is the ‘text’ – which includes policy documents from the Bureau and the interview transcripts from participants – the description of the participants themselves gives a better understanding of the context of the experiences constructed.

The first part of this chapter explores the historical development of the Lands Bureau from the pre-colonial era to its present form. It further lays out the current organisational structure and roles of some key departments in the Bureau, thus giving an understanding of the responsibilities and objectives of the Lands Bureau. In clarifying these objectives, the chapter continues with a detailed narrative on land registration and the formal processes involved in concluding these kinds of transactions as provided for by the Bureau. The second part of the chapter focuses on the participants’ descriptions of their experiences of going through the formal processes of lands transactions in the Bureau. In particular, it provides a detailed account of how participants attempt to control and manage their transactions with the Lands Bureau. These accounts provide a foundation for the comprehensive discussion of the data.

5.1. The Historical Development of the Lagos Lands Bureau

This section explores the evolution of land management and administration in Lagos from the pre-colonial era up to the present, under the stewardship of the Lands Bureau of Lagos state. This discussion enables a better understanding of the roles and responsibilities of the Bureau.

Lands administration may be seen as the process of determining, recording and disseminating information about ownership, value and use of lands (Williamson, Enemark et al., 2010). In the Lagos metropolis, the administration of land has been influenced by the combined effects of the customary practices of the indigenous people and statutory provisions. For a long period of time during the pre-colonial era, i.e. before 1861, land was owned by communities and families and its administration and management was generally based on the local custom applicable in that region. In other words, the use of lands for whatever purpose – which was mainly agricultural – was determined by the allocative authority of the traditional system that was applicable in that pre-colonial region. In the absence of land instruments and registration, the administration of lands in pre-colonial Lagos was based on the customary practices of the indigenous ‘Yoruba’ tribe.

5.1.1. Land Administration amongst the Yoruba People

Before the colonial era in Nigeria, the administration of land was in accordance with the traditional laws and practices of the indigenous tribes. In the case of Lagos state whose indigenous tribe is the Yoruba people, land administration and management was vested in the family as a unit (Coker, 1958). Although the king was vested with sovereign rights

over all the lands within his jurisdiction, the right to administer and allocate these lands was vested in the land owning families. These duties were carried out by the head of the family, who is the most senior male member of the lineage.

During this period, the sale of land was uncommon, as land was shared to family members according to their needs. However, where there is a need to apportion a part of the family land to outsiders' i.e. non-family members, a tribute-payment system was put in place to identify the tenancy status of the person (Lloyd, 1959). Accordingly, ownership of land was established by proof of lineage, to the land-owning families. This was the mode of land administration and management during this period before the advent of the colonial era which saw the introduction of formal land registration that set the foundation for the institution that is now known as the Lands Bureau. This will be discussed in more depth in the next section.

5.1.2. Land Administration in Colonial and Post-Colonial Lagos

Lands administration based on the Yoruba customary practice came to an end after the ceding of Lagos by its monarch to the British in 1861. Shortly afterwards, the administration of Lagos by the British led to the establishment of a Land Registry and the issuance of Crown Grants. The Grants were the first type of land instruments that were operated in Nigeria, with the first of such Grants registered in 1863 and the last Grant registered in 1918 after the amalgamation of the Colony of Lagos with the Northern Protectorate and the Southern Protectorate of Nigeria in 1914 (Lands Bureau, 2015; Ukaejiofo, 2009).

Before the 1914 amalgamation, the Land and Native Rights Proclamation Laws were introduced in the Southern and Northern Protectorates of Nigeria in 1900 and 1901

respectively (Ukaejiofo, 2009). This led to the introduction of the British land tenure system which, consequently, provided land title deeds to those acquiring ownership of land from land-owning families. Another effect of the British administration of Lands in Nigeria, and in Lagos specifically, was the introduction of a compulsory survey of lands from 1918; with modern land survey commencing in 1934. These are some of the features that formed the foundation for the present land administration procedures in the Lands Bureau of Lagos state.

The periods after the amalgamation of the different regions in Nigeria and after the country attained independence in 1960 saw the centralisation of lands administration. This was as a result of the federal governance structure adopted by the country which empowered the federal government to assume control of lands administration for the entire country, to the exclusion of the state governments. The Federal Lands Registry was the institution that was then responsible for the general administration and management of land in the country. After the creation of Lagos state in 1967, the Lagos State Lands Registry was established. Although this brought land administration closer to the grass-roots, *de facto* authority over its administration and management still remained vested in the federal government.

The 1970s saw an actual shift in the authority over land administration from the federal government to the state governments. This change came on the 29th March 1978, when the Federal Military Government enacted Decree No. 6, which was published in the Official Gazette No. 14 vol. 65, Government No. 272 (Lands Bureau, 2015), also known as the Land Use Decree. The decree effectively vested the power to administer, manage and control lands within every state in the Governor of that state and also established the Land Use and Allocation Committee which was primarily responsible for advising the Governor on issues of lands administration and management. The change in authority led to the establishment of the Lands Bureau as the lands policy development and

implementation institution of the Lagos state government. In accordance with the Land Use Decree (now Land Use Act, 2004), the Lagos Lands Bureau was empowered to administer and manage lands within the metropolis on behalf of the governor. A fundamental consequence of this law is that for there to be a legitimate registration of interest or formal transfer of land title from one person to another, the Governor will have to grant an approval to such land registration or transfer transaction.

5.2. The Duties, Responsibilities and Composition of the Lagos Lands Bureau

This section details the role of the Lands Bureau in land management and administration in Lagos state. It describes the organisation structure and examines the duties and responsibilities of three of the key departments in the Bureau. These departments are examined because of their importance in the application process for the Governor's approval to a formal transfer of land title.

As a result of Lagos state being the commercial nerve centre of the country, the Bureau has been instrumental in boosting developmental activities within the state through the high demand and use of land for commercial, private and industrial purposes amongst other uses. The assigned responsibilities of the Bureau includes the following;

- Administration of land use and allocation in the State
- Formulation and implementation of policies on land matters
- Issuance and revocation of Certificates of Occupancy
- Funding of infrastructural projects for government schemes through the New Towns Development Authority
- Monitoring and servicing the Land Use Allocation Committee
- Acquisition of lands for overriding public interest

- Administration of subsequent transactions (e.g. assignment, mortgages, lease and power of attorney)
- Administration and control of the Land Registry
- Resolving land disputes/petitions
- Compensation for acquired land
- Administering neighbourhood improvement charges
- Servicing and monitoring of the Survey Office
- Registration of land titles/documents and storage of such records through a computerised system (Electronic Document Management Systems) (Lands Bureau, 2015).

The highly commercial character of Lagos state is reflected in the extensive nature of the Bureau's responsibilities. Also highlighted is the key position that land transactions have come to occupy in the state's internal revenue generation and according to the Bureau, land 'is one of the major sources of revenue for Lagos state' (Lands Bureau, 2015).

5.2.1. The Organisational Structure of the Lands Bureau

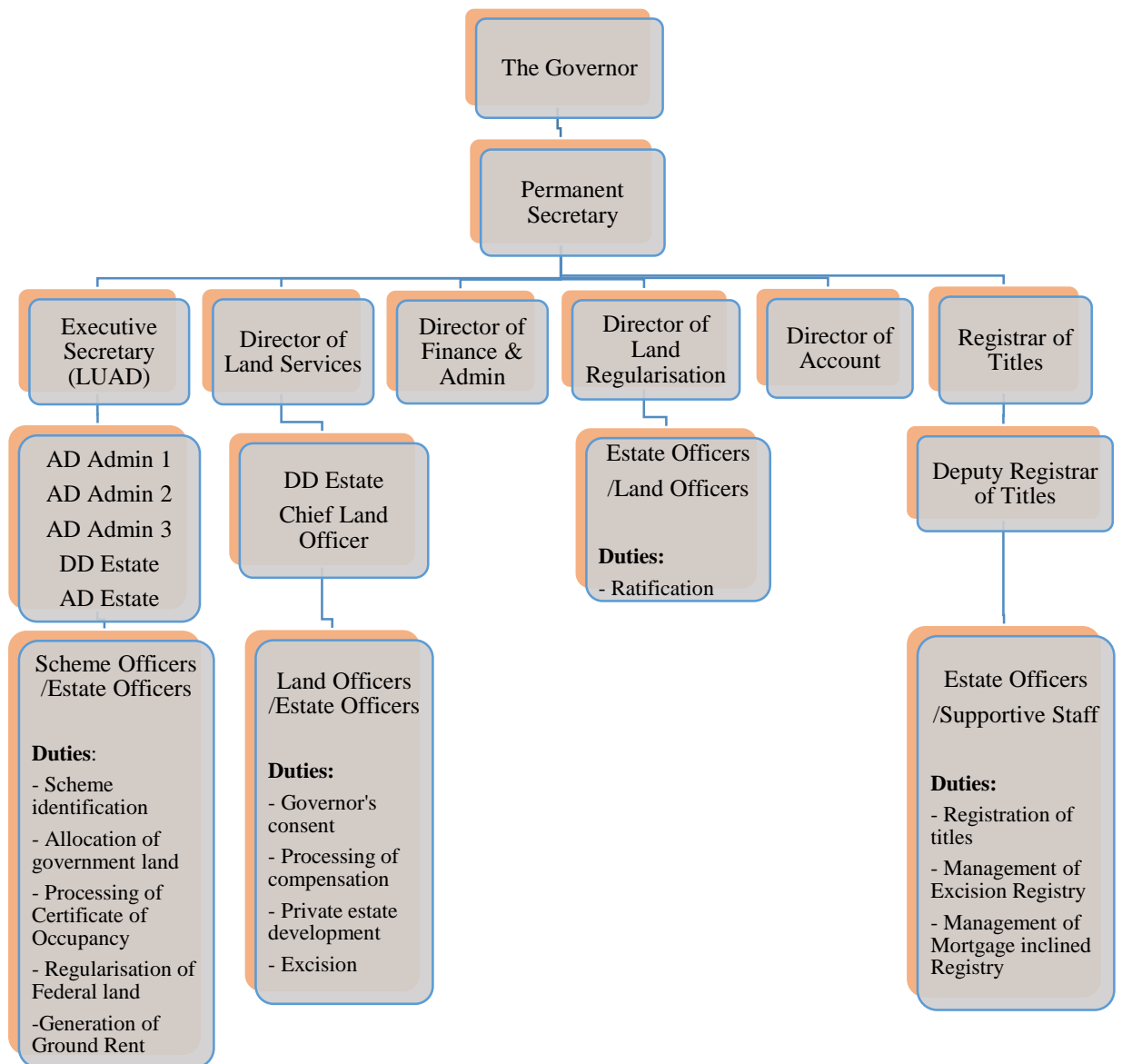
The Bureau is divided into eight departments which are called 'directorates' and these include:

- The Directorate of Finance and Administration
- The Accounts Directorate
- The Land Use & Allocation Directorate (LUAD)
- Directorate of Lands Services (DLS)
- Land Registry Directorate
- Directorate of Land Regularisation

- Regularisation of Federal Government Properties & Grants Unit
- Office of the Permanent Secretary.

Depending on the type of land title registration that is to be carried out, service users must interact with at least three of the departments shown in Figure 9.

Figure 9. The Organisational chart of the Lands Bureau, Lagos State



Source: Lands Bureau, Lagos state (2015)

The next section will provide a description of these three key departments. It will elaborate on the duties performed by these departments in the furtherance of the administrative and managerial roles of the Lands Bureau.

5.2.1.1. The Directorate of Lands Services (DLS)

This department is one which most users of the Lands Bureau are familiar with as almost all land document registration process involves one interaction or the other with its officials. Amongst other things, this department plays a major role in processing applications for the grant of the Governor's consent to land transactions. During the actual process, it is in charge of correspondence with the service user and ensuring that application documents are forwarded to the appropriate Commissioners who approve the land transactions on the behalf of the Governor.

The department is also directly responsible for and coordinating all matters that relate to the following:

- Revocation of rights of occupancy and processing of compensation claims
- Processing of requests for grant of land under the Private Developers Scheme
- Administration of Neighbourhood Improvement Charge (NIC)
- Consultancy services to ministries, parastatals and other state government agencies (Lands Bureau, 2015).

5.2.1.2. The Accounts Directorate

This department undertakes the accounting functions in the Bureau and performs a vital role in the registration of land title process. In the course of the registration process, the accounts department must verify that all legal payments that are required of the service user have been made and the receipts tendered are genuine. Due to the nature of this

function, most of the other departments in the Bureau rely on its services before proceeding with the processing of land documents.

Amongst other things, the department is mandated to carry out the following duties;

- Ensures safekeeping of the funds of the Bureau
- Ensures the proper recording of all accounting records and all transactions emanating from the Directorate concerning the Bureau
- Ensures thorough reconciliation and prepares due bank statements
- Advises Management on financial matters.

5.2.1.3. The Land Registry Directorate

The responsibilities of the Land Registry are central to the administrative functions of the Lands Bureau. These responsibilities are conferred on the directorate by The Land Instrument Registration Law of 1925. It confers authority on the Registry to have custody of all registered land instruments. This includes deeds of assignment, leases, subleases, mortgages, releases and assents, orders of court and judgements, purchase receipts, amongst others, and in recent times, to include the certificates of occupancy.

According to the Bureau, this department has seen a huge success in its agenda of improving service delivery (Lands Bureau, 2015). With the recent move away from its old archiving system to a new electronic storage system, the department's role has gradually evolved. This evolution has led to the constant development and modification of the duties of the Lands Registry. In particular, the department is charged with the responsibility to carry out the following functions:

- Storage of proper records of all land transactions in Lagos State

- Registration of instruments affecting land in Lagos, which was introduced as far back as 1863. Since then the volume of paperwork had been enormous
- Administration of the Electronic Document Management System (E.D.M.S). A project embarked upon by the Governor of Lagos State in January 2005. This reduced the volume of paper document handling
- Scanning of title documents which began in February 2005 – so far more than 9.6 million pages of Title documents have been scanned and archived
- Managing the Mortgage Registry.
- Managing the Acquisition and Excision Registry (Lands Bureau, 2015).

Service users generally interact with this department at the beginning and towards the end of the land registration process. The stage of registering the land title document into the databases of the Registry finalises the process of obtaining the Governor’s consent to a land transaction. In addition to the registration of land titles that have been approved by the Commissioners on the behalf of the Governor, the Lands Registry as custodians of the original copies of registered land documents also provide the public access to view stored documents for the purposes of validation of title. In this case, they provide certified true copies (CTC) of these documents.

The preceding subsections have laid out the details of the duties of some key departments in the Lands Bureau. This will act as the foundation for the discussion in the next section which will be focused on the official process of registering a land title in the Lands Bureau of Lagos State.

5.3. Perfecting Land Documents in The Bureau: The Official Narrative

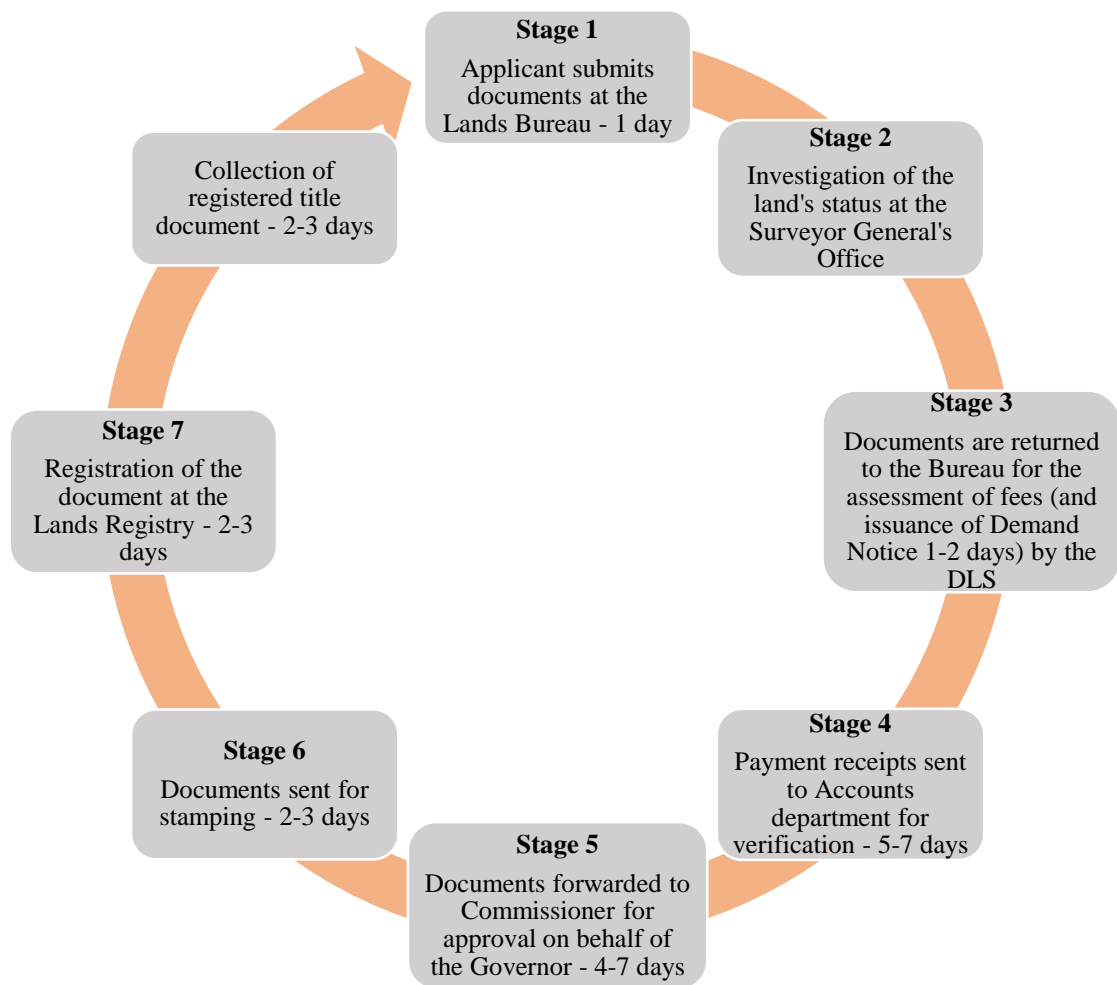
This section gives a detailed description of the official account of land registration in the Lands Bureau. It details the processes involved and the estimated time for concluding these sorts of transactions as provided by official documents. An exploration of the official account for concluding land registration transactions is imperative at this stage as it acts as the foundation for the subsequent discussion of service users' experience of land registration.

In the execution of a host of its services the Bureau works closely with the Office of the Surveyor General, the New Towns Development Authority and the Ministry of Justice amongst others. In theory, the process involved in seeking the Governor's approval to a transaction involves seven steps from submission to conclusion (see Figure 10) and according to the Bureau takes a maximum of 30 days to complete. The process commences with the documents being submitted at the Bureau and an official case file opened on day one.

- *Stage 1*

Land documents are submitted by the service user to the Lands Bureau. A file is opened for the application and a file number is assigned and communicated to the service user.

Figure 10. The 30 Days Official Process for Land Document Registration at the Lands Bureau



Source: Developed by the researcher based on data from the Lands Bureau, Lagos state (2015)

- Stage 2

The documents are then sent to the Office of the Surveyor General for charting to ensure that it is in accordance with what is in the official records and it is not a property under government acquisition. In other words, the Surveyor General investigates the actual status of the land through a verification of the survey plan. This is meant to ensure that the measurements of the land and its current status represent the true position as indicated on the documents that have been submitted to the Bureau. No specific time frame is provided for the conclusion of this stage.

At its conclusion, the file is sent back to the Bureau to continue ‘the journey’ towards perfection.

- Stage 3

Upon confirmation of the authenticity of the documents with regards to the nature and characteristics of the land, the documents are returned to the Bureau. At this stage the Bureau assesses the fees to be paid by the applicant based on the particulars of the land. After this assessment, a ‘demand notice’ requesting the payment of ascertained fees is usually issued by the Directorate of Lands Services (DLS) to the service user within a maximum period of 2 days.

- Stage 4

Once the required payments are made by the service user to the designated banks and the treasury receipts are submitted, the receipts are then sent to the accounts department for verification. This stage is prescribed to be concluded within 7 days.

- Stage 5

After the payments have been verified by the accounts department, the Bureau forwards the documents to the designated Commissioner to approve the application on behalf of the State Governor. In the past, the duty to sign on the behalf of the Governor was carried out solely by the Commissioner of Justice, Lagos state i.e. the Attorney General. However, in the bid to perhaps reduce the bottlenecks and cut down the processing time of transactions, the duty to approve these transactions have been delegated to other Commissioners within the state.

Once the documents are signed within the 7 days prescribed, the file proceeds to stamp duties.

- Stage 6

On approval, the documents are sent from the Commissioner's office for stamp duties and it is processed within 2 to 3 days then the file proceeds to the Lands Registry for registration.

- Stage 7

Once the documents have been stamped, they are sent to the Lands Registry for official registration. Registration at the Lands Registry indicates that the land documents have been perfected and ownership or possession has been officially transferred from one person to another. The documents are subsequently made available for collection by the service user. The registration stage is supposed to take a maximum of 3 days, with the collection of the registered documents by the applicant suggested to take 2 to 3 days as well.

The process of perfecting lands documents as indicated above in the official narrative provides a clear, precise and structured process for lands registration. With the exclusion of the second stage where the processing time was not provided, the extent of clarity described makes concluding a lands registration transaction within the prescribed 30 days highly possible.

The second part of this chapter compares the official narrative with what is experienced by legal practitioners in their interactions with the Lands Bureau.

5.4. The Journey to ‘Perfection’ in The Lands

Bureau: 30 Days or 30 Months?

This section explores the social reality constructed by this group of service users as to how they experience and perceive land registration services being delivered by the Lands Bureau. It details the stage by stage process of registering documents in the Bureau as experienced by the users of the service and juxtaposes this with the official account described in the earlier parts of this chapter. There is an in-depth exploration of how the service users attempt to manage and control these differences between the officially prescribed and the experienced in order to conclude their transactions at the Bureau. These accounts are important as they provide an understanding of the actions of the service user which possibly influences the nature of service delivery in the Lands Bureau.

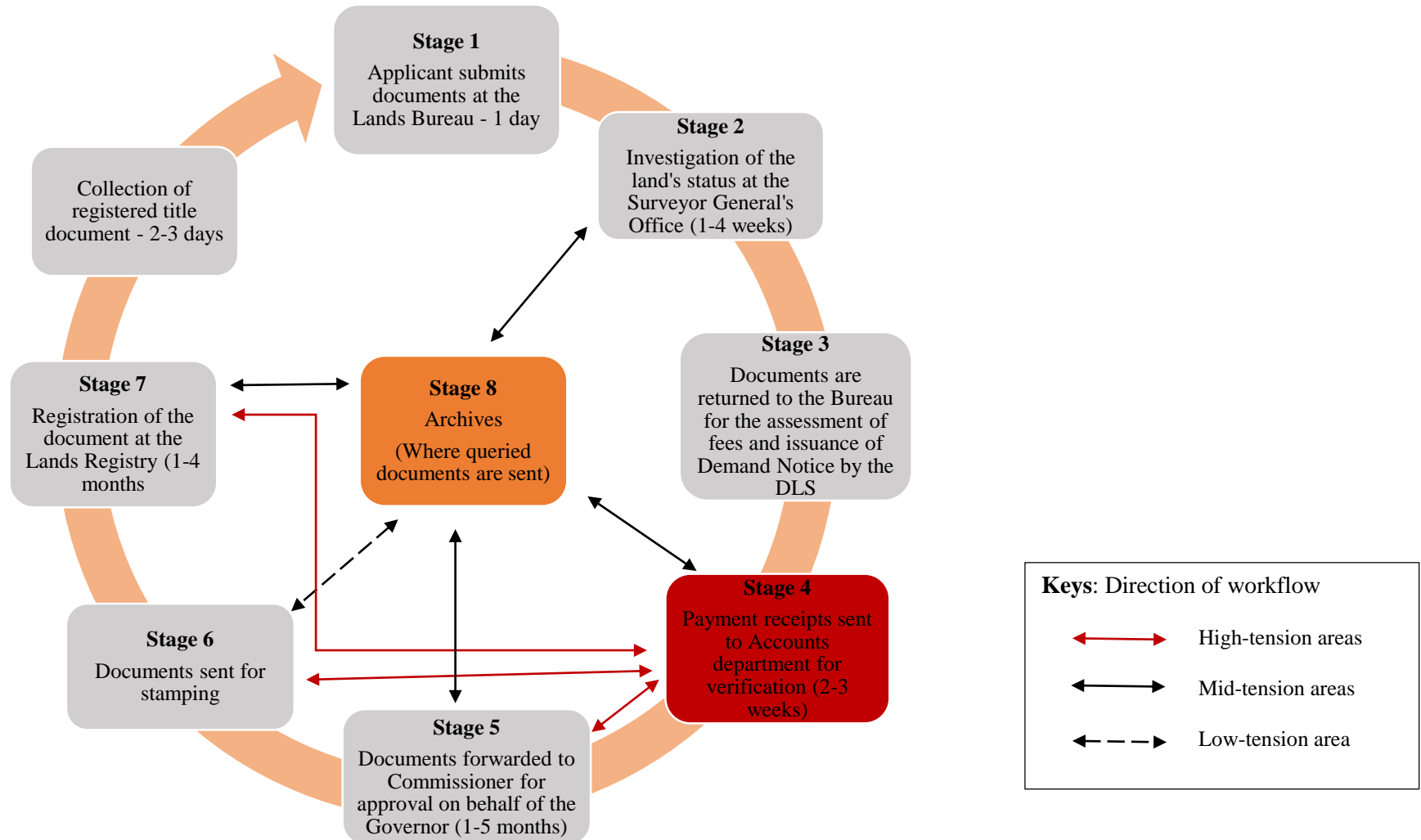
Upon the transfer of land title documents from one person to another, in the form of a sale, lease or any such transaction, the recipient approaches the Lands Bureau to protect their interest by registering the same with the Bureau. In this context, the registration of such interest is called ‘perfection’ of the title. According to the participants, examples of transactions that they frequently conduct in the Lands Bureau includes the creation and discharge of legal mortgages, registration of deeds of transfer of landed property, registration of deeds of lease, obtaining a Certificate of Occupancy (C of O), obtaining a deed of release, registering a deed of gift, and conducting a search of registered lands – verification of land title – at the Registry’s archives amongst others. The essence and core of these transactions is obtaining the Governor’s consent to the lands transaction.

5.4.1. The Perfection Cycle

This section provides a detailed description of the day to day encounter of the professional service user with the services of the Lands Bureau and some of the factors that shape the nature of the service user / service provider relationship.

For the most part, the quest to obtain the Governor's approval to a lands transaction is generally described as being marred by uncertainties and complexities which is conveyed by one participant's description of the entire process as being a 'journey' (LP 3). Similar to the official process of land document registration discussed in the earlier parts of this chapter, participants also described that perfection of a title in the Lands Bureau generally involved seven stages, often with the addition of a bonus stage – archives. A close examination of Figure. 11 below shows a near identical description between the officially prescribed processes of registration and the 'experienced' version. This is excluding the absence of the 8th stage and the intricate relationship among the different stages which is absent from the official narrative. Much like the official prescription, the process of registration commences with the submission of the land documents at the Lands Bureau – for which a file is opened for it – from where it is later transferred to the Surveyor General's office for charting and endorsement i.e. verification of land status.

Figure 11. The 6 - 24 Months Service User Experience



Source: Developed by the researcher based on data from participants'

Unlike the official account which omits the duration of this stage, participants' description reveals that this stage could last between 1 and 4 weeks – often with an intervention on their part – before proceeding to the next stage:

[...] the Surveyor General's office may take around three weeks or longer if you don't follow it up properly [...] (LP 5).

The lack of a prescribed time frame at this early stage may introduce uncertainty into the entire process and derail the 30 days official time scale for the conclusion of transactions.

The third stage commences after the documents have been returned to the Lands Bureau, then a notice of demand for the payment of the assessed fees is sent out to the service user. Upon the payment of the required fees, the documents continue on their journey once again and are transferred to the accounts department for verification of payments which is the fourth stage. This is a decisive point in the entire process. This stage is critical because every movement of the document from here on reverts to this stage before any further action is taken on the file or documents and this stage is generally described as lasting between 2 and upward of 3 weeks as against the prescribed 5 to 7 days:

[...] they say it shouldn't go beyond 4 days but it seems that is not correct, that is on paper, right here in practice your process can actually be there for 2 weeks or even 1 month and see they told us that this thing [the entire land registration process] is supposed to be for 30 days (LP 10).

After the verification of payments, the documents move to the fifth stage which is the point where the Commissioner approves the transaction on the behalf of the Governor. Before the approval is given a re-assessment of the documents will be carried out to ensure that the legal and procedural requirements have been met and that the required fees have also been paid. This phase is officially prescribed to take from 4 to 7 days. But some service users allege that this point of the transaction process lasts between 1 and 4 months:

Also, there was a time I submitted this deed of assignment for perfection and it went to the Commissioner for him to append his signature and the file spent like 5 months, just for him to append his signature [...] (LP 17).

But from experience what we see is that if a file is sent [to the Commissioner] it may take about 4 or more months before it returns [...] (LP 5).

Some reasons were proffered by participants for this extended delay. One of these includes the possibility of the file being ‘queried’ – this is usually due to an issue relating to the nature, content or insufficiency of the tendered documents. When a file is queried it is sent to the ‘archives’ (stage 8 in Fig. 11), a central filing location within the Lands Bureau. Due to the difficulty of retrieving the file from the archives and in most cases the lack of communication that the file has been sent there, this raises the possibility that while applicants generally assume that the file is still awaiting the Commissioner’s attention the file may have spent a considerable time in the archives:

[...] but you see [there are] sometimes a job may be queried, if it is queried it will move down again, back through the normal routes and

end up in the archives. If you take about one month you will be thinking your job is going but it is stuck [...] (LP 18).

Other explanations provided for the delay in this stage is the tendency to revert to the accounts department to re-confirm the payment of the fees and the general assumption that giving of approval to land transactions is not the primary duty of the Commissioner, as such the duty is carried out at his/her convenience.

The sixth stage in the process involves sending the documents for stamp duties. It is generally agreed by the participants that this is the least time consuming stage of the entire process. While it also involves the verification of payments from the accounts department and the possibility of the documents finding their way to the archives, the processing time is perhaps faster because the focus of this department is ensuring that the stamp duties have been paid and nothing more. Thus it does not concern itself with the payment of other fees and the nature of the other documents.

The seventh stage in the process of obtaining the Governor's consent involves the registration of the documents at the Lands Registry. This stage is also crucial because the final registration of the documents crystallizes the ownership of the property to which it relates and these form the records that the general public will rely on. According to the procedural records of the Bureau, this stage is concluded within 2 to 3 days, but the described experience(s) of the participants largely depart from this prescription. The consensus among participants is that this stage is concluded within 1 – 4 months and this is essentially because a re-verification of documents and payment receipts is carried out, at this stage it is called 'clearance'. This exercise involves taking two steps back in the process and liaising with the accounts department – clearance with respect to the payment of fees – and a scrutiny of the documents to

ensure compliance. The failure of which sees a file or documents being sent to the archives:

So when you get to registration it's another ball game. It can take another 3 or 4 months depending on how push-ful you are [...] (LP 5).

I obtained consent (Commissioner's signature) on 18th of November 2013 and it was ready from registration on 22nd January, 2014, that should be well over 30 days [...] (LP 1).

[...] then you take it for registration, that is another process on its own and the process may take like a month [...] they keep going back and forth checking your receipts, checking your payments, your documents, root of title; they want to be really sure before they register it. (LP 20)

The above descriptions illustrate the gap between the officially prescribed, 'what ought to be' and 'what is'. This disparity is more pronounced with respect to the timeframe for the conclusion of transactions and the 'complexities' involved on the part of the service user, in ensuring that the transaction is concluded. For example, according to the official process, the documents are identified as being sent to the Surveyor General's Office for verification of the land's status, but as stated above no specific time frame is given as to when this stage should be concluded. This uncertainty at the beginning of the process may call into question the veracity of the allocated time frame for the other stages and the eventual conclusion of the transaction. However, it is doubtful that this singular anomaly can explain the huge variation in the 'prescribed' and the 'experienced' conclusion timeframe of a lands transaction. This, therefore, raises a strong interest to understand how these uncertainties and complexities surrounding service delivery affect the service user and shape the nature of their

interaction with the Bureau and its officers. The next subsection will explore how the participants discuss managing these complexities and uncertainties to conclude their transactions in the Bureau.

5.4.2. 'I Am a Mercenary'

Generally, the way people construct themselves or their social reality may be seen to influence their everyday actions and interactions with others (Goffman, 1959; Berger & Luckman, 1966). This may be said to be noticeable in the case of the professional service user. The nature of the position that this group of users occupies, requires the show of efficiency not only to keep their clients but also to gain new ones. Hence the general drive for efficiency may have resulted in the adoption of a number of identities by the participants:

[...] I'm being given a job to do, I am a mercenary [...] I'm a mercenary! I want to be seen as a lawyer that does things speedily (LP 4).

When I go to Lands, I need to be a miracle worker for my clients [...] (LP 16).

However, with regards to providing an efficient and speedy service to their clients, the consensus amongst this group is that the conclusion of a transaction within the official 30-day period is an exception to the rule rather than the norm. Although the Lands Bureau's vision statement is 'fast-tracking land administration to harness Lagos State government's revenue potentials and provide easy access to land for economic and social benefits' (Lands Bureau, 2015) at present, the narrative of this group of service users reveals that the average conclusion time for the registration of a land document

is between 6 months and 1 year, with some cases remaining unperfected upwards of 2 years:

Despite that it's supposed to be 30 days, you realise that on the average it lasts as long as one year [...] (LP 1).

There are some jobs that are there for about 2 years, 3 years but if you don't have any delay by the time you're spending 8 to 10 months you supposed to have your job done (PL 1).

This extended timeframe for the conclusion of transactions may not work well with the ambition of a professional that seeks to be seen as a mercenary as this persona is characterised by exceptional service delivery; which in the case of the Lands Bureau cannot be guaranteed without taking some extra steps to ensure the required outcome. Some of the participants suggested that the reasons as to the delays experienced in the Bureau may be linked to the heavy workload of Bureau officials. This heavy workload is said to be reflected in the work attitude of the Bureau officers which in some cases may be those of an over-worked staff. For example, if the workload of an official is considered in conjunction with the number of available officials to do the job, bearing in mind that Lagos state is the commercial capital of Nigeria and the administration of lands is a major source of revenue for the State government, this may provide an explanation as to the long delays and the appearance of inefficiency on the part of the Bureau. Instructive in this regard is the description of two of the participants as regards their experiences with delay in the Bureau:

[...] now in a day they can receive up to like 200 to 500 applications and you have one person to man these applications you know in each of the rooms... Basically the large amount of files that come in you know, well, contribute (LP 10).

[...] you know Lagos is congested...so that they have a lot of transactions, compared to the other states and you know Lagos state does a lot of land transactions, properties, that is the major investment in Lagos state. I think...that is why I feel the Lands Bureau is so congested because they have a lot of workload to do compared to other states [...] (LP 6).

Consequently, the workload of staff may negatively affect the processing time of a transaction and this is at variance with the need for speed of the professional service user, who may then look for other methods to short-circuit the bureaucratic system.

Under certain circumstances, this ‘journey’ may be concluded within the officially prescribed time frame of 30 days. However, this rarely happens without the active involvement of the service user in the perfection process by way of actively controlling or managing the registration process. Such involvement may either take the form of constant self-monitoring of the documents:

Once I submit the necessary documents for perfection, I make sure I go in there regularly enough to monitor the file [...] (LP 19).

[...] if you don't follow-up your file remains on the table [...] so it takes a lot of follow-up to ensure that you get results (LP 6).

Or in some instances, the informal engagement of one of the Bureau’s staff, who then acts as a sort of ‘broker’ for those that will engage his / her services:

b[...] you have to have an ‘insider’ that is just the fact, you must have an insider to assist you (LP 3).

You have to know people in that place, you have to hand it over to somebody; that is the person that will report to you [...] (LP 11).

Assuming as a lawyer you want to do it on your own without necessarily making use of them (insiders) you may have problems, but once in a while you hire their services to help you to navigate [...] (LP 13).

Regardless of the preferred method in the journey towards perfection, the consensus amongst this group of participants is that ‘monitoring’ – which is also described as ‘follow-up’ by some participants – of the files or documents for perfection is fundamental to the successful conclusion of a transaction:

[...] if you don't follow-up, your file remains on the table or you have to trace the office where your file is if you can't find it. So it takes a lot of follow-up to ensure you get results (LP 6).

Thus, due to the importance of ‘follow-up’ as emphasised by participants, the next subsection will provide a detailed explanation of this fundamental activity in land registration.

5.4.3. The ‘Follow-Up’: Controlling & Managing the Registration Process

This section describes the methods which professional service users employ to manage and control bureau pathologies that manifest while transacting in the Lands Bureau, with the aim of minimising their effects on transactions. According to Thompson, the concept ‘bureau pathology’ explains the effects of the features and structures of a bureaucratic institution on the behaviour of public officials. The excessive focus of the institution on routinized tasks, impersonality and hierarchy has resulted in creating pathological

behaviours amongst officials which is expressed by ritualistic attachment to routines, excessive focus on sub-goals (Thompson, 1977, p. 152) and the transference of responsibility to others within the hierarchy. An examination of how legal practitioners manage these pathologies is important because, amongst others, they manifest in the form of prolonged transaction delays which indirectly affects the reputation of the lawyer and how she or he is perceived by the client. The possible consideration of these factors may influence the professional to seek out less-legal alternative approaches to concluding transactions and these alternative approaches provides an insight into how legal practitioners conduct or facilitate these types of informal interactions.

The three main approaches described by participants and which will be explored include the insider approach, the stage-by-stage approach and the complaint approach to concluding transactions in the Lands Bureau.

5.4.3.1. The 'Insider' Approach

The word 'insider' is used to identify a person who either works in the Lands Bureau as a Bureau official or as a clerk and due to this 'residency' status unofficially collects some form of payment from service users in exchange for the provision of some 'extra' services. Participants also referred to this group of people as 'someone in-house', 'somebody', 'agents', 'contacts' and 'resident contractors' amongst others:

[...] at a point lawyers become helpless, the people from outside become helpless [...] on the average you still need someone in-house to help you push it [...] (LP 1).

The Lands has become so polluted that even those who are the senior officers there have agents that they use as well [...] So some of the works

that lawyers do these are the ones that will do it, even clients go straight to them. Some of them call lawyers their clients [...] (LP 9).

[...] what it (the registration process) has succeeded in doing is to make the workers in that place semi-contractors. [...] we all have our boys [...] most of them have turned to resident contractors because they are the ones that actually can help you move the files (LP 18).

The extra services that these insiders carry out include, completing an entire lands registration process, monitoring of files which the service user is processing or taking over of such files, locating missing files on request and generally providing information or assistance with regards to lands transactions in the Bureau. As a result of these extra services, they have come to be seen as indispensable by most of the participants in their interaction with the Lands Bureau:

[...] you have to have an insider that is just the fact; you must have an insider to assist you (LP 3).

Two main reasons were given for the alleged importance of engaging the services of insiders in land document processing. The first has to do with avoiding delays in the conclusion of transactions and the second reason which is closely related to the first, has to do with the professional's desire to build and maintain a good reputation before their client. These two reasons will be explored in detail in the following subsections.

a. Avoiding Delays

Delays in the conclusion of transactions is a major issue that this group of professionals describe that they frequently encounter in the Land Bureau. This may be caused by any factor from the inherent uncertainties in the lands registration process, to the nature of the

bureaucratic institution itself. In the quest to avoid these frequent delays, they often devise different means to ‘control’ these situations. The use of an ‘insider’ is one of such control mechanisms that the professional service user employs to manage the bureaucratic challenges in the Lands Bureau.

Insiders are contracted by the professionals to serve as their contact person in the Bureau while they engage their services. According to participants, the time-frame for the conclusion of a transaction varies where professionals employ the services of an insider as compared to when they decide to follow the normal bureaucratic process to conclude the transaction. The reason for this may be because the nature of the relationship between the professional and the Bureau official is quite different from the relationship between the Bureau official and the insiders. Since most insiders are themselves employees in the Bureau there is the opportunity for informal interaction and exchange of favours as between colleagues. These are features generally lacking in the relationship between the professional service user and the Bureau official. As a result of this existing status of ‘good working relationship’, the insider naturally comes as a useful resource to be explored by the professional to speed up the time that is required for the conclusion of transactions:

[...] these people [insiders] can even on their own go to each of these rooms (departments) and say “listen, are you done with this file? If you’re not done with it please sign”, unlike when I go there myself. So these people will just work around it [bottlenecks] since they’ve been paid to do the job. [...] I think for that I’ve actually received one [a perfected land document] for a month [...] (LP 10).

So that guy [the insider] is not obliged to do the job as per he is been paid a salary, he is now doing it based on the fact that he has a special interest in the file (LP 7).

In other words, the use of an insider is described as being advantageous as their ‘insider’ status enables them to liaise with their colleagues as to prioritising files in which they have an interest in, thereby, cutting down the processing time for such transactions. Similarly, another suggested advantage of using the insider is as a result of the indirect impact they have on the reputation of the professional.

b. Building and Maintaining Professional Reputations

Ordinarily, the responsibility of legal practitioner towards their clients is generally determined by the ‘expectations’ of the latter. With regards to lands registration, a professional’s client could approach the Bureau directly to conduct transactions but instead elects to pay the professional to do this. In this regard, the expectation of clients is described as not being restricted to just getting the job done, but getting the job done within the shortest possible time as compared to if they had done it themselves:

[...] at the end of the day you just want your job to be done because the client will not come to you and you will now tell them that it’s in 6 months. They will ask “what kind of lawyer are you, the last one we did was in 3 months” (LP 18).

[...] eyes are on you, and don’t forget that you are not the only lawyer; if you don’t do it right and on time [...] next time they [the clients] won’t want to engage your services (LP 3).

[...] It keeps your reputation as someone that does the job on time as opposed to someone that waits [...] I want to be seen as a lawyer that does things speedily (LP 4).

The descriptions above hint at a certain level of expectation required of the professionals by their clients which may pose a challenge. This challenge is emphasised by the nature of the bureaucratic institution which is not ordinarily built for speed, and speed is a key expectation of the client. Thus, professionals tend to seek out alternative methods to satisfy their clients' expectations in any way possible, and engaging the services of the insider is seen as beneficial in this regard. Due to the perceived impact that these insiders have on the conclusion time of transactions, most of the participants hold the view that it is virtually impossible to conclude transactions without engaging their services. Thus, they accept this practice of land registration as a norm that cannot be deviated from:

You have to know people in that place; you have to hand it over to somebody; that is the person that will report to you (LP 9).

[...] if you study this situation critically, I can say categorically that what works in that system is man-know-man; you must know someone! (LP 16).

Despite the popularity of the above view amongst participants, a few dissenting observations are noted to the effect that using an insider may be a matter of the choice of a service user. As land transactions can, arguably, be successfully concluded in the Bureau without conforming to the norm of engaging the services of the insider:

[...] you don't need to give anybody anything, if your documents are complete you actually don't need to tip anybody; just that you have to be going there and following it to make sure it is moving [from stage to stage] so that somebody will not just forget it on their table (LP 19).

[...] If you're not receiving any pressure from anybody [...] sometimes it can actually take the natural course and it will come out (LP 18).

It is, however, apparent from the explanation of LP 18 that the option to engage the services of the insider may not entirely be voluntary as the 'pressure' for results by the professional's client may be an influencing factor.

Furthermore, the speedy conclusion of a land transaction is not dependent on the singular act of engaging the services of an insider. Participants' descriptions show that the 'amount' that is paid to an insider – which participants also called 'mobilisation' or 'facilitation' sum – may determine the time frame for the conclusion of a transaction that the insider has been contracted to handle. In other words, an insider can be highly motivated and invested in a job where a substantial facilitation sum is paid by the professional and less motivated where a lower sum is paid for the same job; so this factor also affects the time it takes to conclude the job:

[...] depending on how much you're paying...if I give him like ₦1 million [£3750 Approx.] ...he is going to personally carry the file, in fact they will close their eyes to approve every approvable! (LP 1).

Similarly, the amount a client pays for services rendered has been described to also influence the steps which the professional takes in conducting the lands transaction. This is not unlike the case of the insider being motivated by the facilitation sum paid by the professional. In other words, the professional is also motivated to engage the services of the insider by the amount that is paid by the client for his or her services:

[...] if you have a brief of ₦50 million and the professional fee is 15% and another brief of ₦50 million and the professional fee is 5%; the one of 15%, the way you're going to handle it will be different from the one of

5% because of the consideration involved [...] So it depends on the fee that you're getting on that particular job (PL 1).

This section has explored the importance of using insiders for conducting transactions in the Bureau. The next section will now examine another control mechanism, the stage-by-stage approach.

5.4.3.2. The Stage-By-Stage Approach

This approach involves the professional personally following the progress of the file or land documents from stage to stage in the registration process, unlike the insider approach where the professional pays someone else to follow the file. The personal monitoring process requires that the professional physically go into the Bureau regularly to enquire about the location and stage of the land documents to be registered until the conclusion of the transaction:

Once I submit the necessary documents for perfection, I make sure I go in there regularly enough to monitor the file [...] (LP 19).

Anytime I have a transaction there I go there like twice a week, Tuesdays and Thursdays [...] (LP 10).

This self-monitoring option is viewed by most of the participants as being tedious and a waste of resources such as time and money, hence the preference to engage the services of the insider:

It is not that we cannot do it from the beginning to the end [...] but I tell you the car park in that place is ₦500 inside, outside there is ₦200 and you have to queue to get that one. Now you can go to Alausa twice a week and you discover that your file has not even moved from one table to the

other. So in other words, you have paid another ₦1000, and your fuel is going [...] assuming you go to Alausa 20 or 30 times before you get your thing, you have spent ₦20 000 or there about [...] why do you have to go through all that while I can call my guys there? [...] (LP 18).

The description of LP 18 above once again highlights the role of individual ‘choice’ in determining how to manage and control their land transaction in the Bureau. While on one hand the use of insiders may be frowned upon by some:

Knowing what I’m looking for I don’t usually look for a person who is going to help me because I know the sections, I know how the thing works, so I don’t usually employ anybody to help me look after my file (PL 2).

[...] you don’t need to give anybody anything, if your documents are complete [...] you have to be going there and following it to make sure it is moving so that somebody will not just forget it on their table (LP 19).

On the other hand, the self-monitoring approach may not be completely devoid of informal payments, much like the insider approach. This method may be distinguished from the insider approach by the singular fact that the professional does not pay an ‘individual’ to monitor or take over the registration of the documents. In fact, participants who employ this approach explain that at certain stages in the registration process, the need also arises for them to ‘facilitate’ or ‘mobilise’ a Bureau officer or clerk:

[...] so basically if you want your file to be processed on time you’ll pay ₦1000 for typing and there are still a whole lot of things that you will still pay for to move from one officer’s table to the next officer’s table [...] (LP 2).

[...] if it's not acceptable in one department then definitely another department will ask for it or will delay the job for a long time and you will just have to use your initiative to give them something to make it move [...]
(LP 17).

The use of this approach becomes more problematic due to the fact that the need to 'tip' or 'mobilise' is multiplied. That is, it not only involves interacting with participants from the different stages in the registration process, it also involves the professional negotiating facilitation sum with different individuals as opposed to the insider approach where the insider does the negotiation on behalf of the professional.

[...] since you know that there is no how the job can get done on its own without you intervening you have to be following it up. When it gets to Survey, you go to Survey and locate where the job is and 'see' the officer that is in charge [...]. So that is what you continue doing from office to office until you get the whole thing concluded (LP 8).

[...] if I have a file that I want to process I don't just throw the file there; my file is going to so and so, I have to go and wait for the file to be there and go and 'see' the man so they can find my file out on time [...] (LP 3).

These descriptions show that the use of this method is also froth with its own peculiar problems and service users have to make a decision whether they are ready to take the issues on. This section has described the second method that professional service users employ to navigate and manage the complexities that they encounter in their regular attempts to conclude transactions at the Lands Bureau. While this approach may bear a close resemblance to the previously described insider approach, some unique characteristics which significantly distinguishes both methods were highlighted.

The next subsection will present the least popular control method employed by some of the participants in land registration, this is the complaint approach.

5.4.3.3. The Complaint Approach

As the name suggests, this approach involves service users making a formal complaint or petition to the appropriate authorities where they encounter poor or delayed services in the Lands Bureau. Such petitions or complaints are usually in a written form and depending on the nature of the petition are generally addressed to the Permanent Secretary, who is the administrative head of the Lands Bureau, or to the office of the Attorney General of Lagos state. Sometimes, these petitions are made directly to the head of the particular department in question and as a last resort to the office of the Governor of Lagos state.

Of the three transaction control and management approaches described by participants, the complaint approach is the only one that – on the face of it – does not require informal payments to be made to get the job done. But it is still the least utilised of all the methods. Two main reasons were given for the underutilisation of this method. The first is the belief that the petition or the complaint will not be treated and where treated will undergo the usual bureaucratic stages leading to an extended time frame for the conclusion of the registration. The second is a possible victimisation of the professional by the erring official when he or she gets queried, if they get queried that is, amongst other things.

[...] I wrote a letter to them...your letter will go through the process as well, it will be passed from one table to another. So if you want to wait, you wait. You can wait for another one year and your letter will still be moving (LP 3).

[...] because of the way the civil service is if you want to follow that path [formal complaint] and you're complaining, your file will get missing and you remember you have a client; that is your overriding factor (LP 2).

The possibility of victimisation is a factor which participants describe as fuelling the general reluctance to make formal complaints. This is more so in the case of the legal practitioner who regularly interacts with the Bureau on behalf of different clients. The frequency of the interaction between the professional and the Bureau creates the need to maintain a good working relationship with Bureau officials; as these are the people they do business with on a regular basis.

[...] the fact is that because you work there regularly so even if there is any issue you won't want to complain officially [...] (LP 5).

The explanations by participants show that alienating the officials by way of complaints may be detrimental to professionals who may in the future seek to undertake the stage-by-stage approach of conducting transactions in the Bureau as they may become persona non grata in both the formal and informal realm of conducting business in the Bureau:

There was a time I had a problem there, I wanted to take it up and they said "oga [sir], the best thing is for you to go and settle with this woman because you know you're always here in Alausa; once she finds out you're fighting her now or that you have reported her, all your job once they see it...you cannot locate your file again and you start having problems" (LP 8).

[...] I have had several encounters of that nature and when I threaten by saying that I'm going to report you to your management [...] the next thing

they will frustrate your work...they will give you excuses why that file will not move from that table (LP 7).

Despite this cautious approach from most of the participants, two of the participants claim to have had positive feedbacks from writing petitions / complaints as a result of the poor services that they had received from the institution. While one of the participants addressed the written complaint directly to the head of the erring department, the other participant addressed it to the office of the Governor of Lagos state.

[...] I remember last year (2013) I wrote a petition of a missing file against a particular department. So when I wrote the petition on behalf of my client, immediately they [the department] called me and invited me for a meeting (LP 12).

[...] we wrote directly to the Governor itemising what had gone wrong in the past, you understand [...] one of their cardinal policy is service delivery, so we take them up on that, that we have been on a C of O for 3 years [...] So if you don't go through that process you will not get results (LP 11).

These two participants claim to have had positive results from using this approach, however, this step may have been taken as a last resort as both participants also describe the convenience of using the insider method above all. In other words, the complaint approach is only used when all others fail to give the expected outcome.

In summary, the views of participants in this study may appear to occupy the two ends of a spectrum with one side touting the inevitability of informal payments in the conclusion of a transaction in the Bureau, and the other affirming the pointlessness of making such payments. However, there is considerable overlap in these views as participants do not

rigidly fit on one side of the spectrum. Rather, they generally employ the tool which best suits their business needs at every point in time when dealing with the Lands Bureau, and this is regardless of their position on the spectrum. Also, although the participants occupy different legal roles and have varied years of experience dealing with the Bureau, based on the construction of their experience, there is no noticeable difference in the nature of their interaction with the institution.

This section has examined some tools that service users employ to manage and control bureaucratic bottlenecks that they encounter in their attempt to conclude transactions in the Lands Bureau. Besides the need to have some semblance of control over their land transactions, participants also describe certain other factors which influence their behaviour and decision whether or not to get involved in informal transactions. The next section will explore some other influencing factors described by the legal practitioners.

5.5. Ancillary Factors

This section examines other factors that this group of service users hint at being a contributory influence in the decision whether or not they should follow the informal route to conclude transactions in the Lands Bureau. Aside from the ever-present need for ‘speed’ and the impact that this has on the professional’s reputation, two other factors are described as being important in reaching a decision on how the professional chooses to control and manage land transactions in the Bureau. The two factors examined in this

section are the nature of ‘competition’ in the legal profession and the socio-cultural environment that is Nigeria.

5.5.1. Competition in the Legal Profession

There are discussions in the legal arena as to whether legal practice should be considered a profession or a business (Kirkland, 2005). This may largely be due to the business-like challenges that practitioners encounter on a daily basis, from the singular focus on the needs of the client to drawing up innovative strategies to attract more clients and increase profit amongst others. Describing the state of private practice amongst American lawyers Norman Spaulding (2003), a distinguished professor of law, noted the impact that ‘competition’ is having on the nature and mode of delivery of legal services. In particular, he emphasised the fact that these competitions are not merely from the peers of the lawyer but also from other professionals and non-professionals alike (Spaulding, 2003). The argument by Spaulding seems to explain, in part, the reality constructed by this group of lawyers in their legal practice in the area of land administration.

The practitioners describe the ever-present competition for clients not only among themselves as colleagues but with the ‘insiders’ of the Lands Bureau; who in this case have a clear advantage based on their residency status. This constant struggle to out-perform the other party in order to gain the confidence and continuous patronage of the client lures the professional into the grey areas of document processing in the Bureau. On this issue of competition among lawyers, a participant noted the practice and its possible impact on other practitioners as thus:

Some lawyers go there to strike a deal saying ‘please I want to impress my clients, I want to make sure that these papers are out as fast as possible’ [...] Now [that] client will go back and say this lawyer helped

me to do this thing sharp sharp [quickly] and it came out this way [...] when for instance the next person that wants to do it now comes to you and you tell them that these are the due procedures to follow, then they will say 'how come? But lawyer this did it for this and how come it came out faster than this?' They'll move to that guy! (LP 7).

Accordingly, the drive by the professional to keep his or her share of the client market, and possibly gain new ones, is also a contributory factor that shapes the behaviour and nature of the interaction of the professional service user with the institution. This form of intragroup interaction may create anxiety in other professional service users to pursue the informal option, due to the slow nature of concluding transactions via the formal channels.

Aside from fellow colleagues, non-professionals, which in this context are the 'insiders' i.e. the employees and pseudo-employees of the Lands Bureau, are perceived by legal practitioners as a formidable competitor for their clients. The most emphasised issue described is the possibility of the client negotiating directly with the insider, thus rendering the professional's role redundant. This fear of redundancy stems from the fact that the professional in certain respect occupies the role of a 'facilitator' of the informal service provided by the insider. Where the client no longer requires the services of a facilitator due to the fact that he or she has made contact directly with an insider, the professional loses the client to the competition. It may be difficult for the professional to regain back the client due to the additional benefits that the client gets from dealing directly with an insider.

There are some clients that prefer to go to these people (the insiders) directly; and clients really would tell you that 'I did one last two weeks so and so person in the registry did it for me [...] I paid him only ₦50 000'

you are a lawyer, you are asking for ₦300 000, so how would you now explain to your client? [...] because they [insiders] are in the system it is faster for them [...] (LP 9).

The benefits to the client generally range from reduced financial obligations due to the elimination of the ‘facilitator’, to decreased transaction uncertainty as a result of dealing directly with a staff of the Bureau and the expedited conclusion of a transaction. Thus the professional is hard-pressed to prevent the loss of a client to either of the competition, i.e. to fellow colleagues and to the insiders. The strategy most common amongst the participants is to skilfully use the insider to provide an effective and efficient service that ensures the loyalty of the client. Consequently, foraging in the grey area of informal practices, in concluding transactions in the Bureau, is regarded as highly beneficial to the extent that it not only protects the reputation of the lawyer but also strengthens her position vis-à-vis those of the competition.

The next section presents the practitioner’s description of the socio-cultural environment.

5.5.2. The Socio-Cultural Environment of Legal Practice

The individual may be construed as the embodiment of the socio-cultural environment in which she finds herself. In other words, the environment to a large extent influences and dictates the norms, values and behaviours subscribed to and displayed by the individual (Hofstede, 1980; Ho, Wang & Vitell, 2011). In acknowledgement of this view, this section explores the socio-cultural impact of land law practice in Lagos on this group of legal professionals. It examines their perception of the societal norms and values and how these possibly influence their decision whether or not to participate in informal transactions.

Discussing their experience, participants emphasised the impact that the socio-cultural environment has on the way they interact with the Bureau. Their description of events and reaction to the challenges they encounter in the Bureau can be linked to their perception of the ‘Nigerian’ public institution and the pervading societal norms. Interestingly, there was virtually no mention of the role of professional ethics in guiding their reactions to bureaucratic challenges. Rather, the prevalent views expressed tilt towards an adherence to the societal norms and values which in a nutshell is encompassed in the statement of one participant as thus:

[...] you know the Nigerian habit and culture of corruption and then you know how it affects virtually everything in this country (LP 7).

The above sentiment was echoed by all the participants in such expressions as ‘the Nigerian factor’ (LP 20), ‘do it the Nigerian way’ (LP 3), ‘but this is Nigeria’ (LP 5) amongst others. Participants explain away their involvement in informal practices as adhering to the pervading societal norms. One of the elements of the *Nigerian factor* being alluded to by most is the general expectation of poor services from public institutions:

Even us lawyers, we are even used to handing it over to somebody because that stereotype something is there; that this thing (land documents) will not move except we give it to somebody [...] so we are used to it (LP 11).

Based on the above description, a lawyer that expects to encounter delays and possibly cases of missing files would generally take precautions to prevent such occurrence by for example engaging the services of the insider from the outset. This prevents her from engaging directly with the services of the institution and it would rather lead her to form her perception of the institution on such informal interactions.

Another element of this Nigerian factor is the popularity of corruption in the national discourse. Due to the generally high perception of corruption in the Nigerian society (Transparency International, 2012) there is the pervading belief that all public institutions are corrupt; as such nothing can be achieved without participating in informal practices:

[...] sincerely there is a level of corruption in nearly all walks of life in Nigeria, I mean you can't take it away (LP 4).

But you see Nigeria still remains Nigeria and corruption is at the heart of it all, in fact everywhere, even in your home, school [...] it is not peculiar to the Lands Bureau or to the government establishments (LP 6).

These views depict the possible acceptance of what is believed to be the status quo thus, enabling a state of normalcy and routinization of corrupt practices. One of the participants provided an explanation as to the general acceptance of corruption and the belief that it is applicable in all aspects of Nigerian life:

You see culturally people have not been used to good service delivery, so there is a cultural problem (LP 15).

This explanation further highlights the possibility that the participation of service users in informal practices may be a result of the existing social norms whose root is traceable to the historical absence of a good service delivery track record by public institutions in the society. The perception of poor service delivery is promoted by a combination of the socio-cultural attitude to government work by Bureau officials and the social acceptance of this situation as inevitable by the service users. This explains the recurring description of government work and the attitude of its employees as thus:

But the attitude is always there that it's a 'government job', whatever I do I'll be paid [...] (LP 11).

I can express the common attitude in vernacular and I will interpret it, (speaks Yoruba language) 'ise ijoba ko nse ise ase ku' which means 'government work is not a do or die affair', you don't strain yourself when doing government work (LP 15).

Therefore, it may also be argued that such acceptance of normalcy may have influenced the description of these corrupt practices which are expressed mainly through the use of euphemisms:

[...] you know how it is in the civil service [...] so to safeguard against that you do PR (Public Relations) (LP 2).

[...] after paying the necessary official fees [...] you will have to motivate the staff who will go and carry it out for you [...] (LP 14).

[...] to get anything done you have to facilitate it; to put it bluntly it is corruption (LP 15).

It is observed that the use of these euphemisms made it easier for participants to freely talk about their participation in these informal practices. Hence a penchant for the use of words that convey a positive connotation of the informal practices. The downside, however, is that the use of these 'positive' words in explaining an otherwise negative action may over time filter the negative properties from the informal practice. Thereby resulting in normalcy and routinisation of the action.

Another factor which is described as playing a role in the perpetuation of informal practices is the socio-economic status of Bureau officials. According to some of the participants, they are obliged to give monetary payments in the course of a lands transaction not because they were asked specifically but because of the general low socio-economic condition amongst bureaucratic officials:

[...] I am not encouraging corruption [...] but I ask you a question, how can a man who is tossing about a file worth for example ₦1Million and all he earns at the end of the month is ₦18 000 [...] (LP 1).

[...] I don't blame the civil servants [...] I don't think they are being paid extra for every inspection they go to do [...] giving them tips from time to time ensures that they [the transaction] will be done (LP 4).

While the socio-economic condition of the country may have been used as a justification for participating in bureaucratic corruption, it is highly doubtful that payments by the service users to Bureau officials are based on altruistic motives despite arguments by practitioners to the contrary.

In summary, aside from the need to conclude a transaction speedily and to protect her reputation, the legal practitioner is being plagued by other factors which are also influential in shaping her behaviour and the nature of her interaction with the Bureau. Chief amongst these factors has been shown to be the pervading societal norms, values and the business concerns with the constant need to be ahead of the competition.

5.6. Chapter Summary

Juxtaposing the position of the Lands Bureau and the described experiences of the professional service user, the detailed accounts presented in this chapter illustrates some of the loopholes in the Lands Bureau's processes which has given rise to a string of pathologies. In a nutshell, the findings from this analysis can be divided into three: the individual, institutional and societal dimensions. The individual dimension focuses on the internal processes and basis of the decisions of the professional to participate in corruption based on personal considerations. While the institutional and societal dimension focus on the external processes which influence the professional to participate

in these informal transactions. Specifically, the individual dimension explores discourses surrounding how the legal practitioner constructs self-identity, calculation of the professional fees and competition in the legal profession. The institutional dimension describes how the internal processes of the Lands Bureau impact and shapes the nature of the corrupt transaction, while the societal dimension considers the effect of perceptions of the larger socio-cultural environment on the interaction between the service user and the institution.

The next chapter will proceed with an in-depth discussion of these findings.

CHAPTER 6

DISCUSSION OF FINDINGS

‘But we struggle with such thick layers of bias and rationalisation, compartmentalisation and denial that our choices suffer immeasurably...’ (Sissela Bok, 1982, p. 71)

Chapter five presented the data and interpretive analysis that was carried out on the semi-structured interviews with twenty-four service users and Lands Bureau documents. Analysing the descriptions and accounts of participants and how they construct their everyday interaction with a government department, it was found that the service users’ role in bureaucratic corruption is not as passive as it is portrayed in the literature. The choice to be active or passive is dependent on certain factors identified as the *societal dimension*, *institutional dimension* and the *individual dimension*. These three factors are described to be interdependent. However, in making a decision whether or not to participate in bureaucratic corruption, the legal practitioner is largely influenced by at least one of these factors, but most times, by all of the factors. Thus, it is important to understand how these factors contribute to shaping the interactional relationship between the professional and the Bureau. These findings can also be considered from two other perspectives: the first relates to the creation of informal interaction orders between the legal professional and the officials of the Bureau, and the second identifies the revelatory role of ‘talk’ in constructing service user participation in corrupt practices. Accordingly, this chapter discusses the wider significance of these findings by linking them to existing theories and highlighting their contribution to the understanding of the phenomenon. The rationale for focusing on this type of participants is as a result of a review of the literature in Chapter 3, which revealed that most studies on corruption focus on the bureaucrat thus

resulting in a dearth of empirical studies on the actual role of the service user in corrupt transactions (Sikka & Lehman, 2015). By refocusing the lens on this less understood participant, the findings from this research suggests that there is a general oversimplification of the issues surrounding bureaucratic corruption; this lack of clarity may account, in part, for the ineffectiveness of past bureaucratic reforms.

Therefore, the findings will be discussed under two main headings, the first addresses the creation of informal interactional relationships between the service user and the Bureau officials, and the factors that affect and shape these interactions. This section discusses the multi-layered nature of the interaction based on the propositions of Goffman (1983) in his theory of the interaction order. This is followed by a discussion of how service users talk about their participation in bureaucratic corruption, in the second section. The discussion of talk evaluates amongst other things the use of euphemisms by participants, through the lens provided by the theory of ethical fading as proposed by Tenbrunsel & Messick (2004). It especially focuses on its use with regards to their description of the ‘self’ and the individual’s actions and the impact of this on the behaviour of participants. In summary, based on empirical evidence, the two parts of this chapter investigates the link between talk and action and argues its importance for a better understanding of corruption.

6.1. Discussing Corruption: *Interaction*

This section discusses what the service users described as some of the factors that influence their interaction with the Bureau. A focus on the nature of their interaction is pursued here because one of the key findings of this research is that for a professional to successfully conclude transactions in the Bureau they must have a ‘strategy’ in place to control and manage bureaucratic bottlenecks as they occur. Most times, the employment of a strategy leads to the creation of informal interactions between the service user and

the Bureau official. These informal relations are influenced by various elements which have been divided into three layers: the societal dimension, the institutional dimension and the individual dimension. The elements are considered the different parts that shape the interaction order between the professional service user and the bureaucracy and as such needs to be uncluttered.

To understand the nature of this interactional relationship, Goffman's concept of the interaction order (Goffman, 1983) is used to discuss the findings. Building on the works of early social theorists such as Marx, Weber, Durkheim and Simmel (Layder, 2006), Goffman constructs the interaction order as a domain built around the face-to-face relation between individuals in the social arena. This form of relation is opposed to the more impersonal situations of interactions, such as those over the phone or via other forms of technology. In this thesis, participants are the legal practitioners who directly conduct face-to-face interactions with the Bureau on behalf of their clients or in a personal capacity. This domain as constructed by Goffman identifies the fact that although the social actors bring with them, into the interaction arena, assumptions which may be socio-cultural or otherwise, the arena is still regarded as being separate from the larger society. However, it is also linked to it as both spheres are not completely independent of one another, rather they are somewhat dependent on each other in what he referred to as a form of 'loose coupling' (Goffman, 1983). In this sense, Goffman identified the different arenas and the fact that the interaction order is influenced by factors external to it. Being one of the later works before his death, the theory was not fully developed (Burns, 1992). Putting together most of his work, which had been dedicated to the study of face-to-face interactions (Ibid.), Manning (1992) identified four tools that could be used to describe features of the interaction order:

- a. Spatial units

- b. Verbal and non-verbal communication
- c. System and ritual constraints
- d. Participation units (p. 167).

In the interaction order, *spatial units* relate to the nature of the physical presence of participants involved in the interaction. A face-to-face interaction is deemed necessary due to the importance attached to the non-verbal aspect of the communication that takes place within the space (Goffman, 1983). Although Goffman's discussion of the interaction order was focused on people in close proximity, Marsh's (2011) application of the theory extended this space to encompass the virtual world in her study of children's online interaction practices. Such extension is important in today's world where mobile and internet communication has encroached on the territories of traditional face-to-face interactions. Some of the participants interviewed described the fact that a part of the interaction order takes place in a virtual space, e.g. negotiation of 'Public Relations' fees (PL 1), negotiation of 'terms' for concluding a transaction with an insider (LP 10), both of which were described as haven taken place over the telephone. Thus, while the physical co-presence of participants may be useful, it is not essential and an absence of it is shown not to disrupt the workings of the interaction order.

The second feature which is the *verbal and non-verbal communication* is essential in social interactions especially when dealing with face-to-face encounters. In the context of an interaction order, particular note is taken of the tone of voice and other little things about a participant's body language to make certain inferences as to expectations and actions (Goffman, 1983, p. 3). This is especially so in the case of bureaucratic corruption where the body language, action or inaction of an official could be interpreted as a request for a bribe or as a prelude to extortion (Lindgren, 1987). The expectation of reciprocity in activities such as gift giving and the payment of bribe (Mauss, 1966) puts additional

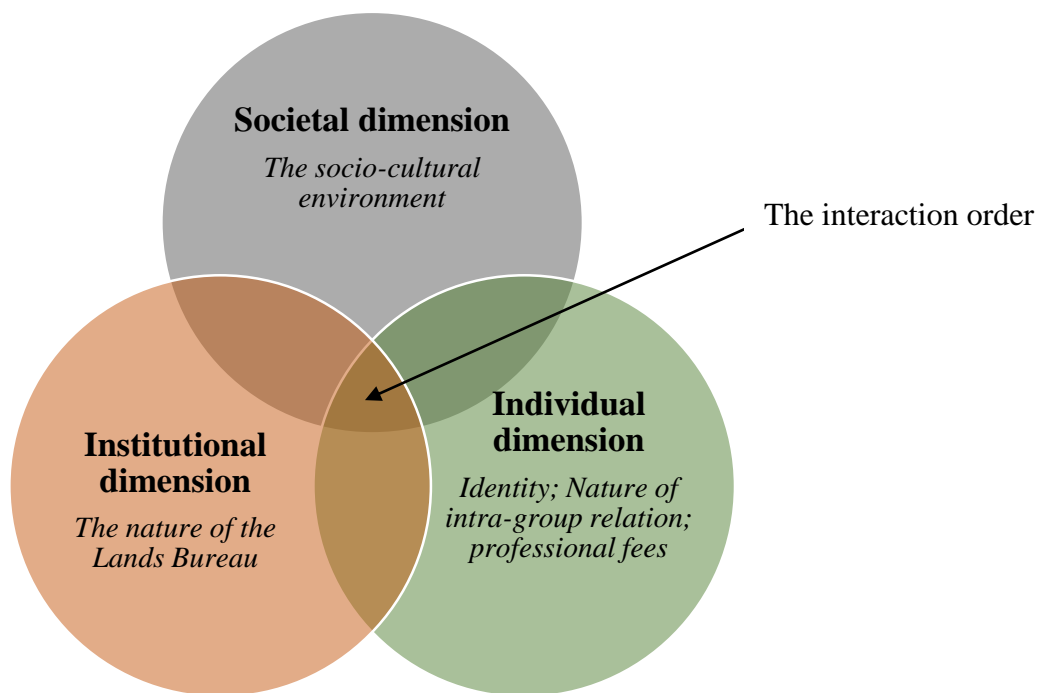
weight on inferences from non-verbal communications. Thus aside from verbal cues, ritualistic or normalised inferences form a part of the language of the interaction order (Manning, 1992, p. 168), with participants developing their own vocabulary unique to the informal interaction arena. According to Goffman, in this social space, interaction-specific vocabulary and interpretations are a form of *system and ritual constraints* that prevent the misinterpretation of both verbal and non-verbal communications within the order (Goffman, 1974). In other words, the interaction is shaped by the normative exchanges of information and cues peculiar to that order.

In his discussion of the *participation unit* Goffman identified different social contexts in which individuals interacted (Goffman, 1971) and also highlighted the fact that participants interacting within these units draw on different social strategies that fit particular contexts (Goffman, 1963). This is similar to the argument of discourse analysts, that individuals draw upon different discursive resources based on the function that a description is meant to achieve. For example, to deal with the formal institution (the Lands Bureau), legal practitioners described the use of strategies that led to the construction of a victim persona, which is different from the strategies that are used when describing their informal dealings with internal brokers. This illustrates the fact that ‘function’ determines the strategy that is employed in interactional environments. The remainder of this section discusses the factors that this group of legal practitioners described as shaping the order of interaction between them as service users and the officials of the Lands Bureau.

Three main factors are revealed to influence the decision of participants and these factors represent a form of loose coupling, linking the interaction order to environmental and other outside influences. I have described two of the factors as the *societal* and *institutional* dimensions (See Figure 12), which represents the macro and meso-level

influences based on geographical and socio-cultural considerations. The *individual* dimension is the third factor and this reflects some personal considerations such as self-identity and professional reputation, amongst other things. These are the layers of influences that is described by participants as being responsible for the nature of their

Figure 12: Factors Shaping the Interaction Order and Relationship



Source: Developed by the researcher based on data from participants

interaction with the Lands Bureau. The following subsection provides a more in-depth discussion of the different dimensions.

6.1.1. The Societal Dimension

This context refers to the overarching elements that serve as a link or foundation from which other elements develop, much like a macro-level element. It is regarded as overarching because the structural and socio-cultural environment determines the accepted norms, values and resulting behaviour prevalent in a society (Ferrell &

Gresham, 1985; Triandis, 1989). As such, the macro-structures influence and shape the institutions and the norms and values in a given society. The norms and values do not only influence the actions of the bureaucrats, they also determine the responses of the users of the service thus, shaping the nature of their interaction.

A perception that is widespread amongst this group of service users is that participation in corrupt transactions is virtually inevitable. This view is reinforced by the fact that Nigeria is perceived both locally (Okoosi-Simbine, 2011; Okereke & Kurotamunobaraomi, 2016; Suleiman & Karim, 2015) and internationally (Transparency International, 2015; World Bank, 2015) as a country with a high rate of corruption both politically and otherwise. Participants' descriptions suggest that the social and economic environment in Nigeria is largely responsible for their decision whether or not to get involved in bureaucratic corruption. The pervasiveness of this perception is captured by the way participants frequently used such expressions as 'the Nigerian habit and culture of corruption' (LP 7), 'there is a level of corruption in nearly all works of life in Nigeria' (LP 4) and 'Nigeria still remains Nigeria and corruption is at the heart of it all' (LP 6). These expressions suggest the inevitability of corruption in the society and therefore hint at the pervading norms and values that predispose the professional to approach and shape the interaction order in like manner, with or without any encouragement from the bureaucrat.

Consequently, based on the propositions of Goffman (1983) as to the workings of the interaction order, the professional in this case brings to the interactional relationship with the Bureau a preconception of the socio-cultural environment as being one that is highly corrupt and thus neither expects nor demands anything more of the system (Grødeland *et al.*, 1998). Instituting a corrupt transaction, a strategy that is generally employed in the larger society to get things done, becomes replicated in the interaction as well. Thus,

interacting with the institution is viewed as a generic interaction with other structures in the society, resulting in the creation of smaller interaction contexts and the co-opting of the verbal and non-verbal communicative practices from the dominant social contexts. Considering the huge role of perception in shaping reality (Melgar, Rossi, & Smith, 2010; Van de Walle & Bouckaert, 2003), the perception the professional has of the larger society thus plays a considerable part in shaping the interactional relationship and the interaction order. As long as there is a high perception of corruption in the society there will exist the willingness to co-create corrupt practices through informal interaction orders. As such, it may not matter whether the services of the Bureau improves (Čábelková & Hanousek, 2004) if all stakeholders are not carried along in the reform process. This, therefore, makes understanding the role of the service user in corrupt transactions a necessity and their exclusion from the bureaucratic reform process impracticable and unproductive.

6.1.2. The Institutional Dimension

This section examines the impact which the institution – a meso-level element – has on the way the professional service user describes and constructs the interaction order. Specifically, it examines how the Lands Bureau's processes are organised and how this has so far been experienced by the professionals in a way which informs the way they shape subsequent interactions. It is found that the meso-level factors which influence the interactional relationship includes perception of the government and its agencies, the nature of the bureaucracy and organisation of its processes, these factors are discussed next.

6.1.2.1. Perception of The Government and its Agencies

Analysis of the interview data revealed a high perception of corruption towards the Lands Bureau. This is in part based on its service delivery track record as experienced by service users in their day to day interaction with the institution. The negative perception of the Bureau still prevailed despite the various reform efforts that were geared towards improving service delivery in the past. These reforms resulted in the implementation of the (customer) service charter in July of 2012 (Lagos State Government, 2013). Despite the admission of some of the participants as to the gradual improvement in service, the overall perception that the people have of the government still drives the negative perception of the Bureau. It has been argued that a general lack of trust in the (political) government creates a negative perception (Van de Walle & Bouckaert, 2003; Bowler & Karp, 2004; Kumlin & Esaiasson, 2012) and distrust for its other institutions. This feeling towards the institution is shown in participants' description of the Bureau as being 'polluted' (LP 9), a 'mafia' (LP 8) and 'military' (LP 15) amongst other things. The use of such words shows a level of suspicion towards the inner workings of the organisation, much like the perceived ethically grey areas, in which the mafia and the military operate. Based on these descriptions it could be inferred that the Bureau as an institution of the government is perceived in the same light as the government itself. In other words, because the government is generally perceived to be corrupt, a level of corruption becomes expected of its agencies and ministries (Van de Walle & Bouckaert, 2003; Nunkoo, 2015; Solé-Ollé & Sorribas-Navarro, 2014; Bowler & Karp, 2004).

The expectation of corruption influences how the service users approach and shape the interactional relationship. Since the society and its government – which are macro-level elements – are corrupt, this perception is in turn transferred to its institutions and

bureaucrats and these are later inputted into the interaction order. The perceived popularity of such transactions in the societal contexts, accounts for the ease in which participants are able to set up the institutional interaction order. Thus, the adequacy of the existing communicative order in the society may serve to expedite the creation of interaction orders between service users and Bureaucrats. Aside from the lack of trust in government, the nature of the bureaucracy is another factor that contributes to shaping the interaction order and this is discussed next.

6.1.2.2. *The Lands Bureau–(cracy): Process*
Uncertainty

Being a bureaucratic institution, the Lands Bureau is susceptible to the ‘flaws’ common to such modes of organising. The bureaucracy’s meticulous attention to details which is reflected in its hierarchical nature has been argued to result in red tape and delays (Melgar, Rossi, & Smith, 2010). As such the nature of a bureaucratic institution may not be favourable to someone whose main focus is speed in the conclusion of transactions (Gruening, 2001), more so if they want to be seen as a mercenary (LP 4) or miracle worker (LP 16) who gets the job done promptly. Aside from the inherent issues common to this form of organising, the Nigerian bureaucracy is an institution that is argued to be characterised by a poor salary and benefits structure (Olowu, 2010), lack of security of tenure (Omitola, 2012), lack of accountability (Olowu, 2001; Bardhan, 1997), and corruption (Aina, 1982; Okereke & Kurotamunobaraomi, 2015) amongst other things. According to some practitioners, the impact of these different factors is especially reflected in the work attitude of Bureau officials. In some circumstances, they may become hostile and unhelpful (LP 3), leading to a frosty relationship between the parties. To avoid the hostilities occasioned by the different factors, participants adopt a strategy of mutual benefit. Thus, the creation of the interaction order enables an exchange

relationship between the service user and the official, as it provides an opportunity for the payment of a bribe for extra services:

Now what I usually do is to just [ehm] pay somebody there [...] you know, sometimes a staff, just pay the person [...] these people will just work around it since they've been paid to do the job [...] (LP 10).

Such a construction portrays the interaction more as a transactional relationship than the payment of a bribe, thus resulting in the normalisation of the act and the reinforcement of the ritual. In addition, the absence of conclusion timeframes at some stages in the land registration process creates uncertainties which service users aim to eliminate. The fact that the prescribed official times for concluding transactions are not adhered to creates opportunities where the discretion of the Bureau official can be bought or negotiated away (Rose-Ackerman, 2008; Neu *et al*, 2015). In this sense, the interaction order provides the context and social space for such negotiations.

The next section introduces the ‘individual dimension’, the third part of the multi-layered factors that influences service users participation in bureaucratic corruption.

6.1.3. The Individual Dimension

This dimension explores micro-level factors that influence service users’ actions. It considers factors that are of a more personal nature to the legal practitioner, examples of which includes: self-identity construction, the practice of calculating professional fees, client / professional relations, maintaining and growing professional reputation, amongst others. A discussion of this dimension largely overlaps with the discussion of ‘talk’, thus, the next section will provide an in-depth discussion of these personal considerations.

6.2. Discussing Corruption: *Talk*

This section highlights the importance of ‘talk’ in corruption research. It provides insights into understanding the impact that participants’ description of the phenomenon, in certain ways, may have on their actions and behaviour.

A point commonly discussed in the literature is that the covert and stigmatised nature of corrupt transactions deters participants from talking openly about the phenomenon and their involvement in it (Blundo et al., 2006; Olivier de Sardan, 2006; Ambraseys & Bilham, 2011; Luo, 2002). Contrary to this position, I found during the fieldwork that participants talked about corruption freely and openly as being a routinized part of their everyday interaction with the Lands Bureau. However, with regards to their participation in the act, there was the introduction of the concept of the *other* in their descriptions. The ‘other’ in this context is the individual’s way of explaining the reasoning behind an action or behaviour and deflecting the blame for such behaviour unto others, in this case to the Bureau’s officials. Other-ing is not new to corruption research, neither is it peculiar to service users. The very word ‘corruption’ (Polzer, 2001), its definition and the context in which it has been promoted by international organisations and Western countries (Hindess, 2004) has been argued to typify a form of othering. In the sense that, the current understanding and attention is focused on its easily identifiable manifestations which is common in developing countries, while there is silence on the ‘complex forms’ (Thompson, 2000, p. 6) prevalent in western countries. A typical form of this othering is apparent in the popularity of the discourse that bureaucrats are the sole peddlers of corruption, which in a roundabout way hints at the innocence of other participants in a corrupt transaction. Thus, the individual can effectively transfer any possible guilt felt for participation in such covert transactions. This is where the use of discourse analysis becomes advantageous, as it connects the language dots used by participants in their

descriptions and claims about a phenomenon, thereby enabling a clearer picture of their part.

From the discussion of the important role of language, both verbal and non-verbal, in social interactions in section 4.3 (p. 96), and its key role in revealing the intricacies of document processing in the Lands Bureau (See Chapter 5, p. 145), it becomes clearer that there is a need to pay closer attention to the way people talk about their social reality. Aside from anecdotal descriptions of corruption, importance is rarely placed on how people talk about corruption (Gupta, 2005; Lazar, 2005; Robertson, 2006) i.e. how people describe corrupt practices and their role in them, and even more unpopular is an examination of service user construction of the phenomenon. The assumption of an imaginary code of silence amongst participants in a corrupt transaction has led to the heavy reliance on quantitative data in majority of corruption studies (Blundo & Olivier de Sardan, 2006), and this methodology does not allow for an in-depth analysis and understanding of participants' responses. By employing a qualitative approach, the findings from this research suggests that people do talk openly about corruption, and in this case it is done through the use of a language tool called 'euphemism'. According to some social psychologists (Tenbrunsel & Messick 2004), euphemism is oftentimes an enabler of 'self-deception', and this can lead to certain actions and behaviour. For a better understanding of the effects of these concepts on how corruption is constructed, the following subsections provide a more detailed discussion.

6.2.1. Self-Deception and Corruption

In chapter 3 (see Section 3.3.1.2, p. 81) I introduced the concept of self-deception which I described as being based on the assumption that individuals are falsely believing that they are doing right or are being unaware of motivational biases that underscore their actions and judgments (Mele, 2001; Messick & Bazerman, 1996). It is exemplified in the

description of some participants who hold the belief that their informal transactions with Bureau officials constituted a form of ‘contract’, which ironically required a level of professionalism on the part of the official:

Now what I usually do is to just [ehm] pay somebody there [...] you know, sometimes a staff, just pay the person, “listen you follow up on all the steps for me while I am in the office” [...], since they’ve been paid to do the job for you while you’re working for the bank (LP 10).

From the extract above, it is clear that oftentimes service users forget that such transactions still constitute a bribe to an official, which on one hand may be expedient, but cannot be ethically justified. Mainly because, not only has the attention of the official been diverted to focusing on personal interest subordinating the interests of the institution (Rose-Ackerman, 2008), this diversion affects other service users who may now experience poor services because the official is preoccupied. A reasonable person may then ask ‘why did the official collect the bribe?’. Studies have shown that low bureaucratic salaries is one of the factors that influence bureaucrats to demand or collect informal payments (Van Veldhuizen, 2013; Van Rijckeghem & Weder, 2001; Montinola & Jackman, 2002). In the case of the Nigerian bureaucracy, there has been a steady decline in salary packages for over two decades in comparison with some other African countries (Olowu, 2010, 2001). As such it can be argued that service users capitalise on the salary issues in the bureaucracy for their own benefit:

[...] I don’t blame the civil servants [...] I don’t think they are being paid extra for every inspection they go to do [...] giving them tips from time to time ensures that they (the transaction) will be done (LP 4).

This emphasises Tenbrunsel & Messick's (2004) argument that ethical fading does not suddenly happen. As shown by the word 'fading', the individual's ethical composition is gradually weakened through a process of re-labelling the ethically questionable actions. In which case, the service user starts to act in a self-interested manner with no regards for ethical considerations, while holding the belief that they are being objective. Thus, rationalising the actions in terms of its economic or legal importance while rejecting the associated ethical burden. This leaves the service user safe in the comfort of the notion of either being an altruistic person (contributing to the officials' financial improvement) or a business-savvy individual who knows how to utilise an opportunity. The next section proceeds with a discussion of a key enabler of self-deception, euphemism.

6.2.2. Euphemism: Its Role in the Construction of Corrupt Practices

How many legs would a sheep have if you call its tail a leg? Four, because calling a tail a leg doesn't make it one.

Abraham Lincoln (quoted in Sorkin, 1994, p. 103)

Euphemism can be described as the use of indirect or positive words or phrases, in place of a harsh or direct word with the aim of masking something negative or unpleasant. In other words, euphemisms are employed to avoid a distasteful reality (Lutz, 1989) or discuss subjects culturally regarded as taboo or stigmas (Slovenko, 2005) an example of which is involvement in corrupt practices. The importance of language is once again emphasised, and by focusing on its constructive ability in this study, I am able to analyse the discursive role of service users in corrupt transactions.

The use of euphemisms, is not necessarily a bad thing. They are employed in everyday discussions and have become a staple in a host of professions. Its everyday presence is

seen in the description of the death of a loved one as ‘passing-away’, the elderly as ‘seniors’ and the crippled as ‘disabled’. In the professional sense, medical doctors are regarded as being adept at employing euphemistic words and phrases in order to manage the expectations and negative reactions of patients to diagnosis and in some cases prevent the stigmatisation of the individual (Ogden & Parkes, 2013; Tayler & Ogden, 2005; Rababah, 2014). Other common examples of professional usage include ‘collateral damage’ to describe the death of civilians by the military, ‘creative accounting’ by accountants to describe accounting practices which are not completely above board and ‘rightsizing’ by companies who sack their employees in most cases for financial considerations.

A consequence of the use of euphemisms is that through frequent usage the euphemistic words can over time cause a dissociation to the extent that an offensive or unpleasant act loses its negative connotation. Thus, causing individuals participating in certain negative actions to disconnect with the moral implication of their actions (Lucas & Fyke, 2014). In other words, language can be employed in a certain manner to act as a shield behind which individuals can hide from the morality of their actions (MacKenzie, 2000). Judging by the extensive use of euphemisms by participants in this study, it may be the shield by which service users have come to insulate themselves, to prevent them from considering their role in corrupt transactions and the motivations behind such participation. To shed more light on its usage, the following sub-sections discuss some euphemistic clusters that arose out of the analysis of participants talk, with regards to how they view themselves, their actions and their interaction with the Lands Bureau.

6.2.2.1. *Euphemisms: Reference to Self-Identity*

Identities are constructed by social actors for different purposes, chief of this is based on how they want to be perceived by others (Goffman, 1959). This is the key thesis that runs

through most of Goffman's work in his discussion of the intricacies of face-to-face interaction. In *On Face-Work* (1967), Goffman explained a 'line' (p. 5) as verbal or non-verbal communication by a social actor, which reflects particularly an evaluation of the self, this self-portrayal is discussed under this heading.

A key finding from the analysis of participants' talk, is the conflicting portrayal of the *self* and the consequent 'othering' of acts deemed immoral or unethical. Various accounts from participants revealed a distinction between the self as a legal practitioner and the self as a service user. One version paints a picture of the self as a legal practitioner being subject to the needs and desires of the client, and as such is bound to do everything in their power to fulfil these needs. While the self as an ordinary service user is constructed as being subject to the workings of the bureaucratic system, and as such has no choice but to develop strategies to cope with the perceived shortcomings of the institution. Thus on one hand they variously refer to themselves as a 'mercenary', 'miracle worker' and an 'aggressor', on the other hand they refer to themselves as being 'helpless' and 'under pressure'.

On the face of it these self-constructs may seem contradictory but in fact, they are different ways of constructing the self, based on the individual function that the narratives are meant to serve (Potter & Wetherell, 1987). Both of these self-constructs serve the purpose of justifying the decisions made while occupying the different roles i.e. as a professional to the client and as a public service user. To discourse analysts these sorts of 'contradictions' are not uncommon when individuals are describing or making claims about a phenomenon (Ibid, p. 38), hence the argument that there are versions or variation of accounts to be studied with regards to any one phenomenon (Potter & Hepburn, 2008). However, according to Roberts's (2015) argument of the relationship between corruption and subjection, these self-constructs have the power to normalise and shape the behaviour

of individuals. By, describing the self as ‘helpless’ and subject to the omnipresence of the corrupt system, the service user effectively positions himself as a victim (Dracklé, 2005) that is left with no other choice but the unethical decision which has been made, thereby, displacing the responsibilities for any unethical action. This form of *othering* and displacement of guilt is reflective of the stance of the majority of corruption literature in their vilification of the bureaucrat (Rose-Ackerman, 1999, 2008; Gray & Kaufmann, 1998; Uhlenbruck *et al.*, 2006; Cockcroft *et al.*, 2008; De Zwart, 1994) and the non-acknowledgement of the contributory role of the individual service user in the perpetuation of corruption. Thus, Bandura (1999) described this type of transference as a form of moral disengagement.

Much like the concept of ethical fading, moral disengagement can also be seen as a by-product of self-deception. This is because it causes an individual to restructure their understanding of responsibility for their actions and downplay the consequences of these actions to others (Moore, 2008). These two concepts may be argued to occupy both ends of the self-deception spectrum – with ethical fading representing the beginning of the spectrum while moral disengagement its end. In a construction of the self, the service

Figure 13: Progressive nature of self-deception



Source: Developed by the researcher based on the concepts of ethical fading (Tenbrunsel & Messick, 2004) and moral disengagement (Bandura, 1999).

User’s identity of being a victim may be found at the beginning of the spectrum (see Figure 13) where the individual justifies self-interested actions and behaviour with the explanation of the omnipresence of the bureaucratic system. Thus, referring to themselves

as being helpless and under pressure to deliver results to the clients. At the stage of describing the self as a mercenary, it may be argued that the individual is well past the ethical fading stage which will likely result in the service user reconstituting his or her understanding of ethics and morality, thus seeing unethical decisions as been unavoidable, and in certain cases as contractual relations.

Specifically, euphemisms such as ‘mercenary’, ‘miracle worker’ and ‘aggressor’, amongst others could be interpreted as reflecting the moral disengagement part of the spectrum. This is mainly because the usage of the word mercenary, for example, connotes a person who is unencumbered by such considerations as morals or ethics but rather is loyal to the money (Lynch & Walsh, 2000). The nature of these self-descriptive terms as used by participants shows that these terms can be used to serve one important purpose – numb ethical considerations. Usage of such euphemisms by legal practitioners hints at the level of their willingness to participate in bureaucratic corruption, and this willingness to participate indicates an absence of force from the official. However, this lack of compulsion to participate is not reflected in the majority of literature on corruption.

The next section discusses another cluster of euphemism, those that relate to service users’ actions while interacting with the Lands Bureau.

6.2.2.2. Euphemisms: Reference to Action

In describing their actions, participants generally shied away from using direct statements about their involvement in corrupt transactions with officials. Instead, they relied heavily on the use of euphemisms, especially with regards to making informal payments. They variously referred to the acts of bribing Bureau officials as, ‘motivating’, ‘mobilising’, ‘facilitating’, ‘Public Relations’ (PR) or ‘see’ amongst others (see Table 5 for usage),

while also suggesting that these acts are necessary for fostering a good working relationship with the officials and a speedy conclusion of transactions in the Bureau.

It is argued that the use of these sorts of euphemisms by participants can be seen as performing the act of shielding the individual from the morality of their actions. In other words, these sorts of words and accompanying explanations may be serving a rationalising purpose aimed to validate the actions to which it refers in the eyes of the individual (Ashforth & Anand, 2003). The use of such words as motivating, mobilising and facilitating may not be serving the sole purpose of rationalising. With the success of each act it refers to, it serves as a positive affirmation of good or 'proactive' behaviour and the repetition of this form of behaviour slowly leads to what can be described as ethical numbing (Bandura, 1999).

Table 5: Examples of Euphemisms for Bribery as Used by Participants

Euphemism	Excerpts	Translation
‘See(n)’	“...my file is going to so and so, I have to go and wait for the file to be there go and [...] go and <u>see</u> the man so they can find my file...” (LP 3)	Bribe
‘Mobilise’	“...you’ll find that wherever you dropped your file you will find it there because you didn’t <u>mobilise</u> them, so to speak...” (LP 2)	Bribe
Public Relations (PR)	“...but you know that they are expecting <u>PR</u> from you...” (PL 1)	Bribe
‘Grease palm’	“...in the process you can <u>grease his palm</u> and once you grease his palm amongst all the files he will bring out your own and attend to it...” (LP 8)	Bribe
‘Nigerian way’	“...and if you want to do it fast, do it the <u>Nigerian way</u> ” (LP 3)	Bribe
‘Facilitate’	“You <u>facilitate</u> the thing [file], to put it bluntly, its corruption” (LP 15)	Bribe
‘Follow up properly’	“...the Surveyor General’s office may take two weeks or longer if you don’t <u>follow up properly</u> , you know what I mean [laughs]...” (LP 5)	Bribe
‘Something’	“...but she kept on insisting that ‘let’s go and <u>see</u> somebody and give them <u>something</u> ’, but I told her no it’s not so, answer the query then it [the file] moves from there...” (PL 2)	Bribe
‘Motivate’	“...like that guy who was helping us to monitor the file who I initially approached, unless we <u>motivate</u> him he will not do anything...” (LP 14)	Bribe

'Anything'	“...you won't spend anything less than 6months if you don't pay anybody <u>anything</u> ...” (PL 2)	Bribe
'Rub their hands'	“And at times, you just have to <u>rub their hands</u> to get the work done” (LP 13)	Bribe
'Tips'	“...giving them <u>tips</u> from time to time ensures that they [the transaction] will be done” (LP 4)	Bribe

Source: Extracted from interview transcript data

This form of ethical numbing is as a result of such repetitions that lead to the routinization of certain actions, and it has been referred to as the ‘slippery slope’ of decision making, which is also one of the enablers of self-deception (Tenbrunsel & Messick 2004). As more weight becomes attached to the positive results from such ethically questionable practices, it becomes sharper while other considerations of ethics fade into the background, an example is alluded to by a participant:

[...] Even we lawyers’ we are even used to handing it over to somebody because that stereotype something is there that this thing will not move except we give it to somebody you understand [...] (LP 11).

Thus, causing a continuous slide in judgment and a positive affirmation of the unethical practice of ‘the end justifies the means’.

So far, I have focused on the actions that the service users do in the Bureau, but not on the reasons why they go about involving themselves in those activities. The question then is, why do the professional service users go around motivating and facilitating officials? Is it because they just want to be done with a job as soon as possible? Or there are other factors that are taken into consideration in the decision to informally engage the services of these officials. The following sections discuss two examples described by participants as motivations for mobilising and facilitating.

a. The Amount of the Professional Fees

Specifically, this relates to the total amount that a client agrees to pay as legal fees. The narrative of participants revealed that in most circumstances this is crucial in determining whether or not the professional will participate in bureaucratic corruption. Previous literature on corruption suggests that bribing constitutes a form of nefarious payment which drives up transaction costs (Cockcroft *et al*, 2008; Rose-Ackerman, 2008, 2010;

Dalton, 2006). However, the findings from this study suggests that the cost of bribing is not necessarily separate from the actual transaction cost and as such may not constitute additional payment, rather, it is built into the professional fees and therefore indistinguishable from the regular transaction cost.

According to the data a key reason for this lack of distinction is that there are no set standards prescribing the professional fees to be charged for these kinds of transactions, thus, giving the professionals the discretion to charge any amount they deem fit. Some corruption authors have argued that to a large extent corruption can be traced to the amount of discretion the individual bureaucrat or public office holder wields (Rose-Ackerman, 2008, 2010; Neu *et al.*, 2015; Hubert, 2010; Dalton, 2006). This case shows that the exercise of discretion is not the exclusive preserve of the officials, it also impacts on the decisions of this group of service users. In discussing the subject of opportunism Hawkins *et al.* (2011) argued that in general, people are inclined to exploit their discretion, and this is confirmed by participants' descriptions (see PL 1's statement below) that for the right price professionals may be inclined to pull out all the stops to get the job done as quickly as possible, thereby greasing the bureaucratic wheel to spin in his or her favour.

[...] if you have a brief of ₦50 million and the professional fee is 15% and another brief of ₦50 million and the professional fee is 5%; the one of 15%, the way you're going to handle it will be different from the one of 5% because of the consideration involved [...] So it depends on the fee that you're getting on that particular job (PL 1).

Therefore, it is argued that legal practitioners' behaviour and nature of their interaction with the Lands Bureau is, to an extent, influenced by the size of their professional fees.

As this gives them the discretion to choose whether to be an active participant, passive participant or non-participant in bureaucratic corruption.

In other accounts, the need to facilitate is based on the requirements or needs of the client, as the professional is oftentimes given a specific period of time to conclude a transaction at the Bureau. Put differently, the need to retain the business of high-paying clients, whose patronage is tied to the financial viability of the professional, becomes the sole focus of the practitioner (Oko, 2007, 1994). Based on the extent of this power wielded by clients, on the finances of the legal practitioner, the professional is motivated to create and maintain a bond of loyalty as a way to sustain the continuous patronage of such clients (Kirkland, 2011; Hillman, 2000; Spaulding, 2003). As such, when participants were asked what if the amount paid by the client as professional fees is small, what will happen to the transaction? The most popular response was that they would likely not engage in any form of mobilising, and would rather let the transaction run its normal course. This finding contradicts the popular assumption that the service user is always a victim of corrupt bureaucrats (Rose-Ackerman, 1999) and that s/he is usually forced to participate in corrupt transactions. It shows that under certain circumstances the individual service user assumes the role of an active co-producer of bureaucratic corruption based on self-interested considerations (Sikka & Lehman, 2015).

b. Perceived Competition

Linked to financial consideration is the issue of competition, another factor which may lead the professional service user down the ‘slippery slope of decision making’. Findings from the data showed that certain behaviours of the professional can be traced to the pressure which comes from real or perceived competition amongst legal practitioners. This perception is underscored by the argument that the available number of lawyers is higher than the demand for their services (Anassi, 2004; Regan, 2004), thus turning the

legal services market into a clients' market. Metaphorically, the current legal services climate may be likened to a buffet for clients, as they are described as being able to engage and drop legal practitioners on a whim (Kirkland, 2011; Spaulding, 2003). This perception may not be unfounded, considering that between August 2014 and April 2015 over 7000 students of the Nigerian Law School passed the bar exams and were qualified to be legal practitioners (The Nigerian Law School, 2015). This creates a situation whereby retaining the briefs of well-paying clients becomes the paramount consideration of the professional. Based on the perceived benefits of bribing, e.g. speeds up transactions, the professional who is not so inclined may consider the positive benefits of participating in these sorts of transactions in order to prevent the future loss of his or her clients to other lawyers who actively engage in such activities.

This brings to the fore accusations commonly levied against lawyers that legal practice should be regarded more as a business and less as a profession (Barnhizer, 2004), since like businesses, lawyers are perceived as being driven by profit rather than the will to do service for the public good (Bowie, 1988; Heinz *et al.*, 2005). This perception may not be far from what is actually obtainable, as some descriptions by participants were especially focused on the need to keep the high paying client and increase their reputation. One participant went as far as describing the type of deals some practitioners get into in order to further this agenda:

Some lawyers go there to strike a deal saying 'please I want to impress my clients, I want to make sure that these papers are out as fast as possible [...] Perhaps the clients want to use the title documents to now obtain a facility from the bank and because it's not registered they want to register it sharp sharp (quickly) in order to do that [...] They say I will pay you

X,Y,Z amount for you to make sure that this thing comes out as fast as possible' (LP 7).

As such, a common adoption of the 'law as a business' model may have contributed to the gradual fading of ethical awareness amongst practitioners (Kirkland, 2005), leading to the different levels of ethical fading expressed in participants' descriptions.

The form of competition discussed in this section raises a question of how it may impact on the attitude and behaviour of other group members. The next sub-section will discuss the nature of these intra-group relations and its effect on other group members.

c. Nature of Intra-Group Relations

Unlike the study of intergroup relations and its dynamics, this is an area that has so far evaded the scrutiny of social identity and social psychology theorists (Yuki, 2003). To understand this nature of intra-group relations the theory of group dynamics, particularly, the concept of *interdependence* would be drawn upon. The development of this concept from Gestalt psychology can be traced to Kurt Lewin (1948, 1951; Johnson & Johnson, 2009) in his study of the influences on social behaviour and group formation and functioning. Interdependence in this sense is described as a condition whereby the actions and experiences of a member of the group impacts on the behaviour and actions of others within the group (Brown, 1988). Amongst other things, Lewin argues that the key role of interdependence in group functioning and the behaviour of members of a group is vital to understanding the motivations of its members. Of relevance to this research is his goal-based interdependence concept which means that members of the group share a task or goal related bond. This form of interdependence can either be positive or negative (Johnson & Johnson, 2009). It is positive where the bond fosters a cooperative behaviour

amongst group members and negative where it fosters a form of competition, which means ‘one person’s success is another’s failure’ (Brown, 1988).

The accounts described by this group of legal practitioners suggests the symptoms of a group that is negatively interdependent. In other words, the positive experiences of some legal practitioners use of the tools of ‘facilitating’ and ‘mobilising’ bureaucratic officers may be negatively influencing the actions of other practitioners to tow the same line in order to prevent the loss of their clients to other group members. This conduct fosters unhealthy competition, otherwise referred to as negative-interdependence. In which case, the professional is more inclined to fall into the habit of circumventing the bureaucratic system for self-interested reasons which is masked by self-deception in its different manifestations.

6.3. Chapter Summary

This chapter presented a twofold discussion of the findings – the first relates to the factors that enable and shape the creation of an interaction order between the legal practitioner and the official, while the second examined some personal considerations that influence the behaviour and actions of the practitioner within the formal and informal interactional settings. Although the interaction order provides a space for conducting these informal transactions, the intriguing part is how different elements of the interaction is discursively constructed by participants.

Using some elements from Tenbrunsel & Messick’s ethical fading framework (2004), the second part of the chapter discussed the impact of self-deception on the service user. I was able to show that participants in corrupt transactions can talk about their involvement but through the use of a language tool like euphemism. This is contrary to the popular view, amongst corruption researchers, that these kinds of participants are unwilling to

talk about their involvement (Blundo *et al.*, 2006). It shows the analytical importance of considering language usage in corruption studies, as not only does it enable a deeper understanding of the phenomenon, it also provides the opportunity to view corruption from another perspective.

CHAPTER 7

CONCLUSION

The preceding chapter provided a detailed discussion of the findings from the data analysis that was earlier presented (See Chapter 5).

This study has set out to investigate the role of service users in bureaucratic corruption through a focus on how they ‘talk’ about their interaction with the public bureaucracy. In so doing, it has identified the part that they play in the reproduction of corruption, the motivations for playing such a part and the impact that this has on the performance of the public bureaucracy and reform efforts geared towards its improvement. There is sparse theoretical literature on this subject especially in the African context, despite the fact that most of her countries are consistently ranked as highly corrupt by international surveys. As such, the study sought to examine the subject of corruption through a different lens by seeking answers to the question, **‘are service users’ merely the ‘unfortunate’ victims of bureaucratic corruption or co-producers of corruption?’**

The remainder of this concluding chapter presents a synthesis of the research by first providing an answer to the research question followed by a discussion of the conceptual impact and policy implication of the study in the second section. The third section outlines the limitations of the study, while the concluding section provides recommendations for future research.

7.1. Service Users: Victims or Co-producers?

Language use amongst this group of professional service users suggests that offering bribes to bureaucrats was more the norm than the exception and this is reflected in their extensive use of euphemisms to describe the action. In this sense, they can be said to

inhabit the role of active co-producers of bureaucratic corruption. However, this finding by no means undermines the general literary construction of service users as victims of bureaucratic corruption (Rose-Ackerman, 1996). Rather most of the participants construct themselves as inhabiting these experiential identities simultaneously. That is, on one hand they are the prey of the bureaucratic system while on the other they themselves are the predators seeking to exploit the situation for their own benefit. This illustrates the protean nature of corrupt transactions which participants, public officials and service users alike, enter into with the aim of obtaining some form of reward.

The application of a discursive constructionist lens was particularly helpful in this study due to its ability to explain variations in constructed accounts (Potter, 1996; Potter & Wetherell, 1987) and their underlying functions. Applying the ethical fading framework (Tenbrunsel & Messick, 2004) to the constructed accounts revealed that participation in bureaucratic corruption has more to do with personal and business considerations of reputation and competing for clients. The fact that the bribe sum is already built into the professional fees paid to the practitioner, puts the professional under pressure to deliver to the paying client. The nature of the pressure is what determines whether or not the practitioner would get involved in corrupt transactions. Thus, these findings suggest that the role of the service user in bureaucratic corruption is more than that of an ordinary victim or even a passive co-producer.

7.2. Research Impact and Implications

This section discusses the contributions of the study to corruption research area. It examines the conceptual impact of findings to the better understanding of corruption, future study of the phenomenon and the implications for policy developers, public sector reforms and professional bodies.

7.2.1. Research Findings

A four-part contribution of this small but growing body of research on service user corruption is presented in this section. The first two parts involves a theoretical understanding while the remaining two address the analytical impact.

- a.) The study highlights the fact that in societies with systemic corruption, the line between victim and active co-producer is significantly blurred based on the ideology of ‘this is how we do things here’. Thus the perspective that corruption is solely an ‘office holder’ related problem becomes untenable. Many studies of corruption base their understanding of the concept on the World Bank (1997) and Asian Development Bank (1998) definitions of corruption. Findings from this study reveal that such conceptualisation of corruption is too restrictive to encompass the roles of all the participants to a corrupt transaction. Which has so far resulted in a lopsided understanding of the phenomenon. The wider lens adopted in this study enabled a better understanding of legal practitioners’ role in corrupt transactions and evidence from chapter five and chapter six highlight the active role of these non-office holders in bureaucratic corruption. Thus, this research echoes the argument of other authors (Gupta, 2005; Sikka & Lehman, 2015; Sikka, 2008; Jancsics, 2013; Miller, Grødeland & Koshechkina, 2001; Balabanova & Mackee, 2002) that the simplistic and narrow understanding of public sector corruption is becoming redundant in addressing the related problems. Thus, making a case for the application of a wider lens and more unorthodox perspectives in future consideration of the subject.
- b.) A review of the literature revealed that there is no clear cut difference between the principles of ‘ethical fading’ and ‘moral disengagement’, probably because both are considered by-products of self-deception. As shown in Figure 13 (p. 194),

these concepts occupy two ends of a continuum, the beginning of which is ethical fading and the end is moral disengagement. Thus, these two concepts cannot be used interchangeably or as synonyms as there is a huge difference between the ethical grounding of persons in the two categories.

- c.) Very little research has employed a discursive approach to the study of corruption (Gupta, 2005). This study provides empirical evidence that a discursive perspective can successfully be employed in the study of corruption as it enables a deeper understanding of the phenomenon. The ability of the approach to highlight inherent contradictions in talk was particularly useful because it revealed the differences between how participants construct themselves as victims while describing their interaction with the bureaucracy which says otherwise. This made it a very useful tool in revealing the contradictions and the underlying motivations of legal practitioners who participate in corrupt transactions.
- d.) Contrary to the belief that participants in corrupt transactions shy away from talking about their involvement due to its illegal nature (Blundo *et al.*, 2006), this research provides evidence that participants can talk freely about their participation by employing euphemistic tools. The extensive use of euphemisms by participants revealed that their participation ran deeper than those of a passive participant.
- e.) Despite arguments amongst corruption researchers that bribes are always demanded by officials, my findings show otherwise. In most of the cases, the legal practitioner actively seeks out who to bribe for a plethora of reasons chief amongst which is the client demands a quick job as they have paid a considerable sum to get it.

In general, this study has examined the concept of corruption through a lens that could make a difference in the way the subject is understood. By focusing on legal practitioners

in Nigeria the study highlights some issues which might merit further examination in legal practice.

7.2.2. Research Contributions & Implications

Since the time of Nigeria's independence till date (1960–2016), the country has implemented about ten civil service reforms (See Table 1, p. 38) with the objective of improving the performance of public bureaucracies and reducing corruption. However, the institution is still plagued by inefficiency and corruption. Past reform policies have focused solely on the internal workings of the bureaucracy with the drive to reduce its size, increase officials' salary and introduce regular training but these efforts seem to be yielding little to no results (Omar, 2012; Maikudi, 2012). As such, the following are the contributions and implications of the findings of this research endeavour:

- e. Public sector corruption has been constructed as always proceeding from an 'official' and this is reflected in the definition of the phenomenon (Nye, 1967; Anand *et al.*, 2004). However, findings from this research shows that transactions are oftentimes instituted by the legal practitioners. Thus, this research shows that the current narrow definition of corruption which focuses on officials as the sole culprits in corrupt transactions has given a license to non-official participants to participate in corruption without the attendant responsibilities for their actions. Therefore, future policies geared at reducing corruption in the Lands Bureau need to consider the practices of legal practitioners who are the key users of the services of the institution.
- f. As by-products of self-deception, 'ethical fading' and 'moral disengagement' have been used interchangeably due to similar features (Tenbrunsel & Messick, 2004). However, this study shows that there is a progression from one to the other and this is reflected in the spectrum of ethical reasoning described by legal

practitioners. As such researchers using mainly quantitative methods, such as CPIs', would be unable to determine from what ethical grounding a respondent is coming from and this has an impact on the corruption outlook of the individual.

- g. Most research on corruption adopt a quantitative methods approach on the ground that corruption being a covert and illegal affair is difficult to study directly (Bader *et al.*, 2013), and participants would be unwilling to talk about their involvement. Contrary to this view, participants were willing to talk about their participation in bureaucratic corruption, but mainly through the use of language tools like 'euphemism'. Therefore, by focusing on language in use researchers can study corruption, and other sensitive topics, directly instead of relying on secondary tools such as CPIs.
- h. In research on bribery there is an inordinate focus on the economic perspective to the exclusion of others. Researchers of this phenomenon generally argue that public officials almost always request for bribes for financial gains (Rose-Ackerman, 2010, Neild, 2002). Unfortunately, the general lack of research on service user corruption is also reflected in the lack of information on the underlying reasons why service users pay bribes. My research shows that service users initiate a bribery transaction for different reasons from the 'that's the way we do things' factor, to the amount of professional fees paid by the client which is capable of inducing the practitioner to seek out who to bribe. By taking a closer look at motivations for the payment of bribes, other than its economic advantage to the official, research in corruption will be gaining more depth and a better understanding of the phenomenon.

Importantly, this research shows that a reform can be derailed from a lack of understanding of the stakeholders and their role in the phenomenon. As such, findings

from this study suggests the need for a reform policy that takes into consideration the multifaceted role of service users and their impact on bureaucratic corruption.

In line with academic traditions, it is important to state the limits of this research and this will be discussed in the next section.

7.3. Reflecting on Research Limitations and Recommendations

A key limitation of this research is based on the methodological framework it has adopted. Due to the variability in sample sizes of qualitative studies, it is argued to lack the ability to produce generalizable findings (Bryman, 2016). The intention of this research was not to produce a mathematical generalisation reflecting *all* service user behaviour but rather to provide an analytical view (Yin, 2009) in understanding the role of professional service users in corruption. This form of generalisation will necessarily be context specific (Halkier, 2011) unlike its quantitative counterpart. But on a larger scale, it provides insight into the social processes under consideration (Yin, 2016) and a deeper understanding of the phenomenon.

Based on the findings and limitations discussed, similar studies in the area of service user corruption may need to consider a larger and more varied sample group. More inclusive criteria would consider the recruitment of individual and professional users of the services of the public bureaucracy as opposed to the restricted focus of this study. This expansion will yield a wealth of discursive resources while providing further insight into the general nature of service user participation in corruption. It will also strengthen the analytical applicability of the findings.

This study found the use of corruption euphemisms to be quite extensive amongst participants in shielding them from the reality of what they actually do. Further research into the effect and role of euphemisms on participation in corrupt practices would be interesting and impactful. Also, euphemisms could be intentionally introduced by a researcher as a language tool in the data gathering process on sensitive topics.

Finally, the ethical fading framework by Tenbrunsel & Messick (2004) has mostly been applied in organisational and professional contexts, it might be enlightening if similar studies on corruption extend its application beyond this scope.

7.4. Chapter Summary

In spite of the rapid growth in corruption research, which has seen it taking centre stage in policy development by international institutions and governments in developing countries, there seems to be no respite from corrupt practices. Developing countries that were deemed corrupt a decade ago are still deemed corrupt today, with a topping of corrupt practices emanating from the developed world.

The ontological basis of policies and general research in this area is on the understanding that public sector corruption is as a result of the greed of public officials, while other participants are victims. Contrary to this position, findings from this study reveal that aside from officials, service users are also active participants in bureaucratic corruption as their participation is based on the benefits they get in return. As such they have the ability to derail reform efforts in the absence of a proper understanding of their role.

This study provides empirical evidence as to the possible role of service users in bureaucratic corruption in the hope for a gradual shift from the single lens focus to a multi-lens view in research and policies on corruption.

Appendix A: Participant Information Sheet

Public Administration in Developing Countries: An Examination of Service User Construction of Bureaucratic Corruption in the Lands Bureau of Lagos State, Nigeria.

You are invited to take part in a study which is being conducted *as part of a Doctoral Research degree at The University of York by Ms Salome U. Osia and supervised by Dr Lynne Baxter and Professor Stephen Linstead.* Your participation will be appreciated as it will greatly enhance the findings of this study.

Accordingly, before you decide whether or not to take part in this study it is important you have a fair idea of what the research is all about. Kindly take the time to read the following information carefully and please do ask if there is anything that is not clear or if you would like more information.

Purpose of this Research

Previous reforms in the civil service which have focused on improving service delivery and eradicating bureaucratic corruption have always looked at the problem from the perspective of the bureaucrat. In other words, most reform efforts (which have been largely unsuccessful) have based reforms on this singular bureaucratic perspective.

Consequently, the aim of this research is to proffer another perspective – that of the service user – which should also be considered in formulating a more effective reform program.

Your Involvement

In your professional capacity as a legal practitioner you have been identified as a potential participant in this study due to your extensive interaction with the different departments in the Lands Bureau. This puts you in the position to have an in-depth understanding of the nature of service delivery in this institution.

If you decide to take part in the research, you will be interviewed in a place that is convenient for you. The interview will take approximately one hour, and with your permission, will be audio-taped. Before we start the interview, you will be given an opportunity to ask questions and I will ask you to sign a written consent form confirming that you are happy to take part in the study.

Your participation is entirely voluntary and you are free to withdraw from the research at any time prior to the completion of the Doctoral program without giving a reason and without any detriment to yourself or your organisation.

The Information You Provide

Interview tapes will be transcribed. All tapes and transcriptions will be locked in a safe place. *All information collected during the course of the study will only be viewed by the researcher and her supervisors and will remain strictly confidential.* The confidential handling, processing, storage and disposal of data will be in accordance with Data Protection Guidelines.

At the end of the study, this information will be used to write up a Doctoral thesis and conference presentations. The names of the people, who have taken part in the research or any other information that could identify them, will not appear in the thesis or in any other written forms when the study is completed.

All who take part in the research will be sent a summary of the final report, if they indicate so. When the study is completed, all information will be kept in a locked filing cabinet in a storeroom of the York Management School, University of York and will be destroyed at the successful conclusion of the Doctoral project.

What is the Next Step?

If you are willing to participate in the study, a suitable date, time and place for the conduction of the interview will be arranged after all your questions have been sufficiently answered by the researcher. On the day of the interview and before its commencement, a consent form will be signed. The consent form will not be used to identify you. It will be filed separately from all the other information. However, you may keep this sheet for reference.

Further Information

If you have any concerns or questions about this study, please feel free to contact the main researcher Ms Salome U. Osia on +44 (0) 074 153 164 34 or +234 (0) 708 025 0665 or email suo500@york.ac.uk.

Appendix B: Participant Consent Form

**THE YORK MANAGEMENT
SCHOOL**
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**Public Administration in Developing Countries: An Examination of Service User
Construction of Bureaucratic Corruption in the Lands Bureau of Lagos State,
Nigeria**

Researcher: Salome Ufoma Osia

	Please tick the appropriate box	YES	NO
1.	I agree to participate in this study		
2.	I understand that my participation in this study is voluntary and I am free to withdraw from the research at any time prior to the conclusion of this Doctoral program without giving any reason and without any detriment to myself and my organisation		
3.	I confirm that I have read and understand clearly the information sheet for this research and have had the opportunity to ask questions about the study. These questions have been answered satisfactorily by the researcher		
4.	I understand that the interview will be audio-taped and that I may still take part in the study even if I do not want the interview to be audio taped		
5.	I understand that only the researcher and her named supervisors have access to the information collected during the study		
6.	I am aware that the information collected during the interview will be used to write up a Doctoral thesis		
7.	I understand that information collected during the course of the research project will be treated as confidential. This means that my name, or any other information that could identify me, will not be included in anything written as a result of the research		
8.	I understand that at the successful completion of this Doctoral thesis information obtained towards its completion will be destroyed thereafter		
9.	I would like to be informed of the outcome of the research via a report summary		
Name of Participant		Date	Signature
<i>Name of Researcher</i>		<i>Date</i>	<i>Signature</i>

**Appendix C: Detailed Response to the ELMPS Ethics
Committee**

24/10/2013

Salome U. Osia

<p>ELMPS Lite Form, Page 5, (Recruitment of Participants)</p>	<p><u><i>Mandatory Comment:</i></u> The case is made that anonymity can be assured by taking a random sample of all lawyers active in Lagos State (p. 6, 10). Yet on p. 5 it states that the lawyers will have had a recent interaction with the Lands Bureau. Is this a significantly smaller group? If so, how will anonymity be assured? More needs to be said about how participants will be randomly selected.</p>
	<p><u><i>Answer:</i></u> Annually, practicing lawyers in Lagos State are required to update their business profile with the Nigerian Bar Association (NBA). Customarily this profile states the kind of commercial practice that a lawyer and his/her firm engages in. Based on this annually updated profile, lawyers and law firms that state that they engage in property law are my focus. In Lagos State, most relation to property law which generally includes, mortgages and the general registration and transfer of title to landed property involves a direct dealing with the Lands Bureau which is the institution under study. Also, it should be noted that this sample group is not a small group of lawyers, as most commercial law firms engage in property law. Thus, selection of participants will be based on the updated profile of law firms and lawyers.</p>
<p>ELMPS Lite Form, Page 10, Box (ii – Risk to the researcher)</p>	<p><u><i>Mandatory Comment:</i></u> Sentences such as the following do not fill the reader with confidence: ‘Lagos State like every other city in the world is a relatively safe city’ (p. 10). This is nonsense on various levels – basic personal security measures should be taken.</p>

	<p><u>Answer:</u></p> <p>As a safety precaution, the researcher will always carry a mobile phone to use in case of an emergency.</p> <p>Also, the researcher will check in daily with a designated point of contact in Nigeria throughout the time in the field and my research supervisors will be provided details of the contact person.</p>
Participant Information Sheet	<p><u>Mandatory Comment:</u></p> <p>This is too long, and should be edited to under 2 pages (I suggest cutting possible benefits, and risks or inconveniences);</p> <p>Para. 1 talks of three people conducting the PhD – distinguish between the student and supervisors;</p> <p>P. 2, the participants cannot withdraw from the research at any time, only prior to the completion of the PhD or related research outputs;</p>
	<p>Explain ‘research panel committee’;</p> <p>The information ‘will’, not ‘may’, be used to write up a Doctoral thesis.</p>
	<p><u>Answer:</u></p> <p>Thank you for the suggestions and they have been incorporated and highlighted below. (For ease of reading please find attached to this document a copy of the participant information sheet)</p> <p>Before:</p> <p>Public Administration in Developing Countries: An Examination of Service User Impact on Bureaucratic Corruption in the Lands Bureau of Lagos State, Nigeria.</p> <p>You are invited to take part in a research study which is being conducted as part of a Doctoral Research degree at The University of York by Ms Salome U. Osia, Dr Lynne Baxter and Professor Stephen Linstead. We appreciate your participation which we believe will greatly enhance the findings of this study.</p>

Accordingly, before you decide whether or not to take part, it is important for you to understand why the research is being undertaken and what it will involve. Kindly take time to read the following information carefully and please do ask if there is anything that is not clear or if you would like more information.

Purpose of this Research

Based on the incessant civil service reforms and in particular, the recent SERVICOM initiative by the Government, it is apparent that improving public service delivery and reducing bureaucratic corruption is fundamental to the efficient and effective functioning of the bureaucracy and public institutions in general.

However, in the pursuance of these reform efforts a fundamental element – the service user – whose contribution to the successful implementation of these reforms is constantly underrated is rarely involved in the reform process.

Consequently, the aim of this research is to emphasise the importance of the service users in the reform process by highlighting the possible impact which they have on bureaucratic behaviour and the delivery of service.

The Lands Bureau is chosen as a case study due to the important economic and social role of land in a society which makes this institution highly susceptible to corruption.

Your Involvement

In your professional capacity as a legal practitioner you have been identified as a potential participant in this study due to your extensive interaction with the different departments in the Lands Bureau. This puts you in the unique position of haven been affected by various forms of bureaucratic corruption.

If you decide to take part in the research, you will be interviewed in a place that is convenient for you. The interview will take approximately one hour, and with your permission, will be audio-taped. Before we start the interview, you will be given an

	<p>opportunity to ask questions and I will ask you to sign a written consent form confirming that you are happy to take part in the study.</p> <p>Your participation is entirely voluntary and you are free to withdraw from the research at any time without giving a reason and without any detriment to yourself or your organisation.</p> <p>Possible Benefits</p> <p>This is an opportunity for you to share your experience about interacting with the Lands Bureau of Lagos State as such information could inform research for future service delivery and institutional reform efforts. Also, the findings of this study may create a better understanding of why past reform efforts have been ineffective and what perspective to explore to possibly get better results.</p> <p>Risks or Inconvenience</p> <p>There are no risks attached to this study. Your interview scripts will be kept strictly confidential and are available only to the researchers.</p> <p>The Information You Provide</p> <p>Interview tapes will be transcribed. All tapes and transcriptions will be locked in a safe place. All information collected during the course of the study will only be viewed by the research panel committee and remain strictly confidential. The confidential handling, processing, storage and disposal of data will be in accordance with Data Protection Guidelines.</p> <p>At the end of the study, this information may be used to write up a Doctoral thesis and conference presentations. The names of the people, who have taken part in the research or any other information that could identify them, will not appear in the thesis or in any other written forms when the study is completed.</p> <p>All who take part in the research will be sent a summary of the final report, if they indicate so. When the study is completed, all information will be kept in a locked filing cabinet in a storeroom</p>
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of the York Management School, University of York and will be destroyed at the successful conclusion of the Doctoral project.

What is the Next Step?

If you are willing to participate in the study, a suitable date, time and place for the conduction of the interview will be arranged after all your questions have been sufficiently answered by the researcher. On the day of the interview and before its commencement, a consent form will be signed. The consent form will not be used to identify you. It will be filed separately from all the other information. However, you may keep this sheet for reference.

Further Information

If you have any concerns or questions about this study, please feel free to contact the main researcher Ms Salome U. Osia on +44 (0) 074 153 164 34 or +234 (0) 708 025 0665 or email suo500@york.ac.uk.

After:

Public Administration in Developing Countries: An Examination of Service User Construction of Bureaucratic Corruption in the Lands Bureau of Lagos State, Nigeria.

You are invited to take part in a study which is being conducted *as part of a Doctoral Research degree at The University of York by Ms Salome U. Osia and supervised by Dr Lynne Baxter and Professor Stephen Linstead.* Your participation will be appreciated as it will greatly enhance the findings of this study.

Accordingly, before you decide whether or not to take part in this study it is important you have a fair idea of what the research is all about. Kindly take time to read the following information carefully and please do ask if there is anything that is not clear or if you would like more information.

Purpose of this Research

Previous reforms in the civil service which have focused on improving service delivery and eradicating bureaucratic

corruption have always looked at the problem from the perspective of the bureaucrat. In other words, most reform efforts (which have been largely unsuccessful) have based reforms on this singular bureaucratic perspective.

Consequently, the aim of this research is to proffer another perspective – that of the service user – which should also be considered in formulating a more effective reform program.

Your Involvement

In your professional capacity as a legal practitioner you have been identified as a potential participant in this study due to your extensive interaction with the different departments in the Lands Bureau. This puts you in the position to have an in-depth understanding of the nature of service delivery in this institution. If you decide to take part in the research, you will be interviewed in a place that is convenient for you. The interview will take approximately one hour, and with your permission, will be audio-taped. Before we start the interview, you will be given an opportunity to ask questions and I will ask you to sign a written consent form confirming that you are happy to take part in the study.

Your participation is entirely voluntary and you are free to withdraw from the research at any time prior to the completion of the Doctoral program without giving a reason and without any detriment to yourself or your organisation.

The Information You Provide

Interview tapes will be transcribed. All tapes and transcriptions will be locked in a safe place. *All*

information collected during the course of the study will only be viewed by the researcher and her supervisors and will remain strictly confidential. The confidential handling, processing, storage and disposal of data will be in accordance with Data Protection Guidelines.

At the end of the study, this information will be used to write up a Doctoral thesis and conference presentations. The names

	<p>of the people, who have taken part in the research or any other information that could identify them, will not appear in the thesis or in any other written forms when the study is completed.</p> <p>All who take part in the research will be sent a summary of the final report, if they indicate so. When the study is completed, all information will be kept in a locked filing cabinet in a storeroom of the York Management School, University of York and will be destroyed at the successful conclusion of the Doctoral project.</p> <p>What is the Next Step?</p> <p>If you are willing to participate in the study, a suitable date, time and place for the conduction of the interview will be arranged after all your questions have been sufficiently answered by the researcher. On the day of the interview and before its commencement, a consent form will be signed. The consent form will not be used to identify you. It will be filed separately from all the other information. However, you may keep this sheet for reference.</p> <p>Further Information</p> <p>If you have any concerns or questions about this study, please feel free to contact the main researcher Ms Salome U. Osia on +44 (0) 074 153 164 34 or +234 (0) 708 025 0665 or email suo500@york.ac.uk.</p>
Informed Consent Form	<p><u>Mandatory Comment:</u></p> <p>It needs to be clearer how participants will indicate ‘no’ in response to any of the statements. Make similar change to the one outlined above with regard withdrawal from the research ‘at any time’. Point 5 about the research team is unclear (if there is such a team, explain earlier). Add a point whether participants wish to receive a summary of the final report (as noted in the Information Sheet).</p>
	<p><u>Answer:</u></p> <p>All the above changes have been effected in the reviewed Informed Consent Form which is attached to this document.</p>

<p>Anonymity</p>	<p><u>Mandatory Comment:</u></p> <p>The researcher repeatedly emphasises that all risks to the participants can be dealt with by guaranteeing anonymity. However, given that the topic of the project is a presumably illegal activity (corruption) and the study aim is to investigate legal practitioners' involvement in this activity (whether as passive supporters/active engagers), surely there are implications here for the researcher and the participants if participants disclose involvement in illegal activities? It would be useful if the researcher could provide further information about how such disclosures would be handled. Researchers can end up in very difficult positions when they have guaranteed somebody anonymity and their research findings shed light on illegal practices. It is important that such issues are considered in advance of fieldwork.</p>
	<p><u>Answer:</u></p> <p>Thank you for the suggestion.</p> <p>To clarify some issues I will like to highlight the methodology to be employed in this research and the advantage of this for the current study.</p> <p>The methodology to be employed in this study is 'discourse analysis' which looks at how social actors construct reality through their discourse. Thus, the focus of this analytical paradigm is not on the individual per se but their 'discourse' which reflects their construction of reality and why it is so constructed.</p> <p>In relation to this work, the researcher considers this sample group as a 'pool of discourse' which when analysed may provide another perspective to bureaucratic corruption. Thus the focus of the study is not on whether people actually participate in corrupt activities but <i>why</i> and <i>what</i> is necessitating such participation.</p>

<p>Access to Data</p>	<p><u>Mandatory Comment:</u></p> <p>The information sheet mentions the ‘research panel committee’ as having access to the data and it is not clear at all who these people are. Likewise, the consent form mentions ‘members of the research team’. In contrast, the application form states that the researcher will be the only person who has access to the data. The researcher should clarify who precisely will have access to the data and ensure that this is stated clearly on both the information sheet and consent form.</p>
	<p><u>Answer:</u></p> <p>I am sorry for the initial confusion. The necessary corrections have been made and it is reflected below.</p> <p>Before:</p> <p>Participant Information Sheet</p> <p>All information collected during the course of the study will</p>
	<p>only be viewed by the research panel committee and remain strictly confidential.</p> <p>Informed Consent Form</p> <p>I understand that only the members of the research team have access to the information collected during the study.</p> <p>After:</p> <p>Participant Information Sheet</p> <p>All information collected during the course of the study will only be viewed by the researcher and her supervisors and will remain strictly confidential. (And the supervisors were named prior to this paragraph. Please find attached the full Information sheet).</p> <p>Informed Consent Form</p> <p>I understand that only the researcher and her named supervisors have access to the information collected during the study.</p>

Appendix D: Transcript Sample

Interview on the Mainland with LP 8: 9th January, 2014

SO: How long have you been interacting with the lands bureau of Lagos state?

LP 8: Ehm...I have been interacting with them since 1993.

SO: And over this period what kind of transaction do you conduct on a frequent basis?

LP 8: Ehm...most of the things we do there is like you want to conduct a search in relation to a title to land, to perfect a deed of mortgage or a deed of assignment or maybe to put up a caveat or a caution...these are the things we frequently do at the lands ministry.

SO: Okay...if we pick a particular transaction for example C of O what are the steps you take in order to conclude this transaction?

LP 8: The steps we take in perfecting a C of O is first of all you have to apply to the surveyor general's office, for a land information certificate, to know whether the land is under government acquisition or free of acquisition, that will help you to know whether...that is if it's a government land you have to pay some money to get it done but if it's a private land then you have to deal with the land owners. So that land information will now tell you the location where the land is and with it you can now purchase a form and file the application in Alausa, so with that application they will now assess the land...the fees payable and they will give you an assessment fees to enable you to know how much you're going to pay in order to conclude the transaction.

SO: So based on this transaction you can say you interact with different departments...

LP 8: Yes...

SO: Now considering you also involve in searches, mortgages meaning your interaction with them is quite extensive...

LP 8: Yes...

SO: So how easy is it to interact with these different departments in concluding a particular transaction?

LP 8: Over the years it has been very cumbersome due to the fact that you're not dealing with only a department; in as much as you're dealing with a department you're also dealing with the individual staff who either in one way or the other want you to compromise and the next process won't be so difficult. Sometimes the files that are supposed to go under normal process when it comes to their table, because either because they don't want to do their job or they are lacking proper supervision they want to leave it there until the owner of the job comes; when you come they want you to "facilitate" it, apparently they are looking for something may be to put in their pocket in order to do the job they are supposed to do legitimately. So these are the difficulties we encounter.

Be that as it may it will go a long way to delay the job, something that is supposed to be concluded maybe in 3months time will span over a period of maybe 6months to 1year, so you end up following it up yourself instead of going through the normal process.

SO: So how do you now circumvent these kinds of problems?

LP 8: The way you circumvent it is that since you know that there is no how the job can get done on its own without you intervening you have to be following it up. When it gets to survey, you go to survey and locate where the job is and see the officer that is in charge and say "please this is my job o" and in the process you can "grease" his palm and once you grease his palm amongst all the files he will bring out your own and attend to it, every other one that has not received any attention will remain there until the owner comes. So

that is what you continue doing from office to office until you get the whole thing concluded.

SO: Have there never been any time that you go in there you submit your work and you actually conclude it without...you monitor it fine but you don't have to grease anybody's palm?

LP 8: It's a risk...because if you try it the next time you're going there you might not be able to locate your file any longer. It would have gotten lost in the midst of other files because your file is not the only work that is there so if you don't follow up your file you might be surprised when you get there you won't be able to locate even the particular place where it is.

SO: So even if you can't locate a file is there no department that you could complain to like a monitoring department that tries to help you locate your files or if you have bad service delivered to you can you also complain to that department?

LP 8: Ehm if you complain they will also need some information from you...where was the last place you located your file? To enable them trace it...if you don't have that information how can they trace it?

SO: I thought now due to the IT they have there that you can just give them only the number of the file and they trace the location...

LP 8: ...yes they can trace it but ehm you have to also give them information where the file was last...like you can say it went to survey on so and so date so with that they can go into their system to track it, that is the only way.

SO: Okay, based on your two decade plus experience how will you rate service delivery there...have there been times that it was very good then sometimes it was bad or all through it has been bad?

LP 8: Initially you know it used to be...it wasn't all that difficult...at the initial stage...because it was of recent that they brought out so many...introduce so many things that you have to meet up that was when it was becoming difficult.

SO: So in the 1990s it was quite easy for you to conclude a transaction?

LP 8: Yes it was quite easy, but of recent because of so many things they introduced you know it is not easy anymore.

SO: So under this particular administration will you say any improvement has occurred with regards to service delivery or will you say it has still been the same bad services you have been receiving so far?

LP 8: Ehm...there is a little improvement in the area of the services but in the area of the period that it takes to conclude it, I don't think there has been any improvement, it is even getting worse.

SO: If you say improvements in the area of services can you give me an example of the service you are talking about?

LP O: The service I am talking about is like getting the Governor's consent...because all these C of O, legal mortgage, deed of assignment at the end of it all what you are just looking for is the Governor's consent to the transaction. The processes to getting that Governor's consent are a bit cumbersome that is what we are complaining about. I have some files that I am doing here for 3 to 4years now and I am still on it...sometimes you'll pay tax by the time you know it they will say it is expired...so many other things. Sometimes they will start...once they look at the document...the location of the property these are one of the serious problems we are facing now. If the property is in Ikoyi the tax...they have a personal income tax...they have a tax department in that area [which determines the taxes to be paid by the parties to the transaction]. For property around that

area they could say that the assignee is eligible to pay ₦500,000 the basis of which they arrived at that figure, nobody knows. For when someone who is trying to perfect his property [title] to get Governor's consent you are asking him to go and pay a million plus in taxes...sometimes the clients or the people who are trying to do the transaction gets frustrated at the end of the day they are looking for a million plus to pay for tax they will just abandon the process...

SO: So now you're saying that the assignee has to pay for the assignor's tax and his own...

LP 8: ...yes! Because the assignor has pushed over the whole thing to you...he is not interested cause he has given the property to you and you are the one that is trying to perfect it to your own name so you're left with paying for him. So the assignee will now pay for the assignor...the same thing in legal mortgage.

SO: Basically what you are seeing as the failings of the system right now are the processes and some of the policies that are been implemented in recent times...

LP 8: Yes.

SO: So what do you think could be done to actually improve the system?

LP 8: What could be done to improve the system like in this area of tax that I mentioned now is that they have to give a reasonable tax assessment, this is one of the major problems we are facing there...taxes are over-quoted, it is out of proportion, they don't have any yardstick. Because you're having property in Ikoyi they will give you an outrageous amount of money to pay, not only you, you will pay for the assignor and pay for the assignee, if it is a company they say two directors.

SO: If you are given an outrageous quotation is it possible to approach the head of that department to complain about it?

LP 8: Yes... when you complain they will tell you it is not their business that the quotation that you have is the due assessment that they cannot do anything. They will also refer you to the highest man which is not easy to get to, that you should write an application complaining on that but meanwhile they are not attending to that appeal and then the job is stuck. These are the policies a lot of them like this tax issue...like they will ask you to go and get a picture and the street and you know all these signboards that is showing the place...you know these are the difficulties...so many things they will mention. Initially they were not requesting for all these things.

SO: Looking at it from another angle is it possible that we as service users we also contribute to bad services?

LP 8: Bad services...yes. The way we contribute to bad services is that sometimes most of these requirements the banks who are...because all these things are pertaining to loan transactions, sometimes some of the customers who come to bank to take up loan some of them get that loan maybe on friendly basis, sometimes some of the requirements are not met they will not disburse the loan. And once a customer has taken a loan from the bank they will be on the run because he doesn't want the whole documentation to be done; because once the mortgage is perfected the bank can dispose of the property in the event of default. Because of that they don't want to...if you ask them to bring their tax clearance they will not respond, if you ask them to give you one or two things that will help you to do the perfection, they are nowhere to be seen because they don't want you to conclude the transaction.

So the lawyer who is doing it in Alausa is faced with the problem of not having enough documentation to present to the lands registry. That is the area that I think we contribute.

SO: You don't think we contribute in any way to bureaucratic corruption?

LP 8: Yeah they do too because ehm...will I say that they contribute...*because the people there are expecting it...*because if you don't do that you will not have any success in what you're doing. So it's like you're doing it but you're reluctantly doing it. Because if like...like the example I gave you initially you found out that your file is on somebody's table and the thing has been there for one month, he has not treated it meanwhile he is treating files even those that came after your own, they have been treated and sent out...they will now say "are you the owner of this file? We have not been seeing you".

SO: If you have a department that you can report such problems to will you take that opportunity to report such officers?

LP 8: Why not? But one thing is that...is like what they do in that lands bureau is like a "mafia" thing...even the smallest officer does not have any respect for the man on top, the man on top respects the smallest officer...so it's like he is not even scared about the man on top because all of them are doing the same thing. There was a time I had problem there I wanted to take it up they said 'oga the best thing is for you to go and settle with this woman o, because you know you're always here in Alausa once she finds out you're fighting her now or that you have reported her all your job once they see it...you cannot locate your file again and you start having problems'. And it's possible, they can gang up against you and frustrate you...say okay you are the one who is writing petition, who is reporting...so we are being careful because that is where you're working that is where you're making your money, you don't want to be messed up. *Not that you don't know what to do but this is a typical problem that we have in this country, it's not only in that lands it's everywhere all facets of government. That is the problem, these people and corruption.*

Appendix E: Example of Coding Thought Process

will always say mobilise us...to get someone to bring out your document, mobilise us, to get someone to bring out the letter of assessment, mobilise us...

Salome: Do they out rightly ask you to 'mobilise' them or you just infer from their attitude?

LP 1: Some people ask categorically or it might not be direct, it might be indirect...someone's attitude, someone's body language...your file is on someone's table and the person keeps telling you come back tomorrow, come back tomorrow, if the person keeps saying that for like a week (common sense) dictates that you should ask what the person wants and then you find out that immediately you give the person the money, that same day and you're there, the person will treat your file. Even if you are going to call in a favour maybe from their boss, because the file moves from office to office, are you going to keep calling the boss at every stage? That is always a challenge you'll have if you know a top person except the top person takes over the file themselves.

Salome: With regards to the problems that you've encountered at the bureau, have you ever taken it up with the boss of a particular department or is it difficult to get access to them?

LP 1: I'm sure you can walk into any of their offices but the problem will now be you seeing the person...you know like I said, your file will move from one office to another, so let's assume you meet this particular boss in charge of this department and he hears you out...already whoever handles the file will already know that this person is acting up...the next time you're coming into that office with another file you're going to meet a stonewall...and you know because its one ministry they all get to talk about things so you want to ensure that even with those that will handle your file you want to have a good record...although you don't want them to mistreat your file but you still want to be in their good books so that your file doesn't get missing.

→ Pragmatic-realism?
repertoire

* Professional
reputation
repertoire -
Bureau Officials

*

So even when you know that this boss has an open door policy you're still careful. Like I said most times before you approach their direct boss it's something that you've tried other means and it didn't work, but you don't just walk up to their direct boss and complain immediately.

Commented [502]: The general fear of 'persecution' have worked over time to keep service users in line, especially where this tale is passed from one generation of users to the next...

Salome: Based on your experience of service in the lands bureau, what do you think can be done to improve the situation?

LP 1: First of all they need to get their staff of training...if some things can be done on the system online...but you find people that ^[have] been in the system for about 20 years who are not computer literate...so they should organise in-house training occasionally sending them out on courses, it will improve the system. Also you can't out-rightly remove corruption, 'PR' or 'mobilising' out of the system...no matter how educated the person is, no matter how exposed the person is he/she will just...it's like you want to change an entire system, this is what they believe in...most of them don't even rely on their salaries because of what they get on a daily basis from people. If you now say don't take this anymore, it's like you're trying to change their mind-set and that is a tall order for you to tell people that you can't demand for...except you put sanctions, you put people that will go around, that would ensure compliance...you could have a department that would go around to ensure that you're doing your job, how many files came to your table today and how many did you treat...so there should be a way of managing the officers. Even if at least they can file a report daily or every week on what you've done and somebody is there watching like they do to judges now...judges now file their judgement, they want to know how many judgments that you have been able to deliver in a month, so judges now want to ensure that their matters are moving...so if you could have that where you know that this is the minimum of what he is expected to do in a month. They should also give that room, if someone is doing well they should acknowledge the person, the person will know that I have prospects of been promoted because of my output not because I've spent 10 years so I am entitled to be promoted. That is why at times you get there and probably you

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LP 1: What your client is looking for is prompt service... sometimes they tell you we are giving you this brief and we want the title registered in 3months, of course that is not possible...to get it registered in a year, you have to do PR...yes. You find files getting missing and you're looking for it and the next two months you haven't even found the file. Though the other things that could contribute to that [a long process time] is that there are times that the client may not pay tax on time...the tax may not be complete, so that could also delay, when the file ought to have gone for governor's consent we are still waiting for the tax receipt to come in...cause at times the tax quotation could be outrageous really. Other issues too could come up...it could be an issue of signature, they always come up with one or two things...they will bring up one policy today like the issue of the mortgage been signed by the two parties, imagine you already mortgaged your property and didn't sign each page of the document and you submit. Of course you will be called back later that they can't process the document because it wasn't signed by both parties...how do you get the mortgagee to sign when the guy has absconded already. So they keep coming up with one policy or the other. I'm sure that these policies is to safeguard the public and prevent cloning or fraud but still you might not know about the new policy until you get there.

Their form of communication for their change in policy is their notice board, but if you're in your office for instance how would you know that they just pasted something on their notice board, do you get...I doubt if their website is functional, even if it is functional they will have outdated information.

Salome: Earlier you spoke about the issue of missing files and the nonchalant attitude of the bureau officers to work...these are amongst the reasons why the government established SERVICOM...

→ client responsibility

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cal

LIST OF ABBREVIATIONS

ADB	Asian Development Bank
CPI	Corruption Perception Index
ELMPS	Economics, Law, Management, Politics and Sociology Ethics Committee
EDMS	Electronic Document Management System
FIFA	Fédération Internationale de Football Association
IAAF	International Association of Athletics Federations
IMF	International Monetary Funds
IPPIS	Integrated Payroll and Personnel Information System
OECD	Organization for Economic Cooperation and Development
SAP	Structural Adjustment Programmes
TI	Transparency International
TSA	Treasury Single Account
UNODC	United Nations Office on Drugs and Crime
WADA	World Anti-Doping Agency
WTO	World Trade Organization

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