

Research Paper

## Tender/Contract Corruption Crimes in Ethiopia: Evidences from Convicted Court Cases

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### Abstract

*In a wider qualitative study concerned with corruption crimes in Ethiopia, there are only 16 which are about tender/contract corruption crimes. This study dealt only with these corruption crimes, based on court case files in which defendants were found guilty. The crimes were committed as medium or top level government and private organizations' officials competed for livelihood goals. To corruptly increase own income or profit, the officials used authority and qualification, manipulated bureaucratic rules, regulations and decisions. They further exploited the free market (money) economy in which items of exchange are not delivered immediately; illegal means of earning the 'charming' money or owning other valuable assets remains unquestioned, self-control and ethical concerns have been minimized. The criminals owned properties contrary to socially approved ways while the high monetary values the crimes involved- one to several millions- implied that the criminals reaped huge amounts of kickbacks. The article further argues that these corruption crimes, though committed for economic benefits, could not be considered economic actions. To minimize tender/contract corruption crimes, it is recommended to reward public officials with "secure existence" by means of salaries regularly revised in accordance with inflation and corruption controlling coercive laws at least partially redirected to social sanctions.*

## 1. Introduction

Corruption is a norm contradicting act in a continuum, from bribery to nepotism/favoritism, acted in private or government institutions for personal or institutional gains. The actor may be an individual, an organization or its unit (Mulinge and Lesetedi, 1998; Olivier de Sardan, 1999; Venard and Hanafi, 2008; Zyglidopoulos *et al*, 2009). A legal definition limits corruption to bribery: "bribe occurs when property or personal advantage is offered without the authority of law to a public official with the intention of getting the public official to act favorably for the briber at any time

or fashion in the execution of public official's duty" (Venard and Hanafi, 2008).

Among host of empirical studies on corruption, several of them associated it with culture of valuing economic success (Lipset and Lenz, 2000), achievement orientation (Osei-Hwedie and Osei-Hwedie, 2000), market and neo-liberal globalization (Clammer, 2012), public policies (Hodgkinson, 1997), laws (Nielsen, 2003) or legal or bureaucratic hindrances (Nas *et al*, 1986). Corruption is also associated with networks, access to officials, fund availability, knowledge about government work processes and law's suitability,

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officials' over-rationalization, prior socialization, education and personal experience, temporal and spatial distances of ethical consequences of a corrupt act from the actor (Beugre, 2010; Zyglidopoulos *et al.*, 2009), dominant and subordinate group members' feeling (Rosenblatt, 2012), fear to significant others' social sanctions (Smith *et al.*, 2007), employees' feeling, bureaucratic roles and expectations upon them (Ashforth and Anand, 2003).

Still other studies associated corruption with multinational organizations (Kwok and Solomon, 2006; Rodriguez *et al.*, 2005), foreign direct investment (Robertson and Watson, 2004), business competition, "business quality, availability of capital and imitation" (Venard and Hanafi, 2008), "culture of speculation" preferential/bad bank loans, financing of elections, (Satz, 2013; Khwaja and Mian, 2011; Nielsen, 2003; Carruthers and Espeland, 2002), "related lending" (La Porta *et al.*, 2003), powerlessness of property class and dual roles of state agents (Alatas, 1997). Studies also associated corruption to inflated residential housing projects, political support or dissidence (Ocheje, 2007), colonial divide and rule administration and local chiefs' participation in it, post-independence "new constitutions" (Mulinge and Lesetedi, 1998), pre-colonial, colonial and post-colonial laws' coexistence (Olivier de Sardan, 1999), freedom fighters' life time lost in struggle (Makumbe, 1994), manners of socializing children (Weisner, 2000), over-monetization, societal expectation upon officials and shamefulness (Olivier de Sardan, 1999).

Africa is synonymized with "culture of corruption" (Osei-Hwedie and Osei-Hwedie, 2000; Olivier de Sardan, 1999) and it is claimed the act is "embedded" in Africans or African systems (Beugre, 2010). However, these assertions can be criticized relying on various works. As evidences from a few African countries show, only members of specific (power) group committed shockingly shameful even nakedly criminal corruption crimes including those on popular elections (Reinikka and Svensson, 2005; Erero and Oladoyin, 2000).

Ethiopia is unexceptional to the rule. In the country, assuming power, owning/running businesses in key economic sectors, accessing loans, social/extension services, benefitting donor/government funded infrastructure investments have been relied on

association to a party on power (Paulos, 2007). Donor's money either flew to officials' foreign bank accounts or used to fund safety net/privatization programs or training of judges in all of which supporters of a party on power or those in its net-works benefitted. Public companies were insidiously sold at throw away prices to party affiliates. The judiciary was captured by judges predominantly trained at Civil Service College. Politically motivated poor laws were drafted. Courts passed sentences harassing opponents and journalists. Independently thinking intellectuals were harassed. At the backstage of health extension programs, party-owned pharmaceutical factories distributed counterfeited drugs including anti-retroviral drugs. School enrolments exaggerated, examinations cheated, sub-standard schools or universities' buildings constructed, etcetera (Seid, 2013). To regain lost rural support in 2006 election, farmers in a rural locality were categorized into two groups- only members of one group were supported to produce marketable items thereby to make them party members (Lefort, 2012).

It can be inferred from principle of Ethiopian law providing for crimes of corruption (article no. 4/2) that corruption is an act of performing responsibility or duty inappropriately or misusing such or public trust by any public servant or an employee of public organization to accept or solicit undue advantage, directly or indirectly, for oneself or another or to injure the right of another. An act by any person of giving or promising to give undue advantage for such an official for the same reason is also corruption (FDRE, 2015). In this article, corruption is defined as an act for which a public official (together with any other person) had been convicted for using office for personal gains. Nepotism, cronyism and patronage (Villeneuve *et al.*, 2020) and corruption occurring solely in private institutions are not considered here.

Studies done in Ethiopia regarding corruption crimes just described the problem at general political, societal perception or other generalizing levels (Legessie, 2016; Seid, 2013; FEACCE, 2014; Arsema, 2010; Paulos, 2007; Oluwu, 2000; Shimelis, 2005). These studies have a common limitation of not basing on actual crimes dealt at the court of law. However, empirical studies measuring levels of corruption perception do not show

the true picture of corruption in a country (Goldsmith, 1999).

The general objective of this article is to glimpse corruption crimes' reality in government procurements. It describes the *modi-operandi* of the crimes and analytically situates them into some themes of several sociological theorists. It answers a general question: what is the nature of tender/corruption crimes referred to Ethiopian court of law? Specifically it tried to give answers to: Which were transgressions observed in the crimes? Who were transgressors? What crime tools did the criminals use? How could the crimes be situated to socio-theoretical themes?

## 2. Materials and Methods

Ontologically, corruption is a reality knowable by humans but exists independent of them or socially constructed (Montuschi, 2007). Thus, according Ethiopian laws, corruption is crime (FDRE, 2004). Socio-ontologically, corruption and acts of formally controlling it are social (Andina, 2016). Corruption perceptively exists because humans observe, justifiably describe and assign social dysfunctions to it or socially create it. Rules of crime they make as they negotiate on societal rules, institutions and procedures constitutively make corruption a reality. Nonetheless, an o-ontology with its formula Object = Written Act (Andina, 2016; Ferraris, 2009) fits for this research: data were collected from objects- archived court case files, institutional "inscriptions."

"Documents restore humanism" (Clarkson, 2003). Researchers used archived court case files as data sources or were recommended to do so (McIntosh and Prinz, 1993). For corruption criminals remain uncaught (Khwaja and Mian, 2011) or scattered in various prisons or locations after release, survey study on convicted court cases is recommended. For a wider study having research objectives of describing and situating corruption crimes to themes in sociological theories, data were collected between July 2018 and about second week of November 2019 from more than 200 archived corruption crime court case files. The cases had at least a criminal sentenced for two or more years' imprisonment. The principal author closely reviewed the case files at Ethiopian Federal High Court, Addis Ababa. In case Federal Supreme Court on appeal

changed decisions, the latter were taken into account. Among crime cases considered in the wider study, only 16 cases fell under tender/contract corruption crimes- the concern of this article. The objective of the article is showing a glimpse of corruption crime reality in government procurements. The *modi operandi* description of the crimes is analyzed drawing on some themes of sociological theories. For confidentiality reason, criminals' names were fictionalized and that of victim institutions' hinted only in broader terms.

## 3. Results

This section briefly describes *modi-operandi* of tender/contract corruption crimes. The crimes were committed between 2007 and 2014 as government and private institutions exchanged goods including consultancy or expertise knowledge. For seven cases, contractual values were stated in euros/dollars or unstated at all (*FEACCE vs Tsedey*, 2011; *FEACCE vs Milkyas*, 2011; *FEACCE vs Mahbuba*, 2013; *FEACCE vs Almazu and others*, 2011; *FEACCE vs Kalesew and others*, 2012; *FEACCE vs Godanaw*, 2012; *FEACCE vs Dejene and Wossenie*, 2013; *FEACCE vs Tamir*, 2015). For nine cases, the values varied between nearly birr (Ethiopian currency unit) 0.21 and 50.84 million, the average being nearly birr 9.21 million (*FEACCE vs Yosef*, 2010; *FEACCE vs Tizazu and others*, 2011; *FEACCE vs Kalkidan*, 2012; *FEACCE vs Kidist and others*, 2012; *FEACCE vs Adamu and others*, 2013; *FEACCE vs Sahile Gebru*, 2015; *FEACCE vs Leneway*, 2015; *FEACCE vs Samuel*, 2016).

Tender/contract corruption crimes were committed by transgressing in the following ways: owning public property by traditional contract (without formal contract), winning contracts by appearing fulfilled or without fulfilling tender criteria (*FEACCE vs Godanaw*, 2012; *FEACCE vs Mahbuba*, 2013; *FEACCE vs Samuel*, 2016), offering/winning national/international contracts by breaking rules of "competitive bidding and offering", that is, without tendering (*FEACCE vs Almazu and others*, 2011; *FEACCE vs Kalkidan*, 2012; *FEACCE vs Adamu and others*, 2013; *FEACCE vs Sahile*, 2015), failure to observe responsibilities/obligations of contracts won legally: thus, in exchanges, public money was paid for undelivered items, if delivered, greater prices than the

actual ones were paid or sub-standard items were delivered and accepted (*FEACCE vs Milkyas*, 2011; *FEACCE vs Kalesew and others*, 2012; *FEACCE vs Kalkidan*, 2012; *FEACCE vs Kidist and others*, 2012; *FEACCE vs Adamu and others*, 2013; *FEACCE vs Sahile*, 2015; *FEACCE vs Tamir*, 2015). When contracts were revised or obligations were not fulfilled, benefits that matured to the public as price increases or fines were compromised. An attempt was made to make a government institution pay legally exempted value added tax (*FEACCE vs Dejene and Wossenie*, 2013).

To commit the crimes, the criminals used instruments: letters, permissions/orders, contracts, certificates, accounting documents, bank accounts, and knowledge/skill. Damping legal letters requesting recommended companies for price offers and inviting by means of illegal letters companies unselected at all for the purpose, goods were purchased from the latter (*FEACCE vs Sahile*, 2015). Without making any further price revision due to the public, a real estate was granted more expensive lease land instead of less expensive one it legally won. This was done by writing an illegal letter (*FEACCE vs Tsedey*, 2011). Again without doing the same and by writing a letter, another real estate was allowed to change the number and areal sizes of houses to be constructed on the land already leased to it (*FEACCE vs Yosef*, 2010). Letters permitting money release from blocked bank accounts were written for investors who had not advanced building constructions to the minimum required levels (*FEACCE vs Yosef*, 2010).

Written/verbal but conspiratorial permissions/orders claimed or actually secured from higher bodies/bosses were also used to commit the crimes. By real and falsely claimed orders, goods were purchased without tender, defective ones accepted or an effort was made to pay exempted tax (*FEACCE vs Tizazu and others*, 2011; *FEACCE vs Almazu and others*, 2011; *FEACCE vs Kalesew and others*, 2012; *FEACCE vs Kalkidan*, 2012; *FEACCE vs Dejene and Wossenie*, 2013). Written or implicit permissions were granted relying on seemingly rational expertise recommendations (*FEACCE vs Tizazu and others*, 2011). Or institutions' higher officials, depending solely on authority to decide, gave corruption friendly orders even by discarding logical expertise advises, or passed illegal decisions instead of

alternative legal ones (*FEACCE vs Almazu and others*, 2011; *FEACCE vs Kalesew and other*, 2012; *FEACCE vs Kalkidan*, 2012; *FEACCE vs Leneway*, 2015). To avert sole accountability of such decisions or make the latter appear legal, they secured executive managerial decisions or even effected changing contents of decisions otherwise- for example, by misreporting proceedings (minutes).

A local contract (informal contract) was used to own a public property (*FEACCE vs Godanaw*, 2012). Large quantity of a good was transported from nearer distance, but by means of fabricated contracts, a claim was made that the item was transported from farther distance and, accordingly, much greater transportation charge was paid (*FEACCE vs Adamu and others*, 2013).

A work permit certificate renewed by forgery was used as part of criteria fulfillment to win a multi-million contract (*FEACCE vs Samuel*, 2016). By using forged test reports for quality, sub-standard material was used as input for bridge construction on a main Ethiopian river (*FEACCE vs Milkyas*, 2011). A government institution issued a delivery certificate even if the good it received as purchaser did not fulfill specifications (*FEACCE vs Kalesew and others*, 2012). Money earned by fabricated contracts was collected from a 'party' government institution by an individual who presented forged agency certificate (*FEACCE vs Adamu and others*, 2013).

Among accounting documents, a payment voucher and forged receipts were respectively used in an attempt to pay exempted value-added tax and to claim payments for purchases that had not been made at all (*FEACCE vs Kidist and others*, 2012; *FEACCE vs Dejene and Wossenie*, 2013). Forged certified payment orders were supplied to win multi-million contracts (*FEACCE vs Mahbuba Reshad*, 2013). A guarantee bond for initial payment, should have been confiscated by the state because a party failed to observe contractual obligation, but corruptly returned for that party (*FEACCE vs Leneway*, 2015). Money pertaining to corrupt tenders/contracts was smuggled to intended beneficiaries by checks (*FEACCE vs Adamu and others*, 2013). Bank accounts served either to transfer and re-transfer corruptly earned money to crime beneficiaries or to deposit it as personal property (*FEACCE vs Tizazu and others*, 2011). Knowledge and technical skills

enabled corrupt bureaucrats undertake tasks contradictory to rules. A competence test examiner wrote examination answers to a few candidates (*FEACCE vs Tamir*, 2015).

Addis Ababa City Administration or Federal Government institutions affected by tender/contract corruption crimes were those undertaking tasks of education, local development, urban land and housing, health, justice, transport and communication, construction and design. The criminals were professionally trained higher/middle level officials of public and private institutions- senior officers, department/unit heads, project managers, vice and general managers.

A total of 27 officials, as per criminal code no 414/2004, were found guilty of abuse of power, dereliction of duty, maladministration and acceptance of undue advantages, unlawful disposal of object in charge, aggravated fraudulent misrepresentation, forgery or falsification of public documents. In sentencing them for between 2 and 10 years' imprisonment, crimes motives and punishment attenuating criteria were taken into account. 8 offenders, absent during court proceedings, were not caught at all with 1 such female single offender had already flown to America (*FEACCE vs Yosef*, 2010; *FEACCE vs Tizazu and others*, 2011; *FEACCE vs Tsedey*, 2011; *FEACCE vs Milkyas*, 2011; *FEACCE vs Almazu and others*, 2011; *FEACCE vs Kidist and others*, 2012; *FEACCE vs Leneway*, 2015; *FEACCE vs Tamir*, 2015; *FEACCE vs Samuel*, 2016). Money or assets owned by the criminals had not been traced except for two: a couple received nearly birr 0.37 million as bribe (*FEACCE vs Tizazu and others*, 2011). For the rest, the fruits can be guessed from contractual values or assets involved. Table 1 summarizes key issues of the crimes.

#### 4. Discussions

In this section tender/contract corruption crimes are situated into some themes of sociological theories. Interpretive arguments are made under statements developed from the themes:

*Tender/contract corruption crimes were not economic actions:* The criminals used the context of free "economic action", which means, earning either salaries or profits, to secure extra benefits. Therefore, the crimes were not "economic action(s)." They were rather "economically oriented action[s]" (Weber, 1978) to which some criminals were at least psychologically forced.

*Tender/contract corruption criminals owned properties in socially unapproved ways:* the criminals owned land and money by transgressing contractual responsibilities/obligations. All specific acts by which they owned land and money were contrary to Durkheim's socially approved ways of owning property- labor, exchange, inheritance or donation (Durkheim, 1957). Moreover, they illegally expropriated the public from its properties, hence, transgressed property rights that Durkheim points-inalienability, using it or its fruit or transforming its state or condition (Durkheim, 1957)

Further, the criminals, with no or little fear of being suspected, guilt of immorality and threat to ownership, inalienably owned and used public properties. This was facilitated, it can be argued, because of using money. Money hides its origin, the morality of means of earning it is not questioned, and objects purchased by it have guaranteed ownership recognition and can be kept at far distant locations away from owners while profits from them easily transferred to the owners (Simmel, 1978). On the other hand, the criminals hampered other individuals from accessing the properties by formal/genuine contracts or using them (for example, as capital) to fructify profit.

**Table 1:** Summary of key issues in tender/contract corruption crimes<sup>1</sup>

Contractual			Corruption		
Parties	Item/s	value	Nature	crime tool/s	Estimated Harm
Individuals	Land (c.9)	100.00 ***	Illegal ownership	local contract	100.00 ***
Gov. inst. and Plc.	Student uniforms (c.1)	273,959.50	paying exempted value added tax	payment voucher	41,093.85
Gov. inst. and Plc.	Computers and stationaries (c. 2)	1,081.517.00	buying without tender	letters	284,208.00
Gov. inst. and Plc.	Construction work (c.12)	17,000,000.00	winning by deception	work permit renewed by forgery	unknown
Gov. inst. and Plc	Overcoats and army ration bags (c16)	50,841,600.00	winning by deception	Forged certified payment orders	15,252,490.00
Gov. inst. and Plc.	Folders (c.3)	1,057,500.00	buying without tender	expertise recommendation, higher body’s permission, checks, bank account	unknown
Gov. inst. and Plc.	Consultancy work (c.15)	61,294.55*	offering without tender	expertise recommendation, executive managerial decision	unknown
Gov. inst. and Plc.	metallic and plastic cords (c.6)	241,000.00	buying without tendering; accepting sub-standard items	claimed order from boss, self-conspiracy	17,975.00
Gov. inst. and an individual	Testing for competence (c.14)	Unavailable	writing answers for examinees	own knowledge, exam papers, pen	incompetence
Gov. insts.	Bridge construction (c13)	Unavailable	using sub-standard gravel for construction	forged quality test report certificates	2.310,510.03
Gov. inst. and Plc.	Mounted drilling rig (c.4)	380,812.93**	accepting sub-standard item	delivery certificate, guarantee bond, minutes misreporting actual executive decisions	unknown
Gov. inst. and Plc.	Land (c.11)	unavailable	failure to appropriately revise land lease price	letters	1,195,251.00
Gov. inst. and Plc.	Land (c.10)	50,000.00 ***.	granting better quality lease land	letter	50,000.00 ***
Gov. inst. and Plc.	Tires and inner tube (c.5)	6,316,260.00	exempting from legal contractual fine	executive managerial decision, guaranteed bond	631,626.00
Gov. inst. and Plc.	Gravel (c.8)	6,181.188.00	buying and transporting without tender	Forged contracts, a forged agency certificate, checks, bank accounts	2,343,251.31
Gov. inst. and Plc.	Gravel (c.7)	212,786.14	false purchase claim	Forged payment receipts	212,786.14
<b>Total</b>	<b>Birr</b>	<b>83,205,810.64</b>			
	<b>Dollar</b>	<b>61,294.55*</b>			
	<b>Euro</b>	<b>380,812.93**</b>			
	<b>Sq. meter</b>	<b>50,100.00 ***</b>			

<sup>1</sup>Values with \* are in dollars; those with \*\* are in euros and those with \*\*\* are land in square meters. For the rest figures, the unit is Ethiopian birr.

‘C’ stands for a crime case and the number following it represents authors code for the case.

*Tender/contract corruption crimes simultaneously indicated unfair success/loss in competition for livelihood goals/market and transfer of losses to the public:* offering/winning contracts without or seemingly legal tendering and purposeful failure to observe contractual obligations showed the criminals (officials and business people), contrary to Weber's assertions (1978), did not bargain, bid, offer and exchange goods of specified qualities and quantities at fair prices. The criminals unfairly succeeded in competition for livelihood goals/market. But genuine competitor businesspeople were excluded from accessing the market. The public had incurred losses in paid prices, quantities or qualities of goods (sub-standard or defective) received, and lease rents or monetary fines matured from contractual modifications or failure to observe obligations. While public benefits were thus snatched by the criminals, losses due to the businesspeople were transferred to it.

*The nature (type) of contracts made them comfortable crime tools:* in purposive/true contracts the binding power is secular law but not fearful super-natural power (Durkheim, 1957; Weber, 1978). Therefore, it can be asserted, the criminals, with no fear of super-natural power, forged the contracts, or offered/won them by a local contract or without tendering/fulfilling criteria of competition, or, if offered/won legally, did not observe contractual "rights and obligations" (Weber, 1978). Except the secular law, the contracts had no fearful binding super-natural power. Therefore, the criminals daringly transgressed contractual rules. Moreover, credit sales (Marx, 1887) involved in these contracts gave time to manipulate them for corrupt ends.

Contrary to Durkheim's argument that "desires/wills (Weber's contractual "rights" and obligations") attain binding power when ritually sanctified by formally declaring and pronouncing them in words (1957), in tender/contract corruption crimes, seemingly genuine "desire/wills" were made for contracts won corruptly, or genuine ones of lawful contracts were not observed. In forged contracts or those won corruptly, both tenders and 'contractual desires/wills' were fictitious.

*Tender/contract corruption criminals were middle/top level officials; as they committed the crimes, they transgressed bureaucratic rules, used authority,*

*power, trained qualification (knowledge) and feature of bureaucracy itself:* official positions the criminals had held contradicted to employees' feeling that being ethical was only leaders' responsibility (Anand et al, 2004). Consistent to claim that leaving specific tasks to officials facilitated initial decision to commit corruption crimes (Anand et al, 2004), to commit the crimes or pave ways for corrupt ends, the criminals relied on authority: they passed or secured decisions, ignored to pass explicitly stipulated legal alternative decisions, made/discarded expertise recommendations, illicitly produced office documents. Consistent to Nice's assertion (1986), they used authority accessed power and knowledge about how the government worked to commit the crimes notably because dealing with tenders/contracts was under their authority.

By using authority for corrupt ends, the criminals failed in making distinction between "official life" and "personal life", office files and personal documents, and using "trained qualification" exclusively to execute duties (Weber, 1978). Naturally, without "trained qualification" they already acquired, the officials could not have efficiently used authority as stated here. They certainly knew inserting corrupted documents and decisions into office "files" would help in making corrupt acts appear rule conforming and, therefore, reduce chance of discovery. They would also know effective deliveries of defective (substandard) goods would create such image and effect.

Their corrupt acts, it may be asserted, were further facilitated by bureaucratic "panopticon" which, contrary to Foucault's hopeful assertion (1995), did not panoptically controlled the officials as a prison's supervisor would do inmates. They- power holders, parts of the panopticon, and expected to observe its rules- themselves became transgressors, rats instead of traps. It can be suspected that they also relied on power to escape from punishment: more than a third of all officials found guilty of the crimes were uncaught. These might have used influential positions and networks to 'escape' from criminal justice system.

*Corruption criminals, due to distances between them and harmful consequences of the crimes or general lack of common concern in the society itself, may ignore or fail to foresee the consequences:* informed by Zyglidopoulos and Fleming (2008), it can be asserted

that tender/contract corruption criminals (officials or business people) and the victim public had had no kin-type but only transient relation. Due to bureaucratic arrangements, the harms of the crimes might not have matured at the time they were committed, if they did, were located at far distances away from the criminals. The latter, therefore, might have ignored or failed to foresee the harms of the crimes on the public.

This ignorance or failure could hold true even when the direct victims were university staff members and students, condominium house winners, specific community members because these still had no kin-type relation with the criminals. Inconsiderateness of the harms on the public or specific groups of population could also be associated to lack of “common (societal) concern” or dismantling of societal “gentle constitution” in money economy: money “divorce(d) or “overturn(ed) society-individual bond” (Appelrouth and Edles, 2015; Marx, 1988).

*Influenced by power of money, the criminals used as tools tenders/contracts that involved high monetary values; they showed “foresightedness” and “natural talent” and made effort to protect themselves from inflation and criminal detection:* The very engagement of officials and businesspeople in the crimes, consistent to Simmel’s assertion (1978), indicated that the criminals did not question the morality of corruption as a means of owing money and other properties. Though Simmel (1978) argues in money economy standard goods are produced and exchanged with trust, the criminals supplied and accepted sub-standard or defective goods.

Thus, money had overwhelmingly luring power over the criminals. This could be seen from valuable or large quantities of assets or work involved in the crimes which, if sold or done, would generate huge money. Except two, the contracts had a few, several or multi millions’ monetary values. They had potential to enable the criminals collect huge money or own assets of high monetary values and hence showed money’s luring power.

Due to its luring power, money earned by corruption was converted into lucrative assets as can be illustrated by a couple corruption criminals who, in addition to money deposited in a bank in the name of their underage daughters, owned a villa and a condominium house.

This signaled corruption criminals’ “foresighted (ness)” and “natural talent” to reap value increases from appreciable assets and thereby protect themselves from monetary inflation for, according to Marx (1887) and Weber (1978), the value or purchasing power of money declines or, according to Durkheim (1957), government employees’ incomes fall due to inflation.

By converting money into appreciable assets, the criminals were also concealing assets gained from corrupt acts because, according to Simmel, the society ‘undoubtedly’ guarantees owning “objects” money buys. Money itself separates and hides its origin and its means of earning cannot be easily detected; its ownership is not threatened even if it is not put into use (Simmel, 1978). Yet, for the criminals, concealing money earned by corruption in “objects” purchased would be more useful to avoid or reduce criminal detection. Due to use of money, they, consistent to Simmel’s assertion (1978), could keep the properties at far locations and collect incomes earned from them by money transfers. Concealing tender/corruption crimes and money thus earned was facilitated by money representing “instruments of payment[s],” the legal claim of which could be transferred by agency (Weber, 1978). Thus, checks bearing face values corruptly earned money were comfortably smuggled to intended beneficiaries either through a close one or an ‘agent.’

*The criminals used tenders/contracts to speculatively reap huge benefits in such a manner that they appeared men of position, honor and dignity:* Simmel’s assertion that the morality of means of earning money is not evaluated (1978) implies that human are speculative in earning it. For the business rewards windfall profit, real estate operators are corrupt, speculative, and developed a “culture of speculation” (Krieger, 1994). Guessing from the huge monetary values of tenders/contracts, the criminals- a few also real estate operators- might have speculatively reaped huge benefits. Moreover, they speculatively used contracts corruptly to maximize benefits further: real estate developers changed contents of already won lease contracts to further access more valued land as replacement or changed site plans without lease price revisions, or made effort to have money released from blocked accounts without advancing construction works to required levels. Others refused to supply agreed upon goods by forwarding

legally unacceptable excuses, supplied defective ones or corruptly escaped from legal contractual fines due for the public.

Tender/contract corruption criminals acted speculatively but in such a manner that they appeared honorable. Consistent to Simmel's assertion that actors, after exchanging bribe, interrupt their social relations to avoid discovery and subsequent "degradation" (1978), the criminals made efforts to conceal their acts before and after interruption of social relations. Instead of delivering by themselves, they smuggled earned money to corrupt beneficiaries either through a close one or a false agent and/or converted it into non-monetary assets. Another way by which the criminals acted appearing honorable persons was that some of them 'chose' tenders/contracts of high monetary values- one, several or multimillion birr- capable to generate high valued benefits. In so doing, they might be suggesting that they were not persons ready to sacrifice positions and dignities for crimes which would generate negligible benefits or hinting that they were not easily submissive or yielding persons. This was consistent with Simmel's assertion that bribe recipients feel they are "sacrificing" themselves and bribers "(are) taking the object(s) (or services) as present(s)." They, therefore, want to keep their dignities being strict or by denying receiving small amounts of money (1978).

*Individualized punishments were applied on the criminals:* no tender/contract corruption criminal was exempted from punishment. In sentencing, crime motives and attenuation criteria were taken into account. Therefore, laws on corruption were consistent to Weber's assertion: criminal laws are coercive but non-vengeful (1978). Taking account of attenuation criteria also showed the practice of "individualizing" punishment and varying societal "tolerance" to corruption criminals (Foucault, 1995) as per their socio-criminological variables.

## 5. Conclusion and Recommendations

Situating tender/contract corruption crimes into themes in sociological theories hinted the existence in Ethiopia of corruption sprouting conditions discussed there. It has been argued that tender/contract corruption criminals unfairly and speculatively won in competition for livelihood goals/markets, owned (public) properties

of high monetary values in socially unapproved ways. To commit the crimes, they used market economy contexts involving exchange of goods and use of money. Money lured and pushed them towards the crimes. It also enabled them to comfortably commit the crimes and own the properties without much fear of social sanction or criminal detection. Given all these facts, though one might readily think corruption crimes were economic actions, it has been argued that they were only "economically oriented action(s)."

As they engaged in the crimes, the criminals took advantages of purposive/true contracts in which the binding power was only secular law and deliveries of exchange items' were not immediate. Bureaucracy was incapable to control officials in panoptic manner. Rather it equipped them with authority, power and knowledge which they corruptly used. Finally, the criminals showed "foresightedness" and "natural talent" and behaved to appear that they were men of position, honour and dignity.

Upon the downfall of Derg regime, which was characterized by command economy and limiting capital for business operation, Ethiopia embraced 'free' market economy and fell in the hands of regional/ethnic fighters who became corrupt, may be, to compensate what they lost in two/three decades struggle. Hence, the country became structurally corrupt which might have served as template for micro level corruption crimes such as those of tenders/contracts.

The country's birr has been depreciating at alarming rate in the last three decades, inevitably exposing officials to inflation. Corruption crimes that have been considered in this article might be part of livelihood strategies to counter the inflation or win the market. In order that officials in panoptic manners control themselves and execute duties without being corrupt, they should be provided with "secure existence" that effectively counters inflation. As corruption is inevitable irrespective of good or bad financial market conditions, coercive/criminal laws put in place to control corruption have to be contextualized to the finding of Smith and his research group: top managers' engagement in unethical and illegal corporate act is much influenced by social factors. This article solely relied on formally court endorsed tender/contract corruption crimes. Researches focusing on actual

criminals and criminal justice system agents' perspectives are desirable.

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<sup>1</sup> Numbers in the parenthesis next to criminals' names are authors' codes for the crimes.

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