



Corruption Crimes in the Commercial and National Banks of Ethiopia: Situating Convicted Cases into Socio-Theoretical Themes

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Abstract

This qualitative study is concerned with 31 banking corruption crimes. It describes the modi-operandi of the crimes and situates it into some themes of several sociological theorists. It argues that the crimes were committed as officials of the Commercial and National Banks of Ethiopia and those of other government institutions together with businesspeople competed for livelihood goals. To own or use money/gold that belonged to the banks or customers, they used authority/ qualification and comfortably manipulated methods of bank transactions and transfers which, due to the nature of money, did not require its immediate physical exchanges or deliveries. Other than by purposive/ true contracts having no supernatural power binding force, the criminal acts were further facilitated by charming power of money/ its economy: in money economy, manipulation of illegal means of earning money or owning other valuable assets, and, self-control and minimized ethical concerns. The criminals used/ owned the properties in socially unapproved ways, and the crimes they committed to secure economic assets were not considered economic actions. To minimize banking corruption crimes, there should be stricter control on accounts, genuineness of bank transactions including those involving foreign currencies, transaction instruments (forms), and documents supplied to secure loans or other payments. Gold, even if caught while being trafficked, should be delivered to the National Bank without delay. By way of adjusting salaries regularly to inflation, "secure existence" of bank and non-bank officials and handling money transactions should be ensured. Moreover, corruption controlling coercive laws should, at least partially, be redirected to social sanctions.

Keywords: sociological theory; economy; court cases; banking; corruption crimes

1 INTRODUCTION

Studies done in Ethiopia regarding corruption crimes described the problem at general political, societal perception or other generalizing levels (Arsema, 2010; Federal Ethics and Anti-Corruption Commission of Ethiopia (FEACCE), 2014; Olowu, 2000; Paulos, 2007; Seid, 2017; Shimelis, 2005; Tigabu, 2017).

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 reality of corruption crimes in government banks. 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 banking corruption crimes referred to Ethiopian court of law? Specifically, it attempts to give answers to: What were the transgressions observed in the crimes? Who were the transgressors? What crime tools did the criminals use? How could the crimes be situated to socio-theoretical themes?

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 & Lesetedi, 1998; Olivier de Sardan, 1999; Venard & Hanafi, 2008; Zygliopoulos 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 & Hanafi, 2008).

It can be inferred from principle of Ethiopian law providing for crimes of corruption (Federal Democratic Republic of Ethiopia, 2015) 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. 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.

Among a host of empirical studies on corruption, several of them associated it with culture of valuing economic success (Lenz & Lenz, 2000), achievement orientation (Osei-Hwedie & 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, funds availability, knowledge about government work processes and law’s suitability, officials’ over-rationalization, prior socialization, education and personal experience, temporal and spatial distances of ethical consequences of a corrupt act from the actor (Beugré, 2010; Zygliopoulos 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 & Anand, 2003).

Still other studies associated corruption with multinational organizations (Kwok & Tadesse, 2006; Rodriguez et al., 2005), foreign direct investment (Robertson & Watson, 2004), business competition, “business quality, availability of capital and imitation” (Venard & Hanafi, 2008), “culture of speculation,” preferential/bad bank loans, financing of elections (Carruthers & Espeland, 2002; Khwaja & Mian, 2011; Nielsen, 2003; Satz, 2013), “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 & Lesetedi, 1998), coexistence of pre-colonial, colonial and post-colonial laws (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 shamelessness (Olivier de Sardan, 1999). It is also pointed out that pre-colonial Africa had not been corruption free for there existed acts which could explicitly or implicitly be considered corrupt (Igboin, 2016).

Nonetheless, Africa is synonymized with “culture of corruption” (Olivier de Sardan, 1999; Osei-Hwedie & Osei-Hwedie, 2000) and it is claimed the act is “embedded” in Africans or African systems (Beugré, 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 (Erero & Oladoyin, 2000;

Reinikka & Svensson, 2005).

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, 2017). 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).

2 Data and Method

Ontologically (Montuschi, 2007), corruption is a reality knowable by humans or socially constructed. Accordingly, Ethiopian law, consider corruption as crime (Federal Democratic Republic of Ethiopia, 2004). Socio-ontologically (Andina, 2016), corruption and acts of formally controlling it are social. Corruption perceptively exists as 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 (McIntosh & Prinz, 1993). For corruption criminals remain uncaught (Khwaja & 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 202 archived corruption crime court case files having 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 the cases the Federal Supreme Court changed decisions on appeal, the latter were taken into account. Among crime cases considered in the wider study, 31 cases fell under banking corruption crimes- the concern of this article. The objective of the article is showing a glimpse of corruption crime reality in the Commercial and National Banks of Ethiopia. The modi operandi description of the crimes is analyzed drawing on some themes of sociological theorists. For confidentiality, except the banks, criminals' names were fictionalized and that of victim institutions or individuals' hinted only in broader terms.

3 Result

The Modi-Operandi

The modi-operandi of the crimes presented in this section show corrupt manners of moving banks' money to various directions by means of various crime tools. Between 2006 and 2012, defendants in 31 corruption cases were convicted for crimes they had committed in the Commercial and National Banks of Ethiopia. Excluding the one that involved 38.781 kilo grams of gold, monetary values of the crimes varied: as small as birr 0.02 million and as large as birr 10.36 million. Particularly, in 14 and 9 crime cases, the values were between birr 0.11- 0.46 and birr 0.5- 10.36 million, respectively. By

making the same exclusion, the total and average values of the crimes, respectively, were nearly birr 27.14 million and 0.90 million. The two values would increase if the monetary value of the gold were added.

Transgressions observed in each of these crimes can be wholly or partially categorized under regular bank budget and special expenditures, deposits and withdrawals, treasury, loans, transfers, remittances, certificates, and currency. Pertaining to budget and special expenditures, the criminals put into personal uses money allotted by the Commercial Bank of Ethiopia for administrative expenditures (maintenance, per-diem, petty cash, daily labour, electric and water utility, telephone and telegram, office equipment and transport)- or special expenditures (loans, employees' salaries, interest payables to depositors, taxes on interest incomes, money entrusted for tellers). Misuse of such money was wholly or partially observed in 8 crimes with total monetary value of birr 1,790,292.41 ([Federal High Court \(FHC\), 2012a, 2013c, 2014b, 2015c, 2016e, 2016g](#)). It was from accounts that the bank opened for respective expenditures that the criminals put the money into personal uses. In one case, part of the money abused was generated by sub-renting banks' office for a restaurant operator ([Federal High Court \(FHC\), 2012a](#)).

In crimes regarding deposits and withdrawals, the criminals targeted at saving accounts. The accounts refer neither to current accounts nor to those the criminals used to transfer corruptly earned money. They rather refer to the saving accounts they owned as bank customers or those they opened for criminal purposes. Crime cases that fall under the stated category were only three, but a total money of as large as nearly birr 13.86 million was involved, and 28 saving accounts were targeted. Without knowledge of saving account holders or their applications, lesser amounts of deposits than the actual ones were posted to the accounts, or money was directly withdrawn from the same, or transferred to them as deposits from other accounts, and ultimately withdrawn from there. In one case, the amounts withdrawn were only interests automatically calculated by the bank's computer system for amounts transferred into two saving account ([FHC, 2012a, 2014, 2016a](#))([Federal High Court \(FHC\), 2012a, 2014b, 2016g](#)).

When money was targeted through saving accounts, two processes- decline in account balances and movement of cash money out of the bank- simultaneously occurred. But in the three bank corruption crimes that wholly or partially pertained to treasury, the bank's cash money was directly taken away from cash treasuries and put into the criminals' personal uses. These crimes involved a total value of nearly birr 2.01 million. While in one of the crimes currency notes that were taken out from a treasury included American and Canadian Dollars, Euros, Pound-starlings, and Swedish Kroners, in another case the criminal returned part of the money taken out after 19 days from the day it was taken out ([Federal High Court \(FHC\), 2015c, 2015h, 2016g](#)).

In crimes pertaining to loans, the bank's money was corruptly accessed as loans by making either false credit worthiness or collateral claims. Two such crimes had total value of birr 0.86 million ([Federal High Court \(FHC\), 2014b; Federal High Court of Ethiopia, 2016](#)). In another crime pertaining to certificates (see below) birr 5.05 million by which the bank would have earned interest was taken out of it without having any loan relation and plausibly used as capital for business activities ([Federal High Court \(FHC\), 2015e](#)).

Corruption crimes were also committed in account-to-account money transfers and remittances. Money from source accounts- saving or bank special accounts- was corruptly transferred to other saving accounts, fake accounts or the criminals' personal accounts. The money that was transferred to the first two was again withdrawn corruptly and put into the criminals' personal uses. Crimes in which corrupt account-to-account transfers were partially or wholly observed involved a total money of nearly birr 14.77 million ([Federal High Court \(FHC\), 2012a, 2013c, 2014c, 2016a, 2016e, 2016f](#)).

In remittances, money that customers entrusted to the bank to be remitted, with or without falsifications of amounts, were corruptly paid to or received by unintended beneficiaries; or the bank paid its money for fake remittances and fake refund requests. In two remittance cases, money was transferred to fake accounts opened beforehand for the purpose. In a fake remittance, money was transferred to a current account and withdrawn from there by a check accessed by unknown means. Crimes that wholly or

partially fall under remittances involved a total monetary value of nearly birr 3.80 million (Federal High Court (FHC), 2012b, 2013a, 2015a, 2015b, 2015d, 2015h).

In corruption crimes pertaining to certificates, certified payment orders, checks and a bond were used to corruptly withdraw money out of a fake current account, the actual ones that belonged to government institutions, or business people, or even to a fake organization. To do so, certified payment orders were falsified, inadequately authorized or issued with false confirmation. Checks were fabricated, or authorized by deception or partial or full falsifications, or issued by false confirmation. By false confirmation, a bond was issued for a business person. Money withdrawn from the bank by checks under false confirmation was used to run profitable businesses. A total of nine crimes were committed by means of stated certificates and had a total monetary value of nearly birr 18.13 million (Federal High Court (FHC), 2010, 2011a, 2011b, 2011d, 2014a, 2015e, 2015f, 2015g, 2016h). The following table shows a case in which money withdrawn from the bank by checks issued under false confirmation, number of days the money stayed in the hands of business people and the amount of interest the bank lost (Federal High Court (FHC), 2015e). Similarly, two payment orders and a bond issued again by false confirmation were used further as guarantee for business deals (Federal High Court (FHC), 2014b).

Table 1: Money withdrawn from bank accounts without having sufficient deposits: an exemplar criminal case

Merchant's code	Check face Value (birr)	Time, money out of bank	Interest income lost
A	800,000.00	84 days	17,490.00
A	1,000,000.00	14 days	3,643.00
B	750,000.00	33 days	5,856.16
C	500,000.00	27 days	3,513.70
D	1,000,000.00	22 days	5,782.03
D	1,000,000.00	35 days	9,109.59
Total	5,050,000.00	215 days	45,394.48

Compiled from field data

Corruption crimes that fall under currency were thus categorized merely because they pertained to the National Bank of Ethiopia or currency of the country. In two of these crimes, dollars collected from transit passengers or gold caught as being trafficked abroad, instead of being deposited in or submitted to the bank, were put into criminals' personal uses. In another crime, dollars an individual possessed, instead of making them exchanged legally, were robbed under pretext of helping him exchange in a black market. In the last crime, a shining metallic object claimed to be gold was exchanged in birr. The crimes, excluding monetary value of 38.781 kilo grams of gold, had a total value of nearly birr 1.96 million (Federal High Court (FHC), 2011c, 2013b, 2014d, 2016b). To commit banking corruption crimes, the criminals used a tool or a combination of tools that varied between two to nine that could generally be grouped under accounts, bank forms, certificates, confirmation, verification, creation and destruction of documents, properties, time and authority. Accounts included banks' special accounts (see above), tellers' accounts, individuals' saving accounts and businesspeople and government institutions' current accounts. In a few cases (Federal High Court (FHC), 2010, 2012b, 2015h, 2016h), fake current and saving accounts were opened to facilitate criminal acts.

When accounts were used as tools for corrupt acts, they served either as direct sources of money, outlets through which money temporarily possessed, or as its final destinations. Special accounts of the bank or its tellers' accounts, or businesspeople and government institutions current accounts were directly targeted by the criminals as they had sufficient balances. From these source accounts money was corruptly transferred to actual or fake saving accounts, paid out by fake remittances, or withdrawn by falsified checks, if not from those the actual authorizations of which were obtained deceptively (Federal High Court (FHC), 2011b, 2011d, 2012a, 2013c, 2014a, 2015f, 2016a, 2016f, 2016h) (FHC, 2017b). The saving accounts that were directly targeted as sources of money were selected on the criteria of having sufficient balances (one for example had more than 13 million), and being infrequently visited for transactions, partly due to holders' death. Money from such accounts was withdrawn by fabricated direct or transfer withdrawal applications prepared in the account holders' names, or lesser amounts of money than actual deposits was posted in them while the difference was used by the criminals (Federal

High Court (FHC), 2012a, 2016e).

Accounts particularly saving and current accounts were used as outlet accounts. Through them corruptly earned money was temporarily passed. These actual or fake accounts, having no sufficient balances, increased by money transfers from bank's special accounts, its tellers', or saving accounts, falsified or fake remittances, and certified payment orders, or false confirmation about the existence of sufficient balances in them. Once the balances of these accounts were increased, money was directly withdrawn or transferred further to intended destinations. Money withdrawn from two of such saving accounts was interest automatically calculated by fake deposits of 14 million posted to them (Federal High Court (FHC), 2010, 2012a, 2012b, 2014c, 2015a, 2015e, 2015g, 2016a). Finally, money earned by corrupt means reached to destination accounts- actual or fake saving accounts- in which it either remained as deposit or withdrawn immediately. In a case, the money was deposited in a saving account located in a private bank (Federal High Court (FHC), 2012a, 2012b, 2013a, 2013c, 2014c, 2015c, 2015h, 2016f).

Whether the accounts as crime tools served as sources, outlets or destinations of money, the movement of money out of them was accomplished only by making use of bank forms already prepared for its everyday operations. These included slips of deposit, withdrawal (with/without passbook), account-to-account transfer, remittance, and remittance refund request. As their names suggest, the forms, in the order of list indicted here, were to be used by eligible persons- account holders, remitters or bank employees- to request money deposits, withdrawals, transfers, sending money or refund if such money did not reach to beneficiaries and to execute the requests as per bank rules. However, without such actual requests, the criminals filled in necessary pieces of information in the forms, made them appear authentic or actually filled by eligible persons and moved money out of the bank.

Thus, though no actual applications were made, withdrawal forms and account-to- account forms respectively were used to withdraw money directly from saving accounts and transfer it to outlet accounts, or actual or fake destination saving accounts. Remittance forms and remittance refund request forms were respectively used to send fake remittances and make fake remittance refund payment requests. In both cases, money was either directly paid to fake beneficiaries, or reached to fake saving accounts opened for the purpose. Only in one case fake remittance money reached to an actual outlet current account and withdrawn by a voided check. The criminals used parts of money stated in actual deposit slips by posting lesser amounts to respective saving accounts. In the same way, an actual remittance, by making use of a remittance form, was falsified into a much higher value and paid for a beneficiary not stated in the actual one (Federal High Court (FHC), 2012a, 2012b, 2013a, 2014c, 2015a, 2015b, 2015h, 2016a, 2016b, 2016f, 2016h).

Bank forms used as crime tools and considered here as certificates- certified payment orders, checks and bonds- were thus categorized because, if duly issued either by the bank or current account holders given that the holders had sufficient money or collateral in the bank, the bearers were to use them to receive money payments from the bank or as guarantee for business deals. On the contrary, in banking corruption crimes, falsified and inadequately authorized certified payment orders were respectively used to make fake deposit in a current account and issued to directly use the money applicants paid desiring the amounts appear on these orders. A certified payment order was issued without the bearer having sufficient money in the bank. Checks were used to withdraw money from three sources: actual or fake current accounts to which fake remittances were entered, current accounts that belonged to government institutions, or the bank itself. Checks were also used to withdraw the bank's money through business peoples' current accounts falsely confirmed to have sufficient account balances. Generally, checks that were used as crime tools might be genuine, voided, fabricated, partially or fully falsified ones; genuine ones were issued after being secured by opening a fake current account, or because the criminals had appropriate authorization/ confirmation power or such authorizations were obtained deceptively from appropriate personnel. A genuine bond was also issued by false confirmation (Federal High Court (FHC), 2010, 2011b, 2011d, 2013c, 2014a, 2015a, 2015e, 2015f, 2015g, 2016h).

Authorizations/ confirmations were made by another group of crime tools- signatures, stamps, and words- generally considered here as tools of confirmation. For neither bank forms nor certificates would appear valid and be useful to move money out of the bank without seemingly authorized person-

nel's confirmations made by one or a combination of these tools, the criminals validated or invalidated them. Particularly, withdrawal and account-to-account transfer forms were made appear valid by signing signatures similar to that of the actual account holders. Invalid certified payment orders were issued by purposefully overlooking to sign and put authorized signatures on them. Any of the checks used to corruptly withdrew money from the bank were 'authorized' by those signatures that had resemblances to the respective authorized personnel's signatures. If they were actually authorized by such personnel's signatures, the latter were knowingly signed for corrupt ends or obtained by deception. Checks, a certified payment order and a bond issued without the bearers having sufficient account balances or any collateral were further confirmed orally or by a formal letter ([Federal High Court \(FHC\), 2010, 2011a, 2011b, 2011d, 2012a, 2012b, 2013a, 2013c, 2014a, 2014c, 2015a, 2015e, 2015f, 2015g, 2016a, 2016d, 2016f, 2016h](#)).

To successfully accomplish bank corruption crimes, accounts, bank forms and certificates and the criminals themselves, as deemed necessary, should assume seemingly legal identities by verification tools-identification cards and passwords. Forged identification cards were used to open fake saving/ current accounts, or to collect payments for fake or falsified remittances or a fabricated check. In using such identification cards, the bank's requirement to submit two identification cards for high monetary value payments was ignored. A forged identification card that a broker submitted for a fabricated check payment showed that he was a staff member, a doctor at the Faculty of Medicine, Addis Ababa University. Bank employees used fake, own or colleagues/ supervisors' passwords to take money out of cash treasury security box, or transfer it to outlet or destination accounts ([Federal High Court \(FHC\), 2010, 2011a, 2012b, 2013a, 2014c, 2015a, 2015d, 2016g, 2016h](#)).

The criminals further used creation and destruction of documents as crime tools. These tools, used to facilitate commission or avoid criminal detection, were fabricated, falsified, or produced without having authority and, if necessary, destroyed. Fabricated receipts for supplying coffee at national market and payment vouchers prepared in the names of individuals which had no business deals with a government institution were respectively used as criterion fulfilment to secure bank loan and to pay money by check to these individuals. By means of fabricated deposit vouchers, lesser amount of dollars were deposited at the National Bank of Ethiopia than that actually collected as entry visa income. A fabricated site plan of a residential house and a forged agency certificate were respectively used as collateral for a bank loan and to carry out the process. A fabricated document of establishment and letter of introduction about a fake non-government organization were used to open a fake current account in the name of that organization. A police member used a fabricated warrant in robbing dollars that belonged to an individual ([Federal High Court \(FHC\), 2010, 2014b, 2014d, 2015f](#)).

By falsification, a copy of a receipt issued for collecting money in dollars was made to bear an amount less than that actually collected. By the same means, other documents pertaining to this income were made consistent to the amount stated on the carbon copy. On property registration form at police station, "gold like rectangular objects" were written to deny that 38.781 kg 18 carat gold caught as being trafficked abroad and delivered to the station was gold ([Federal High Court \(FHC\), 2011c, 2014d](#)). To avoid crime detection, copies of inadequately authorized certified payment orders, series of fake remittances, a fake account opened to transfer falsified remittance were destroyed ([Federal High Court \(FHC\), 2012b, 2013c, 2015b](#)).

Items categorized under properties were also used as crime tools. Money was taken out of the bank's cash treasuries. Without its permission, one of the rooms it hired for office services was sub-rented out to generate money put into personal use. Its computer system was used to accomplish most, if not all, criminal acts including making corrupt transactions invisible and automatically calculating interests for fake deposits. Objects possessing no quality of gold, by making such claims, were exchanged for money, or entered into the National Bank of Ethiopia as replacement for huge amount of gold put into personal use. Police automobile was used to rob dollars that belonged to an individual. Relying on prior knowledge and by means of telephone, an ex-employee of the bank accessed pieces of information on actual remittances and falsified the latter ([Federal High Court \(FHC\), 2011c, 2013d, 2014b, 2014c, 2015a, 2015c, 2015d, 2016a, 2016b, 2016f, 2016g](#)).

Suitable times- hours after closing a day's accounts or a day on which bank's computer system automat-

ically added interests on deposits- were used as tools to commit crimes (Federal High Court (FHC), 2012a, 2014c). Excluding corruption criminals that did not hold government offices, those who did so, in most cases, used actual authority as crime tools. But in some cases, their authority was partial or non-existing. Authority was partial when criminals used as tools own officially authorized pass-words together with stolen colleagues' passwords, or own officially authorized personnel signatures together with copied co-authorized personnel' signatures (Federal High Court (FHC), 2011d, 2013a). Under condition the officials had no authority at all, the bank's office, without higher body's permission, was sub-rented, colleagues' passwords or copied signatures of authorized personnel were used to commit respective crimes, amounts of money more than the maximum legally permitted limit was paid out or, for such amounts, certified payment orders and a bond was issued (Federal High Court (FHC), 2011b, 2014a, 2014c, 2014d, 2015g, 2015h, 2016a, 2016g). The following table summarizes sources of money used corruptly, across total monetary values involved in each sources, actual harms done and categories of crime tools. Differences in values of crime and respective harm imply that the criminals were partially successful in accomplishing the crimes, or after using the money for business purposes or generating interests they abused, they returned it back to the bank.

Table 2: Summary of key issues in banking corruption crimes

Money pooled from/by	Categories of crime tools used	Crimes' value (birr)	Actual harm (birr)
Certified payment orders, checks and bonds	accounts, certificates, creation and destruction of documents, confirmation, verification	18,237,010.33	13,199,404.81
Bank and its teller's accounts	accounts, bank forms, creation and destruction of documents, properties, verification	15,109,328.77	939,349.56
Dollars and gold	creation and destruction of documents, properties	172,250 + 38.781 kg. gold	172,250 + 38.781 kg. gold
Remittances	accounts, bank forms, creation and destruction of documents, properties, verification	2,902,849.00	1,502,849.00
Saving/current accounts	accounts, bank forms, creation and destruction of documents, confirmation	2,242,110.00	2,242,110.00
Cash treasury	properties, verification	1,000,009.06	1,000,009.06
Remittances and cash treasury	accounts, bank forms, certificates, properties, verification	901,235.00	901,235.00
Administrative budget, room sub-renting and cash treasury	accounts, creation and destruction of documents, properties	113,327.85	113,327.85
Saving accounts and administrative budget	accounts, bank forms, time	21,500.00	21,500.00
Total crime value		40,699,620.86 + 38.781 kg. gold	20,092,035.28 + 38.781 kg. gold

Source: compiled from field data

Other than the National and Commercial Banks of Ethiopia, several institutions either of Addis Ababa City Administration or Federal Government particularly those which had current accounts at the Commercial Bank of Ethiopia were affected by banking corruption crimes. The institutions were engaged in official activities of education, HIV/AIDS prevention and control, national defence, data provision and standardization, tire trees development, and cement production (Federal High Court (FHC), 2011a, 2011b, 2011d, 2014a, 2015f, 2016h). The criminals were either employee of the banks (branch/customers' managers, a currency management head, customer officers, clerks, cash treasurers) or government institutions stated here (heads/officers pertaining to administration, finance, accounting, budget and revenues, (junior) accountants and cash collectors), bank customer businessmen, or complete out-

siders to the three (police members, the self-employed of known (e.g. a broker) or unknown occupations).

In sentencing a total of 62 bank corruption criminals for imprisonment or fines or both, specific articles mostly of criminal code (414/2004) and in a few instances proclamation providing corruption crime types (881/2015) were referred. Accordingly, the criminals were found guilty of forging public documents and using them, falsification or suppression of commercial instruments, (aggravated) fraudulent misrepresentation, aggravated breach of trust, abuse of power, maladministration, dereliction of duty, harbouring or aiding corruption criminals.

By excluding fine as sole or combined (with imprisonment) method of punishment, 52 (88.87 per cent) of the criminals were sentenced for imprisonment for varying years: a few as small as less than two years, and several between 10 and 13 years, taking into account the respective punishment attenuation criteria, but most were sentenced for greater than two and less than or equal to nine years. Over all, the imprisonment for the 20 (36.46 per cent) criminals was not executed because they were absent during court proceedings and even were not caught later.

4 Discussion

In this section, facts established in the previous section about banking corruption crimes are situated into some themes in sociological themes. In so doing, interpretive arguments are developed in light of the themes. Among the themes to which the crimes could be situated are Weber's "economic" and "economically oriented" actions (Weber, 1978e). Except in a few cases, the criminals were either employees of public banks or other government institutions, or current account holding businessmen. As economic actors, the public employees and the businessmen should have, respectively, limited themselves to exchanging labour for salary and bank services for fees. In other words, both public employees and current bank account holders should not have committed the crimes. Contrary to these economic expectations, they committed the crimes. The latter though committed for economic gain, but not stated in the contracts, could not be considered economic actions. They rather were economically oriented actions, By targeting the bank's administrative budget, its special/ tellers' accounts and treasuries, customers' current and saving accounts, or by failing to exchange dollars at the Commercial Bank of Ethiopia or depositing the same at the National Bank of Ethiopia, replacing fake gold units for real ones at the latter or selling fake gold, the criminals owned money or gold. However, none of the stated ways was attributable to Durkheim's socially approved ways of owning property: labour, exchange, inheritance or donation. By owning property in socially unapproved ways, the criminals alienated the original owners from inalienable property right (Durkheim, 1957c) and created new property ownership relations. By targeting money in loan and saving accounts, they further alienated respective account holders from rights of making and using fruits of properties (Durkheim, 1957b)- maturing interests from loans or savings, government taxes from such incomes.

Money/gold that had been targeted in all banking corruption crimes belonged to government banks, saving or current account holders and remitters. Nonetheless, the overall crime harms ultimately would go to the banks. The latter, apart from losing own properties, would, be liable for customers' money lost or interests and interest taxes accrued on it. As result of this liability and subsequently through these public banks, the public was ultimately alienated from rights of owning and using its property while the rights were corruptly transferred to the criminals. To illicitly own money/gold, other properties of the banks- an office, treasuries and their keys, security box codes, computer system, user names and passwords- meant to offer genuine bank services or protect properties were put into unintended uses. This would indicate the exclusive use right of property (Durkheim, 1957b) as it pertained to the banks' properties was transgressed.

The illicit owning or using the banks' or their customers' money/gold by banking corruption criminals could be situated to another theoretical theme in sociology, that is, competition for livelihood goals/markets. According to Weber, to fulfil livelihood goals, humans compete for "offices, clients and other remunerative opportunities" (Weber, 1978b). If one follows him, the targeting of money/gold by

banking corruption criminals could be considered pursuit for remunerative opportunities. By owning these properties and ultimately using them for either consumer/durable goods or even for profit making, the criminals more effectively competed for livelihood goals/market than individuals who did not commit the crimes.

For most banking corruption crime cases, the exact purposes the illicitly secured money/gold had been used for were unstated. But an amount of more than birr 15.97 million accessed in three crimes was used to generate profits, in one without paying interest ([Federal High Court \(FHC\), 2015e, 2015g](#)). The criminals used this much money as capital but without entering into and competing in capital market. They, therefore, became competitive in two ways. First, they easily accessed capital. Second, they paid no interest which could have been accrued for the Commercial Bank of Ethiopia if the money was granted as loan. The criminals therefore reduced cost of capital, increased its amount and consequently secured increased profit. The latter would increase because, as Weber argues, amount of money used as capital determines the amount of profit earned ([Weber, 1978c](#)). The criminals and the profits they earned could in light of Weber be considered “free employees” and “source of income”, respectively ([Weber, 1978a](#)). The latter plausibly enabled the former to be more competitive than public employees.

Even if the purposes money/gold corruptly secured put for had not been stated, the assertion that the criminals became more competitive regarding livelihood/market can be maintained by taking values of these items. Except in six cases ([Federal High Court \(FHC\), 2011a, 2012a, 2013d, 2014a, 2015d, 2015h](#)), the values, excluding that of gold, were relatively large- varying nearly between birr 0.09 and 2.01 million. By using these large amounts of money for either immediate consumption or capital formation, it can be maintained that the criminals became more competitive in achieving livelihood goals. Particularly, public officials would protect themselves from inflation as salaries paid in the form of money would expose them to inflation ([Durkheim, 1957a; Marx, 1887; Weber, 1978a](#)).

Illicit ways of securing money/gold could also be related to another theme in sociological theories. Weber asserts that conflicts regarding price to be paid and winning the market are respectively resolved by “bargaining” and “competitive bidding and offering” ([Weber, 1978b](#)). This had not been observed when, as stated, several businesspeople illicitly accessed the Bank’s money and used it for profit making, even without paying a single cent as interest. This was meant that capital was secured without entering and competing in market.

Weber further argues that as humans compete for livelihood goals/market, they use competitors’ specific characteristics to win in the competition ([Weber, 1978b](#)). Nonetheless, banking corruption criminals went beyond this. To win competitors and access money/gold, they chose co-conspirators on the basis of some characteristics. For example, businesspeople, who illicitly accessed a total of nearly birr 5.05 million that belonged to the Commercial Bank of Ethiopia, had chosen a branch manager who falsely confirmed that they had sufficient amount of money in respective current accounts. This confirmation made them withdraw the stated amount. In another corruption crime, 38.781 kilograms authentic gold belonging to the public disappeared. Instead of the gold, shining gold-like metallic objects were delivered to the National Bank of Ethiopia. The principal criminal delivered the objects by conspiring with the Bank’s officials. The latter, it can be deduced, were chosen as co-conspirators for their specific willingness to make the delivery possible. Therefore, the criminals in the stated exemplar cases were not limited only to competing against the ‘opponents’ but chose co-conspirators on the basis of some characteristics and worked co-operatively to successfully accomplish the crimes.

Banking corruption criminals targeted money and gold. The former is valuable. It could be readily put into use, hoarded or deposited in bank. Gold could be hoarded or, more than any other object could easily be, for that matter appreciatorily, converted into money. The acts of targeting on these assets by the criminals would indicate the luring power money had over the criminals. This would hold true even in crimes cases in which crime values were small: whatever its amount may be, money has luring power over humans. But it could be more luring when its amount is high. In fact, as noted earlier, except for the seven ([Federal High Court \(FHC\), 2011a, 2012a, 2013b, 2013d, 2014a, 2015d, 2015h](#)), for the remaining 24 cases the monetary values were large enough, varied nearly between birr 0.11 and 13.33 million. Among the latter group, for the seven crimes, the values were much greater, varied between birr 0.46 and nearly 13.33 million ([Federal High Court \(FHC\), 2012b, 2014c, 2014d, 2015a,](#)

2015e, 2015g, 2016a, 2016e, 2016g, 2016h). To this should be added 38.781 kg gold which disappeared instead of being delivered to the National Bank of Ethiopia and total of nearly birr 5.05 million that belonged to the Commercial Bank of Ethiopia but illicitly used as capital for profit making.

Generally, it could be said that money/gold lured banking corruption criminals whether the amounts secured were large or small. The acts of the criminals who secured larger amount of money can be related to another theme in sociological theory- that of Simmel who asserts that bribe recipients deny to accept bribes of small amount to keep dignity, appear strict, or to ensure what they receive could counterbalance possible “degradation[s]” if they were caught (Weber, 1978d). Like Simmel’s bribe recipient, banking corruption criminals, who secured large amounts of money and gold, might be unwilling to engage in crime that would not generate large amounts of money or they were considering the amounts got would be sufficient enough to counterbalance “degradations” if they were caught. This would mean that criminals would rationally evaluate the crimes in relation to benefits they would reap.

It can also be maintained that proximity to money/gold facilitated to criminality. As they executed duties as public employees, individuals who committed banking corruption crimes had been too near to these objects and would easily be tempted by them. As part of his duty, a policeman was entrusted 38.781 kg gold until a court case about its trafficking would be concluded. Given the proximity thus created between the policeman and this huge amount of gold, one can guess how the latter could tempt the former. In other crimes too - due to the same reason of executing duties - mainly receiving, paying and supplying money, bank employees holding various managerial, clerkish, cash store keeper positions were near to money. The same could be said for other public institutions’ employees who had somewhat similar duties and positions: heads of administration and finance, revenues, budgetary or accountancy professionals, cash collectors, etcetera. The businesspeople were also near to money as its manipulators as well as bank customers.

The luring power of money/gold over the criminals can indirectly be inferred from impressively creative crafts used to access these objects. The crafts included issuing unauthorized criteria lacking certified payment orders, checks or bonds (even to payees having no business deals), withdrawing money from saving account with large balances and/or infrequently transacted ones, partly because the holders were dead, posting fake deposits to such accounts ultimately to withdraw maturing interests, collecting money by fake or falsified remittances, exchanging money and gold-like metallic substances or replacing the latter for genuine gold, sub-renting an office, etcetera (Federal High Court (FHC), 2011b, 2011c, 2012b, 2013c, 2014b, 2014c, 2015a, 2015b, 2015c, 2015e, 2016b, 2016c, 2016e). The criminals used these impressive crafts for no other reason than to possess the objects. Comfortably using the crafts, it may be argued, was facilitated by the nature of money. Money is representable by instruments of payment (Weber, 1978c)- certified payment orders, checks and bonds. Without carrying it physically, money is transferrable from owners’ accounts to intended destinations. The same could be done not in the least by using slips of deposit, withdrawal or remittance. As due to use of money profit from a property can be transferred to the owner located at far distance away from the property (Simmel, 1978), banking corruption criminals easily moved money by using instruments of payment and other banking forms stated here. Moreover, because money is divisible and multipliable (Weber, 1978e), it can be suspected, in a few corruption crimes (Federal High Court (FHC), 2015a, 2015c, 2016g) higher valued currencies supposedly 50 and 100 birr notes were physically taken out of bank treasuries.

Given that banking corruption criminals were individuals into whose minds morality of the society had somehow been instilled, how could the morality fail to inhibit them from committing the crimes? How could money/gold helplessly lure them and make them devise the creative crafts stated earlier? These questions could be answered by taking note of the influence of money on human morality. As Simmel asserts, money makes human beings not to question the morality of means of earning it (Weber, 1978e). Therefore, banking corruption criminals might not have felt guilty conscience as they accessed money from saving, current and special accounts or exchanged a shining metallic object for money claiming that the former was genuine gold or replaced the latter by shining metallic objects.

Criminals’ lack of guilt could also be analogically related to another assertion of Simmel: in money economy, there is no morally binding emotional attachment between producers and consumers as the latter do not know the former (Weber, 1978e). As this is applied to banking corruption crimes, it

could be said that public officials who committed the crimes had no emotional or kin type relations with the employers. They rather had distant and transient relations. The same would hold true for current account holder businesspeople and the banks. Moreover, the contracts that individuals who committed the crimes had entered with the other parties were only “purposive” ones for which the guarantee for conformity was only secular law but not fear of some form supernatural power (Weber, 1978c). Therefore, having less fear for secular law or absence of fear of some supernatural power might have encouraged the individuals to commit the crimes.

Apart from absence of some fearful supernatural power in relation to contracts, the general society characterized by loose common concern and social control was conducive to commit the crimes without guilty of conscience. As Engels asserts, money economy lacks “common concern” (in Appelrouth and Edles (2015)). His assertion is also supported by Marx: money turned societal-individual or individual-individual bond upside down (Marx, 1988a). It could therefore be maintained that the individuals comfortably committed the crimes in the context in which common concern and societal fabrics of attachment had been eroded. In such society, money would be more important than fellow humans for it, as useful object, satisfies needs created to collect it (Marx, 1988b) or buy “infinite number of objects” (Simmel, 1978). Furthermore, in money economy, material success is valued (Clammer, 2012) which is unachievable without it. Generally, money/gold lured the criminals because they were valuable. On the other hand, money economy encysted the criminals from guilty of immorality when they corruptly secured it as well as gold. As the result, they might not have felt pity for the harm they were doing to the public. Even they might not immediately sensed the harms because bureaucratic arrangements put the harms and the criminals at far spatial and temporal distances as Zyglidopoulos and Fleming (2008) argue.

On the one hand, bureaucratic arrangements had the impact of making the criminals not to sense criminal harms on the public. On the other hand, the crimes they committed could be considered transgressions of bureaucratic rules that Weber identifies. Banking corruption criminals corruptly owned gold/money or used the latter for profit making. Though part of the objects that had been used as stated here were properties of individual savers or remitters or businesspeople, by virtue of liability, they belonged to the Commercial/ National Bank of Ethiopia. Therefore, all money and gold the criminals put into personal uses belonged to the public. To put the properties into personal uses, the criminals used office files: forms of certified payment order, check, bond, deposit, withdrawal, account-to-account transfer, remittance, contract. In so doing, public officials failed to observe Weber’s bureaucratic rules: making distinction between public (office) property and private property or official life and private life, public files and equipment and those of private (Weber, 1978a).

To commit the crimes, bank employees who participated in corruption crimes also used qualifications or expertise knowledge and skills meant exclusively to execute duties of receiving, paying or letting use money/gold that belonged to the public. In other word, qualifications or expertise knowledge and skills pertaining to banking operation enabled them commit the crimes by letting them know government’s work processes. In this regard, Nice asserts that power and knowledge about government work process influence individuals’ chances to act corruptly (1986:288). And it was by carefully manipulating trained qualifications that the employees identified banks/tellers and customers’ accounts where money that could be illicitly owned had been located. They even created it in such locations as fake deposits, interests or remittances. By using the same, they accessed to money locations, chose paths and means to effectively move it in such manners that the movement appeared legal (and thus would reduce chance of discovery).

Bureaucratic rules that Weber has identified not only guide bureaucrats’ action but also control them. Foucault further notes that bureaucracy can ‘panoptically’ control workers including supervisors (Foucault, 1995b). However, this had not been proved true because public officials holding higher and middle level managerial position both in bank and other public institutions participated in banking corruption crimes. These officials were expected not only to observe bureaucratic rules but also supervise subordinates. They however became transgressors of bureaucratic rules. Instead of being traps against rule breakers, they became the rats. Therefore, bureaucracy had not ‘panoptically’ controlled the officials not to commit the crimes. It did not control them as prison’s supervisor would do inmates. Given that they failed to observe the rules and banking bureaucracy lacked panoptic control, it can

be asserted that banks' authority of securely keeping and circulating customers' entrusted money/gold became doubtful or distrustful to some extent. From this, it is possible to challenge Simmel's assertion that in money economy standard goods [services] are exchanged with trust (Weber, 1978e).

As noted in the previous section, defendants of banking corruption crimes were found guilty by referring to specific articles mostly of criminal code (414/2004) and in a few instances proclamation providing corruption crime types (881/2015). Durkheim argues that acts are considered crimes not because of their essential nature but because the society did not tolerate them (Durkheim, 1957a). Accordingly, the defendants' acts were considered crimes for the same reason. If one follows Weber's assertion that the state enacts laws to achieve the goal of avoiding the "constant recurrence" of the crimes as societal customary and conventional sanctions were not sufficient to protect important norms (Weber, 1978d), it can be maintained that laws referred in finding the defendants guilty of banking corruption crimes were enacted for the same purpose. They were important in achieving the goals because, as Durkheim argues, in modern societies, rules had not been instilled in minds of the public and the latter would not be shocked if professionals transgress occupational ethical rules (Durkheim, 1957a).

In order to achieve the goal of avoiding constant occurrence of crimes, the criminal law, as Weber argues, should be coercive without being vengeful (Weber, 1978d). In the same way, laws referred regarding banking corruption crimes were coercive because punishments sentenced- imprisonment, fine or both- were binding. At the same time, the laws were not vengeful because punishments were attenuated according to criteria applicable to every criminal. The attenuation resulted in variations in punishment pointing to Durkheim's assertion that society has varying tolerance to crimes (Durkheim, 1957a). The criteria upon which punishment were based,, according to Foucault, could be considered ethnographic knowledge created about each criminal (Foucault, 1995a). By individualizing punishment, Foucault further asserts, the state is making indirect effort so that the criminals accept its coercive power with some level of pleasure (Foucault, 2001c). The state might be hinting that the punishment would have been more serious had it not been for its mercy to reduce part of it.

No banking corruption criminal was sentenced for life imprisonment or death. This shows the consistency of the laws referred regarding the crimes to another assertion of Foucault: laws that exempt life imprisonment or death as forms of punishment are based on the perception that the criminals are "corrigible" (Foucault, 2001a). Therefore, it could be said that banking corruption criminals would be corrigible after execution of respective punishments. Regardless of this 'positive' perception about the criminals, the punishments- imprisonments or fines as sole ones- according to Michel Foucault, would be limiting, therefore, alternative ways of treating criminals should be devised (Foucault, 2001b**bid**).

5 Conclusions and recommendations

Situating banking corruption crimes into themes in sociological theories hinted the existence in Ethiopia of corruption sprouting conditions discussed here. It has been argued that the criminals in socially unapproved ways owned or used public or individuals' money/gold for immediate consumption or capital formation and thus enhanced their livelihoods. Money lured them to comfortably commit the crimes without much fear of social sanction or criminal detection. As they engaged in the crimes, they further took advantages of money's nature and its economy: divisible and multipliable bank notes, instruments of payments representing money, secular law bound purposive/true contracts, money transactions and transfers in banking operation that did not involve its immediate exchanges or deliveries. The banking bureaucracy, instead of controlling concerned officials in panoptic manner, equipped them with authority, power and knowledge which they corruptly used. By their corrupt acts, the criminals not only harmed the public/individuals, but also endangered the banks' entrusted authority of securely keeping and circulating customers' money/gold. Though they targeted money/gold, their criminal acts could not be considered economic, but only "economically oriented action(s)." 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, maybe, 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 banking corruption

crimes.

The country's birr has been depreciating at an 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 capital. 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. The banks should strictly control monetary transactions and transfers including those involving foreign currencies and loans, transaction instruments (forms), and gold deliveries to the National Bank. 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 banking corruption crimes. Researches focusing on actual criminals and criminal justice system agents' perspectives are desirable.

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