

Gender, Corruption, and Political Processes

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Abstract

This Article hypothesizes that one potential explanation—largely undertheorized and underexplored—for the empirically documented positive correlation between higher numbers of women in public office and lower levels of government corruption is that women may be more suspicious of corrupt behavior than are men, and are therefore less tolerant of it, because women and girls are disproportionately its victims. If this is true, then a persuasive case can be made for anti-corruption and women's interest advocates both (1) to form political coalitions and (2) to bring female lawmakers into those coalitions. This hypothesis and its corollaries warrant empirical investigation. Accordingly, this Article proposes theoretical and practical justifications for future empirical studies investigating two distinct but related inquiries: first, whether the detrimental impact of corruption on women and girls makes female lawmakers less tolerant of public corruption and thus provides at least a partial explanation for the gender-corruption correlation; and second, what incentives or incentive structures are likely to motivate lawmakers, especially female lawmakers, to join or to champion coalitions of anti-corruption advocates and women's interest advocates.

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I. INTRODUCTION

At a time when democracy is declining worldwide,¹ government watchdogs and advocates of good governance are also warning of a “grim picture” of intransigent public corruption.² Both trends portend ill effects for women and girls around the globe.³ At the same time, a growing body of academic literature suggests that higher numbers of women in government positions have a positive correlative relationship to lower levels of corruption.⁴ To be clear, evidence establishing a causal connection between higher participation rates of women in

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1. See SARAH REPUCCI & AMY SLIPOWITZ, FREEDOM HOUSE, FREEDOM IN THE WORLD 2021: DEMOCRACY UNDER SIEGE 1 (2021), https://freedomhouse.org/sites/default/files/2021-02/FIW2021_World_02252021_FINAL-web-upload.pdf.

2. *CPI 2020: Global Highlights*, TRANSPARENCY INT'L (Jan. 28, 2021), <https://www.transparency.org/en/news/cpi-2020-global-highlights>.

3. See JANNA RHEINBAY & MARIE CHÊNE, TRANSPARENCY INT'L, GENDER AND CORRUPTION TOPIC GUIDE 7–8 (2016), https://www.transparency.org/files/content/corruptionqas/Topic_guide_gender_corruption_Final_2016.pdf (describing the gendered effects of corruption).

4. The seminal work on this point is David Dollar, Raymond Fisman & Roberta Gatti, *Are Women Really the “Fairer” Sex? Corruption and Women in Government*, 46 J. ECON. BEHAV. & ORG. 423 (2001). For a thorough and sophisticated treatment of the myriad complexities involving the relationship between gender and corruption, see generally GENDER AND CORRUPTION: HISTORICAL ROOTS AND NEW AVENUES FOR RESEARCH (Helena Stensöta & Lena Wängnerud eds., 2018).

public office and lower levels of corruption is inconclusive,⁵ but the correlation is both well-documented⁶ and supported by empirical research.⁷

Hypotheses explaining this relationship abound.⁸ Explanations range from the moral (e.g., female public officials are, or are perceived to be, inherently morally superior to their male counterparts), to the practical (e.g., women in general tend to be more risk-averse than men), to the situational (e.g., fewer women than men hold public office and therefore have less opportunity to engage in corrupt behavior).⁹ An undertheorized and underexplored possible explanation (or possible partial explanation) for the correlation, however, is that women may be more suspicious of corrupt behavior, and therefore less tolerant of it,

5. U.K. DEP'T FOR INT'L DEV., WHY CORRUPTION MATTERS: UNDERSTANDING CAUSES, EFFECTS AND HOW TO ADDRESS THEM 29 (2015), https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/406346/corruption-evidence-paper-why-corruption-matters.pdf [hereinafter WHY CORRUPTION MATTERS].

6. See Dollar, Fisman & Gatti, *supra* note 4; Helena Stensöta & Lena Wängnerud, *Why Expect a Link Between Gender and Corruption?*, in GENDER AND CORRUPTION, *supra* note 4, at 3, 3 (“[O]ver and over again, the gender factor gives rise to significant results in studies on corruption—a high presence of women tends to be correlated with low levels of corruption . . .”).

7. WHY CORRUPTION MATTERS, *supra* note 5 (relaying conclusions from multiple studies that “women are less tolerant than men in their attitudes towards corrupt behaviour”) (citing Vivi Alatas et al., *Gender, Culture, and Corruption: Insights from an Experimental Analysis*, 75 S. ECON. J. 663 (2009) (lab experiment); then citing Björn Frank & Günther G. Schulze, *Does Economics Make Citizens Corrupt?*, 43 J. ECON. BEHAV. & ORG. 101 (2000) (lab experiment); and then citing Anand Swamy et al., *Gender and Corruption*, 64 J. DEV. ECON. 25 (2001) (cross-country regression analysis)).

8. See WHY CORRUPTION MATTERS, *supra* note 5; RHEINBAY & CHÉNE, *supra* note 3, at 5–6.

9. See, e.g., Johann Graf Lambsdorff & Björn Frank, *Corrupt Reciprocity—Experimental Evidence on a Men’s Game*, 31 INT’L REV. L. & ECON. 116, 122 (2011) (concluding that, on morality, “[w]here corrupt actors victimized innocent actors, women may be willing to contribute to collective morality by penalizing this malfeasance”); Boris Branisa & Maria Ziegler, *Reexamining the Link Between Gender and Corruption: The Role of Social Institutions* 1–2 (Courant Rsch. Ctr., Univ. of Göttingen, Working Paper No. 24, 2010), <http://hdl.handle.net/10419/90511> (surveying scholarship hypothesizing the link between political access and gender differences relating to corrupt conduct).

because women and girls are disproportionately its victims.¹⁰ If this is true, then a persuasive argument may be made for anti-corruption advocates and women's interest activists to join forces and to bring female lawmakers into their coalitions. That argument itself, however, warrants empirical investigation. Accordingly, this Article proposes theoretical and practical justifications for future empirical studies investigating two distinct, but related, inquiries: first, whether the detrimental impact of corruption on women and girls makes female lawmakers less tolerant of public corruption and thus provides at least a partial explanation for the correlation; and second, what incentives or incentive structures motivate lawmakers, especially female lawmakers, to join or to champion coalitions of anti-corruption and women's interest advocates.¹¹

The analysis proceeds as follows: Part II first surveys the various conceptions of public corruption articulated by courts and the academic literature and then adopts a broadly applicable definition of the term. Part III offers rationales—both practical and theoretical—for undertaking empirical studies of female lawmakers' awareness of the negative effects of corruption on women as a partial explanation for the lower levels of corruption found in governments with more women in elected office. In this regard, Part III first elaborates on the correlative relationship between gender and corruption in government by providing additional details on the various explanatory hypotheses that scholars have posited and studied, and it also provides additional background on the gendered harms of corruption. Part III then turns to the practical implications of these hypotheses, including increasing the number of women in public office and forming coalitions of anti-corruption and women's interest advocates. In Part IV, the discussion pivots to the need for empirical studies of relevant incentives or incentive structures for attracting lawmakers, especially female lawmakers, to anti-corruption and women's interest coalitions. It begins with a contextualized discussion of theoretical models of representation as they relate to anti-corruption and women's interests, and then turns to the implications for identifying appropriate incentives for attracting lawmakers,

10. See RHEINBAY & CHÈNE, *supra* note 3, at 5–6.

11. This Article neither reports on the results of an empirical study of either of the stated hypotheses nor makes any empirical claims directly supporting either hypothesis.

particularly female lawmakers, to these coalitions. Part V concludes with observations on the connections among gender, corruption, and political processes, and calls for empirical research to test the hypothesis that female lawmakers are less likely to engage in corrupt behavior because they understand that public corruption disproportionately harms women and girls. Lastly, it explores the potential incentives that will prompt lawmakers to respond positively to invitations to join or champion issues advanced by coalitions of anti-corruption and women's interest advocates.

II. CONCEPTIONS OF PUBLIC CORRUPTION

Although public corruption has proven a fertile ground for judicial and academic inquiry, jurists and scholars have not settled on any single definition of the term. In judicial decisions, the United States Supreme Court, in the specific context of campaign finance regulation under First Amendment doctrine, has veered from (1) a broad conception of corruption that includes not only quid pro quo exchanges, or the appearance thereof, but also the “corrosive and distorting effects” on policymaking by large expenditures of money in election campaigns,¹² to (2) a narrow conception of corruption that includes quid pro quo corruption and the appearance thereof, but nothing else,¹³ to, (3) most recently, a razor's edge conception of corruption as only quid pro quo exchanges, excluding even the appearance of corrupt quid pro quo exchanges.¹⁴ Moreover, after the Supreme Court's 2016 decision in *McDonnell v. United States*,¹⁵ even violations of the federal bribery statute—a quintessential quid pro quo prohibition—are now more

12. See *Austin v. Mich. State Chamber of Com.*, 494 U.S. 652, 660 (1990), *overruled by*, *Citizens United v. FEC*, 558 U.S. 310, 365 (2010).

13. See *Buckley v. Valeo*, 424 U.S. 1, 45 (1976), *superseded by statute*, Bipartisan Campaign Reform Act of 2002, Pub. L. No. 107-155, 116 Stat. 81, *as recognized in*, *McConnell v. FEC*, 540 U.S. 93 (2003); *Citizens United v. FEC*, 558 U.S. 310, 452 (2010) (Stevens, J., dissenting) (describing earlier decisions taking a broader view of corruption).

14. See *McCutcheon v. FEC*, 572 U.S. 185, 260 (2014) (Breyer, J., dissenting) (noting that, in striking down aggregate limits to campaign contributions, the Court's plurality opinion considered “solely the threat of *quid pro quo* corruption (*i.e.*, money-for-votes exchanges)”).

15. 579 U.S. 550 (2016).

difficult to charge because of the Court's crabbed interpretation of what constitutes an "official act" under the language of the statute.¹⁶

In *McDonnell*, federal prosecutors charged former Virginia Governor Robert McDonnell with several counts of honest services fraud in violation of 18 U.S.C. §§ 1343 and 1349.¹⁷ Although the charges did not include bribery, the parties agreed to define "official act" as the term is defined in the federal bribery statute.¹⁸ Thus, interpretation of the term "official act" became the touchstone for determining whether McDonnell could be held criminally liable for accepting more than \$175,000 in gifts and loans from a Virginia businessman in exchange for using his official position to promote the businessman's interests.¹⁹ The Court construed the statutory language narrowly and concluded that the governor's actions—arranging meetings between the businessman and other government officials and otherwise helping to promote the businessman's private interests—in exchange for gifts and loans did not qualify as "official acts" under the statutory definition.²⁰ The Court reasoned that because those actions merely provided access, they did not partake of formal government decision-making on a specific and focused question or matter before the governor.²¹ Accordingly, after *McDonnell*, for an unlawful exchange to occur under the federal bribery statute, the public official's conduct must entail the "focused and concrete, and . . . involve[] a formal exercise of governmental power that is similar in nature to a lawsuit, administrative determination, or hearing."²²

16. Gregory M. Gilchrist, *Corruption Law After McDonnell: Not Dead Yet*, 165 U. PENN. L. REV. ONLINE 11, 12 (2016) (observing that "the ruling will make it more difficult to prosecute [public corruption]").

17. *McDonnell*, 579 U.S. at 562. Prosecutors also charged McDonnell with extortion, in violation of 18 U.S.C. § 1951(a), and making false statements to federal investigators, in violation of 18 U.S.C. § 1014. *Id.*

18. *Id.* The federal bribery statute defines "official act" as "any decision or action on any question, matter, cause, suit, proceeding or controversy, which may at any time be pending, or which may by law be brought before any public official, in such official's official capacity, or in such official's place of trust or profit." 18 U.S.C. § 201(a)(3).

19. *See McDonnell*, 579 U.S. at 557–62.

20. *See id.* at 574.

21. *See id.*

22. *Id.* at 571.

The scholarly literature, on the other hand, advances more expansive and nuanced conceptions of corruption than does the current Court, but no single definition dominates. Some scholars have described corruption in institutionalist terms.²³ Others have framed corruption in proceduralist or deliberative process terms,²⁴ some of which implicate equality considerations.²⁵ Still others employ a categorization or classification approach.²⁶ All of these approaches to public

23. See, e.g., DENNIS F. THOMPSON, *ETHICS IN CONGRESS: FROM INDIVIDUAL TO INSTITUTIONAL CORRUPTION* 7 (1995) (arguing that conduct is corruption when “it violates principles that promote the distinctive purposes of the institution”); LAWRENCE LESSIG, *REPUBLIC, LOST: HOW MONEY CORRUPTS CONGRESS—AND A PLAN TO STOP IT* 16–17, 231 (2011) (coining the term “dependence corruption” to describe the corruption of a political institution that results when “the pattern of influence operating upon individuals within that institution draws them away from the influence intended”).

24. See, e.g., Samuel Issacharoff, *On Political Corruption*, 124 HARV. L. REV. 118, 121, 127 (2010) (noting that “the corruption concern is really a concern with ensuring public—rather than private—outputs from the policymaking process[.]” and that the deliberative process is corrupted when special interests “seek to capture the power of government, not to create public goods, but to realize private gains through subversion of state authority”); Deborah Hellman, *Defining Corruption and Constitutionalizing Democracy*, 111 MICH. L. REV. 1385, 1396–97 (2013) (describing corruption implicating proceduralist concerns as the “deformation of judgment,” the “distortion of influence,” and the “sale of favors”).

25. Yasmin Dawood, *Classifying Corruption*, 9 DUKE J. CONST. L. & PUB. POL’Y 103, 108–109 (2014) (“The democratic form of government is premised on the equality of its citizenry—not only an equality before the law but also an equal right to participate in the political process. As Mark Warren argues, corruption results in ‘duplicitous exclusion’ because it excludes those who have a right to be included in democratic decision-making, and does so in a manner that cannot be publicly justified. Citizens are disempowered by corruption because they lose the equal opportunity to participate in the process through which government outcomes are determined.” (quoting Mark E. Warren, *What Does Corruption Mean in a Democracy?*, 48 AM. J. POL. SCI. 328, 333 (2004))).

26. Professor Zephyr Teachout, for example, groups public corruption into the following conceptual “clusters”: “criminal bribery, inequality, drowned voices, a dispirited public, and a lack of integrity.” Zephyr Teachout, *The Anti-Corruption Principle*, 94 CORN. L. REV. 341, 387 (2009). Teachout, however, uses these categories to expound on a broader understanding of corruption, one embraced by the Founders, as the “self-serving use of public power for private ends.” *Id.* at 373–74. Professor Thomas Burke identifies categories of corruption as quid pro quo exchanges, monetary influence, and distortion. Thomas F. Burke, *The Concept of Corruption in Campaign Finance Law*, 14 CONST. COMMENT. 127, 131 (1997). Professor Yasmin

corruption reflect the notion that government officials hold positions of public trust and that democratic self-governance requires the public to hold wayward officials accountable when they put their own interests ahead of the interests of the public they ostensibly serve. Regardless of the granular particulars of any given conception of corruption, the overarching concern—the use of the power and resources of public office for private benefit—appears to have existed long before the Constitution was drafted and ratified.²⁷ Because much of the scholarly literature from the American legal academy relating to corruption (and how to define it) has become mired in debates involving the limited context of campaign finance,²⁸ and because corruption extends well beyond the realm of campaign finance, this Article adopts a broader, and more universally applicable, understanding of corruption.

More specifically, this Article, because it focuses on the relationship between gender and public corruption, and because that relationship exists outside of the context of campaign finance, employs the definition of public corruption articulated by Transparency International, a non-governmental, non-profit, anti-corruption organization: “the abuse of entrusted power for private gain.”²⁹ Transparency

Dawood argues that corruption is best understood as two separate but converging categories, distinguishing between corruption as a violation of the principle of political equality (that is, exclusion from the equal opportunity to participate in policymaking) and corruption as the abuse of power (that is, the use of public power for private gain), and positing that corruption as a violation of the principle of political equality is unique to democratic forms of government, whereas corruption as the abuse of power may be present in other forms of government as well. Dawood, *supra* note 25, at 106–07.

27. See, e.g., Teachout, *supra* note 26, at 346–47; Robert G. Natelson, *The Constitution and the Public Trust*, 52 BUFF. L. REV. 1077, 1146–49 (2004); Kimberly Breedon & A. Christopher Bryant, *Restoring Trust with Trusts: Constructive and Blind Trusts as Remedies for Presidential Violations of the Constitution’s Emoluments Clauses*, 11 ALB. GOV’T L. REV. 284, 292 (2018).

28. The academic literature is replete with discussion of corruption in the context of campaign finance, at least partly because of the gray areas between corrupt conduct by public officials and non-corrupt constituent service and information gathering activities, i.e., what Professor Yasmin Dawood calls “ordinary democratic politics.” Dawood, *supra* note 25, at 103.

29. *What is Corruption?*, TRANSPARENCY INT’L, <https://www.transparency.org/en/what-is-corruption> (last visited Apr. 28, 2026). Transparency International describes its work as “exposing the systems and networks that enable corruption.” *What We Do*, TRANSPARENCY INT’L, <https://www.transparency.org/en/what->

International's definition of corruption allows for a more comprehensive discussion of both the effects of corruption on public policymaking—more particularly, the effects that corruption has on public policy disproportionately affecting women and girls—and the relationship between gender and public corruption.³⁰ It is also consistent with contemporaneous understandings of public corruption prevalent during the nation's founding era.³¹

III. RATIONALES FOR THE EMPIRICAL STUDY OF FEMALE LAWMAKERS' PERCEPTIONS OF THE GENDERED EFFECTS OF CORRUPTION

Researchers studying the relationship between gender and corruption have identified a positive correlation between higher numbers of women in public office and lower levels of public corruption, and they have offered a range of hypotheses to explain why this correlation exists. At the same time, scholars have documented the disproportionate ill effects on women and girls that public corruption engenders. This Part first explores the various explanatory hypotheses that scholars have advanced, and studied, to explain the positive correlative relationship between more women in government and lower instances of corruption. It then examines some of the ways in which government corruption results in disproportionate harm to women and girls. Next, this Part articulates two broad implications arising out of the discussion on the gender-corruption correlation and the gendered harm of corruption:

we-do (last visited Apr. 12, 2026). This definition, when viewed through the prism of representational theories, see discussion *infra* Section IV.A., incorporates, to some extent, the conception of corruption as the violation of the principle of political inequality. Professor Dawood argues that corruption as abuse of public office for private gain and corruption as a violation of political inequality are best understood as separate threads that converge. Dawood, *supra* note 25, at 109. This Article, however, leaves open the possibility of a causal relationship—that is, that the use of public power for private gain results in political inequality but that political inequality itself is not a form of corruption.

30. See, e.g., Mary Pat Treuthart, “No Woman, No Cry”—Ending the War on Women Worldwide and the International Violence Against Women Act (I-VAWA), 33 B.U. INT’L L.J. 73, 122 (2015) (“Corruption [disproportionately affecting women] can take many forms, ranging from pervasive schemes to smaller scale occurrences such as demands for payments of fees for services that are supposed to be free, outright bribery, or requests for sexual favors.” (citation omitted)).

31. See sources cited *supra* note 27.

first, that anti-corruption and women's advocacy groups should recruit more women in public service; and second, that anti-corruption and women's advocacy groups should build coalitions with incentive structures that seek to enlist female lawmakers to their joint causes.

A. Theoretical Foundations

Commentators have long asserted that a relationship exists between gender and public corruption.³² During the decades leading up to the ratification of the Nineteenth Amendment, both supporters and opponents of women's suffrage invoked perceived differences between how the political process would function if women were denied versus granted the franchise.³³ Opponents recognized the corrupt (or potentially corrupt) dealmaking that occurred among politicians behind closed doors and contended that women, who were held out as purer and more virtuous than their male counterparts, would themselves become corrupted if allowed to vote and obtain elected office, to the detriment of women's homemaking and child-rearing responsibilities.³⁴ Supporters did not necessarily disagree with the underlying premises that politics was a corrupt business and that women were more virtuous than men, but they contended that the strength of women's superior moral character would operate as a cleanser, scrubbing out the stain of corruption from the political process and allowing the issues that most affect women and children to be addressed.³⁵

Today, scholars continue to argue that a relationship exists between gender and corruption, but they assert more refined explanations,

32. See Lynda G. Dodd, *The Rhetoric of Gender Upheaval During the Campaign for the Nineteenth Amendment*, 93 B.U. L. REV. 709, 716 n.35 (2013).

33. See *id.* at 726.

34. *Id.* at 710 (explaining that opponents of women's suffrage "focused much of their attention on the threats woman suffrage posed to the 'true woman' and the traditional family" and the "upheaval" that would result from allowing women to vote). According to Dodd, "[t]he refrain of women opposed to suffrage was not the 'end of men,' but the end of 'true womanhood' and the traditional family." *Id.* at 725.

35. Anne Marie Goetz, *Political Cleaners: Women as the New Anti-Corruption Force?*, 38 DEV. & CHANGE 87 (2007) ("The myth of women's incorruptibility is not, of course, new. It is grounded in essentialist notions of women's higher moral nature and an assumed propensity to bring this to bear on public life, and particularly on the conduct of politics.").

backed up in part by empirical studies.³⁶ Generally, scholars have used the results of empirical and other studies to show that higher rates of public corruption have a positive correlation with detrimental effects on women and girls,³⁷ and, separately, that higher numbers of women in public office have a positive correlation with lower levels of corruption.³⁸ In other words, the more public corruption that exists in a political system, the more likely that system will produce policy outcomes that tend to harm women and girls,³⁹ and, separately, the fewer women in public office, the higher the level of corruption.⁴⁰ These results suggest at least some degree of alignment between the interests of anti-corruption advocates and those who support the interests of women and girls.⁴¹

36. See, e.g., WHY CORRUPTION MATTERS, *supra* note 5; Branisa & Ziegler, *supra* note 9. But see Elizabeth Spahn, *International Bribery: The Moral Imperialism Critiques*, 18 MINN. J. INT'L L. 155, 206–08 (2009) (expressing skepticism that gender differences play a significant role in tolerance for corruption); Goetz, *supra* note 35 (arguing that the gendered nature of access to politics and public life shapes opportunities for corruption and that women are perceived as less corrupt than men because women have fewer opportunities to participate in public office, not because women are inherently morally superior to men).

37. See Stensöta & Wängnerud, *supra* note 6, at 4, 7–8; see also *infra* notes 49–51 and accompanying text (discussing how corruption impedes public service delivery, facilitates human trafficking, and enables violence against women).

38. See Dollar, Fisman & Gatti, *supra* note 4; Eugen Dimant & Thorben Schulte, *The Nature of Corruption: An Interdisciplinary Perspective*, 17 GERMAN L.J. 53, 64 (2016) (citing Hung-En Sung & Doris Chu, *Does Participation in the World Economy Reduce Political Corruption? An Empirical Inquiry*, 3 INT'L J. COMP. CRIMINOLOGY 94 (2003); then citing Hung-En Sung, *Fairer Sex or Fairer System? Gender and Corruption Revisited*, 82 SOC. FORCES 703 (2003); and then citing Hung-En Sung, *Women in Government, Public Corruption, and Liberal Democracy: A Panel Analysis*, 58 CRIME, L. & SOC. CHANGE 195 (2012)).

39. “Public corruption . . . creates a disparate impact on women.” Treuthart, *supra* note 30; see also WHY CORRUPTION MATTERS, *supra* note 5, at 29–33; U.N. OFF. ON DRUGS & CRIME, *THE TIME IS NOW: ADDRESSING THE GENDER DIMENSIONS OF CORRUPTION* 42–55 (2020), https://www.unodc.org/documents/corruption/Publications/2020/THE_TIME_IS_NOW_2020_12_08.pdf.

40. David Watson & Amy Moreland, *Perceptions of Corruption and the Dynamics of Women's Representation*, 10 POL. & GENDER 392, 408 (2014) (stating conclusions from a longitudinal study showing a positive relationship between higher numbers of women in political office and lower levels of perceived corruption).

41. See *infra* notes 48–51 and accompanying text.

The relationship between gender and public corruption warrants additional exposition, however, especially regarding the hypotheses that have been posited to explain it. A comprehensive report issued by the United Kingdom Department for International Development draws upon a broad spectrum of multidisciplinary literature and empirical studies to highlight several possible explanations for the relationship between gender and corruption.⁴² Included among them are the following: (1) “women . . . tend to be more risk-averse than men,” and consider corrupt conduct to entail risk; (2) women are more “moral” than men; (3) women experience greater social pressure to avoid engaging in disapproved behavior; (4) women lack opportunities to engage in corrupt behavior because they are excluded from the male-dominated networks where corruption thrives, and relatedly, similar all-female networks are less likely to form; and (5) women experience less exposure to corruption in business and politics than men do and are therefore more likely to react strongly against corruption when they encounter it.⁴³ Other studies report similar findings.⁴⁴ In addition, some studies report that regardless of whether women are actually less corrupt than their male counterparts, they are perceived to be so,⁴⁵ which may enable female candidates to prevail against male candidates when corruption

42. WHY CORRUPTION MATTERS, *supra* note 5, at 29–33.

43. *Id.*

44. Lambsdorff & Frank, *supra* note 9, at 117 (reporting on studies showing that “female participants in experiments are less likely to engage in corruption” and that “female respondents to the World Values Survey considered ‘accepting a bribe in the course of their duties’ to be less justified” (citations omitted)); Dimant & Schulte, *supra* note 38 (“Typically, women tend to obey society rules and are less likely to take serious risks and therefore less often commit to corruption.” (citing Justin Esarey & Gina Chirillo, “Fairer Sex” or Purity Myth? Corruption, Gender, and Institutional Context, 9 POL. & GENDER 361, 382–87 (2013); Björn Frank, Johann Graf Lambsdorff & Frédéric Boehm, *Gender and Corruption: Lessons from Laboratory Corruption Experiments*, 23 EUR. J. DEV. RES. 59 (2011)); Matteo Migheli, *Preferences for Government Interventions in the Economy: Does Gender Matter?*, 39 INT’L REV. L. & ECON. 39, 40 (2014) (“Torgler and Valev (2010) find that women are more averse than men to tax evasion and corruption, and observe a positive correlation between being female and tax [morality], [which] induces more compliance with the law.” (citations omitted))).

45. Lambsdorff & Frank, *supra* note 9, at 117 (“[N]on-experimental evidence exists which points at a lower inclination of women to engage in corruption: a high female participation in the labor force and in parliament reduce a country’s perceived level of corruption.” (citation omitted)).

issues are part of the political discourse.⁴⁶ On the other hand, corruption may deprive women of opportunities to participate in the political sphere altogether, operating as a tool that perpetuates gender inequality.⁴⁷

In addition to a positively correlated relationship between greater numbers of women in public office and lower levels of corruption, studies have also demonstrated that higher levels of government corruption have disproportionate negative effects on women and girls.⁴⁸ For example, corruption impedes the delivery of public services, such as healthcare and education;⁴⁹ facilitates human

46. See Michael P. Fix & Gbemende E. Johnson, *Public Perceptions of Gender Bias in the Decisions of Female State Court Judges*, 70 VAND. L. REV. 1845, 1860 n.73 (2017) (observing that women are also *perceived* as “more empathetic and trustworthy,” which “can be advantageous when . . . issues of corruption are politically salient”) (citing Tiffany D. Barnes & Emily Beaulieu, *Gender Stereotypes and Corruption: How Candidates Affect Perceptions of Election Fraud*, 10 POL. & GENDER 365, 384 (2014) (finding that the public tends to be less concerned about corruption and election fraud when women hold high political office); Michael X. Delli Carpini & Ester R. Fuchs, *The Year of the Woman? Candidates, Voters, and the 1992 Elections*, 108 POL. SCI. Q. 29, 34 (1993) (arguing that because women are traditionally viewed as political outsiders, they are in comparatively stronger positions to challenge incumbents perceived as corrupt)).

47. Stensöta & Wängnerud, *supra* note 6, at 8 (“[I]n contrast to the initial studies claiming that higher proportions of women cause lower levels of corruption, these [more recent] studies theorize on corruption as an obstacle to the political recruitment of women. The suggestion is that corruption causes gender inequality.”); Branisa & Ziegler, *supra* note 9, at 1 (“[C]orruption is higher in countries where social institutions deprive women of their freedom to participate in social life, even accounting for democracy and representation of women in political and economic life as well as for other variables.”).

48. Public corruption also disproportionately affects the poor. See WHY CORRUPTION MATTERS, *supra* note 5, at 49 tbl. 5.

49. JOHANN GRAF LAMBSDORFF, CORRUPTION IN EMPIRICAL RESEARCH—A REVIEW 5, 7 (1999); Sanjeev Gupta, Hamid Davoodi & Erwin Tiongson, *Corruption and the Provision of Health Care and Education Services* 9–10, 16–17 (Int’l Monetary Fund Working Paper No. WP/00/116, 2000) (finding that higher levels of corruption lower expenditure on education and health care); Stensöta & Wängnerud, *supra* note 6, at 7 (stating that public corruption “undercuts various dimensions of human well-being such as health, education, and access to clean water”).

trafficking;⁵⁰ and enables violence against women.⁵¹ The relationship between high levels of public corruption and negative impacts on women's interests suggests the possibility that coalition building between anti-corruption advocates and women's interest advocates across various disciplines could be effectively employed to produce legal reforms aligned with the aims of both groups.

B. Practical Implications

The correlation between higher numbers of women in government and lower levels of corruption may result, in part, from women's awareness that public corruption negatively affects the interests of women and girls. The foregoing analysis suggests two broad implications of this correlation. The first implication is that anti-corruption advocates and women's interest advocates could reasonably expect to advance their legislative goals more effectively if more women are elected to office. The second implication is that coalition building between anti-corruption groups and women's interest groups should be a priority and, relatedly, that such coalitions should seek to include female lawmakers by offering relevant incentives to bring them into the coalition.⁵² The following two sections examine these implications.

50. Lauren A. McCarthy, *Human Trafficking and the New Slavery*, 10 ANN. REV. L. & SOC. SCI. 221, 231 (2014) ("Trafficking groups . . . take advantage of easily corrupted state officials, particularly law enforcement personnel and border guards, either to facilitate movement of the victims or to look the other way while exploitation is taking place" (citations omitted)). Professor McCarthy also observes that countries with higher rates of corruption are less likely to pass anti-trafficking measures. *Id.* at 233.

51. Treuthart, *supra* note 30, at 77–78 ("Bribery and public corruption are endemic throughout the criminal justice processes in many countries. As a result, the successful prosecution of crimes involving [violence against women] is a questionable proposition around the globe.").

52. International organizations are cognizant of women's interest/anti-corruption coalition benefits. U.S. advocacy groups can learn from the programs and strategies proposed elsewhere to curb corruption and advance policy issues that help women domestically.

1. Increasing the Number of Women in Public Office

To the extent that female lawmakers are more likely than their male counterparts both to disapprove of public corruption and to support substantive policies that advance and protect women's interests, a strategy potentially worth pursuing by both anti-corruption and women's interest groups is to elect more women to political office. Empirical studies support the conclusion that having more women in government not only correlates with lower levels of "grand corruption"—that is, behind-the-scenes "collusion at the highest level of government" which involves "procurement and large financial benefits among public and private elites"—but also correlates with reduced instances of "petty corruption"—that is, "low-level transactions in exchange for public service delivery."⁵³ One study of gender and corruption from twenty European Union countries concluded that because women generally use public services at a higher rate than men, female politicians—particularly those elected to local office—are more inclined to adopt policies that "reduce corruption that harms public service delivery" by pushing for improvements "in the services that benefit women."⁵⁴ The study found "strong evidence that the proportion of local female political representatives is associated with lower levels of both grand and petty corruption" and concluded that "the inclusion of women in locally elected assemblies will reduce corruption."⁵⁵

Another study, which focused on the relationship of women in government to corruption and environmental protection, reported that "women in political power . . . have a positive effect on environmental outcomes, but this effect is channeled through their impact on reducing corruption[.]"⁵⁶ The article explains that "[t]he primary hypothesis is that a greater percentage of women in positions of political power improves environmental outcomes through both an explicit, overarching

53. MONIKA BAHR, NICHOLAS CHARRON & LENA WÄNGNERUD, CLOSE THE POLITICAL GENDER GAP TO REDUCE CORRUPTION: HOW WOMEN'S POLITICAL AGENDA AND RISK AVERSION RESTRICTS CORRUPT BEHAVIOUR 2 (Monica Kirya ed., 2018), <https://www.u4.no/publications/close-the-political-gender-gap-to-reduce-corruption.pdf>.

54. *Id.*

55. *Id.* at 3.

56. Cassandra E. DiRienzo & Jayoti Das, *Women in Government, Environment, and Corruption*, 30 ENV'T DEV. 103, 103 (2019).

effect (a greater general concern for the environment) and [an] indirect effect (a reduction in corruption)”; and it concludes that the indirect effect of reducing corrupt practices is statistically stronger.⁵⁷ Such studies support observations by international anti-corruption, aid, and development organizations that increasing the participation of women in public office will both promote women’s interests and engender more robust anti-corruption efforts because women can contribute to “the design of gendered approaches to anti-corruption, which can prevent corruption experienced by women in the first place and allow them to resist it, report it[,] and seek redress when it occurs.”⁵⁸

Scholars have long observed that female lawmakers seek to address issues of particular concern to women more often than male lawmakers do.⁵⁹ Judges, many of whom are elected,⁶⁰ also bring gendered perspectives to bear on their decision-making.⁶¹

57. *Id.*

58. LUCAS AMIN & JOSÉ MARÍA MARÍN, TRANSPARENCY INT’L, RECOMMENDATIONS ON WOMEN AGAINST CORRUPTION FOR OGP ACTION PLANS 3 (2020), https://images.transparencycdn.org/images/2020_PolicyPaper_WomenAgainstCorruptionOGP_English.pdf.

59. *See, e.g.,* Sue Thomas, *The Impact of Women on State Legislative Policies*, 53 J. POL. 958, 961 (1991) (highlighting the point that female legislators consider issues relating to women and “associated with female concerns” more frequently than their male counterparts); Raghabendra Chattopadhyay & Esther Duflo, *Women as Policy Makers: Evidence from a Randomized Policy Experiment in India*, 72 ECONOMETRICA 1409, 1410–11 (2004) (indicating that women in positions of power make policy decisions which closely align with women’s interests); Linda S. Maule, *A Different Voice: The Feminine Jurisprudence of the Minnesota State Supreme Court*, 9 BUFF. WOMEN’S L.J. 295, 297 (2000) (noting that female lawmakers and male lawmakers tend to focus on different issues); Watson & Moreland, *supra* note 40, at 400 (suggesting that, as legislators, women focus on issues of particular interest to female constituents).

60. *See* Press Release, Nat’l Ctr. for State Cts., How Many States Elect Judges? With More Than 20 Different Selection Systems, That’s a Very Complicated Question (Nov. 2, 2020) (on file with author) (explaining that most states use elections to select at least some judges).

61. Maule, *supra* note 59, at 304–07 (conducting study of longitudinal data set and reaching tentative conclusion that female judges, regardless of political leaning, tend to converge on outcomes in family law cases); Susan L. Miller & Shana L. Maier, *Moving Beyond Numbers: What Female Judges Say About Different Judicial Voices*, 29 J. WOMEN, POL. & POL’Y 527, 545 (2008) (stating that, based on interviews with

Despite their greater tendency to promote policies of particular concern to women and, potentially, to reduce public corruption, fewer women than men run for public office, and female officeholders continue to be underrepresented at all levels of government.⁶² This discrepancy may be attributable to women's own preferences not to pursue public office,⁶³ to gender discrimination,⁶⁴ to structural impediments,⁶⁵ or to other factors.⁶⁶ Some scholars point to studies that indicate that women's interest groups have a key role to play in providing needed

female judges, gender accounts for distinct perspectives that female judges bring to cases and fact patterns).

62. Adrienne R. Smith, Beth Reingold & Michael Leo Owens, *The Political Determinants of Women's Descriptive Representation in Cities*, 65 POL. RSCH. Q. 315, 315 (2012) (observing that "women remain just as underrepresented in the councils and mayoralities of cities (population 30,000 or more) as they are at higher levels of legislative and executive office" (citations omitted)); *Facts and Figures: Women's Leadership and Political Participation*, UN WOMEN (Mar. 11, 2026), <https://www.unwomen.org/en/articles/facts-and-figures/facts-and-figures-womens-leadership-and-political-participation>.

63. Richard L. Fox & Jennifer L. Lawless, *To Run or Not to Run for Office: Explaining Nascent Political Ambition*, 49 AM. J. POL. SCI. 642, 655 (2005) (stating that women express political ambition or interest in holding political office at significantly lower rates than men).

64. Richard L. Fox & Jennifer L. Lawless, *Why Are Women Still Not Running for Public Office?*, ISSUES IN GOVERNANCE STUD., May 2008, at 1, 8–9 (describing electoral gatekeeping and lack of political recruitment as reasons why fewer women seek elected office); see also Stensöta & Wängnerud, *supra* note 6, at 8 (making the converse argument that "corruption causes gender inequality").

65. Smith, Reingold & Owens, *supra* note 62, at 318 (suggesting that structural impediments may be less severe in localities with comparatively stronger civil society and with more, or more densely congregated, "women's social, charitable, and advocacy organizations" (citations omitted)); see also Brigham Daniels, Mark Buntaine & Tanner Bangerter, *Testing Transparency*, 114 NW. U. L. REV. 1263, 1273 (2020) (noting, in the context of an empirical study testing the effect of transparency of political processes in developing democracies, that women were less likely to participate in political processes involving a public works project because of "their perception that they could not overcome local elites and would not benefit from participating").

66. Jennifer L. Lawless & Kathryn Pearson, *The Primary Reason for Women's Underrepresentation? Reevaluating the Conventional Wisdom*, 70 J. POL. 67, 77–78 (2008) (concluding that the significant majority of candidates in U.S. congressional races are men, and explaining that, although women win congressional races at approximately the same rate as men in general elections, female candidates, regardless of political party affiliation, face greater competition in the primary elections than do male candidates).

resources and networks to encourage and support female candidates for public office: “[s]urveys . . . suggest that [women’s] organizations . . . —political interest groups like the National Organization for Women, civic associations like the League of Women Voters, social and charitable organizations like the United Way, and business and professional organizations—mobilized [female elected officials] to run for office.”⁶⁷ Harnessing the power of such groups to elect more women to office may provide a mechanism for progress, pertaining both to women’s interests and, to the extent that female lawmakers are likely to adopt personal and policy-related positions countering corruption, to anti-corruption interests.

Nevertheless, given the absence of strong evidence of a causal relationship between gender and corruption, merely electing more women to office seems unlikely to advance systemic anti-corruption goals that align with women’s interests,⁶⁸ even if women may be less likely than men to engage in corrupt conduct on an individual basis.⁶⁹ In light of the demonstrated impact of corruption on women and girls,⁷⁰ an additional tool for advancing policy goals in both areas is to build coalition advocacy for legislative enactments, oversight, and accountability.⁷¹

67. Smith, Reingold & Owens, *supra* note 62, at 318 (citations omitted).

68. See WHY CORRUPTION MATTERS, *supra* note 5.

69. *Id.* (“[T]he causal mechanisms . . . between gender and corruption . . . have not yet been convincingly demonstrated,” which “raises considerable doubts as to whether simply increasing women’s voice and representation in government is likely to be effective as an anti-corruption policy tool.”).

70. See *id.* at 50 (“There is a large body of evidence showing corruption negatively affects both the volume and the quality of public service delivery. The effect occurs both directly through distortions of resource allocation and indirectly through reductions in revenue. Furthermore, in its effects on public service provision, corruption has a disproportionate impact on the lives of women and the poor.”)

71. *Id.* at 70 (reporting that, in “the political context, the existence of coalitions and partnerships between different actors and the use of clear systems of incentives that combine rewards and punishment are important” for combatting corruption, and that a “critical condition” for ensuring accountability is “a focus on issues that are relevant to the targeted population”); see also Daniels, Buntaine & Bangerter, *supra* note 65, at 1263 (concluding from an empirical study on transparency and female participation in government processes, that, “[o]nce corruption and mismanagement are identified, it takes effective government institutions and action from civil society to successfully act as a disinfectant”).

2. Coalition Building Between Anti-Corruption and Women's Interest Advocates

To the degree that women's interests and anti-corruption interests coincide, coalitions represent an important tool for advocates of both groups to advance their respective policy goals. This is especially true in the U.S. legislative context, where enacting any legislation is difficult. However, well-organized and highly motivated interest groups have greater potential to shepherd their proposals through the procedural hurdles of congressional lawmaking and to defeat unwelcome legislative proposals.⁷²

Political theory sheds light on the difficulty of enacting legislation and on the role of interest groups in the legislative process, thus providing lessons on the importance of coalition building for anti-corruption and women's interest advocates.⁷³ In his seminal work, James Q. Wilson classified legislative proposals according to whether their costs and benefits are concentrated or diffuse, and he argued that the nature of interest-group participation in the legislative process depends upon how such groups perceive the costs and benefits of a particular policy proposal.⁷⁴ Policy costs may be distributed broadly across the public or concentrated on a small subset of the population.⁷⁵ Likewise, policy benefits may be diffuse, that is, distributed across all or almost all of the public, or they may be concentrated, that is, enjoyed by only a small subset of the population.⁷⁶

72. See William N. Eskridge, Jr., *Pluralism and Distrust: How Courts Can Support Democracy by Lowering the Stakes of Politics*, 114 YALE L.J. 1279, 1310 (2005) ("Because there are so many veto gates within the legislative process, it is notoriously easier for a group to block legislative action than to procure it.").

73. See generally MICHAEL JOHNSTON & SAHR J. KPUNDEH, BUILDING A CLEAN MACHINE: ANTI-CORRUPTION COALITIONS AND SUSTAINABLE REFORM (2002) (identifying the four stages of the coalition-building process).

74. JAMES Q. WILSON, POLITICAL ORGANIZATIONS (1973).

75. WILLIAM N. ESKRIDGE, JR. ET AL., CASES AND MATERIALS ON LEGISLATION AND REGULATION: STATUTES AND THE CREATION OF PUBLIC POLICY 31 (6th ed. 2020) (citing WILSON, *supra* note 74). An example of a distributed cost is a sales tax that all consumers must pay; an example of a concentrated cost is a license fee. *Id.*

76. *Id.* An example of a distributed benefit is a national security measure that protects the public at large; an example of a concentrated benefit is an agricultural subsidy paid to farmers of a specific product, such as tobacco. *Id.*

These classifications give rise to four possible combinations. First, a policy proposal with diffuse costs and diffuse benefits is generally unlikely to garner well-organized, intense, and sustained interest-group support, which weakens its chances of survival through the legislative process, though some large groups of citizens may form around both sides of any given proposal.⁷⁷ The likely consequence of little, weak, or unsustained interest-group activity on either side in response to a policy proposal is that the legislature will fail to enact it (or, in some cases, may enact only symbolic legislation).⁷⁸ Second, a policy proposal that distributes benefits broadly but concentrates costs is likely to generate well-organized and sustained opposition but little interest-group activity in support. Under these circumstances, the oppositional interest groups will seek to prevent the enactment of the proposal, and are generally likely to succeed, unless “a policy entrepreneur is willing to push the proposal, rouse the public, and take the initiative in forming citizen groups offering purposive or solidary benefits to participants.”⁷⁹ Third, a policy proposal that concentrates benefits but distributes costs will likely produce strong interest-group activity from supporters and little or weak opposition.⁸⁰ Consequently, the proposal may gain little public attention, and the spoils will be allocated to the organized beneficiaries.⁸¹ Fourth and finally, a policy proposal that entails concentrated costs and concentrated benefits will tend to generate intense, continuous, and well-organized interest-group activity, both in support of and in opposition to the proposed legislation, and the legislature’s response will likely be either to forgo legislation or to delegate the response to an agency.⁸²

No matter the quadrant, sustained interest group activity is key to success. Classifying anti-corruption or women’s-interest proposed legislative measures into one or more of Wilson’s groups poses challenges in the abstract. Nevertheless, lessons may be gleaned from the foregoing. First, although it is unclear in the abstract whether any given stand-alone anti-corruption measure aimed at preventing or limiting

77. *Id.*

78. *Id.*

79. *Id.*

80. *Id.* at 31–33.

81. *Id.*

82. *Id.*

government corruption will fall into the distributed benefits/distributed costs category or the distributed benefits/concentrated costs category,⁸³ the likelihood of successfully shepherding the proposal through the legislative process may depend in part on sufficiently robust and sustained interest-group activity.⁸⁴ In other words, anti-corruption measures, standing alone, may be less likely to pass unless (1) prompted by widely publicized corrupt conduct by a government official or (2) advanced by a policy entrepreneur capable of mustering sustained interest-group activity.⁸⁵

Second, although it is unclear which of Wilson's categories will apply to legislative measures affecting women and girls, the need for strong interest-group activity to support such measures is evident. First, it would disrupt the inertia that accompanies policy proposals with distributed benefits and distributed costs.⁸⁶ Next, it would discourage legislators from opposing measures that would confer distributed benefits but impose concentrated costs.⁸⁷ Third, it would encourage legislators to advocate for measures with concentrated benefits but distributed costs, or even to engage in long-term and intense activity to support

83. *See id.* (explaining that such legislation is unlikely to fall into either of the concentrated benefits categories because of the broadly beneficial—if often indirect—nature of anti-corruption legislation).

84. *Id.*

85. The history of major anti-corruption legislation in the U.S. bears out these observations. For example, the National Civil Service Reform Act (commonly referred to as the Pendleton Act) was enacted not in response to a particular corruption scandal but in response to the longstanding, and well-established, political patronage system of federal government hiring, and it took approximately twenty years for Congress to pass. *Milestone Documents: Pendleton Act (1883)*, NAT'L ARCHIVES (Feb. 8, 2022), <https://www.archives.gov/milestone-documents/pendleton-act>. By contrast, Congress, prompted in part by egregious and widely publicized corruption by President Nixon and White House officials, enacted several anti-corruption measures in the immediate aftermath of the Watergate scandal. SAM BERGER & ALEX TAUSANOVITCH, CTR. FOR AM. PROGRESS, LESSONS FROM WATERGATE: PREPARING FOR POST-TRUMP REFORMS 3–7 (2018), <https://www.americanprogress.org/wp-content/uploads/sites/2/2018/07/WatergateReformsReport-3.pdf> (summarizing, *inter alia*, statutes enacted “to provide for a more ethical, transparent government; [and to] combat the corrupting influence of money in politics”).

86. ESKRIDGE, JR. ET AL., *supra* note 75, at 31–32.

87. *Id.*

proposals that would create concentrated benefits and concentrated costs.⁸⁸

Lawmakers considering proposals advancing anti-corruption or women's interests need relevant information and appropriate incentives to champion a particular measure, or even merely to vote in its favor. Targeted interest group activity can provide both. Successful interest group activity usually involves lobbying, and the most effective groups share several characteristics, including: (1) large, cohesive, and dispersed memberships; (2) prestigious reputations; (3) skillful and persuasive leadership; (4) extensive financial resources; (5) possession of, and ability to share, relevant information; and (6) most significantly, an ability to form coalitions.⁸⁹

The importance of coalitions cannot be overstated. From an anti-corruption perspective, coalitions that are well equipped to combat corruption will include civil society organizations ("CSOs"), which offer several strategic strengths.⁹⁰ CSOs can mobilize resources and expertise to expand the coalition's circle to include additional actors; establish strong accountability mechanisms; and achieve public service reform that benefits women.⁹¹ In addition, coalition building among CSOs, religious groups, and business enterprises operates as a "bottom-up" strategy to build community support for rule-of-law reforms that combat corruption by potentially inculcating an anti-corruption culture

88. *Id.*

89. *Id.* at 279 (citing WILLIAM KEEFE & MORRIS OGUL, *THE AMERICAN LEGISLATIVE PROCESS: CONGRESS AND THE STATES* 366–70 (10th ed. 2001)).

90. Civil Society Organizations are institutions, organizations, or entities composed of non-governmental, natural, or juridical persons that operate at the national or international level. Andrew Friedman, *What Are Civil Society Organizations?*, CTR. FOR STRATEGIC & INT'L STUD. (Feb. 26, 2025), <https://www.csis.org/analysis/what-are-civil-society-organizations>. Examples include "independent public policy research organizations, advocacy organizations, organizations that defend human rights and promote democracy, humanitarian organizations, private foundations and funds, charitable trusts, societies, associations and non-profit corporations." U.S. Bureau of Democracy, Hum. Rts. & Lab., *Non-Governmental Organizations (NGOs) in the United States*, U.S. DEP'T OF STATE (Jan. 20, 2025), <https://www.state.gov/bureau-of-democracy-human-rights-and-labor/releases/2025/01/non-governmental-organizations-ngos-in-the-united-states>.

91. WHY CORRUPTION MATTERS, *supra* note 5, at 72 ("[T]he mobilisation and involvement of civil society organisations (CSOs) helps constrain corruption . . .").

among the public and within the professions, thereby creating long-term checks on abuses of power.⁹²

The potential benefits to women of an anti-corruption culture, as opposed to simply the adoption and enforcement of anti-corruption legislation, are myriad. By establishing a pervasive approach to integrity in government, an anti-corruption culture actively facilitates public service reform, criminal justice enforcement relating to violence against women, and anti-trafficking protections.⁹³ Further, to the extent that public corruption erects gendered barriers to participation in the political sphere, an anti-corruption culture is likely to function as a counterweight.⁹⁴

IV. THE ROLE OF LAWMAKERS IN COALITIONS

Civil society organizations are key to successful coalitions, but they are not enough. Coalitions must also include lawmakers and other public officials who both support a coalition's policy aims and hold positions of power or influence to advance those aims.⁹⁵ In addition, to survive in the long term, coalitions must offer their members incentives to remain involved in the coalition's activities.⁹⁶ Such incentives typically will fall into one of four major categories: (1) material incentives, which include rewards to which some tangible value attaches, such as money, goods, jobs, service, or security; (2) purposive incentives,

92. RACHEL KLEINFELD, *ADVANCING THE RULE OF LAW ABROAD: NEXT GENERATION REFORM* 117 (2012).

93. See *supra* notes 49–51 and accompanying text; see also Treuthart, *supra* note 30, at 121 (“Combating violence against women is a multi-faceted endeavor that intersects with traditional rule-of-law reform efforts in . . . addressing public corruption. . .”).

94. Stensöta & Wängnerud, *supra* note 6; Branisa & Ziegler, *supra* note 9.

95. Daniels, Buntaine & Bangerter, *supra* note 65, at 1263 (“Once corruption and mismanagement are identified, it takes effective government institutions and action from civil society to successfully act as a disinfectant.”); Adam J. Bushey, *Second-Generation Rule of Law and Anti-Corruption Programming Abroad: Comparing Existing U.S. Government and International Best Practices to Rachel Kleinfeld’s Advancing the Rule of Law Abroad: Next Generation Reform*, 37 HOU. J. INT’L L. 139, 148 (2015) (observing that “bottom-up approaches” to anti-corruption programs often support nongovernmental organizations at the expense of “help[ing] build the government’s actual capacity”).

96. JOHNSTON & KPUNDEH, *supra* note 73, at 1.

which entail the achievement of a specific and significant goal, such as better governance structures, fair political processes, or strengthened rule of law principles; (3) specific solidary incentives, which offer intangible associational rewards, such as honors or other recognition; or (4) collective solidary incentives, which include intangible association rewards that accrue to the group as a whole, such as prestige, fellowship, and mutual encouragement.⁹⁷ To encourage lawmakers to support a particular coalition, identifying relevant incentives or incentive structures must account for various models of representation.⁹⁸ This Part identifies two key inquiries regarding potential incentives that may attract lawmakers to join a coalition or champion its aims: first, theoretical models of representation, and second, their implications for anti-corruption and women's interest coalitions.

A. Theoretical Models of Representation and Their Implications for Coalition Building

The incentives that will prompt a lawmaker to join, or to remain in, a coalition consisting of anti-corruption and women's advocates may depend upon the lawmaker's conceptions of the legislative process and of representation. This Section explores the dominant theories and applies them to anti-corruption and women's interests. More specifically, this Section discusses the three primary representational models: the agent (or delegate) theory, the trustee theory, and the descriptive theory.

Though each has its unique characteristics, the theoretical models of representation are not mutually exclusive, and a representative may embody various theories at different times, depending on the circumstances. The primary distinction among the main theories of representation concerns the locus of power in decision-making—that is, whether it is the representative or her constituents (or interest groups) that serve as the principal decision-maker—though subsidiary considerations also play a role. A primary subsidiary consideration concerns the aims of the legislative policies the representative supports—specifically, whether those policies are directed toward the good of all (e.g.,

97. *Id.* at 12–13, 16 (citing WILSON, *supra* note 74, at 33–51).

98. Theories of legislation may also be relevant but are omitted from this discussion for clarity.

the nation as a whole) or only toward the good of a part (e.g., the representative's specific constituency, potentially defined as the voters of her district, her donors, or other special interest groups). A second subsidiary consideration concerns the source of judgment about policy choices, that is, whether the representative relies on her own judgment or that of her constituents in determining the good she seeks to achieve. A final subsidiary consideration concerns the representative's responsiveness—namely, the degree to which the representative is responsive to potential sanctions (usually, though not exclusively the prospect of losing a re-election bid).⁹⁹ The following subsection addresses these distinctions among the representational models.

1. Agent Theory

Under the agent (or delegate) theory of representation, a legislator is understood to “stand in the shoes” of her constituents. In other words, the legislator seeks to do what her constituents would want her to do if they had the information that she has (even if what they would want her to do is not in the nation's best interest, or even in their own best interest).¹⁰⁰ As framed by political theorist Hanna Pitkin, under an agency theory, a representative should, or perhaps even must, “do what his constituents want, and be bound by mandates or instructions from them.”¹⁰¹ Thus, the power of decision-making on any given policy proposal resides in the legislator's constituents. Regarding the subsidiary considerations, when a legislator acts as an agent, she “(1) *aims* at the good of . . . her constituents, (2) as *judged* by . . . her constituents, [and] (3) [is comparatively] more *responsive* to external sanction (election or the avoidance of legal penalties).”¹⁰²

If a female lawmaker is guided by the agent theory of representation, to the extent that she prioritizes women's issues, she might devote more resources to determining which such issues her constituents will embrace and spend more political capital championing those issues. An anti-corruption legislator who embraces the agent theory will

99. Andrew Rehfeld, *Representation Rethought: On Trustees, Delegates, and Gyroscopes in the Study of Political Representation and Democracy*, 103 AM. POL. SCI. REV. 214, 218 (2009).

100. HANNA FENICHEL PITKIN, *THE CONCEPT OF REPRESENTATION* 145 (1967).

101. *Id.*

102. Rehfeld, *supra* note 99.

be concerned not only about avoiding corrupt conduct herself in the pursuit of her constituents' interests, but also about preventing or minimizing the effects of government corruption on her constituents.

Corruption, viewed through the prism of agency theory, occurs when a public official's constituency (the principal) lacks sufficient information and mechanisms to monitor the public official (the agent) effectively, and instead of pursuing the constituents' interests, the public official pursues her own interests, thus betraying the agency relationship.¹⁰³ Accordingly, a legislator who votes for or against (or who promises to vote for or against) a particular policy measure based on a bribe, for example, would violate the agency precept that the representative is expected to vote according to her constituents' preferences, and would leave constituents without a remedy as long as the bribe remained undetected.¹⁰⁴ Public servants or other elected officials, also acting as agents, may successfully abuse their public office to secure private benefits in exchange for public services, and as long as their conduct is hidden from public view, members of the public (the principals) will be unable to hold them to account.¹⁰⁵ This concern may lead an anti-corruption, agent-oriented lawmaker to adopt aggressive oversight of public services that affect her constituents and to press for stringent anti-corruption measures, such as transparency and accountability, to ensure that corruption by public officials in her district does not go unpunished. These notions are reflected in anti-bribery and other anti-

103. WHY CORRUPTION MATTERS, *supra* note 5, at 15 (citing Anna Persson, Bo Rothstein & Jan Teorell, *Why Anticorruption Reforms Fail—Systemic Corruption as a Collective Action Problem*, 26 GOVERNANCE 449 (2012), <https://onlinelibrary.wiley.com/doi/epdf/10.1111/j.1468-0491.2012.01604.x>, [<https://doi.org/10.1111/j.1468-0491.2012.01604.x>]).

104. Other commentators have made similar observations. *See, e.g.*, Harrison Marino, Note, *The Missing Theory of Representation in Citizens United*, 104 VA. L. REV. 1199, 1223 (2018).

105. WHY CORRUPTION MATTERS, *supra* note 5, at 15. *But see* Catherine E. De Vries & Hector Solaz, *The Electoral Consequences of Corruption*, 20 ANN. REV. POL. SCI. 391, 394 (2017), <https://www.annualreviews.org/content/journals/10.1146/annurev-polisci-052715-111917> [<https://doi.org/10.1146/annurev-polisci-052715111917>] (pointing to empirical studies showing that voters often decline to impose electoral sanctions on corrupt government officials); WHY CORRUPTION MATTERS, *supra* note 5, at 71 (reporting no clear relationship between public disclosure of information relating to an incumbent's corrupt practices and electoral outcomes).

corruption statutes.¹⁰⁶ Accordingly, an anti-corruption, agent-oriented legislator will take care to ensure that she abides by anti-corruption rules that apply to her conduct. In sum, by conforming her conduct and her legislative practices to her constituents' expectations regarding women's and anti-corruption interests, a lawmaker who subscribes to an agent theory of representation fulfills the agency obligations that she has assumed.

2. Trustee Theory

Representation under the trustee theory requires the legislator to exercise her own independent judgment for the good of the whole.¹⁰⁷ She is to make policy choices based upon what is best for her constituents, or even for the public weal of the nation, regardless of whether those policy choices run contrary to her constituents' preferences. Under this theory of representation, the lawmaker is, or should be, "free to act as seems best to [her] in pursuit of [her constituents'] welfare[.]"¹⁰⁸ On this view, in contrast to the agent theory, the decision-making power rests with the legislator, not her constituents. The subsidiary considerations mirror this difference: "the representative as trustee is one who (1) *aims* at the good of the whole, (2) as *judged* by the representative, [and] (3) [is comparatively] less responsive to

106. See, e.g., 18 U.S.C. § 201 (the federal bribery and gratuities statute governing federal officials); *id.* § 666 (the federal bribery statute governing state and local officials).

107. PITKIN, *supra* note 100; see also Rehfeld, *supra* note 99, at 217 (providing historical context of trustees and delegates).

108. PITKIN, *supra* note 100. Edmund Burke is often cited as "the exemplar of the 'trustee' position." Rehfeld, *supra* note 99, at 217. In a speech, Burke argued against "a proposal that representatives be legally bound to the desires of their constituents as expressed through legally binding instructions." *Id.* at 218, n.12. "If the local constituent should have an interest, or should form an [sic] hasty opinion, evidently opposite to the real good of the rest of the community, the [Parliamentary] member for that place ought to be as far, as any other, from any endeavour to give it effect." Edmund Burke, Speech to the Electors of Bristol (Nov. 3, 1774), *reprinted in* THE FOUNDERS' CONSTITUTION 448 (Philip B. Kurland & Ralph Lerner eds., Univ. of Chi. Press 1987), <http://press-pubs.uchicago.edu/founders/documents/v1ch13s7.html>. Elsewhere, Burke states, "Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion." *Id.* at 446.

sanction, but acting on some form of civic virtue instead.”¹⁰⁹ A female legislator adopting the trustee theory of representation who seeks to advance women’s interests might more readily recognize broader, national social ills that disproportionately affect women, and she might therefore be willing to vote for policies that address those ills, even if her constituents oppose the measures. For example, she might vote to pass a law that strictly regulates a water contaminant shown to cause higher levels of birth defects, despite her own constituents’ strong anti-regulatory preferences.

Any legislator embracing a trustee theory of representation will recognize that corrupt decision-making is not in the best interest of her constituents or the body politic writ large.¹¹⁰ By contrast, a lawmaker who makes policy or deliberative decisions in exchange for a bribe or other personal benefit acts in her own self-interest, not based on her own independent judgment about what is best for her constituents or the nation as a whole.¹¹¹

In the United States, these trustee precepts are not only reflected in anti-corruption statutes and ethics rules governing public officials, but also are entrenched as constitutional principles, as evidenced in specific textual provisions of the Constitution and in its structure.¹¹² Textually, for example, the Foreign Emoluments Clause prohibits federal government officials, that is, all persons “holding any Office of Profit or Trust under” the United States, from accepting “any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince or foreign State” unless such person obtains “the Consent of the

109. Rehfeld, *supra* note 99.

110. See Lambsdorff & Frank, *supra* note 9 (“Corrupt actions are unfair to the population at large. Public servants with a sense of fairness are thus unlikely to deliver a corrupt service.”).

111. Other commentators have made similar observations. See, e.g., Marino, *supra* note 104.

112. See Natelson, *supra* note 27, at 1085 (describing the fiduciary principles undergirding the public trust doctrine and the application of those principles to specific constitutional provisions, including the General Welfare Clause, impeachment and removal provisions, the Necessary and Proper Clause, and the Due Process Clause); see also Teachout, *supra* note 26, at 346–73 (discussing constitutional provisions adopted to prevent public corruption and to enable accountability for errant government officials).

Congress” to do so.¹¹³ The purpose of this prohibition—to decrease the likelihood that federal public officials will succumb to foreign corrupt influences—derives from fiduciary tenets that government officials owe an exclusive loyalty to the best interest of the nation.¹¹⁴ Other constitutional provisions reflect a similar embrace of the trustee theory of representation.¹¹⁵ Professor Robert G. Natelson argues persuasively that the General Welfare Clause, the Necessary and Proper Clause, the Due Process Clause, and the impeachment and removal provisions, for example, are rooted in fiduciary concepts flowing from a trustee conception of public office.¹¹⁶ Structurally, as Professor Zephyr Teachout contends, the Constitution creates an “anti-corruption principle” that is based in part upon an understanding of the role of government officials as trustees.¹¹⁷ Indeed, the Founders themselves conceived of representation under a trustee theory.¹¹⁸ In James Madison’s view, “[t]he aim of

113. U.S. CONST. art. I, § 9, cl. 8. A similar provision in Article II imposes additional restrictions on the President by providing that a President’s salary will neither be enlarged nor decreased during the term to which he or she has been elected and that he or she “shall not receive within that Period any other Emolument from the United States, or any of them.” U.S. CONST. art. II, § 1, cl. 7.

114. See Breedon & Bryant, *supra* note 27 (providing that the “Founders relied on fiduciary norms in devising the Constitution in part to ensure that public officials would be bound by those norms”); see also Natelson, *supra* note 27, at 1088–91 (providing more information connecting fiduciary duties to government officials).

115. See Natelson, *supra* note 27, at 1090 (explaining that trustees “must act with due regard to each beneficiary’s interest”).

116. See *id.* at 1169–74 (asserting the author’s arguments for each clause or provision).

117. See Teachout, *supra* note 26, at 374–75 (arguing that the Constitution’s various anti-corruption provisions, read together, should be understood as creating an anti-corruption principle similar to the separation of powers principle).

118. See, e.g., THE FEDERALIST NO. 10, at 82 (James Madison) (Clinton Rossiter ed., 1961) (asserting that self-governance by representation, as opposed to direct democracy, is designed “to refine and enlarge the public views by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country” and that “it may well happen that the public voice, pronounced by the representatives of the people, will be more consonant to the public good than if pronounced by the people themselves”); Elizabeth F. Cohen, *Dilemmas of Representation, Citizenship, and Semi-Citizenship*, 58 ST. LOUIS U. L.J. 1047, 1057–58 (2014) (interpreting Madison as conceiving of representation “as primarily an act of independent interpretation rather than simply the relaying of an expressed preference”); Rehfeld, *supra* note 99, at 217 (noting that, during the congressional debate over the Bill of Rights in 1789, Congress rejected a proposal by representative

every political constitution is, or ought to be, first to obtain for rulers men who possess most wisdom to discern, and most virtue to pursue, the common good of the society.”¹¹⁹ Madison noted, however, that even in a republican form of government, the constitutional order should serve as a bulwark against public corruption because officials responsible for administering government functions “may forget their obligations to their constituents and prove unfaithful to their important trust.”¹²⁰

In theory, then, a legislator who considers herself a trustee and who also adopts an anti-corruption posture will ensure that she not only complies with applicable anti-corruption rules and statutes that govern her official conduct, but also that her constituents are protected from public corruption (as an agent-oriented legislator would). She will also be more likely to prioritize anti-corruption measures that benefit the nation as a whole and to vote for anti-corruption measures that benefit her constituents, regardless of voters’ own preferences.¹²¹

3. Descriptive Theory

The descriptive theory of representation holds that the legislature should be composed of representatives whose individual characteristics mirror those of the public. For example, if a city is majority Black, its representatives should also be mostly Black. In a hypothetical voting district that is 62% female, then 62% of that district’s elected representatives should be female. In John Adams’ words, the

Thomas Tudor Tucker that would have imposed a constitutional requirement that legislators in the United States Congress follow their constituents’ instructions).

119. THE FEDERALIST NO. 57, at 350 (James Madison) (Clinton Rossiter ed., 1961).

120. THE FEDERALIST NO. 62, at 378 (James Madison) (Clinton Rossiter ed., 1961).

121. Despite the historical pedigree of the trustee theory in American politics, some modern scholars contend that the agent theory predominates in most Americans’ conception of representation. *See, e.g.*, Bruce Cain, *Moralism and Realism in Campaign Finance Reform*, U. CHI. LEGAL F. 111, 120–21 (1995) (asserting that the agent theory of representation enjoys more widespread acceptance than the trustee theory and citing the absence of evidence “that all or even most Americans want their representatives to act” as trustees); David A. Strauss, *What Is the Goal of Campaign Finance Reform?*, U. CHI. LEGAL F. 141, 147–48 (1995) (claiming that most Americans do not perceive of legislators as voters’ trustees).

legislature “should be an exact portrait, in miniature, of the people at large, as it should think, feel, reason, and act like them.”¹²² The locus of power is indeterminate under the descriptive model of representation, and the subsidiary considerations may therefore be more difficult to ascertain, partly because descriptive representation is theorized across different metrics, and partly because representatives can act as either agents or trustees, or both, at different times and under varying circumstances.¹²³ Nevertheless, one particular measure is of special significance. Specifically, perceived legitimacy (and responsiveness) is an especially acute consideration relating to descriptive representation, because external political efficacy—that is, “the individual perception that governmental authorities and institutions are responsive to citizen influence”—enjoys a higher correlation among female constituents when their state-level political leaders are also female.¹²⁴

Proponents of descriptive representation recognize that women and minority groups have been historically unrepresented (or underrepresented) and rely upon one or more of the following rationales in its support: justice, equality, and perceived legitimacy; inadequacy of party representation; advocacy of recognized interests; and

122. Letter from John Adams to John Penn (1776), *reprinted in* 4 THE WORKS OF JOHN ADAMS, SECOND PRESIDENT OF THE UNITED STATES 205 (Charles Francis Adams ed., Bos., Little, Brown & Co. 1851).

123. Some scholars have suggested that this theory inherently rests upon a trusteeship conception of the representative’s role, arguing that, “[i]f a representative is descriptively representative of a group, then the group’s members must trust their representative, since descriptive similarity in itself implies no mechanisms for accountability—and, indeed, carries ambiguous role obligations” and that the representative of the group “is obligated to keep his or her constituents’ interests in view.” Nadia Urbinati & Mark E. Warren, *The Concept of Representation in Contemporary Democratic Theory*, 11 ANN. REV. POL. SCI. 387, 401 (2008), [<https://dx.doi.org/10.1146/annurev.polisci.11.053006.190533>]. Nothing about the descriptive model, however, prevents a legislator from making policy decisions under the agent theory. The crux of the descriptive theory is the requirement that legislators collectively embody the same characteristics as their constituents. It says nothing about the locus of decision-making power.

124. Lonna Rae Atkeson & Nancy Carrillo, *More Is Better: The Influence of Collective Female Descriptive Representation on External Efficacy*, 3 POL. & GENDER 79, 79 (2007), <https://www.cambridge.org/core/journals/politics-and-gender/article/abs/more-is-better-the-influence-of-collective-female-descriptive-representation-on-external-efficacy/6EBCA26B23E0FD3F837B7061D1999283> [<https://doi.org/10.1017/S1743923X0707002X>] (citations omitted).

identification of unformulated or unarticulated interests.¹²⁵ For purposes of this discussion, these last two bases in support of descriptive representation—advocacy of recognized interests, and identification of unformulated or unarticulated interests—are the most salient. First, because the groups that have been traditionally marginalized have interests and concerns that likely have lacked zealous champions within the halls of power, “the presence of the previously excluded may be necessary to ensure the assertive articulation of their concerns.”¹²⁶ Second, because previously excluded groups bring with them interests, concerns, and perspectives that are “not yet formulated, articulated or legitimated on the political agenda,” their presence offers opportunities to expand the political agenda to include policy goals that may otherwise go untended.¹²⁷

Professor William N. Eskridge, Jr., highlights these latter points regarding the descriptive theory in the context of judicial decisions applying the Equal Protection Clause to statutes that discriminate against women on the basis of gender: “[m]any state laws harming women’s interests were adopted before women had the right to vote and were the result of a process in which women’s interests were not appropriately considered.”¹²⁸ As an example, Professor Eskridge cites *Reed v. Reed*,¹²⁹ a United States Supreme Court case decided in 1971, in which the Court invalidated an Idaho statute that gave preference to male relatives over female relatives when state probate courts appointed a person to administer the estate of an individual who died intestate.¹³⁰ In constitutional law doctrine, the case marked the Court’s openness to adopting a heightened level of scrutiny for gender-based discrimination claims under the Equal Protection Clause of the Fourteenth

125. Sarah Childs & Philip Cowley, *The Politics of Local Presence: Is There a Case for Descriptive Representation?*, 59 POL. STUD. 1, 7–8 (2011), [<https://doi.org/10.1111/j.1467-9248.2010.00846.x>] (citing ANNE PHILLIPS, *THE POLITICS OF PRESENCE* (David Miller & Alan Ryan eds., 1995)).

126. *Id.* at 7.

127. *Id.* at 7–8. See Chattopadhyay & Duflo, *supra* note 59, at 1409 (indicating that women in positions of power make policy decisions which closely align with women’s interests).

128. Eskridge, Jr., *supra* note 72, at 1309–10.

129. *Id.* at 1310 (citing *Reed v. Reed*, 404 U.S. 71 (1971)).

130. 404 U.S. 71, 71–74 (1971).

Amendment,¹³¹ but Professor Eskridge argues that the case also supports the following proposition: “[w]hen the disadvantaged group is one that was not well represented when a statute was adopted, rational basis review requires the court to evaluate the law on the basis of its original purpose and bars the court from supplying rational but hypothetical purposes to save the law.”¹³²

Professor Eskridge does not explicitly invoke the descriptive theory of representation, and his argument is consistent with the other two theories, in that once women secured the right to vote, their representatives were obligated to act as their agents or trustees. His argument, however, suggests an even closer relationship to the descriptive theory because female elected officials are more likely to advance women’s interests, and the absence of women in the political processes, whether as voters or as legislators, tends to yield laws adverse to their interests. Even now, in an age in which women are more fully integrated into the political process and their interests more vigorously represented, they nevertheless must overcome “a high burden to weed out discriminatory laws adopted before they had the franchise.”¹³³

According to several studies focusing on how descriptive representation affects policy goals and legislative processes, or the perception thereof, women in public office are more likely than their male counterparts to focus on women’s issues.¹³⁴ To cite but one example, Professors David Watson and Amy Moreland conducted a longitudinal study covering a thirteen-year period across 140 countries analyzing the relationship between female descriptive representation and public perceptions of corruption, the results of which suggest that female lawmakers tend to prioritize issues advancing women’s interests, including matters relating to social spending and gender equality.¹³⁵

131. *Id.* at 76–77.

132. Eskridge, Jr., *supra* note 72.

133. *Id.*

134. *See, e.g.*, Thomas, *supra* note 59 (highlighting that female legislators consider issues relating to women, children, and family more frequently than their male counterparts); Chattopadhyay & Duflo, *supra* note 59, at 1409 (suggesting that female officeholders adopt policies that benefit women); Maule, *supra* note 59 (noting that female lawmakers and male lawmakers tend to focus on different issues); Watson & Moreland, *supra* note 40, at 400 (suggesting that, as legislators, women focus on issues of particular interest to female constituents).

135. Watson & Moreland, *supra* note 40, at 400–01.

Traditionally marginalized groups, including women, have been disproportionately harmed by corruption,¹³⁶ and having them as representatives in the legislative processes may enable them to minimize corrupt conduct or mitigate the harm it causes. Although some studies have indicated that the connection between gender and corruption plays out similarly regardless of the type of government,¹³⁷ others have concluded that authoritarian regimes tend to suppress gender differences more readily than do democratic states.¹³⁸ In addition, even in democratic governments, bureaucratic institutions are more likely to suppress gender differences relating to corruption than are electoral ones.¹³⁹ According to the authors of one study, “it is in contexts where there is room for women to maneuver and where norms allow for personal experiences to make an imprint that we most likely can expect the presence of women to curb corruption.”¹⁴⁰ In light of the foregoing theoretical models of representation and the implications those models have for building coalitions, questions arise concerning the various incentives that might prompt lawmakers to promote coalition interests. The following section addresses these questions.

B. Grounds for Empirical Studies of Incentives for Lawmakers to Join Coalitions or Champion Coalition Interests

If one explanation for the positive correlation between high numbers of women in political office and low levels of corruption is that female public officials are more likely than their male counterparts to recognize the detrimental effects of public corruption on women and are therefore also more likely to eschew corrupt conduct, then another area warranting empirical study is the incentive structure that motivates

136. WHY CORRUPTION MATTERS, *supra* note 5, at 46–47.

137. See generally HANDBOOK ON GENDER AND CORRUPTION IN DEMOCRACIES (Tiffany D. Barnes & Emily Beaulieu, eds., 2024) (collecting theoretical and empirical studies of the relationship between gender and corruption in democracies); Off. on Drugs & Crime: Corruption & Econ. Crime Branch, *Thematic Areas in Corruption: Gender*, UNITED NATIONS, <https://www.unodc.org/corruption/en/learn/thematic-areas/gender.html> (last visited Apr. 29, 2026) (making no distinction between democratic and authoritarian governments).

138. Stensöta & Wängnerud, *supra* note 6, at 4.

139. *Id.*

140. *Id.*

lawmakers who are sympathetic to women's and anti-corruption interests to join or champion relevant coalitions. The foregoing discussion elucidates some of the relevant practical considerations to be drawn from political theory.¹⁴¹ Among the most significant considerations are questions about whether incentives or incentive structures should vary to accommodate differences in how lawmakers perceive their representative role, that is, whether they consider themselves to be primarily agents or trustees.¹⁴²

In this respect, for example, an agent-oriented lawmaker may respond more readily to material, solidary (both specific and

141. See discussion *supra* Section IV.A. Literature on interest-group incentives examines the factors that motivate individuals to join collective action groups. Given the importance of an "internal champion" among government policymakers, this discussion considers such incentives from the perspective of government insiders, particularly with respect to anti-corruption and women's interest groups. See JOHNSTON & KPUNDEH, *supra* note 73, at 7–8.

142. Lawmakers who subscribe to a descriptive theory of representation may well be persuaded by material, solidary, or purposive incentives not captured by the incentives appealing to lawmakers who view themselves as agents or as trustees. See Anne Hildreth, *The Importance of Purposes in "Purposive" Groups: Incentives and Participation in the Sanctuary Movement*, 38 AM. J. POL. SCI. 447, 448 (1994), <https://www.jstor.org/stable/2111412> [<https://doi.org/10.2307/2111412>] (noting that incentives are widely recognized as promoting "individual participation in collective action" but that research studies have also "coupled" the study of incentives "with other elements of groups"). Lawmakers who reflect descriptive representation, however, tend to follow the precepts of either the agent or trustee models of representation (or both). This is so because of the distinction between "what a representative does, what constitutes the activity of representing . . . [and] what a representative is, what he must be like in order to represent." PITKIN, *supra* note 100, at 59 (noting that the two "are often intertwined"). According to Pitkin,

[w]here the representative is likened to a descriptive representation or a symbol, he is usually seen as an inanimate object and not in terms of any activity; he represents by what he is or how he is regarded. He does not represent by doing anything at all; so it makes no sense to talk about his role or his duties and whether he has performed them.

Id. at 113. For these reasons, the incentives that motivate agent-oriented representatives and trustee-oriented representatives likely apply with equal force to descriptive-oriented lawmakers. See *id.* at 165 (arguing that the choice "between the representative's judgment and the constituents' wishes" is, to a large extent, a false one in that the two views "normally . . . will coincide" and noting that "when they fail to coincide there is a reason"). Accordingly, pertinent incentives for descriptive-oriented representatives are subsumed in the discussion herein of incentives for agent-oriented and trustee-oriented lawmakers, with additional details noted where warranted.

collective), and purposive incentives that target the interests and concerns of the voting jurisdiction that the lawmaker represents, whereas a trustee-oriented lawmaker may be equally, or perhaps even more, motivated by material, solidary, and purposive incentives that widen the lens of relevant interests to include issues of national concern. Rarely do lawmakers wholly disregard their political futures, and even a trustee-oriented public official is likely to care deeply about her potential electoral success in future elections. Stated differently, even if trustee-oriented lawmakers are less motivated by the prospect of re-election than are agent-oriented lawmakers, both types will nevertheless generally prefer to remain in office than to be ousted by voters. Accordingly, anti-corruption and women's interest coalitions seeking to enlist lawmakers—particularly female lawmakers—as inside champions or coalition members would benefit most from empirical studies of incentives for agent- and trustee-oriented lawmakers that relate to their election or re-election efforts.

The primary incentive for agent-oriented lawmakers will be one that helps them meet their constituents' expectations. Material, solidary, and purposive incentives may all be employed to attract agent-oriented lawmakers to anti-corruption and women's issues. Viewed through the prism of electoral benefits, material incentives that are likely to appeal to an agent-oriented lawmaker might include information in tangible form (such as written reports or data collecting poll results) about anti-corruption and women's interest issues in the lawmaker's voting jurisdiction, as well as constituent preferences regarding those issues, or local resources or conduits for publicizing how the lawmaker is advancing her constituents' preferences. Examples of these types of material incentives abound: localized polling results on jurisdiction-specific issues; "grade reports" or endorsements from local organizations, or from regional or national organizations that a lawmaker's constituents support; coalition-specific information regarding local interests; press releases by local entities touting a lawmaker's commitment to advancing particular policies of local concern, and her accomplishments in doing so; or supplying locally sourced campaign volunteers to support the lawmaker's run for office.¹⁴³ Solidary

143. Some incentives may span more than one category. For example, grade reports or endorsements from a prestigious interest group may serve as both material and solidary incentives. *See generally* Richard D. McKelvey & Peter C. Ordeshook,

incentives for agent-oriented lawmakers might include group functions built around opportunities to interact with constituents, such as town hall events sponsored by local interest groups; presentations or speeches by candidates to such interest groups on topics of shared concern; or tours of facilities within the lawmaker's electoral jurisdiction that are deemed important to such interest groups (e.g., a domestic violence shelter or an environmentally friendly manufacturing plant). Purposive incentives that might motivate a lawmaker to join a coalition as an inside champion could include tailoring the coalition goals and objectives—to which the lawmaker is presumed already to be sympathetic—to the agent-oriented lawmaker's specific jurisdiction and to the concerns of her voters.¹⁴⁴

Although the electoral incentives likely to motivate a trustee-oriented lawmaker overlap somewhat with those likely to appeal to an agent-oriented lawmaker, they are not identical—partly because trustee-oriented lawmakers are less concerned about the sanction of non-reelection,¹⁴⁵ and partly because the former focus on the good of the whole in their decision-making, whereas the latter focus on constituent preferences. Accordingly, trustee-oriented lawmakers may be equally or more persuaded by material incentives that help them identify and address issues of broader (perhaps state, national, or global) concern, not merely issues of local concern to their constituents. More concretely, trustee-oriented material incentives might include polling results on national issues that the lawmaker believes are pertinent to her role as trustee; “grade reports” or endorsements from regional or national organizations that the lawmaker believes are aligned with her policymaking decisions and goals as trustee; coalition-specific information regarding pertinent regional or national interests; press releases

Elections with Limited Information: A Fulfilled Expectations Model Using Contemporaneous Poll and Endorsement Data as Information Sources, 36 J. ECON. THEORY 55 (1985) (recognizing group endorsements as a potential source of information for imperfectly informed voters). A descriptive-oriented lawmaker may be inclined to take particular note of resources and organizations that reflect her descriptive role as a lawmaker, because—at least in part—such connections are “also likely to have the effect of enhancing the legitimacy of political institutions as more people identify with, by seeing themselves in, particular political spaces.” Childs & Cowley, *supra* note 125, at 7.

144. Purposive goals need not be humanitarian, and may, indeed, be political in nature. See Hildreth, *supra* note 142, at 455–56.

145. Rehfeld, *supra* note 99.

by regional or national entities touting a lawmaker's commitment to advancing the policy goals that she believes are in the nation's interest, and her accomplishments in doing so; or supplying campaign volunteers, regardless of their geographic location, to support the lawmaker's run for office. Similarly, trustee-oriented lawmakers may more often find solidary incentives in interactions and associations with regional or national entities, and purposive incentives for joining or championing anti-corruption and women's interest coalitions might emphasize goals and objectives with regional or national import.

The incentives that would motivate a lawmaker who subscribes to the descriptive theory of representation are harder to identify. One reason for the difficulty lies in the underlying presupposition that an elected lawmaker will perfectly reflect the composition of the constituency the lawmaker represents. Presumably, this perfect reflection includes constituents' views on representative theory, which is likely to be unascertained and unlikely to be uniform. In addition, the descriptive theory of representation does not offer a determinate locus of decision-making power, which means that these lawmakers may act as agents or as trustees, or both, depending on the circumstances. Thus, coalition builders who seek to attract descriptive-theory lawmakers should expect to offer incentives that address the material, solidary, and purposive motivations across both the agent and trustee theories of representation.

Although a lawmaker's perception of her representative role may have a bearing on the most effective incentive structure to encourage her to join a coalition or act as an inside champion for the coalition's goals, a variety of incentives should be employed.¹⁴⁶ At least one study has concluded that solidary incentives prove weaker than material or purposive inducements to convince community members to join

146. As the author of one empirical study states regarding participation in interest group action by members of the public, "[h]ow incentives affect group participants is more complex than most interest group analyses make it seem Different types of individuals respond to the same incentives in distinct ways. Within a single incentive category, there is considerable variety." Hildreth, *supra* note 142, at 461. Applying the same logic to the incentives that would motivate lawmakers to join or champion a coalition suggests that a multi-pronged approach is the most likely to prove successful.

in collective action, but whether lawmakers respond similarly to solidary incentives remains an open question.¹⁴⁷

V. CONCLUSION

In light of the demonstrated correlation between higher numbers of women in government office and lower levels of public corruption, this Article has explored an overlooked potential explanation for the relationship, namely that female public officials may be less tolerant of corruption because they understand that its victims tend disproportionately to be women and girls. In setting forth that hypothesis, this Article has called for empirical studies aimed at evidence tending to support or refute both it and its corollary hypotheses, namely that anti-corruption and women's interest groups would jointly benefit from having more women in policymaking positions and that they should form coalitions with appropriate incentives for lawmakers, especially female lawmakers, to join the coalitions or to champion the interests that are of importance to them. In addition, this Article has provided practical and theoretical justifications for conducting such empirical studies, and it has made a first pass at identifying possible dimensions of the relevant issues for empirical research. The foregoing analysis indicates the potential for fruitful lines of empirical study regarding lawmaker incentives across several interrelated dimensions relating to anti-corruption and women's interest coalition participation or support, including male vs. female lawmakers; agent-orientation vs. trustee orientation; material vs. solidary vs. purposive incentives; and anti-corruption interests alone vs. women's interests alone vs. both together.

In sum, this Article is intended to stimulate discussion about and interest in empirical research on the intersection between gender, corruption, and the political process. This Article is also meant to raise awareness of the correlative relationship between high rates of women in public office and low rates of public corruption, with a view toward greater intersectionality of these issues, both in the academic literature and in the "real world."

147. See *id.* at 456–57.