

# FROM USED CARS TO CORRUPTION TO LAW AND DEMOCRACY (WITH DIVERSIONS ALONG THE WAY)

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My intellectual trajectory began uncertainly when I was still in college. But, let's start with the present: today, I am internationally known both as an expert on corruption and its control and as a student of comparative administrative law and executive policymaking in democracies. To summarize:

First, I study corruption as a problem in political economy, not just as a branch of criminal law. Corruption in the public sector has implications for the overall competence and democratic integrity of government. I published *Corruption: A Study in Political Economy* in 1978. In 1999, I published *Corruption and Government: Causes, Consequences, and Reform*, which was translated into seventeen languages. The second edition, co-authored with Bonnie Palifka in 2016, was translated into Chinese, Spanish, Portuguese, and Kurdish. I write and speak on the topic to policy-oriented and lay audiences worldwide. My global reach includes work with the World Bank, the IMF, the Inter-American Development Bank, and the UN.

My second focus is on public law and regulation, beginning with an interest in US economic and environmental regulation. During a year in Berlin in 1991-1992, I became interested in related issues from a comparative perspective. My particular emphasis is the democratic accountability of the executive. Legislatures delegate policymaking responsibilities to the executive, but that delegation, although a practical necessity, requires public input to further democratic values. Expertise and civil-service professionalism are insufficient. As a culmination of my comparative work Yale Press in 2021 published my *Democracy and Executive Power: Policymaking Accountability in the US, the UK, Germany, and France*.

How did I land on these interrelated, global topics, given that my doctorate is in economics and that I do not have any special talent for foreign languages? Basically, I am intellectually restless. I concentrate on one line of research and then want to try something new, but related to what I have done before. I like crossing disciplinary

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boundaries and learning new things. In addition to work on corruption and comparative administrative law, I have written and taught on public choice, the nonprofit sector, urban economics, the law and economics of private law, federalism, and the economics of environmental policy. These topics all concern the way public and private institutions operate, including the incentives they give to those who interact with them and who work within them.

I entered college thinking that I would major in either mathematics or English. I had a conventional, nerdy time in public high school in Allentown, Pennsylvania and went to Wellesley College, where, after my freshman year, neither math nor English seemed the right choice. My father, an accountant and business executive, recommended that I study economics in my sophomore year, and I agreed. As taught by Marshall Goldman, a charismatic and clear-headed professor, I did well in the course and decided that it was a fine compromise between the rigors of mathematics and the study of the real world. In my senior year, my professors urged me to apply to graduate school, but I refused to apply for a Woodrow Wilson scholarship because it was only open to those who wanted to become academics. I wanted to do policy work for the government. At that time, in 1964, there were few female academic economists, and one Ivy League school agreed only that year to accept women into its doctoral program. However, I received a National Science Foundation Scholarship and was an easy admit to every program where I applied. I picked Yale for personal reasons, and I was the only female doctoral candidate in my class, although there were women in classes on either side. Yale College was all male at that point, and some apparently raised questions when I was allowed to teach introductory economics to undergraduates.

When it came time to settle on a dissertation topic, I knew that I would draw on microeconomics, industrial organization, and public finance, not macroeconomics. I completed an empirical dissertation on the demand for used cars in 1970, but it put me off statistical work for decades. Much of the work was very tedious, especially in the years when the only computers were mainframes, and one had to type the data into punch cards. It is fair to say that, although I had supportive and helpful advisors, especially William Brainard, I did not emerge from writing the dissertation with any clear idea of where my career was heading. I only knew that I did not want to become a world-famous expert on used cars.

My interest in economics was revived by employment in 1968–1969 as a junior staff economist at the Council of Economic Advisors, first under Lyndon Johnson and then under Richard Nixon. My Yale professor, Joe Peck, was on Johnson's Council and hired me for the position, and I stayed on after the change in the presidency. I worked on housing and poverty policy and co-authored a paper on the economics of the municipal bond market that grew out of my work at the CEA.

I married Bruce Ackerman in 1967, just as he was finishing Yale Law School. In the spring of 1969, we were both on the job market. He in law, after two years clerking for federal judges, including John Harlan on the Supreme Court. I was an old-fashioned

wife and let him go to interviews, waiting until he had job offers before making any efforts myself. Recall, however, that 1968–1969 was a time of widespread student protests; faculty and administration were reluctant to hire anyone who might rock the boat. Although my husband was certainly not a radical, he was outspoken enough to cause concern, and it was only in early 1969 that he received an offer from the University of Pennsylvania Law School. I then had a lucky break at the Department of Finance at Penn's Wharton School. They were looking for candidates who concentrated on applied microeconomics to teach a required course to MBA students, and they hired me as assistant professor. However, I arrived that fall a few months pregnant with our first child. I taught that semester even though the chair wondered, needlessly, if I could command authority in class as I became more and more obviously pregnant.

My research in that period had two strands. First, I co-authored a case study of water pollution policy in the Delaware Estuary with my husband and two others, published as *The Uncertain Search for Environmental Policy*. Second, I began to teach courses in urban economics and published several papers on racial prejudice and the location of housing in urban areas. Bruce and I visited Yale for one year in the midst of our time at Penn, but Yale was not at that point willing to give me an appointment, so we both returned to Penn. In 1974 we were both hired at Yale – Bruce as a full professor and I as a lecturer between the Institution of Social and Policy Studies and the Department of Economics. The next year that position was converted to a tenure-track assistant professorship. Even though, of course, that meant that I might not receive tenure, I was determined not to remain in an ambiguous part-time position.

In the seventies and early eighties, I continued to teach urban economics, but I became more and more interested in the intersection between economics and political science – an overlap that was important in understanding cities and metropolitan areas. I also got interested in corruption – a topic that overlapped with both fields. One can understand bribery as the use of economic incentives to allocate public benefits and costs in ways that violate the laws governing government interactions with the private sector. My interest arose, first, from studying US housing policies where the underlying design of some programs had created clear incentives for corruption, incentives that should have been considered by those designing the programs in the first place. That interest led to my book *Corruption: a Study in Political Economy* which explored aspects of this issue. I also co-authored a paper with Michael Montias on corruption in Soviet-style economies. At the same time, I was active in a program championed by Kingman Brewster, Yale's president, called the Program on Non-Profit Organizations [PONPO]. My special focus was on the political-economic role of NGOs and the incentives for charitable giving.

I extended my time without tenure beyond the usual time limits due to part-time appointments for childcare. However, although I believe that I had amassed a respectable publication record by 1981, I was denied tenure by the Department of Economics. I am reluctant to attribute that decision entirely to sexism because I was something of

a maverick with my choice of research topics and my interest in the politics/economics interface. I seldom engaged in empirical work, preferring to be an intelligent consumer, not a producer. Nevertheless, it was a shock and a disappointment. The most difficult aspect of the decision was that I had been unable credibly to accumulate outside offers because everyone knew that my husband was a valued member of the Law School faculty who believed that YLS was the best place for him to teach. Thus, I had to go on the national market with Yale's decision as a clear-cut black mark.

Bruce and I went on the market together with a strong commitment not to end up in a long-distance relationship both for ourselves and for our two kids, then twelve and nine. Eventually, Columbia University Law School hired us both. At that time, the law-and-economics field was just taking off, and most major law schools had hired economists. Columbia was behind the times, having failed in its efforts to hire such candidates. I will always be grateful for Columbia's willingness to take a chance on me and for allowing me to teach, not only a specialized course in law and economics, but also the basic course in administrative law. Other professors of law and economics at that time mostly focused on the private law of torts, contracts, property. My interest has always been in the regulation of the economy, especially environmental law and policy. At Columbia, I headed up its Center for Law and Economics and organized conferences that brought together administrative law professors with political scientists and economists working on regulatory issues. My research, at the time, became more focused on that intersection between public law and political economy.

After five years at Columbia, Yale persuaded us to return with appointments for each of us that were jointly between the political science department and the Law School. I helped to create the current undergraduate major in ethics, politics, and economics and taught a joint-listed graduate seminar on corruption and a law course in administrative law.

I returned to the topic of corruption after the fall of the Soviet Union. I spent a year as a visiting researcher at the World Bank in 1995–1996 just as the bank was beginning to recognize that it ought to have a role in limiting the impact of corrupt dealings. At the Bank, economic arguments tend to be the ones that have traction. Hence, my approach to corruption helped convince its management to take on the issue. In 1999, based in part on my World Bank experience, my second corruption book, *Corruption and Government*, attempted to make political/economy arguments in a nontechnical but rigorous form. Although most of my current writing does not focus on corruption, I retain a role as commentator and speaker. Recently, I wrote a short piece linking that topic with some of the difficulties that have arisen in fighting the coronavirus worldwide.

I conclude with my comparative work. In 1991–1992 I spent a year in Berlin under Guggenheim and Fulbright Scholarships comparing US and German approaches to environmental policymaking in the executive branch. The result was the book *Controlling Environmental Policy: The Limits of Public Law in Germany and the United*

*States*. In preparation for the year abroad, I audited a Yale College course in first-year German and continued with more advanced courses over the summer and after arriving in Berlin. That year was our first time without children at home, and we took advantage of our empty nest to move to Europe. I followed that experience with semesters at Sciences Po in Paris and Collegium Budapest, two-month-long visits to South Africa and London, and a second year in Berlin, as well as shorter visits to Italy, Latin America, and Asia. I have plunged into the difficulties of comparative research with a mixture of curiosity, open-mindedness, and patience. If I sit down to read a German or a French text, I need to give myself enough time and have my dictionary app at the ready. I have also been fortunate in relying on wonderful native speakers as co-authors and student assistants who have, I hope, kept me reasonably honest and accurate. Thus, *From Elections to Democracy: Building Accountable Government in Hungary and Poland*, which resulted from our semester in Budapest, was helped along by native speakers of Hungarian and Polish. I co-authored another book, *Due Process of Lawmaking: The United States, South Africa, Germany and the European Union*, with former students from Germany and South Africa and two papers on French administrative law with a professor at the University of Paris. These more focused scholarly activities were background for my 2021 book, *Democracy and Executive Power*, mentioned earlier.

So, did I have an intellectual trajectory? My scholarship has not followed a trajectory like that of a ballistic missile. Rather, it represents the exploration of a series of topics linked to my core interest in how institutions shape behavior and how self-interest can both undermine and further the broader public interest. I am especially interested in arguments for representative democracies that go beyond the ballot box and incorporate public input into executive policymaking, while respecting and incorporating science and technical expertise. As we have seen in the COVID crisis, this is not an easy balance to strike, but it is essential to responsible government.