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# Crime

# & Culture

**Crime as a Cultural Problem**
The Relevance of Perceptions of Corruption to Crime Prevention. A Comparative Cultural Study in the EU-Accession States Bulgaria and Romania, the EU-Candidate States Turkey and Croatia and the EU-States Germany, Greece and United Kingdom

Sappho Xenakis
**Domestic Elite Perceptions of British Corruption**

**SIXTH FRAMEWORK PROGRAMME OF THE EUROPEAN COMMISSION**

**RESEARCH PROJECT: CRIME AND CULTURE**

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# Domestic Elite Perceptions of British Corruption

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## Introduction

Perceptions of corruption are notoriously problematic indicators of levels of corruption.[1] Whether or not perceptions of corruption are reliable indicators of levels of corruption in a particular country, the arguments expressed in defence of such perceptions are valuable gauges of political culture, as well as of the exportable power of such (to the extent that the perceptions are accepted and reproduced outside the UK). All too often, however, 'culture' has been used to explain the reason for high levels of corruption in less developed economies; 'culture' is what has often been presumed to make non-Western societies corrupt, and Britain non-corrupt, although it has been argued by others that the very meaning given to the notion of 'corruption' itself has been demonstrated to be historically and culturally contingent.

Reference to 'political culture' is also delimited by the chosen focus of study, and here it is again important to emphasise that this study has been restricted to the investigation of perceptions of corruption amongst six focus groups; the media, politicians, the judiciary, the police, anti-corruption non-governmental organisations, and businesses. Public perceptions (as recorded by polling organisations, for example) were, unfortunately, not to be formally included in the study. It was not initially expected that the selected target groups would present perceptions that would strongly indicate their adherence to a single political culture; rather, greater conflict of perceptions was expected between the target groups. Indeed, the aim of the research was, at its outset, to highlight differences and overlaps in perceptions between such groups. The considerable overlap between perceptions of corruption held by individuals interviewed from these groups and evident from the documentary sources collected from each, in combination with the findings of previous academic research into perceptions of corruption in the UK, has impelled a renewed appreciation of the elite social composition of such groups.

Indeed, the research carried out for the Crime and Culture project by the UK working group has thus far found a considerable consensus amongst the material gathered in support of the notion that culture affects attitudes towards corruption, although this appears to be tempered by an equally significant consensus that levels of affluence also affect the prevalence of corruption. The perceptions of corruption that our group gathered overwhelmingly focused upon individual rather than systemic dimensions, and tended to include explanations that were sympathetic to perpetrators, whether

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[1] See for example the discussion of Krastev, 2004.

British or foreign, in as much as systemic causal factors predominated in accounting for corruption or absence of corruption. This dominant logic of interpretation appears to be a valuable point of comparison with the findings for other states included in the project. Other important areas for comparison include the findings that public opinion and effective parliamentary opposition were not raised as important to anti-corruption efforts. Media and NGO efforts to raise consciousness and advance anti-corruption efforts were recognised but not universally welcomed. Finally, the common acknowledgment that certain acts might be understood to be corrupt by law but were not perceived as particularly harmful or negative, is a finding that may be of significant value as a comparative factor in understanding just how culture may shape attitudes towards corruption.

Most importantly of all, however, may be the research findings that indicate the delicate balance currently evident in domestic attitudes towards corruption. On the one hand, interviewees clearly believed that awareness about the problem and evils of corruption had been raised amongst industry, politicians, public servants, journalists, and even NGOs. On the other hand, such views have been rapidly overcome by events such as the Law Lords' ruling on the al-Yamamah affair (on which further discussion follows below), and the onset of the global financial downturn. Despite evidence of, and insistence from some in business, media, and NGO quarters, that global business pressures are increasingly weighing upon British industry and forcing an anti-corruption stance amongst them, corruption scandals have clearly been displaced from their formerly (if short-lived) central place in political and media discourse. It will be of considerable interest to see whether similar concerns have led to a comparable displacement of interest in, or concern about, corruption in other states under research for the project, as well as elsewhere around the world.

**Domestic Corruption Concerns**

Over the duration of this research project, allegations of corruption have featured frequently and prominently in British political life. These stories have both had a noticeable impact on responses received during the second, interview stage of the research, but have also subsequently reaffirmed even more clearly attitudes towards corruption  amongst the six target groups (politicians, the media, the police, the judiciary, businesses, and NGOs). Two scandals that have held considerable sway over political and media debates over the past three years have been the so-called 'Loans for Peerages' affair of 2006/7 – a case that offers comparison with party

financing scandals experienced by the other country studies of the project – and the al-Yamamah affair, which involved the British defence and aerospace manufacturer, BAE systems, and the Saudi and British governments. The latter is of particular interest not only for what may be its 'typically British' corruption scandal features, but also since, from the moment at which the British Serious Fraud Office investigation into the affair was halted, the given reasons for the latter (namely, to uphold the best interests of British security and economy), the arguments concerning this alleged form of corruption were crystallised in public discourse.

Whilst both affairs flowed under the bridge, followed by other smaller party funding misdemeanours (provoking, for example, the resignation of one government minister, and the leader of the governing Labour Party in the Scottish Parliament), none appeared to have lasting repercussions on perceptions of corruption in the UK, despite expectations to the contrary that had been identified during the first phase of research.[2] None of the recent scandals involving Members of Parliament (MPs) over-claiming personal expenses or hiring and over-paying family members as personal assistants, have remained in the media for more than a couple of days at a time.[3] Whilst such scandals may have confirmed or aggravated suspicions about the integrity of MPs, a clear public denunciation of standards in public life has not appeared to have been made in response by any mainstream target group source. In contrast, the al-Yamamah affair has apparently had a far more pronounced impact on perceptions of corruption; the division between those believing firmly that it was a case of corruption which should be punished and which was damaging the UK's international reputation, and those who believed it to be less damaging to British interests to have had the investigation stopped as it was, came to the fore. A setback to the official (latter) view was faced when the High Court ruled that the investigation should not have been stopped, but this proved only temporary; given that the decision was subsequently overruled by Parliament's Law Lords themselves, reinforcing (if not entirely willingly, at any rate unavoidably) the dominance of the latter approach.[4]

The relatively low level of political rhetoric paid to the issue may be regarded as stemming from an understandable desire to portray Britain in the best possible light

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[2] See Xenakis, Scientific Report United Kingdom (2006). Resignations came from Peter Hain (see 'Hain quits job to 'clear name',' BBC News, 24 January 2008, and Wendy Alexander (see 'Alexander quits as Labour Leader', BBC News, 28 June 2008.
[3] See: Stephen Robinson, 'Michael Martin: The Speaker Cornered', The Sunday Times, 27 July 2008; 'Tory MP says 'I'm Sorry',' BBC News, 28 January 2008; 'New Scandal in Brussels as Cameron Ousts Chief Whip', BBC News, 7 June 2008.
[4] See 'Lords say SFO Saudi move lawful', BBC News, 30 July 2008.

for international business purposes, and from the fact that both of the principal political parties – Labour and Conservative – have been heavily implicated in the affair; the al-Yamamah contract was signed by the British and Saudi governments (BAE was the contractor), initially by the Conservatives (under Prime Minister Thatcher), at the outset of the deal in the 1980s, and subsequently by Labour (under PM Blair) when a further order was secured in 2005. On the other hand, however, the context of the 'war on terrorism' has also been playing an important part in shaping public discourse on corruption (a comparable role to that of the Communist threat during the 1970s and 1980s). In conjunction with the ever-increasing pressures of an economic downturn, such concerns have ensured that pragmatic attitudes towards such cases of corruption remain pronounced. Preoccupation with national security and economic buoyancy (not least amongst the struggling political parties themselves, but nationally too), have meant that interest and concern about corruption scandals have been downgraded. Amongst the general public, fears are firmly focused upon the economic downturn, rising unemployment and housing market slump, violent crime rates and, as and when put on alert by the government or media in any particular scare episode, terrorism. Since petty corruption – in terms of payments being asked by lower level officials of the general public for routine services – appears still to be relatively rare in the UK, and high level corruption receives sporadic rather than sustained attention from media, politicians and judiciary, it is unsurprising that corruption scandals have not been public or political priorities. Furthermore, it is interesting that whilst unbounded, unscrupulous, unbounded greed has been commonly identified as playing a key causal role in triggering the current economic crisis, within media discourse there has been an evident trend of to apportion the blame not only to the wealthy corporate elite but also to their irresponsible, overly indebted customers. Furthermore, mismanagement by the US banking sector more generally has been held responsible for provoking the global economic downturn; both the language of corruption has been absent both from British reporting on the issue as has been blame on British actors.[5]

The al-Yamamah affair and the cessation of the investigation have been priority issues only for the comparatively few: principally, activists in the NGO arena, and the section of the business community affected; i.e. large, international companies operating in areas – particularly arms, energy and construction – that tend to be especially competitive, lucrative, and corrupt. Indeed, perhaps the most significant shift in perceptions has occurred within the field of the business community, where

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[5] 'Who's to Blame for the Great Financial Crisis?', *The Telegraph* newspaper, 19 September 2008; 'Britons Blame U.S. for the Crisis', *Reuters*, 25 November 2008.

there has been a considerable effort paid to raise 'consciousness' of anti-corruption standards and corresponding required efforts, in tandem with a highly significant and dual threat: for those seeking to compete and expand operations within the US market. Firstly, there is considerable pressure upon such British firms, from the OECD, as well as from US lawyers and organisations representing business interests, to adhere to common standards with regard to anti-corruption norms.[6] This is a source of considerable concern, especially with regard to the potential for heavy fining by US courts and terrible publicity from scandals that threaten to be unearthed by dogged US criminal investigations. Secondly, British firms are as aware as their US and European counterparts of the challenges posed by 'BRIC'; the rapidly advancing economic powers of Brazil, Russia, India and China. The desire to ensure a 'level playing field', rather than one unbalanced by those willing and able to pay bribes to gain contracts, appears to have been convincing some British firms that the time may come (if it has not already) for a new approach.

**Methodology**

During the first research period of the project, each research team was assigned the task of collecting and analysing information concerning their respective jurisdictions according to two criteria. Texts were to be collected that constituted official or representative statements of opinion from each of the target groups, relating to both the two case studies (the Cash for Peerages Affair and the Pergau Dam/Foreign Bribery Scandal), as well as to corruption in general. Collection of materials was not required to be exhaustive, but selection and analysis were to be supported by other academic ('background') studies.

During the second research period, the criteria for selection, interrogation and analysis of the (human) sources of information remained constant. The project called for semi-structured in-depth interviews to be conducted with expert representatives from each of the six target groups. It was expected that a minimum of two and maximum of three interviews would be carried out per target group (a wider pool was not an option due to financial constraints). Given the small interview samples, findings from these may in no way be interpreted as adequate measurements of representative target group opinion. What has been aimed for instead is a range of material and corresponding analysis that is plausibly indicative of representative attitudes manifested by different

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[6] Michael Peel, 'OECD attacks UK Failure on Corruption', *The Financial Times* newspaper, 17 August 2008.

target groups, judged according to the evidence contained in supplementary background material.

Furthermore, it is important to underline that, far more than the selected data may be treated as tentatively representative of the six target groups, it may similarly be considered to be broadly representative of elite perceptions of corruption. Public opinion was not to be used as primary research material but rather as 'background' information (since it did not directly relate to any of the target groups). According to findings cited in the earlier project reports, members of upper socio-economic classes consistently report more favourable assessments of standards in public life than lower socio-economic classes. Given the scope of the research project, it was therefore to be expected that findings would portray a less critical perspective of corruption in the UK than would otherwise be evident amongst less fortunate members of British society. Despite the restrictions of the research, however, its potential value and justification are rooted its exploration of the coherence of perceptions amongst and within different sections of the elite.

The project required a Grounded Theory approach be used in selection and interpretation of texts and interviews. This meant that the selection of texts and interviewees was to be random, apart from the requirement that the subject were official or otherwise representative of their target group. 'Open coding' was also then used to interpret the text- and interview-based materials. This meant that the patterns of logic drawn from the materials were categorised according to patterns evident from the materials alone, rather than using pre-formulated models or categories and then assessing the degrees of compatibility between them, allowing the material to 'speak for itself' and in an effort to minimise the intervention of analyst biases. Commonalities between 'codes' evinced from material then allowed the formulation of more general ('higher') levels of coding. In this third stage of research, answers to the following five key research questions were compared from the first and second stages of the project: How is corruption defined?; How serious is the problem of corruption in the UK (type, size and scale); What sources or causes of corruption are identified?; What is seen as effectively combating corruption in the UK?; Is a 'British Model' of anti-corruption efforts viewed as exportable?

**Comparing Perceptions of Corruption**

*Definitions of Corruption*

Findings from the first stage and second stages of research demonstrated that in some target groups – political, judicial, and business, specifically – there was concern that what constitutes corruption has not been, nor is always today, entirely clear.

Political sources from the first stage had made the argument that an act might not reasonably have been identified as corruption at the time it took place; NGOs had pioneered new conceptions and understanding of what constituted organised crime that caught out some politicians unused to the new trend of thinking about the subject. Thus, according to this line of argument, politicians should not always be considered to blame for their actions where conceptions of what constitutes corruption are in the process of transformation and clarification. Also in the first stage, juridical sources considered that the law was highly complex and confusing in its treatment of corruption. This raised the danger both of leaving individuals (especially politicians, businesses, and legal experts) vulnerable to criticism for being involved in acts which were nevertheless not clearly designated by the law as criminal, but also weakening the chance of successful prosecutions of cases of corruption.

Businesses, in both stages of the research, voiced the concern that not all employees in a firm might be aware of the need to avoid acts and transactions that might be perceived as being corrupt, implying not only that what constitutes corruption is fairly vague, but also that companies needed to do more than simply reiterate the fact that it was not acceptable and invest more time and effort in explaining to its staff what it was and how and why it should be avoided.[7] Additionally, in the first stage it was argued (e.g. by the CBI) that whilst businesses already had in place ethical policies and practices, the development of British law on the subject might mean that businesses would benefit from seeking the advice of anti-corruption experts in devising their own standards and positions on different aspects of corruption. To this extent, then, businesses to some extent mirrored the politicians' argument that changing conceptions of what constitutes corruption could 'catch out' those 'unaware' of changing norms and regulations in particular.

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[7] See also PriceWaterhouseCoopers, *Confronting Corruption: The Business Case for an Effective Anti-Corruption Programme* (2008).

Overall, the first stage of research did not reap definitive formulations of the notion of 'corruption'; the word itself tended to be absent, whilst other, softer (or broader) references, such as 'standards in public life', 'sleaze' and 'cronyism' were evident. In the second stage of research, hesitation about discussing 'corruption' rather than 'standards in public life', for example, was evident amongst some by the refusals we received for interview requests; one expert on standards in public life explicitly declined an interview on the basis that their work was not related to corruption and they therefore could not see the relevance or point in meeting the researchers.

The second stage of research allowed us to directly pose the question of corruption to the interviewees we secured (implying already a more relaxed attitude to the issue). At this stage, we found that there was a fairly wide array of approaches to the definition of corruption amongst interviewees from all target groups. It was, for different interviewees, legally defined, restrictive, unclear (legally), 'grey' (morally), and complex, characterised by rent seeking, for some, and prestige-seeking, for others. Somewhat surprisingly, a police respondent demonstrated usage of a more expansive definition than some of the other interviewees, including the motivation of prestige enhancement.

A political respondent, on the other hand, implied that politicians had to be pragmatic above all and were expected to diverge from rules and regulations if the occasion so required; i.e. offering a fairly flexible understanding of the legitimacy and 'corrupt' nature of such deviance. They also highlighted the notion that historically, under-regulation had led to the continuance of practices that were now 'anomalous' given contemporary attitudes and legal developments concerning corruption, and that these were now being 'flushed out'. A judicial respondent clearly associated corruption with bribery and especially with petty corruption of lower-ranking public officials, whilst a police respondent associated corruption with organised crime and its efforts to infiltrate and corrupt the police. Media respondents differed in their conceptualisation of corruption in the UK, some focusing on local public administration and the awarding of business contracts at that level of government, whilst another focused on international business competition and the pressure on British companies to adhere to anti-bribery legislation. The NGO respondents were divided in their approach to corruption, one focusing on bribery and contract awards involving businesses, another focusing on patronage and interlocking interests between politicians and businesses (the 'revolving door' between political office and business careers), whilst another focused entirely on wastage and inequalities (i.e. largely in developing economies rather than in the UK). Industry respondents showed

a cautious approach in their delineation of corruption, focusing on bribery but arguing that it was more likely to happen in weaker economies where officials were otherwise insufficiently remunerated in their work, and if did happen in the UK, was unlikely to be known about (given that unsuccessful and successful cases of bribery alike were unlikely to be recorded).

### Size and Scale of Corruption

The unanimous view found from both research periods was that levels of corruption in the UK are low in international comparison (see code 4, above). Overall, recipients voiced the conviction that levels of corruption – whether amongst the political classes, the police, or the judiciary – were low. Standards of public life were consistently reaffirmed to be high by almost all text and interview sources. Dissenting voices cam from one NGO and one media respondent. A police respondent appeared more concerned about levels of corruption within the police – from a proactive stance – than appeared the case with the other target groups. Corruption involving businesses seemed to be more tentatively accepted as an extant problem, but one that was as likely to be portrayed as a problem for businesses (such as imposed upon them by foreign working environments or cultures) as one of business culture itself.

Petty corruption by public officials of the ordinary public is regarded as rare – a point substantiated by the findings of Transparency International's bribe payers index (see the Transparency International Global Corruption Barometer report, 2007). The interviews and substantive text analysis took place before the more recent wave of scandals involving Members of Parliament (MPs) over-claiming expenses and hiring and paying for members of their families as research assistants (see earlier footnote), so it is unclear how or whether this would have affected perceptions of petty corruption in the UK. The latter scandals have been addressed by the media but, as yet, do not appear to have been the sustained focus of attention from any target group or academic study.

In large part, the textual analysis did not reveal a focus on petty corruption or on which type of corruption might be more extensive in the UK. From supporting documentation and NGO material, the prevalent corruption issues in the UK appear to have been bribery involving companies and government complicity in order to win contracts for British businesses abroad, and bribery influencing the awarding of business contracts and generating unfair political advantages for parties at the local

government level. Patronage and elite political corruption do not appear to be areas of significant concern and do not appear to receive thorough consideration by sources from any target group or, indeed, background study.


*Sources of Corruption*

Most interviewees and documentary sources cited a number of sources or causes of corruption. Although most adhered to the notion that standards of public life are generally high, and that corruption cases are anomalies relating to individual rather than systemic failures, economic (systemic) explanations were also prevalent; national and societal affluence was widely believed to be negatively correlated with corruption and was cited as the predominant cause of low levels of corruption in the UK. With regard to individual causes of corruption, ignorance of officials and/or businessmen, and the existence of 'grey zones' – both moral and legal – were identified by many as sources of corruption. Intentional perpetration of corruption tended to be portrayed as rarer than accidental forms of corruption, where regulations were infringed unwittingly. Thus, for most of the target groups studied, the uncovering of corruption scandals each year (e.g. those involving politicians over-claiming expenses or under-reporting gifts and fees) does not give rise to concern about either systemic or individual weaknesses, for the identified cause tends to be personal ignorance or oversight (by implication, culprits are exculpated of blame, which is instead imposed upon bureaucratic regulatory confusion and complications, rather than greed and deviousness, thereby allowing the reputation for high standards of conduct of public officials to remain intact (at least amongst the elite represented by the target groups). Low levels of corruption are also then regarded as further reducible by clarifying and simplifying pertinent regulation.

Key sources of corruption identified were politicians, businesses, foreign public officials, levels of national affluence, and a decline of the 'public ethos', or spirit of public service. Each of these explanations is elaborated below.


Politicians

Politicians that have been implicated in scandals were often found to be portrayed as unfortunate, misguided individuals who inadvertently broke anti-corruption regulations; inadvertently, because they were unaware of the regulation in question or

because the regulations are sympathetically viewed as highly complex and/or burdensome, and thus easily transgressed. Politicians themselves portray each other in this way, but also some anti-corruption NGO officials supported this interpretation, as well as members of the judiciary. Police sources tended to be far stricter in identifying a crime of corruption as a crime when it took place by a British citizen, but also appeared more understanding when considering corruption stimulated by low salaries of foreign officials abroad.

In contrast, some media and NGO sources proposed more critical and cynical interpretations of corruption cases involving politicians, suggesting that figures involved were rapacious and intentionally and deviously broke anti-corruption regulations. Whilst these certainly were *bad* rather than *confused* apples, however, they were still presented as 'bad apples' rather than the norm amongst politicians and public officials (that might otherwise imply a 'bad barrel').

Businesses

Although businesses were regarded as actively involved in cases of corruption, as with the politicians, on the whole they too were not regarded as corruptors. That is to say, where business interests were involved in a case of bribery overseas (e.g. in order to win a contract), they were rather seen as victims of an environment in which bribing was almost standard procedure. Furthermore, some media documentation pointed role of politicians in sanctioning corrupt practices by British businesses in order to secure contracts overseas; thus, businesses were not entirely to blame for their complicity, but were instead often portrayed as trapped between foreign and domestic government sanctions. Interestingly, with regard to business efforts to secure illegitimate influence over political decision-making within the UK – via bribery/'gift-giving' – while this was regarded as a matter of considerable public opprobrium during the 1990s, the primary concern was clearly more with the maintenance of standards of public office than of the seriousness of the threat posed by the potentially corrupting business interests. Likewise, amongst the material collected during the two research project was the suggestion – from political and background sources – that business lobbying of politicians rarely confers unfair advantage, and the chances of exerting desired influence over political decisions via corruption extremely slim to non-existent (whether because of the antithetical, strong and high-minded culture amongst the gentlemanly body of politicians, or simply

because the structure and functioning of political decision-making makes such efforts futile).

Businesses themselves also suggested that they should be regarded as victims of corruption. Aside from the pressures that they face in seeking to compete within foreign business environments that may be corrupt (and the tortuous dilemma of whether to pull out from key markets that are nevertheless known to be thoroughly corrupt), business sources also indicated that 'corruption from within' might (similarly to the arguments raised above with regard to politicians) be caused by lower level company staff being inadequately supervised and overly ambitious, even if only seeking profit for the company rather than for themselves. In other words, here again was evident a positive interpretation – 'confused apples' – for human failings' (insufficient oversight, and misjudgement on the part of employees) rather than the reverse (blaming scheming and greed-driven employees and complicit company hierarchies, for becoming party to corrupt arrangements).

In contrast, some media and background sources at times portrayed businesses found to be involved in corruption as knowingly and willingly complicit ('bad barrels'); furthermore, that employees of lower rank could intentionally given the freedom of manoeuvre in order to facilitate plausible deniability by company executives of the corruption which they themselves tacitly encouraged. Such companies would persistently seek new ways of evading evolving anti-corruption legislation.

Foreign Public Officials

As indicated above, sources from several of the target groups – the judiciary, media, business, and civil society sectors – identified foreign public officials as stimuli for corruption by British citizens. Namely, that foreign public officials pressed British businesses to pay bribes in order to secure contracts, even if such bribery would be considered to be illegal under the foreign country's own laws. The identification of foreign public officials as stimuli for British corruption nevertheless tended to be tempered by the insight that, in the case of poorly paid officials of less economically developed states, the requesting of petty bribes was considered to be 'understandable' given such circumstances by most interviewees. Indeed, some sources from the business target group were also unwilling to see 'facilitation payments' classed as bribery (petty corruption) under British legislation. Such payments would typically be

used, where appropriate conditions were evident, to expedite the completion of routine official services abroad.


## Level of National Affluence

For some sources amongst the political, media, business and police (interview) target groups and background material, levels of national economic affluence were considered to be significant underlying explanatory factors of corruption: corruption was perceived as low in the UK and explained by the county's advanced economic character, whilst it was explained that the weaker economies of developing states could engender corruption because salaries of public officials there would be too low (and they might therefore resort to corruption).


## A lack or decline of the public ethos (spirit of public service)

Amongst the material collected, no commentary was found that explained the corruption of foreign officials that were themselves affluent in comparative or real terms, or were based in a developed economy, other than the notion that corruption in such circumstances could be culturally accepted there. Whilst the lack or stymieing of public ethos amongst foreign officials partly underlay explanations of corruption abroad, the lack or decline of a public ethos within the UK was also apparent in explanations of why 'bad apples' arose within British public life; these were individuals lacking in sufficient respect and admiration for the obligations placed upon them by their office. According to background academic literature, the undermining of a public ethos is often identified with the rise of neo-liberal policies, due to their elevation of principles of individualism and value accorded to market principles, and critical appraisal of the uncompetitive nature of public service.[8] On the whole, however, the British were widely regarded as 'culturally indisposed' towards corruption within the materials collected from both phases of the project.

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[8] See, for example, discussion in Alan Doig, 'Political Corruption in the United Kingdom' (2003).

*Effective Factors against Corruption*

Three key factors were identified within the materials collected as key to combating corruption within the UK; the media, foreign pressure, and NGO activity. The public ethos or, more specifically, the existence of a customary code of conduct amongst politicians, was also cited in a range of literature (political, judicial, NGO, police, and background material from both research phases) as constituting a key framework that restricted the likelihood of corruption taking place, since it would simply not be acceptable, as was – to a lesser extent – the development of stronger legal constraints against corruption. In the interests of comparative analysis, however, the role of democratic traditions – here meaning a vigilant political opposition and public accountability and a strong judiciary, in addition to an investigative media – are also addressed.

Media

As expected at the outset of the research project, the media is widely acknowledged to play an important role in uncovering corruption scandals. However, they were also the subject of criticism (e.g. by the judiciary) for being perceived to be more interested in whipping up public fervour over the issue than in accuracy. Political, NGO, and Judicial sources pointed to concerns that public trust in politicians was low – lower than it ought to be – and that this was to some extent fuelled by unscrupulous media reporting of alleged scandals. Furthermore, it was pointed out (e.g. by NGOs) that the media may often be credited for being more active and effective in fighting corruption than is actually the case, since the reports of NGO and official investigations into corruption may be mistakenly interpreted as the work of the media themselves when publicised via the media.

Foreign Pressure

According to NGO and media sources, British anti-corruption efforts have been significantly affected by the pressure created from becoming a signatory to the OECD anti-corruption convention, impelling the UK to update its anti-corruption legislation and in particular to include as a crime the bribery of foreign officials. A critical OECD report of Britain's draft anti-corruption bill in 2005 was seen as playing an important part strengthening the hand of critical voices calling for alterations to be

made to the proposed legislation. However, the extent of the influence exerted by the OECD upon British anti-corruption efforts has been seriously called into question in light of the dropping of the SFO investigation into the al-Yamamah affair, however, as British officials allegedly made significant efforts to undercut the subsequent OECD criticism of the move and did not bow to pressure from the OECD in the aftermath of the decision. The Joint Parliamentary Committee charged with scrutinising the draft British anti-corruption legislation of 2005 had also pointed to other more general international sources of pressure upon the UK to increase its anti-corruption efforts. The Committee argued that new legislation was required in order to match the complexity of current economic interactions, that Britain's treaty obligations required her to advance her anti-corruption efforts, and that, as a pre-eminent actor in world financial markets, it was also in Britain's interests to do so. In their view, international pressure derived from widespread anti-corruption momentum, treaty obligations, economic complexity, and reputation, all played an important part in encouraging domestic recognition of a need to increase anti-corruption measures in the UK. Pressure from the US and Europe (particularly France) has also been noted by media sources as having increased upon the UK; the US and Europe have appeared to be unhappy that Britain has not demonstrated as firm a commitment to anti-corruption efforts as has been agreed internationally, thus raising concerns that UK businesses may be allowed to undercut their foreign competitors by using corrupt means that will not be challenged by the British state – a fear that has been stoked in recent weeks and months by the ongoing al-Yamamah saga.

In the interview stage of the research project, this issue was addressed by a business target group source who, whilst highlighting the importance of the US market for some companies – and corresponding pressure to adhere to US anti-corruption strictures for those, such as BAE, trying to expand within the US market – nevertheless denied that international pressure from the US was driving anti-corruption initiatives amongst UK businesses. Instead, another factor highlighted was competition with fast developing economic competitors – BRIC (Brazil, Russia, India and China) in particular. The international pressure on the UK, from this perspective, was one shared amongst other established advanced economies; namely, fear of unscrupulous competition from BRIC and others, and strong desire to cement worldwide anti-corruption agreements in order to ensure a level playing field for business competition. Other sources gathered during both research periods did not address this issue.

NGOs

NGOs are widely acknowledged to have played a key role in advancing anti-corruption efforts within the UK. From the assistance provided by Transparency International in the drafting of anti-corruption legislation and internal anti-corruption regulations for companies, to the critique and activism of those such as Corner House and Campaign Against the Arms Trade, which have taken the government to court in order to challenge and strengthen corruption and anti-corruption norms respectively, domestic NGOs have been recognised as powerful sources of pressure for governmental, judicial and media action against corruption, even if they have not always successful in securing the desired outcome (as the al-Yamamah case has illustrated).

The prominence of NGOs in addressing and propelling the issue of corruption in the UK is not entirely welcomed by all, however; for some politicians, NGOs have succeeded in transforming common attitudes towards some acts, redefining them as corrupt and catching out those politicians who fail to keep up with the shift of opinion, especially when this is a relatively sudden shift. According to the documentary sources of information collected, some politicians have felt aggrieved when an act that they committed that was not legally corrupt was subsequently defined as such by dint of NGO efforts.

Customary Code of Conduct and the Public Ethos

Confirming the findings of a wealth of literature on attitudes towards corruption in the UK, this research project also found that reference to customary codes of conduct – in particular, gentlemanly principles amongst politicians – were frequently made in explanations of why there is little corruption within British public life.[9] Political, judicial and NGO sources explicitly made reference to the good intentions of politicians and the importance to the 'average British politician' of their personal integrity and maintaining their honour as well as that of the House of Parliament. Temptations would thus be rejected by most Members of Parliament (MPs) and any attempt to bribe would most likely cause an MP embarrassment. Police, media and business sources at best only alluded to this explanation, and certainly put far less

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[9] See, for example, Dawn Oliver, 'Regulating the Conduct of MPs: The British Experience of Combating Corruption' (1997).

emphasis on the notion, even if they too suggested that most people had good intentions in carrying out their public duties.

Political Opposition, Judicial Power, and Public Pressure

In international comparative literature on corruption, strong democratic traditions – an investigative media, vigilant political opposition, powerful judiciary and public accountability mechanisms (so that the citizenry can elect different governments and punish corrupt parties or leaders) – are often thought to be important in providing the appropriate checks and balances that prevent or limit corruption in public life.[10] In the material collected during the research project, however, little reference was made to the power of the judiciary (other than to the beneficial role of increased legislation against corruption over recent years) or to the disincentive function of a political opposition in reducing corruption within the UK. Police, Judicial and NGO sources expressed the opinion that anti-corruption efforts in the UK were hampered by the limitations and obscurity of the law on the issue. Public opinion was mentioned (e.g. by judicial, political and media sources), but only in regard to concerns that public interest in politics and trust in politicians has been diminishing in light of successive corruption scandals. Indeed, an NGO and a business source in the second (interview) phase of research explicitly denied the relevance of public opinion to the momentum of anti-corruption efforts within the UK, whether in the political or business arenas.

*Perceptions of the 'British Model' and its exportability*

As has been noted in previous scientific reports from the first two phases of research, one of the central aims of the study has been to explore not only what is perceived to make the UK less corrupt than other countries, but also whether the UK's experience can be replicated elsewhere. From the first phase of research, the materials collected made little reference to any notion of a 'British model' of anti-corruption efforts *per se*, although several sources regarded Britain as relatively uncorrupt in regional or international comparison. The second phase of research demonstrated that the majority of interviewees did not have a clear conception of what exactly the 'British model' entailed. In cases where sources did identify a British 'model', this tended to be identified as a trend for low levels of bureaucratic regulations, greater emphasis on

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[10] See Harry Seldayo and Jacob de Haan, 'The Determinants of Corruption: A Literature Survey and New Evidence' (2006).

self-regulation to ensure high standards of public service, and the impact of cultural norms (customary codes of conduct), which dissuaded corrupt acts by implying that embarrassment and shame would subsequently label any perpetrator. To the extent that such norms could be promoted internationally, there was a small degree of interest and belief that this was a credible and desirable possibility. Nevertheless, some sources demonstrated greater concern than others that the potential of the British government to promote anti-corruption norms and good government abroad had been damaged by the process of the al-Yamamah affair and international criticism of the UK that had consequently been made. For others, however, the recent scandal and criticism was not a significant issue, whether because corruption was not considered to be a priority in terms of British interests and foreign policy, or because the interviewee did not agree that Britain should aim to constitute an international 'model' in any case.

**Target Group Perceptions of Corruption**

Offering an overview of perceptions of corruption gathered by target group over the first two research periods, this section aims to clarify any differences between documentary and interview sources of perceptions, as well as differences and similarities found in perceptions within and between target groups.

*Target Group Politics*

In the first stage of the research project, documents gathered from records of parliamentary debates, committee hearings, and reports demonstrated a strong support for idea that standards of public life are generally high in the UK and corruption rare. Politicians believed each other to generally be of good faith and bound by customary codes of conduct that dissuaded corruption and instead valued honour, integrity and public service. Patronage was largely accepted, although there were views that the process of awarding state honours could be improved. In terms of the effectiveness of counter-corruption measures, politicians were split between those who felt that sufficient penalties for those found guilty of corruption were not being implemented, and those who strongly defended the overall integrity of the political system and the customary means of preventing corruption (i.e. self-regulation), at the same time as seeking to protect rights of privacy and autonomy for politicians and parliament, respectively. There was also a fairly strong consensus that business access to

politicians does not equate to illegitimate or corrupting influence, and that the power of businesses over politicians was largely denied, although there was a degree of sympathy evident in discussing the predicament of British businesses operating overseas in corrupt environments. Politicians tended to be more sceptical of the role of the media in advancing anti-corruption efforts in the UK. Some concerns were also raised about the role of NGOs as a vanguard of anti-corruption efforts, although in general their role in demanding political and judicial accountability was lauded as an important means of combating corruption within the UK. The second phase of the research project provided some useful and interesting supportive elaboration of the points above. Namely, support was voiced for the so-called 'good chaps' theory of effective parliamentary or broader cultural norms in limiting corruption amongst public office holders. Whilst these were regarded as having been in decline since the 1960s, however, they were viewed as being slowly replaced by a shift towards the codification and strengthening of anti-corruption regulations. The latter development was not regarded in a wholly welcome light, however, given the desire to maintain parliamentary autonomy and customary norms instead. A critical view of the media in encouraging overly-negative public perceptions of political corruption in the UK was also evident.

*Target Group Legal System*

Judicial material used in the first stage of the research from the Law Commission also sustained a favourable opinion of standards of public life in the UK, and equally criticised the media for spreading mistaken assumptions about scandals amongst the public. Corruption was considered more likely to happen as a result of opportunism, stimulated in turn by a lack of clarity or comprehensiveness of the law. The law itself was regarded as containing loopholes and irrationalities as a result of having evolved in response to particular problems or scandals over time. Implicitly, therefore, better laws were expected to prevent corruption both by reducing opportunistic crime but also corruption carried out by mistake. Interviews provided a richer source of perceptions on corruption, especially highlighting the historical development of British experience since the 1960s. Again, the law was deemed to have played a key role in changing attitudes towards corruption in the UK and effectively increasing regulations and controls, so that corruption had diminished in the UK over the past fifty years. Furthermore, foreign pressure (see elaboration above) was also regarded a more significant generator of anti-corruption efforts within the UK than domestic public opinion. While it was argued that the British are culturally indisposed towards

corruption (because it conflicts with their adherence to the concept of fairness and openness, the 'cricket' norm), it was suggested that corruption by British companies abroad (in order to win contracts) is not widely believed to constitute a harmful practice amongst the British (or 'bad corruption').

### Target Group Police

According to material collected from the Association of Chief Police Officers and the Serious Fraud Office in the first stage of research, the police target group strongly supported the view that British public institutions are marked by their high standards of conduct by office holders and clear disapproval of corrupt practices. The police view themselves as important standard bearers in terms of exporting the best of British standards abroad via their working relationships with foreign counterparts in which part of their job may expressly be to assist in the fight against corruption or the establishment of anti-corruption codes of conduct amongst police. The notion that this should be cause for limiting anti-corruption efforts was rejected, however, and indeed more attention to the subject was sought in order to see the improvement of efforts to combat it. There was an awareness of the limitations of legal prohibitions to effectively control corruption, although further reform of the law was advocated in order to assist police efforts to implement anti-corruption regulations. The police adhered to a wider conceptualisation of what constitutes corruption than other target groups at this stage of the research, as 'the abuse of a role or position held, for personal gain or gain for others'. An expansive definition of corruption was reiterated at the interview stage of the research process, the guiding principle being the combat of 'unfairness', whether an advantage is gained of wealth or status by unfair competition. Foremost in the conceptualisation of corruption was nevertheless its relevance to the police force, i.e. corruption of police officers by criminal gangs. The existence of political will to fight police corruption was praised and highlighted for its facilitation of police anti-corruption efforts, but there was little comment on the political will to combat corruption in public life more broadly.

### Target Group Media

In the diverse range of materials (largely newspaper articles) gathered during the first stage of research from the media target group, it was evident that perspectives on corruption within the target group were considerably heterogeneous. One area of

consensus, however, was that standards of public life were considered to be higher than in many other countries, and that levels of corruption in the UK are lower than elsewhere. With regard to the power of lobbying, both NGOs and businesses were viewed as gaining influence via access to politicians (this was interpreted both negatively and positively). Sections of the media shared the concern of the judiciary and politicians that scurrilous media reporting of scandals could unfairly diminish the faith of the public in standards of public office (without due cause). There was no consensus about the existence of customary codes of conduct amongst MPs or others in public service; whilst some took a more nostalgic view of the decline of the public ethos, others took a more cynical approach to the stances of politicians towards corruption, viewing them as hypocritical. In contrast, then, to the views drawn – albeit restrictively – from the police target group, the media were more likely to critically challenge the extent to which political will truly existed to counter corruption in public life.

In both documentary and interview stages of research, some elements of the media demonstrated distaste for what they saw as 'double standards' operating with regard to British approaches to corruption at home and abroad, and were more sharply critical than the judiciary or politicians about political complicity in the bribery by British businesses of foreign public officials. Other elements opposed the expansion of anti-corruption regulation in this area, and took a more 'realist' (rather than 'idealist') attitude about the difficulties of balancing anti-corruption objectives with securing other moral goods, such as improving national employment rates and security. In contrast, the 'cash for honours' scandal was not widely regarded as 'real' corruption, because the awarding of a state honour was not seen as according anything of actual value to the recipient. In addition to the media, both NGOs and foreign pressure (see elaboration above) were regarded as having contributed to lower levels and greater awareness of corruption in the UK.

### Target Group Civil Society

NGO perceptions of corruption in the UK collected over the research project were also highly differentiated from one another, even though they contained less radical heterogeneity than demonstrated by the media target group. As with all other target groups studied, the word 'corruption' itself rarely appeared alongside discussion of bribery, influence, 'sleaze' and the scandals considered, even though the NGOs specifically addressed corruption issues. Both the document and interview phases of

research demonstrated that standards of public life in the UK were generally deemed to be good, and better than in other countries. Some were sympathetic to the pressures faced by UK businesses to bribe abroad, others were more critical and of domestic forms of corruption (including patronage and close ties between public officials and businesses). Some sources were more positive about the level of political commitment to anti-corruption efforts than others, however, whilst others more sceptical about the integrity of politicians and their distance from powerful business interests. Indeed, it was stated by one source that "policies, not culture, create corruption", indicating that politicians were largely responsible for corruption. Some sources laid greater faith in the potential of legal reform to combat corruption than others that took a more cynical approach, although there was agreement that legislation and transparency were not sufficient means of combating corruption. The existence of adequate penalties, enforcement of regulations, and consciousness-raising were also deemed to be important to ensuring effecting anti-corruption efforts. Court cases were viewed as helpful means of clarifying the law and in raising awareness about corruption. Whether the UK is seen as a relatively positive example of low corruption or is viewed critically for the weakness of its domestic anti-corruption efforts was a matter of disagreement amongst the sources found.

### Target Group Economy

From the materials collected in the documentary and interview stages of the research project it was evident that most business sources were unwilling to pronounce their views on the broad topic of corruption in public life, but did largely adhere to the view that corruption has increasingly become unacceptable in the UK and for British companies operating overseas. British public corruption was largely deemed to be slight due to the lack of need and sufficient salaries of public officials. Far more detail was available in the second, interview stage, than the first, with regard to business perceptions of corruption. International standard setting and NGO activity were acknowledged as important stimuli for growing business awareness and anti-corruption efforts. Corruption involving British companies abroad was typically characterised either as a result of ignorance or lack of preparation, or else of pressure from the foreign environment or international competition; it was sympathetically noted that it would be difficult for companies and, in particular, lower-level staff, to refuse to operate in a key market area on the grounds that it was known to be a corrupt environment. Neither public opinion nor the media were viewed as important stimuli of anti-corruption efforts in the business world, but rather interview sources

emphasised that businesses had recognised the importance of the issue separately, earlier, and more systematically than media interest in the subject.

## Conclusion

This study has found widespread belief amongst interviewees that culture affected attitudes towards corruption and, in particular, that British culture and/or customary codes of conduct amongst public officials and politicians dissuades the perpetration of corrupt acts. However, national affluence is also commonly credited with precluding a susceptibility to be corrupt amongst public officials in the UK. Different sources highlighted the role of regulations and their enforcement, awareness-raising by NGOs and the media, and foreign pressures on politicians and businessmen, as key factors that have also helped to advance anti-corruption efforts in the UK. Overall, there was little evidence of a desire amongst interviewees to view Britain as a model of anti-corruption efforts internationally, although the consensus was that Britain is less corrupt than many other states. As has been detailed in the scientific reports produced for the project, interviews tended to reinforce and elaborate the viewpoints found in the collected documents from each target group.

The police were probably the most restrictive of the target groups in terms of willingness to discuss patterns of public corruption, although their definition of corruption was the most expansive. The business target group was also considerably more circumspect in discussing broader patterns of public corruption than the other target groups. The media and NGO target groups contained the most critical perspectives of British corruption, but these target groups were also the two most heterogeneous, demonstrating a variety of contradictory attitudes towards corruption. Corruption was by no means viewed as systemic by any particular target group, but from all groups there came recognition of the impact of an international competitive environment and foreign market expectations that placed pressure on British businesses to become involved in corrupt acts. Domestically, the central division of opinion between all target groups was whether individuals should be considered 'bad apples' or 'confused apples'; in other words, there was substantial disagreement about the extent to which corruption was committed by public officials unwittingly or purposefully. The predominant view appeared to be that corruption, when it took place, was largely engaged in unwittingly by public officials. The primary cause of public corruption in the UK was correspondingly identified as unclear and overly-complex regulations.

Clearly, there are a number of potentially interesting findings for comparative research in this area; namely, the lack of apparent importance paid to public opinion or effective parliamentary opposition to counter corruption, the criticism offered of the media and NGOs, the similar issues of non-recognition of certain acts as 'corrupt' (or rather, recognition of certain acts as 'corrupt' but denial of their negative nature). From this case study it is not entirely evident how the overlap and distinctions between perceptions of and within different target groups may provide an insight into the formulation of anti-corruption efforts internationally, but the cross-country comparison that will be carried out in the later stage of this project aim to shed light on this issue. The British case-study demonstrates some similarities with its continental counterparts in as much as facing a common dilemma of how to manage party funding in a way that enhances rather than detracts from democratic values. Despite the recent Loans for Peerages Affair and efforts to address issues that lie at the heart of the matter, the UK has not been able to definitively resolve this dilemma. Equally, its approach to corruption carried out by British official representatives or registered companies in foreign jurisdictions has been shown once again to be one fraught with tensions of conflicting interests and interpretations of the nature and significance of corruption (and of the obligation to combat it).

The second phase of the research demonstrated even more emphatically than the first the popularity amongst the target groups of cultural-based explanations for the absence of widespread corruption in the UK, the reasons why British individuals may become involved in corrupt affairs and what form corruption tends to take in such instances. While there was a strong prevalence of cultural explanations (usually in the form of a hybrid systemic/individual level approach) for the perceived lack of corruption in the UK, economic explanations (also mixing systemic and individual levels of analyses) were also often employed to explain corruption where British or foreign nationals were complicit in the arrangement. What the second phase of research also made evident, however, was the common reluctance, cautiousness or outright dismissal of the notion that British attitudes or formal practices relating to corruption could or should be promoted for export. It is important, too, to emphasise two facets of this sentiment: firstly, it as least as often related to economic explanations as to those cultural in assessing varying experiences of corruption of different states; secondly, it also appeared to be underpinned by an admission or awareness that British anti-corruption efforts have not been meeting international standards and therefore were not something that could be proudly promoted elsewhere.

The most significant remaining conundrum remains the extent to which the attitudes recorded are representative both of their 'target groups' and of British society more generally. In  particular – returning to the thorny issue of 'whose' political culture was being analysed – there is considerable reason to treat the attitudes presented as representative only of a small, if significant, elite engaged in framing public discourse; more populist media outlets were not a focus of the research, nor was public opinion as measured via polling, for example. In light of the wealth of research that has been carried out that demonstrates a strong correlation between higher socio-economic class and faith in the effectiveness and fairness of the extant social order, it seems only reasonable to expect that perspectives of corruption would differ if our study had included a broader set of target groups.

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# SIXTH FRAMEWORK PROGRAMME OF THE EUROPEAN COMMISSION   PRIORITY 7, FP6-2004-CITIZENS-5

## SPECIFIC TARGETED RESEARCH PROJECT: CRIME AND CULTURE

**Crime as a Cultural Problem. The Relevance of Perceptions of Corruption to Crime Prevention. A Comparative Cultural Study in the EU-Accession States Bulgaria and Romania, the EU-Candidate States Turkey and Croatia and the EU-States Germany, Greece and United Kingdom**

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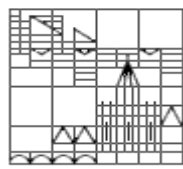
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