



UNIVERSITY OF KONSTANZ
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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

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Crime and Culture
Breaking New Ground in Corruption Research



Sixth Framework Programme of the European Commission
Specific Targeted Research Project



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What is ‘Crime and Culture’? A Short Description¹

‘Crime and Culture’ is a specific targeted research project supported within the Sixth Framework Programme of the European Commission and co-ordinated at Konstanz University, Germany. It brings together 35 researchers across ten institutions in eight European countries. The research project aims to develop means to optimise corruption prevention in the EU. The urgency of such a project is reflected in the fact that corruption holds the potential to retard seriously the process of the Community’s enlargement and integration, even to the extent of threatening the very core of its concept of social order. The prevention policies that have been developed by the EU and implemented so far within individual member countries have in general been characterised by legislative, administrative and police force measures. These are based on a definition of corruption prevention developed in political and administrative institutions that rely on a ‘top-down’ procedure for its implementation. The research project purports to conduct not an inquiry into the nature of corruption ‘as such’, but rather into the perceptions of corruption held by political and administrative decision-makers in specific regions and cultures, those held by actors representing various institutions and authorities, and above all by the citizens and the media in European societies. The project proceeds from the assumption that the considerably varying perceptions of corruption, determined as they are by ‘cultural dispositions’, have significant influence on a country’s respective awareness of the problem and thereby on the success of any preventative measures. For this reason, the project investigates the ‘fit’ between ‘institutionalised’ prevention policies and how these are perceived in ‘daily practice’, as well as how EU-candidate and member countries as a result handle the issue of corruption. In a final step, the research project intends to make specific recommendations for readjusting this ‘fit’ in the frame of an interactive scholars-experts conference in Brussels.

The members of the project consortium are: University of Konstanz (Germany, Co-ordinator), University of Tübingen (Germany), Police University (Federal German State of Baden-Württemberg, affiliated), Centre for Liberal Strategies (Sofia, Bulgaria), Research Institute for Quality of Life-Romanian Academy (Bucharest, Romania), Galatasaray University (Istanbul, Turkey), University of Zagreb (Croatia), National School of Public Administration and Local Government (Athens, Greece), Panteion University (Athens, Greece), South East European Studies at Oxford (United Kingdom), Center for Research and Policy Making (FYR Macedonia, affiliated).

¹ For detailed information about the research project, research results and other important material please visit the project website at: www.uni-konstanz.de/crimeandculture/index.htm, email: crimeandculture@uni-konstanz.de



What are the Objectives of the Project? A Short Description of the Empirical Approach to the Culture of Corruption

The goal of the research project is to deepen the knowledge of the phenomenon of corruption in the countries designated above. In doing so, it follows a twofold line of inquiry:

- The objects of the project are both the *conceptual preconditions* of the expert systems as well as the *socio-cultural conditions* under which these systems are put into effect. The project's first and second empirical phases focus on the reconstruction of the cultural patterns underlying the perceptions of corruption among actors in the following target groups: Politics, Judiciary, Police, Media, Civil Society and Economy.
- Expert systems have been evaluated during the project's first empirical phase by means of a sociological analysis of documents. The field work started in the second phase by conducting interviews with persons active in all six target groups, who are involved in efforts to prevent corruption. Through the analysis of the data generated in this fashion, the common-sense definitions of corruption that hold in the respective countries will be reconstructed.
- In the third empirical phase, 'bottom-up' strategies for the prevention of corruption are to be developed on the basis of the empirical findings from phases one and two. These will serve as supplements intended to improve the effectiveness of the existing expert systems, which are presently limited to a 'top-down' approach. The existing prevention policies and procedures within the given society ('expert systems') will be submitted to a systematic strength-weakness analysis.
- On the basis of the findings from the phases one to three, points of departure will be delineated for the revision of the existing expert systems. In the project's concluding phase, these will be discussed together with policy-makers within the framework of a scholars-experts conference in Brussels and then applied to the design of new preventative policies.
- Via contacts between the project consortium, anti-corruption initiatives in the public sphere and the media, the 'common-sense perceptions of corruption' reconstructed in the first three phases are to be communicated to the interested public. On the basis of the discussion of this concrete issue, the project will foster the development of civil-societal culture in the participating countries.

Methodically the empirical research is designed as a content analysis following Anselm Strauss' concept of the Grounded Theory. Content analyses not only the manifest content of the material – the concept of content can be divided into:

- Themes and main ideas of the text as primary content

- Context information as a latent context. This second, non-explicit level of content analysis is all the more important since the project aims to illuminate a) the conceptual preconditions sustaining the perceptions of corruption among institutional actors and b) the cultural patterns underlying both the anti-corruption policies and the understanding of corruption among the groups targeted by the prevention measures.

These two levels of the content analysis approach are interconnected by making specific inferences from the manifest content of corruption discourses to their inherent properties, that is to say motivational resources, cultural beliefs, reality assumptions and ethical values. For the purposes of the project, content analysis means fitting the research materials into a model of communication: It should be determined on what part of the communication inferences shall be made to the aspects of the communicator (experiences, beliefs, dispositions), to the situation of discourse production, to the socio-cultural underpinnings. In doing so the project neither puts any hypotheses to test nor does it validate or justify a pre-existing theory, but rather looks for a theoretical set (patterns of argumentation or schemes of reasoning) that accounts for the research situation – in our case societal perceptions of corruption – as it is. Like the Grounded Theory which supports it, the content analysis progresses inductively: The intended theoretical insights will be revealed developed and tentatively verified.

It is obvious that in this scheme the hermeneutical circle holds true in the case of content analysis. This means that unlike sampling done in quantitative investigations, theoretical sampling cannot be planned before embarking on a Grounded Theory study. The specific sampling decisions emerge during the research process itself. This in turn can only be established through the analysis of the data and the development of the ordering codes and categories. Those codes/categories are saturated when no additional data can be found that can provide further properties. In other words no further data could be supplied that function as instances and even falsifications of these categories. Theoretical sampling comes down in practical terms to two sampling events: An initial case is selected and, on the basis of the data analysis pertaining to the case and hence the emergent theory, additional cases are selected. This selection could be carried out either by choosing a case a) to extend the emergent theory, b) to test it or c) to supply contradictory outcomes (but for predictable reasons). As far as the collection of data is concerned the Grounded Theory approach favours the use of multiple sources converging on the same phenomenon. Data bases from different sources widen the scope of property findings for the categories. As we are dealing with six target groups/data bases this diversity criterion has easily been matched in the project. Ordering the data in turn depends on the number of cases to be evaluated – for our project a chronological order for example does not seem to make much sense at first.



Codes/Categories Development²

- Since content analysis boils down to systematic text interpretation, it strongly depends on a reliable technique for compressing the propositions of the text into few content categories based on an explicit rule of coding. Concerning this rule the most important guideline consists in making inferences based on the identification of core characteristics of the pro-positional content of the text. For their part these characteristics provide the basis for forming the codes and their interrelationships (categories).
- In the framework of the qualitative content analysis the interpreting categories are as near as possible to the materials gathered. This means that for the most part we proceed inductively – and develop the interpretation aspects step by step abstracting them from the textual database. Broadly speaking formulating codes comes down to finding general variables that the propositions or a cluster of propositions in the analysed text are instances of.
- In contrast to an a priori coding that establishes the categories prior to the analysis based upon certain theoretical presuppositions a coding method has been chosen that relies itself on the emergent meaningfulness of certain propositions. The emerging coding is an open process in that the exploration of the relevant data is not sustained by prior assumptions of what might be discovered. This is all the more important in view of the fact that neither the data choice nor the pro-positional utterances of the actors should be prejudiced. Because there was no articulated problem in advance the research relies on generating problem cases all along the research process.
- The identification of characteristic features as well as the inferential abstraction are especially suitable to generate recurrent patterns of argumentation and schemes of reasoning. With a certain interpretative skill they can be reconstructed on the basis of the inductive references established by the codes or categories.

² The 'ATLAS.ti' qualitative data analysis software package that is used in the consortium supports (but does not replace) the interpretation process for it helps considerably in reducing the volume of the pro-positional content of the texts under examination. There are two models of data analysis within 'ATLAS.ti': firstly the 'textual level' that focuses on the raw data and comprises procedures like text segmentation, coding and memo writing; and secondly the 'conceptual level' which concentrates on framework building activities such as interrelating codes, concepts and categories to form theoretical networks.



Perceptions of Corruption: Findings of Research within the First Project Research Phase by Each Country Study Group³

The projects started in the first research phase with an analysis of documents from the six target groups (see above). The aim was to generate objective, i.e. manifest in documents (not 'objectively true') data of the institutional framework and the specific rationality of the field of action ('professional habit') in contrast to the subjective intentions of individual actors that are explored on the basis of expert interviews from the six target groups. A leading assumption of the project's approach lies in differentiating the general institutional function an actor has to fulfil from the specific subjective perspective, in which these functional imperatives must be translated by the actor under concrete action contexts.

Access to the documents was considerably more difficult than the consortium has planned. Regarding data generation most problems were encountered in the target groups Police and Judiciary not only in EU-accession and candidate countries but also in EU-member states. Although in EU-accession and candidate countries regulations on public access to information are legally in force, the implementation there is still lacking, whereas in the EU-member states legal restrictions such as fiscal secret exist. These deficiencies had to be compensated by drawing upon supplementary material that was very informative and suitable to our research purposes despite not being specific to the cases under study.

With regard to the research process the document analysis carried out in the first project phase has a twofold function. The document analysis provides us with first insights on the field and helps to generate issue sensibility. On this basis concrete questions for the expert interviews in the second phase have been developed.

1. Corruption in Bulgaria⁴

Introduction

The phenomenon of corruption as a clearly defined social problem appeared in Bulgaria towards the end of the 1990s. Similarly to Western democracies, the problem of corruption in Bulgaria was first studied and brought to the social agenda by non-governmental actors. Since

³ The presentation of project findings within this chapter is based on the executive summary on the first research phase of the project submitted by all partners of the consortium to the project management at the University of Konstanz. This chapter abstains from specific information regarding applied methods and empirical research proceedings by each country study group since the research methodology and empirical methods described above apply to all country study groups. However, details about methods are added only in case they are necessary to better understand findings of research.

⁴ The members of the Bulgarian study group are: Dr. Daniel Smilov (co-ordinator), Rashko Dorosiev (M.A.), and the research assistants Ms. Yana Papazova (M.A.) and Ms. Anna Ganeva (M.A.).



the end of the 1990s Bulgaria has been included in a number of international and national surveys measuring public and experts' perceptions of corruption. In spite of all this interest in the topic, not much has been done to study the phenomenon in its socio-cultural aspects. The present paper is an attempt to study how corruption and anti-corruption are understood on the 'every day' level and why the anti-corruption measures implemented up to now have not managed to achieve the initially planned results. By investigating the correspondence/discrepancy between the perceptions of corruption and anti-corruption grounded in the anti-corruption programs and those of the political and administrative decision-makers the consortium aims to develop means of optimising corruption prevention.

Data Generation

The empirical study of the perceptions, notions and ideas of corruption of the target groups included in the project was conducted on the basis of two case studies that were used for framing the process of data generation: The privatisation process of Bulgartabac holding and a suspected donation to the party foundation *Democracy* of the United Democratic Forces (the main right-of-the-centre party during much of the Bulgarian transition). This approach was chosen for several reasons. First of all, corruption has been in the focus of public attention for the last ten years and the scope of the generated data was limited to a reasonable amount. Secondly, using the framework of case studies allowed us to generate better quality materials and to avoid general documents including banal, abstract or simply copied perceptions of corruption. However, in practice, it turned out that it is not that easy to find any good quality cases of corruption that involved all target groups with documented statements, reactions or other written materials. In order to compensate for this, other documents that were not directly related to the cases but contained useful information about perceptions of corruption were used as well.

Interpretation

In the process of interpretation all findings were combined that had been obtained by the means of qualitative content analysis in a single story that gives information about perceptions of different target groups included in the project. While in the process of coding one should refrain from using general knowledge of corruption, at this stage contextual understandings were used to construct the overall situation of corruption in Bulgaria. That was done in order to place the empirical findings in an appropriate context.



Basic dichotomies in coding and interpretation

The following basic dichotomies have been identified, which illuminate the differences in the understanding of corruption between the different target groups.

- Legalistic conceptions vs. public-interest-based conceptions. This dichotomy captures the extent to which an actor sticks to the legal definition of corruption rather than using a more expansive and inclusive concept relating to a specific vision of the common good.
- Pro- and contra-foreign financial participation in domestic politics (no special worries about the foreign element). This dichotomy was especially relevant for the analysis of the impact of foreign actors in the privatization and funding of political parties.
- What to do with money from illegitimate sources – accept to make good use of them or reject and blacklist? This dichotomy is mostly relevant for the analysis of the perceptions of corruption of politicians and senior administrators.
- Legitimate lobbying vs. corrupt influence. The link between political actors and economic pressure groups is not completely transparent in the new democracies of Eastern Europe. This dichotomy tries to capture different perceptions of the legitimate forms of such links.
- Private use of political money vs. public use of political money. This dichotomy captures different perceptions of the role of political parties in corruption. If a corrupt transaction is performed for the sake of party building/funding purposes, sometimes it is justified by politicians as a necessary measure (the “financial blight of parties”, etc.).
- Transparency vs. egalitarianism. The overarching emphasis in the fight against corruption in Eastern Europe has been on the question of transparency. Issues such as the disproportional influence of corporate interests in politics have been largely neglected. This dichotomy is tries to capture the tension between two different visions of corruption - lack of transparency vs. corporate capture of the political process – which could present quite different problems and challenges.

Results: Perceptions of Corruption

Target Group Politics

No single definition of corruption exists amongst politicians despite the manifested consensus that corruption is a negative phenomenon that has to be combated. It appears that in the framework of privatisation, corruption could be understood in different ways depending on the current positions of the politicians and their political parties. Largely, when in power, politicians tend to praise *political privatisation* where the decisions are made on the basis of

political arguments, by elected bodies having extensive powers to decide not only on the economic and formal parameters of the privatisation offers but also on a number of other issues, such as possible consequences for the society as whole. On the other hand, opposition politicians claim that *political privatisation* is corrupt and favour the practice of *technical/expert privatisation*, based on purely technical and formal considerations, where appointed bodies (of independent experts) take the most important decisions following a strict legal procedure. This dichotomy is the main result of the public interest trap. The public insists on fair but also on effective privatisation. Governments of transition countries have rapidly come to the conclusion that fair and transparent privatisation process does not automatically produce the best outcome in terms of public interest. This is the reason why politicians while in power tend to shift the focus in defining corruption from the fairness of the process to the quality of the results produced in terms of the broadly defined ‘public’ or ‘national’ interest. In terms of the dichotomies described above, opposition politicians stick to public-interest bases, inclusive and inflated conceptions of corruption, which go much beyond the strict legalistic meaning of the concept. Such conceptions often allege various forms of favouritism in privatisation, clandestine state control or tacit state approval of smuggling channels; turning the party into a corrupt hierarchical structure, etc. Governing politicians usually resort to two strategies to counter corruption allegations. First, they stick to legalistic notions of corruption and require proof beyond reasonable doubt for the substantiation of corruption allegations. Secondly, and much less often, governing politicians may try to “normalise” certain practices, which the opposition calls corrupt. An extremely interesting case of this kind occurred in Bulgaria, when one of the mainstream parties attempted to sell to the public the so-called model of “circles of firms”, according to which political parties have the right to build circles of friendly firms, which in turn help for the funding of the patron party. Curiously, this model was advocated as a cure against “oligarchy”.

Target Group Judiciary

Not surprisingly, the target group of the judiciary resorts mainly to legalistic conceptions of corruption, and sticks to concepts and definitions in the law books. The paradoxical result of this usage is the virtual disappearance of corruption from the discourse of magistrates. In both of our case studies, the issue of corruption was renamed and translated into other problems at the judicial level. Thus, in the party funding case study, the lawsuits were about libel, and in some of these cases, the people who alleged the existence of corruption were found to violate the existing libel rules. In the privatisation case study, the problem of corruption was translated mainly into a problem of procedural violation of the privatisation law.



In both cases, what stood out was the inconclusive character of judicial proceedings as regarding the major questions at stake in the two scandals. In the party funding case, for instance, judicial proceedings could not prove or disprove the two competing interpretations of events: the acceptance of illegal donation vs. an attempt by a controversial businessman to set up one of the major parties in the country. The unfortunate lack of conclusive judicial findings and decisions creates a fertile atmosphere for the production of myths.

Target Group Police and Prosecutors

In contrast to the judges, prosecutors and the police are characterised by a very wide-spread use (including in official documents) of “inflated” public interest based conceptions of corruption, such as “circles of friends”, favouritism, party machines, “political umbrella against investigation”, massive theft through privatisation, etc. Naming people as part of mafia-like structures – including ministers, calculations of the negative financial impact of corrupt privatisation feature regularly in the parlance and the documents produced by this target group. Regrettably, as it became clear from the previous section, formal indictments quite rarely are upheld by courts, which creates a significant gap between the discourse and the output (sentences) of the police and the prosecutors. Our main conclusion was that this is a sign of the “politicisation” of the police and prosecutors. This means that in terms of conception and perception of corruption this group is closer to the politicians than to the judges.

Target Group Media

For the media corruption is an all-embracing metaphor for criminal and bad government. Here, public-interest based conceptions of corruption are encountered in their most inflated versions. The main theme is that greedy and incompetent elites are stealing from the people on a massive scale. Concrete cases are usually blown out of proportion in order to paint pictures of epic theft. As a result, the borderline between investigative journalism, analysis and story-telling is often blurred and sometimes non-existent. The solutions that the media see to the problem of corruption are, as a rule, repressive in their character: more convictions. Curiously, however, sometimes the media elaborate rather daring responses to corruption, by, for instance, advancing what can be called “participatory ideals of corruption”. According to these ideals, people should share in the spoils of corruption.

Such curious ideas, which find their place in the public sphere, suggest that the real role of the media is not so much in the “fight” against corruption, but rather in informing the public of



latest developments in the story of grand theft. Even a cynic might say that the role of the media is in “involving” the people in these clandestine processes, making them privy to their intricacies, hooking them in the affair as a whole, albeit by means of vicarious participation. From this point of view, it is not surprising that the media, as a rule, show a disproportionate interest in the outbreak and unfolding of scandals, compared with its resolution.

Target Group Civil Society

This is by far the most sophisticated discourse about corruption, dictating the fashion in general. The main elements of this discourse are the following: corruption is measurable; it is increasing or at least is very high; it is bad for the economy. Civil society groups stress the importance of institutional change and changes in the incentive structure of important actors in the fight against corruption. Yet, and somewhat paradoxically, although they frame the solutions in terms of substantial structural reforms, results are often supposed to be expected relatively fast. This feature of civil society discourse raises public expectations dramatically. One of the results of these raised expectations is the dissatisfaction with politicians, delegitimisation of governments, and the creation of a fertile ground for the emergence of new populist political actors.

Target Group Economy

Business speaks about corruption through the discourse of silence. It prefers to shift the problem from corruption per se to the conditions for the emergence of corruption. These are usually to be found in the domain of public legislation and administration. Extremely popular is the so called problem of “red tape” – administrative hurdles for entrepreneurial activities, which are to be overcome by corrupt transactions. Generally, business discourses on corruption are depersonalised: They refer to structural conditions, not to agents and perpetrators. Business as a rule is also portrayed as the victim of corruption, while the public servants (as an anonymous category) are the potential wrongdoers. Although the conception of corruption as “grease” for the economy has been rejected by important players such as the World Bank Institute, there is no evidence that the business community has ceased to believe in this conception: On the contrary, the whole underlying structure of its perception of the problem seems to reinforce the “grease” theory. Ultimately, it could be said that there is quite a sizable disparity between the discourse of the media and the politicians, on the one hand, and the discourse of the business community on the other.

2. Corruption in Romania⁵

Objectives

The general objective of the Romanian study was to analyse the perceptions of corruption of various groups which have important roles in targeting corruption: Politics, Judiciary, Police, Civil Society, Mass-Media and Economy. The aim was to reconstruct the argumentative patterns in regard to corruption based on content analysis of documents elaborated by each target group.

Data generation

The case study was employed as a research strategy to highlight various facets of corruption while providing grounded and detailed information on the phenomenon. The case study was used as an inductive tool, in the attempt to shed light on the specificity of the phenomenon and gain in-depth understanding of aspects of corruption. The selection of case studies was done by using theoretical sampling.

In order to understand the different aspects of corruption in Romania, three instances of corruption have been analysed: high level corruption, corruption typical for a transition country and party funding. The biggest corruption case that received a guilty verdict from a court of justice in Romania and the only one involving a person in a high official position that was investigated and finalised by a court verdict was analysed (*case 1*). Another circumstance of the analysed phenomenon was illustrated by corruption in relation to the privatisation process in Romania (*case 2*). The problem of party funding was also dealt with in order to understand patterns of behaviour that refer to gaining and sustaining political power (*party funding*).

Collection of material

For all six target groups material has been collected in order to describe the perceptions of these groups towards corruption. The general logic that guided the selection of material was to start with case studies and try to identify the position of each group on the respective case. When this was not possible, the analysis was completed with general material on corruption.

⁵ The members of the Romanian study group are: Prof. Dr. Ioan Marginean (co-ordinator), Dr. Iuliana Precupetu and the research assistants Ms. Cosmina Chitu (M.A.) and Ms. Adriana Baboi (M.A.).



The type of documents analysed were: transcripts of parliamentary debates, prosecutors' investigation reports in corruption cases, press releases, transcripts of interviews, anti-corruption strategies, articles in newspapers and weekly magazines, transcripts of seminars on the topic of corruption, content of websites expressing a position towards corruption, minutes of meetings, codes of conduct. The materials have been collected between 2001 and 2006.

Quality of material

First, the heterogeneity of the material analysed made the analysis somewhat difficult. Second, the rapid change of situation in regard to anti-corruption strategies in Romania also added to the difficulties. Even though the documents analysed were very recent, starting with 2001, some positions expressed in these documents have been already outdated by the rapid changes in legislation and institutional framework in regard to corruption.

Third, official documents analysed (like those of the Ministry of Interior, or by business groups) were issued in the general framework of Romania's aligning its policies to international efforts, especially European integration. These documents have been drawn up with the help of international experts, as a result of their recommendations and following international guidelines and philosophies. As a result, it was difficult to assess what would represent national cultural specificities. Perhaps a international comparative perspective can shed light on cultural aspects.

Results: Perceptions of Corruption

The analysis of perceptions towards corruption of the various target groups allowed for the generation of an explorative, substantive-level theory of corruption which consists in highlighting the definitions, characteristics and causes as well as effects of corruption.

Corruption was *defined* by all target groups in a legal/conventional manner as illegal conduct but also as altered behaviour in society, especially by NGO's. This type of definition thus expanded beyond those legally assigned. In regard to the moral grounds and values that motivate corruption, the phenomenon is perceived as representing a breach in basic social values, based on double standards, interventions and bargaining.

Looking at the *characteristics* of corruption, there is broad agreement among the target groups that the phenomenon became generalised in all spheres of Romanian society. It is perceived as a complex mechanism, involving a subjective agreement cemented by trust. One

mechanism was pointed out a number of times by several target groups: Perceptions of widespread corruption contribute to reinforcing the phenomenon, creating a snowball effect. These perceptions, which are mainly the result of the exaggerated emphasis on corruption in the media, fortify the phenomenon as people began to conceive it as a necessary condition for getting by or they are reinforced in their beliefs. At individual level, it results in petty corruption. But it also strengthens the phenomenon in all sorts of transactions and affects various levels of society, touching the very image of the country abroad.

Most *causes of corruption* are grounded in the structural conditions of Romania and mainly in relation to the transition process of this country. Systemic characteristics of economy like its inadequate structure, the deficient economic policy, poor economic environment or short term contextual factors like privatisation of state assets are considered as important causes that trigger corruption. The field of legislation and regulations in general is characterised mainly by incomplete reform and instability along with a low capacity of the judicial system, which add to the structural factors backing up the phenomenon. The sphere of governance contributes to corruption with features like a strenuous political reform, a formal social dialogue, the existence of various networks of interests and low quality of human resources in the political realm. The social sphere also plays a part in the phenomenon through the low level of social development of the country, the flawed institutions functioning and the powerful groups of interest.

Individual causes like human nature, the impaired relationship of citizens to the society they live in, the rent seeking behaviour and ultimately mentality influence the existence of corruption in Romania. The *consequences of corruption* are multidimensional: political, economical as well as social. The *fight against corruption* seems to be accredited by all target groups. First, it is seen as a national priority and an absolute necessity that would serve the national interest. The assessments of current fight, though, reveal some negative aspects. Many opinions point to a fight on the façade that is delayed by effort to counter corruption and the weak political will to act against it. Institutionally, the slow building of institutions with responsibilities in fighting corruption was outlined by some groups as well as the low capacity of the judiciary to act against corruption. Recently, some progress in the efforts to battle corruption was identified by some of the groups acknowledging incipient positive results of implemented measures of anti-corruption during the past years.

This substantive level theory on corruption is an explorative attempt that will be a further testing subject. Essentially, this type of explanation is an interpretation made from given perspectives researched by scholars, its nature allowing for endless elaboration and partial negation. The theory is limited in time and a change at any level of the conditional matrix will

affect the validity of theory and its relation to contemporary reality. As conceptualising is an intellectual process that extends throughout the entire course of a given research project (Strauss/Corbin 1990), the explanation will be further structured during the next phases of the research.

3. Corruption in Turkey⁶

Data Generation

As advocated by the Grounded Theory the research documents were collected randomly and yet they manifest the reflections and the perspectives of the six different target groups on corruption. Moreover, a great deal of secondary resources (documents that did not belong to any of the target groups but giving background information on the cases) were reviewed.

Certain materials were difficult to collect. In particular, although requested according to the “right to get information” documents regarding the interrogation protocols of the public prosecutors/police in both cases are missing. Moreover, it was also hard to find case-specific materials produced by the business associations and trade unions. Nevertheless, in order to overcome these problems, alternative documents were used. Firstly and parallel to the guidelines of the project, material from the same target group on the most closely related case was used where directly relevant material was absent. Secondly, where the case-specific documents were unavailable the Turkish team made use of other relevant documents belonging to target groups which approach the problem of corruption in general. However, it can be stated that the quality of the data was satisfactory. Documents related to the rest of the target groups were well documented.

As with each of the participating research groups in the project, the first case study addresses the issue of corruption in party financing. Called the ‘Case of Mercümeek’ by the public, this scandal is of utmost importance on the grounds that it is not only the one and only scandal related to party financing against which a lawsuit was filed, but it is also related to a political party which is alleged to be an “enemy of the regime” by certain circles in Turkey. In other words, the ‘Case of Mercümeek’ is a multi-dimensional case in the sense that it could help to picture how certain groups involved in the processes of making and applying decisions, questioning, and creating public opinions perceived major problems of Turkey during the 1990s, the period in which a considerable number of consecutive large-scale corruption cases

⁶ The members of the Turkish study group are: Prof. Dr. Ahmet Insel (co-ordinator), Ms. Zeynep Sarlak (M.A.) and Dr. Besim Bülent Bali.



which caused both the treasury department and the people of Turkey to suffer giant losses when it ended with a devastating economic and governance crisis in 2001.

The second case study was selected due to its aspects complementary to the observation described above about the 1990s. In December 2003, the Turkish Parliament (TBMM) approved a petition demanding investigations against former Prime Minister Mesut Yılmaz and a number of former ministers on the grounds of certain corruption allegedly committed by them in 1998. The Investigation Commission of TBMM concluded in its report that the allegations made against the former ministers of state in the mentioned petition were actionable before the Supreme State Council. This report was put to vote in July 2004, so that the TBMM passed a resolution to file lawsuits with the Supreme State Council against the mentioned former ministers of state. At this stage, the Turkbank case (as an example of corruption during the privatisation process) was selected as the primary one of the corruption cases mentioned above.

Results: Perceptions of Corruption

Issuing a detailed report in 2003 entitled “Investigation of Reasons and Social and Economic Scale of Corruption, and Determination of Anti-Corruption Measures in Turkey”, the parliamentary Investigation Commission defined corruption in broadest sense as “any misuse of public administration powers in such a manner to damage public and private interests”. According to the commission, corruption is the indicator of a negativity and moral weakness irrespective of the way it is defined, indicates that the society has undergone degradation in general, and can happen in such various fields as the public sector, private sector, civilian-military bureaucracies, politics or media. Terms and expressions used by other target groups in the primary and background documents reviewed here indicate that the mentioned groups’ perception of corruption is not far from the definition given above.

All target groups believe that corruption is widespread in Turkey and consider it an integral part and a special form of a general degradation. Corruption was described as “dirty”, “ugly” and “immoral”, while corruptive acts were described as a “disgrace” and “scandal”. Such expressions as “honest politics” and “clean society” turn out to be the common wishes of the target groups. All target groups shared the same conclusion that the starting point of the spread of corruption is the public sector.

Perceptions of these two cases throughout two different periods of time indicate that both the corruption problem and efforts to solve the problem were considered more and more im-

portant. As for the second case, all target groups including those possessing power to make reforms agreed that what was needed was a large-scale reform movement, and although not defined, a paradigm shift.

On the other hand, the target groups criticized themselves by concluding that their efforts to fight corruption proved to be insufficient. Most of the target groups admitted that they played a direct or indirect role in the increase of and/or failure to stop corruption. Suggestions made by politicians to cancel the immunity of the Members of the Parliament (although no law was passed to that effect to date) and the circulars issued by the Ministry of Justice to the courts to order them to speed up their legal proceedings can be seen from this point of view. Non-governmental organisations admitted that they hesitated to use the rights given to them by the Constitution and the laws and underline the tasks and responsibilities granted to the citizens in fighting corruption. The media passed through a similar process of self-criticism, and its partial/partisan attitude against corruption was replaced with objective criticism in time. However, the media organs did not question their own trustworthiness, their own connections with politicians, and their primary role in corruptive acts. The public knows that the media moguls also run construction, energy, telecommunication, etc. companies, and their names are involved in corruptive acts from time to time. (Allegations about relationships between the media moguls and politicians are reported to the public by rival publications). The situation is similar in the police force and the business world. The police admit that their efforts to fight corruption proved insufficient from time to time; while the business world talks so frankly sometimes that it “promises” not to become involved in corruptive acts.

The dosage and direction of criticism brought against corruption appears to be directly related with the political conjuncture and the actors’ positions within the balance of political power. The actors’ discourse about corruption changes depending on their proximity to the administration or the opposition, and their position in the accusing or accused side. The approaches of the politicians and the media to the two cases support the deduction described above. The criteria required by EU, World Bank and IMF for the consideration of membership or financial support look to have made a serious positive impact on the change of the perception model of Turkey. Especially the ‘ambition’ experienced in 2003 and 2004 by both the public authorities and society with regard to integration with EU caused many actors to adapt a more courageous discourse on certain principles (democracy, human rights, etc.). It might be commented that this general transformation caused the overall perception of corruption to change.

IMF and World Bank also visibly had a very strong impact on especially the private sector and the civil society. The mentioned segments of our target groups undisputedly admit and

repeat that the criteria required by IMF, World Bank and EU to solve the corruption problem are preliminary conditions for integration with the “modern West”.

On the other hand, most of the target groups voice their worries over the future of the fight against corruption between the lines. This point indicates that the notion of fight against corruption has not settled in the political culture of Turkey yet.

The media, non-governmental organisations and economic agents frequently express their worry that unless permanent measures are taken, the political agenda might quickly shift to populism in the future. It is observed at this point that they emphasize that the supportive role of the EU is as important as the determination of the Turkish actors. All of the target groups including the politicians admit that it is true that politics in Turkey are based on a mechanism of distribution of favours (nepotism, favourism).

At this stage of the review no emphasis on petty corruption could be found which is so widespread in this country and which has turned into a kind of ‘normal’ practice. However, a number of colloquial expressions that spread (or were coined) in the Turkish language in the last 10 to 15 years, which are impossible to translate but can be described as variations to the English expression “riding the gravy train”, do not have much negative connotation. This approach contributes to the understanding of corruption as something legal as defined above. When the value shift that took place on the individual ground thanks to the distorted, uncontrolled, unplanned liberal reform process right after the coup d’état of 1980 coincided with the existent “communitarian” and “solidarist” social values, the situation becomes even more complex. Is petty corruption perceived as a means to speed the completion of official formalities while grand corruption is perceived as wasting of the economic resources? We believe that it is important for us to focus on this question in the second part of our study.

4. Corruption in Croatia⁷

Data Generation

Most of the research materials were collected during the March – May 2006 period. Text sources for all six target groups were collected. In spite of the extensive search and consultations, only a few documents were collected from the police and economic target groups. Views of the rest of the target groups were well documented. In regard to the type of

⁷ The members of the Croatian study group are: Prof. Dr. Aleksandar Stulhofer (co-ordinator), Prof. Dr. Ognjen Caldarovic, Prof. Dr. Kresimir Kufrin and the research assistants Ms. Margareta Gregurovic (B.A.), Ms. Martina Detelic (Candidate B.A.), Mr. Ivan Landripet (B.A.), Ms. Iva Odak (Candidate B.A.) and Mr. Bojan Glavasevic (Candidate B.A.).

materials collected, our database contains a wide range of documents, including newspaper articles, the parliamentary and a municipal assembly proceedings, strategic analyses, annual reports of various state offices, public speeches, NGO publications and reports, etc. Since the project design required selecting two case studies, one representing low-level corruption and the other high-level corruption, the following two cases were selected for the analysis: (a) Financial issues related to the last presidential campaign and (b) a case of corruption in homes for the elderly in the city of Zagreb.

Case A – Description. The main focus of the analysis was the financial aspect of the last presidential election campaign, especially the presentation of the case by the media and by civil society, and the earlier process of adopting the Bill on the Financing of Presidential Elections in the Parliament in 2004.

Case B – Description. Admittance in homes for the elderly (HEs) is free of charge and based on waiting lists. A client of the *Home for elderly and retired people* contacted an NGO and reported a number of irregularities.

The materials relevant for the *case A* covered four target groups: Politics, the Legal System, the Media and Civil Society. No case-related documents for the other two target groups (the Police and Economy) were found. The same four target groups were documented in the analysis of the *case B*. Some of the documents regarding the legal system were unavailable (related court case is still in procedure) and no case relevant materials could be found for the police and economy. Lacking the case-specific documents, general documents on corruption were analysed for those two target groups.

Results: Perceptions of Corruption

The analysis suggested the existence of six distinct models of understanding of corruption in Croatia.

(1) *The Public Relations model* – simplified, populist and/or one-dimensional definition(s) of corruption, where corruption is perceived primarily as damaging for the public image of the institution/ actors in question, and measures for fighting corruption are evaluated according to the PR efficiency criteria;

(2) *The Expert model* – complex and comprehensive definition(s) of corruption; corruption is seen as damaging the socio-cultural fabric of society and economically wasteful; measures for fighting corruption are based on best international practice.

- (3) *The Nuisance model* – no clear definition of corruption. It is a minor and omnipresent issue that has been overblown and measures for fighting corruption should be *ad hoc* and situation-specific.
- (4) *The Human Rights model* – a comprehensive definition emphasizing human rights and individual responsibility; corruption is a moral, socio-cultural and economic evil; measures for fighting corruption should be extremely rigorous, transparent and inclusive (allowing an active role of the civil society).
- (5) *The Pragmatic model* – a comprehensive definition linked to legal description; corruption is a major social problem, both on individual and collective level; measures for fighting corruption need to be systematic, well co-ordinated and assisted by international aid.
- (6) *The Ignoring model* – usually *ad hoc* and declaratory definition(s); corruption becomes problematic only when it severely impedes governance and where measures for fighting corruption are largely absent.

The models need to be seen primarily as *Weberian* ideal types and not as empirical entities. In reality, most of the proposed models can be found only in fragments or as an array of slightly different versions. Also, it would be mistaken to assume that each target group could be represented by a single model. Most target groups were characterised by several different models or, more precisely, by a number of elements taken from different models of corruption.

In a preliminary fashion, the analysis suggests specific linkages between the models and target groups. The PR (public relations) model seems to be present in the target group Politics and partially in the Legal System target group. In both target groups, the P (pragmatic) model was also found – as well as in the target groups Police and, partially, Civil Society. The N (nuisance) model seemed to be characteristic of the city government and administration (target group Politics), while the I (ignoring) model was found to be mostly associated with the target group Economy, but partially also with the Legal System. The E (expert) model seems to be present in a number of target groups, such as Civil Society (the case A), the Media (the case A), Politics (the parliamentary opposition) and partially Economy, the Legal System (the new national anti-corruption strategy) and the Police. Finally, the HR (human rights) model was also associated with Civil Society (the case B), Politics (Ombudsman's report) and the Media (the case B) target groups.

It is obvious that the conclusions are tentative at best. In some cases the number of documents collected proved insufficient for producing conclusions that could accurately reflex the complexity of approaches within a target group. In some other instances the character of documents analysed was proved as unsuitable or too ambivalent for reaching any definite

conclusion. For these and other reasons, the linkages between the (ideal-typical) models and the six target groups need to be taken with great caution.

5. Corruption in Greece⁸

Data Generation

During the first two months of the project (February – March 2006), documents from all target groups under examination were generated. The texts referred to “corruption” in general. Afterwards, data were generated for each target group. Specifically, parliamentary proceedings (2001-2005), Ombudsman and Inspectors Controllers Body reports (1999-2004, 2005), reports of the Parliamentary Committee on Institutional Issues and Transparency (2000-2005), electoral programmes of political parties, articles from three daily newspapers of high circulation (2003-2005), court decisions (1987-2005) etc. were examined.

Case Studies

Since the project design required the selection of two case studies, preliminary research had been conducted to define the cases and to find access to the data. Several cases were studied that had attracted a lot of publicity. Finally, we have chosen the ones that could generate more data for each target group.

Case A – Description. The party financing case study, common to all national groups, refers to alleged “black” accounts of the right-wing party and its President in the beginning of the 1990s.

Case B – Description. The second case study refers to claims of illegal naturalisation of foreign nationals - mainly from the former Soviet republics – occurring after the 2000 general elections, under the pretext that they were repatriated Greek Pontians that qualified for such documents.

The first case study (party financing) covered four target groups: Politics, Media, Legal System and NGOs. The second case study responded to five target groups, one of which was not covered (Police) by the first case, provides for more information about NGOs and caused no serious problems to data generation. *Economy* (TG VI) could not be included in any of our case-studies. However, since it has referred sometimes to corruption, there was no issue to be integrated.

⁸ The members of the Greek study group are: Prof. Dr. Effi Lambropoulou (co-ordinator), Ms. Stella Ageli (M.A.), Ms. Eleftheria Bakali (M.A.), Mr. Nikolaos Papamanolis (M.A.) and Dr. Vassilis Bourliaskos.

Results: Perceptions of Corruption

Corruption is referred to as a *social illness* and occasionally as a *social phenomenon* and *by-product* of modern societies. Nevertheless, several texts share a strong critical view of representatives of the state. This is more intense in the media, which promote themselves as defenders of the public and guardians of public ethics. It also implies the increasing power of the media in Greek society. However, the criticism does not seem to be affecting politicians, since they continue to consider themselves the main group responsible and suitable for corruption control and promotion of transparency in society. They support new legislation, control and inspection mechanisms.

Public administration receives the strongest criticism, as being the basic impediment to transparency and therefore the development of the country; unlike the private economy which is presented as the main “victim” of corruption in the country. The remaining groups try for a clear role in the discourse on corruption. The Judiciary promotes more legislation, the Police more control, while the Media whatever, as the case may be, and the NGO’s try to fit somewhere into the field. In general, the various target groups regard the issue according to their requirements, roles and interests. In specific:

Politics: Although politicians refer several times to “merging of interests”, “corruption” etc., when a specific case emerges their debates turn to be mostly party-political. Thus, the debates are focused on the denial of responsibility, referring rather to “misgovernment” than to corruption. It is interesting that politics borrow the meaning of corruption from media and the reverse. As far as the public administration is concerned, high ranking civil servants remain adherent to dominant and traditional views. Contrary to them, the (Civil Servants) Union members seem to share a more elaborated approach and tend to be more open-minded and share more original thoughts.

Justice: The courts are strictly focused on supporting their decision, with references and statements of the plaintiffs. The word corruption is non-existent in their text.

Police: The reports contain rhetoric and descriptive statements on the state and ethics. They overemphasize the effectiveness of the Service and they often stress the role of the police as “objective, impartial, and corresponding to society’s needs”. The use of the word *corruption* is rare. The Service focuses almost exclusively on corrupt practices of public administration.

Media: For the media corruption remains a news story valuable for its threshold and personalization. It is considered a *social illness*, which requires the commitment of the whole society to be cured. Sometimes the discourse reverts to condemnation against the whole society.

Civil Society: NGOs analyse corruption employing mostly a well documented argumentation, still with emotional cum-ethical statements. Thus, the issue is “a fight” and “a battle” against illegal practices and corruption.

Economy: The views of the economy as presented in its texts are one-sided, not resulting from a thorough analysis of the country’s particularities. They regard “political-party interests, social class interests and complicated legislation” as the main causes of corruption.

From the research it became obvious that a channel of communication and promotion of views among different social groups operates (here: Media, NGOs, and Politics). Those social groups who do not have access to the media are an easy mark for condemnation and stigmatisation; the same applies to large and diffuse groups because it is difficult for them to defend themselves. It is interesting that according to the texts analysed, the *official perceptions* of corruption in Greece are not considerably different from the corresponding reports of international organisations (TI, OECD, World Bank, etc). Therefore, it eventually expresses the influence of those organisations, which include the ranks and scores on corruption. And might question, as far as Greece is concerned as to whether a “bottom-up” approach to corruption would bring some other results than the “top-down” process. Since citizens’ views are not included, our findings cannot yet support the results of other research that the followed behaviour (everyday behaviour) does not necessarily coincide with legitimization of corruption or that moral disapproval of corruption necessarily associates with willingness to make a complaint about it. Otherwise, how can the low score of Greece in the CPI’s index be explained?

6. Corruption in Germany⁹

Introduction

During the first year of the project implementation, the German research team worked towards several major research goals. At first the German research team raised data about corruption and gathered information on anti-corruption measures and initiatives in Germany.

⁹ The members of the German study group are: Dr. Dirk Tänzler (co-ordinator), Dr. Dr. Konstadinos Maras, Dr. Angelos Giannakopoulos and the research assistants Ms. Bettina Grimmer (M.A. cand.) and Patrick Pfeuffer.

As a second step, various documents on corruption and anti-corruption from six target groups (Politics, Judiciary, Police, Media, Civil Society, Economy) were collected. On the basis of two case studies the documents were put to qualitative analysis deploying the visual qualitative data analysis of the 'ATLAS.ti' software.

Data Generation

Two case studies on political corruption and bribery have been selected: The so-called 'Black accounts'-affair of the CDU party and the donations affair of the SPD party in the federal state of North Rhine-Westphalia (NRW). The following documents subject to analysis have been collected: *Target group Politics*: 1. Protocols of parliamentary debates of the 'Bundestag' on the 'Black accounts'-affair of the CDU party. 2. Protocols of parliamentary debates of the 'Landtag' of the federal state of NRW (North Rhine-Westphalia) on the Donations-affair of the SPD party. Background documents: Reports of the parliamentary investigation committees. *Target group Judiciary*: Verdict of the 'Landgericht Köln' (Court of the federal state of NRW, Cologne) on the donations affair of the SPD party. *Target group Police*: Interrogation protocols of the 'Criminal Investigation Department' of the federal state of Baden-Württemberg, Stuttgart. *Target group Media*: Press analyses on the 'Black accounts' affair of the CDU party and donations affair of the SPD party from the newspapers 'Frankfurter Allgemeine Zeitung' and 'Süddeutsche Zeitung' (210 articles). Recordings of the TV talk-shows 'Sabine Christiansen' (ARD channel) and 'Hart aber fair' (WDR channel) on the same corruption cases were also analyzed. *Target group Civil Society*: Analysis of documents published by 'Transparency International', Germany. *Target group Economy*: Public statements and statements of formal obligation by the DGB (German Trade Union Association) and BDI (German Industry Association).

Results: Perceptions of Corruption

Target Group Politics

In the context in which the parliamentary debates on the illegal party financing the ex-chancellor and leading party officials of the Christian Democratic Party were involved in and bearing in mind that at the same time the bribes leading party officials of the Social Democratic party in Cologne received, the main standpoint that underpins the perceptions and arguments of the political actors is one of *mutual discredit and delegitimation*. The main political formations outbid each other, continuously raising the claim that the opponent, being himself morally disqualified or lacking the integrity, has no legitimate right to castigate the

wrongdoings of the other side [double-bind]. The parliamentary inquiry committee is perceived as a continuation of *party struggle with other means*. Resolute transparency undermines the very fundamentals of a *fair party competition* exposing the financial transactions to the gaze of the political enemy eager to draw advantages. The illegal donations of the Kohl era raise further the question of whether the whole affair should be subsumed under the notion of *political corruption*. Taking into account the definition of TI, it is far from clear that the ‘system’ of secret accounts testifies beyond doubt to the fact of *politically corrupt conduct*. The reason for this lies both in the fact that a) *no private benefits* were intended or factually gained, and b) no sufficient evidence could be delivered that *receiving the donations was causally connected to the political decision process*. *Political corruption* understood as a *distortion of party democracy* can however be observed – it did not occur between donors and politicians, but rather as a means to keep the party organism under the authoritarian rule of Kohl. By means of this authoritarianism Kohl *reversed the priorities* of the ethical conduct preferring to uphold the private ethic of the ‘word of honour’ against the law-conforming ethic of public accountability. The case ended in that indeterminate area between sanctionable corruption and general political exercise of influence.

The corruption scandal in Cologne involving party officials of the Social Democratic Party (SPD) who received bribes after the deal to build a garbage incinerator was struck essentially revolves around the violation of the rules of open and public procurement procedures. Circumventing existing regulations in the field was perceived by the local authorities in the state of North Rhine-Westphalia as unavoidable since they a) *relied* on the economic efficiency the technical know-how of the construction companies guaranteed and b) *were keen on* securing a considerable number of jobs in the region. Additionally blame is put on the funding and finance management of the party allowing the *transformation* of ‘thank-giving’ bribes in financial contributions. Certain parallels are also drawn to the ‘Kohl system’ in that the local officials of the SPD, having been monetarily gratified for their decision, deployed the bribes to foster the political career planning – in the face of the neo-liberal reforms of the public sector deploying private-public partnerships this is perceived as inevitable. In this way a certain view of the whole affair can even assume the character of a *fatalist acquiescence* to the inevitability of corrupt conduct on the part of individuals that are considered to be prone to ‘deviant behaviour’, as neither can the party financing regulations wipe out ‘deviant’ conduct nor can they ever deter those determined to pursue their interests with criminal energy. Enforcing sanctions and transparency measures must nevertheless be seen as compulsory since it puts the capacity of the political system for *self-purification* to test.



Target Group Judiciary

The analysis of the perceptual patterns of corruption by judges and lawyers is based on a court dossier on the so-called “Financial Scandal of Cologne’s SPD”, that happened during the project development for a residual waste incineration plant in the 1990’s. The arguments and rhetoric deployed by the prosecutors and the judges is dominated by two rationalities: that of legalistic expertise, but also that of the daily experience of people or the everyday layman. Alongside the ‘stylistic’ expressions of the legal rhetoric one also finds a classification of diverse incidents of bribery, so to say the *semantics of corruption*.

In the Bill of Indictment and the Sentence two lines of argument relating to perceptions and interpretation patterns of corruption stand out. On the one hand the judges develop a *description* and a *reconstruction* of acts, and issue judgements on the basis of laws, legal commentaries and sentences from ‘precedent setting cases’, on the other hand – in central parts of the prosecution and sentencing argument – they *make use of ‘common-sense’ arguments*, referring regularly to the ‘real life’ context. Under consideration of the *motives for corrupt behaviour* the jurists develop a *typology of bribery* according to their findings in their investigations and witness statements. There is a distinction in the files between the ‘tempting’ of individual politicians and the ‘political landscape conservation’ of parties and factions. The so called ‘impact bribes’ must be distinguished from that. These are extraordinarily high one time payments for a specific purpose, which, legally speaking, seal an ‘accord of injustice’, a fraudulent contract. Such ‘accords of injustice’ are made in secrecy and silence, meaning in collusion or as a silent agreement, without explicit discussion of the matter. “Impact donations” aim to influence a decision in the future, “thank-you donations” are less objectionable gifts for services rendered. Fundamental to a case of corruption is not whether the political decision was truly influenced by the bribe or not, but solely if the “accord of injustice” was agreed upon, be it in good or bad faith. From a legal standpoint it is important that the recipient of the donation believes that decisions will be taken in his favour; otherwise the donation would be pointless “money thrown out the window” for the giver. Any other explanation according to this argument would be a departure from “real life”. The case shows that in the eyes of judges and lawyers the logic of corruption is not determined by the fact that the decision is influenced (a connection difficult to objectify), but by a corrupt contract, in the sense that expectations are tied to a payment.

Target Group Police

The reconstruction of the perceptual patterns of corruption among the criminal prosecution authorities is based on the investigation files from the Department for Special Cases of Organised Crime at the State Police Headquarters in Freiburg, Baden-Württemberg, Germany dealing with two cases of corruption: *a)* The first case deals with ‘active bribery’ in the German construction industry, an economical branch in which corruption is virtually ‘common practice’, *b)* the second with ‘passive bribery’ involving an official of the city’s Immigration Office, which played a key role in a people-smuggling ring.

The perceptual patterns of corruption among the criminal prosecution authorities are shaped by the formal procedures, they are obliged to follow by law. For the officials involved corruption (“bribery”) is of course legally a clearly defined fact. Nonetheless, the measures taken to *reconstruct* the crime, the *milieu* in which it occurred and the *motives* behind it in particular are highly informative for an understanding of the attitudes and the perceptions of corruption which influence the investigative process. There are certain images of the typical course of a crime, offender profiles and the criminal milieu ‘in the heads of the investigating officers’ by which they are guided in their work.

In the case of the ‘gentleman’s crime’ in a branch of industry which is strongly marked by corruption, the motive presented in the file is not so much personal enrichment as the *pursuit of entrepreneurial success*. The economic advantages achieved by corruption would primarily serve the *consolidation and development of the ‘business empire’* and the satisfaction of personal strivings for power and property would thus only be a secondary aim. This perhaps explains the social tolerance towards such practices in industry, as opposed to the reaction towards the activities of people-smugglers, obviously dealing with the illegal activities of a commercial gang motivated by the desire for *personal enrichment*. The suspected official from the Local Immigration Office reveals the ‘classic’ characteristics of passive corruptibility: Employment in public service with contacts to the general public, the complicated issue of legal residence, personal financial problems, precarious family situation, acceptance of small presents, invitations to dinner, travel, emotional attachment linked with material dependence and the complicity of others in his breach of duty (which places him ‘in the hands of’ the persons practising ‘active bribery’).

These images or perceptual patterns that could be reconstructed in the files are based on *professional expertise, experience* in the field, but also on social *prejudices*. Professional expertise is the dominating perspective in the phase of providing evidence for the charge. To find out the motivation for the crime reference to a broader set of knowledge and experience is usual. Then social prejudices play an eminent role.

Target Group Media

With regard to the two print media analysed one can assume that the central pattern of corruption discerned in the ‘Frankfurter Allgemeine Zeitung’ refers to the belief of the *self-healing* powers of the political and party system. The crisis related to the so-called ‘black-accounts’ of the CDU party is by no means perceived as a state crisis but at least as a leadership crisis of a single party. The ‘Süddeutsche Zeitung’ on the other hand rests its hopes on the rule of law, democratic order and the control of individual power to combat and prevent corruption. Its criticism goes beyond the party system in Germany even accusing the judiciary being weak against political influences.

Regarding the two TV talk shows chosen, the first one, ‘Sabine Christiansen’, handles the corruption issue in the manner of political expertise, whereas the second one, ‘Hart aber fair’, seeks to confront the case head on, often making use populist arguments. In this way the objective, professional manner, in which the first talk show helps *normalise and objectify* the corruption scandals, contrasts strongly with the *moralising attitude of ethical indictment* of the second that for that matter resembles the attitude of the ‘Süddeutsche Zeitung’ favouring a deep mistrust against politicians, relying at the same time on the institutional control power and the force of civil society.

Two continuous patterns of perception of corruption are common to both the articles of the examined print media as well as the talk shows, which do not exclude each other rather merge into a pattern of interpretation: a) corruption as a problem of *breach of trust* in terms of human morality and b) corruption as a *control problem* in technical terms. These two patterns of perception by the media are related on the one hand to certain values and to technical procedures of exercising power within a democratic community on the other. Corruption is accordingly understood both as a failure of the institutionalised procedures of the political system and an expression of human weaknesses.

Target Group Civil Society

Contrasting markedly to the relative disinterestedness of the economic world regarding the issue of corruption the activities of civil society organisations such as TI have contributed essentially to raise public awareness on the matter. In awareness the crucial role it plays in the reduction of inequalities or the promotion of equal chances in the party competition – the normal mechanisms of competition in the framework of market economies apparently not guaranteeing a fair play of forces –, but also in minimising the intrusion of the economic



exchange logic into the political sphere, Transparency International declares party financing to be one of the most central *steering mechanisms* of lawful and transparent party work. However certain cautiousness should be observed on the issue of *balancing* input regulations and output effectiveness/supervision complying with the requirement of *proportionality* between means and results; regulatory overdrive may run counter to societal perceptions of human rights. As a supplementary rule-setting strategy to ensure the law conformity of economic transactions (for example in cases of public procurement) the TI has launched the Integrity Pact planned to function as containment of ‘deviant’ dispositions. At the core of TI’s ‘*bottom-up*’ approach in fighting corruption lies the network of ALACs (Advocacy and Legal Advice Centres) in various countries promoting societal initiatives from groups or individuals to articulate their complaints against what is perceived as corrupt conduct, helping them at the same time to reclaim their rights.

Target Group Economy

The analysed data from the Federation of German Trade Unions (DGB) generally demonstrate that important social and political dimensions of corrupt practices are not subject to consideration by the Federation. The perception of the DGB seems to be a rather restrictive one. The anti-corruption strategy of the DGB centres almost exclusively on the immediate risks corruption represents for the company and in particular for the workforce. This explains the significance the DGB assigns to institutionalising and implementing concrete measures for so called whistle-blowing within companies.

Though this anti-corruption strategy is common between trade unions on the one hand and employers’ federations on the other the latter firstly underline *the extent* to which corruption *distorts* (‘corrupts’) competition in a market economy. Especially regarding the regulations on public contracting and the establishment of a corruption register (at least at the level of the federal states in Germany) it is observed that *synergy effects* are developing between the activities of politicians, NGOs and the business world. If one compares the claims raised by industry and TI and addressed in politics, then one can easily observe the existence of a broad co-operation between politics, the economy and civil society aimed at fighting corruption.

However, there are two main facts that point to the assumption that combating *corruption does not belong to the high priorities* of ‘labour and capital’ organisations. The first one is the quantitative ‘meagreness’ of the documents produced by them, the second one the ‘qualitative’ lack of the documents. In general, the recommendations of both organisations to fight corruption within companies in principle refer to a double strategy: Improving *structures of*

control in the workplace and *strengthening the sensitive business ethics* on the subject of corruption. Although the interests of capital and work are irreconcilable and their relationship tends to be conflicting, it is nevertheless obvious that corporate structures in the sense of so called ‘Rhineland capitalism’ on the one hand and the rhetoric of industrial ethics on the other are the very core of the frame within which labour and capital perceive corruption and anti-corruption measures in Germany. Both of them concentrate on structural and ethical measures, i.e. strengthening of controls and complementary moral elements of anti-corruption. Moreover, the corporate alliance between capital and labour is additionally flanked by a balance of interests and the process of accommodation between both civil society and the state.

Conclusions

The public debates in Germany are sustained by the belief that regarding corruption the country is ‘clean’. Corruption at the level of every-day life is deemed negligible and institutions and public administration are seen as working properly. From the analysis of the documents undertaken the fact becomes evident that political corruption primarily increases public interest. In contrast to political corruption, economic corruption is not regarded as a destabilising factor. The reason for this lies in the argument that seeking advantages and enrichment are after all part and parcel of the driving forces in economic life, but they are by no means compatible with the principles of democratic politics. The intermingling of political and economic rationalities is considered as the origin of corruption in the public administration. Changes in the perceptions of corruption can be observed in Justice, Police and Public Administration. In the cases of Civil Society (except for the NGO’s), Politics and Economy the matter is less clear. One must always distinguish between public statements and actual actions.

7. Corruption in the United Kingdom¹⁰

Introduction

The UK case study of perceptions of corruption and anti-corruption seeks to explore not only the comparison between perceptions held among six target groups (Politics, the Judiciary, the Police, the Media, Civil Society and Economy), but also what the UK research findings may suggest for other states, particularly for prospective EU member-states. One of the questions guiding the research is to understand what is seen to ‘work’ in the UK in changing the way in

¹⁰ The members of the British study group are: Dr. Othon Anastasakis (co-ordinator), Dr. Sappho Xenakis and Mr. Kalin Ivanov (M.A.).



which people think about corruption, and what are believed to be the most effective mechanisms by which corruption is controlled there. The synopsis below is concerned with the direct findings of the research thus far, while a summary of the broader implications of the research findings is available in the ‘scientific report’ (first deliverable).

Data Generation

At the outset of the research, a wide range of literature was consulted that extended beyond the target groups to academic and media sources (literature and interviews) on the subject of corruption and anti-corruption efforts in the UK. A variety of documents were then collected that either typified or were the official statements from each target group, which, in general, indirectly expressed views on corruption and anti-corruption efforts. A list of potential interviewees to be contacted in the second stage of research was drawn up towards the end of 2006 and the addition of a new researcher on the UK team meant that the aims and strategy of the UK case were reviewed in preparation for the interviews.

The two cases chosen for the UK Study were firstly the ‘Loans for Peerages’ Affair of 2006 and secondly the Pergau Dam/Balfour Beatty Affair of 1994. As with each of the participating research groups in the project, the first case study addresses the issue of corruption in party financing. This particular case was chosen because of its proximity to recent legal developments concerning the definition of corruption in the UK and their importance in shaping contemporary public perceptions of corruption in the country.

The second case study was chosen because its characteristics were perceived to highlight a concern about corruption that is particularly specific to the UK. The case is of specific relevance to the UK for several reasons. Firstly, the case figures prominently and relatively popularly in domestic anti-corruption campaigns and in domestic political discourse on corruption. Indeed, it is a particular characteristic of British anti-corruption NGO work that it has tended to focus on corruption issues that have a foreign dimension. Secondly, the case is important because it has been argued by various commentators that the efforts to legislate on corruption in the UK have largely been driven by the requirement to implement the rules set against bribery of foreign officials contained in OECD recommendations. The issue of bribery of foreign officials by UK citizens has been the most prominently debated point about the government’s efforts to introduce anti-corruption legislation in the UK. Additionally, this case is of particular pertinence to the overall research project UK because it addresses the issue of the degree to which the UK has been committed to anti-corruption policies at home as well as abroad (namely in EU candidate states).



Results: Perceptions of Corruption

Amongst all target groups (but less so from the Media), a strong sentiment was evident that high standards of public office generally pertained in the UK. The Media tended to add its support to this view when the situation in the UK was compared regionally or globally.

Strong variation in views on corruption was evident especially within the Media and Politics target groups (unsurprisingly), and limited variation from the NGO group and Judiciary. No variation was found in the documents from the Police target group. The constraints of their position and remit, and the source of the documents (as official sources in the case of official bodies), clearly limited the types of arguments that were put forward from the Politicians, Judiciary and Police; wide-ranging structural and cynical arguments were most likely to be made by the Media, followed by NGOs.

The area of most concern amongst all target groups was the relationship between business and politicians. The details of the concerns varied; whether the relationship was rightly or wrongly viewed with suspicion, when corruption took place which party was more likely to be the instigator (i.e. more culpable than the other), to what extent was either party sincere in its anti-corruption statements or what other possible self-interest or pressures motivated them to make them.

As suggested by the project's initial outline, the media was widely acknowledged as playing an important role in mobilising public opinion and thereby generating pressure in support of anti-corruption efforts. However, the media were also the subject of criticism for being perceived to be more interested in whipping up public fervour over the issue than ensuring substance to their allegations of scandal. The integrity of the media in its role as informer and stimulator of public opinion and reaction was in other words called into question. Furthermore, it was pointed out that sometimes the media is often credited for being a more active and effective anti-corruption tool than it can legitimately claim, since its reports of investigations are often mistakenly read as the work of the media organisation itself.

NGOs were also recognised for their important role in the shaping of opinion within Parliament and amongst the public, although it was evident that amongst NGOs themselves quite different attitudes towards the issue of corruption were evident. An interesting preliminary finding from the NGO and politicians focus groups in the first case study concerned the perceived acceptability of a certain degree of patronage in politics and conceptions about where the ideal limits to it were to be drawn.

It was nevertheless evident that British perceptions and discourse on corruption have been undergoing a significant period of evolution since the mid 1990s, and many of these changes are still underway in the UK (including, for example, the issue of patronage in political life) and outcomes still as yet unclear. The activism of the past decade or so has itself been described as a positive step by all but the more cynical observers (who proposed that such transformations were superficial but powerful forms of propaganda, clothing the reality of ‘business as usual’) that were found in the material gathered.

The under-use of the word ‘corruption’ in the material collected also appeared to be a significant issue to which comments were addressed within the material. The word ‘corruption’ tends to be avoided in the material, while others such as ‘standards in public life’, ‘sleaze’ and ‘cronyism’ preferred. While these certainly are imbued with a negative imagery, ‘corruption’ appears to be a term associated with more severe conditions of corruption perceived to be bedevilling other countries. The paucity of documents relating to the subject or cases of corruption, amongst the target groups was the subject of analysis by far fewer (somewhat evidently) among the target groups. Existing in-depth literature, particularly academic, on the causes of this lack, were not included in the target groups; this omission is likely to be remedied in the proceeding period of research.

The most significant divisions of perspective concerned prognoses for change; the more cynical views expressed considered the problems of corruption to be systemic and therefore implied that an overhaul of the political system would be necessary to alter the realpolitik nature of policy and allow ethical policies to be genuinely prioritised. The majority of views expressed were more moderate; that more regulation and better enforced oversight practices would go a long way to dissuading would-be corruptors from perpetrating their crime. A minority again characterised corruption as a rare act committed by individuals; this perspective encouraged the maintenance of tradition and was evident in the business and politicians’ target groups, from those seeking to maintain the contemporary limits of their autonomy and anxious not to incur greater incursions into their freedom of movement or invasion of their private business.

Some tentative conclusions

The summary reports of the findings the research teams came to in the first phase of the research work do not follow a uniform presentation style. While some remain close to the case studies examined presenting perceptions of corruption from the six target groups directly

related to the cases, others favour a more abstractive approach trying to bundle up perception recurrences in ideal-type models. This divergence can also be observed between those reports that stick to the sixth fold pattern of structuring the presentation, some of them pinpointing the particular and context determined attitudes towards the corruption case involved, others seeking instead to unify the findings in overtly generalising terms resulting from subsuming the first-level codes under more abstractive second-level notions purporting to go beyond the specific modalities obtained in the fields of perceptions attached to each of the target groups. These differences in presenting the findings are to some extent the result of *a)* the documents being in certain cases unsatisfactory concerning quantity – mainly in the target groups ‘Police’ and ‘Judiciary’ –, but also apparently *b)* the fact that it is not always unproblematic to extract from the ways the target groups cope with or respond to phenomena of corruption clear-cut stances that can serve as basis to establish perception patterns.

The aforementioned differences notwithstanding, it can be observed without doubt that on the basis of the content analysis of the data certain homologies obtain between the findings of the country research groups. They concern both patterns of perception specific to each target group and higher level notions running across the societal sectors marked by the target groups as well. Nevertheless, the level of generalisation achieved in the frame of the research work of the country groups may well capture certain ‘*home-grown*’ *specificities*, that is perception patterns unexplainable without taking into account the background character of the national culture, but this proves in a certain sense too *narrow a basis for conclusion transfers*. Keeping this in mind it is however worth drawing some parallels concerning corruption perceptions specific to the target groups examined. Grouping them together in a comparative cross-national analysis can provide first-rate observations on how the societal rationality types represented by the six target groups correlate with specific perceptions of and attitudes towards the corruption phenomena.

Turning at first to the target group *Politics* such perceptions can be discerned to the extent that the ramifications of the relations between money and politics are explored. As the German and the Bulgarian cases show, the positions of the actors towards the phenomena of political corruption depend essentially on *a)* whether the party they are engaged in holds political power or not (this being also the case according to the findings of the Turkish research group) and *b)* certain assumptions concerning the party’s economic, i.e. financial capacities. Considering *a)* corrupt conduct, that means illegal party financing and/or rule violating deployment of party finances, is sometimes (or regularly) considered by the political actors legitimate given the fact the achievement of certain goals of national gravity are perceived as dependent on ... unavoidable law deviations. The same trait of inexorableness can be discerned in their perceptions of legitimate deviations resulting from them feeling under

continuous pressures owing to the ‘structural financial blight’ of the (their) parties. This last ‘menace’ extends also to the opposition parties that of course by no means want to falter in the party competition over funding resources. Another interesting parallel that can be established between the two country findings concerns the relation between transparency and the equality principle. In Bulgaria perceptions of corruption are centred round the issue of the lack of transparency that overrides the necessity of scrutinising the structural causes of corruption originating in the disproportional influence of corporate interests in politics. In Germany the lack of transparency has sometimes, as it can be clearly shown for example in the party financing affair of the former Kohl government, been used to buttress the argument that it is by no means detrimental to the interest equality in terms of party competition. Regarding the latter it seems to be a common denominator of political attitudes on corruption being made an object of party political contestation regarding its definition and character (see also the Greek case).

The way perceptions of corruption are articulated in the *Mass Media* offers a rather complicated picture. For one thing, it is not always an easy task to define the role the mass media play in that discourse field in which not only cases of corruption are made public, but also allegations of corrupt conduct that are often taken at face value. The contribution of the media to societal corruption discourses can sometimes take the form of exacerbating the gravity of the very same phenomenon they otherwise purport to expose and castigate, as the Romanian, Bulgarian and Turkish target group studies plainly show. Aggravating the problem means that the media either ride the ticket of rigorous public indictment and populist indignation casting the whole political class under suspicion of ‘stealing’ the public (Bulgaria), fortify the phenomenon by rendering it a semi-natural occurrence that the citizens must get by or cope with as one normally does with other natural events too (Romania), or even they are themselves, i.e. the powerful owners of the media corporations, part and parcel of wrongdoing networks (Turkey). Amplifying effects concerning corruption being perceived as ‘natural’ develop the media also to the extent that they attribute the propensities to corrupt conduct to certain human weaknesses (as shown in the case of the German media). One must also not forget of course the *mediating* function the *media* fulfil acting as a mechanism of selective problem articulation between the civil society and the political sphere: Having access to the media means more often than not setting the stage for corruption ‘awareness’ (see the Greek case).

The articulation of corruption perceptions in the *Judicial Sector* was rather difficult to elaborate in the framework of the research work carried out on the target group ‘Judiciary’ due to the strict legalistic discourses dominant in the field. The problem of distilling societal perceptions from lawsuits concerning corruption cases originates in the fact that judicial actors translate, or better, reconstruct the course of events exclusively in terms of the codified

language of law prosecution (see for example the Bulgarian and Greek case studies). Apart from that, the findings of the research groups point out that the judicial system has in the past failed to live up to the expectations of effective corruption prosecution because of the incomplete implementation of reforms (Romania) or bureaucratic inertia (Turkey). However, probably depending on the quality of the documents secured by the German research group it can be shown that the judicial discourse does not necessarily constrain the multifaceted phenomenon of corruption to its legally codified aspects (see also the English findings relating to the judiciary): Apart from the processing rules of the legalistic expertise the arguments deployed by prosecutors and the judges sometimes observe another rationality too, namely that of tacit knowledge or situationally specific characterisations of corrupt conduct. In a double layered approach the description or/and reconstruction of the case proceeding along the lines of judicial reasoning is accompanied by ‘common-sense’ arguments, referring regularly to the ‘real life’ context (see the German case).

To the extent that it is not limited by the formal constraints of technical-procedural expertise, the corruption discourse in the target group *Police* contains elements that show a certain affinity to widespread societal notions characterising the phenomenon regarding their relevance to perceptions of corruption. The ‘closeness’ to socially anchored attitudes takes the form of either *a*) a reconstruction of the case guided by tacit knowledge assumptions about the milieu it occurred in and the driving motives of the actors involved (see the findings in the German case), or *b*) the use of widely circulating notions and/or stereotypical formulations (see the Bulgarian case). For the most part however the police-specific attitudes to corruption want to maintain a certain degree of ‘impartiality’ reflecting societal interests and the public good in general (see the Greek case, something similar seems to apply in the English case).

The findings relating to corruption perceptions observable in the *Economic Sphere* display a greater variety. Indeed the spectrum of what the causes of corruption are or how it should effectively be coped with ranges from attitudes that deny right away corruption having anything to do with the economic life thus relegating and/or ‘externalising’ its causes to the realm of politics on the one side (Bulgaria, Greece), to attitudes that see the causes rooted in the realm of economy, attributing them nevertheless to the still transitional character of the reform process on the other side (Romania). It can even happen that the immanence of propensities towards corruption in the business world is frankly admitted by the actors in the field who are only ready to assure that they will refrain from wrongdoing (Turkey). The German case could be somehow situated in the middle field: On the one hand both trade unions and employers’ federations look up to politics as a rule-setting instance developing regulations to the effect of curbing corruption in the economic world. On the other hand an awareness of ‘home-grown’ causes is not lacking – strengthening control structures and the



appeal to the virtues of the corporate spirit of ‘Rheinischer Kapitalismus’ are nevertheless deemed sufficient to keep corrupt conduct at bay.

The *Civil Society* and the *NGO*’s working in the field of anti-corruption show unsurprisingly a high level of problem awareness especially regarding those aspects of behavioural changes concomitant with the reform process of the transition period (Romania). However, raising sensibility concerning the ‘dark sides’ of the reform process may not always have a positive function, for the demand for substantial changes called for by civil society actors raises the level of expectations so high that in the absence of short term improvements the dissatisfaction with the political reform efforts leads to a delegitimisation of the political sphere, thus ushering in populist ‘alternatives’ (Bulgaria). Corruption is largely perceived in terms of moral categories (see the Greek and Turkish cases), that is as a moral and socio-cultural evil (according the Human Rights Model of the Croatian research group). Beyond the level of moral indictment the work of the anti-corruption *NGO*’s – first and foremost that of TI – concentrates on setting up strategies to ensure the law conformity of economic transactions: the German TI for example has launched the Integrity Pact to be observed in public procurement procedures. Furthermore establishing the network of ALACs (Advocacy and Legal Advice Centres) TI follows a ‘bottom-up’ approach in fighting corruption.

Summing up, it can be observed that all reports pinpoint certain recurrences characterising societal corruption perceptions the Croatian report delivering furthermore certain discursive patterns that raise the claim of covering all those societal action fields represented by the target groups under examination. It remains to be seen to what extent the analysis of the interviews to be conducted in the second research phase will lead both to perception and discourse patterns.



**SIXTH FRAMEWORK PROGRAMME OF THE EUROPEAN COMMISSION
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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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