

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

Deliverable 2

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SIXTH FRAMEWORK PROGRAMME OF THE EUROPEAN COMMISSION



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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Deliverable No 2

**Perceptions of Corruption in Bulgaria, Romania, Turkey, Croatia, Greece, Germany and the United Kingdom
A Content Analysis of Interviews from Politics, Judiciary, Police, Media, Civil Society and Economy**

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INTRODUCTION

1. The Current Situation

In most of the countries under examination in the second research phase of the “Crime and Culture”-project, significant events happened in 2007 that had an influence on the perception of corruption and therefore on the data generation of the project. In Germany political corruption, dominant in the public awareness in the 90’s, has been recently succeeded by important cases of economic corruption. Managers and especially members from the shop committee from VOLKSWAGEN had been sentenced. The top-management of SIEMENS was accused of corrupt practices in “big style” and a former minister of the interior was criticised for delivering consulting services. To make matters worse, the government of Bavaria urged court and attorneys to withdraw the charge.

Soon after having joined the EU the Bulgarian and the Romanian governments started to loosen the anti-corruption laws and to hinder the agencies of corruption prosecution and prevention. In Romania the prime minister dismissed the minister of justice, who proved to be the initiator of this fall-back in old attitudes. Besides, two other ministers had to go, who had been accused of being involved in corruption-affairs. On the contrary, first results of the anti-corruption-campaigns could be registered in Croatia: the so-called operation MAESTRO initiated by the state attorney’s office against organised crime uncovered the biggest corruption scandal ever known in Croatia. Therefore the operation MAESTRO is seen as a turning-point, because for the first time corruption is acknowledged as a serious problem to be prosecuted by the state. All these scandals look like textbook examples and show that neither politicians nor managers felt disturbed in doing “business as usual” – they did not change their habits. On the one side their behaviour seems to be very “typical”, on the other side – for example, if we ask why Bulgaria and Romania react in such a manner after becoming members of the EU – it is important to understand each case as a product of specific historical, cultural and social factors. This is exactly the aim of the “Crime and Culture”-project. It is obvious that both the perceptions of corruption, and in the case of SIEMENS, the ignorance of the changes that have taken place in the last years are part of the problem. The SIEMENS management failed in the assessment of the anti-corruption-policies and used the new installed complaint office as a camouflage for old practices. From this perspective the Bulgarian and Romanian cases do not seem to be different: the politicians of both countries welcomed the anti-corruption-programs as a reform manoeuvre suggesting “westernisation” and not as measures curtailing “old” social practices. The development in Bulgaria and Rumania proves once again the necessity of the cultural approach of the “Crime and Culture”-project: the institution transfer does not automatically establish a culture of “good practice”. Structural causes alone cannot explain the different options, chosen by the two governments after receiving their membership to the EU.

Experts for South-Eastern Europe affirm that there is an end of the “Culture of Corruption” in this region. The traditions of petty corruption in everyday-life have lost their social basis and have been succeeded by “structural corruption”, i.e. the new practice of “rent-seeking” of the privileged “nouveau riches”. The causes and consequences of this transition are still unknown. The same is true of the impact of the anti-corruption-campaign in “Western” countries like Germany. The results from the second research phase of the “Crime and



Culture"-project give empirical hints for a theoretical reconstruction of these developments and provide stepping stones for a theoretical model that will be generated in the third research phase of the basis of an intercultural comparison.

2. Field Research

In the second research phase expert interviews had been employed to record and evaluate the personal experiences of *target group* members regarding corruption and the measures to combat it. The project's empirical approach proceeds from the assumption that the '*bottom-up*' *definitions* held within 'everyday theories' of corruption are anchored in social patterns of perception that actors apply unconsciously. For this reason, they cannot be explored by means of the direct method commonly used in opinion research, but rather must be *reconstructed* from administrative and other official documents and recorded statements of those persons interviewed. Building on this insight, both the documents (in the first research phase) as well as the expert interviews (in the second research phase) had been subjected to a computerised qualitative content analysis (content analysis software *Atlas-ti*) according to the principles of the methodology of *grounded theory*.

3. Perceptions

There are fundamental theoretical and methodological differences between the Corruption Perception Index-model and the cultural approach of the Crime and Culture-project that have a strong impact on the semantics of the term "perception". The CPI is a survey based on an economical model treating perception as an aspect, a factor or a variable of a social situation. These aspects, variables or factors are seen as contingent conditions of a universal logic of action, making social practice more or less complicated. In the "Crime and Culture"-approach perception is the "operationalisation" of culture. The term 'culture' stands for the understanding of reality as a social construction based on a social stock of knowledge. The perceptions of the individuals are determined by this stock of knowledge as a 'common good' of culture. In such a cultural approach perception is not a representation of an objectively structured reality, but the symbolic and significant structuration of social action and social reality (Peter L. Berger-Thomas Luckmann, Pierre Bourdieu, Anthony Giddens); perception is the modus operandi of cultural practices.

Consequently, the cultural approach of the "Crime and Culture"- project does not start with a universal model of action that takes the identity of the scientific object (and therefore the objectivity of scientific knowledge) as given, but with contrasting case studies. What this contrastive method aims at is the generation of differences and the reconstruction of a typology of the definition of corruption in different societies and different social milieus or target groups. The ultimate aim is to get a more realistic picture of the practices of corruption and deliver empirical data for a better practice of anti-corruption.

4. Methodology

The empirical research follows these theoretical outlines. The project started in the first research phase with an analysis of documents from the six target groups. The aim was to generate objective (not ‘objective 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. Documents are in general manifest information and consequently an expression of the image-making actors or organisations of a target group offer to the public. In contrast, as a form of spontaneous interaction interviews offer to the researcher the chance to get not only “controlled” and idealised data created by an institutionalised actor, but also a glimpse into personal behaviour, habits and their latent meaning. One of the leading ideas of the project’s approach is to differentiate 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.

The country-reports (deliverable No 2) show a variety of application forms of Anselm Strauss’ concept of *Grounded Theory* and give a “vivacious” picture of the qualitative social research. One, if not the crucial, principle of Strauss’ concept of non-standardised qualitative research is sensibility to context. Meaning as an indexical entity (Garfinkel) has value only for a concrete actor in a specific social and cultural context. Therefore the researcher has to apply the method to his / her object.

One outstanding objective of the research project is the transfer of knowledge, especially the dissemination of qualitative, hermeneutic methods and methodology in South-East Europe, where quantitative social research dominates. In this perspective, too, the consortium achieved a great success. The consortium partners in these countries could paradigmatically realise qualitative social research in the field of criminology for the first time in theory and practice, research and teaching.

Following the assumption of cultural differences in the definition of corruption, two expert-interviews in each of the six target group had been carried out in seven countries. Non-standardised qualitative social research is not a verification-test of hypotheses as in statistical procedures of survey-research, but is of explorative nature, i.e. searching for new insights in the scientific object. Therefore it is *prima facie* not aiming at establishing regularities and their statistical generalisation, but producing “thick description” (Clifford Geertz) by interpreting the material intensively and extensively. Being sensitive for specific contexts (Anselm Strauss) and indexical meanings (Harold Garfinkel) qualitative methods are used to reconstruct the symbolic structure of an object as a representation of a specific type of phenomenon in the field (Max Weber, Alfred Schütz).

The conduct of the expert-interviews had not proceeded on the basis of guidelines, because the aim was to give the respondent the possibility to explain the problem in his own words and authentic understanding. However, the main purposes of guidelines were taken account of: the exploration of the degree of gravity of corruption in the country under examination, the supposed main loci of corruption, changes in corruption dynamics/types, roots/causes of corruption, consequences of corruption, public perception of corruption, trust in institutions, the role of the media and of NGOs, measures for combating the corruption and the role of EU.



The central question of the research project is how corruption is defined by actors from different social context in different European cultures. The focus of the expert-interviews lay therefore on the respondent's personal definition of corruption, his assessment of corruption in the region (significance, extent, types, changes), the assessment of new national anti-corruption strategies, the role of the EU in combating corruption in the region, the presentation of corruption in the media, the assessment of general public perception of corruption, the role of cultural/political inheritance in shaping the corruption in the region, the description of the dominant understanding of corruption in the interviewee's profession/institution/professional environment.

Patterns of perceptions and interpretation are considered a symbolic structuring related to objective problems in individual contexts of action. Such patterns of perception and interpretation define the modus operandi of social practices. Their main function is to secure the reproduction and transformation of these practices. Changes of the patterns of perception and interpretation correlate with changes in the social situation in the field. Therefore, the correlation between the two levels – perception / definition and action – is the focus of the consortium's cultural interpretation and social analysis.

4. Access to the field

Access to the target groups has been uncomplicated but for two significant cases: In the first phase we realised that there are scarcely documents on corruption and anti-corruption issued by trade unions and employee's associations; in the second phase too, it was difficult to find competent actors from this target group willing to give an interview. We give an interpretation of this negative result in the report of the empirical research in the target group economy in Germany.



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RESEARCH REPORT BULGARIA:

**Perceptions of Corruption in Bulgaria
A Content Analysis of Interviews from Politics, Judiciary, Police, Media,
Civil Society and Economy**

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1. Introduction

The issue of corruption was defined as a grave social problem in Bulgaria towards the end of the 1990s. Similarly to Western democracies, the topic of corruption in Bulgaria was first studied and brought to the social agenda by non-governmental actors. Broad corruption awareness campaigns, studies on corruption, and many other initiatives got underway at that time, with the support of the international donor community. Gradually, the anti-corruption agenda pervaded the programs of political parties and governments, while some of its main principles were converted into legislation. In spite of all these achievements, corruption and organised crime were identified by the European Commission as two of the most serious problems in Bulgaria throughout its monitoring during the accession process: the emphasis on corruption became even stronger in the last pre-accession reports of the Commission. System reforms, as well as practical results in the fight against corruption and organised crime, were specifically mentioned as conditions for the integration of Bulgaria into the European Union. There was a constant threat during the course of 2006 that the safeguard clauses regarding the country's membership in the EU could be triggered because of the government's failure to effectively counteract corruption and organised crime. However, and somewhat anti-climatically, the European Commission finally accepted that the government had made sufficient efforts in this respect. Respectively, Bulgaria joined the Union on schedule on January 1, 2007.

Corruption in Bulgaria has been of interest for academics and policy researchers alike. Since the end of the 1990s the country has been included in a number of international surveys measuring corruption. According to the most well known of them, the Transparency International Corruption Perceptions Index, after a period of marked improvement between 1998 and 2002, corruption perceptions seem to be stabilising around a relatively moderate level over the last five years (4.1 for 2007). In 2007, Bulgaria ranked 64th out of 180 states included in the survey, scoring similarly as countries like Poland, Greece, and Romania.

The huge interest in the topic of corruption has resulted in numerous surveys not only of experts' opinions but also of public perceptions. According to *Anti-corruptions Reforms in Bulgaria: Key Results and Risks*¹, a 2007 report by Centre for the Study of Democracy, the Bulgarian public perceives corruption as one of the most serious problems in the country. Since 1998, corruption has been ranking among the top three gravest problems in Bulgaria, along with unemployment and the low incomes, but until 2007 it had never been ranked first by Bulgarian citizens. However, as a result of the stable macroeconomic situation in the country and the improved incomes of the population, over the last several years concerns such as unemployment and poverty have diminished in urgency. Thus, corruption has emerged as the first most important problem in Bulgaria according to public opinion polls. At the same time, the mentioned report indicates a stable decline of the number of Bulgarians, who report to have participated in corruption transactions. The discrepancy between actual and perceived corruption is very indicative for the ambiguous nature of the phenomenon that requires an interdisciplinary research approach going beyond the traditional anti-corruption discourse that has been dominating the policy community over the last decade.

¹ Anti-Corruption Reforms in Bulgaria: Key Results and Risks , Center for the Study of Democracy/Coalition 2000,2007.



In spite of the complexity of the problem and the huge interest in the topic of corruption, not much has been done to study the phenomenon in its socio-cultural aspects. The present study offers a different approach, which attempts to examine how corruption and anti-corruption are understood at the everyday level and why the anti-corruption measures implemented up to now have not managed to achieve the initially planned results. We investigate the correspondence and discrepancies between the perceptions of corruption and anti-corruption grounded in the anti-corruption programs, on the one hand, and these of the political and administrative decision-makers on the other, and on the basis of the analysis we attempt to make recommendations on possible ways to optimise corruption prevention.

2. Data Generation

The process of collecting data for the present study took place within the second phase of our research on the perceptions, notions and ideas of corruption of the six target groups included in the project. The groups are: politics, judiciary, media, police and prosecutors, civil society, and economy. In the first report, we gathered information from relevant documents produced by the target groups selected². For the purposes of the present paper, we have conducted a number of in-depth semi-structured interviews with representatives of these groups. At both stages, we have used two case studies to frame the process of data generation – the privatisation process of *Bulgartabac Holding* and the scandal concerning a suspicious donation to the United Democratic Forces party foundation, *Democracy*. (The UDF has been the main right-of-the-centre party during much of the Bulgarian transition). We have chosen this approach for several reasons. First of all, bearing in mind that corruption has been in the focus of public attention for the last ten years, we wanted to limit the scope of the data we were to generate to a reasonable amount. Secondly, we believe that using the framework of case studies will allow us to generate better quality materials and to avoid general documents including banal, abstract or imitative perceptions of corruption.

However, we used the case study approach in a non-restrictive fashion allowing for the respondents to refer to other cases of corruption they know well and to speak about the phenomenon in general like they do in their everyday practice.

Generally speaking, the respondents from all target groups were ready and willing to speak on the topic of corruption with some exceptions of politicians who were not very supportive and informative.

3. Methodology

For the purposes of our investigation, we transcribed into texts the interviews we had made with the representatives of the six target groups. As a second step, we applied the research method of qualitative content analysis by the means of the Atlas-ti software.

² Daniel Smilov, Rashko Dorosiev, *Perceptions of Corruption in Bulgaria. A Content Analysis of Documents from Politics, Judiciary, Police, Media, Civil Society and Economy*.



Code Development

In the process of code development we tried to keep as close as possible to the ideas embedded in the primary documents but also to reveal implicit ideas and links between differing concepts that were not identified by the respondents. We developed codes at several different levels of abstraction.

The code identified at the first level cover the most explicit ideas which are usually associated with specific words and phrases. In general, the basic meanings of these ideas are widely recognised and uniformly understood in a given society.

The second level of coding goes beyond the basic meanings of the concepts, exploring deeper argumentations and perceptions. At this level, perceptions of the different members of a given society might differ significantly. In most of the cases, we developed these codes by following different argumentations traced in the text. Some codes that we developed at this level have virtually no connection to ideas or concepts already identified at the first level.

The third level of coding includes hidden ideas or concepts that have more abstract character. Oftentimes when actors use different arguments, they either hide deliberately the deeper grounds of their perceptions, or are not aware of them at all. It is sometimes difficult to create objective codes at this level, especially in the cases where more than one interpretation is possible. Therefore, we use coding carefully and in many cases we considered all interpretations that we believe are possible.

Interpretation

In the process of interpretation we tried to combine all findings obtained from the qualitative content analysis in a single story that gives information about perceptions of the different target groups included in the project. While in the process of coding we restrained ourselves from using our general knowledge of corruption, at the stage of interpretation, we used our contextual understanding in order to reconstruct the overall situation of corruption in Bulgaria. We did that in order to put out findings in the context of the overall picture reconstructed in this manner.

4. Initial Hypotheses

Bellow we are summarising our main findings from the first stage of the project. On their basis we develop “model discourses” which will serve as basic assumptions and hypotheses in the analysis to follow. The “model discourses” on corruption are as follows:

Politicians

No unified definition of corruption exists amongst politicians despite the manifest consensus that corruption is a negative phenomenon that has to be combated. Normally opposition politicians stick to broad, public interest-based, inclusive and inflated conceptions of



corruption, which go much beyond the strict legalistic meaning of the concept.³ 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. Few of these allegations could be translated directly into penal code crimes; yet, all of these suggest abuse of public trust and some damage done to the public good because of the defence of private interests.

Governing politicians, in contrast, usually resort to two strategies in their discourse on corruption. First, they stick to legalistic notions of corruption and require proofs beyond reasonable doubt for the substantiation of corruption allegations. Secondly, and much less often, governing politicians try to “normalise” certain practices, which the opposition calls corrupt.⁴

Further, corruption discourse is engaged in the battles for more power between governments and the opposition in the following way. The opposition has an interest in the adoption of anti-corruption measures which limit the discretion of the government in policy-making (transparency requirements, deregulation, limiting licensing regimes, etc.) On the contrary, governments do have an incentive to preserve a broader range of discretionary powers.⁵

Finally, governments and the opposition differ in what they see as a proper response to the problem of corruption. The former tend to look for answers in long-term institutional and legislative amendments. The latter are looking mostly for a political change of government, which will bring them to power; this could happen if a scandal leads to a governmental crisis, mass protests, etc. Personnel changes of the government, indictment of key politicians, etc are also appealing anti-corruption measures for the political opposition.

Judiciary

Not surprisingly, the judiciary normally resorts 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 this discourse the issue of corruption is often renamed and translated into other problems. Thus, in two of the best known corruption scandals in Bulgaria in the period 2001-2004 the involvement of the

³ For a discussion of public-interest based definitions of corruption see Arnold Heidenheimer, Michael Johnston, and Victor LeVine (eds.), *Political Corruption*, Transaction Publishers (1989) at p. 10. See also Mark Philp, “Defining Political Corruption”, *Political Studies*, XLV (3), Special Issue, 1997.

⁴ An extremely interesting case of this kind happened in Bulgaria in 2006, when the leader Ahmed Dogan of one of the mainstream parties – the Movement for Rights and Freedoms - 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 by Dogan as a cure against “oligarchic government”.

⁵ According to the Bulgarian case studies, 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, politicians while in opposition claim that *political privatisation* is corrupt and favour the practice of *technical/expert privatization*, based on purely technical and formal considerations, where appointed bodies (of independent experts) take the most important decisions following a strict legal procedure.



courts was marginal: in one of the cases, an allegation of party finance violation was transformed into a libel suit at the judicial level; in the other, an allegation of corrupt privatisation was transformed into a problem of pure procedural violation of the privatisation law.

In both cases, what was standing out was the inconclusive character of the 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 the events: the acceptance of illegal donation v. 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. For our purposes, however, the important conclusion is that at the judicial level the discourse of corruption is by far not the dominant one: when cases reach the courts, corruption curiously shrinks.

Police and Prosecutors

In contrast to the judges, prosecutors and the police are characterized 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 privatization, etc. Naming people as part of mafia-like structures – including ministers, calculations of the negative financial impact of corrupt privatisation, etc. 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 reach the courts and even less often are upheld by them, which creates a significant gap between the discourse and the output (sentences) of the police and the prosecutors. The main conclusion is that this is a sign of the “politicisation” of the police and prosecutors in terms of anti-corruption discourse; this politicisation happens regardless of their institutional place in the constitutional structure of a given country. In terms of conception and perception of corruption this group is closer to the opposition politicians than to the judges.

Media

For the media corruption is generally 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 could 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 exclusively the “fight” against corruption, but also in informing the public of latest developments in the story of grand theft. A cynic might even 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, as compared with their resolution.

Civil society/NGOs

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, often results are expected relatively fast. This feature of civil society discourse raises dramatically public expectations. Some of the results of these raised expectations seem to be dissatisfaction with politicians, delegitimisation of governments, and the creation of a fertile ground for the appearance of new populist political actors.

Economy

The business generally 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 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 is also as a rule portrayed as the victim of corruption, while the public servants (as an anonymous category) are the potential wrong-doers. Although the conception of corruption as “grease” for the economy has become unpopular among scientists and policy makers in the 1990ies, there seems to be little evidence that the business community has ceased to believe in this conception. On the contrary, the underlying structure of its discourse on the problem seems to reinforce the “grease” theory: corruption is not by any means excluded as a possible way to overcome unjustified and inefficient government-imposed burdens on the business.

5. Perceptions of Corruption

In this section we test the initial hypotheses on the basis of the interviews carried out in the second stage of the research project.



5.1 Target Group Politics

Definitions

At present, politicians in Bulgaria – both from the government and the opposition – “recognise” the “widespread character” of corruption and are generally ready to discuss the phenomenon in public. It has to be noted that this has not always been so. In the period 1998-2001 when the issue of corruption emerged for the first time as a public priority, there was a clear cut division between the discourse of the opposition on corruption and the discourse of the ruling parties. As described above, the latter stuck much more to the “legalistic” definitions of corruption, while the former resorted to inflated, “public interest-based” definitions. This initial division could be explained by the fear of the governing parties to “recognise” or “admit” the existence of corruption “unless proven in judicial proceedings”; such admittance would amount to recognising certain complicity in corrupt activities. Today this fear is gone, and the question is why?

What has changed since the end of the 1990ies is that governing politicians now seem to believe that they could also “score points” in a debate over corruption. That is why the corruption discourse has become not an exclusive theme for the propaganda of the opposition, but also a mobilisational, electoral tool of the governing parties as well. When somebody opens a debate about corruption, they could take part in this debate on an equal footing by pointing out “measures taken” against the phenomenon, “strategies”, “action plans”, “anti-corruption commissions and bodies”, etc.

Thus, we conclude that governing politicians no longer stick exclusively to a “legalistic” definition of corruption (as defined in the law books), but also engage in debates using inflated, public interest-based ones. In any event, in contrast to the opposition, they insist on a certain “depoliticising” of the phenomenon. They accept that corruption is “abuse of power”, but “power” in their view is diffused in many centres at different levels, and is not concentrated in the government. Thus, corruption could be encountered in the judiciary, the local self-government bodies, the lower levels of the public administration, the opposition parties, and in the private sector (including the NGOs). The “diffusion” of power is related to a concept of “diffused responsibility” for corruption as well: it is not the government which is essentially responsible, but a plurality of actors.

The opposition politicians, in contrast, try to concentrate the responsibility for corruption in government. So, they both use an inflated and all-inclusive concepts of corruption: the specificity is that the government is playing a role in one way or another in all these forms of corruption, either as a direct perpetrator as well, or as a conduit. At the very least, the government is responsible for a given form of corruption indirectly, by providing conditions which favour its emergence.

A particularly interesting conceptual debate about corruption took place in Bulgaria in the autumn of 2007 in relation to the numerous allegations of vote-buying in the recent local elections. The allegedly wide-spread vote-buying scandalised the public. In response, the leader Ahmed Dogan of the politicians from the ruling coalition party Movement for Rights and Freedoms stated in public that “The buying of votes is a European phenomenon. If the business feels uncomfortable and wants to get in the power, it will use this technology.



Democracy will survive the vote-buying". Many were additionally scandalised by these words, and read them (properly in our view) as an attempt to "normalise" corrupt forms of electioneering. The surprising fact was, however, that there was no concerted reaction on behalf of the rest of the political establishment against this attempt, however. In our previous report we pointed out how the same politician attempted to "normalise" another corrupt practice – clientelistic links between parties and companies (so called "circles of firms"). Then, however, there was a much more serious public reaction and lack of tolerance to his ideas. In the autumn of 2007, our interviews and informal conversations with members of the political elite encountered a higher level of tolerance to vote-buying. One of the reasons for this tolerance could be the cross-party usage of this dubious electoral tool. Another, more surprising reason, which emerged, was the fact that vote buying introduces "market" relationships in politics. In current Bulgarian political language and thinking, the "market forces" generally produce good and efficient results. Ergo, marketisation of politics might not be that reproachable phenomenon after all.

Finally, something which is worth noting at the conceptual level, the process of "depoliticisation" of corruption (which is best seen in the parlance of governing parties) goes on along with a process of "ethnicisation" of the phenomenon. The recent local elections, as well as the European Parliament elections earlier in the year, demonstrated that increasingly the party of the ethnic Turks in the country is seen as a hot-bed of corrupt practices. This party is seen as "clientelistic", "patronage-prone", "feudal" in its attempts to control its electorate economically. In elections, it is seen as one of the primary perpetrators of corrupt practices – from vote rigging and buying, to the "bussing" of people (emigrants) from abroad to take part in the elections. Although part of these allegations might be founded in facts, the excessive emphasis on the irregular practices in a specific party cannot be explained otherwise than through its "ethnic", "Turkish" character.

Causes and Origin

The "depoliticisation" of the concept of corruption is best seen in the perceptions of the causes and origins of the phenomenon. The governing parties and politicians seem to have won this debate, since the causes of corruption are not looked for in the character and individual morality of specific politicians, but in institutional, structural factors which shape the incentives in specific ways, so that individual cannot act in corrupt ways. Simply put, the roots of corruption are deep, the phenomenon is here to stay, and all we could do is to engage in serious, long-term oriented reforms, which should go in the following direction: downsizing of the state, lowering taxes, taking out the state from the economy, deregulating the economy, diminishing the licensing procedure, etc. This programme seems to be a cross party consensus.

On top of this programme the opposition parties and politicians are of course more insistent on personnel reforms, as far as they see these as a possible tool leading to pre-term elections.

A decreasing minority of politicians seem to be ready to blame the "communist past" for corruption. Seventeen years after the start of the transition "anticommunism" has largely lost its mobilisational force. A telling fact for this trend is the relatively low interest which the opening of the secret services files of the former communist regime sparked in Bulgaria in



2007. A small group of right-of-the-centre parties and politicians attempted to draw public attention to the fact that important present-day politicians – including President Georgi Parvanov – were active secret service collaborators. The interpretation of these right-of-the-centre parties was related to corruption: they were essentially arguing that the network of former secret police agents has managed to “infiltrate” the state as a whole, which raised not only moral problems, but also issues of lack of transparency, possible manipulation, hidden influences, etc. Their conclusion was that because of such reasons, people who had for seventeen years not disclosed their “true identity” had no right to continue occupying public office. This argument, which would strike many as reasonable, remained largely unpopular, however: it drew support from very small quarters.

Effects

Politicians no longer diminish the importance of corruption as a problem. At present, they – both governing and opposition parties – admit that corruption is a serious public concern and that it has negative effects on the economy, democracy, and the general prosperity of society.

Apart from the above-mentioned attempts to “normalise” corruption, no one has ventured to come out in public to defend the functionality of corruption. Our interviews confirm this statement – ideas that actually corruption could be good for the economy in one way or another are not popular.

Size and Scope

As to the size and scope of corruption, the opposition and the governing parties seem to differ. Representatives of both of these express the view of the wide-spread character of the phenomenon, but they tend to look for it at different places. Respondents from governing parties tend to stick to the “diffusion” theory of corruption: corruption takes place at many levels and in different centres of power in society: the government is not the primary site of corrupt activities. The opposition representatives tend to stick more to the “concentrated” model of corruption, which in one way or another is centred around the government.

As to the measurement of corruption, politicians rarely believe that these measures reflect objective realities. Still, such measurements are to be taken seriously. Opposition parties are interested in “independent” assessments and measures. “monitoring” by external actors, etc. Governments are increasingly interested in the production of their own data.

Anti-corruption Measures

This is the point where the opposition and the government differ mostly. The former see the most important measures in terms of political changes: personnel changes, and eventually government changes. They stress the “lack of political will” argument a lot. Governing parties, not surprisingly, stress more long-term institutional reforms, the setting up of commissions and other anti-corruption bodies. Other anti-corruption measures, as awareness raising, public education, etc, are also popular among governing elites. Finally, co-operation



with civil society on the issue of corruption becomes of crucial importance both for the governing and the opposition. This paradoxically brings these two together, because both of them look for cooperation with one and the same actors. Paradoxically, cooperation with the same actors from civil society leads to a certain “depoliticisation” of anti-corruption, despite the attempts of the opposition to “politicise” the issue.

5.2 Target Group Judiciary

Definitions

The representatives of the judiciary tend to define corruption as abuse of power. It may involve not only public servants and politicians, but also the private sector. In this sense, corruption refers to all forms of distorted application of *formally* accepted rules in a given society or organisation. Therefore, we found confirmation of the hypothesis about the *legalistic* emphasis in the discourse on corruption of the judiciary. Yet, the forms of corruption are described as going far beyond the ordinary graft to include nepotism, trade with influence etc. This means that in some cases the law may be imperfect and fail to include all forms of corruption. Therefore, one of the main concerns of the judiciary is the corruption in the legislative process: it is seen as one of the most dangerous form of the phenomenon since the laws passed by the parliament in favour of private interests create opportunities for repeated occurrence of corruption deals. Also, this type of corruption is dangerous since it affects negatively the interests of big groups of people. An example in support of this statement are some laws where the parliament deprived the court of control over the administrative acts of the government thus creating a window for repeated corruption occurrences. Corrupt legislative practices are possible and fuelled by the existence of political corruption and illegal party financing, which distort the political process the process of decision making in such a way, so as to favour of private interests.

Corruption in the judicial system and the court is no less dangerous than legislative and political corruption, as the judiciary is the power meant to correct the failures of the two other branches.

The legalistic emphasis in the judicial discourse on corruption is revealed in their professionally determined concern about the quality of the law. One of the main problems with corruption, in their view, becomes its legal definition and regulation: the assumption is that if there is a non-corrupt and efficient legislative process, which manages to produce a correct and inclusive definition of the phenomenon, the fight against it is going to be much easier.

Causes and Origin

There are several reasons for the existence of corruption, according to the representatives of the judiciary. The first one is related to the constant changes in the legislation that have been taking place in the last 15 years thus creating a situation of legal instability and insecurity. The unpredictability of the legal acts is the reason why often social actors opt for solutions that involve corruption. The second set of reasons involves peoples' values. Many Bulgarians



tend to solve their problems in a way that circumvents the laws and the established rules. There is a popular perception that one cannot succeed in life if one follows the formally established rules and procedures. There is no clear idea where these popular attitudes might come from but several possibilities have been mentioned, including history (the Ottoman rule in Bulgaria) and the transition period.

Effects

It is perceived that the negative impact of corruption on the value system is even more dangerous than that on the economy. Corruption destroys the social values and distorts the behaviour of social actors. This effect is reinforced by the fact that the youngsters are socialised into an environment where corruption, although not explicitly, is commonly recognised as an important precondition for economic and social success. This is perceived to be the way in which corruption behaviour is perpetuated.

Size and Scope

The representatives of the judiciary believe that corruption is present in all social segments. The phenomenon is considered to be “highly contagious” and since all elements of society are interrelated, it is not possible for the infection to not spread throughout the system. To a great extent this process is assisted by the media that through the permanent use of the corruption rhetoric creates popular perceptions that corruption is everywhere and it is somehow inevitable. Despite all this, respondents admit that it is very difficult to measure corruption objectively. In most of the cases only perceptions of corruption are measured. A slightly more reliable instrument to measure it would be to interview victims, but it should not forgeten that in most of the cases corruption is a deal involving both parties and this would negatively affect the readiness of the respondents to reveal the case.

It is admitted, however, that there are certain fields of social life where corruption pressure is higher and corruption practices are broadly spread. These are the sectors of business and politics, where factors like competition and the high level of discretion of politicians and public officials play a major role.

Anti-corruption Measures

Somewhat paradoxically in view of the hypothesis of the “legalistic” emphasis in the discourse of the judiciary, the respondents think that too much attention is paid to laws and formal rules and procedures at the expense of informal institutions and education. Legislative and administrative measures could help to counteract corruption but only to a certain extent. They can help optimise and regulate of the pubic sphere so to limit the opportunities for corruption. They are important instruments indeed but they are not the first ones in importance. As regard the capacity of the regulation, the focus is placed on the concept that the state should simplify the existing administrative procedures, introduce rules that are as clear as possible, and limit its interference in the market and social processes only to the extent it is indispensable. There are examples showing that system reform is capable of



limiting dramatically the opportunities for corruption. These are usually reforms that include withdrawal of state regulation and control and introduction of clear market rules, as in the case of the reorganisation of the notary services in Bulgaria, which are now provided on a pure market basis.

The second and more important set of measures involves moral education and prevention of corruption. Practically this means identification of the cultural roots of the problem and addressing them. A good example of the cultural conditioning of corruption can be seen in the educational system: it is believed that there is nothing wrong with giving presents to the teachers, and at the same time teachers have the discretion of giving grades that may be crucial to the future prospects of the students. Another similar example would be the common practice of providing false witness to friends, who need it to facilitate their divorce cases in the court. Given that situation, there are crucial roles to be played by civil society structures like the churches for example. There is a strong correlation between the role of the church and the crime rate in a given society. Unfortunately, the Bulgarian Orthodox Church, which is traditionally the most influential church in the country, nowadays has very little influence on the public. There are not many other genuine civil society organisations and NGOs that might bring a real change in this respect either. The media also have a major role to play in educating society and raising its moral standards of the society but the problem is that the Bulgarian media are largely commercial and the corruption discourse is often used in a tabloid manner, which has led to a growing trivialisation of the topic.

5.3 Target Group Media

Definitions

Journalists define corruption in a rather inflated way as an improper and illegal (concepts used interchangeably) advancement as a result of the abuse of the power resources. This only concerns matters, which involve exercising public power. Similar relations in private life are not included in this definition. In terms of possible negative effects on society there should not be a difference between the so called “grand” and “petty” corruption. Petty corruption undermines the rules and the social discipline, which eventually leads to negative consequences for society as whole. Grand corruption has not only a monetary effect for the state, but also a broader social effect, since in most cases the public services provided as a result of unfair procurement procedures are of poor quality. The legislation focuses to a greater degree on the phenomena related to petty corruption, such as bribes, where the crime can be easily proved with the help forensic instruments. Legislative provisions, however, are much less powerful when it comes to the grand corruption. In many such cases, the legal procedures are strictly followed and observed but at the end many of the deals concluded by the public authorities are immoral. Both the politicians and the business believe that the system of distribution of public resources should function in a way that is not based on pure market principles but requires special relations and arrangements between both sides.

Causes and Origin

Media representatives perceive the presence of the state in the economy as the major reason



for the existence of corruption. Registration and licensing regimes are numerous and many key companies are in the hands of the state. One specific feature of the Bulgarian case is the great role of the state in the process of redistribution of the huge public resources inherited from the communist past. It is perceived that this process inevitably brings up corruption in any country and that Bulgaria is no exception to the rule. The transition process, with all its components, is recognised to play a role for the development of corruption. Yet transition itself may not be regarded as a cultural phenomenon; it is very likely that similar situations in different societies produce very similar problems and outcomes.

Size and Scope

The journalists think that measuring corruption is an enterprise bound to fail. What can be measured are the perceptions of the people about corruption. At the same time they believe that the phenomenon is omnipresent in the whole society. This judgement is made on the basis of personal experience and knowledge shared with colleagues, friends and relatives. Due to the specific interconnections within society, corruption has spread everywhere from the field of politics to the field of art. The financial and economic spheres are most susceptible to corruption since the monetary flows are in bigger size there. This sphere includes also all public bodies having discretion in dealing with financial resources. The most dangerous corruption, however, is that present in the judicial system because it is itself the major structure meant to investigate and punish acts of corruption.

Anti-corruption Measures

According to media representatives anti-corruption measures cannot succeed in their current form for one main reason: the major actor that is expected to fight corruption, the political class, is deeply corrupt itself. It is hardly a secret that being a politician is indeed a business enterprise. This is the way in which politics functions and the political system recruits politicians. There is a superficial consensus that corruption should be counteracted, which has been pushed by the EU accession process and post-accession monitoring. However, reforms, to the extent they exist in practice, concern only general normative measures that are implemented so as to allow to preserve the status quo almost untouched. These superficial policies have produced no satisfactory results so far and the authorities desperately need to show the EU that people involved in corruption are indeed being punished in Bulgaria. The efforts of the Public Prosecutor's Office to do something in this respect resulted in several so called "demonstrative" corruption court cases involving high ranking officials and representatives of organised crime. However, for now there is no indication they might end successfully. Another evidence demonstrating the lack of political will to counteract corruption is the fact that some simple and very well functioning anti-corruption practices were suspended. The example that was given in this respect is the suspended practice of police officers under cover testing their colleagues, traffic policemen, whether they would accept the bribes that they are offered in return for not fulfilling their obligations.

One possible anti-corruption strategy, according to journalists, would be a dramatic reduction of the state presence in the economy. This, of course, cannot lead to a complete eradication of corruption, but the opportunities for its occurrence would be significantly limited.



Another idea for optimising the anti-corruption activities at the level of the state is a reorganization of the system of powers in Bulgaria and in particular transferring the Prosecutor's Office from the judicial to executive branch of power.

The roles of the different institutions in counteracting corruption as seen by media representatives are the following:

The media are the only arena left where a corruption scandal can be revealed and made available to the public. Unfortunately, the quality of journalism in Bulgaria is very low and corruption investigation is not always done in the best possible way. Another problem is that continuous corruption rhetoric has made the people tolerant to corruption. They are convinced that the country is lost in corruption and the media maintains these perceptions stimulating passive instead of proactive citizens' behaviour. The lack of clear institutional response to corruption scandals in combination with the situation in the media described above leads to a social normalisation of the phenomenon of corruption.

Political parties use the corruption/anti-corruption discourse only in its capacity to mobilize the public when trying to deal with their political rivals. When in power, politicians make use of information and investigative powers they control to accuse their predecessors of corruption. If however, these parties remain in the government as coalition partners then all information about possible corruption activities is concealed in the name of the political stability of the coalition.

The role of NGOs in preventing and counteracting corruption is ambiguous. It has many positive effects: it creates expert knowledge about the problem and promotes some anti-corruption measures in the legislation. On the other hand, it has some negative effects as well: its excessive focus on raising public awareness about corruption is one of the major reasons for normalisation of the topic and social tolerance toward the problem. In the time when there were such awareness campaigns the public perceptions about corruption (measured by the same NGOs that organised these campaigns) went very high. After the funding for similar sort of activities decreased the public perceptions did, too. In order to get governmental support for their activities and general programmes, NGOs have worked in close cooperation with government representatives, including persons allegedly involved in corruption. In this way, the NGOs took part in building an image of anti-corruption fighters for some corrupt politicians.

5.4 Target Group Police and Prosecutors

Definitions

The representatives of the bodies that investigate corruption-related crimes define the phenomenon broadly as an act in which the political process is distorted in favour of certain private interests at the expense of the common, public interest. This generally confirms our hypothesis from the first stage, that the prosecutors and the police as a group, have a different perception from the judiciary, perception which brings them closer to groups like the media and the politicians. Our respondents referred to a definition used by some international



organisations such as the International Criminal Court, according to which the really dangerous forms of corruption are in the legislative process and in high-level governance. These forms are considered to be more dangerous in comparison to everyday corruption, since they have, above all, hidden accumulative effects. This means that the negative effects of current corruption deals might not be immediate, but might appear years later, for example in cases where environmental standards are not respected as a result of corruption.

Origin and Causes

The lack of certain values in Bulgaria is considered to be one of the major reasons for the existence of corruption. The church and religion in general, which normally have positive effects on crime prevention, have a limited influence in the country. Another set of causes combines factors determined by the Communist past and the transition period, such as the weak state and weak judicial system in particular.

If we compare the views of this group on the issue of the origins of corruption with the views of the judiciary, an important difference emerges: the prosecutors, apart from the issue of social values, stress also the *political* origins of corruption, and do not shy from making political in their essence judgements, relating the phenomenon to the “Communist past” and the “transition”. It needs to be said that references to such “key words” have a specific political meaning in Bulgarian public discourse; usually sympathisers of the right of the centre political forces will speak negatively about the communist past; people dissatisfied with the mainstream parties and sympathising for new populist parties will normally depict the “transition process” in negative terms, stressing its corruption and injustice.

Size and Scope

Similarly to respondents from the other target groups the representatives of this target group believe that corruption is an almost immeasurable phenomenon. The quantitative studies that try to detect the numbers of the corruption transactions, cannot measure the social cost of separate transactions, which is the most important aspect in this respect. At the same time, respondents perceive corruption as present in all segments of society, justifying this conclusion on the basis of personal observations and experience. The state of total corruption is explained with the fact that the systems of politics and governance, which are of key importance for the functioning of the society, are corrupt themselves. Since corruption is considered to be “an infection,” it easily affects the whole social organism.

Anti-corruption Measures

Similarly to the journalists the representatives of the Police and the Prosecutor's Office believe that it is unrealistic to expect that the political system can do something to limit or prevent corruption, since the way in which it functions is determined by the corruption exchanges. The state has established formal anti-corruption bodies and structures, but they have no real powers and function on a very general level.

One way to tackle corruption would be to establish Ethical Commissions at all public institutions that have the power to investigate every single complaint of corruption filed by the citizens and companies. Another way would be to establish special investigative



institutions to deal exclusively with corruption cases. In order to be effective, these institutions need to be independent and capable to investigate separate cases of corruption. This would seriously threaten the politicians' interests and therefore it is less likely that they would allow for such institutions to exist.

The respondents from this target groups are sceptical about the possible anti-corruption roles of political parties, the media, the NGOs, and the business circles. The political parties are seen as the major engine of corruption in society and therefore it cannot be expected that they would be the ones to initiate anti-corruption reforms. The media are seen largely dependent on various political and business interests and therefore incapable of investigating and revealing cases of corruption to the public in a way that might bring real change. NGOs are perceived as similarly inefficient, as in most cases they are related to certain political parties and do not truly represent the civil society in the country.

5.5 Target Group Civil Society

Definitions

NGOs have had a major role in promoting anti-corruption discourse in the country and therefore it is not surprising that they conceptualize the phenomenon of corruption in the most complicated and comprehensive manner. NGOs define corruption broadly as an abuse of power for personal gain. This is the definition largely used by international anti-corruption organisations such as Transparency International. This definition refers mainly to political corruption, and not to corruption in the private sector. Corruption is considered to be an normal practice and in this sense it is not as anything unusual, a one-off event, but is quite widespread not only in Bulgaria but also in the rest of the world. Corruption can be present in every area of social life but in some areas it might be more harmful then in other. These are cases where not only the system (institutions) but also citizens are affected. Corruption in education is very unpleasant but corruption in healthcare is a real life-threatening problem, and this should be the main criterion for classifying different forms of corruption.

Another very dangerous form of corruption is perceived to be the trading in influence. It is dangerous because it is very difficult to detect and prove. This is probably the most common type of corruption crime but it is very difficult to prove because it takes place within the relationships of persons, who do not have interest in disclosing the activity and giving evidence.

Origin and Causes

The representatives of the civil society target group believe that generally corruption is not a cultural phenomenon. Petty corruption could be culturally dependent on and connected with cultural heritage, with the culture of society at large, and with understandings about forms of gratuity gifts, etc., but this does not hold for the case of grand, political corruption.

The vision of the universal nature of corruption corresponds to the understanding that in general it is not connected with the legacy of socialism. Some influence is possible, but it is not decisive. Corruption also exists in developed capitalist countries and the core cause of the



phenomenon is the lack of efficient control and enforcement both for grand political corruption and for petty corruption, which could be culturally-dependent to some extent.

Another possible cause of corruption is poverty. For example, this is the case in Africa. This coincides with the approach of Transparency International, which sees poverty and corruption are two interconnected phenomena, which feed on each other and generate each other.

The second set of causes of corruption as seen by representatives of this target group includes factors related to institutional performance, such as the lack of effective control and enforcement in some areas (public procurement mostly, but not exclusively), and the poor capacity of investigatory bodies to investigate corruption crimes efficiently.

The lack of information and the lack of a culture of identification of corruption by the people is seen as an additional reason for the spread of corruption. Very few citizens know that active and passive bribery are both crimes and very often it is believed that only taking bribes constitutes a crime.

Last but not least, the lack of political will amongst Bulgarian political class is also an important factor.

Size and Scope

Contrary to respondents from almost all other target groups included in this study, the NGO representatives believe that corruption can be measured. The measurement is based on a study of perceptions similar to the method applied by Transparency International for its CPI index. One of the components that are measured is the impact of corruption on the life of ordinary citizens. According to these studies, three years ago more than 80 per cent of the citizens declared that corruption exercises strong influence on their personal life. Now the situation has changed and slightly more than 50 per cent declare so.

Another dimension of corruption that NGOs attempt to measure is the size of the bribes paid in different public spheres. According to NGOs studies the highest bribes are paid in the judicial system.

Effects

There are two major groups of negative social effects of corruption as seen by NGO representatives. The first one encompasses the negative effect on democratic institutions, as corruption undermines the public trust in them. The second one includes economic aspects such as the impoverishment of the population due to the non-regulated ways of distribution of public resources. Privatization procedures are a good example of this process.

Anti-corruption Measures

One set of anti-corruption ideas concerns the possible improvement of existing anti-corruption measures in terms of better coordination and implementation. The reason for the poor effectiveness of anti-corruption strategies is not that much in the balance of powers, but rather in the lack of effective interaction and cooperation between the agencies engaged in



counteracting corruption. The fight against corruption crimes requires the joint efforts of many institutions. This is the job not only of prosecutors, but also of the court, anti-corruption commissions, the government, etc. Another problem of a similar nature is the lack of transparency in the work of anti-corruption bodies themselves, which leads to more public distrust in the capacity of the system to counteract corruption.

The major conclusion is that in terms of legislation and institutions building a lot has been done already. The problem is that the institutions do not use the powers they have to full extent and this is where the efforts should focus. If however, a new institution is to be established, this could be only a special anti-corruption agency. In order to be efficient it should be within the prosecutor's office and should have large investigative powers. There is no need for other anti-corruption bodies, such as the Commission for the fight against corruption at the Council of Ministers, because all they can do is to educate, produce brochures, and monitor the implementation of action plans. Efficient anti-corruption activities, however, require investigative powers in order to punish persons involved in corruption and in this way play a prevention role in society at large.

As regards the question about the focus of a successful anti-corruption strategy, the respondents believe that it should be placed on both grand and petty corruption. This requires that both approaches the top-down and the bottom-up are applied in parallel. On the level of grand corruption, the focus should be on transparency and control of party financing, which is the main engine of corruption in politics. On the level of petty corruption, the first step is to narrow the popular perception about corruption. Corruption is cited as an explanation for too many different problems, which are not related to corruption. This lack of understanding of the essence of the phenomenon reflects on the citizens' perceptions and leads to exaggerated levels in the perception of the phenomenon.

The NGOs representatives consider the lack of good investigative journalism in Bulgaria to be serious shortcoming of the anti-corruption efforts in the country. According to them, the major role of media are to work on particular cases of corruption. The lack of investigative capacity amongst journalists is considered to be the main reason for the poor media coverage on the topic of corruption.

The role of NGOs in anti-corruption activities is perceived to be supportive and cooperative to the government's efforts for counteracting corruption. However, another equally important function of NGOs is to correct government activities.

5.6 Target Group Economy

Definitions

The representatives of the business define corruption as a state in which economic actors are forced to pay money in order to get services that are provided by the public authorities for free. In some of the cases this could be the so called "greasing the wheels" corruption where money are paid to get things done in a easier and quicker manner. In the other cases, the access to some services could be blocked by the public officials unless the certain sum of money is paid.



Another manifestation of corruption is when both business and public authorities in a consensual way circumvent rules and legal procedures. This type of corruption distorts the competition and lowers the quality of the services provided to the public. The most dangerous form of corruption is perceived to be that which affects negatively the interests of big groups of people. In this respect the petty corruption that affects many members of the society could be much more dangerous than grand corruption because it is destructive for values and further incidences of corruption.

The respondents from this target group believe that corruption exist not only in the public sector but also in the private one. This includes cases where private officials abuse their power for personal enrichment at the expense of the company's interest.

Origin and Causes

The representatives of business perceive corruption as universal phenomenon that exist to a certain degree in all societies. The characteristics of corruption in Bulgaria are determined first by the Communist heritage, and second by the lack of experience with democracy and market economy. This includes underdeveloped civil society, lack of independent media, and weak judicial system.

Size and Scope

According to our respondents, corruption can only be measured on the basis of a personal experience admitting that this approach cannot be applied for policy purposes. The phenomenon is present at low administrative levels with which many citizens interact in their everyday practice. As regards grand corruption, there are less people involved and the public is informed about it by the media. In this situation, it is very difficult to measure objectively corruption but perception that it is actually everywhere is very strong in the society.

Anti-corruption Measures

Since corruption has different manifestations, there should not be a single anti-corruption strategy. However, one general strategy can be used to limit corruption at lower levels. This reorganization of the public sphere involves reduction of the state influence and introduction of clear rules and procedures. In many fields in which public resources are spent (healthcare for example) corruption is not the cause of the problem but it is rather an negative outcome as a result of the system mismanagement. In such cases, a simple reorganization of the system towards better management would limit corruption.

Establishment of new state institutions meant to fight corruption would not help much since public trust in the state institutions is very low. The general public's perception is that institutions are often established not to improve the quality of the governance but rather to create new power opportunities for the ruling parties.

Introduction of transparency in all process of public decisions making could help to limit



corruption significantly. It is important, however, that this transparency is achieved in an impartial way through the use of new technologies and media like the internet, rather than traditional media, which has lost much of its public confidence.

Persistence in teaching social values to the young generations is an important factor that might play certain role in reducing corruption in the country. However, respondents admit that changing social values would require a lot of time and effort.

It is unrealistic to expect that political parties would initiate reforms that might bring positive change to the process of counteracting corruption due to the fact that they are the major vehicle of corruption. The lack of interest in politics has led to parties commercialisation and clientalisation. Corruption to a great extent explains and rationalises their existence.

It is also unrealistic to expect that business organisations might contribute significantly to the anti-corruption efforts since they are private organizations that are primarily led by their private interests. This does not concern the low level administrative corruption, in which removal all businesses have questionable common interest.

In general, the media are of great significance for every anti-corruption strategy. In particular there are not many media in Bulgaria that enjoy considerable level independence. Most of them follow certain private interests. There is a presumption in theory, which assumes that existence of many media representing different interest and views might lead to relative balance in information. However, in practice, it seems that media have concluded unwritten agreement to exclude certain topics from the public debate.

6. Analysis

In this section, we try to reconstruct the logic of perception of corruption by summarising and analysing the results from both research phases. Our final goal is to offer a better understanding of the current anti-corruption efforts in the country and their shortcomings. Based on our conclusions, we will also attempt to offer a discussion on possible recommendations for optimisation of anti-corruption measures.

In order to better understand the social logic in which the phenomenon of corruption is constructed we used a model approach. We examined perceptions of representatives of the six target groups to discover repeating patterns and links between ideas of the concepts we studied. Our final goal was to reconstruct existing models of understanding of corruption. The models we use to organise the social perception on corruption are ideal theoretical constructs in Weberian sense. They exist in reality not in pure but rather in mixed forms. Some models however, prevail in the perceptions of some of the six target groups we studied.

There are several possible explanatory models of corruption that could be found in the perception studied. We reduced them down to two broader models or even groups of models that could explain and organise most of the ideas grounded in the respondents' perceptions. Our goal here was not to exhaustively describe the features of the explanatory models on theory but rather to reconstruct them only to the extent they exist in the particular perceptions that we studied.



“Rational” Explanatory Model

We called the first model `rational` since it sees corruption to a great extent as a rational phenomenon in the tradition of western modernity: it can be relatively easily measured, understood and tackled by a set of certain policy actions. The major assumption behind this model is that individuals are rational, and that in similar situations they are going to act in similar ways – essentially maximising their benefits and minimising their costs. Because of this assumption, the model is largely insensitive to subtle differences in the context. According to the model, corruption happens in Bulgaria as a result of the incomplete processes of modernisation: every society at the Bulgarian developmental stage would encounter similar processes with corruption, since the incentive structure for the individuals will be similar. Further, with the advance of modernisation, that started with the collapse of Communism in 1989, corruption is bound to diminish. It could be concluded that the NGO sector has been the major importer of the rational explanatory model of corruption to the country.

The definition of corruption used within the rational model is `abuse of power`. There is a broad consensus amongst respondents from all target groups that abuse of power is broad enough to comprise all manifestations of the phenomenon. Within the rational model however, there is a tendency to narrow down the definition to `abuse of power for personal gain`. This makes the phenomenon easy to distinguish on the field among other forms of bad governance, which are often associated with corruption in the media and the political debate. Thought not always, corruption here is often understood in the framework of crime. This vision fits well within the overall rational framework of perception of the phenomenon presuming that as a crime corruption can be easily normatively defined and then tackled with penal instruments.

As regards ranking the different forms of corruption according to the danger they pose the focus within the rational model falls on the political and grand corruption. The importance of these types of corruption is determined by several factors. First, politics itself is very important for the society as whole. Second, negative effects for society in terms of economic resources are bigger when corruption occurs at high levels of governance and politics. Third, this model considers corruption as a crime and therefore it is very difficult to detect and prove political and grand corruption since they involve trade in influence and take place as very complex and consensual deals.

Causes of corruption according to the rational model are largely universal and have little to do with the cultural context. Only several manifestations of petty corruption can be considered culturally determined. The origin of corruption in this sense is related to the development of modern capitalist societies in general. Universal factors like poverty, poor or lacking institutional control and enforcement, weak judiciary and investigative agencies and the lack of political will could cause corruption in the different societies.

One of the key features of the rational model is the belief that corruption can be measured although difficult to do. The measurement takes place through combining studies on the perceptions of experts, businessmen and the general public. According to this understanding, particular aspects of the phenomenon such as the sizes of bribes paid or the absolute cost of corruption for a given society can be measured.



In line with the above mentioned, the rational model paradigm presumes that the size and the spread of corruption in given segments of the society can be determined in a relatively precise manner. The idea of corruption as a phenomenon present everywhere in society contradicts this concept.

The negative effects of corruption within this model are seen at two major levels. First, corruption brings economic harm to society: losses from direct corruption payments, missed benefits to society as a result of corruption deals, etc. Second, corruption affects society negatively in terms of undermining people's confidence in democratic institutions and procedures.

The strategies to counteract corruption within this model are logically connected to understandings about the origin and causes of the phenomenon. The major focus here is on formal institutions and might include measures for improvement of the institutions in terms of legislative support, technical capacity, institutional powers, competences design, etc. Corruption conceptualisation as a crime invokes a special attention to investigative institutions and functions. In terms of which type of corruption should be tackled first, the priority is given to the grand and political corruption and the top-down approach at the expense of the petty corruption and the bottom-up approach.

The roles of different social actors in counteracting corruption as seen by the rational model largely correspond to the above mentioned strategies. Media is expected to take part in general in awareness raising campaigns on corruption and carry out journalistic investigations of separate cases of corruption. NGOs and civil society structures should support the government in its anti-corruption efforts and correct it when needed. Public institutions should push the process of establishment of a normative framework for counteracting corruption and more importantly ensure better coordination and enforcement of all anti-corruption policies and measures in the country. Similar roles are intended for political parties: they are expected to ensure public support for the anti-corruption legislation and reforms. The general presumption of the model is that businesses have an immediate and unquestionable interests in fair and non-corrupt governance and therefore it would support the government and other public institutions in their anti-corruption efforts.

“Cultural” Explanatory Models

For reasons of methodological consistency it would be very difficult to argue that only one cultural explanatory model of corruption can exist and can be reconstructed out of the perceptions we studied. In the rational model there is a certain degree of logical clarity due to the fact that this discourse was brought to the domestic context by NGOs and foreign donors after a period of long conceptualisation. This is not the case of the cultural explanation of corruption, where usually several differing, and more importantly sometimes contradicting, ideas can exist. We called these models ‘cultural’ basically because some of their explanatory aspects refer to specific cultural features in a broader sense. Culture however, is subject to permanent influence and change and in this process perceptions of corruption are very much affected by the rational discourse on the problem. This explains why in certain points of the explanatory constructs there might be some similarities to the ideas of the rational model while in others not. The important feature of the cultural models, however, is of course the



fact that they reflect domestic knowledge, specific insights into long standing domestic practices and experiences in most of their explanatory mechanisms. They are much more complex, eclectic and last but not least, they are more sceptical with respect to the possible success in reducing corruption. For the purpose of our research we did focus more on the important differences between the rational and cultural discourses rather than on reconstructing the complex cultural explanatory models *per se*.

The definitions of corruption within the cultural models do not generally contradict the one used by the rational model, but they tend to be broader and more inclusive. They go beyond the abuse of power for personal gain to include phenomena such as distorted political process, abuse of power in the private sector, various forms of bad governance and even negative patterns of social values and morals. The definitions of corruption are also not limited only within the framework of the crime concept. The broader definition of the phenomenon is determined largely by the different points of departure of the respondents. Those who perceive the problem with corruption as part of the whole process of transformation of the formal and informal institutions in the country tend to broaden the definition in order to place the phenomenon in an appropriate explanatory context. On the contrary, in the rational explanatory model the phenomenon is being narrowed so as to fit well in a single definition and be tackled with a clear set of concrete measures.

As regard the most dangerous form of corruption, the focus here is rather on petty corruption in contradiction to the rational model where grand and political corruption are more important. Importance of petty corruption is determined by the belief that it affects negatively people's perceptions about the democratic system and the social values, as it appears in people's every-day social interactions. As a result, most of the citizens lose their confidence in democracy and the belief that society functions in a fair way. Other forms of corruption that might involve grand corruption could also be dangerous, since they produce massive negative effects for society and cause general public distrust in its functioning. These are forms of corruption that affect interests of big social groups and are very visible for the general public (such as the corruption in healthcare).

The ideas about the origin and causes of corruption in Bulgaria within the cultural models offer more variations in comparison to these of the rational model. They can be summarised in two main groups that interact and influence each other. The first group includes factors related to the institutional context of transition and the effects of the Communist heritage. These are weak state institutions, legal instability, the privatisation of state properties and the specific role of the state in the economy. The second group includes factors such as the lack of specific social values to prevent corrupt behaviour and the existence of historically determined cultural patterns that facilitate social tolerance of corruption. These factors go beyond the social habits immediately related to particular practices of corruption to include deeper characteristics of the political culture such as the perception about the just and fair functioning of democratic governance and society in general.

One of the key discrepancies between the cultural and the rational models concerns the possibility to measure corruption. Within the cultural models, corruption can not be measured in a precise enough manner to be used for policy purposes. Only peoples' perceptions of corruption can be measured, but they are formed and influenced by various factors that have nothing or little to do with actual levels of corruption. In the case of corruption seen as a



crime it is even more difficult to measure it since the predominant part of the corruption transactions involve consensus of both parties.

In spite of the firm belief that corruption can not be measured, it is perceived by the cultural models to be present everywhere in the social organism. The justification of such a belief comes from the character of communications within the social co-existence. Social actors often speak about corruption, they share stories and personal or retold experience about corruption, and everyday the media feed the public debate with stories of corruption. All this results in an embedded social perception that corruption is everywhere in society and that it is an inevitable tool for solving problems of various nature. In such circumstances it is very difficult to judge which story is true and which not, but perceptions that corruption is everywhere become very powerful.

The cultural models recognise the same negative effects of corruption as the rational model does, but the main difference is that the focus here is on large-scale popular effects. As mentioned above, these effects are to a great extent a result from the petty and very visible corruption on the one hand and the media discourse on grand and political corruption on the other hand. The most dangerous consequence of corruption in these circumstances is the destruction of social values and the demoralisation of the society. This is perceived to be the most important effect since it damages the very system in which society functions. These effects can have long term negative consequences that are difficult to tackle since they become embedded in social culture.

Culture-focused models entail several possible strategies for counteracting corruption. The most prominent strategies can be classified into two groups. The first group encompasses measures aiming at improving the administrative capacity for dealing with petty corruption. These measures, however, are not based on purely technical explanations, but rather on the perception that the more petty corruption exists, the greater chance there is that people would have had a first-hand experience of corruption, which justifies their overall perception of the system as corrupt. The second group of strategies requires changes in the system of values, but there are hardly any specific proposals on how to effect these changes. This lack of specificity is directly related to the scepticism intrinsic to cultural explanations. Most of them are based on the presumption that culture is a very inert system and that widespread social attitudes and practices are extremely difficult to change, at least in the short or medium term. Therefore, the most promising approaches aim at long-term goals, for example through influencing the education, the upbringing, and the living environment of the younger generation.

Culture-determined explanations also differ from the rational model on the roles various institutions and actors could play in counteracting corruption. While the rational model proposes cooperation between NGOs and the government, the culture-based models call for NGOs that stand apart from the interests of the government and represent genuine civil-society platforms. On the role of political parties and business circles in counteracting corruption expectations of the culture-determined model are rather negative or sceptical. This is so, because political parties and business circles are seen as the main forces generating corruption. Therefore they cannot be expected to initiate the change, but rather they should be subject to change that might come as a result of the civil society pressure. The role of the media in the past is seen as negative as they are perceived to have trivialised the anti-

corruption discourse and to have played a serious role in lowering public interest in politics.

Target Groups and Models of Corruption

As this study is qualitative, rather than quantitative, and the number of respondents is limited, the breakdown below should be considered as purely illustrative and is not representative or comprehensive in any way.

The analysis of the empirical data indicates that the rational explanatory model is most prominent among NGO representatives. This is not surprising, having in mind that the NGOs have been the main actors to initiate the corruption/anti-corruption discourse in Bulgaria, and that they based their work on concepts imported from abroad. Yet some of the local culture-focused explanations have influenced NGO representatives as well, especially the perception about the importance of petty corruption. This has influenced the measures they propose and for many of the representatives of NGOs addressing petty corruption (the bottom-up approach) is now just as important as fighting grand corruption (the top-down approach).

Certain theses belonging to the rational model are also used by respondents from the other target groups, to a greater or lesser degree. This may be related to the fact that corruption/anti-corruption discussions in Bulgaria were first initiated on the basis of the rational model. Yet, not all of the theses of the rational model have stood the test of critical examination, following the events of the past decade. For example there is a consensus among most of the respondents that corruption should be fought on a case-by-case basis and that the greatest focus should be on institutions with investigative functions.

In the table below we have attempted to illustrate the presence of the two types of explanatory models among the respondents of the different target groups:

Table 1

<i>Indicators/Target groups</i>	Politics	Judiciary	Media	Police/PO	Civil Society	Economy
Definitions						
Forms						
Origin/Causes						
Measurement						
Size and Scope						
Effects						
Strategies						
Roles of other institutions						



Rational model



Cultural models



Models of Corruption and Political Dynamic

In this section we attempt to show how the different models of perception of corruption interact in the discourse of the different groups. We set this interaction in a political context, and try to explore to what extent different groups can use the anti-corruption discourse to promote their interests. Our main focus is on the politicians and governing politicians in particular. The questions we are trying to answer are the following:

- Why governing politicians admit the wide-spread character of corruption?
- Why are they interested at all in anti-corruption measures, as the setting of anti-corruption bodies, for instance?

Governmental parties risk losing the public debate if they rely only on the legalistic discourse towards the phenomenon of corruption. Practice seems to prove such a hypothesis. In 2000-2001 the government of the Bulgarian Prime Minister Ivan Kostov was in the business of vehement denial of the existence of corruption unless proven in court. This government was swept aside by King Simeon II's movement, which came in office on an anticorruption ticket using a much more inflated concept of corruption. Thus, governments, sticking only to the narrow, legalistic conception of corruption, could rely only on a very limited discursive support – coming mainly from the judiciary, which is hardly a vocal player in political life. Against such a “legalistic discourse coalition”, the government will see virtually everybody – the media, the NGOs, the businesses, eventually the prosecutors and the police, if they enjoy a degree of autonomy. Governments, therefore, need to reexamine their discourse coalitions very carefully, if they do not want to be left in isolation.

Further, it is rational for governing parties to attempt to broaden their discourse coalitions – to relate to the discourse not only of the judiciary, but to other important groups as well, the media and civil society mainly. In order to break up their discourse isolation, however, governments must take at least some of the following steps:

- publicly “admit” and “recognize” the problem of corruption. In this way they build a discourse bridge to potential partners in other groups, who are not directly interested in political changes (like the opposition);
- start cultivating the partnerships with these other groups by using their discursive support for the adoption of specific anticorruption measures;
- with regard to civil society, in exchange for the public “recognition” of corruption, governments could require cooperation with NGOs in a number of spheres, such as measuring corruption, legislative drafting of programmes, action plans, and other normative acts, consultation with experts, etc. The governments will be successful in breaking up their discourse isolation, if most of the influential NGOs in the country adopt a “non-confrontational” stance towards them. This would mean that corruption is depoliticized and that change of government is no longer seen as the key measure to be taken;
- in the case with the media, the situation is more complex. In contrast to NGOs, the media are not that interested in long-term institutional and legislative measures. They frame public discourse mostly through scandal and personalisation of politics: therefore, personnel changes are indispensable in order to bridge the gap between media and governmental discourse on corruption. For this purpose,

governments must involve as potential partners elements of the prosecutors and the police, with the goal of *starting* investigations of public persons, possibly including members of the governing parties as well (but in exceptional cases, of course). It is important to stress that for the purposes of collaboration with the media, governments need to focus only on the start of investigations, since media interest is highest at this point, and goes down dramatically at the more complex judicial stages, whose intricate procedures are often impenetrable for the public in general;

- even the opposition could be co-opted in terms of anti-corruption discourse by a skilful government. The key element here is the depoliticisation of the issue through the elaboration of a comprehensive anti-corruption plan, which requires long-term profound institutional changes in all areas of governance. Ultimately, governing parties will be successful if they obtain the consent of the opposition for these programmes and plans, which is normally not impossible, since these contain predominantly common-sense measures aiming at the general improvement of governance. In certain cases, members of the opposition could become also members of watchdog bodies, supervising the implementation of legislative and institutional reforms;
- the government must read very carefully the silent discourse of the business sector on the issue of corruption. The best strategy to ensure that this silence means support is to lead a policy of downsizing of the state and lowering the taxes. These are the key anti-corruption measures which the business community looks for; normally, political change in terms especially of a political crisis and instability are not in the interest of the economic players.

There are several residual problems with these strategies of breaking up the discourse isolation by a government. First, the adoption of legislative and institutional measures – which is the core of what a government can offer to the public and other influential players in terms of anti-corruption – is potentially threatening to limit governmental discretion in important areas. This alienates traditional clientelistic partners (the role of patronage decreases) but also, this leads to a certain convergence of the acceptable party platforms in the longer run. Thus, in order to become suitable for government, a party must plan for: institutional reforms, downsizing of the state, lower taxes. Cooperation with civil society – understood as a monolithic, non-partisan entity – also leads to a certain “depoliticisation of politics”, which dilutes the dividing lines between the major parties.

Thus, by creating successful discourse coalitions with other influential players, governments resolve their short-term political problems of electoral mobilisation: they break up their discourse isolation, and their messages start to find support in what the other actors are saying as well. However, the long-term cost of this strategy seems to be a particular level of depoliticisation and of further undermining of the tools for political mobilization of the *established political parties as a whole*. It is no surprise, from this perspective, that despite the commitment of governments in South East Europe to the fight against corruption for more than seven years now, there is no revival of the public trust in the established political parties. In most of the countries, trust in governments and the representative structures of society as a whole is very low: parties and parliaments are usually most at risk.

The troubles of the established parties have recently taken two major forms. In the Romanian case, the two major political parties (the ex-communist Social Democrats, controlling Parliament and the block of the President Basescu) went on an all-out anti-corruption war against each other in an act of desperation to win back public trust. Before Romania's accession to the EU, the anti-corruption effort was lead by the charismatic minister of justice Monica Macovei, who was closer to the presidential camp. The Social Democrats, who saw themselves as victims of the anti-corruption campaign, retaliated by sacking Macovei immediately after the accession of Romania to the EU, and by starting impeachment proceedings against Basescu himself. The impeachment failed, because the Romanian people confirmed Basescu in office in a referendum. So far, high profile investigations against important party leaders on both sides have not lead to convictions – some of them never reach the judicial phase, while the others usually take a lot of time for final resolution. For an external observer, it would be a real miracle if these developments restore public trust in the political process and the representative structures of democracy in Romania.

In Bulgaria, the mainstream parties have adopted another strategy. In general, they have avoided thus far an all-out anti-corruption war against each other, with one significant exception in the first part of 2007, when a vice-PM of the Socialist Party was forced to resign, together with the Chief Investigator (who was seen as an appointee of another coalition partner – the Movement for Rights and Freedoms). These two started accusing each other of corrupt behaviour, accusations which remained unproven in court, but had a dramatic public effect. This was just an exception to the general rule of avoidance of anti-corruption warfare among the major parties, however. The result of this avoidance is the public perception of all of the major parties as corrupt, which opens the political stage for ever new anti-corruption populist actors. Accordingly, all new elections bring a new popular anti-corruption hero in Bulgarian politics. In 2001 this was Simeon II and his movement, in 2005 the nationalist Ataka, and in 2007 – the charismatic Boyko Borisov – the former bodyguard of the ex-tsar, who made a career in the Ministry of Interior in the period 2001-2005.

Somewhat paradoxically, whether avoiding an all-out confrontation on the issue of corruption or not, major parties suffer from a long-term tendency of loss of public support in South East Europe. The impasse that I am trying to describe here is the following: in order to break up their discourse siege on the issue of corruption, governing parties must attempt to build “discourse coalitions”. This has short-term positive effects in electoral context: for instance, King Simeon II’s movement did not win as a governing party the elections in 2005, but it still managed to win enough votes to participate in the next “broad coalition” government. In Romania, President Basescu managed to convince the public to vote for his staying in office in a referendum. The long-term trend in terms of winning the public support through anticorruption discourse strategies is hardly encouraging for the major parties in these two countries, however. The door for new populist players seems wide open.

Rational and Cultural Explanations in a Political Context

Anti-corruption programmes started more than seven years ago in Bulgaria. Our case study shows that over this period of time they have managed to change to a degree the perception of corruption of different target groups. The most dramatic change in our view concern the groups of governing politicians. They have undergone significant metamorphosis in terms of

discourse in the following direction:

- They have “admitted” the “existence” and “wide-spread character” of corruption;
- They have abandoned the “legalistic” and embraced the “inflated” public interest-based definition of the concept of corruption;
- They have adopted the view that modernisation and structural reforms in neo-liberal direction (downsizing of the state, deregulation) are the key anticorruption measures;
- They have agreed to form coalitions with civil society (understood as a monolithic whole) in the fight against corruption, thus “depoliticising” corruption as an issue;
- They have generally abandoned “the cultural” model of explaining corruption, and have adopted the “rationalistic” discourse of changing “the structure of incentives”, institutional reform, etc.

The paradox which the Bulgarian case study exhibits is that none of these elements of a quite substantial metamorphosis did not lead to a increased public trust in the Bulgarian governing parties. On the contrary, despite this “rational” approach to the issue of corruption which they have adopted, governing parties in Bulgaria continue to lose elections and the confidence of the people. First, Kostov’s government was swept aside by King Simeon II’s movement in 2001. Then Simeon II dramatically lost the elections in 2005 to the Socialist – the two parties were ultimately forced to enter a coalition government. In the final act thus far, the King’s movement (local and European elections 2007) the King’s movement shrunk to the point of non-significance, while the Socialists were badly beaten by the party of a new charismatic leader – Boyko Borisov.

Curiously, the Bulgarian case study demonstrates that the more one “rationalise” anti-corruption discourse, the more one “disenchants” the anti-corruption world (in the Weberian sense), the more anti-corruption magicians and superheroes emerge. Thus, first the ex-tsar Simeon II built his anti-corruption platform on the fairy tale character of his personal story. Then, his bodyguard Boyko Borissov followed the model and created his own party. He won the hearts of the public with words, looks, behaviour: subtle details which only a connoisseur of domestic public consciousness would truly appreciate.

And here is the paradox. Politicians must have adopted the “rational” explanatory model, but the public want a “cultural” hero, somebody who truly expresses their identity, to carry out the anti-corruption fight. For the believers of the “cultural” explanatory model, this is the only consolation that we could offer.

7. Conclusions

In this final section we attempt to place our research findings in a broader context so as to contribute to the better understanding and conceptualisation of the problems of corruption and anti-corruption in Bulgaria. The last decade has been marked by continuous anti-corruption efforts and various attempts to study corruption. In the beginning this process was driven and the phenomena exclusively conceptualised by external factors but over time a domestic, culturally determined discourse on corruption has developed. This discourse consists both of broader cultural features that might have some relation to corruption and reflections on the recent discourse on anti-corruption and corruption. Our goal here is to make a critical



assessment of the `official` or `formal` conceptualisations of corruption and anti-corruption based on the results of our study of the local, culturally determined discourse on these problems.

As we showed above, there is a crucial difference in the way in which corruption is defined by the rational model and the culture determined models. While the former one is aiming at a clear-cut, universal definition, the latter prefer a broader definition that might easily connect the phenomenon to the context and explain it in relation with other social problems and developments. Anti-corruption strategies within the rational model deal exclusively with corruption itself, without giving an account neither of the deeper, grounded in the context causes of the problem nor of the possible side effects of these strategies. According to the rational model, corruption itself undermines the confidence of the people in the democratic system. According to the culture determined models, not corruption itself, but corruption and anti-corruption rhetoric are the major reasons both for the declining confidence in the democratic institutions and procedures and for the growing popularity of corrupt behaviour in the society.

These observations show that in fact there are two major interconnected sets of problems related to corruption in the country. First, there are problems of actual corruption deals and their negative effects measured largely in terms of economic losses and damages for the society. Second, there are problems related to public perceptions of corruption that affect negatively social trust and values. Strategies that are meant to cope with the first set of problems come in combination with increased information and tabloid media discourse on corruption. At the end of the day, this creates a vicious circle, where the more information of corruption appears the more corruption becomes spread in society. This of course is possible because of the lack of effective responses to the cases of corruption on behalf of the state institutions and in particular the judicial system.

What should be done in this situation? The presumption of the `official` or `formal` discourse on corruption (that overlaps to great extent with what we found in the field as a rational model) was that the top-down approach, where the political class is the major actor in implementing large-scale anti-corruption policies is the best strategy. It also presumed that this process will be pushed at a political level by external conditionality such as the European Union and will be supported at the local level by civil society groups most of which are funded by foreign donors. The focus of this strategy was on grand and political corruption. It was expected that convictions of corruption of high-profile public servants and politicians would increase the general public confidence in the democratic system and make corruption a less attractive option.

What happened in reality is different. First, since Bulgaria joined EU, the soft power of the Union that might trigger reforms has been dramatically limited. Even before that, in the accession period, the EU pressure for reforms in anti-corruption and anti-crime policies did not achieve much. The government undertook a number of so called `showcase` activities to convince the European Commission that the country takes seriously problems of corruption and organised crime. These activities, however, were more a kind of PR rather than deep system changes. These observations are indirectly confirmed by the fact that most of the large court cases involving high-profile public servants and organised criminals that have been initiated over the last year have proved to be very difficult and are not very likely to end with



convictions. Most of these cases were seen by media and public at large as direct responses to the European Commission's explicit demands for convictions of corrupt high-profile public officials and members of the organised crime groups. Second, civil society groups have indeed carried out a lot of anti-corruption initiatives and managed to establish corruption as a social priority and promote many anti-corruption tools and measures in the legislation and institutional setting. However, as our study shows, the representatives of NGOs themselves admit that anti-corruption normative tools have not archived their full potential because there is no real implementation and coordination. Broad awareness campaigns on corruption that were conducted by NGOs have had a significant contribution to the trivialisation of anti-corruption topic and have triggered the general public perceptions about the spread of corruption in society. This has made the general public rather passive and tolerant of corruption. On the contrary, the culture determined strategies place petty corruption in the centre of the efforts needed. Successfully anti-petty corruption strategies would make ordinary citizens more optimistic about the fairness of the democratic governance as whole. This in turn will have a positive affect on social values that do not tolerate corrupt behaviour within society. Eventually, under such circumstances, the citizens would be perhaps more willing to vote for non-corrupt politicians and political parties. All this however seems too simple to be true. The reduction of corruption in Bulgaria cannot be considered in isolation from the overall political and social situation. Anti-corruption measures cannot be successful unless intertwined with the overall development of democracy in the country and solving the problems such as the lowering interest and confidence in politics, and the increasing commercialisation of the political process.



SIXTH FRAMEWORK PROGRAMME OF THE EUROPEAN COMMISSION



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

Project no.: 028442

Instrument: SPECIFIC TARGETED RESEARCH PROJECT

Thematic Priority: PRIORITY 7, FP6-2004-CITIZENS-5

RESEARCH REPORT ROMANIA:

**Perceptions of Corruption in Romania
A Content Analysis of Interviews from Politics, Judiciary, Police, Media,
Civil Society and Economy**

Period covered: from November 2006 to October 2007

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1. Introduction

During the past two years Romania continued with both its legislative and institutional efforts targeted at preventing, sanctioning and combating corruption. Corruption remained the main topic of interest of the public discourse. Extensive efforts have been undertaken up to 2006 in order to create the legislative framework and build the institutional capacity in order to curb corruption. During 2007 reform continued in the direction of a structural transformation. Essentially, the various reports looking at corruption in a comparative perspective acknowledged change in Romania in the positive sense.

According to CPI 2006 ranking, Romania is placed 84th in the hierarchy of countries, with a score of 3.1⁶. The CPI varies between 9.6 in Finland, Iceland and New Zealand and 1.6 in Haiti. Even though a slight continuous improvement of scores was registered in time, between 1997⁷ (score 3.44) and 2006, the score based on perceptions of country experts and analysts still indicates a high level of corruption.

Looking at control of corruption as one of the six dimensions of governance, WB report on governance (2007) reveals a continuous increase in this indicator starting especially with 2002 and marking a more pronounced evolution in the period 2005-2006. This reflects the great effort that has been put into creating a broad legal and institutional framework designed in order to target corruption prior to Romania's accession to EU in 2007.

Freedom House report 2007 placed Romania's corruption rating at 4.00 (on a scale from 1 to 7, where one means highest level of progress and 7 the lowest level), which marked an improvement in comparison to previous years and continued the positive trend registered by the country in the past years. This progress in ranking has been explained through the growing effectiveness of anticorruption reforms.

Concentrating on the evaluation of legislative and institutional framework designed in order to prevent, combating and sanctioning corruption, TI Romania report (2007) indicated that mechanisms put into place in order to fight corruption have both negative and positive aspects and a number of public policies that have had so far weak outputs.

Although there is evident progress in the field of anticorruption as mentioned by the various reports quoted above, the main topic of debate in Romania remains the actual results of investigations in corruption cases. The main issue in this respect is the seemingly high number of suspended sentences especially in high level corruption cases.

⁶ no of surveys 8, confidence range 3 - 3.2

⁷ first year of survey for Romania



2. Methodology

The main purpose of this report is to understand the perceptions towards corruption held by the representatives of six target groups who are engaged in targeting corruption: economy, politics, civil society, media, police and judiciary.

The present study uses a Grounded Theory approach aiming at reconstructing the profile of corruption in Romania as revealed by perceptions towards the phenomenon. This methodology entails a bottom-up approach which inductively derives theory from empirical data without necessarily bringing into play the existing theory from literature.

It rather aims at discovering in an open way the patterns of perception towards corruption in the attempt to reveal Romanian lines of reasoning. These argumentative patterns containing accounts of corruption derive from the present circumstances of Romanian society as well as from its particular social and cultural framework. Consequently, the analysis of perception models sheds light on both these elements. Following this premise of the research project (Taenzler, Maras, Giannakopoulos, 2007), the present analysis reveals the common sense theories of corruption in Romania.

2.1 Data Generation

During the second empirical phase of the research project, interviews have been conducted with experts⁸ from institutions having important roles in targeting corruption: economy, politics, civil society, media, police and judiciary. The field work was performed in the period January - September 2007.

According to the common methodology of the research project, for each group, two interviews have been carried out, with the exception of NGOs and Police groups for which three interviews have been conducted.

The focussed in-depth interviews were based on an interview guide common for all subjects, which was adapted to the field of work and particular expertise of each interviewee. The average duration of the interviews was one hour and twenty five minutes.⁹ The interviews have been digitally recorded for most experts while in two cases handwriting notes have been taken.

The purpose of the interviews was to elicit thick descriptions of corruption. These thick descriptions which are dense in terms of information and evaluation allow for an in-depth understanding of the ‘every-day theories’ of corruption.

⁸ We would like to thank to all the experts who answered our questions and their valuable contribution to our study. Also, many thanks to the National Anticorruption Directorate and General Anticorruption Department of the Ministry of Interior and Administrative Reform for their continuous support to our research.

⁹ From the calculation of this average it was excluded the extreme time of one interview which was fourteen minutes.



2.3 Analysis and Methods

Two types of strategies have been employed in data analysis. The first one, goes across the material gathered, namely interviews, trying to follow the concepts identified. This strategy employed in analysis is based on analytic interpretation (Denzin, 1989) which essentially entails the use of an abstract scheme derived from research. It assumes a variable language making use of the concepts resulted from open coding. The strength of this approach is in its capacity of easily highlighting a rather comprehensive and clear outlook of corruption, even though the ‘story’ of corruption tends to become rather fragmented by the consecutive description of variables. The interpretation is multi-voiced in the way that it uses the voices of those interviewed in order to build an account of corruption.

The researcher takes a ‘back seat’ in this approach. The ‘voice’ of researcher is to be heard in two instances. The first one is the mode of conceptualisation of perceptions, of using abstract notions that can make up models. The second situation in which the researcher has had a ‘voice’ was that of ‘interpretation’: the perceptions that constituted the primary data have been ‘interpreted’ only to the extent that they have been placed into a larger context and sometimes explained in relation to the specific Romanian reality. The researcher’s ‘input’ has been, in this way, limited and the main lead belonged to the various stances expressed by those interviewed.

The purpose within this strategy of analysis was to further contribute to the generation of a substantive level theory of corruption which was advanced in its initial form during the previous phase of the research project. Such a theory entailed essentially several steps¹⁰: highlighting the content (definitions, characteristics) of the core category of the study (corruption), exploring the causal conditions that influence the phenomenon, identifying the actions or interactions that result from the central phenomenon and delineating the consequences of the phenomenon. The current stage of research brought more evidence for the validation of this substantive level theory on several dimensions.

The second strategy of analysis is concentrating on each interview which is taken as the basic unit of analysis. In this case, the purpose is to analyse more in-depth certain positions towards corruption and more extensively describe them. This analysis can reveal certain paradigms, lenses that are used by the participants to our research in order to explain corruption. The discourses on corruption go around pivoting ideas to which interviewees appeal. They go back and forth around notions that they emphasise and that constitute the hardcore of their argumentation. The analysis was carried out with the purpose of revealing these anchor ideas.

The method used in analysis was qualitative content analysis which is an approach of empirical, methodological controlled analysis of texts within their context of communication, following content analytical rules and step by step models, without rash quantification (Marrying, 2001).

¹⁰ Adapted from Strauss and Corbin (1990)



The interviews have been analysed by using the system of categories elaborated during the first phase of research. Also, the new information contained in the interviews was added in order to complete and restructure the system of categories and new codes have been created. The categories were developed inductively by employing the procedure of open coding. Categories were created based on codes which were carefully founded and revised within the process of analysis in feedback loops. Trained members of the project team coded the material.

The chosen unit of analysis was the theme and step by step codes were created out of the material. Data analysis for each case involved generating concepts through the process of coding which represents the operations by which data were broken down, conceptualised, and put back together in new ways (Strauss and Corbin, 1990).

Within the first strategy of analysis, the material provided by the interviews was analysed by using computerised analysis software, Atlas-ti.

For the in-depth analysis of interviews, Hamlet software¹¹ was used. The purpose was to identify for each interview, based on simple frequencies of categories, the hardcore of argumentation in regard to corruption. The analysis produced very clear results in four cases out of the fourteen interviews analysed. In these instances, the analysis revealed significant differences between the categories analysed and made possible discrimination among them. These positions have been described separately and named according to their pivot ideas.

No personal data like age and/or occupation has been provided in case of quotes for the interviewed experts in order to insure confidentiality. The interviews have been numbered by groups in the order in which they have been carried out. The quotes have been reproduced exactly from the recorded interviews. Some short phrases have been occasionally taken out when redundancy was present.

3. Perceptions Towards Corruption

A. Further Evidence for a Grounded Theory of Corruption

I. Characteristics and Mechanisms of Corruption

1. Spread and Forms of Corruption. How Corrupt is Romania? Drawing Shades of Corruption

During the past years, a strong discourse about corruption overshadowed all the other major themes of public interest in Romania, especially in the period prior to Romania's accession to EU. Looking at the discourse centred on corruption, the analysis carried out in the first phase of our research used public documents elaborated during 2001-2006 and revealed perceptions towards corruption of the six target groups of our study. The analysis showed a perception of a highly corrupt country. There was a wide agreement among all target groups that corruption became generalised in all spheres of Romanian society representing thus a dangerous and

¹¹ Free version downloaded from the Internet: <http://www.apb.cwc.net/homepage.htm>



grave phenomenon. Consequently, in terms of spread, corruption was perceived as all-encompassing, being, along with poverty, a major problem of Romanian society (Precupețu, 2006).

In the same time, the discourse on corruption was not nuanced in any way. It developed around an aggregated concept without generally differentiating between forms or grades of corruption. While by and large the analysed discourses acknowledged the various institutions affected by corruption, they still didn't distinguish tones of phenomenon.

Perceptions of interviewed experts on **spread of corruption** create a different picture. First, most of them tend to point to the fact that corruption is rather isolated and not having that great magnitude, revealing thus a certain contrast to the results obtained during the first phase of research. Second, the experts distinguished between various forms of corruption and their extent among various institutions and/or different segments of society.

This can mean that, on the one hand, experts are well informed on the actual situation in the field of corruption and anticorruption and they define the reality of corruption according to their own experience. On the other hand, some change happened during the time of previous analysis and the present. As in 2006, the year previous to EU integration of Romania, the country was facing the risk of activating the salvation clause, a compelling discourse on the issue and significant efforts to combat the phenomenon characterised the period.

It is possible that 2007 marked a new stage in dealing with the issue of corruption. The discourse on corruption as such faded to a certain extent¹² while institutions specialised in anticorruption have carried out their activity following the extensive earlier efforts of building the institutional capacity. In the same time, along with some political commotion it was also visible a certain degree of conflict over corruption issues among the institutions with responsibilities in anticorruption fight. In this case, the perceptions of experts can reflect this new phase of addressing corruption.

While acknowledging corruption as a universal phenomenon for all societies, most experts consider that it occurs rather sporadically, being a deviant conduct, rather than a generalised phenomenon which affects Romanian society.

It is a deviant isolated practice. Corruption in Romania is not phenomenon. This is from my experience. (...) It is definitely isolated, there is no such thing as a phenomenon. It appears sporadically depending on certain conditions. (S1, Police)

Corruption is a universal phenomenon in developed countries too (...). If we look at corruption globally, I believe in Romania corruption is within acceptable limits. If we look at it as a principle, of course, we have to combat it but it is not possible to totally eradicate it. (S1, Economy).

As an influence in the economy, corruption is very low in comparison to other countries. It does not affect GDP so much. It has a very low influence in comparison to other countries and I can give as examples Italy or Greece. (S2 Media).

¹² It was pointed out in the media that fulfilling the goal of European integration was followed by a moderation of anticorruption fight.

The reach of corrupt behaviour is uneven, some spheres of social life are more affected by corruption than others.

I do not think corruption is a behavioural pattern in Romanian society (...). There are activities and domains where it is less present and some others where it is generalised. We speak here about public servants where we still have big problems, judiciary maybe less and less but still with difficulties and domains involving (public) contracting. (S2, Economy)

Corruption in judiciary is quasi-generalised, I cannot say that all magistrates are corrupt but I can say that you can find unethical behaviours not to mention games of interests and other bad things like abuse of procedures. (S1, NGOs)

While some segments of society are perceived as deeply corrupt, there are others that are not in the public eye, even though corruption might affect them as well.

In universities we don't talk about plagiarising, about promotions based on "beautiful eyes", about those who have good relations with the dean and get two workloads while the others only get one (S2, NGOs).

Various **forms of corruption** having different scopes and influence in society are discerned by experts. Most of the persons interviewed made the distinction between small and grand corruption. Also recognised as different is the outline that corruption takes in public and private realms respectively. Corruption in private realms is only briefly acknowledged by experts from NGOs, economy and media. The major focus is on corruption that develops within the public sector and in its relation to the private area. This signifies that corruption arising in private companies is not yet a theme for discourse in Romania and for the moment is only succinctly recognised.

The various forms of corruption are considered as governed by different logic and stemming from dissimilar opportunities. The small corruption is perceived as plaguing especially the public sector being quite broad, while grand corruption is considered as less spread and more difficult to understand and penalize.

Also, the public tolerance to these forms of phenomenon is different according to one interviewed journalist. While small corruption is considered as acceptable in society, the grand corruption is highly rejected by the public.

The "cultural corruption" identified as such by one representative of NGO involves small bribes or presents in various forms and is to be found especially in relation that citizens develop to the health, education systems and more generally public administration. This phenomenon is considered to be rather generalised and already part of the people's mind set.

It's not like you feel about all the teachers in school, giving them flowers at the end of school year or first of March. (...). You can only give them if you are satisfied with your child achievements. But for us it is a mechanism that became routine, it is a burden. (S1, NGOs)

Here things should be more nuanced according to experts from judiciary, media and NGOs and we should distinguish between gifts and bribes. Usually the label of corruption encompasses even the situation in which gifts are given as a matter of gratitude. For example, we can speak of gratitude if a doctor saved a life and received a gift. This is a normal feature of social relationships which is wrongly labelled as corruption. According to this opinion,



such situations should be regulated in the way that such gifts are declared and taxed. Laws sometimes do not keep up with the mode in which social relations develop.

For example, the need to be grateful to a doctor who did you a lot of good is different from bribe. Especially that we know some doctors do not fare well since they have such low salaries. Those with higher positions fare well while the young doctors are doing very badly. This is why appears a natural need to give them a gift, more or less important as value. I suppose that in the health private system also gifts are customary but they are rather symbolic. (S1, NGOs)

Another form of corruption identified by an NGO representative affects state institutions as such and their functioning: it is seen as endemic in the health and education system and public administration in regard to public contracting, licenses, etc. This sort of corruption is embedded in the very operation of these institutions and heavily impacts on their performance.

One more form that corruption embraces in the view of an NGO representative is the one that can almost completely paralyse the state institutions, dragging them into patterns that are close to organised crime. The corrupt behaviours that used to be present in the customs or that currently accompany the system of medicine acquisition illustrate this form of the phenomenon discussed here. They strongly depart from the rule of law and fair competition and turn into well designed mechanisms that capture whole organisations.

For example, we used to have in customs¹³ this model: they were raising ‘contributions’ (share of bribes) from custom officers, then from the heads of shifts, up to the head of the custom, regional custom head and finally to the direction. It was a basket pattern. (S2, NGOs)

2. The Logic of Corruption: a Multifaceted Phenomenon

At individual level, corruption involves an *economic calculus*, apparently acting like a shortcut for solving problems. In the short run, the costs might seem acceptable to those involved in such behaviours. The nature of corruption essentially lies in economic grounds for the NGO’s experts and one media representative. While also acknowledging its moral component, they consider corruption as an economic relationship. Both parts involved obtain benefits by taking on the potential risks involved. It is seen as a rational individual choice given the tough conditions in which citizens have to act.

You give something in order to obtain something else, either you are entitled to it and obtain it faster or because you are under the pressure of bribe demand. When you get to the hospital, the doctor will not look at you, you would not be willing to give bribe but you know, you got into the hands of doctors and have to empty your pockets...it is not like you want it, it is an economic rapport (S1, NGOs)

People in these days live in mathematical ways (...). They make calculations, those who get involved in such things. What do I gain from corruption, even if I am caught, and which is the probability to get caught. If this probability is low... (S2, Judiciary).

¹³ To mention here that this type of corruption in customs have been tackled in Romania and progress has been registered in this direction.



Besides the individual decision for involvement in corrupt actions, looking at phenomenon as such we can observe its flexibility in moving along with the economic opportunities, according to one expert from economy group.

Corruption appears in every hot economic sector. I suspect that corruption is more concentrated in real estate and everything that has to do with it. (...) If in 5 years Romania will boom in telecommunications you can be sure that it will settle there. Corruption is very flexible and very well trained, it moves where the return rate of the investment is high in the short term. (S1, Economy)

At micro level, corruption is based on a “small understanding” which entails an informal agreement between those engaging in corruption acts. This understanding goes beyond the formal rules and backs up the unlawful undertakings. Its origins are traced by one NGO expert back to the pattern of societal development of Romania, as far as such informal contracts used to operate in traditional societies.

Looking at other domains where corruption appears, in the police for example, this is where small corruption is, where the “small understanding” works, the need for becoming rich of Police officers who have small salaries and doubtful morality... and the preference (from the part of people) of not paying the full value of a ticket (speeding, parking etc) but a quarter or a half of it by breaking in this way some moral principles. (S1, NGO)

Also, corruption is viewed by one judiciary representative as being founded on an understanding as a powerful commitment creating bonds between people in their illegal actions.

(...) corruption is a manly thing. If we shook hands, we got an understanding .., we say it has a mafia character. We shook hands, you give me 100000 and I help you. If that person satisfied his interest and the advantages are much higher than the 100000 bribe, he will never talk. (S2, Judiciary)

The relationship between the two parts in corruption acts is conceived as being egalitarian and involving an exchange. In case of public positions, the trade in itself, however, is unequal in regard to the nature of goods being exchanged: while the one who is trying to corrupt is handing over his own money and goods, the servant is exchanging something belonging to the state.

It is an exchange. But the citizen brings in something of his own while the servant trades something that is public. The state invested you for a clear purpose. You negotiate something that is not negotiable from the start. (S1, Police)

To a certain extent, both parties benefit from engaging in corruption. (...)The power relation is dual and this makes very difficult to abandon the corrupt behaviour, both parties are bonded. (S1, NGOs)

Corruption is perceived as *machinery* that keeps people within by developing certain mechanisms to push them towards conformity to illegal practices. Material gain, blackmail and personal vulnerability triggered by initial involvement into corruption are such mechanisms.

We have a saying: when you entered the “hora”¹⁴ you will never leave. This is mostly valid for prosecutors, judges, policemen. If you got into corruption once with a lawyer or someone else, you cannot escape. You become vulnerable. (...) First, it is because you need some extra money. Second, if you refuse him, you are afraid he might say, ‘take care, I know you with that business in the past’. There are things that are about the system you belong to. (S2, Judiciary)

Representatives of judiciary pointed out a mechanism of corruption which is the political order carried out through *a phone call*: investigation in corruption cases revealed that people with certain positions within institutions engage themselves in corrupt actions as a result of request, through a phone call, from a person having a higher position within same or other important institution. The status of respective person seems to justify the order/request and the consequent actions even though they might be illegal. The individual receiving the respective call carries out ‘the order’ as considers the actions are legitimised by the position of the one making the call.

It is possible that this can be interpreted through a certain relationship that people have to the ‘power’. They relate to higher positions within various hierarchies based on authority of their superiors. Especially in contexts where the ‘distance to the power’ is high, where organisational structures are elevated, people tend to respond submissively to organisational layers and their corresponding authority. This sort of automatic response is helping them in maintaining their own positions.

Corruption has become, in the view of representatives of judiciary, the name for all the wrong doings in Romanian society. Consequently, the blame is being placed on the institutions designed to fight corruption which are called to investigate problems that are not legally under their responsibilities, like bankruptcy of banks or issues of subsidised medicines. It is also used as a simple explanation employed in order to account for drawbacks of various institutions and even for the successes or failures at individual level.

Grand corruption becomes an ever-increasing sophisticated phenomenon. It uses very modern means and it develops along with the new technologies. It certainly has a global dimension as it encompasses entities that cross classical borders.

We talk about a phenomenon which is very hard to prove if you do not carry out investigation in real time. We talk about closed doors behind which there are persons who plan something somewhere in Romania. Maybe next time they will not even meet on Romania’s territory but abroad, on an island, and they talk, they know what they have to do, I do not know what they did. (S2, Judiciary)

In the beginning of transition, corruption involved a sort of wild accumulation of capital while in our days it entails more tactical and refined ways.

Now they do not have anymore that exaggerated greed, like ‘I do this for you but tomorrow you come with the envelope (money). It is not about this anymore, now they have information systems, they transfer the money, they leave cybernetic traces, we can find them but many persons can intermediate the way, lawyer firms, consultancy firms and you cannot prove this is corruption. (S2, Judiciary)

¹⁴ Traditional Romanian dance



Apart from turning into a more refined phenomenon, it is also possible that in some areas corruption will exhaust itself, as society becomes more democratic and provides people with multiple choices for the paths they choose in order to solve their problems.

In the '90s it was almost blackmail. But now, with competition in society and the many institutions, people can solve their problems in various ways, they do not depend so much on bribe to solve their problems. (S1, Judiciary)

3. Too Much ado About Corruption. Do Romanians Live in an Oversized Reality of Corruption?

Many opinions expressed by the experts indicated a distorted perception towards corruption that would characterise the image that Romanians have on the phenomenon. Some views tend to suggest that perceptions on corruption are far above the ground and strongly depart from the objective reality. This would be essentially due to the highly visible model of the new rich as well as to the way media portrays it. The lack of transparency about the mode in which wealth was accumulated also contributes to the misrepresentation of corruption according to one expert from media group.

Several years ago there was a kind of mania about Nastase, you went somewhere and every big villa was attributed to him by local people. There was something there, sometimes the one holding that villa was Nastase's men but exaggeration was big... (S1, Media)

The anticorruption rhetoric became an element of political routine. In 2004 electoral campaign, the message was 'down with corruption', it was a social message of the current government. (S2, Judiciary)

However, discourses on corruption, even though accompanied by exaggeration, are necessary in some views because they exert pressure towards institutions and push action against it. It is illustrated by the "*Monica Macovei phenomenon which was essentially mental*" in the way that it catalysed social engagement against corruption. (S1, Media)

The great emphasis on corruption especially in the media encourages an oversized perception of corruption and induces in the citizen the feeling that he lives in a society that is profoundly corrupt. The first effect of such distorted perceptions is the unjustified generalisation for entire professional categories. Secondly, such deformed reality of corruption is used as validation of individual corrupt conducts. At individual level is used in order to overcome the cognitive dissonance that might accompany corrupt behaviours.

We reached a level of perception that is equal to reality but we are confused because of the media. We consider that all politicians are corrupt, it is not like that. In the same time, we consider that is normal to 'give' (bribe) to the doctor in order to obtain a compensated prescription or a medical leave, this is the kind of corruption that we do not perceive as such. Or we do, but we accept it. (S2, NGOs)

(...) there are perceptions in the sense of generalisations, when we say 'all judiciary is corrupt, all politicians are corrupt'. This kind of discourse is disproportionate. (S1, NGOs)



(...) I think that people hide behind generalisations and find excuses for their behaviour. If everyone is corrupt, then my (corrupt) gestures are much more tolerable. On the contrary, corruption is something that is imposed on me. (S1, NGOs)

At micro level, people develop personal strategies in order to solve own problems that make use of corruption contributing thus to perpetuating the existing system.

We have this tendency to place the guilt on others, like 'the servant is culpable that I had to give him a pack of coffee because I needed that document in two days'. But I actually knew two weeks ago that I needed that paper. It is a matter of management, if you give up by saying that things are going this way, you take part in this mechanism. (S2, NGOs)

It seems that in time some practices turned into deeply rooted social customs. This would be the case of the corruption in the health system. While in the public system under the table payments are usually motivated by the low salaries of the personnel, in the alternative private health system where taxes are paid, the practice of extra-paying is still present to a certain extent.

Even when you go to a private medical cabinet and you pay the cost for consultation you still feel the need to give something to the doctor. It is like you don't feel well if you don't do it. (S2, Media)

II. Causes of Corruption

1. Economic Backgrounds of Corruption

1.1 The Transition Context

Corruption grew in Romania nurtured by the early context of transition. The process of replacing the deep-rooted old policy frameworks with new policy structures based on new principles was accompanied for a given period of time by a legislative and institutional vacuum. This has lead to big dysfunctions in society in the opinion of one representative of judiciary. The large scale transformation was accompanied by almost unavoidable difficulties. There was no one to make laws. It was a historical phenomenon. That was not the time to create institutions. It was all like an open field and each person managed on its own. After a decennium of transition we began to recover. (S1, Judiciary)

The weak social control of first years of transition is thus considered as a major driver of corruption. Early '90s meant an utter rejection of rules as they were assimilated to a great extent to communist control. Therefore, the general social milieu was not favourable to law enforcing and allowed for increasing illegalities.

I was a prosecutor back then. If I tried to enforce the law, I was considered as communist. There was no authority at the time. (S1, judiciary)

In the economic realm, the tough economic context of the early years of transition left enduring marks on the economic development of the country.

Everything that is happening in the present is due to the transition period when transparency was non existent. During the first six years up to 1996 the country was at the mercy of people



who did whatever they pleased. The political colours did not matter as ‘crows will not take out each others’ eyes’¹⁵. They divided spheres of influence, interests and it is very hard to break this system.

Everybody got what they wanted, they split the spheres of influence, they privatised ... (S2, Judiciary).

Instead of organising a competitive economy based on free competition and having as fundament the private property, personal wealth was acquired which does not encourage competition. (S2, Economy)

The practices established during the first stages of transformation continued over considerable time span and influenced the trajectory of growth. While the costs of initial investment in private business were high, the lack of capital coupled with the reticence of banks of lending money based on business plans contributed to an accumulation of capital many times through illegal means. Furthermore, the high taxes encouraged illegitimate activities. Such actions propagated in time to our days even though some measures have been taken in order to counter fiscal evasion, unregistered work and other illicit practices which go hand in hand with corruption. Even so, law enforcement is a major weakness that still leaves space for flourishing of wrongdoings.

...because of the high taxes some try to elude the law in one way or another. If law would be very clear, very tough but more flexible about the taxes, I am sure many people would not risk their business. Here there is another problem in Romania, there are firms and persons who over time practiced such illegalities and when they were caught they were not forbidden to carry out their activity. (S2, Economy)

1.2 Short Term Opportunities for Corruption: Privatisation of State Assets

Privatisation itself illustrates this process of switching from the state regime of command and control to institutions governed by market incentives. The perceptions towards the process of privatisation and its facets vary among the persons interviewed. While some opinions tend to indicate an illegal course of action, others use distinctions in order to highlight a more complicated procedure.

Before 1989 there was also corruption at another level in terms of advantages obtained. Afterwards, there was a higher possibility to have access to privatisation and public contracts. The state is also much weaker and people have little fear of it. Corruption maybe developed or embraced other forms. (S1, Politics)

I believe that overall the privatisation procedure in case of big privatisation was done by the law but the money was made in small privatisation, small business where there isn’t so much control. Besides privatisation, the best money is made in public contracting. (S1, Economy)

According to the opinion of one representative of judiciary, in regard to privatisation the problem was that of the financial regulations at the time which dated back to the 70s. Essentially, there were no rules according to which one would have been able to judge at the time of privatisation. Consequently, the state assets were valued according to their “inventory value” and not at the market value. The former assessment was usually much higher than the

¹⁵ Romanian saying signifying an understanding between those involved in the same type of illegal pursuit



latter but did not correspond to the actual market price that an investor would be willing to pay. This is why, in the opinion cited, some state assets received low prices as strong criteria were not into place.

However, this argument, responds to one side of the problem, that of the value of state assets. The other side which was widely debated in regard to the process of privatisation concerns the actual hands to which the wealth was transferred.

One more aspect can be invoked in relation to the intricate economic context of early transition in Romania. Keeping alive the state companies even though they were not profitable was, in the perception of one representative of judiciary, a political decision that, moreover, brought more problems. Credits have been given in order to support the respective companies which were never returned to banks and led to huge loses in the economy.

In the present, the fact that political realm is still controlling economy is acknowledged as a major seed for corruption by the representatives of judiciary who consider that the higher the political involvement in the economy the higher the corruption is.

For the economic field, a complex of factors can account for the flourishing of corruption. Features of the economic environment like the excessive bureaucracy, a legislative framework still not clear enough, lack of transparency, disloyal competition create a broad background which is still fertile for corruption.

In the business world, it is about the need of quick development, in connection with the fuzzy legislation and the bureaucracy which determined business people to constantly use bribe. (S1, NGO's)

Transparency is not yet as it should be, there are many problems in the field of transparency and competition, there is still tolerance towards disloyal competition and favouritisms that government and other state institutions are practicing in a hidden way, maybe less than in the past but there is still this practice. (S2, Economy)

Excessive taxes for salaries „we are among the countries with highest taxes on salaries (S2, Economy)

1.3 The Intricate Overlapping Positions: ‘the Bread and the Knife’

Corruption is triggered by the overlapping economic and political positions, which transcend formal organisations and are organised around private interests. To this opinion adhere representatives of media, judiciary, NGOs, economy groups. However, the role of this phenomenon in corruption is conceived differently by experts. Some views point out that the intersection of political and economical positions is still a mere reality originating from the convoluted circumstances of early transition. Other points of view indicate that the economic development of the country conducts over time to a natural separation of the two realms, contributing thus to a sort of drainage of corruption that is fed by the connection between economy and politics.

During transition, an important role in feeding corruption has had the overlapping political and economic positions. “...this is very important because in this case you have in your hands both the bread and the knife (...). When a business man has a political position, he will benefit from transition mechanisms in order not to be transparent. When you have to make a decision which is discretionary because is not made by two people but one and there is no clear procedure while control mechanisms are atrophied ...then corruption increases. (S2, NGOs)

Overlapping political and economic positions although still important in corruption phenomenon, have been particularly significant for the privatisation process. This type of corruption is exhausting itself due to the use up of the opportunities in this area.

However, the current situation in the economic sphere tends to develop in a more independent way from the political area according to one representative of economy group. While initially wealth accumulation was largely based on connections between politics and economics, at present there is another emerging model, that of the ‘clean’ development of business in a free market economy. This is to be seen in the top 300 of the richest persons¹⁶ in Romania where the top positions are taken by those who made their wealth in the early stages of transition but there is also a segment that shows no political implication.

Political people are the ones who are behind the major economic activities. What is currently going on in Romanian politics is an attempt to re-establish the economic power on different bases. After the revolution of 1989 a powerful economic oligarchy was established which managed to lead the country from the shadow and now they have their representatives in politics. At present, there is an attempt to clean this area, re-settle economic power and re-dividing of spheres of influence. (S2, Economy)

Besides the link between economic and political statuses, there is also another sort of relationship, that between economy and judiciary which is revealed as highly detrimental to an independent justice and a correct fighting with corruption.

For the doubtful quality of judiciary can account the pressure or the system inherited and cultivated by the top business people, including here people from former “securitate” who became business people. They have the interest to maintain control over the judiciary. (S1, NGOs)

1.4. Social Factors of Corruption: A ‘Two Speed Society’?

A complex set of social factors contributing to corruption has been identified in the views expressed by interviewees. In social realm, more nuances of corruption have been highlighted by the perceptions of experts.

Romanian society is seen as developing ‘in two speeds’ on two major coordinates. First, there is a difference between the public and private sector in regard to values orienting their activity, models of social action promoted, actual performance of institutions and grade of corruption affecting them.

¹⁶ This is a hierarchy of people according to their personal wealth drawn by Capital weekly magazine



Second, another major separation pointed out by the opinions expressed is one that concerns social cohesion. The experts brought up the problem of social polarisation and the subsequent visible differences between social groups in society. Along with debating the social models provided to people by the current Romanian society are also contemplated the inequities and disparities that seem to characterise the social setup.

Social and private sectors are differentiated by experts from the media, economy and NGOs. They are conceived as unlike realms in regard to type and degree of corruption. Many opinions tend to point out that public sector is more likely to be affected by corruption. Lack of responsibility towards public resources, the under-financing of public institutions and the ensuing low salaries of personnel, the more bureaucratic type of organisation all seem to contribute to a type of corruption seen as endemic for this sector.

In the opinion of one representative of target group economy, in public sector there is a higher probability for corruption to happen as people are not always accountable for the public money.

Corruption exists in many places but where the public money is there is also the highest concentration of activities involving corruption because someone else is paying (the state). (S2, Economy)

Corruption affecting state institutions was favoured by the transition process through the massive social transformation involving designing the new legislation, creating new institutions, reassessing the philosophy of public administration in the opinion of one NGO representative. The major process left the space for corruption to flourish and created the opportunities for state capture where “*various groups knew how to monopolise through legislation, procedures that they imposed and give them mechanisms, especially in the area of licensing and public contracting*” (S2, NGOs)

Moreover, in regard to domains like health or education, in the perception expressed from the target group economy and NGOs, they are plagued by essentially same sort of corruption stemming out from under-financing. In both instances, the personnel working in these fields will find ways to round up their incomes through conditioning the quality of their work upon the informal payments received. In case of education system, the mode in which teachers carry out their work has lead to the development of a parallel education system in the form of private tutoring which escapes legal arrangements and evades taxes. In the case of health system, the payments under the table made in order to endorse a better quality of medical services are the ordinary model describing corruption.

If you take one million Americans and you put them in the situation of having to live on salaries we have in Romania, with the access to medical and educational resources, I am sure they will choose corruption, too. This is about the incentives that are provided to people. (S1, Media).

In the same time, the public sector including education, health, culture, is perceived as being oversized, having large dimensions that impede on its efficiency. Together with the small incomes of the employees in this system, this factor explains why petty corruption is flourishing within it.



The public sector is also perceived by NGO's experts as lacking ethical mechanisms in comparison to the private sector where accountability means have been put into place. On the contrary, the private segment is considered as a powerful engine in society which has the capacity of showing desirable models of behaviour while public realm continues to lag behind.

Corruption flourishes in the field of public contracting, sometimes in relation to the private sector. The price of bribe is included in the total cost that is being paid by the state for goods or services in the opinion of one expert from judiciary. In this case, corruption is seen as an 'arrangement', at the expense of public money, in favour of private interests.

Corruption is related to some illegal activities like public acquisitions, arrangements, when you favour someone on public money to gain a tender procedure. This is where we have oversized prices in order to secure the bribe because this is money which enters an illegal circuit. (S2, Judiciary)

The system of selection and recruiting the personnel especially within public sector is regarded as affected by the network of personal relationships nurtured here: *They support each other when they advance. This is the problem. (S2, Judiciary)*. The solution is seen in the very clear, unbiased and well implemented systems of recruiting personnel consisting in objective and tough criteria to be used in the process.

It is also a matter of recruiting human resources. Even though in our minister there is a severe recruiting system. But in my opinion the strategy on human resources is highly criticisable. (...) We start with recruiting, selection and hiring. Even though there are norms, strategy 2004-2010. Who knows it? There is on the web site. Human resources are the gate to an institution (S1, Police)

Excessive bureaucracy is pointed out by representatives of both economy and police groups as facilitating corruption when speaking about public administration, where the relationship between the servant and public is involved. Formalities might take a long time (like the ones for issuing an ID card or a passport) and corruption appears as a mechanism of saving the time. However, reform of administration during the past years largely addressed these problems so as to prevent the illegal 'taxes'.

In state institutions you have to wait five days in order to receive an approval on a document which needs 7 signatures. Each person signing that document is afraid (to take on responsibility). This is not normal, and this system blocks the institution. This is why informal relations appear, in order to move fast and solve the problem. (S1, Economy)

In some fields there is also a sub financing of the incomes of those who work there, the administrative rules are made in a very complicated way with the purpose to need someone to undone things so you can't do things by yourself. (S1, Politics)

The flawed functioning of institutions is considered a major cause of corruption

The incapacity of state institutions and not only of state institutions to offer the necessary services without an intervention, a shortcut, an entry through the back door and so on... (S1, Politics)

As a major field of public sector, education system is singled out as a key part of the set of factors backing up corruption.

The **education system** is rather outdated in both its methods and content of learning according to one representative of economy group. The Romanian education system is traditionally rather theoretic and emphasising encyclopaedic orientation. This is perceived as unpractical and having deep resonance in educating human resources for the fields of major importance to anticorruption like judiciary. This has even more importance especially in the knowledge society. Corruption became a global phenomenon, increasingly complex due to the new technologies. It needs well educated people and appropriate methods to deal with it. As a consequence of the education system described above, the quality of human resources in judiciary realm is rather low. To this, it adds the unequal relationship which exists between prosecutors and lawyers. While the lawyers have the opportunity of continuous learning by working on few cases, prosecutors have high workloads and little time to dedicate themselves to the intricate cases.

The law school which is extremely important is still training people like in Ceausescu's times, meaning you learn a little bit of everything and you know nothing. (...) Today economic criminality involves a lot of legislation and even experience in international transactions. Corruption is globalised today and, besides the very act of corruption which might take place in Romania, the money will tour 7000 towns. (S1, Economy)

Education at individual level is also pointed as a critical factor that influences corruption by other interviewees, as well. In the opinion of one representative of Police, individuals are not properly trained to the extent that they become very good professionals and this can influence the way they understand to carry out their jobs. In this view, a low work ethic and lack of responsibility go together with low level of education of people. Eventually, there is a mix of factors that is not conducive to development either organizational or societal. To this view adhere also experts from media, politics and economy groups.

It is definitely lack of education: since early ages we have to tell a child that giving ciubuc, persches, spaga or any other way you might call it is a negative thing. (S1, Politics)

In Western Europe you don't go to the doctor with a present but you pay the bill in a normal and correct way, you don't go to the town hall with a full car trunk, this is a matter of education. (S1, Politics)

Another driver of corruption is considered to be the citizen's lack of education in juridical and institutional matters which might be a consequence of the setup of the communist society. The current framework of Romanian society is much more complicated and complex in comparison to the make-up of the former system. As a result of this aspect, people engage in corrupt behaviours without essentially comprehending all facets of their actions and the nature of the crime.

1.5 Social Models: 'Firing the Canon'

Besides the line of differentiation introduced in the configuration of corruption by the ownership system public/private, the opinions expressed by experts also revealed a string of delineation induced by social inequalities.

The Romanian society in general is perceived as severely unjust. First, it is seen as polarised, with a segment of population being very rich and another part of its people leaving in poverty while middle class is considered rather insignificant.

In fact, Romania is a deeply polarised society in regard to salaries; it is about the social condition. There are some who are very rich, like those from the top 300 who are billionaires, very rich. We don't have a middle class as it should be in all civilised societies, to have professors, researchers, magistrates who are paid at a good level, then very few people who live at the limit of existence, like it happens all over the world. (S2, Judiciary)

In the same time, the wealth accumulation in Romania especially in the early '90 is seen as highly dubious as many personal fortunes were made in the intricate context of the beginning of transition when social control was very low. As a result, the model of social success posed by these individuals is seen as deeply wrong and further encouraging incorrect individual life strategies.

High level corruption became thus a model for the ordinary people. "Firing the canon" (a da tunuri) signifies becoming rich quickly by a move that takes advantage of certain short time opportunities, like privatisation of state assets: "*what used to belong to everybody before 1990, it became the property of the few, through fraudulent methods*" (S1, Media). It seems that this is the prototype of the new rich which grew to be the most powerful model of social success in the eyes of most people. They are so encouraged in their actions especially that punitive action against corruption appears to be absent.

\This is the system: everybody sees that in order to get rich you have to 'fire the canon' and you can do it and nothing happens to you (S1, Media)

People judge like this 'I 'fire the canon' now, launder the money by investing into something and I will get away with it as all the others before me'. Then the media come in, announcing investigations, inquiries and afterwards you see that everything fades away, everybody goes home peacefully. Next you think 'if that person got away I will do it too'. (S2, Judiciary)

...when you see on TV many worthless persons who are introduced as success stories because they made fortunes (...) anybody would think 'I have to find the means to be like that person, to ride a Porsche, to go to Cote d'Azure'. Media offer some models that act upon the subconscious and when somebody has the opportunity to become corrupt, he will not pass it. (S1, Economy)

In the same time the model posed by the new rich affects some basic social values as the accumulation of wealth is not based on personal achievements. Consequently, trust in the moral ways of social success decreases and frustration at individual level increases.

People see that you get the car, the villa, the mistress and all other status symbols... and get frustrated (S1, Media).

A series of inequalities and inequities seem to characterise Romanian society, constituting the sources of profound frustration among people. On the one hand many interviewees point out that there is a rupture between social effort/work and reward, the correlation between action and payment being severely impaired. The configuration of incomes/incentives reflects this situation, as not always work is remunerated accordingly. Moreover, social status is not anymore the result of hard work, effort and education but can be the output of a rapid affluence obtained in illicit ways. Education and qualification are not anymore accompanied



by the consequent incentives. In this respect, the society seems to a certain extent chaotic, the rewards being attributed to those knowing how to take advantage of the disorganisation of the transformation period and use it to personal private interests. Furthermore, the wrongdoings are not punished accordingly but seem rather ignored.

There is no equity in what is going on. The cases in which you steal a hen and do 3 months in prison and those stealing billions and get away with it on various reasons.. Actually, the larger resources you have access to the slimmer the chances to get penalised. This is such an abnormal thing! (S2, Economy)

1.6 Networks of Corruption

The networks of relationships and interests, which transcend all spheres of formal societal organisation, represent an important foundation for corruption. Social capital seems to play at times a negative role in corruption as relationships are used in unconstructive ways, especially in the situation specific for Romania in which former ‘securisti’ (members of communist secret service) were not revealed and still occupy key positions, according to some opinions.

There are networks of relationships, for example in ministers, many “securisti”. These are breaks for a new generation of public servants.... There are informal networks, and I don't mean exactly the top politicians like Nastase, or ministers, but at the second level, secretaries in ministers, councillors, around 45-50 they make a network. And they have relationships with the former “securitate”. (S1, NGOs)

Networks are either inherited from communist times or they come into being around current opportunities.

During communist regime, the lack of resources conducted to the establishment of networks of informal social relationships which redistributed the rare supply of goods from public system to people.

Essentially it was a matter of survival, the networks of ‘pile’, and there is such a word for every post communist country, was taking care of everything, from coffee, sugar, up to good book. Corruption used to function as re-allocation of scarce resources. Money was not important but the ‘pile’ relations. (S1, Media)

The type of special relationships established in communism which transcended formal organisations in the attempt to access the scarce resources is considered as continuing to today by one representative of the media and representing the seed for the current state of corruption in public system.

“Small corruption is a direct heritage of communism... Even at the level of enterprises, they had this arrangement of exchanging non-monetary goods among them. ...The system was deeply corrupt” (S1, Media).

The networks are also organised depending on current opportunities and around powerful interests whom they promote. They tend to constitute an accepted social norm.

Groups are formed and when someone from that group has an opportunity for an important position which can be a source of financial resources all the group will back him up in order to get that position. This is not anymore about moral support it is like ‘we help you to get there but once there, do not forget us’. It is already a standard practice and tends to obtain a moral confirmation; these are the rules of the game” (S1, Economy)



Another facet of the networks issue is the so-called ‘entourage’ which is invoked as another factor that might back up corruption. In case of police officers, a model is revealed that small groups (in this case, policeman) can exert pressure towards citizens and use the situations of illegal conducts to their personal advantage.

Or it is the entourage. In certain places they organize stakes (police officers) and they put the citizen in the situation of offering bribes in order to escape the respective contravention. (S1, Police)

1.7 The Part Played by Socialisation

Socialisation during communist times is considered as a major cause of today’s corruption by experts from NGOs, media and economy groups. In those times, people have learned to develop life strategies within their private sphere of life and, with few exceptions, in conflict with the outside world which was not worthy of trust. Moreover, a specific rupture between citizen and the state contributed to an *impaired relationship* that people developed with their society. Morality was not assimilated in relation with the state but rather conveyed to the groups like family and friends within which people developed strong bonding relations.

I believe that corruption has to do with the education we received. (...). I think corruption is essentially based on the legitimating of stealing in communist times. Then, stealing from the state, which was the enemy of the population, was not in itself a very bad thing. This extended to today. (S1, NGO)

1.8 A Limited Press Freedom

A **not completely independent and even corrupt media** is considered as a factor contributing to the phenomenon of corruption. This is acknowledged by the representatives of media, economy and political groups.

We should also keep in mind that the press is also corrupt. This is especially to see at local level where there is an awful situation. They are controlled by those who have a lot of money. In the same time this rich people are accused of corruption and the way they made the money is dubious. At local level, the press is of very low quality and they don’t do their duty as they should. Even when they know the situation, they don’t tell, or if they tell it is only to get revenge politically. (S1, NGOs)

The media is considered as having a negative role in the current stage of anticorruption fight. While in the early stages of efforts for curbing corruption, it helped to a great extent in order to signal the situations of breaking laws, at the present its role is less diminished in this sense. It happens in the opinion of one media representative because journalists are no different than the rest of society: “*we are as corrupt, stupid, idiots, lame people as the rest. There are journalists who are doing their duty, others who write ‘at the order’ others who write what they think the owner of the media expects from them. This is a very sophisticated censorship.*” (S1, Media)



Also, it is to be seen in the media a sort of discourse which is not only biased but that generalises corruption and does not differentiate between the gravity of facts. It plays an important part in creating the image of all encompassing corruption.

Furthermore, media, as an important social actor, is seen as teaming up with both economic and political interests thus departing from its democratic role as a watchdog.

There is a double guilt, of politicians and mass media to use the subject with political and spectacle connotation. Politicians who talked for years about corruption did not believe it for a second, the journalists did not believe it either. It was a kind of assumed hypocrisy which was accepted by everybody. (S1, Politics)

1.9 Governance: No Planning for the Future

In regard to **governance**, the lack of vision about the future development of the country is seen as a major impediment for the rightful advance of Romania. This is seen as incapacity on the part of human resources in politics to think in advance and create a coherent strategy of development as an instrument that can orient decisions and actions in society.

I've never seen one single government to come up with an action plan on medium term at national level for 20-25 years. Why, because it is about that generation that used to work with plans from five to five years ... their vision is limited to their mandate.

It is the effect of a difficult and sometimes inefficient transition which left the remains of the old system cohabitating with the new system, ... When you reassess mechanisms, the transparency is lost, rules are not clear, are dynamic, changing from today to tomorrow and leaving gaps... especially that Romania does not have a social plan for its future. (S2, NGOs)

1.10 Regulations/Judiciary: An Incomplete Reform

Another cause of corruption is considered to be the sluggish reforms that were undertaken within Romanian society on the one hand and on the other hand at the level of judiciary. The lack of legislative framework in regard to anticorruption in the early years of transition is seen as the major obstacle for an efficient action against corruption.

Lack of appropriate legislative framework can generate fraud or corruption. You can also have bad laws that allow for certain mechanisms. Conflict of interest, wealth declaration did not exist. Nobody would declare in the past wealth or conflict of interest. (S2, Judiciary).

Legislation is sometimes extremely sophisticated and demanding that implementing it into practice is considerably hard. This would be the case of the public servant law which stipulates that all public servants are not politically involved according to one media representative.

Heavily important are transparency and social control based on strong and multiple mechanisms that can check for law breaking. The hesitations in regard to implementation of legislation of incompatibilities and conflicts of interests conducted, in the opinion of one NGO representative, to flourishing corruption.

Overall, the capacity of judicial system is considered as low while the rule of law is not fully implemented in Romania.

There is a strong perception that justice mechanisms do not perform properly.



We do not do enforcement in Romania, we do not apply the law, for example the law on conflict of interests is not put into practice. (S2, NGOs)

Look at how terrible is applied the law of decisional transparency, look at the law on access to public information. There are situations when access to information is denied. Look that we still have discretionary decisions... (S2, NGOs)

1.11 Cultural/Historical Causes: The Burden of Heritage

The **historical heritage** is revealed as one of the major background factors that favour corruption. The weight that is assigned to it in facilitating corruption varies however in the opinions expressed by the participants to research. Some interviewees indicated the historical heritage as a fundamental reason for Romanians' behaviour in general and for corrupt conducts in particular. Others designated a limited influence in corruption to this particular element.

In my opinion, historical culture leaves its mark on individuals. (...) Historical culture is from Dacians and Romans and until Turks and generally the Balkans. We have to take it into consideration. You cannot say that after the revolution we pass into another side, that of the west. No, because is genetic. You want to do something but you get bored at a certain point, Balkanisms, Turkisms and so on....(S1, Police)

The heritage is especially important in regard to the so-called 'cultural corruption', in the opinion of NGO representative. This type of corruption can be traced back to the long term social development of the country, having therefore historical roots.

It is about the area of Balkans, our practices in the relationship with the ottomans, the way we developed and built the modern state, there is a historical component here. (S1, NGOs)

Yes, we have a certain oriental orientation but I do not think that this is fundamental for corruption in Romania (S1, Economy)

1.12 Features of Mentality

Mentality is invoked in order to explain corruption by representatives of judiciary, police, NGO's, economy and media. Although their views differ to some extent in the weight they place on this factor in explaining corruption, the majority of those interviewed mentioned the mind set of individuals as an issue relating to the phenomenon discussed here. The opinions on the role of mentality span from the extreme view considering that all people are inclined to get involved in corrupt acts, if they had the opportunity, to the more moderate belief that individuals' frame of mind is rather secondary in explaining involvement in illegal actions.

In the opinion of one representative of judiciary, corruption is a sort of virtual reality within the grasp of each individual.

It is in the mentality of all Romanians. In his mind, each Romanian knows that he can corrupt someone and can be corrupt. (...) But mentally they would all do it. (S1, Judiciary)



The individual mental norm is that 'if I were in Niki Spaga's¹⁷ place I would do the same' (S1, Media)

Apart from the mind set of individuals in society, a special mentality seems to have developed within state institutions in the opinion of one representative of judiciary. The public sector is viewed as a separate social segment with a special organisational culture. One in which servants do not follow the rules that are in place but rather the old deep-rooted ways which still have the power to legitimise people's actions.

In state institutions, for example, I came across this type of mentality: the one in which servant motivates his actions by saying 'we have been doing things this way for the past 30 years' and this justifies any behaviour'.

Getting your right is one idea that defines the bribe for certain public positions like that of policemen, or of a doctor. In everyday language, it signifies that the one having the respective status is entitled to bribe, as a sort of privilege ('right') associated to that position. According to one representative of the media, this would mean that bribe is widely accepted among people as a natural supplement of the position occupied. In this respect, bribe acts as a virtual incentive especially for public positions.

It is interesting that a juridical notion like the 'right' is used to denote an unlawful action which thus becomes a social norm (S1, Media).

In the same line of reasoning, the idea that public positions incorporate possible gains beyond those that are official is already part of the people's mind set. Furthermore, the advantages extend towards circles of relatives and friends in a somehow expected course of action.

In our mind, a certain position is associated with advantages. When you hear that x is a member of the parliament you tend to attach a great importance to the position, even though you know it is not that well paid. But you also know that it comes with advantages, with opportunity for traffic in influence. It seems like natural for that person to 'help' relatives and people around him. (S2, Media)

Nepotism is seen as a form of corruption that has its roots in a certain social development of society, with extended family still being important especially when it comes to support of its members. Helping relatives or acquaintances to accede by those who have the power to do it seems as a natural approach in Romanian society, being largely accepted.

I think there is a pressure towards those in power, those around them like political friends, relatives or just friends they wait for a reward... This increases the pressure towards public servants. (S1, Media)

Using illegal means in order to solve problems seems tolerable and to a certain extent encouraged socially. In the same time, individuals mind set is seen as a break for social change and development.

It is about mentality and education eventually, in our country the idea that you solve certain problems through a shortcut, even though illegal, is considered as normal and even laudable. (S1, Politics)

¹⁷ Well known local leader for the habit of taking bribe



The inertia is given by the mentality, the education and generation (...). We carry the print of 40 years of communism in education. (S2, Media)

Moreover, the social models that are provided by society do not seem the right ones according to one representative of NGOs. Corruption means breaking integrity and ethical standards. Such values are not considered as representing the social foundations that can orient individual actions in Romania.

In can recognise a corrupt behaviour when there is no integrity, when principles and ethical rules are broken, that would represent a breach for corruption. We are not there yet, we do not admire vertical models or people who are OK. We say yes, they have their principles and don't give them up but we consider these people crazy.

1.13 Individual Causes: Do People Involve in Corruption Because of Their Human Nature?

Besides the systemic factors invoked in order to explain corruption, there are also factors at individual level that can trigger corrupt actions. There are certain characteristics that push people towards engaging in corrupt behaviours that belong to human nature. One such major driver of corruption is greediness.

Corruption is generated by inner traits. There are people who are greedy and wasteful. They don't have such a bad standard of living but still get into an illegal business. There are many of them, in our cases we met people who were caught with evidence. When you check their wealth you see they have three houses, two cars, a wife, a mistress, Bora Bora, Virgin islands, fiscal paradises. They could easily have lived on what they had. But greediness takes you further. (S2, Judiciary)

Human nature involves also acquiring habits while performing on the job due to personal characteristics of people.

It is like a drug for the person who is used to it. When you come across such a specimen in an investigation, he doesn't even bother to hide like the ordinary criminal. He doesn't take any precautions thinking that someone like DGA or other structure might supervise him. For him corruption is something normal, it entered the normality. (S1, Police)

Some features of Romanians like being conservative, a certain tendency to live rather in the past than looking at the future also might encourage a particular propensity to hang to the old ways according to one representative of judiciary.

Most of all, the will for money is the major driver of corruption at individual level.

It is the low level of education and the desire of certain persons to make money fast with no effort. (S1, Politics)

Corruption is like prostitution, is part of our nature, it will never be eradicated. There will always be one person who wants to get richer than another person. (S2, Media)

In order to moreover explain corruption, a set of social values and characteristics mix and make a sort of set up of corruption. Features like lack of responsibility on the part of people

and the incapacity of following established rules are invoked by experts from police and media in explaining background factors of corruption.

We usually not keep deadlines because we are not responsible. There is no responsibility like in other countries. In other countries, and I do not mean to praise them, they are responsible and carry out their work according to the job description. I do not expect my boss to ask me but I do it in a responsible manner. (S1, Police)

There is also another problem; western people follow rules while we do not. (S2, Media)

There is a Romanian saying ‘it’s working anyway’. (S2, Economy)

In the opinion of one representative from Police, in their activity, people seem to choose not to take on responsibilities or try to avoid them. The Romanian saying '*leave me alone to leave you alone*' would signify a slow way of doing a job and, in the same time, an isolation of people from each other in the attempt to elude the control that might be exerted towards them from others.

An impaired relationship that citizens developed in relation to the society they live in is essentially considered responsible for the outlook of corruption in Romania by media and NGO representatives.

The population has developed a certain cynicism in regard to public life being isolated from it and to a great extent the voiceless recipient of decisions taken by the political system. Vote represents almost the unique mechanism available to people in order to control the development of matters in society. Even here, the choices are limited and sometimes people have to trade the bigger evil for smaller one as many times corruption accusations surround many political candidates in the opinion of one media representative¹⁸.

A background factor of corruption is constituted, in the opinion of one NGO representative, by the low social activism in Romania and the general low social participation. Without an informed, conscientious and active citizen that acts towards his interests, the potential for bottom-up pressure exerted towards institutions is insignificant. This leaves the space for abuse of power.

The citizen does not fight the state, he fights more now than in the communist period but still not enough for a democratic society, in Romania civic activism is very low. (S2, NGOs)

In the same time, the lack of information among citizens, lack of trust in state institutions and lack of civic participation play an important part in corruption. Control is not exerted from bottom up in order to maintain the necessary equilibrium in society in the relationship that citizens develop with institutions.

¹⁸ The case quoted here is that of the political candidates to presidency in the latest elections of 2004 who both seemed involved in corruption. Each has been accused of obtaining undue advantages from his position.



III. Anticorruption Fight

1. Assessments of Current Fight. How Well Has Romania Addressed the Problem of Corruption?

All interviewees acknowledged the role of European Union as a major driver of anticorruption fight in Romania. Most of the experts considered that EU acted as the sole fundamental actor to thrust efforts for tackling corruption, the anticorruption strategies and measures being the result of a catalysed effort around EU integration of Romania. Some interviewees also took into consideration the role of internal actors either institutional or individual leaders in fighting corruption.

Anyway, Romania did not do anything at its own initiative from what I have noticed during the past 7 seven years since I've been in this minister. We did not do anything by ourselves (S1, Police)

There are no internal efforts. We answered the recommendations of EC, you know EC recommends, they know what is going on. (S2, Judiciary)

Mainly, it was the result of external pressure, but we also have had strong leaders like Monica Macovei. (S3, NGOs)

Most experts appreciated that great efforts have been undertaken in order to fight corruption and legislative and institutional frameworks have been put into place so as to make possible improvement in the area. The mechanisms against corruption are seen by most of the interviewees as democratic; the institutions are considered as put into place and including the means for ensuring transparency and accountability.

We have the anticorruption legislation; we have here laws about the transparency in public acquisitions, conflicts of interest, declarations of wealth, incompatibilities. Everything that refers to legislation and institutions has been created in this sense, some of them functioning with more or less success, as DNA (National Anticorruption Directorate). (S1, NGOs)

There is a certain consolidation of anticorruption efforts and some positive results are acknowledged by interviewees from Police, media, NGOs and judiciary. It is also conceded that visible results of struggle against corruption are difficult to see in the short time that it passed since institutions have been put into place. Also, a certain degree of formalism that accompanied anticorruption strategies and measures before 2004 is perceived as being overcome by the newer measures that have been designed. Moreover, according to one representative of NGOs, the preoccupation for consultation with civil society and for evaluation of measures also increased.

Laws for combating corruption have been improved. We also have institutions, we cannot complain, there is DNA, DGA, in the army they have such a structure. Within the ministries there are also such structures that function or not. (S2, Judiciary)

(...) there are signs that what they do at present is different than before. Now they look at party funding, in the past they didn't care about this, and they have at present some cases, Nastase included. The major minus is that there is no guilty verdict in cases of grand corruption. Otherwise, they have a great energy in dealing with corruption lately in comparison to before 2004. (S1, NGOs)

Positively assessed measures by NGO representatives are especially those that increased the transparency of Prosecutors offices and the measures stipulating the random assigning of files by judges.

However, one opinion pointed out to the fact that the struggle against corruption was only a *façade fight* designed in order to go around the issue and not effectively to tackle it. Consequently, the set of measures implemented against corruption have been devised only with the purpose of leaving the impression of serious intentions.

There is a double guilt, of politicians and mass media to use the subject with political and spectacle connotation. Politicians who talked for years about corruption did not believe it for a second, the journalists did not believe it either. It was a kind of assumed hypocrisy which was accepted by everybody. (S1, Politics)

Other evaluations of the current anticorruption campaign point out that the efforts targeted at corruption are too noisy while lacking in substance.

I believe there are people who make a good living from exaggerating the phenomenon of corruption. A lot of words in this field and any other field will block any kind of practical accomplishment. The more people we see fighting corruption the more sure we can be that nothing will be done. In a declarative way, because in reality things are different. (S1, Politics)

In assessing the current struggle against corruption, opinions from NGOs and media indicated that the fight against corruption is sometimes targeted at political opponents, being politicised and having thus negative effects on the very essence of such a campaign.

This anticorruption campaign oriented against others rather than ours affects people's credibility and makes people give in; it does not encourage ethical behaviours and mechanisms that can be used by people in order to make complaints. (S2, NGOs)

2. Barriers to an Efficient Fight Against Corruption

A series of *difficulties and barriers* regarding the implementation of anticorruption measures as well as nuances regarding the effective functioning of legislative and institutional framework have been revealed by the interviewees.

In the opinion expressed from the target group Police, the anticorruption strategies and measures have been generally well designed 'on paper' but the implementation is many times confronted with problems. While evaluation of strategies for example, is clearly mentioned in principle, it is not actually carried out according to plan.

From what I saw in my experience, evaluation is only a result of an order from above. Even though it is specified in the strategy that we have to carry out evaluation we do not do it. (S1, Police)

Sometimes strategies only take into consideration short time spans and do not underline the long time planning, other times the support of partners involved is not sufficiently secured from the start.

There were information campaigns but, in my opinion, such campaigns were made ‘hasty’ style, did not have a real support from the partners involved, various institutions, and it is not enough to post attributions because one might not know how to read or is blind. It should not be for the sake of doing a campaign or spending public money. Campaigns involve planning, staff, targets, strategy and we have to think on 15-20 years time horizon. (S1, Police)

While the formal mechanisms needed in order to prevent and fight corruption are perceived as being into place, in the opinion of one expert from Police, they seem to interfere in some areas with institutional arrangements and/or with people’s sets of mind. In the former case, it is the specific work organisation of a state institution. In the latter situation, it is either about lack of adequate information or not enough responsibility on the part of people and ‘human factor’ is to be blamed.

In general, in MIRA, professional education although is planned and has a time budget, we don’t actually carry it out, maybe only 10%. There are several reasons: the high workload, the vacant positions when you have to fill in for other positions as well and automatically you don’t have to the time for it. (S1, Police)

Sometimes you have the instruments. But people are not interested, they avoid it. I come back to culture. (S1, Police)

3. Legislative and Institutional Framework

One opinion coming from the political group assessed the current legislation in regard to anticorruption as too complicated, not easy to grasp and subsequently inefficient. Being driven only by external motivations, legislation lacks pragmatism and departs from the particular social conditions.

We are the country with the toughest legislation (in regard to economic and political positions), as you know the political position is incompatible with most economic positions of administration. But this is also hypocrisy. We pretended to adopt some laws and we know this from law school and from practicing, when you adopt a law that is very tough you are absolutely convinced from the beginning that it will not be put into practice. (S1, Politics)

Legislation was an attempt to trick people from abroad who asked an efficiency of the fight against corruption through institutions, laws which did not have any effect on the phenomenon. I believe the biggest trick was the National Integrity Agency which does not exist anywhere in Europe and which we did with the clear intention to promote a political person, the former minister of justice and to give the impression that we fight corruption. It will not give any results apart from creating another bureaucratic institution. (S1, Politics)

Looking at the assessments of specific strategies and measures designed in order to fight corruption, particular problems are revealed by the perceptions of the interviewed experts.

The National Anticorruption Strategy is considered by representatives of NGOs as not efficient as it did not produce the expected coherent results. The strategy was designed with input from civil society by the Ministry of Justice, taken up by the government, and should be implemented in various areas of public administration. However, the problems pointed out relate to the weak coordination between institutions in implementing the strategy, the weak political will and power that is used in order to put it into practice.

Currently, the top positions are not involved in this (implementing the strategy), rather people on second and third level on hierarchical ladder. The ministries should have involved more directly into this. (S1, NGOs)

We don't have a coherent anticorruption strategy. We did have a coherent anticorruption strategy up to 2004, then the strategy in 2005 came based on study by Freedom House, the independent audit of corruption in Romania, which led to paths that have nothing to do with reality. (S2, NGOs)

The National Integrity Agency is not considered as the most appropriate model given the conditions of Romania in the opinion of one representative of NGOs.

(...) we explained which is the institutional structure that best fits the Romanian organisational culture, and which are the efficiency mechanisms that can lead to results: a combination between the South Korean model which looked a lot like the Court of Accounts in Romania (...) with the integrated data base that they have in Canada. ...This way we can check the relationship between politics and business. But this was not what was required, it was rather sought a thing that can sanction political people... (S2, NGOs)

The anticorruption legislation is viewed as too tough and also oriented to a great extent towards punitive actions while leaving the prevention and combating components underdeveloped. Prevention is seen as the engine that in the long term can reduce corruption through a slow process of transition to a better state in the field. In this line, criminalising conflict of interest is seen as an extreme and inappropriate solution.

We are the only country in Europe that criminalised the conflict on interests. In an isolated way, conflicts of interest are penalised in Switzerland but that is all.... It was a mistake to emphasise sanctions instead of prevention and combating, sanction only comes when there is a grave phenomenon, and this should be the exception. We have to prevent the causes. (S2, NGOs)

Another problem underlined is regarding the implementation of legislation. Although a certain law might be well designed, the ways of putting it into practice are not always clearly specified. This is the case, in the opinion of one expert from Police, with Law no 521/2004 on integrity watchers which aims at signalling corruption within various institutions. It seems, according to the opinion expressed, that it leaves the one who signals corrupt behaviours with no possibility to protect himself.

The same piece of legislation although considered opportune was assessed as not yet completely efficient by a representative of civil society. The reason is placed in the delayed operation of regulation of discipline mechanisms that can act after reprimanding various cases in order to penalise corruption with administrative means within the various institutions.

4. Orientation of Future Fight Against Corruption

All interviewees agree that corruption needs to be tackled and social efforts should be catalysed around this purpose. However, as corruption is a universal phenomenon that is highly unlikely to be totally eradicated more pragmatic endeavours should be put into place in order to address the phenomenon.



We have to eradicate the corruption that affects us ordinary people everyday: at the doctor, when you get the criminal record, the ID or a certification. My interest is to see that institutions function and citizens solve their problems. I am not interested at high level who gained the tender procedure for building a highway. What I need to see is the highway. It is serious when I do not see the highway. (S2, Media)

It is worth mentioning that a major responsibility in fighting corruption is placed at the level of political sphere by experts from judiciary, economy and media.

Anticorruption policies are a matter of political will (S1, Media)

Everything is up to the political realm (...) If we are to improve, we need to have a real support from the political class. (S2, Judiciary)

Most of the interviewees agreed that anticorruption efforts should more accentuate the preventive approach rather than punitive. A general orientation of the anticorruption fight towards prevention rather than penalising is considered as a general principle that should be followed in the future. In this line of reasoning, sanctions should consist of mainly administrative corrections with the purpose of discouraging involvement in corruption acts.

Experts underlined that the heavy emphasis on punitive actions as was lately the case in Romania might not be the best tactic for curbing corruption. As long as causes are not addressed properly, corruption will continue to thrive and balance never be achieved in this area.

We cannot solve this only by punitive factors even though the punitive component is very important in this area of corruption. (S1, Politics)

A stronger orientation of public policy towards prevention should also be accompanied by efforts towards changing organisational culture of public sector and civic activism according to views of NGOs experts.

5. The ‘Guilty’ Sentence

One of the most disputed ideas in the opinions expressed by experts is the one regarding the ‘guilty verdicts’. Following a rather extensive period of powerful discourses on corruption, of design and implementation of a broad legislative and institutional framework, the public expectations raised in the direction of ‘visible’ results from courts of justice in the form of guilty sentences. There are opinions coming from NGOs, economy and media indicating that in this point of fight against corruption guilty sentences from courts of justice would have the power to institute a social model of justice.

We should make the transition from setting up the legislative framework to actual guilty verdicts and serious lawsuits in this area. We should see for example 20 cases of grand corruption convicted, not necessarily the former prime minister but still... Only then people would think twice before engaging in corruption. (S1, NGOs)

You have to show that breaking the law will bring you consequences, will affect you. This means powerful and apolitical institutions to punish corruption. We have to see in an

increasingly number of cases and at higher levels if possible that you can go to jail for corruption. (S1, Media).

Other opinions expressed from judiciary realms and media employ a different perspective. The view stated from judiciary experts maintains curbing corruption is a long term goal as the entire judicial process, including investigating and hearing corruption cases, might need a long period of time in order to be carried out in a fair manner. Moreover, curbing corruption entails also prevention and combating apart from sanctioning. The pressure exerted by the media by its exclusive emphasis on getting the guilty verdict for corrupt people impedes on this process and creates an erroneous image about the actual results of judiciary investigations.

Strategy has to take into consideration a long term reform. (...) the Romanian mentality is very bad. They want to see a corrupt person in front of them on TV, (they want us) to take one from the street. The system does not work in this way. The image about strategy and reform was deliberately sidetracked by the media, press saying what they want.

I am against the idea that we should have overnight 10 guilty verdicts from the courts of justice. (S2, Media)

A series of barriers have been identified by representatives of justice for an adequate judiciary process of treating corruption. While acknowledging that only a few guilty verdicts have been registered in corruption cases, prosecutors interviewed placed the main problem at the level of courts¹⁹. Along these lines, it is obvious a certain rupture in the justice chain, between prosecution and court.

The major predicament, according to prosecutors is that there is no unity of judiciary practice. This is a multifaceted problem that concerns the whole process of judiciary procedure, including the final output of the judiciary effort, the verdict.

One aspect concerns the interpretation of laws which is different from judge to judge, court to court and also from prosecution to judge. Being quite a new, not well established domain of judiciary practice, there is a wide variety of manners of treating corruption cases with very small convergence of ideas and/or common practice. Different judges can rule differently even though the set of circumstances can be very similar and some precedent was also instituted. The reasons that can account for this situation according to prosecutors interviewed is

...lack of courage on the part of judges. They are also afraid that the superior courts will rule in the opposite sense to their verdicts. There is no unitary vision in regard to corruption cases. (S1, Judiciary)

... for the person who is on trial you can play the record and hear him pretending money and still the court is saying 'it is not a penal act' and decides to acquit him. (S2, Judiciary)

¹⁹ The position of judges is not presented here as no judges have been interviewed. The opinions expressed here by prosecutors largely correspond with perceptions of media and other actors within judiciary system as described in the previous research report.



Also, judges can find dissimilar reasons for convictions than the ones prosecutors found. These elements make prosecutors feel they are on very shaky grounds in their work and shed some more light about the divergent views towards the same cases.

If we look at the cases that got the guilty verdict, we are amazed to see that judges motivated their decision based on very different reasons than the ones we had in our investigation reports. There is a huge difference in interpretation. (S1, Judiciary)

Another aspect concerns the time that corruption cases spend in courts, sometimes up to 2-3 years, until the sentence is passed. In certain situations, the conduct that judges approach especially when dealing with high level cases is not to judge but to 'wait to lift an exception (...). They invoke the exceptions from Constitution, the file goes to the Constitutional court which accepts the file and they say 'the law they were working with when they built this file was not constitutional. We are sorry, the procedure is shady'. This is a system. (S2, Judiciary).

At local level, things can become even more difficult as a model is to be observed: when important local people are involved in corruption cases, it is highly likely that they will be treated in courts in a lightly way, as proven by some risk analyses that prosecutors have undertaken.

Big corruption files are killed by the courts. From boats to PVC windows ... The judges give them back, they do not judge them. Why? This is because they are afraid. (S2, Judiciary)

A different position on the 'guilty verdict' is employed by one expert from the political realm. It argues that the slim record of guilty verdicts might be due to low competence and professional abilities on the part of prosecution offices.

These are easy files professionally, if you have the needed evidence not even one single judge in the world can reject the evidence. If you don't have the evidence, then you don't send it to court. The fact that they send the files to courts without evidence or if there are many things that can be interpreted it is the fault of the ones who prepare the file. (S1, Politics)

6. Future Directions of Anticorruption Fight

6.1 Towards Further Improvement of the Legislative and Institutional Framework

The views towards the future directions of anticorruption fight vary amongst the persons interviewed. Some opinions indicated that a comprehensive long term development of Romanian society would solve the problem of corruption in a sort of natural advancement that would narrow down the opportunities for the phenomenon to thrive. Other views concentrated more on institutional and legislative spheres emphasising the particular central role of judiciary. Finally, another category of perceptions concentrated at individual level, stressing the role of individuals in corruption and pointing out the need for education programs addressing this component.

One opinion expressed by an expert coming from the politics group stated that anticorruption measures should be oriented towards judiciary realm with the purpose of ensuring its independence.



All measures taken in order to insure the independence of justice act, judge, prosecutor and policeman are beneficial. This is the only way to fight for real corruption. All other stories with parallel laws and institutions are worthless. (S1, Politics)

In the same time, the correct enforcement of legislation should constitute the key priority as this is perceived by representatives of NGOs and politics as a major fault of the current state of affairs in this field.

(We need) simpler procedures, clearer sanctions, better put into practice. We increased penalties for corruption even though we do not have guilty verdicts. This is about the fact that for the past 17 years, anticorruption fight has been a big lie consciously assumed by those who talked about it. (S1, Politics)

A priority policy would be one to stipulate the annulment of contracts done in situations of incompatibility of conflict of interests. In the short term although it is anticipated to contribute at the instability of administrative decisions, in the long term it might contribute to a stronger commitment to legality.

We need strong sanctions that involve the annulment of administrative documents done in situations of incompatibility or conflict of interests. The person takes the risk to lose his job but he says „it's OK, I can leave after firing the canon and took a bribe of 500000Euro for building Saint Iosif cathedral. It does not matter since I left a salary of 600lei”. The idea is to annul the contract so that those involved will ‘kill’ each other afterwards because the one who paid the bribe need to get back his money. (S2, NGOs)

Public procurement is another area that still needs reform in the view of one NGO representative in the section regarding budgeting. Multi-annual planned budgets with very clear rules and mechanisms should constitute one direction for this reform.

In the same time, there is a need for simplifying procedures of licensing, authorisation and certification along with unification of standards for eligibility in public procurement. This would contribute to the creation of a fair background for competition and an adequate relation between private and public sectors.

Moreover, a prior analysis of vulnerabilities that a specific piece of legislation can produce through implementation, in addition to the impact analysis of public policy, should be carried out, for the purpose of avoiding monopoly situations, discretionary exertion of power or lack of transparency.

Better coordination among institutions having responsibilities in the anticorruption fight is also needed.

Looking at specific domains that need to be addressed, in the opinions expressed by the NGO representatives, the National Agency for Integrity is seen as a priority to the extent that it needs to function in an independent way. It would help in more clearing the process of wealth accumulation and in re-assessing correctness especially in the political environment. The National Integrity Agency should be working properly „not for political scandal or propaganda” (S2, NGOs).



Also, initiatives targeted at local level in order to increase awareness of phenomenon and combating corruption have been already undertaken by NGOs and are considered a practical way of dealing with the phenomenon.

We are currently trying to work bottom up not only the other way around by legislative framework. The NGO's are doing a lot of things in this area. (S1, NGOs)

To the rupture identified by the judiciary between the prosecution offices and courts of justice, one opinion mentioned that a possible solution could be found. An instruction judge delegated for penal matters who could work with prosecutors is mentioned as a key to bridge the prosecutors and courts. However, there is no agreement on this solution as other views expressed by representatives of judiciary and NGOs indicated that is possible that the expected connection not to be realised in this way.

Rather, a better functioning of the courts is highly needed, with judges reaching the stage of passing the verdict in a shorter time span.

They (judges) have to give a solution in a file. (...) Files which are not that difficult spend in court 2-3 years. I want the judge to pass the verdict in a case in a reasonable term. The person who is facing a suit and knows he is guilty has no interest in the case being judged quickly. The judges tergiversate; they fall in the game of lawyers especially at local level where they know each other, the judges and lawyers. (S2, Judiciary)

6.2 Addressing Background Factors of Corruption

Background features like further consolidation of democracy in Romania and more strengthening of market economy are considered as major lines of reform that can create a general milieu that is not anymore conducive to corruption. The problem of political control towards various institutions would be eliminated through the expected process of reaching a normal and somehow mature functioning of the political realm in the country.

For the sort of corruption affecting public systems like education and health, organisational restructuring is conceived as a solution to the current situation by representatives of judiciary, economy and media.

The solution is to have a public system very well designed without doctors and nurses who are greedy and low paid. There is another problem, the recruiting system, the promotion system. (S2, Judiciary)

You don't have to change people and their mentality, we will have to wait 50 years for that, you have to change institutions (S1, Media).

If you have a strong market economy, these things will not happen anymore. The essence of market economy is private property. The smaller institutions, the more reduced the public sector is, (the smaller corruption is), the private sector does not allow it. (S2, Judiciary)

Particular measures should also address the way media is functioning in Romania as, according to many of the views expressed, the media is not completely independent.

We do not have a law of the press. Nobody wants a law of the press. They do not have any responsibility, they took out (of legislation) insult and calumny. (S2, Judiciary)



A certain pressure exerted bottom-up, from the citizens, is needed in order to curb corruption especially in public administration. By using the mechanism of complaints against various unjust happenings, people can also contribute to reform in the view of NGO representative.

Some opinions point out to the need of a natural transformation of society, where background factors of development like education, values, grow in the positive sense either by the very logic of societal change or by slightly affecting them through policy.

However, while generally accepted that mentality changes with generations, it is rather problematic what is going to happen at the expected change of age groups. The generations that grew up in early 90s have been exposed to and assimilated the extreme models of rapid acquiring of wealth.

In public institutions we need a new generation. For the past 17 years we've seen the same faces, the second echelon from communist times. Now new faces began to rise, we need educated, well prepared people, with a completely new life vision and ready to take on responsibilities. This would have a positive influence. It is also possible that these new people to be those who learned how to hang to old ways as they learned in home or they saw it on TV. (S1, Economy)

A basic framework for the struggle against corruption is made up from education, training, responsibility, professional conduct, intellectual curiosity. They are all placed at people level and follow 'the cultural' oriented explanation of corruption. All these qualities are the context for the honest work and for the successful anticorruption efforts. Looking up at the model posed by western countries would also be a major direction for those addressing corruption.

Apart from the 'soft' part of fight aimed at the phenomenon discussed here, there is also a hard one which is highly needed.

Our structure should have more resources and more logistics in the field. You cannot fight corruption with a pen and a camera when criminals have very sophisticated means. (S1, Police)

Measures targeted rather at individual level include information campaigns as one line of argumentation maintains that people need to be educated in order to understand what is going on and what they are allowed to do. Only then we should apply clear rules for combating corruption.

We should inform people in regard to their rights at national level. All institutions should be united in order to inform people before accusing them that they defraud European funds, for example. State institutions should gather their efforts and money in order to exactly promote and explain European legislation and then to expect for results. We do not have a guide of European legislation, for example. (S2, Media)

A major line of reform of Romanian society is that of social values. Society is perceived as deeply unjust by many of the interviewed experts with the important values being affected by the transition period. There is obvious a perception of a state without normal social standards in society where people feel disoriented and having a sense of powerlessness. Most of all, the relationship between work and reward is impaired and as a result, an entire re-assessing of social values is needed in the opinion of experts from media and economy groups.



You see people with doctoral degrees by the hundreds; sometimes diplomas are being bought and for me are worthless. ... We need to put down roots for a new value ladder in society, to understand what is important: re-asses education and family. Otherwise, things will not change. (S2, Media)

B. Categories of Discourses: Four Different Lenses to Look at Corruption

1. The Ambivalent Discourse: ‘Culture’ and Institutions

This discourse is dual as two major forms of corruption are identified by the expert. First, the emphasis is on a so-called ‘cultural’ corruption which involves small bribes or presents and is to be found especially in relation that citizens develop to the health, education systems and more generally public administration. This phenomenon is considered to be part of the people’s mind set. Second, the expert identified a form of corruption which mainly affects state institutions as such and their functioning.

The first type of corruption, having its roots in the course of social development of the country turned into deeply rooted customs that are followed by people in their actions.

This is already a routine, is generalised, it entered the mentality on several segments. There is also this thing, when you go somewhere it is not nice to go empty handed, this is the main mentality in the rural, it happens less now, but still remains a rule.

The second type of corruption is explained by systemic factors like the convoluted economic context with a dual structure of the economy, elements about regulations and judiciary sphere like the low capacity of judicial system, the not fully implementation of rule of law and finally, the deficient functioning of state institutions and their incapacity to implement ethical mechanisms. This sort of corruption is to be seen especially in the public sector and the relations that it develops with other societal realms. Its determinants are placed in the transition context and its major feature, the low social control. The judiciary bears a heavy weight in this explanation as it is seen as not working properly, being plagued by unethical behaviours, games of interests and abuse.

A second set of factors belong to the impaired relationship that citizens in Romania build up with their society. In this opinion, citizens lack basic information about their rights and acceptable individual strategies in society, they lack trust in state institutions, do not take part in civic actions and develop a sort of cynicism towards public matters.

Our citizen is not informed and does not take action. (...) We inherited this from communism; you do not fight the state. If you make a complaint it does not work because these instruments are only at the hand of the boss as we learned also from communism.

The solutions envisioned for an efficient targeting of corruption are also twofold. While a large emphasis is placed on institutional strategies, also mentioned are measures targeted at changing organisational culture of public sector and encouraging civic activism among people.

The orientation of fight against corruption should be rather preventive than punitive. Further perfection of legislative and institutional measures is felt as needed at present in Romania. Strong emphasis is also placed on judiciary which, as institution should also be reformed to the extent that it works properly. Also, institutions are the ones called to implement



mechanisms in order to prevent and combat the phenomenon. Specific administrative measures are considered the most appropriate way of dealing with corruption. Among these, using disciplinary administrative means within public institutions are viewed as essential. In conclusion, this discourse is ambivalent along two major lines of reasonings: one concentrating on a ‘cultural’ corruption and its characteristics and the other one emphasising an institutional outlook of corruption.

2. The ‘Education’ Oriented Discourse

The pivot idea of this discourse on corruption is education both at micro and macro levels. The Romanian education system is heavily criticised as it is considered outdated in terms of both methods and content. It also lacks the capacity to educate leaders. Mainly, it does not provide individuals with the means for appropriate problem solving. Moreover, in judiciary field, which is of major relevance to corruption, it does not contribute to the needed high quality of human resources.

The education system used to be a laugh in communist times, and I believe still is...

At individual level, people take the personal decisions of engaging in corruption due to their low level of education.

It is the low level of education and the desire of certain persons to make money fast with no effort.

I refuse to get involved (in corruption acts), here comes into play education and the moral orientation.

In this discourse, education is linked to socialisation as it is mentioned that the values acquired by people complete the particular level of knowledge. During their life course, individuals are socialised continuously by being exposed to social models. This type of socialisation is seen as problematic due to the social models based on unethical orientations which were posed by transition. The model of the new rich, highly visible during the past years in Romania, characterised by the rapid accumulation of wealth in the difficult times of social disorganisation is considered as encouraging corrupt behaviours.

The anticorruption strategies are conceived also in relation to education and having a strong prevention component. Education system should be mainly targeted and considerably improved as in the long term it could be a major building block for a fair society. An efficient combating of corruption would involve changing the orientation of education system towards a more applied vision and an emphasis on leadership.

The problem cannot be solved through people’s arrest and noisy investigations that are showed in the media. The fight against corruption has other facets as well, like creating leadership and better magistrates through improving the educational system.

A natural change of generations would also contribute to an organic social development that eventually would affect corruption in the positive sense.

We need to leave these young people who studied in good schools abroad to take over. They have both local and global perspective and they have the big advantage of having studied in phenomenal universities.



In conclusions, without completely excluding some other systemic or individual factors that favour corruption, this discourse is deeply emphasising the role that education plays in corruption.

3. The ‘Culture’ Oriented Discourse

This discourse is centred on the concept of culture. In this line of reasoning, the concept embraces a variety of meanings and is invoked abundantly in order to explain corruption.

Culture is used as a concept at individual level in the sense of rich knowledge. The same notion is employed at a mezzo level as organisational culture while the last meaning of the concept is of macro significance.

...starting with professional training in the field and finishing with the culture that each person should have. Because he is carrying out his job and comes in contact with different notions. If he doesn't document himself, he can fall in a mistake, like a simple disciplinary infringement up to an infraction. This is what I take into consideration: professional training and personal culture.

In this line of argumentation the causes of corruption are mainly placed at individual level. People are responsible for their own conducts, for their decisions of getting or not involved in corruption acts and for the way institutional anticorruption strategies are put into practice. People are perceived as having bad ‘habits’ and being vulnerable because of them. They can also prove lack of responsibility, a low work ethic, can have a low level of education and low ‘intellectual curiosity’. Such characteristics are accountable for the outlook of corruption in Romania.

They are not responsible, they are not well educated, they do not read. It is not for nothing that Americans are so good in human resources management. Romanians do not learn from others' experience. They do not look at others to learn, or at least to see what problems they have had. These are the factors.

Education and socialisation are both invoked in relation to ‘culture’. The values that have been assimilated since early ages have an important role in discerning right from wrong and the consequent behaviour of the individual. Education is understood as knowledge about a specific job which the individual acquires within the formal education system until entering a job, but also as continuous education. In the latter sense, education is a task of the individual signifying a search for further personal improvement.

The fundamental reason for Romanians’ behaviour in general and for corrupt conducts in particular is considered to be the historical heritage.

Following this explanation of corruption, the anticorruption strategies should be based on a general framework made up from education, training, increasing responsibility, furthering professional conduct and intellectual curiosity on the part of people. These characteristics can constitute the context for the honest work and for the successful anticorruption efforts.



4. The Pivot Political Realm in Corruption

The influence exerted by the political realm on various domains of society is highlighted as the major determinant of corruption in this discourse. The many facets of this political control are underscored in this line of argumentation.

The relationship between economy and politics is the main feature of the phenomenon mentioned above. Both spheres are viewed as intimately linked to the extent that political class is intersecting to a high degree with the powerful economic elite.

In this opinion, control is wielded by the political class in many other ways. First, it is visible in the mode in which important positions in state institutions are appointed: based on networks of relationships.

The same type of influence is to be seen in judiciary. This situation is illustrated by the case of the Constitutional Court considered as being organised on a political system.

The judges are appointed on political criteria by Parliament. Things cannot get normal this way. In order to get a warrant to search an MP's house approval is needed from the Chamber he belongs to. Believe me, you know what is happening. In order to send the file to court, (...), their approval is needed. They would not do such a thing for each other, they are not crazy.

According to this opinion, it is obvious a bias in the way verdicts in corruption cases are passed by the courts of justice. When people enjoying political support are involved, partiality seems to describe the manner of trial in such cases. On the contrary, when those accused no not have political support, the judiciary process is carried out normally.

There are many acquits in the courts especially when political people are involved.

But, in principal, police officers, or people from financial guard, people without political support, for them the trials are going easily. When important people are involved, they wait for exceptions.

Media is another sphere where the political factor intervenes. It seems that media groups support powerful political people involved in illegal actions. These connections are visible in the biased messages sent across about certain people, groups, parties or companies. Due to this, a wrong and disproportionate image towards corruption is created while the very act of justice can be affected.

Political control is also noticeable in a particular way of performing corrupt actions: that of the political order carried out through *a phone call*. It seems a pattern obvious in corruption cases that people with certain positions within institutions engage themselves in corrupt actions as a result of request, through a phone call, from a person having a high position. The status of respective person seems to justify the order/request and the consequent actions even though they might be illegal.

In this discourse, the key to an efficient curbing of corruption is the same political sphere. A rightful development of the country can only be seen if the political system will improve and political class will take on the responsibility of reform. Moreover, eliminating the political influence in its many facets is a major line for the future transformation of society.



5. Conclusions

Perceptions analysed in this report vary to a great extent in regard to both the phenomenon of corruption and the efforts targeted at curbing corruption.

The analysis revealed that corruption is seen as a nuanced phenomenon in terms of spread and logic. Its occurrence is different in various social spheres and is multifaceted, corruption embracing various forms and being based on a complex logic.

The major factors of corruption are identified in a set of structural spheres: economic, social, governance, regulations/judiciary as well as cultural. Fewer causes are placed at individual level.

The perceptions on anticorruption fight also showed a variety of opinions in regard to evaluation of current fight, orientation of future efforts and the concrete measures to be put into place in order to curb the phenomenon.

The in-depth analysis of interviews revealed four clear lenses through which corruption is seen: an education centred discourse, a ‘culture’ oriented discourse, a dual approach to corruption emphasising both culture and institutions and a discourse placing at its core the political realm.



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SIXTH FRAMEWORK PROGRAMME OF THE EUROPEAN COMMISSION



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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**Perceptions of Corruption in Turkey
A Content Analysis of Interviews from Politics, Judiciary, Police, Media,
Civil Society and Economy**

Period covered: from November 2006 to October 2007

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I. Introduction

Legal and political developments, that took place in the second year of the research project on the issue of corruption in Turkey, could be summarized as follows:

The most significant development in the domain of legislation is enactment of the Witness Protection Law, (no: 5726) on December 27, 2007. According to this law, crimes that require witness protection are as stated follows;

- Crimes that require heavy life imprisonment, life imprisonment and imprisonment of minimum 10 years and over, stated in Turkish Penal Code and in penal statutes.
- Crimes that require minimum 2 years imprisonment and over, due to joining an organization established in order to commit crimes stated as acts of guilt by law and of crimes of terror.

Another important development that occurred during this period was the acquittals in Turkbank case. The Supreme State Council ruled that the former Prime Minister Mesut Yılmaz and former Minister Güneş Taner, who were charged with rigging a competitive bidding process, were guilty of professional misconduct in office. However it delayed reaching a final verdict on the crime, since it was considered in the context of Law on Release on Probation passed in 2000. Yılmaz celebrated this decision with his opponents and managed to enter Parliament as an independent deputy from his hometown of Rize after his acquittal in 2007 General Elections

The 60th government of the Republic, (the 2nd Erdogan Government) addressed the issue of corruption in its program that received vote of confidence in Parliament on September 5, 2007. In the government program, corruption is defined as; “a fundamental problem that damages the trust relationship between state and its citizens and that by reason of extortion of public resources, has costed Turkey its huge resources for years”. It is also stated that “in the previous [AKP] government, significant measures were taken to prevent corruption and the responsible were called to account for getting involved in mal-practices”. Moreover, the program declares that the 60th government will go on waging an all-out war against corruption without concession. The government program emphasizes the use of technological developments in the provision of efficient public service and its contribution to downsizing bureaucratic processes which cause a waste of huge amount of time and energy.

The concepts such as e-Government, e-Transformation, and the plans like “Single Card Project” are implicitly highlighted as tools of fighting corruption. At this point, the current government considers the lengthy bureaucratic process as one of the main reasons of corruption. Besides, it evaluates e-transformation as necessary for “efficiency of production processes.”

The first legislative proposal on corruption following the 2007 General Elections was proposed by Algan Hacaloğlu and his friends (CHP) related to the enactment of a “Political Ethics Law” The proposal aims at establishing a “Political Ethics Committee” in the Turkish Parliament which would monitor, evaluate and report the fiscal, financial and economic



relations of Ministers, MPs and their family members. The ultimate aim of introducing such a committee in the proposal is given as the creation of rules and regulations for clean politics.²⁰

Several institutions went on working on the issue of corruption and prepared numerous reports in 2007. Followings are the summaries of three of these reports prepared by TUSIAD (Turkish Industrialist's and Businessmen's Association), ISMMMO (Istanbul Chamber of Independent Accountants and Certified Public Accountants) and TEPAV (Economic Policy Research Foundation of Turkey) respectively.

The Report of TUSIAD

In the context of "Agenda of Discussion Platform for Elections", TUSIAD published a report called "Towards Full Membership to the EU on January 1, 2014: Deeper Democracy, More Stable Social Structure, Stronger Economy" on June 8, 2007. In the report, it is affirmed that "Ethics in the state is of utmost importance to gain public confidence in the state and to strengthen the belief in the rule of law." It is also stated that it is unthinkable to consider ethics in the state as a separate issue from public administration. The essential point is the bringing to life of an ethical practice at all levels of the government through a holistic approach. The accent put on the "holistic approach" deserves special attention. Hence, in the report the "Regulation on the Principles of Ethical Behavior Applicable to Public Officials," which came into force after being published in the Official Gazette dated April 13, 2005, is severely criticized for the reason that its scope excludes the "President, members of the Parliament, members of the Cabinet, members of the Turkish Armed Forces and the judiciary, and universities". As indicated by TUSIAD, the current regulation will certainly prove inadequate in the establishment of an ethical infrastructure in the state due to the fact that "ethical codes" are not binding for *all* those working in the public sector.

Again, as stated by the document, the excessive number of exceptions in the field of practice of the "Public Officials Ethics Board," which was established on June 8, 2004, constitute an obstruction to its effective operation. Finally, in the report the expression in the Article 129 of the Constitution, ("Prosecution of public servants and other public employees for alleged

²⁰ At this point it would be useful to recall former attempts on the Political Ethics Law. The first proposition about the establishment of Political Ethics Committee in the Parliament came from Bülent Akarcı, Istanbul MP for ANAP in the 20th period in 1997. The proposition was accepted in the Constitutional Commission but it was not enacted. Akarcı repeated his proposal in the 21st period (1999). However, this time it was refused in the Constitutional Commission. The grounds for the refusal were stated as such: "Enacting such a proposition would harm the moral existence of Grand National Assembly and limit the freedom of MPs. The proposal was made in line with the reactions of the public in the past, but over time the number of these reactions decreased to a great extent. It is not possible to secure ethical behavior by law". The issue was brought to the agenda once again in September 2001 due to the resignation of two ministers of the 57th Government of Republic under the Prime Ministry of Bülent Ecevit, Cumhur Ersuner (Minister of Energy and Natural Resources) and Koray Aydin (Minister of Public Works and Settlement) for allegations of corruption.. The government started to work on a draft of a "Political Ethics Law" but it lapsed in a little while. Algan Hacıaloğlu, Istanbul MP of CHP with his 58 friends proposed a "Political Ethics Law" at the end of 2002 to the Parliament's presidency and yet their efforts did not yield any result. Recently, AKP Sakarya MP Ayhan Sefer Üstün and his 14 friends has prepared a draft law that proposes establishment of a "Political Ethics Commission" and "changes in some laws" and submitted it to the Parliament's presidency on January 19, 2007. Due to early General Elections, the subject was postponed to the new legislative period.



offences shall be subject, except in cases prescribed by law, to the permission of the administrative authority designated by law,") as well as the Law on the Trial of Civil Servants and Other Public Officials, and articles provided by special laws envisaging a system of permissions for the trial of public officials are criticized for creating privileges. Finally, it is asserted that an ethical infrastructure can be brought to life only if this situation is brought to an end.

The Report of ISMMMO (Istanbul Chamber of Independent Accountants and Certified Public Accountants)

In the report, called "Economics of Corruption: Economic Analysis of Corruption as A Public Bad", prepared by Dr. Mustafa Celen for ISMMMO, it is estimated that, an increase by 1 point in the level of corruption, decreases public revenues by 1 per cent. Thus, according to the report if Turkey could move up to the rank of Denmark in TI Corruption Perceptions Index, its public revenues would increase by 6 per cent. In other words, in such a case, Turkey would be able to increase its public revenues more than 10.2 billion YTL per annum. In addition, the report claims that "Corruption is a significant factor that creates economic, political and social uncertainty for investors. The existence of great amount of bureaucracy, together with the dispersion of authority and lengthy processes of permission, increases the impact of corruption on economic activities. Increasing costs of private investments limit the growth of national income and production capacity of the country." In the report it is also stated that rapid urbanization leads to corrosion in the settled social networks and moral and social control mechanisms. As indicated by the document, the weakening of these networks have accelerated the level corruption and bribe. It is also suggested that there is a positive correlation between the level of corruption and the size of the unrecorded economy and the public and private sectors must collaborate in anti-corruption struggle.

The Report of TEPAV (Economic Policy Research Foundation of Turkey)

Economic Policy Research Foundation of Turkey (TEPAV) organized the 3rd Anti-Corruption Conference on December 5-6 under the topic of "Decentralization and Corruption". The impact of decentralization on corruption, i.e. the question whether corruption is decreased or simply decentralized was the essential focus of the conference. Bearing into mind that corruption cannot be eradicated totally, working group sessions focused on the control of corruption through vertical and horizontal accountability mechanisms regarding local administrations.

In the opening speech of the Conference Prof. Dr. Guven Sak emphasized the following points:

- The legislative proposal related to the establishment of a Political Ethics Committee in the Parliament and the one on the subject of financing of politics are not enacted. Besides, the necessary amendments in the Political Parties Law have not yet been made;



- The concept of “secret” is not defined in the legal documents. Consequently, transparency in public administration encouraged by Law on the Right to the Information and Public Financial Management and Control Law is shadowed.
- The notice of motion related to a new Court of Accounts Law proposed by a group of MPs has been waiting in the parliament to be discussed for over three years.
- Legislative proposal that includes elimination of wage differentiation among public employees and establishing a system of meritocracy in appointments has been in the agenda of the parliament for more than three years.
- Many laws related to public financial management and local administrations are problematic in terms of implementation.

As the above mentioned reports and statements demonstrate clearly, the efforts of corruption prevention in Turkey are shaped according to the international anti-corruption paradigm formulated mainly by global institutions like World Bank and TI. The characteristics of this paradigm can be stated as follows:

- Corruption is by and large defined as misuse of public authority by public employees in order to receive financial, political and, intangible benefits.
- Corruption is evil, renders societies unhealthy, and therefore must be eliminated.
- On the other hand, the temptation for corruption (both at individual and social levels), cannot be thoroughly eliminated. Therefore, the level of corruption in a society should be minimized through permanently fighting corruption tendencies.
- Measures for minimizing corruption are frequently listed as transparency in governance, accountability, institutionalization of inspection mechanisms, and increase in the number of NGOs that would conduct monitoring. In other words, the anti-corruption measures articulated share the same goal of curbing the opportunities that facilitate the involvement of public employees in corruption. The target is to define heavy penal sanctions for corrupt acts in advance and develop the institutions which would implement these sanctions whenever corruption is identified.

These measures seem to be quite reasonable at first sight. In any case, the dominant anti-corruption paradigm, i.e. the international anti-corruption paradigm chiefly concentrates on the public authority while developing its strategy on corruption issue. It is possible to allege that it has its own rationale. In this way, without disturbing the whole society, a solution is searched by focusing attention on a limited area.

Nevertheless, most of the corrupt acts such as bribery are committed by at least two parties. Apart from one sided acts such as embezzlement, corruption is a form of relation, in which both parties feel satisfied, for they have realized their aim. On one side of the relationship, there is the public authority (politicians, bureaucrats), and on the other side are those who gain advantage and share it with the public authority (citizens, businessmen). It is certainly inadequate and even dangerous, to asymmetrically focus on only those in public sector in the fight against corruption and ignore the private one.

At the same time, the above mentioned dominant paradigm of anti-corruption imposes itself as universal. The remedies developed with in the framework of management sciences are articulated in a way that they are applicable regardless of time and location. This dominant



paradigm, offers a series of precautionary measures to eliminate the notion of corruption without feeling any need of knowing it and yet at the same time it declares that the notion should normatively stay out of society. Nevertheless, right at this point, the sociology of corruption must be closely acknowledged.

2.Methodology

General Outline

As mentioned in the first report of the project, in the second phase of the research entitled as “Crime and Culture”, it is expected to gain fundamental insights into the cultural and social context within which deviant and criminal behavior occur as well as into the respective preconditions under which criminality can be combated successfully. To be able to accomplish such a task, a *top-down* perspective *per se* would fall short of unveiling the existent social reality since speaking in sociological terms; corruption can above all be defined as a type of social relation. The project, therefore adopts a ‘*bottom-up*’ empirical approach to the corruption to reveal the normative standards of different cultures, through bringing together the respective “modes of perception and recognition of the phenomenon” by different social actors in each society.”²¹ Hence, the interviews conducted with the interviewees belonging to specified target groups in the second research phase was subjected to a qualitative content analysis, following the guidelines of *Grounded Theory* developed by Glaser and Strauss.

Data Generation

In the second phase of the project briefly entitled as “Crime and Culture”, 12 interviews were conducted with experts from six target groups (politics, judiciary, police, civil society, media and economy). They lasted approximately about an hour. All were digitally recorded. They were mostly conducted in the first two quarters of 2007. However, it was difficult to reach the experts in politics and media target groups due to the 2007 General Elections and succeeding presidential elections. Therefore, it was possible to reach them only in the third quarter of 2007.

Three of the interviewees (media-civil society-jurisdiction) were women. Majority of interviews were conducted in interviewees’ offices. The rest of the interviews were conducted in public places chosen by the interviewees. All the interviewees were informed about the content of the project in advance.

²¹ See “REPORT: Kick-Off-Meeting”, Sofia, 2-3 February 2006.

Interviewees

Each couple of interviewees was selected from different categories of their own target groups based on various criteria (social democrat-liberal, globalist-nationalist, etc.)

Target Groups	Interviewee 1	Interviewee 2
Politics	Former MP from People's Republican Party (center left)	Former Minister of Tourism/ex-MP of the True Path Party (center-right)
Judiciary	Attorney general/law professor/expert.	Lawyer
Police	Former Assistant to the Deputy General Director, National Police/Ex-Mayor/Former Minister of National Defense and Education	Former Assistant Chief of Police/Former Head of the Department of the Traffic Services
Civil society	Former Vice Person of TI Turkey/Board Member/Public Finance Professor	Program Director of an Influential National NGO
Media	Columnist-journalist of a liberal newspaper	Former Chief Editor of a highly circulated newspaper/Columnist-Journalist-Media Critic
Economy	Customs Broker	Former Governor of the Central Bank of Turkey, Consultant

Questions

In the preparation of question set, general guidelines of the project were followed to a great extent. Yet, considering the specific cultural characteristics and socio-economic realities of Turkey certain specific questions were included in the question set. In addition, several indirect questions were asked to the interviewees parallel to the course of the interview.

Questions could be categorized as follows:

First set of questions targets to understand the interviewee's perception of corruption. Initially, every interviewee was asked to make his or her own definition of corruption. Then, the interviewee was asked to list the causes of corruption on the basis of importance. Later, the interviewee was asked whether he/she evaluates corruption as an exceptional case or as a widespread phenomenon in society. Afterward, the interviewee was asked to comment on several Turkish proverbs and idioms related to the issue of corruption. The rest of questions in this part were along these lines:

- “At which point does corruption differentiate from social behavior patterns required by network of relationships?”
- Is it possible to evaluate bribery as a “factor of motivation” in bureaucracy?
- Could bribery be qualified as a way of facilitating daily life?
- What is the risk of receiving and giving bribery in Turkey?



- What is the relation of bribery with the level of income in Turkey?
- Does the ongoing economic liberalization process have any kind of impact on corruption increase and transformation of social values?

In the second part of the interview, the interviewees were asked for an evaluation of corruption in their own and other target groups.

The third part of the interview consists of specific questions on the subject of the relationship between corruption and politics in Turkey. Questions 1-5 were asked to all six target groups, and the rest of the questions were asked only to those from media, politics and public bureaucracy:

1. What are sides of the political system that facilitate corruption?
2. How is the issue of financing of politics evaluated? What type of regulation would be helpful to provide transparency? What are the underlying reasons of inefficient policies so far?
3. Is service – personal interest balance pursued in Turkish politics? How does the strengthening of local administrations affect corruption?
4. Could regulations arranged following economic crises in early 2000s have impact to decrease corruption?
5. Why can't the parliamentary immunity be lifted? What should be the limitations of parliamentary immunity? Could immunity be evaluated has an obstacle for the struggle with corruption?
6. Does the designation of the candidates by the parties highlight the dependence of the representatives (in relation to their re-election), which affects their behavior within the Parliament (discipline of vote)? Is the eventual re-election of MPs submitted to the approbation of their candidature by the direction of the party? If yes, what are the mechanisms of negotiation between parties and candidates to the candidature during pre-electoral periods? Which kind of resources do MP candidates provide to political parties?
7. Do political parties constrain MPs' behavior, at least concerning the discipline of vote?
8. How can you define relations of MPs with their electorate? Can clientelism be defined as corruption? What is exchanged?
9. One of the principal roles recognized to MPs consists of transmitting individual requests - in general, but not exclusively, from their electorate - and answering them. This role is both legitimate (a MP has to be at the service of the people and accessible to its requests) and illegitimate (as far as these practices are often disparaged as being particularistic, flouting the public good and the general interest). What is the drawing line between these two? What should be the drawing line between these two?
10. Which resources and legitimacy can MPs get from their activity of mediation or from the satisfaction of the requests? In some particular cases, can this activity also constitute a risk, i.e. lead to the loss of respectability or social capital of a MP? If yes, why?

Final questions of the interviews focus attention on anti-corruption measures and EU integration process:



- What should be measures taken in order to minimize corruption in Turkey?
- Do you think developments in information technology have an impact on the increase of corruption? If yes, why?
- What is the impact of EU integration process on anti-corruption activities in Turkey?

Data Analysis

Parallel to the guidelines of the theory, in the second phase of the research, all the interviews, after transcribed, were grouped together according to the target groups under examination. By way of a computerized qualitative data analysis (software *Atlas-ti*) method the research team reconstructed the interviews as new texts for each target group without purging contradictions and ambivalent expressions. Like in the first phase of the research, a two-level code analysis is implemented in this stage. The first level codes were related to the themes and main ideas of the interviews as primary content. In other words the explicit, predominant patterns of argumentations, definitions or of reasoning were articulated. Again, in this phase, certain inductive categories were formulated few of which left to be revised after completion of second level coding. At the second phase, a “non-explicit” level of content analysis was made. During this process however, the team members avoided themselves from cross-referencing among the interviews of different target groups.



3. Perceptions of Corruption

3.1. Analysis of the Target Group Politics

Corruption is defined as a set of nontransparent, inexplicit, and uncompetitive behavior contrary to the legal regulations and moral principles in a society. It causes unfair competition which hinders development and justice. There are cases; however, that corruption takes place in accordance with the law so it is not so blatantly obvious. The existence of such cases requires the definition of the term to be revised.

Corruption is a global issue. Despite being a highly recorded economy, there is significant corruption in the USA as well. The bribery process is legalized; it is accepted as a component in accounts. Thus, developing or non-western countries are continually blamed for corruption by Western countries. However, the most extensive corruption in the history was committed by these very same countries and their international institutions. During 1970s and 1980s, the World Bank resources were granted to dictatorial regimes in developing countries and the “pickings” of the West were transferred to Western banks and financial institutions. By huge amounts of interest that cannot be paid, the natural resources and the geostrategic values of the country were acquired. In this sense, the invasion of Iraq, by the USA is also an example of corruption.

In Turkey, the thought that it would not become apparent somehow and the fact that both parties are content in corrupt exchange relations are the main reasons why it is so widespread and inured socially. People's main complaint related to corruption lies in the fact that they somehow do not have the opportunity to access to certain networks in which they can receive advantages.

The majority of Turkish society is not against corruption. On the contrary, corruption is even presented as something natural in Turkey's cultural codes through several idioms and proverbs. Turkish people are loyal to each other rather than the principles. The proverb, “A cup of coffee commits one to forty years of friendship” is a part of people behavioral pattern. This cultural code therefore makes patronage system a natural notion.

Moreover, an additional cause that triggers corruption and the ignorance towards it at the social level is the unfair distribution of income. In a social body where certain groups are more privileged than the others; where there is inequality, corruption becomes a natural practice and people become inured to it easily.

The proportion of those involved in grand corruption is one in myriad and yet, a big part of petty corruption is related to the distribution of income. As long as politics does not correct this distribution, it will lose its legitimacy and power. And, this lays the grounds for corruption. Corruption has increased in the Ozal period thanks to a perverse liberal transformation. It is increasing at a faster pace during the AKP government. This is again a problem that deepens hand in hand with the legitimacy paradigm of politics.

Regarding the responsibility of the State for corruption issue, two basic approaches are identified:



- The State institutions that have the responsibility to serve to public operate quite poorly and their cadres are formed improperly, almost to a point to hide unemployment. In addition, government officials and almost all those in charge have no respect to the public they serve. This reality can not be changed by laws. The reasons for bribery should be sought in this mindset. Large-scale and small-scale bribery should be considered different in extent but not in definition. Bribery stems from the disrespect of the State towards its citizens. Citizens always fear the State in this country and especially its tax mechanism. These mutual perceptions must be changed in order to fight against corruption.
- Proprietorship appeared in Turkish society much later than the Western counterparts. Therefore, this ongoing process (of proprietorship) generates an important basis for corruption. In Turkey, land is still a source of great profit. Its allocation is a way of making politics and there is an absolute consensus on this matter. Following example among many others could be given to support this view: In a meeting of Istanbul Municipality Zoning Committee, both the government and the opposition parties, which go up against each other on almost every topic, come to terms on 118 plans in less than twenty minutes. Theoretically, if these plans had been discussed comprehensively, it would have at least taken several hours for one plan only, and therefore, the meeting would have lasted 3-4 days at least. This is nothing more than a corrupt act. However, the majority of people are not in opposition, let alone supportive to this course of action. Right before the General Elections of 2007, the current Prime Minister expressed overtly that he was residing in an illegal building and obtained a reasonable amount of votes through this discourse. This is because the number of people who dwell in illegal buildings is twice as many of those living in legal buildings.

Politics, media, jurisdiction, police, NGOs and business world are all involved in corruption in the same proportion. It would be unfair to blame one, and disregard others since corruption is not something single-sided. So far, politicians are perceived as the chief responsible of corrupt behavior. They serve as a convenient scapegoat for the dishonesty and corruption of the system. It is undisputable that politicians are primarily responsible to find ways to fight against corruption and their efforts are far from enough. Turkbank case was not opened because the parliament wanted to fight against corruption; it was rather a means of a completely different political fight. Yet still, in terms of getting involved with corrupt acts, they may even be the least guilty ones with respect to other groups. It is also true that politicians are not fulfilling their responsibilities to fight against corruption.

It is true that governments, when they need votes of confidence or want to make laws enter into certain contracts with the MPs to gain their support. Yet still the excessive centralization of the system makes it difficult for governments to inspect their own decisions on transfer of resources. It is usually politicians who pay a price for the weak inspection body due to excessive centralized state structure. And, the public opinion, at this point, is manipulated by certain interest groups.

But still certain relation patterns in politics lay the foundations of corrupt administration and favoritism:

- Political parties are formed in a chain of command. Who is going to be an MP is in the leading cadre's initiative. It is natural to expect less democratic behavior from MPs who are under the command of one center. Once you are elected, you start getting directions from the party leaders; you are expected to behave according to their instructions. In such a structure an MP feels more indebted to the cadres that make him elected rather than to the electors.
- Last but not least, it can be stated that the agenda of Turkey and of the parliament is not generally parallel to each other. In other words, MPs and politicians from different political parties can easily make friends with one another. This automatically generates another form of loyalty. One can easily monitor these bonds in commissions, meetings, etc. In such a communitarian/solidarist structure of politics, the political leaders in Turkey, can easily overlook corruption, though they themselves are not directly involved in it.

To understand the systematic nature of corruption in the realm of politics in Turkey, the construction industry must be examined closely. Currently, the construction industry has the highest power within the last 20 years. The growth rate of the debts of Turkey and the growth rate of this industry go hand in hand. The constructing industry has many supporters in politics. When those supporters become members of the parliament or become ministers, they have impact upon investment decisions. And there emerges the trivet of businessman – bureaucrat and politician. If one side of the trivet is broken, the system does not function properly. Constructors expand their business by using public resources and they become more powerful within the system. Then they get involved in politics. In consequence of all these, Turkish public has to pay a huge price to close budget deficits with tax and high inflation. But no one seems to stand up against this fact. In a country where people are silent against corruption, the struggle with it becomes utopian.

It is not also wise to expect state officials to give a fight against corruption. Yet, many of them at important positions are closely involved with criminal groups one way or another. A politician for example, wants to close down illegal casinos. He would see senior government or state officials such as judges, chief police officers, gendarmerie commanders, district revenue officers and even some members of the parliament gamble there. He would see their names recorded in the account books of the casino owners. There is always an immense potential of criminal acts in such places. It would be naïve to expect a police chief who gambles in such an illegal casino to place its owner under arrest.

Party financing: Although the financing of politics is perceived as a disastrous issue in Turkey by both interviewees, two conflicting approaches are presented:

- The law related to party financing limits the amount of donations significantly. This leads to corruption in the financing of political parties especially through the relationship of media and political parties. A political party wants to advertise in a media organization. They bargain and they get a great discount for the advertisement. The amount of discount is not in vain. It is the discount of corruption. No proposition for the transparency of the financing of politics has ever been taken into account so far. If transparency was attained, many unfair competition issues would thus be eliminated.

- Political parties do have sufficient financial resources for their campaigns and other expenses and even more than they need. The state also provides financial aid. Therefore, it is not possible to state that political parties are in financial difficulties. In the past, the central administration of a political party did not provide financial aid for their local offices. The condition is different now. Thus, they receive money from local offices; from the offices they share the profit. The organization, the political party, does not receive the fund for itself. This could be defined in the context of “loyalty culture” and this type of loyalty consists of the financing of the party. That is to say, there is enough money for the financing and the state provides this fund and it is legal. However, this condition does not mean that there is no corruption and illicit money. The Mercimek case is an example for this.

Conclusion (on prevention)

The parliamentary immunity must be limited to political acts and freedom of speech, and all members of parliament must be liable and equal before law for crimes of corruption and other types of crimes as ordinary people.

However, limiting the immunities of MPs is not enough. All government officials must be completely liable and equal before law, as well.

EU integration process will contribute to Turkey in terms of fighting against corruption in almost every field. It will certainly have a positive legal impact on immunity and transparency since EU norms are more advanced than the ones in Turkey. In case of full integration, the whole picture will change radically.

3.2. The Analysis of the Target Group Judiciary

Corruption, as stated in the Turkish Penal Code; is any illegal act to obtain certain benefits. Nevertheless, corruption can not be limited to illicit behavior patterns. It includes any human behavior in contrast to general ethical principles, honesty and good will. While accepting the fact that there can not be a single and an absolute truth in social life, one can always suggest the existence of a “supreme interest”. The fact that a principle is not stated by law does not necessarily mean that it could be ignored. It is likely that the legislator may have “forgotten” or “deliberately” disregarded the principle for one or another reason. Therefore, laws should be in constant revision in accordance with changing social conditions. Yet, principles of honesty and good will stated in religious-ethical and cultural codes must remain superior to laws in all conditions.

Corruption is generally demoted to bribery in society because of its widespread nature. In the Turkish Penal Code bribery is defined as a crime committed by a public official in the framework of an agreement with a person in order to receive an advantage (tangible or intangible) to do or not to do something in the discharge of his or her public or legal duties. As it is an action of free-will performed by both parties mutually content, bribery hardly ever becomes a case before the court and is inured in the society. However, Bribery exists in every domain of daily life where citizens are faced with the state apparatus (the police, customs,



hospitals and so forth). Today's hegemonic conception based on individualism, nurtures bribery. People seem to forget the fact that their existence can only be meaningful when it is related to an entity (let it be universal, religious or humanistic set of values) superior to themselves.

Nonetheless, the legislation defines corruption in a wider sense. Every field where money is in question is open to bribery, Corruption occurs most extensively in the fields of:

- Public bidding,
- Privatization of State Economic Enterprises,
- Stock market operations,
- Local administrative units,
- Political party financing,
- Election expenses.

And, the causes of corruption are listed as;

- Erosion in the moral values ("the ends justifies the means", a social climate where success stories are demoted to fortune regardless of the means),
- Administrative heritage of the Ottoman rule ("Whatever you pick from the pig, is your earning", state-subject interaction based on paternalistic forms),
- Lack of democratic culture (lack of access of people to government),
- Lack of expertise of the members of Jurisdiction related to newly-formed crime types,
- Time bar,
- Low quality of human resources at the implementation levels of government,

The main actors of corruption are stated as politicians, economic agents and criminal networks. Turkbank case openly made the existence of such a network obvious without any hesitation. This case is also significant since it demonstrates the dirty nature of party financing (blood money). Politicians need financial resources to be elected/re-elected and the fund providers do not offer their financial support without remuneration. This environment pushes away honest people from getting involved in politics. It would be unrealistic to expect that a serious initiative would come from such a corrupt political structure in support of corruption prevention.

Like it is the case in the police department, in every level of judicial system there is bribery. There are very few lawyers in the judicial system that have a strong ethical stance. Most of them believe that giving bribes under the guise of gifts is a necessity in order to get their work done. Still, it would be wrong to state that corruption (but not bribery) is a widespread phenomenon. It is the least corrupt group among the whole.

The legal structure in Turkey is sufficient for fighting against corruption except for the domains of party financing and public procurement. On the other hand, the jurisdiction is faced with certain obstacles that weaken its power and efficiency in fighting against corruption. These obstacles could be categorized under three headings:

- Presumption of innocence that takes place in the Constitution,



- Difficulty in providing evidence,
- Problem of finding witness or informant due to the lack of sufficient protection

Moreover, it is claimed that in general the ones who choose to be judges are the ones who can not be lawyers. They are coming from the families of lower socio-economic status as compared to those of lawyers. As a consequence, their cultural level is relatively lower. This in return, might weaken their enthusiasm to fight against corruption and increase the probability of getting involved in wrongdoings.

As for the Turkish Media, it can be argued that it does not fulfill its functions to unveil the cases of corruption.

Theoretically, the application of EU standards could provide certain progress in the efforts of corruption prevention. However, at this point two important discouraging points are worth mentioning: First of all, it is believed that especially the AKP government is in hypocrisy regarding EU integration process. There are serious doubts that the present government is willing to meet the EU criteria. On the other hand, the same doubts are valid for the EU itself. The internal consistency of the EU is open to serious discussion for the reasons stated below:

- Although the autonomy of jurisdiction is stated in the Copenhagen Criteria, the Union constantly puts the Turkish Jurisdiction under pressure;
- EU admitted the two countries, Romania and Bulgaria as member states, which are more corrupt than Turkey according to Transparency International Corruption Perceptions Index.
- There are series of acts of corruption in which the European Commission is directly implicated, the very institution which regularly condemns inefficiency, delays and cases of corruption in Member States.

Until this very day, EU integration process has not provided Turkey with any noteworthy tool to decrease the level of corruption. The only positive impact of the process is the promulgation of the Public Procurement Law.

The implementation of the liberal economic model to move Turkey from “semi-capitalism to full capitalism” initiated by the Prime Minister Turgut Ozal in the post 1980 era, accelerated to a great extent the acts of corruption. Ozal’s words “my civil servant knows his own advantages”/ “My civil servant knows how to survive well!” were the most significant signs of corrosion of moral values. The cultural perception of public shame has started to change considerably. The society has started to envy and covet the life-styles of the “nouveaux riches” living in villas isolated from the rest by high walls, without questioning how they “turned the corner” (succeeded). In order to understand the methods and the pace of this change, it would be sufficient to discover what they were doing before 1980s.

Conclusion (on prevention)

In the short-run the following measures can contribute to corruption prevention:

- The establishment of a special commission similar to “Court of Political Parties”,



- Providing proper functioning of the “Law of Prosecution of Public Servants” ,
- Effective auditing of expenses of municipalities,
- Enlarging the definition of corruption in such a way that it would include the relations within the private sector,
- Forming a witness protection program.

Even though, the measures mentioned above were taken and applied in a serious manner, the corruption in Turkey would not be prevented unless the topic is taken in hand as an issue of values education. “As far as the motivation behind a mal-practice exists, banning it would not solve the problem”. Yet, above all, corruption is a matter of morality and the moral values are transmitted not only through formal education system but also through family and social interactions. In this context, corruption can not be prevented unless the fact that corruption is a loose-loose game is internalized by the society as a whole. Anti-corruption measures should be planned in such a way that they include universal humanistic values and principles.

In the final analysis, it would be meaningless to try to find a remedy to corruption on a country-specific basis since it is a global problem. In this context there is an implicit consensus among developed countries (tax heavens located in Commonwealth countries, the scandal of Bank of Credit and Commerce International). The movie Godfather III, directed by Francis Ford Coppola, very well demonstrates the complex nature of the relations between crime organizations, religious structures, politicians, business, etc.

3.3. The Analysis of the Target Group Police

Corruption is any act committed contrary to laws, regulations, the principles of social life and individual rights and freedoms, in order to receive or grant advantages by way of either using or not using one's own power. Corrupt act can take place both in public and private spheres.

Still, corruption is a vague concept. There is no clear cut, common definition of corruption such that, in some cases even giving or receiving a tiny gift can be considered as a corrupt act. However, gift exchange may not be in the limits of corruption depending on its value and reason. Thus, the prophet Mohammed recommends to “give gifts to your friends and the beloved ones”. The acts such as offering lunch, presenting gifts or giving pocket money in religious and national occasions should not be considered as bribery. These kinds of practices should be thought as the support given to the protector by the protected.

Corruption is because of

- unemployment,
- low income level of public officials,
- lack of meritocracy,
- lack of punishment,
- lack of evidence due to reciprocity of benefits,
- the desire to earn easy money and to avoid responsibilities,
- solidly reflexes (to favor the members of one's own social group),



- The institutional heritage that the Republic of Turkey took over from the Ottoman Empire. (Among the top administrative cadre in the Ottoman Empire, the idea to become wealthy by using its authority was internalized due to the lack of any formal, legal structure. Despite the penal and civil codes and the modern state institutions imported from the West, even today, this behavioral pattern is still valid for the administrators, as if it is genetically coded.)

The level of corruption increased to a great extent hand in hand with the post-1980 liberalization process. Financial as well as trade liberalization without sufficient legal infrastructure provided immense opportunities (fictitious export, credit embezzlement and state biddings) for people who wanted to become rich in an easy way. Especially, as a consequence of decentralization process that the AKP government started in early 2000s, local administrative units had greater fields of maneuver open to corruption via,

- abusing the legal loopholes,
- creative accounting through Municipal Economic Enterprises,
- receiving illegal grants and distributing them to the local electorate in forms of food supply, coal, etc. (This policy is thought to provide AKP a considerable amount of votes in July 2007 General Elections and yet still blaming without evidence should be avoided.)

As for the financing of political parties, it is believed that the aid received from the State Treasury is more than sufficient. Politicians should finance themselves and if they receive external financial support, it should be overtly recorded and declared as is the case in the USA.

The immunities of MPs must be limited to freedom of speech. For petty offences however, they should certainly be abolished. However, in the current situation politicians are not expected to lift the immunities since they seem to be in need of them.

Business world, media and politics are in the first three ranks of corruption scale and the failures in other target groups including police, jurisdiction and NGOs are more often individual and in trivial amounts than systematic.

Politicians: Politicians play a significant role in corruption. In spite of their great executive power, they do not have to render account of their deeds to any inspection body but the Supreme Court.

Judiciary: The state attorneys and the judges are also enjoying the same asymmetry. The Turkish Penal Code bestows significant initiative to judges (the penalty for a crime X is for example up to 2 to 4 years of imprisonment, the judge may choose to opt for 2 or 4 years according to his discretionary power). Hypothetically, this discretionary power can be misused in exchange for personal benefits. It is a routine that judges apply to experts for subjects out of their professional knowledge. The reports prepared by experts frequently constitute the reference points for verdicts. An expert, if he is corrupt, is very well capable of mislead the judge. Law is applied because it is the Law not because it is fair. Sometimes people become victims of such corrupt experts. Nevertheless, ultimately, there is poetic justice.



Even though suffering from low salaries, overwork, even sometimes death threats, the members of jurisdiction involved in corruption is relatively very few in numbers. However, due to the values that the judicial system represents, any corruption case belonging to this target group would erode the trust relationship between the ordinary citizen and the State. Members of the judicial system, for this reason should not worry about their financial status whatsoever. U.K could constitute a good example for Turkey in this context.

Police: On the other hand, state institutions should not be held responsible for corrupt behaviors committed by few of their officials. Internal regulations of police department are very strict and when proven, the person involved in corruption is immediately dismissed. The police is unfairly blamed for bribery and other types of corruption by the public opinion. On the contrary, the police department is the most sensitive institution about corruption prevention. Compared to 20 – 30 years ago, there is great difference in the police department today. Certain acts considered natural in the past are defined as wrongdoings now. It should be also be noted that the State must not create the circumstances that lead to bribery. If there was still bribery in the police department despite reasonable improvements in salaries, the situation then must be seriously inspected and perpetrators must be severely punished.

Media: Media has a huge impact, therefore must abide by certain ethical codes while utilizing it. They have the means to bring up the problems into sharp relief of the political authorities.

Economy: The ultimate motivation for some businessmen is to get their work done regardless of ethical concerns. This mode of behavior has corrosive influence upon State institutions. At this point, reducing bureaucracy becomes an essential issue.

Civil Society: NGOs are praised for raising consciousness among state institutions.

Conclusion (on prevention)

As for the EU integration process in preventing corruption, it is emphasized that the implementation of laws is much more important than solely making them. The process itself is more significant than the full membership. EU means contemporary civilization, high quality of life, transparency and accountability.

Given the fact that, in the basis of ethical problems lies ignorance, Turkey should primarily, focus on improving its education system both qualitatively and quantitatively. Adoption of EU criteria would not mean anything without the man power who would meet them.

In the mean time, bureaucratic processes should be reduced and living conditions of government employees should be improved. Institutional culture should be promoted in government agencies via institutional training, and efficient internal inspection.



3.4. The Analysis of the Target Group Media

Corruption is defined as acts contrary to legislations, regulations, traditions and cultural norms; in order to gain personal tangible or intangible advantage. However, it is hard to include cheating of a child and illegal financing of a political party or insider trading within the same definition. At this point, the definition has to be expanded. It should include ways of capital accumulation or party financing by taking advantage of legal loopholes, where jurisdiction has difficulty to define them as acts of corruption. It is open to discussion to qualify a modern enterprise that makes people work like slaves, as pure and clean just because it is adapting supposedly some ethical codes; such as paying taxes and agreeing international laws. Favoritism and nepotism should also be included in the definition of corruption.

It is disturbing to provide a general definition where every type of corrupt act, no matter grand or petty is placed in the same basket and develop a prevention strategy based on the petty ones since they are more visible.

Likewise, it is questionable to qualify multinational corporations which do not evade taxes and fight for environmental issues in their own states and yet, exploit child labor in developing or less developed countries, as clean. The acts of international companies which virtually trap people in a never ending cycle of debt and exploitation and which force them to work on long-term contract basis with low wages should also be considered as a form of corruption.

Process of globalization commanded by the large multinational corporations and by the governments at the expense of poor countries is not considered as corruption in any part of the world. Moreover international institutions like IMF, World Bank even the EU at the service of those corporations' interests are claiming that "poor countries are starving because they are corrupt".

In early 1990s the term 'clean society' was operationalised by some media organs for the first time. They were making daily news of corruption related to every institution, from army to opposition and the government in charge. Their target was not to create a clean society but to be able to give such news by introducing the term itself. However, recently one can not read such news in the press.

Now, the term lost its meaning. TUSIAD (Association of Turkish Industrialists and Businessmen) for example, has quite strict ethical codes. The same codes exist in the publishing commission of Dogan Group. They allege easily that they are clean because they have such codes. The existence of these codes of ethics look as if there is significant improvement in this sphere compared to practices of the past. However, the situation is worse at present. Because, they declare something that does not exist in reality. One should ask the question whether the relation between the news about "Turkey will become Malaysia" and "the wish of Dogan Group to purchase the land of Hilton" have nothing in common. These two things are absolutely connected. But, the Dogan Group has certain ethical principles of publishing. The daughter of the owner of Dogan Group is the president of TUSIAD. When all these evaluated, what is going on is as follows: In the past, it was the events, people and institutions that were dirty. It was necessary to put forward concepts such as 'clean society'. But now these concepts also became dirty. Therefore, they need to be redefined.



Corruption takes place mostly in the trivet of politics-bureaucracy-business world as demonstrated in the case of Turkbank. Despite the fact that the logic of market economy imprisons corruption within the boundaries of public sector, one can not deny that the role of economic agents is of primary importance. Corruption is extremely destructive if it is committed in Jurisdiction, because it erodes the legitimacy of the State. As for corruption in the police department, it becomes dangerous if it collaborates with mafia and other criminal organizations contrary to its mission. NGOs are usually in the bottom of the list.

As for the media, it is obvious that it is not struggling with corruption the way it should. Corruption could be unveiled by journalism rather than jurisdiction and legislation. Contrary to their claims, media members however are far from developing an ethical position on unveiling corruption. They can act only as much as the capital group behind them allows. If one does not have ethical codes, it can only unveil some corrupt acts or none. This is because the capital groups in the media sector are also involved in corruption: all the economy reporters know that there is ‘insider trading’ in every media group, both at the individual and institutional level. In this case, how can a media member declare himself as man of principles? How can he confirm that he is making this news in the name of principle, clean media, clean society or clean stock market? What is done is done to ‘hit’ some people by a piece of news.

However, the story is hypocritical in Turkey: The private sector, the capitalists and the journalists as their spokesmen always show the public field as the only corrupt area. It could be in a way correct. There are many perversions going on in the public sphere, but corruption has always two sides. A policeman does not bribe a judge. A judge does not protect an army officer to gain a bidding. Public field does not consist of government or state officials solely.

Within this framework, granting advantages, protection, favoritism, provision of interests should be evaluated differently from each other depending on their scale. Despite characteristically the same, the corrupt acts of a policeman whose living conditions are poor and of someone who just wishes to satisfy his greed should not be considered equally corrupt. The system in Turkey, however punishes only “the smaller/weaker” but not “the powerful”.

The other reasons of corruption can be stated as such:

- Inefficiency of jurisprudence (Overburdened prosecution personnel, long processing times, lack of expertise, time bar)
- Lack of punishment
- Legal loopholes
- Frequent amnesties
- Poor quality of education
- Poor performance of inspection mechanisms (although many middle level bureaucrats are seriously fighting against corruption but they can not find the political authority to finalize their efforts)

The fact that there is less corruption in developed countries is not because people in these countries are more honest, but because of high and severe penalties. Corruption, chiefly the bribery is inured because; appropriate penalty is not given at appropriate times. Ordinary people do not believe in judicial system in Turkey since “justice delayed is justice denied”. In



this context, it would be wrong to draw a parallel between the uneven income distribution and bribery. It is just a way of legitimization. The inverse is correct however: the higher corruption is, the wider the gap in distribution of income becomes. The fact that many people do not have opportunities to improve their living conditions in their normal course of life turn them into individuals who run after small gains, favors, etc. They believe that it is the only way to survive. This condition worsens due to the inequality of opportunity. On the other hand, ordinary people are not that innocent at all. They watch "Kurtlar Vadisi" (a TV serial showing intriguing relations in the state) and criticize severely those who manifested against Hrant Dink's murderers.

On the relation of financing of politics with corruption, one has to differentiate between the "maintenance of functioning of the political party" and "maintenance of the businesses of the leading figures in the party". Within this framework, the question 'Why do some people become leading politicians and others do not?' is worth revising. The political system takes in the figures that could provide the system financial support. In return, the system nurtures them by means of certain decisions, hints, insider trading, etc. It is not possible to see an ordinary worker as a member of the parliament. Because, he would not be valuable for the party in terms of creating any sort of impact. It is very hard to break this vicious circle.

The dimensions of corruption in local politics are more striking, despite smaller in scale compared to those committed in the center. In local politics, informal clusters and networks of kinship, townsmanship, friendship, enmity and such relations are more common.

On the financing of politics, the practices in the USA are considered applicable for Turkey. If "watch organizations" similar to the ones in USA could be established in Turkey, it might provide positive results in relation to monitoring certain processes.

Another important issue with regards to sphere of politics is the extent of the immunities the MPs are offered. They must certainly be limited to the freedom of speech. Yet, it is not realistic to expect that the immunities will be lifted in the near future while some many people are struggling for being an MP to enjoy the legal protections they provide.

In Turkey corruption increased after 1980, with the transition to the liberal economic model. The state however behaved in contrast with liberal economic paradigm and carried on with its interventionist stance in a reformed manner: it created a new set of entrepreneurs by means of distributing them public resources (export incentives, tax rebates, heavy domestic borrowing, etc.) and took no notice of their misuse deliberately. As a result, Turkey had to face successive economic crises with extremely high social costs. Now, the big bosses who got rich through corruption during 1980s and early 1990s are demanding transparency and regulations. Beneath this demand, however there lies the fear of new rivals, mainly coming from Anatolia, challenging their position by using the same path that the formers followed. Mercimek case could be evaluated in this context.

Conclusion (on prevention)

The biggest contribution on corruption prevention is expected to come from the EU integration process. Even if this process would not solve the problems arising from the



natural functioning of liberal economic system, it could rasp some of the exaggerated, obvious mal-practices. EU actors would not prevent the conversion of an archeological site into a construction land for a skyscraper. Conversely, they might give support to such a decision for the aim of purchasing the land themselves. The bureaucrat in Brussels would not explicitly approve it, but its businessman would certainly do. Yet, still EU process would be necessary for Turkey to reach a certain standard. Unfortunately, without an external pressure, it would be unrealistic to expect Turkey to set itself in order. In case the EU process interrupts, it is very likely that Turkey will become an isolated country, closed on itself.

3.5. The Analysis of the Target Group Civil Society

Corruption is the result of the modernity. Today's modern world is vulnerable in creating common ethics and therefore, encourages each person to live individually in their own ethical values. In situations where law does not function properly, individual immorality easily becomes legitimate. The "nouveaux riches" that popped up due to the opportunities provided by the new economic system have invaded the public space at the same pace. All these developments destroy ethical norms and justify self-positioning in the framework of personal interests. The so called system forces any decision maker to play by its rules.

Modernity is not able to produce mutual behavioral patterns. Therefore, the instinct of corruption automatically becomes natural. Inspection of this would require a willful legislative and a powerful jurisdiction over the system. Unless this is realized, the only remaining item of inspection is the media, which itself is a tool of self-reproduction of the system. Theoretically NGOs would be needed severely if the legislative system was weak. Nevertheless, nothing is exempt from the present mental condition. Therefore being an NGO does not have a meaning itself. It is nothing more than a format.

In fact, the definition provided by the leading regulatory agencies (World Bank, IMF) or the NGOs operating under the ideological umbrella (TI) is far from questioning the logic of the system. Corruption, in this context, is defined in a limited manner, as the misuse of public office for private gain. Even though corruption pertains to explicit, transactional reciprocity, such a definition clearly exculpates the business world and social (kinship, religious, etc.) networks. However, especially in the Turkish case, these two should be held responsible for corruption's being so widespread. Especially, the latter, in the name of having their share of public resources, support *the corruption economy* with their votes. Especially, the latest election results are open to evaluation within this context. The high rate of votes the AKP received in the 2007 General Elections due to the distribution of public resources very well demonstrates the fact that the society in general is not only inured to corruption but also willing to be a part of it for their own interests.

Lack of severe punishment and the unequal distribution of income are two of the most important factors that trigger the internalization of this implicit consensus. When this basic motivation that lies beneath the support given to certain political factions, i.e. the format of making politics in Turkey is taken into consideration, a one-dimensional definition of corruption limiting itself with the public sector mal-practices seems too inadequate. Corruption therefore should be redefined in such an expanded way that it comprises social and ethical values. Otherwise, the measures taken for its prevention would not be functional.



In this context, to question the boundaries of ethical values and codes in Turkey may be of great help in understanding what is or what is not perceived as corruption and why.

In fact, since the Ottoman Empire, ethical codes have been too much restricted in the private sphere in Turkish society. Stealing from the State has always been acceptable while stealing from a neighbor has not; because the State has never been and still is not considered as a common institution. In other words, the understanding that the State provides public services is nonexistent. In the Ottoman Empire, until before the political reforms in 1839 all the bureaucrats except soldiers received money from those they served and the line between that payment and bribery was so vague. There was the State one gets its work done in return for money although it should have been its right. That habit continues despite the reformation, because the state did not want to adapt itself to it. Although the structure is transformed, the mental condition of those who form the state did not. The same old understanding and behavior pattern persist there.

In Turkey, State is still perceived as *something* that is not clearly defined and known. *Whoever holds it, will have some piece of it.* It is mainly perceived as a field of privilege out of society. It is this very perception that leads to corruption. This is why people are continuously competing to get a job in government offices despite relatively low salaries. In this fashion, they can belong to a privileged network.

Since the legitimacy of State is systematically questioned and its structure has been clearly known, it would not be surprising to witness ordinary people abusing its resources whenever they have the opportunity to do so. So, the fact that society is inured to corruption is not a new phenomenon in Turkey. It has been continuing for centuries and the vice versa would be odd. Accepting corruption has always been the rule of survival. The majority of people secluded from the State directed itself to narrower fields of life and learnt to be *happy*. Others, however, learnt to hide themselves and their corrupt acts. The society has vast experience. It exists for centuries. In the Ottoman period, the land used to belong to the state. Now it is a Republic and the Republic also does not want to hand it over. Because, the state attaches more importance to land than it does to people. Ultimately, this is not something harmful. We can evacuate Cyprus but do not hand it over. If people become secondary issues and the hegemony of the State on land is of primary importance, corruption is expected to increase. However, right at this point, there is an ironical contradiction, because, mainly at the local level, the State has absolutely no power or no willingness to end shanty settlements. Right here, the mafia steps in. People in need of housing need some kind of regulation. This, naturally, destroys the legitimacy of the State in the eyes of the people severely.

This fact has a different reflection on ordinary citizens. The forest lands for example, people do not feel that they belong to them, as citizens. An average citizen reads in a newspaper that the forests in some holiday resort are burning and he turns the page negligently. He can see the corruption behind it, he even expresses it loudly but he does not feel really uncomfortable.

Moreover, due to the rapid development and high migration of people from Anatolia to the West, the social structure of Turkey is constantly changing. Throughout this process, a new type of bourgeois has emerged in vast demand for resources which previously were used by only a small elite group. In this situation there existed two options which were either fighting on resources or expansion of the pool. And, Turkey preferred the latter one.



But still, until some 20 -30 years ago, it was possible to do business even in Istanbul with people whom you do not know without a debenture. There was a social network in the business world. Within the social network there was an enormous reciprocal trust relationship among business networks. The ethical standards were high. However, beyond the net there was a huge amount of tax evasion. The agent of the uncertain field outside this net was the frightening government financial inspector who could suddenly enter their workplaces.

Economic liberalization process however destroyed the above mentioned implicit contract. Mainly the economic paradigm shift after 1983 facilitated corruption and the idea and the desire to be rich became the major issue regardless of the source of the money. Sudden and incredible increase in the life standards of some with no questions asked whatsoever, made the rest envious and daring. Accordingly, by 1990s the situation had changed dramatically and the old ethical codes within the social networks had already been eroded.

The fact that the efficiency and the influence of the political class is based on the number of people it could reach by handing out first and foremost economic favors caused over employment and bulky bureaucracy. Eventually, the structure of the state became ponderous.

Corruption is at its peak in all target groups except for the NGOs. However, politicians, as the main actors to fight against corruption, are not expected to change their position with regards to favoritism unless the meaning of politics alters and the sphere of politics expands. In this sense, the argument that the economic crisis in early 2000s ended the possibility of distribution of public resources and forced the politicians to take certain precautions seems to be doubtful. Because, the center means having the potential to create resources as long as the result is accepted. Moreover, due to the global economic system local governments are able to obtain funds from abroad.

The abolishing parliamentary immunity is right and this is a real issue in Turkey. NGOs has very limited influence on this issue. The political willingness is a must at this point. On the other hand, it would be naïve to expect an initiative on this issue from such a dirty political structure where the first five rows to MP candidates are sold in exchange for money.

Conclusion (On Prevention)

The means for struggle of corruption in the modern world is a true differentiation of legislation, execution, jurisdiction and media. Media must form a healthy connection with society, create awareness and become the instrument of inspection. NGOs are relatively new bodies and they do not hold much power. Yet, they can create sensitivity in certain groups. However, the fact that social opposition is conducted by NGOs instead of political parties is as a sign of deviation from liberal democracy. As for Turkey, legislation, execution and jurisdiction are intermingled. However, more important than that are the restrictions imposed on the political sphere by the state ideology and its protectors.

Even politicians do not know how some decisions are made in Turkey; they learn some of the decisions later on. There is a world that politicians are not involved in the decision-making process. Only the field of economy is left to the politicians. At this point, the question "Who



wants to be a politician?" could be raised. The answer is; "the ones who are in the interest networks." People are very well aware of these restrictions of politics in Turkey. The fight against corruption will accelerate if and only if the political sphere expands, i.e. the politics can be made in accordance with its common definition rather than getting stuck in the practices related to distribution of public resources. Therefore, the elimination of certain cadres that encloses the political sphere, the establishment of democratic standards would naturally bring a change to the profile of politicians and the political agenda. In today's political structure, the notions like transparency, accountability, political ethic, etc. are of secondary importance. This is the only way to let honest people who do not have a hidden agenda enter into political domain. If honest and decent people could be in charge in Turkey, and if these people could set good examples for the public, people would definitely take them as role models. Because, Turkish people are inclined to take examples of their leaders and follow their conducts.

A proper distribution of income will have certain positive result in the struggle with corruption.

Above all, EU process (adaptation to the EU legal acquis), will have a positive impact on Turkey's struggle against corruption, though, not eliminate it entirely. The ongoing process will support transparency and especially beneficial for the amendment of the public procurement law Turkey could import proper behavior patterns from EU. This is even more important than the legal regulations related to corruption prevention.

3.6. The Analysis of the Target Group Economy

Corruption exists in less developed and developing countries in which the tradition of accountability does not exist. Turkey as a member of this group of countries does not constitute an exception. Corruption is even more widespread in Turkey, compared to its counterparts. Turkish society is inured to corruption. There is a common belief among the society that it is not possible to get a work done in the public sector without bribery. The government officials, on the other hand justify their course of action on the basis of their low income level. In such a situation, the definition offered by the World Bank can be considered as the most reasonable one. Therefore, corruption can be defined as an act of a government official to receive or provide a series of advantages by executing or avoiding his duty, whether it is tangible or not.

In the private sector, however there can not be corruption but irregularities. Private sector employees involved in irregular act can easily be dismissed once identified.

Unfortunately, in Turkey there is no consensus on its definition whatsoever. Even the Commission for Investigation of Corruptions in the Grand National Assembly of Turkey, is far from providing a definition of corruption.

In the customs, for example one has to bribe for almost every bureaucratic operations. "It is like paying toll to cross the bridge". Every bureaucratic step has its fare and sometimes the custom's official even gives the change back. The rumor is that so as to be appointed as a custom's official, people are ready to pay a considerable amount of money to top level



bureaucrats. The ones who refuse to receive bribes are immediately isolated from the system. The situation was much worse during the years 1981-1989. Employees were all relatives. Between 1989-1996, it got even worse in terms of corruption. It is not surprising that this period coincides with successive devaluation of national currency which in turn increased the volume of exports.

In 1996, with the signature of the Customs Union agreement the foreign trade office began to work better. Today, among the public institutions in process of reformation for EU integration, it is the Customs that maintained the best standards. At the beginning, the bureaucracy showed a strong resistance to change, and yet it had to give up due to the pressure coming from the political authority. There have been many changes in the last 3-4 years. There have been many great developments with the implementation of automation. The bribery has decreased almost fifty per cent. Controls are not made manually any more. The new system provides anyone with any kind of information it needs.

In the post 1980 era, corruption increased considerably. In pre-1980 era, corruption used to take place only in low levels of bureaucratic hierarchy. It had never been an issue in the top economic bureaucracy such as Treasury and Ministry of Finance. The institutional culture of such government bodies would never allow any of their members accept a gift of great value. The liberalism process à la Turgut Ozal ("My official knows what to do") has deteriorated the existent the notion of public service. Especially the year 1987 was a milestone in this context. That was the year when corrupt public procurement policies and disputed deals and contracts in the state enterprises accelerated. From that time on corruption has spread over every top organ of economic bureaucracy. The reasons for this can be stated as;

- the transformation of institutional culture (those who could not adapt themselves to the new set of "rules" had to leave),
- the widening gap between the public and the private sector salaries,
- as a consequence, the low quality of the new appointees.

Initially to be a bureaucrat meant to have a respectable career. Subsequently, people began to use government office as a step stone to private sector which was offering much higher salaries. At the present, obtaining political or financial gains is the strongest motivation to work in the public sector.

In every step of corruption, there is the issue of party financing. Municipalities are the most corrupt political entities. The reasons of corruption are listed as such:

- Deterioration in income distribution,
- Consumerism,
- Lack of institutional culture,
- Lack of evidence due to mutually beneficial nature of the relationship,
- Wrong role models,
- High tax rates,
- Economic protectionism,
- Tax exemptions, privileges and incentives for certain sectors,
- Red tape.



The politics is merely in the hands of the political party leaders who are in charge till they die. And, the rest have minor impact. Political cadres are in general very poor in quality. Corruption is at its peak in the political arena. Even the Prime Ministry Inspection Committee acts politically despite its mission stated by law. Regardless of their contents, its reports are interpreted in accordance with political interests, and even in some cases the Committee is internally manipulated.

Legislative immunities must definitely be limited to freedom of speech. But at the same time an alternative mechanism has to be established where the lawsuits could only be bought before the courts in the presence of serious evidence. Otherwise, the MPs would spend a great deal of their time in the judicial tribunals.

However, the immunities that public employees enjoy are equally important in the context of unfairness. The prosecution of public employees for alleged offenses are subject to the permission of their administrative authority. This is an unacceptable situation. If a public official and a custom broker got involved in corruption together, the broker would generally be the only one to be imprisoned, while the latter would evade the punishment by making a defensive statement without getting even dismissed.

Conclusion (on prevention)

Political determination is vital for struggle to succeed. Primarily, the political leaders have to believe in the urgency of the anti-corruption fight. In this context, the pressure coming from EU institutions is of fundamental necessity. Turkey could improve in corruption reduction if and only if it sticks to its EU membership plan.

In this process, the steps of the action plan are stated as fallows;

- Making clear-cut definitions and giving necessary education to bureaucrats (autonomous bureaucracy-free of political pressures),
- Providing transparency,
- Downsizing units of state to simplify the bureaucratic processes,
- Improving financial conditions of government employees,
- Making strict rules and regulations including the domain of immunities,
- Establishing Watch Groups for effective inspection.



SIXTH FRAMEWORK PROGRAMME OF THE EUROPEAN COMMISSION



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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Revision (draft 1)



Introduction

In June 2007, corruption has once more become the top issue in Croatian political life. The operation "Maestro", carried out by the State Attorney's Office for Combating Corruption and Organized Crime and state intelligence services, has exposed the biggest corruption affair ever reported in Croatia. Although the Privatisation Fund, the target of "Maestro", was commonly perceived to be one of the main loci of the high-level corruption in the country, no action has previously been taken to investigate the rumours. The operation "Maestro", however, resulted in a number of arrests. Among the men taken into custody were three vice-presidents of the Fund. The investigation is ongoing and the results of the whole operation are unknown at the moment.

Different political parties have readily exploited the operation for the purpose of forthcoming parliamentary elections. The ruling party attempted to take all credits for the operation, linking it to their national anti-corruption program introduced in the early 2006. In addition, the Prime Minister stated that the previous government lacked the will to tackle corruption at high-levels. The majority of opposition parties reacted by calling for the PM's resignation, arguing that such a scandal should be a sufficient reason for the whole government to step down. Indeed, four ministers were the members of the Privatisation Fund's Supervisory Board.

Although the PM promptly promised to close down the Privatisation Fund, it is still in operation. Moreover, despite the operation "Maestro" and the fact that the State Attorney announced an expansion of the investigation²², the irregularities in the Fund seem to continue. For example, in September 2007 another suspicious case of privatisation emerged, involving a large diary processing factory. The Fund's decision was immediately annulled and the process of privatisation stopped.

As a result of political struggles ignited by the operation "Maestro", the messages sent to the public were ambivalent. Although it is possible that the operation marked the beginning of a tougher stance toward corruption in Croatia, political quarrels and accusations raised suspicions that the operation was merely a part of pre-election campaign or yet another "show" for the EU. The political discourse related to the operation "Maestro" was not based on the evidence, which is still scarce, but on a wide range of metaphorical expressions ("the three tenors", "the key players", "software and hardware of corruption in the Fund", "breaking corruption's backbone", "the small-time players and the Maestro" etc.). Public confusion regarding corruption and anti-corruption efforts was further increased during September 2007. Although Croatia has somewhat improved its ranking on the Transparency International "Corruption Perception Index"²³, the European Commission expressed its dissatisfaction with the situation. Instead of analysing existing anti-corruption measures and the political efforts

²² To include several suspicious privatisation cases that took place in the past. Among them is the privatisation of the shipyard "Brodosplit", dating from February 2004, in which two ministers from the present government were involved.

²³ The present index value (4.1) positions Croatia close to the bottom of the European states.



to combat corruption, the media focused on speculations over additional conditions that the EU may impose and postpone Croatian membership in the EU.²⁴

The next few months may prove important for re-shaping the public perception of corruption and anti-corruption activities in the country. If the outcomes of the operation "Maestro" meet public expectations, trust in the state institutions could be replenished. Positive results would also send an important message that it is not only the low-level or ordinary corruption that gets prosecuted. However, the outcomes may have already been shaped by the dominant understanding of corruption. In this report we re-constructed *languages of corruption* using data collected in interviews with high-positioned representatives of the six target groups (the media, legal system, police, politics, economy, and civil sector). Our aim was to improve the understanding of institutionally embedded perceptions of corruption and shed some light on the question regarding the future of anti-corruption efforts in Croatia.

1. Methodology

In this chapter we describe data generating procedures and the analytical logic employed in the study.

1.1. General Outline

The general methodological outline of the project is based upon the main canons of Grounded Theory Methodology (Strauss & Corbin, 1990):

- Theoretical sampling;
- Interrelatedness of data collection and analysis;
- Development of concepts that become basic units of analysis;
- Development of categories through the comparison that establishes similarities and differences among concepts;
- Development and verification of the hypotheses about the relationship among categories;
- Consideration of the broader structural conditions relevant to the analysed phenomenon;
- Development of the theory through the procedures mentioned above.

Grounded Theory Methodology (GTM) is highly developed and satisfactorily verified qualitative methodology approach suitable for the analysis of "cultural artifacts". It was expected that GTM could fulfill the aim of the project: the discovery and description of various patterns of conceiving corruption that can be attributed to the most influential social actors, and understanding of the consequences of existing conceptions of corruption on measures for combating corruption.

²⁴ On September 21, 2007 the European Commission mailed an official proposal to the member states, which warned Croatia that it needs to implement tougher anti-corruption measures, carry out a thorough reform of the legal system (judiciary), and improve its record on the rights of national minorities and refugees.



The authors are not aware of any previous research on corruption conducted in Croatia based on qualitative methodology, so the project would hopefully contribute both to the understanding of corruption in Croatian social setting, and to the methodological advancement of Croatian sociology.

1.2. Data Generation

1.2.1. Interviewees

Data have been acquired through semi-structured interviews with the representatives of the following target groups:

- Police
- Economy
- Legal system
- Politics
- Media
- Civic sector.

Selection of the persons to be interviewed was based on two main criteria: (1) high position within institutional hierarchy, and (2) professional experience with combating corruption. Additional criterion for the selection of interviewees within a target group was expected variability of their conceptions of corruption, based on the knowledge of their professional histories and/or previous public appearances on the issue of corruption.

Sixteen individuals have been selected and interviewed (*Table 1*). Prior to interviews, all the interviewees have been personally contacted by the national project coordinator and were given the necessary information about the project and the forthcoming interview (aim, expected duration and general notion regarding the topics to be discussed). All the interviewed persons have agreed to the electronic recording of the interview.

Table 1: Interviewees

Target group	Interviewed person is a representative of:
Police	Ministry of Interior (anti-corruption department)
	City of Zagreb police (anti-corruption department)
Economy	The largest Croatian union
	Business (a manager of the medium-size company)
	Croatian Chamber of Commerce
Judiciary	Ministry of Justice (economic crime department)
	State Attorney's Office for Combating Corruption
	Ombudsman
Politics	The ruling party (high-positioned member, MP)

	The strongest opposition party (high-positioned member, MP and city mayor)
	Local government (City of Zagreb, high-positioned official)
Media	The largest state radio (editor/host)
	National weekly with the highest circulation in the country (journalist specialized in covering corruption cases)
	Journalist Union
Civil Society	Transparency International
	The Partnership for Social Development

1.2.2. Interviews

Due to the full agendas of the interviewees, the interviews were conducted between the end of December 2006 and mid-April 2007; most were performed during January 2007. Although such an extended time-span of the interviewing process was not favorable, it did not seem to be problematic, since no major events regarding corruption took place in Croatia during that period.

The interviews have been performed by all the team members - three senior researchers and four research assistants. Since the majority of the team members had little experience in interviewing, three training sessions were organized. On the two sessions organized prior to the first interview, the preferable strategy and procedures to be applied in the interviews were practiced through role-playing. The last training session, the one that took place after the first interview, was devoted to a detailed analysis of the initial interview and has pointed to some additional "dos" and "don'ts" that interviewers should bear in mind.

The interviews were semi-structured, meaning that most topics to be discussed in an interview have been pre-determined. Some of the pre-set themes were connected to the main axes of the ideal-type models of corruption that have emerged in the first phase of the project (Štulhofer et al., 2007). Some of the themes were introduced with an idea of extending the models with new elements that were not present in the data analyzed earlier. Finally, some topics had no clear and immediate relevance to the models, but were judged important regarding the project aim and possible implementation issues. The preset topics were the following:

- Interviewee's personal definition of corruption
- Assessment of corruption in Croatia (significance, extent, types, changes)
- Assessment of new national anti-corruption strategy
- The role of the EU in combating corruption in Croatia
- Portrayal of corruption in the media
- Assessment of general public perception of corruption
- The role of cultural/political inheritance in shaping the corruption in Croatia
- Description of the dominant understanding of corruption in the interviewee's profession/institution/professional environment.



Although the interviews were aided by the interview protocol (see *Appendix A*) in which the topics mentioned above were further elaborated, the protocol was intended mainly as a memo, a checklist that served as an insurance that no relevant theme was left out. Interviewers were instructed to follow the interviewee's line of argumentation, to adjust the formulations to the situation and/or the interviewed person, as well as to be responsive to any relevant topics that may emerge in the interview. Besides being a memo for the interview and a checklist of the topics to be discussed, the interview protocol could also be used to note relevant observations regarding the interview and/or the reactions of the interviewed person.

Before the interview, the interviewees were given two-page description of the project, as well as the written statement of anonymity and confidentiality, an assurance that the gathered information will not be made publicly available in such a way that name or exact function/position of the interviewed person could be determined.

The interviewed person was reminded that (s)he should express her/his personal impressions, assessments and opinions, and not those of their institution. It was explicitly stressed out that an interviewee is not considered to be a representative of his/her institution, and that his/her words would not be taken as the institutional stance on corruption. However, the interviewers have noted that not all of the persons interviewed have been fully able to discard their "institutional role". Some of them remained very conscious of the interests and general position of the institution they belong to.

The duration of the interviews was between 22 and 84 minutes, 40 minutes on average. All the interviews were conducted in interviewee's office, except the two that were carried out in a cafeteria and interviewee's home, respectively. In only one interview a third person was present during a part of the interview (the respondent's wife joined her husband at the closing stage of the interview).

1.2.3. Transcription

All the interviews were transcribed as soon as possible, preferably by the interviewer. Full transcript of every interview has been made to ensure that no relevant information is left out in the forthcoming analysis.

1.3. Data Analysis

Transcribed interviews were the input data for the analysis that was performed with the ATLAS.ti software package. For the initial coding of the documents every interview was treated as a separate hermeneutic unit. First-level analysis of the documents was performed using open coding, and carried out by the interviewer together with another team member. Such a coding procedure was set to improve the validity of the applied codes, since all the codes attached to the documents had to be jointly agreed upon. In the case that agreement was not reached, the difference between team members was recorded in a memo and discussed later on team meetings or resolved during final coding of the document.



Since the same methodology and software were used in the first project phase, no initial training in the coding procedure was necessary. However, since the possibility of comparison of the documents was crucial for the higher-level analysis and theory building, the assurance was needed that all the documents were coded following the same general ideas regarding the level and extensiveness of the codes. For that sake, the first three coded documents were extensively discussed, code-by-code, on several meetings of the whole research team. As a result, the codes were revised, and the agreed general coding rules were applied in the analysis of subsequent documents.

When all the documents of the same target group have been coded, they were joined in a single hermeneutical unit, and codes were revised if necessary to avoid purely linguistic differences between the codes that were essentially the same. Although it was possible to join all the documents in a single hermeneutical unit, this was not done because the data would become less transparent and the analysis more difficult. So, the comparison between the target groups was done using six hermeneutical units.

After the complete hermeneutical unit was available, the analysis proceeded to the axial coding and the formulation of categories and subcategories. Following categories were applied at the final step:

- Definition of corruption
- Seriousness of corruption in Croatia
- Main loci (areas) of corruption
- Changes in corruption dynamics/types
- Roots/causes of corruption
- Consequences of corruption
- Public perception of corruption
- Trust in institutions
- The role of the media
- The role of NGOs
- Measures for combating the corruption
- The Role of EU.

Some of those categories were directly connected to the models of corruption (definition of corruption, consequences of corruption; measures for combating the corruption; seriousness of corruption in Croatia) as they were outlined in the first phase of the research. However, it should be noted that in full GTM tradition "*(...) merely grouping concepts under a more abstract heading does not constitute a category. To achieve that status (...) a more abstract concept must be developed in terms of its properties and dimensions of the phenomenon it represents, conditions which give rise to it, (...) and the consequences it produces*" (Strauss & Corbin, 1990:7-8). Strictly speaking, not all of the categories mentioned could be considered to be fully developed categories, since the data were sometimes unclear, ambivalent or simply insufficient.



2. Results

The following chapter is based on the structured interviews with informants from six target groups.²⁵ The presentation of the results follows major topics and thematic areas that were part of the semi-structured interview. A summarized account of perceptions of corruption by target groups is provided in the *Appendix B*.

2.1. Defining Corruption

Definitions of corruption by the members of different target groups varied, but in most cases not profoundly. For example, corruption was defined as “*the state of non-transparent business which does not proceed according to legal procedures*”, but also as something that “*rewards someone for the work (s)he did not do*” (EC1: 005)²⁶. In most cases, corruption was defined as the abuse of power that allows individuals and groups to accomplish their goals by avoiding or breaking the law, regular procedures, and, finally, the social order: “[...] *corruption is any misuse of power and authority of a public function to ensure private benefits*” (LS2: 006). “[Corruption] is every activity...which includes a misuse of power and of public goods, or disturbs the equality of citizens and in that sense represents disturbance of the rule of law in general” (NGO2: 5); “[corruption is] any abuse of power in order to gain personal or collective benefit, in public or private sector” (P2: 005).

Sometimes, corruption was defined overly widely (as “*anything that does not follow the regular rules and procedures*”; EC3: 151) or encompassing all forms of criminal activity: “[Corruption is] any illegal and illegitimate accumulation of wealth by breaking the rules” (MED2: 005).

Although most interviewees referred to personal gains obtained by avoiding or breaking the law, misuse of power, and sidestepping legal procedures, it seemed that some of them distinguished between the “more allowed” (petty) and the “less (or not at all) allowed” types of corruption. For example, not all respondents perceived gifts and/or small favours for medical doctors as corruption. But “*when someone arranges a job for somebody without open competition*” (MED1: 077), was clearly perceived as corruption. Several participants suggested the distinction between “*bribing*”, or a traditional system of illegal exchange of small favours, and “*corruption*”, which was perceived as more important and grave: “*where the system is corrupt, politics are corrupt, the legal system is corrupt, and everybody else*” (EC2: 010). For others, the distinction was misleading and potentially dangerous: “*all forms of corruption are, to my mind, fatal - there is no difference*” (EC3: 021); [...] *this petty, small-scale corruption is just as dangerous...*” (LS3: 021).

On the societal level, corruption was sometimes conceptualized as “*a kind of evil*”, a systematic misuse of power that has anthropological foundations: “[It] is a certain kind of evil that men posses, to misuse their rights and authority in a certain way, or exercise them in exchange for certain satisfaction...a fee for something that they will do for someone, no matter whether that person is entitled to it or not” (LS1: 010). Systemic corruption is

²⁵ The respective groups are Economy (EC), Legal system (LS), Media (MED), Non-governmental organisations (NGO), Police (P), Politics (POL). In the text we refer to the groups using acronyms.

²⁶ References to the quotes contain the title of hermeneutical unit (economy; EC), the number of primary document (interview 1) and paragraph number (005).



represented by a society, “*in which things are settled by favours and counter favours*” (MED3: 021).

Corruption as an abuse of power was often directly associated with state officials and politicians (NGO): “[Corruption is] *a criminal activity of obtaining a certain favour, merchandise, or anything else, by bribing the exponents of social power*” (POL3: 005). In this context, a politician noted that offering and taking bribes remains the central corrupt activity (POL3). An interviewee suggested that many in the economy believe that corruption is “normalized” in high politics through a system of donations which are later to be exchanged for favours (POL1). But then, switching his focus to state officials in general, the respondent was quick to note that the acceptance of certain “gifts of appreciation” (expressing gratitude for high-quality of the delivered service) does not constitute corruption - as opposed to accepting money beforehand.

2.2. How Serious is Corruption?

Another important dimension was how serious the problem of corruption is in Croatian society, which areas are particularly affected by corrupt activities, and what is the typical public perception of the level of seriousness of corruption.

2.2.1. The level of Seriousness

Most respondents claimed that corruption constitutes a grave problem. Corruption was viewed as “*a very serious problem because it destroys the value system*” (EC1: 013) and “*because it affects how citizens feel about their country*” (POL2: 013). Overall, there was a consensus that corruption remains one of the biggest social problems: “*On the scale of 1 to 10, where ten represents the most serious social problem, corruption gets 7*” (EC3: 013); “[...] *it's at the very top, corruption is a huge problem*” (LS2: 015); “[it is] *extremely dangerous even at the lowest levels*” (MED2: 025). In the words of one NGO official: “*I live in this country, pay the taxes, and for me it is an enormous [problem] ... I am aware that there are countries where corruption is much more developed, but I don't see it as any excuse for what we have*” (NGO1: 013). Interestingly, a participant from the media target group, who viewed corruption as one of the most serious problems, judged it a lesser problem in comparison to organized crime, which “*has the access to social spheres, the media, politics, the public, the legal system, the police, and public administration. It works throughout social spheres and therefore it is a hundred times more dangerous than these corruptive phenomena that are not harmless themselves... although large sums of money can be involved, they are not that dangerous for the society and the system*” (MED3: 050).

Only a few interviewees did not regard corruption a serious problem, mostly pointing out the unrealistic public perception: “*The perception of corruption is exaggerated... political parties have inflated it in order to get some political points on the issue*” (MED1: 013). This discrepancy between the prevalence of corruption and the perception of its prevalence was sometimes also mentioned by the respondents who had no intention of downplaying the importance of the problem (POL1). However, for the most of interviewees the perception of corruption remained an important social fact that should be taken seriously.

Predictably, in several interviews it was emphasized that corruption is not a country-specific problem: “*it is anywhere in the world – from America, England, Italy, France, Germany, wherever you turn around if somebody gives his money for political campaign, or has personal ambitions, or expects benefit he will gain in the end because of political lobbying for certain activities*” (POL1: 035).

2.2.2. Main Areas Affected by Corruption

Most participants, though not all, agreed that “*we are a highly corrupt society*” (POL3: 013). Typically, the expressed opinions suggested that corruption is “everywhere”, that it has “infected” all social spheres, and that it exists in many areas where the citizens cannot see it – on local, national and international levels (NGO). Also, it was emphasized that corruption exists “[...] *everywhere where the state does not provide the service it should, the way it should*” (POL3: 021). In other words, corruption is ubiquitous, which prevents the people to legally achieve their goals. “*I think ... it happens in economy, it happens in politics - I think that it has entered all pores of society*” (EC1: 021). In the words of a journalist: “*Corruption covers all spheres. Corruption covers also the media*” (MED3: 040).

The omnipresence of corruption was occasionally linked to state ownership: “*Corruption is very present anywhere where the state is still the owner*” (EC1: 029) and the inability of the system to efficiently fight corrupt state officials. For another participant: “*Corruption is mostly spread ...there where intense interaction between the citizens and the state exists... The results show that the judiciary, police, health system are more corrupt because those are the main citizen services, where they spent a lot time*” (NGO2: 023). In the cases when some areas were identified as more corrupt than others, low-level public administration was mentioned (“[public servants] are often these who generate corruption, and not their supervisors”; MED2: 101), as well as health services, construction industry, politics (“*a lot of money goes away there*”; MED1: 077), judiciary (“*legal system is absolutely intangible*”; MED1: 021), the system of public procurement, and local government. Overall, politics and the legal system were considered to be the areas where corruption was most dangerous for the society. The politics are closely linked to the state apparatus, which makes corruption especially hard to root out: “*...where big businesses is decided, and that is where the state is involved - that is, usually the most powerful party through the state, there is the biggest corruption*” (MED2: 021). Similarly, the existence of corruption within the legal system automatically rules out the efficient fight against corruption in other areas. This, according to one interviewee, constitutes a violation of human rights on a grand scale (LS2).

Low-level corruption seemed to be mostly associated with the health care system (“*we all need health services*”; MED1: 021), but some warned against taking the most “visible” areas as the most corrupt ones (LS2).

2.2.3. Public Perception of Corruption

How does the general public perceive and evaluate the prevalence and characteristics of corruption in Croatia? Several respondents voiced their doubts regarding the validity of public perception of corruption in Croatia: “*... it is not as ubiquitous as the public thinks*” (EC1:

116); "... it is really difficult to say how much that perception corresponds to reality" (MED2: 093); "...to what extent is that [public perception of corruption] the true picture, it is difficult to say" (P2: 081). Actually, the majority of interviewees claimed that public perception of corruption is somewhat inflated. One of the possible reasons for the phenomenon is that it stems from the widely shared feelings of discontent and injustice. This was pointed out by one of our participants who commented on the perception of corruption in the legal system: "[...] jurisdiction is, in the minds of people, a place where even the slightest form of corruption is considered terrible" (LS3: 105).

Although it was suggested that the public is not sufficiently educated and informed to be able to identify corruption in certain sectors (EC3), the prevailing notion was that citizens are most sensitive to corruption which concerns them the most: when they themselves have to pay (bribe) for the service they are entitled to, mostly in the health care or educational system. The public is more perceptive of the types of corruption which are "closer" to them, which take place "*in their surroundings*", to corrupt activities reported by the media, and "*corruption at the highest levels*" (P2: 089). The public is highly sensitive about corruption in public services "*which they need the most, as is the case with health care services*" (EC3: 101) and "*the legal system*" (MED1: 093). However, this sensitivity may reflect, partially at least, a double standard. According to one respondent, there is something like a '*corruption reflex*' in the collective consciousness, which makes people use their 'contacts' in order to obtain some service avoiding the regulations, even when the same service could be easily obtained in a regular way. According to this participant, corrupt behaviour is deeply embedded into the structure of social relations: "[T]here is this idea that nothing can be done without bribe, without giving something to someone" (P1: 021); [T]here is a high tolerance to those 'blue envelopes' that are often given to medical doctors" (POL3: 069). Sometimes, it was suggested, bribery can be interpreted in the public discourse as a part of the culture of gift giving.

An important question was raised by an interviewee about whether the public could be treated as a homogenous entity and characterized by a single perception of corruption. In his opinion, tolerance toward low-level corruption could be quite high among some segments of the population (POL1).

Who creates the public opinion about corruption? The media were singled out as the main factor: "[The public is] influenced by media presentations... [this is] a propaganda machinery" (NGO2: 023). In general, the media were judged as having a positive role – primarily in raising awareness about corruption - but due to an increasing number of publicized affairs and scandals, citizens are getting the impression that there is more and more corruption around (NGO1 & 2). At the same time, the media depictions of corruption are often problematic and may be confusing, so that "*ordinary citizens are not sure any more about what corruption really is*" (P1: 013). Some participants claimed that the public mistrust towards institutions is amplified by the media approach to corruption. People started to believe that Croatia is Europe's most corrupt country, and there is a tendency to perceive corruption as the most serious social problem (POL2).

To summarise, the public perception of corruption was depicted as influenced mostly by two sources: (1) negative personal experiences, and (2) the media discourse which focuses on

corruption in certain areas. The danger of “minimising” or “exaggerating” the extent of corruption in the society seems to be present in both.

2. 3. The Most Important Sources of Corruption

2.3.1. Causes of Corruption

Major causes of corruption mentioned in the interviews were cultural insensitivity to unfairness, lack of professionalism, insufficient professional competencies, uninformed and inadequately educated public opinion, immorality of individuals, but also the recent history. The 1991-1995 war, for example, was stated as one of the central generators of corruption, as it has reportedly changed people’s way of thinking and their value system. The war affected the “transition period” and “globalisation” in several ways: “*...the globalisation process, which is very strong, came suddenly and the people and the state were not ready*” (EC1: 148); “*The war is a condition in which of course war profiteer structures are made that are later very hard to dismantle*” (MED2: 121). Also, the war provided a strong “support” for corrupt activities because everything was allowed during that period: “*People lived in a belief that they can do anything and get away with it, because the state had more important things than to deal with them*” (MED3: 025). In addition, the state itself was heavily involved in breaking the rules: “[...] *the state was opening itself to organized crime in order to acquire weapons for the defence of the country. In the process, the organized criminal took over the state - ... and later, after it grabbed control, it captured everything else*” (NGO2: 083).

In a broader and more historical sense, there is a perception and belief that corruption in Croatia is associated to a certain culture of (amoral) reciprocation that is characteristic to South-Eastern Europe and the Balkans: “*cultural and political legacy is here partially... or in all respects negative*” (EC3: 109). This tradition of tolerating corruption was described by a participant in the following manner: “*Society as a whole has a habit of solving many things either with bribe or corruption and that is deeply embedded into the system*” (EC2: 019); “[...] *the problem is in the very informal culture, that is, the customs of this land*” (LS2: 083); “[...] *we are still governed by that mentality... ‘Don't worry, I know him, we'll work it out’*” (LS1: 218). “*‘A culture of corruption’ has always existed, as well as the tradition of corruption in this region, the brigand legacy, rooted resistance to any state and any government*” (MED3: 081).

Some participants explicitly mentioned the socialist heritage: “[...] *back then (in socialism) corruption was even legalized. There were categories within the population that had a certain advantage. I'm not even sure if it can be called 'corruption' if it was legal*” (LS3: 117). But, in socialism corruption was something normal because “*everybody had low wages and then they all gave something to somebody in exchange*” (MED1: 110). Increased social insecurity that has replaced the egalitarian socialist security was also pointed out as a cause of corruption today. Although corruption in Croatia has its roots in the socialist legacy, the transition process has added new dimensions and dynamics: "... *one of the causes of the destruction of trust is precisely that enormous injustice which has happened during the transition... especially now when we talk about privatisation - the whole process of privatisation was not transparent enough*" (NGO1: 101). It should be noted that opinions about the socialist legacy and its role in contemporary corruption differed significantly. For example, one participant stated that: “[...] *in the socialist regime, there was a minimal amount of corruption*,



incomparably less" (POL1: 091). Yet, for another, "[...] the period of socialism was a period of corruption, but people were not allowed to write about it" (POL2: 103).

The majority of respondents saw structural and institutional characteristics as even more important factors for the current extent of corruption. Among the mentioned causes of corruption were inadequate selection of employees and low salaries (especially in state companies), which highlights the importance of ownership structure: "[Corruption today] is *de facto generated by financial and political structures... the state controls almost two thirds of the capital*" (MED2: 013). So, it is the state bureaucracy that is the "*source of political and economic corruption*" (MED2: 013).

Corruption is a well-structured process: if low-level corruption is a matter of habits, customs and local practices, "big" corruption easily adds to it due to structural factors: "*The greater the position, the greater the possibility of corrupt activities*" (EC2: 175). Cultural and structural factors seem enmeshed in a "corruptive mind", which governs bribing. It is stimulated by the lack of awareness that an action does not have to be criminal in order to be corrupt, as in the case of conflict of interest (MED3). Also, inefficiency and incompetence of the system "creates" corruption by obstructing regular procedures (MED3; EC3). Structurally speaking, an "*unordered and non-transparent state*", in which *ad hoc* rules regularly weaken standard regulations, breeds corruption (EC2).

To summarise, the causes and sources of corruption in the Croatian society seem to lay primarily in structural inadequacies of the system (related to painful post-socialist transformation and the 1991-1995 war), but also, partially, in the historical legacy ("the usual ways of doing things"). While the former provide the opportunities for corrupt behaviour, the latter provides behavioural scripts and justification.

2.3.2. *The Dynamics of Corruption*

Is it possible to establish the changes in the dynamics of corrupt behaviour? Is corruption a constant "quantity" or is it developing, changing its features and severity? In the words of an interviewee: "*Definitely there are changes... - it [corruption] is a process.*" (EC1: 029). One of the most important changes mentioned during the interviews was that recently several important corruption cases have been processed and that the media started paying more attention to corruption. However, a lack of relevant data was also pointed out: "[...] until recently we did not have systematic research on prevalence and dynamics or general patterns of change and quality of the corruption in our society" (LS1: 098).

For some interviewees, corruption was more widespread before, "...at a time when transition begun in this country" (EC1: 029). One reason was that people who did not have much (property, money) wanted to gain overnight what some others already had. For other interviewees, the dynamics of corruption did not change. What did change was the treatment of corruption in the society (MED1). Another view shared by some interviewees was that the real change was marginal and that the handling of corruption changed only superficially (MED2): "*Interventions in the system are not the same as the change of the system. The system stayed the same (after the last change of government). No fight against high-level corruption was attempted*" (MED3: 027).

Those who suggested that corruption increased offered the following explanations: (a) rising popularity of party politics (people become members of political parties “*to become rich; through politics they use their positions of power to give somebody the benefits for something that is later returned*”; EC2: 035); and (b) greater gains enabled by market economy (corruption is escalating because of greater opportunities for big earnings; LS1). During the socialism corruption was realized mostly through “blue envelopes” and favour-for-favour system of exchange. The Socialist party privileges were (hierarchically) institutionalised: “*...party privileges extended social privileges also to companies, because these people could then run the companies, they had the positions and that had given to them certain power in society*” (EC2: 085). Privatization and market economy provided a radically new framework: “*the ways how corruption was practised was different due to a different model of ownership*”²⁷ (P1: 017). With the collapse of socialist system the number of pretenders for power positions increased, but the people who were already in power wanted to keep their positions. All this, according to one participant, served as a powerful generator of corruption. These days corruption is more complex and harder to control because it is not centralized anymore.

However, several interviewees suggested that the increasing media coverage of corruption affects corrupt activities by increasing their stigmatization: “[...] *I see that there is much more talk on corruption as a problem today than before. In some ways the public is becoming more sensitive to corruption*” (LS2: 048). There seems to be a better understanding of corruption today. One interviewee expressed the view that the public perception of corruption will continue to change making unacceptable the practices tolerated before (NGO1).

Generally, we found all three perceptions (that corruption is increasing, decreasing, and remaining stable) present among our participants. The increase was associated with structural changes related mainly to the transition processes. The decrease was linked to more extensive media coverage and, sometimes, a more active role of the USKOK (State Attorney’s Office for combating corruption and organized crime). The stagnation was blamed on inefficient measures undertaken so far to combat corruption. Interviewees often expressed difficulties in assessing the dynamics of corruption. However, there seemed to be a consensus that corruption changed over time and that its forms and mechanisms are different from what they used to be. But “*although some types of corruption are disappearing*” (LS3: 101), the pressure for corrupt activities is still great. Cultural legacy is not responsible for this, but it may have facilitated the individual willingness to adapt to these new forms of corruption.

2.4. Major Consequences of Corruption

2.4.1. Effects of Corruption

Corruption affects societies and individuals on various levels (Shore & Haller, 2005). One of the major effects of corruption communicated in our interviews was a disturbed system of values, permeated with self-centred ruthlessness and opportunism. Another effect of corruption mentioned was the suboptimal performance of the whole system, especially its

²⁷ Social ownership in contrast to the state or private ownership that exists today.

economic and social efficiency. Also, increasing mistrust in institutions was pointed out, as well as increasing poverty, distorted social priorities, inefficient investments, and wasted resources (NGO). Corruption clearly impedes development (“*only knowledge, education and work can bring results*”; EC1: 013) and creates widespread discontent, insecurity and mistrust in the state institutions. The bond between economic and political corruption is dangerous because it promotes the belief that everything is available to those who are politically connected. Finally, corruption in all its forms (LS1) “*decreases the availability of certain services*” (EC3: 009). All this leads to “*social insecurity that creates a negative socio-cultural climate*” (MED1: 009).

In other words, the effects of corruption include generalized inequality, legal insecurity and a wide-spread sense of helplessness (the belief that one's rights and needs cannot be achieved or met through regular procedures): “[A] person feels that (s)he in some way abused, [...] pushed in some way to a “backstage”... if (s)he is not able to corrupt somebody the way others are doing” (LS1: 034). “[C]itizens are feeling a great amount of insecurity... all of them who can not afford corruption.” (NGO2: 009). There is a “deeply rooted awareness that nothing can be done without bribe” (P1: 021). Finally, a “loss of trust in government or the state”, was mentioned, which creates “general pessimism” (POL2: 009).

Furthermore, corruption can also affect the society so that “*it obstructs any real market competition*” (MED2: 017). At the same time, corruption affects those who are “*the poorest and the weakest*”, but can be convenient “*for the strongest*” (LS3: 009). Some important economic consequences of corruption that were also mentioned were the reluctance of foreign investors to invest in Croatia, the slowing down of economic development, and, paradoxically, a growing sense that everything is, and should be, for sale (LS2: 023).

In 10-15 years, corruption may become an alternative governing system (NGO2). One of the central reasons for such a gloomy prediction found in the interviews is the devastation of the legal system that widespread corruption is responsible for. “[T]hat means, there are alternative ways to get something, a favour, a good, a service, even a certain level of social recognition. This way corruption destroys the legal system and its norms which should be respected by all citizens” (POL3: 009). Lack of trust would continue to stimulate feelings of helplessness and anomie. In such a situation, corruption becomes a rational strategy for staying afloat.

2.4.2. Citizen's Trust

As research convincingly shows, trust is inextricably linked to corruption (Uslaner, 2004). Most of our interviewees seemed to have assumed that regaining citizens' trust in institutions will be a long and painful process that can only happen “*with change, replacement, of generations, and a lot of time*” (EC3: 105). A similar opinion was expressed by an interviewee who noted that recreating trust would require high integrity of the representatives of the institutions in question: “*In the political and state structures people must have, no matter what their political beliefs are, personal and public integrity*” (MED2: 113). Citizen's trust can be restored only with the establishment of the system with known rules and regulations, and with more transparent public authority (NGO). Also, it can be restored only through efficient and systematic sanctioning of corruption at all levels: “[...] if we could

efficiently and severely punish all those who are corrupt, not only at low and middle level, but also those at the top level... there should be no "untouchables" (LS2: 137). "The more we strengthen the bodies responsible for prosecution ... the bigger the capacities for fighting corruption and the people who directly contact us would be assured that cases are prosecuted... all this would have an impact on the public opinion" (P2: 093). Citizens will only trust a government that is prepared to penalize corruption, not the one that declares the readiness to do so and not much more: "[W]e should start from the foundations and slowly rebuild the system anew, not just change something that's only the tip of an iceberg [...]" (POL1: 079). Too many cases of corruption reported in media, as one participant pointed out, never get prosecuted (MED1).

For the most respondents, corruption has serious and negative effects on the functioning of Croatian society. If not prosecuted, it destroys the very fabric of society. To start restoring currently deficient levels of trust in institutions, efficient measures against corruption and professional integrity at all levels of the state are urgently needed.

2. 5. Combating Corruption

2.5.1. The Fight Against Corruption

How can a society organize itself against corruption? What is the best course for combating corruption? Almost all interviewees recognized that combating corruption is a long and costly process. Some respondents emphasised that people do not have the courage to report corruption, and those who report it do not receive appropriate support. Both representatives of the target group police emphasized the importance of citizens' cooperation. Citizen's reports were considered crucial for effective police work: "*It is criminal activity which (s)he (the citizen) should recognize and with absolute confidence report it to the authorized police department, because without it we definitely can not work*" (P1: 053). Major problems in reporting corruption, according to the two participants, were personal risks of disclosing corrupt activities and the fact that they are often hard to prove.

One of the major forces mentioned in the context of combating corruption was civic pressure and the citizens' awareness on which it is based: "[...] I believe that because of the increasing awareness of citizens ... thanks to that, the existing general readiness to fight corruption will transform itself into a true readiness" (NGO1: 021). Thus, more efforts need to be invested in educating people about corruption and its consequences (NGO1). Not only "*because they need to know what are their rights and which norms of behaviour are acceptable*" (NGO1: 045), but also because it sends a clear message that unacceptable behaviours are to be punished.

The central problem in the current combat against corruption is that corrupt activities are only partially processed: "*It should not happen that one case gets processed and the other one does not – they should all be treated equally*" (EC1: 174). This partiality was often associated with insufficient political will for solving the problem of corruption: "*There is no political will for solving this problem in general; there is a political will for saying: 'we are working on it'... That's the general story*" (EC3: 141). "*The bad thing is that no political authority, not a single political structure has the strength or willingness to end corruption*" (MED1: 037). "[M]ore should be done on proactive disclosure of criminal activities" (LS2: 075); "[I]t



is truly necessary that the state institutions start functioning properly" (LS3: 053). Efficient fight against corruption requires better regulation and control of the activities in the areas where corruption seems to be especially prevalent. Here, the obstacles seem to be insufficient legislation and inefficient courts.

Another important precondition for fighting corruption mentioned by our participants was the independence of relevant state institutions from political pressures and party control. Political and financial control were stressed in the case of the media and its role in fighting corruption. Some respondents claimed that these pressures cripple the media by preventing them to objectively investigate corruption cases. Thus, instead of educating the public and exerting pressure on state institutions, the media often cover corruption cases unprofessionally and in a non-systematic, sensationalist manner (LS1). Occasionally, we encountered deep pessimism regarding the current situation: "*The problem in fighting corruption is inexistence of the system, any system... capable of investigating corruption and prosecuting it" (MED3: 040).* Consequently, some claimed that there are only a few individuals who are truly fighting corruption: "*Those who investigate corruption and organized crime, criminal activities in the system, have no partners in the institutions of the system, in the civil society, in the public, or in the media" (MED3: 030).*

2.5.2. Attitudes Towards the National Program for Combating Corruption 2006-2008

A new national plan for fighting corruption was announced by the government in early 2006. The following chapter is based on our interviewees' evaluations of The National Program for Combating Corruption.

For many participants, the strategy appeared nice on paper, but was insufficient in reality: "*[...] I think that the measures are good, but the measures exist only on paper; I'm not as satisfied with the performance" (NGO1: 037).* However, it did represent a step forward and, as recognized by a number of interviewees, created positive pressure on relevant state institutions. Its potential was described in as: "*...the Program could be successful if it manages to incite a unified action carried out by the judiciary, the police, and the politics" (EC1: 053).* This coordination, though, was described as difficult to achieve: "*[...] what may turn out to be the problem is the fact that there are many institutions designated (to fight corruption) and great efforts will have to be invested to coordinate all these institutions and their activities" (LS2: 056).* Apart from claims that the Program contains a number of potentially efficient instruments and that it already initiated better coordination between relevant institutions, there was also a hope that the Program would help in educating wider segments of the society and serve as a strong motivating force (MED1).

Full-blown optimism ("*Anticorruption strategy is adequate and it is something that has not existed before"; P1: 041*) was, however, rare. More frequently we encountered scepticism as expressed by one interviewee: "*It is a basic document, and much more is needed, especially in terms of its implementation" (LS3: 041).* A respondent from the media group stated that the National Program will have no effects at all. Other respondents called it "a political pamphlet" (NGO1) or something that was created primarily to give the impression that the fight against corruption has finally begun (NGO2). There seems to be no political will, as explained by one respondent, for solving real problems when it comes to corruption: "*The Program... those are*

just nice words, a list of nice wishes and nice words for the European Union” (MED1: 029). Or, in the word of another: “[...] In Croatia, in general, we have no problems with non-existing legislation or lack of institutions, the problem is always implementation. The real question is whether there is a political (...) will and whether there is a cultural background for efficient dealing with corruption” (POL3: 029). “[The Program] is only a matter of presentation, intended for making an impression, motivated by the obligations towards the European Union” (MED3: 039).

There was a consensus that the Program will not result in “a sudden change”: “*It is unlikely that it can clean up the corruption... probably it will not be able to deal with the main forms and sources of corruption*” (EC3: 038). One respondent suggested that the Program, as well as any strategic document, might be of secondary importance: “*Obviously no strategy could solve it [corruption], but only the system of repression... corruption should be combated with penalties, the laws should be changed*” (EC2: 071).

Although, critically evaluated, the new strategy was rated more favourably than the previous National program (“[...] *the advantage of this Program, in comparison to the 2003 program, is that it has come to life. The first one remained a ‘dead letter’ - nothing happened*”; LS1: 130), primarily because of the operative changes it initiated, among which the increased capabilities of the USKOK were probably the central.

2.5.3. The Media and Corruption

Generally, the respondents considered the role of the media in combating corruption of great importance. There were some preconditions mentioned as currently lacking, such as high professionalism and expertise. Also, it was mentioned that positive, as well as negative, reporting is important in creating a strong anti-corruption sentiment among citizens. Some pointed out that the media approach to corruption is not sufficiently independent and that reporting is sometimes heavily biased or influenced by specific interests: “...*they (the media people) are also corrupt and so they are not what they should be*” (EC1: 082). It is also important to note that “*considering that the media are private, their utmost interest is to make money*” (EC2: 134), often at the expense of thorough investigation.

In a few interviews, the media were criticized for exaggerating the problem of corruption (“*sometimes we overdo it*”; MED1: 065), but were also credited for exposing many corruption scandals: “*The media made a certain move forward in comparison to some past times when nobody had a courage to blow the whistle, because of the political pressure on editorial offices coming from the highest authorities. Today, these pressures are in some way removed, but not entirely*” (MED2: 073). The obstacles to professional reporting have changed rather than disappeared. The owners and their powerful political allies represent the new pressures, so journalists sometimes turn into „*the pawns of those who generate corruption*“ (MED3: 030). Some journalists choose to inform the public about a corrupt deal only if and when it is in the interest of somebody powerful: “*When ‘the big ones’ fight among themselves there is an interest to discredit the other one*” (MED3: 031).

None of the interviewees denied a positive role of the media in educating the public and raising overall awareness about the costs of corruption: “[...] *sensitivity is changing in a*

direction which is, in any case, positive [...] ... if nothing else, at least the problem is recognized" (NGO1: 073). In addition, reporting about corruption often forces social actors to behave, because the "work badly done may return in the press like a boomerang" (P2: 077). However, "superficial journalism", which creates "*misunderstandings, puzzlement and discontent*" (NGO2: 059), was also mentioned. Criticism was directed toward the reporters who avoid serious research and rely uncritically on statements from press conferences. In part, this problem is due to inadequate professional education and training: "...we have a lack of research journalism, which would dig deeper and would be ready to react even before something becomes news or a sensation" (EC2: 136). This view was shared by a number of interviewees, who emphasized that journalists often fail to send the right message to the public (LS1). Weak argumentation and sensationalist overtones, it was argued, result in confusion and frustration among citizens, which encourages mistrust in journalists and the media in general: "*The media deal with scandals and often separate affairs from their context. They present only what is interesting to them...and as long it is interesting*" (P1: 073). "*The writing and general approach of the media towards corruption is sensationalist and not serious, and it lasts one or two days at the most. If the interest behind is a better sale of the newspapers, then it could last for up to 20 days. There is no systematic approach to this problem*" (POL1: 067). Therefore, citizens are often "confused about what corruption really is" (P1: 013). "*Disclosure of unimportant cases of corruption just to please the public creates the feeling that something has moved from the dead point. But all those cases in fact cover up the more important ones - that serious corruption which takes place somewhere at the highest political or business levels*" (POL3: 049). Non-systematic approach is also responsible for creating an impression that corruption is more prevalent than it really is: "*They (the media) make the impression among citizens that corruption is everywhere*" (P1: 085). "[I] think that the media present an enormously exaggerated image of corruption (...). The media contribute to the overblown impression of corruption in Croatia. If you ask an average citizen [about the extent of corruption], we would surely be on the top of the list considering corruption in Europe, but I don't think that we above the European average" (POL2: 079).

Another important limitation mentioned was the lack of positive reporting. An appeal was voiced that the media should also report about the success stories - the corruption cases that were efficiently prosecuted and sanctioned. Such an approach could motivate citizens to take more active part in combating corruption (P2).

2.5.4. Non-governmental Organisations and the Fight Against Corruption

The role of NGOs in the fight against corruption received meagre interest and produced less elaboration than any other aspect discussed in the interview. For example, the respondents from the economy and police target groups failed to mention it. Others named the two well-known organizations, *Transparency International* and *The Partnership for Social Development*, confirmed their significance and proceeded with criticism: "[...] it is important that they (NGOs) are educated as well about the things which are important to us, about what they need to provide us with. In some cases we cannot do anything with their material. If they would be better trained, they would be able to do better work" (LS2: 183). One respondent from the media target group was openly sceptical about the role of NGOs in fighting corruption: "*They are behaving as the media does, they are blackmailing the authorities through leaking information, public campaigns, public scandals, to get nicer offices and*

bigger funds" (MED3: 066). Similarly, another interviewee emphasized NGOs' financial dependency as the major source of biases and political manipulation: "[...] but when you depend on someone, you cannot bite the hand that feeds you" (POL1: 161).

Although critical toward some issues regarding the financing of the civil sector in general, the respondents from the NGO target group judged their role in combating corruption as extremely important. They did note, however, the existence of a number of NGOs that deal with corruption whose work is questionable. These were termed "opportunistic" organizations which are always after the topics that are currently high on the list of the international funding agencies' priorities: "[...] lately more and more non-governmental organizations switch to corruption because it's a hip subject. [...] So, I'm afraid that... there is a real risk that the whole sector could become a bit... well, 'corrupt' - too focused on corruption just to secure its existence, to get funding, and not because it's truly into it... truly focused on combating corruption" (NGO1: 109).

2.5.5. The Role of the European Union

The respondents from the target group economy had mostly positive opinions of the role of the European Union in combating corruption. They emphasized the effect of the measures that the European Union insists upon, as well as the EU role in educating people about the costs of corruption. There was an expectation that when Croatia becomes the member of the EU, the level of corruption will decrease: „*The European Union will definitely, through the rules of behaviour which exist there, will do that (reduce corruption) in Croatia*“ (EC3: 060). Still, one interviewee warned: „*There are mechanisms provided (by the EU), but ... in the end, the decision is on you. Nobody can help you if you do not decide to accept that help*“ (EC1: 070).

The third respondent from the same target group had a dissenting, critical opinion of the role of the European Union: „*In the end it is much easier for them to lecture us at the moment when we are preparing to become a member, and they do not see what they have [corruption], but at the same time they observe us with a magnifying glass*“ (EC2: 108). Also, he argued that the costly European experts who come to Croatia are less knowledgeable and professional than the Croatian experts. The only positive thing this interviewee assigned to the EU is its assistance in regulating our laws and making rules simpler, because „*the more complicated the system is, the easier it is to corrupt it*“ (EC2: 126).

All other respondents but one ("*I can not see the role of European Union, except in fact that, as a consumer of the media, I can see the problem of corruption as constantly present in the countries which, like Croatia, aspire to be future members of the EU. The problem (corruption) is constantly being emphasized, but nothing has been done to explain it to the citizens*"; P1: 057), evaluated the role of the EU as positive: "[...] ...it is absolutely positive in several ways. The EU can only help us, and it does it in several ways [...]" (LS2: 087). Also, "[...] well I really don't know what negative aspects could be. From my experience so far, I can't see any" (LS3: 061). According to the representatives of the media, the EU could help "with its examples and experience" (MED1: 057). Also, it was suggested that the EU exerts a positive pressure on authorities about combating corruption and that its "external" position serves an advantage: "*I think that this neutrality that somebody who stands aside has could be*

helpful... In some way they can be more objective in judging our situation and they can offer better solutions" (MED2: 065).

The respondents from the NGO and police target group promptly agreed that the EU plays a significant role in fighting corruption. The EU was again viewed as an important source of pressure that can result in the activities that otherwise would not be undertaken: "[...] well the EU is really good... a good source of pressure. You see, with its legislation, the EU simply forces us to do things we otherwise wouldn't" (NGO1: 049), as well as the initiator of institutional development and anti-corruption monitoring: "I would like to go back to the year 2001...and say that at that time, following the GRECO instructions and the instructions of other bodies for monitoring corruption within the European Council, we formed this Department... the Ministry of Police at that time introduced hotlines, anonymous lines for reporting corrupt activities" (P2: 053). Under the influence of the EU the fight against corruption in Croatia was expected to become increasingly more dynamic, not the least because the EU insistence on curbing corruption is strongly linked to global competitiveness: "[...] the economic giants like China and India are emerging on the market and in their shadow it will be difficult for anyone else to sell anything. Europe is trying to analyse where its problems are. And so, it is determined that curbing corruption is one of the key issues, that corruption should be actively combated, because it affects the final product price" (NGO2: 047).

Although positive about the role of the EU in general, the two respondents from the target group politics were also somewhat concerned. The first reason given was that the EU is facing some internal problems that might limit its positive influence: "[T]he EU has its problems ... but it keeps them in the background very well" (POL1: 127). The second reason was that, once in the EU, Croatia could be "sucked into" corruption scandals on a much larger scale: "[T]he EU hasn't solved large scale corruption any better than we did" (POL2: 071).

The role of the EU, when perceived as positive (which was the case in the majority of interviews), was most often associated with the positive pressure on the local institutions and decision makers, education about the costs of corruption, and transfer of the know-how. The reservations expressed were associated primarily with the EU internal problems and the notion that corruption can be efficiently combated only within: "[F]irst of all, we have to take the fight against corruption more seriously here, at home, if we strive towards the EU, not only politically, but also as a model of social change" (POL3: 041). It should be mentioned here that in several interviews the interviewers were under impression that the interviewees were expressing the attitudes and opinions of their institutions rather than voicing their own views.

2.5.6. Combating Corruption "Internally"

Corruption sometimes exists within institutions and organizations as a way of "doing business", which enables some individuals to reap personal benefits. To prevent this, internal anti-corruption mechanisms are developed and incorporated in daily activities. In the final part of the interview, we asked the representatives of the six target groups to identify and describe the mechanism(s) established in their organizations/institutions.

According to the findings, the situation varied substantially. Anti-corruption measures were present in some organizations, but not in the other. In the economy target group, for example, all participants reported the absence of internal mechanisms, sometimes offering a justification: "*I have to admit that I do not see the possibility for corrupt activities because we are... a non-profit organization, that is the first thing, so we have nothing of interest here*" (EC1: 182). Another respondent stated that although corruption is definitely present in his organization: "*There is space [for corruption] unfortunately, and some of it can be proven - some of them are caught. The fact is that in the trade unions a lot of money flows around*" (EC2: 148), nobody seemed to be pressing for the introduction of anti-corruption measures. One of the possible reasons may be a deeply ingrained mistrust in the power of rules and regulations, inspired by the collective memory of inadequate implementation, monitoring and sanctioning: "*The problem is sometimes the law, but the biggest problem is the practice and the monitoring of this practice*" (EC3: 129). Thus the mechanisms of internal control tend to be complicated, expensive and inefficient (EC3).

The internal fight against corruption in the legal system, according to the representatives of this target group, is mostly non-existing. The most important improvement, it was suggested, would be to strictly monitor adherence to deadlines and procedures: "[T]he thing we want to influence the most is the presence and respect of the procedures and of legal deadlines, which would mean that everybody is equal" (LS3: 125). The legal system as a whole should be much better monitored. Among the measures that would increase institutional integrity, the interviewees listed vertical supervision and control, as well as security checks, institution of property cards, and transparent proceedings. Obligatory supervision, it was suggested, should be extended to all state lawyers (LS1). In addition, a greater attention should be paid to the professional code of conduct (LS2).

All respondents from the target group media agreed that corruption in the media is a problem and that no efficient control mechanisms exist. One respondent suggested that some journalists are highly corrupt, but are able to get away with it: "*Absolutely nothing happened to them. There are audits, some ethical committees, but that's all... they will analyse the work those journalists did, but not the possibility that some were corrupt*" (MED1: 182). Another respondent argued that nobody follows the existing rules of the profession: "*In our agencies the new rules should be established. (...) There are some rules prescribed by law but nobody respects them, and the law was passed three years ago*" (MED2: 125).

The respondents from the target group NGO focused on the general situation in the civil sector. In their opinion, there are no control mechanisms in the NGO sector. Moreover, they claimed, the *modus operandi* of most NGOs is insufficiently transparent: "[T]he level of transparency in the civil sector must be increased. Civil society, which sounds all too good and opened to the public, isn't like that at all - it is a secret society instead. No work reports from the civil society are available. I can find reports for every state institution. These reports can be incomplete or badly written, but if I need them for an analysis, I can get them. If I need reports from NGOs, I'll never find them or only for a small number of organizations" (NGO2: 091).

Both respondents from the target group police agreed that the mechanisms of internal control are quite efficient in monitoring police officers ("*We are all under their [officers of the Department of Internal Control] control*"; P2: 109). Policemen are well informed about their

rights and duties, and informed that their work is systematically monitored. This has increased awareness and, in some cases, created intolerance toward corrupt colleagues: “*Simply, there is certain awareness present among officers - we had some cases when an officer would blow a whistle on another colleague, who would be later discharged*” (P1: 113). The respondents stated that during the last year (2006) the system proved efficient enough: a number of officers were reported for criminal activities and subjected to disciplinary proceedings.

In the target group politics, the interviewees expressed different notions about the internal control mechanisms. One respondent stated that there were no serious talks about the internal control in his institution, but that everything is kept in order by speeding up the procedures and decision making (POL1). Although the position of internal control officer was recently instituted, the respondent mentioned it only in passing. In comparison to professional efficiency and good intentions of the administrators employed, the new post was granted with marginal importance (POL1: 111). Another respondent stated that standard measures usually suffice: “*Everything must be transparently registered in the books, expenses must be clearly reported, and reports must be regularly sent to the relevant party office... I believe that 90% [of the political party officials] are very, very correct*” (POL2: 119). The third interviewee expressed a similar opinion and pointed out that the “control mechanism” he relies upon is choosing assistants carefully. He added that he has never encountered corruption at his work place (POL3).

3. Discussion

In the previous report (deliverable 1) (Štulhofer et al., 2007), we suggested the existence of the six ideal-type models of understanding corruption. We found that none of the six target groups included in the research study neatly fitted a single model, but instead contained elements of two or more models. In brief, the ideal-type models were described as:

- (1) The Public Relations model (**PR**) - simplified, often populist and one-dimensional definitions of corruption; corruption is perceived primarily as damaging for public image of the institution/actors in question; measures for fighting corruption are evaluated according to the PR efficiency criteria; the focus is primarily on low-level corruption;
- (2) The Expert model (**E**) - complex and comprehensive definitions of corruption; corruption is viewed as damaging to the social fabric of society and is economically wasteful; measures for fighting corruption are based on best international practice(s); the focus is on high-level corruption that inevitably involves politics;
- (3) The Nuisance model (**N**) – lack of clear definition; corruption is a minor and omnipresent issue that has been exaggerated; measures for fighting corruption are short-term and mostly inadequate; no clear focus;
- (4) The Human Rights model (**HR**) - comprehensive defining of corruption that emphasize human rights abuse; corruption is perceived as a moral, socio-cultural and economic evil; proposed measures for fighting corruption are systematic, rigorous, and transparent; the focus is on both low and high-level corruption, and on the role of civil society in combating corruption;

(5) The Pragmatic model (**P**) – comprehensive legal definitions; corruption is viewed as a major social problem; proposed measures for fighting corruption are systematic and well coordinated; the focus is primarily on low-level corruption;

(6) The Ignoring model (**I**) - *ad hoc* definitions, often too narrow or confused; corruption is perceived problematic only when it severely impedes governance and everyday business; measures for fighting corruption are usually not discussed.

To some extent, the six models and their characteristics were determined by the choice of two case studies that were analyzed in the first phase of the research study (Štulhofer et al., 2007). The same applied to the fit between the models and the data (documents from the six target groups) that was previously reported. Specific phenomenology of the chosen case studies inevitably limited the scope of the analysis into perceptions of corruption, resulting in somewhat loose and provisional correspondence between the models and the target group perceptions. The second phase of the research study, based on interview data, was promising more detailed insights.

The logic of model fitting in this second research phase was the following. Firstly, we decided upon the crucial aspects of perceiving and understanding corruption. We needed to focus on the issues (*categories*) that could serve as relevant indicators of the main structural dimensions (definition, assessment of the problem, anti-corruption measures suggested) of the models. After several discussions among the senior team members, the decision was made that the following four categories should be analyzed in detail to enable fitting the collected data to the models: (a) definition of corruption; (b) assessment of the dynamics of corruption and general evaluation of the problem; (c) suggestions for combating corruption; and (c) discussion about internal anti-corruption mechanisms. The last category, concerned with whether the interviewee's institution has introduced any internal anti-corruption mechanism and what are the interviewee's views about it, was chosen for its directness and precision. The rationale was that asking about general (society-level) anti-corruption measures may have resulted in the responses biased by social desirability and presumed expectations. In contrast, discussing the internal measures (or, for that matter, their absence) seemed less prone to the same biases and therefore more revealing and valid (the information gathered was also easier to verify). This was at least partially confirmed by the fact that the answers regarding internal mechanism were substantially more varied than those about general anti-corruption measures.

One noteworthy problem for the model fitting was dissonant “voices” within each target group. With the exception of the target group police, where a high degree of similarity between opinions of the two interviewees was found, the other groups were characterized by different degrees of heterogeneity. This difficulty could not always be resolved by searching for the dominant or representing “voice” per category and target group. This is certainly a limitation of our model fitting analysis, which needs to be taken into consideration.

As encountered in the first phase of the research study (Štulhofer et al, 2007), the perfect model fitting proved impossible. The discourses about corruption that surfaced in the interviews were too complex, multifaceted, occasionally incongruent or simply too fragmented to be closely associated to any single model. Rather, we found different categories in one target group fitting different models, which resulted in target group perceptions being described as multi-model composites. Keeping in mind that the models were originally



introduced as ideal-types - informed by empirical insights, but not intended to fully describe them - this should not be surprising.

3.1. Target Groups and the Models of Understanding Corruption

Target group police was characterized by the pragmatic (P) and expert model (E) approach to defining corruption (cf. *Appendix B – Table 1*). The E approach was reflected in the statement that relevant state institutions use different definitions of corruption, which has negative consequences for combating corruption. Suggestions regarding the fight against corruption were systematic, comprehensive and informed by the international practice (the E model), but focused primarily on low-level corruption (the P model). Well-established internal control mechanisms were discussed along the lines of the P model, emphasizing the measures taken against corruption in everyday situations.

The definition of corruption given by the representatives of the *target group politics* generally followed the E model (*Appendix B – Table 2*). However, their views on combating corruption mostly followed the P model, stressing the need for more efficient repression. In addition, some elements of the N model were found, primarily in the insistence on the universality of corruption, which was used as the justification for low personal expectations regarding the outcomes of anti-corruption campaigns. The lack of dedicated internal control and specific anti-corruption measures, taken together with the prevailing opinion among the representative from this target group that the half-measures that exist are sufficient (it should be noted here that the interviewees agreed that political corruption is a significant problem in Croatia), suggested the predominance of the I model in understanding internal corruption.

The definition from the *target group non-governmental organizations* (*Appendix B – Table 3*) followed the E and HR model, with the latter being expressed through suggestions that corruption constitutes a discriminatory (or even exclusionary) system. As expected, when discussing efficient anti-corruption measures the representatives of NGOs closely followed the E model and emphasised the best international practices and the importance of citizens' mobilization through education and awareness-rising. However, the lack of internal control was not critically assessed, in spite of the fact that both interviewees acknowledged the lack of transparency in the civil sector. Again, the I model was found the closest to the expressed views.

Definition of corruption associated with the *target group legal system* fitted the E and PR model (*Appendix B – Table 4*). This range corresponds to the fact that this group was one of the more disparate ones, with often contrasting "voices". Thus, the definitions offered ranged from a comprehensive and legally well-founded one to the one that stressed "*a certain kind of evil that men possess*". In contrast, in discussing the steps needed for efficient fight against corruption a relatively high level of homogeneity was achieved. However, the suggestions provided by the interviewees, which closely followed the E and P model, seemed to echo the role and the official line of the institutions they represented. As in the two previous cases, the discussion about internal anti-corruption mechanisms proved limited (the I model). Only the representative of USKOK (the State Attorney's Office for Combating Crime Corruption and Organized Crime) provided a critical and systematic account of the need for internal control in the legal system (the E model).

In another heterogeneous group, the *target group economy* (*Appendix B – Table 5*), corruption was defined in line with two models, the E model (the distinction between corruption that involves money and the one that does not) and the PR model. The elements of the latter were found in equating corruption with the mainstream notion of the system of favour exchange (involving political decision-makers and business people), as well as in an overly general description (“[corruption] is anything that does not follow the regular rules and procedures”). The PR model also fitted the suggestions regarding anti-corruption activities, which were mostly vague (“[all cases] have to be treated equally”), unspecific (appointing well-educated experts to important position) or ideological (the political will is crucial). No internal control or corruption prevention mechanisms were reported in this target group. This lack of internal attention to the problem of corruption was justified by (a) denying the possibility that corrupt activities could take place in interviewee’s institution/organization, (b) lack of in-house support, and (c) scepticism expressed through the assertion that all anti-corruption measures are costly and inefficient. All the three arguments pointed to the N model.

Finally, *the media target group* was characterized by a set of definitions (*Appendix B – Table 6*), which were associated with the E and HR model. As in the case of the NGO target group, the latter model was represented by claims that corruption constitutes a discriminatory system in which those who are connected exchange favours and prosper at the expense of (the unconnected) others. The P model dominated the discussion on combating corruption, which focused on what is feasible (educating citizens and increasing public pressure) in the situation characterized by the lack of genuine political motivation to tackle corruption (“...no political authority, not a single political structure has the strength or willingness to end corruption”). Although the representatives of this target group agreed that corruption is a significant problem in their working environment, they seemed highly distrustful of the existing internal safeguards. The mechanisms that have been introduced were judged insufficient and inefficient, at best. Overall, a sense of pessimism permeated the discussion of internal control. No model seemed to fit the discussion on the internal control in the media.

4. Conclusions

A longitudinal cross-cultural analysis based on the World Values Survey dataset demonstrated that the level of tolerance toward corruption varies substantially, both between and within the countries (Moreno, 2002). Interestingly, the reported data pointed to an increase in the permissiveness toward corruption in the post-socialist European countries in the period 1990-1995 (Moreno, 2002: 504), suggesting the importance of transition costs and related socio-cultural and psychosocial adaptations. If perception(s) of corruption are conceptualized not only as moral statements but also as adaptations (in terms of operative self-positioning)²⁸, understanding the “language of corruption” becomes crucial for identifying cultural obstacles to corruption prevention (Shore & Haller, 2005). As Uslaner’s research suggests, perception of corruption might be more affected by cultural than institutional factors, primarily through low or eroding trust (Uslaner, 2004). Clearly, mistrust in institutions is problematic not only in terms of individual action, which is guided by the

²⁸ By *operative self-positioning* we refer to actor’s behavioural strategies that were intentionally “optimized” for operating in an environment characterized by X level of corruption.



imperative of dealing with heightened uncertainty and insecurity (due to the untrustworthy, dysfunctional state), but also as a long-term socio-cultural obstacle to any centralized anti-corruption campaign.

In this report we analyzed institutionally embedded scripts of corruption or, more precisely, the perceptions of what is corruption, how it is changing, what are its consequences, and how it should be combated. Individual opinions and statements that were collected ought to be “read” as highly personalized and, at the same time, institutionally embedded accounts of corruption. These accounts were treated in this study as systems of meanings, not necessarily fully coherent, that were assembled through personal experiences, institutional rules, dominant public discourse(s), professional identity, and sense of morality. Using the Grounded Theory approach (Corbin & Strauss, 1990) and the ideal-typical models of understanding corruption that were introduced in our previous paper (Šulhofer et al., 2007), we attempted to reconstruct these systems of meanings and document their multiple and often dissonant, but also overlapping “voices”.

The four main findings should be briefly mentioned. The expert (E) and pragmatic (P) model were found predominant in defining corruption and discussions regarding efficient society-level anti-corruption activity. This encouraging result suggested a rather high level of understanding and awareness of corruption among the interviewees, which was further confirmed in the analysis of the consequences of corruption, as outlined in the interviews. Less encouraging was the finding that the ignoring (I) model dominated the understanding of the importance of internal mechanisms of control and prevention of corruption in most target groups. The interviewees were highly critical of the lack of proper anti-corruption measures in the society and were sometimes even extending this criticism to institutions/organizations similar to their own, but tended either to dismiss the need for such mechanisms “at home” or consider good intentions and informal checks a perfectly good substitute.

The fact that the role of NGOs was marginalized or ignored for reasons that are not quite clear is also noteworthy. In a few cases where the topic (the role of NGOs in combating corruption in Croatia) was not raised by the interviewer, interviewees failed to mention it altogether. In contrast, we found an explicit consensus regarding the role of the EU. Although not without some critical observations, the majority of participants emphasized the importance of the EU for efficient anti-corruption activities in Croatia. The positive role of the EU was primarily associated with institutional reforms, legislative initiatives, and political pressure on local decision makers.

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Appendix A: Interview Protocol

INTERVIEW PROTOCOL (December 2006)

DATE	
INTERVIEW STARTED AT	
INTERVIEW FINISHED AT	

What is corruption for you?

- Definition
- Thinking about Croatia, what would be the most negative consequence of corruption?

How do you see the problem (of corruption) in Croatia?

- Significance?
- Which type/form is most problematic? Why?
- Recent changes regarding corruption (forms, dynamics etc.)?
- In which sectors/groups is corruption most prevalent?

What is your assessment of the new national anti-corruption strategy?

- Strengths/weaknesses?
- Expected effect(s)?
- Which types/forms of corruption will the strategy fight more successfully/less successfully?
- In general, what needs to be done to efficiently combat corruption?

What is your opinion on the role of the EU in combating corruption in Croatia?

- Positive/negative impact/effects?
- How can the EU help most in combating corruption in Croatia?

How do local media present corruption in Croatia?

- Do they pay sufficient/insufficient attention?
- Are there types/forms of corruption that receive too much/too little of media attention?
- What are the effects of media presentations?

What is public opinion's perception of corruption?

- Is corruption more/less prevalent than publicly perceived?
- Are there types/forms of corruption that public opinion is ignorant about or is not perceived as such?
- Which types/forms of corruption is public opinion most sensitive to?
- Perception of widespread corruption undermines trust in institutions; how can this trust be replenished?

Is there a role of cultural/political inheritance in corruption in Croatia?

- Has post-communist transition caused any changes (in perception, types/forms, dynamics)?

In your profession/institution/professional circle or environment, what is the dominant understanding of corruption?



- Are there any internal mechanisms for fighting corruption in place? Are they working?
- What is perceived as the best way to fight corruption in your profession/institution/professional circle?

Appendix B: Tabular Overview of Perceptions of Corruption by Target Groups

The following tables provide a systematic overview of the interview data. The lower half of each table lists causes and consequences of corruption - according to the interviewees from a particular target group - as well as their definition(s) of corruption and how serious a problem they find it.

The upper half of tables contains data on (1) the areas particularly affected by corruption (*main loci*), (2) perceived dynamics of corruption (interviewees were asked about changes in type/mode of corruption (a), as well as in its volume/prevalence (b)), (3) suggestions for efficient reduction of corruption, and (4) opinions regarding the current roles of the media, NGOs, the public, and the EU in combating corruption.

Legend: + = the role (in combating corruption) is positive
 - = the role is negative
 +/- = the role is both positive and negative



Table 1 - TARGET GROUP POLICE

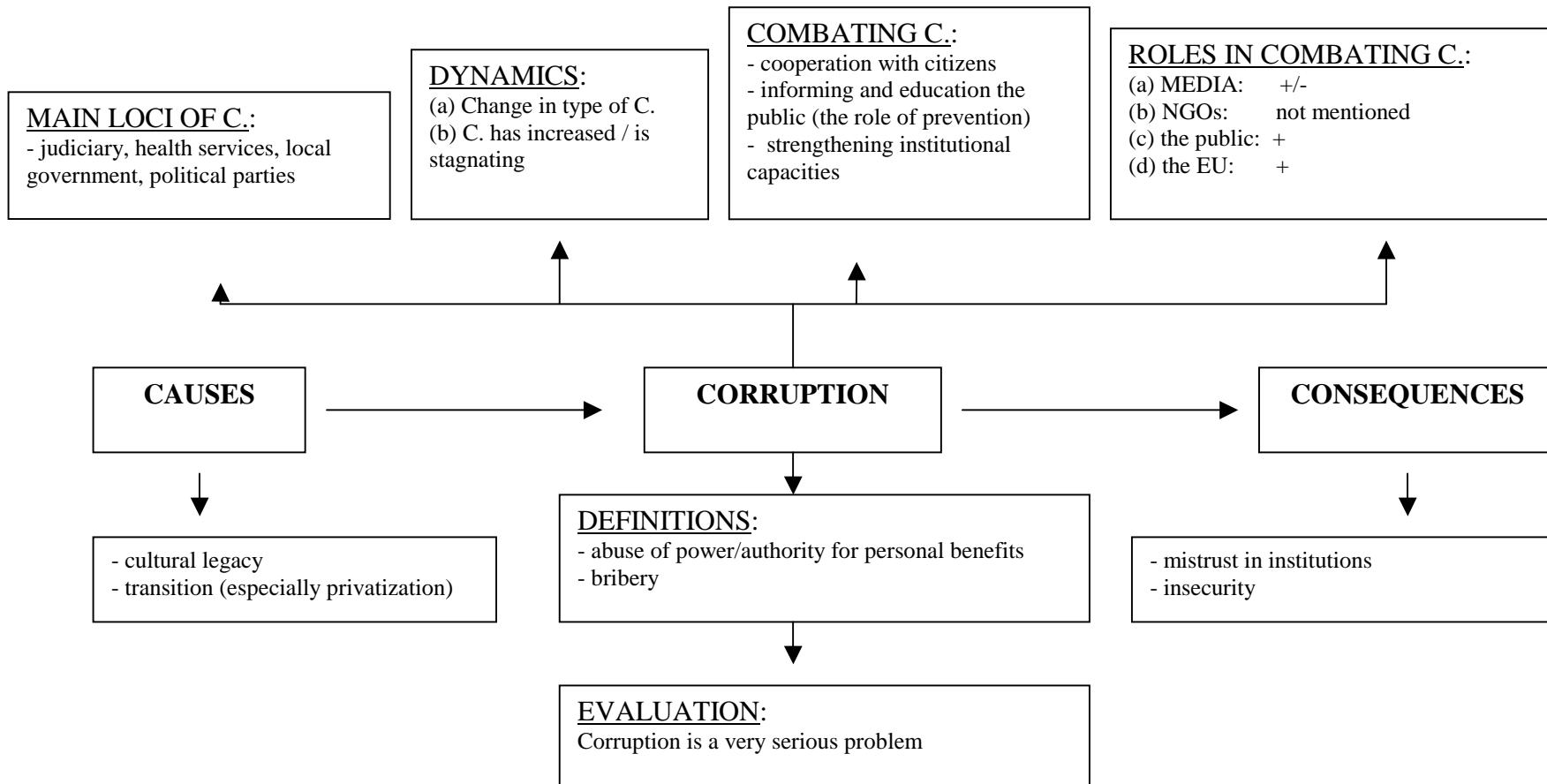




Table 2 - TARGET GROUP POLITICS

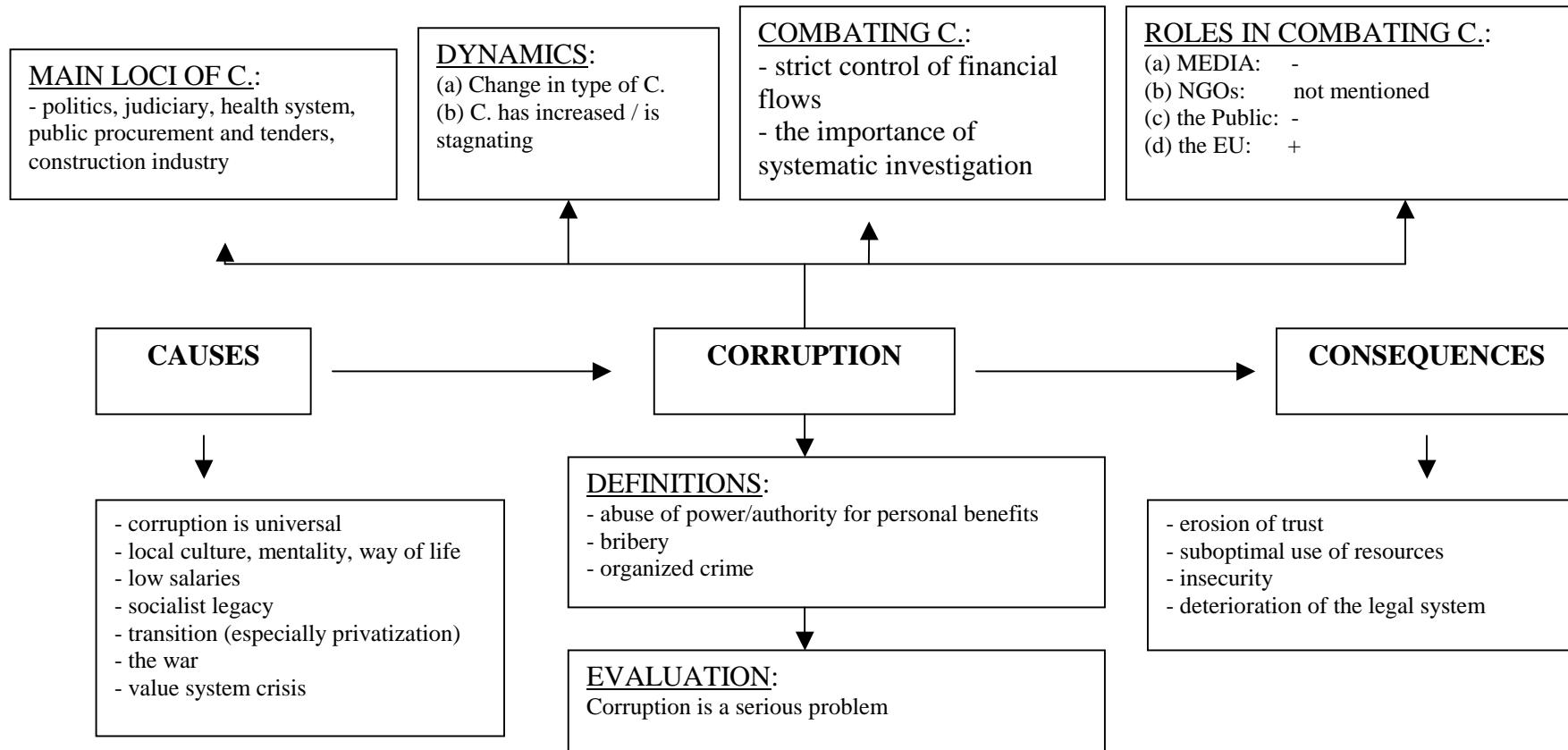




Table 3 - TARGET GROUP NGO

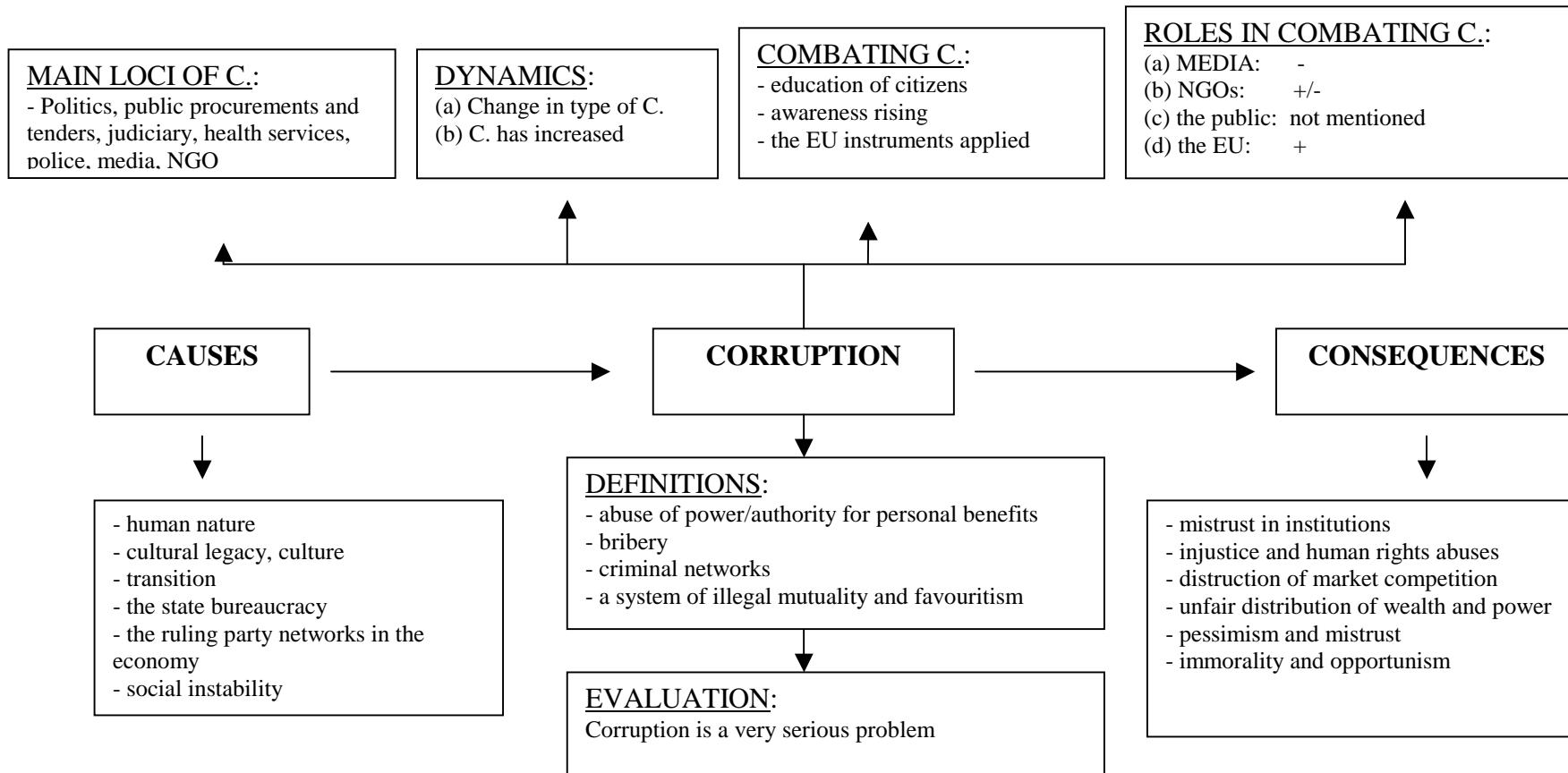




Table 4 - TARGET GROUP JUDICIARY

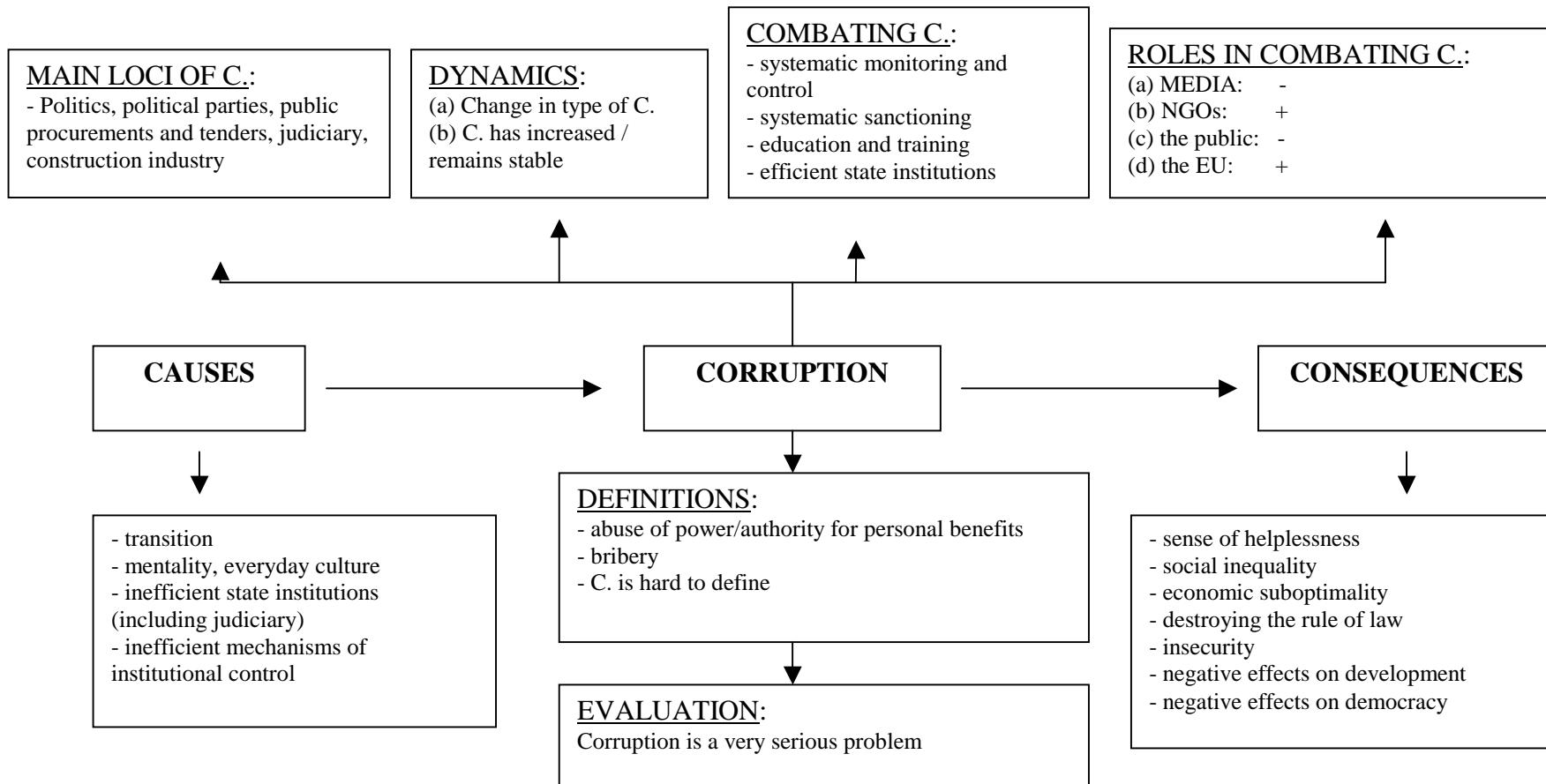




Table 5 - TARGET GROUP ECONOMY

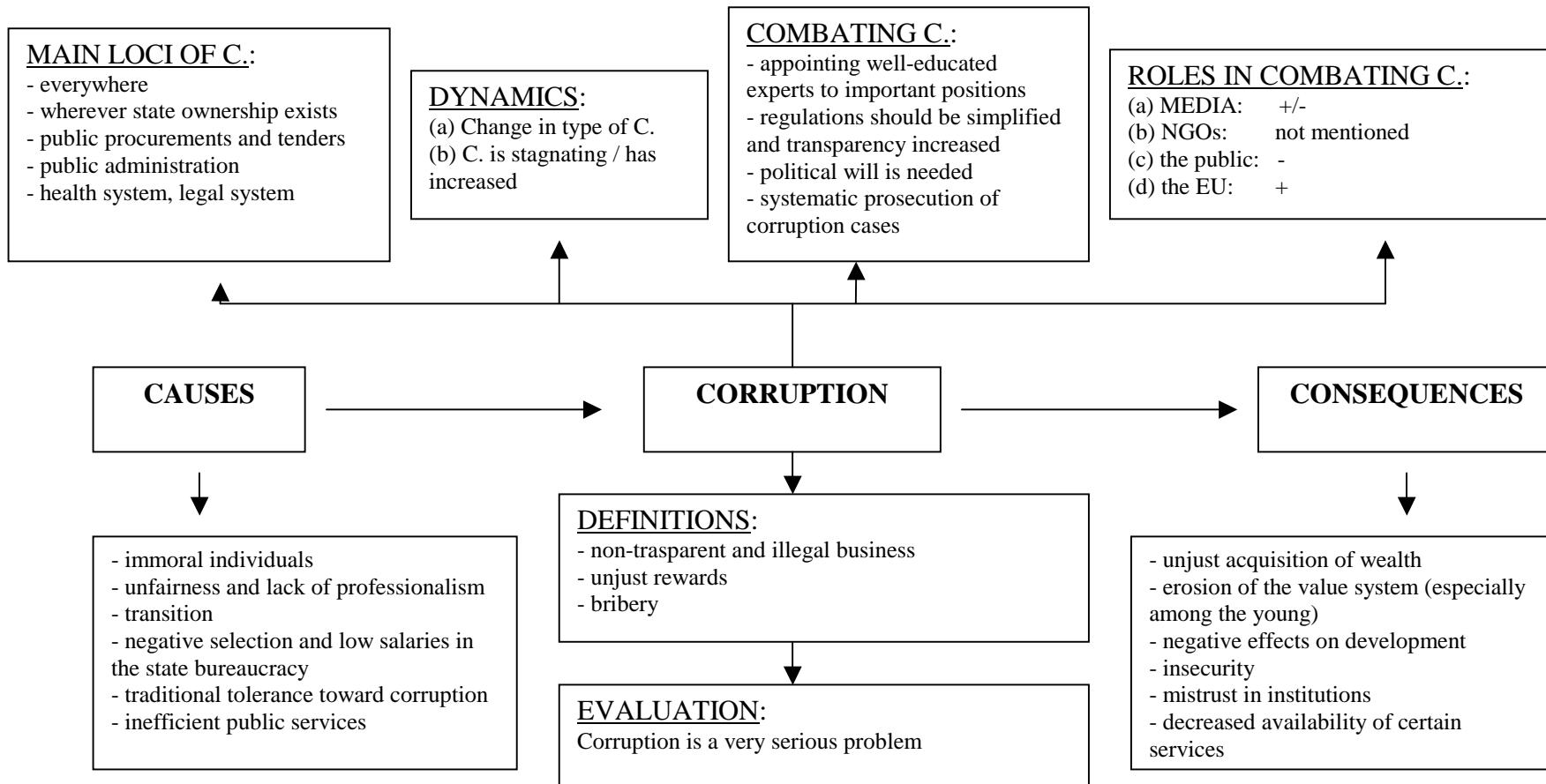
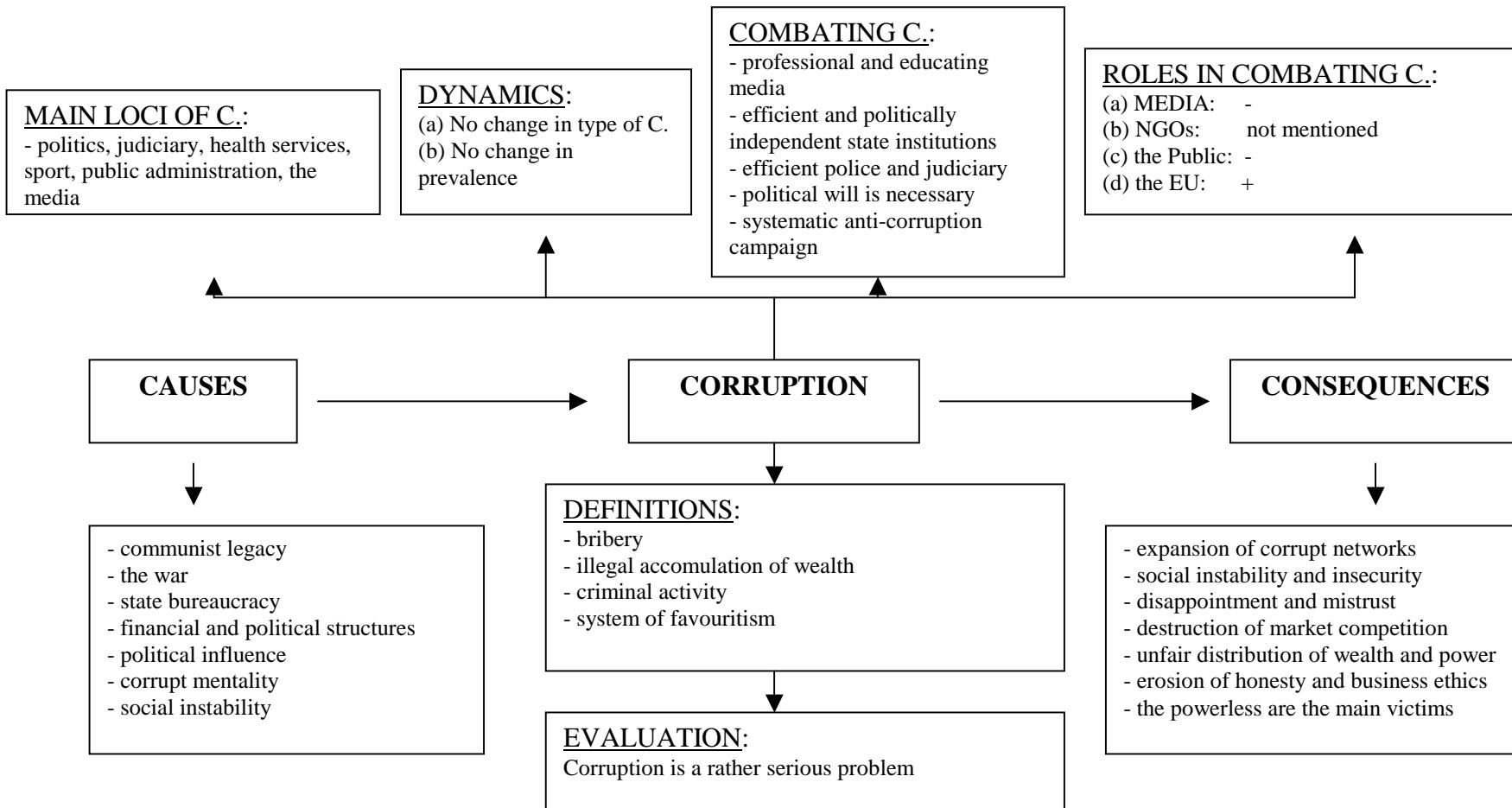




Table 6 - TARGET GROUP MEDIA





SIXTH FRAMEWORK PROGRAMME OF THE EUROPEAN COMMISSION



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

Project no.: 028442

Instrument: SPECIFIC TARGETED RESEARCH PROJECT

Thematic Priority: PRIORITY 7, FP6-2004-CITIZENS-5

RESEARCH REPORT GERMANY:

**Perceptions of Corruption in Germany
A Content Analysis of Interviews from Politics, Judiciary, Police, Media,
Civil Society and Economy**

Period covered: from November 2006 to October 2007

Date of preparation: October 2007

Start date of project: 1st January 2006

Duration: January 2006-December 2008

Project co-ordinator name: Professor Dr. Dirk Tänzler

Project co-ordinator organisation name: University of Konstanz (UKON)

Revision (draft 1)



1. Introduction

In the last years the country has been exposed to a wave of corruption scandals. Although a few years ago it seemed that the new legislation on party financing had given an end to the grand scale corruption evolving around the illegal party financial practices of the major political parties, the recent corruption scandals in which some pillars of the economic system of the country (i.e. companies like VW and Siemens) were involved, have brought the issue of structural corruption back to the fore. Given the scale of the economic power these two corporations exercise in the German and European economy, but also a number of minor scandals (Deutsche Bank, Infineon), the question has been posed once again in the public whether the notion of widespread corruption should not after all be considered true, despite the fact that Transparency International rates the country among the top 20 countries worldwide for the openness and honesty of economic activities. The two most prominent corruption affairs reveal that in the corporatist economic model of Germany ('Rhein capitalism') there are deep entrenched mechanisms that favour corruption liabilities.

In the case of Siemens it was revealed that high-level management knew of or even was directly involved in setting up a system of secret accounts abroad that were deployed to pay bribes for contracts. Although at first the state prosecutors assumed that the amount of company money deposited in slush funds in Switzerland and Austria amounted to 200 million Euros, it is according to an internal audit now estimated to have been as much as 420 million Euros. Two other aspects of the system of corrupt practices also deserve mention: Firstly, although Siemens introduced in 2001 the *Business Conduct Guidelines and Code of Ethics* to ensure binding standards for law-abiding behavior and precise rules regarding compliance with applicable fair competition and anticorruption laws and in addition has an internal anti-corruption department, the money transfer went apparently unnoticed. Secondly, the company has over the years transferred millions of Euros to finance a so-called independent labor association that was meant to act as a counterweight to IG Metall, Germany's powerful trade union.

The case of VW is no less representative of corruption originating in the corporate structure of German big business. Like the Siemens scandal the corruption affair in VW has two aspects: Firstly, acting apparently to secure foreign contracts two former VW executives siphoned corporate funds into a web of phony companies to defraud authorities and enrich themselves. Secondly, managers and members of the general works council received illegal privileges i.e. bribes they spent on personal travel, jewels, alcohol and sex.

Beyond the conviction of the main actors involved the VW corruption affair has triggered off a discussion on whether the strong interdependencies between management and labour under Germany's consensus-style codetermination management system that gives workers' representatives 50% of the seats on the supervisory boards of all large companies should not be cut down to a moderate level thus reducing the influence of the employee works councils on key corporate decisions. A similar criticism of corporatist interdependencies was formulated in the case of the Siemens scandal and in addition it was claimed that another source of corrupt liabilities lie in the function of supervisory boards. Although initially praised for its stability, the two-tier system of management and supervisory board does not function properly according to the critics, because the boards fail to exercise their supervisory function.

2. Methodology

General outline

The methodological framework of the analysis of the interviews conducted in the second research phase was the *Grounded Theory* developed by Glaser and Strauss. The qualitative approach of the Grounded Theory to the research data had proved more fruitful in this phase than in the preceding, for it is particularly suited to the purpose of reconstructing the utterances of the interviewees in a way that patterns of attitudes and dispositions become visible. This qualitative reconstruction of attitudes has facilitated the research approach to the specificities of understanding and action in the different target groups under examination. This was all the more important considering the overall methodological design of the research project that starts from the assumption of ‘bottom-up’ perceptions underlying ‘everyday theories’ of corruption and corruption prevention.

Data generation

In the second research phase the data generation process consisted in conducting interviews with experts from six target groups: politics, judiciary, police, media, civil society and economy. Regarding the target group economy the research group has encountered serious difficulties in conducting interviews with representatives from the Business and Trade Unions. The leading managers and functionaries that were asked for an interview were not prepared to state their opinion on the issue of economic corruption in Germany. This can be explained by the fact of the numerous economic scandals that have preoccupied the German public in the recent years.

Interviews

The interviews were conducted in the period from December 2006 to August 2007. Each interview was conducted by at least two members of the research group and transcribed soon thereafter. Each interview lasted one and a half hours. The interviews always began with the interviewees introducing themselves and then followed an account of their experiences with corruption (cases). Since no strict scheme of the steps the interview should follow was in advance laid down, the discussion was able to make various re-entries on the issue of how to ‘elicit’ from the interviewees their understanding of corruption. Regarding the number of the interviews the research group has not followed a strict rule. When considered necessary or unavoidable the decision was taken to deviate from the number of two interviewees from each target group. In this way it was considered necessary to conduct three interviews from the target group politics, focussing on the political scandals of party financing that dominated the German political landscape from the middle of the 90’s until the early years of new century. Concerning each of the other target groups although two interviews were conducted with experts from *civil society, police and judiciary*, it was not possible to carry out more than one interview in the field of the *economy* and the *media*. As regards the latter it turned out that the interview was so contentful as to meet the demands of the research group in a satisfactory manner. For reasons that are explained in the introduction to the evaluation of *economy* the research group has decided to focus attention on a case of corrupt conduct in which private business is the victim of the abuse of power of public office. Before conducting the interview



all the interviewees were informed about the nature of the research project. However, the research group has not set any particular topics to be discussed in advance.

Interviewees

The interviewees were selected on the basis of their professional experiences with corruption and fighting corruption.

Target group	Interviewees
<i>Politics</i>	ex-MP of the Social Democratic Party, MP of the Christian Democratic Party MP of the Green Party
<i>Judiciary</i>	General Attorney Judge (retired)
<i>Police</i>	Department Special Cases, Organised Crime, Police Head Office of the Federal State of Baden-Württemberg, in Freiburg Department of Criminal Investigations of the Federal State of Baden-Württemberg
<i>Civil Society</i>	A member of an anti-corruption NGO A member of an anti-corruption NGO
<i>Media</i>	Journalist, political scientist
<i>Economy</i>	Businessman

Data analysis

Once transcribed the interviews were grouped together in hermeneutic units (on the basis of the qualitative data analysis software Atlas-ti) according to the six target groups under examination. At the first level of the analysis of these units coding proceeded to the most extent in an ‘open’ manner trying to keep the semantic import of the codes close to the manifest content of the text. At the second level of analysis the research group started joining the codes together in order to set up a structured account of the attitudes and positions found scattered in the hermeneutic unit. Following the essentially circular character of the relation between document analysis and coding the first-level codes were reflected back to the document in order to find out if they could legitimately function as variables of which the attitudes/propositions in the document could be seen as instances. In this process moving ‘back and forth’ the first-level codes were given a broader semantic scope as to cover aspects of the content of the document that went beyond the semantic range of the first-level codes. Deploying this progressive-retrogressive method the research group came up with a structured set of codes that not only enabled an exhaustive interpretation of the documents, but helped shed light on latent aspects of the documents as well, for example inconsistencies, ambivalent attitudes, etc.



3. Perceptions of Corruption

3.1 Target Group Politics

Outline

The evaluation of the interviews from the target group *politics* does not focus on corruption as a criminal act. Following the belief that the phenomenon is much wider than what penal law foresees it to be rather draws attention to those areas of illegitimate action that are (perceived to be) or can give rise to corrupt conduct. The general interrelations between politics and economics, but also the narrow domain of party financing are considered to be such areas. Under the assumption of these interrelations being exchange relations the analysis delineates fields of exchange actions that can be considered as spaces of illegitimate conduct. On the basis of certain recurring types of exchange relations taking the form of granting/receiving advantages the notion of political corruption can be extended to include illegitimate action consisting in the transfer of knowledge/experience resources from the public to the private domain. As far as economy in its exchange relations with politics is concerned illegitimate conduct should be seen embedded in the context of those strategies with which the economic sphere tries to influence state politics to comply with private interests. In the political parties illegitimate conduct can among other things take the forms of violating inner-party democracy or financial issues.

Analysis

In order to explain the systemic nature of corrupt conduct in the realm of politics one has to take one step back and identify the nature of the action involved. Undoubtedly, what every act of political corruption originates in is *granting advantages* [P2: 272-273], which need not necessarily be of monetary nature. The nature of the action of granting advantages can in turn be traced back to the social relations of exchange. Taking this for granted means that exchange relations taking place between the social spheres of economy and politics may prove the grounds of corrupt conduct. This is particularly true in the case of political actors that become involved as managers or consultant experts for the private economy after quitting politics. As such this type of employment change does not suffice to qualify the relation between politics and economy as an exchange one with corruption implications. Nevertheless, if one takes into account the numerous cases of politicians instrumentalising knowledge and know-how from public administration for the advancement of private career purposes, it can function as an indicator of the existence of exchange relations that violate certain rules. Now, regardless of what form these rules may have, it is certain that corrupt conduct as a type of exchange relation cannot be confounded with that segment of rule-violating exchange relations that is explicitly sanctioned by the penal law. For it pertains to exchange practices that despite being perceived as *illegitimate* do not as such fall under penal jurisdiction [P2: 1496-1501]. Therefore

- (1) (political) corrupt conduct includes both the dimensions of prosecutable in a penal sense and what is perceived as (social-ethical) illegitimate action.



Of course the question arises to what extent this (social-ethical) illegitimacy can be grasped more concretely by narrowing the range of exchange relations exclusively to those suspected of obeying to or complying with the logic of granting/receiving advantages, but falling short of being downright criminal in judicial sense. One way to do this is to analyse the rationality or types of rationality underlying the exchange relations between state/politics and the economy from the perspective of the actors involved. Taking politics/politicians as the starting point (perceived of as) illegitimate, but not yet sanctionably granting advantages, e. g. political corruption in a wide sense of the term, may take three forms:

- There is a transfer of knowledge and administrative know-how from the public to the private sector. Politicians switching to managerial functions in private corporations [P2: 274-280] help accrue the relative advantages needed for both in terms of sectoral business competition or public contracting. Viewed the other way around, switching to the private sector means that the politician receives advantages (i.e. often very well remunerated posts) on the grounds of bringing in knowledge or public relations capital. Seen from this perspective, the difference between illegality/illegitimacy regarding corrupt conduct is obvious: whereas the former is rent-seeking in office, the latter is private employment that draws upon the prior advantages from having been in office.
- If the politician changes to a public stock corporation he sometimes does not even need to deliver any knowledge capital: it suffices that in his previous ministerial function he took a ‘friendly attitude’ to the company in question [P2: 317-319]. Particularly evident is this type of “ex post” political corruption in which politicians act strategically, that is design their political career in such a way they already meet some indispensable qualifications for getting the future job in the private sector prior to their withdrawal from politics [P2: 287-291].
- Except for these types of state-private sector exchange relations where jobs are exchanged for advantages through transfer of insider knowledge there is an other kind of interlinkage between politics and business, which raises suspicion of illegitimate action. Although in this case no such transfer seems to take place at first sight, the phenomenon of members of parliament exercising a profession in addition to their parliamentary function permits certain doubts regarding the nature of remuneration flowing from private business activities [P3: 1014-1017; P4: 567-574]. What raises mistrust is the obvious contradiction in this case of double occupation: Either is the MP fully busy exercising his parliamentary mandate – which normally should be the case – and consequently has no time and energy for other (business) activities. Or the two can be made compatible in the sense that additional jobs by no means interfere with the political function – as they require neither time nor energy. But if this holds true, it is not easy to legitimately account for the additional income resources. Ergo: it is more than justified to ask what purpose the latter serves. Usually they are for all sorts of consulting services [P2: 1236-1241] and the crucial thing to know is not so much the amount of money received, but what kind of firms paid for these services. An unmistakable indicator of political corruption in the sense of illegitimate interweavement of political and economic activities is the commitment certain MPs show in the law-making process regarding for example private insurance policies: more often than not they function as mouthpieces of the insurance companies; i.e. they act as the missionaries of capital in the centre of the legislative process [P2: 753-782].

The issue of MPs splitting up working life between parliamentary functions and private interests has in the meantime initiated legislative action purporting to *expose dependencies*. These laws require politicians to declare additional income. Nevertheless the intention to curb



illegitimate (e. g. political corrupt) conduct and curtail the possibility of dependencies as a source of indirect influence raises some questions:

- For one thing it is not sufficiently clear whether declaring this income leads to the desired transparency. The reason for this is that declaring additional incomes does not necessarily mean exposing illegitimate incomes [P2: 679-682].
- Some dependencies just result from the previous job of the politician and should not be considered illegitimate as such. Demanding transparency at all costs disregards sometimes certain habitualised practices that are not illegitimate action, although it appears that dependency relations are transferred [P2: 687-694].
- Certain difficulties are also associated with the modalities of declaring incomes not originating in the political sphere. Notwithstanding these problems, one should consider not so much the amount of extra revenues received as their source [P2: 708]. This is all the more important in such cases where the amount of money MPs are paid for delivering speeches is such that the suspicion arises whether it is not an ‘ex-post’ remuneration for future consulting services, that is granting advantages [P4: 583-585].
- Every legislative initiative that targets dependencies of MPs resulting from donations is confronted with the difficult situation of the need of sanctions on the one hand and the independence of political function on the other. The fact that the latter includes the right to receive donations either for the party or parliamentary activity blurs distinctions between the legitimate and the sanctionable [P4: 397-404].
- Last but not least, the aim to curtail the dependencies politicians come into as they exercise private professions can prove to be counterproductive. This is the case when the politician or MP, cut off from his previous profession, becomes more dependent on politics [P3: 1009-1014; 1024-1027] – or, worse still, on the will of the party leadership [P2: 654-662]. For example, this might be because the way young politicians are recruited only serves to secure the control of the party over them. The replacement of one dependency with another by these means will not do.

Drawing a tentative conclusion from the aforementioned three forms of exchange relations between politics and economy, the perception of political corruption in the broader sense of the term can be defined as

(2) illegitimate action based on the misuse of knowledge/experience resources pertaining to public administration for private gain.

Taking the second part of this exchange relation, e. g. the economy, as starting point, we also observe a realm of what is perceived of as illegitimate action, although it is either more diffuse than that of private sector politics, or it constitutes an institutionalised sphere (e. g. lobbying) that cannot immediately raise suspicions of feeding corrupt conduct. This - so to speak - asymmetry in regard to corrupt liabilities is of course a consequence of the difference between the interests motivating action: whereas the public perceptions of politics are guided by the notion that the interests motivating political action serve the public, the economy is in a trivial way bound to the realisation of private interests in capitalist societies. What is by no means trivial though are the ways the pursuit of private interests is embedded in or made to fit into the overall framework of advancing the national public good.



Thus looking at how business interests are integrated into public governance helps us pinpoint certain types of action that - in analogy to what obtains regarding illegitimate political action - can prove to be the nourishing grounds for illegitimate conduct. For one thing and prior to any concrete acts involving political actors, the overall conditions enabling exchange relations must be "positive". To this end certain segments of the economy develop strategies to optimise the means of *tending to the political landscape* [P2: 355-358]. To begin with, this means creating a favourable 'climate' in which no direct exercise of influence is aimed at, rather politics is motivated to take a generally favourable stance to potential large-scale projects planned by big business. Motivating such a favourable stance normally takes the form of donations. The fact that all major governing or oppositional parties are (or have been) the recipients of such 'diversified' donations is evidence of the fact that no particular aims need be associated with them initially [P2: 332-335].

Given this systemic *interweavement* of economics and politics that as such is normally not thought of as excessive exercise of influence [P3: 1387-1393] the question arises at what point donating or any other art of manifestation of 'good will' should start to be perceived as illegitimate, let alone illegal.

- An indicator of such illegitimacy – as in the case in Germany – the political landscape is tended to in a one-dimensional manner, e.g. a particular, normally governing political party is disproportionately favoured. This is perceived as a violation of the independence of the political parties or political party competition [P4: 135-143]. The perceptions concerning when donation activities start to become dangerous for political life vary of course from country to country, but also in historical terms. In Germany for instance it was well into the 80s common practice and therefore not considered illegitimate for all major parties to be catered to by businesses [P2: 372-377]. And only when this practice became one sided did awareness increase that certain unwritten laws had been exceeded. This case substantiates among others the claim that corruption perceptions often depend upon and originate in the awareness that one's own position in a competitive game is disadvantaged.
- Another form of interweavement of economy and politics that more often than not fosters corruption is that of lobbyism. The various business associations and lobbies have naturally their own methods of "tending" to the political landscape, the most important of which regarding the issue of illegitimate conduct being public relations and information campaigns. As such, part of the democratic rights of collective articulation of interests the PR events the various lobbies organise are nevertheless often the social space in which economic interests exercise direct influence on political will, e.g. potential legislative action [P4: 729-735]. This exercise of influence takes, among other things, the apparently harmless form of all sorts of presents [P2: 1700-1715]. Now, given the *escalation logic* [P2: 1463-1470] that characterises all such ex-post thank-giving activities, i.e. the recipients at first accepting seemingly innocent invitations only to end up admitting that receiving presents has become a habit, it is not surprising to find here the seeds of illegitimate (or potentially downright criminal) action.
- Except for the recent strange development of ministries sponsored by business associations, one observes nowadays a transfer of know-how analogous to the aforementioned one, albeit the other way around this time, that is ministries hiring experts from the private sector. The ministerial bureaucracy strives to back this curious practice with the argument that it does not dispose of the qualified personnel needed to carry out the task of formulating law drafts that demand a high level of expertise [P3: 871-882]. Under the pretence of objectivity, that is deploying expert knowledge [P3: 909-914], the state apparatus by these means creates a basis of illegitimate intrusion of private interests in the very sphere of law-making processes. For



one can reasonably surmise that certain business interests seep into the apparent objective expertise and the professionalism of formulating law paragraphs.

- Although not directly a component of the interweavement of politics and economy one more aspect of illegitimate action should be mentioned: bribes made abroad. But why are they only (perceived as) illegitimate and not just simply and downright criminal? The reason for this lies in two interdependent facts: For one thing illegitimate conduct can appeal to certain practices in foreign countries that should objectively and without doubt be castigated as corrupt. Nevertheless they represent habitualised regularities that every businessman must take account of if he wants to see his interests realised [P2: 108-115]. Moreover illegitimacy need not be perceived as such at all: after all it is unwarranted to transfer corruption perceptions from one country to another in view of different *penal law cultures* [P4: 440-448].

Thus if one leaves aside the last und most probably overt method of directly influencing legislation and under the perspective of exchange relations in democratic societies it is clear that taking the economy as a starting point

- (3) illegitimate action can (or more poignantly: is bound to) arise since the way private interests insert themselves in the state management of public affairs is not possible without *systematically tending to the political landscape* conducive of corrupt conduct.

Looking now at illegitimate action that is situated in political party life one form exchange relations can take in this domain is that of *party financial management as control over the party apparatus* [P2: 585-586] – financial resources being exchanged for loyalty. This represents a typical case of political corrupt conduct in the sense of distortion of inner party democracy for the sake of maintaining power over the party [P2: 1225-1226; 1249-1252; P3: 375-380]. The latter is of course not per se illegitimate, but the way of canalising financial resources is sometimes deployed to secure a hegemonic position in the party hierarchy surely is. Seen from this perspective the argument that the corruption and violation of inner party democracy should be kept apart [P3: 371-373] is to be sure flawless on formal, judicial grounds – nevertheless it tends to willingly ignore the fact that corrupt conduct is double-sided (1). Besides, the argument loses every credibility once it is clear that the awareness of illegitimate conduct having taken place has raised the sensibility for violations of democratic rules in party life [P3: 399-403].

Power-money-control: This art of exchange relations inside the party organisations is not the only or by far the most important space in which illegitimate conduct occurs. More often than not it revolves around issues of party financing in the context of what the political parties perceive as being permanently underfinanced. One way to illustrate this is to look at the practises of financing electoral campaigns or party conferences. As far as the former is concerned one observes a kind of *financial speculation* [P2: 528-532]: In the expectation that the state will reimburse them a certain percentage of the electoral costs, political parties are at pains to raise that level – speculating on these future inflows spurs the propensity to spend more than an electoral campaign normally demands for [P3: 285-286]. This attitude underlies campaigns modelled on the advertising practices of private business: the stronger the presence in the media landscape [P4: 474-478], the better the product, e.g. the results of the elections. Politics that slavishly follow the dictates of media presence can also be observed in the organisation of party conventions.



Conclusions (regarding prevention)

Granting/receiving advantages, either in the illegitimate forms discussed above, or in the sense of prosecutable criminal action, is rooted in the exchange relations that make up the fabric of societies based on market economy. Therefore and according to (1) there will unavoidably always be spaces of exchanges that cannot be covered by the regulating instruments of law and penal sanction. Nevertheless the fact that there are more or less clear societal perceptions and claims of what can reasonably be considered illegitimate helps sharpen the sensibilities about wrong-doing, thus providing a workable basis for prevention policies in the sense of rendering the illegitimate either illegal or very difficult to be carried on with. Now, if one looks at the exchanges with the economy politicians are willing to become involved in and keeping in mind (2), some suggestions could be made regarding how things considered illegitimate can be avoided and prevention made more effective.

- For one thing politicians switching to private business immediately after quitting or retiring from politics should not be taken for something normal. A possible approach would be to prolong the transition time up to two years [P3: 327-329], although that would probably go against certain human rights.
- The plan to set up an anti corruption register again can be put on the agenda of legislative action [P4: 263-268; 292-299]. Given that certain requirements of data (privacy) protection are met there are no excuses delaying its introduction to parliament.
- There should be a better coordination regarding the prosecution process between politics and the judiciary. Deficiencies in prosecution often result from the unwillingness of the courts to follow the line of and sanction corrupt conduct all the way up to the top, for example of big business, lest the economic damage for the region involved or the country's economy at large proves too high [P2: 230-235].
- Raising the awareness that corruption means damage: once it is certain that the image damage for the company involved is high, this could function as a deterrent [P2: 196-203].
- Transparency: It is the principle par excellence of preventing corrupt conduct. Though under all circumstances, e.g. whether relevant to criminal prosecution or not, required [P2: 602-606], transparency by itself does not mean that it does not need specification. Some of the areas in which it is absolutely necessary to be observed are:
 - Shuffling with jobs and posts in the party apparatus [P2: 592-602]. This is more often than not a sign of favouritism, power machinations, granting advantages and corruption.
 - All those cases in which forms of interlinkages of politics and private interests are perceived to be illegitimate. This also holds true for the communal management of public affairs [P3: 1141-1143].
 - When the ministerial bureaucracy makes use of external experts in formulating legislative proposals [P4: 679-691; 707-711]. It is no surprise then that the suspicion of illegitimate intrusion of private interests in state legislation is more than reasonable.
 - Overspending during elections campaigns.
 - Exposing all additional revenues the MPs draw from other occupations. The exposure does not target primarily the level of income, but rather where it comes from.
 - Donations to MPs.

Last but not least: Since almost all of the cases discussed belong to that space of corrupt conduct that is perceived to be merely illegitimate, not immediately criminal, and therefore exactly the field of habits, perceptions, attitudes and actions prevention is supposed to aim at,



it is worth mentioning that ultimately prevention means and is based on a certain human quality: decency [P2: 1617].

3.2 Target Group Judiciary

Outline

The evaluation of the interviews from the target group *justice* concentrates on those aspects of corrupt conduct that can be considered as its antecedents. Except the temporal dimension the focus on preconditions means essentially pinpointing the fact that corrupt conduct is, in the initial stages and before it can fall under penal jurisdiction, necessarily the result of experienced perception. Regarding the investigation/prosecution authorities this means the process of raising initial suspicion. This in turn takes its bearings from the systematic observation of conspicuous regularities. Therefore the analysis examines at first a) how the process of raising suspicion looks like in the framework of the investigation activities of general attorneys, but also b) what can count as suspicious regularity deserving critical attention. The issue of preconditions refers additionally to those qualifications attorneys and judges must dispose of in order to carry out the job of tracing the (potentially) criminal act back to its antecedents. Thus the analysis continues by giving a profile of such qualifications. On the basis of the notion of preconditions examined under these two aspects it then moves on to show what this all means regarding prevention: raising public awareness and intensifying controlling observation.

Analysis

I. On preconditions

In judicial praxis corruption is deployed as a notion under which offences codified in criminal law are subsumed. Nevertheless, although predicated of determinate issues in fact, corruption is also used in a wider sense, since its meaning *extends beyond the clearly delineated radius of criminal acts*. Thus the objects to which the judicial notion refers to do not coincide with what the semantic of the word circumscribes: in other words the semantics of the term overspill its pragmatic dimension, e.g. its use in the judicial discourse – it “shades off”. Therefore the ‘hard (judicial) core’ of the notion should rather be taken along with its surrounding items, that is all those *gradual stages of action* that lead to the criminal offence: bad behaviour that sooner or later becomes corruption and thus falls under penal jurisdiction [P1: 730-741].

Given this distinction the task of the prosecuting authority, i.e. in this case of the general attorney, is to *correlate the ‘core’ of the judicially graspable with the ‘shadowy’ dimension*, e.g. the margin field (‘grey zone’), filling it up with (prosecution) relevant aspects [P1: 1149]. The one procedure would be

- to make the judicial terminus fit corrupt conduct as a multifaceted phenomenon – tracking down, so to speak, for the (universal) notion the suitable particulars.

Or, the other way round,



- one begins with the particulars, e.g. the factual state – whatever that may be (e. g. initial suspicion) –, and then tries to fit it into the judicial scheme either through ‘overstretching’ its semantic-judicial import or cutting all irrelevant aspects off [P1: 1155-1159].

Even if both investigative approaches ('top-down' and 'bottom-up') fail to deliver the desirable results, it should be of no great concern, since the nature of the task itself, that is delineating the extension of the 'grey zone', lies in the discretionary powers of the investigating general attorney. Besides, it is not something that pertains exclusively to the domain of corrupt conduct, but can also be met in other fields of penal law (for example marriage law, law of contract), in which judicial notions more often than not do not have from clear-cut (that is fully delimited and determined) objects of reference the start. Accordingly it would be not erroneous to claim that the law traditions in continental Europe and England or the USA do not differ that much since both in continental law and Common Law there are cases of initially indeterminate notions that are instantiated in the course of judicial praxis – the particulars of the universal notion (e. g. the possible application cases) are successively established in court practice.

Taking as a point of departure this fact of (the necessity of) approaching corrupt conduct with the means of *reflective judgements* that match the judicial notion with the facts, the question what these latter – always with regard to the 'grey zone', e.g. the still not yet judicially tangible 'antecedents' – can be in the first place. However, because these facts do not just lie out there ready to be picked up, but depend essentially on the prosecutor's perception of what can be relevant or not [P1: 682-684], the question should be reworded: How far does the initial suspicion reach [P1: 400-401]?

- Before everything else this aspect has a procedural significance: No matter how fruitful the initial suspicion may prove to be in (re-)constructing the course of corrupt conduct, it can always be turned down by higher instance courts on the grounds of some human and constitutional rights possibly being violated [P1: 403-404]. This so-to-speak in-built friction between spheres of jurisdiction originates in the character of investigative work based on the necessity of preventively seeking prior causes for possible corruption offences: Because the field of initial suspicion consists mainly of social facts that are not illegal, but all the same give rise to suspicion, the general attorney – for example when he permits domiciliary visits –, operates in some sense contrary to the law by ordaining that nobody is guilty unless convicted, or, in a weaker version, he is prone to disregard certain human rights for the sake of a contra-factual assumption of wrongdoing.
- Besides, the fact that 'useful expenses' are exempted from income tax depraves the investigation authorities of the possibility to find out who their recipients are. Thus although 'useful expenses' are often a label to cover bribes or granting advantages, the legal restraints do not allow for scrutinising what they are made for [P1: 320-234]. They are just considered as unavoidable costs.
- Moreover it is sometimes the case that the interlinkage of private economic and public interests appears in institutional form, thus proving to be a real challenge for the investigation of causes of corrupt conduct. Take for example the research cooperation between industry and universities: It is not unusual to find that the very same professors that conduct research, let us say in the field of chemistry or pharmacy, are also employed or even take leading positions in the relevant firms that finance the research work. Against this background, it is indeed difficult to estimate where the demarcation line between corruption and fund raising lies [P2: 659-667].



- Some other domains, in which suspicion raising certainly does not go far enough and therefore deserve critical attention are:
 - a) Communal politicians that at the same time are members of the board of directors of public utility companies [P2: 755-757];
 - b) (Corrupt) Networks between adjacent work branches consisting of individuals that share common, decisive backgrounds of experience [P2: 695-701].
 - c) A conspicuous selectivity regarding the individuals, or rather their social status, being brought to court [P2: 561-566]. Sometimes doubts arise here whether prosecution works impartially, that is whether some high-standing persons are deliberately let out.
 - d) Politicians switching to managerial functions in private corporations, or just becoming members of the board of directors after quitting politics [P2: 491-492; 822-828].
 - e) The conspicuous influence of lobbyism on politics [P2: 795-800].

Keeping all this and the empirical nature of reflective judgements in mind the scope of initial suspicion cannot be but indeterminate. However, this does not mean that there are not sufficient grounds for initial suspicion:

- For one thing observing *conspicuous regularities* can sustain initial suspicion.
- The fact for example that in many professions young people often do exactly the same job as their parents with the result that the employment criterion seems to follow the hereditary principle in certain segments of the public sector [P1: 768-775; 785-788; 828-832] can be taken as an indicator of favouritism.
- Those cases should also be conspicuous in which after a successful career in a very short time some people in the public (for example communal) administration are disposed to instrumentalise their leading administrative positions in order to exert power [P1: 994-996]. Or the mere fact *how* certain people can climb up to the top so quickly should generally raise suspicion [P1: 1026-1027]. As concerns the former it need not originate exclusively in an individual quest for more power, but results at times from the economic logic of raising efficiency and performance that communal administration is increasingly subjected to. Making the latter fit for economic competition means fostering an art of coercion to comply at all costs with the demands of success-oriented action that is in turn not impervious to resorting to ... ‘deviating’ methods in order to maintain and raise the level of the achieved accomplishments [P1: 606-611].
- The economic coercion to successful performance [P1: 1102-1103] is however not only a source of corruption liabilities in the administrative sector: In addition and in regard to societal stances at large an essential factor seems to be the mentality that fuelled by continuous consumerism stakes that leads to ever increasing demands [P2: 1322-1324]. If the purchasing performance of the individual fails to meet the ever expanding needs of status consumption, the tendency to achieve the desired through ... other channels increase accordingly.
- Besides, vulnerability to corrupt conduct rest not only upon achieving/maintaining certain consumption standards. Accepting invitations to dinner, vacation offers and all sorts of ‘care presents’ – as is the case with doctors being ‘spoiled’ by pharmaceutical companies [P2: 636-644] – are among those conspicuous issues that are worth considering as grounds for initial suspicion.

It goes without saying that the precondition for perceiving conspicuous recurrences as grounds for raising initial suspicion is to keep observation constant, as corruption as a developing process forces investigative prosecution to keep up with the need to permanently



fill the gaps left by current codified jurisdiction [P2: 1180-1185]. Raising suspicion for its part requires the investigating individual to have certain qualifications. The most important of these are:

- *Experience.* Experience in perceiving immediately that the matter under observation can and must be made relevant for opening up a corruption case is a cornerstone in the prosecution procedure in relations between both criminal investigators and general attorneys and between the latter and the judges as well. Just like the case in which a general attorney lacking experience cannot adequately ascertain the import of the initial moments of suspicion that the criminal police investigator delivers him, an inexperienced judge can prove to be an obstacle to following the prosecution suggestions of the general attorney any further [P2: 206-209]. However, the factor of experience does not confine itself to the initial stages of judicial prosecution, for it is even more important during the court procedure. In court the judge with his experience – like a good chess player or a clever boxer [P2: 2335-2339] – must make the best out of the case: trying to reconstruct the course of events and the motivations of the actors involved is an intellectual challenge [P2: 2335-2339]. Moreover, since judges and general attorneys determine how large the scope of investigations shall be, prosecuting economic or corruption offences demands strong characters and personalities [P2: 221-227].
- Apart from experience there is another fact or precondition general attorneys and judges alike must take account of and integrate into the investigation process: As substantiating initial suspicion is *a strenuous, cumbersome activity* sometimes spanning over years, the prosecution authorities/individuals working in the field of economic crime must have the *character strength* [P2: 2346-2347] and *assiduousness* to carry out a job that only becomes apparent in the very last stage, e. g. in court [P2: 231-237]. While there are shorter intervals between investigation and prosecution in common criminal offences, in corruption cases part of the investigation activities, that is low-profile part of fighting corruption, makes up more than ninety percent of the whole process. One consequence of this is of course that the investigating individuals are in a way obliged to stick to the case for an extraordinary long time no matter what this may mean for their careers. Therefore the individuals working on prosecution should have some kind of Protestant work ethic, that is, work for the sake of work[P2: 1832-1834].
- Now, regarding the court performance of judges to the aforementioned qualities must also include the ability to draw up a social-psychological profile of the accused, e.g. his motivations and the social context. Thus he should be informed from the very start that the judges have conscientiously studied the dossiers and therefore there is not much chance for him to mislead the court [P2: 2319-2327]. As trivial as this requirement may appear at first sight, it bears significance beyond the usual dexterities associated with leading a court process.

For one thing it brings to bear and substantiates on the judicial level the efforts of the investigation authorities in determining the causes of the observed conspicuous activities. From this standpoint, it can be regarded as a “live recapitulation” of the ‘reconstruction’ work carried out by criminal officers and attorneys. To do this the judge is essentially assisted by the fact he can carry out a cross-examination that helps provide an overall picture of the course of events [P2: 2356-2366]. Thus he has an advantage over the general attorney who can question only the accused or the witness at a time.

Secondly helps put *formal jurisdiction and situative justice in a proportionate relationship* [P2: 257-259]. The latter becomes all the more important in such cases where for example punishing the management hard for corrupt conduct results in great damage for the whole



company that in turn means that people lose their jobs [P2: 2039-2048]. In addition, a character profile and an overall picture of the working life of the person accused contribute to establishing a balance between law and justice [P2: 2121-2131]. The same approach that observes certain proportions should also apply in the domain in which corrupt conduct has taken place: officials and public servants should be punished the hardest [P2: 1150-1152] – followed by managers [P2: 1063-1069]. In the latter case except the economic damage some individual attitudes (for example audacity) must also be taken into account. On the other hand justice should also avoid giving the impression that top managers can evade being punished the way law foresees [P2: 344-348] because of certain ‘considerations’. In the private sphere sanctions need not be so strict.

II. On prevention

Given the gravity that both investigation and prosecution authorities confer upon the issue of antecedent conditions of corruption, it is self-evident that focus is placed on prevention. Prior to all prosecution efforts it should be considered as fundamental that because corrupt conduct is essentially a confidential relationship [P2: 504-508], prevention boils down to alert *observation* [P2:509-512; 1185]. This means depraving the actors involved of that sense of privacy, in which the public good is substituted for personal interests. This need not necessarily amount to systematic surveillance, although in certain cases the state must take the initiative to make observation mechanisms more effective [P2: 1835-1836]. Observation should be rather considered a wider social issue regarding everyday perceptions: All it essentially calls for is continuous awareness of certain conspicuous matters in the public and economic spheres deserving closer attention so that aspects of corrupt conduct do not go unnoticed. What could aspects of raising such awareness be?

- Because initial suspicion must not be confined to the professional activities of the investigative instances, it is crucial *to sharpen public consciousness of the everyday life roots of corrupt conduct*. Just like the public becomes disgruntled over the misuse of power by certain economic monopolies in the energy sector, it should also be brought to show intolerance through research and information in the face of suspicious conspicuous activities [P2: 516-523]. In this sense no legislation can be effective without public awareness of and intolerance towards corruption inductive practices [P2: 625-626].
- Raising public awareness can of course not be sustained without establishing certain control regularities that ensure that conspicuous events are put under observation. Although it is difficult to determine from the start what *controls* [P1: 1026] could be, as their concrete form varies from case to case, one thing is clear, namely that they contribute to subjecting occurrences to critical scrutiny that are otherwise neglected in the everyday routine.
- Raising public awareness either through *a*) increasing intolerance towards illegitimate (corrupt) conduct, or *b*) regular observation, no matter how necessary, nevertheless may not go deep enough as forms of prevention. This is not surprising given the fact that the motivational setup of corrupt conduct contains much more than the usual explanations focussing on the quest for money or power make us believe. They fall short of giving an account of the *values* underlying such money/power-oriented stances. Therefore any prevention strategy aiming to widen the scope of its effectiveness should include considerations on *moral culture*.
- Crucial to the make up of the latter is the way certain values are transmitted in the educational system. Or one must talk about how traditional educational goals anchored in the humanist value system are presently disregarded in favour of a narrow utilitarian approach that



reduces education to a purely success-oriented, pragmatic attitude towards knowledge [P1: 1076-1078]. The absence of values that transcend the merely instrumental perceptions of what counts as successful action can also be felt in the private sphere as families often fail transmit *exemplary behavioural patterns* [P2: 1453-1461].

- Secondly the prevailing attitudes on economic or social success have a corrosive effect on the moral fabric of culture. *Ethical rules of action are only observed if they comply with or do not decisively go against the logic of economic performance* [P1: 1118-1120]. Raising public awareness on the everyday roots of corrupt behaviour means in this context focussing on the contradictions arising from the double moral standards that individuals are subjected to, when they split up behaviour between observing certain rules obtaining in the sphere of private or public ethic on the one hand, and rule deviating, corrupt conduct the other.

3.3 Target Group Police

Outline

The evaluation of the interviews will be carried out in the following steps: Beginning with a discussion of the complexity of corruption, that is its complex socio-cultural nature going beyond what the penal law sanctions, emphasis is then placed on the importance for the criminal police work of investigations bearing on the ‘environment’ of the ‘case’: the various rationalities underlying corrupt conduct. After drawing attention to the most important of them the analysis focuses on two cornerstones of a structural investigative approach that takes into account the social-ethical aspects of the phenomenon: raising initial suspicion and seeking probable causes. After that the analysis moves on to point out certain requirements police investigators must have in order to meet the challenges in view of how cumbersome investigation procedures in the field of fighting corruption usually are. Personal qualities like passion, tenacity, skills to reconstruct the ‘logic’ on the basis of common sense raise the effectiveness of corruption prevention for they help to a) focus on the ‘incubation phase’ of the case and b) deliver the general attorney plausible accounts of and utilisable material for the case to be prosecuted.

Analysis

Contrary to what the existing anti-corruption law seems to refer to, there is no ‘corruption’ as a technical term designating a determinate offence in the work of criminologists and the police investigation officers. In contrast to the everyday use of the word, everybody having a vague notion of what corruption consists in, the experts in the field of prosecution restrain it to prosecutable offences like bribery, accepting or granting (undue) advantages etc. [P1: 127-134]. However, this does not mean that the criminal prosecution authorities are not aware that the everyday notion of corruption as a *collective term* can be deployed to widen the scope of criminal facts. This is possible in two ways:

- a) Although not a judicial term itself it can help discern probably criminal facts attached to the ‘core’ offences of bribery, etc. [P1: 182-185], and
- b) Despite its vagueness it may substantially contribute to reconstructing the criminal case by drawing attention to activities that usually are necessary or sufficient preconditions of criminal action [P2: 410-416].



Either way the term ‘corruption’ supplements in a certain sense the targeted prosecution of criminal offences for it *broadens the field of investigative attention* to either other sanctionable aspects of the case or the ‘environment’ that substantiates corrupt conduct. The latter in turn has various facets:

1. For one thing ‘environmental’ grounds refer to those capacities and dispositions (cleverness, strategic thinking, the power to assert oneself, etc.) that underlie efficient and success-oriented economic action [P2: 499-501 and 512-515]. Of course such subjective abilities for economic success do not *per se* provide necessary preconditions for the possibility of corrupt conduct. What must be added in order to raise the factor of necessity in the relation between economic action and corruption propensities is a certain *habitus* that adopts the economic logic: the commitment to permanently raising efficiency. The unwavering compliance with the demands of relentlessly optimising performance data seems to deliver a useful criterion for distinguishing petty from large-scale corruption: while the former is situated in (everyday, situative) exchange relations, the latter presupposes behavioural patterns demanded by the entrepreneurial ethics of extended accumulation. Thus for example in large corporations career advancement is almost concomitant with character qualities or professional status in which the internalised imperatives of optimisation combined with a cunning power of self-assertion can initiate rule-violating conduct [P2: 554-571].

Nevertheless it is not always discernible to what extent such subjective motivational factors can be dissociated from the economic imperatives of optimising efficiency und raising performance, if at all [P2: 343-349]. Regarding large-scale corporations it is not unusual to find cases in which the personal identification with the management objectives can function as a legitimate reason for the drift to corrupt conduct, for example when secret accounts are kept for potential briberies of foreign companies or officials. In such cases the subjective motives of acting unlawfully appeal to the long-term economic interests of the corporation, the positive effects on employment foreign investments will have for the company home and the benefits for the country as a whole in global competition – the end justifies the means or *corruption for the sake of...* [P2: 214-222; 389-393; 672-678]. Regarding the ends, the latter need not always appeal to the pressure of meeting performance criteria: it suffices, if it legitimises itself by pointing out the inescapability in order to keep business going [P1: 438-441]. Moreover, in cases of large-scale corruption it is not easy to pin down exactly those moments of the whole process that instantiate sanctionable wrong-doing or show beyond doubt that certain laws were violated [P2: 262-265]. The reason for this lies in the fact that corrupt conduct is part and parcel of the organisational system of doing business [P2: 342-349].

2. The motivational grounds of corrupt conduct need not necessarily be considered inseparable from the economic logic of performance optimisation at all costs. In the field of experience of police investigation work there is another way of seeing the motivation to corruption as being sustained by a certain ‘logic’. This time it is not the internalised demands of the economic ethics of efficiency, rather a self-sustaining process that once set in motion gains increasingly momentum – like an avalanche [P1: 379-393]. What is otherwise regarded as belonging to the sphere of large-scale corruption regains its everyday character, because in this case the motivation is rooted in certain basic behavioural patterns. By the latter is meant that self-sustaining mechanism that can also simply be called *addiction*. Compared to the art of economic causation previously discussed, this way of attributing corrupt conduct to certain traits of human nature [P1: 401-405] has the advantage that it helps explain cases of rule-



trespassing behaviour that cannot be seen as necessitated by the demands of raising economic performance. Seen from this perspective the morals of individual action can de dissociated even from the usual motives of money-making. As certain corruption cases with the involvement of higher ranked managers clearly show that personal enrichment or even simply becoming richer do not play any role in deciding to continue or partake in corrupt action. What in such cases often matters though is the feeling of exercising power [P2: 648-658].

3. Last but not least, to the ‘environment’ of corruption offences include not only the motivations of the individuals involved, but also the *societal perceptions* of to what extent or even whether corruption takes place at all. In northern European countries like Germany corruption was still considered well into the 90s to be something that had to do with the cultural mentalities in southern Europe pertained only of the cultural-political mentalities obtaining for example in south Europe [P1: 57-59]. Although there was an awareness of situative, petty corruption taking place, the dominant mode of perception restrained it to being a problem mainly with foreigners thus ignoring the structural causes of home-grown, large-scale corruption.

Taking all these ‘informal’ or ‘environmental’ factors into account that determines what can and must be criminally prosecuted means for the police anti-corruption work to set up a *structural investigative approach* [P1: 221-230]. This shall take into account to the strategies deployed in fighting organised crime in that it focuses on crime as culture, i.e. rooted in socio-cultural milieus and following certain socio-ethical patterns. Fighting corruption should combine the criminal with the ethical aspects of the phenomenon [P1: 556-558]. Furthermore such an approach can meet the challenge posed by the diagnostics of corrupt conduct as motivationally intertwined with either the economic logic optimising efficiency at all costs or aspects of human behaviour such as creed, insatiability, addiction, and the like. Because more often than not the criminal police concentrate on facts that are as such objects of juridical prosecution the structural approach helps compensate for this so to speak ‘factual positivism’ by tracking down the *processuality* of corrupt conduct.

The process of which the outcome is the concrete offence/crime must of course be reconstructed. Therefore the question around which the structural approach first revolves is to pin down some moments of the (potential) case of corruption that warrant suspicion. Thus *raising initial suspicion* [P1: 219-222] proves to be a cornerstone for both the investigation of the motivational causes of corrupt conduct and the effective prevention as well. At the same time the focus on initial suspicion highlights another aspect of (tackling) corruption that is closely connected with the aforementioned societal perceptions of the phenomenon: Raising initial suspicion means that *the way the actors working in the field of criminal investigation perceive corrupt conduct taking place is instrumental for a potential corruption ‘case’ that is subsequently taken up by the prosecution authorities*. What counts as a suspicious moment depends essentially on the investigating person perceiving some events/actions as necessarily being followed up by criminal offences. Besides, raising public sensibility to perceive suspicious conduct also is among the tasks of the structural approach. Thus the work of the criminal police should be accompanied by a kind of public enlightenment [P1: 460-470], that is continuous publicity work.

The factor of perceiving some facts as suspicious, i.e. susceptible to criminal investigation, proves frequently all the more obvious, particularly when one considers the relations between the criminal police investigation and the judicial prosecution carried out by the general



attorneys. Here more often than not the question revolves around the issue whether the suspicious moments picked out by the investigating officer can be acknowledged by the attorney as *substantial evidence* necessitating the opening of corruption proceedings [P1: 238-244; P2: 147-151]. In this way the perception of some facts as deserving investigation and prosecution is in the view of the police anti-corruption work inextricably connected with an analogous perception of the judicial authority that is accordingly willing to see sufficient evidence in these facts.

The question of how to start from (police investigation) or how substantial the initial suspicion can be from a judicial standpoint can only be answered on a case to case basis. Nevertheless there seems to be a criterion that qualifies certain events as deserving police and judicial attention: *conspicuous regularity* [P1: 322-328]. When for example the rules of an open call for tenders are conspicuously ignored in communal economic management, i.e. certain local contractors are regularly favoured, then such facts can substantiate the initial suspicion – though as such they do not immediately call for penal prosecution. Such cases validate the insight that because corruption is a social phenomenon that transcends codified laws it is up to the investigating individuals to perceptively grasp and detect what ‘stands out’, thus making it relevant for criminal investigation. Since the general attorney often turns down investigation procedures due to *lack of substantial evidence* the sensibility attending to such ‘outstanding’ conspicuous events demands more than just observing the rules of investigation. What is called for and what can have a persuasive impact on the prosecution authorities is to meet the (apparent) lack of evidence through a reasonable account of the probable causes underlying conspicuous matters. For the criminal police work this means reconstructing their rationality on the basis of *common sense knowledge and experience* [P1: 1146-1155].

As the facts of corrupt conduct are saturated with social perceptions and follow various rationalities (for example of economic ethics, or certain behavioural patterns) they can be accounted for by an investigative approach that takes its bearings from common sense experience. This has of course immediate consequences for both the cooperation between the investigation and prosecution authorities and the work of the criminal police itself as well. As regards the former, the tensions that sometimes occur refer to the fact that the initial suspicion either

- a) cannot be backed up by a persuasive account of probable causes or
- b) proves to be a too strong basis for the attorney to call for institutional action.

This need not only appear objectively unavoidable given the lack of evidence, but can have subjective causes in the sense that the attorney himself/herself does not have the experience required to discern a sufficient basis to start with in the proof material supplied by the criminal investigator [P1: 1197-1203]. In this way what holds true for the criminal investigator, should also be valid in the case of the general attorneys: *they must both be able to embed their perceptions of corrupt conduct in the legal framework and, conversely, widen the scope of applicability of the latter in view of the former*.

As concerns the investigative work of the criminal police itself tensions arise at various points. For one thing fighting corruption is the most laborious and cumbersome of all criminal investigations [P1: 1104-1105]. Furthermore, owing to the complexity and long duration of prosecuting economic criminality it is often the case that the relation between input (investigation, judicial prosecution, court proceedings) and output (verdict, sanctions) is so disproportionate that one cannot but think that justice is not always the final result [P2: 135-140]. Moreover, another fact also has certain consequences on the work ethic of the criminal



investigators. In connection with an evaluation system that favours quantitative outcomes thus reminding us of the economic imperatives of raising efficiency, the investigators are increasingly coming under pressure to 'deliver the goods'. Against the background of the cumbersome investigation process this may lead to frustration [P2: 891-897; 912-921].

In view of all this and keeping in mind the necessity of a structural investigative approach the tensions accompanying fighting corruption can be summed up in the need to bring together

- a) what is perceived to be sufficient evidence in the institutional framework of investigation/prosecution procedures, and
- b) the human resources required to stand up to the institutional demands of (detecting and) preventing corruption.

This latter demand follows immediately from the strenuous character of the criminal investigations by the police. Nevertheless, despite all the complexities and the long duration it is clear from a the structural anti-corruption approach that the demand of efficient prevention can be fulfilled only through the specific qualities of the human resources invested in the investigation/prosecution processes. Apart from the aforementioned ability to use common sense experience in order to identify the 'logic' of the case [P1: 811-814; 1566-1570] two of the indispensable qualities investigation officers must have are:

- a) *Commitment*. As the structural approach demands a great amount of time and persistent energy, the individuals involved must be resolutely willing to carry out the laborious task of low profile detection and subsequently reconstruction of the case to be submitted to the general attorney [P1: 1571-1577]. Identifying oneself with the strenuous duties arising from investigations that span over years goes beyond the purely professional commitment. What is additionally called for is
- b) *Passion*. A passionate attitude is necessary not only regarding the creativity needed in order to set together the pieces of the 'puzzle' (structural approach, meticulous reconstruction), but also in view of the fact that in no other field of criminal investigations is there so much denial of wrong-doing. Here the persistence to prove the contrary can only be sustained by passion [P1: 1449].

Conclusion

Detection of probable causes, experience requirements, special skills to reconstruct the 'logic' of the case: All point to and comply with the notion of corruption transcending what is merely codified as a legally sanctionable offence. If corruption encompasses various types of social action and individual motivation, then accounting for it means in regard to police investigation work that the institutional actors owe to strive to translate their common sense experience of suspicious regularities in operationalisable material evidence of wrong-doing, so that this can be a sufficient evidence basis for the prosecution authorities. If one adds to that the tenacity and passion that should be invested in the investigation work, it becomes obvious that what is called for is a certain supplementation of the institutional role playing by skills that bear upon a type of knowledge not directly emerging from the groundwork of the procedures of investigation/prosecution.



3.4 Target Group Media

Outline

The analysis of the interview conducted with a journalist specialising in corruption cases focuses on the way journalistic research is able to shed light on the social roots of corrupt conduct. Tracing the latter back to forms of spontaneous social co-operation helps account for the fact that corruption is a much wider notion than the offences designated in penal law. Journalistic work is best suited to illustrate the difference between the narrow judicial prosecution of (corruption) offences and the broader, moral-political criticism of illegitimate action. It can also pinpoint certain prosecution deficits, and especially the difficulties encountered by journalists in gaining access to information. Last but not least journalist work can be situated between the judicial reconstruction of criminal action and the efforts by lawyers to present a law-conforming course of events.

Analysis

I. Journalism and corruption

Journalism's approach to corruption can be considered multi-layered, because investigating into corruption cases – a laborious task also involving research on and reconstruction of the social milieus and cultures, in which corrupt conduct thrives –, means taking into account different patterns and rationalities of action: social, cultural, economical, police/judicial. However, one fact that obtains across the various aspects and types of action that make up the profile of a case of corruption including prosecution aspects consists of drawing a line between what counts as such according to penal law and a broader notion: in other words the difference between *judicially sanctionable and moral-politically criticisable* action [P1: 120-121]. This divergence can be sometimes a complementary, sometimes a disjunctive relationship, the latter being the case when certain actions may by all means be castigated as corrupt, although this has nothing to do with penal legislation. This of course leaves the possibility aside that penal law can play a role in this case, albeit in the sense that the person (e.g. the journalist) raising the claim of corrupt conduct can be accused of slander. One main reason for the divergence lies in the fact that the notion of corruption is not a technical term in penal law. Furthermore, due to certain shortcomings in penal law the most important of which being the prescription of five years, corruption cases cannot be appropriately examined. As a result, one can only criticise the illegitimacy of the whole affair [P1: 114-119].

Now in one sense ‘corruption’ as a notion will never be incorporated into the penal law terminology, because it is a too general or too *elusive* term to be able to provide a well demarcated field of law application. The other way round, the existing codified offences of active and passive bribery, giving/taking advantages, fraud etc. clear-cut defined as they are, cannot live up to the notion, because corruption involves much more than what they designate. Journalists working in the field know all too well that an “essentialist” reading of the term is sure to reduce the phenomenon to a ‘hard core’ issue of facts susceptible to penal sanction, but tends to ignore or minimise the transitive moments or fluctuating conditions from corrupt conduct results in full-blown form (in a judicial sense). Therefore the question that preoccupies journalist work is where to set a demarcation line between merely



'antecedent' on the one hand and sufficient (from a legal point of view) conditions of corrupt conduct on the other [P1: 105-108].

No matter how this issue is coped with and the demarcation line drawn there is one thing journalist investigation is firmly convinced of: there are some tracks of corruption that *protrude too deeply into the sphere of everyday communicative and co-operative action* for the prosecution authorities to tackle [P1: 200-204]. Even if not everybody subscribed to the belief that corruption should be regarded as a deeply entrenched human phenomenon unavoidably cropping up some time or another in life, the fact that it is rooted in everyday co-operation or exchange activities is indisputably obvious. It is also not easy to deny the observation that as far as concerns the subjective dispositions to corrupt conduct the socialisation of the individual can play a definitive role in terms of virtues and moral standards transmitted to him [P2: 1631-1634; 1650-1653].

Seeing corrupt conduct rooted in ordinary action can mean a 'bottom-up' approach that starts from everyday co-operation and works all the way up to manifest criminal conduct. Such an approach could take the form of a three-layered scheme or pyramid [P1: 64-65] that does not purport to supply necessary, causal conditions of corrupt conduct, but only such conduct without which it can hardly be conceived:

- At the lowest level or the broad basis of the pyramid we find all those forms of situative co-operation, the most common of which being mutual help in the neighbourhood or local communities. This need not occur for any particular purpose. It suffices that a certain atmosphere of solidarity among the people exists. Nor for that matter should the fact that the person who has helped receiving an invitation, let us say for a drink, be considered as a token of gratitude akin to ... bribery for further private 'services'.
- The story normally ends there, although sometimes it occurs that on the basis of mutual acquaintance or even friendship to be of help acquires a new quality. This is the case when
 - a) The need for assistance becomes regular or assumes dimensions that go far beyond just wanting to be helped out and
 - b) The person in need of help is aware that signs of gratitude must be raised to a 'new level'. This new art of dependency, but also the knowledge that things are going to "taken care of" through the use of certain tokens of gratitude turn the initial ad hoc assistance into *habitualised co-operation or network* [P1:102].
- The network puts the situative co-operation of the first two levels on a stable basis. It must also be regarded as a necessary (not sufficient!) precondition for the emergence of corruption. The latter differentiation must be made because the network represents a basic form of social interdependence or reciprocity and for this reason is not immediately conducive of corrupt conduct. The crux of the difficulty of tracing corruption back to determinate causes lies right here: Such a form of reciprocity can or often leads to, but is not necessarily the cause of corrupt conduct. Therefore the difference between judicially sanctionable and morally and politically criticisable action will ineradicably remain.

This in turn means that transforming the latter into the former will always be a difficult process especially for judicial prosecution. For one thing, when attempting to reconstruct the case the judge may well discern the moments of wrong-doing clearly, but this does not automatically imply that he is able to make this wrong-doing fit into the penal scheme [P1: 302-306]. This accounts also for the fact, that although sometimes there is broad public discontent about what is perceived as obvious corruption, justice is extremely slow in coming



up with an effective prosecution [P1: 327-332]. In addition, the prosecutor is confronted with yet another difficulty: While he must take pains to judicially sustain the claim of illegal action, there are very competent lawyers that are often surprisingly successful in proving the contrary, because they reconstruct the case not only in such a way that there seems to be no ... case at all, but they also stave off any claims of their clients' involvement in any criminal action [P1: 299-308]. The latter naturally has grave consequences for journalistic investigations, because journalists are thus deterred from uttering anything that could raise the impression that corrupt conduct has evidentially taken place [P1: 313-314].

Thus the elusiveness of corrupt creates a field of indeterminacy, in which the efforts of the prosecuting authorities *to construct the illegality of action* collides with the strategies of the defence *to present an account of the matter at all in conformity with existing legal regulations* [P1: 265-269]. For example, as regards bribery it proves possible every now and again for the defence to downplay the event, presenting it as a kind of personal assistance. Worse still, the defence can even exert influence on the prosecution authorities (judges and general attorneys) not to give the journalists any information concerning the case, lest the rights of their clients be violated [P1: 376-381]. Against this background all the journalists investigating corruption cases can hope for there to still be general attorneys who do not let themselves be intimidated by lawyers [P1: 407-409], thus supporting the right of the press to have access to relevant information [P1: 376-381; 421-426].

But it is not only the aggressive stance of expert lawyers in the field of corruption that works against prosecution thus obstructing the efforts to achieve transparency. There are home-grown deficits in the judicial prosecution itself as well that prove to be an obstacle to effectively sanctioning corruption .

- The prosecuting instances being overloaded the time to unfold/reconstruct such complex cases as those of corruption is lacking [P1: 145-146; 569-573].
- Additionally, sometimes whole departments dealing with corruption prosecution are closed down [455-459] the result being that other instances bestowed with such duties raise an accusation, but are not able to bring the case to court quickly. This is of course a splendid opportunity for the lawyers to mount a counter offensive claiming that their clients are unlawfully being accused and human rights violated [P1: 464-470].
- The court indictments fall sometimes short of what is widely perceived as justified punishment [P1: 1160-1164]. To be sure some are convicted to prison, but more often than not and contrary to the expectations the sanctions are mild. Furthermore, since the verdicts are often issued many years after the criminal offence, they fail to have the hoped effect of deterrence [P1: 480-482].
- As a result of the first two points the court procedures take much too much time, sometimes with the outcome that the case is closed according to certain paragraphs of the penal code [P1: 1351-1355]. This is of crucial importance since corruption is among those criminal offences that must be quickly handled, if there is to be any effective sanctioning at all [P1: 471-484].

II. On fighting corruption

Due to the investigative capacity to trace corrupt conduct down to its social aspects, or conversely to follow the course of co-operative action from the 'bottom' up till it manifests criminal dimensions, journalistic work is essential in fighting corruption. However, access to



required information is not always easy, especially since expert lawyers deploy legal means to block off further investigations concerning their clients, but also to deter the prosecution authorities from co-operating with the press by supplying it with information. Therefore one thing that journalists working in the field of investigating corruption cases hope for is that

- General attorneys will not let themselves be intimidated and will hold the communication channels to the press upright.

Although not directly connected to the work of journalist research there are also some prosecution shortcomings that *need be removed*, to make sanctioning corrupt conduct more effective. They include:

- a) The long time it takes to bring a case to court,
- b) Convictions not being hard enough,
- c) Overburdened prosecution personal, and
- d) Prescription times not being conform with the fact that corruption cases demand long processing times.

3.5 Target Group Civil Society

Outline

The analysis of the interviews with officials of TI focuses on two dimensions of the organisation. At first attention is paid to the embeddedness of the anti-corruption organisation in the civil society movement of the last two decades. The contribution of TI rests not only upon its success in setting corruption on the agenda of governmental policies, but also in creating an economic space, in which various institutional actors are involved. In this way TI has triggered a development that spans far beyond the commitments of civil society action. The second dimension analysed refers to the way TI implemented its ‘bottom-up’ approach, that is, to help the people directly become involved in fighting corruption, by creating the *Advocacy and Legal Advice Centres* (ALACs) as a missing link between institutional, legislative action and everyday perceptions of corruption. Particular emphasis is put on the role the ALACs have so far played in anchoring the issue of fighting corruption in society, but also on organisational aspects of their relation to TI, and questions of further developing co-operation as well.

Analysis

I. On Civil Society and Transparency International

Like all social circumstances corruption cannot be dissociated from or rather coincides with what in the society is taken to be as such, that is, it is essentially constituted as a social fact by being perceived as something to account with or react upon. Thus it comes as no surprise that *creating* (innovating, “inventing”) that social-perceptual field in which corruption must necessarily be regarded as something that must be dealt with was the innovative move of the grounding circle of Transparency International as it succeeded in making corruption an issue of public concern [P1: 209-213].



However, ‘inventing’ corruption does not imply free-floating construction. Not matter how innovative the idea may be under certain circumstances, ‘corruption’ will not be raised as an issue needing urgently be tackled in terms of broad social awareness unless it is perceived as somehow dysfunctional or particularly disrupting in times of socio-political transformation [P1: 681-688]. This in turn is most likely to be the case, when the stability of the social whole is disturbed – or on the contrary, where society is perceived as stable, – as for example in Sweden – corruption, though existing, will not be thought of as ‘that bad’, since everything else is in place and works. The former socialist countries could be considered as stable and thus in a paradoxical way somehow impervious to the criticism of corruption (as necessarily being something evil) because in the stifling rigidity of bureaucratic all-round control – the whole itself being highly corrupt [P1: 441-445] –corrupt ‘deviation’ was the only way for the citizens to get through, survive, or even to turn the tables around on the system [P1: 546-552]. Instability is of course an insignium par excellence of transition societies, in which the course of modernisation is bound to be accompanied by a mismatch between society and power [P1: 660-667]. Accordingly, the perception of corruption taking place *and* being dysfunctional will not arise by itself, but only in the context of a broader public awareness of structural frictions, deeply affecting socio-political problems [P1: 698-700] and the necessity of radical reforms [P1: 429-432]. The sifting power constellations characteristic of societies engulfed in the socio-economic upheavals of the transition period however need not be the only cause of the increased and broader awareness of corruption. Accompanying the ongoing globalisation process and the concomitant restructuring of the international institutional regulatory framework there is obviously a *control deficit* to the extent that the institutions steering and monitoring global interdependencies are still on the making thus leaving gaps to be filled by a kind of emerging global sovereignty. Due to this control and sovereignty deficit the present global transition period has except for widening the field of transnational action also facilitated corruption [P1: 361-364].

Coming now to the trajectory of Transparency International, it goes without saying that setting up the idea of corruption as being a state of affairs needed be coped with by society at large was only the initial stage of bringing and establishing the issue in the realm of public affairs. Societal significance could be attained only to the extent that the corruption discourse could be made that issue upon and in terms of which a determinate social stance could be articulated. Hence the need not only

- a) to provide for the prerequisites of the anti-corruption stance being anchored in an articulate social group action (“movement”),
but also subsequently of
- b) making the movement be heard, that is, through the exercise of social influence bring about wider public awareness and institutional change, and
- c) Controlling institutional implementation through a monitoring process that tests whether changes are substantial and standards are met [P1: 213-219].

Socially situated stances like this one bearing upon and carried by an articulate group action are of course part and parcel of civil society: private group action for public good. Raising sensibility for and helping establish mechanisms against corruption or any other issue perceived as a socially relevant field of action originates in that sphere that in contrast to the institutional complex of public-state governance is called private. However, as regards both the mobilisation radius and the institutional change this private initiative can effect it can also be seen as component of the process of advancing the public good or extending democratic participation. Contrary to the wide-spread notion of investing them with powers that they cannot dispose of, it can by no means be supported – as some activists usually do falling into



a short of civil society fundamentalism [P1: 120] – that the organisations of civil society are somehow empowered by an unified entity-body called “civil society” to come to negotiations with the central state power [P1: 163-169]. In this sense it is important to distinguish two layers of enacting democratic procedures: representative and participative democracy [P1: 170-177]. Whereas the former mediates the articulation of private interests by means of party politics, the latter lends itself organisation forms of direct interest articulation.

This in turn should not be taken that unmediated, because the “sparkling” idea? (innovation [P1: 205]) originates in a private initiative, although the way it is widely taken up, that is, how it comes about being perceived as a sound/legitimate reason of a broader social engagement and worth fighting for, is not that straightforward. In a certain sense it resembles the way an innovative product idea strikes roots in a market place [P1: 176-177] or an intellectual market place [P1: 129-130]. Under this light civil society organisations like Transparency International should not at all be thought of as organs of representation: As the market-place metaphor suggests the legitimacy does not consist of articulating ‘pre-existing’ interests, but *succeeding* in establishing the issue they stand for as a social state of affairs deserving public attention, organised action and institutional policy making. Since they do not represent any clear-cut segment of the societal whole, let alone being elected from anybody, the only way of supplying the warrant of the claim to pursue a valid issue is public resonance, effective dissemination, inducing institutional action. Thus legitimacy boils down to success and this in turn is like in business [P1: 140-145; 181].

This of course goes against the grain of what civil society organisations usually believe their engagement is up to. Nevertheless, considered the other way round – that is, taking as starting point not the supposedly good-minded notion that the ‘good cause’ will prevail solely on account of its civil society origins, but merely the fact of civil society organisations having the freedom to raise up issues that may prove to be of wide societal significance –, it helps bring in a more pragmatic attitude. As a rule in the life of competitive markets goes, civil society organisations should always bear in mind: cherish or perish [P1: 180]. It is the market of public perceptions, opinions and attitudes that in the last instance decides on the validity of any innovative idea.

Things being that way Transparency International and other NGOs are confronted not so much with a legitimisation – this having been decided upon and secured by public acceptance –, but rather an accountability deficit [P1: 376]: Being neither elected nor private companies it seems at first sight that NGOs are accountable to nobody else but themselves. This in turn casts their work and especially that of Transparency International in a peculiar light: Since legitimacy based solely on success does obviously not suffice to satisfy the requirement of accountability organised civil society engagement must be grounded on *transparency* as legitimisation source [P1: 374-382]. Because it does not represent any prior existing interests, action in terms of civil society organisation is a self-sustaining process that needs draw legitimisation from its own resources thus becoming self-reflective: Standing for transparency means in the first place transparent self-organisation, financing and work.

This self-reflection [P1: 489-490] as indispensable component of, or even legitimisation ground for independent civil society engagement is all the more important in the face of certain side-effects establishing the anti-corruption agenda (among other issues) as major social concern has brought about.



- For one thing there is the phenomenon of the *anti-corruption industry* [P1: 492-493; 504-508]. Having successfully pushed through the issue of corruption and transparency as social values pertaining to the very substance of how attending to the public good should be practised Transparency International finds itself confronted with a number of organisations that to be sure share the same aim, albeit in the form of profit business, consulting companies, projects sponsored by international organisations (for example World Bank) etc. – in short an almost hundred and fifty million US Dollar annual anti-corruption market [P1: 504-505]. Paradoxically, the success of Transparency International, based as it were on a business-like notion, has caused the rise of a sort of market economy where transparency seems to function like business as usual and which of course TI cannot want to get into, lest it disavows its character as civil society organisation.
- In addition, another rather negative side-effect of the success of the anti-corruption agenda consists of its being instrumentalised by all sorts of political populism: *riding the anti-corruption ticket* has become a steady factor in politics for example in Eastern Central Europe [P1: 524-530].
- Establishing the social relevance of issues raised by civil society organisations meant from the start inducing institutional change. Now, putting transparency and anti-corruption (and other civil society issues as well) on the agenda of good governance and rule-conforming economic behaviour has indeed caused institutional action, albeit in the form of a *counter-revolution* from above [P1: 226-236]: As a response to the revolutionary impetus of the rise and spread of ‘grass-roots’ organisation forms in the transition societies of East Europe in the eighties and nineties the state in Europe and the USA has introduced a new framework of rules and regulations in which civil society organisations can operate. This of course restrains in a way their freedom of action, since their major competitive advantages consists in the ability to act swiftly and not to be bound by rules [P1: 152-154].
- With the break-down of the bipolar block confrontation of the post-war international order and the rapid increase of interdependencies (‘globalisation’) civil society and NG Organisations have gained new freedoms and expanded the radius of transnational agitation work and action. However, on the same grounds of international, intercontinental operation there have also developed new possibilities for organised crime, illicit trade and international terrorism. Paradoxically (and ironically), as regards some criteria of independent civil society engagement, e. g. ‘grass-root’ activism, non-governmental action, innovative ideas to promote, such networks such as the terrorist Al-Qaida do not seem to differ all that much from the mainstream of NGO action [P1: 241-244].

II. TI and ALACs (Advocacy and Legal Advice Centres)

The initial impulse for setting up the ALACs was based on the awareness that, since corruption has become an issue needed to be accounted for in governmental policies, there was a *link missing to connect preventive policies and implementation* [P2: 308-315]. In addition, as initially TI and other organisations working against corruption were rather expert fields, civil society came to be seen as an indispensable factor in order to make intervention sustainable, because it did not only help anchoring corruption prevention policies. Furthermore, the ALACs as form of organised societal intervention and, simultaneously, a result of the ‘bottom-up’ approach of TI, have indeed proved to be a source of information and knowledge about what every preventive policy must be aware of and able to deal with: *how corruption works in practice* [P2: 353-357; 341-345]. Not the least of the merits that commitment in the work of an ALAC involves is the work with individuals which in turn



fosters the understanding of how canny for example officials frequently behave when devising schemes and plans in order to bypass existing legislation and get bribes [P2: 297-300]. This is obviously even more true with people being confronted with and tormented by corruption on a daily basis [P2: 72-75].

Of course, people turn to the Centres for help (e.g. using the hotlines, seeking advisory and legal assistance, etc.) but this is only the one side of reacting to the fact that corruption is being rooted in everyday life. Even more important though regarding the need to deepen the understanding of corruption by using concrete action, is the effort to evaluate incoming information by transforming it into action motivating knowledge, that is, know-how as a prerequisite of and reason for structural change [P2: 394-401]. However, the ALACs are not only a focus point in the sense of providing an institution in order to perceive how corrupt conduct is experienced in everyday life. Through the composition of their organisation they also *reflect* certain cultural characteristics of the countries in which they operate [P2: 639-640] – for example, the Rumanian ALAC with its rules-based, systematic work seems to reflect some bureaucratic mentalities in the country.

The reflection of social-cultural realities applies to the national chapters of TI in general, as well as the wide range of motivations, backing up the commitment to work on the fight against corruption that attest to the manifold nature of the phenomenon. Whereas for some people anti-corruption is an essential part of social activism, others consider it to be a necessary step to clear up the economic field of disturbing influences thus creating new opportunities for economic action. If one additionally takes into account all the academics, ex-politicians, professional managers, etc. involved in the work of the national chapters of TI, then it is easy to observe the variety of social backgrounds and reasons motivating anti-corruption commitment [P2: 883-890].

This diversity may as well be linked to the fact that the relation between ‘centre’ and ‘periphery’, that is, TI being located in Berlin and the national chapters or for the ALACs is in contrast to such NGOs as Green Peace not one of centralised leadership [P2: 744-745], because the latter enjoy great autonomy which they are unsurprisingly at pains to safeguard [P2: 219-221]. This of course sparks off a number of issues concerning the degree of effective co-operation:

- First of all there is the need to *standardise* the way incoming information has to be processed in order to yield a uniform basis of data collection (e.g. ‘generic database’) with all issues passing through a central instance [P2: 253-255]. Although in some cases there do exist contractual relations between the ‘Centre’ and the national ALACs, thus forcing them to comply with certain technical requirements, in others there are no such contractual bonds. In those cases the only thing the ‘Centre’ can do is to try to persuade the ALACs in question to adopt the database system thus functioning as a service provider [P2: 723-731]. Additionally, TI still does not have the financial resources to run such a database system that requires a number of full-time employees to do that.
- The fact that *decentralisation and centralised monitoring* inevitably leads to frictions concerning effective co-operation. Since a central management on a daily basis is neither possible nor desired, TI confines itself to the task of making sure that the ALACs, which of course must already use the appropriate staff, have the infrastructure needed (e.g. hotlines, advertisement, financial reporting, and pragmatic reporting) [P2: 632-634]. For this reason, professionalisation need not contradict the missionary spirit of social activism, as especially



around financial management there can be only one rule to keep in mind: keep the quality standards (transparency!) high [P2: 848-855; 830-834]. That is the reason why TI can combine the idealism of fighting for the right principle with a technocratic attitude towards the organisation of this fight [P2: 1184-1191].

- Along with the issue, that over the years, every organisation develops bureaucratic traits, arises the question to what extent TI plays an essential role, meaning enforcing a uniform policy to be followed by all ALACs/national chapters. Based on experience and far from imposing stream-lined rules and objectives, it was the national chapters themselves that called for the ‘Centre’ to apply monitoring procedures in order to *keep quality standards* [P2: 733-741]. Furthermore, in some cases the initiative to set agendas came from ‘below’, as some chapters took over the leadership on certain issues, for example, environmental corruption [P2: 750-757]. Additionally, another quite important reason for TI to assume a different, more active and civil society based character over the years has been, except participating in the meeting of the world social forum, the way the ALACs have propagated the cause of transparency.

Addressing the question of how effective the work of the ALACs has been so far, there are, apart from the actual advisory and legal help provided, possibly two controversial views. First of all, effectiveness can be assessed in relation to whether the work of the centres contributes to *structural changes* in terms of initiating reforms in penal legislation. This means that the amount of incoming information delivered by citizens that contact the centres, when statistically processed by TI, can be transformed into target knowledge about the respective penal laws that need to be changed. Thus individual cases, when appropriately bundled so that they are subsumable in the form of definite law paragraphs, can bring about penal reforms as, for example, it was the case in Rumania and Bosnia [P2: 408-417]. Of course no one can expect every individual case to be resolved. One reason for this is that the innovative work of the centres cannot automatically lead to institutional change – least of all this can be implemented in most of the countries where ALACs operate, namely countries in which the state has never been challenged by citizens in such a way [P2: 483-487].

In view of this, any percentage of cases however small it may be at first, that is registered by the police or judicial authorities can be considered a success. Additionally, the transformation of individual cases into *statistically quantitative phenomena* helps to make them observable in the first place, or even better, social facts of some relevance that can trigger institutional action. This is all the more important considering that more often than not governments react or act upon corrupt conduct only once they begin to perceive it as phenomenon having *systematic causes* [P2: 492-494]. If this does not happen, the government may take care of the complaints of the ALAC or the individual himself, ‘putting things right’, but this remains an individual case without any other consequences [P2: 504-506]. *Secondly*, but compared with the aforementioned of less importance, another way to assess the effectiveness is to look at how many people have been convicted based on the information delivered by the ALACs. This is of course extremely difficult to prove, as it is generally to trace back, or even better, to see prosecution being affected by any individual case of corrupt conduct ‘dropped in’ the pool of information of the ALAC in question [P2: 472-475].



III. TI, ALACs, fighting corruption

From early on it has been the dominant belief of those who set the stage for the anti-corruption agenda that trying to confront the phenomenon head-on would not give any results, at least not in the long run. It should rather be seen as part of a reform process, which dimensions should be both institutional transformation and a change of socio-cultural mentalities. Now, over the last ten years at least, a considerable institutional shift towards addressing corruption as a structural problem has undoubtedly taken place. If one adds the phenomenon of an expanding anti-corruption industry, then it is clear that fighting corruption on this level does not show the deficits deplored a few years ago.

An issue of great urgency, however, remains the approach to the second dimension of fighting corruption as part of an on-going reform, that is, the effort to implement it in socio-cultural attitudes, which boils down to committing people to it: In other words, to ensure that things *are grounded in people's perceptions* [P2: 1019-1026]. The setup of the ALACs TI has been an important step towards raising the chances of such a commitment, while at the same time facilitating the wider and more active commitment of the population. Therefore, strengthening them must be seen as an indispensable move towards the rise of sensibilities and the participation of citizens. This in turn implies the following:

- First of all, since the TI struggles for its own economic sustainability, further funding should be ensured;
- As the missing link between institutional reforms and changes of everyday attitudes, the system of ALACs should be consolidated and expanded in other countries;
- As far as the cooperation between TI and ALACs is concerned and in view of decentralisation, the demand for the systematisation of the evaluation of incoming information should be met;
- Furthermore, the centralised database for the collection of statistics should be used more frequently;
- This is all the more important in the face of the fact that centralised data processing leads to targeted knowledge and this in turn leads to concrete intervention steps regarding changes in the penal law.

3.6 Target Group Economy

Introductory remarks

The research group has met numerous difficulties in securing interview partners from the target group *economy (including trade unions)*. Evaluating the documents of the first research phase the group was led to an assumption that now in the second phase has proved to be well-founded: The disinterestedness and secrecy relating to talking about corruption are nowhere more acute than in the sphere of economy, industry and trade unions. Even leading figures in the economic life of Germany that otherwise make all sorts of statements to the economic policies of the government and the course of economic developments in general were not prepared to give an interview. Although the group stated right from the start that it was interested in how leading managers think of their responsibilities regarding transparent



economic activities, the persons asked for an interview apparently did not want to make any statements on the issue.

For this reason the research group decided to focus on a specific case of corrupt contact that is one that is scarcely present in the corruption research or the public awareness. It involves economic actors (i.e. private businessmen), albeit not as perpetrators of corruption, but its victims. This is the case when they fall prey to the abuse of power in the public sector – most notably in tax offices. The individual case in question can be reconstructed in such way as to show that abuse of power by civil servants does not represent an exception in the management of public services, but has structural reasons. Some of them can be located in the recent reforms in the public sector that purport to transform public offices into enterprises that function according to the rules of private business and the public into “customers”. Accordingly, civil servants are supposed to act in such a manner as to develop performance through increasing the revenues received for the delivery of services. Thus some public offices have begun to function like public-private partnerships managing their financial resources in the business-like manner of the private sector.

Outline of the interview

The evaluation of the interview of the target group economy does not deal with corruption as the term is normally used. To the extent that from the interview a corruption case can be reconstructed, it relates to those aspects of the relation between public offices and private business in which a certain kind of abuse of power can be observed. This abuse of invested power, however, does not primarily aim at gaining financial benefits, but must be seen as a kind of harassment of private business. The way various public offices work, that is, the efficiency and performance criteria they observe, is sometimes extremely inimical to private economic activity.

Analysis

Corrupt conduct need not necessarily take the form of misuse of power or abuse of public offices for private benefits. Although misuse of power normally functions as a means to attain a monetary goal, it can sometimes happen that power itself can lead to corruption, when it is exercised for its own sake. In such cases as the one under examination, the corrupt conduct of *civil servants* does not aim at gaining financial advantages, but rather results from an excessive use of prerogatives of power that public office confers upon them [P1: 311-313]. Regarding the relation between state institutions and private business this entails that in a certain way a reversal of the terms obtaining in the usual corruption scheme: Instead of deploying bribes to influence institutional decisions in favour of economic interests, businessmen are on the contrary subjected to a kind of coercion by different bodies in the public services.

Considering the possible factors determining this abuse of power that willingly functions detrimental to the economic interests of private business it is obvious that one of the main causes are overregulation and red tape. Especially in connection with the application and enforcement of tax legislation by the administration, private business is often confronted with a situation that can be characterized as systematic *harassment* [P1: 1363]. Given the



bureaucratic mechanisms private businessmen as tax payers always have to cope and struggle with, it is not an exaggeration to claim that the institutional incorporated obstacles represent a kind of corruption [P1: ibid]. This of course does not outright involve intentions of private enrichment, but is rather perceived as an arbitrary exercise of power that can be equated with corruption [P1: 1054].

To perceive overregulation as a form of *corrupt harassment* of private economic interests nevertheless does not mean that the motives of public servants rest solely upon discharging of official duties that often have a stifling effect on economic activity. Although in the order of causation, bureaucratic rule-following may be the prime factor that puts unjustified restraints on private business, some other factors need to be taken into consideration, too. First of all, it is generally true that public servants working in tax and revenue offices are more inclined towards corrupt conduct the less satisfied they are with their pay levels or with the chances of career development and financial incentive schemes. Given this fact that what on the one hand private business perceives as undue and excessive exercise of control and power, is on the other hand considered to be rule-conform action that enhances the performance of public servants thus entitling them to financial gratifications or promotion. This is all the more true in the case of public procurement offices where the pattern of cutting down expenses functions as performance value indicating the degree of entitlement to promotion [P1: 938-940]. Reducing expenses by all means , or in the case of tax offices, increasing the amount of taxes to be paid, can sometimes go as far as to violate existing obligations and directly damage private businesses [P1: 1086].

There is still another aspect that has to be kept in mind if one wants to give full account of the ways public offices are often perceived, namely as abusing invested powers and acting systematically against private business. This aspect is closely connected to the gratification and promotion scheme that is nowadays exercised in various public offices and functions as a basis for evaluation not only of individual, but of collective performance as well. The methods of estimating the latter are increasingly being made to approximate the economic pattern that governs private business, that is, to calculate efficiency according to extent running costs are kept low or certain goals regarding the amount of taxes to be collected are met. This way various public offices are run according to the principle of cost management [P1: 1076-1077; 1081-1083].

However, making public offices work on the basis of maximizing operational efficiency in terms of cost reduction is not the only way how the state can negatively affect private business. Looking more closely to what can be characterized as corrupt conduct, abuse of invested power also occurs in cases where private business is being overtaxed [P1: 957-959]. Although not a typical case, excessive taxation of private business may be called a kind of corrupt conduct in which the offices of tax and revenue aim at maximizing financial input.



SIXTH FRAMEWORK PROGRAMME OF THE EUROPEAN COMMISSION



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

Project no.: 028442

Instrument: SPECIFIC TARGETED RESEARCH PROJECT

Thematic Priority: PRIORITY 7, FP6-2004-CITIZENS-5

RESEARCH REPORT GREECE:

**Perceptions of Corruption in Greece
A Content Analysis of Interviews from Politics, Judiciary, Police, Media,
Civil Society and Economy**

Period covered: from November 2006 to October 2007

Date of preparation: October 2007

Start date of project: 1st January 2006

Duration: January 2006-December 2008

Project co-ordinator name: Professor Dr. Effi Lambropoulou

Project co-ordinator organisation name: Panteion University (PU)
Revision (draft 1)



1. Introduction

In the first phase we had to analyse either texts referring to corruption and ‘scandals’ or texts referring to the case studies (e.g. parliamentary proceedings, prosecutors’ findings, newspaper articles). In the second phase we had to analyse the discourse of the target groups been interviewed, in order to synthesise their views about the forms and the extent of corruption in modern Greece. Therefore, the comparison of the TG’s discourse between the first and the second phase was not always possible.

The main findings of the Greek research were briefly the following:

The word corruption was used very often in the texts, apart from judicial ones, as to be expected, adhered to legalese. Corruption was referred to as a *social illness* and occasionally as a *social phenomenon* and *by-product* of modern societies. Nevertheless, several texts shared a strong critical view of representatives of the state. This was more intense in the media, which promoted themselves as defenders of the public and guardians of public ethics. It also implies the increasing power of the Media in Greek society. However, it seemed that politicians were not affected by media’s criticism and considered themselves as the main group responsible and suitable for corruption control and treating of transparency in the social system.

According to the texts, Public Administration has received the strongest criticism, as being the basic impediment to transparency and therefore the development of the country. On the contrary, private economy was presented as the main ‘victim’ of corruption in Greece.

The remaining groups shared a clear view of corruption. Justice promoted more legislation, the Police more control, Politicians want legislation, control and inspection mechanisms, while the Media whatever, as the case may be, and finally the NGO’s try to fit somewhere into the field. In general, the various target groups regarded the issue according to their requirements, roles and interests.

The word corruption is also used in political parties’ electoral programs in a dramatic and exaggerated way or a less emotive and more communicative. Only in one of these programmes the emphasis was put on interaction of private sector and parties’ financing.

The overall conclusion was that according to the texts analysed, the official perceptions of corruption in Greece are not considerably different from the corresponding reports of international organisations.

During the second research period we carried out interviews with representatives from all six target groups. This phase was more demanding, since we have to share the views of our interviewees in order to interact in a successful discussion. The process of analysis and data generation were on technical terms the same with the first phase, yet, in the second analysis was much more challenging because of the rich material.

Firstly, we made a draft index with the ‘candidate’ interviewees, this was our primary sample; afterwards we started our contacts. In the meantime we prepared a formal cover letter for the interviewees, as well as a draft questionnaire with the main discussion points. Finally, we started the interviews, revising our contacts’ index from time to time.



2. Data Generation for the Analysis

2.1. Data Sources and Research Material

In Bucharest Project Meeting (February 2007), we presented two interviews carried out and analysed up to that time. These two interviews (ex-member of Transparency International Hellas Board [TG NGOs]²⁹ and a columnist of an Athenian newspaper [TG MEDIA]), were a good crash-test that helped us to revise and improve our questionnaire. Moreover, the given guidelines in Bucharest workshop proved to be very helpful to us.

The selection criteria for the interviewees were their position, their familiarity to the project's topic, their accessibility and the likelihood of a positive response. Personal acquaintance with some candidate interviewees was very helpful for the initial contact and their acceptance to be involved in the interview process. In all other cases, we found e-mail addresses or telephone numbers in order to contact them. Depending on their reaction – positive, negative or non response – we formed sub-samples for each Target Group. On the whole, negative response or no response was often and affected the progress of the second phase in a large scale. Many candidates were very reluctant to give us from their time or to talk about 'corruption'; additionally, they wanted to be sure about their anonymity and the goals of the research. To overcome this problem we had formulated a *cover letter*, as mentioned above, containing general information about the project and a draft *questionnaire* adjusted to each TG (and the interviewee) and corresponding to the guidelines at Bucharest's meeting (see details below).

After Konstanz meeting, we started the *main interview process*. The time until having a definite answer – positive or negative – was stressful and long. The willingness and interest of the target groups in giving an interview, with some exceptions, didn't increase even after the questionnaire and the cover letter which we sent to them. Sometimes a member of the group could spend a lot of time trying to reach a 'candidate' interviewee through phone calls, because if we were only sending an e-mail we may never get an answer. Some other times, we could not speak personally to the 'candidate' and we had to introduce ourselves and the project to many people before we could contact our reference person.

We faced serious difficulties establishing contacts, primarily with the target groups Justice, followed by Politics and Police for different reasons. Generally speaking, Justice is reluctant in giving any interview and participating in any research discussion, while politicians, especially the representatives of the government party are strongly protected by a firewall in contacting them.

Specifically, it was impossible to arrange an interview with two Union members of Justice despite our continuous efforts and to take an interview by the Prosecutors whose findings were analysed in the first phase of the project. Adding to the summer holidays and the pre-election period, several changes had to be carried out in the meeting schedule.

Our initial sample rose to 39 'candidate' interviewees. After our intensive efforts, we finally succeeded to arrange 24 interviews from 27 persons in total. Four persons participated in two interviews, two in each, and two interviews were carried out for one target group, in which participated three persons (2/1).

²⁹ TG: Target Group



• TG POLITICS

We intended to take interviews from all political parties, especially the two biggest ones – New Democracy (ND) and PASOK. However, we did not succeed to take a second interview by the governmental party (New Democracy), despite our persevering efforts.

New Democracy (ND): one interview with a MP (female).

Panhellenic Socialist Movement (PASOK): three interviews with three MPs (one female) and one interview with a member of the party.

Left's Coalition (SYNASPISMOS): two interviews with two MPs.

Communist Party of Greece (KKE): one interview with a MP (female).

• TG POLITICS - PUBLIC ADMINISTRATION

General Inspector of Public Administration: one interview with the inspector himself.

• TG JUSTICE

As in the TG Police, personal acquaintances helped us very much to arrange an interview. Two interviews with high ranking judges.

• TG POLICE

Two interviews with three persons. The Service of Internal Affairs: one interview (two persons). The General Secretary of Pan-Hellenic Federation of Police Servants: one interview with one person.

Our fourth candidate (representative of another Police Union) refused.

• TG MEDIA

Three columnists of three daily newspapers of high circulation with long experience. One of them is the General Secretary of Editors' Association of Athens's Daily Newspapers.

• TG CIVIL SOCIETY-NGOs

In this case we succeeded to contact and interview with those NGOs whose documents were analysed in the first research period. Additionally with the President of an environmental NGO as there is a big movement in Greece in respect to such issues (Chamber for the Environment and Sustainability: one interview). Unfortunately the interview couldn't be transcribed due to technical problems.

The same applied with the interview with 'Paremvasi' - Citizens' Movement for Intervention: one interview by a board member. TI-Hellas: two interviews with the President and a board member and one interview with an ex-board member.

'Diktyo 21' - Network 21: one interview with the General Secretary.

'Kinisi Politon' - Citizens' Movement: one interview with the President and a board member.

• TG ECONOMY

We were successful in interviewing representatives of employees' as well as employers' union.

Hellenic Banks' Association (EET / HBA) one interview with the General Secretary.

Hellenic Federation of Industries / Enterprises (SEV / FGI) one interview with a member.

General Confederation of Greek Workers (and Employees) (GSEE): one interview with the Union President.



2.2. Comments on Data Generation

As referred above, the process until succeeding the approval of an interviewee to cooperate with us was arduous. This resulted in a serious delay in analysis and evaluation. Besides, we tried to bypass the impediments by ‘widening’ the criteria we had set in the beginning of the second phase (for example, the female quota, or the case studies of the first phase, etc.). Since corruption is a general and popular issue we made as many contacts as possible in order to increase the rate of positive answers, which finally rose to 56% of the initial sample and to only four (18,1%) women (three MPs, one police officer). Furthermore, despite the efforts of the group to make critical questions, some interviewees gave occasionally stereotypical and trivial answers (e.g. definition, reasons, forms), either because they wanted to avoid further questions, or – most possible – haven’t thoroughly thought about the issue.

Interviewing was carried out by two researchers each time and was recorded on tape. The duration of the interviews was approximately two hours. The transcription was quite time-consuming and sometimes it was difficult due to the bad quality of the recording, for example the noises around the place where the interview was taking place (e.g. in the cafeteria of the newspaper’s offices / building).

3. Methodology and Methods

At the end of July we decided to stop our attempts for arranging more interviews and started to analyse the data we have collected until then. We divided the data generation by target group and each member of the research team took up to two target groups to transcribe, analyse and write a draft with his/her remarks, notes and conclusions for reasons of coherent transcription and analysis. At this point we have to repeat the problem, with the Greek team faces with the transformation of the codes’ headers into *greeklish* in order to be compatible with the Atlas-ti software.

We decided to carry out a two-level analysis. The first was carried out by each group member: the codes, comments, etc. were written in Word, in order to facilitate the exchange of documents. This period was completed by the end of August. The second level analysis was carried out by the scientific coordinator, who revised the whole coding. This process was completed by the end of September. In the meantime we were transferring the documents with their codes, comments and memos into Atlas-ti. Finally, the group had a meeting where the structure of the final report was discussed.

3.1. Comments on the Structure of the Questionnaire

The instrument for the interviews was the questionnaire that the team had formulated and adjusted to the project guidelines. We avoided using the term ‘*corruption*’ in order not to reproduce its already wide use. We used instead terms such as *illegal practices, social issue or problem, offence, bribery, law violations, breach of duty*, etc. and left the reaction to the interviewee.

The questionnaire proved a useful and safe tool for the researcher. Nevertheless, in many cases the interviewees did not follow the questionnaire as they expressed their views in their own way.



The structure of the questionnaire was specified in four subject issues. The first one referred to the general anti-corruption legislation and the perceptions of the interviewees about it (EU and Greek). The second one accounted the definitions of corruption according to the views of the interviewees, to society's attitudes towards the problem, his/her view on its seriousness, its causes, the public discourse on the issue and the role of media. The third group of questions were target oriented coming from his/her own experience and the TG he/she belongs. The last group of questions was referring to policies and measures enforced or should be enforced against corruption, as well as their eventual success.

3.2. Coding, Codes, Memos

Our content analysis includes coding, comments and free memos. The coding procedure focused on (a) perceptions on relevant EU and Greek legislation, (b) definitions of corruption, (c) perceptions of the causes of corruption and (d) significance of the problem, (e) identification of the victims of corruption and (f) of the 'corrupt' attributed groups, as well as (g) concepts for confronting corruption. We used both *open coding* and *coding-in vivo* depending on the content of the interviewees' statement.

Comments were very useful because they were related to the codes, resulting in a better *in depth analysis*. Finally we used memos in order to write general thoughts concerning the interview. All these three ways of analysing were quite helpful in writing the report of the second phase.

4. Analysis

4.1. TG I POLITICS

4.1.1. General Comments

In the interviews of the Greek politicians who participated in our research the term, as well as the concept of corruption, is dealt with very different ways. The common broad elements for all political parties seem to be the role of the state and of profit seeking behaviour as significant characteristics of corruption³⁰. Nevertheless, each party uses, defines or approaches those elements differently.

All interviewees agree that corruption is a serious problem in Greece. What differentiates Greece from other (especially developed countries) is the widespread phenomenon of 'petty', 'everyday' corruption³¹. Some views support the idea that Greek society is 'pathogenic' as it is addicted to corruption due to lack of appropriate education, proper values and other historical reasons³².

Regarding the main causes of corruption and corrupt behaviour we could identify two lines of argument. The first line supports that the main cause of corruption is the lack of moral

³⁰ P21 TG POLITICS_SYN_NK: CODE 3 ; P18 TG POLITICS_PASOK_MAP: CODES 80-83; P20 TG POLITICS_SYN_MDR: CODES 60, 61.

³¹ P18 TG POLITICS_PASOK_MAP: CODES 10, 11 ; P23 TG POLITICS_PASOK GN: CODE 68.

³² P18 TG POLITICS_PASOK_MAP: CODE 57 ; P17 TG POLITICS_ND_PAPK: CODES 99, 108, 109.



standards due to a series of reasons. Thus some interviewees give emphasis on individual responsibility and personal ethical values as the most important drive towards corrupt behaviour. This line of argument views corruption as an issue which is produced because of lack of personal responsibility and the associated moral commitment towards society. We can define this approach as ‘individualistic-ethicist’. The basic characteristics of this approach are in brief the following³³:

- The main cause of corruption lies on individual values and behaviour.
- Moral standards and values are eroded because of the drop of educational standards and the quality of education, as well as because of the proliferation of a ‘regime of non punishment’.
- The basic solutions of the problem lies to the effort to alter personal ethical values through the educational system accompanied to the strengthening of institutional and law mechanisms against the phenomenon. The idea of ‘zero tolerance’ to corrupt behaviour at the individual level is strongly supported.

The second line of argument views corruption as a phenomenon with primarily systemic-structural characteristics. These refer either to the Greek socio-economic and political structure, development and history or to broader structures which are related to the functions of the global capitalist system. The basic characteristics of this approach are the following³⁴:

- Corruption is produced dialectically through relations of individuals with institutions, socio-economic and political forces, as well as broader structures.
- Corruption lies inherently within the capitalist system of production and it is constantly produced and reproduced through market and commodity relations.
- Corruption is interpreted as the various specific relations between modern state and capitalist interests. Thus the definition of corruption adopted within this approach is a broad one and distinguishes between official, conventional definitions and interpretations, as for example petty corruption, from other forms of state-capital relations which are not characterized officially as corrupt (e.g. the activities of various lobbies, the role of off shore companies etc.).
- For this approach, personal values are related to broader dominant social norms such as for example individualism and commodification.
- Especially for Greece, this approach links corruption to the specific way of capitalist development through the proliferation of patron-client relations.
- The solutions according to this approach lie in greater state intervention in market relations and strong institutions building.

It is worth mentioning, that one interviewee linked corruption in Greece and other less developed countries of Europe, with the notion and process of ‘primary accumulation’,³⁵. There is a vast international bibliography about ‘primary or primitive accumulation’ and it is not our intention to analyze it here in depth. Primary accumulation is considered to be a stage of development of capitalist relations of production which in many circumstances entail violent and ‘corrupt’ ways of appropriation of value and income (for example theft, deceit, use of position power to extract value etc.) which later on is converted into capital. All

³³ P17 TG POLITICS_ND_PAPK: CODES 2, 3, 5, 59, 65, 108, 109; P18 TG POLITICS_PASOK_MAP: CODES 57, 59 ; P23 TG POLITICS_PASOK GN: CODES 67, 73.

³⁴ P20 TG POLITICS_SYN_MDR: CODES 28-31, 50-52, 57-60, 77, 80, 81, 95-97; P16 POLITICS_KKE_NIB: CODES 13-15, 30-32, 114, 116; P21 TG POLITICS_SYN_NK: CODES 15-24, 31, 51-52, 210-215, 227.

³⁵ P20 TG POLITICS_SYN_MDR: CODES 55, 56.



capitalist countries, from the oldest (for example UK) to the newest (for example Russia) passed through the stage of primary accumulation. This is why high level of some forms of corruption in modern-days characterizes the less or the least developed countries of the world. According to this way of thinking, corruption is not an ‘anomaly’ caused by immoral state bureaucrats but an unavoidable stage of capitalist evolution and a stable characteristic of latecomers to the capitalist mode of production.

In respect to other ideas expressed by the interviewees, the obstacles that the citizens meet because of bureaucracy are an alibi for them to justify their activity, thus there should be more strict law enforcement towards the citizen as well.

The vast majority of interviewees, and especially those affiliated with the two largest parties, aim to defend the political system and to pass the main responsibility of corruption to other target groups, such as the media, justice and NGOs.

On account of media, and according to the dominant line of discourse in our interviews with politicians, they usually over inform and in many cases cause disillusionment to the public, without contributing in the overall debate in a substantial and effective way. Their discourse aims to impress as well as to reproduce ‘everyday theories’. Some interviewees point out that many media operate illegally and sometimes they either enforce corruption or are the centre of corruption themselves. Moreover, they stress that media’s use of ‘corruption’, as well as the place of the issue in their agenda is characterized by overstatement and it is one of the most important reasons for the spreading of the ‘*culture of corruption*’ in the public and society. This culture means that citizens view corruption as a normal way of getting things done and that this way of thinking and practice is becoming deeply embedded into the conceptual, moral and practical attitudes of everyday life. Therefore it is extremely difficult to mitigate the phenomenon.

In relation to the role of the judicial system, some interviewees expressed the opinion according to which it is manipulated by the government and thus it is impossible to play a key role in the fight against it.

Similar concerns are expressed by some of the interviewees, about the independence of NGOs as they are funded by the state and their ability or will to become a major actor for mitigating such practices are limited. Almost all interviewees acknowledge that there is limited or no political desire in order to eliminate corruption. This belief contradicts in a certain extend with the ‘individualistic-ethicist’ discourses as it underlines a structural element of the reproduction of corruption and notably to the unwillingness of the political system to fight it effectively.

It is strongly supported that there are no positive outcomes from corruption because the system operates through dysfunction. Corruption is harmful for the state and for the citizen in the long-term (*‘Zero tolerance to corruption’*).

Finally the two big parties (PASOK and ND) are quite optimistic for the future, whereas the other two are pessimistic and believe that corruption will never be eliminated under the present socio-economic system and structures.

4.1.2. Evaluation Units

P16 TG POLITICS_KKE_NIB
P17 TG POLITICS_ND_PAPK
P18 TG POLITICS_PASOK_MAP
P19 TG POLITICS_PASOK_CL
P20 TG POLITICS_SYN_MDR
P21 TG POLITICS_SYN_NK
P23 TG POLITICS_PASOK_GN
P24 TG POLITICS_PASOK_PASV

4.1.3. Interviews' Analysis

PASOK (PANHELLENIC SOCIALIST PARTY)

We carried out four interviews with MPs from PASOK. Concerning the definition of corruption there was a variation in interpretations and concepts. Each interviewer described ‘corruption’ in his/her own terms. One definition is related to persons who are connected to the state and exploit this connection in order to gain illegal profit for themselves or for someone else, at the expense of the system which is supposed to serve³⁶. It reflects the legal definition of Greek Criminal Law on ‘corruption’ which has to do with offences on duty³⁷. A different view states that the term ‘corruption’ is strongly related to the Greek social reality, exaggerates and brought the structures on disrepute³⁸, although exaggeration is left vague. ‘Corruption’ in Greece is not only political, economic or social, whereas it is ‘multifarious’³⁹ and it is related with the state mechanisms. ‘Corruption’ is embedded in the system⁴⁰. This standpoint entails the idea that corruption is a structural phenomenon, closely related to the means the state operates in Greece.

An aspect of corruption that it is obvious in all interviews is the moral one. Corruption is a strong moral issue⁴¹ and consequently an unethical law violation⁴². When the interviewees refer to the ‘corruption’ of politicians, this becomes a matter of *ethos* and the *quality* of the person’s character⁴³. As a result they all try to defend the political system and the politicians in particular by intensively asserting that not all of them are ‘corrupt’. The majority of the politicians are honest, ‘sterling’⁴⁴ and they are just doing their job, but there is a whole system around them who is corrupt and has profits, not politicians themselves⁴⁵. They emphasize that

³⁶ P23 TG POLITICS_PASOK_GN: CODE 7.

³⁷ P23 TG POLITICS_PASOK_GN: CODE 8.

³⁸ P18 TG POLITICS_PASOK_MAP: CODES 2, 3.

³⁹ P24 TG POLITICS_PASOK_PASV: CODE 65.

⁴⁰ P24 TG POLITICS_PASOK_PASV: CODE 53.

⁴¹ P18 TG POLITICS_PASOK_MAP: CODE 30.

⁴² P23 TG POLITICS_PASOK_GN: CODE 70.

⁴³ P19 TG POLITICS_PASOK_CL: CODE 24; P18 TG POLITICS_PASOK_MAP: CODE 13.

⁴⁴ P24 TG POLITICS_PASOK_PASV: CODE 49.

⁴⁵ P24 TG POLITICS_PASOK_PASV: CODES 48, 50.

the less corrupt institution in Greek society is the Parliament⁴⁶, and assert that political corruption is only one of its various aspects⁴⁷.

All PASOK representatives stand at the same position that ‘corruption’ is not only a ‘Greek’ phenomenon but a global one, giving examples of relevant cases in Europe and USA⁴⁸. Since corruption is extended, they see the thorough discussion in recent years absolutely justified⁴⁹. Corruption is evident in the economic transactions which result in long-term profit⁵⁰. They account corruption of party financing as the outcome of the voting system and the corresponding law. Law is inadequate, inefficient and rather only for show off⁵¹. The MPs are forced by the law to look for other sources of funding as the money that the state grants them for this purpose is not enough: in this context they repeat that ‘*Democracy costs*’⁵². They believe that the voting system law should change because the smaller electoral constituency, the less the dependency of MPs on entrepreneurs for financing⁵³. They also refer to Local Government, a service where corruption is ‘visible’. They accuse it of irresponsibility and wire-pulling practices⁵⁴. They also refer to examples of ‘petty corruption’ and believe that this form is the most worrying because it emerges the ‘pathogen’ of Greek society⁵⁵.

Their attitudes towards media are discrediting. They reject the discourse which the media use about corruption. They characterize it as inane⁵⁶, they assert that corruption is media’s favourite subject and the discussion is just for the impressions⁵⁷. They also underlined that the media are the ‘*most corrupt institution of the country*’ and ‘*the bigger their businesses the more the products of corruption*’⁵⁸. For them corruption in media is bigger than corruption in politics⁵⁹.

Although most of the interviewees appreciate EU’s efforts to control the problem, they are sceptical about its efficiency, as it cannot operate as a prototype because cases of corruption in its administration and leadership have been occasionally came to light⁶⁰.

All the interviewers noticed to complicated legislation as one of the most important factors for corruption⁶¹. In addition, culture, education and social awareness are reckoned equally crucial

⁴⁶ P23 TG POLITICS_PASOK_GN: CODE 184.

⁴⁷ P18 TG POLITICS_PASOK MAP: CODE 11.

⁴⁸ P18 TG POLITICS_PASOK MAP: CODE 4.

⁴⁹ P23 TG POLITICS_PASOK_GN: CODE 3.

⁵⁰ P18 TG POLITICS_PASOK_MAP: CODE 4.

⁵¹ P23 TG POLITICS_PASOK_GN: CODE 137.

⁵² P19 TG POLITICS_PASOK_CL: CODE 42.

⁵³ P24 TG POLITICS_PASOK_PASV: CODE 36.

⁵⁴ P23 TG POLITICS_PASOK_GN: CODE 186.

⁵⁵ P18 TG POLITICS_PASOK_MAP: CODE 33.

⁵⁶ P18 TG POLITICS_PASOK_MAP: CODE 49.

⁵⁷ P24 TG POLITICS_PASOK_PASV: CODE 81.

⁵⁸ P24 TG POLITICS_PASOK_PASV: CODES 84, 85.

⁵⁹ P23 TG POLITICS_PASOK_NIOTIS: CODE 96.

⁶⁰ P18 TG POLITICS_PASOK_MAP: CODES 21, 22; P TG POLITICS_PASOK_CL: CODE 57.

⁶¹ P18 TG POLITICS_PASOK_MAP: CODE 18.



for the development of the phenomenon⁶². Finally, the erosion of the value system⁶³ and that personal interest comes before the collective one contributes also to political corruption⁶⁴.

It is generally accepted that in order to restrict corruption, radical measures are needed⁶⁵, often characterized as ‘revolution’⁶⁶. Apart from prevention⁶⁷ they promote tougher legislation and more severe sentences because the phenomenon so far has been dealt with carelessness and tolerance⁶⁸.

ND (NEW DEMOCRACY - ΝΕΑ ΔΙΜΟΚΡΑΤΙΑ)

We carried out only one interview with the governmental party. Corruption is defined as a damaging situation for the morals, which tends to occupy a dominant position in society⁶⁹. The interviewee refers to corruption as closely related to disregard and rejection of the social and individual value system of modern societies⁷⁰. This is the reason why in the interview the words ‘morals’ and ‘values’ were repeated.

The responsibility is put on both sides, not only on the person who accepts the bribe⁷¹. It is an exchange in which two people take part. The interviewee was swinging between the individual responsibility⁷² and the responsibility of the ‘system’, as well as the state. Finally she decided for the responsibility of the individual, because the citizen does not only react but reproduces it by participating.

For the representative of ND media favour corruption for they sponsor the easy profit and moral lenience⁷³. Their discourse on corruption is meaningless as they themselves operate out of the law⁷⁴ (she refers to the licences for operating private radio stations and television channels). Media do not inform but scandalize, they create issues, overstate and distort the reality⁷⁵, ‘turning facts upside down’. Corruption is multi-factorial and media make the most of it in order to answer their own interests⁷⁶.

⁶² P23 TG POLITICS_PASOK_GN: CODES 52, 53, 147.

⁶³ P24 TG POLITICS_PASOK_PASV: CODE 16.

⁶⁴ P24 TG POLITICS_PASOK_PASV: CODE 37.

⁶⁵ P24 TG POLITICS_PASOK_PASV: CODE 61.

⁶⁶ P18 TG POLITICS_PASOK_MAP: CODE 44.

⁶⁷ P23 TG POLITICS_PASOK_GN: CODE18.

⁶⁸ P23 TG POLITICS_PASOK_GN: CODES 20, 21.

⁶⁹ P17 TG POLITICS_ND_PAPK: CODE 3.

⁷⁰ P17 TG POLITICS_ND_PAPK: CODE 5.

⁷¹ P17 TG POLITICS_ND_PAPK: CODE 14.

⁷² P17 TG POLITICS_ND_PAPK: CODE 15.

⁷³ P17 TG POLITICS_ND_PAPK: CODES 26, 27.

⁷⁴ P17 TG POLITICS_ND_PAPK: CODES 29, 30.

⁷⁵ P17 TG POLITICS_ND_PAPK: CODES 31, 32, 33.

⁷⁶ P17 TG POLITICS_ND_PAPK: CODES 34, 35.

Concerning party financing the interviewee supports state funding and to be in public in order to be really independent⁷⁷. Corruption can be fought only by common efforts⁷⁸. For ND representative⁷⁹ one serious reason for corruption is the complex legislation and inadequate law enforcement; the last was regularly stressed in this target group.

EU is insufficient, enforces corruption⁸⁰ and its bureaucratic structure cannot operate as a good example⁸¹. Change in the mentality with an educational campaign in the society⁸² is necessary as well. According to the interviewee, all these policy measures must be carried out, otherwise '*we are going to be drawn into corruption*'⁸³. Finally, society is addicted to corruption and in relation to the past people is more tolerant to deceit⁸⁴.

KKE (COMMUNIST PARTY OF GREECE)

We interviewed only one MP from the Communist Party of Greece. KKE has a different approach to corruption in relation with the other two parties. First of all corruption is a 'political issue'⁸⁵ and a newsreel. Thus, the communist Party is opposed to the common definition of corruption as for them it is the exploitation of the employees and the structures of the existent capitalist system that produces corruption⁸⁶. The interviewee underlines that although the discussion on corruption is very rich, there is no considerable success against it⁸⁷.

One of the main factors of corruption is the structure of the political system and particularly capitalism along with the free competition⁸⁸.

Petty corruption (e.g. bribery in order to speed up the administrative procedures) is not an issue of serious concern⁸⁹ for the representative of KKE. Grand corruption instead is the issue, remaining outside the possibilities of law enforcement and state control. Privatisation⁹⁰ of education system, of national health system etc., as well as commissions in public works are examples of real, 'organised' corruption⁹¹. Moreover, the new electoral law described as 'robbery of votes'⁹² is another case of 'legal' corruption.

⁷⁷ P17 TG POLITICS_ND_PAPK: CODE 39, 40.

⁷⁸ P17 TG POLITICS_ND_PAPK: CODE 56, 57.

⁷⁹ P17 TG POLITICS_ND_PAPK: CODE 58.

⁸⁰ P17 TG POLITICS_ND_PAPK: CODE 73.

⁸¹ P17 TG POLITICS_ND_PAPK: CODE 74.

⁸² P17 TG POLITICS_ND_PAPK: CODES 79, 80.

⁸³ P17 TG POLITICS_ND_PAPK: CODE 86.

⁸⁴ P17 TG POLITICS_ND_PAPK: CODES 88, 89.

⁸⁵ P16 TG POLITICS_KKE_NIB: CODE 1.

⁸⁶ P16 TG POLITICS_KKE_NIB: CODES 10, 11, 13.

⁸⁷ P16 TG POLITICS_KKE_NIB: CODE 29.

⁸⁸ P16 TG POLITICS_KKE_NIB: CODE 114.

⁸⁹ P16 TG POLITICS_KKE_NIB: CODE 38.

⁹⁰ P16 TG POLITICS_KKE_NIB: CODE 56.

⁹¹ P16 TG POLITICS_KKE_NIB: CODE 39.

⁹² P16 TG POLITICS_KKE_NIB: CODE 63.



The media for their own good reasons promote the view and reproduce in public opinion the feeling that '*everybody is a crook, everybody steals*',⁹³, discrediting political life.

The interviewee shows also reservations about the NGOs; '*they are not so innocent stories*', because they are not only funded by the governments but also from foreign power centres⁹⁴.

In general, the interviewee sounds very pessimistic. Corruption rises and although legislation exists, it cannot fight the erosion of citizens' conscience⁹⁵. Therefore the education of society reckoned for the time-being the most important way to confront corruption⁹⁶.

SYNASPISMOS (LEFT'S COALITION)

The two interviewees of Left's Coalition are together with the interviewee of the Greek Communist Party the main representatives having a compact approach to corruption with some differentiations in their analysis, eventually because of their different background; one is jurist the other one is economist. The one attributes corruption to economic mechanisms influencing society through the political system, the other one to the structure of political system⁹⁷, the clientelism⁹⁸, collusion of economic with political interests and submission of political system to the first. Corruption follows the defilement of legislative power and parliamentarian control by party-political patronage over the MPs,⁹⁹ as well as over the public administration, which turns to serve the interests of governmental party, and thus, its public (service's) role is being decayed¹⁰⁰.

Both interviewees refer to commercialisation of politics and public goods. In somehow similar context with KKE, the interviewees agree that public rights are granted by the governments to the private sector for retaining party-political support¹⁰¹. Hence, public goods revert from rights to commodities and to objects for negotiation and exchange¹⁰². According to them, corruption evolves mainly in the interface between public and private sector (see also TG NGOs). Private sector is criticized so much as politics, for producing corrupt practices, since most Greek companies are not competitive but rely on public procurement. Political corruption is explained by synchronising of interests between politics and private enterprises¹⁰³.

Corruption is also related to overregulation¹⁰⁴, such as the taxation system¹⁰⁵ which results in a 'corruption greenhouse',¹⁰⁶. Moreover, to the missing political will to tackle corruption¹⁰⁷

⁹³ P16 TG POLITICS_KKE_NIB: CODE 75.

⁹⁴ P16 TG POLITICS_KKE_NIB: CODE 50.

⁹⁵ P16 TG POLITICS_KKE_NIB: CODE 110.

⁹⁶ P16 TG POLITICS_KKE_NIB: CODE 113.

⁹⁷ P21 TG POLITICS_SYN_NK: CODE 3.

⁹⁸ P21 TG POLITICS_SYN_NK: CODE 3.

⁹⁹ P21 TG POLITICS_SYN_NK: CODE 14.

¹⁰⁰ P21 TG POLITICS_SYN_NK: CODES 18, 22.

¹⁰¹ P21 TG POLITICS_SYN_NK: CODE 52.

¹⁰² P21 TG POLITICS_SYN_NK: CODES 15, 52.

¹⁰³ P21 TG POLITICS_SYN_NK: CODES 209-213.

¹⁰⁴ P20 TG POLITICS_SYN_MDR: CODE 48.



and consequently ‘corruption guffaws’¹⁰⁸. Structural corruption becomes a regime¹⁰⁹, whose mechanisms make the citizens to be dependent to bribery¹¹⁰ as if there would be no other way¹¹¹.

The overstatement of mass media to corruption makes citizens habituated to it, reproduces complicity, values’ erosion, while the real issue and their role is obfuscated¹¹². It results in the enhancement of distrust and disillusionment with democracy itself, and all its institutions¹¹³. Justice is unqualified and powerless for investigating such interests, so the political and economical system uses it as ‘Siloam pool’,¹¹⁴ for legitimating their decisions and preferences. Thus, it plays in turn indirectly the game of the political system. In the same position are the control authorities, lacking in power and efficiency.

Although NGOs can play a significant role and are generally appreciated for having the potentiality to organise and give voice to civil society¹¹⁵, they are usually either ‘governmental armies’,¹¹⁶ or ‘mouthpieces of extra-institutional centres’.¹¹⁷

Finally, for confronting corruption the main forms approved are the strengthening and support of democratic institutions, while the need for larger socioeconomic changes is rather downplayed¹¹⁸.

According to the interviewees, corruption is an international phenomenon¹¹⁹ associating with the globalisation¹²⁰ of economical interests, the modern competitive economic system¹²¹, cyber-economy¹²² and promiscuous operation of stock market¹²³. The strong interest of EU derives from these developments and the following risks democracy stop being the governance model. This is an interesting difference between the two left parties, whereby KKE shows its scorn and Synaspismos its (critical) support¹²⁴, since they note that EU also, suffers from corruption¹²⁵. Furthermore, there are some reservations on the effects of OECD’s

¹⁰⁵ P20 TG POLITICS_SYN_MDR: CODE 54.

¹⁰⁶ P20 TG POLITICS_SYN_MDR: CODE 49; P21 TG POLITICS_SYN_NK: CODE 114.

¹⁰⁷ P21 TG POLITICS_SYN_NK: CODE 184.

¹⁰⁸ P21 TG POLITICS_SYN_NK: CODE 206.

¹⁰⁹ P21 TG POLITICS_SYN_NK: CODE 232.

¹¹⁰ P20 TG POLITICS_SYN_MDR CODE: 59.

¹¹¹ P20 TG POLITCS_SYN_MDR CODE: 63.

¹¹² P21 TG POLITICS_SYN_NK: CODE 65.

¹¹³ P21 TG POLITICS_SYN_NK: CODES 120-124.

¹¹⁴ P21 TG POLITICS_SYN_NK: CODE 182.

¹¹⁵ P21 TG POLITICS_SYN_NK: CODE 198.

¹¹⁶ P21 TG POLITICS_SYN_NK: CODE 196.

¹¹⁷ P21 TG POLITICS_SYN_NK: CODES 199-202.

¹¹⁸ P21 TG POLITICS_SYN_NK: CODE 80.

¹¹⁹ P20 TG POLITICS_SYN_MDR: CODE 3.

¹²⁰ P20 TG POLITICS_SYN_MDR: CODE 26.

¹²¹ P21 TG POLITICS_SYN_NK: CODE 10.

¹²² P21 TG POLITICS_SYN_NK: CODE 31.

¹²³ P21 TG POLITICS_SYN_NK: CODE 246.

¹²⁴ P21 TG POLITICS_SYN_NK: CODE 173.

¹²⁵ P21 TG POLITICS_SYN_NK: CODES 88, 173; P20 TG POLITICS_SYN_MDR: CODES 41, 42.



ranking, because they create positive or negative view towards a country¹²⁶; especially for Greece it is justified not because of the extend of corruption but because the country does not correspond to basic obligations to transparency.

Another interesting difference is the one with the police, which identify corruption with organised crime, eventually because it is a challenging form of illegal activities in the corps. For our interview of Synaspismos, the legalisation of corruption proceeds uses the same ways, methods and techniques followed by the organised criminal networks, thus corruption transcends established national boundaries and is reproduced worldwide¹²⁷.

From the one side, the term corruption is regarded wider than in criminal law (same with KKE) in terms of social, entrepreneurial, and media ethics; furthermore justice is considered social justice, in terms of ‘redistribution of wealth’ (see also TG Mass Media), taxation justice and decrease of regional inequalities. From the other side, corruption exists only if coercion is exercised¹²⁸; therefore, corruption is not only related with money, but also with compromise to pressure¹²⁹.

4.2. TG I POLITICS-PUBLIC ADMINISTRATION

4.2.1. General Comments

Our meeting with the office of GIPA, as well as himself, was easily approved and welcomed. His feelings about the situation in PA were painted with dark colours. He expresses his views rather free being protected by his extended institutional authority and independence.

4.2.2. Evaluation Units

P22 TG POLITICS_PAD_GIPA

4.2.3. Interview's Analysis

The General Inspector stresses that corruption is not only a Greek issue but a global one which needs the international cooperation¹³⁰ in order to be confronted¹³¹. Generally, EU, international cooperation and joint actions for the reduction of corruption rates are accounted having positive effects for Greece’s mobilization¹³². Especially the country’s participation in GRECO motivated the Greek Parliament for institutional reforms (Law 3074/2002) in order

¹²⁶ P20 TG POLITICS_SYN_MDR: CODE 34.

¹²⁷ P21 TG POLITICS_SYN_NK: CODE 166, 176, 179.

¹²⁸ P20 TG POLITICS_SYN_MDR: CODES 13, 14.

¹²⁹ P20 TG POLITICS_SYN_MDR: CODES 18, 22.

¹³⁰ P22 TG POLITICS_PAD_GIPA: CODE 4.

¹³¹ P22 TG POLITICS_PAD_GIPA: CODES 5, 6.

¹³² P22 TG POLITICS_PAD_GIPA: CODES 14, 26, 40, 41.



to promote transparency¹³³, such as the Office of General Inspector of Public Administration¹³⁴. However, the General Inspector questions *Corruption Perception Indexes*¹³⁵ of Transparency International and the consequent countries' ranking because they are based on perceptions of the interviewees and not on hard facts¹³⁶. In this way the General Inspector justifies the peculiarities of the 'Greek case'¹³⁷. Nevertheless the peculiarities remain undefined. He notes also, that EU policies give more emphasis on 'grand' than on 'petty corruption' which remains a local problem¹³⁸.

The General Inspector refers to the difficulties of his Office due to 1) failing data, 2) reluctance (direct or indirect) of Public Administration to conform to the recommendations of the General Inspector, 3) the numerous control mechanisms which his Office can not overview¹³⁹.

The working term for the General Inspector is that of the World Bank (abuse of public power for private benefit). He uses this definition as an 'umbrella' which incorporates some of its derivatives (opacity, synchronizing of interests etc.)¹⁴⁰. Based on this definition he argues that this kind of corruption can only be seen in Public Administration¹⁴¹ and not to the private sector¹⁴².

According to the General Inspector the extent of corruption in Greece and its social tolerance is high. This situation is explained with the overused argument of socialization and historical residues from the Ottoman occupation¹⁴³, but mainly to the collapse of traditional values¹⁴⁴ and social attitudes due to the consumerism¹⁴⁵ promoted by the private TV¹⁴⁶. A change was taken place in the social structure¹⁴⁷ and the only stable value of social behaviour is now money ('only money counts')¹⁴⁸. Related to that, the General Inspector concerns about the expansion of corruption, because it produces an unknown social situation to some decades ago.

We can see a clear distinction between high level (national government) and low level (local government) politics when the General Inspector distinguishes corrupt practices of MPs and the local government. Although the General Inspector referred once to grand corruption and

¹³³ P22 TG POLITICS_PAD_GIPA: CODE 42.

¹³⁴ P22 TG POLITICS_PAD_GIPA: CODES 7-9.

¹³⁵ P22 TG POLITICS_PAD_GIPA: CODE 45.

¹³⁶ P22 TG POLITICS_PAD_GIPA: CODES 46, 47.

¹³⁷ P22 TG POLITICS_PAD_GIPA: CODES 43, 44.

¹³⁸ P22 TG POLITICS_PAD_GIPA: CODE 28.

¹³⁹ P22 TG POLITICS_PAD_GIPA: CODES 33-35, 37, 38, 181.

¹⁴⁰ P22 TG POLITICS_PAD_GIPA: CODES 83-85.

¹⁴¹ P22 TG POLITICS_PAD_GIPA: CODES 88, 89.

¹⁴² P22 TG POLITICS_PAD_GIPA: CODE 87.

¹⁴³ P22 TG POLITICS_PAD_GIPA: CODE 95.

¹⁴⁴ P22 TG POLITICS_PAD_GIPA: CODE 98.

¹⁴⁵ P22 TG POLITICS_PAD_GIPA: CODES 101-104, 106.

¹⁴⁶ P22 TG POLITICS_PAD_GIPA: CODES 98, 174.

¹⁴⁷ P22 TG POLITICS_PAD_GIPA: CODE 99.

¹⁴⁸ P22 TG POLITICS_PAD_GIPA: CODE 101.



criticized the governments for their strategies against corruption as insufficient if not hypocritical¹⁴⁹, his main criticism is on the servants of local authorities. For him local administration along with the trade unionism and mass media are the three ‘wounds’ of the modern Greek society¹⁵⁰. Furthermore the lack of moral standards¹⁵¹ for serving citizens’ interests in local communities is a unique development of the last decades. The reliance of local authorities on the communities and clientism are the main reasons for corrupt practices and exchanges in local administration¹⁵².

For the General Inspector, public administration is a closed system having its own rules and codes (slow, highly bureaucratic)¹⁵³. Corruption takes place mainly in lower ranges of public administration and only¹⁵⁴ in services where is (big) money ('where is money, is also corruption')¹⁵⁵. For him there is a ‘critical percentage’, which if the service jumps, then corruption is an issue of concern in the service¹⁵⁶. What is the critical percentage still is not defined.

Three main factors produce corruption in Public Administration. The first is administration’s reliance on governments and party politics¹⁵⁷, the second is money transactions between citizens and public services¹⁵⁸ and the third is overregulation, complex legislation, as well as ambiguities in legislation, contradiction in terms and content of legislation ('grey zone') offering high discretionary power to public administration.

He suggests 1) regulatory reform (recasting¹⁵⁹, consolidation of legislation¹⁶⁰, simplification¹⁶¹), as well as 2) administrative reform: simplification of procedures and full computerization in order to avoid ‘contacts points’ between citizens and public servants¹⁶². Yet, he notes that none of the measures will be effective if the involvement of politics in public administration will continue¹⁶³.

Finally, the General Inspector expresses a rather optimistic view for the future¹⁶⁴, unlike to his initial criticism to Greek society in general and public administration is specific. Moreover, despite his previous criticism to politicians, he admits the support of the government on his Office, a rather diplomatic answer in favour of his own image and service.

¹⁴⁹ P22 TG POLITICS_PAD_GIPA: CODES 118, 123, 125-127, 130, 13.

¹⁵⁰ P22 TG POLITICS_PAD_GIPA: CODE 146.

¹⁵¹ P22 TG POLITICS_PAD_GIPA: CODE 148.

¹⁵² P22 TG POLITICS_PAD_GIPA: CODE 151.

¹⁵³ P22 TG POLITICS_PAD_GIPA: CODE 187.

¹⁵⁴ P22 TG POLITICS_PAD_GIPA: CODES 132, 133, 161.

¹⁵⁵ P22 TG POLITICS_PAD_GIPA: CODES 186, 138.

¹⁵⁶ P22 TG POLITICS_PAD_GIPA: CODE 134.

¹⁵⁷ P22 TG POLITICS_PAD_GIPA: CODES 159, 169.

¹⁵⁸ P22 TG POLITICS_PAD_GIPA: CODE 135.

¹⁵⁹ P22 TG POLITICS_PAD_GIPA: CODE 141.

¹⁶⁰ P22 TG POLITICS_PAD_GIPA: CODE 152.

¹⁶¹ P22 TG POLITICS_PAD_GIPA: CODE 165.

¹⁶² P22 TG POLITICS_PAD_GIPA: CODE 163.

¹⁶³ P22 TG POLITICS_PAD_GIPA: CODE 178.

¹⁶⁴ P22 TG POLITICS_PAD_GIPA: CODE 170.



4.3. TG II JUSTICE

4.3.1. General Comments

Justice in general and prosecutorial service in specific is a strict hierachal organisation. Judges and prosecutors are very rarely presented in the media giving interviews or making statements, unless this is granted by the head of their office in the district and for a special reason.

The Public Prosecution Service is independent of the judicial authority and the executive (Article 24, Law 1756/1988, Article 6 par. 3, Law 1868/1989). The Service operates in a ‘unified and indivisible way’. This means that the Prosecutor does not represent him/herself, but the whole authority. The head of the service is the general public prosecutor (public prosecutor of the Supreme Court). Admission to the public prosecution service as well as to Justice is achieved through examinations and graduation from the National School of Judges. Initially we attempted to contact the First Instance Prosecutors engaged in our case studies of the previous research phase. Being unsuccessful, we applied for an interview with the Head of the Athenian Prosecutorial service to which he finally denied. Afterwards we tried to contact two members of the administrative council of the Judges’ and Prosecutors’ Union again without success. Finally, an interview was granted by the General Prosecutor of the Court of Cassation with a Vice Prosecutor of the same Court. The second interview proved relative easy because of personal acquaintance. The interviewee is Judge of the Council of State.

The third one is the General Inspector of Public Administration, who is emeritus judge of the Court of Appeal. We found out that several of his reference points and views fit in the analysis of justice. So, a part of our discussion is adjusted to the presentation of target group – Justice.

4.3.2. Evaluation Units

P4 TG JUSTICE_AAP_K

P5 TG JUSTICE_STE_D

P22 TG POLITICS_PAD_GIPA

4.3.3. Interviews' Analysis

The first two judges have a distant and moderate approach to the issue of corruption. When they speak, they use few adjectives (mostly *low*), more verbs and nouns. Both refer to the point without exaggerating. The term corruption is regarded as general¹⁶⁵ and not adequate to describe a crime¹⁶⁶. Although one of them initially characterises the term as useful for the communication, after a while notes that it is *general* and *broad* and later *very broad*¹⁶⁷, becoming sceptical with the time. The other one notes that the term offers the opportunity for

¹⁶⁵ P4 TG JUSTICE_AAP_K: CODE 4.

¹⁶⁶ P4 TG JUSTICE_AAP_K: CODES 6,19.

¹⁶⁷ P4 TG JUSTICE_AAP_K: CODE 16.



moralising¹⁶⁸, since this element is inherent in it. The third one declares that he accepts the World Bank definition¹⁶⁹, and pinpoints that corruption is the ground of illegal activities, relating it with the moral standards of each person¹⁷⁰. Corruption for him contains bribery, breach of duty, of trust, tax evasion etc.¹⁷¹ remaining open for other crimes to be included.

Corruption is reckoned a global phenomenon not only a Greek problem, existed always and everywhere¹⁷² and in the whole social stratification¹⁷³. Moreover, it is not considered identical with deviance¹⁷⁴. It is differentiated in corruption for legal and corruption for illegal activities¹⁷⁵. The first one – for legal activities, whereby its process is illegitimate but the product is legal – is not regarded as having special side effects for the society¹⁷⁶, though it is rejected¹⁷⁷; the second one has serious negative consequences, not so much because illegal activities are committed, but because they undermine society's trust to the political system, public administration and justice¹⁷⁸. The interviewees stress that corruption is economical in its core¹⁷⁹.

The third one disputes the reliability of CPIs¹⁸⁰; according to him, Greeks generally exaggerate¹⁸¹, they overemphasize mainly the negative and unfavourable, harming themselves (cf. TG Politics). Perceptions and attitudes are not estimated of reliable measures for corruption; instead statistics and specifically research in court decisions, decisions of disciplinary councils and of judicial councils would bring more reliable data¹⁸². This approach is also repeated several times by another interviewee of the present target group¹⁸³.

Concerning the reasons of corruption two main aspects are formulated, 1) of a macro-level having two versions (socio-legal and eclectic-value oriented) and 2) a micro-level (person-culture oriented).

The first attributes corruption to overregulation¹⁸⁴, low quality of legislation¹⁸⁵, reproduction of a compromise's culture¹⁸⁶ between politics and several organised, powerful interest

¹⁶⁸ P5 TG JUSTICE_STE_D: CODES 14,18.

¹⁶⁹ P22 TG POLITICS_PAD_GIPA: CODE 80.

¹⁷⁰ P22 TG POLITICS_PAD_GIPA: CODE 166.

¹⁷¹ P22 TG POLITICS_PAD_GIPA: CODES 24, 81, 83, 84.

¹⁷² P4 TG JUSTICE_AAP_K: CODE 30; P22 TG POLITICS_PAD_GIPA: CODE 4.

¹⁷³ P4 TG JUSTICE_AAP_K: CODES 30, 53, 74.

¹⁷⁴ P5 TG JUSTICE_STE_D: CODES 5,19.

¹⁷⁵ See also Kaufmann, D. and Vicente, P.C. (October, 2005), *Legal Corruption*, Second Draft (available online, <http://www.worldbank.org/wbi/governance/pubs/legalcorporatecorruption.html>).

¹⁷⁶ P5 TG JUSTICE_STE_D: CODES 3, 5.

¹⁷⁷ cf. P4 TG JUSTICE_AAP_K: CODES 8, 9.

¹⁷⁸ P5 TG JUSTICE_STE_D: CODES 9-11, 21-24.

¹⁷⁹ P4 TG JUSTICE_AAP_K: CODES 10,13.

¹⁸⁰ P22 TG POLITICS_PAD_GIPA: CODE 45.

¹⁸¹ P22 TG POLITICS_PAD_GIPA: CODE 44.

¹⁸² P22 TG POLITICS_PAD_GIPA: CODES 46, 47.

¹⁸³ P4 TG JUSTICE_AAP_K: CODES 3-5, 25, 27, 28.

¹⁸⁴ P5 TG JUSTICE_STE_D: CODE 25.

¹⁸⁵ P5 TG JUSTICE_STE_D: CODE 25.



groups and the serving of small party-political expediencies¹⁸⁷. This is an interesting issue also analysed in the sociology of law (Druwe 1987; Böhret et al. 1988).¹⁸⁸

Only those interests that are organised, represented and are able to exercise pressure are taken into account by the legislative power. Our interviewees distinguish interests in *formal*, *informal*, 'black' or 'dark' and *organised*¹⁸⁹. During the process of legislation several pressure groups and institutions with various and conflicting interests are involved; their attitudes are significant for social peace. Therefore, laws must be formulated in such a way so that can satisfy as more interests as possible, or at least give the impression of indulging them all. A regulation, a bill which attempts innovations derogating existing powerful interests has very little chances to be accepted and enforced. When a law foresees a many prerequisites for its enforcement reflects that it is the result of conflicting interests which have been arranged. It is defined as process of *negative coordination*: it is a deal that has been achieved while each group was trying to keep off decisions that could be against its interests. This is the reason why it is very difficult to find the sort of interests serving the laws in modern societies and that in contemporary legislation there are neither obvious winners nor obvious losers. Furthermore, the fragmentation of the problem in bureaucracy, in order to reduce its complexity and support its arrangement result that none of the services, departments, ministries or public servants has an overview of it. Therefore, the interest of the services focuses on their own separate area and the elimination of the negative outcomes eventually coming from a different decision to their own. Under the above view, the *politics of small steps* can be explained. In relation to that, legislators are oriented rather to find solutions corresponding to the institutions of their enforcement than to the improvement of the situation, meaning the better arrangement of a problem. This is treated as *conservatism due to structural reasons*. Taking also into consideration that according to our interviewees, the access to power in Greece has been widened, the intensive conflict of interests during the last decades can be explained¹⁹⁰.

The State is not appreciated any more by the Greek citizens, and this took place after the reestablishment of democracy in 1974; the access of everyone to it because of the party politics and populism resulted in its debunk¹⁹¹. Corruption is attributed, among others, to the populism used by the political system in Greece, which encourages and tolerates corruption and arbitrariness¹⁹².

Low quality of legislation is reckoned general phenomenon, not restricted in Greece, apparent also in the 'Brussels monstrosities' (European Union)¹⁹³ eventually due to different language

¹⁸⁶ P5 TG JUSTICE_STE_D: CODES 29, 30, 39, 40.

¹⁸⁷ P22 TG POLITICS_PAD_GIPA: CODES 140, 142; P5 TG JUSTICE_STE_D: CODES 31, 32, 67, 68.

¹⁸⁸ Druwe, U. (1987). "Politik", in: *Handbuch der Politikwissenschaft*, Görlich, A., Prätorius, R. (eds.), Rowohlt: Reinbek bei Hamburg, pp. 393-397; Böhret, C., Jann, W. and Kronenwett, E. (1988). *Innenpolitik und politische Theorie. Ein Studienbuch*, 3rd ed., Westdeutscher Verlag: Opladen.

¹⁸⁹ P5 TG JUSTICE_STE_D: CODES 31, 32.

¹⁹⁰ P5 TG JUSTICE_STE_D: CODES 33, 34.

¹⁹¹ P5 TG JUSTICE_STE_D: CODES 45, 33, 34.

¹⁹² P22 TG POLITICS_PAD_GIPA: CODE 159.

¹⁹³ P5 TG JUSTICE_STE_D: CODE 37.



formulation of laws, directives etc.¹⁹⁴ However, in Greece is stronger because of the keen conflict of interests and party-political profit.

Yet, overregulation and low quality of legislation is not enough for corruption. It is associated with low citizens' resistance¹⁹⁵, low aesthetics -especially of politicians¹⁹⁶, low social education and rotten civilization¹⁹⁷ due to abrupt wealth¹⁹⁸. Furthermore, the difficulties of everyday life in Greece exasperate citizens and decline their resistance¹⁹⁹. These added to the lack of 'culture of control'²⁰⁰, result that law abiding depends only to the pride, education and nobility of spirit ('patriotism') of each²⁰¹. Although corrupt practices can be seen as a means to fight inequality, they result in a morbid equality, unequal treatment²⁰², law insecurity²⁰³, discrediting state's authority²⁰⁴ and undermining trust to political and judicial system, as well as to civilization and society²⁰⁵. Poverty is not an excuse for corruption; notwithstanding it is rather a 'populistic' justification for corrupt practices²⁰⁶, it can be considered a mitigating reason²⁰⁷.

The other approach (macro, eclectic-value oriented) attributes corruption to politicians, because they decide on the basis of party political criteria, political cost and re-election interests²⁰⁸ making them tolerant in corruption²⁰⁹. The MPs don't vote according to their consciousness but for their party benefit and accounts the whole discourse as 'fibs of consciences'²¹⁰ of the MPs and to corrupt political leadership. All three points contradict to his following arguments: he views local authorities²¹¹, mass media and trade unionism²¹², which according to him protect corrupt civil servants, as the main sources of corruption. Finally, he notes that corruption exists 'only in public sector, in public administration'²¹³. It is interesting that he refers only once and hasty to grand corruption, namely the state procurement of military/arms equipment and public works²¹⁴. Nonetheless, the reasons of

¹⁹⁴ P5 TG JUSTICE_STE_D: CODE 38.

¹⁹⁵ P5 TG JUSTICE_STE_D: CODES 43, 44.

¹⁹⁶ P5 TG JUSTICE_STE_D: CODES 48, 58.

¹⁹⁷ P5 TG JUSTICE_STE_D: CODE 23.

¹⁹⁸ P5 TG JUSTICE_STE_D: CODE 62.

¹⁹⁹ P5 TG JUSTICE_STE_D: CODES 60,61.

²⁰⁰ P5 TG JUSTICE_STE_D: CODE 59.

²⁰¹ P5 TG JUSTICE_STE_D: CODES 59, 46.

²⁰² P22 TG POLITICS_PAD_GIPA: CODES 164; P5 TG JUSTICE_STE_D: CODES 12, 13, 20, 21.

²⁰³ P4 TG JUSTICE_AAP_K: CODE 17; P5 TG JUSTICE_STE_D: CODE 57.

²⁰⁴ P5 TG JUSTICE_STE_D: CODES 9, 24.

²⁰⁵ P5 TG JUSTICE_STE_D: CODES 23, 20, 21.

²⁰⁶ P5 TG JUSTICE_STE_D: CODES 84, 85.

²⁰⁷ P4 TG JUSTICE_AAP_K: CODE 75.

²⁰⁸ P22 TG POLITICS_PAD_GIPA: CODES 126, 127.

²⁰⁹ P22 TG POLITICS_PAD_GIPA: CODES 108, 117, 118, 159, 160, 175.

²¹⁰ P22 TG POLITICS_PAD_GIPA: CODES 119, 120.

²¹¹ P22 TG POLITICS_PAD_GIPA: CODE 121.

²¹² P22 TG POLITICS_PAD_GIPA: CODES 146-148.

²¹³ P22 TG POLITICS_PAD_GIPA: CODES 87-89.

²¹⁴ P22 TG POLITICS_PAD_GIPA: CODES 22, 23.



corruption are to be found in the collapse of the traditional values together with the collapse of ‘classic bourgeois family’ and that now most people (in power) are ‘uplifted peasants’, where only money counts²¹⁵ and to partiality manipulating social life²¹⁶.

The second aspect (micro-level) considers greed, money gabbing, egoism, conceit, arrogance, mimicry and avarice responsible for corruption²¹⁷.

The Greek state has made improvements in respect to technology and infrastructure; even so it lags far behind the needs of the time, suffering from ‘décollage’²¹⁸, meaning that a gap exists between country’s needs, citizens’ wishes and state’s bids²¹⁹. Public administration is underpaid²²⁰, working without support in miserable conditions²²¹ lacking recognition²²², therefore it finds sometimes its way to petty corruption²²³. But, since state employees are public/civil servants operating an office of liability and trust and not a job, their responsibility is higher than of the ordinary people²²⁴.

The foster of corruption are to be found in taxation, urban planning, forest protection, garbage and trash policy²²⁵. In all these areas, and especially the first, legislation is characterised as ‘patchwork’, a ‘medley of regulations’ serving a network of mutual interests, thus generalising corruption²²⁶. In the rest areas the interviewees account the existing legislation sufficient; what is failing is the political desire to control or better, to enforce the necessary policies²²⁷.

In general, the interviewees do not think that corruption in Greece is higher or much higher than in other countries²²⁸, but that mass media exaggerate for reasons of impression and sensation²²⁹. This causes diffusion among the citizens²³⁰ who in turn accept it as real and true, reproducing and overdrawing from their side. Since the media serve their own interests, exercise a demolishing critique by presenting a disintegrated and broke up Greek state and society²³¹, a view which is disputed by all²³². All three are optimistic about the future, mostly

²¹⁵ P22 TG POLITICS_PAD_GIPA: CODES 96-104.

²¹⁶ P22 TG POLITICS_PAD_GIPA: CODE 169.

²¹⁷ P4 TG JUSTICE_AAP_K: CODES 31, 34, 54, 59, 61, 62.

²¹⁸ P5 TG JUSTICE_STE_D: CODE 54.

²¹⁹ P5 TG JUSTICE_STE_D: CODE 53.

²²⁰ P5 TG JUSTICE_STE_D: CODE 49.

²²¹ P5 TG JUSTICE_STE_D: CODES 50, 51.

²²² P5 TG JUSTICE_STE_D: CODE 51.

²²³ P5 TG JUSTICE_STE_D: CODES 16, 17.

²²⁴ P4 TG JUSTICE_AAP_K: CODES 11, 12; P22 TG POLITICS_PAD_GIPA: CODES 166-168.

²²⁵ P4 TG JUSTICE_AAP_K: CODE 15; P5 TG JUSTICE_STE_D: CODES 7, 8, 27, 70, 71, 79, 80; P22 TG POLITICS_PAD_GIPA: CODES 132, 133, 135, 136, 138.

²²⁶ P5 TG JUSTICE_STE_D: CODE 29; P22 TG POLITICS_PAD_GIPA: CODES 140, 141, 143, 165.

²²⁷ P4 TG JUSTICE_AAP_K: CODE 45; cf. P22 TG POLITICS_PAD_GIPA: CODES 110, 111, 170, 171.

²²⁸ P4 TG JUSTICE_AAP_K: CODE 29.

²²⁹ P4 TG JUSTICE_AAP_K: CODES 38-40; P5 TG JUSTICE_STE_D: CODES 77, 78.

²³⁰ P5 TG JUSTICE_STE_D: CODE 77.

²³¹ P4 TG JUSTICE_AAP_K: CODE 43.



because they think that young people are better educated than some decades ago, more cultivated, more cosmopolitan and that Greece can be stronger influenced by the other developed European countries²³³. Nevertheless, they are either unable to answer how comes that in spite of the alleged improvement in education, cultivation and cosmopolitanism of people, corruption is higher than in the past in more segments of society²³⁴, or they justify it with the *greed*²³⁵ and the quick getting rich²³⁶.

They consider as better measures against corruption, education, cultivation of people, as well as modernisation of public administration, recasting and simplification of legislation, administrative reform²³⁷ and strengthening the moral standards²³⁸. It is interesting that none of them approved repressive policy as a means of control. One of them underlined that repression is superfluous since it comes after the problem²³⁹, and prevention in the sense of proaction violates constitutional rights, while overregulation and severe legislation have been proved inefficient to decrease corruption²⁴⁰. In respect to politicians, they suggest lobbying as a more transparent method to promote their own interests and financing than the use of ‘subterranean ways’²⁴¹.

Concerning the involvement of judges in the stock market ‘scandal’ put on trial in October 2007, one of them noted that he staggered out the news²⁴², to let mean –like many of the TG Politics– that not all judges are corrupt²⁴³. In any case, justice is accounted independent and the fortress, key stone and bedrock of democracy²⁴⁴.

It is thought that judges are influenced much more by their close milieu, mainly their family not even their colleagues and the exercised control by the hierarchy than the political climate of the time. However, the Athens bar association expressed in his plenary session in March 2007 its worry for the increased severity of sentencing, the de facto abolishment of the clemency principle, mainly against the disadvantaged social groups, the increasing corporatism of justice, and the big delays in court procedures and adjudication. In the past, ‘law and order politics’ almost never received the approval of the judiciary or state as a general policy, but was on occasion used to target specific social groups for political reasons. However, from the 2000s it has become a legitimate topic of debate. Politicians, members of the government, the judiciary and senior police officers have started calling for tougher measures and more severe sentencing, although initially not to excess. These concerns are

²³² P4 TG JUSTICE_AAP_K: CODES 36, 41-42; P5 TG JUSTICE_STE_D: CODES 52, 53, 74; P22 TG POLITICS_PAD_GIPA: CODES 170, 171.

²³³ P4 TG JUSTICE_AAP_K: CODES 20, 21; P4 CODES 69, 70; P5 TG JUSTICE_STE_D: CODES 73, 74.

²³⁴ P4 TG JUSTICE_AAP_K: CODES 60, 61.

²³⁵ P4 TG JUSTICE_AAP_K: CODES 72, 73.

²³⁶ P5 TG JUSTICE_STE_D: CODE 62.

²³⁷ P4 TG JUSTICE_AAP_K: CODE 63.

²³⁸ P4 TG JUSTICE_AAP_K: CODE 63.

²³⁹ P4 TG JUSTICE_AAP_K: CODES 54-56.

²⁴⁰ P4 TG JUSTICE_AAP_K: CODES 66-68.

²⁴¹ P5 TG JUSTICE_STE_D: CODES 55, 56.

²⁴² P4 TG JUSTICE_AAP_K: CODES 47-50.

²⁴³ P4 TG JUSTICE_AAP_K: CODE 48.

²⁴⁴ P4 TG JUSTICE_AAP_K: CODES 48; P22 TG POLITICS_PAD_GIPA: CODE 52.



reflected in the media where crime, scandals, police and, to a lesser extent, the justice system have become major news items. Finally, the General Inspector recognized indirectly the unequal treatment of citizens (powerful unlike the ordinary people) and thus the selection politics of justice²⁴⁵.

He regards lawyers with disdain, and expresses low esteem for women judges implying the same for women in general who tend to consumerism and influence their family²⁴⁶. Yet, he refers in an interesting network among lawyers and relatives of judges for pumping customers²⁴⁷.

The General Inspector also regards justice²⁴⁸ inefficient in confronting with the needs of society, overloaded²⁴⁹ slow²⁵⁰, and expensive²⁵¹, while the young generation of judges²⁵² are inexperienced for the demands of their profession²⁵³. This is mainly due to the restriction of jurisdiction for the three member courts²⁵⁴ for financial reasons, whereby counselling was working as a real school for the younger judges, and the enlargement of the one member courts' jurisdiction²⁵⁵. Additionally, the low wages²⁵⁶ discourage and depress judges, since they face work overload and lack of administrative support. Nevertheless, justice is from the better paid public services in Greece.

All of them appreciate the work of EU although they consider that its main interest is to improve competition in the global economy and to control the *capital of corruption*²⁵⁷. Moreover, that if legislation is adjusted to the legal culture of each country²⁵⁸ could have positive impact, and the intra-european cooperation in the area is necessary to face the issue²⁵⁹. Anyway, EU cannot be counted as a working model any more²⁶⁰, because of its enlargement it is faded out; it is debunked and needs our support²⁶¹.

²⁴⁵ P22 TG POLITICS_PAD_GIPA: CODE 75.

²⁴⁶ P22 TG POLITICS_PAD_GIPA: CODES 50, 51.

²⁴⁷ P22 TG POLITICS_PAD_GIPA: CODES 76-79.

²⁴⁸ P22 TG POLITICS_PAD_GIPA: CODES 92, 93.

²⁴⁹ P22 TG POLITICS_PAD_GIPA: CODE 59.

²⁵⁰ P22 TG POLITICS_PAD_GIPA: CODES 60-63.

²⁵¹ P22 TG POLITICS_PAD_GIPA: CODES 53-57.

²⁵² P22 TG POLITICS_PAD_GIPA: CODES 70, 71.

²⁵³ P22 TG POLITICS_PAD_GIPA: CODES 65-68.

²⁵⁴ The courts of first instance in Greece for criminal and civil cases are constituted either by one or three-members, depending on the seriousness of the case; the same applies to the juvenile (criminal) courts.

²⁵⁵ P22 TG POLITICS_PAD_GIPA: CODE 69.

²⁵⁶ P22 TG POLITICS_PAD_GIPA: CODE 94.

²⁵⁷ P4 TG JUSTICE_AAP_K: CODES 20, 21; P22 TG POLITICS_PAD_GIPA: CODES 16, 27; cf. P5 TG JUSTICE_STE_D: CODE 63a.

²⁵⁸ P22 TG POLITICS_PAD_GIPA: CODES 9-11.

²⁵⁹ P22 TG POLITICS_PAD_GIPA: CODES 5, 6, 25, 26, 39-42.

²⁶⁰ P5 TG JUSTICE_STE_D: CODE 66.

²⁶¹ P5 TG JUSTICE_STE_D: CODES 63-65.



4.4. TG III POLICE

4.4.1. General Comments

Police was one of the TGs with which we had serious difficulties in accessing them, either due to formal prerequisites we had to fulfil (written application, sending questionnaires, approval of interview), or work overload and meeting arrangement. The interview with the Service was very formal and carried out with no use of recorder corresponding to its wish. The meeting with the Police's trade unionist was fruitful and loose/relaxed.

4.4.2. Evaluation Units

P14 TG POLICE_DEY
P15 TG POLICE_PFPS

4.4.3. Interviews' Analysis

According to our interviewees corruption is a wide²⁶² area with various forms, exactly like organized crime²⁶³, whereby the corrupt attribute to certain activities (and cases) is an issue of interpretation. They remain loyal to the legal concept as defined in the criminal law, yet, all three describe it as social 'phenomenon'²⁶⁴, oscillating between a sociological approach (social 'phenomenon') and a medical one (social 'sickness').

In our discussion the Service of Internal Affairs (DEY) used for its argumentation the national legislation²⁶⁵ and the definition of the European Council²⁶⁶. DEY's focus on the above definition was expected, not only because of its authority and inspective role, but also due to the formal interviewing; one police officer was reading answers to our questionnaire and commenting from time to time with the presence of her superior who was free to participate whenever he thought it was necessary. In general the Service was concentrated on the normative context of anticorruption policy.

The other interviewee, from the Police Servants' Federation is very sceptical about the international definitions and consequently the policies used. He adopts a constructivist approach, stressing the different interpretations of the same fact or activity ('everything is an issue of interpretation')²⁶⁷, according to which the term corruption is strongly related with the peculiarities of each society the offendres' group and the formulation of charges. His discourse is free, his view open for discussion and unconventional, since he doesn't have the same official reservations with the officers of DEY. Moreover, his position as representative

²⁶² P14 TG POLICE_DEY: CODE 5.

²⁶³ P15 TG POLICE_PFPS: CODES 56, 57.

²⁶⁴ P15 TG POLICE_PFPS: CODE 92; P14 TG POLICE_DEY: CODE 76.

²⁶⁵ P14 TG POLICE_DEY: CODE 2.

²⁶⁶ P14 TG POLICE_DEY: CODES 2, 15.

²⁶⁷ P15 TG POLICE_PFPS: CODE 57.



of low-ranking police officers, mainly those on the beat justifies his loose attitudes and the quality of his discourse²⁶⁸.

In any case, both sides distinguish between ‘petty’ and ‘grand’ corruption²⁶⁹, according to a) the social groups involved²⁷⁰, and b) the amount of money used²⁷¹, or the services exchange. Petty corruption is related to lower and middle social strata as ‘survival’ strategy to the difficulties of life, while grand corruption with those at the top of the socio-economic pyramid.

Moreover, we came upon an official and an unofficial discourse on corruption. The first is expressed by the officers of the Directorate of Internal Affairs and the second by the Police Union’s representative. Their institutional role corresponds to their different approach and openness to the researchers. Although the representatives of DEY don’t dispute its existence in society, its limits are defined narrower, than by the other interviewee. The Union’s representative regards corruption in society as ‘usual’ social behaviour. But he refers rather to a general behaviour, not corresponding to approved social – moral standards, than to illegal practices. Nevertheless, both sides didn’t show any special concern about corruption in police, and they generally agree about policy measures for dealing with it.

For one interviewee corruption in society is expanded, claiming that ‘Greek society acclimatized itself to corruption and bribery’²⁷². Corruption characterizes the social behaviour²⁷³, therefore he is pessimistic about the chances of recovery.

Although the other interviewees don’t dispute the existence of the problem²⁷⁴ ‘in all social classes, as well as in public services’²⁷⁵, its limits are defined narrower²⁷⁶ than the Union’s representative. Their view is opposed to the generalization that corruption is ‘an extensive and diffuse problem’ justifying in the mean time their efforts to control it. According to DEY, generalisations due to failing statistics²⁷⁷ and other valid data²⁷⁸, along with the over-presentation by mass media²⁷⁹ during the last decade, have created a false image about the seriousness and size of the problem in Greece.

DEY is trying to move and put the blame on Greek society, not always successfully, countering that most of the citizens criticize and disapprove corruption²⁸⁰. It is the only group, which didn’t throw the baby with the pool.

²⁶⁸ P15 TG POLICE_PFPS: CODES 125, 130, 131.

²⁶⁹ P15 TG POLICE_PFPS: CODE 141.

²⁷⁰ P15 TG POLICE_PFPS: CODE 13; P14 TG POLICE_DEY: CODES 52-56, 58.

²⁷¹ P15 TG POLICE_PFPS: CODES 14, 95, 96; P14 TG POLICE_DEY: CODE 49.

²⁷² P15 TG POLICE_PFPS: CODES 100,101.

²⁷³ P15 TG POLICE_PFPS: CODES 3, 99.

²⁷⁴ P14 TG POLICE_DEY: CODE 40.

²⁷⁵ P14 TG POLICE_DEY: CODE 52.

²⁷⁶ P14 TG POLICE_DEY: CODES 11-14, 24, 43.

²⁷⁷ P14 TG POLICE_DEY: CODE 13.

²⁷⁸ P14 TG POLICE_DEY: CODE 14.

²⁷⁹ P14 TG POLICE_DEY: CODE 12.

²⁸⁰ P15 TG POLICE_PFPS: CODES 132; P14 TG POLICE_DEY: CODE 7.



All three interviewees see international and European cooperation in the field (organized crime included) useful²⁸¹ and necessary due to the globalization²⁸², despite the bureaucratic difficulties of coordination²⁸³.

The interviewees attribute (mainly the Union's representative) corruption initially to Greek society's superstructure, affected its legal, social, cultural and political institutions; he used often terms such as *mentality*²⁸⁴, *historical and cultural residues*²⁸⁵, still without further specification. By that, he tries to explain the development of collective attitudes, various concepts and interpretations of corrupt practices, as well as their control in different societies. Under the above point of view he refers further to the organizational structure of the state and the public administration. Bureaucracy, overregulation and complex legislation²⁸⁶ are considered to be the main reasons for corruption²⁸⁷.

The *institutions' crisis* (delegitimization) is overstated in the discourse and is seen as cause and result of corruption in Greece. Its extent though, is not considered the same for Union's representative and DEY's officers. According to the first, crisis is general²⁸⁸ followed by an overall scorn for the state, police included²⁸⁹. DEY from its side, attempts (without disputing it) to decrease its extent and intensity²⁹⁰. The police officers promote the idea that it is either a media construction²⁹¹, or the result of insufficient information of the citizens²⁹², maintaining for example that police is highly appreciated²⁹³.

Furthermore, corruption is related to *personality's formation*²⁹⁴ (character etc.), a view advanced by the Union's interviewee²⁹⁵. Similarly, although less striking, DEY refers to 'elastic-conscience'²⁹⁶ and 'personality'²⁹⁷ (meaning opportunism and profiteering).

After all, it is worth mentioning that police's approach was not consistent with a *social analysis* of corruption which seemed to follow, especially the one of the Federation. The system is not as strong as initially the Union representative presented, since whatever behaviour a person follows, it is, according to him, the result of *rational choice* and *free*

²⁸¹ P15 TG POLICE_PFPS: CODES 63, 64; P14 TG POLICE_DEY: CODE 18.

²⁸² P14 TG POLICE_DEY: CODE 17.

²⁸³ P15 TG POLICE_PFPS: CODES 65, 66, 58, 59.

²⁸⁴ P15 TG POLICE_PFPS: CODES 2, 7.

²⁸⁵ P15 TG POLICE_PFPS: CODE 102.

²⁸⁶ P14 TG POLICE_DEY: CODE 50.

²⁸⁷ P15 TG POLICE_PFPS: CODES 4, 104; P14 TG POLICE_DEY: CODES 50, 62.

²⁸⁸ P15 TG POLICE_PFPS: CODES 22-24.

²⁸⁹ P15 TG POLICE_PFPS: CODES 29-31, 33.

²⁹⁰ P14 TG POLICE_DEY: CODES 22, 24, 33, 43.

²⁹¹ P14 TG POLICE_DEY: CODE 25.

²⁹² P14 TG POLICE_DEY: CODES 30, 31.

²⁹³ P14 TG POLICE_DEY: CODE 34.

²⁹⁴ P15 TG POLICE_PFPS: CODES 5, 15, 87, 137.

²⁹⁵ P15 TG POLICE_PFPS: CODES 2, 4, 83-86, 89, 136.

²⁹⁶ P14 TG POLICE_DEY: CODE 47.

²⁹⁷ P14 TG POLICE_DEY: CODE 39.



*will*²⁹⁸, even though he is aware of the ‘injustices of the system’ and their role to corrupt exchanges²⁹⁹.

Strong hierarchical structures of organisation followed by heavy bureaucracy³⁰⁰ and low wages³⁰¹, contribute along with the *anonymity* afforded in big cities³⁰² and increase of illegal opportunities³⁰³ to corrupt practices of police officers.

Nevertheless, both sides estimate corruption in police to be limited and in any case, not higher than in other public services³⁰⁴; yet, it is implied that the ‘famous’ *esprit de corps* operates against the clearance of such cases in the police force³⁰⁵. Furthermore, the *low interest of the leadership* (political and natural) in the financial situation of police officers, and their everyday problems³⁰⁶, but above all its ‘failure to inspire and represent the officers’³⁰⁷ results in its delegitimation³⁰⁸. In our discussion the interviewee of the Federation distinguishes among the rank and file of the corps and notes a discriminatory treatment in the police, such as the ‘preferential treatment’³⁰⁹ of the Service of Internal Affairs not only in cases of corruption but also in their higher remuneration. With this, according to our interviewee, the leadership acknowledges where the core problem is for the ordinary police officers.

DEY’s approach however, is very cautious because of its institutional role and position. It does not question leadership’s interests in fighting corruption (in general) and mentions several times to the improvements in corruption control, exactly because of the good cooperation with the leadership³¹⁰.

Both groups view the institution of the Service of Internal Affairs as innovation, corresponding to their long demand for diminishing corruption in the police³¹¹. Yet, its efficiency is downplayed due to its bureaucratic structure³¹² and its subordination to the police leadership³¹³.

Our interviewees relate the causes of corruption in Greece with the policy measures against it. They agree that its full elimination is impossible, not because of its extent but of its normality

²⁹⁸ P15 TG POLICE_PFPS: CODE 92.

²⁹⁹ P15 TG POLICE_PFPS: CODES 110, 111, 118-121.

³⁰⁰ P15 TG POLICE_PFPS: CODES 28, 50, 51, 94, 95.

³⁰¹ P15 TG POLICE_PFPS: CODE 16; P14 TG POLICE_DEY: CODE 55.

³⁰² P15 TG POLICE_PFPS: CODE 18.

³⁰³ He associates some forms of corruption with organized crime, mainly trafficking and drug trafficking, imported and expanded from the ex communist countries P15 TG POLICE_PFPS: CODE 62.

³⁰⁴ P15 TG POLICE_PFPS: CODES 83, 103.

³⁰⁵ P14 TG POLICE_DEY: CODES 35, 36, 39; P15 TG POLICE_PFPS: CODES 134, 135.

³⁰⁶ P15 TG POLICE_PFPS: CODES 34-39.

³⁰⁷ P15 TG POLICE_PFPS: CODE 40.

³⁰⁸ P15 TG POLICE_PFPS: CODES 46-49.

³⁰⁹ P15 TG POLICE_PFPS: CODES 70, 72.

³¹⁰ P14 TG POLICE_DEY: CODES 14, 24, 26, 27, 30, 31.

³¹¹ P15 TG POLICE_PFPS: CODE 74, 78.

³¹² P15 TG POLICE_PFPS: CODES 79-81.

³¹³ P15 TG POLICE_PFPS: CODES 73-76.



and its sources in outdated ‘established mentalities’³¹⁴. They stress on *prevention* instead of *suppression and control*³¹⁵, on education and socialisation of a *new citizen type*³¹⁶ (referred as investment in social structures)³¹⁷. Whatever policy on this background needs long-term planning³¹⁸ and time for its outcomes³¹⁹.

In addition, they suggest administrative reform³²⁰, modernisation of public services, modernisation of justice in order to increase its effectiveness³²¹ justice’s speedup, use of swift and exemplary sentences³²², emphasis on prevention³²³, limiting of public servant’s discretionary authority in dealing with specific cases³²⁴. All accept that each citizen has a key role against corruption. What are missing in the suggested measures of our interviewees are those pertaining to the police.

4.5. TG IV MEDIA

4.5.1. General Comments

The Media representatives, who participated in our research, are columnists in Athenian newspapers of high circulation, while one of them is member of the administrative council of the Editors’ Association of Athens’s Daily Newspapers (ESHEA). They had either covered the case studies in the first phase of the programme, or have occasionally written articles about corruption in Greece. They are not ‘stars’ of the local journalism, a reason for which we asked them to participate in our research, and they are working in the media for a long time (at least 20 years). We didn’t contact any TV or radio journalist, because of our experience from the first period; we considered having hardly any chance for an interview. In addition, we adhered in some degree to the Press, which was our main source in the first period.

4.5.2. Evaluations Units

P6 TG MME_DOL

P7 TG MME_ELEF

P8 TG MME_ENET/ESHEA

³¹⁴ P15 TG POLICE_PFPS: CODES 55, 113, 115; P14 TG POLICE_DEY: CODES 6, 63.

³¹⁵ P15 TG POLICE_PFPS: CODES 42, 43; P14 TG POLICE_DEY: CODE 65.

³¹⁶ P15 TG POLICE_PFPS: CODES 112-116.

³¹⁷ P15 TG POLICE_PFPS: CODE 42.

³¹⁸ P15 TG POLICE_PFPS: CODE 113; P14 TG POLICE_DEY: CODE 63.

³¹⁹ P15 TG POLICE_PFPS: CODE 115.

³²⁰ P14 TG POLICE_DEY: CODE 75.

³²¹ P14 TG POLICE_DEY: CODE 73.

³²² P15 TG POLICE_PFPS: CODES 44, 67, 68.

³²³ P14 TG POLICE_DEY: CODE 74.

³²⁴ P14 TG POLICE_DEY: CODE 67.



4.5.3. Interviews' Analysis

All three journalists analysed corruption, its origin and causes, as well as its forms from a quasi historical-sociological approach.

The phenomenon is defined as 'social, political, and cultural'³²⁵, with ranging seriousness (petty – grand corruption)³²⁶, associated mainly with the 'habitus' of a society³²⁷. The phenomenon is defined as 'an exchange which is not necessarily monetary and not always illegal' (in terms of law)³²⁸, although money are very often at the core of the exchange. It is inherent in the capitalist system of western democracies³²⁹ ('*the political-economic system cannot live without corruption*',³³⁰). Therefore considering corruption a 'social disease is a trivial ('dog-cheap') justification' used by the mass media and politicians³³¹.

Culture is regarded as the significant variable for explaining not only the nature but also the forms of corruption in Greece. Some of the interviewees distinguish between corruption in the East and corruption in the West³³², where 'the eastern you move, the bigger is the problem'. Corruption acquires peculiar characteristics in the discourse of our interviewees growing or decreasing depending on cultural developments. Starting from a sketchy – in our view – distinction between an indefinable East and an equally nebulous West³³³.

Greece is characterized as a country of 'semi-Eastern – semi-Western type'³³⁴, which goes us back to the ideological dilemma of the Greek intelligentsia during the middle of the 19th century, whether Greece belongs to the East or to the West, as Markos Renieris wrote in his famous article "What it is Greece: East or West?", which initially was published anonymously in 1842. In this the author criticized Adamantios Korais, one of the most well known representatives of the Greek Enlightenment, for his adherence to Western civilization and the characteristics of Greek culture.

Although there is no doubt about corruption in Western societies, what differentiates it from its 'Eastern version' is the existence of 'rules of the game'³³⁵. In addition, although an 'export of corruption' takes place from the West (mainly multinational corporations) to third (underdeveloped, developing) countries the 'rules of the game' within western societies remain stable³³⁶.

³²⁵ P7 TG MME_ELEF: CODES 1, 3, 44, 9, 12.

³²⁶ P7 TG MME_ELEF: CODE 2.

³²⁷ P7 TG MME_ELEF: CODE 6.

³²⁸ P6 TG MME_DOL: CODE 49; P7 TG MME_ELEF: CODES 50, 122.

³²⁹ P6 TG MME_DOL: CODE 56.

³³⁰ P7 TG MME_ELEF: CODE 11.

³³¹ P7 TG MME_ELEF: CODE 85.

³³² P7 TG MME_ELEF: CODE 44, 48.

³³³ This distinction suggest the also rather obscure and methodologically dicey distinction that Samuel Huntington attempts in his well-known book *The Clash of Civilizations and the Remaking of the World Order*, New York: Simon & Schuster, 1996.

³³⁴ P7 TG MME_ELEF: CODE 117.

³³⁵ P7 TG MME_ELEF: CODES 46, 50, 56.

³³⁶ P8 TG MME_ENET/ESHE: CODE 22.



Apart from heavy bureaucratic structures³³⁷ and overregulation producing corruption³³⁸, the journalists search the origins of the phenomenon in Greece, in the institution of the New Greek state after the liberation from the Ottoman Turks in the 19th century, its structures and the establishment of the political system.

Their analysis refers to the structure of social power and its division among the dominant social groups (social elites). A significant factor for the extent of corruption is considered to be the ‘distorted development of the social and financial structures³³⁹, which took place in the post-war era (after 2nd World War). According to the interviewees, during the 80’s the problem in Greece is expanded and took modern forms³⁴⁰, while during the 90’s corrupt practices were established, improved and refined.

The transformation of the Greek economy (following the ‘modernization dogma’), the influx of EU funds, and the consequent boost of the private economy in relation to that of the state decline and its structural shortcomings – especially the control mechanisms³⁴¹ –, expanded corruption followed by its side effects in collective behaviours (state and society).

In the whole problematic ‘the political-economical system’ is dominant; this not only produces corruption (mainly grand corruption) but also reproduces it. The protagonists of this system are the powerful economic and political groups, the organized pressure groups³⁴², and the economic and political oligarchy³⁴³. The interviewees adopt the dominant view of the 70’s and early 80’s about the ways these groups have been established, referring to an ‘*intermediary capital with Greek peculiarities*³⁴⁴ and sometimes of a ‘*state-sponsored capital*³⁴⁵ that has privileged relations with political power.

Summing up, the interplay of political and economical interests is related to the original accumulation of the Greek capital in the 19th and 20th century (see also TG Politics). A similar historical-socioeconomic approach is attempted for the development the modern political system in Greece and the way it eventually reproduces corruption. For the media representatives, ‘political corruption’ is strongly related with the operation of political parties, as well as their establishment³⁴⁶ and financing. The outcome is dependence on and reproduction of the dominant socio-economic groups in a context of generalized corruption, because the economic system has never operated in terms of international capital and true competition³⁴⁷. The interviewee emphasizes that even in the 90’s, when the Greek capital

³³⁷ P7 TG MME_ELEF: CODES 96, 97, 102.

³³⁸ P7 TG MME_ELEF: CODE 105.

³³⁹ P7 TG MME_ELEF: CODES 10, 29, 73; P6 TG MME_DOL: CODE 69.

³⁴⁰ P6 TG MME_DOL: CODE 64.

³⁴¹ P6 TG MME_DOL: CODE 65; P8 TG MME_ENET/ESHEA: CODE 53.

³⁴² P7 TG MME_ELEF: CODE 18.

³⁴³ P7 TG MME_ELEF: CODES 20, 24; P6 TG MME_DOL: CODE 73.

³⁴⁴ P7 TG MME_ELEF: CODE 27.

³⁴⁵ P7 TG MME_ELEF: CODES 20, 21, 22, 26, 61.

³⁴⁶ P6 TG MME_DOL: CODE 1.

³⁴⁷ The interviewee emphasizes that even in the 90’s, when the Greek capital moved beyond the national borders, this took place in the Balkans where, according to him, are characterized by an extensive interplay of political and economic power (P7 TG MME_ELEF: CODE 62). This is a rather rough approach, because the geographic



moved beyond the national borders, this took place in the Balkans where are characterized by an extensive interplay of political and economic power³⁴⁸. This is a rather rough approach, because the geographic area is the natural place for Greek investments and bypasses the discussed ‘export of corruption’ which takes place from big multinational corporations of the West to the developing and underdeveloped³⁴⁹, starting from the neighbouring countries. In parallel, the powerful groups ('economic elite') involved in corrupt practices and such exchanges are those who reproduce it for their own interests³⁵⁰, and are the main parties' financiers³⁵¹.

After all, the model of corruption in Greece, according to our interviewees has a triangle form. The political and economic power is at the base, and the mass media at the top (see also below). The system (sometimes the use of the term is extremely vague) is regarded operating independent (without social control), reproducing itself together with collective attitudes and social behaviours. In short, the ‘system’ is strong, distorting conscience and disabling mechanisms in order to support its own interests³⁵².

All the interviewees agree that corruption in contemporary Greece is extended³⁵³, covering the public life³⁵⁴, ‘representing a serious social problem’³⁵⁵ and can eventually be followed by ‘uncontrollable situations’³⁵⁶. Nonetheless, corruption is counted to be a general problem of all countries, inherent in our times³⁵⁷. Furthermore, they distinguish between petty and grand corruption³⁵⁸, and refer to its intensity and development corresponding to the development of the political and economic system³⁵⁹.

Corruption is presented as a dominant social attitude³⁶⁰ and acceptable behaviour in the exchange of the citizen with the state³⁶¹, irrespective of its eventual justification in the current system of power that produces injustices, inequalities and discrimination against the lower and middle class.

area is the natural place for Greece for investments and bypasses the discussed “export of corruption” which takes place from big multinational corporations of the West to the underdeveloped and developing P8 TG MME_ENET/ESHEA: CODE 22.

³⁴⁸P7 TG MME_ELEF: CODE 62.

³⁴⁹P8 TG MME_ENET/ESHEA: CODE 22.

³⁵⁰P8 TG MME_ENET/ESHEA: CODES 45, 46, 47.

³⁵¹P8 TG MME_ENET/ESHEA: CODES 49, 50.

³⁵²P7 TG MME_ELEF: CODE 72; P8 TG MME_ENET/ESHEA: CODE 221.

³⁵³P7 TG MME_ELEF: CODES 2, 74; P8 TG MME_ENET/ESHEA: CODE 23; P6 TG MME_DOL: CODE 112.

³⁵⁴P7 TG MME_ELEF: CODES 54, 55; P8 TG MME_ENET/ESHEA: CODES 24-26; P6 TG MME_DOL: CODE 224.

³⁵⁵P8 TG MME_ENET/ESHEA: CODE 16.

³⁵⁶P7 TG MME_ELEF: CODE 111.

³⁵⁷P6 TG MME_DOL: CODE 59.

³⁵⁸P8 TG MME_ENET/ESHEA: CODES 24, 25.

³⁵⁹P8 TG MME_ENET/ESHEA: CODE 16.

³⁶⁰P7 TG MME_ELEF: CODE 191.

³⁶¹P6 TG MME_DOL: CODES 121, 218, 236.



According to the interviewees, contemporary Greek society has incorporated corrupt practices as accepted social behaviour, because as society is based on reciprocity, mutual services (peculiar form of solidarity?)³⁶². At the same time, they accept the frequent and exaggerated references to the topic, together with its superficial official approach do nothing more than to befog and reproduce the phenomenon³⁶³. For the media representatives, the extent of corruption in Greece is inversely proportional to the social reaction it provokes. Compared with the past, greater tolerance and lower social resistance is observed³⁶⁴, while the politicians' declarations about their commitment and effort to decrease corruption are considered meaningless and for show off³⁶⁵.

As mentioned above, all interviewees agree for the tolerance's increase about corruption. Two interpretations are promoted. The first sees the 'dominant (political and economical) system' neutralising citizens' reactions³⁶⁶. Mass media have a significant role in this process³⁶⁷ and in their exchange with the 'dominant political power' (see political parties) takes care of its self-maintenance³⁶⁸.

The second view, without ignoring the role of the mass media, ascribes greater importance to a socialisation of the citizens which produced not only tolerance but also acceptance (especially those of the lower and middle social strata) to these practices³⁶⁹.

All the interviewers accept that corrupt practices (mainly petty corruption) may operate for the 'redistribution of wealth'³⁷⁰, thus is characterized as 'functional'³⁷¹. At the same time they underline the inherent inequality between state–citizens relations because of this exchange. This cooperation puts automatically the limits of the relationship, because not all citizens can use such means or methods (relations). Therefore, it is an unwholesome equality³⁷² leading to an impasse³⁷³.

'Redistribution' is not real redistribution of resources in favour of the social disadvantage and poor population, but as a way through which petit bourgeoisie exploit a 'grey zone' of the public sector (not defined by the interviewees and rather extended) with corrupt exchanges and mutual services (bribery, clientelism). To the question how many chances have the ordinary people not to use illegal practices, given the social inequality and the discrimination, the answer is that no illegal practices can be accepted³⁷⁴. Therefore, the individual is regarded as 'pure political being' who acts only according the common interest and not the personal or

³⁶² P8 TG MME_ENET/ESHEA: CODES 27, 28.

³⁶³ P8 TG MME_ENET/ESHEA: CODE 37.

³⁶⁴ P7 TG MME_ELEF: CODES 29, 30; P8 TG MME_ENET/ESHE : CODE 17.

³⁶⁵ P6 TG MME_DOL: CODES 57, 58, 244.

³⁶⁶ P7 TG MME_ELEF: CODE 31.

³⁶⁷ P7 TG MME_ELEF: CODES 33, 34.

³⁶⁸ P7 TG MME_ELEF: CODE 37.

³⁶⁹ P7 TG MME_ELEF: CODES 40, 41; P6 TG MME_DOL: CODE 228.

³⁷⁰ P7 TG MME_ELEF: CODE 65.

³⁷¹ P6 TG MME_DOL: CODES 119, 120.

³⁷² P7 TG MME_ELEF: CODES 65, 66; P6 TG MME_DOL: CODE 158.

³⁷³ P8 TG MME_ENET/ESHEA: CODES 19-21.

³⁷⁴ P8 TG MME_ENET/ESHEA: CODE 21.



group benefit. The other new justifies such practices, though it rejects them. Furthermore, concerning the limits of tolerance and social erosion, the first approach sees corruption extended in all social strata³⁷⁵, while the second refers to social fatigue citizens' dissatisfaction and signs of increasing reaction. They consider that there is a rising social dissatisfaction³⁷⁶, but not yet organised: this behaviour is expressed in a rather destructive than constructive way³⁷⁷. In any case, Greek society demands changes, rules and improvements³⁷⁸.

In spite of the criticism to EU policies and other international organizations for this issue (OECD, World Bank, Transparency International), the whole effort is appreciated in general and considered to be positive for Greece in particular. And this because it supports a thorough analysis and discussion, as well as because it promotes the education and the information of the society³⁷⁹. It is accepted³⁸⁰ that a closer cooperation of Greece with EU in corruption control will contribute to its reduction, mainly because of the financial costs required for the European convergence. Moreover, Greece's integration in the structures of EU will support³⁸¹ the re-organization of the political parties³⁸².

The problem however in the relations between EU and Greece starts, according to the media representatives, either from the structural weaknesses or unwillingness of the Greek political and economic system to adjust to regulatory reforms³⁸³. The interviewees note that the Greek governments simply accepted the anticorruption legislation of EU, without participating in their formulation, since they haven't worked them out, and started integrating them in the national legislation with delays and following only roughly the anti-corruption policies³⁸⁴. This results in adopting approaches and policies from abroad, which certainly couldn't take into account the forms and extent of the problem to each country, since the country itself hadn't expressed its own view.

All the interviewees strongly criticize the use of corruption by the media, especially the electronic ones. According to them, media, being private enterprises, are the main players in corrupt exchanges serving their own financial interests³⁸⁵. Media are characterized by their close relationships with the prevailing political and economic interest groups³⁸⁶. The interviewees recognize the absence of independent media and the weakness of the Press for independent journalism. Consequently, media don't correspond to their basic mission for

³⁷⁵ P7 TG MME_ELEF: CODES 40, 41; P8 TG MME_ENET/ESHEA: CODE 33 ; P6 TG MME_DOL: CODE 228.

³⁷⁶ P7 TG MME_ELEF: CODE 67.

³⁷⁷ P7 TG MME_ELEF: CODES 68, 69.

³⁷⁸ P7 TG MME_ELEF: CODES 76-78.

³⁷⁹ P8 TG MME_ENET/ESHEA: CODES 13, 14.

³⁸⁰ P6 TG MME_DOL: CODE 245.

³⁸¹ P6 TG MME_DOL: CODE 76.

³⁸² P6 TG MME_DOL: CODE 80.

³⁸³ P8 TG MME_ENET/ESHEA: CODE 71.

³⁸⁴P8 TG MME_ENET/ESHEA: CODES 72-74.

³⁸⁵P8 TG MME_ENET/ESHEA: CODES 34, 35; P6 TG MME_DOL: CODE 34.

³⁸⁶P7 TG MME_ELEF: CODES 82-84; P8 TG MME_ENET/ESHEA: CODE 36; P6 TG MME_DOL: CODES 184, 187, 193, 203, 204.



objective information and social control, but work as intermediaries of political and economic interests³⁸⁷. At the same time, the rapid increase of their influence to society, mainly of television, resulted in an absurdity: Media have replaced the institutional control with a television one³⁸⁸. Therefore, the discussion in relation to corruption increases either superficial, or nihilistic and destructive³⁸⁹. Media don't promote productive discussion but their agenda is defined according to their own interests and not, by the real problems and social needs³⁹⁰.

The view of our target group about corruption in politics is also critical. Politicians are captured³⁹¹ between the prevalent image which is promoted by the media and the alleged demands of their electoral clientele. The result is lack of political courage to enforce measures of transparency and anticorruption with the repeated justification of the 'political cost'³⁹². Media representatives attribute the reasons of reluctance, to the formation of the party political system in the new Greek state and its submission to foreign powers. Summing up, apart from the accepted media role to the modern party system³⁹³, the basic factors that (re)produce corruption in politics are the shortcomings of their democratic organisation³⁹⁴, its person oriented character³⁹⁵, its reliance on economic interests³⁹⁶ and inefficient control mechanism³⁹⁷ for party and electoral expenses. In fact, the existing control mechanisms (e.g. the electoral committee) are completely inefficient and powerless.

Corruption in public administration and corruption in politics³⁹⁸ are two different things although they are strongly related to each other³⁹⁹: it is visible and petty, though inherent in the structures of PA⁴⁰⁰.

The reasons for this situation are attributed to the so-called 'distorted economic development' of the country⁴⁰¹, to the existence of heavy bureaucracy⁴⁰², to the outdated administrative structures and the intervention of party-politics to serve their clientele⁴⁰³.

³⁸⁷P6 TG MME_DOL: CODES 35, 38.

³⁸⁸ P6 TG MME_DOL: CODE 207.

³⁸⁹ P7 TG MME_ELEF: CODE 81; P6 TG MME_DOL: CODE 183; P6 TG MME_DOL: CODE 181.

³⁹⁰ P8 TG MME_ENET/ESHEA: CODE 32.

³⁹¹ P8 TG MME_ENET/ESHEA: CODE 44.

³⁹² P8 TG MME_ENET/ESHEA: CODES 29, 30.

³⁹³ P6 TG MME_DOL: CODES 31-33.

³⁹⁴ P6 TG MME_DOL: CODES 28, 29.

³⁹⁵ P6 TG MME_DOL: CODE 31.

³⁹⁶ P6 TG MME_DOL: CODES 4, 6.

³⁹⁷ P6 TG MME_DOL: CODES 12, 14, 16; P6 TG MME_DOL: CODE 26; P6 TG MME_DOL: CODES 17, 23, 24, 27.

³⁹⁸ P6 TG MME_DOL: CODE 2.

³⁹⁹ P6 TG MME_DOL: CODES 124-128.

⁴⁰⁰ P6 TG MME_DOL: CODES 115, 116, 235.

⁴⁰¹ P6 TG MME_DOL: CODE 123.

⁴⁰² P6 TG MME_DOL: CODES 130, 137.

⁴⁰³ P6 TG MME_DOL: CODES 117, 123.



Our interviewees emphasize on administrative reform⁴⁰⁴, computerization and overall modernization of Public Administration, as well as its control mechanisms⁴⁰⁵. Moreover, they accentuate the need for investments to the human and material capital of Public Administration⁴⁰⁶ and better regulation⁴⁰⁷.

They refer to structural changes without specifying them⁴⁰⁸, which have to be fulfilled gradually, in order the generalized collapse of the existing power system to be avoided⁴⁰⁹. All in all, reducing corruption in Greece demands commitment⁴¹⁰ of the citizens, education and awareness, together with an effective social control⁴¹¹. And this because, as one interviewee said: 'Democracy is a very difficult system that requires continuous alertness and control by the citizens'⁴¹².

4.6. TG V CIVIL SOCIETY-NGOs

4.6.1. General Comments

Notwithstanding NGOs are relatively new structures in Greek society, existing since '90s, their number is very high. They work mainly in three areas: environment/ecology, local issues, social issues, with various success. Our interviewees represent three NGOs (TI-Hellas, Citizens' Movement and Network 21). TI-Hellas, as known, is working on anti – corruption issues, Citizens' Movement on general social issues and Network 21 is working on national issues such as external affairs, migration policy, Greek language, Greek Diaspora, demography etc. We carried out four interviews (TI-Hellas in two sessions).

4.6.2. Evaluation Units

P9 TG NGOs_D21_CHL

P10 TG NGOs_KINHSI POLITON

P12 TG NGOs_TI_Hellas

P13 TG NGOs free_ex_TI

⁴⁰⁴ P7 TG MME_ELEF: CODES 70, 103, 104; P6 TG MME_DOL: CODES 140, 141.

⁴⁰⁵ P8 TG MME_ENET/ESHEA: CODES 65, 68, 69.

⁴⁰⁶ P8 TG MME_ENET/ESHEA: CODES 40, 41, 43.

⁴⁰⁷ P6 TG MME_DOL: CODE 104.

⁴⁰⁸ P7 TG MME_ELEF: CODE 71; P8 TG MME_ENET/ESHEA: CODE 11; P6 TG MME_DOL: CODES 96, 103, 162.

⁴⁰⁹ P7 TG MME_ELEF: CODE 110; P6 TG MME_DOL: CODE 113.

⁴¹⁰ P8 TG MME_ENET/ESHEA: CODE 40.

⁴¹¹ P8 TG MME_ENET/ESHEA: CODES 7, 8, 11; P6 TG MME_DOL: CODE 169.

⁴¹² P8 TG MME_ENET/ESHEA: CODES 9, 59.



4.6.3. Interviews' Analysis

Concerning the meaning of corruption, the interviewees take into consideration its moral, socio-political, and economical aspects. First of all, they accept the moral elements of anti-corruption debate⁴¹³, according to which they link corruption to *dishonesty, shameless behaviour*⁴¹⁴, *rotten system*⁴¹⁵, *immoral behaviour* (even with sexual harassment⁴¹⁶), and view it as *social illness, disease etc.*⁴¹⁷ and an issue of personal moral standards⁴¹⁸. However, they are sceptical whether a policy can be effective though crusades⁴¹⁹ and overdrawing. Corruption is also accounted for negative *socio-political and economical phenomenon*⁴²⁰ associated with the State⁴²¹ and economical structures⁴²². Under this view, corruption is considered a process whereby a person uses his/her power and authority not for the benefit of the organization he/ she participates – either public or private – but for his/her own good fit⁴²³. Corruption may involve financial – tangible⁴²⁴, as well as intangible assets facilitating⁴²⁵ or expanding an exchange network⁴²⁶. Corruption is described as a negative social reality⁴²⁷, and is used in exchange with *bribery-gift*⁴²⁸, ‘*dealing under the table*’⁴²⁹, *citizen's and employees' mistreatment*⁴³⁰, ‘*buying out*’ – *redemption* (e.g. of a public service)⁴³¹, *use of means*⁴³², *collusion of interests*⁴³³, *favouritism*⁴³⁴, *economic or political scandals*⁴³⁵, *money laundering*⁴³⁶, *tax evasion, insurance leaks, economic crime*⁴³⁷ etc. Nonetheless, they admit that some forms of corruption do not violate laws but is the use of informal methods to bypass

⁴¹³ P10 TG NGOs_KINHSI POLITON: CODE 64.

⁴¹⁴ P10 TG NGOs_KINHSI POLITON: CODE 56.

⁴¹⁵ P10 TG NGOs_KINHSI POLITON: CODE 149.

⁴¹⁶ P9 TG NGOs_D21_CHL: CODE 1.

⁴¹⁷ P12 TG NGOs TI Hellas: CODE 1.

⁴¹⁸ P10 TG NGOs_KINHSI POLITON: CODES 138, 139.

⁴¹⁹ P13 TG NGOs free_ex_TI: CODE 1.

⁴²⁰ P12 TG NGOs TI Hellas: CODE 90.

⁴²¹ P13 TG NGOs free_ex_TI: CODE 3.

⁴²² P13 TG NGOs free_ex_TI: CODE 81.

⁴²³ P13 TG NGOs free_ex_TI: CODE 95.

⁴²⁴ P12 TG NGOs TI Hellas: CODE 94.

⁴²⁵ P12 TG NGOs TI Hellas: CODE 96.

⁴²⁶ P13 TG NGOs free_ex_TI: CODE 56.

⁴²⁷ P13 TG NGOs free_ex_TI: CODE 75.

⁴²⁸ P10 TG NGOs KINHSI POLITON: CODE 17.

⁴²⁹ P10 TG NGOs KINHSI POLITON: CODE 26.

⁴³⁰ P10 TG NGOs KINHSI POLITON: CODE 54; P13 TG NGOs free_ex_TI: CODE 142.

⁴³¹ P9 TG NGOs_D21_CHL: CODE 7.

⁴³² P9 TG NGOs_D21_CHL: CODE 89.

⁴³³ P12 TG NGOs TI Hellas: CODE 76.

⁴³⁴ P13 TG NGOs free_ex_TI: CODE 8.

⁴³⁵ P12 TG NGOs TI Hellas: CODE 247.

⁴³⁶ P9 TG NGOS_D21_CHL: CODE 188.

⁴³⁷ P10 TG NGOs KINHSI POLITON: CODE 3.



bureaucracy and speed up the accomplishment – fulfilment of a right (e.g. a licence⁴³⁸, cf. TG JUSTICE).

Occasionally, the interviewees admit not knowing the exact meaning of the term⁴³⁹, and agree that its overuse may not be helpful to describe and confront the problem⁴⁴⁰. According to them, corruption evolves mainly in the interface between public and private sector⁴⁴¹. In our discussion, they focus on everyday corruption and attribute it to the shortcomings of public administration:

- a) Heavy bureaucracy⁴⁴², big size and low efficiency.⁴⁴³
- b) Insufficient internal control mechanisms of public administration.⁴⁴⁴
- c) Manipulation of public sector by the political system.⁴⁴⁵
- d) Loose law enforcement.⁴⁴⁶
- e) Slow justice: ‘when justice is delayed, in fact justice is denied’⁴⁴⁷. The big delay in courts’ adjudication, result several times in statute barring.

The public services most affected by corrupt methods are urban planning⁴⁴⁸, land registry services⁴⁴⁹, national defence (military supplies, especially arms⁴⁵⁰), public works and few others granting various licenses (personal or entrepreneurial)⁴⁵¹.

Another area referred is policing and internal security, related to our second case study of the first phase. Criminal networks buy out protection and the public services of police. Illegal naturalizations and illegal immigration are examples of this form of corruption, as traffickers and party politics are the profiteers at the expense of social cohesion, national labour force and public order⁴⁵². Inadequate police protection and police inertia⁴⁵³ are associated with this form of corruption. According to this interview, the previous form is the most serious, since it discredits the state and questions public security⁴⁵⁴. Offering immunity to criminals, public administration can no longer provide security which is the basic precondition for society’s proper functioning and therefore is no reason to pay taxes for it⁴⁵⁵.

⁴³⁸ P9 TG NGOs_D21_CHL: CODE 12.

⁴³⁹ P9 TG NGOs_D21_CHL: CODE 1.

⁴⁴⁰ P9 TG NGOs_D21_CHL: CODES 3, 4.

⁴⁴¹ P10 TG NGOs KINHSI POLITON: CODE 35.

⁴⁴² P13 TG NGOs free_ex_TI: CODES 19, 24, 43, 129, 27, 29.

⁴⁴³ P9 TG NGOs_D21_CHL: CODES 43-55.

⁴⁴⁴ P12 TG NGOs TI Hellas: CODES 241, 228, 16; P10 TG NGOs KINHSI POLITON: CODES 146, 148.

⁴⁴⁵ P13 TG NGOs free_ex_TI: CODE 121; P10 TG NGOs KINHSI POLITON: CODE 21; P13 TG NGOs free_ex_TI: CODES 132, 133, 134.

⁴⁴⁶ P10 TG NGOs KINHSI POLITON: CODE 28; P9 TG NGOs_D21_CHL: CODE 21; P12 TG NGOs TI Hellas: CODES 230-232, 131.

⁴⁴⁷ P10 TG NGOS KINHSI POLITON: CODE 32.

⁴⁴⁸ P9 TG NGOs_D21_CHL: CODE 13.

⁴⁴⁹ P13 TG NGOs free_ex_TI: CODE 34.

⁴⁵⁰ P10 TG NGOS KINHSI POLITON: CODE 36.

⁴⁵¹ P13 TG NGOs free_ex_TI: CODE 118; P10 TG NGOs KINHSI POLITON: CODES 39, 80.

⁴⁵² P9 TG NGOs_D21_CHL: CODES 21, 245, 246.

⁴⁵³ P9 TG NGOs_D21_CHL: CODES 36-38.

⁴⁵⁴ P9 TG NGOs_D21_CHL: CODES 24, 25, 54, 55, 92.

⁴⁵⁵ P9 TG NGOs_D21_CHL: CODE 65.



Concerning grand corruption, our interviewees focus on politics. They consider that the Greek electoral system, with the big districts and the subsequent expensive pre-election campaigns⁴⁵⁶, makes politicians captured by private donors and interests⁴⁵⁷; the same applies with the parties⁴⁵⁸. Meritocracy is faded out and opacity is favoured in party financing⁴⁵⁹. Although the legislation for party financing is newly revised increasing the money submitted, and publication of political parties balance-sheets and candidates' sources is requested, most political parties and candidates, continue to be supported not only by the state budget, as the law foresees, but also by other not determined sources over the rates that the law sets⁴⁶⁰. MAYO case was an example of political parties' reliance on such financing at the grey zone of law⁴⁶¹.

In relation to corruption in the private sector and economy, there are two approaches. According to the first, the interviewees use the argumentation of economy's target group: rules and ethics of competition and market forces, corporate governance, fame and enterprise are put in danger, use of corrupt practices by small family--owned enterprises etc.⁴⁶².

According to the second approach, corrupt practices are often used in private sector, especially when the economic activities are not based on free competition and innovation⁴⁶³. Such examples are attaining state supplies and public works⁴⁶⁴, stockbrokers' illegal business⁴⁶⁵, unlawful completion⁴⁶⁶, fraud – especially securities fraud⁴⁶⁷ – and other economic crimes and commercial violations. One interviewee criticises the Federation of Greek Industries for concealing business' participation in illegal practices by attributing responsibility to the public sector⁴⁶⁸. Several Greek enterprises are nourished by the State⁴⁶⁹, which they blame for corruption, and are over protected⁴⁷⁰, thus facilitating oligopolistic practices, for example, collusion by firms. Therefore free competition and transparency, as in the case of EU financing which was also followed by increasing corruption⁴⁷¹, are impeded at the expense of the citizens⁴⁷².

⁴⁵⁶ P13 TG NGOs free_ex_TI: CODE 5.

⁴⁵⁷ P9 TG NGOs_D21_CHL: CODE 209.

⁴⁵⁸ P13 TG NGOs free_ex_TI: CODE 6.

⁴⁵⁹ P9 TG NGOs_D21_CHL: CODES 218, 213, 215.

⁴⁶⁰ P10 TG NGOs KINHSI POLITON: CODES 85, 86.

⁴⁶¹ P13 TG NGOs free_ex_TI: CODE 68.

⁴⁶² P13 TG NGOs free_ex_TI: CODES 82, 86, 256; P12 TG NGOs TI Hellas: CODES 245, 236, 238, 234, 242, 240, 243, 244, 247, 251-255, 124, 126-131; P10 TG NGOs KINHSI POLITON: CODES 40, 42; P9 TG NGOs_D21_CHL: CODE 170.

⁴⁶³ P9 TG NGOs_D21_CHL: CODE 175.

⁴⁶⁴ P9 TG NGOs_D21_CHL: CODE 203.

⁴⁶⁵ P13 TG NGOs free_ex_TI: CODES 84, 96.

⁴⁶⁶ P9 TG NGOs_D21_CHL: CODES 92, 197.

⁴⁶⁷ P9 TG NGOs_D21_CHL: CODE 182.

⁴⁶⁸ P9 TG NGOs_D21_CHL: CODES 178, 208.

⁴⁶⁹ P13 TG NGOS free_ex_TI: CODES 11, 113.

⁴⁷⁰ P13 TG NGOs free_ex_TI: CODES 106, 108.

⁴⁷¹ P13 TG NGOs free_ex_TI: CODE 135, 136.

⁴⁷² P13 TG NGOs free_ex_TI: CODES 110, 114, 115.

All in all, corruption is regarded leading to a vicious cycle – a dead end, where the state merges with private sector (enterprises and mass media) interests since none of them operates without the other⁴⁷³.

The interviewees criticise corruption from a moral as well as a social-economical point of view. It is considered responsible for under-development, inequality⁴⁷⁴ and uncompetitiveness discouraging foreign investments⁴⁷⁵, while the big size of dysfunctional public sector diminishes society's productivity and wealth⁴⁷⁶. The target group rejects any positive effect that such practices eventually have⁴⁷⁷ on counteracting social inequalities (i.e. unemployment)⁴⁷⁸. Apart from economical reasoning, the interviewees also reject corruption on political level since it destroys the constitutional organization of the state and the core meaning of democracy⁴⁷⁹.

The interviewees neither overestimate, nor underestimate the CPIs⁴⁸⁰; they consider that such indexes show only the trend of the phenomenon⁴⁸¹; moreover that only by comparing Greece with other countries would be a motivation for Greece to be improved⁴⁸².

It is interesting that NGOs regard also that citizens overdraw about the problem, thus creating a negative image of their country⁴⁸³. There are honest and dishonest people as in every country; there are ‘two Greeces’⁴⁸⁴. However according to them, in developed countries corruption emerges only in elites (grand corruption)⁴⁸⁵ (e.g. USA – Enron; Germany – Flick; GB – ‘cash for honours inquiry’). Bribery is used by corporations for the promotion of investments in underdeveloped and developing countries⁴⁸⁶. In Greece petty corruption is expanded⁴⁸⁷. This form is visible and has negative consequences for citizens’ morals and education⁴⁸⁸.

Another difference is law enforcement and punishment. In Greece ‘big scandals’ are either rarely cleared or the offenders are rarely punished, mainly if they are politicians⁴⁸⁹. They note

⁴⁷³ P9 TG NGOs_D21_CHL: CODE 181; P10 TG NGOs KINHSI POLITON: CODES 91, 35, 23; P9 TG NGOs_D21_CHL: CODE 168.

⁴⁷⁴ P13 TG NGOs free_ex_TI: CODES 58, 60.

⁴⁷⁵ P13 TG NGOs free_ex_TI: CODES 109, 119.

⁴⁷⁶ P12 TG NGOs TI Hellas: CODES 269, 267.

⁴⁷⁷ P12 TG NGOs TI Hellas: CODE 257.

⁴⁷⁸ P12 TG NGOs TI Hellas: CODES 260, 266, 268.

⁴⁷⁹ P9 TG NGOs_D21_CHL: CODE 78.

⁴⁸⁰ P12 TG NGOs TI Hellas: CODE 121.

⁴⁸¹ P12 TG NGOs TI Hellas: CODE 122.

⁴⁸² P13 TG NGOs free_ex_TI: CODE 139; P10 TG NGOs KINHSI POLITON: CODE 33, 52.

⁴⁸³ P13 TG NGOs free_ex_TI: CODES 32, 12, 14.

⁴⁸⁴ P13 TG NGOs free_ex_TI : CODES 48, 13, 55.

⁴⁸⁵ P13 TG NGOs free_ex_TI: CODE 128.

⁴⁸⁶ P13 TG NGOs free_ex_TI: CODE 98; P10 TG NGOs KINHSI POLITON: CODE 158.

⁴⁸⁷ P13 TG NGOs free_ex_TI: CODES 97, 137.

⁴⁸⁸ P10 TG NGOs KINHSI POLITON: CODE 78; P9 TG NGOs_D21_CHL: CODES 84, 88, 93, 94, 96, 97.

⁴⁸⁹ P12 TG NGOs TI Hellas: CODES 179, 248.



politicians' impotence to be a model of behaviour for the citizens, especially when they do not acquit and do not be punished (top-down approach: '*corruption begins from the top*')⁴⁹⁰. Our interviewees emphasize and put the blame on politicians, omitting the responsibility of economy's representatives involved in such cases. Consequently, ordinary people view corruption as a normal behaviour to achieve their goals⁴⁹¹. In our question how comes that although Greeks view corruption as normal, criticise and condemn it in international public opinion and European research (Halman 2001, WVS 2000)⁴⁹², no justification could be given. The Greek State reacts by issuing more laws, severe punishment and increase of bureaucratisation, which citizens try to avoid.

Apart from individualism⁴⁹³ and State's distrust, our interviewees criticise tolerance and clemency as a national attitude having historical, socio-cultural origins⁴⁹⁴ which pertains not only to corruption but also to whatever law violation⁴⁹⁵. In addition distrust and disrespect in state's control mechanisms, such as police, are the result of strong disapproval from the left political parties in Greece, especially the young generation, after the last dictatorship⁴⁹⁶. Thus in turn was followed by police indifference in keeping public order and protecting citizens⁴⁹⁷. The appraisal did not affect only the police, but had side effects on core national institutions such as education system, church and religion, distortion of symbols and history etc⁴⁹⁸. Under the trend of the last decade, the respect of national institutions and symbols was regarded as non political correct and characterised as racism, fascism and churhcy behaviour⁴⁹⁹. After all, according to this view corruption is higher-more extended-than in the past, yet mainly superficial. According to the second view, corruption always existed and the rates remain more or less the same⁵⁰⁰. It's not new, legislation reforms and new institutions (e.g. GIPA, Ombudsman)⁵⁰¹ are signs of serious efforts and progress which still do not reflect upon country's scores.

Concerning mass media, the interviewees criticise strongly the legal status of private mass media, mainly because it does not provide enough check and balances as in other developed countries (for example USA), in order media's power be moderated⁵⁰². The presentation of political and social issues becomes a commodity and is commercialized; the same applies for

⁴⁹⁰ P12 TG NGOs TI Hellas: CODES 1, 182; P10 TG NGOs KINHSI POLITON: CODE 85.

⁴⁹¹ P13 TG NGOs free_ex_TI: CODES 15, 16, 18, 125, 77, 127.

⁴⁹² Halman, L. (2001). *The European Values Study: A Third Wave. Source book of the 1999/2000 European Values Study surveys*. Tilburg: EVS WORC Tilburg University

(http://spitswww.uvt.nl/web/fsw/evs/documents/Publications/Sourcebook/EVS_SourceBook.pdf); World Values Survey/WVS (1999-2004), *Online Data Analysis, Greece 1999*, [GR_WVS 2000] 01-03-1999-30-06-1999 (<http://www.worldvaluessurvey.org/>).

⁴⁹³ P13 TG NGOs free_ex_TI: CODE 85.

⁴⁹⁴ P13 TG NGOs free_ex_TI: CODE 67; P9 TG NGOs_D21_CHL: CODES 31, 32.

⁴⁹⁵ P12 TG NGOs TI Hellas: CODES 47, 103, 118, 74, 135, 136.

⁴⁹⁶ P12 TG NGOs TI Hellas: CODES 27, 28.

⁴⁹⁷ P9 TG NGOs_D21_CHL: CODES 27, 28.

⁴⁹⁸ P9 TG NGOs_D21_CHL: CODES 258-263, 83.

⁴⁹⁹ P9 TG NGOs_D21_CHL: CODES 75-77.

⁵⁰⁰ P12 TG NGOs TI Hellas: CODE 21.

⁵⁰¹ P12 TG NGOs TI Hellas: CODES 78, 73.

⁵⁰² P12 TG NGOs TI Hellas: CODE 67.



corruption⁵⁰³. Their presentation is either superficial and descriptive⁵⁰⁴ or scandal-mongering, and since real journalism is very expensive, ‘TV news changed to shows’⁵⁰⁵.

There are two views about the power of media in Greece. According to the first, they are not considered so powerful, but equally responsible for corruption generation to society⁵⁰⁶. According to the second one the media use their power to manipulate public opinion, politicians and politics in general, for their own good⁵⁰⁷.

After all, NGOs do not seem to have a clear view whether mass media’s interests collude with political ones⁵⁰⁸. Still, all interviewees accepted that they fail to inform citizens objectively; they rather distort information or semi-inform, confusing the public⁵⁰⁹. Therefore, their role for informing and sensitizing about corruption⁵¹⁰, as well as other issues, such as policing, public order etc.⁵¹¹ is questioned. This contradicts with the demand, of the interviewees to be supported in their work and in anti-corruption campaigns by the mass media⁵¹².

The status of NGOs is also questioned in respect to their financing and integrity. Some representatives admit that several NGOs are manipulated either by the governments since they are strongly depending on state funds and parties⁵¹³ or private enterprises and various economical and political interests outside the country⁵¹⁴. On the contrary, some other interviewees a) reject the political submission since the members of NGOs are not coming just from political parties, but also from various social and professional groups⁵¹⁵, and b) accept that NGOs may be financially supported by large corporations or the governments⁵¹⁶, yet they are not controlled by them⁵¹⁷.

On account of the measures that Greece should take in order to diminish corruption, representatives of NGOs stress the role of the State, European Union (EU) and NGOs. According to them administrative reform and cultural–ideological ‘reform’ in society is absolutely necessary⁵¹⁸.

In detail, concerning the State and Public Administration, this reform constitutes:

⁵⁰³ P12 TG NGOs TI Hellas: CODES 33, 43, 45, 54.

⁵⁰⁴ P12 TG NGOs TI Hellas: CODE 64.

⁵⁰⁵ P12 TG NGOs TI Hellas: CODE 20.

⁵⁰⁶ P12 TG NGOs TI Hellas: CODES 27, 29, 31.

⁵⁰⁷ P12 TG NGOs TI Hellas: CODE 50.

⁵⁰⁸ P12 TG NGOs TI Hellas: CODE 52.

⁵⁰⁹ P12 TG NGOs TI Hellas: CODES 48, 85, 87, 89, 90.

⁵¹⁰ P13 TG NGOs free_ex_TI: CODES 90-93, 141.

⁵¹¹ P9 TG NGOs_D21_CHL: CODES 31, 32.

⁵¹² P12 TG NGOs TI Hellas: CODES 223, 37, 55.

⁵¹³ P12 TG NGOs TI Hellas: CODES 140-143, 146, 148.

⁵¹⁴ P9 TG NGOs_D21_CHL: CODES 155-159, 166, 167.

⁵¹⁵ P10 TG NGOs KINHSI POLITON: CODE 136.

⁵¹⁶ P10 TG NGOs KINHSI POLITON: CODE 121.

⁵¹⁷ P10 TG NGOs KINHSI POLITON: CODE 133.

⁵¹⁸ P9 TG NGOs_D21_CHL: CODE 48.



- Better regulation, administrative and regulatory reform and public consultation in law making procedures⁵¹⁹.
- Better management of the public sector, improvement of education⁵²⁰, performance measurement to raise efficiency⁵²¹ and introduction of Conduct Codes for all public officers (civil servants, governments, deputies)⁵²².
- Modernization of justice⁵²³.
- Computerization of public administration and use of new technologies⁵²⁴.
- Witnesses' protection for those denouncing corruption incidents⁵²⁵.
- Strict law enforcement⁵²⁶.
- Better policing⁵²⁷.
- Design of an (realistic) immigration policy, control of immigration, quotas of immigrants that the country can accept, like the rest developed countries, USA etc. and integration of immigrants in national society and economy⁵²⁸ with serious efforts for their assimilation.
- Support of healthy competition⁵²⁹ and integration of paraeconomy in official economic transactions (institution of Observatories to control illegal financial activity⁵³⁰, system for lawful tax exemptions⁵³¹).
- Change of voting system in order to decrease candidates' dependency from powerful economic interests⁵³². A less proportional voting system with many small districts can result in a powerful government, for introducing reforms⁵³³.

The interviewees question whether there is a political will from the government to confront corruption and be engaged in reforms⁵³⁴. They accentuate civil society's duties to improve its own life, not waiting for politicians⁵³⁵. In globalization where things move quickly and problems expand, the state and democratic system fail to react on time⁵³⁶. Thus, NGOs and economy representatives should be incorporated in the governance system⁵³⁷ and social pacts

⁵¹⁹ P12 TG NGOs TI Hellas: CODES 205, 208.

⁵²⁰ P13 TG NGOs free_ex_TI: CODE 129.

⁵²¹ P9 TG NGOs_D21_CHL: CODE 40.

⁵²² P12 TG NGOs TI Hellas: CODE 206.

⁵²³ P10 TG NGOs KINHSI POLITON: CODES 174, 177.

⁵²⁴ P12 TG NGOs TI Hellas: CODE 210.

⁵²⁵ P12 TG NGOs TI Hellas: CODE 209.

⁵²⁶ P9 TG NGOs_D21_CHL: CODE 61.

⁵²⁷ P9 TG NGOs_D21_CHL: CODES 80, 81.

⁵²⁸ P9 TG NGOs_D21_CHL: CODES 236-238, 251, 252.

⁵²⁹ P9 TG NGOs_D21_CHL: CODES 177, 185, 186.

⁵³⁰ P9 TG NGOs_D21_CHL: CODE 190.

⁵³¹ P10 TG NGOs KINHSI POLITON: CODE 11, 12.

⁵³² P13 TG NGOs free_ex_TI: CODE 66.

⁵³³ P9 TG NGOs_D21_CHL: CODES 210, 211, 221, 223.

⁵³⁴ P9 TG NGOs_D21_CHL: CODE 21 ; P10 TG NGOs KINHSI POLITON: CODES 61, 62; P12 TG NGOs TI Hellas: CODES 149-151, 154.

⁵³⁵ P10 TG NGOs KINHSI POLITON: CODES 57, 59, 105, 171, 173.

⁵³⁶ P10 TG NGOs KINHSI POLITON: CODES 108, 109.

⁵³⁷ P10 TG NGOs KINHSI POLITON: CODES 110, 112.



should be formed⁵³⁸. Our interviewees note that economy is getting interested in social issues as firms nowadays work in a corporate model⁵³⁹.

The interviewees highly appreciate international efforts against corruption because each state is ineffective to fight the problem by itself⁵⁴⁰ ‘the state is too small for big problems and too big for small problems’ (!)⁵⁴¹. Most of the interviewees recognise that EU played a significant role for Greece’s development⁵⁴² generally and in respect to confront corruption. After all, Greece⁵⁴³ can use good practices of other developed countries, even if this will take time⁵⁴⁴. Moreover, although EU criticizes Greece for corruption, EU itself suffers from the problem, as well as from de-legitimization and extensive bureaucracy⁵⁴⁵; an interviewee noted as well that the co-existence of two law orders –national and European constitution– may result in law insecurity, which eventually will produce such problems as corruption⁵⁴⁶.

Our interviewees of the present target group, as the rest of the groups, recognise the role of education⁵⁴⁷ and socialization process⁵⁴⁸, in which parents, teachers, university teachers and intellectuals should be engaged⁵⁴⁹. Especially in Greece the alleged modernization of the educational and pedagogic system destroyed national culture and symbols and resulted in declining moral⁵⁵⁰.

NGOs reserve for themselves two roles concerning corruption: a) informing and sensitizing citizens⁵⁵¹, b) motivating and/or pressing governments to take measures against corruption, enforce law and comply with EU and international conventions⁵⁵². The main difficulties they note for their work are their limited influence because they have short history in Greece, along with their limited resources (staff and budget)⁵⁵³. In addition, neither governments nor mass media pay any special attention to them⁵⁵⁴, eventually because of their consensual profile⁵⁵⁵. However, here we must mention that the work of two out of three NGOs we interviewed, have not any special production in order to require attention. Moreover, one of these two in

⁵³⁸ P12 TG NGOs TI Hellas: CODE 200.

⁵³⁹ P10 TG NGOs KINHSI POLITON: CODES 112, 119.

⁵⁴⁰ P13 TG NGOs free_ex_TI: CODE 116.

⁵⁴¹ P10 TG NGOs KINHSI POLITON: CODE 120.

⁵⁴² P13 TG NGOs free_ex_TI: CODE 117.

⁵⁴³ P9 TG NGOs_D21_CHL: CODE 58; P13 TG NGOs free_ex_TI: CODE 9.

⁵⁴⁴ P10 TG NGOs KINHSI POLITON: CODES 161, 163.

⁵⁴⁵ P9 TG NGOs_D21_CHL: CODES 71, 98.

⁵⁴⁶ P9 TG NGOs_D21_CHL: CODES 99-107.

⁵⁴⁷ P10 TG NGOs KINHSI POLITON: CODE 4.

⁵⁴⁸ P13 TG NGOs free_ex_TI: CODE 52; P10 TG NGOs KINHSI POLITON: CODE 68.

⁵⁴⁹ P12 TG NGOs TI Hellas: CODES 187-189.

⁵⁵⁰ P9 TG NGOs_D21_CHL: CODES 258, 259.

⁵⁵¹ P12 TG NGOs TI Hellas: CODES 197-199.

⁵⁵² P12 TG NGOs TI Hellas: CODES 194-196.

⁵⁵³ P12 TG NGOs TI Hellas: CODES 218, 219, 221, 222; P13 TG NGOs free_ex_TI: CODE 62.

⁵⁵⁴ P12 TG NGOs TI Hellas: CODES 17, 216.

⁵⁵⁵ P13 TG NGOs free_ex_TI: CODE 101.



spite of its low production has gained eventually much more publicity it is worth, because of international and governmental support.

Summing up most of the interviewees are optimists⁵⁵⁶ about corruption control and its decrease in the long run. It is worth mentioning that one of them sees a positive function in everyday corrupt practices, otherwise –according to him– its total suppression⁵⁵⁷ could outcome in blocking economy ('lubricant')⁵⁵⁸. In any case our interviewees agree that fighting corruption is a long process related to the modernization of society⁵⁵⁹, for which are needed education, consensus and cooperation of the whole socio-political and economical system⁵⁶⁰. Four out of six of our interviewees in the present target group, are either businessmen or executives. This can eventually explain why their discourse and arguments can be irritating to which group they belong: an interviewee yet stated that 'the best state is no state'⁵⁶¹. Their approach is based on personal experience, rich information and many stories, which due to their social status can be promoted as reliable, valid, and admitting no doubt. An elaborated view of the civil society, its role and limits, apart from general declarations is missing, eventually because as mentioned in the beginning, NGOs are new constructions in Greece.

4.7. TG VI ECONOMY

4.7.1. General Comments

The approach of TG Economy to corruption is interesting, although it lacks a special theoretical background, apart from the general context of neoliberalism; it illustrates the relationships between private and public sector with several examples. TG economy includes two representatives of enterprises (Hellenic Bank Association – EET and Hellenic Federation of Enterprises – SEV) and one representative from the employees (General Confederation of Workers of Greece – GSEE).

4.7.2. Evaluation Units

P1 TG ECONOMY_GSEE

P2 TG ECONOMY_EET_HBA

P3 TG ECONOMY_SEV_HFE

⁵⁵⁶ P12 TG NGOs TI Hellas: CODE 119.

⁵⁵⁷ P13 TG NGOs free_ex_TI: CODE 72.

⁵⁵⁸ P12 TG NGOs TI Hellas: CODE 72.

⁵⁵⁹ P10 TG NGOs KINHSI POLITON: CODE 75; P13 TG NGOs free_ex_TI: CODE 76; P10 TG NGOs KINHSI POLITON: CODE 170.

⁵⁶⁰ P12 TG NGOs TI Hellas: CODE 186; P10 TG NGOs KINHSI POLITON: CODE 106.

⁵⁶¹ P12 TG NGOs TI Hellas: CODE 255.



4.7.3. Interviews' Analysis

First of all in respect to corruption the representatives of economy seem not to having a clear idea about the meaning of the term. Coercion of citizens and enterprises' abuse to correspond to illegal demands of public servants, police included its characteristics and forms. They associate corruption with illegal economic transactions;⁵⁶² however it does not always involve financial exchange but also coercion⁵⁶³. As substitute to grand corruption they use: scandals⁵⁶⁴, opacity⁵⁶⁵, pathogen (see: disease)⁵⁶⁶ and merging of interests⁵⁶⁷, while for petty corruption: gift – bribery – pour boire⁵⁶⁸, use of means (use of political acquaintance, identity or preference)⁵⁶⁹. All representatives distinguish between these two kinds of corruption: grand and petty corruption. The representative of employees notes that the term is very *elastic*⁵⁷⁰ thus; its true meaning is concealed⁵⁷¹. He thinks that corruption is a very 'heavy' term for everyday corruption and corresponds only to grand corruption⁵⁷².

For the target group, corruption is a *process*, as well as a form of *behaviour*⁵⁷³. As a process, it refers to acquiring income beyond the legal context or the official economic network (outside the formal financial and state structures – see *paraeconomy*)⁵⁷⁴. As behaviour, corruption means the positive attitudes of people to acquire income through illegal means and methods⁵⁷⁵. A person is considered as 'corrupt' either if he/she offers a bribe or if accepts a gift⁵⁷⁶. Therefore, positive attitudes, tolerance and involvement in illegal practices are regarded as corruption.

The interviewees accept⁵⁷⁷ that corrupt methods are often not with the purpose to violate the law, but to speed up a request and a right to which the people are entitled⁵⁷⁸. Yet, it seems that then confuse corruption with economic crime and market manipulation⁵⁷⁹, namely fraud⁵⁸⁰, tax evasion⁵⁸¹, market abuse and manipulation⁵⁸², deceitful bank loans⁵⁸³, crime in

⁵⁶² P1 TG ECONOMY_GSEE: CODES 51, 118.

⁵⁶³ P3 TG ECONOMY_SEV_HFE: CODES 117-119; P2 TG ECONOMY_EET_HBA: CODE 48.

⁵⁶⁴ P1 TG ECONOMY_GSEE: CODES 20, 21.

⁵⁶⁵ P3 TG ECONOMY_SEV_HFE: CODE 5.

⁵⁶⁶ P2 TG ECONOMY_EET_HBA: CODE 19.

⁵⁶⁷ P1 TG ECONOMY_GSEE: CODE 5.

⁵⁶⁸ P2 TG ECONOMY_EET_HBA: CODE 46.

⁵⁶⁹ P1 TG ECONOMY_GSEE: CODE 203.

⁵⁷⁰ P1 TG ECONOMY_GSEE: CODE 71.

⁵⁷¹ P1 TG ECONOMY_GSEE: CODE 65.

⁵⁷² P1 TG ECONOMY_GSEE: CODES 4, 8.

⁵⁷³ P2 TG ECONOMY_EET_HBA: CODE 54.

⁵⁷⁴ Paraeconomy is the officially non-active but really active economy (otherwise *grey economy*), Kanellopoulos, K. (1990). "The paraeconomy in Greece: what the official data show", Discussion papers, No.4, KEPE, Athens.

⁵⁷⁵ P2 TG ECONOMY_EET_HBA: CODES 55, 56.

⁵⁷⁶ P1 TG ECONOMY_GSEE: CODES 69, 70.

⁵⁷⁷ P2 TG ECONOMY_EET_HBA: CODE 61.

⁵⁷⁸ P3 TG ECONOMY_SEV_HFE: CODE 34.

⁵⁷⁹ P2 TG ECONOMY_EET_HBA: CODE 92, 59.

⁵⁸⁰ P2 TG ECONOMY_EET_HBA: CODE 58.



electronic transactions (e-crime)⁵⁸⁴, money laundering⁵⁸⁵, unfair competition⁵⁸⁶, extortion⁵⁸⁷, smuggling and evasion of social insurance payments⁵⁸⁸, as well as with issues such as paraeconomy⁵⁸⁹ and illegal wealth⁵⁹⁰. However, during the interviews, some of the above law violations are not characterized as corruption but as market manipulation, rent seeking⁵⁹¹, formation of cartels etc⁵⁹². It is worth mentioning that from all the previous law violations, the issue of paraeconomy along with its size is one of the most controversial issues in Greece. In general, representatives of economy do not attribute any positive effects to corrupt and illegal practices⁵⁹³. They stress that *corruption is against economic development*, increase of investments⁵⁹⁴, economic integration (in terms of micro and macro - economy) of the European Union⁵⁹⁵, modern state⁵⁹⁶, competitive market⁵⁹⁷, because (indirect) costs in financial transactions⁵⁹⁸. Although they dispute corruption's positive effects as a mechanism of income re-allocation⁵⁹⁹, they finally accept that paraeconomy is the (hidden) 'engine' of country's economy, accounted for the so-called '*Greek Miracle*'⁶⁰⁰. It creates extra (not official) income for the population to improve its life, which otherwise could not be justified by their low wages.

Furthermore, they accept the moralizing element⁶⁰¹ of corruption; still they are reluctant to deal with it, eventually because they don't feel safe in such soft issues⁶⁰². According to them ethical and moral interpretations⁶⁰³ are not useful for the confrontation with corruption⁶⁰⁴. It is obvious that interviewees follow a pragmatic approach to whatever issue based on hard facts. Nonetheless, the representative of Employees' Confederation expresses occasionally social and ethical concerns about corruption from a different point of view in relation to the other

⁵⁸¹ P2 TG ECONOMY_EET_HBA: CODE 57.

⁵⁸² P2 TG ECONOMY_EET_HBA: CODES 95, 96.

⁵⁸³ P2 TG ECONOMY_EET_HBA: CODE 85.

⁵⁸⁴ P2 TG ECONOMY_EET_HBA: CODE 121,122.

⁵⁸⁵ P2 TG ECONOMY_EET_HBA: CODE 63.

⁵⁸⁶ P3 TG ECONOMY_SEV_HFE: CODE 68.

⁵⁸⁷ P1 TG ECONOMY_GSEE: CODE 243.

⁵⁸⁸ P3 TG ECONOMY_SEV_HFE: CODE 70.

⁵⁸⁹ P1 TG ECONOMY_GSEE: CODE 247; P2 TG ECONOMY_EET_HBA: CODE 153.

⁵⁹⁰ P1 TG ECONOMY_GSEE: CODE 242.

⁵⁹¹ P2 TG ECONOMY_EET_HBA: CODE 50.

⁵⁹² P1 TG ECONOMY_GSEE: CODES 235-237.

⁵⁹³ P1 TG ECONOMY_GSEE: CODE 44; P3 TG ECONOMY_SEV_HFE: CODES 121,122.

⁵⁹⁴ P3 TG ECONOMY_SEV_HFE: CODE 6.

⁵⁹⁵ P2 TG ECONOMY_EET_HBA: CODES 1, 6, 8.

⁵⁹⁶ P3 TG ECONOMY_SEV_HFE: CODE 4.

⁵⁹⁷ P3 TG ECONOMY_SEV_HFE: CODE 113.

⁵⁹⁸ P2 TG ECONOMY_EET_HBA: CODE 10.

⁵⁹⁹ P2 TG ECONOMY_EET_HBA: CODES 154, 155.

⁶⁰⁰ P1 TG ECONOMY_GSEE: CODES 245-249.

⁶⁰¹ P2 TG ECONOMY_EET_HBA: CODE 62.

⁶⁰² P2 TG ECONOMY_EET_HBA: CODE 60.

⁶⁰³ P1 TG ECONOMY_GSEE: CODE 87.

⁶⁰⁴ P1 TG ECONOMY_GSEE: CODE 85.



two members of the target group. He describes corruption as: *the commercialization of democratic values⁶⁰⁵, the dominance of firms' profit over human capital wages and interests⁶⁰⁶, the 'black' illegal work, employment of not insured workers⁶⁰⁷*. He notes that the essence of corruption consists in that citizens cannot have the rights and benefits they are entitled to through institutional – official – meritocratic processes, but have to use unofficial processes or their party political vote⁶⁰⁸.

Although corruption is seen mainly as an illegal financial transaction, the interviewees focus on the public sector⁶⁰⁹, and the interface between public and private sector⁶¹⁰. According to them the dominant problem is in urban planning departments, tax offices⁶¹¹, licensing in general⁶¹² and public procurement⁶¹³. Offering an accepting bribe⁶¹⁴ is not considered an issue of 'bad morals'⁶¹⁵, much more a result of low wages in public services⁶¹⁶, and outcome of a system reproducing mutual reliance because of serious shortcomings⁶¹⁷, such as:

- a) Bureaucratic, time consuming and complicated processes.⁶¹⁸
- b) Overregulation: non transparent regulatory process⁶¹⁹, often laws change⁶²⁰ (e.g. taxation)⁶²¹ resulting in complicated legislation⁶²² and lack of legislative consolidation⁶²³. Yet, they underline that legislation is sufficient and in its content satisfactory. The problem according to them is pinpointed, without further explanation, in law enforcement⁶²⁴. Often law changes result in law ignorance and in relation with law ambiguities (grey areas) offer to the public servants free interpretation of regulations and enormous discretion power⁶²⁵.

⁶⁰⁵ P1 TG ECONOMY_GSEE: CODE 74.

⁶⁰⁶ P1 TG ECONOMY_GSEE: CODE 82.

⁶⁰⁷ P1 TG ECONOMY_GSEE: CODES 257.

⁶⁰⁸ P1 TG ECONOMY_GSEE: CODE 205.

⁶⁰⁹ P3 TG ECONOMY_SEV_HFE: CODE 8.

⁶¹⁰ P1 TG ECONOMY_GSEE: CODES 232,238-249.

⁶¹¹ P1 TG ECONOMY_GSEE: CODE 12; P2 TG ECONOMY_EET_HBA: CODE 40.

⁶¹² P2 TG ECONOMY_EET_HBA: CODE 124.

⁶¹³ P1 TG ECONOMY_GSEE: CODE 234.

⁶¹⁴ P3 TG ECONOMY_SEV_HFE: CODE 28; P2 TG ECONOMY_EET_HBA: CODE 129.

⁶¹⁵ P3 TG ECONOMY_SEV_HFE: CODE 23.

⁶¹⁶ P3 TG ECONOMY_SEV_HFE: CODE 94.

⁶¹⁷ P1 TG ECONOMY_GSEE: CODES 63, 86.

⁶¹⁸ P3 TG ECONOMY_SEV_HFE: CODES 8, 18, 19.

⁶¹⁹ P3 TG ECONOMY_SEV_HFE: CODES 9, 13.

⁶²⁰ P3 TG ECONOMY_SEV_HFE: CODE 12.

⁶²¹ P1 TG ECONOMY_GSEE: CODE 13.

⁶²² P3 TG ECONOMY_SEV_HFE: CODE 9.

⁶²³ P3 TG ECONOMY_SEV_HFE: CODE 11.

⁶²⁴ P3 TG ECONOMY_SEV_HFE: CODE 20.

⁶²⁵ P3 TG ECONOMY_SEV_HFE: CODE 14; P2 TG ECONOMY_EET_HBA: CODE 11; P1 TG ECONOMY_GSEE: CODE 76.



c) Insufficient computerization⁶²⁶.

The interviewees confirm in general that there is corruption in politics, yet they are two different views on the issue. One considers corruption beginning from bottom to the top; low ranking public servants constitute ‘very wide basis’ of the state pyramid, which is difficult to be controlled⁶²⁷. Thus the interviewees say that they do not have any experience of illegal activities with high ranking officials of State Institutions (e.g. Capital Market Committee, Bank of Greece, Ministries⁶²⁸). Low ranking officials and law class citizens, although they are not corrupt, are more prone to law violations as they ‘do not have nothing to loose’⁶²⁹. The second approach considers public servants as ‘little poor devils’⁶³⁰, while the real problem is ‘grand’ corruption, which emerges in political and economical elites and their common interests (‘games’)⁶³¹.

According to the interviewees, the political system is rotten and corruption is inherent, and this because mass media enterprises and other private corporations are the main backers of political parties and politicians⁶³². The relevant legislation for candidates’ party financing is described as inadequate and inefficient as well as only for effect⁶³³. Consequently, corruption begins *from top to the bottom*, since politicians give the negative example to public servants to succumb to corrupt exchanges⁶³⁴.

Summing up, the interviewees consider state operating against free competition and efficiency an ‘unsuccessful’ entrepreneur and public sector with its major shortcomings – inefficient controls, discontinuity of management, big size – to be significant factors for corruption⁶³⁵.

They don’t dispute that economic ‘law violations’ may take place in private sector⁶³⁶, as is the case of stock exchange market and stockbrokers companies⁶³⁷, or small family enterprises mistreating employees and using illegal labour force⁶³⁸, but according to them, such cases are rare and related either to low moral standards of people⁶³⁹ or insufficient internal controls of the enterprises⁶⁴⁰. Whenever small enterprises follow corrupt practices, it is because they have to operate with the state’s bureaucracy and public services⁶⁴¹ and they do not have enough resources (money, specialized personnel such as lawyers, accountant etc.) to face delays⁶⁴².

⁶²⁶ P3 TG ECONOMY_SEV_HFE: CODES 22, 15.

⁶²⁷ P3 TG ECONOMY_SEV_HFE: CODES 55-57.

⁶²⁸ P2 TG ECONOMY_EET_HBA: CODES 72, 73, 103, 94.

⁶²⁹ P2 TG ECONOMY_EET_HBA: CODES 160-163.

⁶³⁰ P1 TG ECONOMY_GSEE: CODE 75.

⁶³¹ P1 TG ECONOMY_GSEE: CODES 72, 73, 77.

⁶³² P1 TG ECONOMY_GSEE: CODES 41, 44, 45.

⁶³³ P1 TG ECONOMY_GSEE: CODE 42.

⁶³⁴ P1 TG ECONOMY_GSEE: CODE 307.

⁶³⁵ P2 TG ECONOMY_EET_HBA: CODES 80-83; P3 TG ECONOMY_SEV_HFE: CODES 99, 101, 95.

⁶³⁶ P3 TG ECONOMY_SEV_HFE: CODE 110.

⁶³⁷ P2 TG ECONOMY_EET_HBA: CODE 93.

⁶³⁸ P1 TG ECONOMY_GSEE: CODES 266, 268.

⁶³⁹ P3 TG ECONOMY_SEV_HFE: CODE 109.

⁶⁴⁰ P2 TG ECONOMY_EET_HBA: CODES 97, 98.

⁶⁴¹ P3 TG ECONOMY_SEV_HFE: CODE 112.

⁶⁴² P3 TG ECONOMY_SEV_HFE: CODES 16, 17.



The same could also counter the citizens, which some interviewees are rather unwilling to accept⁶⁴³. The interviewees underline that, both small and big enterprises do not approve corruption because it costs and affects them, yet in different ways. For small enterprises the cost is direct loss of money (pay bribe, pay fine)⁶⁴⁴, while big enterprises, such as corporations with shares traded in stock markets, companies trading brand name products, jeopardize their *good will*, reputation (*intangible assets*) and clientele. The damage – for example the loss of good will if linked to a (corruption) scandal – is indirect, intangible, realized in the long run and more difficult to be reversed, and may even result in bankruptcy⁶⁴⁵. Therefore, private sector does not have any motive or interest to be involved in activities⁶⁴⁶. Corrupt attitudes are not related to the size of an enterprise but to the seriousness and integrity of doing business⁶⁴⁷. Capitalism and free market have principles and values, such as respect of free competition, which counter with corruption⁶⁴⁸.

The representative of employees has a different opinion; corruption is present in economy and private sector⁶⁴⁹. Businessmen advance corruption (paraeconomy and illegal labour force⁶⁵⁰) using every mean for maximization of their profit⁶⁵¹. Greek economy is not structured on a sound basis (achievement of competitive advantage though innovation and quality), but promotes labour cost squeezing⁶⁵² and depends on public procurement and privatizations⁶⁵³. All in all, he describes corruption as a *vicious cycle* nourishing itself: it starts from merging of interests among elites (political system, economy, mass media⁶⁵⁴) and spreads through out the public sector and society (top-bottom approach)⁶⁵⁵. His examples are very well documented and convincing, not using vague principles and ideals.

The representatives of economy also confirm what is known as *globalization of corruption*; enterprises from developed countries use illegal practices to expand in developing or underdeveloped countries⁶⁵⁶. Greek firms face corruption when investing abroad⁶⁵⁷.

An issue discussed with our group was the low ranking of the country. Some representatives accept the low position of Greece in international *corruption indexes*⁶⁵⁸. Indexes depict that

⁶⁴³ P2 TG ECONOMY_EET_HBA: CODES 23-27, 125, 127.

⁶⁴⁴ P3 TG ECONOMY_SEV_HFE: CODE 35.

⁶⁴⁵ P3 TG ECONOMY_SEV_HFE: CODES 36, 38, 42; P2 TG ECONOMY_EET_HBA: CODE 84.

⁶⁴⁶ P3 TG ECONOMY_SEV_HFE: CODE 98.

⁶⁴⁷ P3 TG ECONOMY_SEV_HFE: CODE 71.

⁶⁴⁸ P2 EET_HBA TG ECONOMY: CODES 88, 159.

⁶⁴⁹ P1 GSEE_TG ECONOMY: CODE 241.

⁶⁵⁰ P1 GSEE_TG ECONOMY: CODE 260.

⁶⁵¹ P1 GSEE_TG ECONOMY: CODE 264.

⁶⁵² P1 GSEE_TG ECONOMY: CODE 260.

⁶⁵³ P1 GSEE_TG ECONOMY: CODES 264, 35-37.

⁶⁵⁴ P1 GSEE_TG ECONOMY: CODES 33, 34, 39, 40.

⁶⁵⁵ P1 GSEE_TG ECONOMY: CODES 19, 41, 179.

⁶⁵⁶ P1 GSEE_TG ECONOMY: CODES 195-197.

⁶⁵⁷ P2 EET_HBA TG ECONOMY: CODE 69.

⁶⁵⁸ P3 SEV_HFE_TG ECONOMY: CODE 3.



the higher the degree of development of a country, the lower is the corruption⁶⁵⁹. Scandals and corruption are present in all countries, having various forms and intensity⁶⁶⁰. In developed countries, corruption incidents are sporadic and take place only in high levels of state or private enterprises⁶⁶¹. On the contrary, in Greece corruption is present in everyday life (petty corruption)⁶⁶². Yet, some representatives question strongly the validity and reliability of these indexes; they question modelling and measuring everything, especially complex social phenomena such as corruption, because they can be manipulated in order to be standardised⁶⁶³. They contest the high levels of corruption attributed to Greece by the ranking of international organizations⁶⁶⁴, showing the country in worse position than undeveloped countries of Africa⁶⁶⁵. After all, the representatives of economy are optimistic⁶⁶⁶ that corruption can be controlled and corruption in Greece is decreasing⁶⁶⁷. This is due to some good anti – corruption practices acclaimed internationally (OECD), such as on money laundering⁶⁶⁸. They regard the whole discussion in Greece as a communication game of the politicians⁶⁶⁹ and a self-fulfilling prophecy for the citizens⁶⁷⁰, making harm to themselves⁶⁷¹. The role of media in this show is significant. Anticorruption campaigns, under the motto of ‘catharsis’ in the sense of no tolerance, clearance of cases, and punishment were used as a major communication issue with dubious upshots during the last two pre-electoral debates and as a joker between political rivals⁶⁷² as noted also in the first research phase. The interviewees reject the slogan of New Democracy and of Prime Minister Kostas Karamanlis for ‘Zero tolerance to corruption’⁶⁷³ for his re-election and such crusades. According to the interviewees mass media acclaim for themselves not just the role to inform⁶⁷⁴, but also of the role of an ‘alleged external controller’⁶⁷⁵, for the real purposes of which the interviewees show strong reservations⁶⁷⁶. Increase of circulation and the number of viewers is for them the obvious reason⁶⁷⁷ for such overstatements existing everywhere⁶⁷⁸, while the exercise of pressure from the media over the politicians in order to acquire what they want⁶⁷⁹, is the

⁶⁵⁹ P3 SEV_HFE_TG ECONOMY: CODE 24.

⁶⁶⁰ P3 SEV_HFE_TG ECONOMY: CODE 25.

⁶⁶¹ P3 SEV_HFE_TG ECONOMY: CODE 27.

⁶⁶² P3 SEV_HFE_TG ECONOMY: CODE 26; P2 EET_HBA TG ECONOMY: CODES 150, 136.

⁶⁶³ P1 TG ECONOMY_GSEE: CODES 185, 187, 188, 98.

⁶⁶⁴ P1 TG ECONOMY_GSEE: CODE 81.

⁶⁶⁵ P1 TG ECONOMY_GSEE: CODES 97, 192, 194; P2 TG ECONOMY_EET_HBA: CODE 138.

⁶⁶⁶ P2 TG ECONOMY_EET_HBA: CODE 43.

⁶⁶⁷ P3 TG ECONOMY_SEV_HFE: CODE 24; P2 TG ECONOMY_EET_HBA: CODE 120.

⁶⁶⁸ P1 TG ECONOMY_GSEE: CODES 133, 136.

⁶⁶⁹ P1 TG ECONOMY_GSEE: CODES 14, 18.

⁶⁷⁰ P1 TG ECONOMY_GSEE: CODE 14.

⁶⁷¹ P1 TG ECONOMY_GSEE: CODES 104, 110.

⁶⁷² P1 TG ECONOMY_GSEE: CODES 22, 23, 133, 136, 111-116.

⁶⁷³ P1 TG ECONOMY_GSEE: CODES 100-102.

⁶⁷⁴ P3 TG ECONOMY_SEV_HFE: CODES 58, 59.

⁶⁷⁵ P3 TG ECONOMY_SEV_HFE: CODE 62.

⁶⁷⁶ P3 TG ECONOMY_SEV_HFE: CODE 60.

⁶⁷⁷ P3 TG ECONOMY_SEV_HFE: CODES 61, 63; P2 TG ECONOMY_EET_HBA: CODE 113.

⁶⁷⁸ P3 TG ECONOMY_SEV_HFE: CODE 64.

⁶⁷⁹ P1 TG ECONOMY_GSEE: CODES 206, 209.

undercover reason (cf. Law 3592/2007 ‘Concentration in media ownership and licence of mass media enterprises and other regulations’ about cross-ownership of mass media and antimonopoly public policy, described as a law ‘*à la carte*’). ‘TV – democracy’ is in fact very elusive and mass media are described as the ‘nursery of corruption’⁶⁸⁰. One interviewee said that even enterprises are the victims of ‘mass media’s tyranny’ (e.g. presentation of banks as unreliable)⁶⁸¹. About NGOs’ discourse on the issue, some interviewees regard them as being manipulated either by political parties⁶⁸² or by the State since they finance a lot of them⁶⁸³, thus whatever conclusions from them are rejected as untrustworthy.

Overall, the interviewees strongly reject that Greeks are more corrupt than other people of other countries. Although the interviewees avoid justifying corruption on morals, occasionally they attribute corruption to personal characteristics⁶⁸⁴ and situations, especially concerning charges against corrupt practices⁶⁸⁵.

Nonetheless, they recognize the turbulent history of the new Greek state resulted in citizens low trust and structural shortcomings in respect to other countries such as: transparency in political parties’ financing⁶⁸⁶, independency of Regulatory and Administrative Authorities⁶⁸⁷, clearance of scandals⁶⁸⁸, dispensation of justice in publicly known cases, control-assessment of financial reports of governmental and political organizations (state, political parties, NGOs)⁶⁸⁹.

Especially the representative of employees emphasizes on Justice’ submission to government, claiming that judges act like Pontius Pilatus (cf. TG Justice: ‘hot potato’)⁶⁹⁰.

In general, the interviewees consider that the *over-presentation of corruption* in mass media and its use by politicians, establish the view to the citizens that corruption is a *vicious cycle*, existing everywhere and this in turn cultivates apathy, indifference and acceptance⁶⁹¹. The selectivity of justice in favour of organized group interests and especially of political elites, masks corruption⁶⁹² and causes feelings of inequity. They interviewees criticize the tolerance of the citizens in everyday law violations (i.e. car traffic) and their low punitiveness. Moreover they don’t reckon Greeks to be ‘convinced capitalists’, but ‘adventurers’⁶⁹³ (i.e. massive investment in stock market, 1998)⁶⁹⁴.

⁶⁸⁰ P1 TG ECONOMY_GSEE: CODES 161, 173, 133, 136, 174, 175.

⁶⁸¹ P2 TG ECONOMY_EET_HBA: CODES 115, 117.

⁶⁸² P1 TG ECONOMY_GSEE: CODES 24, 25, 183, 184.

⁶⁸³ P1 TG ECONOMY_GSEE: CODE 217.

⁶⁸⁴ P3 TG ECONOMY_SEV_HFE: CODES 103, 104, 90, 92.

⁶⁸⁵ P2 TG ECONOMY_EET_HBA: CODE 128.

⁶⁸⁶ P1 TG ECONOMY_GSEE: CODES 47, 48.

⁶⁸⁷ P1 TG ECONOMY_GSEE: CODES:49, 57.

⁶⁸⁸ P1 TG ECONOMY_GSEE: CODES 121, 123.

⁶⁸⁹ P1 TG ECONOMY_GSEE: CODES 222, 224.

⁶⁹⁰ P1 TG ECONOMY_GSEE: CODES 137, 139, 141, 154, 160.

⁶⁹¹ P1 TG ECONOMY_GSEE: CODES 177, 179.

⁶⁹² P1 TG ECONOMY_GSEE: CODES 180, 181.

⁶⁹³ P2 TG ECONOMY_EET_HBA: CODES 29, 32, 33.

⁶⁹⁴ P2 TG ECONOMY_EET_HBA: CODE 29.

Coming to the measures against corruption, interviewees recognize the role of political system in confronting corruption as important but not catalytic⁶⁹⁵. Political desideratum is significant, but political system has proved inefficient and reluctant to take serious measures against the problem⁶⁹⁶. Governments are either too weak to confront with strong interests linked to corruption or unwilling, thus their initiatives are only for attracting attention in order to be re-elected⁶⁹⁷. What is missing in Greece is not only or not so much control structures, control culture and realistic policies, but persons in whatever area with vision, skills and character, ‘like the judges in Italy who confronted with mafia’⁶⁹⁸. The above view ascertains economy’s beliefs more in personal initiative and capability, than in political and state intervention. According to the interviewees, privatization, reduction of the state size and state intervention are the keys for fighting corruption⁶⁹⁹; regulatory reform of telecommunication market and privatization of state banks are used as examples of sound improvements⁷⁰⁰. All the above express economy’s view that corruption is *a problem of the public sector*. In detail, regulatory and administrative reform consists of:

- a) Better regulation⁷⁰¹, computerization (e-government) administrative (computerization, simplification) and regulatory reform⁷⁰², law implementation⁷⁰³.
- b) Performance-measurement in all public services. Support of independent authorities⁷⁰⁴.
- c) Modernization of justice⁷⁰⁵.
- d) Motives and policies for integrating paraeconomy in the official economy (e.g. tax or payments reduction), in order that enterprises accept to official register their activities and refuse illegal labour⁷⁰⁶.
- e) Information and education of the citizens ('stakeholders'), especially the young generation⁷⁰⁷.

Concerning NGO only the representative of employees expresses a clear view. Although he questions integrity of NGOs (especially in relation to their funding), he accepts that NGOs can play a positive role and support the education and information of the citizens in areas, where it is difficult for the State, on the condition that there is accountability for their financing and field of work⁷⁰⁸.

⁶⁹⁵ P2 TG ECONOMY_EET_HBA: CODE 12.

⁶⁹⁶ P2 TG ECONOMY_EET_HBA: CODES 17, 18; P1 TG ECONOMY_GSEE: CODES 10, 11, 124, 125.

⁶⁹⁷ P2 TG ECONOMY_EET_HBA: CODES 35, 38.

⁶⁹⁸ P2 TG ECONOMY_EET_HBA: CODES 179, 184, 14.

⁶⁹⁹ P3 TG ECONOMY_SEV_HFE: CODE 123, 107, 108.

⁷⁰⁰ P3 TG ECONOMY_SEV_HFE: CODE 97; P2 TG ECONOMY_EET_HBA: CODE 87.

⁷⁰¹ P3 TG ECONOMY_SEV_HFE: CODE 10.

⁷⁰² P3 TG ECONOMY_SEV_HFE: CODE 21.

⁷⁰³ P3 TG ECONOMY_SEV_HFE: CODE 86.

⁷⁰⁴ P3 TG ECONOMY_SEV_HFE: CODES 51, 52.

⁷⁰⁵ P3 TG ECONOMY_SEV_HFE: CODES 53, 54.

⁷⁰⁶ P1 TG ECONOMY_GSEE: CODES 250-256.

⁷⁰⁷ P3 TG ECONOMY_SEV_HFE: CODE 84; P2 TG ECONOMY_EET_HBA: CODE 167.

⁷⁰⁸ P1 TG ECONOMY_GSEE: CODES 218-221.



European Union (EU) counts as having a significant role⁷⁰⁹, especially with regulations about common market, free competition (e.g. Markets and Financial Instruments Directive, Investment Services Directive)⁷¹⁰, as well as with systems of control⁷¹¹. However, the representative of employees questions effectiveness of EU's initiatives to fight corruption. EU is also an organization dealing with money and power distribution. It promotes initiatives having rather symbolic character, in order to stabilize citizens' trust to itself, as well as activating moral elements to win their acceptance⁷¹². Yet they accept that Greeks should not 'reinvent the wheel', and several measures can be used under the condition that are adjusted to the normative and social context of the country, and should not be copy-cat, as a 'misfit costume'⁷¹³.

In contemporary economy where corporate governance of enterprises and business ethics seem to prevail, enterprises have shown to be interested not only in profit making, but also in social issues such as corruption⁷¹⁴, at least verbally. The role they reserve for themselves is self-regulation, citizens', and specialists' information (justice personnel). Our interviewees expressed their rejection to corrupt practices not only as federation representatives but also as persons, noting that they do not want to live in a country where corruption exists⁷¹⁵. Their argumentation is not based on moral standards, although they refer to business ethics⁷¹⁶, but on measurable costs and outcomes which corruption has for economy and society.

5. Comparative Analysis

POLITICS

In general the language of the interviewees is not sentimental, aggressive, severe, denunciatory or demagogic, as it was in the documents of the first research period. However, there are occasionally some dramatic and exaggerated expressions, some other mind-blowing. Moralistic rhetoric is present in both periods.

The approach of Communist Party differs from the other parties, as it was in the first period. Corruption in both periods is closely related to economic structure of the modern western democracies, namely the functions of the global capitalist system, while for Greece it views corruption relating to the socio-economic and political structure, development and history.

Synaspismos shares several viewpoints of KKE, such as corruption in Greece is related to the socio-economic and political structure, as well as the broader meaning of corruption, which associates with social inequalities and injustice. All the previous were not evident in the first period.

⁷⁰⁹ P3 TG ECONOMY_SEV_HFE: CODE 81.

⁷¹⁰ P3 TG ECONOMY_SEV_HFE: CODE 84.

⁷¹¹ P3 TG ECONOMY_SEV_HFE: CODE 85.

⁷¹² P1 TG ECONOMY_GSEE: CODES 88-96.

⁷¹³ P1 TG ECONOMY_GSEE: CODES 210, 211-215.

⁷¹⁴ P3 TG ECONOMY_SEV_HFE: CODE 39.

⁷¹⁵ P2 TG ECONOMY_EET_HBA: CODE 149.

⁷¹⁶ P3 TG ECONOMY_SEV_HFE: CODES 74, 66.



The term corruption was widely used without clarification and analysis in the first period. In the second it is also used much extended, because it has been established in the political rhetoric as a means of communication with the public and as a kicker. But since in the interviews the politicians were asked to define it further, they had to and each party member used the term in different ways.

In the second period the reasons and causes are mainly attributed to overregulation, complexity of legislation, low citizens' resistance and institutional crisis. In the first period corruption is either accounted for as a contemporary phenomenon or directly related to parliamentary practice in modern times and public administration. In the second phase is also stressed the lack of computerization and new technologies in the public services. In the second period public administration is presented to be rather a victim of party politics and working conditions.

Although we cannot say that citizens' responsibility was totally missing in the first period, in the present phase there is special account to it. In both periods the target group consider that in order to fight corruption 'organized efforts' and radical changes are needed.

In first scientific period there was a general credit to control. In this phase the focus was on regulatory and administrative reform, simplification and of legislation and recasting, law enforcement, education of citizens and modernisation of public administration (computerization, new technologies).

Although political system is criticized, all MPs deny characterizing the whole political system as 'corrupt', and defend of honesty and legal behaviour in politics, the same as in the first period.

Criticism on EU bureaucracy for nourishing corruption, inability to confront it and stigmatizing came up in this research phase, apart from the Communist Party; still its support is strongly approved by most of the politicians. The idea of 'zero tolerance' to corrupt behaviour at the individual level is less supported in this period, but was not absent, than in the first⁷¹⁷. Corruption control (anti-corruption crusade) was still in the main agenda of both big political parties during the elections of 2000 as well as of 2004, but not in the last September 2007, especially by the governmental party. While in the previous elections it was overstated and dramatised, in the last one was rationalised and adjusted to certain policies by PASOK and downplayed, referred to previous governments by ND (governmental party). 'Catharsis', was used too as a major communication issue with dubious outcomes during the last two pre-electoral debates and as a joker between political rivals.

PUBLIC ADMINISTRATION

The General Inspector of Public Administration adopts in many points a more critical approach to corruption in public services than the representatives of the public administration of the first phase. This seems normal firstly because he is independent, he has large authority and can express his views more freely. Secondly, the institutional role of the General

⁷¹⁷ TG Politics Parliamentary Proceedings 11.06.2005, p. 15; 22.11.2005, p. 60; 13.04.2006, pp.12, 49).



Inspector, as controller of the whole area of public services, provides him with an overall view on the issue in comparison with his senior colleagues of the first phase.

The above-mentioned difference is more obvious in respect to the definition of corruption. In the first phase, the texts of the high ranking civil servants who participated – the Inspectors Controllers Body of Public Administration, the General Inspector of Public Administration included, and others – referred to corruption as a given term, without any further comments on bribery, breach of trust or duty etc., associating it with misgovernance.

The General Inspector, in the second phase, accepts the definition of corruption of the World Bank and relates it to some of its derivatives (opacity, synchronizing of interests etc.). Somehow his approach to the issue of corruption is closer to the views of Civil Servants' Union (ADEDY) of the first phase who shares a more elaborated and critical view and emphasized on party-politics.

In any case, the texts of the Public Administration analysed in the first phase, as well as General Inspector's interview in the second phase correspond to the causes of corruption (bureaucracy, inefficient control mechanisms, overregulation, party-politics, etc.) and to practices in confronting with the problem in public administration. However in both phases these measures are rather declaratory (statements) than elaborated and thought out.

JUSTICE

In the first phase the language of the texts was strictly legal, especially the decision of the courts as it should be. They (First instance court and the Court of Appeal) choose all those references and statements of the plaintiffs that could support their mutual accusations in order to construct their deductive reasoning and draw their decision.

Prosecutors' findings in both cases describe the background of the cases, the main points of the parts' and the witnesses' testimonies, as well as the evidence-material they submitted. At the end of the text are the prosecutor's conclusions with their justifications.

In the second phase the discussion is open and loose to all relevant issues.

In the first phase the prosecutor's findings of the second case-study (illegal naturalizations) use an emotionally loaded rhetoric, expressing strong concerns among others over the 'impeded risks for the national interests'.

In the second phase the interviewees refer to the issue with rational arguments corresponding to their personal view without exaggerations.

In the second phase, corruption is discussed and analyzed as social issue: the interviewees tried to define its causes, extent, forms and the best practices to fight it, which in the first phase pertained to law shortcomings and services' inefficiency.

In the first phase the term 'corruption' is not used at all in the first case study. It appears only once in the prosecutor's findings of the second case study ('occasional cases of corruption by attachés should not be ignored'), without further explication; the term is regarded as a given. Nonetheless, scorn for the 'corrupt' (?) situation is implicated in the whole text of the findings.

In the second phase, all the interviewees try to define the term and its forms. They consider it to be very broad and can be used only for the communication. They refer basically to the crimes included in the chapter of Criminal Law concerning duties and service. In the second phase all the interviewees admit that ‘corruption’ in its core is economical.

In the first phase the responsibility for ‘corruption’ is highly credited to the politics and political system. In the second phase the causes of ‘corruption’ are not only attributed to the party-politics, but also to economical interests, overregulation and its side effects, legislation ambiguities, unprofessional attitudes of the public servants, as well as to low citizen’s resistance, low aesthetics, low education and rotten civilization.

Unlike the first phase they disapprove heavy sentences and severe punishment against corruption, but recommend education, information and cultivation of people and efficient control. In the first phase more legislation and tough control was implicit in the texts.

In the second phase it is strongly supported that ‘corruption’ is not only a Greek phenomenon but a global one. Moreover, the interviewees reckon corruption in Greece not (at least not much) higher than other developed European countries; according to them, mass media overstate for reasons of impression and sensation and eventually at managing political system for their own economic interests. In the texts of the first research period was not paid any particular notice to this.

Another issue that was not come up to the first phase was that ‘corruption’ has no positive effects, because it results in unequal treatment and law insecurity.

POLICE

In general, it is difficult to compare between the first and the second phase police discourse on corruption. The reason is that during the first phase there was only one news video from a local TV-station referring to the break up of an illegal naturalization network by the local police as primary document and the statements of the police officer in charge.

On the contrary, a better comparison can be made between the general documents of the first phase (reports of the Division of Internal Affairs of the Hellenic Police/ DEY) and their interviews at the second phase. At the same time, the representatives of the DEY as well as of the Police officers’ Union (PFPS) believe that corruption in the Hellenic Police is not an issue of concern, especially in comparison to rest of Public Administration: a point several times come up in the reports of the first phase.

In respect to the degree of social acceptance of the Hellenic Police today the representative of the union considers it extremely low. Opposite to him, DEY’s interviewees, as well as its reports analysed in the first phase, refer to Police as having high acceptance by the Greek citizens. This seems compatible with European (ESS1-2002, November 2003; cf. EU ICS 2005, pp. 80-81, Figures 3.8, 3.9)⁷¹⁸ and Greek research (*Ta Nea*, 10 October 2002, pp. 24–

⁷¹⁸ According to the results of the European Social Survey, the average public satisfaction with the police was among the highest in European countries (6.4; England 6.1; Holland 5.8 – EKKE/NCSR 2003: 17).



25)⁷¹⁹. Furthermore, in both phases the politicians and public administration are considered to (re-)produce high corruption, described with particular ‘dark colours’. Finally, in our analysed texts at both phases the policy measures focus on prevention and education and not on higher sentences and strong control.

MEDIA

Comparing media’s discourse in the first with that in the second phase we note more differences than similarities. Media in the first phase refer to specific cases, the case studies included, either for scandalization or exercising a demolishing critique against the country and only occasionally to the general issue. Sharp criticism was taken place especially after the publication of European and international reports. Consequently their presentation of corruption as a social illness is justified.

The interviewees approach the issue less from its commercial, scandalous point of view and more from its socio-political. Corruption is not regarded as social illness but as a social phenomenon formed in historical process and defined by the culture of the country, which is also associated with the development of political systems and economical interests. Thus the acceptance of the international organizations’ rankings form the media in the first phase is explained. On the contrary, the interviewees in the second phase are very sceptical about CPI’s indexing and the position of Greece.

Finally, it is worth mentioning that apart from the extreme criticism of the Media to the political system, public administration with all its problems and dysfunctions has a special place in their appraisal.

EKKE/NCRS (National Centre for Social Research) (2003). *Greece – Europe. Society-Politics-Values* (Results of the first Round of the *European Social Survey*)

([URL: www.ekke.gr/ess/ess_results.doc](http://www.ekke.gr/ess/ess_results.doc)) (in Greek). EKKE is the participating Greek organisation in the Survey. Different results has the European Crime and Safety Survey/EU ICS (2005), pp. 80-81, Figure 3.8: Percentages of the public thinking police are doing a good job controlling crime in their area in 2005 and results from earlier surveys, and Figure 3.9: Country ratings on EU ICS-based Police Performance Index for 2005, with historical data for some countries. The figure shows scores of countries on this EUICS-based index of police performance and comparing with historical ICVS data.

Performance Index is least favourable for Greece and three other countries of the total 18.

European Crime and Safety Survey/EU ICS (2005). *The Burden of Crime in the EU. Research Report: A Comparative Analysis of the European Crime and Safety Survey*. Gallup Europe et al. (<http://www.europeansafetyobservatory.eu/>).

⁷¹⁹ According to another survey, the police rise to the third place of public acceptance in Greece after the Church, which is put first (77.8%), followed by the European Union (66.8%). Source: *Ta Nea*, 10 October 2002, pp. 24–25. *Ta Nea* (The News) is a Greek daily newspaper of high circulation. A public opinion research company carries out monthly on behalf of the newspaper a research called “Political Barometer”. The above results refer to the Research Period 11-28 September 2001 (9/2001, 31) and a sample of 1,659 persons over 18 y.o. from the general population; see more details at URL: www.v-prc.gr/4/11/1_gr.html and www.v-prc.gr/2/polvar31/index_gr.html. See also de Waard, J. (1999). “The Private security industry in international perspective”, in: *European Journal on Criminal Policy and Research* 7(2): 143-174.

NGOS

Comparing to the first phase's results, NGOs have a less emotional approach to corruption as social issue. Although their discourse is more rational and coincides with the views of the target group-economy, they still account it a social illness.

Our interviewees show special interest in petty corruption, which was not explicitly referred to in the first phase. Attention is also given to the negative upshots of police corruption on public order, when discussing illegal naturalizations by one interviewee of the same NGO. It is repeated that this form of corruption puts the state's core in danger, being captured by outlaw networks, as well as social cohesion.

Grand corruption was not an issue of special attention in the discourse of NGOs in the first phase, apart from illegal naturalizations (2nd case study) and this only by one organization. In the present phase it is limited to party financing and transparency in electoral expenses, illegal or extra-legal exchanges between politicians and private sector, mainly mass media enterprises. What it is new in this phase is that NGOs refer to the role of economy and mass media. Their view coincide with that of economy's group about the negative effects of corruption on free competition and business ethics; it is interesting that they justify (small) enterprises' illegal practices as being unavoidable to bypass bureaucracy. NGOs view the commercialization of the News as the main reason for scandalizing and overpresentation of the problem.

Similar to the first research phase, NGOs regard corruption, leading to poverty and under-development and reject having whatever positive upshot. About anti-corruption policies, NGOs underscore as in the first period the involvement of the civil society and the cooperation with EU countries. Furthermore in this phase, the interviewees point to citizens' education, sensitization and the role NGOs can play.

They note NGOs' low influence on society and politics due to their short history, limited resources (staff and budget) and the low interest of mass media to promote their work because of their consensual profile. Moreover, it is acknowledged that there are NGOs serving either governmental or private sector interests that fund them. The main difficulties they note for their work are their limited influence because they have short history in Greece, along with their limited resources (staff and budget).

Summing up, NGOs seem, like the first phase, very concerned about corruption and were willing to discuss about it. Their discourse and view seem still to be rather simplistic, as we noted in the first research period. Their argumentation is a medley of other target groups' views, especially these of economy. Overall, NGOs in Greece are newly founded constructions and eventually need some time to make up an original view on social problems such as corruption.

ECONOMY

Representatives of employers (credit institutes and enterprises) composed 2/3 of our group and of employees 1/3. Economy in Greece only recently interested and get involved in corruption and transparency topics. The first sub-group strongly disapproves of corrupt

practices as it undermines free competition and competitiveness. Interviewees maintain that enterprises – especially large corporations – are against such practices because they jeopardize their fame and good will. Paraconomy, tax and insurance invasion do not correspond to prevailing business ethics.

Likewise to the first phase, the state is heavily criticized of being bureaucratic, thus corrupt methods were justified as a means to bypass bureaucracy and legislation shortcomings (overregulation, lack of legislative consolidation), though rejected. This subgroup follows a bottom-up approach by maintaining that petty corruption is widespread in the country and grand corruption is restricted exclusively to party financing and the analysis is superficial and short.

Nonetheless, the union of employees has the opposite view (top-bottom). Private sector is criticized so much as the state for using and reproducing corrupt practices, since most Greek companies are not competitive, but rely on public procurements. Political corruption is explained by collusion of politics and private interests (media and other enterprises).

In the second phase, all interviewees refer to Media and NGOs' role on corruption. They have a very positive attitude towards NGOs, especially their role to inform and mobilize citizens, while for the media the interviewees question their integrity and objectivity in general, and the special issues.

On account of the measures against corruption, the group stresses, as in the first phase, the role of education. The representatives of Greek industries and Banks put also emphasis on regulatory and administrative reform in order bureaucracy and overregulation to be reduced ('less state is better').

Summing up, in the present phase our interviewees focus less on morals and more on economic reasoning; corruption harms economic development and investments, impairs economic integration, modernity, competitive market and economy, causing (indirect) costs in financial transactions.

6. Conclusions

Summing up the essential findings of this research period, all interviewees agree that corruption is expanded in Greek society, but when they had to define the areas they refer to the public administration, afterwards they specify certain services where is (big) money ('*where is money, is also corruption*'), and later on every target group accentuates that not all public sector is corrupt, not all people are corrupt, and not our group is corrupt, not the people we know are engaged in illegal activities. The transparency of parties' operation is seen the most serious issue, while the role of private economical interests is not bypassed.

Concerning the definition of the term corruption, it exists a vague dissent about its content, some admit it is general, very general and although useful for communication not for dispensation of justice, and cannot not to include grand corruption. When they have to specify the activities, those that have better knowledge of law they refer to criminal law and to coercion as a necessary element to distinguish the practices which have to be regarded as corrupt and must be punished.



The causes are attributed to consumerism, greed, low education, erosion of civilization, increase in tolerance towards law violations, collapse of values, low quality of politicians, failing models and missing strong personalities in the public life, state's discredit, overregulation, law ambiguities, often law changes (no one came up to law ignorance), private interests, political capture and reliance on economic interests, the distorted development of the Greek economy and the political dependence of the new Greek state, increased after 2nd World War and the civil war, thus our turbulent past and the residues of ottoman occupation. The term causes in general to those not being jurists confusion, placing economic crime, tax evasion, share leaks etc., even fraud and thefts in corruption area.

In general, the approaches about the causes of corruption follow two lines with some variations each one.

- a) An individualistic-ethicist approach: Corruption reflects low morals, low quality of a person;
- b) an individualistic-economist approach: Corruption is product of (free will) rational choice, after the calculation of costs and benefits of the respective practices and their consequences;
- c) a socio-political approach: Corruption is product and side effect of distorted economic and political development;
- d) a polito-economical approach: Corruption is product and reflection of un unavoidable stage of capitalist evolution and a stable characteristic of latecomer countries, such as Greece, to the capitalist mode of production;
- e) a socio-legal approach: Corruption is attributed to overregulation, low quality of legislation, reproduction of a compromise's culture between politics and several organised and powerful interest groups, as well as the serving of small party-political expediencies, which discredited state institutions and eroded social morals.

The historical dimension exists more or less in all views, but in the first two raw, unrefined and standardised. No groups apart from economy and NGOs accepted that corruption in Greece is higher, or at least much higher, than in other developed European countries. The European and international research findings with the CPIs reflect, according to them trends, which are not particular reliable, eventually serving some not always clear purposes. Yet, the measurement is not denied or rejected, but it is stressed that more research is needed with the use of other instruments.

The EU's support in confronting corruption is appreciated and its role is considered positive for the country, in spite of criticism about its corruption and its heavy bureaucracy. An issue which seemed to occupy a significant place in the discourse is the declining role of EU as a prototype for the country's improvement and citizens' education due to its big enlargement. This reflects a hidden worry (a kind of pessimism), which was not verbally expressed, for not existing any longer a model, an example to which we have to attain, irrespective that all stated to be hopeful about the future. The above pessimistic feelings can be associated with the references that the Greek state is not appreciated any more by the citizens, because of the party politics and populism used by the political system in Greece, which encourages and tolerates corruption and arbitrariness. The optimism was justified with arguments about the better education, the exhaustion of population's tolerance to such practices, the increasing resentment and signs of population's reaction. But no answer could be given how notwithstanding the improvement of education, as they acknowledged corruption increased as themselves noted.

In general, all target groups stress the need for reforms at legislative and/or economic level, as well as the improvement of quality of public administration. Furthermore that anti-corruption legislation is more than enough what is missing is political will/desideratum for reforms and transparency.

Concerning anti-corruption policies, the majority of the target groups and the interviewees reject repressive methods and severe punishment and give emphasis on the strengthening of prevention with improvement of education, information, sensitization, mobilization and awareness of the citizens and control of private mass media, in particular the electronic ones. They regard as necessary the upgrading of political life with better in the sense of qualified, educated and scrupulous politicians, the emancipation of politics and their release from economic interests, the reform of electoral law (voting system), more efficient and (occasionally less) control mechanisms and effective law enforcement.

The sense of culture although was often used remained obscure; it was related still with the economic development of the country and of politics, the influence of various internal powerful groups and external power centres, the party politics of the governments which disables meritocracy and erodes social conscience, leading to dispute of the institutions. Such examples are the often law changes, the inadequate law enforcement, the vaporous meaning of laws, some contradictions in the content of law, and occasionally the submission of justice to politics.

Where, the target groups showed inability for concrete suggestions are the private media and the means for influencing them to improve the quality of their discourse and role. All agree about their detrimental effects, the confusion and disillusionment they create to the population and the failing of serious quality journalistic discourse and the reproduction of it by politicians and in reverse.

The discourse of the majority of the target groups was positive, constructive and not nihilistic as in economy and interviewees of NGOs. However, elements of the national identity and culture, such as the insubordinate character of the Greek population and even clemency in justice, having its roots in antiquity in the writings of Aristoteles and continued in the writings of the Fathers of the Orthodox church consisting in the *clemency principle* (*aequitas*) in contemporary law, such as in administrative law, in criminal procedure law (in *dubio pro reo*), in civil law etc., were rarely approached in a positive way. The interviewees also hyperbolise about several situations to the disadvantage of Greece, comparing them with the other countries, either due to lack of or false information, which we had the opportunity to check it occasionally (i.e. TG Politics).

Finally, it is acknowledged that corruption in modern Greece must be eliminated, because it is incompatible with democratic values and economic growth; zero tolerance, although referred randomly, is a slippery concept and an empty rhetoric. It represents a set of ideas and symbols and a distinctive policy 'style', rather than a concrete set of interventions (Newburn & Jones 2007)⁷²⁰ and has not been accepted by the majority of the interviewees⁷²¹.

⁷²⁰ Newburn, T & Jones, T. (2007). Policy Transfer and Criminal Justice, Maidenhead: Open University Press.

⁷²¹ cf. TG Politics Parliamentary Proceedings 11.06.2005, p. 15; 22.11.2005, p. 60; 13.04.2006, pp.12, 49.



SIXTH FRAMEWORK PROGRAMME OF THE EUROPEAN COMMISSION



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

Project no.: 028442

Instrument: SPECIFIC TARGETED RESEARCH PROJECT

Thematic Priority: PRIORITY 7, FP6-2004-CITIZENS-5

RESEARCH REPORT UNITED KINGDOM:

**Perceptions of Corruption in the United Kingdom
A Content Analysis of Interviews from Politics, Judiciary, Police, Media,
Civil Society and Economy**

Period covered: from November 2006 to October 2007

Date of preparation: December 2007

Start date of project: 1st January 2006

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Project co-ordinator name: Dr. Othon Anastasakis

Project co-ordinator organisation name: Southeast European Studies at Oxford, Oxford

University (SEESOX)

Revision (draft 1)



1. Introduction: An Overview of the Second Research Period

During the first research period of the project, each research team was responsible for collecting information concerning their respective jurisdictions according to two criteria. Each research team had been instructed to identify two case studies of corruption, one of which would relate to party financing, and the other to an indicative case for the culture/jurisdiction concerned. Researching the case studies and the official statements of all target groups (media, judiciary, police, business, NGOs, politicians) towards them, thus formed the first criterion for data collection. Collecting official/representative statements of the target groups that indicated their perception of the nature, extent and cause of corruption, as well as effectiveness and cause of effectiveness of anti-corruption efforts, formed the second.

In the second research period, the requirement has been extended from a search for already available documents on these subjects, to interviewing key representative individuals from each of the target groups, whilst focusing again on the two criteria for data gathering noted above. Inevitably, however, some interviewees were more able and willing to elaborate on one case study rather than another, or on the more general discussion of corruption than on either of the cases chosen. While the limitations of the interviewing phase of the research will be discussed in greater depth below, it is important to state at the outset that the findings presented in this report combine (it is argued, necessarily) those from the interview stage with the earlier phases of material and background research for the project, though a sincere effort has made to demonstrate the distinction between sources, as is only appropriate.

The report of the first research period detailed the case studies selected for the purposes of the UK country study; the Loans for Peerages Affair of 2006-7, and the Pergau Dam/Balfour Beatty Scandal of 1994. The former was chosen because it is indicative of the problem of party-financing in the UK, and the latter due to its illustration of commonly raised themes surrounding the notion of corruption in the UK (e.g. its foreign dimension, the compromises made between different aspects of national policy, etc.). A number of important developments took place over the course of the past year (2007) with regard to the Loans for Peerages Affair and party financing rules, and a new scandal was the subject of public attention that concerned the abandonment of an official investigation into alleged corrupt practices engaged in by a UK company abroad (i.e. of a similar type to the second case study), both of which will be summarised below since they contain significant implications for the analysis of the data collected.

As posited in the first UK report for the project, the British case demonstrates some similarities with its continental counterparts in as much as facing a common dilemma of how to manage party funding in a way that enhances rather than detracts from democratic values. Despite the recent Loans for Peerages Affair and efforts to address issues that lie at the heart of the matter, the UK has not been able to definitively resolve this dilemma. Equally, its approach to corruption carried out by British official representatives or registered companies in foreign jurisdictions has been shown once again to be one fraught with tensions of conflicting interests and interpretations of the nature and significance of corruption (and of the obligation to combat it).

Our research for the second phase is not yet complete, but it is possible to highlight some of the findings and suggest a number of tentative conclusions from the research thus far. The



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

2. Case Studies: New Developments

As indicated in the introduction, a number of developments took place in Britain over the past year with considerable significance for the UK team's research. Below are outlined the developments, while the implications of these will be discussed in the analysis of research findings.

Case 1: The 'Loans for Peerages' Affair

In 2006, the news broke that a number of large loans had secretly been provided to the Labour Party before the national (general) elections in 2005, unbeknownst even to members of the Cabinet, the National Executive Committee of the Party, and its elected treasurer. Four of those who offered the loans (totalling £4.5 million) were subsequently nominated for peerages (i.e. given an honorary title and a seat in the UK's second legislative chamber, the House of Lords).

Following a request from a Member of Parliament (MP) of the Scottish National Party, British police began an investigation in March 2006 into whether two laws were broken: firstly, that of 1925 which prohibited the sale of honours, and secondly that of 2000, which directed that all donations to political parties of more than £5000 must be publicly declared. The police soon widened their investigation to include the two other main political parties (Conservatives, and Liberal Democrats). They also investigated the suspicion of an attempt to pervert the course of justice.⁷²²

The police investigation, which cost £1 million, lasted sixteen months, in which 136 individuals were interviewed, a number of high-profile individuals were arrested (including Prime Minister Tony Blair's chief fundraiser, Downing Street's Director of Government Relations, a business man who was later ennobled, and a head teacher), and MP Blair became

⁷²² <http://news.bbc.co.uk/2/hi/uk_news/politics/4812822.stm>



the first Prime Minister to be questioned by police in the course of an investigation. The Prime Minister was interviewed three times, but as a witness rather than as a suspect (he was not interviewed ‘under caution’).

All those concerned in the inquiry denied any wrongdoing, and the Crown Prosecution Service (CPS) announced in July 2007 that there was “insufficient evidence to provide a realistic prospect of conviction against any individual for any offence”, and thus that no one would face charges.⁷²³ The 1925 Honours (Prevention of Abuses) Act requires an “unambiguous agreement” to have been made between the parties to such corruption, but without compelling evidence of such an agreement the CPS felt unable to proceed to a charge. The CPS website also noted that some of the seemingly more powerful evidence collected by the police might have been excluded from a trial due to legal rules.⁷²⁴ The Assistant Commissioner of Police (John Yates), who headed the inquiry, said at its end that the investigation took longer due to the necessity of looking into the allegations of a cover-up, which emerged during the inquiry. In a subsequent statement to the House of Commons’ Public Administration Committee, Mr. Yates said that “political pressure”, but not improper pressure, had been put upon him during the course of the investigation, and he had the sense that the investigation was treated (by politicians) as a political, rather than a criminal, problem.

Impact of the case on British Political Party Financing

The immediate impact of the outbreak of the affair was that the government swiftly introduced legislation requiring loans to be disclosed in the same manner as donations, and announced further reform of party funding.⁷²⁵ After eighteen months of negotiations, however, cross-party talks on the substance of these reforms broke down in October 2007 when the two largest political parties (Labour and Conservative) could not agree upon the limits to set for election campaign spending and on the size of donations to be accepted. The opposition Conservative Party was accused of walking away from the negotiating table by the party of government, Labour, and the third largest party (also opposition), the Liberal Democrats. The Conservative Party blamed the Labour Party’s intransigence for the breakdown in talks; the Conservative Party wanted donations from Trade Unions (historically supportive of the Labour Party, providing it with over sixty percent of its donation income in recent years) to be subject to the same cap on donations – i.e. £50,000 – as proposed for individuals and for corporations.⁷²⁶

In mid-December the House of Commons’ Public Administration Committee recommended a number of changes to appointments to the House of Lords, including that control of appointments should be moved from party leaders to the House of Lords Appointments Commission (which currently has an advisory role). By this point, however, a new funding scandal had emerged, when news broke in late November that the Labour Party had received donations of nearly £400,000 (later found to be £663,975) from a property developer who had used proxies to pass on the money to the party (seeking thereby to avoid public

⁷²³ <http://news.bbc.co.uk/2/hi/uk_news/politics/7056533.stm>

⁷²⁴ <http://news.bbc.co.uk/1/hi/uk_politics/6908865.stm>

⁷²⁵ K.D. Ewing & N.S. Ghaleigh, ‘The Cost of Giving and Receiving: Donations to Political Parties in the United Kingdom’, <www.law.edu.uk> 19 July 2006, accessed 13/10/06.

⁷²⁶ Ibid, p.17; <http://news.bbc.co.uk/2/hi/uk_news/politics/7069998.stm> .



recognition).⁷²⁷ According to the information of the Electoral Commission, the donor (David Abrahams) has thus been the third largest donor to the Labour Party under Gordon Brown's leadership, but not all high-ranking ministers accused of knowing of the donations admitted to such knowledge (including the Prime Minister himself).⁷²⁸ The police began investigating the donations at the request of the Electoral Commission, whilst the motivations and integrity of the donor were questioned by all shades of the media (one broadsheet newspaper also suggested that the donor was acting on behalf of Israel, which was denied by the donor, whilst many raised concerns that the donor may have 'bought' local planning decisions favourable to his business).

In early December, the Prime Minister called for all-party support to bring about reforms to the system of party financing as swiftly as possible, but the Conservative Opposition party reiterated that their support would be forthcoming if the government demonstrated genuine commitment to reforming the system of Trade Union donations to the Labour Party.⁷²⁹

Case 2: The Pergau Dam/Balfour Beatty Affair

There were no new developments directly related to the Pergau Dam/Balfour Beatty Affair, but a new scandal arose which shared some basic similarities with the features of the former. As explained in the first scientific report for the project, the Pergau Dam Affair was chosen as a case study because it offered a fairly typical portrait of the way in which the issue of corruption has arisen in British popular and political culture; as a problem allied to UK nationals and businesses operating in corrupt environments overseas, and one that engenders considerable dilemmas for politicians and policy-makers as they struggle to satisfy different aspects of the 'national interest'. The latter is usually portrayed (with minor variations) as a difficult balance between upholding ethical policies or tenets of international law, or tuning a blind eye to illegalities or morally unattractive bilateral alliances for the sake of promoting British businesses (and thus protecting British jobs).⁷³⁰

Just as Balfour Beatty faced a number of scandals at home and abroad (some of which, such as in Malaysia and Lesotho, explicitly related to corruption allegations) but long retained the backing of the British state, so too has BAE systems – the company at the centre of the major scandal of 2007 in Britain – managed to retain state support despite a number of corruption allegations against it (it has been the subject of seven other corruption inquiries into the group's international operations in 2007).⁷³¹

The Guardian newspaper broke a story in May 2004 alleging that the al-Yamamah deal of 1986 to sell 120 British Tornado fighter jets to Saudi Arabia (the largest arms export deal ever secured by a UK government, worth £43 billion), was won thanks to a 'slush fund' by which

⁷²⁷ <http://news.bbc.co.uk/1/hi/uk_politics/7142790.stm>.

⁷²⁸ Will Woodward, 'Secret Donor Row Claims Labour Chief', *The Guardian*, 27 November 2007, <<http://politics.guardian.co.uk/labour/story/0,,2217599,00.html>>.

⁷²⁹ <http://news.bbc.co.uk/1/hi/uk_politics/7125317.stm>, 3 December 2007.

⁷³⁰ For example, see also the Matrix Chuchill affair, concerning the export of British weapons materials to Iraq during the 1990s in contravention of the UK's own export ban and criticism of Iraq's treatment of Iraqi Kurds. R. Norton-Taylor, M. Lloyd & S. Cook, *Knee Deep in Dishonour: The Scott Report and Its Aftermath* (London: Victor Gollancz, 1996).

⁷³¹ Dann Fortson, 'The Charges that could Torpedo BAE', *The Independent*, 10 June 2007 <http://news.independent.co.uk/business/analysis_and_features/article2638178.ece>



secret payments totalling £60 million which were made by the British company BAE Systems to the Saudi Ambassador to the US at that time, Prince Bandar. In June 2007, these allegations were further elaborated by the BBC Panorama programme, on which it was alleged that the payments were alleged to have taken place to Prince Bandar for over ten years and that they were made with the implicit approval of the British Ministry of Defence and possibly knowledge of ministers in the Treasury Ministry. The payments were also alleged to have continued after 2002, when new anti-terrorism legislation came into force in the UK, which included a prohibition on the bribing of foreign officials. Prince Bandar denied receiving any improper payments.

The Serious Fraud Office (SFO) began its investigation into the affair in 2004, but in December 2006, the British Attorney General, Lord Goldsmith, announced that the SFO had dropped its 2.5 year investigation; the SFO was given information about a specific threat to British security from the potential breakdown in relations with Saudi Arabia that would could ensue from the investigation continuing. The SFO's Director, Robert Wardle, insisted it was his decision to halt the investigation, and not dictated by anyone else (the Attorney General would have the power to make this decision, and Lord Goldsmith had a close relationship with the Prime Minister).

Although it was suggested that the reason why the case was dropped was government concern about the possible loss of British jobs if the Saudi's cancelled their order (at the same time, the Saudi's were negotiating a new contract for 72 Eurofighter Typhoon jets, in a deal worth at least £20 billion), initially the government argued that the dismissal of the case was on the grounds of national security, as Saudi Arabia threatened to stop co-operating on terrorism intelligence with Britain, and because it was apparently doubtful that a successful prosecution was likely (although the SFO were more positive regarding this aspect). In June 2007, however, Prime Minister Blair supported the decision to drop the SFO investigation into the affair by arguing that if not dropped it would have led to "the complete wreckage of a vital strategic relationship and the loss of thousands of British jobs".⁷³² Indeed, a PR campaign mounted on behalf of BAE and the Saudi's was successful in conveying the message through much of the British media that between 50,000-100,000 British jobs could be at risk, even though a study by York University suggested the figure concerned was around 5,000.⁷³³

The OECD launched its own investigation into the claims in the wake of the SFO's decision to drop the case, and senior OECD officials claimed that they were victims of a smear by British diplomats, who put them under pressure to drop their investigation.⁷³⁴ The SFO subsequently opened inquiries into BAE deals in Tanzania, Chile, South Africa, Romania, Qatar, and the Czech Republic. Switzerland also began an investigation into money-laundering allegations against BAE, whilst the US Department of Justice opened an investigation in late June 2007 into BAE's compliance with anti-corruption laws with regard to its dealings in Saudi Arabia.⁷³⁵

⁷³² <http://news.bbc.co.uk/2/hi/uk_news/6732921.stm>

⁷³³ www.caat.org.uk/publications/companies/ControlBAE_briefing.php,
<<http://politics.guardian.co.uk/foreignaffairs/story/0,,1973424,00.html>>

⁷³⁴ Marie Woolf, 'Bribery Team Probing BAE Case Alleges UK Dirty Tricks', *The Independent*, 10 June 2007 <<http://news.independent.co.uk/politics/article2640421.ece>>

⁷³⁵ <<http://news.bbc.co.uk/2/hi/business/6239918.stm>>



In April 2007 the British NGOs ‘Campaign Against the Arms Trade’ and ‘Corner House’ lodged grounds for a full judicial review of the government’s decision to abandon the SFO investigation, but this was refused by a High Court judge in June 2007. The two NGOs applied for a hearing to renew their application, but meanwhile in late June 2007 the government and Court Service refused to allow the SFO’s defence of its actions in stopping the inquiry to be made public. At this point, an individual campaigner brought a legal action asking that the SFO defence be made public, and was successful in receiving copies of the SFO’s defence four weeks later. The SFO documents revealed that although its Director does not believe the decision to end the investigation breaks international law, “this was not for him a critical or decisive matter: the threat to national and international security was such that, even if consideration of those matters had been contrary to that provision, he considered them to be of such compelling weight that he would still have taken the same decision.” Although the Attorney General and the head of the SFO had emphasised to the OECD that they “at all times had regard to the requirements of the OECD’s Anti-Bribery Convention”, the SFO defence implies that the government was prepared to breach its international obligations to terminate the inquiry in any case (as the Corner House said it was “shocked” to discover).⁷³⁶

For its part, BAE has insisted that it has done nothing to contravene existing laws at any time. It is seeking to expand its operations internationally, and has already made sixteen business acquisitions in the US.

3. Data Generation

Interview Subjects

Given the nature of the analysis being carried out for the project, and to protect the identity of the interviewees of the project (some explicitly requested not to be cited), below are listed anonymously the positions of those interviews for the research project according to each of the designated target groups.

Politics

A senior civil servant

Judiciary

A Barrister at an independent law firm

Police

A Detective Superintendent

Media

1. A correspondent at broadsheet newspaper ‘A’
2. A correspondent at broadsheet newspaper ‘B’

⁷³⁶ <<http://www.newstatesman.com/200707090006>>, accessed 30 December 2007.



Civil Society

1. A member of an anti-corruption NGO 'C'.
2. A member of anti-corruption NGO 'D'.
3. A member of anti-corruption NGO 'E'.

Economy

1. An official of a national trade association
2. A development consultant

Interview Structure

The project called for semi-structured in-depth interviews to be conducted with expert representatives from each of the above six target groups. It was expected that a minimum of two and maximum of three interviews would be carried out per target group. Potential interviewees were selected according to the proximity of their work with anti-corruption issues as well as their seniority within their organisation, and all those willing to take part were interviewed.

Each interview lasted one hour on average, and all, bar the first, were conducted by a single researcher (the first was conducted by both researchers). Interviews generally began with the interviewee introducing themselves, their work, and their experience with corruption/anti-corruption issues. As agreed with the rest of the research consortium, we tried to elicit from them their understanding of what 'corruption' is, including by asking them to remark upon the well-known case studies that we had chosen for the research. We asked them for their views on the level of corruption in Britain comparatively to internationally, the successes and failures of anti-corruption efforts, and what stimulated and hindered corruption in Britain. Our questions were thus also to some extent informed by the code families generated in the first part of the research project from representative materials gathered from each of the target groups. Questions were not restricted to these, however, and we were keen to collect interviewee's assessments respectively of each of the target groups in combating and contributing to corruption, of whether attitudes to corruption had changed, and if so, in what way, how and when. Furthermore, we sought to record the interviewee's evaluation of Britain's international standing and overseas efforts combating corruption.

Analysis and Codes

Audio recordings were made of each interview, and were subsequently transcribed. Some early glitches with dictaphones did not cause serious difficulties and were avoided in later interviews by the use of a digital sound recorder. As advocated by the grounded theory that was the basis for the project's methodology, interview transcriptions were then analysed for 'codes'; logical formulas underlying stated perceptions in the text, which related to the subject of corruption. With the assistance of Atlas-ti software, a large number of codes had already been generated in the first, documentary phase of the research project. These codes had been allocated to code families that each reflected a common theme or approach to corruption. These codes and code families – in particular the popular and controversial relationships between them – provided an invaluable basis for the analysis of the interviewees' comments.



As noted in the first scientific report from this team, an overarching aim of the research project is to highlight areas where perceptions of corruption between different target groups conflict or agree. Areas where codes converge or compete are therefore of central relevance to this study. Aided by Atlas-ti software, relationships between codes were highlighted in the first stage of the research project, where the logic of perceptions (codes) from different sources relating to corruption appear to be related (are either comparable or contrasting).

To summarise the most popular and controversial code families generated in the first phase of research, which remained influential in this stage of research, they were the following:

1. Anti-corruption and transparency reforms in recent years have helped to restore trust in the political system.
2. NGOs have been important motors of perception and practical change against corruption.
3. Businesses are the victims of negative stereotypes; they do oppose corruption.
4. Standards of public life in the UK are generally very high; corruption is rare and, when it does happen, happens unwittingly, *versus* complicit politicians are just that.
5. Corruption protects British jobs by allowing British firms to win international contracts, *versus* corruption is bad for the British taxpayer.
6. Access does (or does not) equate to influence.
7. The loans for peerages affair increased public disdain for politicians and the political process.

Limitations

As evident from the above list, we maintained a shortfall in our interviews for the police, legal, and politics groups. This was not due to lack of effort on our part, as we have been in sustained correspondence with a number of professionals from each group who, due to the commitments of their work, found it necessary to frequently reschedule interviews and some ultimately failed to meet us at all. A second hindrance was the difficulty we found in reaching the right people, as several of our emails received no response whatsoever. Some recipients amongst the police may have been anxious to avoid making statement in light of ongoing and recently concluded controversial cases. Amongst the politics group, it was interesting to note that a number of recipients appeared to decline interviews because – as at least one stated explicitly – they believed the theme of corruption to be irrelevant to their work (even though they worked on national investigative body looking into the condition of democracy in Britain today). Nevertheless, our efforts have not ended. We continue to lobby representatives of those target groups for interviews, and will provide the results in the next reports for the project.

The financial limitations of the project meant that only 2-3 interviews per target group could be carried out. Of course, given the very small number of interviews conducted, the findings



from these cannot be interpreted as scientifically representative opinion surveys. Equally, polling of the public could not be included in the research project, and a very important dimension of the construction of national perceptions of corruption was therefore excluded from the parameters of the study. As with the interviews carried out for the target groups, however, previously collected documentary evidence and broader background research from the first period of the project provide a vital explanatory backdrop for analysis of the findings, although always aiming to do so in a way that enriches the bottom-up perspective gained from analysing the ‘codes’ generated from the first research period findings (i.e. via a grounded theory approach).

4. Perceptions of Corruption

In this section are summarised the results of each interview, outlined in reference to the earlier outlined code families wherever applicable. noting definitions of corruption used by the interviewees.

4.1 Target Group Politics

Interviewee: A senior civil servant

The interviewee emphasised that it was important to distinguish ‘corruption’ as a legal category from behaviour considered inappropriate in public life; ‘standards in public life’ was a phrase to ensure the wider issue of inappropriate public behaviour was treated, and should not be regarded as a devious means of shying away from using the term ‘corruption’.

The interviewee also voiced the opinion that some standards are harder for politicians to uphold than for other members of public, however, and that this is indeed positively expected of them (i.e. with regard to telling the truth: “its part of your role, maybe, not to all the time if its not in the public interest”).

The interviewee took a contradictory position on whether corruption was increasing or decreasing in British public life. On the one hand, it was posited that before the 1960s there was an intuitive consensus about appropriate behaviour in public life, “people call it the ‘good chaps’ theory of public life” (see code family 4). Breakdown of the harmony in public life emerged as there was a decline in deference from the general public to authority, at the same time as public life (i.e. working for the State) “became more porous”, no longer guaranteeing that members would share the same attitudes, practices and expectations.

On the other hand, it was argued “things have improved” over the last 10-15, and 30-40 years, mainly due to the codification of standards and establishment of independent scrutiny (code family 4), in addition to that of public pressure via the internet and of NGOs (code family 2), which is helping to “flush out some of these anomalous areas that have been accepted as custom and practice”. It was then posited by the interviewee that “actually standards are very, very good”, and that publicly raising questions about standards of behaviour of public officials can create an unfairly negative portrayal of such to the general citizenry.



The interviewee placed the blame for corrupt practices on individuals rather than systemic level causes, but stated that in light of the party funding scandals, political parties were also partly responsible for public cynicism about their standards (code family 7). Ironically, the interviewee also acknowledged that the public were much likely to hold favourable views of individual politicians with which they are familiar, rather than the political class per se, and this was blamed on negative media portrayals of the political class. Interestingly, the interviewee commented that the media too often ignored the fact that many of the problems facing Britain also faced other countries (e.g. party financing problems afflicting other Western democracies), again painting an unfairly negative picture of the British political class to its public.

Despite initially giving a favourable impression of the impact of codification, the interviewee closely identified a lack of codification with British culture and claimed that there are many benefits from this approach, as well as limits and even dangers inherent in the changes that could be brought about by codification. It was posited that early under-regulation led to a detrimental over-regulation (in areas such as local government). In sum, the interviewee was unsure as to how useful the British model was (in terms of under-codification or codification itself), both in the UK and being proposed as a model for other countries in combating corruption (code family 4).

The interviewee was one of the few to emphasise the importance of public opinion to the strength of public institutions, arguing that those who took a cynical view of corruption (that it has always happened) underestimated the importance of tackling it, particularly with respect to public confidence in the state's institutions (damage to the public's trust and consent towards them).

4.2 Target Group Judiciary

Interviewee: A Barrister at an independent law firm

The interviewee argued that the “high-water mark” of British corruption was in the 1960s, referring to corruption between the construction industry and politicians, and then later the issue of police corruption (especially, but not limited to, the 1970s). The interviewee argued that the police had always been a “fairly fertile source of corruption” in the UK but that it is far less rife now than it was 35-40 years ago. The British judiciary were seen as having the highest professional standards, and the interviewee stated that they had never come across an instance of corruption within it.

The British were seen as culturally indisposed to corruption, though not because they were angelic (code family 4). Corruption was seen as something which the British get involved in only “from time to time” and that low prosecutions did not mean low detection rates. The interviewee admitted to having:



“always felt that there’s a natural aversion amongst the British to corruption as a concept. [...] have no empirical basis for this at all, but I have always felt that people [...] don’t like the concept of unfairness, that [one] wins something by [...] underhand means, [...]”

and later added:

“We have a reputation for going out and getting drunk and kicking the shit out of people, out of each other. [...] That’s what we do wrong. But going out and making corrupt payments to people, its just not part of our make-up as a nation. I know, I can’t justify, I can’t prove it.”

Nevertheless, the interviewee was sure that allowing bribes to be paid abroad for the benefit of British Industry was a factor which “has acted upon the minds of those that make the payments”, and that there has been longstanding knowledge of such within government and the higher echelons of the Foreign Office but a ‘blind eye’ has been turned to them – even though the interviewee emphasised that from the legal perspective the giving of bribes is illegitimate and certainly is corruption.

Equally, the interviewee distinguished between times when the laws on corruption should be followed, and when they might not be able to (in reference to the SFO’s cessation of its investigation), admitting that:

“there will be times when it may not be in the national interest for the [corruption] investigation to go on and there will be times when the national interest will have to take priority.”

In general, responsibility for corruption was nevertheless strongly argued to be individual (middle management levels) rather than systemic.

With regard to party funding, whilst the conviction was voiced that those who donate to political parties by and large do so for “proper reasons” (code family 4), the interviewee was critical of the existence of the honours system, which panders to “peoples’ self-importance” and will always therefore be a potential source of relationship that could be misconstrued as corruption.

Success in combating corruption (within the British police) was seen largely a result of stricter regulations and controls, including international agreements such as that amongst the OECD, the UN, and especially pressure from the US’ Foreign Corrupt Practices Act, and better detection and oversight mechanisms, which disincentivise those contemplating corruption (code family 1). The interview voiced the opinion that “the law has changed attitudes”. With regard to construction companies and British companies overseas, the interviewee commented that they had seen a growing, obvious awareness of the risks of becoming drawn into corruption investigations worldwide. NGOs were also viewed as playing a role in pressuring government to act, but the media was seen as less effective than they think (though the public are sometimes more worried than they should be) (code family 2). Public opinion had a limited role in deterring corruption, for example in relation to cash for honours, since they elect MPs, but pressure on government with regard to British corruption abroad is likely to stem from sources external to the UK.



Concerning the potential of British anti-corruption practices as an exportable model, the interviewee responded that it would be totally impossible, but also

“I don’t think we’ve [...] covered ourselves with glory over the way we dealt with the BAE payment. So I [...] think we have been fairly silly if we expect the rest of the world to [...] take our advice on how you deal with corruption!”.

The interviewee expressed sympathy for businesses who were acting in countries where “for cultural or other reasons” payment of a bribe from them was expected (code family 3). Disincentives for business to pay bribes were that they might become embroiled in a long investigation, which could lead to prosecution and which could bring damaging publicity for their reputation in the market (again, public opinion is not seen as important source of pressure on companies or governments), a dangerous development if they are doing business in the United States, for example.

4.3 Target Group Police

Interviewee: A Detective Superintendent

The Detective Superintendent enunciated one of the broadest definitions of corruption offered by our interviewees, not restricted to financial gain:

“Corruption for us is when any individual gains some advantage as a result of their position; advantage for themselves or for somebody else. Any its generally around what is plain to see as completely unfair: unfair competition, obtaining money or status”.

For the interviewee, allegations of corruption were easily made but extremely risky for the police because of their potential to undermine criminal trials (if you can link any police officer involved with corruption, the defendants will undoubtedly walk free).

It was also emphasised that the police govern by consent and are trusted by the public; Britain has the lowest ratio of police officers to members of the public in the EU, and is a largely unarmed force. The reputation of the police is therefore “central” to their effective functioning. The high reputation of the police is in some ways a double bind, however, because a higher standard of proof is required to prosecute police officers for corruption. There is no cultural acceptance of police corruption, and people are more than willing to complain if the situation arises (which helps to limit corruption) (code family 4).

The media is seen as helpful at times, but they are seen as having their own agenda that can lead to negative outcomes for the police, e.g. they can often draw attention and link separate cases of police corruption, which damages the reputation of the police.

The Detective Superintendent suggests that “the corrupter” would be external to the police force, corrupting the police, but explains that the police is drawn from the community, and since corruption is part of human nature, some individuals who join the police will have



corrupt intentions. Corrupters are generally regarded as stemming from the world of organised crime.

There is deemed to be a real separation of powers between the government, legislature and police, but the fact that there is political will to fight police corruption is helpful in giving the independent police anti-corruption body the freedom to act widely.

British police officers know that their organisation runs secret integrity tests on them, which is an incentive for them to report corrupt behaviour. The interviewee argues that the success in keeping corruption down within the police force is due to the resources and effort dedicated to tackling the issue.

The interviewee acknowledges that in other countries, low police pay and general public acceptance may mean that bribery and corruption are common occurrences, but argues that widespread corruption undermines the economy, thereby indicating underlining the negative implications of corruption. The interviewee suggests that other countries can improve their anti-corruption efforts by using the best detectives to fight police corruption, involving prosecutors, and having firm political backing. Independent oversight is also required, as with the completely independent police complaints body. Witnesses need to be protected. Supervision and undercover methods are key to limiting corruption in the police force.

4.4 Target Group Media

Interviewee 1: A correspondent for broadsheet newspaper 'A'

The interviewee highlighted a long-standing concern in their work to avoid double standards when discussing corruption abroad and within the UK. Thus, the cash-for-honours scandal was, for the interviewee, an investigation of corruption.

The interviewee argued that Western governments and companies are deeply complicit in corruption around the world, and Britain was no cleaner than other countries and did not observe higher standards. Whilst one could say that in one sense British bureaucracy is cleaner and there is less open corruption here, if one considers Britain's role over the last century (relating to code family 4), because of its historic power and economic wealth,

"it has probably been implicated in far more corruption than Nigerian governments or companies or individuals ever have been. So you have to look at the thing at two levels".

Corruption can be bad for business, both because it makes them vulnerable to blackmail themselves and because foreign investment will be undermined if politics is believed to unfairly intrude on regulation in the market place. Nevertheless, not all businesses are convinced of this logic, most are ambivalent when it comes to combating corruption, and even those that are may be cautious about speaking out against corruption because of their own past involvement in corrupt acts ('skeletons in the cupboard') (code family 3 – contrary).

Corruption has become a particularly critical problem for business in OECD states because companies in non-member states, such as China, India and Russia, have begun competing more assertively in foreign markets and, if an international standard against corruption is not



enforced, there could be a ‘race to the bottom’ between western companies (who already have a poor reputation on this) and companies who are even more involved in corruption from other parts of the world.

The interviewee suggested that Britain has realised that combating corruption is good for the wealth of the nation, but suggested that Britain has always been prepared to export corruption, cynically allowing companies and individuals to act corruptly abroad in order to secure direct economic benefit to the UK. There has been an increasing commitment to anti-corruption norms over the past 15-20 years, which means that politicians would now be less willing to knowingly consent to corrupt arrangements, but what has appeared instead is a “ask no questions, hear no lies” approach; loopholes remain in British oversight and regulatory mechanisms. Furthermore, although the ‘war on terrorism’ has meant that there is greater scrutiny of international money flows, which means cases of corruption are more likely to come to light, because of the focus on the war on terror, cases may be less likely to be properly investigated (as in the case of the BAE scandal).

The interviewee argued that to tackle corruption successfully, one should not merely try to regulate companies more, but to change peoples’ beliefs about the acceptability of such behaviour. The British media probably has helped to make corruption less acceptable, though not all have been particularly interested in the subject. The interviewee argued that a simple distinction should not be assumed to hold between broadsheet and tabloid coverage of corruption, however, arguing that some tabloids had played an important role in uncovering cases of corruption, whilst some broadsheets were cynical and resigned. The OECD has played an important role on consciousness-raising with regard to anti-corruption efforts, but there is still a long way to go. NGOs have also played an impressive part in changing mindsets about corruption, by telling people what British companies and nationals are doing overseas (code family 2). The legal framework is still inadequate for effective anti-corruption efforts in the UK. Meanwhile, politicians from the two leading political parties have not been eager to tackle the issue.

Britain is seen as a model for good governance in some parts of the world (rightly or wrongly) and for that reason the recent BAE scandal has been very damaging, both in terms of undermining British anti-corruption efforts abroad and in encouraging a similar devaluation of anti-corruption efforts elsewhere. The OECD Convention can offer a more useful model of anti-corruption standards, and successfully prosecuted corruption cases internationally.

Interviewee 2: A correspondent for broadsheet newspaper ‘B’

The interviewee explained that there was no specific ‘house rule’ of the newspaper on using the word corruption, other than caution to avoid libelling people and adhering to the legal definition, which the interviewee described as “quite tight”. However, the interviewee later commented that because corruption does not appear to be a priority in the UK, there has been a lack of effort to tackle the problem of definition and update Britain’s corruption laws.

The interviewee argued throughout the interview that corruption is not a systemic problem in the UK, and is “very limited” (code family 4). There are more cases of corruption than have been prosecuted, but it is a charge very difficult to prove. It was allowed that there is sometimes favouritism in the awarding of contracts, but these are exceptions to the rule);



public administration is “done fairly cleanly and decently”(code family 4), especially at the national (as opposed to local) level of government. The interviewee posited that “classic corruption” in Britain involved local planning at the local council level with relatively little money involved.

The interviewee traced Britain’s fortune with regard to its lack of systemic corruption to a long, cohesive tradition of public administration, and reforms of public life in the 19th century. Also, that standards raised over the past 10-12 years reduced the scope for political favours (code family 1).

The interviewee distinguished between dangerous and innocuous forms of corruption. The cash-for-honours scandal was viewed as “second rate” corruption, and denied very much significance because, it was argued, giving someone a title does not give them power; those who have allegedly bought titles were assessed as playing no active role in the House of Lords in actual fact.

The interviewee also proposed that donations to political parties might give the donor more access to a political party (“a hearing”) but would not guarantee a contract or indeed make much practical difference in reality (code family 6).

The interviewee argued that the media, especially the tabloids, have fuelled public cynicism about politics. The interviewee stated that in 30 years of experience, very few politicians were ‘in it for themselves’, and that they approach ‘grey areas’ thinking of the public good (“in public policy terms”) (code family 4). In their newspaper, however, the interviewee made clear that there is an effort not to assume the worst, i.e. not to support suspicions of systemic failure, but to treat problems as serious deviations. Thus, just “because you get a thousand fraudulent votes in various places doesn’t mean the whole election is fraudulent”.

The interviewee emphasised that interactions between politicians and business may often be legitimate but may unfairly be interpreted as corrupt (e.g. the revolving door between Ministry of Defence staff and the defence industry). Equally bribery and corruption in general are not necessarily bad for business, it rather depends on the type of business being considered. Thus, in a market for consumer products, bribery would distort the market and so be bad. On the other hand, where the contract is with a State – e.g. the Pergau Dam – and is thus a limited rather than competitive market, the interviewee indicated that this would not be particularly bad.

The interviewee did not regard our second case study (Pergau Dam affair) as a serious incidence of corruption, but rather as a serious case of “conflict of objectives”; between supporting jobs in Britain and foreign policy alliances, and the objectives of overseas aid and “securing proper development”. In the interviewee’s mind, it was not corruption since “it wasn’t a case of anyone lining their pockets”; i.e. it was not corruption for private financial gain. However, the interviewee did attempt to distinguish between the relatively innocuous Pergau Dam affair and the “even murkier” recent BAE scandal.

Competing moral goods, such as employment and security, were difficult to balance with anti-corruption policies (code family 5). Nevertheless, the interviewee suggested that in the aftermath of the BAE scandal, British ministers will not be able to lecture foreigners on anti-corruption efforts.



When asked their view of NGOs who have campaigned against corruption, the interviewee initially responded that they were “perfectly entitled to do it, but [didn’t] think that there are absolute moral rights on one side or another”. However, immediately afterwards, in a discussion of whether corruption was less acceptable now than in the past, the interviewee responded that it was less acceptable today and this was in part thanks to NGO campaigns (now interpreted positively) (code family 2).

The interviewee agreed that British businesses may sometimes be forced to adapt to local customs with regard to paying bribes (and pointed out that one cannot expect them simply not to operate in certain countries). Additionally, it was implied that it is hard or undesirable to (over-) regulate the behaviour of companies abroad. They also underlined that company directors are much more sensitive now towards anti-bribery requirements than they were a few years ago.

4.5 Target Group Civil Society

Interviewee 1: A member of anti-corruption NGO ‘C’

The interviewee demonstrated a difficulty in distinguishing normative values from an objective interpretation of the success of anti-corruption efforts in the UK (especially with regard to value and impact on law development and on impact of training and education for companies).

A considerable degree of pragmatism was displayed by the interviewee in accepting logic sympathetic to cases of non-compliance by state and businesses (code family 3). With regard to the BAE scandal, the interviewee viewed sympathetically government’s decisions in light of what were accepted to be the competing pressures of British jobs and security, even though he labelled the move “a mistake”:

“If I were the head of the SFO and the SFO were given all the information, I would think twice about continuing against the recommendation. I think you have to be a realist.”

Concerning industry, the interviewee argued that

“there’s been a feeling that somehow you only win contracts in some countries for selling arms or you know, aircraft or really major things, if you bribe, and then there’s probably a lot of truth in that. And the question is then do you condone that or do you cease business? So you’ve got a pretty stark choice.”

There was evident optimism from the interviewee about the potential and current effectiveness of anti-corruption efforts in the UK, which was justified with reference to positive legal developments, the raising of the profile of corruption and the development of discourse on the subject within the UK (code family 1).



The language used still suggested that corruption in the UK should not be overplayed or exaggerated (the interviewee referred with soft criticism to the view that the UK did not have corruption problems, but was uncomfortable with the challenge that the NGO itself had under-focused on corruption in the UK; blamed it on lack of resources in the organisation's early days and a desire to help the poor in developing countries.)

The general public were not considered to play an important role in constructing the discourse in the UK or as a source of anti-corruption pressure on government or businesses. Indeed, they are believed to not care much about anti-corruption policies and consider them of secondary importance to promoting British interests.

The code regarding faith in the basic decency of elite morality and corruption by mistake or mistaken logic was prevalent (code family 4). With regard to politicians, the interviewee explicitly rejected the notion of questioning their integrity, expressing also the opinion that:

'I do believe that the vast majority are highly ethical. I'm not one of these people who write politicians off, because I have to work with them, and I would say that on the whole those people with whom I work are in politics for a good reason, they want to make a difference, and I have every confidence [that this is so].'

A perhaps surprising level of support was vocalised for business and portrayal as flexible partners in fighting corruption, more flexible and forward thinking than politicians (code family 3):

"To some extent, politicians have been behind business in recognising the costs. The business world was ahead of politics long before the politicians caught on. But not all businesses, of course."

The media was interpreted as playing a negative role as much as a positive in anti-corruption efforts, but more rigorous interpretation or critique of their role and influence was lacking.

Interviewee 2: A member of anti-corruption NGO 'D'

The interviewee argued that corruption in the UK today is mostly a matter of the 'revolving door' of public officials into positions with business and vice versa, especially with the Ministry of Defence and defence companies. The cash-for-honours scandal, on the other hand, was indicative of the wider issue of 'patronage politics', which carries the seeds of corruption and is deeply ingrained in the UK. Here, it is often about an individual winning influence rather than about personal financial gain.

British political and business elites were also presented as having an attitude that corruption is part of other peoples' culture and therefore there is no alternative to bribing abroad to secure construction and defence contracts for British business (code family 4). There has been too much emphasis on the bribe-takers, rather than the role of the bribe-givers; Western companies reinforce existing corruption and developing countries may often not have the resources to counteract them.



However, it was posited that businesses are increasingly stating that corruption is bad for business (it increases risks, making a company less secure and more vulnerable to blackmail).

The interviewee argued that whilst preaching to other countries about fighting corruption and good governance, the British government has done nothing constructive in the UK:

“There is an absolute lack of political will to prosecute corruption. The withdrawal of the BAE probe is a classic example...”

The UK’s legislation against corruption is “a mess”, and Britain is not properly implementing the OECD Convention. The UK is lagging behind the US and in comparison with other European states (unlike major corruption prosecutions in Germany, France, and Italy, there has only been a terminated enquiry in the UK).

To tackle corruption, a well-resourced investigative body is required, but this has not been a priority in the UK, unlike the goal of being awarded contracts (code family 5). The role of the media has been mixed; it has helped to raise consciousness about corruption, but can often portray it as part of the culture in developing countries. Some NGOs were seen as playing a stronger part in anti-corruption efforts than others (code family 2).

The BAE scandal has encouraged perceptions in the South that the UK has a hypocritical stance on corruption, and this view is a considerable obstacle to the UK’s ability to promote good governance internationally. A lesson that could be learned from the UK is that hypocrisy leads to a loss of influence. More lessons should be taken from grassroots anti-corruption efforts in the South, which demonstrate that policies, rather than culture, create corruption.

Interviewee 3. A member of anti-corruption NGO ‘E’

The interviewee explained that corruption can be regarded as a symptom of a problem, and it is therefore more helpful to try to understand what people are complaining about when they are complaining about corruption. Frequently, corruption is tied to perceptions of inequalities and wastages, but these need to be addressed on a country-by-country basis. Focusing on integrity – accountability, professionalism, and corruption control – is an effective way of tackling corruption.

The interviewee argued that NGOs were not affected in their outlook by the country in which they are based. The interviewee stated that the levels and focus of media and NGO activity here means that that there is no reluctance to talk about corruption in Britain. Furthermore, the interviewee suggested “the work ethos of England makes it sort of slightly less prone to corruption” (code family 4).

The interviewee implied that Britain, as a considerable aid donor country, has an interest in pursuing the financial accountability of recipient states, which is why NGOs focus on corruption abroad rather than in the UK. Although the UK might be used as a model for anti-corruption standards in Commonwealth countries, according to the interviewee the NGO rather used



“the traditional templates [...] like [...], Liberal Democracies 101 but like as much as possible the nondescript country [...]”

In general, NGO use of the UK as a model for export was presumed to be implicit rather than explicit, unlike the case of the US.

The interviewee argued that people in developing countries are more likely to criticise British anti-corruption assistance on the basis of British political policies abroad than on the basis of British corruption scandals, but that in general the British have a good reputation abroad in the field of development and anti-corruption efforts (particularly because of the strengths of the Department for International Development).

The interviewee outlined the way in which countering corruption can be more effectively achieved by structuring societal accountability, rather than consciousness-raising.

4.6 Target Group Economy

Interviewee 1: An official of a national trade association

The interviewee displayed a degree of reservation when discussing the reputation (“rightly or wrongly”) of the British civil service for being corruption-free (code family 4), carefully qualifying his comments cases of corruption have tended to be seen as very isolated. The interviewee argued that attempts to bribe British officials are unlikely to be recorded, as are cases where bribes are actually taken.

Low salaries in developing countries were thought to be responsible for corruption to be more prevalent, and one could expect corruption to be less evident in countries where government officials are relatively well rewarded.

The interviewee also highlighted the difficult position of individuals from the business world whose career may depend on the delivery of a contract or the survival of a business unit, so may come under great pressure when a government buyer demands a bribe be paid in order to award the contract (code family 3).

Moreover, the interviewee to some extent sympathised with companies whose critical market makes it necessary for them to work with governments that are well known to be corrupt, whereas if the particular market is peripheral, it would be easier for a company to stop doing business with corrupt governments in that area;

“what are you going to do? Say that ‘I’m not going to be a part of one of the biggest markets in the world’? I mean, that seems to me [...] an impossible situation for a company to be in.”

With regard to anti-corruption efforts, the interviewee explained that many companies have some form of corporate social responsibility manifesto, and that companies had recommended that the national trade association be reinvigorated by addressing ethical issues such as corruption. Nevertheless, only just over 3% of the trade association’s membership have signed up to its own anti-corruption initiative (although this includes “most of the big players



in the industry”). The interviewee argued that this was because most companies, especially smaller ones operating domestically, do not feel that the issue of corruption affects them.

Companies felt that in an internationally competitive environment, it is important that “all the supplier countries are [on] the same page as far as anti-corruption’s concerned”, and an international initiative is required to achieve this.

International standards-setting against corruption has been an important motivator for British businesses; In the last few years, UK businesses have felt that they need to respond to US trade association anti-corruption initiatives with European standards-setting. The interviewee emphasised,

“I wouldn’t want to give the impression that we were sort of pressured into doing it forcibly. I think it was something that [...] we were thinking about and [...] felt that it was important to do..”

It was nevertheless made clear that many British companies are in close contact and indeed operate in the US market, so US anti-corruption legislation and prosecutions have been a major factor in raising awareness that the issue needed to be addressed amongst British companies. Domestic standards-setting bodies are also credited with propelling the anti-corruption agenda in the UK, from government, to NGOs and research institutions, to industry associations (all of which have sent relevant literature on the subject to companies).

Perhaps the most important motivation for British businesses to support the anti-corruption agenda was that implicitly outlined in the interviewee’s explanation of the intended goals of international anti-corruption co-operation amongst industry (and outlined explicitly in the above interview with the correspondent for broadsheet newspaper A). Namely, that the chief competitors of US and European companies in Brazil, Japan and China, Russia, China, Indonesia, Korea and India, are encouraged to commit to the same anti-corruption standards. Many of the competitor states have poorer international reputations with regard to involvement in corruption. It thus appears that there is a fear that if an international effort does not succeed in tying all countries into the same standards of competition, there may be a ‘race to the bottom’ in which British (and US and EU) companies could lose out, since they face greater risk of prosecution for corruption than competitor countries of these other states.

Public opinion per se was not considered to place any pressure on industry to pursue an anti-corruption agenda. While the media has consistently demonstrated some level of interest in corruption within industry, the interviewee did not think it had played a part in motivating companies to pursue such an agenda either. Indeed, the interviewee argued that industry’s promotion of anti-corruption initiatives has predated media revelations of scandals.

Interviewee 2: A development consultant

The interviewee displayed somewhat paradoxical approaches towards the morality and prevalence of corruption in the UK, was critical of overly relaxed attitudes towards foreign corruption by development agents, but generally adhered to the notion that Britain is largely corruption-free (code family 4).



It was argued that the “the majority of British people are honest”, though also that “the majority in any society are honest – otherwise society would crumble”.

Initially, the interviewee suggests that like any other, a British individual may be similarly “cunning and intelligent people who have, at a certain point, made a choice to be corrupt”. However, for the interviewee there is a distinction to be made between British and foreign corrupt officials; British officials may unwittingly be involved in corruption by allowing bribes to be paid, but they do not take bribes themselves (because they are paid well enough, and because of the threat of prosecution and jail in the UK) (code family 4).

Corruption is regarded as contingent upon levels of societal affluence. Thus, the British (and their officials) “don’t need to do anything wrong” (my emphasis) because of better pay and societal affluence, as opposed to the condition in developing countries. However, low incidence of corruption in the UK means that there is more trust between state and society, regulation is more lax, and thus that those who wish to cheat find it easier to do so. British cultural exports such as cricket enhance Britain’s reputation for fair play internationally. The interviewee argued that it is difficult to prosecute corruption cases in the UK; standards for evidence are high, and corruption difficult to prove.

Corruption has become “more frowned upon” in the UK, for which the interviewee credits “globalisation”; the British are more likely than in the past to be aware of “the difficulties” overseas and to understand “how damaging it is”, so are less happy to pay bribes. Underlying this comment may be the interviewee’s own admission of

“[shock] at the amounts that are being wasted on aid to corrupt countries, instead of being spent on humanitarian causes within Britain..”

and of lack of faith in the argument that such aid will be to the benefit of all in the long term.

The interviewee characterises the decision to drop the SFO investigation into the BAE affair as morally unjustified but economically justified (code family 5), and concludes that

“I think the government made the wrong choice, but then again I don’t know all qthe facts”, implying that the government may have been justified in acting with security interests (as well as economic policy) in mind.

5. Specific Conclusions

Definitions of ‘corruption’

There was a fairly wide array of approaches to the definition of ‘corruption’ amongst interviewees from all target groups. It was, for different interviewees, legal, restrictive, unclear (legally), ‘grey’ (morally), and complex, characterised by rent seeking, for some, or prestige enhancing, for others. Somewhat surprisingly, the police respondent demonstrated usage of a more expansive definition (including the motivation of prestige enhancement) than some of the other interviewees.

Sources and causes of corruption

Most interviewees cited a number of sources or causes of corruption. Although many supported the code that standards of public life in Britain are generally high (and corruption cases are anomalies relating to individual rather than systemic failures), economic explanations were also prevalent (i.e. that societal wealth is negatively associated with levels of corruption). Ignorance of officials, and the existence of 'grey zones' both moral and legal, was cited by some of the respondents, but it was not a predominant explanatory factor. Individual and systemic (intentional or default) causes of corruption were mentioned by all interviewees.

Effective factors against corruption

All the interviewees referred to the perception (code family 4) that there are high standards of public life in Britain and this is related to British cultural attitudes towards 'fair play'. Though not all interviewees were entirely convinced by the argument and some thought it misleading, all thought it significant in terms of public discourse about corruption in the UK.

As mentioned above, societal wealth was negatively associated with levels of corruption for the interviewees, and there was a latent sympathy and support towards the development goals of countries in the South.

NGOs were roundly judged to have played a significant role in raising consciousness of the issue (that corruption is a 'bad thing' for the public and for business), and in pressuring the government to action against corruption. They, rather than the public itself, were regarded as an effective source of public pressure. The media's part in consciousness-raising and exerting political pressure was deemed to be of mixed value to anti-corruption efforts. Political responsibility for promoting anti-corruption efforts was mentioned far less, and usually in critical terms (that they were insufficiently committed to advancing anti-corruption efforts). The effectiveness of Britain's legal framework for combating corruption was also questioned by several interviewees. The good faith of businesses in seeking to tackle corruption was more often recognised than their connivance in corruption, or than their self-interest in supporting anti-corruption efforts.

Overall, a paradox appeared to underline the responses of the majority of interviewees, who considered that a) Britain has a strong tradition of being relatively corruption free, b) in recent years progress had been made in the UK towards identifying corruption as a problem and tackling it, and c) the collapse of the SFO investigation in the BAE case was cause for some disillusion or cynicism about the extent to which things have improved in the UK in confronting corruption.

Perceptions of the exportability of the 'British model'

For the majority of the respondents, it was not entirely clear what 'British model' entailed (in terms of anti-corruption norms). Some were more concerned than others that the potential of



the British government to promote anti-corruption norms and good governance abroad had been damaged by recent scandals, but for others this was not a significant issue, whether because it was not a suitable source of ‘model’ in the first place, or because it was not a priority in terms of British interests.

6. General Conclusions

As noted in the first scientific report for the UK case study, one of the central aims of the study is to answer the question ‘what makes the difference in the UK?’ Why is public life in Britain commonly perceived as relatively corruption-free? Moreover, can the answers to these questions be replicated elsewhere?

The second phase of the research project has allowed us to test some of our earlier tentative answers to these questions. A negative explanation offered for the perception that corruption in Britain is uncommon was that it may not be overt, making it harder to expose. A number of interviewees highlighted this perspective, arguing that Britain does not appear corrupt because it does not want to investigate corruption, and these views were obviously bolstered by the conclusion of the recent SFO probe into the BAE case. Certainly, there seemed to be wider support than anticipated for the perspective that corruption is under-reported and under-prosecuted in the UK.

A number of positive reasons why Britain might be perceived to be a relatively corruption-free country were also hypothesised in the previous report. The most obvious possibility was that it may be rare for people to have direct experience of corruption; petty corruption would be uncommon, given the wealth of Britain and relatively decent salary levels of its officials. The theoretical assumptions of these propositions were broadly supported amongst all the respondents, and indeed the economic association for the lack of corruption in the UK appeared to be supported with stronger conviction than the cultural argument - though the interviewees placed different emphases on the comparative prevalence and significance of corruption at local and national levels of government. A further factor that could have nourished perceptions that standards of public life in Britain are high was the recent rise to prominence of the issue and effort to promote clearer and more modern legal and political approaches to the subject. This factor was far less obvious in the interviewee responses than had been the case in the earlier documentary phase of the research, and it is clear that recent scandals dampened most of the respondents’ enthusiasm for what progress had been made in the UK in these areas.

The recent BAE scandal was also a much-cited cause of scepticism and, for some, regret, that Britain would not be able to promote good governance and anti-corruption norms as successfully at the international level because of the loss of prestige. However, there was weak conception of a ‘British mode’, and insofar as it was seen as cultural, there was no belief that it could be replicated elsewhere. Meanwhile, the cited economic underpinnings of the ‘British model’ were not even contemplated as a basis for replication by others.

Finally, in the first scientific report it was highlighted that positive perceptions of standards in British public life could be correlated with socio-economic status (according to the findings of the survey for the Commission on Standards in Public Life, 2004); those with higher educational backgrounds, broad sheet newspaper readers and the young, were the most likely



to hold such a perception. It was therefore hypothesised that the more one is able to succeed in a society, reap the available benefits or aspire to do so, the more positive one would likely be in assessing the general and standards of fairness of the system. Despite the limitations of the interviews' number and range, it is clear that this hypothesis was challenged by the findings of the second research period. In the first instance, it was evident that perceptions of the fairness of the system varied far more widely amongst interviewees than had been demonstrated between documents from and between target groups in the first stage of research. The sceptical approach of the correspondent from broad sheet A was just one element from the interviews that highlighted the fact that socio-economic status does not automatically define an individual's perspective. Nevertheless, in light of the limitations of the interviews carried out, these findings are only sufficient to modify rather than to overturn those of the survey mentioned above and the subsequent hypothesis itself.

In conclusion, it is proposed that perceptions of levels of corruption in Britain are likely to be influenced by the observer's socio-economic status and, moreover, that the discourse and efforts of a country (like Britain) to combat corruption are shaped by the particular economic and political position it enjoys in international comparison.



SIXTH FRAMEWORK PROGRAMME OF THE EUROPEAN COMMISSION



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

Project no.: 028442

Instrument: SPECIFIC TARGETED RESEARCH PROJECT

Thematic Priority: PRIORITY 7, FP6-2004-CITIZENS-5

Deliverable No 2

Anti-corruption policies and respective discourses within the EU

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1. Outline of the analysis

While determining the empirical research material, which had to be compiled to analyze the EU discourse on corruption, we took the “cost-outcome ratio” into account. Like in every empirical project, we raised the basic question: How much can be explained with how much (or little) material?

Specification of the material and the consistency of data

Documents from the fifth and partially sixth legislative period (1999-2006) of the European Parliament have been considered for conducting the analysis. Three types of documents will be consulted in doing so:

1. The annual reports of the European Commission on the progress made by the candidate countries along the path towards accession or related reports by the Commission on the state of the enlargement process.
2. Reports of the Parliamentary Committees to be adopted in the plenum. Among the Standing Committees, reports from the “Committee for External Relations, Human Rights and Security and Defence Policy” and the “Budget Committee” are taken into account.
3. Proceedings of debates of the EU Parliament which pertain to the documents mentioned above.

These three types of documents simultaneously represent three different aspects of the object of analysis:

1. The reports of the Commission are an important indicator of the progress and shortcomings the concerned countries demonstrate with regard to fighting corruption. The formal accession directives are the foundation for this assessment.
2. Reports from the Committees constitute a *consensus omnium* of all parliamentary parties represented in the Committee and reflect the positions of the Parliamentarians on the report presented by the Commission.
3. The proceedings in turn contain highly diverse opinions, viewpoints and arguments depending on the national and political party origin of the speaker, which are also based on his/her particular function within the Parliament or other institutions of the EU (Parliamentary Committee, Commission, Council).

On the origins of the material

In terms of the analytical intention and task of this research project, one must bear the following fact in mind with regard to the relevance of the data material: the EP can be assumed to have a weaker institutional position as compared to the national representations and the other institutions of the EU, in particular the Commission and the Council of Ministers. Although growing in influence over the last years the Parliament still does not have the institutional weight in the field of legislative action, the main part of which resting by the Council of Ministers. Compared with the principles of national democracies, this results in a democratic and legislative deficit, which the EP seeks to overcome by increasingly emerging as the “guardian” of European “values”. Hence if we were to define “European awareness” as the factual interest in the deep and comprehensive



integration of Europe on the basis of the generally applicable accession criteria, the trans-national “European awareness” of the Parliament primarily comes to bear during the EP debates. In view of the analytical intention of the research project and the analysis of the questions it raises, this fact is of crucial significance. If there is an identity-based definition of the EU-institutions *inwards*, it can only be represented by the Parliament.

On the formal characteristics of the material

Documents of the European Parliament dating back to 1996 (proceedings) and 1994 (reports and resolutions) can be accessed electronically on the Internet. The data for the present analysis were gathered between 2000 and 2006. It was not necessary to visit the Archive of the European Parliament to gather data, because the documents publicly accessible at the websites of the European Parliament and European Commission are the official versions of all documents.

The evaluation of the material

The empirical material was evaluated on the basis of inductive coding. In doing so, the methodological rules were applied, which are generally applicable to the entire research project. With regard to the proceedings of the Parliament, the opinion of the respective speaker was regarded as the *unit of analysis*. As for the reports, those parts or chapters of the report that pertained to the problem of corruption were the unit of analysis.

Every complete statement in the form of one or several sentences within an opinion (in the case of the Parliamentary proceedings) was regarded as a *coding unit*. As for the reports, a *coding unit* was a segment which was coherent in terms of meaning and could also include several sentences.

The theme of the categorisation, i.e. the specification of a *selection criterion*, on the basis of which the categories were formed, is theory-driven and relates to the concept of the research project. It determines which exact text passages are drawn on for the definition of categories. It served to exclude insignificant, decorative, etc. words, thus enabling us to first reduce the material. We were able to further reduce the material by restricting our short transcriptions to the text passages with relevant substance. The text passages with relevant substance were elevated to a previously defined *level of abstraction* (generalisation). Accordingly the wording of the *key message* of the text passage with relevant substance was regarded as the level of abstraction, while the language of the category developed from this was oriented towards the wording of the language within the text (open coding).

In line with the general methodological approach of the entire project, a working method based on qualitative content analysis was applied because it is particularly well suited to the study of political communication as well as patterns of values and attitudes and hence for grasping the ideological content of texts. Therefore it is particularly appropriate for the present case involving the analysis of the EU discourse on corruption. While doing so, the main interest was not the manifest content of communication, rather the latent meaning structures of the content of communication.



List of the compiled and evaluated material (in German)

I. Berichte der Europäischen Kommission

1. Regelmäßiger Bericht über die Fortschritte Bulgariens auf dem Weg zum Beitritt 2000-2006
2. Regelmäßiger Bericht über die Fortschritte Rumäniens auf dem Weg zum Beitritt 2000-2006
3. Regelmäßiger Bericht über die Fortschritte der Türkei auf dem Weg zum Beitritt 2000-2006
4. Regelmäßiger Bericht über die Fortschritte Kroatiens auf dem Weg zum Beitritt 2005-2006
5. Regelmäßiger Bericht über die Fortschritte Mazedoniens auf dem Weg zum Beitritt 2006

II. Berichte des „Ausschusses für auswärtige Angelegenheiten, Menschenrechte und Sicherheits- und Verteidigungspolitik“

1. Bericht über den Stand der Bewerbung Bulgariens um die Mitgliedschaft bei der Europäischen Union (KOM(1999) 501 - C5-0024/2000 – 1997/2179(COS))
2. Bericht über den Antrag Bulgariens auf Beitritt zur Europäischen Union und den Stand der Verhandlungen(KOM (2000) 701 – C5-0601/2000 – 1997/2179(COS))
3. Bericht über den Antrag auf Beitritt Rumäniens zur Europäischen Union und den Stand der Verhandlungen(KOM(1999) 510 – C5-0033/2000 – 1997/2172(COS))
4. Bericht über den Antrag Rumäniens auf Beitritt zur Europäischen Union und den Stand der Verhandlungen (KOM(2000) 710 – C5-0610/2000 – 1997/2172(COS))
5. Bericht zur Erweiterung: Bericht über die Fortschritte jedes Bewerberlandes auf den Weg zum Beitritt (KOM(2002) 700 – C5-0474/2002 – 2002/2160(INI))

III. Berichte des „Haushaltsausschusses“

1. Bericht über die Mitteilung der Kommission über den Schutz der finanziellen Interessen der Gemeinschaften – Betrugsbekämpfung – Konzept für eine Gesamtstrategie (KOM(2000) 358 – C5-0578/2000 – 2000/2279(COS))
2. Bericht über den Jahresbericht 1998 der Europäischen Kommission über den Schutz der finanziellen Interessen der Gemeinschaft und die Betrugsbekämpfung (KOM(1999) 590 - C5-0058/2000 - 2000/2032(COS))
3. Bericht über den Vorschlag für eine Richtlinie des Europäischen Parlaments und des Rates über den strafrechtlichen Schutz der finanziellen Interessen der Gemeinschaft (KOM(2001) 272 – C5-0225/2001 – 2001/0115(COD))
4. Bericht über das Grünbuch der Kommission zum strafrechtlichen Schutz der finanziellen Interessen der Europäischen Gemeinschaften und zur Schaffung einer Europäischen Staatsanwaltschaft (KOM(2001) 715 – C5-0157/2002 – 2002/2065(COS))



IV. Sitzungsprotokolle des Europäischen Parlaments

1. Dienstag, 3. Oktober 2000 – Straßburg: Fortschritte der 12 Bewerberländer auf dem Weg zum Beitritt
2. Dienstag, 3. Oktober 2000 – Straßburg: Fortschritte der 12 Bewerberländer auf dem Weg zum Beitritt (Fortsetzung)
3. Dienstag, 4. September 2001 – Straßburg: Fortschritte der 12 Beitrittskandidaten auf dem Weg zum Beitritt
4. Dienstag, 4. September 2001 – Straßburg: Fortschritte der 12 Beitrittskandidaten auf dem Weg zum Beitritt (Fortsetzung)
5. Dienstag, 4. September 2001 – Straßburg: Fortschritte der 12 Beitrittskandidaten auf dem Weg zum Beitritt (Fortsetzung)
6. Dienstag, 19. November 2002 – Straßburg: Fortschrittsbericht über den Beitritt
7. Mittwoch, 9. April 2003 – Straßburg: Erweiterung
8. Dienstag, 16. Mai 2000 – Straßburg: Schutz der finanziellen Interessen der Gemeinschaft und Betrugsbekämpfung
9. Dienstag, 12. Dezember 2000 – Straßburg: Schutz der finanziellen Interessen der Gemeinschaften
10. Mittwoch, 28. November 2001 – Brüssel: Finanzielle Interessen der Gemeinschaften
11. Donnerstag, 27. März 2003 – Brüssel: Schutz der finanziellen Interessen der Gemeinschaften und Europäische Staatsanwaltschaft

2. Analysis

1. Debates of the European Parliament

As evaluation units are selected the following documents:

Minutes of Plenary Sessions of the European Parliament

1. Tuesday, 3. October 2000 – Strasbourg: Progress of the 12 candidate countries towards accession [P1]
2. Tuesday, 4. September 2001 – Strasbourg: Progress of the 12 candidate countries towards accession [P2]
3. Tuesday, 9. November 2002 – Strasbourg: Progress Report [P3]
4. Wednesday, 9. April 2003 – Strasbourg: Enlargement [P4]
5. Tuesday, 16. Mai 2000 – Strasbourg: Protection of the financial interests of the Community and fighting against fraud [P5]
6. Tuesday, 12. December 2000 – Strasbourg: Protection of the financial interests of the Community [P6]
7. Wednesday, 28. November 2001 – Brussels: Protection of the financial interests of the Community [P7]
8. Thursday, 27. March 2003 – Brussels: Protection of the financial interests of the Community [P9]



I. Outline

The parliamentary debates under examination cover the period from 2000-2003 and revolve around a) the progress of the 12 candidate countries toward accession and b) issues regarding the security of the financial interests of the community and fighting fraud. The following evaluation confines itself to those parts of the proceedings that deal with corruption and corruption prevention measures.

II. Analysis

Along with democracy, state of law, decentralisation, observing the EU-law guidelines, adjustment and reform of the economic structures – both regarding industry and agriculture –, environmental policies [P1: 3105-3108], but also tax, justice, bank reforms [P2: 1581-1585] and the protection of minorities [P4: 98-100], fighting corruption belongs to the criteria to be fulfilled in order to secure the accession to the European Union. Meeting this requirement deserves special and concentrated attention, since its implementation carries with it a number of structural implications in the fields of institutional, political and economic reforms [P4: 1643-1646]. There are a number of reasons why the anti-corruption dimension of the accession process must be given a high priority:

- Corruption can neither be reduced to certain socio-political and economic shortcomings, nor refers exclusively to the European countries aspiring to become members of the EU. Even lesser can it be attributed to certain cultural traditions that are supposedly resistant to reform action. It is a wider phenomenon to be met in all modern societies and economies [P1: 438-443].
- Reforming political, administrative and economic structures is bound to fail, so long democratic system and market economy are accompanied by the shadow of suspicions of corrupt conduct [P1: 1752-1755]
- The illegitimate or illegal privacy of corrupt conduct goes against the establishment of a free and open civil society [P1: 1803-1805].
- Corruption represents not only a social evil, but bears immediately on economic development, which in turns is one of the pillars of the successful accession. Because it scares foreign investments off [P1: 1582-1584], it is a retarding factor concerning the capacity of the economies of the candidate states to catch up with European standards [P1: 444-449].
- Anti-corruption policies do not only put to test the capacity of the candidate states to implement the accession criteria, but pertain also to the administrative reforms of the EU itself [P1: 770-773]. Fighting corruption in the member states and the executive/administrative organs of the Union [P4: 1677-1680] represents an important precondition for the European integration.

Hence given the priority to be conferred upon tackling corruption at all societal levels, there follow immediately certain prevention measures that refer mainly to structural preconditions

for efficient public administration. In this way

- Strengthening the judicial and police infrastructure and making the public servants working in this sector resistant to briberies means raising their salaries [P2: 1879-1884]. Generally speaking fighting to curb corrupt conduct should be connected to the efforts to raise the living standard of the people and especially to fight unemployment [P2: 2497-2499]. This holds also true of those member countries where certain deficits regarding equality und public honesty can be observed: for example the inequalities in respect to income and education have been increased [P1: 3555-3557].
- In order to reach the same goal the judiciary must open to society enabling all citizens an easy access to court procedures giving them at the same time the feeling of being equally and lawfully treated [P3: 589-593].
- Making the judiciary stronger must enjoy high priority since it is considered a crucial precondition for establishing the institutional framework in which the political and economic reform can take place [P3: 846-852].
- Not only should the judicial system be made independent [P3: 676-677] – public administration at large must be reformed in such a way that it can enjoy the trust of the people. It should guarantee that decisions are taken in favour of the public good. This can be fostered by raising public participation and account controls [P1: 1330-1334].
- Demanding from the candidate countries to concentrate on these requirements does not mean though that the contribution to preventing and fighting corruption by the institutional organs of the EU should not also enjoy high priority. For trustworthiness must also obtain in the relations between the European people and the central organs of the Union. An important step towards implementing a centralised policy of corruption prevention through a prosecution office [P9: 428-434] is the creation of the *European Anti-Fraud Office (OLAF)* [P6: 77-83]. However, efforts should be undertaken a) to guarantee its independence, b) to push further the process of establishing the office of a European general attorney [P5: 881-883] and c) to strengthen the work of Eurojust and Europol [P4: 1680-1682]. The issue of strengthening anti-corruption policies at the level of the central organs of the EU must be seen as closely connected to a more efficient financial management [P6: 246-252]. Furthermore, an effective anti-corruption policy cannot be established through guidelines alone, but needs stronger implementation instruments, that is, law regulations. The reason for this fact is that while guidelines commit the European countries to certain goals, law regulations provide them additionally with the instruments to achieve them [P7: 104-112]. In addition setting up a law regulation would have the advantage of being uniform throughout Europe. Creating such a unitary regulation basis against fraud and corruption facilitates also the integration and enlargement process.

2. Reports of the Parliamentary Standing Committees

As evaluation units are selected the following documents:

1. Report of Committee on Budgetary Control on the 1998 annual report by the European



Commission on protecting the Communities' financial interests and the fight against fraud (19 April 2000) [P8]

2. Report of Committee on Budgetary Control on the Commission communication 'Protection of the Communities' financial interests - The fight against fraud - For an overall strategic approach (4. Dezember 2000) [P9]
3. Report of Committee on Budgetary Control on the proposal for a Directive of the European Parliament and of the Council on the criminal-law protection of the Communities' financial interests (8 November 2001) [P12]
4. Report of Committee on Budgetary Control on the Commission Green Paper on criminal-law protection of the financial interests of the Community and the establishment of a European Prosecutor (24 February 2003) [P14]

I. Outline

The evaluation refers to annual reports of the Committee on Budgetary Control by the European Commission on protecting the Communities' financial interests and the fight against fraud (2000-2003). It concentrates on the anti-corruption policies needed to be deployed and the proposals to their institutional implementation.

II. Evaluation

The Committee on Budgetary Control (economic and monetary affairs) emphasises in its 2000 report the fact that for the EU institutions effective disciplinary procedures and rules on liability are just as important in deterring fraud and corruption as prosecution [P8: 209-211]. Therefore it makes certain amendment proposals regarding the effective anti-corruption work of OLAF: *a*) the European Central Bank and the European Investment Bank should be integrated in the legal framework of the Union thus allowing OLAF to carry out internal investigations in these two bodies, with due regard for their independence and with the sole objective of effective protection against fraud and corruption [P8: 234-239]; *b*) OLAF should become fully operational with a view to investigations into cases of fraud or corruption within the EU institutions. This would be for the European public an acid test of the credibility of the Community's efforts [P8: 247-250]; *c*) the control functions of OLAF should be extended to investigate fraud and irregularities relating to the Structural Funds and expenditure managed directly by the Community; *d*) the working modus of OLAF should adopt transparent standard operating rules, including rules relating to the conduct of investigations, which must be made public; *e*) OLAF needs to expand the network of specialist task forces which were established by UCLAF to address issues of smuggling, piracy and counterfeiting, bearing in mind that these activities result in heavy losses to the EU's own resources; *f*) it should be considered how far OLAF might be made responsible for coordination of cooperative work with the ECB, NCBs, Europol and Interpol in relation to any potential counterfeiting of the euro [P8: 253-278]. Last but not least there must be cooperation between the national bodies and OLAF, which must genuinely enjoy the independence (above all from the Commission) which the legislator intended it to have in terms of staffing and operational activity, and whose rules of procedure must also be amended. OLAF should be recognised in criminal-law procedure codes as an assistant of the judicial authorities [P12: 1191-1196].



These measures should be seen embedded in an overall anti-corruption strategy that contains mainly the following components [P8: 261-271]:

- an anti-fraud legislative policy,
- a new culture of operational cooperation,
- an inter-institutional approach to prevent and combat corruption,
- the enhancement of the penal judicial dimension.

The *acquis communautaire* being in a process of development new definitions must be introduced in the area of corruption, for example (selling influence). The list of crimes must be supplemented to include all crimes which are detrimental to the Community's financial interests, whether they are committed by economic operators or national officials [P12: 1243-1247]. In this direction it should be considered necessary to bring anti-corruption legislation closer to the criminal law [P12: 1668-1671]. For the definition of fraud, corruption and money laundering can be approximated to the substantive criminal law [P12: 1680-1684]. Instrumental in this sense would be the *Office of a European Public Prosecutor*, who must work in conjunction with the national public prosecutors in the Member States with a view to enhancing the effectiveness of their inquiries and working out all sorts of practical problems related to the judicial systems of the Member States [P14: 921-924]. As regards his competences he/she shall be able to deal with offences which are already the subject of an agreement between the Member States (fraud, corruption, money-laundering) [P14: 928-933].

3. Reports of the European Commission

As evaluation units are selected documents from the European Commission's Regular Reports on the candidate state's progress towards accession to the EU.

1. Regular Report on Bulgaria's Progress towards Accession 2000-2206 [P1]
2. Regular Report on Croatia's Progress towards Accession 2005-2206 [P2]
3. Regular Report on Macedonia's Progress towards Accession 2206 [P3]
4. Regular Report on Romania's Progress towards Accession 2000-2206 [P4]
5. Regular Report on Turkey's Progress towards Accession 2000-2206 [P5]

I. Outline

The evaluation of the Commission Reports on the Progress of the candidate states towards accession (2000-2206) concentrates on the developments regarding the legal framework and institutional implementation of anti-corruption policies. Special attention is paid to the efforts of the candidate states to comply with international and European anti-corruption standards, but also to the shortcomings and deficits in the anti-corruption legislation.

II. Evaluation

1. Bulgaria

Corruption has in the last years been considered to be a major problem of the Bulgarian society and the state, the latter seen as not quite capable of guaranteeing to its citizens a



predictable and lawful environment. However, already in 1999-2000 certain measures were taken to start tackling the problem: *a) a Public Register Law* inviting high-ranking government officials to declare property, income and expenses, *b) amendments to the Penal Code to criminalise actual or attempted bribery, c) tighter controls on the administration and its staff established by Civil Service law, d) a new Tax Procedure Code* to detect corruption-generated income, and *e) the start of the implementation of the new public procurement law* [P1: 82-98]. By the same time Bulgaria had ratified the major anti-corruption conventions. The following year (2001) it made an important step forward adopting a *national Strategy for Combating Corruption*, targeting four areas: an institutional and legal environment against corruption, anti-corruption reform in the judiciary, curbing corruption in the economy and anti-corruption co-operation between government institutions, non-governmental organisations and the mass media [P1: 210-214]. Because the implementation and enforcement of the legal framework was not satisfactory, further anti-corruption measures were taken: *a) the Code of Ethics for Civil Servants* setting basic principles and rules of ethical conduct for civil servants in their relations with the public whilst on duty, *b) the Political Parties Act* introducing clearer rules for financing political parties, and *c) the Law on Access to Public Information* intended to increase transparency in the administration.

Taking efforts to enforce the legal framework an *Action Plan for Implementation of the National Strategy* was adopted in 2002 along with a number of new or revised laws such as the Public Procurement Law, the privatisation law and the amended Penal Law. Upon expiring (2003) the implementation plan was followed up by a report concluding that the administrative set-up of specialised structures for the fight against corruption should be strengthened, as well as the overall control over the implementation of the Action Plan. This was supplemented by participating in the monitoring of anti-corruption measures carried out by the *OECD Working Group on Bribery in International Commercial Transactions* [P1: 637-638]. Coming closer to the institutional and legal environment of the EU the *National Strategy against Corruption* was 2003 further elaborated including specific sectors strategies in health and education. In order to consolidate the institutional set-up in the fight against corruption further measures were taken such as setting up *a) special investigation departments by the Supreme Cassation Prosecutor's Office, b) a Commission for Prevention and Counteracting Corruption* under the authority of the Supreme Judicial Council, and *c) special units within various ministries and within the police and border guards in charge of fighting corruption*. Additionally Memoranda of understanding were signed between the Supreme Judicial Council, the Prosecutor's office and the Ministry of Justice on exchange of information on corruption [P1: 802-811]. An important amendment of the *National Strategy* took place in 2005 as the Council of Ministers supplemented the anti-corruption legislation with measures to combat high-level corruption, that is, corruption in the administration of the executive power at the level of political cabinets [P1: 961-965]. Regarding the organisation and intra-departmental control of the prevention and detection of acts of corruption steps were taken to refine the mechanism for receiving, checking and taking action on information concerning corruption amongst Ministry of the Interior officials. Furthermore integrity tests started being carried out on a regular basis. In the training curricula of the Police Academy were included issues related to the prevention of internal corruption.

However, in the face of the deficits regarding putting the legal framework to force and implementing concrete anti-corruption measures the Commission puts forward a number of requirements that urgently need to be met [P1: 1044-1060]:



- Constitutional amendments removing any ambiguity regarding the independence and accountability of the judicial system
- A more transparent and efficient judicial process by adopting and implementing a new judicial system act and the new civil procedure code
- Continuation the reform of the judiciary in order to enhance professionalism, accountability and efficiency
- Conduct and report on professional, non-partisan investigations into allegations of high-level corruption. Report on internal inspections of public institutions and on the publication of assets of high-level officials
- Further measures to prevent and fight corruption, in particular at the borders and within local public authorities
- Implementation of a strategy to fight organised crime, focussing on serious crime, money laundering as well as on the systematic confiscation of assets of criminals.

2. Croatia

Corruption continues to be an issue of growing concern in Croatia. The main areas of perceived corruption are the health and construction sectors, as well as the judiciary. Although corruption ranks high in public perceptions, general tolerance of petty corruption appears to be widespread.

At the level of the legal framework legislation on combating corruption seems to be adequately established. Croatia ratified early in 2005 the *Additional Protocol to the European Criminal Law Convention on Corruption* and in the same year amendments a) to the *Act on Prevention of Conflict of Interest in the Exercise of Public Office* and b) to the Act on Financing Presidential Electoral entered into force. The group of States against Corruption (GRECO) of which Croatia has been a member issued 2004 a compliance report on Croatia which concluded that half of the 16 recommendations from its May 2002 Evaluation Report had been dealt with satisfactorily. Additionally, the Act on the *Office for the Prevention of Corruption and Organised Crime* (USKOK) was amended in order to strengthen its role and jurisdiction and provide for better co-ordination with police and other investigative bodies [P2: 90-104].

However, the administrative capacities in the fight against corruption need to be considerably further improved, not only at USKOK, but across the board including the courts, the State Attorney's Office and other bodies and agencies involved in the field. Further development is also required regarding the relevant law enforcement agencies (e. g. border police, police, customs, and judiciary). As a successor to the 2002 *National Programme to Combat Corruption* the new *National Strategy against Corruption* must still be adopted [P2: 108-115].

3. FYR Macedonia

As the Recommendations from the Council of “Europe Group of States Against Corruption” (GRECO) show, Macedonia has made in the last years important steps in the field of fighting corruption. For example, according to the new electoral code the political parties are obliged



to account for their campaign expenses. Last year an inter-ministerial body was set up to co-ordinate the activities of the instances dealing with corruption prosecution – this is apparently the cause of the relation between the State Anti-Corruption Commission and the Public Prosecutor constantly improving. The same holds true of the cooperation between the Public Prosecutor's Office and the Specialised Unit for Fight Against organised Crime. A crucial step raising transparency was done (2005) with the Law on Free Access to Public Information. Accordingly the discretionary powers of ministers and other officials in the administration have been revised [P3: 56-71].

Despite these legislative measures the actual state of fighting corruption is far from satisfactory. For one thing, the legal framework has little impact on the implementation of anti-corruption policies. Important international conventions, such as *UN Convention against corruption or the OECD Convention on combating bribery of foreign public officials in international business transactions* have either not been ratified or not signed. Prosecutions of corruption cases remain at a low level and while, according to the State Anti-Corruption Commission, almost all officials have submitted asset declarations, sentences delivered to officials failing to fulfil this obligation have been lenient. Other fields that deserve being taken seriously are among others [P3: 83-94]:

- Noticeable progress in reducing the discretionary rights of ministers and other officials has yet to be achieved
- The implementation of the regulations on political parties' finances and election campaign financing must be further worked on, including the State Audit Office capacity to determine irregularities
- A clear policy regarding the employment of former members of the government must be adopted
- Tangible progress in reducing the discretionary rights of ministers and other officials has yet to be achieved. Incompatibility rules still lack clarity and control and enforcement mechanisms are weak. Conflict of interest remains to be regulated and monitored. For instance, there is no clear policy as regards the employment of former members of the government.

3. Romania

A landmark in the anti-corruption legislation in Romania was the new *Law on the prevention and punishment of acts of corruption* that entered into force in 2000 and initiated a reorganisation of the bodies responsible for tackling corruption. Other institutional changes included the establishment of a special Anti-corruption and Organised Crime Unit within the General Prosecutor's office and the reorganisation of the Squad for Countering Organised Crime and Corruption [P4: 67-75]. In the following year an ordinance introducing public procurement procedures and establishing the right to appeal against the award of public contracts was adopted. Romania signed the *Council of Europe's Criminal and Civil Law Conventions on Corruption*, took part in the *Stability Pact Anti-corruption Initiative* supported by the OECD Secretariat and became a member of the "Group of States against Corruption" (GRECO) [P4: 189-194].



2001 was also important regarding the fight against corruption, because the *National Plan for the Prevention of Corruption* and the *National Programme for the Prevention of Corruption* were adopted. These two legislative measures purported *a*) to establish target dates for the ratification of the international legal instruments related to fighting corruption, *b*) to complete the existing legal framework, *c*) to set out plans for elaborating sectorial strategies for fighting corruption, and *d*) to promote Romania's active participation in international anti-corruption programmes. At the level of institutional implementation a major step was taken with the setting up of the *National Anti-Corruption Prosecutor's Office* (NAPO) the activities of which are co-ordinated by the General Prosecutor of Romania [P4: 315-320]. However, a shortcoming of this institutional act was that the considerable role played by the Minister of Justice in this process could undermine NAPO's independence and the effectiveness of its investigations. In 2002 Romania ratified the *Council of Europe's Civil Law Convention on Corruption*, the *Criminal Law Convention on Corruption*, and the *Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime*.

Extending anti-corruption legislation a package of measures was adopted in 2003 using the legislative mechanism of a vote of confidence. It contained requirements on the public disclosure of assets held by elected politicians and senior officials, the concept of "conflict of interests", and the expansion of the number of outside interests considered incompatible with being a public official [P4: 519-526]. New legislative measures were also taken on funding of political parties and electoral campaigns: the disclosure of the identity of major donors was made obligatory, as well as the publication of and the total amount of anonymous donations. With an *Emergency Ordinance* introduced in 2004 further regulations regarding financial issues were established: for example the financial threshold for wealth declarations and the value of gifts/hospitality that may be received by public officials decreased and stricter controls on share and property ownership for those covered by the legislation were introduced. In a general way Romanian's anti-corruption legislation was considered well developed and broadly in line with relevant EU acquis [P4: 689-695].

Intensifying the efforts to combat corruption and make it fit for the accession Romania assessed 2005 the *National Anti-Corruption Strategy* 2001-2004. On the basis of this assessment conducted by an international non-governmental organisation, Romania launched the *Strategy and Action Plan 2005-2007*, which proposes new legislation and administrative actions in order to enhance the capacity of the responsible authorities and to clarify the existing legal framework [P4: 891-900]. In the framework of this overall strategy action plans were developed in those institutions particularly at risk from corruption such as the police, the National Customs Authority and the Financial Guard. In addition, the competences of the National Anti-Corruption Prosecution Office (PNA) were revised in order *a*) to restrict the range of individuals that can be investigated and *b*) to raise the financial threshold [P4: 919-922]. Later on in the year the PNA was renamed in National Anti-Corruption Department (DNA) and became a department in the General Prosecutor's Office attached to the High Court. Besides this leading institution in investigating and prosecuting corruption a new anti-corruption structure within the Ministry of Administration and Interior was created called the Directorate General for Anti-Corruption (DGA).

Despite these progressive developments in establishing an effective anti-corruption legal framework the impact of Romania's fight against corruption has been limited, for there has been no significant reduction in perceived levels of corruption and the number of successful prosecutions remains low, particularly for high-level political corruption [P4: 886-890].



Therefore the Commission issues some requirements that must still be fulfilled [P4: 1018-1027]. Thus efforts should be undertaken to:

- Ensure a more transparent and efficient judicial process by enhancing the capacity and accountability of the Superior Council of Magistracy
- Establish an integrity agency with responsibilities for verifying assets, incompatibilities and potential conflicts of interest, and for issuing mandatory decisions on the basis of which dissuasive sanctions can be taken
- Build on the progress already made and continue to conduct professional, non-partisan investigations into allegations of high-level corruption
- Take further measures to prevent and fight against corruption, in particular within the local government.

4. Turkey

Turkey made an important step towards introducing international standards in the field of fighting corruption as it signed 2001 the *Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime* as well as the *Council of Europe Civil Law and the Criminal Law Conventions on Corruption* (the latter ratified in 2002). Turkey is also participating in the monitoring of anti-corruption measures issued by the OECD Working Group on Bribery in international commercial transactions [P5: 168172]. In the following year the Government adopted an *Action Plan on Enhancing Transparency and Good Governance in the Public Sector* with the objective *a)* of improving the performance of public services and *b)* of preventing corrupt practices by enhancing transparency. To this latter end in 2002 the Parliament adopted a new *Law on Public Procurement, a Public Information Act and a Civil Service Code of Conduct* [P5: 497-498], and established a *Public Procurement Authority* [P5: 311-315].

Deepening the compliance with European anti-corruption standards Turkey signed in 2004 the *UN Convention against corruption*, ratified the *Council of Europe Criminal Law Convention on Corruption* and joined the Group of States against Corruption (GRECO). A measure to further raise transparency in the public sector was the adoption of the *Law on the Foundation of an Ethical Board for Public Servants* which provides for the establishment of an *Ethical Board for Public Servants* [P5: 683-686], but also the new *Law on Access to Information* (adopted 2003). As regards prosecution the new Penal Code punishes corruption-related crimes more seriously and the statute of limitations for such offences has been extended. The Code also introduces the concept of liability of legal persons in cases of corruption and contains provisions concerning corruption in public procurement [P5: 852-855].

However, there are noticeable deficits that must be dealt with:

5. There is still no overall strategy and action plan to prevent and fight corruption
6. Turkey has no specific law on financing and auditing of political parties
7. The efficiency and effectiveness of governmental, parliamentary and other bodies established to combat corruption remains a matter of concern
8. The consistency of policies and the degree of co-ordination and co-operation is weak
9. Institutions relevant to the fight against corruption should be strengthened and in particular an overhaul of the inspection system is necessary to increase efficiency in the fight against corruption



10. The dialogue between the government, public administration and civil society needs also to be strengthened
11. More action should be taken to raise public awareness of corruption as a serious criminal offence
12. Continuous support at the highest political level for the fight against corruption would be welcome.



Crime

& Culture

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



SPECIFIC TARGETED RESEARCH PROJECT: CRIME AND CULTURE

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

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