

UNIVERSITY OF KONSTANZ  
Research Group Sociology of Knowledge

# 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 3**

Universität Konstanz | ANK-Growth



Sixth Framework Programme of the European Commission  
Specific Targeted Research Project



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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**

Project no.: 028442

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## **INTRODUCTION**

The third research phase of the Crime and Culture project was conceptualized as an ethnography of the culture of corruption in six target groups in seven European countries. Plenty of data has been collected in intensive empirical fieldwork during the last months. The project researchers carried out interviews with over a hundred experts and submitted the protocols of the encounters between scholars and practitioners to the procedure of sociological content analysis and cultural comparison to reconstruct patterns of perceptions of corruption specific to the selected target groups economy, politics, judiciary, police, media and civil society in Bulgaria, Romania, Turkey, Croatia, Greece, Germany and the United Kingdom. But the report is more than an arbitrary collection of cultural studies showing the variety of the perception of corruption in seven European countries. The empirical findings are typical for the selected target groups, but at the same time manifestations of cultural possibilities in the countries, in the regions and last but not least in Europe. They present the material for the construction of an empirical grounded theory of the culture of corruption in Europe that will be elaborated in the next months by the Konstanz research group on the basis of a comparison of the country reports from three research phases between 2006 and 2008. The final aim of the Crime and Culture project is to draw a picture of the phenomenon of corruption in Europe.

The present report gives profound insights on crucial aspects of the phenomenon. In all its details the report also formulates a new and clear message that is not only of academic interest but also fosters the scientific enlightenment of society: it refutes the wide-spread prejudice that corruption is a disease of eastern and southern European countries that is going to infect the EU. It is obvious that there is an export of crime in Europe, but not a unilateral one. On the one hand, mafia-organizations from Italy, Russia, Bulgaria, China etc. entered central Europe. On the other hand, companies from France, Germany and Great Britain are very engaged in structural corruption at home and beyond their borders. As the data from the Crime and Culture project presented here show, there is a variety of the forms of the perception of corruption in Europe and a structural transformation of corruption in South-East Europe as well as a change in the patterns of the perceptions of corruption. However, there is not only a correlation between the semantics and structures

of corruption. There is also another observable tendency: the differences between the countries in Europe are in the end differences in the stages of institutionalization of corruption. The great danger is that corruption – and the same is true for the mafia – will be not so much a second illegal society acting like a parasite in a perverse symbiotic relation to the official society as in the past, but will be incorporated into the legal structure of the society. This is not only true in south-eastern Europe where the old Nomenklatura has privatized the state and businesses, but also in central Europe where the neoliberal reforms in public administration foster the spread of corruption among the bureaucrats.

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**RESEARCH REPORT BULGARIA:**

**A Comparison of Findings of the First (Documents Analysis) and Second (Interviews Analysis) Project Phase in Bulgaria**

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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. Nevertheless, the problems with corruption remained central in the relations between Bulgaria and European Union. In the July 2008 European Commission's progress reports under the mechanism for verification and cooperation for Bulgaria and Romania the government was heavily criticised for a lack of political will to counteract corruption and considerable amount of financial assistance to Bulgaria under the European funds was cut.

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 64<sup>th</sup> 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*<sup>1</sup>, 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.

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.

The major goal of the present paper is to summarise and compare the results from the two stages of the research project on corruption perceptions in Bulgaria that were presented in two previous papers.<sup>2</sup>

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

<sup>2</sup> Smilov, Daniel, Dorosiev Rashko, *Perceptions of Corruption in Bulgaria. A Content Analysis of Documents from Politics, Judiciary, Police, Media, Civil Society and Economy*, October 2006; Smilov, Daniel, Dorosiev Rashko, *Perceptions of Corruption in Bulgaria. A Content Analysis of interviews with Politicians, representatives of Judiciary, Police, Media, Civil Society and Businessman*, October 2007

## **2. Data generation**

At the first project stage we begun the research on the perceptions, notions and ideas of corruption of the target groups included in the project by selecting two case studies to frame the process of data generation – the privatisation process of Bulgartabac holding and a suspect donation to the party foundation *Democracy* of the United Democratic Forces (the main right-of-the-centre party during much of the Bulgarian transition). We collected a number of documents produced by groups targeted by our research. The groups are: politics, judiciary, media, police and prosecutors, civil society, and economy. On one hand, this approach helped us to limit the scope of the data we were to generate to a reasonable amount. On the other hand, it was not easy to collect informative documents related to above mentioned cases of corruption and we compensated for this as we used other documents that were not directly related to the cases but contained useful information about perceptions of corruption.

The process of collecting data for the study within the second phase of our research consisted of a number of in-depth semi-structured interviews with representatives of the groups studied.

## **3. Methodology**

During the first stage of our research we studied selected documents related to the perceptions of corruption of the members of the six target groups included in the project. Through the second stage, we based our investigations on transcriptions of the interviews we had made with the representatives of the six target groups. In the end, we applied the research method of qualitative content analysis to both types of material with the assistance of the Atlas-ti software.

### *Code development*

Within the process of analysis, we developed a number of codes that present different logical constructs about corruption and anticorruption. 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. Comparison of the of the findings from the two research stages

Bellow we are summarising our main findings from the first and the second research stages of the project. Our main goal here is to compare the identified ideas and concepts about corruption and look for an explanation about the existing discrepancies and similarities between the two stages of the project. By doing so, we will try to offer a better reconstruction of the corruption perceptions of the target groups selected.

##### *Politics*

According to the document analysis applied at the first stage of the project, 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.<sup>3</sup> 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 “normalize” certain practices, which the opposition calls corrupt.<sup>4</sup>

Our findings from the interviews stage of the project showed an interesting difference to the above mentioned concepts and ideas about corruption reconstructed on the basis of documents. On one hand, there is a strikingly low interest in conceptualizing corruption as a policy issue amongst politicians (especially those in power). This is particularly surprising having in mind that during the last several years corruption has become one of the top political priorities overshadowing almost all other social problems in the country. On the other hand, the interest in corruption as a political issue has been increasing in the last year. Since we carried out our interviews with the representatives of the target groups

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<sup>3</sup> 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.

<sup>4</sup> 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”.

one year after the document analysis we were able to observe not only differences owing to the form of the sources of information used but also differences due to the change of the situation over time. What has been gradually changing over the last several years is that governing politicians begun realizing 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 and political 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. 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.

How could we explain the current state of affairs where the politicians are not genuinely interested in corruption as a policy while using corruption as a political tool is becoming a stable pattern of the political live in Bulgaria?

One possible explanation would be the fact that corruption is an unusual policy problem. It is a problem that concerns to a greater extent the politicians, the policy makers, and the very way in which politics functions in the society. That is why the question of anticorruption is *per se* a political question. At these circumstances, the anticorruption political bodies, established mainly as a result of external pressure, do not deliver the results they are supposed to because they are used as an instrument of protecting political supporters and controlling the damage that might come out of the opposition’s anticorruption rhetoric and activity.

The idea about the “normalization” of certain corrupt practices developed by the governing politicians that was well documented in the first stage of the project is even more visible in the results of the second stage. This concept fits very well in the above

mentioned explanation – it comes as a response to the corruption allegations of the opposition and other voices in the society. One of the best illustrations of this concept is the attempt of Ahmed Dogan, leader of the ruling coalition party Movement for Rights and Freedoms, to portray the practice of vote-buying at the 2008 local election as a “European phenomenon” that businesses may legitimately use if they feel uncomfortable and want to get in the power.

Findings from the first stage of the project showed that 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.

As regards the anticorruption measures the findings from the second project stage do not differ significantly from those in the first stage. One interesting new point is the cooperation with civil society on the issue of corruption, which is considered of crucial importance both for the governing and the opposition politicians. This paradoxically brings these two together, because both of them look for cooperation with the same actors. Oddly enough, 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.

### *Judiciary*

In our research based on documents, we discovered that 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 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.

The interview approach proved to be more fruitful in collecting information since it provided the representatives of judiciary with different and informal framework where they can go beyond the pure legalistic discourse on the problem.

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 from the first project stage 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.

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.

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.

The representatives of the judiciary also 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 whole system.

As regards the anticorruption 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. However, if we look at this idea from the

point of view of the judiciary, it could be seen as an attempt to defend the judiciary from the public's excessive expectations in regard to the results in combating corruption.

### *Police and Prosecutors*

Results from the first stage of the project showed that in contrast to the judges, prosecutors and the police are characterised by a very wide-spread use (including in official documents) of “inflated” public interest-based conceptions of corruption, such as “circles of friends”, favouritism, party machines, “political umbrella against investigation”, massive theft through 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.

Many hypothesis and ideas from the first stage of the project were confirmed in the results of the second stage. The definitions are broad, referring to the corruption as an act in which the political process is distorted in favour of certain private interests at the expense of the common, public interest. One point at which representatives of the police and prosecutors agree with the judiciary is the lack of certain values in Bulgaria can be considered to be one of the major reasons for the existence of corruption.

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”.

Similarly to respondents from the other target groups the representatives of this target group believe that corruption is an almost immeasurable phenomenon. 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.

Having defined corruption predominantly as a political phenomenon, the representatives of the Police and the Prosecutor's Office are very sceptic about expectations that the political system can do something to limit or prevent corruption, since the way in which it functions is determined by corrupt exchanges. Similar scepticism is present in respect to the ability of the formally established rules, procedures and institution to successfully counteract corruption.

### *Media*

Our findings from both project stages showed that for the media corruption is generally an all-embracing metaphor for criminal and bad government. The ideas and concepts found in the results from the first project stage indicated that the phenomenon is seen as a process where 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 storytelling is often blurred and sometimes non-existent.

The interviews with the representative of this target group showed a more elaborated discourse on the problem. Corruption here is defined as an immoral advancement as a result of the abuse of the power resources. This only concerns matters, which involve exercising public power. Similar relations in private live are not included in this definition.

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. The interviews with journalist indicated that the media are one of the most sceptical actors in the society as regards the potential success of the existing anticorruption mechanisms. This scepticism is justified with the fact that the political class, as the major actor expected to fight corruption, is deeply corrupt itself. A similar idea is well presented within the perceptions of the Police and Prosecutors target group. The roots of such an explanation should be looked for in the everyday life media discourse of corruption. In the absence of effective investigative journalism the never-ending stories of corruption reinforce the perception about the total presence of phenomena and the social inability to address it.

### *Civil society/NGOs*

The NGO discourse on corruption is by far the most sophisticated, dictating the fashion in general. The documents analysis outlined the following main elements of this discourse: 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. According to results from the second stage of the project 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 a 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. One important element of perceptions of the representatives of the civil society target group is the idea that corruption is not a cultural phenomenon. Cases of corruption in this situation are perceived to be universal similarly to phenomena such as poverty for example. Other important causes of corruption include 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.

One distinctive element in the perceptions of this target group that is both well presented in the results both of the first and second research stage is the idea 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.

Concepts discovered at the interviews stage of the project gives a bit more elaborated discourse on the anticorruption measures. Not surprisingly, institutional changes are in the centre of the efforts needed but since most of the legal and institutional instruments are already in place the problems are now perceived to be in lacking or poor coordination and implementation.

### *Economy*

The scarce (or even lacking) documents on corruption or similar topics produced by business were one of the major difficulties in our research within the first stage of the project. This made us to conclude that 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.

The interview approach proved to be more productive, providing the respondents with different reflective framework on the problem. The definition of 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 is present in the results of the two research stages. However, the idea that the business has proactive role in corruption exchange is only found in the material from the interviews conducted. This perception is related to business's concern about the quality of the market environment and the competition that are distorted as a result of non-market behaviour. In the same line of thoughts the business representatives admit 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.

As regards the question of the origin of corruption the business do not believe in the universal character of the phenomenon. They do not deny the existence of corruption in every society but tend to see the source of the problem in the cultural and social features of the different situations.

On the anticorruption strategies the business perceives two main paths of reforms. The first one includes the reorganization of the public sphere and reduction of the state influence over the economy. The second is related to cultural transformation trough persistence in teaching social values to the young generations that in the end might help to reduce corruption in the country. However, respondents admit that changing social values would require a lot of time and effort.

## **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 the 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 easy 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 Bulgarian 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. Though 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 feature 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 interest 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 natures. 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 questioned within the second stage of the project 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>	<b>Politics</b>	<b>Judiciary</b>	<b>Media</b>	<b>Police/PO</b>	<b>Civil Society</b>	<b>Economy</b>
<b>Definitions</b>	■	■	■	■	■	■
<b>Forms</b>	■	■	■	■	■	■
<b>Origin/Causes</b>	■	■	■	■	■	■
<b>Measurement</b>	■	■	■	■	■	■
<b>Size and Scope</b>	■	■	■	■	■	■
<b>Effects</b>	■	■	■	■	■	■
<b>Strategies</b>	■	■	■	■	■	■
<b>Roles of other institutions</b>	■	■	■	■	■	■

■ *Rational model*      ■ *Cultural models*

## 6. 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 limited to a degree. This was once again demonstrated in July 2008 when the European Commission realised its progress reports under the mechanism for verification and cooperation for Bulgaria and Romania. 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 the anti-corruption normative tools have not achieved 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 the anti-corruption topic and have triggered the general public perceptions about the widespread 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. Successful 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 low interest and confidence in politics, and the increasing commercialisation of the political process. Ultimately, policy makers should be primarily concerned with the health of representative democracy: if the representative infrastructure of a polity is in good shape, the problems of corruption will eventually be dealt with effectively. In Bulgaria, unfortunately, the anti-corruption efforts over the last several years have not helped to strengthen democracy. On the contrary, anticorruption has become a major mobilisational tool in electoral politics and has helped populist actors to take centre-stage. Mainstream parties have been weakening, being gradually replaced by ad hoc formations of flamboyant politicians. Policy makers should be concerned a lot about this unfortunate result, and should recalibrate their strategies. Our hope is that our detailed analysis of the perception of corruption in a political context will help them to distinguish the real societal problems from the instrumentalisation of the concept for political, corporate and institutional uses.

**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:**

**A Comparison of Findings of the First (Documents Analysis) and Second (Interviews Analysis) Project Phase in Romania**

Period covered: from January 2008 to July 2008

Date of preparation: July 2008

Start date of project: 1<sup>st</sup> January 2006

Duration: January 2006-December 2008

Project co-ordinator name: Prof. Dr. Ioan Marginean

Project co-ordinator organisation name: Research Institute for the Quality of Life-  
Romanian Academy (ICCV)

Revision (draft 1)

## 1. Introduction

In the last years Romania developed a complex strategy in order to fight against corruption. The country embarked in a broad process of curbing corruption with legislative and institutional components as a result of a growing awareness of the level of corruption and in relation to the process of integration in European Union. In terms of concrete results of anticorruption efforts some change in the positive sense was acknowledged by the various reports looking at corruption in a comparative perspective.

This report briefly refers to the level of corruption in Romania as described in international reports and describes perceptions towards the anticorruption fight of six target groups who have major roles in targeting corruption: politics, legal system, police, media, civil society and economy.

According to CPI 2007 ranking, Romania is placed 69th in the hierarchy of countries, with a score of 3.7<sup>5</sup>. The CPI varies between 9.4 in Denmark, Finland, and New Zealand and 1.4 in Birmania and Somalia. A continuous improvement was noticeable in time between 1997, first year of survey for Romania when the score was 3.44 and year the 2007 when the score registered was 3.7. The most important positive change occurred between year 2007 and year 2008, the rank changing from 84 to 69. This 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 2008 reveals a continuous increase in this indicator starting especially with 2002 and marking a more pronounced evolution in the period 2005-2007. 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 *Nations in Transitions 2008* placed Romania's corruption rating at 4.00<sup>6</sup>, the same as in 2007, but 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.

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<sup>5</sup> no of surveys 8, confidence range 3.4 – 4.1

<sup>6</sup> On a scale from 1 to 7, where one means highest level of progress and 7 the lowest level

Concentrating on the evaluation of legislative and institutional framework designed in order to prevent, combating and sanctioning corruption, TI Romania report (2008) mentioned that in the first period of 2008, the efforts were oriented "*to the prevention area and with regard to the public information campaigns and legislative measures*" (Transparency 2008 b, p.13). The same report indicated that mechanisms put into place in order to fight corruption have both negative and positive aspects and that a number of public policies 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.

## **2. Theoretical and methodological framework of report**

The purpose of this report is to describe general evaluations of anticorruption fight as resulted from the first two stages of research project. The report will not discuss in detail anticorruption measures but point out to broad assessments of efforts undertaken against corruption in Romania. The evaluations come from six target groups who are engaged in targeting corruption: economy, politics, civil society, media, police and judiciary.

Where possible, comparison with other assessments is employed in order to situate our data in perspective and gain deeper insight into the patterns of perception towards anticorruption fight.

The results used in this report have been obtained during the first two phases of the research project<sup>7</sup>. In the first part of the project, a content analysis was performed by using documents from the target groups' field of activity (legal requirements, statements of intention, agreements, programmes, administrative directives, procedural guidelines, standardised procedures, technical guidelines, protocols, reports, legal verdicts, newspaper articles, etc.). In the second stage of the project, interviews have been conducted with experts from the same groups.

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<sup>7</sup> As this report relies heavily of the other two resulted from the first stages of the project it will not quote but follow them closely in the argumentation of various aspects of anticorruption fight.

The period covered by analysis is roughly 2001-2007. The documents have been elaborated between 2001 and 2006 while interviews have been carried out during January-September 2007. Some positions expressed in these documents and some problems pointed out have been overcome by the rapid transformation of the legislative and institutional framework in regard to corruption especially during the past three years. Consequently, patterns of perceptions described in our reports create an image of the mode in which corruption was regarded during a period of extensive change.

The analysis of the material used 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. In our case, the analysis aimed to contribute to the generation of a substantive level theory of corruption. Such a theory entailed essentially several steps<sup>8</sup>: 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 (anticorruption efforts) and delineating the consequences of the phenomenon.

It aims at discovering in an open way the patterns of perception towards corruption in the attempt to reveal Romanian lines of reasoning. Essentially, the analysis of perception models sheds light on circumstances of Romanian society as well as its particular social and cultural framework. Consequently, reveals the common sense theories of corruption in Romania. This bottom-up perspective on the nature of corruption as well as on the policies put into place in order to fight the phenomenon can be “fruitful for the generation of additional expertise and for the preparation of prevention policies” (Taenzler, Maras, Giannakopoulos, 2007).

The strategy of analysis used in our approach was 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

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<sup>8</sup> Adapted from Strauss and Corbin (1990)

tends to become rather fragmented by the consecutive description of variables. The interpretation is multi-voiced in the way that it uses the viewpoints expressed in the documents and interviews 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 in documents and interviews.

The method used was qualitative content analysis. A complex system of categories resulted from open coding of material. The first two research reports extensively presented the patterns of perceptions toward the characteristics, causes, consequences of corruption as well as anticorruption fight as resulted from analysis. The causal model resulted from analysis is presented in Annex 2. The present report concentrates mainly on perceptions of fight against corruption, trying to employ a comparison between the results obtained during the first two stages of project. The comparison is carried out between themes of discourses present in the two sets of different data (documents and interviews). The results presented here are neither "representative" nor "exhaustive". The scheme of categories resulted from research is presented in Annex 1.

In fact, the substantial level theory with its conditional matrix we built reveals major characteristics of corruption but remains an explorative attempt which is put together as an interpretation made from given perspectives researched during the project. Its nature allows for endless elaboration and partial negation. The theory is limited in time and change at any level of the conditional matrix will affect the validity of explanation and its relation to contemporary reality (Strauss/Corbin 1998).

### **3. Patterns of perceptions towards fight against corruption in Romania**

During the reference analysed period (2001-2007), the discourse on corruption modified gradually, following the stages in the awareness of the phenomenon, in the measures

undertaken against it and in the actions performed by international organisations. It is rather difficult to identify heavy trends in the development of discourses on corruption as past years witnessed important and abrupt changes in all the fields mentioned above. Also, opinions described here are not coherent and consistent along target groups and cannot be generalised. The analysis goes across the groups and their perceptions and concentrates on the topics identified.

However, it is possible to ascertain patterns of perceptions on corruption which provide us with a picture of themes that constituted the core of various discourses of the six target groups. Following we will gradually describe the perceptions in regard to anticorruption fight in Romania by pursuing six main directions: assessments of the fight against corruption, barriers and difficulties in the fight against corruption, actors which are assigned important roles in fighting the phenomenon, values promoted by the fight, general orientation of the efforts targeting corruption and future directions of the fight. A list containing all categories and two levels of abstraction is provided in the annex with the purpose of making possible a simple and quick look at the model resulted from analysis. The list comprises an inventory of categories which without being exclusive, allow for a straightforward understanding of the concepts used in the various discourses on corruption.

## **I. Assessments of current fight against corruption**

### *A highly needed fight against corruption*

A recurrent theme of discourses on corruption of all target groups is that of the ‘*supreme necessity*’ of the fight against corruption. There is a wide agreement on this aspect among all researched groups. This can be explained as the analysed discourses developed in the most ‘critical’ period of anticorruption struggle in Romania.

During the first years of transition, in a time of abrupt economic and social deterioration, corruption remained largely unacknowledged at social level. The late 90’s brought the problem of corruption on public agenda mainly due two major factors. On the one hand, media began to reveal some cases of grand corruption and discuss extensively the topic. On the other hand, the process of integration of the country in the European Union played a major role in bringing forward the theme of corruption. Starting with 2000, a strong

discourse about corruption emerged and pushed into shadow the more 'classical' and visible social problems of transition like poverty, unemployment, or issues related to the consolidation of democracy. After January 2007, the moment of integration into EU, concern for corruption as the most crucial social problem continued to remain on public agenda, although the pace of exposing corruption seemed to have slowed down to a certain extent.

The documents and interviews included in our analysis have been released during the time of maximum preoccupation for the problem as such and for policies against corruption. The ample consensus found in the analysed materials on the centrality of corruption problem includes several ideas. First, anticorruption efforts have been seen as a national priority serving the national interest. This type of discourse is particularly compelling among some political actors. Secondly, most of the analysed groups acknowledged the fight against corruption as a condition for the European integration of Romania. Addressing corruption in relation to the larger endeavours involved by the integration was one major theme of the discourses on corruption. Both analysed documents and interviews 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.

*There are no internal efforts. We answered the recommendations of EC, you know EC recommends, they know what is going on. (Participant no 7)*

#### *What kind of fight against corruption? Assessments of current efforts against corruption*

The assessments of fight against corruption vary from very sceptical positions pointing to a *façade fight* to more positive perceptions underlining the progress made in tackling corruption. Perceptions revealed by the analysis of documents tend to concentrate more on the negative side while among expert interviews opinions point out to a larger extent to some improvement registered in anticorruption fight.

A first line of thinking displays the picture of concealment in regard to anticorruption. This was expressed mainly within the groups of politicians, media and to a certain extent

civil society. When evaluating the efforts undertaken against corruption, some of the target groups categorised them as a *façade fight*. In this line of argumentation, it is assessed that the fight against corruption is not real, but only a spurious one. Some parts of political spectrum considered that fighting corruption is merely an image campaign and just a superficial response to EU monitoring. By expressing doubts about success of the anticorruption campaign and about the real commitment of political power to fight corruption, some politicians stated their fears that corruption will continue to flourish in Romania.

The politicisation of anticorruption fight was also a theme of discourse among politicians, media and civil society. Politicians pointed out to the risk of turning efforts tackling corruption into a political instrument designed to harm political opponents characterised by situations of ‘witch-hunt’. Moreover, Romania has been defined by some politicians as a “corrupt country without corrupt people” as a result of the small number of convicted cases and high number of suspended sentences especially in high level corruption cases.

Similar arguments have been conveyed by the media and civil society.

Lacking the strong political will needed for a genuine fight, the Romanian efforts against corruption are seen as a “transition tennis” in which the ball is being played between various institutions without touching the ground and getting to the roots of corruption (P14: 11). Also, the opinions in the media converge towards to the idea that the anticorruption fight lacks the genuine will for doing justice while no good faith can be identified in this respect:

*The parties don't want anticorruption, the public clerks don't want it either. Not to mention the businessmen who curry favour with politicians to get advantages. (P16: 5).*

The politicisation of fight can have according to opinions expressed from civil society group negative effects on the very essence of the campaign against the phenomenon.

*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. (Participant no 11)*

More recent assessments included in evaluation reports, also underline this problem as still being actual and having serious consequences. Transparency Romania evaluates the corruption discourse and its political facets: *Anticorruption themes were excessively used as political weapon by political forces, which led to their tempering in the public eye. The*

*real danger lies in the lessening of the public awareness towards such an important subject in the development of the Romanian society, a trend which may continue as the theme is monopolized or used for political interest; and this can be easily observed if taking into account the fact that politicians undergoing investigation were elected or re-elected. (Transparency 2008b p.13)*

This assessment is in line with opinions underlining the ‘snow ball effect’ of emphasising wide spread corruption that resulted from our study. A paradox of dealing with corruption is that treating and fighting corruption in a noisy manner might create a disproportionate image towards it. This image is also the result of high stress on corruption in the media. Consequently, the perception towards corruption contribute to retaining the phenomenon and fortify it as people begin to conceive it as a necessary condition for getting by or they are reinforced in their beliefs.

Cases of corruption that were finalised by guilty verdicts were seen in the media, at the time more like ‘sacrificed pawns’ and situations of ‘political lawsuits’ than real circumstances revealing a correct and well-intended fight with corruption. ...*they incriminate a hen, but the net, with incredible tentacles, survives (P16: 7; P2: 2).*

Consequently, the set of measures implemented against corruption is considered in this line of argumentation as devised 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. (Participant no 14)*

Some evaluations of the current anticorruption campaign also 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. (Participant no 14)*

The more positive assessments of the fight against corruption still depict a picture of an ‘institutional zigzag’. While on the one hand perceptions draw attention towards a rather

slow building of institutions with responsibilities in fighting corruption and delays in such efforts, on the other hand they also assess a certain progress that was made in this field during the past years.

Generally, the anticorruption efforts are seen as slowly building especially in regard to institutions (as is the case of National Agency for Integrity which passed in the Parliament with difficulty and is not yet functional) even though verbally everyone agrees that anticorruption is a priority. However, some institutions, like National Anticorruption Directorate began to produce some results (P8: 19-20; 64).

In the same time, the low capacity of the judiciary is translated into “insignificant results of penal investigation” and, finally “no punishment for corruption” (P19: 2; P14: 11).

Some positive results have been acknowledged by expert from Police, media, NGOs and judiciary as a certain consolidation of anticorruption efforts is noticeable according them. 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. (Participant no 7)*

*(...) 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. (Participant no 1)*

Generally, 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). (Participant no 1)*

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.

Also, more recent assessments (Transparency 2008 b, p.13) indicate that the year 2007 and the beginning of 2008 showed both negative and positive trends for the strengthening of the National Integrity System in Romania. Progress is noticeable, particularly in the prevention area and with regard to the public information campaigns and legislative measures.

## **II. Barriers to an efficient fight against corruption**

### *Legislative and institutional framework*

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 interviewed experts.

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. (Participant no 4)*

Sometimes, formal legislation is pointed out as representing a problem for current efforts undertaken against corruption. This is the case, for example, with the Law no.188/2007, regarding the privatization contracts disclosure. Transparency consider it as formal as

conditions that lead to corruption in the privatisation area are not present anymore in society: *currently the privatization process is nearly completed, and the large-scale contracts have already been distributed. Furthermore, there are currently no legal provisions which can be exercised in time, in order to challenge the majority of the contracts that are already signed.* (Transparency 2008 b, p.3)

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.* (Participant no 4)

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.

*Sometimes you have the instruments. But people are not interested, they avoid it. I come back to culture.* (Participant no 4)

Some opinions assessed the current legislation in regard to anticorruption as too complicated, not easy to grasp, sometimes formal and subsequently inefficient. Being driven most of the times 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.* (Participant no 14)

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. (Participant no 1)*

*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. (Participant no 11)*

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...(Participant no 11)*

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. (Participant no 11)*

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.

The lack of political determination (especially at the top of state institutions) appears to be the main difficulty in fighting corruption. This weak commitment of those in power is proven by the fact that authorities fail to react to large scale corruption. Therefore, to become successful in the campaign against corruption, state institutions designated for this purpose need to act independently. De-politicisation of state institutions is a necessity also because often takes place a bargain between members of both actual and former political power to cover up corruption cases. If independence of judiciary is assured, then politicians would become unable to “put a political stop” to the process of fighting corruption. In this way, the peril of a politicised anticorruption campaign, directed against political adversaries, could also be avoided.

Although the independence of judiciary was addressed by a series of measures in Romania, there are still opinions pointing out that political involvement in judiciary is still a reality.

A specific obstacle often encountered in fighting corruption is made of dysfunctional collaboration between police, prosecutors' offices and judiciary. Police conveys discontent with the slow work process of prosecutors and judges. On the other side, judiciary is blaming policemen and prosecutors for unprofessional running of corruption cases.

Another difficulty resides in the existence of numerous cases of corrupt policemen and even of some magistrates. One challenge to the work of magistrates consists in resisting press campaigns orchestrated by influent people involved in corruption cases. Although there are delays in fulfilling European Commission's requirements and in adopting European legislation that deals with corruption, it is stated that major weakness resides not in adopting anticorruption laws, but in enforcing them.

Points of view expressed from judiciary group mentioned that dysfunctions of judiciary make the fight against phenomenon difficult (members of Supreme council of Magistrates have also executive positions in courts, conflicts of interests, etc). Also, overlapping of responsibilities of various institutions dealing with corruption impedes on the efficiency of fight against corruption (P1: 106).

In spite of achieving independence of judiciary, there are problems in interpreting the laws. Judges and prosecutors might invoke their independence in order to justify different verdicts. „*Unified practice and independence should go together*”, otherwise citizens lose their trust in the legal system which is not predictable: „*If you go (to the court) like playing to the lottery, and everyone interprets the laws as seen fit, the trust is lost*” (P7: 54).

Fight<sup>9</sup> against corruption is characterised in the view of judiciary by difficulties as they admit 'high level corruption cases were not so far finalised' and that 'it might take years to solve' due to their complexity (P2: 2). Still, in the same opinions, recent years witnessed an increase in finalizing investigated cases and turning them to courts. This is seen as “*a consequence of prosecutors' independence and a normal activity of judiciary*”<sup>10</sup> (P5: 4, 71).

### *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

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<sup>9</sup> The particular document quoted here was elaborated in 2004 and also released and reinforced in 2005

<sup>10</sup> This declaration by the minister of justice was issued in February 2006

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 experts indicating that, at 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. (Participant no 1)*

*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. (Participant no 2)*

Other opinions expressed from judiciary realms and media experts 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. (Participant no 6)*

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 courts<sup>11</sup>. 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. (Participant no 6)*

*... 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. (Participant no 7)*

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. (Participant no 6)*

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

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<sup>11</sup> 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.

*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. (Participant no 7).*

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. (Participant no 7)*

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. (Participant no 14)*

### **III. Values promoted by the fight against corruption**

Most of discourses on anticorruption fight brought up the issue of values which are or should be encouraged through all the measures designed at targeting corruption. The problem of values either accompanies the evaluation of existing measures or is associated with the promotion of new principles for future policies. In both cases, it indicates a persistent preoccupation of target groups for the need of insuring a proper and ‘clean’ background for the anticorruption policies. Sometimes is the result of comparison with the current state of things when values are perceived as not guiding in the right direction the fight against corruption.

These values are invoked in relation to individuals, organisations, as well as society as a whole. In case of target group Police, the values promoted in the fight against corruption are ethics, integrity, and responsibility. General values like dignity, honesty, trust are also

encouraged. Especially for the personnel of Ministry of Interior, Police implicitly, integrity and honour are considered as very important qualities to be achieved. Premises like good faith, benefit of the doubt, searching for truth, objectivity orient their strategies against corruption. Transparency is also largely promoted as a main principle and value of efforts against corruption. Other values mentioned which form the basis of policies against corruption are human rights, law supremacy, equality in front of law, responsibility, cooperation and coherence, efficiency, integrity and fairness. New regulations encourage equal opportunities in political competition and transparency in funding while eliminate the “disguised donations” that were used in political world up to 2006 (P1: 3; P3: 5). Transparency relates to funding received, sources of funding and control (P6: 6; P11: 6-8).

In the views expressed by the economic group, the fight against corruption should promote moral values like honesty, integrity, responsibility, trust. The ground for a fair society is placed in correctness that needs to be fostered both “vertically and horizontally” (P2: 21). A general environment characterised by order is also important as many times society in general and the business world specifically are perceived as rather chaotic, individuals and companies having difficulties in grasping the meaning of things and develop meaningful strategies (P2: 76).

Another value that should be encouraged is that of “profit from work” as opposed to that obtained from speculative transactions as it was the case many times during transition in Romania. Equal treatment and opportunities in the business world should also be fostered in order to create that fair environment in which people and companies can thrive. The main principle orienting business activity is ethics (P12: 2; P2: 106).

For the various spheres like political and administrative, it is important to advance transparency, responsibility and efficiency. Competence and professional conducts also represent an important base of fight against corruption (P11: 2; P2: 75; P3: 327-328).

Honesty is promoted as a major value in the fight of civil society against corruption. This value results from making a differentiation between decent and corrupt, as the boundaries between the two seem to be blurred in Romanian society. Integrity, responsibility, accountability and cleanliness are also mentioned as important features to be achieved in regard to political class (P1: 21-22).

#### **IV. Actors in the fight against corruption. Who bears the responsibility for targeting corruption?**

The responsibility for fighting corruption is assigned by the various target groups to multiple instances.

A first important role is attributed to *individuals* who, in the view of political and civil society groups, can influence to a great extent the development of corruption. A citizen who is active and proves civic competence can insure the background for 'clean' relationships with institutions, while in the same time can act against the existing problems. Individuals can involve in the fight against corruption as "*each person can be a fighter against corruption (...) the antibodies of corruption are the people*" (P2: 29). However, currently, citizens are perceived in the views coming from civil society as being at the whim of political elites in a country where "*it is rather difficult to find a significant number of individuals to agree to common norms*" (P6: 11-13).

Another major responsibility is placed at the level of *civil society* which during the past year became an important social actor in the field of anticorruption policy. In the opinions coming expressed within the economy group, civil society has multiple faceted role: in contributing to legislation, in the public debate on corruption, in social dialogue, in exerting pressure towards politicians for greater responsibility from their part, etc. As some opinions point out that current efforts at national level "*simulate interest in high level corruption*", the alternative is to more involve the civil society (P11: 2).

Perceptions expressed from Police group maintain that the efforts against corruption should be based on a common endeavour involving civil society, foreign partners and state institutions with responsibilities in this field. The support from civil society and the relation based on partnership is highly emphasised especially in regard to prevention component, endeavours of organisation to affect the larger society with its anticorruption efforts and feed-back on own strategies. It is rather a new approach of this kind of organisation which opens up to external environment, this being the first circumstance when such collaboration develops. (P2: 82, 455, 462).

Most of target groups tend to point to the fact that political sphere in general have an important role in fighting corruption first, through "political will" which makes the

background for such efforts and second through institutions in order to pass the laws containing anticorruption measures: politicians should vote for the necessary laws as „*there is a public interest and national interest*”(P8: 174).

*Everything is up to the political realm (...) If we are to improve, we need to have a real support from the political class. (Participant no 7)*

Politicians acknowledge this role themselves while in the same time accusations of political opponents of lacking political will for fighting corruption characterise their discourse. The state institutions with responsibilities in this field (Ministry of Interior, Police, judiciary, etc) are mentioned as the primary bodies that can effectively and directly deal with the phenomenon.

Also, target group economy point out that business organisations also have an important role to play both at society and organisational levels: in fostering implementation of economic laws, in promoting codes of ethics, corporate governance, etc (P3: 337-338).

An important role in the fight against corruption is placed at the level of international organisations. First, their role is acknowledged in regard to the current preoccupation in society for corruption and anticorruption efforts: “*if we didn't receive warning from international organisations like the ones from USA and European Union we would have not asked ourselves so strongly about corruption*”. Second, there is a great hope for “international technical assistance” in further dealing with corruption. ((P2: 32; P5: 32)

The most prominent actor in fighting corruption is considered by most groups the European Union which is considered the key factor in promoting the efforts against corruption, having a crucial role in monitoring and evaluating these efforts.

## **V. The general orientation of fight against corruption**

There is a broad consensus among all groups on the fact that social efforts should be catalysed around the purpose of tackling corruption.

The principles that should orient the fight against corruption constituted a main theme of analysed discourses, both documents and experts interviews. Most of the opinions tend to accentuate a rather integrated approach that should be employed in tackling corruption

while less positions expressed concentrated on “fighting corruption by fighting corruption” (Kaufmann, 2005). The integrated approach includes several dimensions. First, it is emphasised the necessity of addressing background factors of corruption that have a major contribution to maintaining the phenomenon. This type of systemic endeavour is thought to best address corruption while also securing a clean background environment for the future. In this view, multiple elements like economy, governance and social should constitute targets in the efforts designed in order to tackle corruption.

Second, it is necessary to follow three directions in the same time: preventing, sanctioning and combating corruption. Most of the experts 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 emphasise 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. (Participant no 14)*

Third, it is also important to employ a collaborative institutional action that comprises partnerships between governmental authorities, civil society and international organisations while also securing citizens’ support for the actions taken against corruption.

This multidimensional integrated fight against corruption is perceived as the most appropriate in the opinions coming from all the groups. Within target group Law, it is emphasised, along with the integrated method also a narrower approach. In this later case, the stress is according to expectations, given the specificity of this group, on sanctioning corruption.

One important way of combating high level corruption would be, in the perception of judiciary targeting the corrupt persons in state institutions having responsibilities in the

fight against corruption. (P2: 1). In the same time, targeting grand corruption is considered in this line of thinking as a major line to be followed “*Corruption at the top, correct investigations, without political interference, without other interests*” (P3: 56).

## **VI. Directions of the fight against corruption**

Opinions on future directions of fight against corruption are strongly correlated with the views on the factors that trigger corruption. The various policy approaches stem from specific perceptions on nature of corruption with its causes and consequences<sup>12</sup>. Individual-level considerations such as the will for money or power will put forward a certain set of policies that will try to address the phenomenon by concentrating on a rather small level. On the other hand, characteristics of social systems like bureaucratic constraints, not enough consolidation of democracy, inadequate regulations and legislation or deficient market will conduct to a different approach of dealing with corruption. A more systemic method, concentrating on reforming social structures, will rather be adopted in this case, in the attempt of targeting corruption. Previous reports extensively described the factors that are believed to influence and maintain corruption. Here we concentrate only on the choices of directions of targeting corruption that were specifically mentioned in the analysed material. A comprehensive picture can be obtained by looking at both aspects: drivers of corruption and policy choices.

### *Addressing the background drivers of corruption*

The analyses carried out in the previous stages of the project revealed a multitude of factors that are thought to determine and maintain corruption in Romania. Systemic causes in areas like economy, governance, judiciary, culture or social as well as individual factors relating to human nature have been mentioned in the analysed documents and interviews. Discourses revolving around such major drivers of corruption also concentrate on addressing those respective factors in order to fight corruption. It is believed that the seeds of corruption lie in a certain characteristics of the social and economic set up that needs to be cleansed in order for corruption to lessen. In this view,

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<sup>12</sup> This relationship was very evident when discourses were analysed as a unit of analysis (Precupetu, 2007)

addressing those drivers of corruption will narrow down the opportunities for the phenomenon to thrive while ensuring a broad ground of integrity.

**Economy** is a key area considered still in need of reform. In spite of the many years of transformation in this area<sup>13</sup>, specific measures are still required to be put in place in order to create a coherent, stable, healthy and transparent business environment. Discourses mainly within the economy group, police and politics concentrated on detailed measures that could contribute to a fair business environment. Addressing the high underground economy is considered an important mechanism in the direction of a more adequate business set up. Moreover, there is a great need for creating mechanisms that would ensure a fair world of economy and that would motivate people in the right direction and reward them according to their work (P2: 25-61; P3: 329-333; P5:3). Currently, it is believed that there is no strong relationship between qualification/education and work and consequently reward on the labour market.

Also mentioned within the economy group are the instruments like codes of ethics and corporate government that should also contribute to the general background for a healthy economy. Detailed measures guided by a good communication within society for their implementation in the form of plans of action are to be put into place. Continuous monitoring of implementation can insure a good strategy that is permanently improved and adjusted (P5: 7).

Advocacy represents a major direction followed by the economic group in their specific conduct and fight against corruption while creating “transparency centres” is a particular method they use.

Following best practices in business around the world would be another way of connecting the economic realm of Romania to international sphere and would create local conditions for further development (P5: 7-8). As a particular measure, institutionalising the “intermediate zone” of business would contribute to an open and transparent trade and avoid previous problems that occurred in the process of privatisation (P2: 68).

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<sup>13</sup> For example, for year 2004 the report “Doing Business 2006” (The International Bank for Reconstruction and Development/The World Bank 2006) mentions Romania as among the top 12 reformers.

Specific measures have been suggested by trade unions in order to fight corruption. Understanding the social effects that corruption has in the field of oil gas, electricity, the unions suggest setting up a parliamentary commission to investigate this particular market, the business in this area and license awarding.

Measures for combating speculative trading and unfair competition in case of suppliers of utilities, supporting industrial sectors facing unfair competition (textile, furniture etc) and changing the legislative and institutional framework for work inspections with the purpose of combating not formalised work are considered as general background measures that would encourage a fair environment. Also, trade unions advocate in favour of eliminating privileges of pensioners from the first pillar of pensions, transfer of special funds to the public fund of pensions, and introducing a universal system of counting of public pension for all citizens.

**Consolidating democracy further and generally good governance** represent another major line of action that can contribute to diminishing corruption in perceptions present in both documents and interviews analysed. This idea is particularly stressed in the discourses of politicians, civil society, judiciary and economy groups.

Further consolidating democracy in Romania by turning it into a substantive democracy, following European model would ensure the background conditions for a society free of corruption. A democracy of high quality can be achieved with grassroots mobilisation and genuine interest in politics from the part of citizens. Within the political system both human resources and accountability mechanisms should be addressed. The concern is for good politicians, carefully selected and accountable to people who elected them. The fight against corruption is oriented by the idea that *“human action, not laws and repression are the best means against political corruption”* (P2: 139-143; P3: 57-63; P6: 4). Other means are constituted by cleansing political environment of corrupt politicians: *“the interest of democracy should be placed higher than personal or party obligations”*.

Up to 2007 a great emphasis was put on insuring transparency in party financing from the part of civil society and a part of political spectrum also. Since a new law on the issue was passed in 2007, the problem was less salient in discourses on corruption.

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

Another major direction of the fight against corruption that is addressed in the analysed documents as well as interviews is concentrating on the **rule of law**. Elements like insuring judiciary independence and increasing its capacity, enforcement of the law, eliminating influence of groups of interests, de-politicisation of state institutions and increasing capacity of police are all mentioned in the discourses of target groups.

A judiciary system that provides equal chances for all, with no one being above the law is considered as a major pillar of integrity. In the discourses of political group it is emphasised the need for state institutions, acting upon Constitution and law, to become able to defend public interest and to serve the citizen.

In regard of ways of approaching the fight, it is pointed out the need for cleansing: the government, state institutions, and judiciary. Eliminating conflicts of interests and contributing to the parties according to the law would be measures that can affect both political and economic realms of life.

Currently, it is considered that corruption is triggered by the overlapping economic and political positions, which transcend formal organisations and are organised around private interest. Besides the link between economic and political statuses, there is also another sort of relationship, that between economy, politics 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. (Participant no1)*

Although some opinions point out to a lessening lately of these sorts of overlapping interests and positions, it is still considered important to address this problem.

Legislation and generally juridical means are seen as one major realm of anticorruption efforts. General measures like good enforcement of law and particularly implementing the *acquis communautaire* are considered basic instruments that can address corruption.

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. (Participant no 14)*

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” (Participant no 11).

To the rupture identified by the judiciary between the prosecution offices and courts of justice, one expert 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 a 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. (Participant no 7)*

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 500000 Euro 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. (Participant no 11)*

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.

Independence of judiciary, although extensively debated and addressed in the past years, it is still regarded a major theme of discourses on anticorruption fight.

*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. (Participant no 14)*

From the perspective of economy group, a specialised court dealing with business issues would be a way of overcoming the current problems of law suits which are too long and delay the development opportunities. It would also be an instrument of fostering trust in justice. Stronger checking of business transactions are also mentioned as measures that can stop corruption from spreading (P2: 54, 74, 108; P6: 64).

Better co-ordination among institutions having responsibilities in the anticorruption fight is also needed.

Within the major line of fighting corruption by implementing the rule of law, *increasing capacity of police* is especially emphasised from within this respective group and politicians. Capacity building has positive consequences on the internal environment of the institution, contributing to preventing and combating corruption within while also influences its ability to act against corruption in Romanian society.

A “hard” component needs to be addressed in terms of resources and “decent level of salaries” for personnel implicitly: *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. (Participant no 4)*

Generally, building institutional capacity and consolidating it by standardising procedures and instruments were the main coordinates of fight against corruption within the institution (P2: 41-42, 58). A coherent and integrated human resources strategy, coupled with mechanisms for insuring ethical conducts, concrete responsibility and professional standards are the main coordinates for capacity building within police forces.

### **Education and social values**

Very important for the outlook of corruption are considered to be background factors of development like education, values which are regarded to grow in the positive sense either by the very logic of societal change or by slightly affecting them through policy.

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 considered as rather outdated in both its methods and content of learning according to opinions expressed in the analysed interviews. The Romanian education system is traditionally preponderantly 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. (Participant no 9)*

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. (Participant no 7)*

*You don't have to change people and their mentality, we will have to wait 50 years for that, you have to change institutions (Participant no 2).*

**Education at individual level** is also pointed as a critical factor that influences corruption by other interviewees, as well. 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. (Participant no 14)*

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.

Consequently, it is especially important to address education system with the purpose of changing its content, methods and ultimately address social values. 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.

An important component of the education system reform should aim at the creation of leadership. This idea is supported from groups like economy, police, and civil society. Educating leaders would constitute a factor which in the long run would help in the general societal development.

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. (Participant no 3)*

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. (Participant no 1)*

Also, within police forces, several paths are followed in this direction: making the personnel aware of corruption effects, dissemination of preventive behaviour, “as mentioned in documents of similar EU organisations”. Among the educational efforts it is important to change individual attitudes towards corruption while generally “forming an attitude in compliance with the status of European public servant in Romanian administration” (P2: 75-100, 454).

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. (Participant no 3)*

**Human resources and organisational culture** constitute other major areas that should be targeted in order to curb corruption. The quality of human resources in politics, judiciary, and police is of special relevance to corruption. All these spheres are seen as in need of higher quality of their human resources. Better selecting and recruiting of personnel for the institutions having roles in combating corruption would constitute an important mechanism in targeting the phenomenon under scrutiny here. Integrated approaches of human resources are regarded as appropriate especially for police forces as discourses from within group acknowledge.

**Endorsing anticorruption measures** through means like research and grassroots mobilisation represent a last dimension resulting from analysis of both documents and interviews.

The perception within the economic group is that anticorruption fight should be based on a professional analysis of the causes that determine corruption in Romania. There is the need for an institution that can provide reliable information on the phenomenon, while the current measurements based on perceptions are not considered the best way of approaching corruption. They only measure results as they are filtered by people and influenced by the media whereas the very grounds of corruption remain very little known: *“Sociology only analyses the effects in the form of perceptions, not the causes. Between cause and effect there are means and I would say to identify causes and means through which corruption is taking place so that we can intervene on means and causes”*. (P 2: 25-32, P15: 18)

The need for a research component and risk analyses was also mentioned in case of police forces which are developed with the purpose of increasing capacity of acting against and investigating corruption within organisation. Understanding vulnerability and risks would create the general background for the efficient approach to corruption while protecting the whistle blowers (P2: 138).

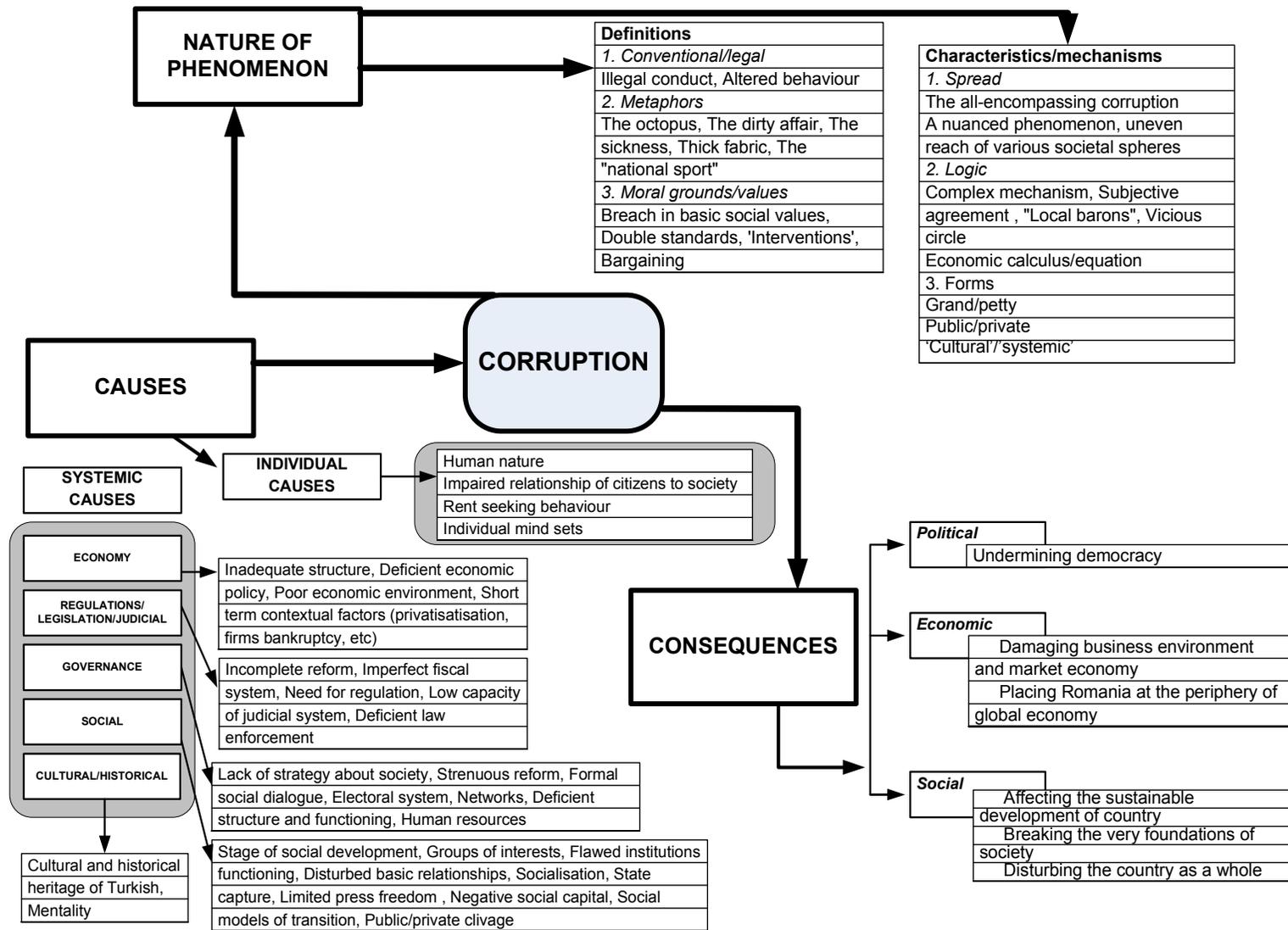
Research is also needed in regard to legislation. According to opinions expressed from civil society group, a prior analysis of vulnerabilities that a specific piece of legislation can produce through implementation, in addition to the impact analysis of public policy, should be carried out, for the purpose of avoiding monopoly situations, discretionary exertion of power or lack of transparency.

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 civil society. Generally, more involvement and participation from the part of citizens are needed as such means can put forth pressure on public officials and influence their conducts in the positive sense.

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## ANNEX 2. Causal model of corruption based on categories resulted from analysis



### Annex 3. List of documents quoted in the report

#### *Media*

- P1: Finanțarea partidelor, dezbătută de senatori, Andreea NICOLAE, România Liberă, 09.05.2006  
<http://www.romanialibera.ro/editie/index.php?url=articol&tabel=z09052006&idx=71>
- P3: Bani albi pentru zilele negre din campanie... Finanțarea partidelor, sub lupa Autorității Electorale Permanente, Andreea NICOLAE, România Liberă, 23.06.2006  
<http://www.romanialibera.ro/editie/index.php?url=articol&tabel=z23062006&idx=58>
- P16: What does Amarie want? Cornel NISTORESCU, Evenimentul zilei, 23.04.2003  
<http://www.evz.ro/article.php?artid=118412>
- P14: Ole, ola, lupta, lupta, PNA!, Huidu & Gainusa, Evenimentul zilei, 27.10.2002  
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- P19: Foarte departe de o lupta reala anticorupție, Ioana MOROVAN, Mădălina DIACONU, Capital, 11.05.2005  
<http://www3.ziare.ro/articol.php/1115788848>
- P6: A înțărcaț bălaia donațiilor. Fondurile partidelor, luate la bani mărunți, Alexandru MOISE, Adevărul, 20.04.2006  
[http://www.adevarulonline.ro/2006-04-20/Actualitate/fondurile-partidelor-luate-la-bani-marunti\\_182112.html](http://www.adevarulonline.ro/2006-04-20/Actualitate/fondurile-partidelor-luate-la-bani-marunti_182112.html)
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<http://www.capital.ro/index.php?arhiva=1&a=23624&pid=34741&ss=all%7Ccall%7C1-1-2002%7C6-9-2006%7C0%7C1%7Cfinantare%7Cpartide>

#### *Civil society*

- P1: Manifesto, January 2004
- P2: Meet Your Candidates' program. A proposal on behalf of the Romanian Coalition for a Clean Parliament. Project description
- P3: Press release of Coalition for a Clean Parliament, 12.08.2004
- P6: Interview with Alina Mungiu-Pippidi. Several parties but just one piovra, Eugen Istodor, Academia Catavencu, 11.2004  
in *Coalition for a Clean Parliament. A quest for political Integrity* / with an introductory essay by Alina Mungiu-Pippidi, Iasi: Polirom, 2005.
- P8: Appeal of the Coalition for a Clean Government on the National Agency for Integrity,  
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#### *Judiciary*

- P1: National Anticorruption Strategy 2005-2007  
[http://www.just.ro/files/lupta\\_anti\\_coruptie/Lupta%20anticoruptie/strategia%20nationala%20anticoruptie%20FINALA.doc](http://www.just.ro/files/lupta_anti_coruptie/Lupta%20anticoruptie/strategia%20nationala%20anticoruptie%20FINALA.doc)
- P3: Transcript press conference of Minister of Justice 04.01.2005  
<http://www.just.ro/discursinterviu.php?idparam=7>
- P7: Transcripts of interview of the Minister of Justice, Objective Europe, Antenna 3, 14 May 2006  
<http://www.just.ro/discursinterviu.php?idparam=20>
- P2: Press release by National Anticorruption Directorate no.497/6 October 2004  
<http://www.pna.ro/rum/frames.htm>

P5: Transcript of declarations of the Minister of Justice in press conference on the topic of rejecting the Emergency Ordinance on National Anti-corruption Directorate by the Senate, 9 February 2006

P8: Transcripts of interview of the Minister of Justice, Reality of the day, Reality TV, 16 May 2006

<http://www.just.ro/discursinterviu.php?idparam=21>

### *Economy*

P2: Transcript of meeting of secretariat of ADER, 24 January 2003

[http://www0.ccir.ro/hosts/ader/lupta\\_anticoruptie.htm](http://www0.ccir.ro/hosts/ader/lupta_anticoruptie.htm)

P3: Coordination of regional efforts towards increasing transparency and promoting a favorable business environment A-914 / 18 July 2003, Chamber of Commerce and Industries

P5: Code of ethics in business

P12: Press release by National Union of Romanian Association of Employers (UNPR), 2006-01-05, <http://www.unpr.ro/romanian/detailed.php?do=521>

P3: Coordination of regional efforts towards increasing transparency and promoting a favorable business environment A-914 / 18 July 2003, Chamber of Commerce and Industries

P11: Press release by National Union of Romanian Association of Employers (UNPR), 2006-01-09, <http://www.unpr.ro/romanian/detailed.php?do=522>

P15: On the Reunion of ADER, Romanian Association of Employers (PR) 27 October 2004

<http://www.patronatulroman.ro/documente/SECRETARIAT%20ADER.doc>

### *Police*

P2: Transcript interview of the Minister of Administration and Interior, on high level corruption cases

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**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 TURKEY:**

**A Comparison of Findings of the First (Documents Analysis) and Second (Interviews Analysis) Project Phase in Turkey**

Period covered: from January 2008 to July 2008

Date of preparation: July 2008

Start date of project: 1<sup>st</sup> January 2006

Duration: January 2006-December 2008

Project co-ordinator name: Prof. Dr. Ahmet Insel

Project co-ordinator organisation name: Galatasaray University (GSU)

Revision (draft 1)

## 1. Introduction

The world is in a war on corruption. The Organization for Economic Co-operation and Development, the World Bank, the International Monetary Fund, World Trade Organization, etc. overtly indicate that they fight corruption. Transparency International proclaims itself to be the leader of this war. Corruption is defined, measured and compared both over time and between countries and continents by these international institutions. They are the authors of the dominant international anti-corruption paradigm. And this paradigm of anti-corruption imposes itself as universal. Hence, it is a-cultural. Its remedies are developed within the framework of management sciences and are articulated in a way that they are applicable regardless of time and location. It blames solely the public authority. It rests on the separation between the state and the rest of society. And accordingly, it mainly concentrates on the public authority while developing its strategy on anti-corruption. In this context, the measures for minimizing corruption are by and large 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.<sup>14</sup>

Hence, public officials, politicians, bureaucrats and judges are expected to draw a clear-cut distinction between their personal interests and the public resources they administer. Parallel to the discourse of the neoliberal ideology, in this paradigm, it is the violation of this public/private distinction by individuals that fundamentally defines corrupt behavior. As Haller and Shore state, however, “anthropologists have long recognized that this public-private dichotomy is often an arbitrary and inherently cultural category”.<sup>15</sup> To say it differently, the definition of corruption inherent in this paradigm is related to the project of modernity which is a cultural movement related to the West.<sup>16</sup> In other words, what is moral or immoral, appropriate or inappropriate, legitimate or illegitimate, therefore corrupt or

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<sup>14</sup> İlhan Tekeli, “Decentralization and Corruption” speech delivered at 3rd Anti-Corruption Conference organized by TEPAV, 5-6 December 2007, Ankara.  
<http://www.tepav.org.tr/tur/admin/dosyabul/upload/Ilhan.Tekeli.Yerellesme.ve.Yolsuzluk.pdf> .

<sup>15</sup> Dieter Haller and Cris Shore, *Corruption – Anthropological Perspectives*. London, Pluto Press. 2005, p. 16.

<sup>16</sup> Thomas Taro Lennerfors, *The Vicissitudes of Corruption: Degeneration – transgression– jouissance*. Arvinius Publisher, Stockholm, Sweden, 2008.

incorrupt should be analyzed in the context of local standards and practices.<sup>17</sup> For that reason, it is highly suspicious that the remedies of this paradigm would work for every other country.

An additional crucial point that deserves serious consideration is that as Tekeli clearly indicates, 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 (public officials, politicians, bureaucrats and judges), 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.<sup>18</sup>

This dominant paradigm, while labeling corruption as “evil”, relating it to even “death”<sup>19</sup>, it 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.

Similarly in Turkey, the anti-corruption measures that have so far been implemented were designed in accordance with the postulations of the international dominant anti-corruption paradigm. Achieving universal legal and institutional standards is considered sufficient to succeed in reducing corruption. Two important factors accelerated this process; approval of Turkey’s candidacy to EU in Helsinki Summit in 1999 and the “Transition to Strong Economy Program” put into practice following the November 2000-February 2001 economic crises and the standby agreement signed with IMF accordingly. Over the last years public administration has been undergoing a tremendous modernization process, for these two reasons.

The architect of this process, Kemal Dervis, prior to coming to Turkey had been employed as Vice-President for Poverty Reduction and Economic Management in World Bank where he had been responsible for global programmes and policies to fight poverty as well as operational coordination with other institutions, including the United Nations system, the IMF and the WTO on international institutional and policy issues. From March 2001 to August

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<sup>17</sup> Dieter Haller and Cris Shore (2005), p. 17.

<sup>18</sup> Tekeli, (2007).

<sup>19</sup> Transparency International, Global Corruption Report, 2005.

2002, Dervis performed as Minister for Economic Affairs and the Treasury, without party affiliation in DSP-MHP-ANAP coalition government.<sup>20</sup> His programme was adopted in principle by succeeding AKP governments.

The crisis of February 2001, in fact not only an economic crisis but also a sign of the institutional collapse of this regime<sup>21</sup>, paved the way for the election victory of the AKP (Justice and Development Party). As Insel has noticed, the AKP was able to channel the reactions against the corruption affairs and the unjust distribution of wealth that had become even more severe in the wake of the November 2002 elections.<sup>22</sup>

In such a conjuncture, fighting corruption constituted a significant part of the overall agenda of the 1st AKP government. AKP, entirely embracing the discourse of the international dominant paradigm introduced in Turkey with Kemal Dervis, in its party programme (2001) declared combating against all types of corruption as “a high priority task of the party”, especially the corruption that stems from the misuse of public power”.<sup>23</sup> Likewise, the same emphasis on public sector was placed in 58<sup>th</sup>, 59<sup>th</sup> and 60<sup>th</sup> government programmes.<sup>24</sup>

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<sup>20</sup> In August of 2002, after the crisis was overcome, Kemal Dervis resigned from his Ministerial post, joined the Republican People's Party (centre-left) and was elected to Parliament in November of the same year. He resigned from CHP after two years. He has been the head of the United Nations Development Programme, the UN's global development network, since August 2005.

<sup>21</sup> For the evaluations of February 2001 crisis, see: *Turkey's Crisis: Corruption at the Core*. The CSIS Turkey Update, March 2001, available at: [www.csis.org/turkey/TU/TU010305.pdf](http://www.csis.org/turkey/TU/TU010305.pdf).

<sup>22</sup> Ahmet Insel: “The AKP and Normalizing Democracy in Turkey”, *The South Atlantic Quarterly*, 102.2/3 (2003), pp. 293-308.

<sup>23</sup> In AKP's party programme, a special section was dedicated solely to the “Combat against corruption” and the policies targets were listed as such: “A comprehensive program for fighting corruption shall be prepared and put into implementation immediately. Transparency in the public administration and revising of bid regulations shall be taken up within the scope of this program. -An office will be established to provide coordination between all agencies and institutions in the prevention, identification, investigation and prosecution of corruption; this office shall coordinate the policies and measures against corruption it shall constantly monitor the strategy for fighting against corruption. -Non-governmental organizations active in combating corruption shall be allowed to participate in inspections for corruption: The State will utilize directly and rapidly the studies carried out by non-governmental organizations in this area. -Special criteria shall be adopted for the assignment of personnel to be employed in the public administration where the likelihood of corruption is high, while controlling such personnel shall be subjected to a special procedure. -Authorities of concerned Chief Prosecutors' Offices shall be increased for combating corruption in public administration. -Special offices shall be established to monitor corruption in all agencies and institutions. Alongside this internal control, independent external audit establishments shall also be utilized. When these units indicate cases of corruption, the case shall be immediately submitted to the specialized prosecutors. -The Ministry of Finance shall create a system to investigate the correctness of property declarations made by public officials. -A special law will be enacted to regulate the right provided by the present constitution to the Supreme Council of Public Accounts to carry out audits on behalf of the Grand National Assembly, shall achieve a legal basis. -Turkey's participation in the Group of States Against Corruption (GRECO) created within the framework of the Council of Europe shall be realized. Two conventions prepared by the council of Europe but not yet signed by Turkey, namely "Convention on the Penal Code against Corruption" and "Convention on Civil Code on Corruption" will be signed and satisfied without delay.” <http://eng.akparti.org.tr/english/partyprogramme.html>.

<sup>24</sup> The 58<sup>th</sup> Government Programme (Gul Government) set its priorities as the improvement of “transparency in the use and the allocation of the public resources” for corruption prevention. Another target related to the this purpose was stated as the acceleration of the judicial process. In addition, a special section on corruption prevention (art. 5-1/d) was included in the 58<sup>th</sup> Government Urgent Action Plan. In the same period a special

Currently on paper, Turkey looks well poised to embrace the criteria related to corruption by having adopted a number of conventions by international organizations largely in the context of EU integration process.<sup>25</sup> And, since the early 2000s, several legal-institutional steps have been taken accordingly<sup>26</sup> and a certain level of success has been achieved in the struggle against corruption on an operational level.<sup>27</sup>

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anti-corruption commission established in the Parliament, conducted investigations into corruption and after six months of work, submitted a report of 1112 pages to the Parliament confirming the corruption cases in various fields. The inquiry motions about former ministers and the former prime minister, Mesut Yılmaz were submitted in line with the commission's conclusions. The first 149 pages of the report were dedicated to the system analysis and solution proposals related to the legislative, executive and the judiciary. In the 59<sup>th</sup> Government Programme (1<sup>st</sup> Erdogan Government) the following goals took place among the set of priorities: "efficient struggle against corruption and poverty", "elimination of the barriers, including the parliamentary immunity, that prevent public officials to be subject to the jurisdiction of the court", and "the implementation of measures for the purpose of curbing motivations towards corrupt and criminal acts". In the 60<sup>th</sup> Government Programme (2<sup>nd</sup> Erdogan Government) corruption was defined as a major problem that "damages the trust relationship between the citizen and the State". The program emphasized the use of technological developments in the provision of efficient public service and its contribution to downsizing bureaucratic processes. The concepts such as e-Government, e-Transformation, and the plans like "Single Card Project" were highlighted as tools of fighting corruption.

<sup>25</sup> Turkey supports the anti-corruption initiatives through various international conventions including the United Nations and the Council of Europe. Turkey ratified the United Nations Convention Against Corruption on 11 August 2006. Turkey is also a party to the three Council of Europe Conventions on corruption, namely the Council of Europe's Criminal Law Convention (signed on 27 September 2001 and ratified on 14 January 2004), the Council of Europe's Civil Law Convention on Corruption (approved on 17 April 2003) and the Council of Europe's Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (signed on 27 September 2001 and approved on 16 June 2004). Turkey also became a member of the Group of States Against Corruption (GRECO) in 2004. Gunes Okuyucu Ergun, "Anti-Corruption Legislation in Turkish Law", *German Law Journal*, No. 9, 1 September 2007, available at [http://www.germanlawjournal.com/article.php?id=859#\\_ftnref19](http://www.germanlawjournal.com/article.php?id=859#_ftnref19).

<sup>26</sup> The legal and institutional restructuring efforts related to anti-corruption strategy that have so far been implemented during this process can be summarized as such: -Including Turkish Criminal Law (Law no:5237, Accepted on:26.09.2004 ) and The Public Procurement Law (Law no: 4734, Accepted on: 04.01.2002) several laws have been changed by amendments. -The Banking Regulation and Supervisory Agency strengthened its supervision and monitoring of banking activities based on the Banking Law No. 4839 of June 1999 later amended by Law No. 5020 on December 26, 2003 in order to lead to a further acceleration of collecting money from private banks that have been taken over. -Turkey enacted implementing legislation in the form of the "Amendment to the Law regarding Prevention of Bribery of Foreign Public Officials in International business Transactions" (Law no:4782, Accepted on: 02.01.2003 ). -Public Financial Management and Control Law (Law no: 5018, Accepted on:10.12.2003) comprises clauses related to budget and fiscal discipline in accordance with the EU norms. -Law on the Right to Information (Law no:4982, Accepted on: 09.10.2003) and its regulation were put into force. -Law for Establishment of the Ethics Board for Civil Servants (Law no: 5176, Accepted on:25.05.2004) came into force in 2004. Its secondary regulations were published. The Ethics Board set forth the ethical rules that the public officials are required to comply and the related contracts are signed by the public officials. -The Witness Protection Law was enacted (Law no: 5726 Accepted on: 27.12.2007) -The 57<sup>th</sup> government, with the contributions of various NGOs and the World Bank, issued an action plan named as "Increasing Transparency in Turkey and Enhancing Good Governance in Public Sector" on 12 January 2001. The action plan includes major components related to corruption prevention. R. Bülent Tarhan, "Yolsuzlukla Mücadele Alanında Türkiye Deneyimi ve Kurumsal Yapı Arayışları", (Turkish Experience on Combating Corruption and the Search for Institutional Structure)

[http://www.tepav.org.tr/eng/admin/dosyabul/upload/2\\_TOBBYolsuzluk.pdf](http://www.tepav.org.tr/eng/admin/dosyabul/upload/2_TOBBYolsuzluk.pdf). Prior to this process, the only noteworthy legal arrangement was the enactment of the Law on Declaration of Assets and Combating Bribery and Corruption (Law no: 3628, Accepted on:19.04.1990). Beneath these legal restructuring efforts, there lies the idea that the causes of the past economic crisis are to a large extent due to the high level of corruption in public sector. A similar discourse was developed in 1997 concerning the reasons of the economic crisis in East Asian

However, in the mean time, very serious corruption allegations regarding AKP's leader and political cadres have been brought up by certain media organs and opposition parties, to the point that said allegations constituted the vehicles of propaganda for AKP's opponents, mainly the opposition party, CHP right before the General Elections in 2007.<sup>28</sup>

Moreover, all these modernization efforts for corruption reduction during the first half of the 2000s, until now seems to not have yielded any satisfactory results. The findings of the studies carried out by both international and national institutions related to perceptions on corruption in Turkey reveal this fact explicitly.

According to the evaluations of the international institutions, the country's level of corruption remains still high: TI ranked Turkey at 65th place in 2005 (among 158 countries), 60th place in 2006 (among 163 countries) and finally 64th place in 2007 (among 179 countries).<sup>29</sup> Turkey, therefore takes place in the group of countries perceived as most corrupt in Europe. According to World Bank's Worldwide Governance Indicators (WGI), significant deficiencies continue in the attempts to control corruption in Turkey. Its findings demonstrate

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countries. Together with IMF and the World Bank, numerous international institutions have explained the Asia's economic crisis as the result of "crony capitalism", "a web of corruption between governments and business leaders throughout the region". As a natural consequence of this analysis, the legal-institutional prescriptions prepared by these very institutions concentrated on corruption in its narrow sense and preferred to define the concept as "misuse of public authority".

<sup>27</sup> The official data regarding the corruption operations took place in the 2007 report of the Department of Anti-Smuggling and Organized Crime (KOM) working under the General Directorate of Security. The report which documents the drug trafficking, gang related incidents, corruption and smuggling crimes, also states that the "planned" corruption operations which took place between the years 2003-2007, were "doubled" in comparison to the previous years. According to the same report, the KOM units within the coordination of Deputy Director General, organized series of operations against the high ranking bureaucrats and organized crime groups who were associated with corrupting public contracts and gaining high earnings through illegal activities. Based on the official data in the website of the Combating Against Financial Crimes Division of Istanbul Police Department, 156 "planned" operations were organized in the last 5 years to fight corruption. In these operations; legal proceedings were carried out for 2678 people 805 of whom were government employees. Likewise, most of the bureaucrats who were taken into custody were arrested and some of them were dismissed from their positions for turning a blind eye to illegal acts and corruption for their benefit. See, the official website of Istanbul Police Department, Combating Against Financial Crimes Division, [http://mali.iem.gov.tr/index.php?option=com\\_content&task=view&id=119](http://mali.iem.gov.tr/index.php?option=com_content&task=view&id=119). The datasets acquired from the website of KOM, show a significant increase in the number of operations against corruption in 2007 in comparison with the previous years. In 2003 the number of planned operational interrogations in the fight against corruption was 16, 9 in 2004, 8 in 2005, 38 in 2006 but then it climbed to 117 in 2007, 55 of which were planned. According to the data given in the same website, in 2007 1028 people were sent to judiciary units. Ahmet Pek, "Yolsuzlukla Mücadelenin Neresindeyiz?" (Where are we in our fight against corruption?), <http://www.kom.gov.tr/Tr/KonuDetay.asp?BKey=64&KKey=159>.

<sup>28</sup> For the details of this process see, Besim Bulent Bali and Zeynep Sarlak, "Corruption in Turkey: Why Cannot an Urgent Problem Be a Main Concern?", Crime and Culture discussion Paper Series, No. 14, University of Konstanz, 2008,

[http://www.uni-konstanz.de/crimeandculture/docs/Discussion\\_Paper\\_No\\_14\\_GSU\\_May\\_2008.pdf](http://www.uni-konstanz.de/crimeandculture/docs/Discussion_Paper_No_14_GSU_May_2008.pdf)

<sup>29</sup> Transparency International, "Corruption Perception Index", (2005/2006/2007),

<[http://www.transparency.org/policy\\_research/surveys\\_indices/cpi](http://www.transparency.org/policy_research/surveys_indices/cpi)>

that no noteworthy progress has been made in Turkey between 1996-2006.<sup>30</sup> These findings support the World Bank's and the EBRD's evaluation in 2005 regarding the high level of organized crime and corruption in the business sector in Turkey.<sup>31</sup> It is also possible to draw the same conclusions by following Turkey's "Opacity Index" values for corruption which are 51 in 2001, 67 in 2004 and 52 in 2007-2008 respectively.<sup>32</sup>

Likewise, the findings of the corruption related studies done by local NGOs and research firms assert that in the perceptions of households and governing elites, corruption is still widespread in Turkey.<sup>33</sup>

In such a picture, it seems important to return back to the aforementioned "cultural categories" of corruption rather than relying on a "top-down" procedure, i.e. accepting the legislative, administrative and police force measures developed by international institutions as the one and only solution for corruption prevention. It is important to investigate whether all these prevention policies based on a certain corruption definition really "suit" the political and administrative elite's or economic agent's perceptions of corruption in Turkey.

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<sup>30</sup> The indicators measure six dimensions of governance: voice and accountability, political stability and absence of violence, government effectiveness, regulatory quality, rule of law, and control of corruption. They cover 212 countries and territories for 1996, 1998, 2000, and annually for 2002-2006. The indicators are based on several hundred individual variables measuring perceptions of governance, drawn from 33 separate data sources constructed by 30 different organizations. The units in which governance is measured follow a normal distribution with a mean of zero and a Standard deviation of one in each period. This implies that virtually all scores lie between -2.5 and 2.5, with higher scores corresponding to better outcomes. Turkey's "control of corruption" in a 10 year period from 1996 to 2006 are as follows: 0.01 in 1996, -0.24 in 1998, -0.19 in 2000, -0.43 in 2002, -0.24 in 2003, -0.20 in 2004, -0.05 in 2005 and 0.06 in 2006. Daniel Kaufmann, Aart Kraay and Massimo Mastruzzi, *Governance Matters VI: Aggregate and Individual Governance Indicators 1996-2006*, World Bank Policy Research Working Paper 4280, July 2007, pp: 91-93.

<sup>31</sup> "Evaluation Report on Turkey", adopted by GRECO at its 27th Plenary Meeting, Strasbourg, 6-10 March 2006, p. 4, [http://www.coe.int/t/dg1/Greco/evaluations/round2/GrecoEval1-2\(2005\)3\\_Turkey\\_EN.pdf](http://www.coe.int/t/dg1/Greco/evaluations/round2/GrecoEval1-2(2005)3_Turkey_EN.pdf).

<sup>32</sup> The Opacity Index ranges from 1 to 100. The higher a country's score, the greater is opacity. For evaluations of Turkey see, *Opacity Index Measuring Global Business Risks*, available at: <http://www.milkeninstitute.org/pdf/2008OpacityIndex.pdf>; [http://www.kurtzmangroup.com/GLOBAL\\_EDGE\\_Presentation\\_FINAL.pps#289,11,Slide11](http://www.kurtzmangroup.com/GLOBAL_EDGE_Presentation_FINAL.pps#289,11,Slide11); [http://www.funcionpublica.gob.mx/indices/doctos/pwc\\_opacity\\_index\\_2001.pdf](http://www.funcionpublica.gob.mx/indices/doctos/pwc_opacity_index_2001.pdf).)

<sup>33</sup> "Societal Structure Research 2006: Who are we?", KONDA Research and Consultancy, 2006, [http://www.konda.com.tr/html/dosyalar/ttya\\_tr.pdf](http://www.konda.com.tr/html/dosyalar/ttya_tr.pdf); Bekir Ağırdir, "Elections'07: What Determined the Contents of the Ballot Box?" Konda Research and Consultancy, *Radikal*, 25-28.07.2007. [http://www.konda.com.tr/html/dosyalar/inside\\_of\\_the\\_box.pdf](http://www.konda.com.tr/html/dosyalar/inside_of_the_box.pdf); "Towards Full Membership to the EU on January 1, 2014: Deeper Democracy, More Stable Social Structure, Stronger Economy", TUSIAD, Publication No- T/2008-05-458, May 2008, [http://www.tusiad.org/tusiad\\_cms\\_eng.nsf/LHome/7DFBE0F5525E643FC225736B00541554/\\$FILE/sarirapor.pdf](http://www.tusiad.org/tusiad_cms_eng.nsf/LHome/7DFBE0F5525E643FC225736B00541554/$FILE/sarirapor.pdf); Mustafa Çelen, "Economics of Corruption: Economic Analysis of Corruption as A Public Bad", ISMMMO, Publication No: 77, 2007, <http://www.istanbulsmmmodasi.org.tr/html.asp?id=6969>; Adaman Fikret, Ali Carkoglu and Burhan Senatar, "Household View on the Causes of Corruption in Turkey and Suggested Preventive Measures", TESEV Publications, 2001; Adaman Fikret, Ali Carkoglu and Burhan Senatar, "Business' View on the Causes of Corruption in Turkey and Suggested Preventive Measures", TESEV Publications, 2003; Adaman Fikret, Ali Carkoglu and Burhan Senatar, "Society's View of Public Administration, Public Services and Reform", TESEV Publications, 2004.

Therefore, in this study, as a part of a research project called “Crime and Culture” , it is expected to gain fundamental insights into the cultural context of Turkey within which deviant and criminal behavior occurs –*not only* at the macro/formal institutional *but also* the micro/informal practical level– and into the respective preconditions under which criminality can be combated successfully. To be able to accomplish such a task, it is believed that 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. In other words, seen from an impartial perspective, phenomena such as nepotism and bribery can be very well characterized as mechanisms for achieving solidarity within and between kinship groups in Turkish culture similar to other cultures.

Parallel to the methodology of the research project, this study, therefore adopts a ‘*bottom-up*’ empirical approach to corruption to reveal the normative standards of Turkish culture, through bringing together the respective “modes of perception and recognition of the phenomenon by different social actors” in Turkish society.

## **2. Target Group Perceptions of Corruption**

### **Target Group Politics**

The interviewees define corruption as a set of” nontransparent”, “inexplicit”, and “uncompetitive behavior” contrary to the “legal regulations” and “moral principles” in a society. Corruption, according to them, causes unfair competition which “hinders development and justice”. The legal precautions are considered as insufficient to fight against corruption since; it can take place in accordance with the law. So corruption is a phenomenon that is not so blatantly obvious. As stated by the interviewees, the existence of such cases requires the definition of the term to be revised.

### *The Boundaries of Politics*

The existence of an anti-democratic structure in which politics equals to the distribution of rent, is underlined. The structures that set the national security policies in Turkey, hinder the demands of diverse social strata and tend to fix the direction of the politics in this field. When

the vast dimensions of the national security priorities are considered, the manoeuvre space of politicians is quite narrow. To redefine the perceptions of security threat, to change the internal security strategies of security actors who benefit from a vast portion of the state resources, is far beyond the authority of a politician. On the other hand, this situation is not the main priority of the public who suffers from unequal income distribution and poverty, they evaluate the success of the government through their own welfare levels. Within this framework, the governments that act with the motivation of winning the elections, will have the economical field as their manoeuvre space to make politics. The vote repository of the politician appears to be the redistribution of economical resources.

### *Land Allocation*

One of the contributing causes of corruption is the fact that, unlike its Western counterparts Turkey has not yet resolved the “proprietorship of land”. According to the evaluations of the interviewees, the rapid urbanization in Turkey since the 50’s has turned “the land” a grand instrument of rent-seeking. However the allocation of land is not always considered as corruption. The logic system of the interviewees is as follows: it is unavoidable to grant permits to the squatter settlements that are the outcome of rapid urbanization and to respond to the housing and infrastructure needs of the communities that live in these areas. An immigrant from the countryside does not have money to buy land, does not have the background to build a house within the local building codes or does not have a steady income. Building infrastructure to the slum areas or granting licenses might be regarded as a populist “corruptive act” on a “legal ground” but when the results are considered it has turned out to be quite useful. This situation is adapted as a method of low-income housing supply in a country like Turkey where there is not enough capital accumulation and it also acts as a social and economic support for the adaptation period of rural immigrants into the urban life. In the course of time, the housing stock has changed from squatter houses to illegal building blocks.

Right before the 2007 elections, without refrain the Prime Minister Erdogan stated that the house he was living in did not have a building permit. This emphasis openly reveals how the housing permits are used as a tool of election campaigns. In other words, neither for the majority of the citizens nor for the politicians, this situation is perceived as a corruption problem.

Since the second component of this issue is more personal and more towards the interest of the individual, it is regarded as more problematic. According to this point of view, by changing the master plans (increasing the surface area of the development areas, etc), municipal authorities have the possibility of manipulating the values of land that are within their jurisdictions. There is no end to creating profit through rent-seeking activities in a ever growing city. All the political parties are claimed to agree on this matter. There are examples of how the changes in the master plans are accepted instantly, without dispute, by the opposing parties in the municipal board meetings.

### *Historical Sediments*

The state tradition of the Ottoman Empire and the residues of the state-society relationship that leaked into the Republic of Turkey, are counted as other causes of corruption. The opinions of the interviewees are reconstructed as follows: The fear that the citizens of Ottoman Empire had for the state and its tax mechanisms had been transferred to the citizens of the Republic. The underlying cause to this fear, lies in the fact that the state both in the Ottoman times and the Republic times do not pay any respect to its citizens. Moreover, since the transition to multi-party governance in the 50's, the state has been used as a tool of setting up political cadres in public offices as well as reducing unemployment, against the growing population. This also brings along the low quality public officials. A distorted relationship format occurs when the poor education level is combined with the State's disparaging look on its citizens. The causes of bribery in public sphere should be sought in this mindset. This reality can not be improved by changing the law or enact new legislation. No improvement is expected in the struggle against corruption, especially bribery, unless the reciprocal perceptions between the society and the State change.

### *The Authority of the Leaders*

The interviewees emphasize that the internal dynamics of the political parties also set the ground for corruption. The establishment of the political parties within a chain of command, the authority that the party leaders have in selecting the candidates for parliament membership, is considered as a factor indirectly affecting corruption. This situation turns the

daily routine of the politicians to micro-scale problems (finding a job or a scholarship). Just as the established canon gives space to the party in power, only to be decisive in the economic realm, “the authority of the leaders” in other words “the lack of democracy within the political parties” gives space to their MPs only to be effective in solving the daily problems of their voters within their regions. The MPs also know that when he demands change in the bigger picture, he will be facing the party leader and will not be selected as a candidate for the MP list in the next elections or he will run as a candidate from a region where he won’t be able to get selected. As this condition goes on, MPs are not expected to act on their own initiatives because within the existing structure the MPs feel more indebted to the cadres that make him elected rather than to the electors.

### *Cultural Codes*

The interviewees all agree on the fact that majority of the Turkish society does not regard the “petty corruption” in its Western sense, as “immorality”. On the contrary they perceive it to be a quite “natural” phenomenon. The idioms and proverbs like “the property of the State is as huge as the Sea, the one who does not take advantage of it is a pig”, “the donor is content, the recipient is content, what is it to you?”, “the one who takes hold of the honey licks his finger” reflect the cultural codes and this perception of “petty corruption” very clearly. It is suggested that another factor leading to corruption lies in the perception of “loyalty” for Turkish society. It is claimed that the loyalty that Turkish people feel for each other is felt so deeply that the principles are easily disregarded. It is also suggested that, the proverb, “A cup of coffee commits one to forty years of friendship” reflects the approach that has been engraved in the behavioral patterns of Turkish society. This kind of loyalty perception is said to set the ground for patronage and clientalism. According to the interviewees, it is not meaningful to evaluate the actions of MPs irrespective of the cultural structure in the society. As a reflection of the society, the affiliations based on loyalty among the MPs, can also be developed regardless of the political affiliations and the communities these MPs are representing. One can easily monitor these bonds in commissions, meetings, etc.

In fact, parliament membership works as a network, similar to that of the social solidarity networks and provides an existence space. Thus, the agenda of the politician turns out to be different than the agenda of the voter in many ways. In such a communitarian/solidarist

structure of politics, corruption cases can easily be overlooked. In the same manner, the politicians choose to turn a blind eye to the corruption that is the result of complex yet balanced relationships.

### *Unfair distribution of income*

In the perceptions of the interviewees, the unfair distribution of income constitutes an additional cause that triggers corruption and the ignorance towards it at the social level. Accordingly, 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 without difficulty. It is suggested that without improving the unfair distribution of income, the legitimacy of politics will continue to get damage and there will be a new vicious circle.

### *Economic Liberalism*

The interviewees hold the belief that corruption is a global issue and exist in the logic of neoliberal economic regulations. The fund allocation of the international institutions, which represent the interests of the developed countries, to the dictatorial regimes of the developing countries in the 70's and 80's, sets a good example to this belief in the sense that the same funds were transferred back to the Western banks by the financial institutions of these developing countries due to the high interest rates. The transfer of the natural resources and geostrategic values of these poor countries to the rich countries in these ways, is identified as the biggest corruption example ever. Another example to the global economic structures being affiliated with corruption shows how bribery is legalized by taking its place as an entry in the accounting records of the developed economies like US. It is claimed that, despite all these facts, developed countries keep on blaming the developing countries for corruption and “to put it mildly” this can be identified as “hypocrisy”. In this sense, the invasion of Iraq, by the USA is named as an “giant” case of corruption.

It is suggested that, the corruption allegations within privatization processes can also be evaluated in this sense. It is also added that rapid privatization pressures, have been coming from the international finance institutions for years in exchange of credits causing a

privatization process without the necessary legal structure. Privatization is the sphere in most countries where corruption is widely seen and obviously Western entrepreneurs make a packet out of this process. Yet it does not seem possible to go through an uncorrupted privatization process under the pressure of time and lacking the legal structure. The institutions like World Bank criticize these processes saying “your privatization was not successful”. However, they try to rewind and teach what should have been done only when the outcomes are bad. It should be kept in mind that corruption has increased in many developing countries because of rapid liberal transformations. The same thing is true for Turkey. Corruption cases have increased since the 80’s with the economic liberalization policies specifically led by Turgut Ozal. This has been increasingly going on.

### *Political Party financing in Turkey*

The interviewees have presented two different views on political party financing. The first of these two, states that financial resources of political parties for election campaigns and other spendings are adequate and even abundant. This group also states that a financial difficulty is not expected in the budgets of these parties because of the generous aid provided by the national treasury time to time. But it is also added that it would be wrong to assume that there is no “black money” or corruption in party financing in Turkey. Mercumek case has been presented as an exemplary case to this.

The second view claims that legislations regarding party financing, restrict the donations made to political parties substantially, which leads to grand corruptions in party financing especially in affiliations with the “construction industry” and “media”. It is asserted that no proposition for the transparency of the financing of politics has ever been taken into account so far.

Within this framework, it is added that not only for party financing but also to see the systematic nature in the realm of politics, the construction industry has to be closely watched.

Currently, it is claimed that the construction industry’s power has been on the highest level, when the last 20 years is considered and it is pointed out that “the growth rate of the debts of Turkey and the growth rate of this sector go hand in hand”. In this context, the cycle of the politician\political party and construction industry can be summarized as follows:

The construction industry support the central and local political candidates and when these candidates acquire the necessary political power that can affect investment decisions they pay their “debts” back by making regulations in favor of these contractors. Just at this point, there emerges the trivet of businessman-bureaucrat-politician. Contractors expand their business by using public resources and gain more power in the system. The ones who gained the necessary power, directly get involved in politics. It is well known that in the draft laws which aim to discipline the public contracts, lots of legislations have been changed in favor of construction industry because of the influence of MPs who were previously contractors. The majority of corruption allegations regarding AKP, claims partnership of the leading party with emerging construction firms. In consequence, the cost of these corrupt acts is paid by the society as taxes and high inflation.

In the media-political party affiliation level, this process which leads to corruption is identified as follows: During the election campaigns, the political parties go to the media organs to ask for their promotions on their channels. These organs bill the political parties for very low prices and make great discounts. The costs of these discounts are paid back by these parties during their governance. In other words, these discounts are nothing but “discounts of corruption”.

### *Evaluation of the Target Group*

According to the interviewees, politics, media, jurisdiction, police, and business world are all involved in corruption in the same proportion. To blame one, and disregard others is said to be “unfair” since corruption is not perceived as an single-sided act.

For this reason, it is suggested that it would be wrong to perceive the politician as solely responsible for corruption. It is underlined that the politician is made to be the scapegoat of corruption to direct him for the economic interests of particular groups. It is also accepted that the politician is primarily responsible to take a step for the struggle against corruption and he is far more away from achieving this. However it is also emphasized that the politician should be held primarily responsible for solely not fulfilling this task. It is also stated that the very central structure of the state causes weakness in the control of the resource allocation decisions of the governments. The attention is also drawn to the fact that politician is made to pay the cost of this situation which is structured beyond his initiative.

### *Conclusion (on prevention)*

Although the interviewees claimed that the source of corruption should not be sought in only in the politicians, when they start listing the steps to take to struggle against corruption, they mainly mention the regulations concerning the politics target group. The interviewees all agree on limiting the parliamentary immunity with political acts and freedom of speech. They also emphasize that not only the members of the parliament but also all state officers should be liable and equal by law for corruption and other crimes like all citizens. Within this framework, it is pointed out that it is necessary to make changes in the “Law on the Prosecution of Civil Servants”. This suggestion is followed by another stating that in any second “party” affiliation with the state, the principle of “transparency” should be considered. However, the predominant belief in the interviewees is the fact that Turkey cannot struggle against corruption with its own internal dynamics. The reasons to this statement are listed as the “rigid structure” of the politics, the “balance of interests” among the political actors, “the organic affiliations with the non-political groups”, public officials’ (including tax controllers, financial controllers and those from the security and the legal system) relations with the criminal organizations and a “non-reactive” society. The interpretation of the Turkbank case not as a step taken by the parliament for the struggle against corruption but as an “attack strategy” as part of a political struggle constitutes to be an important data within this context. The biggest factor that is considered to have an important role in struggle against corruption in Turkey is the EU integration process. The norms of EU in immunities and transparency are accepted to be far ahead of Turkey and in case of full integration, the whole picture is believed to change in a radical way.

### **Target Group Judiciary**

The Turkish Criminal Code, which entered into force on 1 June 2005 does not contain the legal notion of “corruption”, but it stipulates in great detail both the offenses falling under the category of corruption and the rules governing investigation and prosecution of such offenses. Corruption offenses and punishments against such offenses are defined under the headings “Economic, Industrial and Commercial Offenses” (i.e. malpractice concerning public procurements and completion of tender works, etc.) and “Offenses Against Trustworthiness of the Public Administration” (i.e. embezzlement, misappropriation, negligence to supervise,

bribe, breach of confidence, etc.). The new Code also introduces the concept of criminal liability of legal entities in such cases. In addition, in the new Code the definition of public official is extended for the purposes of penalizing the act of bribery. The interviewees, however, define corruption in a much wider sense. According to them, “corruption cannot be limited to illicit behavior patterns”. “Any human behavior in contrast to general ethical principles”, “honesty” and “good will” should be included in the definition of the term. While accepting the fact that “there cannot 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”. “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.”

The interviewees think that corruption is generally “demoted to bribery in society” because of its widespread nature. As bribery is an “action of free-will performed by both parties” “mutually content”, it “hardly ever becomes a case before the court” and “is inured” in the society. Nevertheless, 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”. Every field where money is in question is open to bribery.

In Turkey corruption is believed to exist most extensively in the fields related to State and politics. These are listed as;

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

And, the causes of corruption are stated as following;

- 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;

### *Financing of Politics and Corruption*

According to the interviewees, both the issue of political party financing (the dirty face of the Turkbank Case; “blood money”) and the financing of politician are problematic in Turkey. The perceptions lie beneath this view are as such:

- Who is going to be an MP is designated by the leader and its close entourage, i.e. the MPs are “appointed” rather than “being elected”.
- The MPs are appointed not on the basis of merit but rather by reason of the direct or indirect contributions to the political party.
- Apart from certain well-known names that are used by the party for attracting the public, the MP candidates in general need financing to be (re)elected.
- The fund providers do not offer their financial support without remuneration.
- This climate, pushes away honest people from getting involved in politics.

In such a structure, a top-down initiative (built by the politicians) in support of “corruption prevention” is considered as an unrealistic expectation.

### *Evaluation of the target group*

The main actors of grand corruption are stated as politicians and economic agents (in relation with criminal networks). It is argued that Turkbank case “openly” made “the existence of such a network” “obvious”, “without any hesitation”.

On the other hand, it is thought that the bribery occurs at all levels of police and the legal system. Among the members of the judiciary, the ones who take a firm moral stand against bribery are believed to be very few in numbers. “Giving bribes” under the guise of “presents” or “tips” have become a “standard procedure” to “get things done in a smooth fashion”. The interviewees also accept the fact that they resort to “presents” or “tips” in certain instances. Yet, still, both interviewees strongly believe that corruption is not as widespread compared to the other target groups. As for the Turkish Media, it is argued that it is far from fulfilling its functions to unveil the cases of corruption.

### *Legal System and its Obstacles in the Field of Corruption Prevention*

Except for the domains of party financing and public procurement, the legal structure in Turkey is found to be sufficient for fighting against corruption. Then again, it is argued that the legal system is faced with certain obstacles that weaken its power and efficiency in fighting against corruption. These obstacles are 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

In addition, it is stated that, due to its “low income level”, “difficult working conditions” and “work load” the brightest of the law students do not prefer to be a judge. According to this view, the severe working conditions of the State, push the law students who belong to relatively higher socio-economic and socio-cultural families away from their ideal, which is to be judge. On the other hand, it is difficult for an ordinary law student to climb up the stairs of the legal profession as a lawyer. As a result, Turkish legal system is full of judges who “have never read a single book in their life time”. When the “non-analytical” and “pro status quo” characteristics of the Turkish education system is considered, the economic and psychological

status of a judge who has an “average”/“weak” educational background, might weaken his enthusiasm to fight against corruption if not pushes him to directly get involved in corruption

Theoretically, the application of EU standards is believed to provide certain progress in the efforts of corruption prevention. However, at this point two important reservations are put forward. First of all, it is believed that the AKP government is in hypocrisy regarding EU integration process. The interviewees have serious doubts over the present government’s willingness to meet the EU criteria. And, the second is related to the self-consistency of the EU itself 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”.

It is believed that “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 stated as the promulgation of the Public Procurement Law.

### *Conjunctural Analysis of Corruption*

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, is believed to accelerate the acts of corruption. Ozal’s words "my civil servant knows his own advantages"/ “My civil servant knows how to survive well!” are perceived as the most significant signs of corrosion of moral values. It is argued that during this process,

- “the cultural perception of public shame” has started to “transform” noticeably,

- and the society has started to “envy” and “covet” the “lifestyles” of the “nouveaux riches” living in “villas” isolated from the rest by high walls”, “without feeling the need to question” how they “turned the corner” (succeeded).

### *Conclusion (on prevention)*

In the short-run the following measures are believed to 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.<sup>34</sup>

A striking evaluation mentioned in the interviews is that even though, the measures mentioned above were taken and applied in a serious manner, the corruption in Turkey would not be prevented for two main reasons. First, it is stated that unless the topic is taken in hand as an issue of “values education”, in other words, unless a paradigm shift that would re-identify the public shame and appreciation criteria is realized, struggle against corruption would not be more than a technical preoccupation. According to this view, “as far as the motivation behind a mal-practice exists, banning it would not solve the problem”. Yet, above all, corruption “should be perceived as” “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 cannot be prevented unless the fact that corruption is a loose-loose game is internalized by the society as a whole. Anti-corruption measures therefore 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 as long as “the rules of the game stay the same”. In this context it is suggested that 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” is believed to “very well demonstrate” “the complex nature of the relations between crime organizations, religious structures, politicians, business, etc.”

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<sup>34</sup> The related law was enacted a few months after the interviews had been made.

## **Target Group Police**

When the evaluation of the target group is made on the basis of the interviews conducted, the first thing that appears is the fact that the corruption definition in the official documents and the corruption definition by the interviewees are quite different.

Corruption is defined, by both interviewees as “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” In other words, corrupt act can take place both in public and private spheres. Such a definition has a much wider scope as compared to that of the international institutions. But defining the concept like this expands the domain where struggle against corruption will take place.

Both interviewees state that there is no clear and common (“universally accepted”) definition of corruption. Notwithstanding the debates about whether certain activities can be classified as corrupt or not, the day-to-day illustrations in the press and in conversation circumscribe the discussion of what constitutes corruption. From this point of view, sometimes giving or receiving a small gift could be considered as a corrupt act. Here, the determining factor is the value judgment of the society. However when we consider the cultural qualities of Turkish society, how correct is it to consider the small gifts (lunch fee, tie, some pocket money etc.) given to public officers as bribery. This situation has to be interpreted as the sign of love felt for the protector by the protected (in the example of police). It is noteworthy to see that the issue of gift is emphasized in both interviews. Especially an interviewee evaluated this situation giving a reference to a saying by Prophet Mohammed: “give gifts to the people you feel affection for.”? Therefore, there appears an acceptance, adoption, internalization of the petty corruption when it is about choosing between the grand and petty.

The main reasons of corruption listed in the official documents are to a large extent similar to those put forward in the interviews. These are;

- 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,
- solidarity 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<sup>35</sup>.

Parallel to the assessments in the official documents, the interviewees believe that 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.

### *Evaluation of target group*

Business world, media and politics are placed 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. Other target groups are evaluated as follows:

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. 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, they

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<sup>35</sup> (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.)

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.

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 misleading 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.

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. Certain acts considered natural in the past are defined as wrongdoings now. 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 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. Likewise, NGOs are one of the key actors for raising consciousness among state institutions

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.

### *Conclusion (on prevention)*

Acceptance of Turkey's EU acquis which appears to be the phenomenon to speed up the efforts to reduce corruption is open to discussion.

EU means contemporary civilization, high quality of life, transparency and accountability and yet what is important about a law is its implementation rather than its enactment. At this point, the essential question is whether the ones that would implement the laws and the others that are expected to obey them share the Western values *intrinsic in the law's* very rationality.

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. Institutional culture should be promoted in government agencies via institutional training, and efficient internal inspection. As clearly seen in these statements, the elite approach that searches the solution of every problem in Turkey in education is repeated here.

### **Target Group Media**

The interviewees define the term corruption in a much wider sense. According to this definition, corruption is “acts contrary to” “legislations”, “regulations”, “traditions” and “cultural norms; in order to gain personal tangible or intangible advantage. In certain occasions even this definition is believed to be insufficient to determine corruption. The views of the interviewees on this subject are as follows: “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 “even more 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 “considered as a form 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”.

### *Evaluation of the target group*

The assessments of the interviewees as regards to the peculiar relationship between the target groups and corruption are reconstructed as such: In early 1990s the term ‘clean society’ was operationalized 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”. Recently, however, “one cannot read such news in the press”.

At present, the term corruption “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 right now. 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 are evaluated together, 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".

According to the interviewees, corruption takes place mostly in the trivet of politics-bureaucracy-business world as demonstrated in the case of Turkbank. However, it is emphasized that "despite the fact that "the logic of market economy imprisons corruption within the boundaries of public sector", one cannot deny that "the role of economic agents is of primary importance".

The evaluations of the other target groups are as follows: 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".

As for the assessments regarding their own target group the interviewers made these remarks: "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".

The approach to corruption is considered as "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 are 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: 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 in Turkey 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”. On the other hand many middle level bureaucrats who are seriously fighting against corruption cannot “find the necessary political support to finalize their efforts”.

The interviewers in this target group make a different assessment about the unfair income distribution, a commonly identified reason for corruption by those of other target groups. According to this view, it would be “wrong to draw a parallel between the uneven income distribution and bribery”. This is just a way of “legitimizing” it. 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” and “favors”. “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”.

### *Party financing and corruption*

On the relation of financing of politics with corruption, the interviewees make a differentiation 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 revised. According to this view, 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/she would “not be valuable for the party in terms of creating any sort of impact”. It is “hard to break this vicious circle”.

The dimensions of corruption in local politics are regarded as 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 found to be “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 significant issue with regards to the sphere of politics is stated as “the extent of the immunities that the MPs are offered”. The interviewees claim that the immunities must certainly be “limited to the freedom of speech”. Yet, it is not expected 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”.

### *Conjunctural Assessment of Corruption*

The interviewees assert that in Turkey corruption increased after 1980, with the transition to the liberal economic model. The assessments of the interviewees regarding this process can be summarized as follows: “Contrary to its logic” however, in Turkey the state carried on with its “interventionist stance”. It created, “this time” “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”. Mercumek case is evaluated in this context.

### *Conclusion (on prevention)*

The biggest contribution on corruption prevention is expected to come from the EU integration process. Nevertheless, even if this process is not believed to solve the problems arising from the natural functioning of liberal economic system: It could only “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 is considered as “necessary” for Turkey to reach a certain standard.

### **Target Group Civil Society**

#### *TESEV*

The definition of corruption can be made in two ways; by staying within or outside the realm of modernity. In the modern world, a legal definition is more logical despite being narrow. However, when it is evaluated outside the realm of modernity, corruption becomes “the gaining advantage by way of using specific information or a relationship” and this destroys the social networks. .

Above all, corruption is the problem of modern world which is unable to produce common ethical values. Modern world rationalizes everybody’s living in their individual ethic systems. Another person’s life can only be questioned with his/her ethical values. Communal life is sustained through the laws not through the common ethical system that is failed to be

produced. If the laws do not function well, then the individual immoralities will be legitimized. After that, people will be involved in corrupted acts either to prove themselves that they are not “foolish” or because they are too smart. If your position in the business world or social life is more meaningful than how you got there, the collapse of the ethical norms will be normalized especially if there is a system encouraging it...Besides, since the society is used to these kinds of corrupted acts, there are not many reactions against these people. To be used to these acts is a phenomenon that has been going on for ages. It would be more weird if there was not getting used to it; the society would not maintain its existence without getting used to these. With time and to the extent they get used to this, the society learnt to gravitate towards narrower worlds to give meaning to their private lives and to be happy with this. Meanwhile the people with corrupted acts learnt to hide this.

For Turkey’s stance, the fundamental thing is the fact that morality is only valid for people’s private lives. Stealing from the state is perceived to be normal and stealing from the neighbor is considered wrong and this can be explained by the perception that state is not considered to be the common state for everybody. In the perception about state there is no space to think that “state only does public work and citizens are part of it.” In other words, state is something that nobody knows what it is but has a different opinion on it. For example someone who reads the news about a forest fire started by land mafia, might turn the pages thinking that “the forest is not mine, what can I do?”

The state is a privileged domain outside of the society. Despite the low wages, each time a position becomes available in the public sector, there are thousands of applications. They try to find ways to get that position and this is all because people want to be involved in the privileged domain of the state. Essentially the prestige of the position within the public domain is not so important, what is more important is that it gives people the opportunity to get into certain networks.

When the society does not see the state as a regulatory tool, it is inevitable to depend on pseudo regulatory devices. For example a “good/fair” feudal landowner might be preferred over state because the state is not a “good/fair” landowner. It is a landowner that might favor anyone at anytime. In a state perception like this, any kind of corruption will create equalities and will be a legitimate corruption. When this kind of a system is established, what is important for the society is the presence of an authority where they can resolve their problems and this does not have to be a state apparatus. And this of course causes the state to lose its

authority. Briefly, the structure of the state today and the dynamics of state-society relationship is the cause of corruption both today and in the past.

“When the share of the public in the economy increases, the corruption also increases” does not reflect the truth so much because the real determinant is not the amount of the share but the mentality. When the share of the state in the economy increases the corruption does not necessarily increase. If the perception of the state is as it is detailed above, a growing state will mean better opportunities. Besides, the rapid progress of Turkey led to the impression that corruption is a tool to create financial resources. Anatolia is moving to the west of Turkey and a new kind of bourgeois class is emerging. As new financial agents are emerging, the demand for resources that are being used by existing players is increasing. Two things can happen at this point; the fight over the resources (old ones vs. new ones) or the expansion of the resource pool. Turkey’s preference has been for the applications that “somehow expanded” the pool.

The change of the picture is only possible through the expansion of the political scene. All of the major issues in Turkey have been agreed upon without the politicians; the politician had information on some of the decisions after they were taken. He cannot be a part of the decision process. Under these circumstances, what is left to the politician is a grand domain for economy and public relations. Those who know that they cannot be involved in politics for fundamental issues and problems, have kept their distance from the politics leaving the domain to those who have been or who want to be in the rent-seeking channels. When the power and efficiency is supplied from the people around, the main goal becomes filling up the networks with as many people as possible. “Favoring” and “patronage” are normalized and the politician who opposes this is regarded as “unsuccessful” or “useless”. Turkish society which went through a top to bottom modernization process has been introverted in extent of this modernization and has developed a “hypocritical behavior pattern” about ethics, during this introversion. For example, the tradesmen who are not affiliated with using debentures, who can run business on promises given by people they do not know, are comfortable with not paying taxes. Within the network that is defined as private sphere of the tradesmen, everybody has an enormous trust and ethical stance towards each other. The domain that is left out is uncertain and any agent of this domain – for example the tax controller- can enter into the business at any time. If the tradesmen learnt from the previous experiences, that they could resolve the situation with bribery, corrupt act will exist. Most probably, those who bribe the others will not also ethically resent this. The situation occurred in a domain where he did

not see himself as part of; the representative of a “self-styled” authority is confronted and this confrontation will not be evaluated by personal moral values. The underlying cause of this situation is affiliated with a historical custom. In the Ottoman Empire until the Tanzimat period there were no public officers except *qadis* who got paid regular wages from the state. A fee was requested from those who benefitted from the services of the state. As it can be easily guessed, the path to bribery from this custom is quite short. By time the perception of paying the state officers for their services – even when it is their jobs to do so- has been internalized. With the establishment of the Republic, state structure has been formally changed but this mentality continued. Old perceptions and behavioral patterns have continued existing. Besides, the power that these state officers have, make it necessary to get along with them. The society has learnt long ago that the officers have the power to hinder the processes and services so they found a way to resolve their business by not aggravating the officers and by paying a fee that would not be an economic burden. Sometimes, even when an officer does not demand it, a citizen wants to give a “gift”. He/she does not expect a service from a state officer; when he is accustomed to bribe the officers, he feels bad about a good service from them and wants to reward these people who are doing their job right. Bureaucrats do not have sanctioning powers on others who have been unfair to the citizens because they are all administered by central government. All of them has evidence documents and files about each other. Therefore nobody wants to get involved in each other’s business. The citizen, who believes that complaining will not be of any use, thinks that corruption is natural.

### *Evaluation of the Target Group*

The judiciary system takes the first place in this. The financial dimension of the corruption that takes place in court is not so important; the more important thing is the fact that even the law can be corrupted because in this way corruption is legitimized. The corruption cases in the court encourage those who are inclined to be corrupted. The second place belongs to the media, who sees Turkey almost like a poker table. Media also sees itself as a player who has the gambling chips; a part of the game that goes on with bluffs and rests. The interest of media in corruption, the exposure of the corruption cases to the public should not be evaluated as an outcome of an ethical stance or principles possessed. The main point is what that media group aims, what kind of a government or Turkey they want to see. In essence media tries to figure out, which factors they can affect by giving corruption news. Business world comes

right after the media and judiciary system. Rather than breaking the system, the businessmen try to find ways to maximize their decisions in a corrupt system.

It is not realistic to expect a change in the existing political cadres unless the domain for making politics is expanded or the meaning of getting involved in politics is changed. In this sense, one has to be careful when he evaluates the connection between the politicians and the corruption. There might be 20-30 politicians that are involved in corruption in the whole parliament of 550 MPs which can be regarded as normal. Besides, recently a new idealistic stance can be observed in the behavioral patterns of the politicians. Of course the politicians are not innocent; but corruption exists in the triangle of the politician-bureaucrat-businessman. The individual attempts of the idealist politician to change the system, cannot go beyond dreams. At this point it is quite important to remove all the immunities. The need for politicians in Turkey is big because there is a need for a structural change which can be adaptive to the speed of change for the society. In the final analysis, this change will be made by the politician. The realization of the demands for structural changes by NGOs is limited. Nothing can be done without the support of the politician. Right at this point, EU emerges as a critical anchor. It is not important to get a full membership to EU, it is rather more important to realize the structural change that is required to become of a member of EU.

### *Self-evaluation*

NGOs are organizations that are not so old and we can even not say that they are very powerful. Although they are not able to create waves of change, they evoke the sensibilities of some people. The common emphasis on the role of the NGOs can be seen as a sign that shows we stepped out of the liberal democracy. As it is mentioned above, modernity cannot produce a common ethical system and reciprocity in behavioral patterns. Therefore, the instinct for corruption is seen as a natural instinct. In this case a strong judiciary system is needed and if it does not exist, what is left at hand is the media. Yet, the media is not successful in realizing the duty that is expected from it, either. At this very point, the need for NGOs emerges. This is a concept of a different democracy at the same time. Therefore, it is not possible to meet the requirements of the liberal democracy by going to the election booth to vote anymore. A new system in which people feel like shareholders or in which they get involved to the extent that they find it meaningful, will emerge. The real question is how to make the energy of the NGOs functional in a new concept of democracy: Which institutions will the NGOs be

members or contributors of? Up to what extent will they be involved in it? Or will they go on with an external activism?

When we evaluate the relationship of NGOs with the struggle against corruption, through the case of Turkey, the mindset that was mentioned before comes forward once again because nothing is out of the existing mindset. Therefore being an NGO does not mean anything on its own. NGO is a format and it is very possible to support military coups or get involved in corruption but still be an NGO.

To evaluate the longing of the public for “clean society-clean politics”, the accumulated experience of ages should be looked upon. For example, in the Ottoman Empire the land was owned by the state. Although the regime was changed into Republic later on, the state did not want to give up on its land because ideologically, the state considers the land as more important than the citizen. The hegemony of the land by the state is more on the foreground. When the people are considered to be secondary, the ground for corruption also expands. The public has an awareness on this that is why they demand a clean society, if not, they do not want to use their energy on this.

### *TSHD*

Even when there are interventions time to time, the official stance against corruption has toughened in the 2000's in comparison to previous years. The main causes behind this were as follows:

- The change of opinions of the public officers about doing their jobs right because they believe that they will not receive severe reactions as they used to from their seniors.
- With the increasing pressures of the foreign businessmen who do business in Turkey international institutions the international institutions have set the struggle against corruption the very condition to start the business.
- As a result of the individual efforts and attentive behaviors of the political authorities, the resolution of the corruption in a better way

It is necessary to search for the causes of corruption within the mindset of the people who see the politics not as part of a public duty but as a way to profit from the financial opportunities and also in political structural pollution of the leaders` sultanate. Political leadership and

upper level bureaucracy affiliated with this leadership has been degraded in the last 20 years; and it has been subject to many corruption and bribery allegations. During the same period, the four presidents themselves, their families and circle of friends have received serious bribery and corruption allegations yet these allegations which have been a first in the history of republic have not been resolved. Within the expenditures of the parliament, president and the prime minister, serious corruptions have been identified. The political authority chose to cover these allegations and let them be forgotten rather than revealing them in a transparent public domain to be discussed. Even though these allegations have been forgotten, what has been permanent is the fact that the public started to perceive the top of the state as corrupted. The philosophy which states that “my officer knows what to do” nourishes this image and validated the proverb “the one who takes hold of the honey licks his finger”. The competition to get rich and to acquire assets has been the predominant philosophy in the administration of the state. Besides this, Public Contract Law even from the former periods has been a significant source for corruption.

The interviewee, who has responded to the question of how to prevent corruption in detail, thinks that it is urgent to make a transformation. The transformation is about changing the discourse of corruption that claims that it is a national threat, damaging the future of the country and the state, preparing the ground for social explosions into a national policy. He even claims that a meeting has to be organized with the participation of the president, the head of the parliament and all the political party leaders to sign a national agreement document realizing that struggle against corruption is far beyond political revenges and it is a national issue. In other words, corruption has to be dealt with on the state level, jeopardizing the future of the state and degrading the moral values of the society.

When the politics target group was reconstructed, it became evident that corruption allegations was evaluated on the basis of party interests, the leaders of the political parties started defending their parties without any hesitation against the allegations. They did not help with the judiciary process, when they waited for the resolution of these allegations. At times, the hushing up the corruption allegations was set as the primary condition for a coalition and they are used as a tool among parties for their political fight. In the context of the national agreement document, the concepts of national threat, problem of state, national politics, become important. Another issue that is at stake is to develop policies for the prevention of corruption and to ensure the implementation of these policies independent from the authority of the politician. The interviewee also recommends the establishment of an interim council

which will control the implementations and specify the strategies to struggle against corruption of the legislative organ of the parliament in the light of the principles identified in the national agreement document. A council like this will support the identification of the state policy in this matter and will help to control the implementation of this policy. It is also claimed that in order this council to have an independent and neutral stance, it should be established under the supervision of the president or the prime minister and respectable members of the society have to be a part of it. The commission will be a voluntary formation which will function for a temporary period and will report to the chairman of the parliament, to the prime minister and to public about the principles of the struggle against corruption. According to the interviewee, the corruption is not perceived to be a state problem because there is not any authority figure that can carry the common responsibility to the parliament and to the head of the state. If the political structure of a country is not democratized due to the incapability of the pre-election system and if the leaders and their administrative circle is dominant in every sense forming an organized anti-democratic movement, NGOs can play a significant role in the compensation of this structural weakness. NGOs can and should play an important role in the expression of the public opinion and the canalizing of their powers into the struggle against corruption. This kind of an effort would encourage the public in thriving for the truth: people with ethical values would be as brave as the corrupted ones. In this struggle, it is as important for the media to get transparent and got rid of the commercial interests as it is important for the politicians to keep their distance from trade affiliations.

### **Target Group Economy**

It seems as though, the corruption perceptions of interviewees are heavily shaped by the predominant international paradigm. Just like in the official texts, corruption is defined as beyond history and immanent to the state and also as “the abuse of public office for private gain”. Moreover, one of the interviewees declared that even the special anti-corruption commission established in the parliament did not define corruption and the difficulties that occur in private sector should not be regarded as corruption and might be defined as “irregularities”. They also added that accepting the corruption definition of the World Bank seems like the best solution.

There is a common argument, which claims that corruption is seen mostly in underdeveloped or developing countries where there is no transparency or accountability. Since Turkey is a developing country which lacks good governance, it is no exception to this. On top of it, corruption is more common in Turkey than it is in other countries similar to Turkey and it spread to all domains of life. Corruption is everywhere where the citizen encounters the public authorities; there is even a schedule of rates for bribery in the customs.<sup>36</sup>

The economic development that has accelerated after the 80's, increased the corruption in various ways. The fact that status and prestige of a person is mostly defined by money, has not depreciated these people in the eyes of the public. Moreover, the prestige that comes with having a lot of money, is so effective that these negative reactions are neutralized.

Politics used to be the domain to which the social elites directed their children; however these children of social elites have shifted to the business world predominantly to the service sector after 1980. They were replaced by the cadres who come from lower classes (that come from small towns and modest in the socioeconomic level) of the society. These new political and bureaucratic elites, want to be on equal terms with the economic elites and to realize this they can easily turn to decadent ways. 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.

By 1980, Turkey had shifted from the import substitution industrial model to an open economy growth model. The incentives given by the public to speed up this transformation has opened the road for corruption in two ways, starting with the tax return in export trade. First of all, those who wanted to benefit from the opportunities that have been given by the state, worked hard for the allocation of some of these resources by building up close affiliations with the political power.

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<sup>36</sup> 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 customs official even gives the change back. The rumor is that so as to be appointed as a customs 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.

Secondly, the people in power demanded financial and political support from those people in exchange for the allocation of these resources. However, a lot of people who assured their financial success not by making right financial decisions but making right political choices, moved away quickly from the business world when the political party they support was not in power anymore.

The parties of the process mentioned above are not only the businessmen and politicians. The bureaucracy which designs and distributes the incentive mechanism has been an important part of the game. The comparative analysis of an executive director, who had taken part in the public bureaucracy both before and after 1980, is quite interesting. 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.

The fundamental reasons of corruption which are highlighted in the official documents are stated by the interviewees as well. 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,
- Decentralization.

### *Political Party Financing and Corruption*

It is believed that in every step of corruption, there is the issue of politics and party financing. 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.

### *Conclusion (on prevention)*

The political immunities have been regarded as an important obstacle in struggle against corruption. The common opinion of the public has repeated itself here once more: 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 brought 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 is subject to the permission of their administrative authority. This is an unacceptable situation.

Political will is considered as 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 follows;

- 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.

### **3. Conclusions**

When the findings obtained in the first and second phase of the study are evaluated together, there appears a noteworthy distinction between the approaches mentioned in the official documents and the ones developed by the interviewees. When the discourses that take place in the documents created by the target groups are checked (definition wise and cause, effect and resolution wise) it is evident that the predominant corruption paradigm is imported by the elites in Turkey. In the documents discussed, there is an analysis of corruption regardless of the cultural elements, sociological base and the political manners. One comes across to discourses that legitimize the shrinkage of the public in these documents. This discourse is also adopted as a prerequisite of being European or a member of EU. This situation is intensely felt in the “Economy” and “NGO” target groups. However there is a hypocritical stance within the “Politics” target group. This case can best be described by the approach that says “if the case is about me it can never be corruption, if it is about my opponents it definitely is corruption”.

The picture that comes out of the reconstruction process of the interviews done with the names that are in the target groups, is about how the crimes of corruption whose boundaries context and resolution recipes are defined by the international financial institutions, cannot find their right niches in the perceptions of elites in Turkey. These conclusions provide significant clues to why the mainstream resolutions imposed by the western institutions cannot be solutions for Turkey even if they are applied.

Concerning the politics target group, there is a perception developed around two main axes. First of these is about the guardianship characteristic of the regime. The second one is related to the internal structure of the politics. According to the first one, in a regime where the manoeuvre space of the politics is limited by the main security actors and the bureaucracy

what is left for the politician is their intervention into the distribution mechanism as an instrument of their act of making politics. As a result of this, the politician himself adopts nepotism, clientelism and populism as instruments providing him the legitimization he looks for.

The main instruments that the politician uses in this direction are,

- The distribution of the land which still lacks the cadastral surveys and has rapidly gained value as a result of rapid urbanization caused by the internal migration
- To work almost like an employment agency due to the insufficient contribution of the private sector to the unemployment conditions of the country caused by the population increase and the dissolution in the agricultural domain. The politician is in a specific effort to accommodate the young unemployed voters to public offices in return of their votes and political support. The lack of “political will”, which is necessary to meet the demands of the international predominant paradigm that defines clientelism and nepotism as corruption, is in fact nourished by a fear that seems rational within itself: the loss of instruments to make politics. The main problem here is caused by the way in which politics is made. What seems to be more important for the politician is to struggle against the institutions or the people – extensions of these institutions- that narrow their space of movement rather than creating rational and applicable policies. When this is the case, to sustain existence in the political domain is directly related with providing specific interests to certain groups. This has turned politics into a public relations mechanism.

Secondly, the hierarchical structure of the politics is mentioned. The main characteristic of the political parties in Turkey is the hegemony of the leader. Therefore to be elected as an MP or to stay as an MP (to run as a candidate and to be reelected) is in the power of the leader. Thus loyalty to the leader is more important than the loyalty to the voter. On the other hand, in order to be an MP the politician needs to have enough financial assets and social networks. These are necessary both for the financing of the political party and the politician himself.

Yet, in most cases it is not possible for the politician to achieve this financial power with his own assets. At this point the politician become indebted all those who finance him. The financiers (this group is mostly composed of the people and the groups, particularly the contractors who do business with the public sector) expect the politician to use his power in their favor, through all the times he is involved in politics. Apart from those two main axes, it is claimed that corruption is used as an active propaganda instrument in the struggle among

the political parties. At this point, it is emphasized that the Turkbank case actually is the instrument of another political struggle. When the politics is going forward with left to right dynamics mentioned above, the normalized relationships among the politician-voter-financer are suddenly set as the examples of corruption by the political parties during the election periods. Almost all the interviewees, except from the politics target group, points out the politician as the main actor of corruption. However, corruption is not the act of a single person, namely the politician. It is claimed that the immunity of the politician stands to be an important obstacle in the struggle against corruption in Turkey. A generally accepted proposal is the limitation of the immunities by political acts and freedom of speech but almost all the interviewees are hopeless about a decision from the parliament in this direction.

An important issue that is raised in the self-evaluation of the politics target group is the close supra-party relationships of local authorities with the MPs. When the conflicts among the parties still go on before the eyes of the public, there is another agenda under the roof of the parliament. Most of the MPs, like the members of an elitist club, are in a solidarity that favors their own interests. In the local authorities level, these sorts of relationships show up mostly in the commissions that closely deal with the urban rent-seeking.

Judiciary defines itself as the target group that is least affiliated with corruption. However, there is a significant perception difference in the evaluation of any kind of bribery case as corruption. Between a judge or prosecutor who is bribed and a clerk who is bribed, there is a normalization in favor of the latter. What lies behind this normalization is the view that states bribery does not affect final decisions it is just an instrument that speeds up the legal process by reducing bureaucracy. On the other hand, the low wages of the legal officers is put forward as the most important factor that legitimizes this practice. Even though the authorities mention that people working in the legal system are stuck in between the conscience and the wallet, they still claim that there is no systemic corruption in the judiciary. The individual corruption cases in the decision mechanisms are connected with the decreasing quality of the judges in the legal system which started to be the case mainly after the 1980s.

To put in another word, the hard working conditions as well as the low income level of judges push the highly qualified law school graduates away from choosing this profession.

The interviewees define corruption much wider than the Turkish legal system does. Accordingly, intentional or intentional, omissions of certain corrupt acts by the lawmaker from the legislation, does not necessarily mean that they cannot be classified as corruption.

According to the interviewees of this target group, the main reason the lies beneath the effort of blaming solely the public sector for corruption should be sought in the choice of a certain economic ideology.

Judiciary is the target group which has almost no serious expectation from the foreign anchors in the prevention of corruption in Turkey. The major reason of this approach is due to the fact that corruption is perceived as a systemic problem and above mentioned foreign anchors are just parts of the system. In other word, the institutions of the Western World which have a monopoly on setting the universal standards and demanding their implementation at the same time avoid the fact that so far, corruption has been the main instrument of the capital accumulation. The idea of combating corruption was brought to light right after this accumulation process had been interrupted at the expense of the big players of the global system.

Both in the official documents and in the interviews, the common point highlighted in the police target group is that corruption in Turkey is not as widespread as it is made out to be and the security forces are struggling against it with their full power. Their main concern seems to be the protection of the state institutions. Corruption is regarded chiefly as a security problem. Although it is related with certain socio-economic as well as administrative reasons, combating corruption is thought to be realized by mainly security forces and the legal actors. Especially the official view is in this direction. Corruption, in the context of both its reasons and combating tools, is defined in a very narrow sense. It is assumed that corruption would decrease only if the role of the state in economy could be reduced.

Another common point indicated both in the documents and the interviews is that the police force in Turkey punishes corrupt acts that take place in its own group without tolerance. Moreover, it is frequently stated that the police force is stigmatized on the basis of the corrupt behavior of the few and the alleged corruption cases are sporadic in nature. Nonetheless, the rest of the target groups state that bribery is exceptionally widespread among the police force (especially among the traffic police) to such an extent that it is perceived as a standard procedure in the daily life of the citizens and a large number of high level police officers have relations with the criminal groups.

In the interviews of the police target group, the thin line between bribery and the gift is vague. Gifts are regarded as the token of the citizen's gratitude towards the ones who protect them.

The frequent emphasis made on the low income of the security forces can be evaluated as an argument that seeks to legitimize the bribery in the police force

At the same time, although mediocrity is stated as one of the primary reasons of corruption, the dubious recruitment standards in the Turkish police force are passed up.

As previously stated, when assessed through the cases, the general attitudes of the Turkish media groups show a great similarity to those of the politicians in the sense that they promote anti-corruption not as a definitive end but as an instrument to externalize their rivals that act contrary to their interests or choices. In fact, in the mid 1990s, with the rise of the RP (which, by means of an Islamist discourse succeeded in gathering the support of the peripheral groups pushed aside by the central actors), the political polarization that came to surface on an ideological level directly influenced the discourse of the media groups on corruption. While evaluating the approach of the different media groups (grouped as “pro-secular” and “pro-Islam” for the sake of simplification in this study) to the corruption problem in Turkey it seems important to remind that beneath this polarization there has always been a severe competition on the allocation of economic resources going hand in hand with the struggle for political power. In other words, the corruption related news in various media groups should be read while bearing in mind the specific nature of the economic relations between these media organs and the political authority. This view reveals itself in the interviews though not in the documents.

In order to understand the media’s changing attitude related to Turkbank case, one has to keep in mind the conjunctural developments that are summarized in the target group politics. The foundation of AKP (14 August 2001) coincides with a period where the costs of grand corruption have been well recognized and where the political parties that had governed in the 1990s lost their legitimacy entirely in the eyes of the public. The mainstream media, for the moment, had no interest to enter into conflict with this new political movement which declared itself as “conservative democrat” and “pro-EU”.

All six of the target groups, do not consider the media in Turkey as the fourth estate, i.e. as the guardian of the public interest, especially if the corruption is in question. The “clean society” discourse which has been a popular discourse for a particular period of time by the mainstream media organs, had in fact been used as the instrument of a different power struggle and the concept had been emptied by the media itself. In most of the cases, the corruption news is believed to take place in the media because of the conjunctural needs of

the media patrons. The patron, who also has businesses in other sectors different than media (banking, energy, and telecommunications), chooses either to use the insider information he has about the corruption of his opponents, the government or bureaucrats for his own good or to ignore it.

Such a structure of the media, force the journalists to apply a variety of measures, ranging from self-censoring to misinformation on the subject of corruption. Nonetheless, it is still due to the media that a considerable amount of corruption cases have come to light

According to the dominant paradigm, NGOs are regarded as the key institutions for the raising public awareness of the corruption issue. Yet, one of the most significant conclusions stemming from the analysis employed here is that the NGOs in Turkey are not perceived as functional for fighting against corruption by the rest of the target groups. NGOs until now have not succeeded in establishing organic relations with both the public and the decision making bodies. Moreover, an NGO, as stated by a director of an NGO, is just a format all by itself. To be an NGO does not mean anything unless it participates in the decision making process. The essential problem is how the NGOs' energy could be channeled towards this particular shared goal with a new set of democratic rules which for the time being are not compatible with the existent Turkish political system

The corruption perceptions of the institutions and the interviewees that belong to the economy group overlap with each other. The arguments regarding reasons and consequences of corruptions as well as the methods to struggle against it are no more than the repetition of the discourse developed by the international economic institutions. According to this target group, corruption is seen solely in public sector. In the private sector, however, there can be only irregularities.

The main criticism made about the economy target group by the rest of the target groups is that the businessmen do not refrain from being a part of corruption as long as it accelerates the accumulation process and provides unfair competition in their favor. Right at this point the business world is divided into two spheres: the big corporations (TUSIAD) most of which already have or want to establish links with multi-nationals, evaluate corruption as a major problem and demand the implementation of serious anti-corruption measures (in line with the international anti-corruption paradigm) from the administrative authorities and the politicians. On the other hand, there is the Anatolian capital, which in the previous periods traditionally was left out of the opportunities that the State provided for today's big corporations.

Therefore, like their predecessors they are currently finding it easier to lobby for resource transfers than to compete for wealth in an open marketplace. These firms, labeled as “green capital” by the mainstream media, which are mainly concentrated in the Anatolian cities like Konya, Kayseri, Malatya and Gaziantep, are considering the current government as their representative.

The governments in Turkey provide certain privileges to the capital groups that support them. The privileges are designed according to the needs of these capital groups, most of the time in such a way that the existing rules and limits are either bent or stretched. In other words, the private agents in Turkey, to a large extent, have accumulated capital through rent-seeking economic activities. Likewise, the current government, while dealing with the corruption of the previous governments, is generating new privileges for its supporters. At this point, the attempt of the big business (TÜSİAD) in Turkey to set certain ethical standards for their members as well as its appeal to the government for the implementation of a more efficient anti-corruption strategy can also be evaluated in the context of its struggle with these relatively new adversaries.

The main criticism addressed to the grand capital group is about their hypocrisy in their anti-corruption war. In other words, while they openly indicate that they fight corruption, they stand against any initiative for reducing the exploitation of labor in the name of competitiveness. Therefore, they are responsible for the biggest corruption. They are criticized for emptying the meaning of the corruption concept for their own favor.

As for the perception of the target groups related to the “ordinary citizen-corruption (bribery)” relation, majority of the interviewees identified bribery as a tool of survival for the average man on the street who himself is not as innocent as generally claimed. The average man, despite its enthusiastic declarations about the anti-corruption struggle, never hesitates to have recourse to bribery so as to avoid any potential problem with the State apparatus. As a result the average citizen in Turkey is inured to petty corruption. Moreover, as an Ottoman heritage, the average person in Turkey does not trust the State as well as anyone but the member of his or her close entourage. Everyone prefers to stay beside his relatives or friends as much as possible. In this sense, Turkish society is communitarian. Since the *raison d'être* of the Turkish State has never been (perceived as) the provision of services to its citizens, the members of the society act according to the requirements of the communities that they belong

to, rather than those of citizenship. This situation therefore, brings along the internalization of nepotism and patronage as a natural part of life.

The common opinion of the all interviewees is that corruption has increased considerably after 1980. Economic liberalism “alla turca” has brought about a considerable weakening of bureaucratic institutions, which until then, had been claimed to be based on virtue ethics. In this period, the rules which in reality had never been internalized by the society in general and yet followed to an extent due to the fear against the State disappeared. The absence of the tools and the mechanisms of civic monitoring that could replace the functions of the state institutions in this process, increased anomie and lawlessness in Turkish society

According to the researchers of this study, the expectation that corruption in Turkey can be reduced through the implementation of legal-institutional restructuring measures, especially in the context of the latest IMF agreement and EU requirements are open to discussion for two main reasons: Firstly; the main thing that would prevent corruption is not the rule of law but the the extent of the priority given to the notion of “clean society/clean politics” in the value system of the individual. The second argument related to the first statement is the society’s resistance against embracing the rules whose rationality is not internalized due to the fact that they are externally imposed rather than arising out of an inclusive process of dialogue and negotiation. The source of norm, let it be the Turkish State, EU or IMF, would not change this situation.

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**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 CROATIA:**

**A Comparison of Findings of the First (Documents Analysis) and Second (Interviews Analysis) Project Phase in Croatia**

Period covered: from January 2008 to July 2008

Date of preparation: July 2008

Start date of project: 1<sup>st</sup> January 2006

Duration: January 2006-December 2008

Project co-ordinator name: Prof. Dr. Aleksandar Stulhofer

Project co-ordinator organisation name: University of Zagreb (UZAG)

Revision (draft 1)

## 1. Introduction

The research on corruption has some history in Croatia (Budak, 2006), especially after 1990 when the post-communist transition started. It suggests that there is a widespread public belief that corruption could be found almost everywhere in the society – from the top, to the bottom. Fragmentary research data and anecdotal evidence also suggest that the tolerance towards the petty or low-level corruption (“favor for favor”, “service for service”, the habit of handing out small gifts to public servants, etc.) is much higher than towards the high-level corruption, which has recently been tackled by the State Office for Combating Corruption and Organized Crime (Kufirin et al., 2008).

The FP6 project “Crime as Culture”, focused on the perception of corruption in seven European countries (including Croatia) started in 2006. It has been coordinated by a Consortium of several research institutions and it consisted of the three distinct phases. In the first, research methodology was developed and applied to materials related to two chosen cases of corruption (a low-level and a high-level corruption case) in each of the participating countries. The method used was the Grounded theory approach that focused on discovering various patterns of corruption perception within expert elites. In Croatia, the two cases analyzed were: (a) financial issues associated with the last presidential campaign and (b) alleged corruption in the city of Zagreb homes for the elderly (Štulhofer et al., 2007).

In the second phase, the same methodological approach was used to interview the representatives of six major expert groups (police, economy, legal system, politics, the media, and civic sector). Selection of interviewees was based on two principal criteria: (a) high position within institutional hierarchy and (b) some professional experience with corruption-related issues.

The interviews covered a range of topics, such as: personal definition of corruption, assessment of corruption in Croatia and of the new anti-corruption strategy launched in 2006, the role of the EU and NGOs in combating corruption in Croatia, the treatment of corruption in the media, assessment of the public perception of corruption, the role of cultural/political heritage in the dynamics of corruption, and the dynamics of corruption prevention in interviewee's working environment. The research material, collected during the March-May

2006 period, was coded and analyzed to discover the existing patterns of understanding corruption within the target expert groups.

Comparisons between the target groups were carried out on the basis of the following categories: (a) definition of corruption, (b) seriousness of corruption in Croatia; (c) main *loci* of corruption; (d) dynamics of corruption; (e) roots/causes of corruption; (f) consequences of corruption; (g) public perception of corruption; (h) corruption and trust in institutions; (i) the role of the media; (j) the role of NGOs; (k) measures for combating the corruption; (l) the Role of EU; and (m) internal anti-corruption mechanisms. This second project phase resulted in empirical verification of the six ideal types of the understanding corruption among Croatian experts: the Public Relations model, characterized by simplified, often populist and one-dimensional definition of corruption, the Expert model, that entails complex and comprehensive assessment of corruption, the Nuisance model, characterized by the lack of clear definition and anti-corruption ambitions, the Human Rights model, which offers a comprehensive approach to fighting corruption, the Pragmatic model, based on comprehensive legal-political definitions and political constraints in fighting corruption, and, finally, the Ignoring model (Štulhofer et al., 2007).

According to the analysis (Kufirin et al., 2008), the understanding of the mechanisms that facilitate corruption in Croatia seems to be rather high among the interviewed experts. Different mechanism and generators were clearly described, most notably political clientelism and state capture (Hellman, Jones, & Kaufmann, 2000), deeply rooted socio-cultural norms (local, kinship or politically-based social networks and the system of traditional obligations), and insufficiently professionalized and underpaid public administration.

In this paper, which presents the final project phase, we outline some policy-oriented insights based on a synthesis of the earlier project activities and the round table discussions with a group of experts.<sup>37</sup> After a brief methodological section, the analytic part of the paper is divided into four sections, each focusing on one of the major dimensions in the combat against corruption, which has become a crucial point in Croatian accession to the EU: (1) research on corruption, (2) sanctioning corruption, (3) preventing corruption, and (4) increasing anti-corruption awareness. This brief analysis should not be mistaken for a set of policy recommendations. Our ambitions were much more modest and limited by empirical

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<sup>37</sup> The round table discussion session was held on May 6, at the Faculty of Humanities and Social Sciences, University of Zagreb. The authors would like to thank all participants for their invaluable input and support.

data at our disposal. The aim was to provide some coherent and evidence-based material for a focused and realistic discussion on the major anti-corruption activities that should be carried out in Croatia in the next 12 to 18 months.

## **2. Methodology**

In the interviews with the representatives of expert groups carried out in the second project phase, combating corruption figured as a prominent issue. Experts were asked to reflect on the strengths and weaknesses of the second national anticorruption strategy and its likely effects, comment on the mechanisms for fighting corruption in their professional environment, evaluate the role of various actors involved in combating corruption, and suggest appropriate anti-corruption activities and measures.

In the analysis of the interview transcripts, various codes attached to particular statements concerning the fight against corruption were joined in family of codes "fight against corruption". For the purpose of this paper, all the citations connected to any of the codes in this family have been extracted and re-examined in search for proposed activities and measures. The procedure has resulted in almost 150 expert citations referring to various measures or activities. However, the list was very redundant: similar measures and activities were proposed in most interviews. Identical proposals and issues were often stated at various levels of generality or at different points during the interview. The observed redundancy was reduced through joining similar proposals the same, more general heading. The reduction of the list was done independently by two researchers, and has resulted with practically identical lists containing, approximately, a dozen of items. Further analysis has suggested that further generalization would be possible by distinguishing between the following general groups of activities:

- (1) Research on corruption
- (2) Prosecuting and penalizing corruption
- (3) Prevention of corruption
- (4) Strengthening anti-corruption awareness

During the brainstorming roundtable with experts (May 2008), the digested list of activities (expanded with typical measures; cf. Appendix) was discussed and the relevance, contextual

strengths and weaknesses, and costs and benefits of the proposed activities assessed in a free flowing exchange of ideas. Unlike in the interviews, where it was only implicitly present, the issue of general political will for fighting corruption was strongly emphasized in the roundtable discussion. All the discussants agreed that political will constitutes the crucial prerequisite for efficient combat against corruption. It was suggested that even the already existing measures could considerably curb corruption if supported by genuine political motivation. Most discussants expressed strong disbelief in the existence of readiness to fight corruption among members of the ruling political elite.

### **3. Research on Corruption**

Research on corruption is an essential element of the efficient anti-corruption strategy. However, since corrupt practices occur in the 'gray area' of social behavior – which makes measuring the real extent of corruption impossible – the research on corruption is often illustrative and suggestive at best. Indirect approach to measuring corruption (via its perception) is prevailing and although it remains open to criticism it is usually assumed that perception of corruption is an approximate indicator of the real level of corruption (Lambsdorff, 1999). Such indirect approach remains less valid for assessing corruption at any particular point in time than for analyzing the dynamics of corruption over time. Hence the importance of longitudinal research studies.

#### *Assessing the Perception of Corruption*

So far, Croatia has been included in a number of research studies on perception of corruption, both on local and international levels. Corrupt behavior among civil servants was assessed in 1995 as a part of the World Value Survey, in 1996 (the Croatian Social Capital Study), in 1999 (the European Value Study), and again in 2003, as a part of the South East European Social Survey (Štulhofer, 2004; Kufirin et al., 2008). The results pointed to an increase in perception of corruption among civil servants. Yet, in 2006, Croatia was for the first time participating in the International Social Survey Programme (ISSP), which included a couple of relevant questions. The new and still unpublished results suggested a slight decrease in perception of corruption.

Although the aforementioned studies provide interesting data, they do not constitute systematic monitoring. What comes closest to it are two annual international studies conducted by the Transparency International (the *Corruption Perceptions Index /CPI/* and the *Global Corruption Barometer /the Barometer/*). CPI is a composite index based on expert assessments and the Barometer is a public-opinion survey. Croatian CPI for the year 2007 (4.1) indicated improvement<sup>38</sup>. It is the best Croatian score since the beginning of this survey in 1999, when the corresponding value was 2.7. Again, this put an end to the negative trend which lasted from 2001. Both the ISSP and CPI scores may reflect recently more active and successful role of the State Attorney's Office for Combating Corruption and Organized Crime (USKOK) and the increased media interest for the coverage of corruption cases. Notably, the latest available Barometer data suggest that the judiciary, health care system, private-sector business, political parties and the Parliament/legislature are perceived as the most corrupt sectors/institutions of the Croatian society (Transparency International – Croatia, 2007).

### *Conceptualizing the Term*

In order to successfully investigate and explain corrupt practices and their societal perceptions, one needs to be aware of some conceptual specificities of the term *corruption*. It is important to go beyond the strictly legal definition and compare it with more informal, socially connoted everyday meanings. While there are some practices and acts most ordinary people would agree in naming corrupt, such as bribery, paying for legally available service, extortion, etc., there may be some cases of (legally) punishable acts that people do not consider corruption, or *vice versa*. These may include various forms of conflict of interest that were traditionally absent from collective consciousness (lack of understanding) or some practices that citizens do not perceive as corrupt since they are habitual (legitimized by tradition). Although no relevant systematic data exist in Croatia, there seems to be a substantial difference in understanding – and the willingness to justify - the high vs. low-level corruption, as shown in Romania (Uslaner, 2008). None of these important and culture-dependent nuances are covered by the present research. A better understanding of the cultural impact on conceptualization of corruption remains, therefore, a crucial task.

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<sup>38</sup> CPI score ranges from 0 to 10, where 0 indicates a highly corrupt society and 10 a corruption-free society.

### *Cultural vs. Rational Tolerance of Corruption*

A differential tolerance of corruption among citizens is associated with specific social constraints on committing corruption. It would be wrong to ascribe the differential treatment of corruption solely to monitoring and sanctioning capacities. As Moreno argued, "corruption has a cultural side, and most societies have a certain degree of corruption permissiveness, with some of them being, on average, more likely to justify corrupt practices than others" (Moreno, 2002:496). It is highly likely that some corrupt practices in Croatia are culturally acceptable due to certain traditional (informal) norms and regulations. For example, it can be often heard that the gift-giving practice does not constitute bribery, but simply expresses gratitude (which might pave the way for a future exchange of favors). Yet, it is important to differentiate between the social acceptance or willingness to tolerate some forms of corruption and a rational decision to do so because it seems to be either the easiest or most beneficial option. In that respect, not all corruption tolerance is culture-specific. Actually, a large part may be the result of a cost-benefit strategy<sup>39</sup>. Corruption can, thus, breed tolerance, which allows for persistence of corruption.

Although it is probably true that corruption can never be completely eradicated, it is important to take into consideration both habitual and cost-benefit sources of tolerance toward corrupt acts in the combat against corruption. Unfortunately, the existing body of research does not offer any systematic insight into socio-cultural roots of corruption and its tolerance in Croatia. No empirical data is available on a more rational (i.e. less norm-oriented), cost-benefit rationale for tolerating corruption, either. This emphasizes the importance of designing and initiating qualitative studies focused on the everyday phenomenology of corruption.

### *Evaluation of Anti-Corruption Activities and Measures*

In order to improve existing and future anti-corruption activities and measures high-quality research evaluation is needed. Successful public policies are usually based on the analysis of preceding attempts. Up to now, the Croatian Government has adopted two National anti-corruption programs (in 2002 and 2006). Unfortunately, no evaluation was carried out following the introduction of these programs and related action plans (2006). This could

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<sup>39</sup> As in the situation where citizens can not legally obtain certain services that they are entitled to.

suggest that the main aim was window dressing or appeasing the EU, which has repeatedly insisted that curbing corruption is one of the central prerequisites for Croatian accession.

In May of 2008, newspapers reported that the Minister of Justice announced the finalization of the new Anti-corruption strategy. The document should contain the first systematic analysis – though not an empirical evaluation - of the former National program. It was also announced that the corresponding Action Plan, which will be annually revised and updated, will strictly monitor the implementation progress.

Significantly, it was also suggested that the new Strategy will pay special attention to the measures aimed at combating high-level corruption. As Nieuwbeerta, De Geest and Siegers (2003:140) emphasize, "there are several arguments for the view that street-level corruption is different in nature, requires different anti-corruption strategies, and is less harmful to the economic system than high-level corruption". However, it is also the fact that the renewed EU pressure focused on high-level corruption, rather than its street-level forms. The new strategy emphasis on the high-level corruption was not met by more detailed and stringent regulation of the conflict of interest and public servants' property cards.

Traditionally, newly introduced public policies in Croatia are not considered as social experiments. This is a serious and systematic flaw in the process of policy development and implementation, which needs to be corrected. All new policies need to be regularly evaluated and, if needed, retracted or revised according to evidence. In the light of suboptimal effects of previous anti-corruption strategies, such an approach is a necessity – particularly in the context of combating corruption.

#### **4. Prosecuting and Penalizing Corruption**

While curbing corruption remains the required condition for Croatia's EU membership, the actual combat against corruption still lacks clear strategy and systematic approach. It is often suggested that serious anti-corruption activities are impossible without far-reaching institutional reforms and a thorough de-politicization. For, as the argument goes, as long as the heads of hospital wards and universities or members of the supervising boards of large

companies are appointed following political allegiances, any serious attempt at curbing high-level corruption is largely doomed.

One of the interesting, but predictable, differences between the low and high-level corruption is that the former - even though they are present in the media as often as the high-level corruption cases – are more likely to be prosecuted. Apart from the fact that high-level corruption is less likely to be allowed to be prosecuted, there is an overall problem with finding evidence sufficient for prosecution and, eventually, penalizing. Among other things, this calls into question both the appropriateness of the legal framework and the judicial expertise and impartiality.

Although it is probably true that the number of reported corruptive acts in Croatia, as well as internationally, remains insignificant in comparison to the real extent of corruption (Kregar, 2003), an increase in the number of prosecuted corruptive acts and strict sanctioning are among central characteristics of an efficient anti-corruption policy.

**Table 1 - Criminal offences against official duty**

<i>Year</i>	<i>Reported cases</i>	<i>Indictments</i>	<i>Indictment ratio (% of reported cases)</i>	<i>Convictions</i>	<i>Conviction ratio (% of indictments)</i>
<b>2002</b>	1314	588	44,75	265	20,17
<b>2003</b>	1774	633	35,68	340	19,17
<b>2004</b>	1871	705	37,68	330	17,64
<b>2005</b>	1557	649	41,68	267	17,15
<b>2006</b>	1873	776	41,43	328	17,51

*Source: Statistical Yearbook 2007 of the Central Bureau of Statistics, Zagreb*

Data presented in Table 1 confirm an increase in the number of reported cases during the 2002-2006 period. However, the indictment and conviction ratios – reflecting, to a certain degree, prosecutorial and judiciary efficiency - were higher at the beginning of the period than at its end. As for strict sanctioning, in 2006 only 11% of 328 convicted persons were actually imprisoned and most of them up to 30 days. (Others were only fined.)

A vicious circle may be at work here. If reporting corruptive acts is mainly left to citizens, as it usually is the case, a possible explanation of the slow increase in reported cases could be the consequence of the widespread skepticism regarding the quality and impartiality of prosecutorial and judiciary work. In the situation where only a fraction of cases results in (minor) sanctions, usually after a number of years, citizens' sense of justice and the importance of whistle-blowing may be weakened by the rising feeling of futility. This, in combination with fear – the media reported about a number of cases in which the persons accused of corruptive activity were not prosecuted, but those who reported them were dismissed from their posts or even physically attacked – could account for a small number of reported cases of corruption. Only recently has a new amendment to the Bill on State Officials provided some legal protection to whistle-blowers.<sup>40</sup>

It is often forgotten that legal sanctioning of corruption represents only one, though probably the most notable form of penalizing corrupt behavior. Although it seems culture-specific, moral sanctioning of corruption may be an important additional deterrent. In countries with low tolerance toward corruption, professional and public ostracism of individuals involved in corrupt activities help to keep the rewards from corruption low and the costs high. The questions of whether, and how, could such moral sanctioning of corruption be strategically developed (in a country with rather high levels of tolerance toward corruption) remains open, but it seems likely that a campaign that would re-frame this moral imperative as an issue of national pride would require substantial de-politicization and high levels of trust in the government and state institutions. This seems highly improbable in a country where no high-positioned civil servant ever resigned after he/she was confronted with allegations of corruption. This problem is exacerbated by the existing state capture tendencies, which remain officially unquestioned in spite of frequent proclamations of the “political will to combat corruption”.

This formalism was reflected in the recently appended Bill on the Prevention of Conflict of Interest in the Execution of Public Duties. New amendments were introduced to extend the list of public servants who would be under the jurisdiction of the Bill and to specify their obligations. Two major flaws remained. Firstly, members of various political parties will continue to constitute over 50% of the Parliamentary Committee for Conflict of Interest, the

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<sup>40</sup> The Bill ensures the whistle-blower is legally protected if sufficient evidence against the accused is found. If not, the former could be fired and even legally prosecuted.

main monitoring body. Secondly, the sanctions prescribed by the Bill for norm violation are either unclear or marginal.

## **5. Prevention of Corruption**

Corruption prevention is the core element of any comprehensive anti-corruption strategy. In this brief section we focus on the activities and measures aimed at preventing corruption that were suggested in interviews with experts from the six target groups carried out during the second project phase and/or discussed at the recently organized round table (cf. Introduction). Behind the activities mentioned there was a general presumption of an existing political will to curb corruption. Clearly, the success of any anti-corruption strategy is determined, initially at least, upon the decision-makers' support and commitment.

A simple classification of anti-corruption activities should distinguish between: (a) activities that make corruption more difficult or costly, and (b) activities that diminish rewards and returns from corrupt acts. The first category includes activities such as simplification of legal framework (for example, overly complex procedure of public procurement), improving decision-making transparency – especially if economic transactions are involved or implied – increasing legal sanctions for corruption, and citizens' education. All these activities can have a direct and immediate effect on both the low and high-level corruption.

The second category describes activities that improve availability and quality of public services (e-administration, etc.), as well as decentralization and professionalization of decision-making, better professional education, competitive (meritocratic) employment in public administration, and eradication of various state capture opportunities through systematic liberalization and de-politicization (Hellman, Jones, & Kaufmann, 2000). At least in regard to low-level corruption, reducing the necessity of corruption decreases its utility.

Both types of activities would be best applied in combination, starting from the areas where the contact between citizens and state administration is the most intensive. By effectively signaling that corruption is not tolerated any more, such an approach could, in turn, provide an impetus for the aforementioned moral sanctioning of corruption.

## *Obstacles*

Attempts at corruption prevention are often confronted with different obstacles, from inefficient or corrupt judiciary to undermining political networks. In general, the less developed democracy, particularly in regard to civil liberties, the more obstacles to preventing corruption. If a journalist publishes an article exposing a case of corruption and subsequently loses their job, this has no beneficial effect on corruption prevention but it does make the problem of corruption “visible”. But if a journalist is prevented from publishing the story – by being threatened with termination of their contract - the problem may not be “visible” at all. Another type of obstacle are informal networks of power, which provide excellent conditions for “invisible” corruption. Such groups, especially if unchecked, can easily arrange various deals far from the public eye and sheltered from official investigations. A system of mutual obligations usually ensures longevity of such corruption-prone networks.

Overcoming the obstacles is most often a gradual process based on citizens’ education, strengthening of civil society, improving democratic institutions and procedures, and increasing information flow. In that sense, corruption prevention could be a slow process that depends both on the more general democratic progress and the results of the more specific anti-corruption activities.

## **6. Anti-Corruption Awareness**

There is a general understanding that increasing anti-corruption awareness (ACA) is an essential element of any effective anti-corruption strategy (Uslaner, 2008). However, it is not always clear what is meant by ACA – for example, whether it encompasses a deeper understanding of social ills of corruption or just a general moral condemnation of corruption - and what measures could be efficiently used to strengthen it. During our interviews and discussions with experts it was often suggested that the evolution of ACA is a long-term process dependent on many factors. Central among them seem to be the functionality of the legal system, the quality and persistency of the media reporting on corruption, existing political culture, the level of development of civil society, and general educational level.

Turning to ACA-beneficial activities, the success in prosecuting individuals involved in corruption scandals seems particularly important. Disclosure of high-level corruption cases and the display of readiness to prosecute and penalize individuals, especially officials, implied play a significant role in rising ACA. Since such legal cases can take years to finalization, immediate steps – such as introduction of better control mechanisms in the state institutions where corruption was found – would be necessary to send the message that corruption will not be tolerated. In addition, resignation of supervising officials should be made mandatory in order to make anti-corruption vigilance a personal responsibility.

Media coverage of the above described activities is crucial. The activities taken after a corruption scandal erupted need to be presented in detail and carefully scrutinized. Only the systematic and critical coverage of corruption (and the state response) could increase ACA. Obviously, this task requires skilled journalists, socially responsible editors, and, generally, the “clean” media. In several interviews with experts, the media in Croatia were implied as being a part of clientelist networks.

Anti-corruption awareness is closely related to corruption prevention. In that respect, most prevention activities will have an effect on ACA, although with different reach. Too often the prevention and ACA are equated with educating the public about what corruption is and why is it bad for the society. Although the importance of understanding the scope and forms of corruption can hardly be overstated, educational campaigns require palpable changes in the corruption-related incentive structure. Without a publicly recognizable process of lowering the rewards and increasing of costs of corruption already set in motion, informing people about the ills of corruption will only contribute to rising cynicism.

In Croatian context, when it comes to politicians and entrepreneurs ACA context depends on the reforms that tackle the mechanisms of state capture. This could prove difficult, since links to political power became essential business tools for some companies. A good example is the recent physical attack (ominous baseball bats were used by the attackers) on a newly appointed CEO in the huge and largely monopolistic holding company of the city of Zagreb, who reported to the State Attorney’s Office for Combating Corruption and Organized Crime (USKOK) a number of irregularities that took place in the company before his appointment. Interestingly, the city mayor and his deputy, who publicly expressed their support for the

attacked official, failed to mention the alleged corruption activities at the city company as a possible reason for the attack.

Another important question regarding ACA is related to the low vs. high-level corruption distinction. Should the strengthening of ACA include both equally? Or do we need to focus ACA primarily on the latter form? Although it could be argued that, historically, the two types of corruption probably evolved in parallel in the region, mutually reinforcing each other, rationality behind the low-level corruption (inefficient public administration, non-transparent and non-competitive employment procedures etc.) clearly differs from the one associated with high-level corruption (greed, political power acquisition). Also, the low and high-level corruption implies rather different social costs.

Although the question remains open – to our knowledge, there is no consensus regarding this issue – we believe that to insist on the absolute ACA, characterized by moral abhorrence of any type of corruption, would be neither feasible, nor useful. The useful approach, in our view, would be to foster ACA primarily focused on the high-level corruption, which would provide a much needed public pressure on the decision-makers. An additional argument takes into consideration an asymmetric relationship between the low and high-level corruption. While changes in the dynamics of low-level corruption may not affect the dynamics of high-level corruption, the spillover effect is often found in the reverse case (Uslaner, 2008).<sup>41</sup>

If ACA is conceptualized as suggested, systematic education on what constitutes corruption should be carried out on a large scale. The notion and scope of the conflict of interest is poorly understood among Croatian citizens, which is partly related to traditional emphasis on kinship and loyalty to local community. A narrow interpretation of the conflict of interest at all levels equates this type of corruption to either illegal transfer of money or valuables (bribes), or political favors (getting a better job, etc.). Improving understanding and recognition of corruption in the cases where no money or immediate privileges are involved would emphasize and broaden individual responsibility of politicians and administrators. This would, in turn, increase public pressure toward individuals in charge who have refused to resign after serious misconduct was discovered in their institutions.

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<sup>41</sup> „Whenever corruption shapes people's evaluation of their state or their society, it is high-level corruption. The misdeeds of ordinary professionals don't matter“ (Uslaner, 2008:133).

If anti-corruption awareness is understood as a pattern of behavior - characterized by the readiness to reject and report any kind of corrupt activity - rather than a moral disposition, one of the main obstacles to strengthening ACA is the widespread perception of powerlessness. This dominant socio-cultural characteristic of post-communist societies has been highlighted in a number of research studies (Mishler & Rose, 1997; Fuchs, & Klingemann, 2002; Paldan, & Svendsen, 2001). Lack of trust in institutions and weak civic ties helps to explain why many individuals who are confronted with corruption they do not condone are unwilling to report it. As reporting criminal activity involves a certain level of personal risk and considerable time expenditure, perceiving such engagement as useless would minimize its occurrence, no matter how strong the personal anti-corruption convictions.

## **7. Back to Perception(s)**

The findings of the two empirical phases of this project (2006-2007; Štulhofer et al., 2007; Kufrin et al., 2008) suggest three main dimensions of expert perceptions of the phenomenology of corruption in Croatia. The first was the frequently encountered disbelief in the existence of genuine political will to fight corruption. Governmental campaigns and proclamations, as well as national strategies, were often dismissed as window-dressing intended for the EU decision-makers. In addition, anti-corruption activities and efforts were frequently perceived as misguided, i.e. focused on the low-level corruption and ignoring or carefully avoiding political corruption.<sup>42</sup> Representatives of the media and civil society were most vocal in expressing this viewpoint. As expected, the most consistent confidence in the national anti-corruption strategy was observed among the representatives of the police and legal system.

The second dimension was the perception of cultural generators of corruption. In most expert groups we found numerous references to socio-cultural history of corruption. It was pointed out that corruption in Croatia – i.e. its local “language” (cf. Shore & Haller, 2005) - can not be properly understood without taking into account the cultural legacy of the former socialist regime: persistence of traditional nepotism, loyalty to local community, reliance of personal networks and mutual obligations, etc. The transitional context of the 1990s, characterized by

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<sup>42</sup> A good example in case was the recent discussion at the National Board for Monitoring of the Program of Curbing Corruption, held on June 29, 2008, where several journalist accused the government of sabotaging anti-corruption efforts – either directly or indirectly, through influencing or pressuring the media (Majdandžić, 2008).

the 1991-1995 armed conflict, rapid privatization, increasing inequality, and the authoritarian political clientelism, was mentioned even more frequently. Both periods were seen by experts as crucial for moulding specific cultural habits and structural factors that reproduce corruption on different societal levels.

The third characteristic was the *hyperopic (mis)perception of corruption* (HMC), which was indicated in our interviews when discussing internal mechanisms of fighting corruption (in-house anti-corruption activity). The phrase, as we recently suggested (Kufirin et al., 2008), denotes a phenomenon where actors are critical of corruption in other sectors or groups, but tend to ignore or mislabel corrupt acts within their own institution or social group. There are several possible explanations for HMC. It is possible that such dual approach to corruption represents a cultural habit developed in the past circumstances and social practices. Alternatively, it could be based on inadequate understanding of what constitutes corruption, especially in regard to conflict of interest and the abuse of public office.<sup>43</sup> Another possibility is that HMC is the consequence of a strategic action of protecting one's reputation – and the reputation of one's institution - by covering up corrupt behaviors of one's close associates. (The prevalence of such strategy would depend on the costs of corruption, which are closely related with the efficiency of legal protection against corrupt acts.) Unfortunately, the data collected in our study proved insufficient for pinpointing the cause(s) of HMC. What seems clear, though, is that the social embeddedness of corruption in Croatia includes a differential perception, and, most probably, evaluation of corruption, which is dependent on social proximity with the implied actors. It should be noted that HMC was least present in the media and civil society expert groups.

These three overarching characteristics of expert perceptions of corruption should not be confused with the six models outlined earlier (Štulhofer et al., 2007). Those are more complex entities that are, at least partially, group-specific. It is important to note that the observed heterogeneity and fragmentariness of the models could be an obstacle, particularly for an efficient coordination of the fight against corruption. The Expert and Pragmatic model were found predominant in defining corruption and discussions regarding efficient anti-corruption activities. An alternative approach to conceptualizing corruption (the Human Rights model)

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<sup>43</sup> There is abundant evidence in the media reports that many public servants, government officials, and members of the Parliament have incomplete understanding of the notion of conflict of interest or abuse of power. This is usually displayed in the discussions over personal responsibility related to institutional mismanagement, as in the recent case of unlawful forced confinement to psychiatric institution, to which a wife of an influential media mogul was subjected, allegedly upon his request (Škaričić & Babić, 2008).

was specific to civil society and, to a certain extent, to the media target group. As already mentioned, in most target groups it was the Ignoring model that characterized experts' understanding of the importance of internal mechanisms of control and prevention of corruption.

In general, the most critical target group, NGO representatives, was marginalized in the majority of other experts' discourses, particularly in regard to the role civil society plays in fighting corruption. Partially, such treatment is associated with the legacy of socialism and its politically motivated distrust toward non-governmental associations and civic engagement. However, an additional reason seems to be the annoyance (palpable in governmental institutions) over constant criticism coming from civil society, which is often perceived as not based on evidence, as well as self-promoting. Such accusations can, of course, serve as a perfect alibi for doing nothing to prevent and/or curb corruption. In this sense, the reality of economic and social costs of fighting corruption may be tactically inflated and used as an argument against any systematic and committed approach to combating corruption.

Although the discussions about corruption as a social problem have been part of Croatian public life since the mid 1990s, initiated primarily by the media and civil society, its political significance and, consequently, policy ramifications was markedly strengthened since the 2000, mostly due to the EU conditions and expectations expressed in negotiations over the accession process. Thus, the EU role in the anti-corruption discourse and activities in Croatia can hardly be overemphasized. Its perception, however, among the interviewed experts seemed vague and ambiguous. On the one hand, the pressure to adopt new political and professional norms and standards of conduct, together with legal and institutional reforms related to the accession process were often stressed as positive influence. Socio-cultural "resilience", on the other hand, or the perceived ability to continue with "business as usual" in spite of being closely monitored by the EU, was sometimes expressed in the belief that the success - or, for that matter, failure - of anti-corruption efforts is entirely an internal issue, associated primarily with the moral and professional quality of governance. This moderate to minor anti-corruption role of the EU, according to most experts who participated in our study, seems to be in line with a rather sceptical public view of the benefits of joining the EU. In June 2008, the Standard Eurobarometer 69 survey revealed that only 30% of Croatian citizens believe that Croatian membership in the EU would be "a good thing". In 30 countries

included in the survey, only Latvia had a lower proportion of Eurooptimists (European Commission, 2008).

## **8. Conclusion**

In this report we further analyzed qualitative material collected during the 2006-2007 period. Based on interviews with experts from the six target groups and the subsequent round table discussion, we outlined policy-oriented suggestions and their social context. We argued that social embeddedness of expert suggestions needs to be understood in terms of the dominant pattern of corruption perception. Observed heterogeneity and fragmentariness of the existing, and competing patterns of corruption perception are a potential obstacle to coordinated and efficient anti-corruption activities – especially if a widespread disbelief in the existence of political will to combat corruption and the *hyperopic (mis)perception of corruption* are taken into account.

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## **Appendix – The List of Anti-Corruption Activities Suggested by Interviewed Experts**

### **(A) Strengthening Anti-Corruption Awareness**

- Clear and convincing demonstration of the determination (i.e. political will) to fight corruption;
- Systematic public presentation of the efficient identification and prosecution of major corruption cases;
- Focusing on high-level corruption;
- Comprehensive and systematic anti-corruption education of citizens (including information on citizens' rights, procedures for reporting corruption, legal protection for whistle blowers, etc) aimed at increasing public sensitivity (and intolerance) to corruption;
- Re-framing the fight against corruption as the national imperative and a matter of national pride;
- Strengthening the role of the media through the promotion and nurturing of investigative journalism and protection of journalists' freedom of reporting and independence from the ownership structure;
- Focusing on corruption during election campaigns (NGOs, political parties, the media).

### **(B) Prevention of Corruption**

- Increasing the efficiency and transparency of public services;
- Selective increase of salaries in certain public services;
- Allowing for private competitors in the public service sector;
- Strengthening financial control (property cards for officials, eliminating cash payments, systematic internal control and revision, requisition of unlawfully acquired property, etc.);
- Strengthening the position and influence of civil sector.

### **(C) Prosecuting and Penalizing Corruption**

- The need for legislative changes, including simplification of regulation, higher penalties for corrupt acts, and more comprehensive laws on the financing of political parties and election campaigns;
- Improving the quality of judiciary (increasing the efficacy and quality control, improving the process of selecting judges, etc.);
- Implementing positive experiences of the EU.

### **(D) Research on Corruption**

- The need for an independent institution responsible for systematic research on corruption;
- Evidence based surveillance of the public perception and understanding of corruption;
- Empirical evaluation of anti-corruption policy (activities and measures associated with the National strategy).



**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:**

**A Comparison of Findings of the First (Documents Analysis) and Second (Interviews Analysis) Project Phase in Greece**

Period covered: from January 2008 to July 2008

Date of preparation: July 2008

Start date of project: 1<sup>st</sup> January 2006

Duration: January 2006-December 2008

Project co-ordinator name: Prof. 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 analyze 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. In the third phase, according to the project guidelines of the Dubrovnik meeting (January 2008), we were free to choose the form and the lines for the theoretical analysis of the both periods findings.

As we have noticed in the previous report, the comparison of the Target Groups’ (TG) discourse between the first and the second phase was not always possible. However in the analysis of the present phase all findings, but in any case those of the second, offered some common points for a thorough examination.

We decided to focus on the discourse of each TG for itself and about corruption and to put the discourse into socio-political and whenever necessary a historical context. Thus, we could cross check the issues referred by the target groups Otherwise we would once again come upon the comments about politics and public administration, which dominated the discussion of the second period without offering much to the research aspects.

## **2. Analysis**

### **2.1 Politics**

#### *Causes and consequences of political corruption*

##### *a) Causes*

Politicians interviewed gave a series of reasons and causes for the persistence of political corruption and corruption in general, in Greece. Those causes may be summarized as follows:

- One major cause of political corruption in Greece, as expressed by many politicians is strongly linked to the personal/individual ethos, in other words to the ethical standards and the morals of the individual. As one politician told us *‘I believe that [corruption] is a matter of people’*. Those politicians stressed that few cases of ‘unethical’ acts are enough to be generalized and refer to the whole political system. It is impressive that many politicians adopt a strict moralistic and ethicist stance and connect this stance to the individual level only. Thus some people just deviate from the ‘proper’ ethical values and this deviation is presented

to be independent from the dominant social values (individualism, competition, eagerness for money and success) or from broader socio-political developments and trajectories such as commercialization, expansion of the labour market flexibility, domination of market relations. Nevertheless in many instances the educational system is blamed for its failure to transmit the proper ethical values to the public.

- Another cause of political corruption according to some politicians is the lack of political will for reforms aiming in combating or mitigating corruption. Nevertheless the reasons for this lack of political will are not offered.

- Overregulation, inefficiencies of the taxation system leading to tax avoidance, inadequate law enforcement, the complexity of legislation and the plethora of legal provisions are presented as major causes for corruption in the country, together with historical reasons linked to the mode of development and to the formation and functions of the political system in Greece.

- Some other interviewees, mainly from the leftist parties, connect political corruption and corruption in general to structural features of the Greek social formation such as clientelist relations or broader to the articulation of capitalist interests with modern states. Thus corruption is an inherent feature of the capitalist system independently of whether it is labelled officially as corruption or not (for example the lobbying activities, the role and functions of off shore companies etc) (See Lambropoulou et al. 2008: 10). This group of interviewees blames also the practices of the private sector for producing and reproducing political corruption.

- Another cause of political corruption offered by some politicians is linked to the party financing system which leaves many loopholes for opacity. Those deficiencies are connected to the present electoral law and to the limited state funds allocated to the parties along with the, in many cases, low limits of party electoral spending.

Determining the causal factors of political corruption is extremely difficult for a series of reasons. The first reason is related to the many kinds of political corruption which exist and to the multiplicity of political corruption experiences across space and time. But, according to our opinion the most important reason lies to the difficulties (or better to the impossibility) of reaching a 'final' and generally accepted definition of what political corruption is. Nevertheless, and within the dominant corruption definitional efforts, there are several attempts to determine the causes of the phenomenon. Thus according to Collier (1999: 21):

*'...the general causal mechanisms explaining political corruption are contained within the rule-sets — public versus private spheres, methods of state resource allocation, elite accountability, mass political participation — surrounding the corruption phenomenon. Specific rules within these rule-sets (type of elite competition, role of the media, etc.) provide further explanations for the range of corruption that a state may exhibit'.*

Amundsen (1999) distinguishes the causes of political corruption to economic and political. The economic causes of political corruption are mainly related to its relationship to economic development and growth. The correlation between political corruption indices and levels of economic development show that the latter is adversely correlated to the former. Nevertheless the direction of causality between income growth and corruption remains unclear.

Political causes of political corruption are linked by Amundsen (1999) to the degree of democratisation. Thus corruption decreases as democratisation increases where democratisation means not only the establishment of democratic institutions but the way of functioning of those institutions (consensual power, legitimisation, political development along with liberalisation). Nevertheless even within this framework of analysis there are many examples where democratisation led to greater degrees of corruption and political corruption such as for example in Russia and in other transitional countries.

One has to take into account that if we consider the notions analysed in section 1 about what set of practices and acts is labelled as 'corrupt' and by whom then the difficulties to determine 'objectively' the economic reasons or the political reasons of 'political corruption' become stronger.

#### *b) Consequences*

Generally politicians who participated in the research process did not talk extensively and in an analytic way about the consequences of political corruption and corruption in general because the consequences of the phenomenon are considered to be self evident. Nevertheless we may summarise the interviewee's responses as regards the consequences of political corruption as follows:

- Political corruption is generally harmful for the state and for citizens in the long term because of the erosion of trust between citizens and the state. Low trust between state institutions and citizens in Greece may be viewed as lack of a positive form of social capital.
- Another consequence of political corruption according to some politicians is the subversion and dependence of the state and its institutions to various economic interests. This subversion erodes the democratic legitimatisation of the state and reinforces the lack of trust between state agencies and the general public.
- According to some opinions political corruption is a form of social injustice as it increases the inequalities between those who possess critical connections with the political system and those who do not.
- Finally according to some interviewees political corruption reinforces immorality, lowering the general ethical standards and enhancing the 'culture of corruption'.

The main points about the perceived consequences of political corruption and corruption in general, derived from the mainstream line of contemporary thought on the phenomenon may be summarised as follows<sup>44</sup>:

- Political corruption affects negatively economic development and growth as it reinforces opacity, it increases the indirect tax burden on enterprises and it lowers investments.
- Political corruption affects negatively poverty eradication policies the implementation of which requires macroeconomic stability and high levels of economic growth.
- Corruption is a form of violation of basic human rights.
- Political corruption and corruption in general distorts the rules of free competition and market relations and thus affect in a negative way the development of the private sector.
- Political corruption produces economic uncertainty, causes market inefficiencies and distorts the composition of public expenditure.
- Political corruption causes political disempowerment, enhances political cynicism and institutional disillusionment, impacts negatively to crucial social values related to trust and social cohesion and discourages political participation.

The above synoptic presentation of some of the most important consequences of corruption and political corruption shows that the dominant contemporary thought the phenomenon, as expressed by international organisations, such as for example the World Bank, is strongly affected by a certain model of political, social and economic organisation notably that of free market and its ideology which is neoliberalism. Thus the corruption rhetoric is used to enhance further neoliberal socio-economic restructuring in countries of the developing world or of the semi-periphery and it does not question or bother with the social impact of replacing 'corrupt' practices with 'clean' ones as long the latter serve the process of further marketization and commodification. With this we do not support the idea that certain practices such as 'bribery' or 'political patron-client exchange' is a 'social construct' made by dominant interests and rhetoric. Instead we note that the characterisation and labelling of some acts as 'corrupt' serves a clear political goal: the expansion and domination of market relations independently of social costs and without examining alternative trajectories which empower the lower strata of societies.

As Heywood (1997: 9) comments on western anti-corruption rhetoric: *'Much western political science in the 1960s and early 1970s was characterized by a certain confidence, bordering on condescension, in regard to high-level political corruption: essentially a problem of under-developed and non-democratic nations, its control and eradication*

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<sup>44</sup> <http://www.u4.no/helpdesk/faq/faqs1.cfm#26> (Causes and Consequences of Corruption. From the research knowledge base: What do we know about the causes and consequences of corruption?).

*depended upon institutional design, with liberal democracy providing the model towards which 'developing' nations would make (inevitable) progress. The contrast with the late 1990s is striking. The western triumphalism which followed the collapse of communism has been replaced by far more apocalyptic scenarios, increasingly pitched in terms of a 'clash of civilizations': confidence in 'westernization' being emblematic of 'modernization' has (at last) been eroded, but in its place has emerged a vision in which western civilization is facing a challenge from the morally integral alternatives of Islamic and Asian-capitalist states. In such a scenario, growing corruption and decadence are symptomatic of western civilization in decline: what we are witnessing may be not so much political corruption in western liberal democracies as the political corruption of western liberal democracies' .*

A similar approach on the political goals of the corruption rhetoric in Greece is made by Lambropoulou (2007: 20): *'(...) corruption debates and legislation offer a broad area for symbolic politics, which has been often used by the Greek governments to serve party-political and commercial interests'*.

#### *Evaluation, conclusions, suggestions*

The main proposals made by the politicians who participate in the research process in order to confront corruption and political corruption may be summarized as follows:

- Institutional and legislative reform towards mitigating overregulation, legislation complexity and public institutional inefficiencies.
- Changes to party financing system towards transparency and increase of public spending.
- Changes in the educational system in order to strengthen general moral and ethical standards and values.
- Further democratization of institutions towards more public participation and inspection.

Some of the *'best practices'* in combating political corruption are offered by OSCE (2003).

Those may be summarised here as follows:

**Political openness.** Increasing and enhancing political openness is considered crucial for combating political corruption and corruption in general. Political openness is strongly related to ideals, practices and behaviours characterized by transparency, objectivity, accountability, exemplary leadership, honesty integrity, selflessness and the introduction, implementation and application of a series of codes of conduct in different domains of the political and public

sphere. Furthermore political openness means ease of access to information about legislation procedures and other public functions by the citizens.

**Political parties financing.** Party financing is considered one of the processes which entails dangers of political corruption. For this reason party financing has to be as transparent as possible and subject to regular inspections by independent bodies. Furthermore public spending for this domain has to be adequate and all the sources of financing have to be available for public scrutiny.

**Regulating lobbying.** Regulating lobbying activities may be an important mean to combat political corruption. Lobbying may be regulated towards more transparency and more access to essential information about who, when, on what and how one attempts to influence government bodies.

**Political and judicial immunity.** The system of political and judicial immunity has to be under close inspection in all times in order to avoid its exploitation by politicians and other employees of the state who are involved in real cases of political corruption.

## **2.2 Politics – Public Administration**

### *“Corruption” in the discourse of public administration*

The view that corruption is widespread in the Greek public administration is very popular among the representatives of public administration. The representatives interviewed, grounded this opinion on the fact that public administration is a kind of “mega system” which affects all other subsystems (economy, society, the political subsystem). When we look a little closer to the evolution of the Greek political system and its linkage to the economy the picture we get is that the state promoted the development of capitalism in Greece, much longer - than in other European capitalistic countries, especially during the mid-war period and afterwards. This kind of state supported capitalistic development made use of practices such as protectionism, subsidies and financial assistance in a way that the limits between the state and the economy were blurred. The result was an unbalanced development which favoured certain socio-economic groups.

Political control over the state mechanism becomes then very important, exactly because of the close interdependence of the Greek capitalists and the state. In fact, none of the favoured economic groups desires political independence (much less the representatives of business world), simply because in such a case they would lose their economic benefits. Economy’s

representatives' urge for 'less state' or/ and 'no state' should therefore possibly be seen as an argument for a state better controlled by them.

According to the public administration representative corruption is not as widespread as people think and it is mainly located to certain administrative levels and units. This view can be seen as an effort to lessen the effects of corruption and make it look less guilty. Furthermore, there is an indirect challenge of the CPI scores where Greece is presented as highly corrupted. This critique, as already referred, mostly addresses the methodology being followed and rarely expresses a speculation over the conception of the phenomenon and its specific (if there are any) characteristics in a given social and economic formation.

The representatives of the Greek Public Administration make no substantial effort to carefully detect and study possible specific dimensions and functions of corruption in Greece. This results, on the one hand, to an incomplete critique against international scores and on the other, to a reproduction of certain typical approaches about the frequency and the extent of the phenomenon in Greece and southern Europe in general. Moreover, the fact that the most often used argument refers vaguely to the Greek traditional attitudes and history confirms the classic stereotypes on corruption in Greece.

As a result, the critique against the scores cannot persuade anybody as it is not followed by a fundamental analysis of neither the phenomenon nor its causes or its functions in the given social environment.

#### *Causes of corruption in the discourse of public administration*

##### *a) The "Administrative insufficiency"*

A point stressed out by the interviewees in both phases of the program is the administrative insufficiency of the state bureaucracy and this remark is directly correlated to corruption. Whether we call it administrative insufficiency or misgovernment, it is a fact that in related reports, Greek Public Administration is depicted as insufficient, sluggish and extremely oversized. In other words the Greek "Public sector" is much larger in size than it should be according to its actual needs and the functions it is supposed to undertake.

Administrative insufficiency – either as a cause or as a result of corruption – is being reproduced in an unclear way as an argument along with concepts as bureaucracy, overregulation and politicization of Public Administration. We observe that the above justification of administrative insufficiency operates to a great extent as a stereotype that describes an organized and sufficient "North" and an oversized and insufficient "South".

However, according to the statistics of the International Bureau of Employment and the OECD, the comparative development of public employment in South, West and North Europe (both in absolute numbers as well as a proportion of the total labor force) portrays that Greece reflects a reality that opposes the prevalent notion. On the one hand the number of civil servants as a percentage of the total economically active population is normal; on the other hand the rate of reduction in public employment is proportional with that of Western and Northern European states.

Furthermore, the contemporary comparative science of Public Administration has proved similar sufficiency of the Greek state mechanism with the Northern European countries concerning other comparative indicators like state expenses and revenues, degree of politicization of high rank executives and the size of bureaucratic structures (Sotiropoulos 2007: 48-56).

In any case however, the constant use of the justification of Greece's administrative weakness to correspond to modern social reality is being dealt with great cautiousness by many politicians, scientists and journalists over the last few years. In particular, it is not the insufficiency/weakness that is questioned, but the view that this insufficiency is a *particular characteristic of* the Greek Public Administration.

#### *b) Clientelism and rent-seeking*

The majority of the TGs as well as the public officials consider clientelism as the main reason for the existence and development of corruption. Although no strict definition of the term came out from the interviews, it seems that clientelism is perceived as a rather trivial understanding of an illegal, extra-legal, unconventional in the sense of non institutionalized communication between the political power and the citizens/'clients' through a developed mechanism of rent-seeking.

Based on the interviews and the documents we studied coming both from the civil servants and the major stakeholders, it seems that clientelism is still conceived as the main way of dealing with the civil service. The transformation of the relationship between the administered and the administrator became an uneven deal as part of a rent-seeking process. This transformation could be considered a survival strategy and a way to redistribute power and resources. But clientelism as a way to deal with the civil service, gave root to a culture about public administration and to certain – not so favourable – descriptions of it. Even if we think that most of the population does not belong to the rent-seekers, they also take for granted and have no doubt that clientelism is a common practice.

Clientelism as a way of social and political organization in Greece is the view that the interviewees of the second phase support. They also believe that the relationship of citizen-state which is based on the *patron-client* relationship justifies the failure of the public administration reform programs as well as the whole inertia of the state mechanism on the excuse of “political cost”. In both research periods of the project corruption is identified with clientelism. This identification can provide an explanation on the phenomenon *as a safety net of a particular social balance*.

There are two approaches of analysis regarding clientelism in Greece. The first one – the traditional approach – interprets the phenomenon from an individual’s point of view, as a “*contractual, completed and fundamentally instrumental relationship of the kind patron-client*” (Mavrogordatos 1988: 5) that operates in favour of both sides. The second one, which looks on to corruption through a more collective perspective, interprets it as a “*way of political participation of the masses*” (Lyrintzis 1984). In the first approach corruption has a negative meaning. But in the second approach, corruption is seen as a “*vertical*” *political participation of the citizens* (Mouzelis 1987)<sup>45</sup>. Therefore, it has the characteristics of an institutional mode of social organization and social behaviour which is *indirectly justified*.

The discussion about clientelism from “the bottom” brings to the surface a speculation on the way state mechanism is organized in Greece and what kind of relationships were developed with the society. Clientelism has been proved profitable not only for a specific socioeconomic group but also for the general population. Clientelism, as a redistribution mechanism (“*complicated and discrete way of creating and distributing revenue*”) (Petmesidou 1996<sup>46</sup>), has constituted *a particular mechanism of absorbing social quakes and dulling social inequalities*.

In other words clientelistic social organization in Greece is not related with any racial or cultural characteristic of the Greek mentality. It is related with *specific historical and political functions of state mechanism during its progress*, especially with the absence of rational and general redistribution mechanism of social wealth, social protection and welfare (Sotiropoulos 1996: 60-62; Lyrintzis 2005: 248)<sup>47</sup>.

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<sup>45</sup> The writer distinguishes between the “horizontal” and “vertical” type of the relationship citizen-state. “Horizontal” type is considered the political participation based on collective modes of social accession (e.g. professional unions, political parties). “Vertical” type connects the individual with the political system and the power system in general based on fastidious, personal or family bonds with members of local or national elite.

<sup>46</sup> Cited by Sotiropoulos 2007:100.

<sup>47</sup> As the writers support, the transformation of the “traditional” clientelism, meaning an interpersonal relationship of the voter (or his family) with the politician (patron) is based on this development, the role of the patron is now played by the political parties and their bureaucracy. In Greece this evolution took place in the 80’s along with the development of the organised political parties’ mechanisms (local, prefecture and central parties’ executives, an increase in the members of the parliamentary parties, collective procedures, party trade unions in Public Sector, etc.).

Saying that clientelism has been evolved from a mechanism of self-regulating social unrests to an *established mentality* which causes corruption (usually “petty” corruption) is a subjective judgment. All the interviewees from the second phase of the project disapprove the clientelistic organization of state because they consider it as an origin of corruption and as a factor which reproduces corruption wherever there is political power.

These viewpoints often contrast the countries of the South with those of the North; though clientelist relationships exist to some degree and in various forms in all modern societies (Legg, 1975). Large-scale patronage systems declined steadily during the twentieth century in the western countries. The assassination of US President James Garfield in 1881 by a disgruntled office seeker who did not receive a political appointment, spurred Congress to pass the Civil Service Act, or Pendleton Act of 1883 (5 U.S.C.A. § 1101 et seq.). The act, which at the time only applied to 10 percent of the federal workforce, created a Civil Service Commission and advocated a merit system for the selection of government employees. By 1980, 90 percent of federal positions had become part of the civil service system.

However, US Congress took another look at patronage issues in the Civil Service Reform Act of 1978 (92 Stat. 1121-1131, 5 U.S.C.A. 1201-1209). Concerned that federal bureaucrats were too independent and unresponsive to elected officials, the act replaced the Civil Service Commission with the Office of Personnel Management, under closer control of the President. The act also created the Senior Executive Service, which gives the President greater discretion in reassigning top officials to departments and agencies.

In some democracies high-level appointments are reviewed or approved by the legislature (as in the advice and consent of the US Senate); such overt political patronage is seen as a tool for rewarding and enforcing loyalty. Loyalty is the criterion for selecting a person rather than more merit. The selection process may be seen as questionable.<sup>48</sup> The patronage office still exists in the British Civil Service; its role is to check that political honours are not given to inappropriate people, as in the period from 1916 to 1922 when Lloyd George sold them.<sup>49</sup>

### *c) Overregulation as a variable of corruption*

Over-regulation and unequal treatment is two of the main characteristic references of the representatives of the Greek Public Administration –mainly the ones of the second phase of the project – when they refer to the causes of corruption in the particular area. Regulatory inflation is the product of a prevailing legalistic culture in the Greek public administration.

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<sup>48</sup> *Law Encyclopedia*: Patronage (<http://www.answers.com/library/Law%20Encyclopedia-cid-59993>).

<sup>49</sup> *Political dictionary*: Patronage (<http://www.answers.com/library/Political%20Dictionary-cid-59993>).

The enactment of new regulations or the amendment of the existing ones is the most common response to any kind of problem (social, economic or political) that arises. This results in the gradual accumulation of laws which are in cases contradictory or overlapping resulting in a complicated regulatory framework which leaves room for interpretations and potential for discriminations.

Over-regulation in fact widens the gap between the spirit of the law and the rule actually applied. The General Inspector of Public Administration indicated that the complicated regulatory environment depicts ad hoc clientelistic favours offered either to individuals or to certain social groups in order to gain their political support.

The General Inspector of Public Administration is quite clear in his reference about the relationship between regulatory inflation and corruption. He considers that they are both causes of discriminative treatment of certain social groups. He strongly castigates, very often sarcastically, in the examples he mentions particular professional or social groups (e.g. academic personnel, students, trade unions, local authority) who manage to have privileged treatment exactly because of the complicated regulatory framework. In any case, the increased production of new regulations and the often amendments of the existing ones cannot justify corruption by themselves.

The General Inspector considers, as it comes out throughout the progress of the discussion, social inequality a side-effect of the regulatory inflation. The General Inspector says that discriminatory treatment in favour of certain social groups is the source of corruption which is subsequently related to an ethical judgement. This point of view contradicts the one mentioned in the beginning of the interview about the content /definition of corruption. In other words he confirms what has been stressed in the first discussion paper, that anticorruption rhetoric is loaded with moralistic elements. It is also interesting that the General Inspector's approach to corruption is as a phenomenon of unequal access to goods and services and of discretionary treatment. This point of view is based mainly on the concept of justice more than the concept of legal actions.

#### *Evaluation, conclusions, suggestions*

The main questions initially raised in this analysis are: a) Are there any particular characteristics of corruption in Greece and if so, which are they? b) If there are any particular characteristics of corruption in Greece, are they related to the historical process of state formation and especially to the way the state and society interact?

Corruption is a social phenomenon and subsequently, its specific attributes and functions are formulated in close relation with the society itself. Corruption is rooted in the authoritative relation between the state and the citizens. It adapts to this relation following its development just as every other social phenomenon which is adjustable to its environment (see more in Karkatsoulis 2005). These conclusions are valid not only when we compare the phenomenon of corruption in different countries, but also in the same country. Different forms of imposing power are reflected in different practices.

According to the analysts, the politicization of public administration, legalism and reliance of economy on the state produce corruption in Greece. However, we attempted so far to show that concrete characteristics of the relations of authority in the Greek public administration are either the same as the ones of the other contemporary administrative systems (that is systems which are based on the principles of democracy, rule of law and liberal economy) or they look alike with other characteristics of neighbour countries which have a similar historical, social and political development. We referred to the similarities observed in most modern administrative systems such as their big size and low efficiency. Similarities of this kind are also observed to most western countries in the interface of the economy to the political system where “grand” corruption is generated, see for example the undeclared party financing.

However, there are forms of “petty corruption” which are peculiarly maintained over time and in certain geographical areas. One of those areas is the European South. It can be used to a certain extent as a distinct analytical category because of the common characteristics which have influenced the formation of the Southern European states during their history.

The above analytical category does not ignore the particular conditions and the distinct characteristics of each state, as they have been separately shaped. Contemporary social research found out that the four features of the Greek public administration referred previously, are not typically “Greek”. They are components of all the states of the European South and characterize respectively the relations of authority between the state and the citizens.

Therefore, the discussion about the phenomenon of corruption in Greece should be examined in a wider context than the national, and in particular, within the context of the countries of Southern Europe. Similarly it must be examined the problem among the administrative systems of southern Europe as well as the policies. In a period where, to a large extent, an administrative convergence is carried out, we have to take this into account. The convergence of various social and state formations on the basis of common value codes creates the necessity to find new analytical tools for their study.

Policies against corruption should be carried out in groups of states which have some common characteristics and experiences. Nevertheless, every administrative system has its own distinguishing quality which should be taken into account. This ‘uniqueness’ cannot be an argument for doing nothing, but on the contrary they should shape each country’s strategic planning. Customization of reform is after all a key component of success.

Consequently, strengthening the existing repressive or control mechanisms against corruption or creating new ones will not be effective. Targeted small changes in public administration would be more effective against corruption under the condition that social consensus exists. A prerequisite for the success of public administration reform programs is a network of flexible alliances among the major actor – the state – and the rest stakeholders. It is also important to build support from social groups outside public administration.

Some more specific recommendations are the following:

- a) Codification and recasting of regulations in order to ensure legal certainty.
- b) Adequate support and staffing of the control bodies, especially of the General Inspector of Public administration. The control bodies relations with the administration should also be ameliorated.
- c) The formation of e-government infrastructure will minimize the citizens’ physical contact with the administration.
- d) Empower the judicial system and accelerate the judicial procedures. As it was mentioned by the General Inspector “if justice will not be improved, nothing else can be improved”
- e) The reinforcement of international cooperation for combating corruption through the transfer of know-how and the adoption of “good practices” which could be effectively enforced in Greece.

A holistic strategic planning to combat corruption, above party-political views and stances, is necessary to promote the above mentioned proposals. As the General Inspector said “Corruption can not be confronted through a party political logic”.

## **2.3 Judiciary**

### *Discourse and perceptions of corruption*

Comparing the findings of the two research phases, we saw that in 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 support their decision.

In the second phase the judges have a distant and moderate approach to the issue of corruption. They refer to the point without exaggerating with rational arguments corresponding to their personal view. Corruption is discussed and analyzed as a social issue: the interviewees tried to define its causes, extent, forms and the best practices to fight it, which in the first phase referred to legal shortcomings and service inefficiency.

The term “corruption” is regarded as general and inadequate to describe a crime. Even though it is useful for communication, it is still *broad*, offering the opportunity for moralising, since this element is inherent to it. Corruption in older legal texts and especially the case-law is related to “stimulation of feelings which “corrupt the sole or cause sexual desire” (Staikos 1963: 652; Paraskevopoulos 1979: 183). In the recent abolished article of Criminal Law 349 GCC (Law 3064/2002), corruption refers to procuring and the instigation of corruption of young girls. The term can also be found, occasionally, to the disciplinary law of authorities responsible for crime control, i.e. “Disciplinary Law of Police Personnel”, Presidential Decree 22/1996, whereby activities indicating corruption of character (Art. 9 par. 1i) and penal offences relating to the fulfilment of the duties of the police officers result in their dismissal from the agency (Art. 9 par. 1f and 1g). Nevertheless, there has been no further definition of the term till then. With the ratification of international conventions against corruption and in particular the Civil Law Convention on Corruption (CoE Civil Convention, 4.11.1999) (Law 2957/2001) is adopted the Conventions’ definition (“corruption” means requesting, offering, giving or accepting, directly or indirectly, a bribe or any other undue advantage or prospect thereof, which distorts the proper performance of any duty or behaviour required of the recipient of the bribe, the undue advantage or the prospect thereof”, Art. 2). Afterwards, the Law 3251/2004 which imported the Council’s Framework Decision 2002/584/JHA of 13<sup>th</sup> June 2002 on the European arrest warrant, foresees its application in “crimes of corruption and bribery” (art. 10 par. 2g), without verification of the double criminality of the act (art. 10 par. 2). Therefore, corruption is put to the most serious crimes for which is abolished a significant institution of state of law, such as the claim to double criminality of the act, namely without the requirement that the specific act is punished by the national law (Fytrakis 2007: 1-2). The abolishment of the double criminality in combination with the importation of crimes, such as corruption in the Greek legal system caused serious objections because of its vagueness and broadness (Mylonopoulos 2004: 4-5). This is the reason why in the first phase of the research the term ‘corruption’ is not used at all by the texts (Court Decisions and Findings of the investigations of General Public Prosecutors).

In the second phase the discussion is open to all relevant issues. But they still refer basically to the crimes included in the chapter of Criminal Law concerning duties and service and underscore that corruption is, in essence, economic in its core. One of them declares that he accepts the World Bank definition, and pinpoints that corruption is the ground of illegal activities, relating it with the moral standards of each person. But he explains further that the term for him contains bribery, breach of duty, of trust, tax evasion etc. remaining open for other crimes to be included. Thus, he accepts indirectly the view of the rest of his colleagues.

Corruption is reckoned a global phenomenon, existing in the whole social stratification. Moreover, it is not considered identical with deviance. It is differentiated in corruption for legal and corruption for illegal activities (see also Kaufmann & Vicente, 2005). 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 society, though it is rejected; 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 justice.

The reliability of CPIs is disputed, because Greeks generally exaggerate, they overemphasize mainly the negative and unfavourable, harming themselves (cf. TG Politics). Perceptions and attitudes are not considered reliable measures of corruption; instead they support statistics and specifically research among court decisions, decisions of disciplinary councils and of judicial councils as a way of collecting more reliable data. Concerning the reasons of corruption two main aspects are formulated, 1) of a micro-level (person-culture oriented), and 2) a macro-level having two versions (socio-legal and eclectic-value oriented).

The first aspect (micro-level) considers greed, money gabbing, egoism, conceit, arrogance, mimicry and avarice responsible for corruption. The reasons of corruption are also to be found in the collapse of the traditional values together with the collapse of 'classic bourgeois family' and that now for most people (in power) only money counts.

The second (macro-level) attributes corruption to over-regulation, low quality of legislation, reproduction of a compromise's culture between politics and several organised, powerful interest groups and the serving of small party-political expediencies.

Low quality of legislation is considered a general phenomenon, not restricted in Greece. However, in Greece is stronger because of the keen conflict of interests and party-political profit ("partiality manipulating social life"). Taking also into consideration that according to our interviewees the "access to power in Greece has been widened", the intensive conflict of

interests (*formal, informal, 'black' or 'dark' and organised*) (Druwe 1987; Böhret et al. 1988) during the last decades can be explained.

Yet, over-regulation and low quality of legislation is not enough for corruption. It is associated with *low* aesthetics –especially of politicians– and *rotten civilization* due to increase in wealth and “State’s debunk and disrespect”. This is the outcome of “party politics and populism” used by the political system after the reestablishment of democracy in 1974. The MPs don’t vote according to their consciousness but for their party benefit, political cost and re-election interests making them tolerant to corruption. What is more, the difficulties of everyday life in Greece exhaust citizens and weaken their resistance. These added to the lack of ‘culture of control’, result that law abiding depends only to the pride, education and nobility of spirit (‘patriotism’) of each. Corrupt practices can be regarded as a means to fight inequality, albeit they result in an incomplete equality, unequal treatment, law insecurity, discrediting state’s authority and undermining trust in political and judicial system, as well as in civilization and society. Poverty is not an excuse for corruption, it is rather a ‘populistic’ justification for corrupt practices, yet it can be considered as a mitigating reason.

All agree that corruption is to be found in certain areas of public services (‘where one finds money, one finds corruption’), noting that the majority of the servants are honest people working usually in difficult conditions, lacking recognition and support. In the above areas legislation is characterised as a ‘medley of regulations’ serving a network of mutual interests (grand corruption), thus offering the field for arbitrariness and facilitating corruption. In the remaining areas of public life, the interviewees regard the existing legislation as sufficient; what is lacking is the political desire to control or better still, to enforce the necessary policies.

The Greek state despite its improvements regarding technology and infrastructure, it suffers from *décollage*, meaning that a gap exists between the country’s needs, citizens’ wishes and state offers.

All interviewed judges appreciate the work of the EU; they consider that its main interest lies in improving competition in the global economy and controlling the *capital of corruption*, though. Yet, the EU cannot be counted as a working model any more for the country’s improvement and citizens’ education, due to its problems of coordination and political integration. It is noted too that legislation should be adjusted to the legal culture and system of each country; only in this way can there be expected a positive impact on the intra-European cooperation in the area which is necessary to face the issue.

On the whole, the interviewees do not think that corruption in Greece is higher or much higher than in other countries, but that mass media exaggerate for reasons of impression and sensation. This causes diffusion among the citizens who in turn accept it as real and true, reproducing and exaggerating from their side. Since the media serve their own (economic) interests, they exercise a demolishing critique by presenting a disintegrating Greek state and society, a view which is disputed by all interviewees, and eventually results in the control of the political system. Therefore, (private) mass media are considered to be one of the main sources of corruption.

Irrespective of the possibility of reliable measuring corruption, contemporary Greek research emphasise on its overstatement in the newscasts and the 'information' releases in the private radio and television channels, influencing the citizens' views. Judges' contest against the intensity of the problem, presented by the media, express their circumspect attitudes to them. Even if they try not to be influenced by the media and hold a security distance from them, it is unlikely that they don't take them into account and in particular their impact in public opinion (i.e. Daskalakis et al. 1983: 351; Massouri 2006: 303). Greek research notes also that judges are influenced in their decisions apart from the exercised internal hierarchy control, by some attitudes, such as values, social and political ideology, as well as their social background (Maniotis 1989: 37-42, 62-69, 97-104).

Although Daskalakis' research is old, it is worth mentioning some of its interesting results (1983: 31-130) about the judges' attitudes towards law and dispensation of justice. Greek judges avoid the radical reading of law, although they do not remain adherent to the letter of law, trying their decisions to be in agreement with the popular feeling. Moreover, "when the case refers to types of behaviour, which correspond to the dominating culture and cause the empathy of the population, the judge adopts a liberal interpretation of the law" (1983: 78, see also Tables 43, 44: 85, 86). More recently, US scholars have debated the impact of public opinion on judicial decisions, questioning its causality, although the majority in the discipline agrees that judicial decisions covary with public opinion. Still there are others who note that "it remains uncertain whether opinion has a substantial effect" (Baum 1998: 50).

It is also interesting the Plenary's decision of the Court of Cassation in 1990, which asked judges and prosecutors to continue serving their duties without taking into account the occasionally 'artificial noise' against justice causing a climate of fear and applying indirectly pressure to them not to decide on the base of the Constitution and law, but according to the wishes and restrictions of 'irresponsible social groups' (Dandoulaki 1991: 62). Reason for this decision was the intensive criticism to justice by several articles in various newspapers written by columnists, politicians and jurists because of the acquittal by the court of appeal in 1990 of the police officer Athanassios Melistas for the death of the 15<sup>th</sup> y.o. Michael Kaltetas in 1985,

during some violent episodes between police and anarchist groups in the Athenian neighbourhood of Exarcheia. The youth was seriously injured in a shooting incident and died. The judges' associations called those who turned against justice to indicate by whom they want the citizens to be judged.

Additionally, certain events in the very last years gave the occasion for a swing to severe sentences and stricter conditions for parole. During 2005-2007 a number of judges were under investigation or had been dismissed on corruption-related charges. The courts reacted to the case which sensitized public opinion by imposing heavy sentences in order not to be disputed for their honesty. Concerning these cases, one of our interviewees noted that he staggered out the news to let mean –like many of the TG Politics– that the vast majority of judges are honest and dedicated to their work.

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 (cf. Djupe & Epstein 1998: 1013). However, the bar associations expressed in their plenary session in March 2007 their worry for the increased severity of sentencing because of the above corruption cases, the de facto abolishment of the clemency principle, in order the courts not to be blamed for partiality, the increasing corporatism of justice, and the big delays in court procedures and adjudication.

One of our interviewees also regards justice inefficient in confronting with the needs of society, overloaded slow, and expensive, while the young generation of judges are inexperienced for the demands of their profession. This is mainly due to the restriction of jurisdiction for the three member courts<sup>50</sup> for financial reasons, whereby counselling was working as a real school for the younger judges, and the enlargement of the one member courts' jurisdiction. Additionally, the low wages 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.

The judges consider as better measures against corruption, education, cultivation of people, strengthening moral standards as well as modernisation of public administration, recasting and simplification of legislation. 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'. It is interesting that unlike the first phase, none of them approved repressive policy as a means of control, but recommend education, information and cultivation of people and efficient control.

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<sup>50</sup> 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.

### *Evaluation conclusions, suggestions*

Summing up, judges consider corruption to be a serious political and social problem, because it undermines society's trust to the political system, public administration and justice (Larmour 2008: 227).

The factors of corruption are localized either to dysfunctions of political system, or to the difficult work conditions of public services (underpaid, lacking social recognition and technical support) for those involved in illegal activities and their personality's characteristics (mimicry, greed, avarice etc.).

In contrast to police officers of our research, the judges interviewed made no reference or implied any intervention by politics through the leadership of the corps to their work. However, like police officers they referred to organisational dysfunctions caused by external factors (work overload, overregulation, collapse of values, culture erosion etc), while only one underlined education shortcomings resulting from organisational changes. All interviewees omitted from the discussion about corruption the role of justice as counterbalance to state power and their authority to limit the possible abuses of political power. And this because justice personnel avoid to accept that justice and law are not only mechanisms for enforcing the state power, but also for controlling it, protecting in parallel the citizens to whom it is enforced. In particular, justice controls the state power when its will or activities is/are in conflict with the law, protecting citizens and the public interest. Therefore, a judge who is unable to be opposed to certain politics of state power and control them according to the Constitution and the laws, a judge who feels nothing but as conveyor or for articulating this power, it is rather difficult to protect the legal goods. In this case, we cannot discuss about independence, even if both judges and the dominating legal ideology claim about it (Manoledakis 1992: 16-17). Eventually, this can be what our interviewees imply, when they speak about lacking 'culture of control' as responsible to corruption, indicating the weakness of justice corps to operate constantly as the institutional counterbalance of state power (at legislative, administrative or executive level). And instead of including independence to the targets of which justice have to attain and protect, they contend themselves with statements such as, justice is independent and untouched by political influences and 'fortress of democracy'.

Hence, it is not odd that they account justice powerless and inadequate to correspond to the needs of society only due to work overload, low incomes, lack of experience of the new employed judges etc. Nonetheless, there are some judges who stress as a serious problem of justice organisation the selection of its leadership by the executive the government(s) (i.e.

Protonotarios 1986: 641; Voiklis 1991: 121-122). Judicial practice has also shown that in some cases whereby a conflict between ‘public’ or ‘social interests’ and personal rights is taking place, political expediencies affect justice decisions at the expense of protection and support of citizens rights; this motivates some scholars to refer to ‘timid /weak justice’ (Alivizatos 1988: 549; Manoledakis 1992: 27). And, among other reasons, its subjection by politics has resulted in some degree to the disdain and discredit of justice in the eyes of the public in the last decades. However, attempts of guidance by politics referring to reforms in courts organization have resulted in intensive reactions by them, especially the higher ones, describing the changes as ‘unconstitutional’, while the other side described the ‘rare cases in which the courts relented the temptation to judge and appraise the choices of government and Parliament’ as indication of ‘state of judges’.<sup>51</sup>

Citizens’ trust in independent justice has been also staggered under its compliance with political demands and in particular not so much because of committing to trial political rivals of those in power, but due to its attitudes toward those cases (Art. 86, Constitution 1975/1986; Legislative Decree 802/1971 about the criminal responsibility of government members and undersecretaries). The impression which is created is that irrespective of the decision, justice is put automatically to one or the other (party political) side, poisoning its independence and impartiality in social conscience (Manoledakis 1992: 24)<sup>52</sup>. Citizen’s trust is also wavering when the government uses remuneration<sup>53</sup> to affect justice indirectly.

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<sup>51</sup> For example, the recent dissent between the Ministry of Justice and Council of State about the reforms brought up by the Bill of speeding up the administrative judicial procedure in the respective courts (January-April 2008).

<sup>52</sup> Such example is the commitment to trial of the ex-Prime minister Andreas Papandreou and ministers of his government followed by repeated statements of political leaders about legal issues of the case(s), as for example the statute-bearing or not of the offences, long before the decision of the Special Court (The process started in 11/3/1991 and finished in 16/1/1992).

The ‘Special Court’ of Art. 86 of the Constitution must not be confused with the Supreme Special Court of Art. 100 referred above. The first one, ‘Special Court’, is an ad hoc court, competent to judge alleged criminal acts of members of government (previous or in service), committed in their official capacity only (i.e. not common criminal or civil offenses committed in their personal capacity) and only when impeached by Parliament. It is also competent to judge the President of the Republic, if impeached by Parliament for intentional violation of the Constitution or for high treason. In such cases, Parliament acts as public prosecutor and the defendant(s) may be represented by lawyers of their choice, as in any court.

<sup>53</sup> In 1991 the Law 1968 was issued, wherein art. 14 foresaw the increase of monthly payments and ‘courts’ appearance reimbursement’ for the leadership of the High Courts. This occurred in a time where several of the previously mentioned cases were pending in the Special Court (11/10/1991), as well as cases with high political interest in other criminal courts. This caused heavy criticism mostly by the Press, discrediting justice’s impartiality in the public opinion. If the increase was taken place in a different time and applied to the whole justice personnel, the criticism would be avoided (Manoledakis 1992: 23, fn. 21).

In July 2008 the reaction of the Minister of Justice was similar to some of his predecessors. This month and during the investigation of the Siemens case an amendment was brought to the Parliament abolishing the self administration of the courts. According to the previous law, the First instance courts, the Courts of Appeal and the prosecution services had the right to vote for the heads of the courts. The new regulation foresees that the directors would be appointed by the Supreme Judicial Council. The amendment which was introduced without previous consultation with the professional associations of judges and prosecutors caused strong reactions by them, as well as the Bar Associations and others. After that the Ministry of Justice in cooperation with the Ministry of Finance increased from 40-80 percent the remuneration of the judiciary, and what is more in a very difficult period for the whole labour force of the country who experience heavy taxation, costs reduction, and

Their suggestions for limiting corruption through the improvement of laws' quality require changes in legislation procedure, while the upgrade of the Parliament's control role requires the amendment of the respective Constitution clauses and the Parliamentary Law. It is obvious that both call for political will. The same applies for relieving justice of political influence with the abolishment of the articles which foresee the assignment of its leadership by the Cabinet. The mentioned changes would encourage justice's independence, strengthen its power so that it cannot be used as 'Siloam pool' by the political and economical system and could enhance citizens' trust.

## **2.4. Police**

### *Overview of the discourse: Axes of argumentation*

The reports of the Division of Internal Affairs of the Hellenic Police (DEY) analyzed in the first phase, contain rhetoric and descriptive statements on state and ethics. The use of the word *corruption* was rare. They emphasized the significance of citizens' trust and the effects of corruption on the state's image and efficiency. The reports over present the effectiveness of the Service and advocate more responsibilities for itself in the whole area of public administration and a counseling role in police management, as well as in the Chief's Bureau. They often stress the Police role as "objective, impartial, and corresponding to society's needs", referring to a survey of the National Centre for Social Research (and the European Social Survey, 29, January – 15, March 2003).

The Service focuses almost exclusively on corrupt practices of public administration, and little on the Police. Service's statistics show that more police officers are punished than civil servants, although the arrests of the police officers are five time lower than the number of the prosecutions, indicating that the charges against police are initiated by citizens and not by the Service of Internal Affairs. However, there is no explanation for it. It emphasized instead, that the problem in the Police is "occasional and not structural".

The reports refer several times to misgovernment and ensuing graft, dispute "catharsis crusades", suggesting instead repressive control and more information flowing in from the public services to counter corruption. According to the Service of Internal Affairs, the Public administration enjoys low esteem and trust from the citizens, as does its accountability, unlike the police. Its bureaucratic structure makes it slow and inefficient. Moreover, the Service strongly supports self-monitoring rather than external performance measurement. As a

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many retrenchments, apart from the unstable situation of the global economy (see more in the national Press from 17 July 2008 and henceforward).

counterbalance it suggests a widening of internal disciplinary procedures. They comment on improvement in the training of the police force.

The reports are an example of self-complacency. DEY's approach to corrupt practices is person-oriented. While rejecting (more) transparency for themselves, they support inspection and repressive mechanisms (deterrence) for other public services. Yet this was not repeated by our interviewees in the second phase, underscoring instead prevention and education. The Service was also much more moderate regarding public administration, while the Union representative implies in its discourse the existence of the problem in the police, although he does not put emphasis on it.

During 2007 the Service of Internal Affairs took several disciplinary measures, including dismissal and suspension, against officers involved in corruption, primarily for forging documents and taking bribes. Most charges against police involved violation of duty, false certificates, abuse of power, corruption, violations with arms and explosives, illegal release of persons in police custody, procuring, and violations related to alien registration.

The former Ministry of Public Order (now under the Ministry of Interior) conducted regular training to address a variety of problems, including corruption and police abuses. The ministry also issued a code of conduct, booklets and other material to police officers to promote reform.

In our discussion (2<sup>nd</sup> phase) the Service of Internal Affairs (DEY) used for its argumentation the national legislation and the definition of the European Council. 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. 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'), according to which the term corruption is strongly related with the peculiarities of each society the offenders' group and the formulation of charges. All three remain loyal to the legal concept as defined in the criminal law, yet, they describe it as social 'phenomenon', oscillating between a sociological approach (social 'phenomenon') and a medical one (social 'sickness').

All interviewees estimate corruption in police to be limited and in any case, not higher than in other public services ("I don't think that police is more corrupt than the rest public services"),

and they generally agree about policy measures for dealing with it; yet, it is implied that the 'famous' *esprit de corps*, operates against the clearance of such cases in the police force.

"It is not possible that the majority of the honest officers cannot isolate few (dishonest) people, but since they doubt about the results of the proceedings and fear to be self involved, they discredit it (the whole process) and quit".

Furthermore, the *low interest of the leadership* (political and natural) in the financial situation of police officers, and their everyday problems, but above all its 'failure to inspire and represent the officers' results in its delegitimation. 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' 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. "The treatment of a corruption offense between an officer on the beat and the captain of a police department is different...Where it should be used more severity is used more leniency".

Nevertheless, strong hierarchical structures of organisation followed by heavy bureaucracy and low wages, contribute along with the *anonymity* afforded in big cities and increase of illegal opportunities to corrupt practices of 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 leadership.

Both groups view the institution of the Service of Internal Affairs as innovation, corresponding to their long demand for diminishing corruption in the police. Yet, its efficiency is downplayed due to its bureaucratic structure and its subordination to the police leadership. "The Service does not operate as independently as it is presented, because the administration of the Service relies directly on the Police leadership, the Chief of the Police...The Service is powerless and dismantled. The chief decides for the officer's promotion, he conducts the personnel's evaluation; he is the one who will or not satisfy the officer's request for a removal to a post after the officer's leaves the Service. Thus, we cannot speak about complete exemption from reliance on the leadership".

Regarding corruption in general, all interviewees distinguish between 'petty' and 'grand' corruption, according to a) the social groups involved and their socioeconomic status, and b) the amount of money used, 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.

The representatives of DEY don’t dispute the existence of the problem ‘in all social classes, as well as in public services’, but they disagree with the view 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 statistics and other valid data, along with the over-presentation by mass media during the last decade, have created a false image about the seriousness and size of the problem in Greece.

DEY is trying to move the blame usually put on Greek society, countering that most of the citizens criticize and disapprove corruption. “We cannot promote with flippancy that corruption is an everyday phenomenon. Injustice feelings and scorn of everything cancel out state’s efforts for social justice in the eyes of the ordinary citizens”.

The Union’s representative regards corruption in society as ‘usual’ social behaviour (“Corruption is an issue of our civilization and mentality”. ‘Greek society acclimatized itself to corruption and bribery’). But he refers rather to a general behaviour, not corresponding to approved social – moral standards, than to illegal practices. For him corruption in society is expanded, therefore he is pessimistic about the chances of recovery. All three interviewees see international and European cooperation in the field (organized crime included) useful and necessary due to the globalization, despite the bureaucratic difficulties of coordination.

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*, *historical and cultural residues*, 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 legislation are considered to be the main reasons for corruption.

The *institutions’ crisis* (delegitimation) 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 general followed by an overall scorn for the state, police included. DEY from its side, attempts (without disputing it) to decrease its extent and intensity (“I wouldn’t say institutions’ crisis, but lack of trust in them”). The police officers promote the idea that it is either a media construction, or the result of insufficient information of the citizens, maintaining for example that police is highly

appreciated. Furthermore, corruption is related to *personality's formation* (character etc.), a view advanced by the Union's interviewee. Similarly, although less striking, DEY refers to 'elastic-conscience' and 'personality' (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 Union. The system is not as strong as initially its representative described, since whatever behaviour a person follows, it is, according to him, the result of *rational choice* and *free will*, even though he is aware of the 'injustices of the system' and their role to corrupt exchanges.

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 and its sources in outdated 'established mentalities'. They stress on *prevention* instead of *suppression and control*, on education and socialisation of a *new citizen type* (referred as investment in social structures). Whatever policy on this background needs long-term planning and time for its outcomes.

In addition, they suggest administrative reform, modernisation of public services, modernisation of justice in order to increase its effectiveness justice's speedup, use of swift and exemplary sentences, emphasis on prevention, limiting of public servant's discretionary authority in dealing with specific cases. 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.

### *Evaluation, conclusions, suggestions*

Robert Reiner mentions that the independence of the British police from control by any elected governmental institutions has been seen as a virtue (1992: 769; Reiner 2000: 8), although there has been a long standing radical critique that it was anomalous in a democracy. On the contrary, Greek police have experienced both local and governmental involvement. This disrupted their ethos, while the governments used police for their own plans. Police from their side took advantage as much as it could. For decades they have been operating as the "long arm" of a party political State and not of a citizen State. This has put them in the margin of the social interaction.

Generally speaking, police competence to create solutions in existing arrangements depends on the force's ability to cooperate with its external environment, to understand and communicate with it at an acceptable level. The police develop their relation with the public

in the sense of involvement in social life. For decades, the Greek Police have worked to expand their power instead of advancing the powers of citizens, local authorities etc., which could help them to confront the increasingly complex circumstances of the modern world. In recent years police were trying to set up new patterns of cooperation with the public, hampered again by politics.

The police have some characteristics that do not correspond to the friendly image they want to present. They have a monopoly in the use of violence and the threat to employ it (Bowling & Foster 2002: 985).

Anyhow, police have a responsibility for diverse assistance performed 24 hours per day (Morgan & Newburn 1997: 79), which implies an extended field of reaction (Walker & Katz 2002: ch. 5,11). The size of the reaction and the different levels of performance produce a 'drift' in the organization. The expectations and demands of the public are, in some cases, contradictory. From one side they ask for order and strict enforcement of the law and from the other, for support, understanding, mediation, problem-solving, as well as leniency and respect for human rights regarding offenders (Reiner 1992: 767–768). The development of characteristics such as absenteeism, cynicism and attempts to present over-effectiveness with various methods ('blue curtain culture', cop-culture) are some forms used by the police to adjust to the 'drift' (Reiner 2000: 89-103; Bowling & Foster 2002). The same applies for the governments' demands. Political intervention can strengthen those feelings and promote such characteristics. Nevertheless, in practice, police enjoy a high degree of freedom and they develop their own attitudes to adapt to the environment. Since they have to satisfy numerous demands and expectations effectively, they pick and choose according to the situation, thus shaping their accountability (Walker 2005). But the social reality, which at first seems quite controllable, is much more complex. Therefore, they often become ensnared by the system that they have constructed in order to be regarded as successful (Waddington 2000: 163).

The major virtue for the Greek police during the last two decades is understanding contacting the citizens in everyday life. This was characterising, until recently, the whole criminal justice system of the country, giving the opportunity to both sides, the one to repair injustice and the other, wrongdoing. If this could go with professionalism and democratic ethos, it would be a model for good policing. Professionalism means the capacity to confront problems with 'fine judgment', namely, to use the 'right' approach according to the situation (Punch et al. 1998: 66-72).

However, professionalism requires transparency and accountability, which means making choices and letting the people see on what basis those choices are made. Professionalism is based on experience and knowledge; both help the police in arranging working time, policing

methods and practices, expenditures allocating personnel and personnel planning etc. and generally they support many aspects of their activities. The friendly and supportive presence of the Greek Police during the Olympics 2004, as well as their effective non bureaucratic response to the demands of the days have shown that such experience and knowledge exists, yet it must be mobilized, since neither the governments (more) nor the police themselves (less) seem to be aware that expertise and qualification are not enough if they have no continuation. Education in democratic principles is education in a specific life and work style and far away from party political and governmental needs (cf. Papakonstandis 2003, Vidali 2007). Neither the first nor the second operate independently.

‘Integrity’, selflessness, objectivity, accountability, openness, honesty and leadership (Nolan, 1998) are important elements not only or not so much to control corruption, but because they provide the basis for articulating the values that underpin ‘democratic policing’ (Jones et al., 1994).

Corruption is not the problem of some “bad apples”. Any successful anti-corruption strategy must involve much more besides. It is the result of serious social or organisational problems, for which it does not exist ‘a solution’. First, because the issue is complex and responses to complex problems are themselves usually complex. Secondly, it is unlikely that such problems can be ‘solved’. It is much more to attempt reducing the impact of the problem. Every so often, governmental as well as political declarations and official inquiries into police corruption or police failures suggest the implementation of “new” tactics which will enable the Police to improve its effectiveness (we have many examples for that in the governmental ‘reorganisations’ of the Greek Police) and “drive corruption from the ranks” (Mollen, 1994: 6).

Unsuccessful ‘reforms’ as in the case of drastic reduction of police departments in the nineties in Greece resulted in public betrayal and may increased public scepticism about the ability of the corps to reform itself. Similarly, statements about the aim of completely eliminating corruption may lead to disillusion and scepticism within the police service itself and the citizens. Finally, naive claims about corruption may lead police management and others responsible for the governance of the police, to ‘take their eye off the ball’ (Newburn, 1999: 48-49).

“(The Service of Internal Affairs) was a groundbreaking measure, which had to be instituted”. “It started well, but if we don’t want to be discredited it must be constantly developing and adjusting to the new social demands. It must be emancipated from the leadership’s bondage in order to operate and work as impartial and unprejudiced as possible at all ranks, levels and sections”.

Any complacency as is expressed by the representatives of the Division of Internal Affairs contrary to the Union interviewee, for the institution of the Service, which is regarded as a means and an end to counteract corruption, or lack of realism about the prospects of reform, will lead to the cycle beginning all over again. Education, support, control and realism must be the key words of the police administration seeking to ensure police self-esteem, counteract corruption and maintain trust of the public to the corps.

## **2.5 Media**

### *Overview of the discourse: Axes of argumentation*

The content analysis in the first phase showed that corruption was for the Press, as well as the rest media outlet, a news story valuable for its threshold and personalization. Corruption is considered a *social illness*, the curing of which needs the commitment of the whole society. The particularities of the issue in the social, political and cultural structure of Greece remained obscure. In general, the Press' viewpoint can be regarded as more 'sophisticated' than the radio.

Furthermore, the cases were used for scandal-mongering and for producing distrust either of the government, or the police and public administration. In overall, the findings of the first phase illustrated that media comments on corruption were grounded in general and still vague notions about the "weak Greek state and the weak public administration", leading in illegal practices. Although they referred to socio-structural and democratic variables, they were unable to give more refined analysis, reproducing mundane theories and trivial comments, around law enforcement and control mechanisms.

The quality of the discourse in the second phase is very different from the first because of the methodology. While in the first is superficial, controversial and demolishing, in the second is substantial and constructive. What is more, their discourse don't reflect that of the politics, as in the first phase, at least very little. During the second phase of the project the interviewees regard the 'social disease' thesis as a 'superficial justification' used by the mass media and politicians. For all journalists the phenomenon is defined as 'social, political and cultural', with ranging seriousness. It is described as 'an exchange which is not necessarily monetary and not always illegal' although money are very often at the core of the exchange. They agreed that it is inherent in the capitalist system of western democracies (*'the political-economic system cannot live without corruption'*). All the interviewees agreed that corruption

in contemporary Greece is extended. Nonetheless it is counted to be a general problem of all countries, inherent in our times.

In the whole problematic the protagonists are the powerful economic and political groups and the organized pressure groups. Their interplay is related to the original accumulation of the Greek capital in the 19<sup>th</sup> and 20<sup>th</sup> 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. Their analysis refers to the structure of social power and its division among the dominant social groups (social elites). For the media representatives, 'political corruption' is strongly related with the operation of political parties, as well as their establishment 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 competition. The modernization of the Greek economy in the '80s and thereafter, the boost of the private economy in relation to the state decline and the weakening of its control mechanisms, expanded corruption followed by its side effects in collective behaviours (state and society).

They considered that contemporary Greek society has incorporated corrupt practices as accepted social behaviour, because as society is based on the reciprocity and mutual services (culture). Compared with the past, greater tolerance and lower social resistance is observed, while the politicians' declarations about their commitment and effort to decrease corruption are considered meaningless and for show.

Two interpretations are promoted for tolerance's increase. The first sees the 'dominant (political and economical) system' neutralising citizens' reactions. Mass media have a significant role in this process and in their exchange with the 'dominant political power' (see political parties) takes care of its self-maintenance.

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 practices.

All the interviewers accept that corrupt practices (mainly petty corruption) may operate for the 'redistribution of wealth', thus is characterized as 'functional'. 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 equality leading to an impasse.

As far as concerning EU policies and other international organisations for this issue, the effort is appreciated in general and considered to be positive for Greece in particular, because it supports a thorough analysis and discussion, as well as because it promotes the education and the information of the society. It is accepted 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 support the re-organisation of the political parties. However, they stress that quite often, as in the case of anticorruption legislation, the Greek political and economic system fail to adjust successfully to regulatory reforms of EU because they haven't previously worked them out sufficiently for several reasons (structural weaknesses, unwillingness, priority) and they haven't been actively involved in their formulation. Consequently, they started integrating them in the national legislation with delays and following only roughly the anti-corruption policies. 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.

Corruption in public administration and corruption in politics are two different things although they are strongly related to each other: in the first one is visible and petty, though inherent in the structures of public administration. The reasons for this situation are attributed to the existence of heavy bureaucracy, to the outdated administrative structures and the intervention of party-politics to serve their clientele and over-regulation.

Our interviewees emphasize on administrative reform, computerization and overall modernization of Public Administration, as well as its control mechanisms. Moreover, they accentuate the need for investments to the human and material capital of Public Administration and better regulation.

They refer to structural changes without specifying them, which have to be fulfilled gradually, in order the generalized collapse of the existing power system to be avoided. All in all, reducing corruption in Greece demands commitment of the citizens, education and awareness, together with an effective social control. And this because, as one interviewee said: 'Democracy is a very difficult system that requires continuous alertness and control by the citizens'.

### *Evaluation, conclusions, suggestions*

The deregulation of the state broadcasting monopoly in the late 1980s has led to an expanded commercialisation of the whole media sector. The Greek Press faced ‘the biggest challenge in its history’: increasing competition from electronic media and the need to control the publishing tools offered by new technologies (Papatheodorou & Machin 2003: 41-42). For the Press the rise to the challenge required the reform of traditional publishing goals and marketing strategies. However, the political affiliation of newspapers remained manifesting in periods of high political tension, including election periods. The magazine field witnessed similarly a sharp decline in sales and it reacted by closing the old titles and publishing new (foreign) ones which increased its (young) public.

The broadcasting commercialisation resulted to more channels, advertising, domestic productions and program imports. But none of the major political parties designed a strategy or attempted to enforce it in tactical steps for regulating the sector. Thus, from a broadcasting environment with two public TV channels and four public radio stations, in the early 1990s, we were led into an overpopulated environment of 160 private TV channels and 1,200 commercial radio stations (Papathanassopoulos 2001b: 113). Since the mid 1990s, there are various efforts by the governments to regulate the sector (in particular: licenses, advertising time, program quotas, protection of minors, and media ownership) but without much success. Many TV licenses continue still to operate with periodic renewals.

As in other countries, the publishers and businessmen with multiple activities including oil and petroleum products, shipping, banking, real estate, hotels and leisure, have intruded the broadcasting landscape to dominate after a while the field.

Before the deregulation of the broadcasting sector, the debate about the electronic state media in Greece was focused on governmental control and intervention in radio and television news programs. Nowadays, the debate has been focused on the concentration of the media sector in the hands of a few influential media and business magnates. The contemporary audiovisual field is similar to printed Press: there are too many stations for such a small market. All TV stations face financial problems, so that one wonders about the real motives of their owners. This situation is related by most analysts to the fact, that Greece, like other Southern European states, entered late into “modernity” and has neither a strong civil society nor a strong market. Although, as already mentioned, we have some reservations about the overused argument of the weak civil society in Greece (Mouzelis 1986) and we rather tend to the existence of a civil society form, eventually closely related to the party system (see also Sotiropoulos & Karamagioli 2005; Sotiropoulos 2006: 3-4, 23-24), but not *active* as in Italy for example (Hallin & Papathanassopoulos 2002: 175), and not necessarily apparent

(Sotiropoulos 2007), we accept the argument of the weak market. Moreover, the over-extended state is used by the private interests as a field to support their business, in particular public works, more than the market, which has remained restricted. In this context it can be explained why the power of the media has increased so well, contrary to the power of the market (Papathanassopoulos 1990).

The deregulation of broadcasting appears to have extended the relations that existed between the government and the Press to the domains of radio and television. This raises serious doubts about the potential of the market to operate as a ‘democratizing, rationalizing power’ in the society (Papatheodorou & Machin 2003: 49). The financial profits from broadcasting are not the unique motive of businessmen who invested a lot of money in the small Greek market (Papathanassopoulos 2007: 95). The entry of construction companies, ship-owner companies and various business concerns in media market opened the door for applying pressure to politics through the influence of public opinion, in order to serve their entrepreneurial interests and strategies (Hallin & Papathanassopoulos 2002: 178). Media ownership is the means and at the same time the guarantee for profits in other business areas. Furthermore, we must keep in mind the deep dependency of political communication on media and in particular on television all over the world (Papatheodorou & Machin 2003: 51).

Our interviewees underlined that politicians are captured 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’.

In our previous research phase, the TG Politics noticed that politicians in general, due to the prevailing citizens’ distrust as a result of economic scandals in the previous decade, are not any more supported financially or in whatever way by their voters, and in any case much less than previously as in other countries. This in relation to the big districts and the subsequent expensive pre-election campaigns, made politicians trapped in private donors and interests. It led to the ‘americanisation’ of political communication (Negrine & Papathanassopoulos 1996: 45-62), raising television at the main player in communication and pulling the wires especially during the pre-electoral periods (see more Papathanassopoulos 2000: 47-60). In this context corrupt practices (‘facilitations’) can be regarded as belonging to the game.

As Papathanassopoulos notes (2007: 96), “the fact is that Greek broadcasting operates with no rules of the ‘game’. Within sixteen years of TV deregulation, it has become clear that when ‘politics of the day’ become the determinant factor in shaping the re-organisation of broadcasting, it was bound to produce less-than-ideal results and many side effects”. It is interesting that the ‘no rules argument’ is also referred by our media representatives during

the interviews, associating it also with corrupt practices for economic profits, implying what happens in their work area. They agreed that corruption is counted to be a general problem of all countries, inherent in our times, however the ‘rules of the game’ within western societies remain stable unlike what happens in Greece.

Several media analysts adapt to the politico-sociological viewpoint in power in Greece which advocates the clientism argument and the state paternalism approach to support their work. This viewpoint often contrasts the countries of the South (southern Europe and Latin America) with those of the North (northern Europe and North America); though clientelist relationships exist to some degree and in various forms in all modern societies (see above par. 4.2.5. *b*).

History indicates that patronage systems and clientism extending far down the organizational chain are susceptible to inefficiency and corruption. Large-scale patronage systems declined steadily during the twentieth century in the western countries.

As Hallin and Papathanassopoulos note (2002: 176), a discourse focusing on clientelism inevitably brings normative issues to the fore. The studies on political clientelism found out that universalistic ideologies are hegemonic in public discourse, even where their institutional legitimacy is lacking. In the case of the news media, the ideals of neutral professionalism based on Anglo-American media history are widely accepted by journalists around the world, even where the practice of journalism departs radically from them (Mancini 2000; Herman & Chomsky 1988). Media historians have also observed that society – mainly urban, middle class newspaper readers – became more sophisticated and independent-minded, as did journalists, who generally come from similar social backgrounds (Hallin & Papathanassopoulos 2002: 190). Moreover, the newspapers of southern Europe, for example, “are impressive in their attention to public affairs, the sophistication of their political analysis and their political diversity” (2002: 176).

The concept of clientelism is useful in media analysis, because it sheds light on normative issues of media performance in a democratic system. It is commonly noted, that clientelist relationships tend to undercut the development of horizontally organized mass political parties, although it is not always the case. There are probably similar complexities in the role of patron–client relationships in the media history (Hallin & Papathanassopoulos 2002: 176). The above authors in their study of seven countries of the South (Italy, Spain, Portugal, Greece and Brazil, Colombia, Mexico) refer to that significant social forces in these countries are undermining clientelist relationships during the last decade. Among them the most important is commercialization in the media sector, which increased competition, and changed the orientation of media management from politico-ideological to economic ends.

However, clientelism and commercialization are not always incompatible, because clientelism is a social make-up of market societies. When Greek businessmen use the Press and electronic media to press politicians in support of their other business concerns, clientelistic relationships are obviously serving commercial ends. In Greece, the commercialization of television has not so much eliminated the game of particularistic political pressures associated with clientelism, as it changed its form (2002: 190-191). The erosion of the state monopoly on broadcasting, the expansion of privately-owned media and the introduction of market oriented 'tabloid' forms of reporting gave media owners new means for an exchange with politics for their own interests (Papathanassopoulos, 1999). Nonetheless, they regard that the logic of the media markets can, under certain circumstances, weaken clientelistic relationships. It can make media organizations less dependent on political subsidies and discourage identification with particular political positions. It may also make media enterprises too expensive for most politicians to afford, or even for most entrepreneurs to buy purely for political motives. Similarly 'globalization' may neutralize clientelism such as the effect of the common legal framework of the European Union on member-states. And finally, the diffusion of global journalistic culture can counteract clientelist bonds of journalists to political factions (2002: 191). But the process is more complicated than it seems to be.

In 1983, Ben Bagdikian published *The Media Monopoly*, which warned that continuing deregulation of the media under Reagan's Federal Communication Commission<sup>54</sup> was allowing the media to be bought and controlled by an ever-shrinking number of corporate owners. Once called 'alarmist', the book is now considered a classic, because all its predictions have come true. The number of corporations controlling the media is falling from year to year (only by 1992, in USA their number fell from 50 to 20) and more media mergers are inevitable. Most US cities have become one-newspaper towns.

Thus, one of the major effects of the deregulation in the media sector is the *concentration of media ownership* (alias *consolidation*): A handful of powerful global media groups take control of the expanding media and leisure market spanning film, television, book publishing, music, new online media, theme parks, sport, the print media and even the theatre. Deregulation has boosted both the commercial power of global corporations, but it also gives them political power. From now and then they demand even greater relaxation of rules on media ownership, spending enormous sums on political donations while lobbying key politicians. For example, ABC is controlled by Disney, NBC by General Electric, CBS by Westinghouse and all these parent companies are known for their political activism and preferences.

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<sup>54</sup> The Federal Communications Commission (FCC) is an independent United States government agency. It was established by the Communications Act of 1934 and is charged with regulating interstate and international communications by radio, television, wire, satellite and cable. The FCC's jurisdiction covers the 50 states, the District of Columbia, and U.S. possessions (<http://www.fcc.gov/>).

In USA Clear Channel Communications, especially since the Telecommunications Act of 1996, came to own more than 1,200 radio stations across the United States. In the UK, Rupert Murdoch owns the best-selling tabloids in the world and controls a large proportion of regional media, in addition to large shares in ITN and GCap Media. Axel Springer AG in Germany is one of the largest newspaper publishing companies in Europe. The company is also active in Hungary, where it is the biggest publisher of regional newspapers, and in Poland, where is also one of the biggest shareholder in TV company, *Polsat*. Bertelsmann is one of the world's largest media companies: private TV companies, popular magazine publisher, including popular news magazine, a book publisher (*Random*) in the English-speaking world and in Germany.

The concentration has an imminent *danger to diversity and plurality* in the media and there will be/is also a damaging impact on the range and quality of the work that journalists produce. Even Greece, a small country, as already referred, has such an experience. The International Federation of Journalists/Europe argues moreover that the market itself cannot protect pluralism and diversity. The public's need to be properly informed means that information services must be regulated beyond the market framework of ratings, profits and commercial objectives (IFJ 2006).

It is besides worrying, that the concentration was supported either directly or indirectly by *national laws*. In USA, the Telecommunications Act (1996) set the modern tone of deregulation, "a relaxing of percentage constrictions that solidified the previous history of privatizing the utility and commodifying the spectrum". The legislation fostered in competition, but it actually left the subsequent mergers of several large companies (Adbusters 2007). The FCC after a decade voted (December 18, 2007) to include a statute that permits a single company to own both a newspaper and a television or radio station but only in the very largest markets and subject to certain criteria and limitations in the same city (FCC Press release 13/11/2007). FCC Chairman's justification for the rule change is to ensure the viability of America's newspapers and to address issues raised in the 2003 FCC decision that was later struck down by the courts (NYT 18/10/2007; 13/11/2007).

In 2001, a new provision was added to the Greek Constitution (Art 14[9], according to which the owners of private mass media are not allowed to participate in public procurements<sup>55</sup>.

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<sup>55</sup> Hellenic Constitution Art. 14[9]. The ownership status, the financial condition and the financing means of information media should be disclosed, as specified by law. The measures and restrictions necessary for fully ensuring transparency and plurality in information shall be specified by law. Concentration of the control of more than information media of the same type or of different types is prohibited. More specifically, concentration of more than one electronic information media of the same type is prohibited, as specified by law. The capacity of owner, partner, main shareholder or management executive of an information media enterprise is incompatible with the capacity of owner, partner, main shareholder or management executive of an enterprise that undertakes towards the Public Administration or towards a legal entity of the wider public sector to carry out

Both big parties, ND and PASOK, agreed to this provision, aiming, according to those who proposed it, at promoting transparency. In 2005 the Parliament issued a law implementing the constitutional provision (Law 3310/2005). The law required media companies – television and radio stations, newspapers and magazines – to have registered shares held by individuals (in the words of the legislation, “registered until a natural person is identified as owner”). As far as television and radio are concerned, there was a clause according to which foreign companies from country where there is no obligation that shares be registered until a natural person is identified as owner may be authorised under certain conditions to hold up to 15 percent of the capital of a radio or television company. The European Commission reacted immediately and warned that the law violates EU’s legislation of competition (IP/05/987). The Greek government replied that the law implements the respective constitutional provision, which is superior to the EU law. Ardent supporter of this opinion was the Minister of the Interior and law professor. Nevertheless, the government receded and amended the law according to the European Commission’s instructions (Law 3314/2005), under the pressure that the European Commission would reduce Community funds destined for Greece.

Another serious effect of deregulation is that *public broadcasting cannot compete* against the massive resources that large or global media groups can draw on to develop programming, acquire rights i.e. sports etc. with its limited finances. In Greece, for example, the entry of private channels was disastrous for the public broadcaster, the Hellenic Broadcasting Corporation (ERT). According to Papathanassopoulos (2007: 95) few other public broadcasters in Europe have suffered so much from the advent of private TV. In the fiscal year ending to June 2005, ERT posted a net loss of 28.6 million euros on turnover of 263.5 million. For the year ending to June 2006, turnover is estimated to rise by about 50 million euros. Advertising brings ERT only € 30–35 million a year, accounting for about 10 percent of its proceeds (see also Murdock & Golding, 1999).

During the last two decades, European media and especially broadcasting have gone through radical changes. These are associated with changes in communication policy and technological developments, which have had a strong impact on policy choices about media, and particularly television. The European Union has attempted since the mid-1980s for a homogeneous media sector of its member states, to make the sector competitive in the internal and the global market (Papathanassopoulos 2005: 46-47).

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works or supplies or to provide services. The prohibition of the previous section also applies to all types of intercalated persons, such as spouses, relatives, financially dependent persons or companies. A law shall set out the specific regulations, the sanctions which may be carried to the point of revoking the license of a radio or television station and to the point of prohibiting conclusion of or annulling the relevant contract, as well as the means of control and the guarantees for deterring infringements of the previous sections.

In this process, the smaller European countries are in disadvantage with the bigger ones. They have fewer possibilities to be attractive in the unified European market (Meier & Trappel, 1992). Moreover, their policies have to take into account the policies of larger countries (Burgelman & Pauwels, 1992: 181) because their resources are limited, their market size is small for production and consumption, and their markets do not usually represent a worthwhile target for multinational corporations (Tunstall & Machin, 1999: ch. 22). They have to follow and implement policies that they little correspond to their needs. This can lead to heavy cross-ownership by local dominant groups or a sharp decline of their public broadcasters (Papathanassopoulos 2005: 48-49), as the experience in Greece has shown.

The deregulation of the media sector has been associated with the ‘marketization’ of the public communication sector (Murdock & Golding, 1999). Under this view and the rhetoric about the ‘information society’, consumer demands have been taken for granted, while very little interest has been paid to citizens-audience, although all argue on their behalf (Papathanassopoulos 2005: 48) and to quality.

Summing up, the present situation has to do with the general developments in the political and economic field of Greece, as already presented, and the respective trends all over the globe. It is also related to the applied pressures to the governments for media modernisation (deregulation); finally it is the result of the strong economical interests for making profits. It is the period for which the interviewees noticed that the transformation of the Greek economy (following the ‘modernization dogma’), the influx of EU funds, and the consequent boost of the private economy from one side, the state’s decline and the weakness of its control mechanisms from the other, expanded corruption followed by its side effects in collective behaviours (state and society). After all, the state monopoly was replaced by a ‘dramatic short-sighted’ deregulation for broadcasting (Papathanassopoulos 1990: 395), and as the interviewees said, the deregulation proliferated corruption and falsified the ‘parties’ voice’.

Unfortunately, the efforts for media emancipation from politics (transmission licenses, state subsidies), as well as the politics emancipation from the owners of private media (political communication) were rather unsuccessful, confirming what Lazarsfeld and Merton (1948/1971: 503) some decades ago have underlined «He who pays the piper generally calls the tune». But in a small market like the Greek one, even though it seems that media owners pay for the media product, this takes place because they have benefits in other areas of economy, much more profitable than in the media (Papathanassopoulos 2001: 519). Our interviewees view it as an example of a ‘*state-sponsored capital*’ which has privileged relations with political power. In this context, ‘the political-economical system’ not only produces corruption (mainly grand corruption) but also reproduces it.

According to the interviewees, the 'system' is regarded working in a triangle form: the political and economic power is at the base, and the mass media at the top. In this course it operates independent (without social control), reproducing itself together with collective attitudes and social behaviors. Therefore, it is strong, distorting conscience and disabling mechanisms in order to support its own interests. In relation to this, a survey by PRC in 1995 found out that the majority underlined that they trust neither politicians nor journalists and regard politics and mass media equally dysfunctional for the political system (cited in Papathanassopoulos 2001b: 118-119).

Some suggestions that would counteract deviant or unconventional practices are a) the completion and improvement of legal framework for broadcasting (TV), b) finish licensing, c) upgrade of the role of Journalists' code of ethics, d) strong involvement of the NCRTV for the support of quality standards, and e) transparency in public contracts with media owners.

## 2.6 Civil Society

### *Discourse and perceptions of corruption: Axes of argumentation*

Comparing the second to the first phase's results, NGOs have a less emotional approach to corruption as social issue. Although their discourse is more rational than in the texts analyzed during the first phase and coincides with the views of the target group-economy, they still account it a social illness.

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 debate, according to which they link corruption to *dishonesty, shameless behaviour, rotten system, immoral behaviour* (even with sexual harassment) and an issue of personal moral standards. However, they are sceptical whether a policy can be effective though crusades and overdrawing.

Corruption is used in exchange with *bribery-gift, 'dealing under the table', citizen's and employees' mistreatment, 'buying out' – redemption* (e.g. of a public service), *use of means, collusion of interests, favouritism, economic or political scandals, money laundering, tax evasion, insurance leaks, economic crime* etc. Nonetheless, they admit that some forms of corruption do not violate laws but is the use of informal methods to bypass bureaucracy and speed up the accomplishment – fulfilment of a right (e.g. a licence, cf. TG JUSTICE).

Occasionally, the interviewees admit not knowing the exact meaning of the term, and agree that its overuse may not be helpful to describe and confront the problem. According to them, corruption evolves mainly in the interface between public and private sector.

In our discussion, they focus on everyday corruption and attribute it to the shortcomings of public administration (heavy bureaucracy; manipulation of public sector by the political system; loose law enforcement; slow justice). Their special interest in petty corruption 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 the 2<sup>nd</sup> case study and only by one interviewee). 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 the 2<sup>nd</sup> case study and this only by one organization. In the second 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. They consider that the Greek electoral system, with the big districts and the subsequent expensive pre-election campaigns, makes politicians captured by private donors and interests; the same applies with the parties.. 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 sets. According to them our first case study (MAYO) was an example of political parties' reliance on such financing at the grey zone of law.

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. However, according to a second approach, corrupt practices are often used in private sector, especially when the economic activities are not based on free competition and innovation (i.e. attaining state supplies and public works, stockbrokers' illegal business, unlawful completion, securities fraud etc.). One interviewee criticises the Federation of Greek Industries for concealing business' participation in illegal practices by attributing responsibility to the public sector. Several Greek enterprises are nourished by the State, which they blame for corruption, and are over protected, 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 corruption, are impeded at the expense of the citizens. NGOs view the commercialization of the News as the main reason for scandalizing and overpresentation of the problem. 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 society. According to the second one the media use their power to manipulate public opinion, politicians and politics in general, for their own good.

After all, NGOs do not seem to have a clear view whether mass media's interests collude with political ones. Still, all interviewees accepted that they fail to inform citizens objectively; they rather distort information or semi-inform, confusing the public. Therefore, their role for informing and sensitizing about corruption, as well as other issues is questioned. Despite their criticism to mass media, they note NGOs' low influence on society and politics due to the low interest of mass media to promote their work because of their consensual profile, apart from their short history and limited resources (staff and budget).

The interviewees neither overestimate, nor underestimate the CPIs; they consider that such indexes show only the trend of the phenomenon; moreover that only by comparing Greece with other countries would be a motivation for Greece to be improved.

It is interesting that NGOs regard also that citizens overdraw about the problem, thus creating a negative image of their country. However according to them, in developed countries corruption emerges only in elites (grand corruption) and the law enforcement is effective. The Greek State reacts by issuing more laws, severe punishment and increase of bureaucratisation, which citizens try to avoid; in the mean time the serious cases are not cleared. For this the interviewees put the blame on politicians, omitting the responsibility of economy's representatives involved in such cases. The governments' and the general political confrontation of corruption have negative consequences for citizens' morals and education, discrediting state's control mechanisms.

Apart from individualism and State's distrust, our interviewees criticise tolerance and clemency as a national/cultural attitude which pertains not only to (probably they mean 'petty') corruption but also to whatever law violation (probably they mean petty law violations). Under the trend of the last decade, the respect of national institutions and symbols fell into disrespect. 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 same. Legislation reforms and new institutions are signs of serious efforts and progress which still do not reflect upon country's scores.

In both phases, NGOs regard corruption leading to poverty and under-development and reject having whatever positive upshot. 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 democracy.

On account of the measures that Greece should take in order to diminish corruption, representatives of NGOs stress, as in the first period, the role of the State, European Union (EU) and NGOs. Furthermore during the interviews the representatives point to citizens' education, sensitization and the role NGOs can play. According to them administrative reform and cultural–ideological 'reform' in society is absolutely necessary.

Summing up, NGOs seem, in both phases, 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. It is full with emotional-cum-ethical statements. The issue is “a fight” and “a battle” against illegal practices and corruption. Moreover, they manifest in their official reports a refreshing approach to social morals, thus legitimizing their efforts. Their argumentation is a medley of other target groups' views, especially these of economy.

#### *Evaluation, conclusions, suggestions*

After all, it would be more accurate to regard the Greek civil society having weak and in the mean time strong sides. Furthermore, the civil society in general should be considered rather as a field of conflicts and identities' formation than a homogenous set which juxtaposes with or opposes to that of the state (Sotiropoulos 2007: 12-13).

The transition in new multilevel and cooperative forms of governance implies the involvement of new partners in the decision making and the design of public policies. Considering that the traditional role of the national state is changing and new institutions and organisations sit next to it, then civil society, and in particular NGOs, consist preferential partner for the modern governance. The new reality causes numerous questions about the conditions and the context of cooperation between NGOs and the State. It is a context directly associated with the quality of democracy and the Greek political system (Vlahos 2007: 1).

The cooperation of NGOs with the central government and state institutions along with a conditional transfer of competences to them could be able to contribute in the improvement of political and administrative culture, which will incorporate the cooperative spirit and will strengthen the values of participatory, pluralistic democracy. The cooperation of the state with associations of civil society based on accountability, transparency and efficiency is a challenge for the future of democracy in parallel and above political parties and institutions (Vlahos 2007: 3-4), particularly for Greece because of its past good experience.

## 2.7 Economy

This section reviews perceptions of economic agents on corruption as analyzed in previous phases. The review would be helpful to have an insight of phenomenon under the economic perspective and theories' stating that corruption has an economic cost and leads to underdevelopment. Yet, the very essence of this 3<sup>rd</sup> period analysis is to examine the role which economy and private sector play in the emergence of corruption phenomenon in modern Greece, emphasizing on the historical dimension and particularities of the development of modern Greek economic system in the post 2<sup>nd</sup> World War era. This is consistent with new approaches of international organisations' acknowledging that corruption is a crime of supply and demand and that financial agents play a key role as supplying bribes to the public sector. The final scope of having a bottom approach is to explore the implications modern Greece's economic development and economic agents' perceptions have on anti – corruption recommendations.

### *Overview of the discourse: Axes of argumentation*

The approach of TG Economy on corruption, as expressed by official documents and interviews, can be evaluated as less refined and sophisticated than the rest of target groups. Although their view coincides to the neoliberal thinking, it is mostly based on everyday examples and personal experiences. The basic aspects of their argumentation associate corruption more with the malfunctions of Greek public sector and its low institutional quality and less with cultural or ethical factors.

When defining the term, most of them place corrupt activities in the “public sphere” saying that “*corrupt activities mostly take place either within the public sector or in the interface between the public and the private sector*” - such as when politicians or public servants use their privileges and public authority illegitimately to benefit themselves or others”. These benefits can be personal enrichment or wider intangibles gains for themselves or their political party<sup>56</sup>. This definition surely coincides with definitions provided by international organizations such as World Bank International defining corruption as “the misuse of public power for private benefits”. This goes hand in hand with the public choice theory, on the basis of which politicians and public servants take decisions for their own benefit, especially since the cost for their gains is not paid by them, but by the state budget and society in general.

Corruption in public services is distinguished in “grand” corruption and “petty”, nevertheless there are different views on which form is the most devastating and difficult to control.

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<sup>56</sup> ‘Personal’ and institutional corruption.

Business unions comment that petty corruption emerging in middle and low levels of Greek public administration (e.g. tax offices, licensing, urban planning departments) places an increased burden in business activity and economic development and often takes extortive form (Bottom-up approach). By contrast, workers unions believe that “grand” corruption and big political - economical scandals more disruptive as they erode citizens’ trust to democratic values such as being treated with fairness and respect by the State (Top-down approach).

It is questionable why economic agents do not analyze in depth private sector business and financial corruption which take place outside the public sphere. They only refer to such corrupt activities indirectly when talking about financial crimes such as fraud, market manipulation and abuse, speculation and oligopoly tactics, tax evasion and shadow economy; which are extended in Greek economic system.

Coming to causes and magnitude of corruption phenomenon in modern Greece, the economic agents seem to embrace the concept that there is a divide between more corrupt southern European states and less corrupt northern European states. At first, some of them doubt whether this phenomenon is so widespread in Greece, questioning the integrity of international corruption indexes, or blaming mass media and politicians for exaggerating. In particular, they criticize the scandalous and superficial approach of the Media as attracting viewers, listeners and political parties’ voters. But as their argumentation unfolds, they seem to accept that there are some practices and cultural aspects that are embedded in Greek institutional, political and social system, making it more prone to corruption. These embedded cultural and institutional features are less attributed to individualistic attributes, moral laxity and national character, saying that “*Greeks are not corrupt by nature*” and more to institutional context.

Their approach to corruption is “structural”, placing emphasis on the nature of state development and role in Greece. Modern Greece’ s road to development has been full of pitfalls and national disasters (Ottoman Empire occupation, several wars including two World War and one devastating civil war, economic bankruptcies, authoritarian governments and coups). In the light of these political and institutional developments in modern Greece, Public Sector’s gigantism and intervention and the unreliability of political system can be better conceived. Adopting the neoliberal economic doctrines, representatives of the economy see corruption as the product of growing state intervention and size. They accept by principle that public administration is not functioning on a competitive basis, as does the private sector, thus decision making and allocation of resources are not effective but they are compromised by overregulation, lack of accountability and rent-seeking. In the second level, this rent seeking is related to corrupt bureaucrats that use their discretion power and authority to circumvent rules and speed up procedures in order to receive gifts and bribes – private individuals and

enterprises are mostly presented as victims of this situation, paying extra transaction costs and losing in competitiveness. Lack of punishment and control and low levels of salaries are regarded to facilitate the engagement of public servants in corrupt practices.

Representatives of the economy seem to be reluctant to go a step further in their analysis discussing about clientism, state capture and collusion between political and economical elites in Greece. Some of them refer to political corruption, just focusing on parties financing and electoral campaigns. They say that the increasing costs of politics make parties vulnerable to corruption and promotion of powerful interests (private economy's interests), in particular because of great reliance on mass media advertising and the emergence of "business politicians", involved in entering politics primary for personal gain. Yet, the representative of workers' unions offers a more extensive structural approach to political corruption. He refers to the penetration of Greek political and party system into bureaucratic structures and judicial system, facilitating politicians and political parties to control state administration at their advantage and establish strong clientelistic networks. He explicitly says that "*it is not unusual the provision of public services that are a legitimate right, turns to be a privilege for which someone has to climb on the bandwagon of a powerful political party*". Indeed, historic research has shown that in countries, such as Southern European countries, experiencing late and irregular institutionalization of political parties and weaknesses in administrative capacity, there is high formation of such patron – client networks. Although traditional individualist forms of clientelism may still exist in modern Greece, new forms have emerged over time in response to the new economic developments and market economy prevalence. Most representatives of the economy seem to overlook these new forms of collusion between economic and political elites and mass media owners. Yet, workers' representative states that these forms are the most hazardous ones, naming as such regulatory capture, public procurement favouritism and embezzling of public national or European funds. Eventually, he wonders whether corruption is structural and symptomatic to the western capitalistic system, where profit maximization is pursued at the expense of other ethical values such as workers or environmental protection.

Regarding the impact of corruption, economic agents are sceptical on attributing any positive function to corruption, contrary to the rest of our interviewers, i.e. as being a lubricant in the economy or confronting the public administration' inadequacies. However, some of them accept that the shadow economy accounts for a high component of Greek GDP, constituting the so-called 'Greek Miracle', in the sense that: "*it creates extra (not) official income for the population to improve its life, which otherwise could not be justified by low wages*". Nevertheless, all representatives regard corruption as well as other illegal practices, such as tax evasion and evasion of social security contributions, as negative phenomenon hindering economic growth, investment and social equality. These perceptions coincide with findings of

economists and social scientists that corruption affects negatively economic growth in a number of ways: it reduces investments and tax revenues, leads to misallocation of talent by distorting incentives, distorts composition of government expenditure, decreases the quality and efficiency of public services and generates social and financial costs; corruption is perceived sand in economic machine and not a lubricant (Mauro, 1995; di Tella, 1997; Vannucci & della Porta 1999). Representatives of Greek enterprises define thoroughly the cost of corruption paid by economic agents; *“for small firms this cost is solely direct loss of money (bribes, fines), while for big enterprises the damage of being involved in corruption scandals can be even worse and irreversible as they jeopardize their good will, reputation and clientele’s trust(intangible assets)”*.

Their final argument against corruption refers to its “vicious circle” role. Corruption, clientelism and poor administration are feed upon each other, producing a self-perpetuating system that in the end erodes citizens’ trust on democratic values (della Porta, 1997). This cyclical aspect of the phenomenon has been also analysed by economy scientists on the basis of the game theory (Bicchieri & Duffy, 1997).

The perceptions of the TG economy, as expressed officially, seem to correspond to the definitions and interpretations of international institutions on corruption. Yet, examining closer their discourse, we come to some interesting points about the development of the Modern Greek political and economic system and how this has led to certain social and economic practices and attitudes which were finally succeed to establish in time. Although, these attitudes are not corrupt by themselves, they favour some unofficial tolerance towards corruption and non conventional practices. The main theoretical aspects of this second analysis are presented in the following chapter.

### *Evaluation, conclusions, suggestions*

As already noticed in the previous reports, the approach of the present target group is less sophisticated and moral oriented than the rest target groups. For them, corruption is related to the quality of governance, its openness and modernization. The issue of open and transparent governance is to some extent associated with structural and moral changes due to the Europeanization of the EU member States. Greece’ accession in the European Community-Union strengthened democracy, enhance the feeling of county’s external security and improved socioeconomic system (financial resources, large market, etc.) (Tsoukalis, 1979; Ioakimidis, 2000). European policies have/had a positive impact on public policies: they helped to diminish the economic role and size of the state, deregulate and liberalize crucial economic sectors (i.e. banking system, telecommunication market) and to protect competition

along with transparency in economic relations (private and public area/sector)<sup>57</sup>. EU membership rebalanced the relations between state, society and economy, in favour of the two latter; speeding up the process for a more open and transparent governance. To sum up, European Union policies and Community Law played a positive role in limiting corruption and establishing transparent governance and are expected to further help in the future, on the condition that these policies and measures “*are not copycat or a misfit costume*” as TG Economy representatives stressed.

In this context, comments and proposals of private economy sector for confronting corruption are very important because they do not “reproduce” the discourse of mass media’ about the issue. Their suggestions for solutions may be less refined and influenced by neo-liberal thought, yet it is a fact that Greek Public administration faces some serious operational dysfunctions that foster corruption. Their recommendations about administrative and regulatory reform involve among others: better regulation initiatives, use of Information Technologies and computerization, reduction of bureaucracy, measures for enhancing performance-measurement and accountability (i.e. new budgetary system, new human resources management systems). They put emphasis on strengthening the independence and the administrative capacity of justice, the need for independent authorities and other control bodies, as these bodies safeguard openness, transparency, accountability of the public sector and law enforcement.

Regarding economy dysfunctions, there are suggestions about economic reforms related to liberalization, privatization and strengthening competition, especially through independent regulatory authorities – i.e. Hellenic Competition Committee. Nonetheless, economic reforms can have the opposite effect and foster corruption if they are poorly designed (Kaufman, 1998).

In globalization and digital era, there are no easy solutions to confront corruption. Globalization, digital economy and open markets are an opportunity, but also a threat; the reduction of trade barriers, free flow of goods and money and multinational enterprises facilitate worldwide corrupt practices and large scale bribery, damaging nations’ economy and political context. This international dimension of today’s corruption is often mentioned by the representatives of private economy, either giving examples of internet crimes, frauds related to off-shores companies and bribery of public officials by multinationals. It seems that this new forms of corruption cannot rely any more on punishment and control, but on the cooperation between governments, private and public sector for the establishment of integrity

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<sup>57</sup> The representatives of enterprises and banking system refer to several EU directives, decisions and regulations to illustrate this positive effect such as the Markets and Financial Instruments Directive and the Investment Services Directive.

and ethical values in their organizations and people (Gilman, 2004). It is essential that there are international agreements and co-ordination between countries, focusing in the prevention of corruption both in the demand and supply side; or as NGOs representatives stressed out, there is *“need for alliances between governments, civil society and economy sector, in order to face the problem”*.

The shift towards building integrity involves the supply side of the economy, in terms that the private sector should also be implicated and develop its one anti-corruption strategies, namely business-corporate ethics. Business sector, and in particular chambers and business associations can contribute in the following ways: business ethics, education of their members on ethical conduct, self-regulation measures, ethics advisory committees (Kaval et al. 2001). The policies for code of ethics should be incorporated in the fundamental business' functions, foresee sanctions and have to be clearly communicated to top managers and employees. These corporate ethics policies and tools do not have just a declaration character, but they can help managers and employees to take decisions in a more ethical way (Berkman, 1977; Boling, 1978; Dubinsky et al., 1980; Kramer, 1977). Although, the corporate standards are not prevailing in the Greek business environment (i.e. small size of firms, self – employment) and generally there is often reluctance by business associations and firms to get involved actively in implementing a business ethics culture, some positive steps are made. There are also other groups of third sector, such as NGOs, that can contribute in raising social consciousness and integrity.

Finally, the leadership is also a crucial factor for the support of measures against corruption and better governance. Nonetheless, the representatives of TG Economy question whether politicians can effectively undertake this role; ‘strong’/‘powerful’ personalities in other areas of public life, such as the judges, are regarded more suited for that (della Porta, 1997).

### **3. Conclusions**

- Defining corruption is not a straightforward task. Every definition of the phenomenon is partial and incomplete, reflecting the socio-cultural context within which the relevant legislation is taking place. It also reflects the agencies and interests that participate in defining various phenomena as corrupt. Thus corruption is more a social construction than a concrete, universal phenomenon that needs a proper definition in technical terms (e.g. an operational definition). Furthermore, it is rather an evolving construction of certain social groups and interests than an act of determining the ‘objective reality’ of corruption, which leads necessarily to specific policy measures for confronting it.

The relationship between culture and corruption is more complex than it seems; many scholars follow a line of thought which associates certain cultural traits in developing countries and in countries of the semi-periphery, including Greece, with corruption. For example, in many cases, cultural traits of developing societies, such as strong social (family, kinship or broader) bonding is criticized for the formation of ‘corrupt’ clientelist networks by western governments and international organizations. In this way certain cultural values and their alleged consequences are evaluated by the cultural lenses of the West. Furthermore, the role of western values and their articulation with social processes and practices in developing countries in producing corruption is rarely examined; the same applies for comparing practices which are institutionalized in developed countries (high-level appointments are reviewed or approved by the legislature, and they are seen as a tool for rewarding and enforcing loyalty) and ‘clientelistic’ practices which are followed in other.

Some interviewees who participated in our research stressed the importance of education in promoting cultural values and morals to the general public and picked on educational shortages for the extended corruption ‘culture’ in Greece. Nevertheless, the relation between education and transmission of cultural values which discourages corruption remains ambiguous for several reasons. The most significant is related to the definition of corruption (activity) by the legislative power and the associated ethical system which is adopted by the educational system. The other significant reason is related to the strong links between broader social development and conditions with the educational system, as well as with the content of education. As far as competitive neoliberal arrangements in modern societies influence the form and content of education, it is questionable whether corruption (as officially defined and constructed) can be mitigated through the transmission of ‘proper’ values via education without extended and broader socio-political changes.

- General perceptions of interviewees about corruption may be schematically divided into two broad categories: individualistic-ethicist and socio-structural. According to the first, corruption reflects low morals, low quality of a person; greed, money grabbing, egoism, conceit, arrogance, mimicry and avarice are responsible for corruption. The second one gives emphasis on structural elements for the reproduction of corruption and notably on the unwillingness of the political system to fight it effectively. Corruption is a product and side effect of economic and political development; it is a product and reflection of an unavoidable stage of capitalist evolution and a stable characteristic of latecomer countries into modernity. 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.

All target groups, apart from Media representatives, use both interpretations in their discourse.

- Corruption is distinguished by our research participants in petty and grand. The first one is strongly associated with the functions of public administration; the second one involves the illegitimate relations between business and politics.

According to the PA representative, corruption is mainly located to certain administrative levels and units, and it is not widespread in public administration as presented.

- There is a tendency to put emphasis more on ‘petty’ rather than on ‘grand’ corruption.
- Corruption is connected to a series of other negatively perceived phenomena such as clientelist relations, public distrust of the political system, reproduction and reinforcement of social inequality, value erosion, violation of human rights and democratic principles. A sophisticated approach on the issues is not carried out; it seems that less the clientelist relations and more patronage is now rather an atavistic (theoretical or practical) assumption than reality. Strong economic interests coincide with political needs in an exchange for mutual profits.
- The majority of interviewees referred to the issue of trust and state distrust apart from TG Economy. Citizens must constantly verify respect for state agencies and the political system in terms of democratic values, transparency and human rights, in order to trust them. Thus, trust is an inherently risky behaviour (Luhmann 1989: 23, 66). The significance of confidence in democratic values increases with a decrease in personal trust and vice versa: disputing confidence in politics, in system of social control (justice, police, media) etc. results in an increasing need for personal trust (civil society?)

When citizens perceive politicians and officials as devoted not to the public interest but to their own (party-political or whatever) benefit, trust in government declines. Therefore, scandalisation either as a means of attracting interest and showing off to the public for political or governmental effectiveness or used as an instrument against different elite groups, does not result, as might be expected, in the enhancement of trust but rather, in distrust and disillusionment with democracy itself. The political system along with the media often overestimate (?) society’s resilience in dangers, fears, disappointments etc. resulting in its erosion.

- Some interviewees (TG Politics), mainly from the leftist parties, relate corruption with capitalism: for example, through primary accumulation (though obsolete) or contemporary developments associated with neoliberal globalization.
- Interviewees from TG Justice and Police adopt mainly the normative/legal definition and view of corruption. They attribute it to the structure of the political system and public distrust, but also to some ‘bad apples’. Nevertheless, interviewees from both TGs stress the flexibility of meaning ascribing to corruption everyday practices and routines.
- The vast majority of the interviewees omitted from the discussion the role of justice as counterbalance to state power and strong economic or other interests, as well as its authority

to limit the possible abuses of political power. Even the judicial personnel do not refer that justice are not only mechanism for enforcing law, but also for controlling state power, protecting in parallel the citizens to whom it is enforced. Eventually, this can be what our interviewees imply, when they speak about lacking ‘culture of control’ as responsible to corruption, indicating the weakness of justice corps to operate constantly as the institutional counterbalance of state power (at legislative, administrative or executive level). And instead of including *justice for all* and *power control* to the targets of which justice have constantly to attain, they contend themselves with statements such as, ‘justice is independent’ and ‘untouched by political influences’ and ‘fortress of democracy’.

- Corruption is neither a problem of morals nor of embedded attitudes; successful anti-corruption strategies must involve much more besides. It is the result of serious social or organisational problems, for which it does not exist ‘a solution’. Among them professionalism is from the most significant. However, professionalism requires transparency and accountability. Moreover, ‘integrity’, selflessness, objectivity, openness, education, support, control and realism must be the key words of the whole public administration, police included, seeking to ensure self-esteem, counteract corruption, increase and maintain trust of the public.
- Media attracted strong criticism on reproducing a culture of corruption in the country in order to serve certain interests, while at the same time are key players in ‘corrupt’ relations with politicians, mainly due to their high commercialization and consolidation.
- Before the deregulation of the broadcasting sector, the debate about the electronic media in Greece was focused on governmental control and intervention in radio and television news programs. Nowadays, the debate has been focused on the concentration of the media sector in the hands of a few influential publishers and business magnates with multiple activities including oil and petroleum products, shipping, banking, real estate, hotels and leisure. The entry of such companies and business concerns in media market opened the door for applying pressure to politics through the influence of public opinion, in order to serve their entrepreneurial interests and strategies. Media ownership became the means and at the same time the guarantee for profits in other business areas.

The present situation has to do with the general developments in the political and economic field of Greece and the respective trends all over the globe. It is the period for which the interviewees noticed that the modernization of the Greek economy and the boost of the private economy from one side, the state’s decline and the weakness of its control mechanisms from the other, expanded corruption decaying collective behaviours (state and society).

- In the discourses of many interviewees the relationship between state and society, as well as economy and state takes an over-simplistic form. Apart from ‘common knowledge’ which blames the state and its functions for corruption, those discourses reproduce the scheme ‘bad state vs. best state = no state’, ‘bad state vs. good civil society’ serving (unconsciously or not)

certain (economic) interests. Informal networks integrated in the Greek social structure are not taken into account, if they are known; however, the argument about the 'weak Greek civil society is re-assessed.

- The bulk of suggestions for confronting the problem may be placed within the dominant conceptualisation of corruption (controlling over-regulation, law enforcement, value change, education etc.) and only few proposals place emphasis to broad societal changes (income redistribution, public participation etc). It is unlikely that such problems can be 'solved'. It is more an attempt to reduce the impact of the problem.

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**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:**

**A Comparison of Findings of the First (Documents Analysis) and Second (Interviews Analysis) Project Phase in Germany**

Period covered: from January 2008 to July 2008

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Project co-ordinator name: Professor Dr. Dirk Tänzler

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Revision (draft 1)

## 1. Introduction

The issue of perceptions of corruption in Germany on a general societal level as well as in the specific target groups, which had been the subject of the research, appears quite curious. Consider for example the attitude of the police officer, who was until his retirement one of the most successful investigators and a well known expert in the field of anticorruption: although he spent half of his life fighting against corruption and for the optimisation of anticorruption policies in Germany, he responded to the question about his opinion on corruption in Germany that there was no corruption at all. It was at first quite perplexing for the interviewers until we realised what he meant: that there is no petty corruption in the everyday life of German citizens. His statement confirmed a commonly shared experience. But in what followed he made quite clear that the “lack” of corruption in everyday life – for example in the relationship between a state official and a client – is only the “sunny side” of the German public sphere. On the backstage there exists a long tradition of widespread structural corruption in the German society, for example in the construction industry, in the health service and in the supplier-industry for the automobile sector. What is striking is the fact that petty and grand corruption are not only two types of the same phenomenon. On the level of perception there is a systemic correlation.<sup>58</sup>

Against this background the apparent frivolous statement of the police officer turns out to be something more and something other than a simple ideological effect in the sense of the rationalisation of a painful reality. The statement hits the core of the problem of perceptions of corruption in Germany as we want to demonstrate in this report on the basis of the empirical data from our research. In order to find an explanation for these perceptions, we relate these attitudes to the structural constraints and determinant factors in the field of action of the different target groups. Our analysis operates on four different levels:

1. We reconstruct the semantic patterns of the perceptions of the target groups on the empirical basis of our data from the expert interviews (text analyses).
2. We determine models of the pragmatic rules guiding an ideal-type actor in the institutionalised fields of the target groups (context analysis).
3. We compare the results from both explorations and try to explain why the actors' perceptions are the way they are.

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<sup>58</sup> See Tänzler 2008.

4. Finally we compare the perception patterns of all six target groups and outline an empirical (“grounded”) theory of the perception (or culture) of corruption in Germany.

## **2. Corruption as a factum**

For positivist thinking, a contradiction seems to be a proof of nonsense, i.e. talking that “makes no sense”. From a cultural perspective on the contrary, contradictions or paradoxes make the (social) world ‘go round’, as Plato, Hegel, Marx, or nowadays, Luhmann argue. In this way the sociologist’s task is not to refute common sense, but to explain the necessity of “illogical” mental operations or perceptions, i.e. to reconstruct the “real” structural factors that determine what at first seems to be irrational or absurd. From a philosophical or ethical point of view there is a logical contradiction and it is supposed that something contradictory cannot exist, because it is self-destroying. From a practical point of view of common sense (and also from a Christian worldview), the contradiction is an inherent property of this world.

Referring to our cultural approach reality is a social construction, i.e. ‘real’ for somebody is what he thinks is real. Corruption then is not simply a “fact”, but rather a factum and as such the result of a human act that in the last instance is based on a value-oriented decision. However, the assumption of the social construction of reality does not imply that there are no objective or structural factors determining people’s actions. Society itself is the objective or structural framework of human action. The substance of social objectivity or structure is not natural (that is physical, causally determined), but the sharing of knowledge (mind, motives and possibilities or objective chances).<sup>59</sup> Therefore we are looking for the patterns of perceptions of corruption as an expression and means of societal ordering, i.e. constructing a world on the basis of a shared social stock of knowledge.

The police officers’ perception accords with the data from the Corruption Perception Index (CPI). At an international anticorruption conference in Lisbon in 2006 an American colleague interpreted the CPI exactly in the same manner as the German police officer (“Germany is clean”). This would of course be very hilarious for a German aware of all the scandals in German politics (Lambsdorff, Kohl, Kanther, etc.) and in the German business world

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<sup>59</sup> See Berger/Luckmann 1968; Tänzler 2006.

(SIEMENS, Volkswagen, etc). As the statement of our American colleague proves, the German ideology of corruption is not as unique as it seems to be.<sup>60</sup>

### **3. Corruption perceptions in the target groups**

#### **Target Group Politics**

##### *General Remarks*

From a historical perspective, the origins of corruption lie in the political sphere. For the ancient Greeks corruption was a form of deviation and perversion of good governance, i.e. it expressed a moral value judgement on institutional rule. On the contrary, in the course of the contemporary strict differentiation between the private and the public sphere the contemporary citizen understands corruption as a judgement on the moral behaviour of individuals. The ancient and the modern definitions of corruption are formally identical – only the causes are different: societal decadence in the one case and personal failure in the other. In both cases corruption is not a legal term (see target group justice), but a form of deviance from social norms (Höffling 2002). On the other side corruption is considered to be a crime and consequently a subject of prosecution only in reference to a legal definition. Political corruption (buying an office or votes) was a common legitimate practise in the modern democracies up to the end of the 19<sup>th</sup> century (Beyme 1984), until the first anticorruption laws were enacted. But still today the difference between legally sanctionable corrupt conduct (for example buying votes or an office) and the illegitimate forms of granting/receiving advantages (landscape services, lobbying) still holds true. Both phenomena of political corruption are rooted in the exchange relations that make up the fabric of societies based on a market economy. These advantages need not necessarily be of monetary nature, because the nature of the action of granting/receiving advantages can be traced back to the social relations of exchange, which can take all possible forms. Taking this for granted means that exchange relations taking place between the social spheres of economy and politics may provide the grounds of corrupt conduct.

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<sup>60</sup> Certain analogies to British corruption cases evoke the conjecture that the German ideology of corruption is only a variant of a general Protestant ethic model that is characterized by bigotry. Another interpretation is demonstrated in the following analysis of the perception of corruption in the target group economy.

Now, regardless what form these exchange relations may have, it is certain that - as a type of exchange relation - corrupt conduct cannot be confounded with that segment of rule-violating exchange relations that is explicitly sanctioned by the penal law. For it pertains to exchange practises that – despite being perceived as illegitimate - do not fall under penal jurisdiction as such. Therefore, political corruption includes both the dimensions of penal prosecutable and what is perceived as (socially and ethically) illegitimate action.

### *Political corruption*

Looking at first at possible objectives or motives behind political corruption we observe that prior to any concrete acts involving political actors the overall conditions enabling exchange relations between private interests and public policies must be “positive”. Given this systemic interweavement of economics and politics that as such is normally not thought of as excessive exercise of influence the question arises at what point donating or any other art of manifestation of ‘good will’ should begin being perceived as illegitimate, let alone illegal. Some indicators of perceived illegitimacy could for example be:

1. The fact that the political landscape takes one-dimensional forms, e.g. a particular, normally the governing political party is disproportionately favoured. This is perceived as a violation of the independence of the political parties or political party competition. The perceptions around the issue of when donation activities begin to become dangerous for the political life vary of course from country to country, but also in historical terms. In Germany for instance it was well in the 80s common practise and therefore not considered illegitimate that all major parties were well ‘taken care of’ by businesses and only as this ‘care’ became one-sided did the awareness increase that certain unwritten limits were surpassed. 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 (an argument also used by our informant from the Police Crime Department of the Federal State of Baden-Württemberg -Landeskriminalamt).
2. Another form of interweavement of business and politics that often fosters tendencies towards corruption is lobbyism. The various business associations and lobbies naturally have their own methods of “caring for” the political landscape, the most important of

which being public relations and information campaigns. As part of the democratic rights to collective articulation of interests, the PR events which the various lobbies organise are nevertheless often the social space in which economic interests exercise direct influence on the political will, e.g. potential legislation. This exercise of influence takes on, among other things, the apparently harmless form of various presents or advantages.

3. Regarding its objectives and motives political corruption can also have a purely political character, when for example illegal donations are deployed to ensure control over the party apparatus. Of course the question arises whether control of the party mechanisms comes down to corrupt conduct. Taking into account the definition of TI, corruption being “the misuse of entrusted power for private gain, whether in the public or private sector, in the scope of satisfying some personal or group interests”, it is not clear from the start what constitutes ‘private gains’ in this case. The reason for this lies both in the fact that a) in such cases no private/personal benefits of financial nature are gained. Of course one can assert the argument that the group interests the TI definition speaks of should be extended to include the party interests as well, although it is not always the case that illegal funding serves directly certain party interests. Trying to fit the TI definition the other way round, that is starting from the misuse of power, is more promising, because it is the hegemonic position in the party or state apparatus that enables party leaders to attract various donations. Furthermore, this form of political corruption does not necessarily imply that the donations are causally connected to the political decision process. It is rather the case that the private benefits the TI definition speaks of can be interpreted as political assets invested in keeping the party in line. In a sense one may naturally claim that this type of fund deployment is not far from the misuse of power. Nevertheless, referring primarily to the mechanism of party leadership and control does not quite help fit the TI corruption definition. Such forms of corrupt conduct must therefore be seen as oscillating between sanctionable corruption and general political exercise of influence.
4. Turning now to the question what other possible forms political corruption can take on, one observes the following: party financing through donations. Nourishing grounds for politically corrupt conduct can be those donations to political parties by means of which private economic interests purport to create a favourable ‘climate’ regarding public economic policies. People making these donations do not directly aim to exercise influence, but rather policy-makers are motivated to take a generally favourable stance to

potential large-scale projects planned by big business. The fact that all major parties, whether in power or in the opposition, are (or have been) the recipients of such 'diversified' donations testifies to the fact that at first and in most cases no particular aims need be associated with them. The issue of party financing is of course the Achilles' heel of politics in a parliamentary democracy with professional politicians, because there is always too little money to feed all the functionaries or to satisfy the expanding expenses of election campaigns. This tendency is reinforced by the mediatization of politics that has generated permanent electoral campaigns and the necessity for opinion polls and political consulting as means of policy making. All this costs large amounts of money. The members of parliament are usually sceptical towards these trends. On the one hand the parties are financed by the state relative to their election returns. On the other hand the members of parliament are alimeted by the state and as a rule have extra incomes from additional jobs, for example as advocates or as members of the board of directors in the private sector (what by itself is a source of corruption). Therefore the members of parliament demand for a more restrictive practise of donations, but reject every attempt to control their second income from professional activities in the private sector.

5. The fact that members of parliament have one or more jobs in addition to their parliamentary function permits certain doubts regarding the nature of remuneration flowing from private business activities. What raises mistrust in this case is the obvious contradiction between double or multiple jobholding and parliamentary function or political representation of public issues vs. private profession. The crucial issue revolves around the exact amount of money received, but also where additional income comes from. An unmistakable indicator of political corruption in the sense of the illegitimate interweavement of political and economic activities is the commitment certain MPs show in the law-making process regarding, for example, private insurance policies: they often function as mouthpieces of insurance companies, for example, i.e. they act as the missionaries of capital in the centre of the legislative process.
6. There is a transfer of knowledge and administrative know-how from the public to the private sector that raises suspicions of improper conduct. Politicians switching to managerial functions in private corporations help accrue the relative advantages needed either in terms of sectoral business competition or public contracting. Conversely, 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. In some cases the politician who changes to a public stock corporation does not even need to deliver any knowledge capital: it suffices that in his previous ministerial function he took a 'friendly attitude' towards the company in question. Particularly evident is this type of "ex post" political corruption in the case of politicians acting strategically, that is designing their political career in such a way before quitting politics to already have met some indispensable qualifications for getting the future job in the private sector.

7. A particular form of lobbyism regarding the issue of how MPs currently strive to 'widen' the scope of activities to include stable contacts to the sphere of business is the increasing role of consulting agencies in mediating between politics and economics. This type of mediation can imperceptibly provide the basis for economic interest to directly access the parliamentary political decision making processes, because MPs slide all too easily into those characteristic dependencies the various consulting agents are keen to establish in order to better serve, i.e. to make politicians receptive to the demands of private economic interests.
8. Certain 'up to date' methods of large corporations to create the preconditions for gaining direct access to the administrative decision making procedures also contribute to political corruption contribute. For example when weapons producing companies finance events organized by the army, or pharmaceutical corporations sponsor campaigns of the Federal Ministry of Health, it is an issue of private businesses sponsoring the ministerial bureaucracy by various means. One need not be overly suspicious to assume that such forms of public sponsoring represent a kind of postmodern circumvention of the 'classical' methods of direct exercise of influence through bribes and the like.
9. Furthermore, certain current trends to 'open up' the state apparatus in order to render it a flexible, collaborative partner in a societal network of interacting agencies, i.e. social and economic interest groups, can also prove to be conducive of political corruption in public administrations. Such an 'opening up', a kind of public-private partnership, was for example the initiative of the former German coalition government and particularly the Ministry of the Interior to launch a personal exchange programme to modernize the state apparatus and imbue the administration with the spirit and manners of private service

agencies. The programme designed an exchange of workplaces in order to bring about a transfer of experience and know-how: some representatives from large private corporations were assigned consulting competences in various ministries and in return public servants were given the chance to update their professional knowledge by observing closely modern enterprise management methods. However, the lack of transparency and the fact that during the engagement for the public ministries (2-12 months) the external experts continued to be paid by private business soon raised doubts about the legitimacy of the undertaking. Under the pretence of objectivity, that is, of deploying expert knowledge, the state apparatus thereby creates a basis for the illegitimate intrusion of private interests into the very sphere of law-making processes. One can reasonably surmise that certain business interests are “smuggled” into the apparently objective expertise and the professionalism involved in writing legislation.

#### *Perceptions of illegitimate/corrupt conduct*

All these forms that political corruption takes on in the exchange relations between politics and economy underline what is perceived as political corruption in a broader sense. Corruption can be defined as illegitimate action based on the misuse of knowledge/experience resources pertaining to political decision making or/and public administration for private gain. However, the issue of political corruption is unavoidably connected with a kind of indeterminacy, because in the sphere of politics as well as in other fields of social action there is an essential difference to be observed between judicial sanctions and moral proscription of corruptive behaviour. Beyond what is codified in penal law as corrupt conduct (bribery, granting advantages, etc.) there is the realm of what is considered or perceived as improper conduct in a society. The latter underlines an essential aspect of the phenomenon, namely that perceptions of what can justifiably be claimed to be corrupt conduct play a constitutive role towards determining the fact (of there being corrupt conduct), potentially calling for administrative penalty and penal prosecution.

Of course the fact that political corruption is somewhat indeterminate does not preclude the attempt to provide reasonable accounts of particular cases of political corruption. One reason for the elusiveness of political corruption is the consequence of two discrepancies or tensions inherent to liberal political systems: a) that between institutional role-setting and norm-

obeying action on the one hand, and their 'translation' into everyday conduct depending on the actors' perceptions of the norms being 'rightly' applied to the other; and b) that between the multiplicity of contesting organisational loyalties and norms on the one hand, and the unitary state norms on the other. Regarding political corruption one can of course reduce such tensions and complexities on the level of codified law violations, thus restraining the notion of politically corrupt conduct to the aspects of private benefit maximisation through bribes and granting undue advantages. But in face of the insufficiencies that such a narrow approach counting only on the prosecution-relevant aspects of law-deviating conduct often reveals, research on and prevention policies against political corruption need to take into account more thoroughly both the 'conflicting loyalties' and the societal perceptions of justified action.

Returning to the issue of the exchange relations between politics and economics as possible grounds of corrupt conduct, the question of indeterminacy or elusiveness can be posed in terms of how diffuse the illegitimate forms of corrupt conduct can be. If one takes the economy as the source of corruptive exercise of influence, there exists a realm of what is perceived of as illegitimate action, although it is either more diffuse than that of politics in reference to the private sector, or it constitutes an institutionalised sphere (e. g. lobbying) that cannot as such be subject to immediate under suspicion of feeding corrupt conduct. This, so to speak, asymmetry in regard to corrupt liabilities is of course a consequence of the difference between the action motivating interests: while the public perceptions of politics are guided by the notion that the interests motivating political action serve the public good, the economy is in a trivial way bound to realising private interests in capitalist societies.

Whatever the concrete patterns of corrupt conduct in each individual case may be, it is undisputable that regarding public perceptions of corrupt conduct or political corruption a great deal revolves around the issue of private interests appropriating public resources. The best way to address this issue is to cast it in terms of exchange relations between political decision making or administrative procedures on the one hand and economic value-maximising practises on the other. Given this exchange relations scheme, the appropriation of public resources, whether illegal or simply illegitimate, occurs due to certain ways in which the pursuit of private interests is embedded in or made to fit into the overall framework of advancing the national public good (for example lobbyism). Seeing things this way helps not only to focus on those activities of the economic sector that generate conditions of transfer of public funds to private use, but also to highlight certain dispositions of the political sphere

that contribute to making those conditions even more probable than is otherwise the case in the normal interdependencies between the private and public sector in market economies.

### *Remarks on the findings*

We would have expected different patterns of perceptions in politics, because of the different political beliefs and ideologies. In our research we found that the attitude to corruption is not so much determined by political beliefs and ideologies but by the professional reasoning of the political actors. The politicians' perception of corruption is "realistic" ("realpolitisch"), because it does not relate to their representation of interests (of others, i.e. the citizens and the voters), but with their personal interests to political power as a source of private income. This became obvious when our interviewee, a left-wing politician and practicing lawyer, voted contrary to the official opinion of his party against full transparency of all income of the representatives in parliament. His professional habitus as advocate thus comes in conflict with his political beliefs and the first attitude gains the victory over the second. The "realistic" political attitude implies a "realistic" attitude to his private interests, but has its foundation in the professional habit as a politician. One crucial property of political professionalism is the constant and strategic evaluation of everything according to the principle of securing access to power. The aforementioned left-wing politician expressed this by stating that corruption as all other subjects has its time cycles in politics. Sometimes corruption is on the political agenda, sometimes not. From the point of view of strategic action political corruption cannot be a structural problem. Politically relevant is only what is actually on the agenda. A professional and success-oriented politician has to transform his 'good will' (moral ideals) into means of attaining and maintaining power. What the politician deems the rational fulfilment of the demands for political action appears from the point of view of the non-politician to be an opportunistic exploitation of political ends and moral principles as expressed in such phrases as 'dirty politics'.

It may be true that corruption is a structural problem beyond the realm of politics – politically this would not only be an irrelevant personal belief, but incompatible with the professional habitus of a politician as a rational strategic actor. A professional politician is primarily oriented towards the success of his political actions and not to political ideologies. Nevertheless a realistic policy is the result of a rational calculation that is in the last instance

oriented towards personal values.<sup>61</sup> It was a surprise for the researchers to see that politicians from left- and right-wing parties<sup>62</sup> agreed that corruption is not a structural problem in German society. They perceive corruption as a contingent phenomenon resulting from the misbehaviour of selfish individuals.

## **Target Group Judiciary**

### *General remarks*

Attorneys and judges place a strong emphasis on common social values. In their everyday practise of investigation and jurisdiction the actors of the legal system follow a strict legalistic approach, but their professionalism is based on general ethic principles. In other words, the driving force behind the judicial practise is the ground difference between law and/or rights and justice. In the terms of Niklas Luhmann's system theory this can be described as the immanent development of the judicial system (law) in reference to the general principal of justice which belongs to the environment of the law system, i.e. the society. The self-understanding of the attorneys and judges is that of custodians or watchdogs of the law as well as of the common good or the societal mores in general.

Regarding corruption investigations the jurists develop a description of the facts, reconstruction of acts, and judgements on the one hand on the basis of laws, legal commentaries and sentences from 'precedent setting cases', on the other hand – in central parts of the prosecution and sentencing argument – and on the other with the help of 'common-sense' arguments, within which they regularly refer to the 'real life' context. The arguments and rhetoric pleaded for by the prosecutors and the judges is dominated by two rationalities: that of legalistic expertise, but also that of the daily experience of people or the everyday layman. In addition to this, references are made to political, fiscal, economic, social and other discourse, which implicates knowledge surmounting legal expertise in various fields.

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<sup>61</sup> See Max Weber 1994 fp German 1919.

<sup>62</sup> With the exception of the former communists/PDS that had not been involved in the parliamentary investigation committee ("Kohl-Ausschuss") that was the relevant item in our case study.

It is furthermore necessary to bear in mind that corruption as a phenomenon socially perceived by experts, prosecution authorities and citizens alike extends beyond the clear-cut delineated radius of penally prosecutable criminal acts for corrupt conduct, as for example in the case of bribery, and originates in an illegitimate “accord of injustice” from which it does not directly and casually follow that a certain decision is actually taken. From the legal point of view it is only relevant that the advantages offered are perceived or taken as necessary means to bring about the decision. Thus the objects to which the judicial notion refers do not coincide with what the semantics of the word circumscribes – in other words the semantics of the term overflows its pragmatic dimension, e.g. its use in the judicial prosecution discourse and practice. Therefore we should add to the ‘hard (judicial) core’ of the notion of corruption surrounding intelligence items that shed light on all those gradual stages of action that lead to a criminal offence: illegitimate behaviour that sooner or later becomes tractable corruption and thus falls under penal jurisdiction.

### *Prosecuting corruption*

Given this distinction, the task of the prosecuting authority, that is 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. Now, perceiving corrupt conduct from the point of view of judicial prosecution rests essentially upon a reflective reasoning that operates at various levels:

1. To start with, the usual way to bring about this correlation is to open the judicial definition of criminal act in order to make it flexible to account for corrupt conduct as a multifaceted phenomenon – tracking down, so to speak, for the general notion-definition or rule the suitable particulars. This constitutes that aspect of reflective reasoning in which the judicial definition rule determines what can be subsumed under it. In case of bribery for example determining corrupt conduct means picking out from the vast array of ‘present-giving’ activities those in which the presents given are meant to induce or influence a certain decision in favour of the person bestowing them. Besides, being a much wider notion than the judicial term ‘corruption’ can be used in a rather regulative manner in order to widen the scope of what could eventually count as items falling under the judicial-penal rule.

2. Reflecting upon the appropriate way to bring about the ‘match’ between judicial-penal rules and (suspicious) events can also take the opposite course, that is start from a ‘ground floor’ investigation that focuses on the particular pieces of the factual state of affairs and then try to make them fit into the judicial scheme, either through ‘overstretching’ the semantic import of the latter or cutting all irrelevant aspects off from the former. Thus the reflective judgements guiding this rather inductive investigative method seek the appropriate (general) criminal act definition for the available particulars. Furthermore, the reflective ascent from the particulars to the judicial norm-rule can bring some everyday perceptions of corruption into play in order to broaden the field of investigative attention to either other sanctionable aspects of the case or that ‘environment’ that grounds corrupt conduct.
  
3. Besides, the ‘fit’ between pieces of potential evidence and judicial rules defining corrupt conduct must also be enacted in that field of reflective perception and assessment in which the question of the propriety of applying the judicial rules/definitions itself is at stake. No matter whether of prospective (prevention policies) or retrospective nature (investigative reconstruction of the course of events), the assessment of conduct as corrupt must cope with the delicate problem of correctly applying the judicial rules. The reason for this lies in the relation between what is judicially sanctionable and what is merely socially immoral or illegitimate: Although in many cases it is a complementary relation, the former need not necessarily cover the latter, because it is not uncommon that certain actions may by all means be castigated as corrupt, this having little to do with their being relevant to penal legislation though.<sup>63</sup> In other words, the rules followed in the various “accords of injustice” cannot be assessed right from the start in terms of the judicial rules defining corrupt conduct. Therefore at this level reflective reasoning must make a decision on whether the application of the judicial rule to particular circumstances is done correctly, because generally speaking, a rule or judicial definition has normative significance, i.e. can enforce sanctions, only in the context of practises determining how it is correctly applied.

It goes without saying that the precondition of perceiving conspicuous recurrences as grounds for raising initial suspicion is to dispose of high moral standards in order to keep observation

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<sup>63</sup> This becomes crucial in investigative journalism specialising on corruption because the person (e.g. the journalist) raising the claim corrupt conduct taking place can be accused of slander. 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.

constant. Because corruption is a developing process the investigative prosecution is forced to keep up with the need to permanently fill the gaps left by current codified jurisdiction. Raising suspicion for its part goes with certain additional qualifications. The investigating individual must dispose of experience that enables him to perceive immediately if the matter under observation can and must be made relevant for opening up a corruption case. This informal skill represents a cornerstone in the prosecution procedure in the relation between criminal investigators and general attorneys as well as between the latter and the judges. In addition, owing to the fact that raising initial suspicion is a strenuous, cumbersome activity spanning sometimes over years, the prosecution authorities/individuals working in the field of economic crime must have the character strength and assiduousness to carry out the job. The individuals working on prosecution should have some kind of Prussian ethics of vocation, that is, work for the sake of work.

The high moral standards that the prosecution authorities observe in tracing down corrupt conduct can also be seen from their assessment of current societal trends and the resulting anti-corruption stances. According to them the prevailing attitudes of economic or social success have a corrosive effect on the moral fabric of culture, while ethical rules of action are observed only if they comply with or do not decisively go against the logic of economic performance. Raising public awareness on the everyday roots of corrupt behaviour means in this context focussing on the contradictions arising from the double moral standards the individual 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 corrupt conduct deviating from rules on the other.

## **Target Group Police**

### *General Remarks*

In the police investigation the character of corruption as an almost unfathomable phenomenon is an evident experience. The investigators' ends and efforts are concentrated on trying to catch and fix the unfathomable in a cognitive and sensitive meaning. Police investigation is the hermeneutical process of the translation of a personal intuition into a comprehensible logical definition, or into professional language: the translation of intelligence in evidence. As

in the case of the judiciary, there is also a productive ground differentiation and contradiction between the formal legal framework and the substantial professional pragmatics in the field of police-work. The difference to the legal system is to be seen in the fact that the “ultimate value orientation” and legitimation (Max Weber) of the policeman’s work is not part of an ethical code of office (“justice”), but the public spirit or integrity (in German “Anstand”). Referring to the public spirit police activity is not only a state function, but a form of politics, i.e. activity for the common good. This original historical meaning of police as moral institution seems to be reanimated in the anticorruption task forces of the present time.

Police officers are “institutional” actors who are subject to strict formal rules of action which have a fundamental effect on their perceptions, for example, of the phenomenon of corruption. In each case the institutionalised rules of action in the field can completely reshape everyday perceptual patterns. We assume that this is the “ideal-typical” case for the “ideal” professional German (investigating) officials. Vice versa, the traditional everyday perceptual patterns can also determine the institutionalised rules of action, which we take to be the ideal typical case for the “South East European” official. In principle, however, in all cases both types of perceptual pattern, the traditional “everyday-world” and the “institutionalised” definitions of corruption, play their part and it is possible that they cannot be harmonised in certain situations but stand in conflict with one another.

Although it is certainly true that the intelligence drawn upon or acquired in the course of investigations is more comprehensive than the facts registered in the investigation files, the actual aim of the investigative process is to collect material which will stand up in the court procedure. “Raising initial suspicion”, “early grounds for suspicion” or “preliminary findings” are not in themselves sufficient for the opening of an investigation. In terms of institutionally authorised action the public prosecutor will open a corruption case only if there is a probability that investigation by the police is buttressed by circumstantial intelligence sustaining the accusation.

This means that the institutional discourse evolving around the mechanics of prosecuting corruption does not directly betray the perceptual patterns and points of view guiding the process of tracing down the origins of corrupt conduct. The reason lies in the discrepancy between the logic underlying the ways in which the investigative activities must unfold in order to track down possible causes, starting points or preconditions of corruption on the one

hand, and what can sustain a legal prosecution course on the other. In other words, in order to function as law-conforming evidence the former are subjected to formal and institutionalised rules that define what is penally well-grounded, thus excluding from the prosecution proceedings any assumptions based on merely suspicious moments.<sup>64</sup>

Suspicious moments are nevertheless highly instrumental in providing the ‘raw materials’, as it were, of tracking down corrupt conduct. Furthermore, the measures taken to reconstruct the crime, the milieu in which it occurred and the motives behind it are also particularly indicative of the attitudes to and perceptions of corruption which influence the investigative process, for the images or perceptual patterns guide the very awareness of there being a fact of corrupt conduct at all. In general, this awareness reflected the fact that the perceptions of corrupt conduct are not restricted to the way the penal law makes it apprehensible, but extend to and partake of wider social sensibilities towards the phenomenon. Thus the investigative reconstruction (of the course) of the crime and the motives behind it involve a kind of thought-experimental process, which of course is not typical of police investigations alone, but represents a kind of reflective reasoning that tries to match what is ‘materially correct’ (i.e. sufficient evidence) with what is formally valid (i.e. penal regulations).

### *Detecting corruption*

Police investigations need to pursue a comprehensive approach based on a wide understanding of corruption. Because corruption is a collective and holistic term and not a distinct positive juridical fact the laic everyday notion of corruption can be taken as a framework to operationalise the scope of police investigations. This is possible in two ways: a) although not a judicial term by itself, it can help to discern probably criminal facts attached to the ‘core’ offences of bribery, etc. and b) despite its vagueness it may substantially contribute to reconstruct the criminal case by drawing attention to activities that usually are necessary or sufficient preconditions of criminal action. ‘Corruption’ in general terms helps broaden the field of investigative attention to either other sanctionable aspects of the case or that ‘environment’ that fosters corrupt conduct. The latter presents in turn various facets:

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<sup>64</sup> This also results from the necessity and obligation of public authorities to observe the limits between the interests of the state and the individual rights of the citizens. Because it is something that lies before the domain of offences sanctioned by penal law, initial suspicion can often come in conflict with the rights of the individual.

1. 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. 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 relationship between economic action and corruption propensities is a certain habit that partakes of the economic logic: the commitment to permanently raising efficiency.
2. The motivation for corrupt behaviour is not incompatible with economic rationality, i.e. the logic of performance optimisation at all costs. The experience in the field of police investigation shows that there is another way of seeing the motivation to corruption as being sustained by a kind of 'economic logic'. This time it is not the internalised demands of the economic ethics of efficiency, but rather a self-sustaining process of ever wanting more that – once set in motion - increasingly gains momentum – like an avalanche. 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. The latter implies that self-sustaining mechanism that can also be simply called addiction.
3. Last but not least, the 'environment' of corruption offences includes the societal perceptions of to what extent or even whether corruption takes place at all. In northern European countries like Germany corruption was well in the 90s still considered to be something that pertained only to the cultural-political mentalities existing for example in south Europe. Although there was an awareness of a situational, petty corruption taking place, the dominant modus 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 qualify what can and must be criminally prosecuted means for the police anti-corruption work to set up a structural investigative approach. This shall pay heed 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 therefore combine the criminological aspects with the ethical aspects of the phenomenon. Furthermore such an approach can meet the challenge posed by the diagnostics of corrupt conduct as

motivationally intertwined with either the economic logic of optimising efficiency at all costs or aspects of human behaviour such as greed, insatiability, addiction, and the like. Because the criminal police often concentrate on facts that are as such and 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 of course needs to be reconstructed. Therefore the issue around which the structural approach at first revolves is pinning down some moments of the (potential) corruption case that deserves suspicion. Thus raising initial suspicion 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 is instrumental for the prosecution authorities to subsequently investigate a corruption 'case'. What is regarded 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 belongs to the tasks of the structural approach. Thus the work of the criminal police should be accompanied by a kind of public enlightenment, that is, continuous publicity work.

The factor of perceiving some facts as suspicious, i.e. susceptible to criminal detection frequently proves all the more necessary, particularly when one considers the relations between the criminal police investigation and the judicial prosecution carried out by the general attorneys. Here the question often revolves around the issue whether the suspicious moments picked out by the investigation officer can be acknowledged by the attorney as substantial evidence necessitating the opening up of a corruption case. In this way perceiving 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 where 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. When for example in the framework of communal economic management the rules of an open call for tenders are conspicuously ignored, i.e. certain local contractors regularly being 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 corruption as a social phenomenon that goes well beyond codified laws is up to the investigating individuals to perceptively grasp and detect what ‘stands out’, thus making it relevant for criminal investigation. In the face of the general attorney often turning down investigation procedures owing to lack of substantial evidence, the sensibility attending to such ‘outstanding’ conspicuous events demands more than just the observance of the rules of investigation. What is called for and what can act persuasively on the prosecution authorities is overcoming the (apparent) lack of evidence with a reasonable account of the probable causes underlying the conspicuous matters. For the criminal police, this means the reconstruction of their rationality on the basis of common-sense knowledge and experience.

In the face 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 as 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 on the other. This latter demand follows immediately from the strenuous character of the police criminal work. Nevertheless, despite all the complexities and the long duration it is clear from the viewpoint of the structural anti-corruption approach that the demand for 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 come to the ‘logic’ of the case, three of the indispensable qualities investigation officers must have are: a) high moral standards, because tracing down possible causes of corrupt conduct implies a high level sensitivity in observing forms of behaviour in which corrupt practises originate, b) commitment, for in the face of the structural approach demanding a great amount of time and persistent energy the individuals involved must be resolutely willing to carry out the laborious task of a low profile detection and subsequently reconstruction of the case to be submitted to the general attorney, and c) passion, because a passionate attitude is necessary not only regarding the creativity needed in order to put together the pieces of the ‘puzzle’ (structural approach, meticulous reconstruction), but also in the face of the fact that in no other field of criminal investigation

is there so much denial of improper conduct. Here the persistence to prove the contrary can only be sustained by passion.

## **Target Group Media**

### *General Remarks*

The Media is a special case, because we find different patterns of perceptions of corruption in the same field. The fact that there is not a single homogenous pattern of perception in the target group media has its roots in the fact that the media as a whole represents a second order construction, i.e. always produces representations of other realities<sup>65</sup>. In economics, politics, art or religion, an actor plays the role of the single order he is referring to and is constrained to repress the pretensions of the role(s) he plays in other contexts. A religious ritual like a prayer separates the believer from this world and transports him into a transcendental reality. Besides this core activity, religion as a social reality is nevertheless “polluted” with secular interests: a priest or monk has to look for aliment to be able to perform religious activities, which are in the case of asceticism turned against the secular drives and seductions.

In contrast to religion, the media represents the secular world in all its aspects. The representatives of the media are simultaneously acting subjects in the real life-world. They have political opinions, a world view etc., that are part of their medial performances. As representatives of the media they represent non-fictitious realities. Representation is exactly the relation between two realities and it cannot be reduced to any one of them in the sense for example of the relationship between basis and superstructure. It is actually the other way round: representation confers the represented a ‘higher’ meaning.

The political significance of the media for democratic systems consists in the public which they help to create. The media enacts the democratic principle of the visibility of power, which is worn away by the ‘foul play’ involved in corruption. Therefore the theme corruption not only has an entertainment value for the media.

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<sup>65</sup> In fact, the problem of the media is much more complex. In the context of this report only a short hint can be given in which direction the explanation might be found. The media is a reality in the sense of Ernst Cassirer’s concept of a symbolic order. In our times the media is the hyper-reality, i.e. the ultimate reality construction that gives the accent of reality to other constructions. Therefore the media resemble religion, the superstructure in traditional pre-modern societies.

### *Patterns of perceiving corruption*

A continuous pattern of interpretation can be detected in how the issue of corruption is dealt with both in printed media and in the talk shows. The discussion always revolves around the question whether corruption should be primarily regarded as a breach of trust in terms of human morality or more in technical terms as a control problem. Fundamental questions concerning political culture in a democracy are concealed within this: What distinguishes the political practise of a democracy from that of a non-democratic system? Is it primarily marked by an attitude towards certain values or by certain technical procedures of exercising power? In both cases, it is ultimately about the legitimacy of the acquisition, the exercise and the control of power in a community. Corruption is then understood to be an indicator of the misuse of power (violation of the ‘spirit of the constitution’, ‘nuisance’) and as a failure of the institutionalised procedures of the political system. Is corruption an expression of human weaknesses (‘The spirit is willing, but the flesh is weak’) or a structural construction error in the political sphere, in particular the party system?

Corruption gives the media the opportunity to act out its purported role as the ‘fourth branch of power in the state’ and as the representative societal control of the political system and enforce democratic values vis-à-vis the representatives of the political system. It is evident in the perceived role of the media that moral and system-technical aspects do not necessarily exclude each other, rather could merge into a pattern of interpretation.

Looking now at the findings from the interviews and in particular at the issue of how investigative journalists deal with corruption, one observes that journalism’s approach to corruption is multi-layered, for investigating into corruption cases – a laborious work also involving research on and reconstruction of the social milieus and cultures from of which corrupt conduct grows – means taking into account different patterns and rationalities of action: social, cultural, economical, police/judicial. However, one fact that applies across the various aspects and types of action that make up the profile of a corruption case including prosecution aspects consists of drawing a line between what according to penal law counts as such on the one side, and a wider notion on the other: in other words the difference between judicially sanctionable and socially immoral or illegitimate action. This divergence can sometimes be a complementary, sometimes a disjunctive relation, the latter being the case when certain actions may by all means be castigated as corrupt, but this having 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 taking place can be accused of slander. One main reason for the divergence is the fact that the notion of corruption is not a *terminus technicus* in penal law. Furthermore, owing to certain penal law deficits the most important of which being the prescription of five years, corruption cases cannot be appropriately examined and worked on. The result is that journalists can do no more than criticise solely the illegitimacy of the whole affair.

No matter how the difference between judicially sanctionable and socially immoral or illegitimate action is coped with and the demarcation line drawn there is one thing journalistic investigation is firmly convinced of: there are some tracks of corruption that reach too deeply into the sphere of everyday communicative and co-operative action for the prosecution authorities to get at. Even if not everybody subscribes to the belief that corruption should be regarded a deeply entrenched human phenomenon that unavoidably crops up some time or another in life, the fact of it being 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 determining role in the sense of virtues and moral standards transmitted to him.

Tracing corrupt conduct to its origins in everyday action implies a 'bottom-up' approach that starts from everyday co-operation and works all the way up to manifest criminal conduct. Such an approach can take the form of a three-layered scheme or pyramid: a) at the lowest level of the pyramid are all those forms of situational co-operation, the most common of which is 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; b) mutual co-operation activities assume in the course of time a firm character: the fact that through deployment of certain 'thanks-giving' means things are going to get done turns the initial ad hoc assistance into a kind of habitualised co-operation; c) finally the network puts the situational co-operations of the first two levels on a stable basis. It may be regarded as a necessary (not sufficient!) precondition for the emergence of corrupt conduct.

Under certain circumstances this notion of networking conducive of corruption can be developed to a full-blown theory that deals with corruption as a structural, mafia-like network that includes both political, administrative institutions and economic activities. Furthermore,

social networks that function on the principle of giving or receiving advantages extend beyond the sphere in which one could expect to find (elements of) corrupt conduct and seem to be creating something like an all-embracing system or a mafia-culture that is much more difficult to cope with than what is commonly characterised as a corrupt system. The idea behind this concept is that in contrast to corrupt conduct, in which someone is being corrupted and certain social rules or moral principles are violated, the mafia-like networking depends exclusively on social relations and behavioural action patterns that are characterised by certain dependencies and forms of exercise of influence that go well beyond what is usually called corrupt conduct. The difference between a mafia-like network and just a corrupt network is partly the result of different legal and judicial cultures. Take for example the Siemens scandal: According to the Italian penal law this corruption case would be dealt with in terms of the laws prosecuting the criminal structures of the mafia. In Germany, on the contrary, it is just another case of organised crime.

### **Target Group Civil Society / NGOs (Transparency International)**

#### *General Remarks*

The work of the NGOs is usually connected to the issue of legitimate representation of public interests. The legitimation problem is influenced by the idea of transparency, i.e. democratic control and enlightenment. There are two types of legitimation/transparency: a) representation and b) accountability. Whereas representation is political/public legitimation, accountability is regarded as private legitimation. Civil society in the liberal discourse is designed as a world of competing private interests of bourgeois individuals, not as the sphere of the political *citoyen*. Legitimation of private power is success, legitimation of public power is a common good like, social welfare, the security or the *raison d'être* of the state.

Looking at the work of TI in particular, one observes that the issue of societal perceptions is the key term, because a) awareness of corruption is the essential goal of TI, and b) transparency is simply corollary to the perception/sensibility/awareness of corruption. In this sense the Corruption Perception Index (CPI) is an important tool a) to gain attention to and b) for the scientific legitimation of the activity of TI. However, as the consequence of an “organisational law”, i.e. the tendency of group action to develop stable organisational structures in order to consolidate and expand, the initial and in its core still moral institution

of civil society is currently changing into a professional political consulting organisation. An internal organisational conflict regarding the goals of TI could be the result of this development.

### *Proto-politics of TI*

If one looks at the history of the making of Transparency International, it can be said that setting up the idea of corruption as being a state of affairs needed be attended to 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 on and in terms of which a determinate social stance could articulate itself. Hence the need a) not only to ensure that the prerequisites of the anti-corruption stance are anchored in an articulate social group action (“movement”), but also subsequently b) to make the movement heard, that is, bring about wider public awareness and institutional change through the exercise of social influence, and finally c) to control the institutional implementation through a monitoring process that tests whether changes are substantial and standards are met.

Socially situated stances like this one bearing upon and carried by articulate group action are of course part and parcel of civil society: private group action for the public good. Raising sensibility for and helping establish mechanisms against corruption or any other issue perceived as 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 it often brings about this private initiative can also be seen as component of the process of advancing public good or extending democratic participation. Contrary to the wide-spread notion of investing NGOs with powers that they cannot dispose of, the notion can by no means be supported that the organisations of civil society are somehow empowered by a unified entity-body called “civil society”, which enters negotiations with the central state power. In this sense it is important to distinguish two layers of enacting democratic procedures: representative and participative democracy. Whereas the former mediates the articulation of private interests by means of party politics, the latter lends itself to organisational forms of direct interest articulation. For example TI is a moral institution and not an interest group as an organised political (party) or economic

institution (company) or the media. Therefore TI does not get involved in politics or business, for example by cooperating with a private consulting company in creating an anti-corruption policy for the government or any other political institution.

However ” innovative the idea of a private initiative may be - i.e. as is widely perceived as a sound/legitimate reason for broader engagement and as a subject 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 or an intellectual market place. In 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 in 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 to substantiate the claim of pursuing 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.

## **Target Group Economy**

### *General remarks*

If politics (“public interests”) are the eminent objective of corruption, then the economy (“private interests”) is the main source and force of this crime. Therefore it is at the same time surprising and significant that actors in the economical sphere – representatives from “capital” as well as of the “labour-force”, i.e. entrepreneurs, managers, functionaries from industry-federations and trade unions – contest that corruption is not a structural, but an individual problem, not an economical, but a psychological phenomenon. The results of the evaluation both of documents and interviews clearly show that the attitude of downplaying the seriousness of corruption phenomena (constraining it to briberies), or worse still, denying the very existence of a kind of structural corruption in the German economy is characteristic of the target group economy.

### *Patterns of the perception of corruption in economy*

Although representatives of business associations cannot deny the fact that in certain branches illegal price agreements take place, they are by no means willing to concede that the corrupt conduct extends beyond individual cases thus assuming the character of a structural problem. Illegal 'accords of agreement' may occasionally take place, but this does not at all have the character of a corrupt network. At most, they are punctual agreements of mutual benefit. To be sure, there may be imperceptible forms of possible corruption, for example when business people accept all kinds of invitations from big corporations, but in such cases one can speak of corruption taking place, only if the individuals act without having the agreement of the management of the company they work for. Considering this it is no surprise that the issue of corruption seems to be no problem for the representatives of business interests!

This argument is in accordance with the modern understanding of corruption not as a result of societal or political decadence but as the failure of personal immorality. Beyond this general modern worldview there are also specific institutional conditions in the German society that foster this attitude. When confronted with the undisputable fact that for example the Siemens scandal has shown in all clarity that corruption is something structural, they try to minimise the scale of the phenomenon. They are willing to accept the fact that the system of secret accounts Siemens kept in order to finance the bribes of foreign economic and political agents abroad was illegal. But they point out that it only became illegal in 1999, which means that the managers of the corporation acted illegally not due to criminal motives, but in a way of a certain inertia. Although the norms regulating business transactions abroad had changed, they continued to act in the old ways, but certainly not because they were driven by some kind of criminal energy. According to this point of view there is no corruption in the economy, because there is no kind of criminal energy.<sup>66</sup> Especially in regard to the members of the trade unions corporatism is seen as a main source of corruption as was the case in the scandals of Volkswagen and Siemens. It is the dual structure of the board of directors and the executive board in German companies and the corporatist economic culture which is considered as an ineffective control structure that strengthens the power of the stakeholders at the expense of the shareholders.

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<sup>66</sup> Regarding the Siemens scandal this means that for example the head of the corporation, Heinrich von Pierer, knew all about the system of secret accounts and therefore can be accused of illegal conduct, but he certainly did not have any criminal motives. Therefore, corruption in Germany is by no means organised crime, but occasional, individual corrupt conduct.

The official recommendations for preventing and tackling corruption by the BDI, the German Federation of Industry, are directed towards the possible damage that corrupt behaviour can result in. The assumption is that corruption distorts and compromises competition in a market economy and therefore must be systematically combated. The measures suggested here refer to the manipulation or breach of existing norms which corruption causes and which can therefore be prosecuted on the basis of valid penal laws. Yet what is missing from the BDI's position and the catalogue of measures are strategies dealing with possible new risks and forms of corruption which may emerge in the wake of globalisation.

The official opinion and recommendations of the DGB (German Confederation of Trade Unions) centre almost exclusively on the immediate risks corruption represents both inside and for the company, in particular for the workforce. This explains the significance the DGB assigns to whistle blowing within companies. The DGB addresses the intra-organisational problems of corruption and tackling corruption, less the social and political problems. This view of corruption is understandable when one considers that the DGB is the body which represents its members, whose interests it recognises and protects. It fails to tackle the problem of the damage done to society as a whole, in particular in view of the fact that employers are also taxpayers who in the long run have to suffer for the damage done. In the light of this, the DGB's perception of corruption seems restrictive. The important social and political dimensions of corrupt practises are being excluded.

Comparing the attitudes of the industrial players on corruption one observes that the subject does not enjoy a particularly high priority among the federations. If one considers the last big corruption scandals in the German car industry, in which both workforce and management were implicated, the passivity of the federations concerning prevention of and fight against corruption should come as no surprise. Given the political significance enjoyed by workers' unions and management associations, such restraint vis-à-vis the subject of corruption as documented in the analysis can only be viewed as very problematic. The official statements of the Federation of German Trade Unions (DGB) and the Federation of German Industries (BDI) containing their recommendations for tackling corruption offer two lines of attack: on one hand, improving structures of control in the workplace, on the other, strengthening the sensitive business ethics on the subject of corruption. As regards the DGB, however, this 'double strategy' implies a structural conflict of aims. Seen from an employment point of view, the interests of capital and work are irreconcilable and their relationship tends to be

conflicting; the trade union steps in here to protect the employee against the employer. This is made clear in cases of whistle blowing where the union prioritises support of the employee. In terms of the organisation and the whole industry, employers and the workforce are all 'in the same boat'. Both sides have a common interest in a thriving industry and macro-economy. This is reflected in the efforts to which the representatives of both capital and the workforce go to put in place corporate structures and in the symbolism of the rhetoric of industrial ethics.

From the perspective of an (scientific) observer the German mind<sup>67</sup> produces a miracle: In general, or better, in principle (because it determines the rules of conviction) it denies the existence of corruption that would be incompatible with the Protestant Ethic of the German culture, but concedes at the same time the "real" existence of corruption. The paradox is solved by a simple trick that is conceding that evil is part of this world (the Christian conviction), although at the same time denying that corruption is real in regard to the cultural norm or ideal. There is always a discrepancy between "ought" and "is" ("Sein" und "Sollen"). The classical explanation of corruption economic actors refer to is the black sheep theory, that is, a combination of the myth of the fall of man and modern individualism: the mind is willing, but the flesh is weak. In other words, we find a personalisation of a structural social problem.

There is always the possibility to fail and there are always some black sheep that cannot stand up to the hard ethical rules. Entrepreneurs and managers in Germany combine both contradictory attitudes in one person: they act as gentlemen and criminals, but do not feel dishonest. This habit of white-collar crime is not only found in the elite but is also growing in the middle class.

Significantly the actors from those social fields of action – politics and economics –, where corruptive behaviour is endemic, deny the social relevance of the problem. But it would be too simple and not very "strong" an explanation to say that this attitude is nothing else than a legitimisation strategy. From the logic of managerial action this opinion is adequate in so far that – if building trust and confidence is one of the crucial tasks of managers and entrepreneurs beyond their economical and technological functions as inventors of new products, production – and administration technologies, financing or marketing strategies – managers and entrepreneurs ought to be decent, otherwise they cannot fulfil their business

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<sup>67</sup> For similar observations in the British context see: Xenakis 2007)

tasks. In contrast to an irrational adventurer or gambler, a rational economic leader or risk-taker has to be an honest man who feels responsible for the enterprise and its employees. From the perspective of a managerial ethos corruption cannot be a structural problem in the market economy but only a personal or contingent environmental (political, juridical, cultural, mental or psychological) deficiency. In short: the managers' perception of corruption as a non-structural problem is not so much an ideology, but an expression of a professional habit. Like perceptions in general the managerial perception of corruption, following Niklas Luhmann's theory of observation, has a blind spot: One cannot see what the precondition of the specific mode of perception is. The blind spot is not a result of a cognitive incompetence, but a functional necessity to see and to see in the specific manner. The interpretation of corruption as a structural phenomenon is incompatible with the managerial ethos.

Our interpretation of the "habit theory of the managerial perception of corruption" is compatible with the obvious fact of the wide spread corruptive behaviour of managers and entrepreneurs, although this corruptive behaviour seems to be not corrupt or criminal in the social actors' eyes. And indeed, as said before, economic corruption was not seen as illegal and illegitimate in Germany until the 90s of the last century. Especially corruption in the so called "Third World" could be asserted as "exceptional expenditures" to the fiscal office and society at large has an opportunistic attitude to corruption as long as all Germans are involved in the criminal behaviour against outsiders and underdogs. The anticorruption-affect in the German society arises in the 90s when social inequality increased as a result of the neo-liberal reforms. The behaviour of, for example the SIEMENS-Management, can be interpreted as a "cultural lag". The management does not have as many moral deficits – i.e. the establishment of moral codices and compliance-divisions will change nothing – as cognitive shortcomings. The SIEMENS scandal delivers a libretto not for a tragedy but a comedy. The managers had not been the clever guys but they simple did not realize the social and legal changes. In the end the managers conjured up the neoliberal demons (Transparency International) and now they cannot get rid of them (Krastev 2004).

But how can we explain the fact that trade unionists advocate the same opinion? The answer may be that they adopt the managerial habit as an attitude of a professional functionary of labour force interests. The idle-type of a modern trade unionist is no longer the charismatic class-struggler with roots in the proletariat but the academic functionary of a professional organisation who shares his life-style with his former fellow students of economics. Those

trade unionists, who see the structural causes of corruption, represent traditional “left” positions and still believe in the moral integrity of the working-force, its solidarity and its strong will to withstand the temptations of selfish behaviour.

**4. Comparison**

The comparison between the six target groups in Germany shows a clear opposition: Representatives from politics and business agree that corruption is not a structural problem in Germany. On the other side, police officers, attorneys, lawyers and activists of the civil society or from non-governmental organizations believe precisely this and view corruption as a serious and widespread problem that exposes society to a great danger. Especially representatives from NGOs regard it as the core problem of our times. Apart from these “clear cases”, only the media produce different perception patterns. State and civil society agents refer to a liberal doctrine, economic and political actors (regardless political-ideological differences) use a conservative legitimating strategy, and the media relative to their political tendency represent the liberal (SZ) or the conservative (FAZ) mode of perception (Graphic 1).

*Graphic 1: The Nature of Corruption*

Individual Misbehaviour	Individual/Structural	Structural Problem
Politics Economy	Media	Police Judiciary Civil Society / NGOs

Representatives from politics and economy relate the problem of corruption to functional factors like success and opportunity. State and civil society actors tend to have a strong normative evaluation of corruption, which has to do with either their legal framework of action or their nature as a moral institution. In both cases they are related to the “common good” as their ultimate value orientation. This is also true for politics and economics, but in a more indirect manner. Entrepreneurs, managers and politicians are strategic actors with a strong success-orientation. They evaluate all means relative to their economic or political success and by doing so they realize – according to the liberal doctrine – the common good as a more or less intended consequence of their actions (Graphic 2).

*Graphic 2: Evaluation of Corruption*

Politics Economy	Media	Police Judiciary Civil Society / NGOs
Functional	Functional/Normative	Normative

As entrepreneurs, managers and politicians are charismatic individuals looking for opportunities, they are against overregulation that restricts their liberty of action. Instead of strong institutional control over economic or political action they vote for strengthening individual morality as a means to fight corruption. The police and judiciary also show a strong ethical bias but at the same time are used to acting in institutionalized legal frameworks and believe in the power of the law even as a moral guide. They believe they are the watchdogs of the law and the morals. On the other side and in practical terms, police and court investigations – as legal anti-corruption procedures – require moral support from a) politics, b) civil society and c) media to counteract the pressures from political and economic interest groups to fulfil this task. Civil society activists or representatives of NGOs are by definition members of a moral institution and they intend to enforce the legal framework for moral engagement and its results. Actors from media with conservative tendencies prefer a functional explanation of corruption as an irritation that enforces a renovation and consolidation of the social order in the sense of a self-healing system. In progressive or liberal media, corruption is seen as a violation of social norms (justice) that let to a de-legitimization of the political order and therefore demands for a structural reform to strengthen the institutions (Graphics 3).

*Graphic 3: Prevention of Corruption*

Politics Economy	Media	Police Judiciary Civil Society / NGOs
Ethic Codex	Ethic Codex/ Structural Reform	Structural Reform

### *Images of the society and the state*

Corruption as a “disease” of the social and political body conflicts with the principles of a modern social and political order and therefore has to be examined in relation to modern social and political thinking. In this sense, liberalism functions like an “umbrella-concept”, i.e. democracy and market economy are the shared principles on the fundamental pillars of modern society, but there are purist (economic liberals) and moderate versions (social liberals) of liberalism. Apart from self sustainability the moderate versions acknowledge social values as a distinct source of motivation and legitimation and therefore are also found in conservative and social-democratic parties.

The semantics of the term “liberal” is ambiguous. On the one hand, it represents the fundamental values of the political culture of western democracies and on the other side it expresses a political opinion in contrast to étatist conceptions of either socialist/communist or (Christian) conservative nature. For liberals (or nowadays: neoliberals) the market is the key institution of a modern society, whereas for socialists or conservatives it is the (welfare-) state. Liberals behave individualistically, socialists and conservatives act according to cultural norms and social responsibilities.

*Graphic 4: Images of the society and the state*

Politics Economy Civil Society / NGOs	Media	Police Judiciary
Liberal	Liberal / Social	Social

The cleavage is represented in the media by the two “high-quality” newspapers in Germany, the left-wing/liberal *Süddeutsche Zeitung* and the right-wing/conservative *Frankfurter Allgemeine Zeitung*. Surprisingly the conservative *FAZ* reproduces a perception scheme that shows similarities to the reasoning of the political and economical elite in Germany, independent of the political and ideological standpoint. In other words, the *FAZ* represents a perception of corruption similar to the professional attitude in the fields of politics and economics in general (Graphic 4).

The comparison shows that the two well-known definitions of corruption – the infringement on a law or the violation of a social norm (German: *Rechtsverstoß oder Normverletzung*) – not only exist empirically in a plenty of forms, but function as a ground differentiation that generates the corruption- and anti-corruption discourse in general, which is very visible in the target groups police and judiciary.

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**RESEARCH PROJECT: CRIME AND CULTURE**

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**RESEARCH REPORT UNITED KINGDOM:**

**A Comparison of Findings of the First (Documents Analysis) and Second (Interviews Analysis) Project Phase in the United Kingdom**

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## **1. Introduction**

This report brings together and analyses the findings of the research carried out for the UK case study into perceptions of public corruption. Explaining first the shifting context of debate that has shaped those perceptions and thus affected findings, the report goes on to discuss the methodological limitations of the research, before assessing the results according to theme and source of perceptions.

The key thematic findings relate to definitions of corruption, the size and scale of corruption, sources of corruption, effective factors against corruption, and perceptions of the exportability of a 'British Model'. Amongst the target groups, a variety of opinions (at times also contradictory) are expressed on all these issues. As the conclusion highlights, however, a number of consensual perceptions have also been found amongst the documentary and interview-based evidence.

For the purposes of this report, which provides an overview of the research findings, there is little elaboration offered of perceptions relating to the two case studies chosen for the UK study (the Pergau Dam and Cash for Honours scandals). Nevertheless, there is reference to these cases where appropriate within the analysis.

The study has found a considerable consensus amongst the material gathered in support of the notion that culture affects attitudes towards corruption, although tempered by an equally significant consensus that levels of affluence also affect the prevalence of corruption. Perceptions of corruption overwhelmingly focus on individual rather than systemic dimensions, and tend to offer explanations that are sympathetic to perpetrators, whether British or foreign. This finding in itself suggests that corruption may not often be considered to be a serious crime, and appears to be a valuable point of comparison with the findings for other states included in the project.

Other important areas for comparison include the findings that public opinion and effective parliamentary opposition were not raised as important to anti-corruption efforts. Media and NGO efforts to raise consciousness and advance anti-corruption efforts were recognised but not universally welcomed. Finally, the common acknowledgment that certain acts might be understood to be corrupt by law but were not perceived as particularly harmful or negative, is a finding that may be of significant value as a comparative factor in understanding just how culture may shape attitudes towards corruption.

## 2. Case Studies: The Shifting Context of Debate

Over the duration of this research project, allegations of corruption have featured frequently and prominently in British political life. These stories have both had a noticeable impact on responses received during the second, interview stage of the research, but have also subsequently reaffirmed even more clearly attitudes towards corruption amongst the six target groups (politicians, the media, the police, the judiciary, businesses, and NGOs).

The two case studies selected for the UK country study were the Loans for Peerages affair of 2006-7 – a case that offered comparison with party financing scandals experienced by the other country studies of the project – and the Pergau Dam/Balfour Beatty scandal of 1994. The latter was chosen as an indicative example of a commonly raised theme of corruption in the UK; namely, corruption by British companies abroad in order to secure contracts, with some degree of complicity by the British government. This example was mirrored in the scandal that ran concurrently with the project, the al-Yamamah affair, which involved the British defence and aerospace manufacturer, BAE systems, and the Saudi and British governments. The scandal's saga has continued, although no longer on the front pages of newspapers. From the moment at which the British Serious Fraud Office investigation into the affair was halted – for reasons of British security (the fear that it would jeopardise the British-Saudi intelligence relationship) and economy (that the contract between BAE and the Saudis would be ruptured, leading to significant redundancies for BAE employees in the UK) – the arguments concerning this alleged form of corruption became crystallised in public discourse.

Whilst the Loan for Peerages affair flowed under the bridge, followed by other smaller party funding misdemeanours (provoking, for example, the resignation of one government minister, and the leader of the governing Labour Party in the Scottish Parliament), none appeared to have lasting repercussions on perceptions of corruption in the UK, despite expectations to the contrary that had been identified during the first phase of research.<sup>68</sup> None of the recent scandals involving Members of Parliament (MPs) over-claiming personal expenses or hiring and over-paying family members as personal assistants, have remained in the media for more than a couple of days at a time.<sup>69</sup> Whilst such scandals may have confirmed or aggravated

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<sup>68</sup> See Xenakis, Scientific Report United Kingdom: Report of the First Research Period (2006), <[http://www.uni-konstanz.de/crimeandculture/docs/CRIME\\_AND\\_CULTURE\\_Scientific\\_Report\\_United\\_Kingdom\\_2006.doc](http://www.uni-konstanz.de/crimeandculture/docs/CRIME_AND_CULTURE_Scientific_Report_United_Kingdom_2006.doc)>. Resignations came from Peter Hain (see 'Hain quits job to 'clear name', *BBC News*, 24 January 2008 <[http://news.bbc.co.uk/1/hi/uk\\_politics/7206812.stm](http://news.bbc.co.uk/1/hi/uk_politics/7206812.stm)>), and Wendy Alexander (see 'Alexander quits as Labour Leader', *BBC News*, 28 June 2008, <<http://news.bbc.co.uk/1/hi/scotland/7478913.stm>>).

<sup>69</sup> See: Stephen Robinson, 'Michael Martin: The Speaker Cornered', *The Sunday Times*, 27 July 2008 <<http://www.timesonline.co.uk/tol/news/politics/article4384015.ece>>; 'Tory MP says 'I'm Sorry'', *BBC News*, 28 January 2008 <[http://news.bbc.co.uk/1/hi/uk\\_politics/7212990.stm](http://news.bbc.co.uk/1/hi/uk_politics/7212990.stm)>; 'New Scandal in Brussels as Cameron Ousts Chief Whip', *BBC News*, 7 June 2008 <<http://www.guardian.co.uk/politics/2008/jun/07/partyfunding.conservatives>>.

suspicious about the integrity of MPs, a clear public denunciation of standards in public life has not appeared to have been made in response by any mainstream target group source.

In contrast, the al-Yamamah affair has apparently had a far more pronounced impact on perceptions of corruption; the division between those believing firmly that it was a case of corruption which should be punished and which was damaging the UK's international reputation, and those who believed it to be less damaging to British interests to have had the investigation stopped as it was, came to the fore. A setback to the official (latter) view was faced when the High Court ruled that the investigation should not have been stopped, but this proved only temporary; that decision has subsequently been overruled by Parliament's Law Lords themselves, reinforcing (if not entirely wittingly, at any rate unavoidably) the dominance of the latter approach.<sup>70</sup>

In terms of dominant public discourse about corruption, the context of the 'war on terrorism', playing a similar role to that of the Communist threat during the 1970s and 1980s, and the ever-increasing pressures of an economic downturn, have both ensured that pragmatic attitudes towards such cases of corruption remain pronounced. Concerns for national security, as well as economic buoyancy (not least amongst the struggling political parties themselves, but nationally too), have meant that the whole affair has been downgraded; fears amongst the general public are firmly engaged in the housing market slump, violent crime rates and, as and when put on alert by the government or media in any particular scare episode, terrorism. Since petty corruption – in terms of payments being asked by lower level officials of the general public for routine services – appears still to be relatively rare in the UK, and high level corruption receives sporadic rather than sustained attention from media, politicians and judiciary, it is unsurprising that corruption has not been prioritised within public debate or political agendas.

The relatively low level of political rhetoric paid to the issue may be regarded as stemming from an understandable desire to portray Britain in the best possible light for international business purposes, and from the fact that both of the principal political parties – Labour and Conservative – have been heavily implicated in the affair; the al-Yamamah contract was signed by the British and Saudi governments (BAE was the contractor), initially by the Conservatives (under Prime Minister Thatcher), at the outset of the deal in the 1980s, and subsequently by Labour (under PM Blair) when a further order was secured in 2005.

The al-Yamamah affair and the cessation of the investigation have been, and remain, priority issues only for the comparatively few: principally, activists in the NGO arena, and the section

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<sup>70</sup> See 'Lords say SFO Saudi move lawful', *BBC News*, 30 July 2008, available online at: <<http://news.bbc.co.uk/1/hi/business/7532714.stm>>.

of the business community affected; i.e. large, international companies operating in areas – particularly arms, energy and construction – that tend to be especially competitive, lucrative, and corrupt. Indeed, perhaps the most significant shift in perceptions has occurred within the field of the business community, where there has been a considerable effort paid to raise ‘consciousness’ of anti-corruption standards and corresponding required efforts, in tandem with a highly significant and dual threat: for those seeking to compete and expand operations within the US market. Firstly, there is considerable pressure upon such British firms, from US lawyers and organisations representing business interests, to adhere to common standards with regard to anti-corruption norms. This is a source of considerable concern, especially with regard to the potential for heavy fining by US courts and terrible publicity from scandals that threaten to be unearthed by dogged US criminal investigations. Secondly, British firms are as aware as their US and European counterparts of the challenges posed by ‘BRIC’; the rapidly advancing economic powers of Brazil, Russia, India and China. The desire to ensure a ‘level playing field’, rather than one unbalanced by those willing and able to pay bribes to gain contracts, appears to be convincing some British firms that the time may come (if it has not already) for the poacher to turn gamekeeper.

Equally, perhaps one of the most important developments stemming from the al-Yamamah scandal has been the emergence in the public international domain of greater criticism of the British (anti)corruption record, principally deriving from critical comments from officials of the Organisation for Economic Cooperation and Development (OECD) – on behalf of those frustrated with Britain’s refusal to uphold the new anti-corruption requirements agreed with European and US counterparts – financial journalists and experts, and anti-corruption NGOs such as Transparency International. The development of this branch of public critique has, however, largely not yet been reflected in international comparative research into perceptions of corruption. Whether or not the neglect will continue remains to be seen.

### **3. Methodology**

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

During the second research period, the criteria for selection, interrogation and analysis of the (human) sources of information remained constant. The project called for semi-structured in-

depth interviews to be conducted with expert representatives from each of the six target groups. It was expected that a minimum of two and maximum of three interviews would be carried out per target group (a wider pool was not an option due to financial constraints). Given the small interview samples, findings from these may in no way be interpreted as adequate measurements of representative target group opinion. What has been aimed for instead is a range of material and corresponding analysis that is plausibly indicative of representative attitudes manifested by different target groups, judged according to the evidence contained in supplementary background material.

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

The project required a Grounded Theory approach be used in selection and interpretation of texts and interviews. This meant that the selection of texts and interviewees was to be random, apart from the requirement that the subject were official or otherwise representative of their target group. ‘Open coding’ was also then used to interpret the text- and interview-based materials. This meant that the patterns of logic drawn from the materials were categorised according to patterns evident from the materials alone, rather than using pre-formulated models or categories and then assessing the degrees of compatibility between them, allowing the material to ‘speak for itself’ and in an effort to minimise the intervention of analyst biases. Commonalities between ‘codes’ evinced from material then allowed the formulation of more general (‘higher’) levels of coding.

In this third stage of research, answers to the following key research questions are compared from the first and second stages of the project:

1. How is corruption defined?
2. How serious is the problem of corruption in the UK (type, size and scale)
3. What sources or causes of corruption are identified?
4. What is seen as effectively combating corruption in the UK?
5. Is a ‘British Model’ of anti-corruption efforts viewed as exportable?

In addressing these questions, the most significant codes derived from the research have been the following, which highlight central areas of contention amongst the views collected. These are:

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.

These codes have informed the analysis below, where pertinent, by pointing to the prevalence of different patterns of thought about corruption amongst and within the target groups. Findings are thus presented according to key research questions and according to target group. These findings are reinforced and analysis facilitated by reference to updated background material that sheds light on the changing context to this research in the UK (see section two, above).

#### **4. Comparing Material and Interview-Based Perceptions of Corruption**

##### *Definitions of Corruption*

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

Political sources from the first stage had made the argument that an act might not reasonably have been identified as corruption at the time it took place; NGOs had pioneered new conceptions and understanding of what constituted organised crime that caught out some politicians unused to the new trend of thinking about the subject. Thus, according to this line of argument, politicians should not always be considered to blame for their actions where

conceptions of what constitutes corruption are in the process of transformation and clarification.

Also in the first stage, juridical sources considered that the law was highly complex and confusing in its treatment of corruption. This raised the danger both of leaving individuals (especially politicians, businesses, and legal experts) vulnerable to criticism for being involved in acts which were nevertheless not clearly designated by the law as criminal, but also weakening the chance of successful prosecutions of cases of corruption.

Businesses, in both stages of the research, voiced the concern that not all employees in a firm might be aware of the need to avoid acts and transactions that might be perceived as being corrupt, implying not only that what constitutes corruption is fairly vague, but also that companies needed to do more than simply reiterate the fact that it was not acceptable and invest more time and effort in explaining to its staff what it was and how and why it should be avoided.<sup>71</sup> Additionally, in the first stage it was argued (e.g. by the CBI) that whilst businesses already had in place ethical policies and practices, the development of British law on the subject might mean that businesses would benefit from seeking the advice of anti-corruption experts in devising their own standards and positions on different aspects of corruption. To this extent, then, businesses to some extent mirrored the politicians' argument that changing conceptions of what constitutes corruption could 'catch out' those 'unaware' of changing norms and regulations in particular.

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

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

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<sup>71</sup> See also PriceWaterhouseCoopers, *Confronting Corruption: The Business Case for an Effective Anti-Corruption Programme* (2008), available at: <<http://www.pwc.com/extweb/pwcpublishings.nsf/docid/1F2DCA23DC8E7E1F852573CB00578048>>.

Somewhat surprisingly, a police respondent demonstrated usage of a more expansive definition than some of the other interviewees, including the motivation of prestige enhancement. A political respondent, on the other hand, implied that politicians had to be pragmatic above all and were expected to diverge from rules and regulations if the occasion so required; i.e. offering a fairly flexible understanding of the legitimacy and ‘corrupt’ nature of such deviance. They also highlighted the notion that historically, under-regulation had led to the continuance of practices that were now ‘anomalous’ given contemporary attitudes and legal developments concerning corruption, and that these were now being ‘flushed out’. A judicial respondent clearly associated corruption with bribery and especially with petty corruption of lower-ranking public officials, whilst a police respondent associated corruption with organised crime and its efforts to infiltrate and corrupt the police. Media respondents differed in their conceptualisation of corruption in the UK, some focusing on local public administration and the awarding of business contracts at that level of government, whilst another focused on international business competition and the pressure on British companies to adhere to anti-bribery legislation. The NGO respondents were divided in their approach to corruption, one focusing on bribery and contract awards involving businesses, another focusing on patronage and interlocking interests between politicians and businesses (the ‘revolving door’ between political office and business careers), whilst another focused entirely on wastage and inequalities (i.e. largely in developing economies rather than in the UK). Industry respondents showed a cautious approach in their delineation of corruption, focusing on bribery but arguing that it was more likely to happen in weaker economies where officials were otherwise insufficiently remunerated in their work, and if did happen in the UK, was unlikely to be known about (given that unsuccessful and successful cases of bribery alike were unlikely to be recorded).

### *Size and Scale of Corruption*

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

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

In large part, the textual analysis did not reveal a focus on petty corruption or on which type of corruption might be more extensive in the UK. From supporting documentation and NGO material, the prevalent corruption issues in the UK appear to have been bribery involving companies and government complicity in order to win contracts for British businesses abroad, and bribery influencing the awarding of business contracts and generating unfair political advantages for parties at the local government level. Patronage and elite political corruption do not appear to be areas of significant concern and do not appear to receive thorough consideration by sources from any target group or, indeed, background study.

### *Sources of Corruption*

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

amongst the elite represented by the target groups). Low levels of corruption are also then regarded as further reducible by clarifying and simplifying pertinent regulation.

## **5. Key sources of corruption**

### *Politics*

Politicians that have been implicated in scandals were often found to be portrayed as unfortunate, misguided individuals who inadvertently broke anti-corruption regulations; inadvertently, because they were unaware of the regulation in question or because the regulations are sympathetically viewed as highly complex and/or burdensome, and thus easily transgressed. Politicians themselves portray each other in this way, but also some anti-corruption NGO officials supported this interpretation, as well as members of the judiciary. Police sources tended to be far stricter in identifying a crime of corruption as a crime when it took place by a British citizen, but also appeared more understanding when considering corruption stimulated by low salaries of foreign officials abroad.

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

### *Economy*

Although businesses were regarded as actively involved in cases of corruption, as with the politicians, on the whole they too were not regarded as corruptors. That is to say, where business interests were involved in a case of bribery overseas (e.g. in order to win a contract), they were rather seen as victims of an environment in which bribing was almost standard procedure. Furthermore, some media documentation pointed role of politicians in sanctioning corrupt practices by British businesses in order to secure contracts overseas; thus, businesses were not entirely to blame for their complicity, but were instead often portrayed as trapped between foreign and domestic government sanctions. Interestingly, with regard to business efforts to secure illegitimate influence over political decision-making within the UK – via bribery/‘gift-giving’ – while this was regarded as a matter of considerable public opprobrium during the 1990s, the primary concern was clearly more with the maintenance of standards of public office than of the seriousness of the threat posed by the potentially corrupting business

interests. Likewise, amongst the material collected during the two research project was the suggestion – from political and background sources – that business lobbying of politicians rarely confers unfair advantage, and the chances of exerting desired influence over political decisions via corruption extremely slim to non-existent (whether because of the antithetical, strong and high-minded culture amongst the gentlemanly body of politicians, or simply because the structure and functioning of political decision-making makes such efforts futile).

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

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

### *Foreign Public Officials*

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

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

### *Economic*

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

### *A lack or decline of a public ethos*

Amongst the material collected, no commentary was found that explained the corruption of foreign officials that were themselves affluent in comparative or real terms, or were based in a developed economy, other than the notion that corruption in such circumstances could be culturally accepted there. Whilst the lack or stymieing of public ethos amongst foreign officials partly underlay explanations of corruption abroad, the lack or decline of a public ethos within the UK was also apparent in explanations of why 'bad apples' arose within British public life; these were individuals lacking in sufficient respect and admiration for the obligations placed upon them by their office. According to background academic literature, the undermining of a public ethos is often identified with the rise of neo-liberal policies, due to their elevation of principles of individualism and value accorded to market principles, and critical appraisal of the uncompetitive nature of public service.<sup>72</sup> On the whole, however, the British were widely regarded as 'culturally indisposed' towards corruption within the materials collected from both phases of the project.

## **6. Effective Factors against Corruption**

Three key factors were identified within the materials collected as key to combating corruption within the UK; the media, foreign pressure, and NGO activity. The public ethos or, more specifically, the existence of a customary code of conduct amongst politicians, was also cited in a range of literature (political, judicial, NGO, police, and background material from

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<sup>72</sup> See, for example, discussion in Alan Doig, 'Political Corruption in the United Kingdom', in M. J. Bull and J. L. Newell (eds.), *Corruption in Contemporary Politics* (Basingstoke: Palgrave Macmillan, 2003), pp. 178-190.

both research phases) as constituting a key framework that restricted the likelihood of corruption taking place, since it would simply not be acceptable, as was – to a lesser extent – the development of stronger legal constraints against corruption. In the interests of comparative analysis, however, the role of democratic traditions – here meaning a vigilant political opposition and public accountability and a strong judiciary, in addition to an investigative media – are also addressed.

### *Media*

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

### *Foreign Pressure*

According to NGO and media sources, British anti-corruption efforts have been significantly affected by the pressure created from becoming a signatory to the OECD anti-corruption convention, impelling the UK to update its anti-corruption legislation and in particular to include as a crime the bribery of foreign officials. A critical OECD report of Britain's draft anti-corruption bill in 2005 was seen as playing an important part strengthening the hand of critical voices calling for alterations to be made to the proposed legislation. However, the extent of the influence exerted by the OECD upon British anti-corruption efforts has been seriously called into question in light of the dropping of the SFO investigation into the al-Yamamah affair, however, as British officials allegedly made significant efforts to undercut the subsequent OECD criticism of the move and did not bow to pressure from the OECD in the aftermath of the decision.

The Joint Parliamentary Committee charged with scrutinising the draft British anti-corruption legislation of 2005 had also pointed to other more general international sources of pressure upon the UK to increase its anti-corruption efforts. The Committee argued that new

legislation was required in order to match the complexity of current economic interactions, that Britain's treaty obligations required her to advance her anti-corruption efforts, and that, as a pre-eminent actor in world financial markets, it was also in Britain's interests to do so. In their view, international pressure derived from widespread anti-corruption momentum, treaty obligations, economic complexity, and reputation, all played an important part in encouraging domestic recognition of a need to increase anti-corruption measures in the UK.

Pressure from the US and Europe (particularly France) has also been noted by media sources as having increased upon the UK; the US and Europe have appeared to be unhappy that Britain has not demonstrated as firm a commitment to anti-corruption efforts as has been agreed internationally, thus raising concerns that UK businesses may be allowed to undercut their foreign competitors by using corrupt means that will not be challenged by the British state – a fear that has been stoked in recent weeks and months by the ongoing al-Yamamah saga.

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

### *NGOs*

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

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

### *Customary Code of Conduct and the Public Ethos*

Confirming the findings of a wealth of literature on attitudes towards corruption in the UK, this research project also found that reference to customary codes of conduct – in particular, gentlemanly principles amongst politicians – were frequently made in explanations of why there is little corruption within British public life.<sup>73</sup> Political, judicial and NGO sources explicitly made reference to the good intentions of politicians and the importance to the ‘average British politician’ of their personal integrity and maintaining their honour as well as that of the House of Parliament. Temptations would thus be rejected by most Members of Parliament (MPs) and any attempt to bribe would most likely cause an MP embarrassment. Police, media and business sources at best only alluded to this explanation, and certainly put far less emphasis on the notion, even if they too suggested that most people had good intentions in carrying out their public duties.

### *Political Opposition, Judicial Power, and Public Pressure*

In international comparative literature on corruption, strong democratic traditions – an investigative media, vigilant political opposition, powerful judiciary and public accountability mechanisms (so that the citizenry can elect different governments and punish corrupt parties or leaders) – are often thought to be important in providing the appropriate checks and balances that prevent or limit corruption in public life.<sup>74</sup> In the material collected during the research project, however, little reference was made to the power of the judiciary (other than to the beneficial role of increased legislation against corruption over recent years) or to the disincentive function of a political opposition in reducing corruption within the UK. Police,

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<sup>73</sup> See, for example, Dawn Oliver, ‘Regulating the Conduct of MPs: The British Experience of Combating Corruption’, in P. Heywood (ed.), *Political Corruption* (Oxford: Blackwell, 1997), pp. 123-142.

<sup>74</sup> See Harry Seldayo and Jacob de Haan, ‘The Determinants of Corruption: A Literature Survey and New Evidence’, Paper presented at the ECPS conference, Turku, Finland. Available at: <[http://congress.utu.fi/epcs2006/docs/D1\\_seldayo.pfd](http://congress.utu.fi/epcs2006/docs/D1_seldayo.pfd)>.

Judicial and NGO sources expressed the opinion that anti-corruption efforts in the UK were hampered by the limitations and obscurity of the law on the issue. Public opinion was mentioned (e.g. by judicial, political and media sources), but only in regard to concerns that public interest in politics and trust in politicians has been diminishing in light of successive corruption scandals. Indeed, an NGO and a business source in the second (interview) phase of research explicitly denied the relevance of public opinion to the momentum of anti-corruption efforts within the UK, whether in the political or business arenas.

## **7. Perceptions of the ‘British Model’ and its exportability**

As has been noted in previous scientific reports from the first two phases of research, one of the central aims of the study has been to explore not only what is perceived to make the UK less corrupt than other countries, but also whether the UK’s experience can be replicated elsewhere. From the first phase of research, the materials collected made little reference to any notion of a ‘British model’ of anti-corruption efforts *per se*, although several sources regarded Britain as relatively uncorrupt in regional or international comparison. The second phase of research demonstrated that the majority of interviewees did not have a clear conception of what exactly the ‘British model’ entailed. In cases where sources did identify a British ‘model’, this tended to be identified as a trend for low levels of bureaucratic regulations, greater emphasis on self-regulation to ensure high standards of public service, and the impact of cultural norms (customary codes of conduct), which dissuaded corrupt acts by implying that embarrassment and shame would subsequently label any perpetrator. To the extent that such norms could be promoted internationally, there was a small degree of interest and belief that this was a credible and desirable possibility.

Nevertheless, some sources demonstrated greater concern than others that the potential of the British government to promote anti-corruption norms and good government abroad had been damaged by the process of the al-Yamamah affair and international criticism of the UK that had consequently been made. For others, however, the recent scandal and criticism was not a significant issue, whether because corruption was not considered to be a priority in terms of British interests and foreign policy, or because the interviewee did not agree that Britain should aim to constitute an international ‘model’ in any case.

## **8. Target Group Perceptions of Corruption**

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

### *Target Group Politics*

In the first stage of the research project, documents gathered from records of parliamentary debates, committee hearings, and reports demonstrated a strong support for idea that standards of public life are generally high in the UK and corruption rare. Politicians believed each other to generally be of good faith and bound by customary codes of conduct that dissuaded corruption and instead valued honour, integrity and public service. Patronage was largely accepted, although there were views that the process of awarding state honours could be improved. In terms of the effectiveness of counter-corruption measures, politicians were split between those who felt that sufficient penalties for those found guilty of corruption were not being implemented, and those who strongly defended the overall integrity of the political system and the customary means of preventing corruption (i.e. self-regulation), at the same time as seeking to protect rights of privacy and autonomy for politicians and parliament, respectively. There was also a fairly strong consensus that business access to politicians does not equate to illegitimate or corrupting influence, and that the power of businesses over politicians was largely denied, although there was a degree of sympathy evident in discussing the predicament of British businesses operating overseas in corrupt environments. Politicians tended to be more sceptical of the role of the media in advancing anti-corruption efforts in the UK. Some concerns were also raised about the role of NGOs as a vanguard of anti-corruption efforts, although in general their role in demanding political and judicial accountability was lauded as an important means of combating corruption within the UK.

The second phase of the research project provided some useful and interesting supportive elaboration of the points above. Namely, support was voiced for the so-called ‘good chaps’ theory of effective parliamentary or broader cultural norms in limiting corruption amongst public office holders. Whilst these were regarded as having been in decline since the 1960s, however, they were viewed as being slowly replaced by a shift towards the codification and strengthening of anti-corruption regulations. The latter development was not regarded in a wholly welcome light, however, given the desire to maintain parliamentary autonomy and customary norms instead. A critical view of the media in encouraging overly-negative public perceptions of political corruption in the UK was also evident.

### *Target Group Judiciary*

Judicial material used in the first stage of the research from the Law Commission also sustained a favourable opinion of standards of public life in the UK, and equally criticised the media for spreading mistaken assumptions about scandals amongst the public. Corruption was considered more likely to happen as a result of opportunism, stimulated in turn by a lack of clarity or comprehensiveness of the law. The law itself was regarded as containing loopholes and irrationalities as a result of having evolved in response to particular problems or scandals over time. Implicitly, therefore, better laws were expected to prevent corruption both by reducing opportunistic crime but also corruption carried out by mistake.

Interviews provided a richer source of perceptions on corruption, especially highlighting the historical development of British experience since the 1960s. Again, the law was deemed to have played a key role in changing attitudes towards corruption in the UK and effectively increasing regulations and controls, so that corruption had diminished in the UK over the past fifty years. Furthermore, foreign pressure (see elaboration above) was also regarded a more significant generator of anti-corruption efforts within the UK than domestic public opinion. While it was argued that the British are culturally indisposed towards corruption (because it conflicts with their adherence to the concept of fairness and openness, the ‘cricket’ norm), it was suggested that corruption by British companies abroad (in order to win contracts) is not widely believed to constitute a harmful practice amongst the British (or ‘bad corruption’).

### *Target Group Police*

According to material collected from the Association of Chief Police Officers and the Serious Fraud Office in the first stage of research, the police target group strongly supported the view that British public institutions are marked by their high standards of conduct by office holders and clear disapproval of corrupt practices. The police view themselves as important standard bearers in terms of exporting the best of British standards abroad via their working relationships with foreign counterparts in which part of their job may expressly be to assist in the fight against corruption or the establishment of anti-corruption codes of conduct amongst police. The notion that this should be cause for limiting anti-corruption efforts was rejected, however, and indeed more attention to the subject was sought in order to see the improvement of efforts to combat it. There was an awareness of the limitations of legal prohibitions to effectively control corruption, although further reform of the law was advocated in order to assist police efforts to implement anti-corruption regulations. The police adhered to a wider conceptualisation of what constitutes corruption than other target groups at this stage of the research, as ‘the abuse of a role or position held, for personal gain or gain for others’.

An expansive definition of corruption was reiterated at the interview stage of the research process, the guiding principle being the combat of ‘unfairness’, whether an advantage is gained of wealth or status by unfair competition. Foremost in the conceptualisation of corruption was nevertheless its relevance to the police force, i.e. corruption of police officers by criminal gangs. The existence of political will to fight police corruption was praised and highlighted for its facilitation of police anti-corruption efforts, but there was little comment on the political will to combat corruption in public life more broadly.

### *Target Group Media*

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

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

foreign pressure (see elaboration above) were regarded as having contributed to lower levels and greater awareness of corruption in the UK.

### *Target Group Civil Society*

NGO perceptions of corruption in the UK collected over the research project were also highly differentiated from one another, even though they contained less radical heterogeneity than demonstrated by the media target group. As with all other target groups studied, the word ‘corruption’ itself rarely appeared alongside discussion of bribery, influence, ‘sleaze’ and the scandals considered, even though the NGOs specifically addressed corruption issues. Both the document and interview phases of research demonstrated that standards of public life in the UK were generally deemed to be good, and better than in other countries. Some were sympathetic to the pressures faced by UK businesses to bribe abroad, others were more critical and of domestic forms of corruption (including patronage and close ties between public officials and businesses). Some sources were more positive about the level of political commitment to anti-corruption efforts than others, however, whilst others more sceptical about the integrity of politicians and their distance from powerful business interests. Indeed, it was stated by one source that “policies, not culture, create corruption”, indicating that politicians were largely responsible for corruption. Some sources laid greater faith in the potential of legal reform to combat corruption than others that took a more cynical approach, although there was agreement that legislation and transparency were not sufficient means of combating corruption. The existence of adequate penalties, enforcement of regulations, and consciousness-raising were also deemed to be important to ensuring effecting anti-corruption efforts. Court cases were viewed as helpful means of clarifying the law and in raising awareness about corruption. Whether the UK is seen as a relatively positive example of low corruption or is viewed critically for the weakness of its domestic anti-corruption efforts was a matter of disagreement amongst the sources found.

### *Target Group Economy*

From the materials collected in the documentary and interview stages of the research project it was evident that most business sources were unwilling to pronounce their views on the broad topic of corruption in public life, but did largely adhere to the view that corruption has increasingly become unacceptable in the UK and for British companies operating overseas. British public corruption was largely deemed to be slight due to the lack of need and sufficient salaries of public officials. Far more detail was available in the second, interview stage, than the first, with regard to business perceptions of corruption. International standard

setting and NGO activity were acknowledged as important stimuli for growing business awareness and anti-corruption efforts. Corruption involving British companies abroad was typically characterised either as a result of ignorance or lack of preparation, or else of pressure from the foreign environment or international competition; it was sympathetically noted that it would be difficult for companies and, in particular, lower-level staff, to refuse to operate in a key market area on the grounds that it was known to be a corrupt environment. Neither public opinion nor the media were viewed as important stimuli of anti-corruption efforts in the business world, but rather interview sources emphasised that businesses had recognised the importance of the issue separately, earlier, and more systematically than media interest in the subject.

## **9. Conclusions**

This report has sought to summarise the key findings of the research project from the UK case study, highlighting key areas of disagreement and consensus about different aspects of corruption amongst the target groups studied, from causes to its extent, and solutions to international comparability.

As has been evident from the materials collected over the two phases of research, interviews tended to reinforce and elaborate the viewpoints found in the collected documents from each target group. The police were probably the most restrictive of the target groups in terms of willingness to discuss patterns of public corruption, although their definition of corruption was the most expansive. The business target group was also considerably more circumspect in discussing broader patterns of public corruption than the other target groups. The media and NGO target groups contained the most critical perspectives of British corruption, but these target groups were also the two most heterogeneous, demonstrating a variety of contradictory attitudes towards corruption.

The study found widespread belief that culture affected attitudes towards corruption; in particular, that British culture and/or customary codes of conduct amongst public officials and politicians dissuaded the perpetration of corrupt acts. However, economic affluence was also credited with precluding a susceptibility to be corrupt amongst public officials in the UK. Different sources highlighted the role of regulations and their enforcement, awareness-raising by NGOs and the media, and foreign pressures on politicians and businessmen, as key factors that have also helped to advance anti-corruption efforts in the UK. Overall, there was little desire to view Britain as a model of anti-corruption efforts internationally, although the consensus was that Britain is less corrupt than many other states.

Corruption was by no means viewed as systemic by any group, but from all groups there came recognition of the impact of an international competitive environment and foreign market expectations that placed pressure on British businesses to become involved in corrupt acts. Domestically, the central division of opinion between all target groups was whether individuals should be considered ‘bad apples’ or ‘confused apples’; in other words, there was substantial disagreement about the extent to which corruption was committed by public officials unwittingly or purposefully. The predominant view appeared to be that corruption, when it took place, was largely engaged in unwittingly by public officials. The primary cause of public corruption in the UK was correspondingly identified as unclear and overly-complex regulations.

Clearly, there are a number of potentially interesting findings for comparative research in this area; namely, the lack of apparent importance paid to public opinion or effective parliamentary opposition to counter corruption, the criticism offered of the media and NGOs, the similar issues of non-recognition of certain acts as ‘corrupt’ (or rather, recognition of certain acts as ‘corrupt’ but denial of their negative nature). From this case study it is not entirely evident how the overlap and distinctions between perceptions of and within different target groups may provide an insight into the formulation of anti-corruption efforts internationally, but the cross-country comparison that will be carried out in the later stage of this project aim to shed light on this issue.

**SIXTH FRAMEWORK PROGRAMME OF THE EUROPEAN COMMISSION  
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**SPECIFIC TARGETED RESEARCH PROJECT: CRIME AND CULTURE**

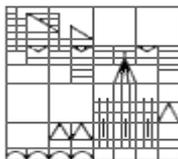
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A Comparative Cultural Study in the EU-Accession States Bulgaria and Romania, the EU-  
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