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

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Perceptions of Corruption in Bulgaria, Romania, Turkey, Croatia, Greece, Germany and the United Kingdom

A Content Analysis of Interviews from Target Group Judiciary

BULGARIA

Target Group Judiciary

Definitions

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

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

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

Causes and Origin

There are several reasons for the existence of corruption, according to the representatives of the judiciary. The first one is related to the constant changes in the legislation that have been taking place in the last 15 years thus creating a situation of legal instability and insecurity. The unpredictability of the legal acts is the reason why often social actors opt for solutions that involve corruption. The second set of reasons involves peoples' values. Many Bulgarians tend to solve their problems in a way that circumvents the laws and the established rules. There is a popular perception that one cannot succeed in life if one follows the formally established rules and procedures. There is no clear idea where these popular attitudes might come from but several possibilities have been mentioned, including history (the Ottoman rule in Bulgaria) and the transition period.

Effects

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

Size and Scope

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

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

Anti-corruption Measures

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

The second and more important set of measures involves moral education and prevention of corruption. Practically this means identification of the cultural roots of the problem and

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

ROMANIA

In the Romanian report analysis was based in a comparison between perceptions of corruption regarding different fields of the problem without distinguishing in different target groups. For more information please see the Romanian report in “Scientific Report Romania 2007” in this web site.

TURKEY

The Analysis of the Target Group Judiciary

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

Corruption is generally demoted to bribery in society because of its widespread nature. In the Turkish Penal Code bribery is defined as a crime committed by a public official in the framework of an agreement with a person in order to receive an advantage (tangible or intangible) to do or not to do something in the discharge of his or her public or legal duties. As it is an action of free-will performed by both parties mutually content, bribery hardly ever becomes a case before the court and is inured in the society. However, Bribery exits in every domain of daily life where citizens are faced with the state apparatus (the police, customs, hospitals and so forth). Today's hegemonic conception based on individualism, nurtures bribery. People seem to forget the fact that their existence can only be meaningful when it is related to an entity (let it be universal, religious or humanistic set of values) superior to themselves.

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

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

And, the causes of corruption are listed as;

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

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

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

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

- Presumption of innocence that takes place in the Constitution,
- Difficulty in providing evidence,
- Problem of finding witness or informant due to the lack of sufficient protection

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

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

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

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

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

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

Conclusion (on prevention)

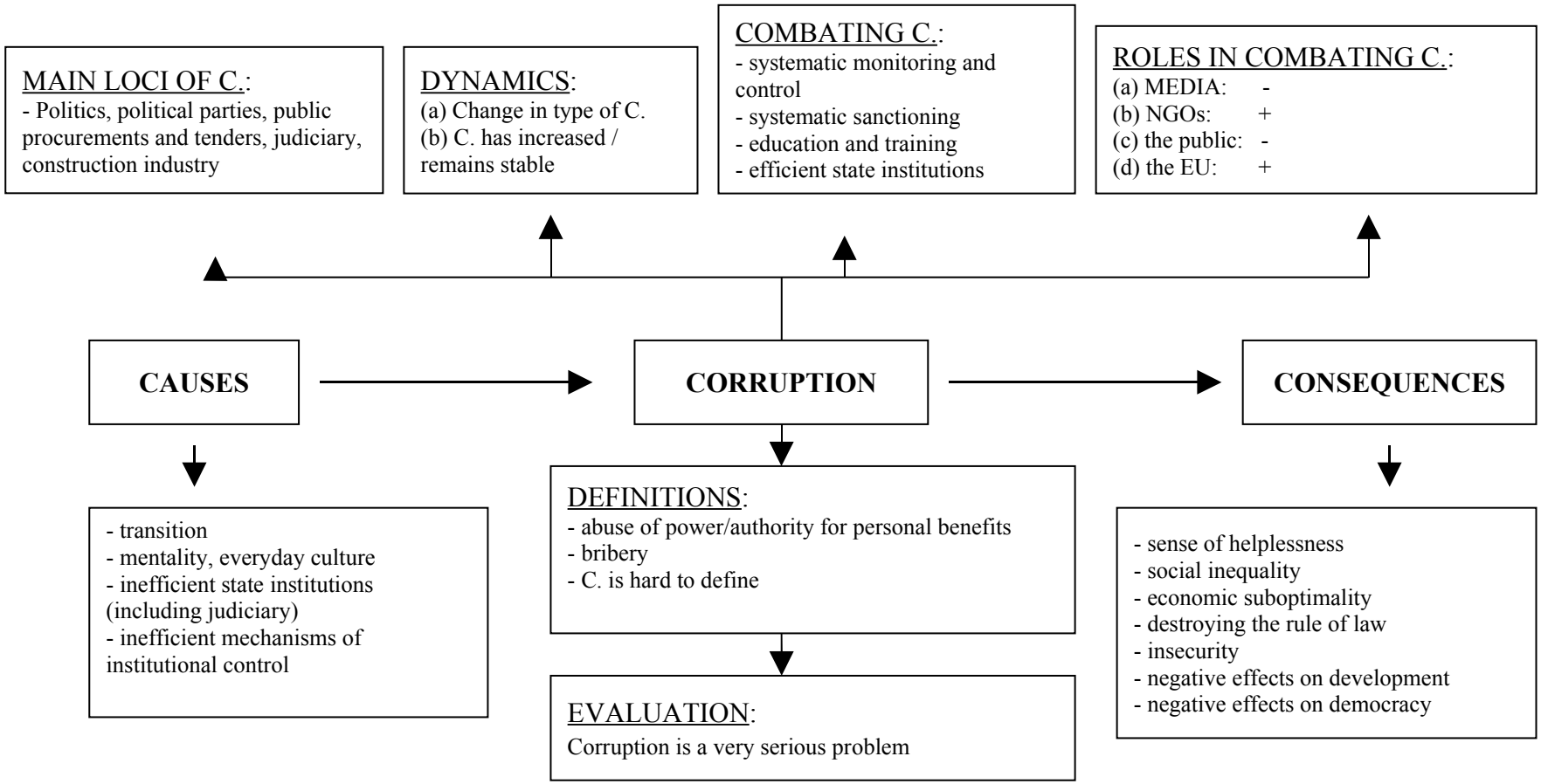
In the short-run the following measures can contribute to corruption prevention:

- The establishment of a special commission similar to "Court of Political Parties",
- Providing proper functioning of the "Law of Prosecution of Public Servants" ,
- Effective auditing of expenses of municipalities,
- Enlarging the definition of corruption in such a way that it would include the relations within the private sector,
- Forming a witness protection program.

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

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

CROATIA
TARGET GROUP JUDICIARY



GERMANY

Target Group Judiciary

Outline

The evaluation of the interviews from the target group *justice* concentrates on those aspects of corrupt conduct that can be considered as its antecedents. Except the temporal dimension the focus on preconditions means essentially pinpointing the fact that corrupt conduct is, in the initial stages and before it can fall under penal jurisdiction, necessarily the result of experienced perception. Regarding the investigation/prosecution authorities this means the process of raising initial suspicion. This in turn takes its bearings from the systematic observation of conspicuous regularities. Therefore the analysis examines at first a) how the process of raising suspicion looks like in the framework of the investigation activities of general attorneys, but also b) what can count as suspicious regularity deserving critical attention. The issue of preconditions refers additionally to those qualifications attorneys and judges must dispose of in order to carry out the job of tracing the (potentially) criminal act back to its antecedents. Thus the analysis continues by giving a profile of such qualifications. On the basis of the notion of preconditions examined under these two aspects it then moves on to show what this all means regarding prevention: raising public awareness and intensifying controlling observation.

Analysis

I. On preconditions

In judicial praxis corruption is deployed as a notion under which offences codified in criminal law are subsumed. Nevertheless, although predicated of determinate issues in fact, corruption is also used in a wider sense, since its meaning *extends beyond the clearly delineated radius of criminal acts*. Thus the objects to which the judicial notion refers to do not coincide with what the semantic of the word circumscribes: in other words the semantics of the term overspill its pragmatic dimension, e.g. its use in the judicial discourse – it "shades off". Therefore the 'hard (judicial) core' of the notion should rather be taken along with its surrounding items, that is all those *gradual stages of action* that lead to the criminal offence: bad behaviour that sooner or later becomes corruption and thus falls under penal jurisdiction [P1: 730-741].
Given this distinction the task of the prosecuting authority, i.e. in this case of the general attorney, is to *correlate the 'core' of the judicially graspable with the 'shadowy' dimension*, e.g. the margin field ('grey zone'), filling it up with (prosecution) relevant aspects [P1: 1149]. The one procedure would be

- to make the judicial terminus fit corrupt conduct as a multifaceted phenomenon – tracking down, so to speak, for the (universal) notion the suitable particulars.

Or, the other way round,

- one begins with the particulars, e.g. the factual state – whatever that may be (e. g. initial suspicion) –, and then tries to fit it into the judicial scheme either through 'overstretching' its semantic-judicial import or cutting all irrelevant aspects off [P1: 1155-1159].

Even if both investigative approaches ('top-down' and 'bottom-up') fail to deliver the desirable results, it should be of no great concern, since the nature of the task itself, that is delineating the extension of the 'grey zone', lies in the discretionary powers of the investigating

general attorney. Besides, it is not something that pertains exclusively to the domain of corrupt conduct, but can also be met in other fields of penal law (for example marriage law, law of contract), in which judicial notions more often than not do not have from clear-cut (that is fully delimited and determined) objects of reference the start. Accordingly it would be not erroneous to claim that the law traditions in continental Europe and England or the USA do not differ that much since both in continental law and Common Law there are cases of initially indeterminate notions that are instantiated in the course of judicial praxis – the particulars of the universal notion (e. g. the possible application cases) are successively established in court practice.

Taking as a point of departure this fact of (the necessity of) approaching corrupt conduct with the means of *reflective judgements* that match the judicial notion with the facts, the question what these latter – always with regard to the 'grey zone', e.g. the still not yet judicially tangible 'antecedents' – can be in the first place. However, because these facts do not just lie out there ready to be picked up, but depend essentially on the prosecutor's perception of what can be relevant or not [P1: 682-684], the question should be reworded: How far does the initial suspicion reach [P1: 400-401]?

- Before everything else this aspect has a procedural significance: No matter how fruitful the initial suspicion may prove to be in (re-)constructing the course of corrupt conduct, it can always be turned down by higher instance courts on the grounds of some human and constitutional rights possibly being violated [P1: 403-404]. This so-to-speak in-built friction between spheres of jurisdiction originates in the character of investigative work based on the necessity of preventively seeking prior causes for possible corruption offences: Because the field of initial suspicion consists mainly of social facts that are not illegal, but all the same give rise to suspicion, the general attorney – for example when he permits domiciliary visits –, operates in some sense contrary to the law by ordaining that nobody is guilty unless convicted, or, in a weaker version, he is prone to disregard certain human rights for the sake of a contra-factual assumption of wrongdoing.
- Besides, the fact that 'useful expenses' are exempted from income tax depraves the investigation authorities of the possibility to find out who their recipients are. Thus although 'useful expenses' are often a label to cover briberies or granting advantages, the legal restraints do not allow for scrutinising what they are made for [P1: 320-234]. They are just considered as unavoidable costs.
- Moreover it is sometimes the case that the interlinkage of private economic and public interests appears in institutional form, thus proving to be a real challenge for the investigation of causes of corrupt conduct. Take for example the research cooperation between industry and universities: It is not unusual to find that the very same professors that conduct research, let us say in the field of chemistry of pharmacy, are also employed or even take leading positions in the relevant firms that finance the research work. Against this background, it is indeed difficult to estimate where the demarcation line between corruption and fund raising lies [P2: 659-667].
- Some other domains, in which suspicion raising certainly does not go far enough and therefore deserve critical attention are:

a) Communal politicians that at the same time are members of the board of directors of public utility companies [P2: 755-757];
b) (Corrupt) Networks between adjacent work branches consisting of individuals that share common, decisive backgrounds of experience [P2: 695-701].

c) A conspicuous selectivity regarding the individuals, or rather their social status, being brought to court [P2: 561-566]. Sometimes doubts arise here whether prosecution works impartially, that is whether some high-standing persons are deliberately let out.
d) Politicians switching to managerial functions in private corporations, or just becoming members of the board of directors after quitting politics [P2: 491-492; 822-828].
e) The conspicuous influence of lobbyism on politics [P2: 795-800].

Keeping all this and the empirical nature of reflective judgements in mind the scope of initial suspicion cannot be but indeterminate. However, this does not mean that there are not sufficient grounds for initial suspicion:

- For one thing observing *conspicuous regularities* can sustain initial suspicion.
- The fact for example that in many professions young people often do exactly the same job as their parents with the result that the employment criterion seems to follow the hereditary principle in certain segments of the public sector [P1: 768-775; 785-788; 828-832] can be taken as an indicator of favouritism.
- Those cases should also be conspicuous in which after a successful career in a very short time some people in the public (for example communal) administration are disposed to instrumentalise their leading administrative positions in order to exert power [P1: 994-996]. Or the mere fact *how* certain people can climb up to the top so quickly should generally raise suspicion [P1: 1026-1027]. As concerns the former it need not originate exclusively in an individual quest for more power, but results at times from the economic logic of raising efficiency and performance that communal administration is increasingly subjected to. Making the latter fit for economic competition means fostering an art of coercion to comply at all costs with the demands of success-oriented action that is in turn not impervious to resorting to … 'deviating' methods in order to maintain and raise the level of the achieved accomplishments [P1: 606-611].
- The economic coercion to successful performance [P1: 1102-1103] is however not only a source of corruption liabilities in the administrative sector: In addition and in regard to societal stances at large an essential factor seems to be the mentality that fuelled by continuous consumerism stakes that leads to ever increasing demands [P2: 1322-1324]. If the purchasing performance of the individual fails to meet the ever expanding needs of status consumption, the tendency to achieve the desired through … other channels increase accordingly.
- Besides, vulnerability to corrupt conduct rest not only upon achieving/maintaining certain consumption standards. Accepting invitations to dinner, vacation offers and all sorts of 'care presents' – as is the case with doctors being 'spoiled' by pharmaceutical companies [P2: 636-644] – are among those conspicuous issues that are worth considering as grounds for initial suspicion.

It goes without saying that the precondition for perceiving conspicuous recurrences as grounds for raising initial suspicion is to keep observation constant, as corruption as a developing process forces investigative prosecution to keep up with the need to permanently fill the gaps left by current codified jurisdiction [P2: 1180-1185]. Raising suspicion for its part requires the investigating individual to have certain qualifications. The most important of these are:

- *Experience*. Experience in perceiving immediately that the matter under observation can and must be made relevant for opening up a corruption case is a cornerstone in the

prosecution procedure in relations between both criminal investigators and general attorneys and between the latter and the judges as well. Just like the case in which a general attorney lacking experience cannot adequately ascertain the import of the initial moments of suspicion that the criminal police investigator delivers him, an inexperienced judge can prove to be an obstacle to following the prosecution suggestions of the general attorney any further [P2: 206-209]. However, the factor of experience does not confine itself to the initial stages of judicial prosecution, for it is even more important during the court procedure. In court the judge with his experience – like a good chess player or a clever boxer [P2: 2335-2339] – must make the best out of the case: trying to reconstruct the course of events and the motivations of the actors involved is an intellectual challenge [P2: 2335-2339]. Moreover, since judges and general attorneys determine how large the scope of investigations shall be, prosecuting economic or corruption offences demands strong characters and personalities [P2: 221-227].

- Apart from experience there is another fact or precondition general attorneys and judges alike must take account of and integrate into the investigation process: As substantiating initial suspicion is *a strenuous, cumbersome activity* sometimes spanning over years, the prosecution authorities/individuals working in the field of economic crime must have the *character strength* [P2: 2346-2347] *and assiduousness* to carry out a job that only becomes apparent in the very last stage, e. g. in court [P2: 231-237]. While there are shorter intervals between investigation and prosecution in common criminal offences, in corruption cases part of the investigation activities, that is low-profile part of fighting corruption, makes up more than ninety percent of the whole process. One consequence of this is of course that the investigating individuals are in a way obliged to stick to the case for an extraordinary long time no matter what this may mean for their careers. Therefore the individuals working on prosecution should have some kind of Protestant work ethic, that is, work for the sake of work[P2: 1832-1834].
- Now, regarding the court performance of judges to the aforementioned qualities must also include the ability to draw up a social-psychological profile of the accused, e.g. his motivations and the social context. Thus he should be informed from the very start that the judges have conscientiously studied the dossiers and therefore there is not much chance for him mislead the court [P2: 2319-2327]. As trivial as this requirement may appear at first sight, it bears significance beyond the usual dexterities associated with leading a court process.

For one thing it brings to bear and substantiates on the judicial level the efforts of the investigation authorities in determining the causes of the observed conspicuous activities. From this standpoint, it can be regarded as a "live recapitulation" of the 'reconstruction' work carried out by criminal officers and attorneys. To do this the judge is essentially assisted by the fact can carry out a cross-examination that helps provide an overall picture of the course of events [P2: 2356-2366]. Thus he has an advantage over the general attorney who can question only the accused or the witness at a time.

Secondly helps put *formal jurisdiction and situative justice in a proportionate relationship* [P2: 257-259]. The latter becomes all the more important in such cases where for example punishing the management hard for corrupt conduct results in great damage for the whole company that in turn means that people lose their jobs [P2: 2039-2048]. In addition, a character profile and an overall picture of the working life of the person accused contribute to establishing a balance between law and justice [P2: 2121-2131]. The same approach that observes certain proportions should also apply in the domain in which corrupt conduct has

taken place: officials and public servants should be punished the hardest [P2: 1150-1152] – followed by managers [P2: 1063-1069]. In the latter case except the economic damage some individual attitudes (for example audacity) must also be taken into account. On the other hand justice should also avoid giving the impression that top managers can evade being punished the way law foresees [P2: 344-348] because of certain 'considerations'. In the private sphere sanctions need not be so strict.

II. On prevention

Given the gravity that both investigation and prosecution authorities confer upon the issue of antecedent conditions of corruption, it is self-evident that focus is placed on prevention. Prior to all prosecution efforts it should be considered as fundamental that because corrupt conduct is essentially a confidential relationship [P2: 504-508], prevention boils down to alert *observation* [P2:509-512; 1185]. This means depraving the actors involved of that sense of privacy, in which the public good is substituted for personal interests. This need not necessarily amount to systematic surveillance, although in certain cases the state must take the initiative to make observation mechanisms more effective [P2: 1835-1836]. Observation should be rather considered a wider social issue regarding everyday perceptions: All it essentially calls for is continuous awareness of certain conspicuous matters in the public and economic spheres deserving closer attention so that aspects of corrupt conduct do not go unnoticed. What could aspects of raising such awareness be?

- Because initial suspicion must not be confined to the professional activities of the investigative instances, it is crucial *to sharpen public consciousness of the everyday life roots of corrupt conduct*. Just like the pubic becomes disgruntled over the misuse of power by certain economic monopolies in the energy sector, it should also be brought to show intolerance through research and information in the face of suspicious conspicuous activities [P2: 516-523]. In this sense no legislation can be effective without public awareness of and intolerance towards corruption inductive practices [P2: 625-626].
- Raising public awareness can of course not be sustained without establishing certain control regularities that ensure that conspicuous events are put under observation. Although it is difficult to determine from the start what *controls* [P1: 1026] could be, as their concrete form varies from case to case, one thing is clear, namely that they contribute to subjecting occurrences to critical scrutiny that are otherwise neglected in the everyday routine.
- Raising public awareness either through *a*) increasing intolerance towards illegitimate (corrupt) conduct, or *b*) regular observation, no matter how necessary, nevertheless may not go deep enough as forms of prevention. This is not surprising given the fact that the motivational setup of corrupt conduct contains much more than the usual explanations focussing on the quest for money or power make us believe. They fall short of giving an account of the *values* underlying such money/power-oriented stances. Therefore any prevention strategy aiming to widen the scope of its effectiveness should include considerations on *moral culture*.
- Crucial to the make up of the latter is the way certain values are transmitted in the educational system. Or one must talk about how traditional educational goals anchored in the humanist value system are presently disregarded in favour of a narrow utilitarian approach that reduces education to a purely success-oriented, pragmatic attitude towards knowledge [P1: 1076-1078]. The absence of values that transcend the merely instrumental perceptions of

what counts as successful action can also be felt in the private sphere as families often fail transmit *exemplary behavioural patterns* [P2: 1453-1461].

- Secondly the prevailing attitudes on economic or social success have a corrosive effect on the moral fabric of culture. *Ethical rules of action are only observed if they comply with or do not decisively go against the logic of economic performance* [P1: 1118-1120]. Raising public awareness on the everyday roots of corrupt behaviour means in this context focussing on the contradictions arising from the double moral standards that individuals are subjected to, when they split up behaviour between observing certain rules obtaining in the sphere of private or public ethic on the one hand, and rule deviating, corrupt conduct the other.

GREECE

TG II JUSTICE

General Comments

Justice in general and prosecutorial service in specific is a strict hierarchal organisation. Judges and prosecutors are very rarely presented in the media giving interviews or making statements, unless this is granted by the head of their office in the district and for a special reason.

The Public Prosecution Service is independent of the judicial authority and the executive (Article 24, Law 1756/1988, Article 6 par. 3, Law 1868/1989). The Service operates in a 'unified and indivisible way'. This means that the Prosecutor does not represent him/herself, but the whole authority. The head of the service is the general public prosecutor (public prosecutor of the Supreme Court). Admission to the public prosecution service as well as to Justice is achieved through examinations and graduation from the National School of Judges.
Initially we attempted to contact the First Instance Prosecutors engaged in our case studies of the previous research phase. Being unsuccessful, we applied for an interview with the Head of the Athenian Prosecutorial service to which he finally denied. Afterwards we tried to contact two members of the administrative council of the Judges' and Prosecutors' Union again without success. Finally, an interview was granted by the General Prosecutor of the Court of Cassation with a Vice Prosecutor of the same Court. The second interview proved relative easy because of personal acquaintance. The interviewee is Judge of the Council of State.

The third one is the General Inspector of Public Administration, who is emeritus judge of the Court of Appeal. We found out that several of his reference points and views fit in the analysis of justice. So, a part of our discussion is adjusted to the presentation of target group – Justice.

Evaluation Units

P4 TG JUSTICE_AAP_K
P5 TG JUSTICE_STE_D
P22 TG POLITICS_PAD_GIPA

Interviews' Analysis

The first two judges have a distant and moderate approach to the issue of corruption. When they speak, they use few adjectives (mostly *low*), more verbs and nouns. Both refer to the point without exaggerating. The term corruption is regarded as general [1] and not adequate to describe a crime[2]. Although one of them initially characterises the term as useful for the communication, after a while notes that it is *general* and *broad* and later *very broad*[3],

[1] P4 TG JUSTICE_AAP_K: CODE 4.

[2] P4 TG JUSTICE_AAP_K: CODES 6,19.

[3] P4 TG JUSTICE_AAP_K: CODE 16.

becoming sceptical with the time. The other one notes that the term offers the opportunity for moralising[4], since this element is inherent in it. The third one declares that he accepts the World Bank definition[5], and pinpoints that corruption is the ground of illegal activities, relating it with the moral standards of each person[6]. Corruption for him contains bribery, breach of duty, of trust, tax evasion etc.[7] remaining open for other crimes to be included.

Corruption is reckoned a global phenomenon not only a Greek problem, existed always and everywhere [8] and in the whole social stratification[9]. Moreover, it is not considered identical with deviance[10]. It is differentiated in corruption for legal and corruption for illegal activities[11]. 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[12], though it is rejected[13]; 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[14]. The interviewees stress that corruption is economical in its core[15].

The third one disputes the reliability of CPIs[16]; according to him, Greeks generally exaggerate[17], they overemphasize mainly the negative and unfavourable, harming themselves (cf. TG Politics). Perceptions and attitudes are not estimated of reliable measures for corruption; instead statistics and specifically research in court decisions, decisions of disciplinary councils and of judicial councils would bring more reliable data[18]. This approach is also repeated several times by another interviewee of the present target group[19].

Concerning the reasons of corruption two main aspects are formulated, 1) of a macro-level having two versions (socio-legal and eclectic-value oriented) and 2) a micro-level (person-culture oriented).

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[4] P5 TG JUSTICE_STE_D: CODES 14,18.

[5] P22 TG POLITICS_PAD_GIPA: CODE 80.

[6] P22 TG POLITICS_PAD_GIPA: CODE 166.

[7] P22 TG POLITICS_PAD_GIPA: CODES 24, 81, 83, 84.

[8] P4 TG JUSTICE_AAP_K: CODE 30; P22 TG POLITICS_PAD_GIPA: CODE 4.

[9] P4 TG JUSTICE_AAP_K: CODES 30, 53, 74.

[10] P5 TG JUSTICE_STE_D: CODES 5,19.

[11] See also Kaufmann, D. and Vicente, P.C. (October, 2005), *Legal Corruption,* Second Draft (available online, http://www.worldbank.org/wbi/governance/pubs/legalcorporatecorruption.html).

[12] P5 TG JUSTICE_STE_D: CODES 3, 5.

[13] cf. P4 TG JUSTICE_AAP_K: CODES 8, 9.

[14] P5 TG JUSTICE_STE_D: CODES 9-11, 21-24.

[15] P4 TG JUSTICE_AAP_K: CODES 10,13.

[16] P22 TG POLITICS_PAD_GIPA: CODE 45.

[17] P22 TG POLITICS_PAD_GIPA: CODE 44.

[18] P22 TG POLITICS_PAD_GIPA: CODES 46, 47.

[19] P4 TG JUSTICE_AAP_K: CODES 3-5, 25, 27, 28.

The first attributes corruption to overregulation[20], low quality of legislation[21], reproduction of a compromise's culture [22] between politics and several organised, powerful interest groups and the serving of small party-political expediencies[23]. This is an interesting issue also analysed in the sociology of law (Druwe 1987; Böhret et al. 1988).[24]

Only those interests that are organised, represented and are able to exercise pressure are taken into account by the legislative power. Our interviewees distinguish interests in *formal, informal, 'black'* or *'dark'* and *organised*[25]. During the process of legislation several pressure groups and institutions with various and conflicting interests are involved; their attitudes are significant for social peace. Therefore, laws must be formulated in such a way so that can satisfy as more interests as possible, or at least give the impression of indulging them all. A regulation, a bill which attempts innovations derogating existing powerful interests has very little chances to be accepted and enforced. When a law foresees a many prerequisites for its enforcement reflects that it is the result of conflicting interests which have been arranged. It is defined as process of *negative coordination:* it is a deal that has been achieved while each group was trying to keep off decisions that could be against its interests. This is the reason why it is very difficult to find the sort of interests serving the laws in modern societies and that in contemporary legislation there are neither obvious winners nor obvious losers. Furthermore, the fragmentation of the problem in bureaucracy, in order to reduce its complexity and support its arrangement result that none of the services, departments, ministries or public servants has an overview of it. Therefore, the interest of the services focuses on their own separate area and the elimination of the negative outcomes eventually coming from a different decision to their own. Under the above view, the *politics of small steps* can be explained. In relation to that, legislators are oriented rather to find solutions corresponding to the institutions of their enforcement than to the improvement of the situation, meaning the better arrangement of a problem. This is treated as *conservatism due to structural reasons*. Taking also into consideration that according to our interviewees, the access to power in Greece has been widened, the intensive conflict of interests during the last decades can be explained[26].
The State is not appreciated any more by the Greek citizens, and this took place after the reestablishment of democracy in 1974; the access of everyone to it because of the party politics and populism resulted in its debunk[27]. Corruption is attributed, among others, to the populism used by the political system in Greece, which encourages and tolerates corruption and arbitrariness[28].

[20] P5 TG JUSTICE_STE_D: CODE 25.

[21] P5 TG JUSTICE_STE_D: CODE 25.

[22] P5 TG JUSTICE_STE_D: CODES 29, 30, 39, 40.

[23] P22 TG POLITICS_PAD_GIPA: CODES 140, 142; P5 TG JUSTICE_STE_D: CODES 31, 32, 67, 68.

[24] Druwe, U. (1987). "Politik", in: *Handbuch der Politikwissenschaft*, Görlitz, A., Prätorius, R. (eds.), Rowohlt: Reinbek bei Hamburg, pp. 393-397; Böhret, C., Jann, W. and Kronenwett, E. (1988). *Innenpolitik und politische Theorie. Ein Studienbuch*, 3rd ed., Westdeutscher Verlag: Opladen.

[25] P5 TG JUSTICE_STE_D: CODES 31, 32.

[26] P5 TG JUSTICE_STE_D: CODES 33, 34.

[27] P5 TG JUSTICE_STE_D: CODES 45, 33, 34.

[28] P22 TG POLITICS_PAD_GIPA: CODE 159.

Low quality of legislation is reckoned general phenomenon, not restricted in Greece, apparent also in the 'Brussels monstrosities' (European Union)[29] eventually due to different language formulation of laws, directives etc.[30] However, in Greece is stronger because of the keen conflict of interests and party-political profit.

Yet, overregulation and low quality of legislation is not enough for corruption. It is associated with low citizens' resistance[31], low aesthetics -especially of politicians[32], low social education and rotten civilization[33] due to abrupt wealth[34]. Furthermore, the difficulties of everyday life in Greece exasperate citizens and decline their resistance[35]. These added to the lack of 'culture of control'[36], result that law abiding depends only to the pride, education and nobility of spirit ('patriotism') of each[37]. Although corrupt practices can be seen as a means to fight inequality, they result in a morbid equality, unequal treatment[38], law insecurity[39], discrediting state's authority[40] and undermining trust to political and judicial system, as well as to civilization and society[41]. Poverty is not an excuse for corruption; notwithstanding it is rather a 'populistic' justification for corrupt practices[42], it can be considered a mitigating reason[43].

The other approach (macro, eclectic-value oriented) attributes corruption to politicians, because they decide on the basis of party political criteria, political cost and re-election interests[44] making them tolerant in corruption[45]. The MPs don't vote according to their consciousness but for their party benefit and accounts the whole discourse as 'fibs of consciences'[46] of the MPs and to corrupt political leadership. All three points contradict to his following arguments: he views local authorities[47], mass media and trade unionism[48], which according to him protect corrupt civil servants, as the main sources of corruption. Finally, he notes that corruption exists 'only in public sector, in public administration'[49]. It is interesting that he refers only once and hasty to grand corruption, namely the state procurement of

[29] P5 TG JUSTICE_STE_D: CODE 37.
[30] P5 TG JUSTICE_STE_D: CODE 38.
[31] P5 TG JUSTICE_STE_D: CODES 43, 44.
[32] P5 TG JUSTICE_STE_D: CODES 48, 58.
[33] P5 TG JUSTICE_STE_D: CODE 23.
[34] P5 TG JUSTICE_STE_D: CODE 62.
[35] P5 TG JUSTICE_STE_D: CODES 60,61.
[36] P5 TG JUSTICE_STE_D: CODE 59.
[37] P5 TG JUSTICE_STE_D: CODES 59, 46.
[38] P22 TG POLITICS_PAD_GIPA: CODES 164; P5 TG JUSTICE_STE_D: CODES 12, 13, 20, 21.
[39] P4 TG JUSTICE_AAP_K: CODE 17; P5 TG JUSTICE_STE_D: CODE 57.
[40] P5 TG JUSTICE_STE_D: CODES 9, 24.
[41] P5 TG JUSTICE_STE_D: CODES 23, 20, 21.
[42] P5 TG JUSTICE_STE_D: CODES 84, 85.
[43] P4 TG JUSTICE_AAP_K: CODE 75.
[44] P22 TG POLITICS_PAD_GIPA: CODES 126, 127.
[45] P22 TG POLITICS_PAD_GIPA: CODES 108, 117, 118, 159, 160, 175.
[46] P22 TG POLITICS_PAD_GIPA: CODES 119, 120.
[47] P22 TG POLITICS_PAD_GIPA: CODE 121.
[48] P22 TG POLITICS_PAD_GIPA: CODES 146-148.
[49] P22 TG POLITICS_PAD_GIPA: CODES 87-89.

military/arms equipment and public works[50]. Nonetheless, the reasons of corruption are to be found in the collapse of the traditional values together with the collapse of 'classic bourgeois family' and that now most people (in power) are 'uplifted peasants', where only money counts [51] and to partiality manipulating social life[52].

The second aspect (micro-level) considers greed, money gabbing, egoism, conceit, arrogance, mimicry and avarice responsible for corruption[53].

The Greek state has made improvements in respect to technology and infrastructure; even so it lags far behind the needs of the time, suffering from *'décollage'*[54], meaning that a gap exists between country's needs, citizens' wishes and state's bids[55]. Public administration is underpaid[56], working without support in miserable conditions[57] lacking recognition[58], therefore it finds sometimes its way to petty corruption[59]. But, since state employees are public/civil servants operating an office of liability and trust and not a job, their responsibility is higher than of the ordinary people[60].

The foster of corruption are to be found in taxation, urban planning, forest protection, garbage and trash policy[61]. In all these areas, and especially the first, legislation is characterised as 'patchwork', a 'medley of regulations' serving a network of mutual interests, thus generalising corruption[62]. In the rest areas the interviewees account the existing legislation sufficient; what is failing is the political desire to control or better, to enforce the necessary policies[63].

In general, the interviewees do not think that corruption in Greece is higher or much higher than in other countries[64], but that mass media exaggerate for reasons of impression and sensation[65]. This causes diffusion among the citizens[66] who in turn accept it as real and true, reproducing and overdrawing from their side. Since the media serve their own interests, exercise a demolishing critique by presenting a disintegrated and broke up Greek state and

[50] P22 TG POLITICS_PAD_GIPA: CODES 22, 23.

[51] P22 TG POLITICS_PAD_GIPA: CODES 96-104.

[52] P22 TG POLITICS_PAD_GIPA: CODE 169.

[53] P4 TG JUSTICE_AAP_K: CODES 31, 34, 54, 59, 61, 62.

[54] P5 TG JUSTICE_STE_D: CODE 54.

[55] P5 TG JUSTICE_STE_D: CODE 53.

[56] P5 TG JUSTICE_STE_D: CODE 49.

[57] P5 TG JUSTICE_STE_D: CODES 50, 51.

[58] P5 TG JUSTICE_STE_D: CODE 51.

[59] P5 TG JUSTICE_STE_D: CODES 16, 17.

[60] P4 TG JUSTICE_AAP_K: CODES 11, 12; P22 TG POLITICS_PAD_GIPA: CODES 166-168.

[61] P4 TG JUSTICE_AAP_K: CODE 15; P5 TG JUSTICE_STE_D: CODES 7, 8, 27, 70, 71, 79, 80; P22 TG POLITICS_PAD_GIPA: CODES 132, 133, 135, 136, 138.

[62] P5 TG JUSTICE_STE_D: CODE 29; P22 TG POLITICS_PAD_GIPA: CODES 140, 141, 143, 165.

[63] P4 TG JUSTICE_AAP_K: CODE 45; cf. P22 TG POLITICS_PAD_GIPA: CODES 110, 111, 170, 171.

[64] P4 TG JUSTICE_AAP_K: CODE 29.

[65] P4 TG JUSTICE_AAP_K: CODES 38-40; P5 TG JUSTICE_STE_D: CODES 77, 78.

[66] P5 TG JUSTICE_STE_D: CODE 77.

society[67], a view which is disputed by all[68]. All three are optimistic about the future, mostly because they think that young people are better educated than some decades ago, more cultivated, more cosmopolitan and that Greece can be stronger influenced by the other developed European countries[69]. Nevertheless, they are either unable to answer how comes that in spite of the alleged improvement in education, cultivation and cosmopolitanism of people, corruption is higher than in the past in more segments of society [70], or they justify it with the *greed* [71] and the quick getting rich[72].

They consider as better measures against corruption, education, cultivation of people, as well as modernisation of public administration, recasting and simplification of legislation, administrative reform[73] and strengthening the moral standards[74]. It is interesting that none of them approved repressive policy as a means of control. One of them underlined that repression is superfluous since it comes after the problem[75], and prevention in the sense of proaction violates constitutional rights, while overregulation and severe legislation have been proved inefficient to decrease corruption[76]. 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'[77].

Concerning the involvement of judges in the stock market 'scandal' put on trial in October 2007, one of them noted that he staggered out the news[78], to let mean −like many of the TG Politics− that not all judges are corrupt[79]. In any case, justice is accounted independent and the fortress, key stone and bedrock of democracy[80].

It is thought that judges are influenced much more by their close milieu, mainly their family not even their colleagues and the exercised control by the hierarchy than the political climate of the time. However, the Athens bar association expressed in his plenary session in March 2007 its worry for the increased severity of sentencing, the de facto abolishment of the clemency principle, mainly against the disadvantaged social groups, the increasing corporatism of justice, and the big delays in court procedures and adjudication. In the past, 'law and order politics' almost never received the approval of the judiciary or state as a general policy, but was on occasion used to target specific social groups for political reasons. However, from the 2000s it has become a legitimate topic of debate. Politicians, members of

[67] P4 TG JUSTICE_AAP_K: CODE 43.

[68] P4 TG JUSTICE_AAP_K: CODES 36, 41-42; P5 TG JUSTICE_STE_D: CODES 52, 53, 74; P22 TG POLITICS_PAD_GIPA: CODES 170, 171.

[69] P4 TG JUSTICE_AAP_K: CODES 20, 21; P4 CODES 69, 70; P5 TG JUSTICE_STE_D: CODES 73, 74.

[70] P4 TG JUSTICE_AAP_K: CODES 60, 61.

[71] P4 TG JUSTICE_AAP_K: CODES 72, 73.

[72] P5 TG JUSTICE_STE_D: CODE 62.

[73] P4 TG JUSTICE_AAP_K: CODE 63.

[74] P4 TG JUSTICE_AAP_K: CODE 63.

[75] P4 TG JUSTICE_AAP_K: CODES 54-56.

[76] P4 TG JUSTICE_AAP_K: CODES 66-68.

[77] P5 TG JUSTICE_STE_D: CODES 55, 56.

[78] P4 TG JUSTICE_AAP_K: CODES 47-50.

[79] P4 TG JUSTICE_AAP_K: CODE 48.

[80] P4 TG JUSTICE_AAP_K: CODES 48; P22 TG POLITICS_PAD_GIPA: CODE 52.

the government, the judiciary and senior police officers have started calling for tougher measures and more severe sentencing, although initially not to excess. These concerns are reflected in the media where crime, scandals, police and, to a lesser extent, the justice system have become major news items. Finally, the General Inspector recognized indirectly the unequal treatment of citizens (powerful unlike the ordinary people) and thus the selection politics of justice[81].

He regards lawyers with disdain, and expresses low esteem for women judges implying the same for women in general who tend to consumerism and influence their family[82]. Yet, he refers in an interesting network among lawyers and relatives of judges for pumping customers[83].

The General Inspector also regards justice [84] inefficient in confronting with the needs of society, overloaded [85] slow[86], and expensive[87], while the young generation of judges [88] are inexperienced for the demands of their profession[89]. This is mainly due to the restriction of jurisdiction for the three member courts[90] for financial reasons, whereby counselling was working as a real school for the younger judges, and the enlargement of the one member courts' jurisdiction[91]. Additionally, the low wages [92] discourage and depress judges, since they face work overload and lack of administrative support. Nevertheless, justice is from the better paid public services in Greece.

All of them appreciate the work of EU although they consider that its main interest is to improve competition in the global economy and to control the *capital of corruption*[93]. Moreover, that if legislation is adjusted to the legal culture of each country [94] could have positive impact, and the intra-european cooperation in the area is necessary to face the issue[95]. Anyway, EU cannot be counted as a working model any more[96], because of its enlargement it is faded out; it is debunked and needs our support[97]

[81] P22 TG POLITICS_PAD_GIPA: CODE 75.

[82] P22 TG POLITICS_PAD_GIPA: CODES 50, 51.

[83] P22 TG POLITICS_PAD_GIPA: CODES 76-79.

[84] P22 TG POLITICS_PAD_GIPA: CODES 92, 93.

[85] P22 TG POLITICS_PAD_GIPA: CODE 59.

[86] P22 TG POLITICS_PAD_GIPA: CODES 60-63.

[87] P22 TG POLITICS_PAD_GIPA: CODES 53-57.

[88] P22 TG POLITICS_PAD_GIPA: CODES 70, 71.

[89] P22 TG POLITICS_PAD_GIPA: CODES 65-68.

[90] 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.

[91] P22 TG POLITICS_PAD_GIPA: CODE 69.

[92] P22 TG POLITICS_PAD_GIPA: CODE 94.

[93] P4 TG JUSTICE_AAP_K: CODES 20, 21; P22 TG POLITICS_PAD_GIPA: CODES 16, 27; cf. P5 TG JUSTICE_STE_D: CODE 63a.

[94] P22 TG POLITICS_PAD_GIPA: CODES 9-11.

[95] P22 TG POLITICS_PAD_GIPA: CODES 5, 6, 25, 26, 39-42.

[96] P5 TG JUSTICE_STE_D: CODE 66.

[97] P5 TG JUSTICE_STE_D: CODES 63-65.

UNITED KINGDOM

Target Group Judiciary

Interviewee: A Barrister at an independent law firm

The interviewee argued that the "high-water mark" of British corruption was in the 1960s, referring to corruption between the construction industry and politicians, and then later the issue of police corruption (especially, but not limited to, the 1970s). The interviewee argued that the police had always been a "fairly fertile source of corruption" in the UK but that it is far less rife now than it was 35-40 years ago. The British judiciary were seen as having the highest professional standards, and the interviewee stated that they had never come across an instance of corruption within it.

The British were seen as culturally indisposed to corruption, though not because they were angelic (code family 4). Corruption was seen as something which the British get involved in only "from time to time" and that low prosecutions did not mean low detection rates. The interviewee admitted to having:

"always felt that there's a natural aversion amongst the British to corruption as a concept. […] have no empirical basis for this at all, but I have always felt that people [..] don't like the concept of unfairness, that [one] wins something by […] underhand means, […]"

and later added:

"We have a reputation for going out and getting drunk and kicking the shit out of people, out of each other. […] That's what we do wrong. But going out and making corrupt payments to people, its just not part of our make-up as a nation. I know, I can't justify, I can't prove it."

Nevertheless, the interviewee was sure that allowing bribes to be paid abroad for the benefit of British Industry was a factor which "has acted upon the minds of those that make the payments" , and that there has been longstanding knowledge of such within government and the higher echelons of the Foreign Office but a 'blind eye' has been turned to them – even though the interviewee emphasised that from the legal perspective the giving of bribes is illegitimate and certainly is corruption.

Equally, the interviewee distinguished between times when the laws on corruption should be followed, and when they might not be able to (in reference to the SFO's cessation of its investigation), admitting that:

"there will be times when it may not be in the national interest for the [corruption] investigation to go on and there will be times when the national interest will have to take priority."

In general, responsibility for corruption was nevertheless strongly argued to be individual (middle management levels) rather than systemic.

With regard to party funding, whilst the conviction was voiced that those who donate to political parties by and large do so for "proper reasons" (code family 4), the interviewee was critical of the existence of the honours system, which panders to "peoples' self-importance" and will always therefore be a potential source of relationship that could be misconstrued as corruption.

Success in combating corruption (within the British police) was seen largely a result of stricter regulations and controls, including international agreements such as that amongst the OECD, the UN, and especially pressure from the US' Foreign Corrupt Practices Act, and better detection and oversight mechanisms, which disincentivise those contemplating corruption (code family 1). The interview voiced the opinion that "the law has changed attitudes". With regard to construction companies and British companies overseas, the interviewee commented that they had seen a growing, obvious awareness of the risks of becoming drawn into corruption investigations worldwide. NGOs were also viewed as playing a role in pressuring government to act, but the media was seen as less effective than they think (though the public are sometimes more worried than they should be) (code family 2). Public opinion had a limited role in deterring corruption, for example in relation to cash for honours, since they elect MPs, but pressure on government with regard to British corruption abroad is likely to stem from sources external to the UK.
Concerning the potential of British anti-corruption practices as an exportable model, the interviewee responded that it would be totally impossible, but also

"I don't think we've [..] covered ourselves with glory over the way we dealt with the BAE payment. So I [..] think we have been fairly silly if we expect the rest of the world to [..] take our advice on how you deal with corruption!".

The interviewee expressed sympathy for businesses who were acting in countries where "for cultural or other reasons" payment of a bribe from them was expected (code family 3). Disincentives for business to pay bribes were that they might become embroiled in a long investigation, which could lead to prosecution and which could bring damaging publicity for their reputation in the market (again, public opinion is not seen as important source of pressure on companies or governments), a dangerous development if they are doing business in the United States, for example.