

# CORRUPTION AND CORRUPTION CONTROL: AN INTRODUCTION



Corruption and control of corruption have become a focal concern in developed and developing countries . European countries - where corruption for a long time had been thought to present a plague strictly confined to underdeveloped countries - now are recognizing eminent dangers of corruption and an urgent need to control corrupt practices in the political, administrative and economic system . The Council of Europe has declared corruption a key political issue in Europe and stresses the links between corruption on the one hand and organized and serious economic crime on the other hand.

However, one can say that also governments in European countries and elsewhere have (re)discovered the enormous moral, emotional and symbolic value of declaring wars against corruption. This becomes evident when for instance in the LIMA declaration corruption is depicted as a cancer, as something which has to be eradicated completely and as a disease like social phenomenon which threatens the social fabric at large . Other voices declare corruption to represent an attack on the “heart of the state” . In particular the view that corruption is closely linked to organized and transnational crime and that control of corruption should also be part of a medicine against organized crime at large has fueled attempts to strengthen repressive and preventive policies against corruption. This has led also to see corruption not only as a threat to proper public administration and law enforcement and effective anti-corruption policies as a precondition of good governance , but as a strategic instrument used by organized crime groups to establish parallel worlds and a system of impunity. Increased media attention certainly is contributing to the growing awareness of problems of corruption and corruption control . The European Union has expressed interest in corruption control in particular with a view of protecting the system of European subsidies and the European Union's budget. However, corruption evidently exists without organized crime and without supranational opportunities to deviate funds from supranational budgets. While control of corruption and bribery for most of the 20th century was conceived as a task entrusted to national law enforcement and national criminal justice systems, in the last two decades of the 20th century – following the discourse on transnational organized crime – corruption control became an issue with an European, international and transnational dimension. Transnational corruption was raised as a problem in particular through the US Foreign Corrupt Practices Act 1977 which – after an extended multilateral discourse – initiated drafting and enactment of similar legislation in industrialized countries.

The International Society of Social Defence has made Corruption Control a topic of its 1996 meeting and stressed the importance of global strategies as well as international and coordinated responses to corruption . Various international bodies, among them the United Nations, the Council of Europe and there GRECO, the European Union and the OECD but also NGOs are involved in the process of establishing corruption and corruption control as an international and cross border problem that has to be responded to by co-ordinated and transnational preventative and repressive instruments.

The phenomenon of corruption can be divided into corruption occurring in the public sector of society and in corruptive activities emerging within the economic or commercial system. Public corruption in turn can be broken down into corruptive activities affecting the political system on the one hand and administration on the other hand. Political corruption has attracted attention in Europe since the 1970ies when in most

countries funding of political parties became a major issue of concern . In democratic societies political parties play important roles insofar as they serve as a significant link between civil society and the parliamentary system. They should, according to theories of parliamentary democracy, initiate political will in civil society and transfer that political will into parliament. However, political parties need to organize election campaigns, they are interested in political power which is a consequence of successful political campaigning. Successful campaigning is expensive and thus necessitates the existence of large funds which have to be raised somewhere. This creates incentives for establishing close ties between political players and potential fund givers who are found in the economic and financial system.

The basic concept of corruption refers to a public, political or private decision-maker who consents or demands to deviate from such criteria that should rule decision-making in exchange for a reward, the promise or expectation of a reward. With such a definition the consequences of corruption appear as a parallel world which is neither transparent nor subject to democratic or other forms of control. Such parallel worlds can emerge in the economy – like the one which existed in Italy in form of “Tangentopoli” until the early 1990ies – and under conditions of a global economy and international administration as had become visible after investigations into the “Oil for Food” programme run by the United Nations for Iraq – or as a parallel or shadowy world of politics – like the ones establishing themselves in the 1970ies and 1980ies in Germany, France and many other European countries as the result of massive financial investments of the private economy in political parties .

Political corruption is penalized for the sake of protecting democratic structures and basic values of democratic societies such as equality, non-discrimination and transparency. The prohibition of commercial, administrative and political corruption thus exhibits a common point of reference, that is, trust. Trust is a basic social asset . If mistrust is generated by disorder, threats, suspicion, scarce resources and feelings of powerlessness , then, trust comes from the opposite: faith in others, feelings of security, order and with order a functioning system of formal and informal social control and the perception that dangers can be prevented or – at least – in a certain way be controlled. Trust comes as (legal) obligation and as confidence and it has cognitive, affective and behavioral dimensions. Trust is linked to predictability of acts and action. Trust moreover is a major ingredient to the social capital which exists in social groups and in a society at large. Research has shown that trust is required as a basic condition of sound economic development and that communicating trust to somebody else will in general generate more compliance with social and legal norms than is generated by communication of mistrust. Corruption certainly has a devastating impact on the creation of trust as it prevents predictability, transparency and the establishment of good governance practices.

\* Hans Joerg Albrecht is currently Director at the Max Planck Institute for Foreign and International Criminal Law in Freiburg/Germany since March 1997. He teaches criminal law, criminal justice and criminology at the University of Freiburg.