

MARI-LIIS SÖÖT

Explaining Corruption: Opportunities for
Corruption and Institutional Trust



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Corruption and Institutional Trust



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LIST OF ORIGINAL PUBLICATIONS

This dissertation is based on original publications which will be referred to in the dissertation by their respective Roman numbers.

- I** **Sööt, Mari-Liis** (2012). The Role of Management in Tackling Corruption. *Baltic Journal of Management*, Vol. 7, Issue 3: 287–301.
- II** **Sööt, Mari-Liis; Rootalu, Kadri** (2012). Institutional Trust and Opinions of Corruption. *Public Administration and Development*, 32(1), 82–95.
- III** **Sööt, Mari-Liis.** (2013). Trust and Punitive Attitudes. *Crime, Law & Social Change*, forthcoming: DOI: 10.1007/s10611-013-9427-0.

The articles are reprinted with permission from the respective publishers: Emerald Group Publishing Limited (study I), Wiley-Blackwell (study II), and Springer Science+Business Media Dordrecht (study III).

AUTHOR'S CONTRIBUTION

- Study I the author of the current dissertation is the sole author of the paper.
- Study II the author of the current dissertation was fully responsible for formulating the research question, designing the theoretical framework, producing analysis and write-up of the article. In addition, the author contributed to the statistical data analysis of the study.
- Study III the author of the current dissertation is the sole author of the paper.

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The miracle is not that we do this work, but that we are happy to do it
(Mother Teresa)

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INTRODUCTION

The main topic of this thesis is corruption. In the last twenty years, corruption has been a key issue in social scientific research. Therefore the preparation and publication of the articles of the current thesis fell into the period of active research on corruption. The reason for such intensified academic interest in this topic has been assigned to the end of the Cold War and the shift of attention from Communist threat to economic (self-)interest in the Third World (Williams, 1999a).

Comparisons between earlier and more recent studies reveal a slight change in the variables which have been used to explain corruption. Recently there has been more focus on explaining corruption through culture and history, while in earlier studies corruption was mostly explained by economic theories (mainly principal-agent theory). There is now a search for a new approach to understanding and tackling corruption, which is well reflected in the introductory article of the special issue dedicated to corruption research in the *Journal of Public Administration and Development*. It calls for a search for an alternative approach to tackling corruption through civic education and a change in values (Collins, 2012). In this respect, this thesis is also looking for an alternative approach – it tries to understand the relationship between corruption and trust.

In particular, the aim of this dissertation is to contribute to the theory of corruption. It will look at the opportunity structures of corruption, and examine the relation between trust and the aspects of corruption. All three articles have practical implications for the successful imposition of anti-corruption policy, which will be summarized in the concluding chapter of the introduction.

Research questions

- I What is the role of management in establishing anti-corruption organizational culture in law enforcement agencies?
- II Which factors influence attitudes towards corruption?
- III What are the factors influencing punitive attitudes? Do these differ in respect of thieves and corruption offenders?

The purpose of the introductory chapter of this dissertation is to create a theoretical framework for analysing corruption, which is accomplished through James William Coleman's integrated theory of white-collar crime, the main elements of which are *culture* and *opportunities* (Coleman, 1987). The structure of the introductory chapter is as follows: after introducing the definition of corruption, Coleman's theory of white-collar crime is presented. This is followed by theory of corruption, compiled by the author of the thesis, using the framework of Coleman. The research questions of the current thesis are mostly related to the *opportunity* part of the theoretical framework of Coleman. Two of the research questions (and respectively, the original articles of the current the-

sis) focus on the opportunities for corruption that are created in organizations, and one spotlights the law and enforcement structure of opportunities. As regards *culture*, all three studies also look at the issue of trust, more specifically trust building in the institutions (I), the second article touches upon institutional trust and awareness about corruption (II), and the third article focuses on political trust and penal attitudes in respect of corruption offenders and thieves (III). The introductory chapter is brought to close by the summary of the findings to the research questions, discussion about study limitations and suggestions for future research.

Methodology

All three articles are based on empirical studies accomplished by the author of the dissertation.

The article ‘The Role of Management in Tackling Corruption’ uses qualitative methods. The study was based on nine semi-structured in-depth interviews with top managers of Estonian law enforcement agencies, which were carried out by the author of the study together with Professor Triin Vihalemm and Brit Tammiste within the EU commissioned twinning-project ‘Reducing Corruption in Estonia’.

The article ‘Institutional Trust and Opinions of Corruption’ is based on an original quantitative survey carried out in the Estonian public sector. The questionnaire was prepared by the author of the thesis, the survey was commissioned by the Estonian Ministry of Justice and the field-work was carried out by TNS-Emor through an online questionnaire.

The article ‘Trust and Punitive Attitudes’ is based on an original survey carried out by the polling company GfK. The questions were prepared by the author of the study and the face-to-face interviews took place at the respondents’ homes.

I. DEFINITION OF CORRUPTION

Corruption is a crime (Huisman & Walle, 2010), more specifically a type of white-collar crime. It has been agreed by criminologists that white-collar crime occurs in ‘a legitimate occupational context, is motivated by the objective of economic gain or occupational success, and is not characterized by direct, intentional violence (Friedrichs, 2007: 4–5)’. According to the founder of the term ‘white-collar crime’, these crimes share a common principle, i.e. violation of implied trust (Sutherland, 1940).

The ambiguity of the concept of corruption has raised concerns since the beginning of anti-corruption research. Some have even claimed that corruption has become a concept which denotes all political and administrative difficulties (Williams, 1999b). Different definitional types of corruption have been recognised, the most wide-spread are public-office-centred and public-opinion-centred. The public-office-centred group of definitions are legalistic in their nature, as the definition of corruption results from the law and tasks ascribed to the official, while the public-opinion-centred group of definitions leaves the public to decide what corruption is. A similar distinction runs between sociological and legal meanings of corruption – the first one—which takes into account what people consider to be corruption—is broader than the latter. For example, a patronage can be legal (e.g. appointing one’s party members to the boards of foundations established by state), but it violates social norms and in that way contradicts the public sense of righteousness (Gerring & Thacker, 2004) and is deemed as corruption. In practice, regulations will not be able to account for every possible situation that might arise in everyday life, therefore people cannot rely on legislation to tell them what is acceptable and what is not (II).

The definition of corruption should not be left to coincidence, but a working definition is necessary (Senior, 2004). The most commonly used definition of corruption is “misuse of public position for private benefit”. This definition refers to the misuse of *public* position (or authority or office), however there is consensus nowadays that corruption affects other sectors as well. Thus the simplest solution is to leave ‘public’ from the definition, and it would read ‘misuse of authority for private benefit’. Note that the beneficiary does not have to be the corrupter, but could be any other related person. An essential element of corruption is the authority of the corrupter or corruptee.

The borderline between white-collar crime and private corruption is extremely vague. It can be debated whether Enron, WorldCom, Shell and Parmalat are typical examples of private corruption or just cases of white-collar crime. In the case of Parmalat, the Italian dairy company, its founder, on top of making false statements, reportedly used Parmalat’s finances to finance the company belonging to his daughter (Singh). If it had been done by a public official, there would be no question about defining this act as corruption. Shell, Enron and WorldCom used shady accounting and provided false information to hide their poor financial situations. If an accountant or a top manager from the public sector counterfeited the organization’s accounts and embezzled the money, it

would probably be deemed as corruption. The task of defining private sector corruption is even more difficult because there is so little information available about it. Transparency International has recently started to collect empirical data on private-to-private corruption, the findings of which are presented below (Transparency International, 2011). Typical examples of private corruption are a sales agent bribing a purchasing agent, or an employee favouring a company related to family in purchasing goods (Rose-Ackerman, 2007).

Senior (2004: 23) has come up with five conditions that the definition of corruption must meet simultaneously: 'Corruption occurs when a corruptor (1) covertly gives (2) a favour to a corruptee or to a nominee to influence (3) action(s) that (4) may benefit the corruptor or a nominee; and for which the corruptee has (5) authority.' Thus anyone defining corruption can test whether the specific behaviour corresponds to these conditions. As for criticism, Senior's definition does not cover situations where there are less than two persons involved in the corrupt act, yet in order to overcome this deficiency, corruptor and benefiter could be one and the same person. Besides, the prerequisite of favour (precondition No 3 according to Senior) in the corrupt act is a matter of discussion, as for example situations of nepotism might not be covered by that.

The majority of available literature on corruption focuses narrowly on 'political corruption', however there are other types of corruption besides the political corruption, namely administrative or bureaucratic corruption. Although not so clear in practice, the distinction between political and administrative corruption is based on the Weberian assumption on the separation of politics and administration. In many authoritarian systems the boundaries between administration and politics are blurred, and even in democracies the boundaries are often not that sharp (Bardhan, 2006). Yet, there are several possibilities to understand the difference between them. The difference appears to be that political corruption takes place at the highest levels of political authority, whereas bureaucratic corruption appears at the implementation level (Andvig et al, 2000: 18). Besides, differentiation is made between petty and grand corruption (Nielsen, 2003; Carvajal, 1999), the former is attributable to bureaucrats and the latter mainly to politicians or the political system. Another way to understand the difference between these two types of corruption is to think of their mutual influence. In corrupt political system, corruption-free administration is hardly possible, while in case of corrupt administration, the political system does not necessarily have to be corrupt. This is because political leaders appoint top-officials, not the other way round. The example of corrupt political system that affects administration would be when the party officials appoint judges, prosecutors or police who would support their network based corruption (Nielsen, 2003). This indicates the importance of political will in tackling corruption, as the influence of political corruption is broader compared to administrative corruption. Yet, another way to distinguish between political and administrative corruption is via supervision. Politicians are under the scrutiny of public and opposition, and they are subject to political competition at certain intervals (Bardhan, 2006), while in case of administrative corruption bureaucrats are

accountable to their supervisors mainly within the public administration. There are different subtypes of political corruption (Karklins, 2005: 6), as well as there exist several types of administrative corruption. These include bribery, trading in influence, nepotism, patronage, graft, insider trading, etc. All these are simultaneously examples of political corruption, while there are specific types inherent only to the latter – campaign finance abuse, vote buying being just some common examples.

For the identification of the opportunity structure of white-collar crime, theorists encourage to identify specific forms of the crime (Benson et al, 2009). Most research on corruption studies bribery and makes generalisations on corruption. This is because bribes are the most common and best identifiable form of corruption (trading in influence is also a form of bribery). Yet, the drivers for different types of corruption might be different, which raises concerns about the applicability of the theories. Some theorists propose that different political regimes give birth to different type of corruption (Jain, 2001), so creating one theory that would entail all explanations of corruption is a challenge. Admitting that different types of corruption might require specific opportunities, the general theoretical framework for explaining them is the same.

2. AN INTEGRATED THEORY OF WHITE-COLLAR CRIME

Corruption theory consists of different fragments – there is no single unifying theory. This shortcoming was noticed already in the 1980s, however it is still the case nowadays (Johnston, 1983). Corruption scholars have attempted to create integrated theories (e.g. Collier, 2002; Nas et al, 1986), but they have so far failed to produce a theory comparable to grand theories explaining ordinary crime. There are various ways of classification of the causes of corruption, for example international, national and individual causes (Khan, 2004); personal, institutional and systemic causes (Johnston, 1983); internal, external and indirect causes (Brunetti and Weder, 2003), however all of them have difficulties in taking hold of the complexity of the causes of corruption.

This chapter takes Coleman's (1987) integrated theory of white-collar crime, and adapts it to corruption, creating a theoretical framework for the rest of the thesis. Major criminological theories have been used to explain white-collar crimes, i.e. anomy, control, rational choice, routine activity theory, crime pattern theory, yet few attempts have been made to create more integrated approaches to understanding white-collar crime (for overview of these, see Friedrichs, 2007). The rationale behind choosing Coleman's theory to build the framework for this thesis lies in its comprehensiveness – it includes individual, organizational and cultural explanations of white-collar crimes (Benson & Simpson, 2009: 54). This theory allows to embrace results from various empirical studies from a range of disciplines, thus enabling to draw various theoretical pieces on corruption under one umbrella. The separate causes that are attributed to corruption by its students cannot solely explain corruption, but only when put in conjunction with culture and opportunities related to individuals, organisations and societal institutions. Coleman's theory has its weaknesses, for example it is almost impossible to empirically test the theory because of an abundance of variables it includes (Benson & Simpson, 2009). Although in respect of integrated theories of white-collar crime, there is not much to left aside (for example with the exception of Braithewaite, see Friedrichs, 2007), still choosing one grand theory as a standpoint, causes less attention to the other theories. However it does not mean that other theories have been completely ignored in this thesis. Besides to the fact that Coleman himself integrates elements from several theories into one, this introductory chapter complements his theory with other theoretical explanations of white-collar crime.

2.1. Individual Causes of White-Collar Crime

Those writing on white-collar crimes have explained deviant behaviour through personal traits like egocentricity, irresponsibility, need for control, etc. Most of these 'fall within the range of normal personality types' which does not single out corrupt persons from the rest (Friedrichs, 2007: 201–203). A study con-

ducted on the US business students showed that low self-control, a trait attributed to white-collar offenders by Gottfredson and Hirschi's general theory of crime, did not affect propensity of corporate offending (Simpson & Piquero, 2002). Sutherland, the founder of studies in white-collar crimes, also recognised the 'normality' of white-collar criminals, and he was not convinced that white-collar crimes were motivated by the Oedipus complex or inferiority complex (Sutherland, 1983: 258). In a study of court cases conducted in the US, it was demonstrated that a white-collar criminal resembles more an 'ordinary' person rather than an 'ordinary' criminal. For example, the unemployment level of white-collar criminals is similar to society's average, however among "normal" criminals, unemployment is much higher. Educational qualifications of white-collar criminals are better than that of the society, and their income levels are similar to the rest of society. When 'ordinary' offenders are usually repeat criminals (80–90%), recidivism of white-collar criminals is less than 50%. (Weisburd et al, 1991: 63–66) Of course, it is worthwhile mentioning that white-collar crime, specifically corruption, is a latent crime where all counterparts are interested in hiding the criminal act, thus the real recidivism levels are probably much higher. When usually criminals are young, white-collar criminals tend to be older; and among white-collar criminals the share of women is bigger than among other criminals. The Estonian statistical data on corruption offenders confirms the data provided. According to the pre-court investigation data, the average age of people suspected of corruption offence is 40–55 years and about 70% are men, while the respective data for 'ordinary' criminals are 18–24 years and about 90% are men (Sööt, 2008). This is because corruption stems from social opportunities (II), i.e. positions occupied by men have more corrupt opportunities than women; the same applies to opportunities related to a person's age as younger people are not holding positions and occupations with corruption opportunities.

According to the situational crime prevention theory, actions which are easily justified facilitate white-collar crime (Benson et al, 2009). White-collar criminals often use neutralization techniques for normalizing their offences (Sykes & Matza, 1979), deeming theft as borrowing, considering bribery as part of normal business culture, claiming that everybody is doing it, etc (Coleman, 1987).

According to the general strain theory, criminal behaviour can be explained by criminals' experience of strains. The theory says that a person acts criminally because of different strains and in order to cope with strains, some choose deviant paths. Thus, a person's reaction to a (subjective) strain defines his/her behaviour. Different strains trigger different crimes, and white-collar crimes are associated with work-related, status-related and economic strains (Agnew et al, 2009: 38). For example, anticipated strain that one may lose benefits accompanied with the current job, may trigger deviant behaviour. It is also believed that strains reduce a person's work commitment and increase work-related crime. (*Ibid*: 46–47) However, not all individuals experiencing strain decide to behave delinquently, but those who lack coping skills and have certain personal traits

(Agnew et al, 2009: 49). General strain theory has been tested also on bribery offenders (Langton & Piquero, 2007). Langton & Piquero (2007) chose convicted white-collar criminals in the U.S., and selected indicators of *personal strain*: number of times a person had been married; dangerousness of the neighbourhood where the person was residing; performance at school, etc. Motivators of crime were divided between pecuniary and non-pecuniary or personal and business. They found that the main motivators of offending are financial considerations, while personal strain did not influence a person's decision to bribe (as a specific form of white-collar crime). Thus it was reasoned that personal strains did not account for a person's decision to become a corruption offender, yet they might experience some other type of strain that motivates them to act criminally. (Langton & Piquero, 2007)

As with most theories, they stem from the criticism of already existing theories, Coleman (1987) criticizes the interactionist theory's inability to explain motivation of white-collar criminals. He summarizes the interactionist theory according to which crime is a social construct, defined by the person in relation to expectations his or her act can evoke. The meanings that are attached to the behaviour and means determine the course of action.

2.2. Culture and Opportunities

The main variables for explaining offending in integrated theories of crime are offender's motivation, possibilities and social control (Huisman & Walle, 2010). The integrated theory of white-collar crimes focuses on motivation and opportunity (Coleman, 1987), social control being part of the opportunity structure. Explaining criminal behaviour through opportunities belongs to the situational crime prevention theory, closely related to rational choice theory. According to the situational crime prevention theory, offenders are rational beings who estimate the efforts needed to carry out the offence, calculate the risk of detection and potential reward from the offence (Benson et al, 2009). They will commit the crime if potential gain from the crime is greater than the risk of getting caught. Offenders will also assess the environmental and situational factors facilitating crime (*Ibid.*).

According to the integrated theory of white-collar crimes, the origins of motivations of white-collar crimes stem from the culture of competition (Coleman, 1987). Even if opportunities are modest, an extremely competitive environment may force businesses to engage in illegal activities. A company can have an exemplary ethical organizational culture and moral workers, however when 'challenged by the logic of the marketplace' (Rose-Ackerman, 2007), the company might still render illegal activities. This view is also shared by Passas (1990) who uses anomie theory to explain white-collar crime. According to the theory initially developed to explain lower-class crime, deviance is a discord between cultural goals and institutional means, e.g. the inability to achieve the goals stemming from the American Dream. As organizations and people

working in them have to operate in a highly competitive and rent-seeking environment, they thrive for organizational and personal profit with any means possible, including delinquent ways (Passas, 1990). It also holds similar views to those of the Marxist theory, which explains white-collar crime through capitalist vices (Newburn, 2007: 386). According to this, the main sources of corruption are people's greed and change in the world order that values competition and individual freedom of choice, objective of which is personal enrichment (Huisman & Walle, 2010).

However, corruption and other types of white-collar crime existed already before the 17th century, the century which Coleman pinpoints as the birth of culture of competition. Moreover, there has been white-collar crime, including corruption in non-capitalist societies, the Soviet Union being one example of systemic corruption. The Bible deems bribe as an unacceptable means of achieving one's aims. For example in Psalms 15:5 David sings "He does not charge interest when he lends his money. He does not take bribes to testify against the innocent" or in Amos 5: 12 the prophet says: "Certainly I am aware of your many rebellious acts and your numerous sins. You torment the innocent, you take bribes, and you deny justice to the needy at the city gate." Coleman does not deny the existence of the culture of competition before the 17th century, yet he insists that it was much weaker force of crime before that time, because agricultural societies lacked the surplus wealth inherent to industrial societies. Coleman argues that one reason for the spread of culture of competition lies in the use of money as the medium of exchange. Employees' insecure status due to unstable work relations makes them vulnerable to risks stemming from competitive culture.

In the modern criminological literature opportunities are key elements in explaining white-collar crimes (see, for example, Benson et al, 2009). Similarly, according to the Coleman's integrated theory, an offence cannot take place without an opportunity. When motivation is the subjective urge of offending, opportunity forms the objective conditions for it. Attractiveness of the opportunity depends on the perceived gain of the offence, risks and individual beliefs. The opportunities for the white-collar crimes are distributed between *law and enforcement*, *industries*, *organizations* and *occupations*. In the sphere of *law and enforcement*, the would-be offender assesses criminal behaviour in relation to the enforcement of sanctions and the severity of the sanctions. In the area of *industries*, the opportunity varies between government and business sectors, and in the business sector there are areas more vulnerable to white-collar crime than others, depending on the legal environment as well as on the concentration of economic activity. As far as *organizations* are concerned, the opportunities depend on the profitability of the organizations, the structure of the organization (e.g. multidivisional organizations are conducive to crime due to lack of responsibility) and the extent of social control (Coleman, 1987). Speaking of social control, peer criminality is a strong predictor of a person's criminality (Menard & Morris, 2011). The offender is influenced by normative factors that favour offending (Newburn, 2007: 385). Normalisation of deviant behaviour

makes people who would otherwise not act in deviant way to offend (Huisman & Walle, 2010). Moreover, each organization has its culture or even subcultures (e.g. occupational) that encourage or restrain from offending. Occupational subcultures may define behaviour that is condemnable by society as normal conduct within their profession, regardless of the organization they are working for. With reference to *occupations*, different statuses in organizations give rise to various opportunities. Accountants and bookkeepers have possibilities for one type crime, while tendering officials are subject to other types of possibilities. (Coleman, 1987)

3. AN INTEGRATED THEORY OF CORRUPTION

3.1. Culture Conducive to Corruption

The aim of this chapter is to find out if corruption can be explained via culture. One of the most prominent definition of culture is '*the collective programming of the mind that distinguishes one group or category of people from another*' (Hofstede, 2007)', referring to the collectivist nature of the phenomenon. Although culture is much more than the issue of trust, this thesis specifically looks at the relation between trust and corruption, which explains the focus on trust in the current introduction. Trust is part of culture, or as it has been put by other researchers 'trust is a cultural factor' (D'Hernoncourta & Méon, 2012: 99). The chapter ends with the short analyses about the link between organizational culture and corruption.

Coleman's suggestion about the general competitive and rent-maximizing environment which promotes white-collar crime by states, organizations and individuals also applies to corruption. A study in India showed that businessmen who engaged in corruption justified this with the need of keeping up with the competition (Collins, Uhlenbruck & Rodriguez, 2009). The reason for why poorer countries have more corruption (Montinola & Jackman, 2002; Paldam, 2002; Kearney, 2001) is because in a globally competitive environment achieving certain living standards is possible through corruption – a conclusion supported by the anomie theory. It also helps to explain why transition states have more corruption – societies in rapid change, whose aspirations and possibilities do not coincide, turn corrupt (Huisman & Walle, 2010).

Although some studies indicate that corruption is a culture-supported phenomenon, still most corruption theories focus on government related activities (Leite & Weidmann, 1999), thus indicating that corruption is not a fact one has to adapt to but is manipulated by governmental and political actions (Sung, 2004). Treisman (2000) brings the example of Russia, where the high level of corruption is better explained by economic (un)development, federal structure of the state and short democracy, which is rather the product of *coup d'état* of Bolsheviks rather than the fruit of Russian culture. Yet, another author finds the exact opposite and explains how corruption has been part of Russian culture and political culture since the Russian Civil War (Brovkin, 2003). Some authors find that although the level of corruption is seen as a regional phenomenon and, therefore states affect each other, still the most important determinants of corruption are each state's own economic, cultural and institutional conditions, and if these factors are favourable, the state's level of corruption may differ from that of its neighbours (Becker, Egger & Seidel, 2009).

Hooker (2009) finds that each culture should attain its peculiarities, and the rest should accept that business-doing is subject to different sets of principles in different cultures – in doing so he acknowledges the cultural traits of corruption. Such an approach to corruption is considered a revisionist perspective, according to which corruption may have a positive influence on a state's

economic and political development, and therefore being morally upright activity; or pragmatic perspective, which recognizes superiority of local values and norms (Waldman, 1974: 13 in Dion 2010: 243). In contrast, according to the antagonist perspective, which is prevailing in the theoretical literature, corruption hinders a state's economic and political development, it is a negative phenomenon, and morally wrong (*ibid.*).

Experimental studies conducted on students indicate that people who come from corrupt states would act more corruptly compared to locals. It was found in the UK that foreign undergraduate students would act more corruptly, the possible reason being that they have had less time to adapt to local (UK's) norms compared to postgraduate students. This leads the authors of the study to hypothesize that corruption is a culture-specific phenomenon. (Barr & Serra, 2010) This opinion is shared by another author who concedes that corruption is a cultural phenomenon and reflects how things are done in certain cultures, without any understanding by local bureaucrats that things should be done according to Western norms (Brovkin, 2003). According to this corruption is as a given fact, a natural way of doing business, bribe-paying and cheating are deeply rooted in the culture, despite of the judgements of the society.

There are several dimensions which help to identify culture, i.e. collectivist-individualist, masculine-feminist, power distance, uncertainty avoidance, long term vs short term orientation, indulgence vs restraint (Hofstede, 2007; see also: <http://geert-hofstede.com/dimensions.html>). In respect of corruption literature, a line between collectivist and individualist cultures is drawn. According to some studies, collectivist cultures are more corrupt (Mazar & Aggarwal, 2011). This is because collectivist cultures have more shared responsibilities and people are more eager to help one another. However, the opposite point of view is explained by the assumption that collectivist cultures are less prone to cheat or abuse the people due to social pressure and personal ties. Individualist cultures value competitiveness, which consequently encourages the usage of grease money in order to be ahead of competitors. (Park, 2003) Similar explanations have been used in respect of religion and different confessions. It is hypothesized that Protestant countries are less corrupt because of individualistic and egalitarian values (Pellegrini & Gerlagh, 2008; Herzfeld & Weiss, 2003). Protestant countries' lower level of corruption is also explained by Protestants' hard-working nature and better economic conditions compared to others. Treisman brings in the social control argument, saying that historically Protestant churches have developed separately from state power, therefore civil society is better formed in these countries. (Treisman, 2000) Marquette states in her study that religion does not have any effect on corruption — on the individual level, it is thought that religious people have higher moral principles than others, however even if religious people condemn corruption, there is no sense for them to act properly in a systematically corrupt society. Motivation to act honestly vanishes when people perceive that there is lot of corruption. (Marquette, 2012)

In order to better explain corruption, Collier (2002) divides political cultures into three types: collective, individualist and egalitarian, and says that each of them has a different meaning of corruption and different number of corrupt incidents. Collective political cultures resemble the collectivist cultures described above. In these cultures the most important decisions are made inside the informal group of people, directed by one dominant group leader or elite group, outsiders are not allowed to benefit from the advantages. The rule of law is weak in collectivist political cultures and society is dominated by informal reciprocity and patronage relationships. In individualistic political cultures relations are pragmatic, self-interest is the main driving force behind actions. Government positions are acquired for personal needs. Political competition is between parties for the rewards accompanying government positions. Society is hierarchical, extensive ruling elite in the top, bureaucracy separating elite from the mass. In egalitarian type the vast majority of people belong to civil associations, and relations between people are through formal as well as informal institutions. Egalitarian culture is based on the rule of law and search for common interest. With regard to corruption, in collectivist cultures most activities are acceptable that are considered corrupt in two other cultures. For example, an intervention by the patron for accomplishing administrative process is considered normal activity in collectivist political culture and is a common way of doing business. In individualist cultures this kind of activity falls within the grey area of corruption (different classes of society attribute different meaning to the behaviour) and the incidences of this kind are rare, while in egalitarian societies this is clear corruption, with only rare incidences. In the latter any corrupt behaviour would result in blockages in persons' access to power positions. (Collier, 2002)

3.1.1. Trust, Culture and Corruption

The collectivist-individualist hypothesis is closely related to the issue of trust. Definitions of different types of trust (particularised – generalised; bonding – bridging) and relations between trust and opinions about corruption are explained in the article 'Institutional trust and opinions of corruption' (II) which is part of the current thesis. Literature relates corruption and trust in various ways, making these two concepts interwoven in the 'endogeneity problems (Nannestad, 2008: 419)' or the 'egg and a chicken' dispute. The causality of these two phenomena is disputed in theoretical literature. Uslaner (2001) finds that the effect of corruption on trust is greater than the effect of trust on corruption, however when considering changes in trust and corruption levels, he finds that trust can hinder corruption – growing trust levels bring along a decrease in corruption, but not the other way round – diminishing levels of corruption do not bring along growth in trust levels. In addition there are studies that do not find the link between trust and corruption (Tavits, 2010), however these findings do not suggest that these two social phenomena cannot be interrelated through more

complicated social processes. Below is a summary of possible relations between trust and corruption.

1. Trust between people (particularized trust) favours corruption, an example of which are clan-based societies where helping each other is more important than impartial relations. A typical example of this is *guanxi* (reciprocal network of relations) in Asia (Jain, 2001) which fosters corruption. A study on Indian businessmen revealed that their close relations with government officials and the reciprocal sense of obligation explained corrupt behaviour (Collins, Uhlenbruck & Rodriguez, 2009). The reason why ethnically fragmented societies are more corrupt (Shleifer & Vishny, 1993) is because it reinforces particularised trust so that people tend to favour those alike (Uslaner, 2001), the same kind of behaviour is taken over by bureaucrats (Mauro, 1995). Hooker (2009) theorizes that Western culture is rule-based, while non-Western culture is relationship-based. He says that while Westerners trust the system, non-Westerners trust family and friends, and therefore corruption manifests itself in different forms in the West and non-West. In the West it is considered corruption to favour friends in transactions, whereas in other cultures it is a precondition of any transaction, because friends and family are the only ones who can be trusted. In the end he finds that bribery is bad in the Western system, as it brings along the loss of trust in the system (Hooker, 2009).
2. Trust between people (generalized trust) diminishes corruption (Rothstein & Eek 2009; Uslaner, 2001; Bjørnskov, 2003), as it is difficult to cheat the person whom one trusts. It has also been found that interpersonal trust reduces shadow economy because people are more likely to behave legally if they trust that others act legally as well (D'Hernoncourt & Méon, 2012). Moreover, higher interpersonal trust brings along milder punitive attitudes towards fellow people because of belief that people are capable of change. Besides, those who trust others attribute responsibility of crime to other factors than that of bad personality. (III)
3. Trust in state institutions reduces corruption (Collier, 2002). People with low levels of trust in political institutions are more permissive in their attitudes to the law and would be more likely to break the law (Marien & Hooghe, 2011). People respect the law, if they believe that they are treated equally and fairly (Uslaner, 2001). Low trust in political institutions is linked to the increased support to tougher anti-corruption measures (i.e. increasing punishments, granting broader investigation rights to the authorities) compared to value-based measures (i.e. awareness-raising) (Johannsen & Pedersen, 2012). Institutional trust also affects people's awareness of corruption – those who trust more are better aware of what is corruption and what is not, and are more likely to condemn corrupt practices, and are less likely to engage in corrupt practices (II).

4. Corruption reduces trust in state institutions because it hinders citizens' equal and fair treatment by state institutions, while state institutions become the means for achieving personal aims (Chang & Chu, 2006). Corruption hampers people's access to the political process, alienating them from politics, diminishing confidence in political institutions. Corruption impedes economic development and causes government's ineffectiveness (Rose-Ackerman, 1999), and therefore makes citizens suspicious and less trusting of their governments. Perceptions of institutional performance affect the levels of institutional trust (Kim, 2005), so that institutions with a corrupt image lose their trustfulness. A study in new democracies showed that people living in corrupt countries do not trust civil servants and give a negative assessment to political institutions (Anderson & Tverdova, 2003). Rothstein & Eek (2009) bring an example of the lost wallet and ask what would be the probability of getting one's wallet back from the police. They answer that most probably that would happen in high trusting societies. This is because in low trusting societies a person who finds the wallet would not take it to the police because he assumes that the police is corrupt and would not return the wallet to the owner. Thus, the corrupt image (and behaviour) of the police shapes opinions about its institutional trustworthiness.
5. Corruption reduces interpersonal (generalized) trust (Seligson, 2002) or as Uslaner (2001: 5–6) puts it, 'corruption tears apart our trust in others'. Moreover, confidence in government is thought to increase trust towards fellow citizens (Levi & Stoker, 2000). People's perception of the behaviour of public officials is an important determinant on how they view other people (Rothstein & Eek, 2009). In the case of low corruption levels, people have more confidence in fellow citizens – they trust that others behave ethically.

To summarize the discussion on corruption, culture and trust, it can be hypothesized that (1) collective political cultures have high levels of particularised social trust, low levels of generalised trust and they lack political trust; (2) individual political cultures are characterised by low levels of particularised and generalised trust but relatively high levels of political or institutional trust; (3) in egalitarian political cultures levels of institutional and generalised trust are high, while the levels of particularised trust are relatively low. Compared to other political cultures, egalitarian is the least corrupt. Consequently, the globally competitive environment from one side, the urge of responsiveness next-to-a kin and low political trust from another side, all form a culture which is conducive to corruption. In times of economic pressure, the means of attaining a satisfying level of income shrink and, therefore, illicit activities increase (Simpson & Piquero, 2002). At the same time, the desire to prefer close acquaintances (friends as well as people belonging to one's political party or business circle) in social transactions increases – a fellow in need, is a fellow

indeed. However, finally there must be opportunities in order for corruption to occur. It has been recognised in earlier studies that cultural factors stemming from the communist era and opportunity structures accompanying transition from one society to another were the main causes of corruption in post-communist countries (Sandholtz & Taagepera, 2005), thus supporting the explanation of the causes of corruption offered in this introductory chapter of the thesis.

3.1.2. Organizational Culture

Organizational cultures are shaped by broader culture surrounding them. Even if organizations operate in the larger competitive culture, each organization has its specific culture. Organizational culture has been defined as shared understanding of employees about how things are done within an organization (Okumus, 2003). It is related to informal norms and human factor (Webb, 2012). Yet, by another definition organizational culture is its members shared perceptions of daily practices or habits (Hofstede et al, 1990). Similarly, with the larger explanation about culture and opportunities, organizations can create opportunities for corruption, while the culture in organizations creates either favourable or inhibiting conditions for corruption. Organizational trust, being part of the culture in organizations, has been defined as the mutual expectations by the members of organization that other members act according to fair-play rules and that the other employees share the same ethical values (Pucetaite et al, 2010), thus deeming organizational trust as corruption-inhibiting factor of the organizational culture.

The success of the prevention of corruption depends on the ethical climate of the organization, which includes ensuring that staff gains a clear understanding and knowledge of ethics (Webb, 2012: 107). Yet, the stated values of the organizations are void in case not shared by the members of organizations in practice (Hofstede et al, 1990). Although there is tendency to deem vices such as greed, vanity, etc. to be the main cause of corruption, individual characteristics alone are not sufficient to account for a person's deviant behaviour (I). Individualising causes of corruption would be shifting attention away from the main causes of corruption (Karklins, 2005; Gould, 1991), still corruption is sometimes believed to be the manifestation of greed (Nas et al, 1986) and personal vices. Although some studies show that men are more disposed to corruption (Torgler & Valev, 2010), others do not support it (Sung, 2012; Alolo, 2007). Nevertheless it does not let us conclude that the share of men in an organization determines the level of corruption. The same goes for greediness. Rather, there are organization related aspects that determine the behaviour of its members.

Corruption is a socially learnt activity – the likelihood of engaging in corruption increases if peers are corrupt (Tavits, 2010) and corruption is seen as a normal way of behaviour in organizations (Ashforth & Anand, 2003). The examples of Enron, Parmalat and other companies caught with fraudulent prac-

tices testify of the corruption-tolerant organizational culture. Rationalization of corruption (people excusing their illegal and wrongful actions to themselves) which has become part of the shared understanding of the members of organizations paves way to defining corruption as a normal way of doing things (Anand, Ashforth, & Joshi, 2004).

Organizational culture is the focus of the article ‘The Role of Management in Tackling Corruption’ of this thesis. The article explains the importance of organizational culture and the personal example of managers in establishing an anticorruption atmosphere in the organizations (I). It has been shown that good communication, information sharing and commitment to honesty in relationships with employees are key ingredients in preventing delinquent behaviour and corruption in an organization (Niehoff & Paul, 2000) – yet, these were not recognised by any of the managers of the Estonian law enforcement agencies, interviewed during the study (I). An adequate reaction to violations instead of hiding them is a step forward to building corruption-free organizations (II).

3.2. Opportunities for Corruption

The following chapter contains systemised analysis of the opportunities for corruption stemmed from the existing literature and the findings of the current thesis.

Each crime has its specific opportunities (Benson et al, 2009). Opportunities for corruption appear to be different from many other crimes because of various actors involved in the offence. In other words, an opportunity to commit corruption offence has to occur by the corrupter and the corruptee at the same time. In case of a car theft, the potential offender sees an empty car with a key, parked in the parking lot without a guard, and he already has the opportunities facilitating crime. In case of corruption, the opportunities stemming from one organizational setting might not be sufficient for the offence to take place, which makes corruption a complex endeavour. For example, if a businessman bribes a local major, both have to have organizational conditions that favour corruption, be it either lack of internal audit, crime-supporting organizational culture, certain sectoral circumstances or any other element in the opportunity structure described below.

3.2.1. Law and Enforcement

Four main elements of law and enforcement influence the opportunities for corruption: equal access to the law, judicial independence, law enforcement and the probability of getting caught (Jain, 2001).

Laws that are not consistent with prevailing morals (Carvajal, 1999) and legal norms that do not correspond with social demands create opportunities for corruption, as people find ways to buy themselves out and the pressure for bribes increases (Nas et al, 1986). The complex and ambiguous regulations that

allow multiple interpretations create favourable conditions for corruption and legal interpretations of corruption, things are acceptable if they comply with legal norms. In countries with abundant state capture – a term invented by the World Bank to illustrate systemic corruption – laws are drafted in a way to facilitate corruption.

As for *judicial independence*, an independent court system is a cornerstone of effective anti-corruption policy (UNDP, 2005; Ades & Di Tella, 1997). A corrupt judiciary does not fulfil its watchdog role over other branches of authority (Rose-Ackerman, 1999). Collier (2002) suggests that the criminal justice system is tied – in their hands in the vast majority of the world states and judiciary is often dependent on the executive branch for its budget, and therefore it does not hold the ruling elite accountable.

Law enforcement agencies are among the most important anti-corruption agents in society. The cleanness of law enforcement and the structure of legal institutions are the main corruption affecting factors (Aaken et al, 2010; Jain, 2001). A study of prosecutorial independence showed that *de facto* independence (indicator comprising of 7 variables that signifies the implementation of laws in practice) counted more in reducing corruption compared to *de jure* independence (indicator comprising of 22 variables that demonstrate legal principles of independence, i.e. appointment, promotion, etc.) (Aaken et al, 2010). Therefore, in corrupt states the independence of prosecution remains mostly on paper, which in turn affects the credibility of the government through the lack of independent investigation of corruption of the members of government. Consequently, this destabilises the state as a whole, the outcome of which is less investments in the justice system (*Ibid.*).

The managerial skills of the managers of the law-enforcement agencies define the amount of attention paid to tackling high-level corruption (as opposed to low-level corruption) in society. (I) Law enforcement agencies have competing priorities between street crime, traffic offences, drugs, and other types of crime (Burger & Holland, 2006). Investigating corruption can therefore yield to other priorities. This is amplified by the difficulty of investigating corruption crimes, as special investigation skills are needed for that. In Estonia, low skills and the lack of specialisation has hindered the investigation of corruption crimes (the Estonian Anti-Corruption Strategy, 2008–2012). Therefore (but not only because of that), some states have created specialised anti-corruption agencies – institutions more often found in less developed countries rather than in Western democracies. In a way the creation of such institutions is often a symbolic gesture made by states to demonstrate their willingness to combat corruption and to respond to international pressure (see also Sousa, 2010). Often these institutions render inconsistent results, and it seems that the agency's ability to influence the level of corruption is smaller than that of corruption to be able to shape the functioning of the agency. The United Nations, the founder of the Anti-Corruption Convention and the promoter of the agencies, finds that there are only few examples of successful anti-corruption agencies, which are Hong Kong, Singapore, Botswana and New South Wales. Copying the successful

examples is not easy, because of the need to follow the local context (UNDP, 2005: 5). The success of Singapore and Hong Kong are mostly explained by the political will in these countries to tackle corruption (Quah, 2010). According to the UN, the success of the anti-corruption agency depends on its independence and external scrutiny (UNDP, 2005). Independence means carrying out its functions without political interference either through political appointments, financial cuts or any other means. Political dependence, poor coordination, poor organizational culture, inadequate specialisation are among the main causes of institutional malfunctioning of the agencies. (Sousa, 2010) The risk of failure is amplified by the weakness of democratic institutions, such as free media, trade unions and others (Passas, 2010).

The effect of *punishments* on criminal activity is a focus of penology, while in respect of corruption it has not gained too much attention. A comparative study in the Baltic States demonstrated that increasing punishments for corruption were among the most desirable and effective anti-corruption tools according to the civil servants (Johannsen & Pedersen, 2012). Yet, according to the same study there was a connection between the perceived levels of corruption and preference for means to curb corruption: harsher punitive feelings were evoked by increased levels of perceived corruption (Ibid.). The Estonian study, part of this thesis, showed that people would punish corruption offenders more severely than ordinary thieves, though variables influencing the choice of sanctions are different in respect of both crimes (III). It occurs in the study that non-Estonians would like to see corruption offenders to be punished more severely, which may be the result of alienation from power. Frustration associated with those in power may be reflected in penal attitudes – namely in the wish for more incarcerations. (III)

Elsewhere, it is stated that punishments should not be too lenient and they should be systematically imposed (Carvajal, 1999). Jain (2001) mentions the enforceability of punishments as one of the three elements in the deterrence of corruption besides minimal discretionary power and low economic rents. The examples of Singapore and Hong Kong – countries with exemplary low levels of corruption – demonstrate that higher punishments discourage corruption (Stapenhurst & Langseth, 1997; Ades & Di Tella, 1997), however they come at the cost of civil liberties. It is suggested that corruption studies by economists have led to recommendations to increase the costs of corruption, i.e. raise punishments, improve efficiency of law enforcement – propositions that shift attention away from softer and cultural values (Mazar & Aggarwal, 2011). Gebel (2012) reprimands Transparency International for its universalistic approach that is characterised by considering humans as rational beings, which in turn creates anti-corruption tools that raise economic well-being.

Another study showed that informal sanctions (e.g. threat of losing one's job) counted more in inhibiting occupational crime (bribery among them) than the threat of formal sanctions (Sampson & Piquero, 2002). Trust, internalised norms and values rather than punishment and control that help people steer clear of wrongdoing and corruption (II).

3.2.2. Sectors

Coleman (1987) speaks of industries which enable different opportunities for white-collar crime, yet in respect of corruption it would be more compatible to speak about sectors. Sectors are the public, the private and the non-governmental sector. The health care sector which is deemed corruption risky (for specifications, see the 'occupations' section below), belongs to the private sector in most countries, although it uses public funds. It was argued above that highly competitive environment creates conditions for corruption. Regardless of the type of the organization all have to operate in the same competitive environment. Although employees working in public organizations do not face the same competitive pressures compared to their private counterparts, yet according to Coleman (1987), the broader environment forces everyone to pursue economic self-interest. Therefore, instead of saying that one sector is more corrupt than the other, it would be more correct to deduce that different sectors give rise to different kinds of opportunities. Probably the strongest incentives for corruption come from the public sector because of the management of public money (or because almost nothing is known about private-to-private corruption). Some authors believe that the private sector through civil lawsuits will take the lead in fighting corruption (Burger & Holland, 2006).

Political system seems to preside over all sectors – it is part of public, non-governmental, as well as private sector. Democracy is believed to have a corruption reducing effect, mostly owing to the separation of powers (Paldam, 2002) and the consolidation of advanced democratic institutions (Sung, 2004). In democratic systems, politicians and bureaucrats behave more correctly as the likelihood of losing their jobs is bigger (Goel & Nelson, 2010: 436). States with longer democracy and stable governments have less corruption as they have had time to build up institutions that help to control corruption (Goel & Nelson, 2010: 439; Pellegrini & Gerlagh, 2008; Treisman, 2000). All processes accompanying democratisation help to create anti-corruption culture, i.e. access to independent judiciary, citizens' participation in government, etc. (Doig, 2012). Free media acts as a deterrent to corruption (Pellegrini & Gerlagh, 2008; Treisman, 2007; Brunetti & Weder, 2003). In case of electoral fraud, freedom of speech and free media help to reduce opportunities for corruption. The main reason why liberalisation is thought to reduce corruption is because liberalisation reveals corruption to the outer world, which brings along international pressure to reduce it. According to one explanation, which is at odds with Coleman's (1987) theory on culture of competition, competition as a co-product of liberalisation reduces monopolistic rents and therefore possibilities to pay bribes (Baksi et al, 2009: 214). As a result of liberalisation and economic development, the roles of private and public sectors are clarified and the level of education rises, both of which reduce corruption (Treisman, 2000: 440).

In the *public sector* (and any other sector), the key issue is transparency of the decision making process. The less is hidden, the less there are opportunities for corruption. The matter of transparency is closely related to the level of deci-

sion making (decentralisation vs centralisation) and accountability. Decentralisation means the redistribution of authority and responsibility to the lower levels of government and to the local authorities in order to perform public functions better. The proponents of the positive effect of decentralisation rely on control theories in which the conformity to rules is caused by prevailing norms and social bonds (Stark, 1996: 200). They believe that in decentralised settings, politicians and bureaucrats are held accountable for their actions through the need to maintain a good reputation in a small community – each one wants to keep and strengthen his or her position by being honest. This explanation is similar with the collectivist-individualist explanation cited earlier, and touches again upon the issue of trust between people. Besides, in decentralised settings there are institutions of checks and balances with overlapping functions which help to control corruption (Gerring & Thacker, 2004). According to the opposite view, decentralised settings are more corrupt due to the lack of resources and knowledge and weaker auditing mechanisms on the local level (Goldsmith, 1999: 872) – an explanation which is often used with regard to Estonian local governments. In centralised settings there are clear lines of responsibility. One theory proposes that larger countries have more tendencies to become corrupt as due to large territory it is difficult to control bureaucrats and, therefore, more urbanized settings are less corrupt (Goel & Nelson, 2010:434–444). Moreover, in larger countries in respect of territory and population it is more difficult to implement and coordinate anti-corruption measures (Quah, 2010).

According to one study, the clarity of responsibility of political institutions is an important determinant of the level of corruption as in the ‘clear system’ it is easier for people to associate corruption with a specific trespasser and therefore express its opinion in the elections (Tavits, 2007). The study that found corruption inhibiting nature of unitarism (as opposed to federalism) and parliamentarism (as opposed to presidentialism) on corruption in democratic systems also explained it via the decentralisation-centralisation hypothesis (Gerring & Thacker, 2004). For example, it argued that in unitarian countries there are fewer co-ordination problems in public administration, which makes bureaucracy less complex and consequently gives less rise to opportunities for corruption.

Meritocratic principles of recruitment and personnel policy are believed to have an inhibiting effect on corruption, specifically on nepotism (Brunetti & Weder, 2003; Rauch & Evans, 2000), insisting on the reverse impact of the elements of the patronage system. (From the personnel management point of view, meritocracy may mean more rules and regulations.) The key-words of meritocratic systems are competitive examinations in recruiting, rigid hiring and firing policy instead of political assignments, career stability, life-time tenure, and internal promotion. This again creates more incentives to bypass the regulations. According to one explanation, meritocracy reduces corruption because of longer tenure and stability, which makes people concerned about what others think of them (Rauch & Evans, 2000), indicating the importance of interpersonal trust in inhibiting corruption. The Estonian corruption study demonstrated

that public officials who believed that their job was valued, and who were satisfied with their work conditions, tenure and salary, and who believed that they had high status in society owing to their job, were less likely to act corruptly in the hypothetical situation posed in the questionnaire (Sööt, 2011).

Low salary is frequently considered to be the driving factor for corrupt behaviour. There are several reasons why salary is thought to count for corruption. In the case of low salary the alternative cost of corruption is also low, i.e. the damage in case of the loss of job and in case of getting caught is smaller than in the case of more profitable jobs (Rijckeghem & Weder, 2001; Goudie & Stasavage, 1998). Low salary brings incompetent and dishonest people into service (Goudie & Stasavage, 1998). People who feel that their salaries are unfair, are more likely to engage in corrupt practices (Jain, 2001). People are more inclined to earn illegal income in case they earn money below their living conditions (Sandholtz & Koetzle, 2000).

Next, it is argued that discretion by bureaucrats creates opportunities for corruption because of higher burdens to businesses (Jain, 2001; Stapenhurst & Langseth, 1997). Discretion by police to enforce particular laws makes them vulnerable to corruption (Newburn, 1999). Jain (2001) argues that besides administrators corruption opportunities raise in case of discretionary powers by the political elite (who make public policy) and the legislature (who enact laws). He brings the example of privatisation which creates numerous possibilities for corruption. Government monopoly and discretion of bureaucrats raised opportunities for corruption in Hong Kong in the advent of 1970's (Quah, 2010). According to another view, more state intervention and regulations fosters corruption (Paldam, 2002; Carvajal, 1999; Shleifer & Vishny, 1993). Either way, these arguments are based on the legalistic view that over-emphasises the importance of legal norms in influencing corruption. Those who consider discretion as the cause of corruption, would like to see more regulations, yet the others would like to have less regulations in order to lessen corruption.

Some authors find that less government equals less corruption (Goel & Nelson, 1998 ; Melese, 2002) – a view that is extremely popular among politicians with a liberal world-view (see, for example, Kallas, 2009) and some scholars (Rose-Ackerman, 1999), and they recommend privatization as a solution to the corruption problem. However, such approaches fail to recognise private sector corruption and the fact that the process of privatization brings many opportunities for corruption (Jain, 2001; Goudie & Stasavage, 1998). Different corruption levels in the Baltic States have been attributed among other reasons to differences in privatization processes. For example, in Lithuania privatization in the 1990s was based on vouchers which meant that only those belonging to the close circle could privatize, while in Estonia a much larger group of people could be part of the privatization. This meant blockage of entrance to new people in the system in Lithuania, and possibility for foreign (and less corrupt) entries in respect of Estonia. Thus Estonia got rid of the old echelon, which did not happen in the two other Baltic States. (Norkus, 2011) Shift-

ing the difficulties of one sector to another does not sound like a reasonable solution.

Corruption in the *private sector* can be looked at in two ways, either private-to-public or private-to-private. In the first case it is possible to outline industries that are more motivated to pay bribes. The Estonian corruption survey demonstrated that small enterprises (up to 9 employees) encounter corruption more often (Sööt & Vajakas, 2010). Trade and service sector seem to be most at risk of corruption. Businessmen working in the trade and service sector define corruption more narrowly compared to others (they did not consider listed situations as corrupt), they were more inclined to pay bribes and had been most often asked to pay bribes by public officials. The secondary sector (which includes construction) is another sector where businesses have asked to pay bribes. (Ibid) According to the Bribe Payers Index, the most corruption risky industries are public works contracts and construction, utilities, real estate, property, legal and business services, oil and gas, and mining (Transparency International, 2011). Transparency International explains the susceptibility of these sectors to bribes through their frequent contacts with the public sector and high-value investment.

Speaking of private-to-private corruption, the Estonian corruption study showed that 9% of entrepreneurs admitted having encountered corruption inside their business within the previous year, i.e. the worker had misused an office, made unauthorized favours or similar (Sööt & Vajakas, 2010). Transparency International studied the frequency of private companies in paying or receiving bribes from other businesses (Transparency International, 2011) and found similar patterns as with private-to-public corruption – the sectors most affected were public works contracts and construction, utilities, etc. The least corrupt were agriculture, light manufacturing, banking and finance and forestry.

Political parties are a type of *non-governmental organizations* most at risk of corruption because of their direct links with power and the use of public resources. Again the issues of transparency and accountability rise up. According to one view, electoral competition endorses corruption through intraparty rivalry, as under open lists candidate are more interested in their personal victory, which makes them search for black money (Chang, 2005). According to the other view, political competition reduces corruption, because of the risk of losing one's position due to corruption. This relationship holds especially true in democracies and less in other types of political regimes (Montinola & Jackman, 2002). Voter turnout is another variable explaining corruption. The study of corruption convictions in the U.S. insists that low public interest in politics increases corruption, as the public does not fulfil its watchdog functions (Johnston, 1983). The transparency of financing of political parties is a topic gaining a lot of attention in most European countries and elsewhere, probably owing to the attention paid to it by GRECO, the Council of Europe's body (group of states) for countering corruption. During its evaluations it has recognised the main shortcomings common to most of the evaluated countries. These relate to the lack of transparency of party funding (e.g. acceptance of anony-

mous donations, confusion with declaring indirect sources of party finances like loans), the weakness of supervision over party financing, and the weakness of imposing sanctions in case of infringements (GRECO, 2012).

3.2.3. Organizations

Besides organizational culture (Luo, 2004) – an issue already touched upon – there are three elements related to organizations that create opportunities for corruption and determine how organizations respond to corruption. These are organizational structures and procedures (Abbink, 2004) and awareness of corruption (II).

Concerning *organizational structures*, corruption has been defined as a ‘hierarchical phenomenon (Bac, 1996: 277)’, referring to the ranking of authority, communication and coordination in the organizations. In respect of ranks of monitoring, according to some, hierarchies elevate the price of corruption because the bribe runs through different layers, each wanting to have a piece of the cake. Another cost occurs when top levels buy the silence of others (Sajo, 2003; Rose-Ackerman, 1999; Shleifer & Vishny, 1993). Thus according to this view, hierarchy makes corruption more expensive and therefore less attractive. However, these contradictory opinions can be summarized by pinpointing the importance of transparency – the transparency of decision making seems to overrule the number of levels of administration.

In respect of *organizational procedures*, it is necessary to differentiate between occupations more open to corruption and those that have smaller opportunities for that (see below). In case of occupations with high risk, there are different procedures set in place to minimize corruption opportunities. For example, staff rotation makes the success of corrupt deals less predictable, increases uncertainty, and decreases (particularised) trust between different counterparts (Abbink, 2004). Another example is the four-eyes principle (reduction of the risk of bias by joint decision-making by at least two persons), sometimes used in the case of traffic police. It makes the corrupt deal more complex, as the probability of detection increases. The article ‘The Role of Management in Tackling Corruption’ of this thesis lists different types of measures the managers of the Estonian law-enforcement agencies mentioned most often in relation to curbing corruption in their organizations: disciplinary sanctions and dismissals; monitoring the work and private life of employees and gathering background information on them; direct enquiries by the immediate supervisor regarding the work and private life of his or her subordinates; open conduct of disciplinary and other investigations as an exemplary deterrent; internal financial audits; public scrutiny; the ‘four-eyes principle’; and various restrictions on the use of electronic databases, mobile phones, etc (I). The article concludes that rigid, vigorous and reactive methods (the opposite of ‘soft’ and preventive measures) for personnel management are widespread in the police and other strongly hierarchical organizations. Thus it seems that control

methods are considered to be the most effective means of curbing corruption. The article concedes that although there is no exclusively right way to combat corruption in an organization, as some strategies are bound to work better than others, no strategy can enjoy lasting success without the managers leading by personal example. (I)

Reporting and whistle-blower protection mechanisms are thought to eliminate opportunities for corruption (Dandurand, 2007; Huberts, 1998). Organizations and countries are often encouraged to create such means by main international organizations devoted to anti-corruption work, like Transparency International, GRECO, OECD, the UN. Although a study on whistle-blowing demonstrated that organizational trust is needed for successful implementation of whistle-blowing policy (Holtzhausen, 2009), from another point of view, when perceived by organization as an instrument of denunciation, it may decrease generalised trust which has an inhibiting effect on corruption. This may hold especially true for countries with totalitarian backgrounds. However, these procedures may have a negative impact on public administration in general, as whistle-blowing and other procedural controls have caused it to become non-risking and bureaucratic (Webb, 2012).

Awareness of corruption is another piece in the opportunity chain of corruption through organizations. According to the Estonian corruption study, entrepreneurs are more tolerant towards corruption compared to public sector employees – a finding which may be explained by the fact that entrepreneurs have not received training in ethics and their judgements about corruption are therefore more tolerant, while public sector employees have received systematic training on corruption¹ (Sööt & Vajakas, 2010).

A study of this thesis shows the prevailing view among the Estonian law-enforcement managers according to which the ability to resist corruption rests on knowing the relevant legal rules, yet, lawyers are in no way immune to corrupt influence (I). Although most authors writing on corruption acknowledge the importance of awareness about corruption (Webb, 2012; Khan, 2004; Stapenhurst & Langseth, 1997), very few have empirically searched its positive effect (the exceptions are for example Tavits, 2010 and Maenning, 2008). The article ‘Institutional Trust and Opinions of Corruption’ of this thesis fills the vacuum. It demonstrates that corruption awareness and tolerance of corrupt behaviour are interrelated phenomena – those who have a narrow understanding of corruption also tend to be more tolerant towards it. The article explains that people’s understanding of corruption and their modus of making value judgements affects their behaviour. Thus more knowledgeable people and those less tolerant in judgements about corruption are less likely to behave corruptly. (II)

¹ Besides, methodological issues may contribute to the differences in opinions – in the case of the businesses telephone interviews were conducted, which gives respondents less time to think when answering questions, while in the case of public sector, web-based questionnaires were used.

3.2.4. Occupations

Some occupations give more opportunities for corruption than others because of the power and responsibilities for finances accompanying the positions. People responsible for public procurement are believed to be most at risk of corruption (Abbink, 2004) because of business opportunities accompanying the procurement – in OECD countries, public procurement accounts for 15% of GDP (OECD, 2007). Another occupation highly vulnerable to corruption is related to imposing punishments, e.g. tax administrators, inspectors, policemen, judges, etc (I). Abundant police corruption-related literature describes the possibilities of preventing police corruption (e.g. Sellbom et al, 2007; Punch, 2000; Newburn, 1999; Poerting & Vahlenkamp, 1998). Newburn (1999) lists the main causes of police corruption, among which are intrinsic causes belonging to the job of the police and police organizations. For example, police work is described by frequent contact with lawbreakers; low managerial supervision; legal opportunities for corruption; strong peer group secrecy which presumes silence by policemen whenever fellow policemen breach rules; etc. Besides it is believed that police corruption stems from their low salary (Hammarberg, 2012), while prosecutors and judges are much better paid. For reasons of discretionary power, customs administrators (Khan, 2004) have also been regarded as an occupation vulnerable to corruption.

Deficit in the sector determines the level of corruption risk associated with an occupation. For example, excessive corruption in Hong Kong in 1970s was explained by the population growth which limited social services and government resources (Quah, 2010). Transparency International lists on its webpage among its focus areas education, health, defence and security, oil and gas and sport. Doctors are among the occupations most often analysed in the academic literature in relation to corruption (e.g. Taryn et al, 2012; Peixoto et al, 2012; Garcia et al, 2012; Patralekha, 2012; Paredes-Solis, 2011). According to the Estonian corruption studies, doctors are among the three occupations where people have most often encountered corruption (Sööt and Vajakas, 2010), doctors and nurses were also on the top list in Hungary (the Hungarian Gallup Institute, 1999). A corruption study focusing on the health sector was conducted in Estonia, which focused on corruption risk in health care, among the areas listed were incorrect procurement, provision of fictive certificates, conflicts of interest with companies importing medicines, and so on (Tartu Ülikool & Justiitsministeerium, 2011). The main reasons why health care sector is deemed vulnerable to corruption is because of the complexity of the health care system, uneven distribution of information between different parties, monopoly, etc. (*Ibid.*). According to the corruption formula, insisted by Klitgaard (1998), corruption equals with monopoly power plus discretion minus accountability.

3.2.5. Summary on the Opportunities for Corruption

This chapter outlines opportunities for corruption that need to be taken into account when analysing the causes of corruption. The list of opportunities range from: clarity of the laws, independence and cleanness of the judiciary and law enforcement authorities, enforceability of the punishments, transparency of the decision making process, accountability, supervision, clarity of responsibility, principles of recruitment and fairness of salary, the amount of public money in transactions, scarce resources, power and responsibilities for finances, awareness of corruption, to organizational procedures in place, to mention some. From the practical point of view, paying insufficient attention to any of the components in the opportunity chain, could account for higher levels of corruption. The researches often render contradictory results in respect of determining in what way a specific phenomenon can affect corruption. The discussions about the effect of centralisation vs decentralisation of decision making on corruption, about hierarchical and horizontal organisational management and system of public administration (meritocratic vs patronage system) on corruption levels are often debated in corruption-related academic literature.

However, it is important to note that none of the elements in the framework can solely explain corruption, although sometimes attempts are made to find the one and sole factor of corruption. A country may have an excellent meritocratic-based bureaucracy, however without civil liberties, the anti-corruption efforts fade in at face-painting public administration. International anti-corruption organizations try to fine-tune and homogenize countries' legal system, however due to countries' aversion to political and economic change, these institutions are often toothless in influencing the level of corruption.

FINDINGS AND CONCLUSION

The introduction of this dissertation provides a theoretical framework for analysing corruption. It takes the existing structure of James William Coleman's (1987) integrated theory of white-collar crime and adjusts it for explaining corruption. The advantage of this framework is its comprehensiveness in explaining the causes of crime. Moreover, as there was no existing integrated theory of corruption, one had to adapt one. The framework consists of two main elements – culture and opportunities. Culture contains conditions favourable to corruption, while opportunities define the probability of corruption.

Theoretical contribution of the thesis

The empirical studies of this thesis are syntheses of qualitative and quantitative methodologies, a matter that could be deemed as the strength from the point of view of generalizability of the results. The combination of different methodologies demonstrates the possibilities for corruption research, and brings out critical points of the respective methodologies. The immediate knowledge that comes from 'invading the inner territory' of the organizations gives insights about the corruption-related values – an insight which is missed when using only quantitative methods. From another hand, quantitative methods enable anonymity which is necessary in gaining knowledge and honest opinions about corruption.

Original studies among different case groups, i.e. public officials, law enforcement managers and general public enable to study corruption from different angles, and demonstrate how trust can affect people's opinions. Managers' formal opinions about corruption hamper proactive approach towards prevention, while institutional trust makes public officials' understanding of corruption more meaningful. The punitive attitudes of the general public reveal their expectations towards rulers and the values the rulers put into practice.

The three original articles of this thesis contribute to the theory of corruption both in respect of cultural variables and variables belonging to the opportunity structure of corruption. More specifically, the first study contributes to the overall understanding of managerial attitudes and their relation to corruption in an organization. Despite considerable interest among academics in the effects of ethical leadership styles and role-modelling on organisational culture, so far precious few attempts have been made to understand the values of managers in law enforcement agencies and the correlation of these values to corruption (I). The study outlines the reasons that contribute to failure of anti-corruption policies and points to the relevant general shortcomings in managerial skills. It improves our theoretical understanding of corruption in organizations and contributes to the value-based approach to corruption.

The second study fills a gap in the corruption theory and investigates the formation of moral judgements on corruption. It explores the relation between

awareness and intolerance of corruption. It adds to the theory by demonstrating how institutional trust can change people's opinions about corruption, and not only the level of corruption as showed by earlier studies. Consequently it offers new avenues for influencing level of corruption.

The third study adds to the theory of corruption and penology – it gives insights about patterns of penal attitudes, highlighting specific drivers of penal attitudes in respect of corruption offenders and thieves. Misunderstanding of penal sentiments between policy makers, implementers and general public may affect penal policy in the non-desirable direction, bringing along inefficient implementation of the sanctions. By outlining the determinants of punitive attitudes towards corruption offenders (and comparatively, towards thieves), the study demonstrates how trust in political institutions is related to penal attitudes towards thieves. Yet, it also gives incentives for further studies in this area, to understand the ways trust can shape penal sentiments towards other types of offenders, and consequently penal policy.

In terms of practical implications of this thesis, it turns out that anti-corruption policy should include influencing the understanding of managers, and finding ways to raise managers' self-motivation and willingness to address anti-corruption issues in their organizations. As the thesis pinpoints the role of institutional trust in shaping opinions, emphasis should be put on establishing institutions which are trusted instead of focusing on control measures and toughening punishments (II). Trust in institutions can be enhanced through raising awareness and sharing information about the tasks and aims of political institutions (Choon & Cheng, 2011). Transparent decision-making is another way to increase trust in institutions. On the other hand, public officials themselves are the main architects of trust – if they act ethically, trust in the institutions to which they are affiliated will increase, bringing along a positive spill-over effect (II).

Summary of the findings to the research questions

In order to summarize the answers to the research questions, the following conclusions can be made:

I (What is the role of management in establishing anti-corruption organizational culture in law enforcement agencies?)

The role of managers in establishing an anti-corruption organizational culture is by far more important than managers themselves perceive. The role of managers is to communicate desirable values to the rest of the organization, to be the role-model, to create conditions motivating people, set rules of recruitment, and so on.

The study shows that (1) corruption is seen by managers mainly as a problem of the street level staff, (2) individual staff members' ability to resist cor-

ruption is considered to be determined by their knowledge of the relevant legal definitions and sanctions, (3) control methods are considered to be the most effective means of curbing corruption. The managers interviewed do not see themselves as the principal anti-corruption actors of their organizations. Instead, they regard corruption as an issue imposed on them from the outside and in a way that reduce them to passive players in an externally determined environment. This leads them to point the finger at the unstable political environment, to criticise ineffective legislation and to distance themselves from responsibility for breaches by lower-ranking officials.

The result of such a way of thinking in practical terms is placing emphasis on tackling low-level corruption and preferring control methods over trust-building methods in curbing corruption. Such preferences may cause counter-productive results – it may demolish generalised trust. Moreover, when control methods or sanctions are removed, people may still continue to behave in the way they consider to be morally right. (I)

II (What are the factors influencing attitudes towards corruption?)

Differences in awareness of and opinions about corruption can be explained by differences in the level of institutional trust and in certain socio-demographic factors such as age and ethnicity (II).

When institutions are trusted more, corruption is found less tolerable and it is defined more ‘accurately’. For example, those who trust more believe it is corruption when a businessman offers a vacation abroad to the principal of an elite school, expecting the principal to admit his son into the school in return. It was also detected that those who are less aware of corruption, are more tolerant towards it. It is assumed that the reason why trust is relevant in public officials’ awareness of corruption and the extent to which they are ready to condemn corruption, is because those with higher levels of trust would have higher expectations for institutions and would place more confidence in them, and therefore breaches of moral norms by state representatives are likely to entail a stronger condemnation from those who trusted them more. (II)

It is explained in the article that younger people tolerate corruption more and have a less clear understanding of what is and what is not corruption, because of the younger generation’s cynical attitude towards state institutions. The reason why Estonians have less tolerance for corruption and show a better awareness of corruption than non-Estonians probably stems from the fact that few awareness-raising campaigns have been organised for the Russian population in Estonia.

III (What are the factors influencing punitive attitudes? Do these differ in respect of thieves and corruption offenders?)

The study demonstrates that people's sentencing preferences are harsher in the case of corruption offenders than in the case of thieves. This is probably because corruption offenders are perceived as being more harmful than thieves. The reason why they are considered more harmful can be attributed to broad media-coverage of corruption offences. Yet, if the options would be corruption offender and a violent criminal, the latter would most probably be deemed more harmful and deserve more severe punishment (Holtfreter et al, 2008; Rossi & Berk, 1997; Banks et al, 1975; Gibbons, 1969).

The variables influencing punitive attitudes are different in respect of thieves and corruption offenders. Gender, ethnicity and personal income are the best predictors of punitive attitudes towards corruption offenders, while trust in politicians can explain punitive attitudes in respect of thieves. The reasons why those who trust politicians would like to see thieves punished less severely, is presumably because they are more satisfied with life and less concerned with the crime situation and they feel more secure and do not see criminals as threat to society –variables that according to earlier studies affect penal attitudes. It is suggested in the article that 'penal populism as expressed in promises of harsher punishments is far from assured to serve its desired end – a boost in the politicians' popularity ratings'. (III)

This does not mean that political trust does not have an effect on penal attitudes concerning corruption offenders, yet, it might have through more complex ways. For example, it is proposed that the reason why non-Estonians would like corruption offenders to be punished more severely is because of alienation from the power, thus hinting at the lack of political trust. The article suggests in par with earlier studies that men are more punitive probably because they attribute more weight to justice while women are more compassionate. It also hypothesized that the reason why older people are more intolerant of corruption offenders, may be related to older people tending to hold more conservative views than younger people and tend to be more worried about moral decay of society. (III)

Study limitations and avenues for future research

Treisman (2000, 2007) and Jain (2001) have done a praiseworthy job and gathered variables from the literature explaining corruption, and the introductory article of this thesis benefits from these articles as well as dozens of others who have empirically explained corruption. It is easy to get lost in the numerous amounts of contradictory studies, indicating even more to the need for general theoretical framework. This dissertation will not be able to include all explanations on corruption, however, hopefully it succeeds to embrace the most relevant ones.

An issue that usually lifts up in relation to corruption studies is the relative and culture-specific nature of the concept. The absence of integrated theory of corruption can be attributed to the context-dependency of the corruption studies. The context-dependency manifests itself mainly with regard to countries and organisations under research.

With respect to organizations, different kinds of organizations trigger different opportunities for corruption. The first study of this thesis ('The Role of Management in Tackling Corruption') focuses on law enforcement agencies. Although different types of law enforcement agencies exist (like police, prosecutors office, etc), with their unique organizational culture and management practices, they also share some similarities. They are all established for common purpose – safeguarding law and order; their structure is hierarchical, and the study showed that they share common traits with respect to managerial approach to corruption. However testing the findings of the study in other types of organizational settings would help to understand, whether distancing oneself from responsibility, blame-shifting, down-playing the role of managers in resisting corruption is prevalent mostly in law-enforcement or is a characteristic of the society in general. Presumably these peculiarities appear to be common features in young democracies and indicate an apprehension of accountability in general (Randma-Liiv, 2005; Verheijen, 1998).

With regard to countries, many corruption studies have been conducted with the aim of finding the reasons of corruption in less developed countries. Privatization and liberalization can explain corruption in certain countries, however in respect of other countries, which have not recently experienced privatization, the explanatory power of the variable remains void. The corruption studies can be broadly divided into two – international comparisons based on Transparency International's corruption perceptions index (few others use corruption indicators from other sources) or country studies. The original studies of this thesis fall into the second category, as all three studies have been conducted in Estonia. Although this feature makes the studies unique, taking local conditions as the starting point and basing the conclusions of the research on how local people perceive corruption limits the applicability of findings to other types of societies. Even comparisons with other post-communist states should be made with caution. Still, as being one of the post-communist success stories with relatively low levels of corruption – therefore not entirely 'fit' to belong to the group of post-Communist states – Estonia's Soviet past influences people's mindsets and behaviour (II). Therefore common traits with other post-Communist societies can be found (see, for example, Karklins, 2005). The findings and recommendations of this thesis stem from the stabile political system, the contextual factor that somewhat inhibits applicability of the findings to less stabile and less democratic countries.

From another angle, the context-dependence gives further incentives to study comparatively people's understandings about corruption and issues related to it.

In order to formulate effective anti-corruption policies, it is crucial to know what influences people's mindsets (II), which is the aim of the study number II of this thesis. The study on punitive attitudes of this thesis points to the need of developing a broader understanding of punitive attitudes in Eastern Europe, as the majority of the studies have been conducted in Anglo-American societies (III). Therefore similar studies in other Eastern European countries should be encouraged. As of more future research, the second study of this thesis ('Institutional Trust and Opinions of Corruption') provides an incentive for further examining the link between trust and ethical values (II), and the third study urges to further analyse mechanisms behind institutional trust and penal attitudes. With regard to integrated theory of corruption, more focus on drivers for different types of corruption (other than bribery) could be expected, especially regarding private-to-private corruption. Whether one opportunity accounts for more than the other in explaining the level of corruption, will be another matter of further research.

Finally, although context-dependency causes certain limitations to the studies, it does not prevent researchers from generalizations. Similarly, Estonia is not a unique isolated case that would not allow generalizations. Rather contrary, the findings of the original studies show that there are lots of similarities with other studies. The finding that low institutional trust increases permissive attitudes among people has been suggested by earlier studies (Marien & Hooghe, 2011), yet this thesis demonstrates that there is a clear connection between institutional trust and moral reasoning about corruption (II). Many socio-demographic variables influencing penal attitudes as well as judgements about corruption are similar to earlier studies (II, III), indicating to common patterns behind social phenomenon.

SUMMARY IN ESTONIAN

Korruptsiooni põhjused: korruptsioonivõimalused ja institutsionaalne usaldus

Eesmärk ja uurimisküsimused

Viimased kakskümmend aastat on ilmunud suurel hulgal korruptsiooniteemalisi teadusartikleid, seega langes käesoleva doktoritöö valmimine korruptsiooniuuringute tippaega. Dissertatsioon põhineb autori kolmel eelretsenseeritavas rahvusvahelises teadusajakirjas avaldatud artiklil ning neid siduvas sissejuhatuses. Doktoritöö eesmärk on täiendada korruptsiooniteooriat ning seeläbi panustada ka praktiliselt korruptsioonivastasesse tegevusse.

Töö uurimisküsimused on:

- I Milline on õiguskaitseasutuste juhtide roll sellise organisatsioonikultuuri loomisel, mis tauniks korruptsiooni?
- II Millised tegurid mõjutavad inimeste suhtumist korruptsiooni?
- III Millised tegurid mõjutavad inimeste karistushinnanguid ning kas need hinnangud on varaste ja korruptantide suhtes erinevad?

Doktoritöö sissejuhatuse eesmärk on luua teoreetiline raamistik doktoritööle. Kuigi korruptsiooni olemust ja põhjuseid selgitava teaduskirjanduse hulk on suur, puudub seni korruptsiooni üldteooria (*i.k. integrated theory*). Kuna korruptsioon on valgekrae kuritegevuse vorm ning viimase puhul on üldteooria juba välja töötatud, siis annab see võimaluse lähtuda valgekrae kuritegevuse üldteooriast, kohandades seda korruptsioonile. Käesolevas sissejuhatuses on lähtutud James William Coleman (1987) valgekrae kuritegevust seletavast üldteooriast. J. W. Coleman teooria on mitmetahuline ning hõlmab nii indiviididest, organisatsioonidest kui ka kultuurist tulenevaid selgitusi valgekrae kuritegevusele (Benson & Simpson, 2009: 54). Seega on doktoritöö sissejuhatuses pakutud välja korruptsiooniteooria, mida oleks ehk liialt ambitsioonikas kutsuda korruptsiooni üldteooriaks, ent on samm viimase poole siiski.

Metoodika

Antud doktoritöö aluseks olevad kõik kolm artiklit põhinevad doktoritöö autori poolt läbi viidud uuringutel.

Artikkel *“The Role of Management in Tackling Corruption”* („Juhtide roll korruptsioonivastases tegevuses“) on ainuke kvalitatiivsetel uurimismeetoditel põhinev uuring käesolevas dissertatsioonis, kus autor viis läbi poolstruktureeritud süvaintervjuud õiguskaitseasutuste juhtidega. Andmete töötlemisel kasutati kriitilist diskursusanalüüsi.

Artikli *“Institutional Trust and Opinions of Corruption”* (“Usaldus institutsioonide vastu ja hinnangud korruptsioonile“) aluseks on Eesti avalikus sektoris läbi viidud kvantitatiivne uuring, mille küsimustiku koostas töö autor,

küsitlustöö viis läbi uuringufirma TNS-Emor ning uuringut rahastas justiitsministeerium. Andmete analüüsimiseks kasutati regressioonanalüüsi meetodit – lineaarset regressiooni.

Artikkel „*Trust and Punitive Attitudes*” (“Usaldus ja suhtumine karistustesse”) põhineb uuringufirma GfK poolt läbi viidud Eesti elanikkonna küsitlusel, mille küsimustiku koostas töö autor. Andmete analüüsimisel kasutati samuti regressioonanalüüsi meetodit – logistilist regressiooni.

Teooria

J. W. Coleman (1987) teooria koosneb kahest suuremast komponendist, mis seletavad valgekrae kuritegevuse põhjuseid – need on „kultuur“ ja „võimalused“ (*i.k. opportunities*). Kultuur võib luua soodsa tausta kuritegude toimumiseks, samal ajal võimalused kas soodustavad või pärivad kuritegu.

Korruptsiooni puhul saab rääkida kahest peamisest kultuuripoolsest soodustajast – konkurentsikultuurist ning usaldusest. Riigid, organisatsioonid ja inimesed tegutsevad tugevas konkurentsi ning kasumit väärtustavas keskkonnas, mis sunnib neid sageli vahendeid valimata leidma võimalust saada osa tarbimishüvedest ning suuremast kasumist (Coleman, 1987). Korruptsiooni soosib ka vähene usaldus riigiinstitutsioonide vastu (inimesed, kes institutsioone ei usalda, on ka varmamad neid petma), aga ka vähene sotsiaalne usaldus (vähene usaldus inimeste vahel soosib samuti petmist) ning suurem nn omade usaldamine (soositakse neid, kes kuuluvad „siseringi“, nt parteisse) (Uslaner, 2001; Collins, Uhlenbruck & Rodriguez, 2009; Rothstein & Eek 2009; Bjørnskov, 2003; D’Hernoncourt & Méon, 2012; Marien & Hooghe, 2011).

Kaasaegses kriminoloogilises kirjanduses selgitatakse „võimalustega“ suurt osa kuritegevusest (Benson et al, 2009). J. W. Colemanile tuginedes tulenevad korruptsioonivõimalused (1) seadustest ja nende rakendamisest, (2) sektoritest, (3) organisatsioonidest ja (4) ametikohtadest.

Seaduste ja nende rakendamine on otseselt seotud kohtute ja õiguskaitse sõltumatuse ning suutlikkusega, aga ka formaalsete ja mitteformaalsete sanktsioonidega. Näiteks leitakse käesolevas doktoritöös, et institutsionaalne usaldus ja omaks võetud normid aitavad paremini vältida korruptsiooni kui karistused ning kontroll (II²).

Sektorite puhul saab vaadelda avaliku, era- ning kolmanda sektoriga seotud korruptsioonivõimalusi. Selmet öelda, et üks sektor on korruptiivsem kui teine, tuleks hoopis analüüsida iga sektori korruptsioonivõimalusi. Näiteks erasektori puhul on korruptsioonialtimad ettevõtted, millel on rohkem kokkupuuteid avalike finantsvahenditega.

² Rooma numbrid viitavad doktoritöö originaalartiklitele, mis on ära toodud ingliskeelse sissejuhatuse alguses.

Organisatsioonide korruptsioonivõimalused tulenevad organisatsioonide struktuurist ja protseduuridest (Abbink, 2004) ning neis töötavate inimeste korruptsioonialasest teadlikkusest (II). Organisatsioonikultuur korruptsiooni soodustava tegurina on osa laiemast kultuurilisest taustast.

Ametikohtadega seoses on ameteid, mis loovad rohkem võimalusi korruptsiooniks kui teised. Näiteks on korruptsioonialtimad võimu ja rahalise vastutusega seotud ametikohad.

Kõiki neid erinevaid korruptsioonivõimalusi analüüsides on võimalik korruptsiooni olemust ning põhjuseid paremini selgitada. Valides välja vaid ühe võimaluse (mis on sage korruptsioonialastes teadustöödes), ei ole ühelt poolt võimalik korruptsiooni hästi selgitada, teiselt poolt on ka praktikas keeruline leida vahendeid selle vähendamiseks.

Järeldused

Autori kolm artiklit, millel käesolev dissertatsioon põhineb, aitavad selgitada korruptsiooni nii kultuuri kui võimaluste abil. Nimelt keskenduvad kaks artiklit organisatsioonidega seotud korruptsioonivõimalustele ning kolmas puudutab karistusi, olles seega seotud seadusi ja nende rakendamist puudutavate korruptsioonivõimalustega. Kultuuriga, mis on J. W. Colemani (1987) teooria teine oluline komponent kuritegude võimaluste kõrval, on otseselt seotud „usaldus“, mida kõikides artiklites uuritakse. Täpsemalt vaadeldakse institutsionaalse usalduse ja korruptsioonile antud hinnangute vahelisi seoseid (artiklis „*Institutional Trust and Opinions of Corruption*“); institutsionaalse usalduse ja karistushinnangute vahelisi seoseid (artiklis „*Trust and Punitive Attitudes*“); ning kaudselt usalduse tekitamist organisatsioonides (artiklis „*The Role of Management in Tackling Corruption*“).

Järgnevalt on toodud kokkuvõtte uurimisküsimustest:

I Milline on õiguskaitseasutuste juhtide roll sellise organisatsioonikultuuri loomisel, mis tauniks korruptsiooni?

Uuring näitab, kuidas juhtide arusaamad soodustavad sellise organisatsioonikultuuri levikut, mille tulemuseks on tähelepanu hajutamine korruptsioonivastaselt tegevuselt. Eesti õiguskaitseasutuste juhtide roll korruptsioonivastase organisatsioonikultuuri loomisel on märksa suurem, kui juhid oma rolli selles tajuvad. Juhtide roll on soovitud väärtuste edasiandmine töötajatele, eeskujuks olemine, inimeste motiveerimiseks tingimuste loomine, värbamisreeglite paikapannemine jne. Uuring näitab samas, et juhid ei pea ennast korruptsiooni ennetava kultuuri aktiivseteks loojateks juhitud organisatsioonides. Nad peavad korruptsiooni hoopis väljastpoolt pealesurutud teemaks, kus juhid ise on vaid passiivsed osalised. See paneb juhte viitama ebastabiilsele poliitilisele

keskkonnale, kritiseerima puudulikke seadusi ja distantseerima ennast madalama taseme ametnike seaduserikkumistest. (I)

Leiti, et (1) juhid peavad korruptsiooni madalama taseme ametnike probleemiks, (2) juhid usuvad, et võime korruptsiooni ennetada tuleneb seaduste tundmisest ametnike poolt, (3) juhid arvavad, et kontrollimeetmed on parim vahend korruptsiooni vähendamisel. Selline mõtteviis omakorda tingib õiguskaitseasutuste suurema rõhuasetuse madalama taseme korruptsiooni uurimisele ning kontrollimeetmete rakendamisele. Viimaste pikaajalises tulemuslikkuses võib kahelda, sest juhul kui kontroll või sanktsioon eemaldatakse, käituvad inimesed ikkagi endistviisi edasi – nii nagu nad peavad moraalselt õigeks. (I)

II Millised tegurid mõjutavad inimeste suhtumist korruptsiooni?

Uuringus vaadeldi avaliku sektori töötajaid ning leiti, et korruptsioonialast teadlikkust ning suhtumist korruptsiooni mõjutavad usaldus institutsioonidesse, vanus ja rahvus (II). Nooremate inimeste suurem sallivus korruptsiooni-ilmingute suhtes ning madalam teadlikkus võib tuleneda nende küünilisemast suhtumisest riigiinstitutsioonidesse. Eestlaste vähem salliv suhtumine korruptsiooni ning suurem teadlikkus korruptsioonist (oskus korruptsiooni määratleda) võrreldes mitte-eestlastega võib tuleneda sellest, et Eestis on korruptsiooniennetus olnud suunatud peamiselt eestikeelsele elanikkonnale ning muukeelne (venekeelne) elanikkond on sellest eemale jäänud. (II)

Suurem usaldus institutsioonide vastu toob kaasa negatiivsema suhtumise korruptsiooni ning täpsema arusaamise, mis korruptsioon on. Näiteks need, kes usaldavad institutsioone rohkem, peavad korruptsiooniks olukorda, kui ärimees pakub eliitkooli direktorile tasuta puhkuse võimalust välismaal, eeldades, et viimane võtab ta poja vastutasuks kooli sisse. Need aga, kes korruptsiooni määratleda ei oska (näiteks ei arva, et viimatimainitud tegevus oleks korruptsioon), on ühtlasi selle suhtes sallivamad. Põhjus, miks usaldus mõjutab ametnike korruptsiooniteadlikkust ja sallimatust korruptsiooni suhtes, tuleneb ilmselt sellest, et usaldavamatel inimestel on ootused vastavate institutsioonide suhtes kõrgemad, mistõttu moraalinormide rikkumine vastavate institutsioonide esindajate poolt toob kaasa ka karmima hukkamõistu. (II)

III Millised tegurid mõjutavad inimeste karistushinnanguid ning kas need hinnangud on varaste ja korruptantide suhtes erinevad?

Eesti elanikud soovivad korruptantidele karmimaid karistusi kui varastele. Sugu, rahvus ja vastaja sissetulek on parimad karistushinnangute prognoosijad korruptantide puhul, samas kui varaste puhul on selleks poliitiline usaldus. Põhjus, miks poliitikuid rohkem usaldavad inimesed soovivad kergemaid karistusi varastele, võib peituda nende üldiselt suuremas heaolutundes ja rahulolus ning väiksemas kuritegevushirmus. (III)

Artiklis leitakse, et mitte-eestlaste suurem karistusihalus korruptantide suhtes võib tuleneda nende suuremast võimust võõrandumises. Sarnaselt varase-

mate uuringutega leitakse, et mehed soovivad karmimaid karistusi, kuna nad ilmselt panevad suuremat rõhku formaalsele õigusele võrreldes naistega, kes on pigem kaastundlikumad. Vanemate inimeste soov karmimate karistuste järele võib tuleneda nende konservatiivsematest väärtushinnangutest ning suuremast murest ühiskonna allakäigu pärast. Samas ei anna need tulemused põhjust arvata, nagu poliitiline usaldus ei mõjutaks korruptantidele antavaid karistushinnanguid, vaid selle taga võib olla keerulisem suhe. Näiteks üks põhjus, miks mitte-eestlased sooviksid karmimaid karistusi korruptantidele võrreldes eestlastega, võib tuleneda nende võimust võõrandumises, seega viidates kaudselt poliitilise usalduse puudumisele. Kokkuvõttes viitab uuring sellele, et poliitikud, kes soovivad oma populaarsusreitinguid kasvatada, ei pruugi seda saavutada läbi karistuste karmistamise lubamise. (III)

Doktoritöö panus korruptsiooniteooriasse

Doktoritöö aluseks olevates originaaluuringutes on kasutatud nii kvantitatiivseid kui kvalitatiivseid uurimismeetodeid, mis on kasulikud uuringutulemuste üldistamise seisukohalt. Erinevate meetodite kasutamine võimaldab kriitiliselt hinnata vastavate meetodite plusse ja miinuseid. Teadmisi, mida saadakse organisatsioonijuhtide vahetust süvitsi intervjueerimisest, ei ole võimalik omandada kvantitatiivsete meetoditega, samas kui viimased pakuvad võimalusi anonüümseteks arvamusalaldusteks korruptsiooni kohta, mis korruptsiooni uurimise seisukohalt on äärmiselt oluline uurimisaines.

Kolme eri tüüpi sihtrühma uurimine (organisatsioonijuhid, avaliku sektori töötajad ning tavaline elanikkond) võimaldab samuti korruptsiooni uurida erinevast vaatenurgast ning näitab, kuidas usaldus võib mõjutada arvamusi. Juhtide formaalsed arusaamad korruptsiooni kohta takistavad aktiivset korruptsiooniennetust, samas kui usaldus institutsioonidesse muudab töötajate arusaama korruptsioonist sisukamaks. Elanikkonna karistushinnangud aga peegeldavad nende ootusi valitsejate suhtes ning kaudselt ootusi väärtuste suhtes, mida viimased evivad.

Kuna siiani on vähe uuritud õiguskaitseasutuste juhtide korruptsioonialaseid arusaamasid, siis aitab esimene uuring paremini aru saada juhtide rollist korruptsiooni vältiva organisatsioonikultuuri loomisel. Lisaks aitab see paremini mõista, miks korruptsioonivastane poliitika võib ebaõnnestuda ning panustab kokkuvõttes väärtuspõhise korruptsiooni ennetava organisatsioonikultuuri loomisesse. (I)

Teine uuring täidab lünga korruptsiooniteoorias ning keskendub korruptsiooniga seotud hinnangutele. Artiklis näidatakse, kuidas usaldus institutsioonidesse mõjutab inimeste arusaamasid korruptsioonist, mitte üksnes korruptsioonitaset, nagu on leitud varasemates uuringutes. Kokkuvõttes pakub see uuring uusi võimalusi korruptsiooni vähendamiseks. (II)

Kolmas uuring panustab korruptsiooni- ja karistusteooriasse. Artiklis näidatakse, millised tegurid võivad mõjutada inimeste karistushinnanguid. Arusaam, kes millist karistust vääraks, sõltub nii vastaja tunnustest (usaldusest, rahvusest, soost) kui ka kurjategijast (kas tegemist on korruptandi või vargaga).

Uuring näitab, et poliitikute usaldamine on oluline tegur karistushinnangute andmisel varastele, samas kui korruptantidele antavate karistushinnangute puhul usaldus statistiliselt olulist rolli ei mängi. Seega vajab institutsionaalse ja poliitilise usalduse ning karistushinnangute vaheline seos veel edaspidiseid põhjalikumaid analüüse. (III)

Doktoritöös soovitatakse suunata korruptsioonivastast poliitikat rohkem juhtide arusaamade mõjutamisele ning keskenduda juhtide motivatsiooni tõstmisele korruptsiooni ennetava kultuuri loomisel organisatsioonis. Selle asemel, et ehitada kontrollile ja karistusele põhinevaid organisatsioone, tuleks suurendada usaldust institutsioonidesse (II). Doktoritöö näitab, et institutsionaalne usaldus mõjutab nii korruptsioonialast teadlikkust kui ka karistushinnanguid (viimast siiski vaid varaste puhul). Usaldust saab suurendada poliitiliste institutsioonide rolli ja tegevuse kohta käiva informatsiooni jagamise kaudu (Choon & Cheng, 2011). Otsustusprotsesside läbipaistvus aitab suurendada usaldust ning vähendada korruptsiooni. Teisalt on organisatsioonide töötajad ise peamised usalduse loojad – kui nemad käituvad eetiliselt, siis tõuseb usaldus ka nende organisatsioonide vastu, kus nad töötavad (II).

Doktoritöö piirangud ning uurimisiideid edasiseks

Käesoleva doktoritöö sissejuhatavas osas on kasutatud erinevate autorite empiirilisi uuringuid korruptsioonist. Korruptsiooni kohta on läbi viidud palju vastuolulisi uuringuid, mille põhjal kindlaid väiteid uuringutulemuste universaalse rakendatavuse kohta on raske leida.

Korruptsioon on kultuurispetsiifiline nähtus. Osaliselt võib ka korruptsiooni üldteooria puudumist põhjendada selle nähtuse kultuurispetsiifilisusega. Korruptsiooni definitsiooni kultuurispetsiifilisus avaldub nii organisatsioonide kui riikidega seoses.

Organisatsioonidega seoses on võimalik tuua näide õiguskaitseasutuste, ministeeriumite ja eraettevõtete erinevuste kohta – kõigis neis tekivad erinevad võimalused korruptsiooniks. Käesoleva doktoritöö ühe uuringu (I) keskmeks on õiguskaitseasutuste juhid, mistõttu on küsitav uuringutulemuste laiendamine teist tüüpi organisatsioonidele. Uuringu kordamine teistsugust tüüpi organisatsioonides aitaks paremini mõista, kas suutmatust võtta vastutust, süüdistada olusid ning mitte mõista oma rolli korruptsioonipoliitika kujundajatena oma organisatsioonis, on omane eelkõige õiguskaitseasutustele või iseloomustab see kogu Eesti ühiskonda. Eeldatavalt on sellised juhtide omadused levinud just väljakujunemata demokraatiaga ühiskondades (Randma-Liiv, 2005; Verheijen, 1998).

Rääkides *riikidest*, siis suurem osa korruptsiooniuuringutest on läbi viidud eesmärgiga selgitada korruptsiooni põhjuseid vähemarenenud riikides. Erastamine kui „korruptsioonivõimalus“ seletab korruptsiooni teatud riikides, samas jääb selle muutuja selgitusjõud nõrgaks riikide kohta, kus erastamist toimunud ei ole. Korruptsiooniuuringud võib laias laastus jagada kaheks –rahvusvahelised

Transparency Internationali korruptsioonitajumise indeksi põhjal koostatud võrdlevad uuringud ning riigikesksed juhtumiuuringud. Käesoleva doktoritöö aluseks olevad uuringud kuuluvad teise gruppi, kuna kõik need on läbi viidud Eestis. Ühelt poolt on see eeliseks, kuna originaaluuringuid selles vallas on Eesti kohta väga vähe, kuid teisalt peitub siin ka nõrkus. Nimelt, lähtudes uuringus vaid (ühe) riigipõhisest korruptsioonimääratlusest (kuidas kohalikud elanikud korruptsiooni määratlevad), võib see uuringutulemuste laiemal üldistusvõime seada kahtluse alla. Ka võrdlus teiste postkommunistlike riikidega on raskendatud korruptsiooni mõiste spetsiifilisuse pärast. Samas, kuigi Eesti on nõ postkommunistlik edulugu, mõjutab nõukogude minevik inimeste arusaama ja käitumist, mistõttu võib eeldada sarnaseid tulemusi võrreldes teiste sarnase minevikuga riikidega ka korruptsiooniuuringute puhul (vt nt Karklins, 2005).

Doktoritöö uuringud on läbi viidud stabiilses poliitilises keskkonnas, mistõttu nende tulemusi ei saa otse üle kanda vähem stabiilsetele ja vähem demokraatlikumatele ühiskondadele.

Kultuurispetsiifilisus annab põhjust uurida võrdlevalt inimeste arusaamasid korruptsioonist erinevates riikides. Selleks, et töötada välja toimivaid korruptsioonivastaseid poliitikaid, tuleb mõista inimeste arusaamu, mis on käesoleva doktoritöö üheks eesmärgiks (II). Kolmanda, karistushinnanguid käsitleva uuringu tulemused viitavad vajadusele uurida karistushinnanguid ka mujal Ida-Euroopas, kuna valdav osa valdkonna uuringutest on tehtud Anglo-Ameerika riikides (III). Samuti viidatakse doktoritöös vajadusele uurida täpsemalt institutsionaalse usalduse ja eetiliste väärtuste omavahelist seost (II).

Edasiste uuringute puhul tuleks korruptsiooni üldteooria edasiarendamist eesmärgiks pidades välja selgitada, kas mõni korruptsioonivõimalus on olulisem kui teine, teisisõnu – tuleks uurida, kas muutujatel on erinev kaal korruptsioonitaseme selgitamisel. Teiseks, kuna valdav osa korruptsioonialastest empiirilistest uuringutest keskenduvad vaid altkäemaksule kui ühele korruptsioonivormile, siis oleks edaspidi vajalik uurida ka teisi korruptsioonivorme, eriti erasektori omi. Samuti vajaks edasist analüüsi institutsionaalse usalduse ning karistushinnangute vahelised seosed.

Kokkuvõttes, kultuurispetsiifilisusele vaatamata on läbiviidud uuringute põhjal võimalik teha ka teatud üldistusi. Eesti ei ole isoleeritud riik, vaid pigem näitavad doktoritöö tulemused, et Eestil on korruptsioonivaldkonnas sarnaseid jooni mitmete teiste riikidega. Näiteks varasemate uuringute järeldus, et madal institutsionaalne usaldus toob kaasa “minnalaskmise meeleolusid” inimestel (Marien & Hooghe, 2011), leiab kinnitust ka käesolevas töös, kus leitakse, et institutsionaalse usalduse ja korruptsiooni kohta antavate hinnangute vahel on otsene seos (II). Paljud sotsiaaldemograafilised muutujad, mis selgitavad nii karistushoiakuid kui korruptsiooni (II, III), kinnitavad varasemate uuringute tulemusi, viidates seega teatud universaalsele mustritele inimeste hoiakutes.

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2003 Political Science, Helsinki University
1997–2002 Public Administration (BA), Tartu University
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2010–2011 Estonian Academy of Security, Lecturer on Criminal Policy
2004–2007 Tallinn Pedagogical College, Lecturer on Sociology
2003 Institute of Jaan Tõnisson, Corruption Analysis Centre, Project Manager
2003 Tartu University, Teaching assistant
2000–2001 Internships in Tartu City Government; Security Police Board, Bank of Estonia; TNS-Emor

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