ENHANCING THE INTEGRITY OF JUSTICE AND SECURITY OFFICIALS: THE CRUCIAL ROLE OF SOCIETY AND CULTURE.

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Safeguarding the integrity of justice and security officials, the professional guardians of society, cannot be left exclusively to the law enforcement and regulatory systems. Effective laws, regulations, and enforcement are essential, but they resemble one wheel of a two-wheeled cart. A sympathetic and cooperative public, and a culture of lawfulness, constitutes the second wheel of the cart. Without this second wheel moving compatibly, the cart will make little progress.[1]

This paper examines the complimentary roles of regulation and culture. Where they come together, as they have in such diverse regions as Sicily and Hong Kong, they have been remarkably effective.

After a brief diagnosis of society and the threats posed by corruption and criminality, the paper lists three types of practices that have proven effective in complementing the regulatory/law enforcement approach, as well as other non-regulatory practices that provide additional reinforcement.

Crime and Corruption: A Profile

Practices to enhance public integrity need to be considered against the general profile of society. Public officials are drawn from society at large, and they tend to reflect and respond to the general society of which they, their families, and their friends are a part.

As one astute veteran of anti-corruption programs puts it, in almost any modern society a small percentage of the population is inclined or drawn to criminal activity and corruption. There appears to be little that can be done to eliminate this tendency completely. Fortunately, this group is relatively small, in the order of three to ten percent of the population.

On the other hand, another segment of the population, also in the three to ten percent range rejects criminality altogether. Probity and honesty reign. Almost regardless of the conditions in which this group lives, they shun the temptation to lie, cheat, or steal, or take other measures that violate society's laws and regulations. They appear to have acquired a type of cultural immunity to these societal ailments.

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[1] For the analogy of the two wheels of a cart, I am indebted to the Honorable Leolucca Orlando, Mayor of Palermo, and Member of the European Parliament.

Anti corruption strategists sometimes make a similar distinction and refer to "institutional" and "societal attributes" that foster corruption, and the necessity for "institutional" and "societal reforms." See, for example, recent publications of the Center for Democracy and Governance, US Agency for International Development.

This leaves eighty to ninety percent, most of the population, in question.[2] A variety of political, economic, and social conditions can influence the direction of this overwhelming majority. Some conditions are likely to increase susceptibility to crime and corruption on the one hand, or support for the rule of law on the other. The challenge is to diagnose with precision which specific conditions are most influential. While much more research is needed, from what is now known, a two-part approach is required to minimize the negative and accentuate the positive: first, regulatory practices that circumscribe the influence of "the bad guys," the three to ten percent who will almost certainly engage in criminality at some point; and, second, a supportive cultural atmosphere for those who stand up for the rule of law and public integrity.

"Two Wheels"

In recent years, governments and international organizations, regional and global, increasingly have focused on the law enforcement and regulatory side of the equation. Almost every international, regional, and national body has adopted, or is in the process of adopting, anti-corruption measures. Progress has been made, but in many places the regulatory response is still not adequate to the challenge.

However, it is logical to expect, and experience has demonstrated, that the effectiveness of the regulatory response can be enhanced considerably by supportive local and global culture. If most of society comes to believe that the rule of law and the law enforcement/regulatory systems are what preserves and improves the quality of life for everyone, government and law enforcement, will be able to function more effectively in myriad ways. Those who transgress will find themselves targeted not only by law enforcement, but also by many sectors of society.

In such a culture, screening systems can be improved to prevent those inclined toward corruption from joining the ranks of justice and security officialdom. Exposing those who elude the screening system can be intensified. Attention can be focused on preventing and rooting out corrupt practices, without having to increase unduly intrusive surveillance and regulatory practices harmful to individual liberties and creative initiatives.

Without a sympathetic and supportive public, the regulatory/enforcement system is likely to be overwhelmed. Where the culture of corruption is dominant, it must be changed. In those areas where the culture is neutral, or hanging in the balance, the culture of legality needs to be institutionalized. Where the culture of legality is more or less established, it needs to be reinforced. In a multidimensional environment and globalizing world, these are tasks for both governmental and non-governmental bodies at the national, regional, and global levels. Enhancing the integrity of public officials is both a local and global concern.

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[2] This diagnosis of society was first explained to me by Bob Leuci at a 1998 seminar for Mexican and US school teachers and curriculum innovators who were developing a course and lesson plans to counter crime and corruption on both sides of the border. Bob Leuci was a New York City police detective who worked undercover on police corruption for the US Attorney for the Southern District of New York in the 1970s. His story was told in a book, and later made into the movie *Prince of the City*. Leuci is now a writer and lecturer on anti-corruption strategy and techniques.

What specifically can be done to further this culture of legality that is conducive to public integrity? Based on successful efforts to date, **three main ingredients** or effective practices appear to have made a difference.

1. The need for transparency and protection.

The first is a regulatory/enforcement system that permits openness and protects those inside and outside government who take a stand against corruption. Societies in which the public and the media can monitor and examine government programs, policies, and decisions, and make their findings public, have been among the most successful in maintaining the integrity of public officials. To do this, laws and regulations need to provide both the public access to information and the freedom to disseminate their findings - subject only to those legal limitations necessary to protect society and individual rights. The media, for example, must be able to report on alleged corruption in public and private places. This needs to extend from the national and community levels to the global - so that the public can keep track of allegations, arrests, trials, and dispositions of the individual cases that make up the patterns and practices of their local and global neighborhoods, and, if necessary, to do something about it.

At the same time, the regulatory/law enforcement system has to protect those who acquire and disseminate knowledge about public corruption. There are few conditions more frightening and conducive to corruption than the fear that police or security officials will retaliate against 'whistle blowers', especially in their ranks, through physical or psychological intimidation. Such protection may require special units and arrangements for those who expose and fight corruption. Whether individuals come forward for selfish reasons (for example, to avoid harsh jail terms) or from remorse, they and their families need protection.

Protection programs that have been organized nationally, and internationally, are amongst the most successful initiatives that have contributed to effective law enforcement, and to fostering a culture of legality. These have included protection for the Italian *pentiti*, the program for criminal defectors who, starting in the 1980s, provided key information on the Mafia and its collaboration with public officials. The United States and other countries assisted in this program.[3] Similar protective programs now have been established in a number of countries, and international cooperation in witness protection has increased, although such programs are still far from universal.

2. Leaders and Role Models.

A second ingredient in promoting a culture of lawfulness is closely related to free speech, access to information, and protection. It is a society that encourages leaders of all kinds - political, cultural, media, religious, educational, labor, and business - to speak out, and to lend their authority to anti-corruption efforts, even when their targets are important players in public institutions with which they are friendly or supportive.

It is useful to condemn corruption in general terms. However, when the leaders, "heros," or "role models" know a lot about the practices and people they are condemning, it is even more effective. If they are willing to be specific, to name the individuals or parts of the establishment they are attacking the

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[3] Richard A. Martin, "The Italian-American Working Group, Why it Worked," in *Trends in Organized Crime*, Volume 4, Number 3, Spring 1999.

effectiveness is multiplied. It requires great personal and psychological courage - and almost certainly physical protection - to criticize or expose people or institutions that have been or may be allies in other struggles or causes.

For example, for over a hundred years, until 1982, the Catholic hierarchy in Sicily and the Vatican did not even publicly admit to the existence of the Sicilian Mafia. It was not until 1985 that the Pope spoke out against the "evil institution" on the Island. This change in high level attitudes reflected a struggle that had been taking place inside the Church for a long time. A minority of priests was able to persuade some, but not all the hierarchy, that however close the Church had been to Mafia leaders, their businesses, and law enforcement and political collaborators, the time had come to break the Church's silence. It took great personal courage for these priests and later individual Cardinals to attack an institution to which the Church had, to some extent, been allied for decades. When this respected authority acted, it provided a great boost to the anti-Mafia movement in Sicily.

In the ensuing years, others in areas of Sicily dominated by the Mafia, began to shine the light of publicity on specific politicians and officials believed to be corrupt. This was a major advance in the struggle against the Mafia and it brought about a huge change in the culture of corruption that had gripped parts of Sicily for decades.

One of the bravest and most outspoken is the mayor of Palermo, Leolucca Orlando. In the late 1970s and early 1980s, Orlando, a Catholic, was close to local church leaders seeking the changes discussed above. He was also an up and coming leader in the ruling Christian Democratic Party. In the mid 1980s, he broke with many of his political colleagues, in effect, over their unwillingness to break with the Mafia. Orlando maintains that it is important for credible leaders to expose corruption and the specific individuals who are involved. As he puts it, "Mafia money and the corruption it brings have gone elsewhere...Why? Because in Palermo now there is too much bright light, too much noise for the Mafia. They prefer darkness and silence for their investments."[4]

In many parts of the world now, local efforts to shine the light on corruption are beginning to receive support from international governmental organizations such as the UN's Center for International Crime Prevention, Interpol, and the OAS's Inter-American Drug Control Commission (CICAD). Transnational anti-corruption and civic education organizations such as Transparency International (based in Berlin) and Civitas (based in Strasbourg) also have taken up the challenge. Transparency International (TI) has mounted an extensive Internet site, http://www.transparency.de/, promoting and encouraging public awareness. The site provides guidance on how to counter corruption, encourage public debate on the issue, and calls for 'whistle blowers,' individuals who expose corruption they have discovered in the organizations they belong to or work for. "Combating corruption sustainably is only possible with the involvement of all the stakeholders which include the state, civil society, and the private sector." says TI.

TI has established national chapters in countries around the world, and has developed a source book on it Web site that "brings together 'best practice' in the area of building and maintaining a country's national integrity system." It notes that many groups are organizing to publicize official information about publicly-financed projects so that the affected public knows who has been contracted for what, and for how much money. So informed, concerned members of the public can confront the responsible officials and demand accountability if these officials are involved in improprieties.

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[4] "Free to Get Rich," excerpted from "Furthering a Culture of Lawfulness" Civitas International and the National Strategy Information Center, 1997.

Working with professional civic educators in many countries, Civitas sponsored an international conference in Mexico in 1997 to focus attention on the need to foster a culture of lawfulness. Its next global meeting, on June 18-22, 1999, will be held in Palermo, Sicily to provide educators from around the world with an understanding of the "Palermo Renaissance," the specific techniques that can be used to foster such a culture, and the role that formal school and community organizations can play.

3. Education Programs to Combat Crime and Corruption

The third practice that has helped to promote a culture of lawfulness is civic and community education. Empowering and educating the citizenry is essential. Knowledge, attitudes, and skills are not automatic. Systematic, formal, and less formal education programs in schools, professional associations, trade unions and the workplace, and religious institutions appear to make a difference when coupled with the previous conditions.

School-based education, for several reasons, appears to be one of the most promising ways to advance and foster these requisite qualities. Schools are amongst the most important, widespread, and strategic civic education organizations. Most, but not all young people attend primary school, and more and more are attending secondary school. Second, schools are amongst the most well-endowed civic organizations in any society. Schools have facilities to hold formal classes, for example, on crime and corruption, and the opportunities to organize supportive extra-curricula and cultural activities in their communities. Most schools have teaching materials, books, and some have new information technologies. The staff, particularly the teachers, are close to the students, and are respected members of society. Schools can reach large numbers of children, and through them, their parents, and the community at large.

A variety of learning strategies and approaches can be tailored to individual educational systems. The most systematic and tested anti crime and corruption program, that in Hong Kong, was started in the 1970s.[5] Less formal though widespread activities appear to have been effective in Palermo and in parts of Western Sicily since the early 1990s.[6] New initiatives now have been launched in such disparate places as Botswana in southern Africa, and in the US-Mexican border area.

Promising But Untested

Two promising but untested anti-corruption practices are international and transnational pressures and popular culture. Though hard evidence does not yet exist to confirm their efficacy, logic, intuition, and indirect evidence suggests they may be effective.

Governments, international organizations, and non-governmental organizations can bring **international and transnational pressure** to bear in many ways and in various fora to further a culture of lawfulness in a particular region. They can praise or condemn various actions; promote business and tourism or

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[5] Accounts of the Hong Kong experience can be found in Richard C. LaMagna, *Changing a Culture of Corruption*, Working Group on Organized Crime, National Strategy Information Center, 1999; and, T. Wing Lo, "Pioneer of Moral Education: Anti-Corruption Education in Hong Kong." *Trends in Organized Crime*, Volume 4, Number 2, Winter 1998.

[6] Accounts of the anti-Mafia cultural movement in Sicily can be found in articles by Jane and Peter Schneider. See especially, Jane Schneider, *Lessons from Anti-Mafia Education in Sicily. Trends in Organized Crime*, Volume 4, Number 2, Winter 1998.

discourage it; and create incentives as well as disincentives. They can reward courageous heros, advocacy groups, and the media, whose efforts to expose crime and corruption, may put them in danger. They can also steer business and investments to cities, regions, and countries where the rule of law is respected and promoted.

Likewise, the numerous manifestations of **popular culture** can potentially reinforce the values that make for law abiding, values-oriented citizenship. Films, popular music, television, advertising and other elements both reflect and contribute to behavior. Artists and media mirror society but they also are trend setters who influence behavior.

Were the creative talents that go into the production of box office hits, platinum records, and similar market successes applied to glorifying the exploits of the whistle blowers and anti mafia heros of our world, and to promoting respect for moral values and law, it would likely contribute to the fight against crime and corruption by affecting attitudes and values.

For example, if the popular media reinforces drug trafficking and *machismo*, as the *narcocorridas* [popular songs about drugs] do along the US Mexican border, it is more difficult to convince the population, especially young people on both sides of the border, to oppose these practices. If, on the other hand, music, books, magazines, and films stress the negative effects on the lifestyles of those who go down this path, they are likely to weaken the allure of crime and corruption.

This is not to suggest that creating this popular culture, and criticizing negative images in the popular media are primarily the work of government. This is neither feasible nor desirable. Rather, the cultural leaders, artists, and foundations who support popular culture, and the entrepreneurs who provide the financial infrastructure, need to make appropriate choices about the conditions and values they are reflecting and to which they are contributing.

Conclusion

This paper has argued that two parts or "wheels" - the regulatory and the cultural - are important to protect the integrity of public officials. Each reinforces the other, and they must be symmetrical and synchronized to produce maximum efficiency.

Three proven ingredients have fostered such a culture: first, free speech, access to information, and a protective governmental apparatus; second, leaders, role models, or heros, with the credibility to expose corruption and justify sustained anti corruption campaigns and practices; and, third, school-based and community oriented education programs. Without these three ingredients, the regulatory approach on its own is likely to fail, or to become too intrusive, expensive, and counterproductive. Global pressures and incentives, and sympathetic popular culture can reinforce the cultural practices that already have proven successful.