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Crime as a Cultural Problem

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

Effi Lambropoulou, Stella Ageli,
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**The Construction of Corruption in Greece
A Normative or Cultural Issue?**



Sixth Framework Programme of the European Commission
Specific Targeted Research Project



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Discussion Paper Series

No 6

2007

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1. Introduction

Since the 1990s, corruption has increasingly attracted the attention of the media, become an issue of public concern, and caused political intervention and the creation of new legislation in Greece. These national developments were embedded in a global movement, which involved major international organizations and affected countries all around the world.

In Greece the complex of the offences is integrated in the chapter of Criminal Law concerning duties and service. Regarding the *public sector*, Criminal Law refers, in specific, to bribery – passive and active – (general arts. 235, 236), breach of duty, of trust, oppression, illicit participation in auction, lease etc., embezzlement (Special arts. 237, 244, 255-6, 258-9 of Criminal Law), including Members of Parliament and Local Authorities. Civil servants undergo the Disciplinary Law (2683/1999) in case of an offence and in case of a crime both, Disciplinary - and Criminal Law. In addition, all civil servants, police officers and parliamentarians are obliged to their usual annual tax form for an additional declaration of their assets, which has been enforced for several years.

For the *private sector*, special regulations are foreseen, i.e. for athletic associations, share companies or limited liability companies (Ltd), Unions etc., in private (civil, contract, commercial, corporations, competition, etc.) and public (constitutional, administrative and criminal) law to control and punish corruption.

In recent years, the Greek press has revealed some cases in which the award of public construction contracts had allegedly resulted from the influence of media owners who themselves or their relatives were also shareholders in the companies that won the contracts (see also TI-GCR 2004: 194; 2005: 154-155). To increase transparency and limit the trade in influence, the Parliament ratified a law in June 2002 that prevented media firms from participating in public works contracts (3021/2002). Initial expectations that the new law would prevent misuse of influence receded in 2003, within months of it being issued. Despite the above experience, the new Government ratified a new law (3310/2005) which was suspended after the intervention of European Union, since it was not compatible with the EU legislation (Main Shareholder Act 3310/2005).

Moreover, Criminal Law and *Special Criminal Laws* deal with *crimes, attending crimes of corruption or producing risk of corruption* (embezzlement, organised crime activities, drug trafficking and money-laundering).

Under the trend of recent years the country ratified all the relevant conventions of the EU, the Council of Europe, the OECD and the UN and started integrating them in the national legislation (Laws 2656/1998; 2802/2000; 2957/2001; 3560/2007).

Furthermore, *institutional changes* have been introduced to promote transparency, such as the General Inspector of Public Administration (November 2002), the extension of the Ombudsman's responsibilities (January 2003), and of the Police Service of Internal Affairs (September 1999).

Yet, the more the country improves its normative and administrative instruments (public sector, private sector institutional changes) to prevent corruption and promote transparency, the lower its score on the CPI index. In particular, Greece's score at the Corruption Perceptions Index (CPI) decreased from 5.05 to 5.01 in the period from 1988-1996 and further to 4.3 in 2003 and 2005, with a slight increase in 2006 (4.4) and 2007 (4.6) (TI-CPI 1996-1998; 2003-2005; 2006; 2007).

Although the country's ranking in the CPI is low and the respondents of a recent published survey (EU ICS 2005) placed the country in the highest position of corrupt practices in the sample of 18 countries, in the European Values Survey of 1999/2000 (Halman 2001) the Greek sample (1999: 65 G) puts, for example, corruption – bribery” in the group of highly disapproved of behaviours (1,116 out of 1,142 respondents; see also WVS 1999-2004: Greece 1999).¹ The inconsistencies between Greece's score in CPI index that is going lower, or already very low, and its improvements in the normative and administrative fields (public sector, private sector, institutional changes) to promote transparency, and despite the remorseless criticism from the media and the high disapproval of citizens, as noted above, can be attributed to several reasons; however none of them is adequate to explain it fully.

The usual argument is the non-enforcement and/or the fragmentary or inefficient implementation for which no further explanations are given. Since socio-legal research in contemporary issues lags far behind the needs of the country, we have no reliable data to use as a base (Lambiri-Dimaki 1987: 32-38, 45-48; Lambropoulou 2005: 214-215). In general, the evaluations of implemented policies are often restricted to quantitative data of the issued and ratified measures, laws etc. If we accept that the legislation on corruption is not fully enforced or is (selectively) used against offences, which cannot make a difference for the scores in the end effect, it eventually indicates that the legislation does not correspond to the socio-political background of society and especially the reference groups of the legislation. Moreover, that legislation eventually does (can) not affect those groups or the general system to which they belong and should be its target. Therefore, it is beyond the possibilities of such anti-corruption legislation and the CPI indicators are influenced by certain factors, which are much more complicated than they can imply. It also has to be taken into consideration that the creation of new laws, not only in Greece, is sometimes preferred in order to stress their importance and the will of the political system and control authorities to fight the problem in the eyes of the public, and eventually to become disorientated from the core of the issue.

2.1. The research: methodology, methods and analysis

In order to assess existing conceptualizations of corruption and to find out the origins of public concern, the national research team generated documents from all target

¹ WVS 2000, 01-03-1999-30-06-1999, *Online Data Analysis*, Part: Religion and Morale – Justification of social behaviours, “Justifiable: someone accepting a bribe” [F117; n=1,086], “Justifiable: cheating on taxes if you have a chance” [F116; n=1,090]); cf. in the same Part, Extent of social behaviours, Question “Compatriots do: cheating on taxes” [F146], n=1,126 (<http://www.jdsurvey.net/bdasepjds/wvsevs/WVSanalyze.jsp>).

groups under examination (six: Politics in which Public Administration is included, Justice, Media, Police, Economy and NGOs).

Specifically, it examined among others, Parliamentary proceedings (2001-2005), Ombudsman and Inspectors Controllers Body reports (1999-2004, 2005), reports of the Parliamentary Committee on Institutional Issues and Transparency (2000-2005), electoral programmes of political parties, articles from three daily newspapers of high circulation (2003-2005), legislation and court decisions (1987-2005), reports of the Police Division of Internal Affairs (1999-2005), NGOs Reports (2000-2005), findings of investigations of General Public Prosecutors (2001, 2002) and of party committees (2001) etc.

The project design required selecting at least two case studies, the first was party financing, common to all national groups, and the second left to the discretion of the researchers. Several cases that had attracted a lot of publicity were examined. Those chosen were selected because they could generate more data for each target group and caused no serious problems to data collection.

The main reservation of the working group with the party financing case was whether it would be useful to refer to a case shelved by the prosecutor, thus exposing a party and a Member of Parliament in a problematic and contestable issue, where there were no convictions. Nevertheless, our study was not the investigation of the case, but the discourse on it.

The research team faced some technical and procedural difficulties that we finally succeeded to overcome. Moreover, quantitative (the amount of adequate information), and qualitative (accessibility to data-sources) problems with the data generation were common to both research cases, in particular, with private TV channels and radio broadcasting.

The content analysis was carried out with the software Atlas-ti 5.0. The coding procedure, focused on (a) definitions of corruption, (b) perceptions of the causes of corruption (c) and significance of the problem, (d) identification of the victims of corruption (e) and of the “corrupt” attributed actors, as well as (f) concepts for confronting corruption. A two-level analysis with Atlas-ti was carried out (in-vivo and open codes and review).

Memoing helped us to compare noteworthy segments among various texts of the target groups and assign some initial ideas which could lead us, as it did sometimes, to uncover other relations in the data that were not obvious. Codes revealed conceptualizations of “corruption”, “opacity”, “synchronizing of interests”, and “misgovernment” among the target groups, apart from the judicial ones, as to be expected, which proved useful for our later “theory-building”.

2.2. The research: case studies

*Case A – Description.*² The party financing case study refers to alleged “black” accounts of the right wing party and its President at the beginning of the 1990s.

² See footnote in Bibliography for References in Primary documents.

In 1994, a parliamentary committee for preliminary investigations was constituted, but the new (and different party) Government closed the case.

After seven years in October 2001, the Minister of Public Works of the same Government while still in power reintroduced the case on his leaving office because of the ex-PM's attack on the delay of the new airport construction. The Minister's reaction came in the wake of a report by a firm of international chartered accountants, which said that the Greek state had gained 100 billion drachmas (293 mill. Euro) through the renegotiation and the new contract drawn up with the consortium constructing the airport, signed by the government in 1995 under his office. In this context the Minister also linked the ex-PM with an account belonging to an offshore firm, which he said should be investigated. He implied accusations of embezzlement and misappropriation of party funds, as well as money-laundering.

In October 2001 the First Instance Prosecutor started preliminary investigations. In the same month, the Greek Parliament's Institutions and Transparency Committee (PITC) started examining the case. The official reports of the PITC do not include anything on the issue during the question time. Nevertheless, it might be included in the agenda of the session about the contracts of the new airport by the two governments (Report 2002, Period I' - Session B', 16.10.2001 - 20.6.2002). Since we delivered only the agendas and not the texts of the discussions in the Committee, our question remained unanswered. In December 2001 the ex-PM, giving an interview on a private TV channel, acknowledged the existence of the account, the relation of his party with the off-shore company and the receipt of the specific accounts, eventually trying to avoid further questions about his deposition to the first instance prosecutor a few days before. Up to that time (December 2001), his party denied any knowledge of the overseas accounts and the company.

In July 2002, the case is shelved by the prosecutor due to lack of evidence. In December 2002, both politicians file a lawsuit against each other for damaging reputation as a result of slander. However, since the five-year limit foreseen for criminal cases had expired, the plaintiffs could not bring a charge against each other for slander or anything else within the jurisdiction of penal justice. Therefore the case remained in the civil courts.

In March 2003, the Court of First Instance decided on heavy fines for both, but the amounts favoured the ex-PM (59 thousand: 294 thousand euros). In July-September 2003 they appealed respectively to the High Court and finally in June 2005 their sentence was reduced to 22 and 100 thousand euros respectively.

The case covered four target groups, politics, media, the legal system and NGOs.

*Case B – Description.*³ The second refers to claims of illegal naturalization of foreign nationals - mainly from the former Soviet republics – which occurred after the 2000 general elections, under the pretext that they were repatriated Greek Pontians that qualified for such documents.

On August 21, 2000 a bogus naturalization certificate that turned up in the possession of a man on the island of Paros reportedly led authorities to a veritable "cottage industry" of illegal naturalizations emanating from a northern Greece municipality over the past three years. This provoked further investigations. Initially the main opposition party instituted an Investigation Committee by party deputies. The findings

³ See footnote in Bibliography for References in Primary documents.

(January 17, 2001) of the party committee claimed that thousands of foreigners (the exact number is not given but ranges from 1,322-3,000, while elsewhere is regarded as much higher), mainly from the former Soviet Union were naturalized before the 2000 general elections. The charges resulted in turn to a report by the Athens Public Prosecutor (November 20, 2001).

The report of the prosecutor stresses the responsibility of the Ministers of Interior and Public Administration, External Affairs and Public Order for not enforcing adequate measures and proceedings to prevent the misuse of law, because neither legislation, nor the control mechanism was responding to the rapid changes and high demand for naturalization.

Before the file proceedings were submitted to the Parliament President, it became clear from statements of the opposition party spokesman and the party leader that they had been informed of the findings. The Government reacted by its spokesman claiming that insinuations of “political expediency” were proven correct (December 2001).

In January 2002, ND opposition party applies for the constitution of a Parliamentary Investigation Committee. Its application was rejected; 147 voted against and 127 for. The second case study responded to five target groups (the four of the party-financing case, plus police) and provided more information about NGOs.

The economy could not be included in any of our case-studies. However, since it has referred sometimes to corruption there was not an issue to be integrated.

3. Findings and provisional comparison

Corruption is characterised by several target groups (Media, NGOs, Politics) as a *social illness* and occasionally as a *social phenomenon* and a *by-product* of modern societies. “Social illness” is not analysed in any of the evaluation units, but is used apophthegmatically, aphoristically and ascertained.

As we emphasised in the evaluation report, formulations such as *social- illness*, -*disease* and *cancer* are an easy way to accuse the (*this* – not *our* and not *us* included-) society or the (*this* – not *our*) state as a whole shaking off responsibility, without attempting a thorough analysis in order to offer some helpful suggestions controlling the problem, other than more (severe) legislation and more control together with the non-enforcement argument from the one side, and the privatization panacea from the other (i.e. TG Media, Economy, respectively). In greater detail:

Nevertheless, several texts share a strong critical view of representatives of the state. This is more intense in the media, implying its increasing power in Greek society. Public administration receives the strongest criticism, as it is the basic impediment to transparency and therefore the development of the country, unlike the private economy which presents itself as the main “victim” of corruption. The remaining groups strive for a clear role in the discourse on corruption. Politicians continue to consider themselves the main group responsible and suitable for corruption control and the promotion of transparency in society. They support new legislation and inspection mechanisms. The judiciary promotes law enforcement and occasionally more legislation, the police more control, while the NGOs try to fit somewhere into

the field. In general, the various target groups regard the issue according to their requirements, roles and interests.

POLITICS (TARGET GROUP I).

During our research period (2000 – 2003), corruption was at the core of the political debates for several reasons, both national and international. Although politicians occasionally make allusions to a “merger of interests”, “corruption” etc., when a specific case emerges, their disputes turn out to be mostly party-political. Thus, the debates refer rather to “misgovernment” than to corruption. Misgovernment suggests a much more serious issue than corruption. It implies political impotence of the *other* (party-government, public administration) to ensure good governance decreasing citizens’ trust. The ruling parties cover their responsibilities by using it against each other. The discourse on “honesty and corruption” in politics belongs to an emotionally loaded rhetoric. It is used as an instrument to accentuate various issues and is occasionally reduced by politicians to a joker. Therefore, its meaning remains obscure, as does its extent, and corruption is either accounted for as a contemporary phenomenon or directly related to parliamentary practice in modern times.

We distinguish between the Greek Communist Party and the other parties of the Parliament. The first regards (“grand”) corruption strongly associated with the infrastructure of western democracies and a prevalent type in the present time. The other parties, with some minor differences, regard the issue rather as a result of decreasing citizen confidence in the state than as a subject deserving of more sophisticated analysis. Therefore, they generally call for society’s “alert” and “organized reaction” to prevent the evil and the outbreak of the “disease”, and support the strengthening of control mechanisms as well as severe legislation. In this sense, politics’ and the media’s approaches coincide, since the former calls for society’s “alert” and put the blame on public administration and police, while the latter to the whole society, promoting themselves as guardians of public ethics (see below).

The Parliament’s Transparency Committee’s comments in 2000 with regard to specific regulations guaranteeing equal treatment of political parties and candidates during the electoral period and transparency in party financing and expenditures, refer explicitly to opacity and synchronizing interests. Nevertheless, the term “corruption” is not clarified, but regarded as characteristic of the existing electoral system. In its sessions MPs of the Communist Party from the one side and MPs of the other parties reproduce the approach referred above. Five times, Party financing and law violations regarding candidates’ and party promotion during the elections period had been on the agenda of the Transparency Committee in 1999, only to be abandoned afterwards, even after the elections of 2000 and of 2004 as well as before the Parliament ratifying the new law 3023/2002 on party financing.

Furthermore, none of the Institutions and Committees involved in legislation and implementation offers an overall view or shows any special interest in “corrupt practices” and “exchanges” in modern democracies, apart from the Scientific Parliamentary Committee in its Report on Law 3023/2002. Its report presents a general approach to “corrupt exchanges” in the electoral process, the new role of

parties and attempts to locate risks and dangers for modern democracies (“new centres of power”, e.g. Media).

Yet, in the above context, the support of inspections’ and control mechanisms is promoted as the “best” alternative, since there is no prerequisite for a deeper analysis of the social situation, hindrances, costs and benefits of essential reforms, innovations etc. In general, the responsibilities are ascribed to the government by the opposition and to the opposition for deceitful expediencies by the government. But when they come to a case, it is interesting that both the Government and the main opposition party turn responsibility to the public administration and the police, because they cannot defend themselves efficiently and do not influence channels of communication, which strongly depend on the political system. An example of this method is the low shown interest of a research conducted for the Civil Servants Union in September 2005, whereby 89.6 per cent of the respondents (sample 1,200) regard corruption as a “general social phenomenon” and only 8.9% associate it with the public administration (ADEDY, 2005: Figures 9-11). Furthermore, 62.2% attributed it to the political leadership and party-loyalties in public administration, 20.5% to the entrepreneurial-financial factors and only 13.6% to civil servants. It is interesting that, as far as is known, none of the MPs has, until now, even referred to it.

Thus, both ruling political parties attempt to avoid criticism and take the risk by defending their choices, referring rather to “misgovernment” than to corruption. They are concerned about the side effects of their politics, and regard some negative consequences as “unavoidable” and “fatal” (see also Vergopoulos 2005: 33).

The remaining opposition (left-) parliamentary parties regard both cases as common attempts by both alternately ruling parties to take or remain in power by all means and without scruple. From that point of view, “corrupt” practices result from the power lust of big parties by going beyond due enthusiasm to protect the country’s interests. Therefore, the leftists re-introduce the issue of democratic ethos from another point of view. Especially the language of the Communist Party is highly political, without any shade of sentiment, contrary to other parties, mostly of the main opposition (ND) which is aggressive, severe, denunciatory and demagogic, yet naive and apolitical, with few exceptions. It is the only text which states, although briefly, that the whole political discourse focuses on the issue of state party financing and the role of the private sector is diligently bypassed. What is more, although all parties underline the importance of control mechanisms, the leftist coalition (SYNASPISMOS) put more emphasis on it, urging for “*substantive control*” and “*efficient control*”. This contradicts its criticism of supervision and control of the modern state, as well as decriminalization and non-intervention approaches promoting in other areas.

PUBLIC ADMINISTRATION (Politics, TARGET GROUP I)

High ranking civil servants and those who staffed control mechanisms remain adherent to dominant and traditional views (Inspectors Controllers Body of Public Administration, the General Inspector of Public Administration et al). They accept the term of corruption, without any comment on issues of bribery, breach of trust or duty,

contrary to the judiciary. They associate it with misgovernment, which is considered to be a well-turned term for corruption, and an effect of bureaucracy and non-enforcement of procedures' simplification. They present their efforts for improving "inexpedient" and "unfortunate practices" to face the situation.

In general, the whole group of high ranking public employees remains adherent to the official language and the administration thinking for more legislation and control for its implementation. They regard control mechanisms as legitimate and appropriate institutional instruments for this purpose and describe the problem as a "disease". Nevertheless, those not belonging to inspection mechanisms try to remove and to take away the generalized defamation, but they fail to be trenchant and sceptical, although they have data, knowledge and experience and it would be expected of them.

Contrary to them, the *(Civil Servants) Union members* seem to share a more elaborated approach and tend to be more open-minded and of original thinking. They mainly attribute corrupt practices to the political leadership and party-loyalties in public administration and not to civil servants.

JUDICIARY (TARGET GROUP II)

The evaluation units for this target group are the findings of the First Instance Prosecutor, who started preliminary investigations in October 2001 for our first case study and finally shelved the case in July 2002, due to lack of evidence. Furthermore, the analysis includes the decision of the Court of First Instance in March 2003 after both involved politicians filed a lawsuit against each other for damaging reputation as a result of slander (December 2002). Additionally, the evaluation comprises the decision of the High Court (June 2005) since both plaintiffs appealed their first law suit (July-September 2003). The Court reduced respectively their sentence on heavy fines, accepting the reasoning of the Court of First Instance in favour of the ex-PM.

The evaluation units of Justice in the second case are the findings of the primary investigations conducted by the Athens Public Prosecutor (November 2001), after charges were made by main opposition New Democracy party deputies, claiming on illegal naturalizations before the 2000 general elections. The findings, as mentioned in the presentation of the case (2.2.), did not result in continuing prosecution.

The Prosecutors' findings in both cases are formulated in the official language and are generally clear. In the findings some common terms ("dirty money", "Russian mafia" etc.) are used occasionally, referred to in quotes either to remain loyal to the texts or trying indirectly to draw the line between the parts.

The structure of the findings is plain. They describe the background of the case, the main points of the parts' and the witnesses' testimonies, as well as the evidence-material they submitted. They refer to the legal background and its inadequacies. At the end of the text are the prosecutors' conclusions with their justifications.

Although the prosecutor's findings in the first case are very careful when dealing with the accused part, the ex-PM and party leader, and its witnesses, diligently avoiding

hasty judgments, they do not follow the same line for the other part. From the beginning the references of the text contest several innuendos of the Ministry of Public Works and little by little dispute the reliability and validity of his arguments and data submitted. As far as the prosecutor's examination of the accumulation of journalistic documents is concerned, there is no registered interest for their evaluation.

All the previously mentioned items establish a firewall of reliability with the support of neutralization techniques for the denial of injury and responsibility on behalf of the accused and the remaining people involved; at the same time, a discredit to the other side. In any case, the word "corruption" does not exist in the findings, since they remain adherent to the legal language, which describes certain crimes in its very specific objective and subjective dimensions. Corruption as a specific crime has not yet been introduced into Criminal Law, although it is used as an instrument of communication and a general term mainly in political rhetoric, as well as in media.

Unlike the prosecutor's findings of the first case, the whole text of the findings in the second case is expressing strong concerns and an indirect appeal to accountability in doing politics, an appeal to politicians for protecting the national interests, thus implying double rejection: firstly for "corrupt" involvement, and secondly for "criminal" ignorance, tolerance and inertia.

The report of the prosecutor is a *moral* condemnation of all the government executives for tolerating and urging this situation, for facilitating it either for reasons of political benefit or major neglect, being as serious as intent. It is a denunciation against all those MPs for commercializing the country's interests for their own short-term benefits and for letting criminal groups trade in Greek nationality and citizenship. The word corruption appears only once ("occasional cases of corruption by attachés should not be ignored"), without further explication; the term is regarded as a given, yet accurate in its legal sense.

The *courts* are strictly focused on supporting their *decisions* in the case we examined, with references and statements of the plaintiffs. The word corruption is non-existent in their texts, not even as a general term.

The decisions of the court in the first case choose all those references and statements of the plaintiffs that could support their mutual accusations. It is worth mentioning that not only the sense of corrupt (in the sense of unethical), apart from illegal practices, but also of corrupt morals is inherent in the rhetoric of one of the plaintiffs, selected by the court to justify its sentence against him.

The background of the charges shows that corruption in justice and politics is related to morals: it is related to recognizing and rejecting. As the party financing case shows, corruption charges against members of the elite mostly by the elite-members follow when power is transferred from one to the other. This makes the otherwise hidden conflicts between different groups within the elites visible, although rarely results in actual prosecution and sentencing. However, they attend to demonstrate the change of power and supremacy. Such corrupt charges are supposed to cover the gap of trust and control the decision process of various organised groups of power (state and private). The irony is that from the one side they try to cover up the gap of trust, while from the

other the moralized discourse on corruption destabilizes trust and liability of the political system (Decision of the Court of Appeal [Civil Division-6528/2005], Party-financing case).

POLICE (TARGET GROUP III)

The Service of Internal Affairs Police reports contain rhetoric and descriptive statements on the state and ethics. They emphasize the effectiveness of the Service and they often stress the Police role as “objective, impartial, and corresponding to society’s needs” and describe cases of police misuse of power and corruption as “occasional and not structural”. The use of the word *corruption* is rare. The Service focuses almost exclusively on corrupt practices of public administration without being justified by the case numbers. The Service of Internal Affairs has not only investigation authority for police officers, but also for the investigation of bribery and extortion accusations against public servants.

The reports refer several times to misgovernment and ensuing graft, dispute “catharsis crusades”, suggesting instead repressive control and more information flowing in from the public services to counter corruption. Its approach to corrupt patterns is person-oriented. They emphasize the significance of citizens’ trust and the effects of corruption on the state’s image and efficiency.

MEDIA (Press, Radio- TARGET GROUP IV)

According to our data sources for the first case-study (party-financing), press and radio stations follow mainly two lines. The first one focuses on the issue of party financing in modern times, in general, using the “corruption jargon” diligently. It emphasises legislative and institutional shortcomings. They attempt an analysis of social and political structure in order to define the “causes of corruption” without defining its semantics. The second one concentrates on the specific case, littered with “corruption”, “opacity”, “scandal”, “synchronizing of interests”, etc. corresponding to classical views of media products and media consumers, as well as to demands for effective control mechanisms.

Party financing in relation to new morality in politics is regarded as a sensitive issue for the political environment. However, the view of the media is narrow, limited in legal improvements and ethical appeals. The Press’ viewpoint can be regarded - because of its nature - as more “elaborated” than the radio, as it tries to define the modern demands for proximity politics.

Nonetheless, corruption remains for the Press, as well as the remaining media outlets, a news story, valuable for its threshold and personalization. Corruption is considered a *social illness*, the curing of which requires the commitment of the whole society. Therefore, the particularities of the issue in the social, political and cultural structure of Greece remain befogged. This is obvious when the Press “comments” on

International Organizations' reports on the rank and scores of the country on corruption. The discourse reverts to condemnation against the whole society.

It is interesting, still, that as far as a particular case is concerned, the political preferences of the journalist (and the newspaper in general) become clear, since he/she either greatly exaggerates it or downgrades or generalises. For the "conservative" media (*Kathimerini* and *SKAI radio*), namely those supporting more or less the then opposition party (ND), the responsibility is political; it is a sign of an "extended corruption in public life" and in particular, in public administration. Those supporting the (then) government (PASOK) put the blame on the police or public administration.

Common for both sides is their scandalised presentation, in order to attract the public. They also criticize the shortcomings of state control and prevention mechanisms, as well as the lack of accountability of civil servants and police officers. The cases are used for scandal-mongering and for producing distrust either of the government, or the police and public administration. The media either call for the undertaking of political responsibilities and adequate measures or demand the enforcement of criminal law and the punishment of the responsible civil servants.

The media reproduce the fervent political discourse ("I blame", "it is a shame", "mafia" etc) and ambiguous feelings, sometimes speculating and exaggerating, thus media views reflect those of the politics (and the reverse). Their discourse is opportunistic, controversial, changing from one day to the next, referring sometimes sarcastically to a "game" between the two big rival parties. In addition, some publications appealing for a *state of law* (*Rechtsstaat*) and equality are programmed for the *other* view, showing certain preferences and dispositions. These are mainly (few) opinion articles, having a stable and engaged public, i.e. in left oriented NGOs.

Summing up, media comments on corruption are grounded in general and still vague notions (e.g. about the "weak Greek state and the weak public administration"), resulting in illegal practices. Although they refer to socio-structural and democratic variables, they remain superficial in their analysis, reproducing mundane theories and trivial comments, around law enforcement and control mechanisms.

In addition, as usually happens as a beloved practice of the media, both cases were followed more or less by a "wave" of other cases and similar "scandals". Even if this is a product of the MPs in their efforts to give as much argument as they can for their own benefit, we cannot overlook that they easily find a forum. Thus, the public debate remains nebulous, while the changes in Press attitudes unclear.

CIVIL SOCIETY (TARGET GROUP V)

NGOs analyze corruption employing mostly a well documented *international* (as opposed to national) line of argument, still with emotional-cum-ethical statements (i.e. corruption ... the "snake's egg"). Thus, the issue is "a fight" and "a battle" against illegal private interests and organized crime.

Although corruption is regarded as an old issue by the majority of NGOs, they justify their interest in the increasing public concern over the effects of contemporary forms of corruption. The term is regarded as given and overused. The line of argument of the authorised and well known NGOs coincides sometimes with that of the media, being simplistic and not convincing.

In general, Greek NGOs consider corruption all around the world as more sophisticated than in the past, now globalized and connected to organized crime. Therefore, it is more difficult to fight. TI-Hellas characterizes corruption as *the* “cause of poverty” in the world and a “social cancer”. Corruption has serious side-effects for the economy and society, including the erosion of social cohesion and moral fibre.

According to our analysed NGOs, corruption has “rapidly” and “suddenly” expanded and it is difficult to be confronted individually by each country with Criminal Law or administrative reforms. Therefore, they support a generalized and synchronized effort of all governments and the involvement of citizen society. Their discourse aims rather to convince the Greek public of their worth and attract the attention of the citizens than to present their work. Their reports imply that they consider themselves censors of transparency; thus the fight against corruption turns into an ethical rather than a rational issue.

Concerning our first case-study (party financing), the only text from Greek NGOs is the report of TI-Hellas. Although it does not refer to corruption, for TI-Hellas moral standards in political behaviour have declined, the main reasons being the urge for promotion along with the strong relationships between media organizations and politicians. It regards as necessary the permanent control of election expenditures and political promotion.

Regarding the second case (illegal naturalizations) the involved NGOs refer mainly to migration issues and immigration policy of governments and only occasionally to illegal practices concerning naturalization.

In particular, “left” and “liberal” NGOs promote flexible and speedy policies for awarding Greek Citizenship to all immigrants who fulfil certain prerequisites and not only to immigrants of Greek origin. This is regarded as an effective means to avoid “unequal” treatment and prevent corruption and bribery. The conservative NGOs strongly criticize the absence of strategy, and suggest a plan and certain rates for immigrant integration. They attribute corrupt techniques as the result of a vast number of immigrants entering the country after the collapse of communism, who, supported by criminal networks, went to extraordinary lengths to take advantage of and circumvent the naturalization procedure foreseen for immigrants of Greek origin. Furthermore, they express abhorrence for those Greeks who use illicit practices to get rich either by collaborating with foreign criminals or using the cheap immigrants’ work. Yet, these illegal practices offend the working Greek citizens and are discriminatory against the legal foreign immigrants.

The above mentioned NGOs charge the big parties with covering up such methods to their own advantage, thus “launching an assault on the Greek State”. Although the

discourse of the conservative NGOs sounds passionate and beyond the “politically correct”, it is clear and straight. They are also among the few social groups who argue on the issue and demand a prompt and rigorous national policy as in other countries in Western Europe.

The publications of NGOs show the occasional national policy for confronting mass immigration after the 1990s and the absence of a substantiated view for the effects on the population and the interests of the country. They express the concern of the citizen, avoided by the majority of Parliamentary parties, because they fear, as usual, the “political costs” and European criticism. They follow the “see and do” rule and thus can easily put the blame on whatever (side-) effect on the population, denying responsibility and harm. Therefore, the right NGOs present themselves as the advocates of law-abiding Greek citizens, while the left as the advocates of the poor (illegal) immigrants, on the existence of whom they derive their legitimation and multiplication supported frequently by the Press.

ECONOMY (TARGET GROUP VI)

For the economy corruption was not among its dominant concerns. Yet from the 1990s, business federations and international economic organizations started to become involved in prevention of corruption. This interest is the result of the corporate management model (corporate responsibility and ethical management), a different model of corporate business practices followed until then. According to it, the enterprises and the modern economy in general have not only an economic, but also a social role to play.

Corporations became interested in corrupt practices because they had serious economic consequences. Corruption undermines development and security in enterprises and results in high costs of services. All texts of the Greek corporations examined follow the same line, distinguishing between the “bad” state and “good” private sector. In order to justify their arguments on corruption, they criticize the public sector for its bureaucratic structure, slowness, proliferation and low-quality of services. Finally, they emphasize the “state reinvention” through a programme of change and reform. However they recognize serious efforts of the state to manage the problem (such as the “Politeia” Programme).

In this concept, they associate “corruption” and “transparency” (terms which are used often) with “progress, modernization and development”. Corruption is regarded as one of the greatest hindrances to the economy’s growth and the “mortal sins” of Greek economy and politics. They emphasize that “private individuals” (see: citizens) are responsible, because they are “willing” to use illegal practices in order to achieve their goals. Furthermore, their approach to corruption is a combination of a managerial perspective and a neo-liberal interpretation of the problem, while “corruption” is not an issue of the involved social systems, but an impediment to modernization and investments. Consequently, they not only support the “fight” against corruption, but also the education of bureaucracy in favour of economic development.

Summing up, views of the economy as presented in its texts are one-sided. They regard “political-party interests, social class interests and complicated legislation” as the main causes of corruption. They reproduce the everyday knowledge on corruption as social issue, with an illustration of modernity expressed in proclamations such as “quality”, “state reinvention”, “entrepreneurial government”, “public entrepreneurs” etc.

4. Discussion

The term corruption did not exist in the legislation until recently, since it was regarded to be loaded with moral(istic) elements not helping justice to enforce the law. Greece shares the continental tradition of the positive law meaning that law must be written and *concrete* by describing only pure facts. Law implementation cannot be based on a general ethical, emotional, political or cultural understanding. All these have to be taken into account in legislating and lawmaking activities. As referred to above, the relevant illegal activities are integrated in the chapter of Criminal Law concerning duties and service. Following the trend of recent years the country ratified all the relevant conventions of the EU, the Council of Europe, the OECD and the UN and started integrating this in the national legislation.

From the research it became obvious that a channel of communication and promotion of views among different social systems operates (here: Media, Politics, NGOs, and Economy). Those social groups who do not have access to the media are an easy target for condemnation and stigmatising; the same applies to large and diffuse groups either because it is difficult for them to defend themselves (citizens - “private individuals”) or because they are serving more their own interests and eventually protecting themselves by means of apathy (public administration). The research came across a moral and more or less emotional understanding of the issue in the discourse of the majority of Target Groups, which is usually either case- or person oriented (i.e. TG: Media/Press). This “free” interpretation of “corruption” corresponds to the everyday views of moral/good and immoral/evil, which cannot be disputed since they are never empirically verified.

NGOs address the general public by rather using corruption discourse as a means of legitimize themselves, without offering an elaborated view, with few exceptions. The last point applies also for Economy, which associates the issue with misgovernment, modernization shortcomings of the Greek state, as well as bureaucracy, overregulation and state interventionism in the free market. Nevertheless, the discourse of TG Economy is reserved and formal, like the documents of Justice. The term corruption is used neither in justice decisions nor in the prosecutorial findings, since they have to define facts, decide on motives, law violations and consequences. Corruption is a field including certain offences, and although it is used in everyday language this is not the case for formal, and especially judicial language. Yet, preferences and outlooks are not always absent in the prosecutorial findings.

Similarly, high ranking civil servants and those who staffed control mechanisms remain adherent to dominant and traditional views (Inspectors Controllers Body of

Public Administration, the General Inspector of Public Administration et al, TG Politics/Public Administration). They associate corruption with misgovernment, bureaucracy and non enforcement of procedures' simplification. They mainly emphasize their efforts for better controlling the situation, like the Division of Internal Affairs of the Police. Both deal with everyday corruption practices (bribery, breach of trust or duty etc.), while Media and Politics refer mostly to "grand" corruption attributing them as scandals.

The main "carriers" of the discourse on corruption in Greece are Politics and Media. Both major political parties tried to present themselves as advocates of transparency and honesty in politics, supported by the media, which for their own interests reproduce the discussion in a series of statements of politicians and general criticism on society. This is an example of facilitating interaction between the political system and its environment. The Political system tries to maintain dialogue points with its external environment by creating continuous confusion within that environment, keeping it fluid in different ways, such as with scenarios of threats, scandals, whatever kind, varying from time to time. Problems that can be controlled do not lead citizens to lose their confidence in the political system and its institutions; on the contrary, the dangers increase their flexibility (Luhmann 1984: 386).

For example, citizens know that the police can neither confront nor control all criminal behaviour and all violations of law; they know that justice cannot clear up every case and punish (all) corrupt politicians, and that public administration cannot inspect every interaction of the servants in the public sector. Therefore, citizens are content with occasional successes and the minimizing of some embarrassing or risky situations, such as the punishment of the offenders of well known cases, another revenue reform in the sense of more even-handed treatment of various social groups, the successful supervision of a sensitive area of public administration, or the institution of a new (independent) control body, committee etc. Therefore, the confidence of citizens in the mechanisms of political system, of social control etc. is maintained due to its ability to confront the problems and hazards of everyday life at an acceptable level (Luhmann 1989). If citizens perceive that law enforcement institutions have failed in their work, the police are corrupt or public administration is totally ineffective, then mistrust prevails with negative consequences for social cohesion, acceptance and respect for social norms (Durkheim 1977). However, if the dominant impression is that the situation is under control, despite law violations, then 'non-knowledge' (ignorance) operates preventively (Popitz 1968).

In social theory, there is a distinction between confidence in the social system and trust in face-to-face social relations (Luhmann 1984: 179–180; 1989: 55, 79–80). Confidence is a constituent element of modern societies, while trust is the basis of the rational behaviour that calculates the risks of its course. If personal trust is lost, then a vicious cycle starts. The person who has been disappointed (strongly or repeatedly on relatively important subjects) no longer risks showing trust, so that confidence in the system (system trust) gradually disappears (Luhmann 1988: 104–105). The trusting commitment ('Vertrautheit') is a prerequisite for confidence and can be developed into real trust if it is verified again and again (Luhmann 1989: 66), which means that we do not have trust in an institution or in a relationship, whatever happens and for whatever issue. This is not the case with legal norms, especially constitutional- and

criminal law (Public Law), although they have been changing rapidly for a decade now. Law is a means to stabilize conduct expectations (Luhmann 1987). Through the process of legislation, the norm obtains durability and the authority to show the right way of action. It produces confidence, since even if the norm is violated, in Luhmann's words, if the expectation is 'betrayed', it continues to exist, strengthening expectations (Luhmann 1988: 10–11, 88–106). In addition, legal norms can provide justification for a potential trustor in order to invest trust in a specific relationship. Legal norms, at least until recently (Lasch 1978; Deleuze 1992), have not been regarded as depending on sanctions for the lawful behaviour of the involved and potential partners. Their main function consists in their dynamic to guide social expectations to specific forms of behaviour and to stabilize them (Luhmann 1979: 36). Overregulation, frequent changes in laws, a reduction in the quality of law and legislation which does not correspond to the needs of the socio-economic background of a country, all reduce a knowledge and awareness of law, and together with a clear selectivity in law enforcement and law issuing for the promotion of party-political or other organised interests behind the public good endanger its acceptance. All the above affect citizens' attitudes and consequently the legal culture.

Citizens must constantly verify respect for state agencies and the political system in terms of democratic values, transparency and human rights, in order to trust them. The significance of confidence in democratic values increases with a decrease in personal trust and vice versa: disputing confidence in politics results in an increasing need for personal trust. Societies can continue because, notwithstanding the probable distrust of politicians (Dalton, 2005: 137-138) by the public, a minimum confidence in the democratic process exists (Misztal 1996: 206). Confidence can be maintained either through personal experience, the experience of relatives, friends and colleagues or through the anecdotal experiences of third persons. The exchange of such knowledge is achieved in several ways, the most important of which are the mass media. The media facilitate the dispersion of personal experiences substituting a personal lack of information. Undeniably, trust is an inherently risky behaviour. On the one hand, it absorbs uncertainty while on the other it (re-)produces risk, because by deciding to trust another one inevitably extrapolates the limited available information on the other's future behaviour (Luhmann 1979: 26, 40). Trust, while it multiplies the range of possible activities, also increases the complexity and the risks of being disappointed.

In other words, trust is always in danger of being misplaced (Luhmann 1989: 23). Therefore, high crime rates, increases in corruption, several scandals igniting a chain of reaction and statements without result, namely clearance and punishment, have the dynamic to question the public's confidence in the system of social control. The same applies for the political system and public administration. When citizens perceive politicians and officials as devoted not to the public interest but to their own (party-political or whatever) benefit, trust in government declines. Therefore, scandalization either as a means of attracting interest and showing off to the public for political or governmental effectiveness or used as an instrument against different elite groups, does not result, as might be expected, in the enhancement of trust, but rather in distrust and disillusionment with democracy itself. The media along with the political system often overestimate society's resilience in scandals, dangers, fears, disappointments etc. resulting in its erosion (Lambropoulou 2004: 101-102).

Nevertheless, the influence of international organizations cannot be underestimated when they issue the ranks and scores on corruption and of the media on people's attitudes regarding that issue. As demonstrated by the texts analysed in the first period of the programme, the *official perceptions* of corruption in Greece are not considerably different from the corresponding reports of international organizations (TI, OECD, World Bank, etc).

The reports from various (national-EU-international) organizations are reports against corruption, the publications of the Press, the news and comments, the studies and most of the theories are also statements against corruption. Like in several other countries, anti-corruption campaigns in Greece focus on moralistic viewpoints. *Corrupt* is one label among others involving moralization; it is a changing construction and pattern of interpretation (Höffling et al. 2002: 6-12). For this reason, some social scientists suggest that corruption be regarded as a special "social relationship", to be researched objectively (Höffling 2002). The establishment of such relationships in a compact structure for illegal practices followed by several actors in a routine way defines the development of pre-corruptive relationships to "corrupt carriers". No doubt what is called corruption has serious side-effects and above all undermines democratic governance (Rose-Ackerman 1999). Corrupt practices remove government decisions from the public realm to the private, diminishing transparency and accountability. It provides privileged access to government for actors able to offer bribes and other payoffs, violating norms of equality (Sandholtz & Koetzle 2000).

Those who are most affected by inequality and are in a disadvantageous position are exactly the ones paying the higher costs of corruption. "Corrupt exchanges" are an effective mechanism for dealing with the problem of inequality, promoting favouritism and clientelism, thus meanwhile reproducing a "culture of inequality" (Karstedt 2004). Therefore they lead nowhere.

Summing up, corruption debates and legislation offer a broad area for symbolic politics, which has been often used by the Greek governments to serve party-political and commercial interests. This is expressed in perpetual and sometimes unhelpful legislative innovations, with a large part still in the pipeline. Arguably, this is done without reflection on the politicians' behalf, who hastily draft some new criminal legislation not to effectively confront the problem, rather to demonstrate effectiveness in the light of 'public pressure'. The creation of a new law befitting its symbolic function is preferred in order to stress its importance and the will of the governments to deal with the issue. The consequences of the above practice for the legal system are overregulation, which also increased by EU legislation and the ratification of international conventions by the Greek governments that need to be incorporated into national law, since they required new acts to be drafted and billed. This applies not only in Greece but also other countries.

In addition, in periods of political tension the government uses corruption as a political weapon against the main rival party and its alleged supporters throughout the state mechanism resulting gradually in the disruption of trust and stability, as well as the welfare of the society (some data for Greece, see Welzel 2003: 333, Figures 4A, 4B). Thus, it probably affects perceptions with regard to international standardizations and corresponds to distorted local interpretations, general critique and trivial arguments.

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Primary Sources

Documents Collected by Target Group

A. PARTY FINANCING

1. Politics

- 1) Parliamentary debates on party financing and in particular, Law 3023/2002 and 3213/2003,
- 2) Relevant legislation on the case study, Laws 1443/1984, 2429/1996, PD 92/1994,
- 3) Parliamentary proceedings (1.3.2002),
- 4) Electoral programs of ND and PASOK (2004) on party-financing,
- 5) Parliamentary proceedings (2001-2005),
- 6) Ombudsman reports; Inspectors Controllers Body of Public Administration workshop’s report (19-21st October 2005),
- 7) Public Administration: Union of public servants (ADEDY) research, September 2005,
- 8) Three general articles on party financing from PASOK, KKE and SYNASPISMOS

2. Media

- 1) Articles of three high circulation daily newspapers—*TA NEA*, *KATHIMERINI*, *ELEFTHERTYPIA* (2003-2005),
- 2) The news transcripts on abuse of power, bribery, breach of trust and duty from NET/TV (2003-2005),
- 3) SKAI radio Archive (October 2001 - September 2002).

3. Judiciary

Findings of the investigation of General Public Prosecutor (Attorney General) - July 2002; case shelved-September 2002,

- 1) Court Decisions for damaging reputation because of slander 2353/2003 (of First Instance) and 6528/2005 (of Appeal-Civil Division).

4. Economy

- 1) Federation of Greek Industry (SEV)-*Chart of Rights and Obligations for Enterprises - Annual General Assembly 2005, 06.03.2005*,
- 2) ALPHA BANK Newsletter 96, December 2005,
- 3) Three articles from the newspaper *Kathimerini*, 15.5.2003, containing the presentation of the president of SEV in its Assembly on 14.5.03, where he refers to corruption.

5. Civil Society

- 1) One text from Transparency International Hellas (TI-Hellas), Press Release 3.2.004

6. General Documents

- 1) Three papers from Marangopoulos Foundation for Human Rights,
- 2) Two reports of Transparency International Hellas (2000, 2004),
- 3) One paper of OPEK (Group for society's modernization) by Ms. Tsouderou,
- 4) One paper of THE Citizens' Union PAREMVASSI, by Ms. Trova.

B. ILLEGAL NATURALIZATIONS

1. Politics

- 1) Law 2910/2001, concerning naturalizations, as well as the Code of Greek Citizenship, Law 3284/2004 and both preambles,
- 2) Parliamentary proceedings 26.5.2000, 27.2.2001, 6.3.2001, 2.4.2001,
- 3) Findings of Investigation committee (17.1.2001) instituted by ND concerning illegal naturalizations (research case) related to the elections of 9th April 2000,
- 4) Comments of the National Commission for Human Rights (May 2000) on the Draft of Law concerning naturalizations (2910/2001).

2. Police

- 1) A news video from a local TV-station at Serres referring to the break up of an illegal naturalization network by the local police.

3. Media

Articles of three high circulation daily newspapers – *TA NEA*, *KATHIMERINI*, *ELEFTHEROITYPIA* (2000-2003, 4.1.2004),

- 1) SKAI radio Archive (September 2001-July 2002),
- 2) CD received by Serres-TV on a case uncovered by the Police department of Serres and the Press Conference which gave the Head of the Police Division on that occasion.
- 3) *ERA on-line news* and *Serres library news on-line* about the case.

4. Judiciary

- 1) Findings of the investigation of General Public Prosecutor, 10.9.2001.

5. Civil Society

- 1) Publications relating to the issue and not the special case from *Apodimos*, *Hellenic Front* and *Network 21*.

6. General Documents

- 1) Report of the Division of Internal Affairs of the Hellenic Police (2004 and summary report 2000-03).