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**THE CONSTRUCTION OF CORRUPTION
IN POST-COMMUNIST COUNTRIES**

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INTRODUCTION

The earliest records of the existence of corruption (*corruptio* meaning defacement, putrescence and bribery in Latin) were uncovered during archeological diggings with the discovery of a 1300 BC Assyrian empire administrative centre archive containing documents on officials who had accepted bribes (Pope, 2000). 2000 years ago Kautilya, a prime minister of the Ancient Kingdom of India, wrote *Arthashastra* where he discussed the phenomenon of corruption (Tanzi 1998; 559). Early interpretations of corruption are related to the theme of individual morality, and have purely negative connotations. The avoidance of an improper use of influence at the time of judgement received most attention (Anderson 2002; 20). According to Williams, 'taking a *moral approach* to corruption in a certain context, potentially corruptive behaviour was compared with absolute moral standards' (Williams 2000; 129). Thus, corruption was defined as immoral deviational behaviour influencing political and economical practices.

In the 1960s and 1970s explanations of corruption were predominantly *functionalistic* in their approach. Corruption was understood as a certain functional mechanism in society which was not necessarily negative. An example of a functionalistic approach to corruption is evident in Werlin's comment 'if corruption exists, it means that it has been culturally integrated: its existence is primary evidence of functionalism' (Werlin, 1972, 250). Corruption analysts linked the process of modernisation and corruption, stating that corruption exists and thrives in countries at similar stages in their development, irrespective of any cultural differences (Ben-Dor 1974; 69). Some experts maintain that bribes can be used to overcome obstacles arising due to the ineffectiveness of the bureaucratic apparatus (Leff 1964).

In the early 1980s, as ideas surrounding the negative impact of corruption in society gained ground, the economists Myrdal (1968) and Kruger (1974) developed the idea of 'rent-seeking'. According to Rose-Ackerman, this refers to situations when 'people use resources as much for reaching productive goals, as for gaining a competitive advantage by sharing the benefits of economic activity' (Rose-Ackerman 1999; 17). Key points of the political economic approach to corruption were the expectation of benefits (money, services, etc.) and the cost of corruption.

Changes on the global scene occurring in the latter half of the last century, notably the end of the Cold War, the collapse of communism in Central and Eastern Europe and the formation of international and regional ruling structures, i.e. the processes of globalisation and eurointegration, raised great concerns about corruption in the world and in Central and Eastern Europe. Academic literature focussed mainly on the *definition of corruption* (Nye 1989; Friedrich 1972; Shleifer and Vishny 1993; Gardiner 2002; Heidenheimer, Johnston

2002; Philp 2002; Kurer 2005, et al.), *diagnostics* (Fuszara 1999; Johnston 2000; Kaufmann, Zoido 1999; Reinikka, and Smith 2004; Cheryl, Hellman, Ryterman 2004; Ališauskienė, Dobryninas, Žilinskienė 2005; Zoido, Chavis, 2004, et al.), *causes and effects* (Leff 1964; Rose-Ackermann 1999; Mauro 2002, et al.), and *control* (Pope 2000, et al.) experiments and findings. When reviewing corruption studies in Central and East European countries we also come across the aspect of *corruption and transitional period and processes of democratisation* (Holmes 2003, 2006; Karklins 2005; Trang 1994; Doig and Theobald 1999, Della Porta and Meny 1997; et al.). It is noteworthy that most corruption analysts have reached negative conclusions, meaning high levels of corruption are associated with a greater shadow economy (Kaufmann and Zoido-Lobaton 1998) and lower levels of investment, as a percentage of GDP (Mauro 1995, 1998). Thus corruption has become ‘a major problem of the international community’ (Rose-Ackerman 1999; 235). Since 1995 influential organisations such as the World Bank, International Monetary Fund, the United Nations Development Program, various bilateral aid organisations and regional development banks have spoken out against the ‘cancer’ that is corruption, and have started creating and implementing anti-corruption strategies and programs. Corruption in the candidate states was also one of the greatest concerns of the European Union from 1997.

Peaking in 1998-1999, anti-corruption reforms in post-communist Central and East European countries are being implemented to this day. However, they have faced a fair amount of criticism and doubt from 2004 (Doig and Marquette 2004; Marquette 2004). According to Michael, the anti-corruption industry in Central and Eastern Europe was more concerned with ‘ineffective and at that time, deleterious awareness rising, rather than building the capacity of relevant state and civil society actors <...>’ (Michael 2004; 17). This explains why, in theoretical and empirical literature analysing the phenomenon of corruption on both a regional Central and East European, and a global scale, it is hard to overlook the prevailing statements made in recent times, such as: ‘international organisations lose the battle with corruption’, ‘one size does not fit all’ (referring to anti-corruption models applied by international organisations that disregard the particularities of individual countries), and ‘nothing works’ (meaning anti-corruption programs and measures for the reduction and prevention of corruption). As an example, let us consider the latest research on the corruption situation in post-communist Central and East European countries, which shows that indicators referring to the perception of corruption and spread of bribery have either remained stable or have fluctuated inconsiderably in individual countries (Business Environment and Enterprise Performance Survey 2005 (World Bank); Corruption Perceptions Index 2005 (Transparency International)). The relevance of this topic is further highlighted by the most recent address by international anti-corruption organisation Transparency International directed to the European Union regarding *the issues of*

corruption and admission to the EU (Transparency International 2006). Also significant is the theme of one of the most important international anti-corruption conferences to be held in Guatemala in November, 2006 – ‘Towards a fairer world: Why is corruption still blocking the way?’

Although the issue of corruption is especially relevant in contemporary Lithuania, there are only a few academic studies exploring this subject. Of note are the following authors involved in researching and writing on this issue: R. Ališauskienė, A. Bukauskas, A. Dobryninas, V. Gaidys, V. Justickis, J. Palidaukaitė, A. Raudonienė, S. Vaitiekus, and L. Žilinskienė. It should also be mentioned that thanks to initiatives by the Lithuanian Chapter of non-government anti-corruption organisation ‘Transparency International’, discussion and research on the problem of corruption has received more attention from a wider range of specialists, including journalists, economists, sociologists, lawyers and political scientists. Noteworthy authors of articles dealing with corruption include A. Gutasukas, K. Čilinskas, R. Juozapavičius, R. Kuodis, I. Makaraitytė, P. Ragauskas, A. Svirbutavičiūtė, K. Zaborskas and others.

The main research objective:

To analyse the conditions under which the phenomenon of corruption is constructed in post-communist Central and East European countries by applying a social constructionism perspective.

The main research tasks:

1. To discuss the theoretical premises for the construction of social problems.
2. To examine the anti-corruption goals and activities of international, governmental and non-government organisations dealing with corruption prevention, corruption reduction and anti-corruption education.
3. To analyse the emergence of the problem of corruption, definitions of corruption, diagnostic instruments, reports of conducted research, the application of anti-corruption strategies and programs as well as the implementation of anti-corruption training over the post-communist transitional period in Central and East European countries.

It must be stressed that the purpose of this study is not to give a detailed analysis of the construction of corruption in individual post-communist countries. Rather, the anti-corruption experience in post-communist Central and East European countries (hereafter –

post-communist countries) is used as an example in justifying the expectations of the applied critical approach. Eight countries are considered, the so-called new European Union states: the Czech Republic, Estonia, Lithuania, Latvia, Poland, Slovakia, Slovenia and Hungary (hereafter - the EU-8), during their eurointegration period, i.e. up until 2004. The selection of these particular eight countries for analysis was based on their unique situation, commencing with the collapse of communism in this region. All countries seeking to join the European Union had to meet specific admission criteria and fulfil certain conditions during the preparation stages. This was how the Czech Republic, Estonia, Lithuania, Latvia, Poland, Slovakia, Slovenia and Hungary became an 'experimental' field for European Union accession requirements, with anti-corruption criteria receiving particular attention. From a constructionalist approach, the uniformity of the application and implementation of anti-corruption criteria in these countries makes their anti-corruption experience worthy of analysis.

The theses defended in this dissertation:

1. The application of critical criminology and sociology of knowledge instruments within the framework of social constructionism expands the opportunities for examining and explaining problems associated with corruption, and offers a tool for analysing the premises under which corruption is constructed, judging institutional power and interests as well as the subjective and objective components of the construction of the corruption phenomenon.
2. The application of critical criminology theory as an analytical instrument for examining the conditions under which corruption is constructed, highlighting institutional power and interests, emphasises the important role of international organisations in the formation and implementation of anti-corruption policies in post-communist Central and East European countries during the period of eurointegration, and reveals the legal-procedural approach to corruption and its prevention, as supported by the European Union, as well as the economic approach, as presented by the World Bank.
3. The construction of corruption phenomenon in post-communist Central and East European countries is characterised by the correlation of the emergence of corruption with the specifics of the transitional period and the monetarisation of corrupt relations, the prioritisation of governance and administration rhetoric in corruption discourse, and the orientation of anti-corruption practices towards a "good

governance” normative context that is related to the issues of eurointegration and globalisation.

Research methodology

In order to meet the set objective and tasks of this study the following research methods were used:

- *An analysis of academic literature* was used to examine the outcomes of the construction of social problems, the construction of corruption in a power context, specifics of the post-communist transitional period as well as the interpretation of corruption in post-communist Central and East European countries. Quinney’s theory on the social reality of crime (Quinney 2004; 2006) and Berger and Luckmann’s stages of the dialectical process (internalisation, objectivity and externalisation), which reflect society as an objective and subjective reality (Berger and Luckmann 1999) are utilised as analytical instruments for looking at the conditions under which the phenomena of corruption is constructed.
- *An analysis of documents* was used in this study to examine the anti-corruption practices of international, governmental and non-government organisations and to reveal the internalisation, objectivity and externalisation of the issues surrounding corruption during the transitional period. They include documents from the integration of the post-communist EU-8 countries into the European Union, corruption reduction, prevention and anti-corruption programs, reports and strategies taken from the World Bank, Transparency International and other influential international organisations, as well as corruption diagnostic instruments, international conventions and agreements for curbing corruption.
- *An analysis of secondary data* (the interpretation of international and national research) was used in order to illustrate the conditions under which corruption is constructed in post-communist Central and East European countries.

The *author’s practical experience* gained working with the Lithuanian Chapter of the international non-government anti-corruption organisation Transparency International since 2000 is also noteworthy.

Scientific novelty of the study

This study rests on the premise that traditional interpretations and analytical approaches (moral, functionalistic and political economy) applied to corruption in the past, and the creation and implementation of methods dealing with this problem based on these ideas, are *insufficient given the changing global situation*. These mentioned aspects lead us to believe that corruption studies requires a *critical approach* that will reveal new or less frequently highlighted aspects of this phenomenon. This is why the application of the *social constructionism tradition* in this study is an innovative attempt to analyse the corruption

phenomenon. Note that a fragmented critical approach to corruption has been applied in studies by F. Anechiarico, A. Doig, A. Dobryninas, J. B. Jacobs, I. Krastev, S. Kotkin, H. Marquette, B. Michael, Q. Reed, and A. Sajo, among others.

Theoretical and practical significance

This dissertation presents material that expands the opportunities for explaining and interpreting corruption in Lithuania and other post-communist Central and East European countries and can be of as much benefit for state criminal justice institutions as for non-government organisations working with corruption prevention, reduction and anti-corruption education, and for the private sector concerning the preparation and implementation of anti-corruption measures. A critical approach to corruption offers up strong arguments for the benefits of establishing closer ties between anti-corruption policies and national and regional problems. The theses of this dissertation serve to enrich the disciplines of sociology and criminology and can be used to analyse the construction of the corruption phenomenon and in the studies of social sciences students.

Approbation of the research results

This study has been considered and approved by the Department of Sociology in the Faculty of Philosophy at Vilnius University and by the Interinstitutional Committee of Vilnius University and The Institute for Social Research.

The dissertation theses and research material was used by the author when preparing for and presenting lectures and seminars on corruption to civil servants and specialists, and when devising corruption and transparency research concepts for projects undertaken by the 'Transparency International' Lithuanian Chapter between 2002 and 2006. It was also used in presenting an 'Introduction to Criminology' course to students at Vilnius University in 2004-2006, holding seminars supervised by prof. Ph.D. Leslie Holmes on the theme of 'Transitions in Central and Eastern Europe' for students at the University of Melbourne in 2005, and in a lecture series on the corruption phenomenon presented to socially active citizens throughout Lithuania as part of a project coordinated by the Civil Society Institute in 2006.

Material from this dissertation will be used when presenting the issues and diagnostics of corruption in Lithuania at the 12th International Anti-corruption Conference to be held in November 2006 in Guatemala.

Structure of the dissertation

This dissertation consists of an introduction and three parts. It closes with conclusions, a bibliography and a list of academic articles published by the author on the dissertation topic.

CONTENT SUMMARY OF THE DISSERTATION

The first part of the dissertation titled **‘Theoretical-methodological research outcomes: premises for the construction of social problems’** discusses the theoretical origins of the social constructionism tradition as well as the theoretical background for the construction of social problems. The beginnings of social constructionism in criminology and Quinney’s Model of the Social Reality of Crime are looked at in more detail. Aspects of the analysis of the corruption phenomenon and the theoretical premises for researching the conditions for the construction of corruption in this study are also presented.

This part of the dissertation begins by noting that social constructionism has its origins in phenomenological sociology which is represented by sociologist and philosopher Alfred Schutz. According to Schutz, ‘all knowledge of the world, be it based on common-sense or scientific thinking, is presupposed by constructions, i.e. abstractions, generalisations, formalisations and idealisations typical of the corresponding organisational level of thinking’ (Schutz 1962; 5). The concept of constructionism in the context of an analysis of social reality was first officially used by Berger and Luckmann in 1966 in their treatise ‘The Construction of Social Reality. A Treatise in the Sociology of Knowledge’ (Berger and Luckmann 1999). Berger and Luckmann admitted to the major influence the theories and practices of Schutz had had on their reasoning. According to Berger and Luckmann, social reality consists of the ‘meaningful everyday world’ which is related to the fact that human behaviour is predetermined, it has a certain type of significance to its enactors, it is purposefully oriented, and its effects are consciously understood. It is in this way that individuals share a collective reality made up of common interests and sensibilities. Berger and Luckmann developed the principle of phenomenological sociology so that reality is socially constructed. They spoke of reality not in the material objective sense of the word, but meaning all knowledge about the social world. These authors described society as a dialectical process made up of the stages of externalisation, objectivity and internalisation. When analysing the social world these stages are related to their respective social world characteristics: ‘Society is a human construct. Society is an objective reality. Man is a construct of society’ (Berger and Luckmann 1999; 83).

It should be noted that the constructionalist perspective of social problems appeared as an alternative to traditional positivist perspectives. Social constructionalist perspective examined how problems were defined. Particular attention was directed towards groups holding a degree of power within society: politicians, religious leaders, the media, i.e. those who could influence people’s opinions and the definition of social problems. Edelman, an American political scientist who studied the construction of political problems stated that the

construction of problems was a complicated and confusing event, reflecting the aspects of individual self-perception and social construction, which is concurrently related to never-ending construction and reconstruction processes of striving for political gains, political image and moral provisions (Edelman 2002; 25). In the 1970s the constructionist interpretation of social problems gained popularity, becoming a fundamental part of the disciplines of sociology, social psychology and social work, yet less so in political studies. Early constructionist perspectives of social problems were greatly influenced by symbolic interactionism and especially labelling theory, and only later by discourse analysis.

This part of the dissertation also devotes much attention to an overview of the constructionism tradition in criminology. It should be noted that the origins of the ideas behind constructionism can be traced to conflict and labelling theories, and to the theoretical perspectives that evolved from these theories. These same ideas are developed further in critical criminology. The roots of labelling theory trace back to the American tradition. The main representatives of labelling theory are North American sociologists Edwin Lemert and Howard Becker, and South African born UK criminologist Stanley Cohen. Representatives of this theory rested on the symbolic interactionism ideas of George Mead and Herbert Blumer, which outline the details of interpersonal interaction between individuals and how these details are applied in giving sense to the communication and actions of individuals. Labelling theory representatives were interested not only in individuals, but in the processes during which individuals are identified as deviants or criminals. They also examined both the individual and social outcomes which appeared after criminal justice officials had marked someone an offender.

The emergence of conflict theory, as a counterbalance to holistic sociology, emphasised the importance of division in society and focussed on the issues of power, inequality and the struggle for power. Representatives of conflict theory underlined that society consisted of various groups each seeking their own interests. A majority of conflict theory representatives derived their ideas from Marx who accentuated class conflict in his works – where economic resources within a time perspective appear to worsen this conflict. It is in this context that German sociologist, philosopher and political scientist Ralf Dahrendorf is mentioned, who stated that conflicts arose from opposing individual and group interests.

The representatives of conflict theory highlighted power and governance in society, which determined social, economic and political inequality. The main idea of conflict theory in criminology is that to understand crimes, we must also understand the interests behind criminal law.

Critical criminology, also referred to as radical and new criminology in academic literature, is a product of the 1963-1973 period. It can be noted that depending on the origins and development of theoretical reasoning we can distinguish three schools of thought: North American (USA and Canada, represented by Turk, Chambliss, Quinney, Horowitz and Leibowitz), anglo-saxon European (Great Britain, represented by Cohen, Taylor, Walton and Young) and continental European (Germany, the Netherlands, France and Italy, represented by Bonger, Mathiesen, Christie, Bianchi and Hulsman). The representatives of critical criminology examine the political nature of crime, explain the concept of crime and crime control policy, take an interest in the victims of crime and community safety, and criticise the penal and criminal justice systems (Swaaningen 1997; 2-5).

In around 1960 US critical criminology representatives Turk, Chambliss and Quinney took criminological conflict theory in a new direction. All three criminologists critiqued criminal statistics, labelling theory, and undertook 'selective analyses of the criminalisation process, norm creation and criminal law' (Tierney 1996; 177). This dissertation places most attention on critical criminologist Quinney's social reality of crime theory. This theory bases its beginnings on the premise that crimes are not determined by inherent behavioural patterns. Rather, criminality is seen as one aspect of human behaviour that is created and entrenched by political players (the police, courts, correctional institutions) within political society. Thus, crime is an artificial construct created by the more powerful segments within society in order to further their interests. Individuals become criminals when others define their behaviour as criminal. Quinney's crime theory consists of six main propositions. The *first* defines crime as 'a definition of human conduct that is created by authorized agents in a politically organised society'. This is supplemented by the *second* proposition – 'criminal definitions describe behaviours that conflict with interests of the segments of society that have the power to shape public policy' (Quinney 2004; 15-16). Quinney's *third* proposition accents the application of criminal definitions. He states, that criminal definitions are applied by those segments of society that have the power to shape the enforcement and administration of criminal law. The *fourth* proposition concerns examples of behaviour related to the development of criminal definitions. Quinney asserts that behaviour patterns in a segmented society is structured in accordance with criminal definitions and within this context persons engage in actions that have relative probabilities to be defined as criminal. The *fifth proposition* relates to the construction process of the concept of criminality. Quinney states that criminal concepts are constructed and diffused in the segments of society via various means of communication. Quinney's *final* proposition is a generalisation, where 'the social reality of crime is constructed by the formulation and application of criminal definitions, the development of behaviour patterns related to criminal definitions, and the construction of criminal conceptions' (Quinney 2004; 23).

The last section of this part presents the theoretical trends observed in researching the conditions for the construction of corruption. It should be noted that the interpretation of the corruption phenomenon in this study is expanded by analysing the construction of the corruption phenomenon in a power context based on Quinney's social reality of crime theory, and by examining the subjective and objective components of the construction of the corruption phenomenon in post-communist countries based on Berger and Luckmann's theoretical perspective propositions.

It is of note that Berger and Luckmann's treatment of the construction of the corruption phenomenon according to their *internalisation* (the origins of the concept of corruption and the emergence of the problem of corruption), *objectivity* (when in the course of intersubjective interplay this problem is 'objectivised' and becomes an expression of definitions and diagnostic instruments) and *externalisation* (when this 'criminal' reality successively becomes a part of common practice – anti-corruption strategies, programs and training) aspects, as well as Quinney's Model of the Social Reality of Crime which accents institutional power and interests, will help analyse the goals and anti-corruption practices of international, governmental and non-government organisations handling corruption prevention, reduction and anti-corruption education, and to analyse the emergence of the corruption problem, definitions of corruption, diagnostic instruments, reports of conducted research, the application of anti-corruption strategies and programs and implementation of anti-corruption education programs during the post-communist period of transition in Central and East European countries.

The second part titled '**Central and East European countries in the context of international anti-corruption organisations interests**' examines the construction of corruption in a power context.

This dissertation points out that international, governmental and non-government organisations have been identified as the main players in this region that have 'encouraged and supported global anti-corruption norms and policies' (Kotkin 2002; 387-413). The goals and practices of international anti-corruption organisations concerning corruption prevention, reduction and anti-corruption education took off in 1990. During the course of the post-communist transitional period in Central and East European countries corruption took on new definitions and forms, becoming the target of constant diagnostic research and an especially marketable media-product. The research¹ revealed that compared to other

¹ A content analysis of articles taken from the World News Connection data base. This data base contains English translations of the leading articles from newspapers, news reports, radio broadcasts and TV programs from over one hundred source languages. The research included material from six Central and East European countries: Bulgaria, the Czech Republic, Hungary, Poland, Romania and Slovakia (Grigorescu 2006).

international organisations such as the Organisation for Economic Co-operation and Development (OECD), World Bank, International Monetary Fund and European Commission, the European Union was most active in raising the topic of corruption in the Central and East European region (Grigorescu 2006).

In accordance with Quinney's Model of the Social Reality of Crime which emphasises the formulation and application of definitions of criminality, the development of types of behaviour and the creation of criminal ideology, this part of the study analyses the anti-corruption goals and measures for the prevention and reduction of corruption of three international organisations, namely, the European Union, World Bank and Transparency International.

Legal measures such as the *Criminal Law Convention on Corruption* (1999) and the *Civil Law Convention on Corruption* (1999) are among the most frequently applied corruption prevention and reduction instruments available to the European Union and its institutions. Equally noteworthy is the important role of the *Group of States Against Corruption* (GRECO, 1998). Also presented are the various considerations for a definition of corruption, which is most often understood in its narrowest sense, i.e. bribery, as well as the critique for the lack of a clear definition of corruption in criminal law and international agreements in the Czech Republic, Estonia, Lithuania, Latvia, Poland, Slovakia, Slovenia and Hungary during the period of eurointegration. Other related international documents recommended to candidate nations by the European Commission are also discussed: the *Convention on Combating Bribery of Foreign Public Officials in International Business Transactions* (1997) and the *United Nations Convention Against Corruption* (2003). European Commission recommendations directed towards the candidate nations for the prevention and reduction of corruption are also analysed. Criteria used to evaluate the efforts of candidate nations in preventing and reducing corruption are examined. An evaluation of the anti-corruption policies of candidate nations conducted by the Open Society Institute (2002) is also discussed.

During the course of the analysis of another international organisation (also on the topic of the reduction of donor corruption), namely the World Bank, it was noticed that ever since 1996 it had supported over 600 various anti-corruption programs and management initiatives globally. First of all it should be noted that from this time the World Bank had described corruption merely as a social and economic problem, i.e. the problem of corruption was depoliticised. The *Multipronged Strategy for Combating Corruption* (World Bank 1997) is presented as a tool for the reduction and prevention of corruption. Attention is given to the definition of corruption, centering on the concept of 'public office', that is, 'misuse of the public office for private gain' (World Bank 1997). It must be noted that illegal corruptive practice in projects financed by the World Bank received particular

attention. The main anti-corruption measures were directed to reforms in the management and public administration sectors. Also noteworthy is that the World Bank made wide use of corruption diagnostics as a means of preventing corruption. The *Business Environment and Enterprise Performance Survey* (commonly known as BEEPS) is presented as one of the most well known corruption surveys in the world. It is the initiative of the World Bank and the European Bank for Reconstruction and Development. The World Bank paid special attention to post-communist Central and East European countries in examining their corruption situation and anti-corruption experience (BEEPS 1999, 2002, 2005) and presenting their results and outlooks in reports titled 'Anticorruption in Transition' (2000; 2002; 2006).

The third international organisation to be discussed in this part of the dissertation is the non-government organisation Transparency International (TI). The main goal of this anti-corruption organisation is the encouragement of long lasting changes in corruption through the prevention of corruption and system reforms. It should be noted that this organisation does not reveal nor involve itself in individual cases of corruption. The definition of corruption used by Transparency International since 2000 is 'the misuse of entrusted power for private gain' (Pope 2000; 1).

The most well known anti-corruption measure utilised by Transparency International are *corruption diagnostics* applied at a global, regional and national level. One of Transparency International's most publicised surveys, based on opinion of business representatives and assessments of experts is the *Corruption Perceptions Index* (CPI). Other Transparency International corruption diagnostic tools are the *Bribe Payers Index* (BPI) and the public opinion survey, the *Global Corruption Barometer*. Other TI anti-corruption measures include *Integrity pacts*, aimed at preventing corruption in public contracting, *Preventing corruption in construction projects* and *Business principles for countering bribery* meant for businesses and companies, the *Anti-corruption handbook* offering assistance in the construction and application of anti-corruption measures, and the *Corruption fighter's toolkit*, which provides practical advice on anti-corruption practices in various countries. Transparency International also developed and promoted the National Integrity System where the main focus is not on punishment, but on the prevention of corruption.

A review of the main declarations of anti-corruption measures of other international agencies dealing with anti-corruption was conducted, and included the United Nations Development Program, the United Nations, the Organisation for Economic Co-operation and Development, the United Nations International Development Agency, the UK Department for International Development, the United Nations Office on Drugs and Crime, and the Asian Development Bank. It is of note that the anti-corruption activities of international

organisations have become increasingly complex. The goals and efforts of international organisations concerning anti-corruption have covered individual countries and separate sectors within these countries. It was discovered that international organisations express intentions to co-operate and form joint anti-corruption initiative co-ordination groups. However, many academics also expressed grave concerns over the lack of co-operation in organizing anticorruption activities (Bailey 2003; 4-5), the fact that many action plans of donors were fragmented in their approach (Doig and Marquette 2004; 211), the lack of succession in anti-corruption practices (Marguette 2004; 9), and insufficient resolve in the application of corruption-related terminology at the political level (Philp 2002; 79).

The *third part of the dissertation*, titled **‘Dialectics of the construction of corruption during the transitional period in post-communist Central and East European countries’**, analyses the emergence of corruption, definitions of corruption, diagnostic instruments, reports of conducted research, the application of anti-corruption strategies and programs and anti-corruption education in the transitional post-communist period in Central and East European countries.

This part of the dissertation concerns experts’ findings (Open Society Institute 2002) on the nature of the post-communist period of transition and the legacy of communism, which appear to be significantly important reasons explaining why corruption in the new EU member states is a much greater problem than in the old member states. Analysis has shown that the nature of the period of transition can be described as multifaceted and simultaneous. It occurred not only within the spheres of politics, economics and identity, as Claus Offe (1991) suggested in his description as a ‘triple’ transformation – rather, radical changes were felt in the legal, educational, ideological, international co-operation (concerning both economics and security) and social class structures (Holmes 2001). This explains the clearly unstable status of the new states, and the resulting moral and ideological vacuum, added to a weak sense of control and all round fear that were all factors leading to changes and an increase in crime and corruption in post-communist countries (Holmes 1997; 284-287). The emergence of corruption is analysed, i.e. the internalisation, perception and interpretation of corruption, based on the ‘seasonality’ of corruption where it is understood as the result of the chaos of the period of transition, and the ‘climate of corruption’, as a long-standing historical and cultural tradition, both features of post-communist countries. It should be noted that citizens and lower level public servants of the Czech Republic, Slovakia, Bulgaria and Ukraine do not agree that corruption in their country is a constant and unchanging phenomenon, i.e. they deny the existence of ‘a culture of corruption’ (Miller et

al. 2001; 30). The results of research² conducted in eleven Central and East European countries showed that 54 % of respondents ‘lived according to the principle of never offering bribes’, meaning that a majority of citizens in this region had, in principle, a negative attitude towards corruption (Gfk Praha 2001; 4). It should be noted that the main conclusions of the afore-mentioned research reflect the perception of corruption in the region, i.e. in Central and Eastern Europe, and not the perception of corruption in individual countries, which, as became quite apparent, varies relatively significantly from country to country. It should be highlighted that in certain countries, for example, in Lithuania, Slovakia and Hungary, the interpretation of the corruption phenomenon is better defined as reflecting a ‘climate of corruption’, rather than a ‘season’.

The monetarisation of the *blat* [favours – JP] is also analysed, as it illustrates the transformation of social relations into economic relations during the transitional period. ‘The mystification of corruption in Eastern Europe is noted, where one of the outcomes are ineffective anti-corruption policies in the region’ (Sajo 2002; 1-9). The inadequate understanding of the problem of corruption in post-communist countries also receives attention (Karklins 2005).

Much attention is given to the examination and critical evaluation of the instruments used to objectify the problem of corruption. The *definition* of corruption is discussed as it is one of the main elements of objectifying the phenomenon of corruption. The legal approach to corruption that was popular in the period of eurointegration and public office, as the main axis in defining the corruption phenomenon, are all noted. Corruption diagnostic instruments such as Transparency International’s *Corruption Perceptions Index*, the *Global Corruption Barometer* and the *Business Environment and Enterprise Performance Survey* (The World Bank) are discussed, along with the features and changes in definitions of corruption quoted in these instruments and in reports using these instruments. It is noted that the anti-corruption experience can become a tool serving the interests of international ‘players’ and in shaping policies.

This part of dissertation presents the externalisation phase of the problem of corruption, i.e. an analysis of the products of the anti-corruption ‘industry’ during the transitional post-communist period. Four schools of the anti-corruption experience are offered: universalistic, state-centric, society-centric and critical (Michael 2004b; 3) and,

² This was a quantitative public opinion survey conducted in 2001, where 12,454 citizens participated in direct interviews. Eleven Central and East European countries took part: Austria, Bulgaria, Croatia, the Czech Republic, Hungary, Poland, Romania, Russia, Slovakia, Slovenia and Ukraine. The aim of the research was to ascertain the level of the climate of corruption in individual European countries. The survey also examined the necessity of bribes today, levels of corruption in individual countries, the opportunities for fighting corruption in sectors where it was especially entrenched, and the willingness of citizens to stand up against corruption (Gfk Praha 2001).

based on these aspects the anti-corruption actions of international organisations are generalised.

National corruption reduction and prevention strategies and programs are reviewed and examined, as they were one of the most important elements of the anti-corruption experience, especially in countries seeking EU membership. The obvious contribution of the European Union in the formation of anti-corruption policies in candidate states such as the Czech Republic, Hungary, Latvia, Lithuania and Slovakia, yet less so in Slovenia and Estonia, is also highlighted.

A critical approach is given to national corruption reduction and prevention strategies and programs, where 'national anti-corruption strategies and institutions constitute only one specific aspect of the corruption 'quagmire' (Meurs 2004; 262). The 'seasonality' and 'climate' aspects of the phenomenon of corruption are discussed in the analysed documents.

This part also examines the products of the post-communist period of transition, an example being the Freedom House report 'Nations in Transit'³. Doubts about the evaluation of the status of democracy in accounts of this type that 'can raise false expectations regarding the accountability of democracy-creating programs' (Krastev 2002; 12) are also raised. The outcomes of the actualisation of corruption in the post-communist transitional period are discussed, i.e. the application of 'one size fits all' anti-corruption measures (Krastev 2004). An example of this can be various anti-corruption training programs where the main problem is the poor adaptability of these programs to the conditions in individual countries and in the region' (Michael 2004(2); 10). The study concludes with an illustration of results from the World Bank's Business Environment and Enterprise Performance Survey which places countries on a map according to levels of state capture, administrative corruption (1999, 2002) and GDP (2005). It is noteworthy that while in 1999 the group of EU-8 countries was quite unevenly distributed on the map according to the available research data, by 2002 these countries were markedly closer to each other, which was especially the case with Lithuania, the Czech Republic, Poland, Hungary and Estonia (World bank 2000, 2004). In 2005 the picture is also quite clear in illustrating this trend where, in terms of corruption, the EU-8 countries are moving closer to each other.

³ This report uses the following categories for evaluating the countries: the election process, civil society, independent media, democratic rule at a national level, democratic rule at a local level, the judicial system and independence, and corruption. An annual evaluation has been conducted since 1997 in 28 Central, East and South European countries. Countries are ranked on a 7 point scale, where 1 refers to the highest level of democratic development, and 7 - the lowest.

CONCLUSIONS

This study discusses the social constructionism tradition, where the conscious reality of society and separate individuals is, in this context, understood as an expression of their and other groups' social interaction, thereby broadening the opportunities for the examination and interpretation of social problems. It is within the framework of this tradition that particular attention is given to groups and institutions wielding some form of power in society, i.e. those that are capable of influencing public opinion and concepts of social problems. The opportunities for analysing and interpreting the phenomenon of corruption are expanded with the application of critical criminology, represented here by Quinney, and sociology of knowledge proponents Berger and Luckmann's suggested theoretical research instruments. Berger and Luckmann's internalisation stage, describing the origins of the concept of corruption and the emergence of corruption; objectivity stage, where corruption is 'objectified' and becomes an expression of definitions and diagnostic instruments; and the externalisation stage, where 'criminal' reality is transformed to become part of the experience itself (anti-corruption strategies, programs and education) offers an innovative way of analysing the corruption phenomenon. This theoretical perspective, supplemented by Quinney's Model of the Social Reality of Crime, formulates an instrument for researching the conditions for the construction of corruption highlighting institutional power and interests, and substantiates the proposition of this study, that *the application of critical criminology and sociology of knowledge instruments expands the opportunities for examining and interpreting the problem of corruption, offering a tool for analysing the conditions under which corruption is constructed, investigating institutional power and interests, and the subjective and objective components of the corruption phenomenon.*

This instrument brings a critical approach to corruption and as stated by Quinney, the concepts of crime, which have, until recently, been a rarely examined aspect in the interpretation of corruption, especially where the more powerful segments of society are concerned.

The analysis of anti-corruption practices of international organisations financially supporting and dealing with anti-corruption in Central and East European countries, based on the application of the premises for Quinney's social reality of crime theory and instruments on the construction of the social reality of crime within a critical criminology framework, revealed the significant role played by international organisations in the formation and implementation of anti-corruption initiatives in post-communist Central and East European countries during the eurointegration period. It also broadens the interpretation and understanding of the emergence of the corruption phenomenon in post-communist society. The emergence of corruption was much more noticeable in post-communist Central

and Eastern Europe than in other regions of the world. Compared to other international organisations such as the World Bank and Transparency International, it was found that the European Union contributed most to raising awareness about corruption in Eastern and Central European countries up until 2004. Anti-corruption actions and attempts at reducing corruption promoted and implemented by the European Union received the greatest amount of media attention, despite the fact that it was one of the least experienced participants of the anti-corruption industry operating in post-communist Central and East European countries.

An analysis of the anti-corruption goals and measures for the prevention and reduction of corruption of the European Union, World Bank and Transparency International revealed the direction and content of their anti-corruption campaigns held in Central and East European countries. The anti-corruption practices of the European Union devoted most attention to the creation and implementation of criminal anti-corruption laws; recommendations made by the European Commission to candidate nations were usually within a control paradigm. The European Union prioritised so-called ‘contributing’ indicators, i.e. rules and procedures regarding anti-corruption. As bribery was a major focus it can be said that during the first wave of anticorruption activities the European Union applied a fairly narrow corruption definition and limited itself to highlighting the problem of corruption predominantly in the state sector.

The World Bank’s role and contribution to the anti-corruption industry in East and Central European countries up until 2002 was also significant. Its corruption diagnostic instrument, the Business Environment and Enterprise Performance Survey, based on the opinions and experiences of business representatives, and the resulting ‘Anti-corruption in Transition’ reports (2000; 2004; 2006) are among the most often cited tools in anti-corruption strategies and programs in place in countries where corruption is researched, as well as in academic literature and the media. The defining feature of this multilateral donor is its depoliticisation of corruption and the presentation of corruption in a social and economic context. The World Bank’s definition of corruption centres on the concept of public office. The corruption prevention and reduction approach applied can be classified as institutional, while its interests in seeking to first of all prevent corruption in projects and programs financially supported by the bank itself can be classified as economic.

The non-government global anti-corruption organisation Transparency International has used probably the broadest ideological definition of corruption since 2000: the *misuse of entrusted power for private gain*, which examines corruption both in the state and private sectors. Despite the greater role of this organisation’s anti-corruption practices in the world since 2002 it could not exert a significant influence on anti-corruption policies of the EU-8 during the period of eurointegration.

A document analysis of the other main international organisations dealing with anti-corruption, such as the United Nations Development Program, the United Nations, The Organisation for Economic Co-operation and Development, the United Nations International Development Agency, the UK Department for International Development, the United Nations Drugs and Crime Office and the Asian Development Bank, revealed that the goals of these international organisations were fairly different (from a corruption prevention and reduction perspective), however, the measures used during the eurointegration period of the post-communist countries under analysis were similar and of a notably abstract nature.

Generalisations of the anti-corruption experience of international organisations presented in the study allow us to state that the anti-corruption activities of international organisations up until 2004 can be described within the *general* and *state oriented* framework of schools of thought on anti-corruption. This was determined by the appearance of general, multilateral and multifaceted corruption prevention and reduction measures meant to ‘fight corruption’, avoiding the consideration of specific recommendations and measures targeted at individual countries. In addition, the dominance of the European Union in the anti-corruption industry influenced the prevalence of a *legal approach* to corruption in post-communist countries during the eurointegration period. The World Bank’s *apolitical* attitude towards corruption on the one hand influenced rapid reforms in the public administration sector in post-communist countries, yet on the other, ‘criminalised’ the public office as a point of concentration of corruptive activities.

It should be noted that the study’s analysis of the anti-corruption activities of international organisations supports the proposition that *the application of critical criminology theory as an analytical instrument for examining the conditions under which corruption is constructed, highlighting institutional power and interests underlines the important role of international organisations in the formulation and implementation of anti-corruption policies in post-communist Central and East European countries in the eurointegration period, as well as reveals the legal-procedural approach to corruption and its prevention, as supported by the European Union, and the economic approach promoted by the World Bank.*

The transitional period in post-communist Central and East European countries analysed in this study is distinguished by a ‘triple’ transformation with radical changes in the legal and education systems, in ideological and international co-operation structures (both economy and security related), and from a social stratification perspective. It is in this transitional context that discussions on the interpretation of corruption in post-communist Central and East European countries arise. Research results summarising corruption in the whole Central and East European region at times focus on the ‘seasonality’ of corruption, understood as being rampant and the result of the chaotic transitional period, while in other

cases it can be said that in certain countries such as Lithuania, Slovakia and Hungary, the perception and interpretation of corruption can be likened to a ‘climate of corruption’ which is an outcome of long-standing historical and cultural traditions. The exposed monetarisation of *blat* is a reference to the interpretation of post-communist corruption, where the replacement of *blat* with bribes has devalued the social capital of communism. Based on this principle, social relations are transformed into economic relations, altering the trajectory of corrupt intercourse.

The analysis of elements of the objectivity of corruption, i.e. definitions of the phenomenon, diagnostic instruments, and reports of research conducted during the transitional post-communist period in Central and East European countries reveals that documents presenting the corruption situation in post-communist countries most often used the broadest possible concept of ‘corruption’, instead of the narrower terms ‘bribe’ and ‘unofficial payment’. Changes to the definition of corruption and a distinction between its forms were made almost every year in corruption survey concepts such as the Corruption Perceptions Index and the Global Corruption Barometer, which is why there is a lack of comparative analyses between countries. It should be noted that there was not a great deal of research on corruption conducted by post-communist countries. Rather, even today there is no tried and tested methodology for researching the corruption phenomenon, except in the cases of Lithuania, Latvia, Slovakia, Russia and Bulgaria. Research results arising from a few post-communist countries were often generalised and used to describe the corruption situation in the post-communist country region as a whole, without distinguishing the relatively obvious differences in the perception of corruption among different countries. Early national strategies and programs fighting corruption were more often seen to reflect the goals of eurointegration and globalization rather than the specific circumstances of corruption existing in individual countries. The transitional post-communist period is described as the driving force behind anti-corruption campaigns. We can draw the conclusion that the ‘seasonality’ or ‘climate’ aspects of corruption, meaning the specifics of the problem in individual countries, were insignificant or only minimally reflected in unveiling corruption or in the anti-corruption related actions of international organisations.

The first wave of anti-corruption in post-communist Central and East European countries is commonly described using the following concepts: ‘rules and norms’; ‘control’; economic disadvantage’; and ‘management and public administration reforms’. The appearance of transitional post-communist period anti-corruption ‘products’ such as the ranking of countries according to levels of democracy (eg. the *Nations in Transit* report by Freedom House) brought attention to post-communist regional issues in Central and Eastern Europe and empowered the practices of international agencies in this region. Anti-corruption programs were applied irrespective of the specific conditions present in different

post-communist countries. A gap between the quantity and quality of anti-corruption practices put into action was found to exist. Anti-corruption training was often *ad hoc* and dependent of the assistance of international organisations.

We can justifiably state that *the construction of corruption phenomenon in post-communist Central and East European countries is characterised by the correlation of the emergence of corruption with the specifics of the transitional period and the monetarisation of corrupt relations, the prioritisation of governance and administration rhetoric in corruption discourse, and the orientation of anti-corruption practices towards a “good governance” normative context that is related to the issues of eurointegration and globalisation.*

It is noteworthy that the externalisation of corruption in post-communist Central and East European countries often occurred without any reference to the details of the internalisation and objectivity of corruption in individual countries. The internalisation, objectivity and externalisation phases of corruption over the transitional post-communist period in Central and East European countries can be described as relatively isolated and only remotely inter-related.

After joining the European Union new trends in anti-corruption activities were observed in former post-communist countries: the broadening of the definition of corruption, the inclusion of corruption in the private sector, the implementation of political measures to curb corruption, focus on the security of ‘whistle-blowers’ and the recognition of the importance of contributions in the implementation of anti-corruption policies at a national level.

Further research on the corruption phenomenon applying the constructionism tradition could focus on the process of the construction of corruption and its analysis, i.e. a broader examination of the genealogy of the definition of corruption, a selective screening of anti-corruption experts and the experiences of individual countries, in which case, quoting Quinney, the corruption ideology offered by those in power becomes a part of the anti-corruption experience itself.

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REZIUMĖ

Disertacijoje pažymima, kad tradiciniai korupcijos fenomeno interpretacijos ir analizės požiūriai (moralės, funkcionalistinis ir politinės ekonomijos) bei jų pagrindu kuriami ir taikomi šios problemos sprendimo būdai yra *nepakankami kintančio pasaulio sąlygomis*. Paminėti aspektai leidžia daryti prielaidą, kad reikalingas *kritinis požiūris* į korupciją, atskleidžiantis naujus arba iki šiol rečiau akcentuojamus šio reiškinių aspektus. Todėl šiame darbe taikoma *socialinio konstrukcionizmo tradicija* yra naujoviškas bandymas analizuoti korupcijos fenomeną.

Darbo pagrindinis tikslas:

Socialinio konstrukcionizmo tradicijos rėmuose išanalizuoti korupcijos fenomeno konstravimo sąlygas pokomunistinėse Vidurio ir Rytų Europos šalyse.

Tikslui pasiekti yra keliami šie pagrindiniai uždaviniai:

1. Aptarti socialinių problemų konstravimo teorines prielaidas.
2. Išnagrinėti tarptautinių tarpvalstybinių ir nevyriausybinių organizacijų, veikiančių korupcijos prevencijos, korupcijos mažinimo ir antikorupcinio švietimo srityse, antikorupcinius tikslus ir veiklą.
3. Išanalizuoti korupcijos problemos iškilimą, korupcijos apibrėžčių, diagnostikos instrumentų, tyrimų ataskaitų, antikorupcijos strategijų ir programų taikymą bei antikorupcinių mokymų vykdymą pereinamuoju pokomunistiniu laikotarpiu Vidurio ir Rytų Europos šalyse.

Detalus korupcijos fenomeno konstravimo nagrinėjimas atskirose pokomunistinėse šalyse nėra šio darbo tikslas. Pokomunistinių Vidurio ir Rytų Europos šalių (toliau – pokomunistinių šalių) antikorupcijos praktika yra naudojama kaip iliustracija, siekiant patvirtinti taikomą kritinę perspektyvą. Dėmesys yra skiriamas aštuonioms valstybėms, taip vadinamoms naujosioms Europos Sąjungoms šalims: Čekijai, Estijai, Lietuvai, Latvijai, Lenkijai, Slovakijai, Slovėnijai ir Vengrijai (toliau – ES - 8) eurointegracijos laikotarpiu, t.y., iki 2004 -ųjų. Šių aštuonių šalių pasirinkimą analizei lėmė jų išskirtinė situacija, kuri prasidėjo žlugus komunizmui šiose šalyse. Visos šalys, siekdamos narystės Europos Sąjungoje (toliau – ES), pasirengimo laikotarpiu turėjo atitikti stojimo kriterijus ir įvykdyti sąlygas. Taip Čekija, Estija, Lietuva, Latvija, Lenkija, Slovakija, Slovėnija ir Vengrija tapo narystės Europos Sąjungoje reikalavimų, tarp kurių vienas pagrindinių buvo antikorupcinis kriterijus, „bandymų“ lauku. Konstrukcionistiniu požiūriu dėl vienodų antikorupcinių

kriterijų taikymo ir įgyvendinimo šių šalių antikorupcinė patirtis yra vertingas analizės objektas.

Disertacijoje yra ginami teiginiai:

1. Socialinio konstrukcionizmo rėmuose taikomi kritinės kriminologijos ir žinojimo sociologijos instrumentai praplečia korupcijos problemų nagrinėjimo ir aiškinimo galimybes ir pasiūlo korupcijos konstravimo prielaidų analizės įrankį, nagrinėjantį institucinę galią ir interesus bei korupcijos fenomeno konstravimo subjektyvųjį ir objektyvųjį komponentus.

2. Kritinės kriminologijos rėmuose taikomas korupcijos konstravimo prielaidų analizės instrumentas, akcentuojantis institucinę galią ir interesus, leidžia pabrėžti reikšmingą tarptautinių organizacijų vaidmenį formuojant ir įgyvendinant antikorupcines politikas pokomunistinėse Vidurio ir Rytų Europos šalyse eurointegracijos laikotarpiu bei atskleisti teisinį - procedūrinį požiūrį į korupciją ir jos prevenciją, kurį rėmė Europos Sąjunga, ir ekonominį, kurį skelbė Pasaulio bankas.

3. Korupcijos fenomeno konstravimas pokomunistinėse Vidurio ir Rytų Europos šalyse pasireiškia tuo, kad korupcijos problemos iškėlimas siejamas su pereinamojo laikotarpio specifika ir korupcinių santykių monetarizavimu, korupcijos diskurse prioritetas teikiamas valdymo ir administravimo retorikai, o antikorupcinė praktika orientuojama į normatyvinį „gero valdymo“ kontekstą, sietiną su eurointegracijos ir globalizacijos problematika.

Darbo išvados

Darbe aptarta socialinio konstrukcionizmo tradicija, kurios kontekste visuomenės ir atskirų individų suvokiama tikrovė yra jų bei grupių socialinės sąveikos reiškiny, praplečia socialinių problemų nagrinėjimo ir aiškinimo galimybes. Šios tradicijos rėmuose ypatingas dėmesys yra skiriamas grupėms ar institucijoms, turinčioms galią visuomenėje, t.y., tiems, kurie gali įtakoti žmonių nuomonę ir socialinių problemų koncepcijas. Pritaikius kritinės kriminologijos, kurią šiame darbe atstovauja Quinney, ir žinojimo sociologijos atstovų Berger ir Luckmann pasiūlytus tyrimo teorinius instrumentus yra praplečiamos korupcijos fenomeno analizės ir aiškinimo galimybės. Berger ir Luckmann naudojamas teorinis instrumentas, t.y., internalizacijos etapas, apibūdinantis korupcijos sąvokos kilmę bei korupcijos problemos iškilimą, objektyvacijos etapas, kurio metu korupcijos problema yra „objektyvuojama“ ir tampa apibrėžčių ir diagnostikos instrumentų išraiška, ir eksternalizacijos etapas, kai „kriminalinė“ tikrovė yra perimama ir tampa praktikos (antikorupcinėmis strategijomis, programomis, mokymais) dalimi, pasiūlo naujovišką korupcijos fenomeno analizės būdą. Tokia teorinė perspektyva, papildyta Quinney

nusikaltimų socialinės tikrovės konstravimo modeliu, suformuoja korupcijos fenomeno konstravimo sąlygų tyrimo instrumentą, akcentuojantį institucinę galią bei interesus, ir pagrindžia šio darbo teiginį, kad *socialinio konstrukcionizmo rėmuose taikomi kritinės kriminologijos ir žinojimo sociologijos instrumentai praplečia korupcijos problemų nagrinėjimo ir aiškinimo galimybes ir pasiūlo korupcijos konstravimo prielaidų analizės įrankį, nagrinėjantį institucinę galią ir interesus bei korupcijos fenomeno subjektyvųjį ir objektyvųjį komponentus.*

Šis instrumentas atskleidžia kritinį požiūrį į korupcijos reiškinį ir iki šiol mažai nagrinėtą korupcijos aiškinimo aspektą, kurį Quinney apibrėžia kaip, nusikaltimų koncepcijas, primetamas galingųjų visuomenės segmentų.

Remiantis kritinės kriminologijos rėmuose taikomomis Quinney socialinės nusikaltimų tikrovės teorijos prielaidomis ir nusikaltimų socialinės tikrovės konstravimo instrumentu, akcentuojančiu institucinę galią ir interesus, atlikta tarptautinių organizacijų, teikiančių finansinę paramą ir veikiančių antikorupcijos srityje, antikorupcinės veiklos Vidurio ir Rytų Europos šalyse analizė atskleidžia reikšmingą tarptautinių organizacijų vaidmenį formuojant ir įgyvendinant antikorupcines iniciatyvas pokomunistinėse Vidurio ir Rytų Europos šalyse eurointegracijos laikotarpiu ir praplečia korupcijos fenomeno pokomunistinėse visuomenėse atsiradimo aiškinimą ir supratimą. Korupcijos problematikos iškilimas buvo daug ženklesnis pokomunistinėje Rytų ir Vidurio Europoje nei kituose pasaulio regionuose. Europos Sąjunga, lyginant su kitomis tarptautinėmis organizacijomis, tokiomis, kaip Pasaulio bankas ir Transparency International, daugiausia prisidėjo prie korupcijos temos iškėlimo Rytų ir Vidurio Europos šalyse iki 2004 – ujų. Europos Sąjungos vykdomos antikorupcinės veiklos ir korupcijos mažinimo pastangos buvo labiausiai matomos pasaulinėje žiniasklaidoje, nepaisant to, kad Europos Sąjunga buvo viena mažiausiai patyrusių šioje srityje tarp antikorupcinės „pramonės“ dalyvių, veikiančių pokomunistinėse Vidurio ir Rytų Europos šalyse.

Atlikta Europos Sąjungos, Pasaulio banko ir Transparency International antikorupcinių tikslų ir korupcijos prevencijos bei mažinimo priemonių analizė atskleidė antikorupcinių kampanijų, vykusių Vidurio ir Rytų Europos šalyse, kryptis ir turinį. Europos Sąjungos antikorupcijos praktikoje daugiausia dėmesio buvo skiriama baudžiamųjų antikorupcinių įstatymų kūrimui ir įgyvendinimui, Europos Komisijos rekomendacijos šalims kandidatėms dažniausiai buvo nukreiptos į kontrolės paradigimą. ES pirmenybę teikė taip vadinamiems „indėlio“ rodikliams, t.y., antikorupcinėms taisyklėms ir procedūroms. Kadangi didžiausias dėmesys buvo skiriamas kyšininkavimui, galima teigti, kad Europos Sąjunga pirmosios antikorupcinės bangos laikotarpiu taikė pakankamai siaurą korupcijos apibrėžtį bei korupcijos problemą dažniausiai akcentavo valstybiniame sektoriuje.

Pasaulio banko vaidmuo ir indėlis antikorupcinėje pramonėje Rytų ir Vidurio Europos šalyse iki 2002 – ūjų taip pat buvo ženklus. Pasaulio banko korupcijos diagnostikos instrumentas - Verslo aplinkos ir įmonių veiklos rezultatų tyrimas, besiremiantis verslo atstovų nuomone ir patirtimi, bei jo pagrindu rengiamos ataskaitos „Antikorupcija pereinamojo laikotarpio šalyse” (2000, 2004; 2006) yra vienas dažniausiai cituojamų korupcijos tyrimų šalių nacionalinėse antikorupcinėse strategijose ir programose, akademinėje literatūroje bei žiniasklaidoje. Šio tarptautinio donoro skiriamas bruožas – korupcijos problemos depolitizacija ir jos pristatymas socialiniame ir ekonominiame kontekste. Pasaulio banko naudojama korupcijos apibrėžties ašis - *viešoji tarnyba*. Požiūrį į korupcijos prevenciją ir mažinimą galima įvardinti kaip institucinį, o interesą, kuriuo siekiama korupcijos prevencijos pirmiausia banko finansuojamuose projektuose ir programose, kaip ekonominį.

Nevyriausybinių pasaulinių antikorupcinių organizacijų Transparency International nuo 2000 – ūjų naudoja ideologinę prasmę bene plačiausią korupcijos apibrėžimą: *piktnaudžiavimas visuomenės patikėta galia siekiant asmeninės naudos*, kuris nagrinėja korupciją tiek valstybiniame, tiek privačiame sektoriuose. Sustiprėjęs šios organizacijos antikorupcinės praktikos vaidmuo pasaulyje nuo 2002 – ūjų ženklios įtakos ES – 8 antikorupcinei politikai eurointegracijos laikotarpiu negalėjo turėti.

Kitų antikorupcijos srityje veikiančių tarptautinių organizacijų, tokių, kaip Jungtinės Tautos, Jungtinių Tautų vystymo programa, Ekonominio bendradarbiavimo ir plėtros organizacija, Jungtinių Valstijų tarptautinės plėtros agentūra, Jungtinės Karalystės tarptautinio vystymo departamentas, Jungtinių Tautų narkotikų ir nusikaltimų biuras, Azijos plėtros bankas pagrindinių antikorupcinės veiklos dokumentų analizė atskleidė, kad šių tarptautinių organizacijų siekiai korupcijos prevencijos ir mažinimo atžvilgiu buvo pakankamai skirtingi, tačiau deklaruojamos priemonės analizuojamu pokomunistinių šalių eurointegracijos laikotarpiu buvo panašios ir pastebimai abstraktaus pobūdžio.

Pateikti tarptautinių organizacijų antikorupcinės praktikos apibendrinimai leidžia teigti, kad tarptautinių organizacijų antikorupcinė veikla iki 2004 – ūjų gali būti apibūdinta *visuotinės* bei *į valstybę* orientuotos antikorupcinės praktikos mokyklų rėmuose. Tai nulėmė bendro pobūdžio daugiakrypčių ir daugiašakių korupcijos prevencijos ir mažinimo priemonių atsiradimą, skirtų tiesioginei „kovai su korupcija”, vengiant specifinių atskiroms šalims skirtų rekomendacijų ir priemonių pateikimo. Be to, ES dominavimas antikorupcijos pramonėje įtakojo *teisinių požiūrio* į korupciją vyravimą pokomunistinėse šalyse eurointegracijos laikotarpiu. Viena vertus, Pasaulio banko *apolitiška* laikysena korupcijos reiškinių atžvilgiu sąlygojo sparčias viešojo administravimo sektoriaus reformas pokomunistinėse šalyse, kita vertus, „kriminalizavo” viešąją tarnybą, kaip korupcinio pobūdžio veiklų koncentracijos vietą.

Pažymėtina, kad darbe atlikta tarptautinių organizacijų antikorupcinės veiklos analizė pagrindžia teiginį, kad *kritinės kriminologijos rėmuose taikomas korupcijos konstravimo prielaidų analizės instrumentas, akcentuojantis institucinę galią ir interesus, leidžia pabrėžti reikšmingą tarptautinių organizacijų vaidmenį formuojant ir įgyvendinant antikorupcines politikas pokomunistinėse Vidurio ir Rytų Europos šalyse eurointegracijos laikotarpiu bei atskleisti teisinį - procedūrinį požiūrį į korupciją ir jos prevenciją, kurį rėmė Europos Sąjunga, ir ekonominį, kurį skelbė Pasaulio bankas.*

Darbe analizuojamas pereinamasis laikotarpis pokomunistinėse Vidurio ir Rytų Europos šalyse išsiskiria „triguba“ transformacija ir radikaliais pokyčiais teisės ir švietimo sistemose, ideologijos ir tarptautinio bendradarbiavimo (tiek ekonomikos, tiek saugumo sferose) struktūrose bei socialinės stratifikacijos atžvilgiu. Tokio perėjimo kontekste kyla diskusijos dėl korupcijos reiškinio interpretacijos pokomunistinėse Vidurio ir Rytų Europos šalyse. Viena vertus, tyrimų rezultatai, apibendrinantys korupcijos situaciją visame Vidurio ir Rytų Europos regione, akcentuoja korupcijos „sezoniškumą“, kuris suprantamas kaip nesuvaldoma korupcija, atsirandanti kaip pereinamojo laikotarpio sukkelto chaoso rezultatas. Kita vertus, galima teigti, kad atskirose šalyse, pavyzdžiui, Lietuvoje, Slovakijoje ir Vengrijoje, korupcijos situacijos suvokimas ir aiškinimas yra labiau panašūs į korupcijos „klimatą“ ir yra ilgalaikių istorinių ir kultūrinių tradicijų padarinys. Atskleidžiamas blato santykių monetarizavimas yra nuoroda į pokomunistinės korupcijos aiškinimą. Blatą pakeitęs kyšis devalvuoja komunistinį socialinį kapitalą. Šiuo pagrindu socialiniai santykiai perauga į ekonominius santykius ir pakeičia korupcinių santykių trajektoriją.

Korupcijos objektyvacijos elementų, t.y., fenomeno apibrėžčių, diagnostikos instrumentų, tyrimų ataskaitų, taikomų pereinamuoju pokomunistiniu laikotarpiu Vidurio ir Rytų Europos šalyse, analizė atskleidžia, kad ataskaitose, pristatančiose korupcijos situaciją pokomunistinėse šalyse, dažniau vietoj siauresnių „kyšio“ ar „neoficialaus mokėjimo“ terminų buvo naudojama pati plačiausia „korupcijos“ sąvoka. Korupcijos tyrimų koncepcijose (Korupcijos suvokimo indeksas, Pasaulinis korupcijos barometras) beveik kiekvienais metais buvo daromi pakeitimai apibrėžiant korupciją ir išskiriant jos formas, todėl egzistuoja lyginamosios analizės tarp šalių trūkumas. Pažymėtina, kad pokomunistinės šalys nepasižymėjo korupcijos tyrimų gausa, netgi priešingai, jose nebuvo ir iki šio nėra nusistovėjusios ir patikrintos korupcijos fenomeno tyrimų metodologijos, išskyrus Lietuvos, Latvijos, Slovakijos, Rusijos, Bulgarijos atvejus. Tyrimų, apimančių kelias pokomunistines šalis, rezultatai buvo dažnai apibendrintai naudojami korupcijos situacijai pokomunistinių šalių regione apibūdinti, neakcentuojant pakankamai akivaizdžių korupcijos suvokimo skirtumų tarp šalių. Ankstyvosios nacionalinės kovos su korupcija strategijos ir programos vertinamos kaip dažniau atspindinčios eurointegracijos ir globalizacijos siekius nei šalių korupcijos problematiką ir specifiką. Pereinamasis pokomunistinis laikotarpis apibūdinamas

kaip antikorupcinių kampanijų vėjus. Galima daryti išvadą, kad korupcijos reiškinių „sezoniškumo” ar „klimato” aspektai, arba, kitaip tariant, atskirų šalių specifika, atskleidžiant korupcijos problemą, taip pat tarptautinių organizacijų antikorupciniuose veiksmuose atsispindėjo nežymiai arba visai nepasireiškė.

Pirmosios antikorupcinės bangos etapas pokomunistinėse Vidurio ir Rytų Europos šalyse dažniausiai apibūdinamas „taisyklių ir normų”, „kontrolės”, „ekonominės žalos”, „valdymo ir viešojo administravimo reformų” sąvokomis. Pereinamojo pokomunistinio laikotarpio antikorupcinės veiklos „produktų”, tokių, kaip šalių rangavimas pagal demokratijos praktiką (pavyzdžiui, Freedom House ataskaita *Nations in Transit*), atsiradimas išryškino pokomunistinio Vidurio ir Rytų Europos regiono problematiką ir įgalino tarptautines organizacijas veikti šiame regione. Antikorupcinės programos buvo taikomos neatsižvelgiant į pokomunistinių šalių specifiką. Pažymimas atotrūkis tarp vykdytų antikorupcinių veiklų kiekybės ir kokybės. Pavyzdžiui, antikorupciniai mokymai dažniau buvo *ad hoc* ir dažniausiai priklausė nuo tarptautinių organizacijų pagalbos.

Galima pagrįstai teigti, kad *korupcijos fenomeno konstravimas pokomunistinėse Vidurio ir Rytų Europos šalyse pasireiškia tuo, kad korupcijos problemos iškėlimas siejamas su pereinamojo laikotarpio specifika ir korupcinių santykių monetarizavimu, korupcijos diskurse prioritetas teikiamas valdymo ir administravimo retorikai, o antikorupcinė praktika orientuojama į normatyvinį „gero valdymo” kontekstą, sietiną su eurointegracijos ir globalizacijos problematika.*

Pažymėtina, kad korupcijos problemos eksternalizacija pokomunistinėse Vidurio ir Rytų Europos šalyse dažnai vyko neatsižvelgiant į korupcijos problemos internalizacijos ir objektyvacijos ypatumus bei specifiką atskirose šalyse. Korupcijos problemos internalizacijos, objektyvacijos ir eksternalizacijos fazes pereinamuoju pokomunistiniu laikotarpiu Vidurio ir Rytų Europos šalyse galima apibūdinti kaip pakankamai izoliuotas ir tik nežymiai susijusias tarpusavyje.

Po įstojimo į Europos Sąjungą buvusiose pokomunistinėse šalyse pastebimos naujos antikorupcinės veiklos tendencijos: korupcijos apibrėžties išplėtimas, įskaitant korupciją privačiame sektoriuje, politinių korupcijos pažabojimo priemonių aktualizavimas, pareiškėjų apsaugos akcentavimas bei vietos (šalių) indėlio sureikšminimas, įgyvendinant antikorupcinę politiką nacionaliniame lygmenyje.

Tolesni korupcijos fenomeno tyrinėjimai pasitelkiant konstrukcionistinę tradiciją galėtų būti nukreipti į *korupcijos konstravimo proceso ir jo specifikos analizę*, t.y., plačiau nagrinėjant korupcijos apibrėžties genealogiją, antikorupcijos ekspertų atranką bei atskirų šalių patirtį, kuomet, pasak Quinney, galingųjų siūloma korupcijos ideologija tampa antikorupcinės praktikos dalimi.