



Katalin Pallai: Democracy and corruption ¹

Corruption is generally interpreted as a legal category in Hungary, and in many other countries in the region. This approach is closely linked to the misconception popular mainly in Eastern, Southern and Central Europe, that, on the one hand, law is able to define what is good and what is evil and, on the other hand, social processes can/should be governed by legal tools. Both assumptions are mere illusions in the context of corruption: first, legal tools often fail to provide clear answers and the meticulously detailed requirements lead to over-regulation and are therefore counterproductive; second, regulations and sanctions are, in themselves, insufficient to combat corruption. In our specific case, another reason for not using legal definitions is that most of the participants of the training are not lawyers.

The final reason to extend our discussion beyond the legal approach to combating corruption is that it focuses on the violation of law and written rules, i.e. on crime, which is committed intentionally. However, it is not only processes widely recognised as illegal that are relevant for integrity. We also have to understand processes which violate integrity, which are all but overlooked by many, which are everyday practices in public administration, which people get easily involved in, and which are harmful to the operation of the organisation. We also have to address the processes and practices that form part of the way the organization operates but are integrity deficits that degrade and poison public service, and decrease trust in public authorities.

To be able to shift to this wider integrity approach, the first step is a clear choice of values to identify what is good and what is evil. In a democratic country, the integrity of the public sector must be analysed in accordance with democratic principles, as these are definitely a common denominator.

Our proposed working definition for democracy:

DEMOCRATIC PRINCIPLES:

- Power is held by citizens who temporarily delegate decision making rights to those elected.
- The elected are responsible for representing and leading the political community.
- The subject of the representation is the entire political community.
- Leaders are responsible for realising public good and public objectives.
- Public good and objectives rest on previous political agreements, and should secure but are based on:
 - Transparency and accountability
 - Sustainability (including the responsibility for future generations)
 - Equal rights
 - Rule of law

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This definition reflects a clear logic that people are often unaware of, and is, unfortunately, not adequately taught to forthcoming generations at schools either. In a modern democratic system:

1. Power is held by the citizen, who delegates this power to politicians only temporarily. That is why citizens have the right to transparency, opportunities for control and accountability. After all, information is essential for them to determine whether or not the decision they made at the elections was good or bad. If they are not provided with an appropriate quantity of information of appropriate quality, they are not in a position to make well-founded decisions.
2. Elected politicians are not only responsible for their own interest group, but for everyone (for all citizens, or for the whole political community, for the nation.²) They have this responsibility irrespective of whether a citizen voted for them or not.³
3. Politicians must realise the values, principles and objectives previously defined in public debates⁴. These entail consensus on public good and public objectives.
4. Politicians may only use public resources and public administration for the implementation of public objectives that have been developed and publicly announced; and must provide insight to the holders of power, i.e. the members of the community.
5. The concept of minimal democracy is based exclusively on procedural elements (relating to the rules of processes and decisions). Since procedural elements alone, although they are preconditions for democratic operation, do not guarantee the quality (correctness) of outcomes⁵, the enforcement of values and substantive goals is also part of this concept of the democratic system.⁶ The concept of democratic governance we use also entails substantive goals, like: equal rights, sustainability and the promotion of the public good.
6. In a democracy, citizens are members of the community of values and as such are expected to exercise their rights and to comply with their obligations based on the values, principles and procedures established earlier.

Based on these democratic principles, we can establish a concept of corruption that may serve as a compass/reference for identifying corrupt phenomena and may also set the stage for introducing the concept of integrity.

² The *OR* relation is applicable because the terms reflect different, monist and pluralist, approaches to democracy. This approach is, however, consistent with both because the conclusions do not contradict each other.

³ This condition has both procedural and substantive relevance.

⁴ Since issues naturally give rise to different opinions, there should be opportunities for the presentation of differing positions in public disputes; these must be ensured by the state (information, participation).

⁵ Civil servants and other practitioners probably know from past experience or earlier studies that no social procedure reaps inevitable correct result. (Participation in itself does not guarantee the correctness of a decision; what is surely improved is only acceptance.) See theoretical underpinning in Rawls's concept of imperfect procedural justice.

⁶ Johanna Fröchlisch: A demokráciafogalom értelmezési tartományának bővítése: relativizálódás vagy garancia (Expanding the interpretation range of the concept of democracy: relativisation or guarantee?) *Iustum Aequum Salutare*. VI. 2010./3. pp. 17–24.

If agree on the democratic principles, on their basis, a clear corruption definition can be created and a clear judgement can be made regarding any practice whether it violates public sector integrity.

Working definition of corruption for the public sector

Behaviour that deviates from the principles or rules associated with public office (political or executive) in order to

- Gain private benefits in terms of WEALTH, POWER or STATUS;
- Serve PERSONAL (personal, family, friends) or GROUP (economic, ideological, ethnic, party, professional, etc.) interests.

This definition indicates clearly that the distance from public interest shows the degree of corruption. This approach provides an opportunity for sober analysis, as well as a sound basis for determining what is good and what is not in most settings. It helps us to redefine patterns and habits that “we do not notice any more” and to leave behind approaches based on rationalisation, cultural relativism.