

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

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

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

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

## **Crime and Corruption: A Profile**

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

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

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

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<sup>1</sup> For the analogy of the two wheels of a cart, I am indebted to the Honorable Leoluca Orlando, Mayor of Palermo, and Member of the European Parliament.

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

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

### “Two Wheels”

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

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

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

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

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

## Specific Effective Practices

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

### 1. The need for transparency and protection.

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

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

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

### 2. Leaders and Role Models.

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

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

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





