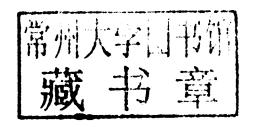


Crime and Corruption in New Democracies

The Politics of (In)Security

Jon Moran University of Leicester, UK







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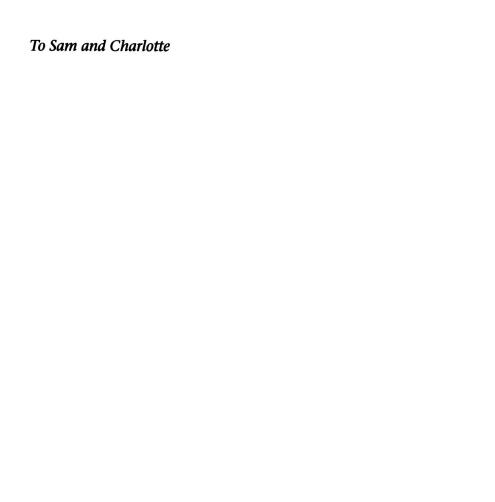
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Acknowledgements

I have maintained an interest in corruption as a research issue beyond involvement in a British government-funded research programme into the topic over ten years ago. But sometimes the issue finds me, as when my 2001 article 'Democratic Transitions and Forms of Corruption' was plagiarised almost in its entirety by a presenter at a conference in Sweden in 2005. It must be the definition of irony to have a corruption paper plagiarised for a conference on corruption. In recent years I have also focused on crime, as part of research for external bodies and as part of an interest in how crime, like corruption is changed by politics. This book attempts to look at the issue, and refocus corruption and crime in a political context. The issues continually resurface: corruption remains a potent political issue, a mantra of aid agencies and the focus of diplomacy and global media coverage. Transparency International's global corruption survey continues to garner world headlines and, as I write, the Wikileaks exposure of decades of US diplomatic documents shows officials throwing accusations of corruption at various countries. Meanwhile, the issue of crime and democracy flared up in blood-tinged relief following the invasion of Iraq in 2003.

A number of people provided substantial help in the development of this book or just provided light relief from constant reading on violence, crime and oppression: the LRC staff at the University of Wolverhampton, particularly the Inter-Library Loans unit, the School of Law, Communications and Social Sciences for granting a sabbatical, Ian McKim in particular for his incisive analysis, Michael Tonge, Andy Brennan, Alan Doig, Carol Jones, Neil Olley, Steve Griffin, Mike Levi and last but not least, Harriet.

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1 Introduction

Social control theorists have generally failed to consider the impact of political factors on crime, perhaps because of their almost exclusive focus on crime in the United States and Western Europe.*

[C]rime and power are inextricably linked phenomena in a variety of often contradictory ways [but] one of the key features and effects of power is the ability to operate beyond public scrutiny and thus accountability.†

Remarkable change has swept the globe over the last three decades. In economic terms the post-war Bretton Woods consensus of managed trade and exchange rates has given way to deregulation and the expansion of global markets, particularly in finance and culture/entertainment. In political terms the third wave of democratisation broke over most continents from the later 1980s, affecting states in Africa, Eastern Europe, Latin America and East Asia. This process led to ideas that history had reached a terminus in the form of liberal democracy. However the realities of political power and mobilisation failed to match this pronouncement and within a few years authors were focusing on the resurgence of ethnic conflict, the spread of civil wars and, later, how democracy itself might contribute to political violence and instability.² In addition to this many authors began to focus in fevered fashion on the spread of organised crime as posing a threat even to the nation state, particularly in new democracies.³ Thus, in policy and academic circles whilst the triumphalists of liberal democracy and globalisation looked to the uplands of ever expanding democracy and economic growth, integrated economies and a world filled with voracious consumers, others focused on the dark side of globalisation and searched the globe for new security threats in the post-cold war world. Somewhere in these titanic intellectual clashes a focus on the way democratisation changed individual states and societies was arguably lost, including the effects of democratisation on crime. To be sure, crime did receive attention in countries such as Russia and South Africa but these examples were examined at the expense of the issue generally⁴ and the focus on organised crime has not always been helpful. One reason for this might be that many of the changes in crime are attributed to globalisation, part of an approach which views the global as the fundamental level of explanation rather than developments within individual nation states.⁵ A focus on political change and crime generally has been missing, as the quotation from Villareal at the start of this chapter bears out. When crime generally has been the subject of focus, the concentration has been on existing crime as a problem to be solved by reducing the 'security gap' – the absence of a basically efficient criminal justice system. As a result much literature has been policy oriented, focused on criminal justice system reform.

This book takes a wider, more political, look at the way in which democratisation affects crime. This involves first discussing the approach to democracy before setting out a series of ways in which the process of democratisation might be related to crime.

Analysing democracy

This is in essence a book about power and crime and how changes in one may affect the other. Democratisation is a fundamental realignment of power in society. At its most fundamental it changes the nature of the state; despotic coercive power is replaced by infrastructural power, state power mediated through more responsive institutions connecting government with independent civil society.⁶ Civil society groups gain space to organise and become more powerful. Whether business is defined as part of civil society or not, it also gains space. There are few, if any, examples in the recent epoch of change where the state democratises and retains control of the economy.

This decentralisation and reformulation of power takes place even in the limited reforms aimed at building a procedural democracy, which concentrate on the basics of instituting regular competitive elections which decide the government. Many authors view this idea of 'electoral democracy' negatively because it ignores the wider factors that support democracy, participation being a central one. But there is no reason why a focus on elections excludes an appreciation of wider factors since, unless the elections are merely demonstration elections⁷, the new polity actually provides space for its own transformation which should not be neglected. Clearly, even minimally free elections require other societal innovations, such as the freedom to organise credible independent political parties. This in itself implies an independent civil society composed of a range of groups, an independent media and so forth, and the civil liberties which guarantee these, as discussed in Chapter 3.8 Indeed, if a narrow focus on elections (termed the 'electoral fallacy') is theoretically dangerous, then democracy should not be

defined by a 'contextual fallacy', where the list of factors which go together to make a supposed genuine democracy gets longer and longer each year, dissolving analytical clarity.9

Indeed, the book does not posit a purely Platonic ideal of democracy to judge societies by. especially as this 'ideal' does, in practice, seem often to be influenced by whatever is happening in the democracies of Western Europe and North America. Sometimes it seems that new democracies are presented by Western academics and government aid agencies with an endlessly resubmitted ransom demand they are never quite able to pay off. Thus new democracies are 'only' electoral democracies, or they have democratised in the 'wrong order', 10 they do not have 'the rule of law' (itself a relatively recent rediscovery)11 and, even more worryingly, sometimes their politicians play politics with crime and engage in pork barrel politics (as though the US, UK, Belgian and German defence budgets were free of such wrongdoing or as though David Garland and Jonathan Simon had never disclosed the politics of panic, paranoia and crime that have so changed the social policy co-ordinates of the US and the UK). Elsewhere the vibrancy of democracy seems to be viewed as inherently problematic.12

Finally, democratisation is not delineated here in sharp relief because this book takes from political economy a processual approach to political and social change: democratisation and democracy are used interchangeably since the patterns established in democratisation continue as the polity is stabilised. 13 Having made the case for a certain approach to democratisation it is also appropriate to then discuss how democratisation may have implications for crime of various types and this involves further setting out the book's scope.

The scope of the book

As argued, this book examines democracy as involving free elections and the factors that are required to make these happen. On this basis it discusses the link between democracy and corruption and crime. The book is not obsessed with whether crime has risen after democratisation - the lack of rigour in statistical collection under communist and other authoritarian regimes makes it difficult to judge. Certainly a variety of country studies, reports and other data and more reliable statistical patterns collected/ produced after democratisation, show rises in many countries, but the focus here is on how crime and corruption have *changed*.

Although much corruption is crime, particularly bribery, the phenomenon of corruption needs to be separated from crime as it refers to a wider set of behaviours against a basic notion of the public interest, which are generally seen as subverting democracy (see Chapter 3). With regard to crime the book examines high volume or 'general' crime such as property crime, violent crime and elite crimes. The last are those crimes (such as embezzlement and fraud) which require responsibility and upper level connections in economics or politics to commit, or are crimes (such as violence or bribery) which are used to expand or protect the interests of powerful political and economic actors. It is important to locate the commission of elite crimes in their political context: they are, in one formulation, 'power crimes'.'

However the examination of volume and elite crime presents a wide horizon and it is appropriate to be more specific and set out what this book does and does not discuss. In discussing democratisation, crime and corruption the perspective adopted is that of political economy: post-structuralism is eschewed in favour of a focus on the concrete relationships between the state and civil society and business and the link between economics and political power. But each chapter tries to give a newish twist to the link between democratisation and crime or corruption.

Before proceeding further, the scope of the book needs to be clarified and the terms used within it justified.

First, the book is not a 'balance sheet' of democratisation; rather it examines some ways in which democratisation has implications for crime and corruption. It seeks to explain some of the dynamics of democratisation and crime through a series of descriptions that may be applicable generally. Therefore it is not a number-crunching quantitative analysis. Those readers expecting reams of criminal statistics and regression equations will be disappointed. Whilst statistical studies are, as Johnston argues, good at finding overall relationships between variables¹⁵ they are less effective at discussing or explaining the dynamics behind any broad relationships.

Secondly, because the focus is on democratisation and crime as relating to power (either possessing it or having little of it), this book takes a political approach to crime. Criminological references do not predominate since the book also draws references from political economy, politics, history and anthropology. All these disciplines have produced outstanding work on crime and democracy, particularly anthropology.

Thirdly, this book does not present a glowering, apocalyptic vision of democracy and crime. Decentralisation of power will naturally have ramifications for crime. The *type* of decentralisation is important but the outcome is uncertain; some states become high crime societies, some see a rise and fall over the long term, other states see an increase but remain relatively low crime societies, yet others experience repeated fluctuations. This is to be expected as a general proposition and the interesting challenge is to explain why some countries have higher crime rates than others. Since this is a work of politics the answers can be found in the way new forms of power and exclusion crystallise in democratic societies.

Linked to this, this book also rejects the idea that organised crime is one of the greatest threats to democracy, an overly intense response fuelled by an effective coalition of government officials, law enforcement personnel,

policy advisers, academics and journalists. 16 Some democracies are adversely affected by organised crime. But it appears that the few case studies of this (from Italy, Colombia and Mexico are used as templates for a general theory of organised crime and democracy, rather than being used as exceptions. Democracies, despite the apocalyptic writing of some academics and journalists, are in fact surprisingly resilient with regard to organised crime, which is in fact a circumscribed phenomenon of power.

The book *does* however try to set democratisation and crime in context. This depends on identifying those factors contributing to crime that can be derived from democratisation and other factors that may only be associated with the process. This is discussed in more detail in the section below but with regard to factors associated with, rather than directly arising from, democratisation. This involves setting out the decentralisation of power evident in political liberalisation, which may precede full democracy. It also involves examining those major processes, which might unfold alongside democratisation, such as economic liberalisation.

This book does see democracy as a contradictory and often incoherent process; as distinct from statistical surveys that posit 'clean' relationships between factors (e.g. democracy reduces corruption, economic liberalisation reduces corruption). It might be more fruitful to view democracy as producing change and reaction. For example, if democracy reduces corruption this is not because there is something inherent in a certain form of institution, or the practice of voting, which reduces corruption (it does of course increase accountability) but because democracy also frees social forces who mobilise against illicit power; and they may be more or less successful. We might accept that democracy reduces corruption but we also know that democracies have varying levels of corruption and this might be due to the success or failure, presence or absence, of effective coalitions (the media, opposition politicians, businesses) moving to control it.

In addition, this book *does* discuss Russia. A monumental and impressive literature has addressed democratisation and crime in South Africa (to which this book cannot productively add), but with regard to Russia something critical can be added to the debates. A great deal of attention was paid to Russia ten years ago in terms of democratic reform, organised crime and corruption, and it deserves to be revisited.

Finally, this book uses a variety of data to examine patterns of crime: official reports combined with in-depth reporting; surveys from human rights groups and other civil society groups; academic articles; and, where appropriate, media reports. Although statistics alone, with all their reservations, may be able to tell us something about trends there is a need for triangulation to provide enough data for analysis.¹⁷

For analysing corruption, statistics do not suffice, nor do surveys. Transparency International surveys are enormously helpful but, by their nature, do not focus on the mechanics of corruption and they are concerned with public corruption rather than political corruption generally. Analysing corruption requires scoping exercises, deep description and single case studies and these are most often found in the abundant academic literature.

Separating democracy and other factors related to crime

As mentioned above, it is particularly important to sort out the changes directly related to democratisation that may have effects on crime from those that do not.

Firstly, political liberalisation must be separated from democratisation. Even before democratisation the weakening or crumbling of the old regime may leave a vacuum in which violence and predatory crimes may rise and groups engaged in illegal activities may develop; this will not be the case if new governance structures are introduced quickly and if the state retains basic power and capacity, for example in the area of public security.¹⁹ Power and capacity, as Cuellar argues, are different variables. State power is the ability to implement policy by coercion, if necessary, and state capacity refers to the ability of the state to effectively and successfully apply policies. Authoritarian states often display both: wide ranging national security laws and massive security and police establishments form a block of power and capacity which constrain the development of 'political' and 'ordinary' crime. As Chapters 2 and 7 argue, it is the shock of these changes that often has ramifications for crime, and recently much democratisation has been rapid (Russia, Eastern Europe, Iraq, Indonesia). In more measured transitions, states lose power but not capacity. States that experience shock often lose both power and capacity. Beetham, elegantly criticising the hallucinatory neoconservative vision of democratisation, outlines the problem of removing regimes whilst having little or no idea of what might take their place:

This view is disingenuous, because it ignores the fact that the errors of implementation were not contingent mistakes, but were inscribed in the nature of the project and its authors from the outset. Their mindset was characterized by two elements: an extraordinary belief in large-scale social engineering, provided it takes place abroad; and a highly simplified view of social and political processes. Both were evident in the recipes for economic liberalization in Russia and elsewhere after 1990, where it was believed that, if you removed the state from the economy, a fully-fledged market system would emerge, regardless of any institutional conditions or supports. Both were also evident in the project for democratization in Iraq: remove an oppressive state and democracy will spring up of its own accord, as if it were a 'default position' to which societies will gravitate once the source of their oppression is removed. To say that the Iraq

project failed through errors of implementation is to wish that different authors had been in charge; for example, those who would have listened to independent experts on Iraq and the region rather than marginalizing them. But these would have been ones who would most probably never have embarked on the project in the first place.²⁰

This issue is not about democracy as such but about state power as an important variable, neglected in post-structuralist state theory and by criminology.²¹ The role of the state as the site of qualitatively different power and as the reproducer of social order needs to be 'brought back in'.²²

Secondly, the crimogenic implications of transition will be dependent on the *context* of democratisation. For example, the presence of nearby civil wars and conflicts might mean new democracies become linked to local 'clandestine political economies of war' such as smuggling or counterfeiting.²³ Or democratisation might coincide with a developing regional drugs market. Indeed, third wave democratisation took place just as the global drugs economy was diversifying and many new states quickly became conduits for drugs trafficking and consumption.

What is also important is the type of democracy being developed. Recent change has been towards neoliberal democracy. Neoliberalism itself doesn't automatically fuel crime. There are examples of neoliberal countries not succumbing to marked increases in crime. But there are many more where there does seem to be a link; for every Chile or Mauritius²⁴ there is a Russia, South Africa, Brazil, Argentina or Mexico; other countries saw a rise in crime and tempered their neoliberal policies, for example Poland. But even in authoritarian states neoliberalism seems to have been connected to an increase in crime, for example in Mexico before full democracy and in the People's Republic of China from the late 1970s.²⁵ Neoliberalism involves the marketisation of society. The dark side of this is the development of illicit economies (drugs, people trafficking, counterfeiting, extortion). Sometimes authors simply ascribe the existence of a black market in, for example, communist countries to a new democracy as though there was a seamless transfer, when surely neoliberalism has something to do with the development of black markets.²⁶ More importantly, neoliberalism may have an effect on crime generally by simultaneously creating disparities that bring with them opportunities for crime by elites, or crimes of acquisitive assertiveness (street robbery, fraud), or crimes born of anomie and alienation (petty theft, prostitution, bribing local officials).²⁷ This book does not adopt a reductionist approach that power equals crime or that poverty or inequality equals crime. That is, it rejects any deterministic approach to 'seeking correlations between income inequality in a society and criminal behaviour'. Rather, as Jock Young would argue, crime is in part a narrative arising from the 'process of *experienced* injustice'²⁸, or, with regard to elites, a narrative arising from experienced privilege and power. Poverty or inequality play a role in crime but not as a matched result of statistical rises or falls; the development of extreme inequalities may establish patterns of predatory crime as a response, which simply do not disappear as a result of a subsequent 5 per cent reduction in poverty.

With regard to factors that are inherent to a democracy, the process of change must involve a reduction in state coercive power. The reduction of physical controls required of a basic democracy has ramifications for crime. More open internal travel and external borders, the free purchase of goods, the reduction of police, militia and other security forces and the reduction in scope of the security system clearly have crimogenic implications as Chapter 2 discusses.

Further, the nature of democratisation also provides space for elite crime and corruption since the transition to democracy creates pressures and opportunities for licit and illicit activities aimed at retaining or gaining power. Existing elites might try and control the transition; but new elites also emerge quickly, as was the case even in communist countries. In these existing or new elites the desire to control the democratic transition may create a context for 'power crimes'. Corruption may be involved in massive privatisation schemes, providing favours and support for new private sector businesses, granting licenses and ignoring the evasion of taxes and other controls (see Chapter 3). If democracy occurs in a polity in which the economy is already liberalised, and business and organised crime are already evident, then their influence in the state may grow through corruption on the part of private firms, vote gaining and brokering, or other favours (such as violence) on the part of organised crime (as Chapter 4 describes). Whatever the context of reform, the success or otherwise of a post-authoritarian elite in establishing dominance in the new polity is important as to whether or not patterns of elite corruption and crime become embedded over the long term. Again, the role of civil society groups in making (or failing to make) elites accountable - the dialectic of democracy - is vital.

The factors discussed in the previous two sections merge in specific ways to create certain patterns of corruption and crime. The book discusses some examples and more detailed studies point us to a factor hovering over the discussion so far: the role of the legacy of the previous power structure, to which the next section turns.

The role of legacy

The legacy of previous political and economic power structures and cultures is important in explaining patterns observed in democratic transitions, and this includes crime and corruption. For example, patterns of rising crime have been seen in a number of states before political liberalisation and democratisation, including the Soviet Union, South Africa, Indonesia and Iraq. However, crime that occurs as authoritarian regimes begin to crumble is

very different to the crime that comes afterwards. The effect of previous patterns of political and economic behaviour is important but it is fraught with danger as an explanatory variable since it is a tempting platform on which to place a large range of arguments. Legacy or culture arguments can be quite easily used for a variety of legitimating and condemnatory purposes. For example, the rise of crime in Russia following democratisation is blamed on the 'red mafia', or legacies of communist culture, or on unbridled capitalism depending on the ideological perspective of the analyst. To simply read off the political economy of criminality in Russia to the Soviet system seems to adopt the same sort of reductionism which Marxists and neo-Marxists are often accused of.29

The compressed and radical nature of the transitions referred to in this book means that previous structures of behaviour may be obliterated, or existing trends may be blown out of all proportion to such an extent that positing a legacy argument tends to miss the point. The crime and corruption in Russia is an example since it is arguable that they stemmed from the 'banditry' conditions created under Boris Yeltsin rather than the regimes of Leonid Brezhnev or Mikhail Gorbachev. Similarly in Iraq, positing the violence between Sunni and Shia Muslims after the 2003 invasion as somehow arising from the trans-historical enmity between these groups is utterly unsatisfactory, particularly since Iraq was one of the more secular countries in the Middle East before 'shock and awe' arrived. In Brazil, although forensic sociological examinations have traced the rise of the drugs lords in the favelas and Brazil's extreme urban violence to the military's destruction of democratic culture during its rule from 1964-1985, the importance of Brazil's repeated economic crises in the 1980s and 1990s, and the neoliberal policies that resulted, simply cannot be ignored.³⁰ The drugs economies of the favelas are deeply rooted in post-democratic economic and social policy and one important factor is the rise of middle class drug consumption, which derived from the success the upper classes had in the new economic universe.31

This is not to deny the effect of previous patterns but to argue that the effects are more traceable in some contexts than others. Chapter 6 does argue that legacy is an important variable in violent crime in democratic El Salvador and Guatemala. In the 1990s these countries underwent peace and democratisation processes which have been a qualified success: in El Salvador democracy has seen the political party based around the former guerrilla movement take the presidency in the election of 2009; Guatemala has made a much slower move to a vigorous democratic system. However both countries have seen significant levels of violent crime and one expression of this has been a marked rise in the gruesome murders of women, often with a sexual element. The sharp rise in violence and these murders in both countries in the last decade may be influenced by cultural co-ordinates stemming from the previous period. Horrific civil wars, which reached their

nadir in the 1980s, liquidated not only hundreds of thousands of human beings but also social support networks and appear to have changed the culture. Once the fighting had ended an ill-timed, neoliberal economic programme further weakened social stability. In a short space of time after peace (1992 in El Salvador and 1996 in Guatemala) the murder rate began to rise and within a few years the horrific murders of young girls began showing the same modus operandi as the state political killings during the dark days of the 1980s. They were perpetrated by ex-combatants and by youth gangs who, having been sent back from the US, adopted the violent culture of the cities of San Salvador or Guatemala City and of the rural areas. also sites of bloody struggle.

A culture of impunity is also evident in the dynamic of violence, especially in Guatemala. Elites from the Cold War period remained influential, but offenders also benefitted from a marked lack of police effectiveness. During the civil war the massive security forces had little investigative capacity so the reduction in law enforcement as part of the peace process in both countries made little difference in terms of professional criminal investigation. This cluster of legacies (as they intersect with existing macho culture stereotypes) is partly responsible for these democracies coexisting with horrific levels of violence in which young girls are treated as commodities. A similar situation seems to have been evident in Iraq after the 2003 invasion and was connected to the new culture of everyday violence there, not merely the pre-existing male dominated local culture.

The democratic reaction against crime/crime control

Following democratisation a cycle of violence may develop, but not in the form of political violence. Rather a conjuncture of crime and crime control may see some democracies become more violent as the years progress, a feature raised first by authors such as Chevigny and Caldeira and Holston.³² As previously argued, democratisation may facilitate a rise in crime and, depending on the context, this may include violent crime by groups and individuals. Firstly, the democratic state, acting in response to public pressure, institutes a crackdown on crime. The discourse may become heated, with crime being declared a national security threat and fear of crime rising across the population. This is similar to the panic about crime that has influenced policymaking in Western Europe and North America, but in new democracies there may be a very evident problem of violent crime. The crackdown may take the form of new laws and policies such as the deployment of police specialist units or the army. But it may also have an effect in encouraging state crime: illegal violence by the police and army. A number of factors may be relevant: politicians may escalate their 'tough on crime' talk and may tacitly or openly encourage police violence; politicians may also discourage the development of accountability systems to bring police