

Corruption Phenomenon's Misleading Definitions: Scientific Error or Deliberateness?

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Abstract: This article deals with a very critical scientific issue: the fallacy of identifying the corruption phenomenon, with certain forms of it (such as bribery or fraud). The article analyzes, why this identification is scientifically incorrect, who is responsible for it and who benefits from it. It also discusses, the implications that this mistake has, both for the scientific study of the phenomenon within social communities around the world and for the necessary management of the various forms of corruption within specific populations. The article concludes, by defining the term "corruption," as well as defining the phenomenon of corruption and its forms.

Keywords: Corruption phenomenon, definition, corruption form.

1. Introduction

The mention of the word "corruption" leads most people's thoughts to two elements: money and power: the first, distinguishing them from other beings on the planet, the second, defining them. Additionally, when the word corruption is heard, both its derogatory dimensions and its anthropomorphic "images" are added: someone or some, who possess economic or administrative power, political or religious enforcement, social influence. This combination of thoughts, dimensions and images, surrounding the mention of the word corruption, has served as the starting point, for an intense "production" of works by scholars, academics, technocrats, operating in various and different fields of study (Prontzas, 2017).

Secondly, it has resulted in a dual outcome: on the one hand, the intense "popularity" of the word corruption, on the other hand, its selective use. Popularity and selective use, which are due to biases, impositions of prevailing perceptions and/or agendas, rather than pure scientific approaches. Nevertheless, searching for the term "corruption", necessarily involves semantic attempts and renderings. However, all this enthusiastic engagement has led to an "entrenched use" of a "definition," namely, that of "abuse of public office for private gain."

Regarding this definition, the related questions are absolutely specific and scientifically strict: is it a "multisystemic" definition", describing a process of formation from individual characteristics, moving from the general to the specific? Is it an "analytical definition", listing all characteristics, moving inversely from the specific to the general? Is it a "scientific

definition" that covers all aspects, satisfying both the criteria of generalization and those of distinguishing its concept from any other? How and by what criteria, is a "definition" attributed, which conceptually depicts the phenomenon in a specific form, that of abuse (abuse of public office for private gain)? How and by what criteria, one of the forms of the corruption phenomenon, selected in order to be attributed the phenomenon? Why is this choice made, as opposed, to other forms of the phenomenon? Why exclusively, in the dimension of public office and not in any other? This definition, apart from encompassing abuse as a form of corruption in the dimension of the power field and power relations, presents a specific aspect of an outcome, personal gain: what kind of gain and why necessarily personal? For example, "prestige", which bestows a position of power on someone, when they use it to assist in securing the life of someone else, having a personal intangible benefit (ethical satisfaction), is that form of corruption?

So, the scientifically flawed definition ("abuse of public office for private gain") was established, within the so-called "international but also ethno-national legal framework on corruption." As for the international aspect, this was shaped upon legally binding texts, only for participating countries (e.g., Germany or the Czech Republic do not participate), such as, the "United Nations Convention against Corruption," the "OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions," the "Council of Europe Criminal Law Convention on Corruption," and the "Council of Europe Convention on Civil Law Aspects of Corruption." Only the reading of these titles, with references to "combating" an unknown phenomenon but identified with one of its forms, bribery, substantiates both the scientific errors and the intentions.

The same exact spirit, is followed, by both the additional protocols to these conventions and the various bodies established in connection with them, with contested legal foundations. These attempts at the "suppression" of the scientifically undefined term of corruption, under the guise of criminally suppressing selected forms of the phenomenon, with unknown criteria and outside the spirit of the fundamental principles upon which it was established as an organization, constitute the text of the UN Convention. In contrast to the Council of Europe Convention, the UN Convention, aimed at limiting the mandatory extension of criminalization to the

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foreign public sector for the corruption form of the active bribery, always in relation to international business transactions. A goal directly related, to the interests of the drafters of the convention in maintaining the status quo in the globalized economic system, including of course, that of the shadow economy rather than the interest in protecting the public service of member countries as a foreign legal good.

For the drafters of these texts on "corruption", concerning, both European Union countries and third countries with which they trade, the impetus for their engagement with the phenomenon, was the protection of the Union's economic interests. This criterion, combined with pressures for the harmonization of criminal law in the European Union, formed the basis for identifying the phenomenon with specific forms of it and the selective approach to them. The deliberate linking of punishable forms of corruption, such as bribery, with the promotion of the EU's economic interests, constitutes a classic example of an unscientific approach to the phenomenon and its forms. The scientific criteria, are still being sought, through which this specific corruption form of the bribery, was conceptually and pragmatically approached, by restricting it, to the public sector of an economy, exclusively linked to the infringement of economic interests, creating a framework of disparate criminal provisions relating to other forms of the phenomenon (such as fraud), all under the common denominator of protecting the economic interests of the EU.

The continuous scientific paradox of that identification, the corruption phenomenon with "chosen" forms (like bribery or fraud), through this inherently problematic framework, has allowed for various "flexibilities", such as those of criminologists or legal professionals, proposing anti-crime policies towards the phenomenon and not towards specific forms of it and their consequences, which would also be the only forms they should speak about.

The lack of scientific understanding and documentation regarding the term "corruption," which is a global phenomenon with various forms, causes and impacts on every society, along with the effort to create a supranational legal framework, furthermore, has led to conflicts among legal circles regarding issues of delegating powers to central organs of organizations, such as the European Union.

However, the most serious issue is that, these anti-scientific identifications of the phenomenon of corruption with some of its forms, has proven inadequate based on the results of implementing these of these international conventions. These conditions were shaped at the level of international organizations like the UN and the EU, but were applied without considering national realities. Therefore, both at the international and national levels, the deliberate avoidance of detecting the phenomenon of corruption, through its specific forms in each nation-state and the insistence on a general and unassessed outcome repression, should raise concerns and questions.

It is important to remember that historically, criminal repression has often been exploited as a tool of manipulation and creation of scapegoats, combining the selective identification of the phenomenon of corruption with specific

forms of it. But it should also be noted that, this mindset followed a perennial practice utilized by power wielders and their bureaucratic structures both at the national and international levels.

Persisting in this approach, leaving forms of corruption on the sidelines, such as corruption form of the speculation, corruption form of the nepotism, corruption form of the political or the form of the bureaucratic corruption, goes beyond the limits of simply using criminal repression or concern for scientific primacy against forms of corruption. The phenomenon of corruption has historically existed before any attempt at legal regulation and continues to exist regardless of "control efforts". Furthermore, the identity of a "homo corruptus" (Prontzas,2017), cannot be predetermined or standardized categorically, as the phenomenon of corruption, manifests itself in different forms and in various environments.

When legislation on forms of corruption, which indeed relies on the identification of the phenomenon with certain forms of it, becomes the dominant tool for managing the phenomenon, it lead to weak state structures or illogical legal choices. In this case, the corruption phenomenon, continue to be downgraded or remain inadequately understood, despite legal regulation efforts for some corruption forms. Moreover, inadequacy in political and legal responses to forms of corruption can lead to complex situations or abuses of power. Perhaps here, the proponents of the aforementioned international legal framework may argue that, with the above, the term "corruption" falls into the category of vague concepts and particularly evaluative vague concepts· the scientific response is clearly negative (Prontzas, 2006). However, the strategy of the supranational legislator of an international organization, a strategy developed in terms of the communication tactics of member states, ignoring basic tenets of the theory of the phenomenon (Prontzas, 2023), creates significant problems in the respective legal order of member states. The results of the implementation of these international conditions, not only simply corroborate the above but also constitute continuous evidence of the shifts in political and legal responsibilities for these approaches to the phenomenon of corruption in each nation-state.

Indeed, reality it will continue to be, a sole legal objective: the identifying of the corruption phenomenon with selected forms of it· Reality as well, will continue to be, the essence of managing the forms of the corruption phenomenon, serving processes with futile functions in relation to the real impacts of these forms in each social sphere, thus becoming disconnected from the needs of managing these forms. Even the liberal character of the legal orders of certain member countries of these organizations, stemming from Western civilization, yields to the preservation of a peculiar "normalcy" offered by unscientific approaches to the phenomenon through the proponents of its identification with specific forms. An excellent question here, however, pertains to what happens with other international organizations that not only have not established similar conditions but also do not engage in systematic and continuous studies on the above problematization of the phenomenon of corruption.

What happens then, with organizations such as, the Association of Southeast Asian Nations, the Organization of Islamic Cooperation, the Bank for International Settlements, the Turkic Council, the Organization of the Petroleum Exporting Countries, the African Union, Mercosur, the Economic Cooperation Organization, the Common Market for Eastern and Southern Africa? Do the countries that make up these organizations and their populations, not engage in forms of corruption? Are they not affected by their consequences? Are they not concerned about their management and the phenomenon as a whole? These are certainly questions, the unanswered responses to which have built entire economic and not only perceptions, such as the system of international shadow economy, realities such as corruption form of bribery, as tax exemption in Germany, corruption forms of tax evasion, as a savings method for the banking system of Switzerland, or decisions to transform entire countries into secrecy jurisdictions. So, the answer to the reasonable questions about the effectiveness of various national and supranational policies "addressing" the phenomenon of corruption starts with the lack of a scientifically sound definition.

In this context, a prospective researcher of the phenomenon, finds themselves trapped between two deliberately defined axes: economic impact and violation with its criminal dimension: the latter, is indeed determined, by the spirit of economic impact in combination with the idea of mismanagement of state authority. Economists approaching the phenomenon of corruption thus forget history and clash with criminologists: criminologists forget sociology and clash with criminalists: criminalists forget political science and clash with political scientists: political scientists forget social anthropology and clash with statisticians. Therefore, if the aspiring researcher avoids the fatal mistake, of identifying forms of the phenomenon with the phenomenon itself, they must pose an additional question: does each instance of a form of corruption have its own identity?

Why should we, as researchers of the phenomenon, be interested in the issue of the identity of the impacts of a form of corruption? The first reason concerns the fact that these impacts can be classified into four categories of influence, with the concept of influence here referring to the type and sign of the impact. These categories are: the negative impact of the identity of a form of corruption, the positive impact, the impact of "balancing production" and a final category where all are "produced" simultaneously. The second reason is even more demanding: by assigning the term form of corruption to a human act, the question arises of what we do with this form of corruption, how we manage it.

Here, the following remark needs to be made: actually constitutes, the deliberate "prevalence" of the term 'handling', against the approved term, management of a corruption form. Beyond the anti-scientific dimension of the term 'handling', both the layman, uneducated regarding it and the expert from any scientific background (mainly law and economics), are exposed to the results of this "prevalence". They face the risk, of losing the sense and perception of the dimensions of the phenomenon, which ultimately either deceives, bypasses or

leads them to dead ends. The challenge will always be visible, for example, in accepting and managing the law - as at least the so-called Western world perceives it - as a field of interpreting human actions and rendering the term 'corruption form,' specific human actions that may be dictated under the weight of an ultra-conservative tradition or a punitive mentality, from religious mandates or interpretations thereof (e.g., Islam, Sharia). Realities concerning, countries and populations, relying on so-called open economies of war, which do not accept the notion of popular sovereignty and the binding nature of international law, with social matters regulated through decrees of local religious leaders. Realities concerning, human actions that may assist in addressing existential issues such as finding potable water, food shortages, coping with natural phenomena or others. The challenges of international organizations will always be visible too, which, behind the facade of the aforementioned "handling," fully embrace the pursuits and impacts of corruption forms. Similarly, the approaches of entire nation-states regarding the methods of managing natural resources and their mineral wealth, under conditions of "neighborly competition" or "Islamic fundamentalism" (indicative are the examples of countries in Central Asia and their proximity to Russia and China: Prontzas, 2017).

Therefore, if a scientific definition of corruption is to be sought, it should ensure at least three things. Firstly, that it serves the methodological necessity of forming a theory and a methodology of study: secondly, that it does not limit the complex reality of the phenomenon it concerns: thirdly, that it achieves only the conceptual isolation and simultaneous condensation of the existential quantities that constitute it and produce its forms in each separate social space. A definition that attempts to fulfill these conditions is as follows:

The "corruption" term, refers to a human phenomenon, encompassing a range of forms that differ from country to country, in terms of how they are created, how they develop and what impacts they cause. (Prontzas, 2017, 2023).

Therefore, the term corruption pertains to a phenomenon: a creation of humans that is found in all countries of the world, regardless of geographical location, historical time and cultural pattern. The aforementioned definition refers to a set of forms, differing from country to country, complex in terms of their sources of origin, dimensions, and consequences. It indicates to us that corruption is a global phenomenon in terms of where we will encounter it and simultaneously national in terms of the forms with which we will recognize it. And by the term forms, we mean those human actions through which it is realized, through which it is revealed in each social space.

There are reasons that require the classification of corruption as a phenomenon. Firstly, it is a human phenomenon that exists in all countries of the world, despite their differences in geographical, historical, and cultural levels. Secondly, its genesis presupposes the coexistence, the culture, and the researcher. Coexistence, defines the social space where corruption is manifested through human actions. Culture, determines the forms of corruption, while the researcher, highlights these forms according to their role, ability and target.

Thirdly, corruption develops simultaneously in two dimensions: the global and the national. These dimensions are intersected horizontally and vertically by the forms of corruption and their impacts. Therefore, the study of the corruption phenomenon, in each social space and time, primarily concerns a comprehensive scientific process. During the description, interpretation, and attribution of human actions as forms of corruption, beyond their external/objective causes, the distinct purposes each time are revealed or should be revealed by the researcher. These purposes, which are pursued by exploiting each form of corruption, as it "manifests collectively," that is, arises, materializes and impacts. For the phenomenon of corruption, as a human phenomenon with its various forms, as human actions, the researcher of it must consider the thoughts and pursuits, the motives and the purposes of the contributors of each form of the phenomenon. Thus, the "corruption phenomenon", is defined as, "the science that studies the forms of corruption, their genesis, developments, and their impacts" · and a form of the corruption phenomenon, it is defined, as "a human action, performed within one or more social entities and which causes consequences".

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