



Active Corruption in Corporations – Causes and Consequences of “Useful Illegality“

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Abstract:

The issue of corruption and its control has resurfaced due to new laws, enhanced scrutiny of corporations by NGOs, and new risks associated with a changing global economy. Even the criminalization of perpetrators did not eliminate corrupt practices. This raises two important scientific consequences: Active corruption can neither be explained by the personal enrichment of some utility-maximizing or greedy perpetrators nor is it adequately fought by establishing new corporate departments. Against this background, we want to test a new explanation that regards active corruption as “useful illegality”, rooted in the self-regulation of organizations and consequently calls for other forms of anti-corruption. To this end, we prepare a research project in which we link (1) the action orientations of personnel (i.e. self-regulation of individual actors) to (2) the effectiveness of formal rules and informal organizational learning (i.e. self-regulation of organizations), and

to (3) the impact of legal institutions and its negative sanctions (regulation by institutions). The benefit of the actor is part of the analysis, but not at the center of the explanation; instead we focus on the integration of the worker into the economic organization.

The participating scientists from the Faculty of Economic and Social Sciences and the Faculty of Law jointly develop an interdisciplinary research framework to examine this approach systematically, by preparing the joint analysis of corruption cases in recent history within private companies, including an evaluation of implemented measures for anti-corruption. The aim of the joint task force is to investigate both social causes and institutional factors that facilitate active corruption as well as to assess the legal ramifications of the entailed change in perspective. To this end, we will conduct systematical analyzes of active corruption that became known to courts in Germany and abroad. The research proposal will not only fill a highly relevant research gap, but will also tackle the issue of why active corruption is poorly addressed by formal decrees. Furthermore, a novel approach in this field is put to the test and empirically substantiated, which will reveal alternatives to the common forms of anticorruption in business organizations. We assume that anticorruption will be more effective if it does not simply rely on formal regulation and corporate compliance departments, but also on the social mechanisms of self-regulation within companies.