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GUIDE TO DEVELOPING A CULTURE OF LAWFULNESS

Prepared by

DR. ROY GODSON

A Guide to Developing a Culture of Lawfulness

Dr. Roy Godson

Professor of Government, Georgetown University
President, National Strategy Information Center

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Although there have been lulls and surges, the past 25 years have brought an increase in serious crime and corruption worldwide that shows in the main only little sign of abating. ¹ Preventing and reducing this contemporary scourge has been viewed, for the most part, essentially in regulatory and law enforcement terms. This approach to the rule of law is certainly necessary to meet the challenge. But on its own, during the next 10 to 15 years, the institutional or regulatory approach is unlikely to be sufficient. What is needed is a complementary strategy that amounts to a fundamental shift in values. The regulatory approach needs to be accompanied by society or culture sympathetic to the rule of law.

Bolstered by a sympathetic culture a culture of lawfulness law enforcement and regulatory systems function more effectively in myriad ways. Those who transgress the rules find themselves targeted not only by law enforcement but also by many sectors of society. Community support and involvement can also focus on preventing and on rooting out criminal and corrupt practices without the need for expenditures for a massive law enforcement and punitive establishment. This involvement also reduces the risk and expense of intrusive government surveillance and regulatory practices harmful to individual liberties and creative economic, social, and political initiatives. In other words, law enforcement, as the mayor of Palermo has put it, is but one wheel of a two-wheeled coach.

After laying out key definitions, this guide will focus on how the basic elements of a culture of lawfulness can be built in a relatively short time frame within one generation. The methods, techniques, and processes that will be delineated here are drawn largely from the recent experiences of two successful and ongoing endeavors. There was a significant change in the culture in such diverse regions and economies as Hong Kong and Sicily between the late 1970s and the late 1990s. These examples demonstrate that it is possible to shift a culture and bolster the

rule of law even in areas where crime, corruption, and poverty have been prevalent for decades. Some of the techniques described here are also being used in efforts now under way on both sides of the Mexican-U.S. border, as well as in such diverse areas as Botswana and the Republic of Georgia. Of course, the effective practices used and the experience gained in one society are not always applicable to others. But the key principles elements that have been effective in one or more cases and may be a useful guide that can be adapted to other situations illustrate that cultural change, while difficult, can be brought about and sometimes in a relatively short time. The Appendix provides the names and addresses of organizations on several continents that have various types of available resources including experience with effective practices.

What Is a Culture of Lawfulness?

A culture of lawfulness means that the dominant or mainstream culture, ethos, and thought in a society are sympathetic to the rule of law. In a society governed by the rule of law, people have the ability to participate in the making and implementation of laws that bind all the people and institutions in society, including the government itself. It is **not** the same as rule by law in which the rulers even if democratically elected impose the law on others in society. Under the rule of law, everyone irrespective of race, creed, color, gender, family background, or economic, social, and political circumstances is to be treated uniformly. The ruler as well as the ruled is accountable to the rule of law. As UN Under Secretary-General, Pino Arlacchi has pointed out, it is the rule of law, not majority-based democracy, that protects all members of society, including the weaker elements, and even the foreigners in their midst. ⁱⁱ

As with most human institutions, perfection is usually unattainable, even in those places where they function most successfully. Yet the rule of law is the most

promising of the institutions so far developed by man for improving the quality of life in society, and within the rule of law are many mechanisms for its ongoing improvement.

The presence of a culture supportive of the rule of law a culture of lawfulness does not mean that everyone in society believes in the feasibility or even the desirability of the rule of law. Nor should it be expected that all subcultures or groups would be imbued with the value of lawfulness. Yet, such a society would be characterized as one in which the average person believes that legal norms either are a fundamental part of justice or provide the gateway to attain justice and that such a system enhances the quality of life of individuals and society as a whole.

That people in every society understand the necessity for such a culture should not be taken for granted. Most people have little reason to become involved in promoting such a culture. Some believe the ruler or government is responsible for formulating and enforcing laws. Others believe that society the community and nongovernmental sector does not have the capability to contribute to the rule of law. Both perspectives underestimate the role of the citizenry, the community, and the culture. They also overestimate the power of government and law enforcement, and what it takes for the police and judicial system to practice the rule of law effectively without a culture of lawfulness.

Without such a culture, there would almost certainly be more crime. Most people act in a manner consistent with the law because of their expectations that others will behave similarly and that this is best for everyone. In the absence of a culture of lawfulness, many will be freer to satisfy their immediate needs and preferences, even in the presence of elaborate laws. On the other hand, without laws and law enforcement, the culture of lawfulness, on its own, is unlikely to provide for the rule of law. There must be specific processes for rule making and

rule enforcing. The culture needs enforcement, but the enforcers need the culture. Otherwise, society might be swamped by the violation of laws, or a pervasive police presence would be needed to control criminality. At the same time, the rule of law protects society from the excesses of law enforcement. The rule of law without a culture of lawfulness is not really feasible; the rule of law without such a culture is also not really desirable. Increasing public awareness of these propositions is important. Government may have a lead role in providing a lawful environment for the citizenry, but civic, religious, educational, business, labor, cultural, and social organizations at all levels of society have important roles to play.

Specific Methods and Techniques and Effective Practices

Various sectors of society and their institutions influence popular culture and foster a culture of lawfulness. Mobilizing each of them is necessary. However, only when these sectors operate synergistically and reinforce one another is it reasonable to expect major changes in culture. And only when both "wheels" the regulatory and the cultural operate in harmony can the rule of law be expected to function effectively.

1. *Civic and school-based education.* Empowering and educating the citizenry is essential. The necessary knowledge, attitudes, and skills will not come automatically, particularly to young people. Systematic, formal, and less formal education programs in schools, professional associations, trade unions, and the workplace, as well as religious institutions appear to make a difference when coupled with the effective regulatory practices.

School-based education, for several reasons, appears to be one of the most promising ways to advance and foster the requisite qualities. By changing the attitudes and knowledge of the next generation, students can become a key

constituency in effecting long-term change. Schools are among the most important, widespread, and strategic civic education organizations. Most young people attend primary school, and more and more are attending secondary school. Second, schools are also among the most well-endowed civic organizations in any society. Schools have facilities to hold formal classes, for example, on crime and corruption, and they provide opportunities to organize supportive extracurricula and cultural activities in their communities. Most schools have teaching materials, books, and some have new information technologies. The staff, particularly the teachers, are close to the students and are respected members of society. Schools can reach large numbers of children and through them, their parents, and the community at large.

A variety of learning strategies and approaches can be tailored to individual educational systems. Ideally, it would be useful to reach children attending both primary and secondary school, perhaps with 20 curriculum hours in the early primary years. Later on in the early secondary years, 40 to 60 hours would be more appropriate to reach children before they become involved in serious criminality and come to take it for granted that they live in a culture of corruption. It is almost certainly too late to wait for the last years of formal schooling (16 to 18-year-olds). At this point, children will already have been exposed to the temptations of crime and corruption, and many, if not most, will have left school. The most systematic and tested school-based anticrime and corruption program is the one in Hong Kong. It was started in the 1970s. Less formal although widespread and creative cultural activities and school-based programs have also been effective in Palermo and in parts of western Sicily since the 1980s. Promising new initiatives have now been launched in such disparate places as the Mexican-U.S. border area and Botswana in southern Africa.

2. *Centers of moral authority.* In all societies, some individuals and institutions are regarded as "centers" of moral authority. In many places, faith-based institutions and leaders of religious movements and their lay associates will be key.

In others, artists, writers, teachers, and locally well-known courageous figures who suffered for their beliefs and moral stands will be highly respected. Often these figures are associated with nongovernmental organizations.

These individuals and centers of moral authority can play an important role in helping to develop and sustain a culture of lawfulness. For example, religious institutions seek to promote harmonious and correct relations between people and to identify the types of behavior that are detrimental to this harmony. Where senior and local religious leaders identify crime and corruption as detrimental and mobilize their institutions churches, mosques, synagogues, and lay organizations to encourage correct behavior this has proven to be significant. In Sicily, for example, for more than 100 years, senior religious leaders did not even mention the existence of the Mafia publicly, let alone denounce it. Then, in 1982, the cardinal on the island, Salvatore Pappalardo, and later the pope denounced the violence and cruelty of the Mafia and termed such an institution and participating in its activities as evil.⁶ These expressions were significant and lent much needed support to those priests, lay Catholics, and others who were struggling to foster a culture of lawfulness.

Centers of moral authority, those associated with them, and other highly respected individuals in society, are often involved in informal and formal education. Formally, they have their own centers of learning and professional training—academies, pedagogical institutes, etc. They have their own parochial schools or advisory committees on public and private education. They also have their own media outlets, radio, television, newspapers, and magazines, or they are often asked to participate in mass media programs. They run or assist in sports programs for youngsters, and after school programs. They undertake charitable activities for runaway or abused children, the disadvantaged, the poor, or those convicted of criminal offenses. All in all, in the course of their normal duties they

are in daily contact with a significant percentage of the populations in urban as well as rural areas.

While not everyone in the community may recognize their moral authority, these individuals and centers are in a position to play a major role in encouraging and reinforcing others in society who are endeavoring to foster a culture of lawfulness.

Closely related to centers of moral authority is the concept of role models. 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 anticorruption efforts, even when their targets are important players in public institutions with which they are friendly or supportive, provides powerful role models for the citizenry.

When the leaders, heroes, 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 effectiveness is multiplied. It requires great personal and psychological courage, and almost certainly physical protection, to criticize or expose people or institutions that have been or may be allies in other struggles or causes.

For example, as was discussed earlier, it took great personal courage for a minority of priests and later individuals in the hierarchy in Sicily to attack an institution to which the church had, to some extent, been allied for decades. When this respected authority acted, it provided a great boost to the anti-Mafia movement. In the ensuing years, others began to shine the light of publicity on specific politicians and officials believed to be corrupt. This was a major advance in

the struggle against the Mafia, and it helped bring about a huge change in the culture of corruption that had gripped parts of Sicily for decades. ⁱⁱⁱ

One of the bravest and most outspoken, but by no means the only one, has been the recent mayor of Palermo, Leoluca Orlando. In the late 1970s and early 1980s, Orlando, a Catholic, was close to local church leaders seeking the changes discussed above. He was also an up and coming leader in the ruling Christian Democratic Party. In the mid-1980s, he broke with many in his party, in effect, over the leadership's unwillingness to break with the Mafia. Fortunately, the people of Palermo elected and reelected him mayor. He and other political, education, and religious leaders in large and small towns, such as Corleone and St. Giuseppe Jato, were able to play a major role in the change that characterizes Palermo and other parts of western Sicily, and the efforts to make it irreversible.

3. *Media and Popular Culture.* The mass media in modern society is a powerful institution that can expose crime and corruption and reinforce the culture of lawfulness as well. The media can play this role in several ways. One is to monitor the behavior of public officials, in government programs as well as in the private sector, and make these findings public. This kind of independent, objective, and fair reporting on crime and corruption is not easy, but it is an important if not essential component in maintaining transparency.

The media can also make a difference by encouraging and facilitating public involvement in the promotion of the culture of lawfulness and the rule of law by devoting time and coverage to those in their own and other societies who are actively involved.

In Sicily for example, the major daily newspaper, *Giornale Di Sicilia*, covers police and judicial investigations and trials involving criminal collusion with

officials and business. However, it also uses its pages to encourage children from various parts of the region to believe that they too can influence daily life in their own society. For several years, the managers of the paper have encouraged and published schoolchildren's letters and opinions about specific events or conditions in their community, particularly about the rule of law or its deficiencies. The newspaper then seeks out the views of elected and appointed officials or other specialists who are asked to address the children's specific inquiries, and the responses are published weekly on a special page. As the dialogue frequently concerns matters, particularly local corruption and criminality, that affect adults and the community at large, many adults as well as young people take an active interest. This policy of *Giornale Di Sicilia* serves several functions. It exposes problems and requires officials to respond to them, demonstrating to the younger generation of Sicilians that they can become directly involved in fostering the rule of law. It also reinforces school-based crime and corruption prevention programs. Finally, by reaching out to the children, it also reaches their siblings, parents and other members of society.

To take another example, in the Republic of Georgia, enterprising media managers and television journalists want to begin interactive television programs for children and teenagers, as well as talk shows and game shows that focus on problem solving and the rule of law (e.g., a quiz show "How well do you know the law?"). In an effort to stimulate public discussion and to present positive role models for people who have little familiarity with what a community can accomplish, Georgian media managers also plan to report on how individuals in other countries, as well as in Georgia, have been successful in overcoming drug trafficking as well as petty and large-scale corruption.

Popular culture and its potential influence should not be underestimated. They can potentially reinforce the values that make for law abiding, values-oriented

citizenship. Films, popular music, television, advertising, and other elements both reflect and contribute to behavior. Artists and media mirror society but they are also trendsetters who influence behavior. Were the creative talents that go into the production of box office hits, platinum records, and similar market successes applied to glorifying the exploits of the whistle blowers and anti-Mafia heroes of our world, and to promoting respect for moral values and law, they would contribute to the fight against crime and corruption by influencing attitudes and values.

For example, if the popular media reinforces drug trafficking and *machismo*, as the *narcocorridos* [popular songs about drugs] do along the US-Mexican border, it is more difficult to convince the population, especially young people on both sides of the border, to oppose these practices. If, on the other hand, music, books, magazines, and films stress the negative effects on the lifestyles of those who go down this path, they are likely to weaken the allure of crime and corruption.

This is not to suggest that creating this popular culture and criticizing negative images in the popular media are primarily the work of government. This is neither feasible nor desirable. Rather, the leaders of civil society; artists, writers, musicians; and the foundations and entrepreneurs who provide the financial infrastructure, need to make appropriate choices about the conditions and values to which they are contributing.

The Need for Transparency and Protection

It is essential to have a regulatory and 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 the public both 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 must be able to report on allegations of crime and 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 and 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 among the most successful initiatives that have contributed to effective law enforcement and to fostering a culture of lawfulness. While far from perfect, these have included protection for the Italian *pentiti*, 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 have now been established in a number of countries, and international cooperation in witness protection has increased. The new UN Treaty on Transnational Crime also calls for universal adoption of similar programs.

The Process

When important sectors of society, particularly the media, centers of moral authority, and educators, become mobilized and institutionalize methods for fostering a culture of lawfulness, it makes a major difference.

There are many ways to begin. As the attached chart *Techniques for Effective Program Development and Institutionalization* indicates, the first step is mobilizing and securing the support of the leaders or managers of the major sectors. Unless these leaders believe in and are willing to support involvement in furthering the culture of lawfulness, it will be difficult for its staff teachers, journalists, priests, and lay religious leaders to be effective.

Sometimes, it will take a dramatic crisis or a trigger event to catalyze the leadership. The dramatic killings of elected political leaders and senior law enforcement leaders in the 1980s had this effect in Sicily. In Hong Kong, a dramatic corruption scandal inside the police force in the mid-1970s sparked change, as did a corruption scandal in Botswana. But sometimes it is the daily deterioration of quality of life, and the rise of lawlessness and massive corruption that galvanize community leaders and even individuals who heretofore were not involved in public affairs. This is the case on the Mexican border, the Republic of Georgia, and cities such as Youngstown, Ohio in the United States. Sometimes, with foresight, it can be anticipated that regions in transition particularly when massive economic, sociological, and political change are occurring simultaneously are likely to experience lawlessness and corruption for the foreseeable future. As is happening already in many parts of the world, this will impede the rule of law, economic development, and democracy.

Before the leadership of a given sector is approached or after they have indicated their interest, an **assessment** is needed. The responsible officials will need to understand the ways in which their sector can be most effective, over what period of time, and with what resources. Leaders will want to study the plan or programs that are envisioned. Hence it is useful to identify the specific strengths of the institutions in each sector and how these strengths can be deployed. Even if the leadership is content to leave programmatic matters to its staff, it is useful to prepare written plans and a timetable for implementation and for evaluation.

For example, if schools are to become involved, it will take the approval and encouragement of both senior school administrators or their political superiors C elected or appointed officials at the community, regional, or national level. The school officials will need to know that school-based education can make a difference, that the project has community support, and that their subordinates (particularly teachers) are sympathetic.

The officials will also want to know how much such an effort will cost C materially and bureaucratically; that is, how much change can they bring about without endangering other necessary programs in the educational system.

This, of course, leads immediately to the question of **resources**. Fortunately experience demonstrates that fostering a culture of lawfulness can be undertaken relatively inexpensively. Schools, media, and religious institutions have many of the requisite resources, buildings, staff, educational and media outlets, and important audiences.

However, it will be necessary, at least initially, to supplement the resources of these sectors. Few in school systems and religious institutions will be familiar with effective anticrime and corruption practices that have worked elsewhere. They will

almost certainly need to adapt them to the complexities of their own societies. For example, the school-based prevention programs developed in Hong Kong and Sicily during the 1980s needed to be adapted by school officials on the Mexican-U.S. border in the late 1990s. The school systems in such disparate regions as New York City and the Republic of Georgia are now undertaking a pilot school-based program adapting the curriculum from the Mexican-U.S. border, which had its origins in the experiences in Sicily and Hong Kong. Hence it will be useful for those undertaking new programs in schools, media, and centers of moral authority to become aware of effective techniques from other regions and benefit from experienced practitioners in other societies. Fortunately, there are now at least four centers (see Appendix) that are prepared to share their practices with others, so that new programs can build on, adapt, and perhaps improve upon them.

Moreover, centers in one country or region may have the financial and intellectual resources to assist in the training of key staff in other countries, (i.e., to "train the trainers," and demonstrate evaluation techniques, etc.) In preparing assessments of the new programs, consideration should be given to "pump priming" with resources that may be available in other regions. But after this pump priming, the assessment should consider how the program will be sustained over a period of years as part of the regular operation or work of these sectors.

After assessing and securing the support of key institutions and leaders and obtaining the necessary commitment of resources, the key officials in each institution can begin **developing and implementing programs**. Bringing together local and national coalitions and harmonizing plans and activities over years is not easy. Most sectors of society have their own subcultures. For example, law enforcement and educators do not usually travel in the same social circles, even though they both have a major stake in the rule of law and culture of lawfulness.

Hence, bringing about coordination between political leaders, law enforcement, schools, cultural, media, and community activists will not be easy.

Moreover, making culture of lawfulness programs part of the normal work of the key sectors in society will take time. Preparing and training staff of each sector will take two or three years, maybe longer. It will require developing, testing, and evaluating progress. Patience is important and flexibility is essential. What works in one place or society often requires considerable adjustment if it is to work in another. Further, while one sector is making progress (e.g., schools) others (e.g., the media and religious institutions) may not be. Little short-term change may be apparent, and disillusionment can result. Real progress should not be expected for five to ten years and maybe longer. Change depends on whether all sectors can be mobilized at more or less the same time, so that they reinforce each other's methods and effectiveness.

Developing and institutionalizing programs is an achievement in itself. As is shown in the chart, **evaluating and reevaluating progress** periodically in each sector will help determine whether the programs are having the desired effect and help ensure that the programs are operating as efficiently as possible. Almost certainly some aspects will be more effective than others. After ascertaining what is and what is not working well, adjustments can be constructed to improve overall effectiveness. Establishing methods of evaluation quantitative and qualitative is a skilled task. For example, in the United States considerable efforts have been made to develop the methodology to systematically test the effectiveness of school-based crime prevention education. Various types of testing, some using quasi-experimental designs involving control and experimental classes and pre- and post-testing, can be used to measure longitudinal change over several years and even longer. Fortunately, there are a number of evaluators at various universities and research centers in the United States who are available to assist evaluations in other school systems and to train evaluators from other countries.^{iv} Although there

have been few formal evaluations of other sectors so far, it should be possible for professionals in evaluation methodology to develop appropriate tools. Various centers in the Appendix can be of assistance to those interested in evaluations.

Conclusion

This paper has argued that regulatory and law enforcement measures cannot, on their own, deal with the scope of global crime and corruption. Rather, they need to be complemented and supported by a society that embraces a culture of lawfulness. This is difficult to establish. Yet, there are examples, in diverse circumstances, of major changes in values and attitudes towards the rule of law within a relatively short time frame. While there is no "one size fits all" approach, certain key principles can provide a useful guide for societies seeking to foster a culture of lawfulness. These have been found in the most successful and enduring programs.

In sum, the key sectors are **civic and school-based education** to reach children and through them their parents, siblings, and the community. **Centers of moral authority** exist in most societies and often have extensive networks through which to reach large segments of the population. These centers are also the source of heroes or role models who provide living examples of the sacrifice and struggle that often accompanies and helps to forge societal change. Finally, the **mass media** can play an important role in fostering and reinforcing the requisite culture, highlighting its everyday strengths and weaknesses.

Together, these sectors can establish the framework to develop and sustain community efforts to effect a culture of lawfulness. Some societies have shown that they can achieve this on their own, even in the most difficult circumstances. Others will be able to benefit from the experiences and resources available from those who have already tackled change. When a community is willing to change the culture, the two wheels can move forward harmoniously.

NOTES

1. Jan van Dijk A Crime Doesn't Pay: On the Relationship Between Crime, Organized Crime, Rule of Law, and Economic Growth. Forum on Crime and Society, No. 1, United Nations, Office for Drug Control and Crime Prevention, Vienna, forthcoming 2001. This article however, does, point to more favorable trends in Western Europe and North America.

ii. United Nations, Office for Drug Control and Crime Prevention, *Statement to the Opening Session by Under Secretary-General Pino Arlacchi*, Tenth United Nations Congress on the Prevention of Crime and The Treatment of Offenders, Vienna, Austria, April 10-17, 2000.

iii. On the various sectors that have played a significant role see, *Creating a Culture of Lawfulness*, Sicilian Renaissance Institute, Palermo, 2000. See also, Leoluca Orlando, *Fighting the Mafia: Renewing Sicilian Culture*, Encounter Books, San Francisco, CA, *forthcoming* 2001. See also, Jane and Peter Schneider, *Reversible Destiny: Mafia, AntiMafia, and the Struggle for Palermo*, University of California Press, Berkeley, CA, *forthcoming* 2001.

iv. See for example, Roy Godson and Dennis Jay Kenney, *Evaluation of the Initial Pilot Curriculum for School-Based Education to Counter Crime and Corruption*, National Strategy Information Center, Washington, DC, 2000.