

# POLITICAL CORRUPTION AS A RELATIONAL INJUSTICE\*

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*Abstract: The corruption of public officials and institutions is generally regarded as wrong. But in what exactly does this form of corruption consist and what kind of wrong does it imply? Recent proponents of the “institutionalist approach” to political corruption have concentrated on those occasions when incentive structures distract institutions from their essential purpose and weaken public trust. The corruption of individual public officials has been less relevant to their work, except for when it leads to the erosion of the functioning of institutions. From this perspective, a clear emphasis has been put on the consequences of corruption. In contrast, I argue that political corruption, whether individual or institutional, can be more fundamentally understood as a form of political injustice in which someone has violated the logic of mutual accountability that undergirds all relations of justice in rights-based systems. In this sense, political corruption occurs when public officials use their entrusted power of office for the pursuit of an agenda whose rationale may not be vindicated as coherent with the terms of their mandate. By focusing on the inherent qualities of corrupt political relations, I lay out a novel relational and deontological understanding of the inherent wrongness of political corruption as a form of unaccountable action.*

KEY WORDS: accountability, institutional corruption, political corruption, public action, public power, relational justice, rights

## I. INTRODUCTION

It is a platitude of the public debate in contemporary democratic societies that corrupt public officials and institutions are a disgrace. However, this seeming truism hides a significant degree of conceptual and normative uncertainty. What makes public officials and institutions corrupt? What is wrong with them exactly? Are there forms of corruption whose wrongness bears distinctively political relevance?

Recent proponents of the “institutionalist approach” to corruption have engaged with these questions by looking at those occasions when

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incentive structures undermine the integrity of an institution.<sup>1</sup> In this understanding, a public institution is corrupt when it deviates from its essential purpose to the *political* (not only personal) advantage of some individual or group. The standard example that the proponents of this interpretation of political corruption give in the context of a democratic society is the private financing of electoral campaigns.<sup>2</sup>

So conceived, institutional corruption causes a distortion of political mechanisms and is, therefore, wrong in a politically relevant sense to the extent that it diminishes citizens' trust in public institutions. On the other hand, individual corruption (such as sporadic cases of either bribery or nepotism) can be reduced to a matter of public officials' *personal* morality. Therefore, for the institutionalists, individual political corruption has an altogether different nature with respect to the institutional manifestations of this phenomenon.

I think that this way of looking at political corruption is incomplete because it loses sight of a shared important sense in which both individual and institutional instances of this phenomenon are politically (not only personally) relevant and inherently wrong. I devote the essay to developing the argument that political corruption, whether individual or institutional, can be more fundamentally understood as a form of political injustice in which someone has violated the normative logic that undergirds all relations of justice in rights-based systems. Members of these systems interact primarily and fundamentally in their basic capacity as the sources of potentially valid claims, which they stake against each other in the forms of rights and corresponding duties. As the essay shows, corrupt individual behavior and institutional practices constitute a violation of the normative logic that undergirds these relations and are, therefore, relationally unjust.<sup>3</sup> This violation occurs because, in all cases of

<sup>1</sup> Lawrence Lessig, "Institutional Corruption," *Edmond J. Safra Research Lab Working Papers* 1 (2013): 1–20; Lawrence Lessig, "Institutional Corruption Defined," *Journal of Law, Medicine, and Ethics* 41 (2013): 553–55; Seumas Miller, "Corruption," in Ed Zalta, ed., *Stanford Encyclopedia of Philosophy* (2011), <http://plato.stanford.edu/archives/spr2011/entries/corruption/>; Dennis Thompson, *Ethics in Congress* (Washington: Brookings Institution, 1995); Dennis Thompson, "Two Concepts of Corruption: Making Electoral Campaigns Safe for Democracy," *George Washington Law Review* 73 (2005): 1036–69.

<sup>2</sup> The focus on democracies, albeit limited, is justified in view of the general understanding of political corruption as a disease of the public order (Inge Amundsen, "Political Corruption: An Introduction to the Issues," *Chr. Michelsen Institute Development Studies and Human Rights WP* 7 [1999]: 1–32). That being so, the interpretations of this phenomenon vary depending on the normative theory of the public order that they presuppose. The interpretations of political corruption I discuss in the essay presuppose a democratic theory of the public order as a specific instance of a rights-based system. Their adaptation to other kinds of rights-based systems (including, for example, nongovernmental organizations or large corporations) is possible but exceeds the boundaries of this essay. For a review of different interpretations of political corruption, see Anne Deysine, "Political Corruption: A Review of the Literature," *European Journal of Political Research* 8 (1980): 447–62.

<sup>3</sup> I employ the label of "relational justice" to provide a readily intelligible characterization of this idea of justice in contrast with the distributivist paradigm, as explained in the work of such relational egalitarians as Elizabeth Anderson ("What is the Point of Equality?" *Ethics*

political corruption, there is an institutional role-occupant who makes use of her power of office for the pursuit of an agenda whose rationale may not be publicly vindicated as coherent with the terms of the mandate for which that power was entrusted to her role and for which she is publicly accountable.<sup>4</sup>

This characterization of political corruption as a publicly unaccountable use of an entrusted power of office fits such instances of individual corrupt behavior as nepotism, where familial relations of favoritism supplant those of public accountability. But it also applies to such corrupt institutional practices as private electoral campaign financing, when public action is exposed to the publicly unaccountable influence of private powers. Therefore, my characterization of political corruption makes sense of the common root of these two instances of the phenomenon.

I develop this argument in the following steps. First, I present the institutionalist approach to political corruption and show how it gives an incomplete account of this phenomenon and of why it is wrong (Section II). Then, I introduce an analytical description of political corruption as a publicly unaccountable use of an entrusted power of office (Section III). From this vantage point, I take on the normative task of explaining the sense in which the wrongness of both the individual and the institutional varieties of this phenomenon has its source in a relational kind of injustice (Section IV). With the aid of an illustrative case, I revisit the institutionalist approach to political corruption and show, by contrast, the advantages of my relational view (Section V). I conclude by gesturing at some normative implications for the state's legitimate and required response to political corruption (Section VI).

Before I proceed, it is important to note that the normative relations that political corruption disrupts obtain in any rights-based system, including democratic societies. The specificity of this latter case consists in the extensiveness of the normative relations that political corruption disrupts. In a democracy, those who occupy an institutional role are accountable, in my sense, not only to their superiors or their peers (as any member of a legitimate rights-based organization); they are accountable to the citizenry at large on whose mandate they exercise the power that comes with their office. Therefore, political corruption—both in its individual and

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109 [1999]: 287–337) and Samuel Scheffler (“What is Egalitarianism?” *Philosophy and Public Affairs* 31 [2003]: 5–39). However, my considerations extend beyond the reference to relational equality and apply to the idea of relational justice in general. I have developed this idea in the terms of “interactive justice” in Emanuela Ceva, *Interactive Justice* (New York: Routledge, 2016).

<sup>4</sup> Emanuela Ceva and Maria Paola Ferretti, “Liberal Democratic Institutions and the Damages of Political Corruption,” *The Ethics Forum* 9 (2014): 126–45; Emanuela Ceva and Maria Paola Ferretti, “Political Corruption,” *Philosophy Compass* 12 (2017): <https://doi.org/10.1111/phc3.12461>; and Emanuela Ceva and Maria Paola Ferretti, “Political Corruption, Individual Behaviour, and the Quality of Institutions,” *Politics, Philosophy and Economics*, 17 (2018): 216–31.

institutional manifestations—is wrong in the sense of being relationally unjust because it consists in the mistreatment of citizens: it consists in a failure to respond to the normative status citizens have in virtue of their status as rights-holders, who can hold officeholders accountable for the uses of their powers of office.

To understand the corruption of public officials and institutions as wrong *qua* unjust is analytically important for purposes of philosophical clarification of the initial intuition that this form of corruption is a disgrace for any democracy. If my argument works, it can explain and substantiate this intuition in deontological terms. Specifically, it brings out a sense in which political corruption is wrong not only to the extent that some of its manifestations are causally related to such negative consequences as the loss of public trust in democratic institutions or the impairment of some specific distribution of citizens' subjective rights. Political corruption is generally wrong in the sense of *being* an injustice because it consists in treating citizens in a way that is disrespectful of their normative status as rights-holders, regardless of which—if any—of their subjective rights are violated specifically.

## II. THE INSTITUTIONALIST APPROACH TO POLITICAL CORRUPTION: A CRITICAL PRESENTATION

Building on work by Dennis Thompson, Lawrence Lessig has recently consolidated an institutionalist approach to corruption.<sup>5</sup> This approach focuses on those situations in which institutions are systemically entangled in relationships of wrongful dependence such that their capacity to fulfill their essential purpose is undermined, thus diminishing their trustworthiness.<sup>6</sup> For Lessig, the structural dependence of a politician on a wealthy donor who finances the politician's electoral campaign is problematic *qua* corrupt because it undercuts the essential purpose of the institution of democratic elections by making it dependent on powers other than those on whom it was designed to depend (that is, finance versus the people).

On the other hand, individual corruption occurs when a public official abuses her role to obtain a personal benefit, such as money or private favors.<sup>7</sup> For institutionalists, while this form of corruption is problematic, it is so only as a matter of the corrupt public official's personal morality. The corrupt official betrays his duties of office in order to seek some kind

<sup>5</sup> See, respectively, Thompson, *Ethics in Congress*; Thompson, "Two Concepts of Corruption: Making Electoral Campaigns Safe for Democracy"; and Lessig, "Institutional Corruption"; Lessig, "Institutional Corruption Defined"; Lawrence Lessig, "What an Originalist Would Understand 'Corruption' to Mean," *California Law Review* 102 (2004): 1–24; Lawrence Lessig, "Corrupt and Unequal, Both," *Fordham Law Review* 84 (2015): 445–52.

<sup>6</sup> Lessig, "Institutional Corruption Defined," 553.

<sup>7</sup> See, for example, Mark Philp, "Defining Political Corruption," *Political Studies* 45 (1997): 436–62.

of material benefit for him personally. Bribes illustrate a personally wrong kind of behavior that contradicts professional ethics.

In cases of corrupt institutions, instead, a political—not merely personal—advantage is produced because this advantage concerns the performance of a public official's functions.<sup>8</sup> A politician who receives a large donation for his campaign from a private pharmaceutical company does not obtain any material benefit for himself personally. His advantage is political because this donation contributes to his election and, therefore, to the acquisition of political power.<sup>9</sup> For institutionalists, the wrongness of this institutional mechanism has a distinctively political importance because the distortion of the democratic mechanisms it produces, especially when it leads to the production of partisan rules (for instance, a softer regulation of the trials necessary for commercializing a certain drug), has the negative consequence of diminishing citizens' trust in democratic institutions.

I agree that this interpretation of political corruption is quite successful in making sense of important pathologies that affect the quality of the democratic public order *systemically*. But this merit has the drawback of singling out only one subset of politically relevant instances of corruption in a democracy. This drawback limits the ability of this account of political corruption to provide analysis and normative guidance, since the account is likely to overlook a number of relevant cases that do not fit this *sui generis* characterization of the phenomenon. Let us pause to consider this claim.

As seen, the institutionalist approach to political corruption focuses on the functioning of institutional mechanisms. From this perspective, the corrupt behavior of individual public officials may be politically (not only personally) problematic only to the extent that it damages these mechanisms. This is the case, for example, of systematic abuses of power that end up constituting a parallel system of rules that come to govern the functioning of an institution. In a word, the cases of political corruption that the institutionalist approach captures are *systemic*.<sup>10</sup> This is no mere implication of the institutionalist approach. In fact, it is one of its explicit distinguishing features because institutional corruption *is* the corruption of a system.<sup>11</sup> It applies to cases in which the corrupt behavior of those who occupy institutional roles is "regular and predictable" and, as such, has an erosive impact on the trustworthiness of the institution as a whole.<sup>12</sup>

<sup>8</sup> See Thompson, "Two Concepts of Corruption: Making Electoral Campaigns Safe for Democracy."

<sup>9</sup> *Ibid.*; Dennis Thompson, "Two Concepts of Corruption," *Edmond J. Safra Research Lab Working Papers* 16 (2013): 1–24.

<sup>10</sup> For a discussion of the relation between individual and systemic manifestations of political corruption, see Maria Paola Ferretti, "A Taxonomy of Institutional Corruption," in this issue of *Social Philosophy and Policy*, 242–63.

<sup>11</sup> See Lessig "Institutional Corruption"; Thompson, "Two Concepts of Corruption: Making Electoral Campaigns Safe for Democracy"; Mark Warren, "What Does Corruption Mean in a Democracy," *American Journal of Political Science* 48 (2004): 328–43.

<sup>12</sup> See Lessig "Institutional Corruption Defined," 553.

Being so oriented, this account overlooks the political salience of individual, possibly sporadic, instances of corrupt behavior on the part of public officials. To wit, in such cases, corrupt individual behavior fails to meet the *description* of a politically relevant instance of corruption and to generate the kind of institutional damage necessary for its *normative* assessment as a political (not only personal) wrong. From a descriptive perspective, such behavior is too sporadic and isolated to cause an alteration of institutional mechanisms that would make the relevant institution unable to fulfill its purpose. From the normative point of view, the wrongness of such behavior is not politically salient because it is not sufficiently systemic to result in a loss of institutional trustworthiness. Of course, no proponent of the institutionalist approach denies either the occurrence or the importance of these individual cases, but they seem less interested in their political import.

I think this restriction of scope is undesirable. To illustrate why I think so, consider a standard case of nepotism. A politician chooses her husband to serve as a member of her staff, regardless of his competences with respect to other candidates for the same position. Or think of an administrator who takes the occasional bribe to push forward someone's application to obtain a renewal of his or her work permit, thus speeding up the standard process for getting that document.

Both acts look too sporadic and isolated to have an impact on the mechanisms that govern the institutions for which the officials work. Moreover, and relatedly, they are not likely to generate the kind of institutional damage in terms of loss of citizens' trust that would make their wrongness politically salient on the institutionalist account. Are these considerations sufficient to treat these cases only as matters concerning the officials' personal morality? Intuitively, this seems too quick a conclusion. Both cases imply, for example, some kind of arbitrary favoring of some citizens, which sits uncomfortably with the democratic *political* ideals of impartiality and social equality.<sup>13</sup> Therefore, they seem to raise politically relevant issues that transcend matters of personal morality.

In the remainder of the essay, I would like to take this predicament seriously and show a unified sense in which we can understand the political importance of the corruption of both public officials and institutions in a democracy. This unified account has the philosophical advantage of avoiding conceptual inflation. But I will try to show in addition that it can also help to identify the common root of the wrongness of individual and institutional political corruption as instances of injustice that affect the kind of treatment that citizens ought to receive in a democracy.

<sup>13</sup> For an impartiality-based discussion of corruption, see Ivar Kolstad, "Corruption as a Violation of Distributed Ethical Obligations," *Journal of Global Ethics* 8 (2012): 239–302; Bo Rothstein and John Teorell, "What is Quality of Government: A Theory of Impartial Political Institutions," *Governance* 21 (2008): 165–90; Bo Rothstein and Aiysha Varraich, *Making Sense of Corruption* (Cambridge: Cambridge University Press, 2017).

### III. POLITICAL CORRUPTION AS A PUBLICLY UNACCOUNTABLE USE OF AN ENTRUSTED POWER OF OFFICE

I propose to start from a basic characterization of political corruption as a kind of publicly unaccountable use of an entrusted power of office.<sup>14</sup> Cases of political corruption satisfy the following two individually necessary but jointly sufficient conditions: there is an institutional role-occupant who (1) uses her power of office (2) for the pursuit of an agenda whose rationale may not withstand public scrutiny in accordance with the terms of the mandate that ought to regulate its performance. Let us give a closer look at these conditions.

As concerns the first condition, my characterization of political corruption captures cases in which the use of a power of office is either unlawful or lawful, depending on the legal arrangements in place. So it encompasses both such criminal offenses as bribery and embezzlement, and such highly contested practices as nepotism, which are not universally outlawed although they are frequently considered cases of political corruption. An important implication of this point is that my characterization of political corruption is not limited to those cases that imply the breach of a formal rule (such as the rule of access to certain public services). A public official may use her power by violating the spirit of a rule in its application. For example, a physician who works in a state hospital may abuse the clause protecting his right of conscience to refuse to perform abortions, not out of conscientious conviction but to avoid a debasing task and concentrate on operations that may boost his career.<sup>15</sup> In the present account, this physician would not only be acting maliciously; his conduct is corrupt.

To appreciate the latter point, the distinction between grand and petty corruption is helpful. Grand corruption indicates the behavior of politicians in their capacity as decision makers; petty corruption points at the behavior of bureaucrats, who act to implement policies.<sup>16</sup> My characterization of political corruption regards the behavior of both types of actors because both of them are entrusted by citizens (albeit through different mechanisms) with powers that may be used in a relevantly similar corrupt manner.<sup>17</sup> So this characterization includes elected politicians, judges, and public administrators, but also such workers in the public sector as teachers and physicians. With some adaptation, it could also apply to those who work in the private sector insofar as they occupy roles within

<sup>14</sup> Ceva and Ferretti, "Political Corruption, Individual Behaviour, and the Quality of Institutions."

<sup>15</sup> See *ibid.*; Warren, "What Does Corruption Mean in a Democracy?"

<sup>16</sup> See Amundsen, "Political Corruption: An Introduction to the Issues," 3.

<sup>17</sup> See Ceva and Ferretti, "Liberal Democratic Institutions and the Damages of Political Corruption"; Ceva and Ferretti, "Political Corruption, Individual Behavior, and the Quality of Institutions."

legitimate rule-governed organizations (for example, the accountant of a large corporation). However, because this essay is a discussion of political corruption, I am leaving this extension aside.<sup>18</sup>

With respect to the institutionalist understanding of political corruption, the present characterization considers personal and political, material and nonmaterial benefits that accrue to corrupt public officials.<sup>19</sup> Standardly, political corruption has been associated with a corrupt public official receiving some kind of personal material benefit, in money or in kind. Bribery and embezzlement are standard examples. But, as the proponents of the institutionalist interpretation of political corruption have clearly shown, certain forms of corruption may also generate political benefit—for example, in terms of an increase of the corrupt official's political influence. That is the case in private electoral campaign financing (the institutionalists' paradigmatic example), but also in clientelism. The present characterization covers both cases by pointing out that the rationale of the agenda that informs the corrupt act may not be publicly vindicated. We are thus ready to discuss the second necessary condition of political corruption: its public unaccountability.

Whatever advantage—material or nonmaterial, personal or political—the corruption of public officials and institutions produces, it is an item of an agenda, pushed forward through the corrupt act, whose rationale may not withstand public scrutiny as coherent with the terms of the mandate in keeping with which a certain power of office ought to be exercised. Corrupt actions include institutional practices and the individual behavior of those who occupy institutional roles. In a broadly democratic institutional setting (as in any rule-governed legitimate organization), these embodied roles and practices occur in keeping with a system of rules that assigns powers to each of those roles with a specific mandate. The rules that govern institutional action are generally known and accessible—and so is the mandate that they establish for the exercise of the powers of office entrusted to the various institutional roles.

Within this framework, there is a general expectation that institutional action occurs in keeping with the letter and the spirit of those rules so that its rationale is publicly justifiable in keeping with the mandate with which the various powers of office are distributed. Political corruption occurs when an entrusted power of office is used for the pursuit of an agenda whose rationale may not withstand this kind of public scrutiny. This is the specific sense in which I characterize political corruption as a “publicly unaccountable use of an entrusted power of office.” Publicly unaccountable uses of a power of office may seek the promotion of an officeholder's

<sup>18</sup> I am grateful to Mark Knights and Peter Mentzel for pressing me to make this point explicitly. For a broader discussion, see, Emanuela Ceva and Michele Bocchiola, *Is Whistleblowing a Duty?* (Cambridge: Polity Press, 2018).

<sup>19</sup> See also Frank Anichiarico and Lenore Kuo, “The Justified Scoundrel: The Structural Genesis of Corruption,” *Journal of Social Philosophy* 25 (1995): 147–61.



personal interests (for example, embezzlement) as well as those of some citizens (for example, bribery). But the items in the agenda that motivates them may also have a political nature. This is true in the case, for example, of a politician who gains office thanks also to the support of some tycoon active in the oil industry, who manages, as a result, to see a particularly lax law on carbon emissions go through. In either case, a power of office is used on grounds that could hardly withstand public scrutiny in the sense I have explained.

Publicly unaccountable institutional action is not necessarily secretive. Even when a certain use of some power of office is a matter of common knowledge, it may be publicly unaccountable in my sense to the extent that the rationale of the agenda that motivates it is not justifiable in keeping with the mandate with which that power was established and assigned to an institutional role. Similarly, in order for institutional action to be publicly accountable, it need not be totally transparent. Some such uses of a power of office as those that concern matters of national security may be covered by secrecy—and they are, therefore, not fully open as transparency demands.<sup>20</sup> However, any such use of a power of office ought always to be justifiable in accordance with the mandate with which that power was established and assigned. To put it in other words, even in those cases in which duties of secrecy are justified with respect to a certain office, this does not relinquish the office-holder from the duty to act in such a way that the rationale of her action *could* be publicly justified (even if the case of her having to provide such a justification is an eventuality that might never actually materialize). This commitment to public accountability is a regulative idea that qualifies a public ethics for institutional roles and practices.

Of course, the form that public justification should take in a democratic society may be the object of some normative disagreement.<sup>21</sup> Similarly, we are likely to hold disparate substantive interpretations of the mandate in keeping with which specific powers of office ought to be exercised. These interpretations may appeal to such different ideals as personal freedom, the public interest, social equality, impartiality, or the common good. Finally, significant epistemic limits may apply as concerns the capacity both to understand the agenda that informs institutional action and to formulate and receive an appropriate justification for it.<sup>22</sup> As a result, we end up embracing different *conceptions* of public accountability and, therefore,

<sup>20</sup> For a discussion see Onora O'Neill, "Transparency and the Ethics of Communication," in Christopher Hood and David Heald, eds., *Transparency: The Key to Better Governance* (Oxford: Oxford University Press, 2006).

<sup>21</sup> One famous disagreement is between the proponents of a "consensus" model of public justification (see, e.g., John Rawls, *Political Liberalism* [New York: Columbia University Press, 1999]) and those who defend a "convergence" view (see, e.g., Jerry Gaus, *The Order of Public Reason* [Cambridge: Cambridge University Press, 2011]).

<sup>22</sup> I owe this remark to Elijah Wood.

of political corruption. Nevertheless, these disagreements and difficulties do not detract from the general plausibility of this *concept* of political corruption as a publicly unaccountable use of an entrusted power of office.

To see this general plausibility, consider, as a simple illustration, the typical operations of re-description through which corrupt officials try to vindicate their act publicly whenever their misuse of power becomes manifest. So, for example, bribes become gifts, while clientelism is typically coated in the terminology of mutual trust.

A more elaborated illustration of the point comes from the diary of Samuel Pepys, a corrupt naval administrator during the late Stuart period in Britain. The diary provides an admirably clear illustration of the attempt to make corrupt behavior justifiable through the re-description of its logic. The diary reveals that, because of his position, Pepys secured for himself a substantial number of payments, in money and in kind (including animals, food, sex, or favors), from suppliers to the navy in exchange for his help obtaining contracts, posts, or the settlement of some account. The striking feature of the diary is that Pepys seemed to have a very clear idea of what corruption is and, as such, he was trenchant in exposing it in others' behavior. However, he was ready to justify his own corrupt behavior.

Naturally, Pepys addressed this justification primarily to himself. However, we can entertain the hypothesis that it also would have had a public value, if the diary had been exposed. Interestingly, the diary translates episodes of corruption into different, publicly acceptable terms following the pattern I have presented above. Many of the corrupt exchanges in which Pepys was a protagonist were re-described as responsive to a widely accepted logic of mutual friendship, politeness, or acknowledgement for services rendered.<sup>23</sup>

Reference to the public unaccountability of corrupt institutional action is crucial to distinguishing political corruption from other instances of institutional malfunctioning or an individual institutional role-occupant's misconduct. So, for example, the misconduct of a corrupt public official is not due to his lack of competence, carelessness, or harmful intent. A corrupt public official is one who uses his institutional power for either his personal or his political advantage in ways that are incoherent with the rationale with which this power was entrusted to the institutional role he occupies. In this sense, the rationale of the agenda that underpins the official's corrupt act may not be publicly vindicated as a reason for institutional action, that is, it is publicly unaccountable.

An important implication is that not just any manifestation of political corruption is unlawful (for example, nepotism is not universally outlawed

<sup>23</sup> See Mark Knights, "Samuel Pepys and Corruption," *Parliamentary History* 33 (2014): 19–35. For a historical phenomenology of the operations of re-description of acts of corruption see Mark Knights, "Explaining Away Corruption in Pre-Modern Britain," in this issue of *Social Philosophy and Policy*, 94–117.

and private electoral campaign financing is often legalized) and, conversely, not just any misuse of institutional power that goes against the law is an instance of political corruption. As argued elsewhere, public officials who engage in civil disobedience provide an illustration of unlawful institutional action that could nevertheless be publicly justifiable.<sup>24</sup> A public official who uses her power of office to sabotage the enforcement of some discriminatory law (for instance, one that penalizes women's employability) engages in politically relevant wrongdoing and may be prosecuted for her action. However, insofar as the rationale of her agenda can be justified as responsive to general principles of justice, equal treatment, or impartiality, a case can be made to vindicate the rationale of her agenda as consistent with the spirit—if not the letter—of the rules that govern the mandate with which her power of office ought to be exercised.<sup>25</sup> In this sense, her unlawful use of entrusted power could withstand public scrutiny and, therefore, would not count as an instance of political corruption. The inherent public unaccountability of political corruption, on the other hand, necessarily disqualifies it as a contribution to public discourse.<sup>26</sup>

With this final clarification, I can bring the analytical description of the concept of political corruption as a publicly unaccountable use of an entrusted power of office to a close. My task in the next section becomes normative and aims to explain why this phenomenon poses serious challenges to the democratic public order and is, therefore, wrong in a politically relevant sense.

#### IV. THE WRONGNESS OF POLITICAL CORRUPTION AS A RELATIONAL INJUSTICE

The central piece of my argument in this section consists in showing that the public unaccountability of political corruption makes this phenomenon a form of political injustice in which someone has violated the normative logic that undergirds all relations of justice in rights-based systems. The publicly unaccountable nature of political corruption goes against the general commitment to public justification that is presupposed by the democratic public order. Citizens are entitled to this justification in virtue of their normative status as the sources of potentially valid claims,

<sup>24</sup> See Ceva and Ferretti, "Political Corruption, Individual Behavior, and the Quality of Institutions." The paper also contains the suggestion that, on the basis of this line of reasoning, there is no such thing as "noble cause corruption" because its paradigmatic instances (for example, Oscar Schindler) may, in fact, be more fruitfully seen as instances of conscientious law-breaking.

<sup>25</sup> For a discussion of the communicative nature of civil disobedience, see Kimberley Brownlee, *Conscience and Conviction* (Oxford: Oxford University Press, 2012). For a discussion of the role of justified law-breaking in a democracy, see Emanuela Ceva, "Political Justification through Democratic Participation: The Case for Conscientious Objection," *Social Theory and Practice* 41 (2015): 26–50.

<sup>26</sup> I owe the suggestion of this formulation to Samuel Fleischacker.

which they cast against each other on an equal footing in their capacity as the holders of democratic rights. Therefore, political corruption is relationally unjust because it consists in a form of citizens' mistreatment that violates their very normative status as rights-holders.

That is the gist of my argument; let me illustrate the details. Following Joel Feinberg, I posit that to treat someone as a rights-holder means recognizing her as a potential maker of valid claims.<sup>27</sup> For Feinberg, human dignity demands such a treatment to the extent that human beings are taken to have dignity exactly in virtue of their "recognizable capacity to assert claims."<sup>28</sup> In this sense, the most basic and appropriate form of interaction between human beings is a normative relation between rights-holders and duty-bearers. These are relations in which A recognizes B as a source of enforceable claims for the satisfaction of which B must respond to A, and vice versa.<sup>29</sup> These enforceable right–duty relations are properly the domain of justice, as distinguished, for example, from the domain of charity.<sup>30</sup>

In democratic politics, this idea requires enforceable public rules and procedures that make entering such normative relations possible and compelling for everyone in society. This formulation reveals an egalitarian political commitment in virtue of which citizens are presupposed to have the same normative status and are, therefore, to be treated impartially and as equals in this respect. In Feinberg's words, "having rights enables us to . . . look others in the eye, and to feel in some fundamental way the equal of anyone."<sup>31</sup> To be true, citizens may entertain different kinds of relations in different capacities (for example, as members of private associations, relatives, or friends); but the establishment of right–duty relations constitutes the appropriate treatment and mode of interaction between citizens as political agents.

Participation in such relations is universal and nonexcludable in the sense that it is proper for all citizens.<sup>32</sup> This said, there are certain categories of citizens who, in virtue of their institutional role, find themselves in a special position with respect to these relations. These are public officials—that is, the institutional actors who are entrusted by other citizens with the

<sup>27</sup> Joel Feinberg, "The Nature and Value of Rights," *Journal of Value Inquiry* 4 (1970): 243–57.

<sup>28</sup> *Ibid.*, 252.

<sup>29</sup> See Iris Marion Young, *Justice and the Politics of Difference* (Princeton, NJ: Princeton University Press, 1990), 25. For the formulation of such a relation in the domain of morality, see Stephen Darwall, *The Second-Person Standpoint* (Cambridge, MA: Harvard University Press, 2006).

<sup>30</sup> See Feinberg, "The Nature and Value of Rights," 244.

<sup>31</sup> *Ibid.*, 253.

<sup>32</sup> The idea that political corruption is a form of democratic exclusion can be found in Warren, "What Does Corruption Mean in a Democracy," 333 and Mark Warren, "Political Corruption as Duplicitous Exclusion," *Political Science and Politics* 39 (2006): 803–7. The characterization of political corruption as a publicly unaccountable use of an entrusted power of office adds specificity to this view and shows a sense in which political corruption is inherently wrong.

power either to make (political decision-makers) or to apply (administrators) the public rules and procedures that constitute the general framework within which citizens stake their reciprocal claims. This is a special position because it gives public officials the power to set and implement the very conditions by which all citizens may honor their respective rights and duties. It is the creation and maintenance of such a general framework that establishes citizens in their normative status and regulates their access to the political relations they entertain as potential makers of valid claims. Public officials are, therefore, publicly accountable for using their powers of office in keeping with this mandate entrusted to their institutional role.

Against this backdrop, I argue that when those who occupy such institutional positions use their powers of office in ways incoherent with their power mandate, a relational injustice occurs. In such a scenario, the normative logic of political relations is disrupted and citizens have their normative status as political agents thereby violated. To be clear, the equal recognition of citizens' status as potential makers of valid claims is violated in virtue of the publicly unaccountable nature of the corrupt act that responds to an agenda that stands in contradiction with that which ought to guide institutional action in a democracy.

Consider the case of clientelism, a practice by which a certain group of citizens has access to benefits from which others are excluded in virtue of the special relation of the former as "clients" of their public "patrons." From my proposed perspective, corrupt relations of this sort are unjust in themselves because they indicate an alteration of the nature of political interactions. Insofar as they respond to a fiduciary logic, the relations between a client and her patron may uphold such values as personal mutual trust. Nevertheless, they are publicly unaccountable because they do not respond to the logic that ought to regulate the way in which citizens stake their reciprocal claims in a rights-based system as opposed to a system based on personal favors. The nature of these relations is altered.

This alteration may affect political relations across a number of political practices, including voting, agenda setting, decision-making, and rule implementation. Clients enjoy a fast track, as it were, to make their claims reach the political agenda, influence decision-making, and affect rule implementation. The access to such a track is not open to all people in their capacity as citizens, but is reserved for clients in virtue of their special personal relation with their patrons. Institutional action in accordance with this relation is publicly unaccountable because it responds to a personal logic that may not withstand public scrutiny as a reason for institutional action in any democracy.

An important aspect of this normative discussion of political corruption as a relational injustice is that it shows how this phenomenon is inherently wrong independently of whether it produces negative consequences. To wit, political corruption is wrong *because it is* a form of injustice and not only *to the extent* that it *causes* an injustice.

To illustrate, consider the example of the politician who hires her husband as a member of her staff irrespective of his competence or past experience, but in virtue of their spousal relation. This case of nepotism is an instance of political corruption by the characterization of this phenomenon I am using in this essay. To the extent that the agenda that informs the politician's use of her power of office responds to a familial logic, it may certainly not be considered as a reason for institutional action in a democracy in keeping with the mandate with which her entrusted power ought to be exercised in this context. So, this case of nepotism is an instance of political corruption. But how is it wrong?

One possible answer is that the politician's conduct is wrong because the appointment of her husband, regardless of his qualifications, implies a form of partiality that violates the equal employment opportunities of the other candidates for the job. In this sense, we could say that this episode of political corruption is unjust because it is causally related to a distributive injustice. But let me offer a complication of the scenario. What if fortune has it that the other applicants turn out not to be any better qualified than the politician's husband? Or imagine if the husband happens by luck to be the only candidate for that job. In these more complicated, but not at all unlikely, scenarios it looks much less obvious that the politician's corrupt conduct has been partial in a way that has caused an alteration of the distributive patterns of the job candidates' subjective rights and opportunities. So should we say that nothing wrong has happened?

I think we should resist this conclusion. In each of the three scenarios, were the politician called upon to justify her action publicly, she could not possibly vindicate the rationale of her agenda because, as said, spousal relations can hardly withstand public scrutiny as reasons for institutional action in a democracy. The politician would be forced to re-describe her action by reinventing its rationale in ways that cohere with the mandate that ought to regulate her exercise of her power of office. This re-description signposts a wrongful alteration of political relations.<sup>33</sup> This alteration is not an extrinsic consequence of political corruption, to which single corrupt acts are causally related; it is, rather, an inherent feature of any corrupt relation. To wit, this alteration is inherently relationally unjust, even if it causes no distributive injustices. It is unjust because it consists in

<sup>33</sup> Of course, this familial logic could be appropriate to regulate hiring processes in family-owned businesses (for example, to perpetrate traditions). When it comes to large private corporations, arguably, we can reason by analogy with the logic that governs political relations and recognize the wrongness of adopting this familial logic in a derivative sense—the mandate associated with different rule-governed roles is, in this case, established in accordance with general laws and specific statutes. Reasoning by analogy suggests that the dividing line between the private and the political is hardly clear-cut. Nevertheless, political corruption—understood as the “corruption of the polis”—can be considered a primitive that pinpoints a distinctive alteration of the rights-based relations, which are constitutive of the public order, due to a distortion of the rules that govern public institutions. I am grateful to an anonymous reviewer for prompting me to flesh this point out.

a violation of the duty of public accountability owed to citizens in virtue of their normative status as rights-holders, regardless of which—if any—of their subjective rights are violated specifically.

#### V. THE INSTITUTIONALIST VERSUS THE RELATIONAL APPROACH TO POLITICAL CORRUPTION: AN ILLUSTRATION

So far, I have illustrated my relational interpretation of the wrongness of political corruption with the aid of cases that make primary reference to individual forms of this phenomenon like nepotism and clientelism. I hope my argument has successfully shown the sense in which these forms of corruption are inherently wrong *qua* relationally unjust. This would be an important accomplishment in itself. It would show the institutionalists a sense in which the corruption of individual public officials also has political importance in a democracy. The wrongness of the forms of political corruption I have described in the previous section is politically relevant because these forms of corruption contradict a fundamental political commitment of the democratic public order concerning what is owed to citizens in virtue of their normative status in a rights-based system. Therefore, it may not be reduced to a breach of a public official's personal morality.

However, institutionalists could still be unpersuaded that I have succeeded in identifying a unified source of the wrongness of political corruption that is capable of making normative sense of this phenomenon in both its individual and institutional dimensions. To prove them wrong, I need to engage with a case of institutional political corruption directly.

So take a case Dennis Thompson has famously discussed to illustrate the importance of considerations of institutional corruption; the case is that of the "Keating Five."<sup>34</sup> The case involves five U.S. senators and a businessman, Charles Keating, Jr., who contributed to financing their campaigns in the late 1980s. As a result of a series of high-risk investments, Keating's company, Lincoln Savings and Loan, collapsed thus causing the loss of savings of a large number of uninsured customers. The relevant part of the story consists in the series of meetings the senators had with different authorities for the regulation of industry to inquire about the status of the investigations of Keating's company. During these meetings, the Keating Five pressured for the investigations to be expedited to the advantage of Keating, who (recall) was a generous contributor to their campaigns.

For Thompson, on an individualist understanding of political corruption, we would look at the case by concentrating on the behavior of the individual senators (to pin down the personal advantage they gained),

<sup>34</sup> Dennis Thompson, "Mediated Corruption: The Case of the Keating Five," *American Political Science Review* 87 (1993): 369–81.

on Keating's undeserved benefit, and on the presence of a corrupt motive for the exchange between the two.<sup>35</sup> However, for Thompson, were we to limit our view of the case to these considerations, we would miss the broader picture. What is more, we would fail to understand why this case is wrong in a politically relevant sense.

To see this sense, we must look at the example of the Keating Five as an instantiation of the broader practice of private campaign financing and consider the damage that this institutionalized practice has caused to the democratic form of government. Recall from Section II, that, from this institutionalist perspective, what matters politically is not the personal gain produced by the corrupt exchange. Rather, attention should be paid to the political advantage that is thereby created.<sup>36</sup> This advantage does not serve the public officials' private interests. It accrues to the officials in the performance of their institutional functions. In this case, it consisted in the electoral mandate the senators obtained through a campaign to which Keating had generously contributed. Moreover, the scandal would not reside so much in the unfairness of the service the senators rendered to Keating (and not to other constituents). In fact, for Thompson, the political dimension of this case emerges in consideration of the general manner in which such a service was provided that was, he argues, not constrained by the principles of generality, autonomy, and publicity that should apply in a democracy.<sup>37</sup>

What would an alternative reading of this case be from the perspective I have presented in this essay? To start, it seems appropriate to describe this case as an instance of political corruption *qua* a publicly unaccountable use of an entrusted power of office (see Section III). The Keating Five made a publicly unaccountable use of the power with which they were entrusted in their capacity as senators to obtain otherwise inaccessible information and put pressure on the investigations concerning Keating's company. The rationale of the agenda that informed the senators' behavior is publicly unaccountable because it responds to a clientelar logic that is extraneous to the rationale of institutional action in a democracy. In fact, when these meetings became known to the public, the senators' defensive strategy involved the translation of this agenda into the publicly acceptable terms of a "constituent service."

As argued above, publicly unaccountable institutional action is politically problematic in a democracy because it directly contradicts the commitment to public justification that is central to this form of government. In this light, to view the case of the Keating Five as an instance of public unaccountable institutional action seems thus capable of making sense of its specific problematic nature in political terms (and not only in those of the senators' personal morality).

<sup>35</sup> Thompson, "Mediated Corruption: The Case of the Keating Five," 371.

<sup>36</sup> *Ibid.*

<sup>37</sup> *Ibid.*, 373–74.



What is more, notice that the senators' action was not just a matter of individual corrupt behavior that involves the bending of public rules. Their abuse of power is, rather, premised on the very way in which the senators had access to their institutional role in virtue of the functioning of the institution of democratic elections in the United States. In this sense, the reading of this instance of political corruption as an institutional, and not just an individual, matter is preserved.

But while the institutionalists' explanation of this case is capable of accounting for one, systemic dimension of its political salience, my own reading has the advantage of accounting for the political importance of this case through the employment of a general, more encompassing idea of political corruption, which aptly applies to individual (as shown in the previous section) and institutional (as argued in this section) manifestations of this phenomenon. It can, therefore, honor the commitment to conceptual parsimony as a virtue of philosophical analysis, without losing sight of important differences and nuances in the ways political corruption occurs in a democracy.

How about the normative assessment of this case from the perspective of relational injustice? Although we have no ground to believe that the practice of private campaign financing is intrinsically unjust from a relational perspective, it entails a relational injustice when it creates a corrupt relation like that between the senators and Keating. The relation they have established does not respond to the logic of public accountability that applies to the democratic political domain. Rather, it responds to an altogether different rationale; it is driven by the personal and political gains the parties obtain from the relation. Needless to say, as individuals, the senators and Keating may entertain a number of different kinds of relation, including that of friendship. However, in this case, the senators acted in the exercise of their institutional functions and in virtue of the power they had as senators (not as Keating's friends). The nature of the relation between Keating and the senators was, therefore, political. In keeping with my argument in the previous section, the alteration of the rationale of the political relation between Keating and the senators is, therefore, inherently wrong in the sense of being relationally unjust (and not merely personally inappropriate).

But the observation of the direct interaction between the parties in this corrupt relation only accounts for one part of the story. To have a complete picture of how a relational injustice has occurred, we must look at the relations between the senators, Keating, and their fellow citizens. The normative logic that should underpin this web of relations is altered because Keating is afforded a special political status to which the other citizens have no access and whose establishment may not be justified to them on public grounds. The origin of this status consists in the corrupt relation between the senators and Keating himself and is, therefore, not at all an entailment of Keating's normative status as a potential maker of

valid claims. But, as seen above, in a rights-based system, this should be the one and only capacity in virtue of which people enter relevant normative relations in politics and their treatment ought to be determined. This feature makes the service the senators rendered to Keating publicly unaccountable and, therefore, relationally unjust, although not unlawful. In this sense, the case is a wrongful instance of political corruption in an institutional practice. The relational injustice that it instantiates does not only concern one single political relation. It encompasses a complex web of political relations—between the senators, Keating, and their fellow citizens—whose rationale is altered in virtue of the public unaccountability of the senators' institutional action. The development of this broader deontological normative assessment of the case is a second advantage of my proposed interpretation compared to one limited to its institutional consequences.

#### VI. CONCLUSION: THE IMPLICATIONS OF UNDERSTANDING POLITICAL CORRUPTION AS A RELATIONAL INJUSTICE

*Contra* current institutionalist interpretations of political corruption, my main line of argument has pursued a twofold aim, analytical and normative. First, I have shown that the concept of political corruption as a publicly unaccountable use of an entrusted power of office is capable of describing both individual and institutional manifestations of this phenomenon as a politically relevant problem that affects a democratic society. Second, I have given a normative account of the wrongness of the corruption of public officials and institutions as having the same root in a kind of political injustice that I have presented in relational terms.

In this last section, I would like to conclude by hinting at some implications of this argument concerning (1) the kind of judgment of wrongness it allows us to make and (2) the state's legitimate and required response to political corruption. However, before I proceed, I should immediately say that the following considerations do not cover the full spectrum of normative implications that my proposed reading of political corruption may have along these two lines of inquiry. In fact, both of them are the objects of a sequel paper.<sup>38</sup> Nevertheless, I would like to give a sense of the normative implications of the argument in this essay to suggest its potential contribution to a general relational theory of political corruption, which is yet to be developed.

The first important implication of understanding political corruption as a relational injustice is that of being able to see it as wrong whenever it occurs, just like any other kind of injustice. This implication gives a broader normative basis for the assessment of political corruption with respect to

<sup>38</sup> See Emanuela Ceva, "Progressing Towards Justice. The Case for Blowing the Whistle on Political Corruption."

current analyses of this phenomenon across the social sciences and in the documents produced by such leading agencies as Transparency International.<sup>39</sup> In particular, my proposed justice-driven understanding of political corruption provides a basis for the assessment of this phenomenon that rests on more solid normative grounds than those deriving from the consideration of the contingent empirical consequences that specific instances of this phenomenon may happen to have, for example, in terms of its economic or social costs.<sup>40</sup>

A word of caution is necessary, however. My proposed account allows me to make a judgment of the injustice of political corruption that concerns its relational dimension and applies to the observation of the quality of a democratic polity and the interactions between political agents within it. To be true to the twofold nature of justice as concerning both sociopolitical interactions and their outcomes, considerations of relational justice (which belong to the former domain) must be balanced against (possibly conflicting) considerations of distributive justice (which belong to the latter domain—see the discussion in Section IV above).

This specification has important implications for the kind of response the democratic state is legitimated and required to give to the corruption of public officials and institutions through the use of its coercive power. My relational argument grounds a general positive duty for the state to counteract political corruption. This duty entails the specific obligation to design anti-corruption instruments that are fit for the purpose of identifying and restoring the political relations that political corruption disrupts. To be true, as most state's positive duties, this is a *pro tanto* duty. In view of the considerations above, there might be circumstances in which its fulfillment must be balanced against that of other duties that the state might have. Should such a conflict between different demands of justice occur, difficult balancing exercises and trade-offs would prove to be necessary.

There is no point denying that this implication reveals a limitation of the action-guiding capacity of my argument. However, I think this is an important conclusion to reach because it allows us to say that political corruption can never be justified, even when it has no obvious negative consequences, for example, for the distributive patterns of citizens' specific subjective rights and opportunities. Anytime a corrupt relation is established in a rights-based system, a significant form of political injustice occurs. The state is legitimated and *pro tanto* required to act to correct it.

Surely enough, the details of the specific actions required of the state are to be established in consideration of the different instances of either

<sup>39</sup> For an overview of such documents see <https://www.transparency.org/whatwedo/publications/>.

<sup>40</sup> See, respectively, Joseph Nye, "Corruption and Political Development: A Cost-Benefit Analysis," *American Political Science Review* 61 (1967): 417–27 and Donatella Dalla Porta and Alberto Vannucci, "The 'Perverse Effects' of Political Corruption," *Political Studies* 45 (1997): 516–38.

individual or institutional political corruption in question, the political and the legal system in place, and the local socioeconomic conditions. Moreover, more could certainly be said concerning the implications of my argument for the state's specific obligations to punish corrupt individuals, penalize corrupt behavior, and reform corrupt institutions.<sup>41</sup>

As anticipated, in this essay, my main analytical and normative aim has been more limited but fundamental. Nevertheless, I hope it has succeeded to suggest a general sense in which the corruption of public officials and institutions is inherently wrong and, therefore, anti-corruption public action is required as a matter of justice.

Nothing in my position forces me to adopt a *fiat justitia, et pereat mundus* approach to anti-corruption, not any more than this position is implied in any justice-based discussion of the public order. What is more, I have conceded that different demands of justice, notably distributive and relational, may require difficult trade-offs and balancing exercises. However, these complications do not make the demands of relational justice any less relevant to the analysis of political corruption, nor do they make the failure to take them into due consideration in the development of anti-corruption strategies any less of a normative defeat.

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<sup>41</sup> For normative discussions of anti-corruption instruments, see Seumas Miller, Peter Roberts, and Edward Spence, *Corruption and Anti-Corruption: An Applied Philosophical Approach* (Upper Saddle River, NJ: Pearson, 2005). For a classic critical discussion of the alleged positive consequences of corruption that may limit anti-corruption interventions, see Robert C. Brooks, "Attempted Apologies for Political Corruption," *International Journal of Ethics* 19 (1909): 297–320.