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COGNITIVE CORRUPTION AND DELIBERATIVE DEMOCRACY*

By Adrian Blau

Abstract: *This essay defends deliberative democracy by reviving a largely forgotten idea of corruption, which I call "cognitive corruption"—the distortion of judgment. I analyze different versions of this idea in the work of Machiavelli, Hobbes, Bentham, and Mill. Historical analysis also helps me rethink orthodox notions of corruption in two ways: I define corruption in terms of public duty rather than public office, and I argue that corruption can be both by and for political parties. In deliberative democracy, citizens can take off their party hats and may be more influenced by the force of the better argument than in party democracy.*

KEY WORDS: Bentham, corruption, deliberative democracy, democracy, Hobbes, Machiavelli, Mill, party corruption, party democracy, political parties

I. Introduction

Corruption is usually seen narrowly: the misuse of public office for private gain. This idea is age-old.[1] But corruption used to be conceived more broadly. "Office" derives from *officium* (duty), such that anyone neglecting public duties—including citizens—could be called corrupt. Corruption also included more than just private gain. And crucially, there were more ideas of corruption than just public-office or public-duty ones.

This essay revives a largely forgotten idea, which I call "cognitive corruption": the corruption of judgment. I analyze its use by Machiavelli, Hobbes, Bentham, and Mill. They have other ideas of corruption too, and cognitive corruption is not always central to their accounts. But their writings offer us two valuable contemporary insights. First, our dominant public-office idea of corruption is too narrow: other things can be called corrupt. Second, combining public-duty corruption with cognitive corruption highlights the corrupting influence of political parties and provides support for deliberative democracy. The rest of this introduction outlines these arguments about democracy.

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[1] Bruce Buchan and Lisa Hill, *An Intellectual History of Political Corruption* (Basingstoke: Palgrave Macmillan, 2014), 16–19, 27–43.

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Deliberative democrats dislike the way that democracy is often restricted to aggregating preferences via occasional elections, with parties and party leaders then making decisions. In contrast to such party democracy, deliberative democracy involves citizens making decisions themselves, after inclusive and open-minded deliberation. Deliberative democracy has been amply discussed, defended, and criticized elsewhere.[2]

Deliberative democracy comes in many forms; I focus on "deliberative mini-publics" or "micro-deliberation"—small-scale group deliberation in representative cross-sections of the broader population, as with the British Columbia Citizens' Assembly, where one hundred sixty randomly-chosen citizens discussed and recommended changes to electoral rules, or Ireland's current Citizens' Assembly, covering abortion, climate-change policy, and so forth. Such exercises are now common.[3]

Supporting more deliberative democracy does not mean rejecting party democracy. Parties have many benefits, and arguably make modern democracy possible.[4] More extreme alternatives, like socialism or market-centred libertarianism, offer valuable criticisms of party democracy and, indeed, deliberative democracy.[5] But they are not feasible or plausible in the near future, unlike modest increases in deliberative democracy within a framework of party democracy. This is "a realistic ambition, perhaps well worth pursuing in its own right," argues Robert Goodin.[6] My recommendations are only mildly deliberative: most key questions will be decided elsewhere, and governing parties will still pick issues for citizens to deliberate.[7] (Democratic theorists often ask who guards the guardians. We should also ask who decides the deciders. There might one day be constitutional requirements to decide certain issues deliberatively, but currently deliberative mini-publics are often initiated by governments, ad hoc, and for political reasons, such as to dodge controversy.)

A key reason to seek more deliberative democracy is that parties can corrupt democratic judgments whereas deliberating citizens can take off their party hats and argue the merits of a case. Not all citizens will remove

[2] For overviews, see Simone Chambers, "Deliberative Democracy Theory," *Annual Review of Political Science* 6 (2003): 307–26; Philip Michelbach, "Deliberative Democracy," in Michael Gibbons, ed., *The Encyclopedia of Political Thought* (Oxford: Wiley, 2014), 842–51.

[3] See https://www.participedia.net.

[4] For a helpful summary, including the views of writers like Schattschneider and Aldrich, see Susan Stokes, "Political Parties and Democracy," *Annual Review of Political Science* 2 (1999): 243–46, 263–64.

[5] See, e.g., Mark Pennington, "Democracy and the Deliberative Conceit," *Critical Review* 22 (2010): 159–84.

[6] Robert Goodin, "Sequencing Deliberative Moments," *Acta Politica* 40 (2005): 193–94.

[7] On "deliberative systems," see John Parkinson and Jane Mansbridge, eds., *Deliberative Systems: Deliberative Democracy at the Large Scale* (Cambridge: Cambridge University Press, 2012).

their party hats,[8] and they may not argue the merits of a case well.[9] Deliberative democracy is no panacea: rigorous analysis of when it works better or worse helps us see when and how to use it, if at all. We should consider strengths *and* weaknesses of deliberative democracy *and* of party democracy.

My approach and Russell Muirhead's are thus different sides of the same coin. Muirhead supports party democracy, but sees some advantages of deliberative democracy and asks how to combine the two.[10] He accepts that "dogmatic" partisanship can engender "a narrowness of mind and a self-righteousness that make deliberation impossible."[11] He seeks "not less partisanship, but better partisanship," replacing "low partisanship," which involves doing things *purely* for partisan reasons, with "ethical partisanship," which involves the "ability to reflect critically on one's own views."[12]

I seek the same critically reflective mindset, but suspect that it is likelier outside of party contexts. Although I am more critical of party democracy than Muirhead, we both want better deliberation and better partisanship. I concentrate on the former, he concentrates on the latter; our approaches are complementary and each is needed.

As far as I know, deliberative democrats have not defended deliberative democracy with the party hats argument. Deliberative democrats' opposition to parties seems to be mostly implicit. Strikingly, when Nancy Rosenblum discusses deliberative democrats' allegedly "unyielding anti-partyism," her quotations address the political system, sound bites, and suchlike: none mention parties, except for a single James Fishkin sentence in the *Boston Review*.[13]

Parties are sidestepped not only by deliberative democrats but also in most of the political theory literature on corruption. For example, Mark Warren's article on what corruption means in democracies does not address parties, despite the fact that many democracies see corruption of, by, and for parties.[14] Dennis Thompson's analysis of institutional corruption hardly mentions parties either.[15] And as I discuss below, few

[8] R. S. Ratner, "Communicative Rationality in the Citizens' Assembly and Referendum Processes," in Mark Warren and Hilary Pearse, eds., *Designing Deliberative Democracy: The British Columbia Citizens' Assembly* (Cambridge: Cambridge University Press, 2008), 157.

[9] Robert Talisse, "Deliberation," in David Estlund, ed., *The Oxford Handbook of Political Philosophy* (Oxford: Oxford University Press, 2012), 218.

[10] Russell Muirhead, *The Promise of Party in a Polarized Age* (Cambridge, MA: Harvard University Press, 2014), 80–110. See also Nancy Rosenblum, *On The Side of the Angels: An Appreciation of Parties and Partisanship* (Princeton, NJ: Princeton University Press, 2008), 306–11.

[11] Muirhead, *Promise of Party*, 98.

[12] Ibid., xii, 110–11, 249–55.

[13] Rosenblum, *On the Side of the Angels*, 267–69, 294–311.

[14] Mark Warren, "What Does Corruption Mean in a Democracy?" *American Journal of Political Science* 48 (2004): 328–43.

[15] Dennis Thompson, "Mediated Corruption: The Case of The Keating Five," *American Political Science Review* 87 (1993): 369–81; Dennis Thompson, "Two Concepts of Corruption," Edmond J. Safra Working Papers no. 16 (2013).

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definitions of corruption include the misuse of public office for *party* gain. That risks accepting party politics as fundamentally corrupt. Yet many historical thinkers do accept that parties can be "corrupt and corrupting."[16] I therefore seek to make connections between the literatures on corruption, deliberative democracy, and parties, in order to broaden the vocabulary of corruption and rethink aspects of the case for deliberative democracy.

I structure the essay as follows. Section II briefly reviews challenges to orthodox ideas of corruption. Sections III through VI analyze cognitive corruption in Machiavelli, Hobbes, Bentham, and Mill, respectively, and apply their insights to deliberative democracy. Section VII concludes by rebuffing the objection that I conceive corruption too broadly. This objection, I contend, reflects the narrowness of most contemporary *and* historical accounts of corruption, and the legalization of recent corruption discourse.

I do not pretend that Machiavelli, Hobbes, Bentham, and Mill have the same ideas of corruption in general or cognitive corruption in particular. Moreover, only Bentham and Mill experienced something like modern party democracy, and none of the four support deliberative democracy; Hobbes actually despises both democracy and group deliberation. But all four offer insights on corruption that let us draw lessons about deliberative democracy.

II. Challenging Orthodox Ideas of Corruption

There is a large literature on the meanings of "corruption."[17] Rather than reviewing the whole literature, I address challenges to orthodox ideas of corruption.

Orthodox accounts define corruption as "the misuse of public office for private gain," or something similar, for example "abuse" not "misuse," "benefit" not "gain," and so on.[18] I do not reject this idea—far from it. Public-office corruption can be extremely damaging. It can be

[16] Rosenblum *On the Side of the Angels*. See also Jonathan White and Lea Ypi, *The Meaning of Partisanship* (Oxford: Oxford University Press, 2013), chap. 2.

[17] For helpful overviews, see Paul Heywood, "Political Corruption: Problems and Perspectives," *Political Studies* 45 (1997): 421–26; Michael Johnston, "The Definitions Debate: Old Conflicts in New Guises," in Arvind Jain, ed., *The Political Economy of Corruption* (London: Routledge, 2001), 11–31; Yasmin Dawood, "Classifying Corruption," *Duke Journal of Constitutional Law and Public Policy* 9 (2014): 106–20.

[18] As defined, for example, by Michael Collier, "Explaining Corruption: An Institutional Choice Approach," *Crime, Law and Social Change* 38 (2002): 1; Peter Eigen, "Corruption in a Globalized World," *SAIS Review* 22 (2004): 46; Yong Guo, "Corruption in Transitional China: An Empirical Analysis," *The China Quarterly* 194 (2008): 349; Transparency International, "What is Corruption?" http://www.transparency.org/what-is-corruption#define (2017), accessed 26 February 2017.

particularly harmful to poor people and women.[19] It can kill.[20] Understanding, explaining, and reducing it are literally vital.

But the orthodox idea has often been questioned. One concern is the public/private dichotomy.[21] This is challenged especially often by scholars studying corruption in non-Western contexts, including Africa, India, and the communist/post-communist space.[22]

We should also expand corruption beyond private gain alone. Johann Graf Lambsdorff includes "benefits for relatives and friends," while Joseph Nye prefers to talk of "private-regarding" gains, including close family and private cliques.[23] And—crucially for this essay—a small but significant number of scholars include *party* gain.[24] There is not a world of difference between a politician funneling government money into her bank account or her party's bank account, nor between a party leader changing a policy in exchange for a bribe or for party funds. If the last of these feels different it may be partly because we have not been calling it corrupt when we should.

A related expansion of orthodox understandings of corruption involves the object that is corrupted. Modern discussions of corruption

[19] Stuart Corbridge, "Corruption in India," in Atul Kohli and Prerna Singh, eds., *Routledge Handbook of Indian Politics* (London: Routledge, 2013), 225–27.

[20] Eigen, "Corruption in a Globalized World," 48–50; Monica Escaleras and Charles Register, "Public Sector Corruption and Natural Hazards," *Public Finance Review* 44 (2016): 746–68.

[21] Zephyr Teachout, *Corruption in America: From Benjamin Franklin's Snuff Box to Citizens United* (Cambridge, MA: Harvard University Press, 2014), 349.

[22] Peter Ekeh, "Colonialism and the Two Publics in Africa: A Theoretical Statement," *Comparative Studies in Society and History* 17 (1975): 91–112; Arild Engelsen Ruud, "Corruption as Everyday Practice. The Public-Private Divide in Local Indian Society," *Forum for Development Studies* 27 (2000): 271–94; Janine Wedel, "Corruption and Organized Crime in Post-Communist States: New Ways of Manifesting Old Patterns," *Trends in Organized Crime* 7 (2001): 18–37, 47–48. For more examples see Elizabeth Harrison, "Unpacking the Anti-Corruption Agenda: Dilemmas for Anthropologists," *Oxford Development Studies* 34 (2006): 20–22. For a Derridean critique, see Tara Polzer, *Corruption: Deconstructing the World Bank Discourse* (LSE Development Studies Institute working paper series 1, no. 18, 2001).

[23] Johann Graf Lambsdorff, *The Institutional Economics of Corruption and Reform: Theory, Evidence, and Policy* (Cambridge: Cambridge University Press, 2007), 16; Joseph Nye, "Corruption and Political Development: A Cost-Benefit Analysis," *American Political Science Review* 61 (1967): 419.

[24] Robert Brooks, "The Nature of Political Corruption," *Political Science Quarterly* 24 (1909): 15; Donatella Della Porta and Yves Mény, "Introduction: Democracy and Corruption," in Donatella Della Porta and Yves Mény, eds., *Democracy and Corruption in Europe* (London: Pinter, 1997), 4; Jonathan Hopkin, "Political Parties, Political Corruption, and the Economic Theory of Democracy," *Crime, Law and Social Change* 27 (1997): 256; David Beetham, Iain Byrne, Stuart Weir, and Pauline Ngan, *Democracy under Blair: A Democratic Audit of the United Kingdom* (London: Politico's, 2002), 170; Arnold Heidenheimer, "Parties, Campaign Finance and Political Corruption: Tracing Long-Term Comparative Dynamics," in Arnold Heidenheimer and Michael Johnston, eds., *Political Corruption: Concepts and Contexts*, 3rd ed. (London: Transaction Publishers, 2002), 764–65; Mark Philp, "The Definition of Political Corruption," in Paul Heywood, ed., *Routledge Handbook of Political Corruption* (Abingdon: Routledge, 2015), 21–22; Mark Philp and Elizabeth David-Barrett, "Realism About Political Corruption," *Annual Review of Political Science* 18 (2015): 394; Oskar Kurer, "Definitions of Corruption," in Paul Heywood, ed., *Routledge Handbook of Political Corruption* (Abingdon: Routledge, 2015), 35–36.

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are often individualistic,[25] but historically, corruption was also seen non-individualistically: the corruption of a state, of a body politic, of the people.[26] Tocqueville even discusses the democratic process itself being corrupted.[27] Hayek attacks the corruption of democracy by parties bribing voters with tax cuts or welfare payments.[28] This too is a misuse of public office for party gain. Parties corrupt democracy.

Corruption is a "derivative" notion: one's broader normative commitments affect what one sees as corrupt.[29] What norms underpin corruption? The answer seems to be some kind of impartiality,[30] equality,[31] or political equality.[32] Particularly important in relating corruption to political equality is Warren's use of the Habermasian idea of proportionality of influence (a variant of political equality) to conceptualize corruption as "duplicitous exclusion."[33] Warren is explicit that democracy can be corrupted,[34] and explains that on his account, "speech is corrupt not when it is wrong or untrue but when it is strategically duplicitous—manipulative—intended to deflect, dissimulate, distract, or otherwise obscure the claims of those who speak, in order to secure gains that could not be justified to those who pay for them or are otherwise affected."[35] I take Warren's Habermasian impulse in a different direction: I worry about the corruption of democratic thought and speech by the subversion of the Habermasian goal of being convinced by the force of the better argument. This involves corruption not as an intentional, duplicitous violation of political equality, but the undermining of impartiality, whether intentional or not.

Impartiality need not entail disinterestedness: self-interest can be part of common goods.[36] The point is to accept the force of the better argument

[25] A point made by Warren, "What Does Corruption Mean in a Democracy?" 331.

[26] Patrick Dobel, "The Corruption of a State," *American Political Science Review* 72 (1978): 958–73; Teachout, *Corruption in America*, 51–53.

[27] William Selinger, "Le Grand Mal de l'Époque: Tocqueville on French Political Corruption," *History of European Ideas* 42 (2016): 74.

[28] Friedrich Hayek, *Law, Legislation and Liberty: A New Statement of the Liberal Principles of Justice and Political Economy*, Vol. 3 (London: Routledge, 1982), 4–5, 27, 31, 99, 103, 134.

[29] Deborah Hellman, "Defining Corruption and Constitutionalizing Democracy," *Michigan Law Review* 111 (2013): 1391–96; see also Martin Bull and James Newell, "New Avenues in the Study of Political Corruption," *Crime, Law and Social Change* 27 (1997), 173–74; Mark Philp, "Defining Political Corruption," *Political Studies* 45 (1997), 453–57; Emanuela Ceva and Maria Ferretti, "Liberal Democratic Institutions and the Damages of Political Corruption," *Ethics Forum* 9 (2014): 127.

[30] Oskar Kurer, "Corruption: An Alternative Approach to Its Definition and Measurement," *Political Studies* 53 (2005): 230.

[31] Bull and Newell, "New Avenues," 174.

[32] Dawood, "Classifying Corruption," 108–11.

[33] Warren, "What Does Corruption Mean in a Democracy?" 333–34; see also Mark Warren, "The Meaning of Corruption in Democracies," in Paul Heywood, ed., *Routledge Handbook of Political Corruption* (Abingdon: Routledge, 2015), 42–55.

[34] Warren, "What Does Corruption Mean in a Democracy?" 332–34.

[35] Warren, "The Meaning of Corruption," 52; see also "What Does Corruption Mean in a Democracy?" 338.

[36] Jürgen Habermas, *Moral Consciousness and Communicative Action*, trans. Christian Lenhardt and Shierry Weber Nicholsen (Cambridge: Polity, 1990), 65–66.

whether or not the outcome would be in one's interest. In certain contexts, we have a democratic duty to open-mindedly consider other views, arguments, and evidence; if we ultimately endorse our original views, that should be because they convince us, not because they are ours. I thus endorse Kurer's conceptualization of corruption as a violation of impartiality,[37] although I base it on a public-duty rather than a public-office conception, and although I reached this position not via Kurer but via Hobbes.[38]

And it was Hobbes who inspired the last and most important way in which I am broadening the orthodox understanding of corruption, an idea I have called "cognitive corruption."[39] The term is new although the idea is not; aspects of it are visible in ancient Greece.[40] But this notion remains rare.[41]

I define cognitive corruption as "the distortion of judgment." This general idea can be fleshed out in many ways, as with other political definitions (such as freedom as "non-constraint"). "Judgment" could refer to reason, emotion, belief, and/or other aspects of inference; "distortion" could mean small or large deviations from what is seen as normal, desirable, reasonable, and so forth. Just as we can disagree about which actions constitute public-office corruption, so too we can disagree about what cognitive corruption involves.

Cognitive corruption is not *necessarily* related to political corruption (that is, public-office or public-duty corruption), as with a corrupt computer disk or a language becoming corrupted over time. But cognitive corruption becomes particularly interesting where it overlaps with political corruption, as I now explain by discussing four classic thinkers: Niccolò Machiavelli (1469-1527), Thomas Hobbes (1588-1679), Jeremy Bentham (1748-1832), and John Stuart Mill (1806-73).

III. Machiavelli

Machiavelli, while best known for the "Machiavellianism" of *The Prince*, was also an influential civic republican, alongside Aristotle, Cicero, Rousseau, and others. Machiavelli's civic republicanism aimed at freedom, the common good, greatness and glory, through good institutions/practices (*ordini*), education, and the civic virtue of citizens and leaders. Civic virtue is gendered: virtue was historically seen as the quality of

[37] Kurer, "Corruption." See also Dobel, "The Corruption of a State," 960–61, on corruption as the undermining of disinterestedness/impartiality.

[38] Adrian Blau, "Hobbes on Corruption," *History of Political Thought* 30 (2009): 606–11.

[39] Blau, "Hobbes on Corruption."

[40] Buchan and Hill, *An Intellectual History of Political Corruption*, 16.

[41] But see Stuart Hampshire, "Public and Private Morality," in Stuart Hampshire, ed., *Public and Private Morality* (Cambridge: Cambridge University Press, 1978), 51; Robert Talisse, *Democracy and Moral Conflict* (Cambridge: Cambridge University Press, 2009), 87, 106, 122, 165; Hellman, "Defining Corruption," 1388, 1397–99.

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a *vir*, a man; lacking virtue made men "effeminate."[42] Below, I follow the convention of maintaining historical authors' gender-language; for example, I say "men" where Machiavelli does, to avoid masking his gender assumptions.

For Machiavelli and many others, corruption was the opposite of civic virtue, and was the chief threat to freedom and the common good. Corruption hugely worried civic republicans,[43] and is unsurprisingly prominent in Machiavelli's republican writings, especially the *Discourses* and the *History of Florence*.

Machiavelli sometimes depicts corruption cognitively. His play *The Woman from Andros* describes a man whose "mind" is so "corrupted" by passion or lust that he wants to marry a non-Athenian.[44] Cognitive and political corruption overlap: the man neglects his public duties because of corrupt judgment. This corruption precedes the neglect of public duties: his corrupt mental state *then* makes him neglect his duties.[45] Similarly, Machiavelli depicts Romans being uncorrupt and *thus* rejecting bribes: "if such a people had been corrupt, it would not have refused the [bribe]."[46] Machiavelli sometimes uses a visual metaphor, for instance, Caesar could "blind" Romans so they did not spot him enslaving them.[47]

Machiavelli sometimes mentions corrupt judgment in political contexts: people seeing modernity as better than ancient times,[48] making faulty generalizations about who should rule,[49] and—again overlapping with political corruption—making biased judgments about who owned the profits to a mine, perhaps because they had been "corrupted by a party."[50]

This last comment overlaps with the most common idea of corruption in Machiavelli's writings: corruption as a state of political decay, sometimes with connotations of moral decay too. For example, the *Florentine Histories* contains a stinging critique of "corrupt cities" and their irreligiousness,

[42] Hanna Pitkin, *Fortune is a Woman: Gender and Politics in the Thought of Niccolò Machiavelli*, extended edition (Chicago: University of Chicago Press, 1999), 25. See, for example, Machiavelli, *Discourses on Livy*, trans. Harvey Mansfield and Nathan Tarcov (Chicago: Chicago University Press, 1996), book 1 chapter 6, p. 23; book 1, chap. 19, p. 52; book 2, chap. 2, pp. 131–32.

[43] Dobel, "Corruption of a State."

[44] Machiavelli, *The Comedies of Machiavelli*, ed. and trans. David Sices and James Atkinson (Indianapolis, IN: Hackett, 2007), 135.

[45] On cognitive corruption preceding political corruption, see likewise Blau, "Hobbes on Corruption," 605–6.

[46] Machiavelli, *Discourses* 3.8, 1, 237. (Hereafter, references to Machiavelli follow the following format: book. chapter, page.) But compare Machiavelli, *Florentine Histories*, trans. Laura Banfield and Harvey Mansfield (Princeton, NJ: Princeton University Press, 1988) 4.24, 170, which equates corruption with bribery.

[47] Machiavelli, *Discourses* 1.17, 47; see also 1.35, 76; 1.42, 90; 3.8, 237.

[48] Ibid., preface to book 2, 124.

[49] Ibid., 1.47, 96.

[50] Machiavelli, *Florentine Histories* 7.29, 307.

moral depravity, cruelty, selfishness, "love of party and the power of parties," and "avarice and ambition."[51] Political decay reflects neglect of public duties for non-public gain.

I say "non-public gain" rather than "private gain," but some Machiavelli scholars anachronistically address private gain only. For Sara Shumer, Machiavellian corruption is "the privatization both of the average citizen and those in office. In the corrupt state, men locate their values wholly within the private sphere and they use the public sphere only to promote private interests."[52] This is right, but Machiavelli also discusses ends that are neither public nor private, such as partisan/factional ones. Pitkin does mention factions, but talks more of "privatization," dichotomously contrasting communal/non-corrupt ends with individualistic/corrupt ones, as does Hannah Arendt.[53] Quentin Skinner, by contrast, gets the emphasis right: Machiavellian corruption is the reverse of "placing the common good above the pursuit of any individual or factional ends."[54] "To be a corrupt citizen is to place one's own ambitions or the advantages of a party above the common good. It is . . . always private or factional forces 'that ruin a free way of life'."[55]

Machiavelli is addressing such things as the strife between Guelfs and Ghibellines in the thirteenth and fourteenth centuries, through which "the whole city [of Florence] was corrupted."[56] In such situations, "laws are made not for the public but for personal utility . . . not in accordance with free life but by the ambition of that party which has come out on top," and "wars, pacts and friendships are decided not for the common glory but for the satisfaction of [the] few." Today, we typically contrast the "rule of law" with the "rule of men," but Machiavelli here distinguishes between a "city that prefers to maintain itself with *sects* rather than with laws."[57] Likewise, he bemoans reforms made not for "the common good" but for "the strengthening and security" of the group behind them, and condemns councils which do not serve "the well-being of the city" but "can by means of parties (*sette*) be demoralized

[51] Ibid., 3.5, 109–12.

[52] Sara Shumer, "Machiavelli: Republican Politics and its Corruption," *Political Theory* 7 (1979): 9. For a contemporary variant of this idea, see Debra Satz, "Markets, Privatization, and Corruption," *Social Research* 80 (2013): 996, 998–1006.

[53] Pitkin, *Fortune is a Woman*, 48–49; Hannah Arendt, *On Revolution* (London: Penguin, 1990), 252.

[54] Quentin Skinner, "The Republican Ideal of Political Liberty," in Gisela Bock, Quentin Skinner and Maurizio Viroli, eds., *Machiavelli and Republicanism* (Cambridge: Cambridge University Press, 1990), 304.

[55] Quentin Skinner, "Machiavelli's *Discorsi* and the Pre-Humanist Origins of Republican Ideas," in Gisela Bock, Quentin Skinner and Maurizio Viroli, eds., *Machiavelli and Republicanism* (Cambridge: Cambridge University Press, 1990), 138, quoting Machiavelli, *Discourses* 1.7. See also Buchan and Hill, *An Intellectual History of Political Corruption*, 94–95.

[56] Machiavelli, *Florentine Histories* 2.4, 57.

[57] Ibid., 3.5, 110–11; emphasis added.

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(*corrompere*)."[58] (*Corrompere* is probably better translated as "corrupted," and *sette* perhaps as "sects."[59])

Today, Machiavelli would criticize laws made for partisan rather than common benefit. Party policies are sometimes insincere, motivated by external considerations such as personality, keeping a divided party together, causing problems for another party, and so on.[60] Such motivations should worry us to the extent that we want decisions made according to the force of the better argument.

Of course, Machiavelli and even some deliberative democrats have overly straightforward notions of the common good.[61] Indeed, "the common good" is sometimes more rhetorical than substantive.[62] At least since Mandeville we know that self-interest can lead to public goods. Self-interest can be part of common interests, as noted earlier, and Machiavelli also implies this: individual liberty benefits everyone.[63] So, Skinner is too strong in using Machiavelli to argue that we should "place our duties *before* our rights."[64] I stress these points to deflect Rosenblum's fear that some criticisms of parties reflect a holistic attachment to a mythical common good.[65]

One last insight. For Machiavelli, indolence/laziness is corrupt: civic virtue requires a readiness to serve.[66] (The young Bentham said the same.[67]) Today, many of us accept party democracy because we have other things to do. To paraphrase Oscar Wilde, direct democracy takes too many evenings. But deliberative mini-publics are far less time-consuming, involve fewer people, and allow opting out. They offer broadly representative microcosms of society, discussing matters open-mindedly and autonomously, without the corrupting influence of parties—and without requiring the level of civic dedication Machiavelli sought.

[58] Machiavelli, "A Discourse on Remodelling the Government of Florence," in Machiavelli, *The Chief Works and Others*, Vol. 1, trans. Allan Gilbert (Durham, NC: Duke University Press, 1958), 103, 109.

[59] On the religious connotations of *sette*, see Harvey Mansfield, book review, *Renaissance Quarterly* 28 (1975): 68.

[60] See, e.g., Russell Muirhead, "Can Deliberative Democracy Be Partisan?" *Critical Review* 22 (2010): 139–40; Muirhead, *Promise of Party*, 252.

[61] Waldemar Hanasz, "The Common Good in Machiavelli," *History of Political Thought* 31 (2010): 66–67, 84–85.

[62] Brian Barry, *Political Argument* (London: Routledge and Kegan Paul, 1965), 196–206.

[63] See also Skinner, "Republican Ideal," 304.

[64] Ibid., 309; emphasis added.

[65] Rosenblum, *On the Side of the Angels*, 25–35.

[66] E.g., Machiavelli, *Florentine Histories* 3.5, 110.

[67] Jeremy Bentham, *Collected Works*, ed. John Bowring (Edinburgh: William Tait, 1838–43), volume 10, 72.

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IV. Hobbes

Hobbes is often read forward: How, if at all, could we escape a state of nature?[68] But he can also be read backward: What prevents a return to the state of nature?[69] Reading Hobbes backward helps explain why he, like many of his contemporaries, is so worried about corruption, which subverts order. Note that some scholars think Hobbes does not or could not have an account of corruption.[70] However, such claims do not fit with Hobbes's many comments on corruption.[71]

Hobbes particularly feared corruption of legal processes—again, a common concern in his day.[72] Even non-Hobbesians know what can happen if people distrust legal processes, say due to judicial corruption. Thus Hobbes decries "frequent corruption and partiality of Judges," and juries whose decisions are "corrupted by reward."[73] As Noel Malcolm notes, Hobbes wants "to curb the arrogance of the mighty"; a strong state protects citizens from not only outsiders but also "potential oppressors within the state"[74] (hence Hobbes's concern about rich men who "adventure on Crimes, upon hope of escaping punishment, by corrupting publique justice, or obtaining Pardon by Mony, or other rewards"[75]).

A key value here is equity—"the equall distribution to each man, of that which in reason belongeth to him." A judge who is "partiall in judgment," however, encourages people to take the law into their own hands "and consequently . . . is the cause of Warre."[76]

Some of Hobbes's comments on corruption of legal processes are partly or wholly cognitive, such as a judge being "corrupted by human nature" if he would stand to benefit from one or other party winning a case, "for hee

[68] For example, Russell Hardin, "From Power to Order, From Hobbes to Hume," *The Journal of Political Philosophy* 1 (1993): 69–81.

[69] This is the main approach in my ongoing book project, *Hobbes's Failed Science of Politics and Ethics*. Hobbes can of course be read both forward and backward, as for example with Deborah Baumgold, *Hobbes's Political Theory* (Cambridge: Cambridge University Press, 1988).

[70] Peter Euben, "Corruption," in Terence Ball, James Farr and Russell Hanson, eds., *Political Innovation and Conceptual Change* (Cambridge: Cambridge University Press), 231–35; Teachout, *Corruption in America*, 43.

[71] For an analysis of all of Hobbes's comments on corruption, see Blau, "Hobbes on Corruption."

[72] See, e.g., Linda Levy Peck, *Court Patronage and Corruption in Early Stuart England* (London: Unwin Hyman, 1990), 165.

[73] Hobbes, *Leviathan*, ed. Richard Tuck (Cambridge: Cambridge University Press), chap. 26, para. 24, p. 192 (Hereafter, references to Hobbes will be listed: chapter. paragraph, and page); 26.27, 195.

[74] Noel Malcolm, "Thomas Hobbes: Liberal Illiberal," *Journal of the British Academy* 4 (2016): 122–25.

[75] Hobbes, *Leviathan*, 27.14, 205.

[76] Ibid., 15.24 and 15.26, 108; see also Thomas Hobbes, *On the Citizen*, ed. Richard Tuck and Michael Silverthorne (Cambridge: Cambridge University Press, 1998) 3.15, 50. On equity in Hobbes, see Johan Olsthoorn, "Hobbes's Account of Distributive Justice as Equity," *British Journal for the History of Philosophy* 21 (2013): 13–33. And see note 37 above for Kurer's and Dobel's conceptualizations of corruption in terms of partiality.

hath taken (though an unavoydable bribe, yet) a bribe; and no man can be obliged to trust him."[77] Likewise, testimony against relatives is "corrupted by Nature": a witness's feelings contaminate his judgment.[78] Fascinatingly, Hobbes realizes that greed is not the only corrupting emotion: judges can be "corrupted by gifts, influence *or even pity*."[79]

Hobbes also describes what Robert Brooks has called "auto-corruption," where you corrupt yourself.[80] This idea, incidentally, also matters because some people, including Bentham, define corruption in terms of a corruptor and a corruptee.[81] But unless one adds that the corruptor and corruptee can be the same person, such definitions exclude cases that most people call corrupt, such as bureaucrats stealing public funds. Cognitive auto-corruption is relevant for this paper: corrupt judgments do not require active, intentional, external influences.

Hobbes makes a deliciously offensive comment about cognitive auto-corruption when discussing counsel (advice), an important and controversial seventeenth-century concern.[82] Hobbes loathed the way that gentlemen were taught that civic virtue involved them counseling sovereigns.[83] Such practices, he claimed, had helped cause the civil war.[84] He also argued, albeit unconvincingly, that counsel using rhetoric was *inherently* self-interested, such that those counseling rhetorically "are corrupt Counsellours, and as it were bribed by their own interest."[85] It was surely a calculated insult to call rhetorical counsel corrupt—the opposite of civic virtue.

Hobbes wanted a counselor to "tye himself . . . to the rigour of true reasoning."[86] We need not accept Hobbes's position fully: a purely reason-based, non-rhetorical deliberative democracy is implausible and undesirable.[87]

[77] Thomas Hobbes, *Opera Latina: Thomae Hobbes Malmesburiensis Opera Philosophica Quae Latine Scripsit Omnia*, ed. William Molesworth (London: John Bohn, 1839–45), volume 3, 120; Hobbes, *Leviathan* 15.32, 109; see also *On the Citizen* 3.21–3.22, 52.

[78] Hobbes, *Leviathan* 14.30, 98; see also *On the Citizen* 2.19, 40; *Opera Latina* 3, 110.

[79] Hobbes, *On the Citizen* 13.17, 152; emphasis added.

[80] Brooks, "The Nature of Political Corruption," 13; see also 3–4.

[81] E.g., Maurice Punch, "Police Corruption and its Prevention," *European Journal on Criminal Policy and Research* 8 (2000): 302; Peter deLeon and Mark Green, "Political Corruption: Establishing the Parameters," *Research in Public Policy Analysis and Management* 13 (2004): 233; Ian Senior, *Corruption–the World's Big C: Cases, Causes, Consequences, Cures* (London: The Institute for Economic Affairs, 2006), 27, 30–32. For Bentham, see Section V below.

[82] For a detailed analysis of Hobbes and his contemporaries on counsel, see Joanne Paul, "Counsel, Command and Crisis," *Hobbes Studies* 28 (2015): 103–31.

[83] Quentin Skinner, *Reason and Rhetoric in the Philosophy of Hobbes* (Cambridge: Cambridge University Press, 1996).

[84] E.g., Hobbes, *Thomas White's De Mundo Examined*, trans. Harold Whitmore Jones (London: Bradford University Press, 1976), chap. 38 sec. 16, p. 476. For more examples in Hobbes, see Blau, "Hobbes on Corruption," 607.

[85] Hobbes, *Leviathan* 25.2–25.4, 176–77; 25.6–25.9, 177–78.

[86] Ibid., 25.6, 177.

[87] John Dryzek, *Deliberative Democracy and Beyond: Liberals, Critics, Contestations* (Oxford: Oxford University Press, 2000), 52–53, 67, 69, 167–68; Sharon Krause, *Civil Passions: Moral Sentiment and Democratic Deliberation* (Princeton, NJ: Princeton University Press, 2008), 40–43, 146–74.

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But deliberative democrats often under-emphasize the quality of argumentation. For example, Joshua Cohen's focus on "reasoning" primarily addresses *reasons*, especially reasons that others could accept.[88] Cohen is not explicit about whether this also includes arguments that are logical, coherent, and supported with evidence. Of course, democratic deliberation may fall short in this respect too, as discussed above.

I now return to cognitive auto-corruption, and to a distortion of judgment that particularly vexed Hobbes: corruption of mathematical reasoning.[89] This may sound distant from the corruption of democracy, but it underpins a stunning Hobbesian insight.

Hobbes often criticizes the corruption of mathematical doctrines, for example through error or ignorance. In the 1630s he had been one of Europe's leading mathematicians, although he was a mathematical laughing-stock by the end of the 1650s.[90] Perhaps it was Hobbes's judgment that was really corrupted! Intriguingly, he sometimes implies that such corruption reflects self-interest.[91] The start of Hobbes's *Elements of Law* makes a similar point. This book, written a decade before *Leviathan*, is a clear nod to Euclid's *Elements of Geometry*,[92] and claims to base the study of politics and ethics on mathematical reasoning. Yet Hobbes adds that "as oft as reason is against a man, so oft will a man be against reason."[93] In other words, *self-interest can distort judgment*, consciously or subconsciously. So too with party interest. I support deliberative democracy partly because it helps decision-makers focus on the merits of a case, not on whether a policy helps a leader's image, how the media would respond, and so on.

Obviously, we all hold opinions that it suits us to hold, due to confirmation bias, motivated reasoning, cognitive dissonance, and so on. But when are such opinions most likely to be open-mindedly reconsidered? Not at election time, where echo chambers can deafen. Not in most public legislative debates, where legislators typically support their parties, make arguments that appeal to their supporters, and so on. Deliberative democracy offers a relatively calm, relatively nonpartisan environment where we can privately or publicly change our minds. Many of us won't, but some will—even on difficult moral matters. The proportion of deliberators modifying or significantly changing their views can be very high.[94] The British

[88] Joshua Cohen, "Procedure and Substance in Deliberative Democracy," in Seyla Benhabib, ed., *Democracy and Difference: Contesting the Boundaries of the Political* (Princeton, NJ: Princeton University Press, 1996), 99–101.

[89] Blau, "Hobbes on Corruption," 602–3.

[90] Jesseph Douglas, *Squaring the Circle: the War Between Hobbes and Wallis* (Chicago: University of Chicago Press, 1999), 247–92.

[91] Blau, "Hobbes on Corruption," 602–3.

[92] Skinner, *Reason and Rhetoric*, 298.

[93] Thomas Hobbes, *Human Nature and De Corpore Politico*, ed. J. C. A. Gaskin (Oxford: Oxford University Press, 1994), Epistle Dedicatory, 19.

[94] Robert Luskin, James Fishkin, and Roger Jowell, "Considered Opinions: Deliberative Polling in Britain," *British Journal of Political Science* 32 (2003): 467–74.

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Columbia Citizens' Assembly saw little change in views on underlying norms but significant change in views on which electoral systems best manifested those norms.[95] Even Hobbes, who hated group deliberation, would have been impressed by some real-world deliberation.

V. Bentham

Bentham writes so much about corruption, in so many places, that I only offer a sample of his ideas here. In particular, I sidestep his comments on corruption and the "public opinion tribunal," despite their importance from a deliberative democracy perspective.[96] Note too that while Bentham sometimes talks of corruption cognitively—for instance, the "moral" or "intellectual" parts of one's "mental frame" being "vitiated and corrupted"[97]—more often he uses a public-duty or public-office conception: corruption as sacrificing the universal interest to a partial interest.[98] But as we will see, there is a mental component to this: the replacement of one person's will by another. And this kind of corruption is closely linked to what Bentham calls delusion, which is clearly cognitive.

Corruption was perhaps "the single most important political issue of the eighteenth century" in Britain.[99] Corruption worried many writers in this period, including Bolingbroke, Burke, and Paine. Bentham's approach to corruption derives, of course, from his utilitarianism, whose ethical basis, the greatest happiness of the greatest number, has political offshoots: a theory of representation and, thus, a theory of corruption. Members of Parliament (MPs) are entrusted with power to maximize the greatest happiness. An MP violates this trust by placing the happiness of fewer people than the greatest number, potentially including his own happiness, above the universal interest. "Sinister interest," in particular, means self-interest trumping the universal interest.[100] Corruption is thus "the sacrifice of the universal interest to [an individual's] personal or other

[95] André Blais, Kenneth Carty, and Patrick Fournier, "Do Citizens' Assemblies Make Reasoned Choices?" in Mark Warren and Hilary Pearse, eds., *Designing Deliberative Democracy: The British Columbia Citizens' Assembly* (Cambridge: Cambridge University Press, 2008), 131–35.

[96] See especially Oren Ben-Dor, *Constitutional Limits and the Public Sphere: A Critical Study of Bentham's Constitutionalism* (Oxford: Hart Publishing, 2000), chap. 6. But for a critique of Ben-Dor's interpretation, see James Shafe, *Counting* and *Talking: A Benthamite View of Public Reasoning* (University College London PhD thesis, 2016), 8, 105–16.

[97] E.g., Bentham, "Constitutional Code Rationale," in Jeremy Bentham, *First Principles Preparatory to Constitutional Code*, ed. Philip Schofield (Oxford: Oxford University Press, 1989), 326.

[98] E.g., Bentham, "Economy as Applied to Office," in Jeremy Bentham, *First Principles Preparatory to Constitutional Code*, ed. Philip Schofield (Oxford: Oxford University Press, 1989), 17.

[99] Paul Langford, *A Polite and Commercial People: England, 1727–1783* (Oxford: Oxford University Press, 1989), 716.

[100] Bentham, "Constitutional Code Rationale," 270–71.

particular interest."[101] So, corruption involves public officials placing self-interest above the common good of utility-maximization.

This theory of representation sits alongside a psychological theory even more developed than Hobbes's, and an associated theory of corruption. Bentham discusses what we call autonomy: one's actions are one's own if they are authentic products of one's genuine will. Minds should be changed only by another's understanding influencing one's own. This is akin to the Habermasian idea of being convinced by the force of the better argument. Bentham indeed talks of "the force of argument,"[102] although he does not have a fully Habermasian account of preference-change through deliberation.[103]

One's will can be distorted in at least two ways: indirectly, via delusion (false understanding), and directly, via corruption.[104] Delusion and corruption are "[i]ntimately connected."[105] Delusion is "the production of erroneous conceptions" which make us accept "the sacrifice of the universal to the sinister interest."[106] The Church of England and the monarch are the great deluders, lulling "the subject many" into a "state of habitual dependence," unable to enjoy "a true conception of their own interest."[107] It was Bentham, not Engels, who first talked of "false consciousness."[108]

Whereas delusion works directly on the understanding, and only indirectly on the will,[109] corruption is the direct but improper influence of will on will, through hope or fear.[110] Bentham compares this to bribery and "terrorism," which are essentially equivalent: both produce a "spuriousness of the will," such that "the will . . . of some other person," not an individual's own will, motivates his actions.[111] Corruption means "any act or state of things, by which, by means of its operation on his will, a functionary is induced to act on a course, deviating in any manner from the path of his duty."[112] Note that this is a public-duty idea of corruption.

[101] Bentham, "Economy as Applied to Office," 17.

[102] Bentham, "Plan of Parliamentary Reform," in Jeremy Bentham, *Collected Works*, ed. John Bowring (Edinburgh: William Tait, 1838–43), volume 3, 507.

[103] James Shafe, *Counting* and *Talking*, 8, 64–70, 193, 204.

[104] Bentham, "Constitutional Code Rationale," 261; Bentham, "Jeremy Bentham to his Fellow-Citizens of France," in Jeremy Bentham, *Collected Works*, ed. John Bowring (Edinburgh: William Tait, 1838–43), volume 4, 433; Bentham, "Art of Packing," in Jeremy Bentham, *Collected Works*, ed. John Bowring (Edinburgh: William Tait, 1838–43), volume 6, at several points.

[105] Bentham, "Fellow-Citizens," 432.

[106] Bentham, "Constitutional Code," in Jeremy Bentham, *Collected Works*, ed. John Bowring (Edinburgh: William Tait, 1838–43), volume 9, 48.

[107] Quoted in L. J. Hume, *Bentham and Bureaucracy* (Cambridge: Cambridge University Press, 1981), 184–85; see also "Plan of Parliamentary Reform," 450, 466.

[108] Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation*, ed. J. H. Burns and H. L. A. Hart (Oxford: Clarendon Press, 1996), chap. 7 sec. 5, 75.

[109] Bentham, "Fellow-Citizens," 433.

[110] Ibid., 433; Jeremy Bentham, *The Book of Fallacies*, ed. Philip Schofield (Oxford: Oxford University Press, 2015), 464; "Constitutional Code Rationale," 261.

[111] Bentham, "Plan of Parliamentary Reform," 482; emphasis removed.

[112] Bentham, "Fellow-Citizens," 433; emphasis removed.

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Who corrupts whom? In Britain, the monarch corrupts the will of ministers, representatives, and peers with tools of patronage—sinecures, pensions, jobs ("places"), and bribes—such that with a few exceptions "the general and habitual course of government" is merely the monarch's will.[113] Aristocrats and monarch combine to create "Monarch and Co."[114] Bentham frequently calls the monarch "Corrupter-General."[115] That term could easily fit modern UK prime ministers.[116] Bentham parodies our supposedly "Matchless Constitution," featuring "monarchy and aristocracy above: sham democracy beneath—a slave crouching under both."[117] This is insulting to actual slaves, but the metaphor is powerful and important. "Sham democracy" is a particularly significant notion: so-called "democracy" today falls so far short of the ideal that it arguably does not deserve the name.[118] Giving it this name increases our rulers' power by making them sound more legitimate than they are.

Corruption can also be systemic.[119] Corruption of MPs by the monarch sometimes "has its source not in the mental texture of this or that individual, but in the political texture of the system or frame of government itself." (Bentham soon forgets this and accepts that both are relevant.) Yet we typically only spot the former, even though the latter is often far more widespread.[120] Bentham disparages as "shameless" and "transparent" the "hypocrisy" that bribe-taking is punished while place-holding is held in honor.[121] Bentham, like Machiavelli, would see modern party democracy as fundamentally corrupt.

Corruption may be completely unintended. Bentham's systemic corruption sounds like what we now call Pavlovian or classical conditioning. MPs are "[h]abituated to receive and enjoy the effects of the corruption," like a baby who salivates on seeing a cake,[122] or a cat who comes to the door on hearing the cat-food supplier ring the doorbell: the cat knows he will soon get food, paid for by his owner.[123] The cat is the MP, the owner is the prime minister, and the cat-food supplier is the monarch supplying patronage for his minions to dispense.

[113] Bentham, "Supreme Operative," in Jeremy Bentham, *First Principles Preparatory to Constitutional Code*, ed. Philip Schofield (Oxford: Oxford University Press, 1989), 224.

[114] Ibid., 204.

[115] E.g., Bentham, "Economy as Applied to Office," 24.

[116] Philip Schofield, "Jeremy Bentham on Political Corruption: A Critique of the First Report of the Nolan Committee," *Current Legal Problems* 49 (1996): 400–401.

[117] Bentham, "Plan of Parliamentary Reform," 478.

[118] E.g., Robert Dahl, *Democracy and its Critics* (New Haven, CT: Yale University Press, 1989).

[119] Bentham, "Constitutional Code Rationale," 255; "Economy as Applied to Office," 17–19; Bentham, "Rationale of Judicial Evidence," in Jeremy Bentham, *Collected Works*, ed. John Bowring (Edinburgh: William Tait, 1838–43), volume 7, 213.

[120] Bentham, "Constitutional Code Rationale," 255–57.

[121] Bentham, "Plan of Parliamentary Reform," 493–94.

[122] Bentham, "Constitutional Code Rationale," 264.

[123] Bentham, "Economy as Applied to Office," 21–22.

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Unfortunately, "to overcome the force of interest by the force of argument" is as likely as converting the Pope to Protestantism, or successfully besieging a city with "peas blown out of a pea-shooter."[124] Bentham does want less corruption, though. Grappling with the classic problem of independence versus dependence, he denies that making politicians independent means they will maximize the universal interest rather than their own self-interest: independence means "irresponsibility."[125] Rather, MPs must be dependent on the people.[126] Bentham's *Constitutional Code* thus proposes a unicameral legislature, elected annually, with MPs removable within their term of office should they fail to do as required. There is neither a separation of powers nor institutional checks and balances on this "omnicompetent" legislature.[127]

Bentham's suggestions here are at times frankly bizarre: to stop the Prime Minister and the Justice Minister colluding, they should live as far apart as was conveniently possible, and should be accompanied by a trumpeter so that everyone would know if the two ministers were meeting.[128] Bentham did not live in the age of telephones or emails, but he did live in the age of letters and minions. His proposal would rank highly on a list of the Top Ten Impractical Idiocies By Famous Philosophers, even above Hayek's embarrassingly constructivist rationalism in recommending that only forty-five-year-olds should have the vote.[129]

Deliberative democracy is often contrasted with aggregative democracy, where democracy primarily involves aggregating votes in elections. Bentham is not the unthinking aggregative democrat that some writers imply,[130] but his ideas only overlap to some extent with deliberative democracy.[131] Like Hobbes he preferred other solutions, but I suspect he would have seen some merits in deliberative mini-publics because they increase independence and impartiality, and facilitate "the force of [the better] argument." How much it fosters the greatest happiness

[124] Bentham, "Plan of Parliamentary Reform," 507; see also "Constitutional Code," 78; "Economy as Applied to Office," 44; Schofield, "Jeremy Bentham on Political Corruption," 398.

[125] Bentham, "Fellow-Citizens," 436; emphasis removed.

[126] Bentham, "Appendix A: Division of Power," in Jeremy Bentham, *Rights, Representation, and Reform: Nonsense Upon Stilts and Other Writings on the French Revolution*, ed. Philip Schofield, Catherine Pease-Watkin, and Cyprian Blamires (Oxford: Oxford University Press, 2002), 409. On corruption as *improper* dependence, see Lawrence Lessig, "What an Originalist Would Understand 'Corruption' to Mean," *California Law Review* 102 (2014): 5–11; see also Robert Sparling, "Political Corruption and the Concept of Dependence in Republican Thought," *Political Theory* 41 (2013), 618–47; Teachout, *Corruption in America*, 53–55.

[127] For a summary of Bentham's wide-ranging account, see Philip Schofield, *Utility and Democracy: The Political Thought of Jeremy Bentham* (Oxford: Oxford University Press, 2006), 301–3, 348–49.

[128] Bentham, "Constitutional Code," 611.

[129] Friedrich Hayek, *New Studies in Philosophy, Politics, Economics, and the History of Ideas* (London: Routledge, 1978), 160–61.

[130] Shafe, *Counting* and *Talking*, 194–95.

[131] Ibid., 199–216.

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is unclear, but on some issues and under some conditions, citizens may make better decisions than professional politicians and bureaucrats, if only because they are likelier to make decisions on the merits of the case.

Three last points. Like Machiavelli, but unlike Hobbes and Mill, Bentham sometimes has a gendered account of corruption and virtue. Many MPs were lawyers. "The Morals of the Bar become the morals of the House. Learn manly virtue at the Bar, learn female at Drury Lane," he writes.[132] The latter comment refers to acting, which he seems to have viewed as effeminate (see Section III for corruption and "effeminacy"). If representatives are actors, voicing others' lines, the implication is that Bentham wants autonomous decision-making through sincere deliberation.

Relatedly, Bentham has a small but important insight about the randomness of party politics. He always saw lawyers and judges as deeply corrupt.[133] Echoing the widespread seventeenth-century fountain-of-corruption metaphor,[134] Bentham writes that it is from the Bar—"that perennial fountain of moral contagion"—that "the corruption of party becomes worse corrupted": the two-party system precludes rational argument, because if one side supports a motion, the other often has to oppose. It is essentially random which side argues which, Bentham notes.[135] This highlights the irrationality of much party politics, very distant from the force of the better argument.

Bentham, indeed, approvingly quotes Hobbes: "When Reason is against a man, the man will be against Reason." But Bentham goes further: being "against Reason" even means opposing the faculty of reason itself, firing "a storm of hatred and contempt." Reason "finds herself pelted by a volley of words, in which there is nothing determinate, nothing intelligible," aiming at "rendering her an object [of] hatred or contempt."[136] So-called post-truth politics is not so new.

VI. Mill

Although Mill more often talks of political corruption,[137] he also has fascinating insights about cognitive corruption. Today, when we say that power corrupts, I suspect we mostly consider temptation by governmental resources. Mill has a far more interesting explanation.

[132] Quoted in Mary Mack, *Jeremy Bentham: An Odyssey of Ideas* (New York: Columbia University Press, 1962), 422.

[133] Bentham, "Identification of Interests," in Jeremy Bentham, *First Principles Preparatory to Constitutional Code*, ed. Philip Schofield (Oxford: Oxford University Press, 1989), 131.

[134] Peck, *Court Patronage*, 1–2.

[135] Quoted in Mack, *Bentham*, 422–23.

[136] Bentham, *Book of Fallacies*, 201.

[137] E.g., Mill, "Considerations on Representative Government," in J. S. Mill, *Collected Works*, ed. J. M. Robson (Toronto: University of Toronto Press, 1963–91), vol. 19, chap. 3, p. 402.

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I start with Mill on corruption and religion. The Church of Scotland went from "the people's church" to "the church of the aristocracy" because "corruption crept in": the church was not exempt from "the evil tendencies of human affairs in general," including "the tendency of power to concentrate itself in few hands."[138] Meanwhile, the Church of England was "corrupted, by the secular interests of its ministers . . . because these ministers spring from the aristocracy."[139] Again, this is corruption as *non-public* gain, not *private* gain: the interest is sectional, not personal.

But Mill is most incisive on how power corrupts cognitively: inequalities of power corrupt those with and without power. As Wendy Donner explains, especially in relation to gender inequalities,

> Mill draws out the theme of the corrupting effects on both sexes of relationships built on dependency. Members of the working classes are dependent upon their political and economic masters and this has acted to block their self-development and their interests. Women are immeasurably more dependent upon their husbands and deformation of character is the predictable outcome.[140]

The key point for this essay is the Hegelian idea that those *with* power are corrupted, not just those without. *On Liberty* mentions this briefly: Should we agree that "the strong man of genius" should take power "forcibly" and make people do what he sees as good? Mill rejects such "hero-worship," because coercion contradicts "freedom and development" and is also "corrupting to the strong man himself."[141] Mill reiterates this elsewhere: slavery, which is "repugnant," is also "corrupting to the master-class."[142]

This idea is developed most powerfully in *The Subjection of Women*, with its "shrewd and devastatingly insightful analysis of corrupt power, oppression, despotism, and tyranny in gender and family relations."[143] Mill bemoans "the corrupting effects of the power" of husbands over wives.[144] This relationship corrupts the husband more than the wife: having "almost unlimited power . . . over at least one human being" means

[138] J. S. Mill, *Collected Works*, ed. J. M. Robson (Toronto: University of Toronto Press, 1963–91), vol. 6, p. 244.

[139] Ibid., 477.

[140] Wendy Donner, "Mill's Moral and Political Philosophy," in Wendy Donner and Richard Fumerton, *Mill* (Chichester: Wiley-Blackwell, 2009), 117.

[141] Mill, "On Liberty," in J. S. Mill, *On Liberty and Other Writings*, ed. Stefan Collini (Cambridge: Cambridge University Press, 1989), chap. 3, para. 13, pp. 66–67.

[142] Mill, "Considerations on Representative Government," 2, 395.

[143] Donner, "Mill's Moral and Political Philosophy," 107. On relational equality, see Maria Morales, "The Corrupting Influence of Power," in Maria Morales, ed., *Mill's The Subjection of Women: Critical Essays* (Lanham, MD: Rowman and Littlefield, 2005), 99–100.

[144] Mill, "The Subjection of Women," in J. S. Mill, *On Liberty and Other Writings*, ed. Stefan Collini (Cambridge: Cambridge University Press, 1989), chap. 2 para. 5, p. 154.

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that "this power seeks out and evokes the latent germs of selfishness in the remotest corners of his nature."[145] It creates "self-worship": husbands are "taught to worship their own will," which fosters selfishness, whereas women are "universally taught that they are born and created for self-sacrifice."[146] Mill's comments evoke the Hobbesian fear of being bribed by one's own interest. Hobbes wanted to restrict counselors' opportunities for auto-corruption; Mill likewise sought legal reform to remove husbands' power and thus temptation.

This insight is most incisively stated in *Considerations on Representative Government*'s oft-overlooked discussion of "the meaning of the universal tradition, grounded on universal experience, of men's being corrupted by power":

> The moment a man, or a class of men, find themselves with power in their hands, the man's individual interest, or the class's separate interest, acquires an entirely new degree of importance in their eyes. Finding themselves worshipped by others, they become worshippers of themselves, and think themselves entitled to be counted at a hundred times the value of other people; while the facility they acquire of doing as they like without regard to consequences, insensibly weakens the habits which make men look forward even to such consequences as affect themselves.[147]

Richard Blaug's fascinating discussion of corruption in hierarchies confirms Mill's insight:

> This . . . is how power corrupts: it encourages high-status role occupants to substitute their own cognitive processes for those of the collective . . . and so inflates [their] own self-interest to the exclusion of all else.[148]

Mark Philp makes a similar point: the "arrogance of power" corrupts because the "personal anxieties, passions, and irrationalities [of those in supreme office] inevitably feed their vision and guide their judgement." The corruption of political leaders is less about "turning the state into a private domain," and more about hubris, "coming to believe that one's office, confers . . . the right to act as one sees fit."[149]

[145] Ibid., 3.25, 193; 2.4, 153.
[146] Ibid., 2.9, 158.
[147] Mill, "Considerations on Representative Government," 6, 445.
[148] Ricardo Blaug, "Cognition in a Hierarchy," *Contemporary Political Theory* 6 (2007): 37; for more analysis see Ricardo Blaug, *How Power Corrupts: Cognition and Democracy in Organisations* (Basingstoke: Palgrave Macmillan, 2010).
[149] Mark Philp, *Political Conduct* (Cambridge, MA: Harvard University Press, 2007), 102, 107.

This provides support for deliberative democracy: open-mindedness is likelier in non-hierarchical discussions featuring people who are not senior, professional politicians. But note that Mill's explanation of power corrupting rests on two "evil dispositions": preferring selfish interests over common interests, and preferring immediate/direct interests over remote/indirect interests.[150] It is not clear how much deliberative democracy helps in either respect.

Mill's comments imply another challenge for deliberative democracy. Especially in *Considerations on Representative Government*, Mill depicts power as exaggerating one's importance and promoting close-mindedness. This is less likely in less hierarchical situations, but still possible, especially where people are already self-important. And it might be likelier for men.[151] So, the background cognitive corruption that Mill decries in *The Subjection of Women* may hamper open-mindedness in deliberative democracy. Mill knows this:

> All the selfish propensities, the self-worship, the unjust self-preference, which exist among mankind, have their source and root in, and derive their principal nourishment from, the present constitution of the relation between men and women. Think what it is to a boy, to grow up to manhood in the belief that without any merit or any exertion of his own, though he may be the most frivolous and empty or the most ignorant and stolid of mankind, by the mere fact of being born a male he is by right the superior of all and every one of an entire half of the human race.[152]

Getting deliberative democracy right is insufficient: participants' dispositions also matter. Education is thus crucial, and is indeed significant for Machiavelli, Hobbes, Bentham, and Mill. This is ultimately beyond the scope of this essay, but one point may help. The original proposals for citizenship education in the UK included twelve-year-old children having to defend an ethical position with which they disagreed. This is hard, even for adults. But it matters for deliberative democracy, as does empathy more broadly. Other-mindedness, and open-mindedness about norms, are of course crucial for Mill. They can be built into deliberative democracy practices.[153] But they are best learned earlier.

[150] Mill, "Considerations on Representative Government," 6, 273.

[151] Diego Gambetta, "'Claro!': an Essay on Discursive Machismo," in Jon Elster, ed., *Deliberative Democracy* (Cambridge: Cambridge University Press, 1998), 33.

[152] Mill, "The Subjection of Women," 4.4, 196.

[153] Judith Innes and David Booher, "Consensus Building as Role Playing and Bricolage: Toward a Theory of Collaborative Planning," *Journal of the American Planning Association* 65 (1999): 12–13, 16–21.

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VII. Conclusion

This essay has argued that historical perspectives broaden our understanding of corruption and strengthen our account of democracy. Of course, any idea can be thought afresh: historical analysis is never *necessary*. But it has helped me think through these issues. Eight ideas are particularly important:

1) cognitive corruption—the corruption of judgment;
2) auto-corruption, and impartiality potentially being corrupted by having a stake in something;
3) corruption not as misuse of public office for private gain, but neglect of public duty for non-public gain;
4) corruption for party gain;
5) a system of party corruption;
6) the arbitrariness of party policy positions, with decisions often made on inauthentic grounds rather than being driven by the force of the better argument;
7) deliberative democracy as a non-hierarchical method of making decisions where citizens remove their party hats; and
8) the importance of getting the right dispositions, not just the right institutions/procedures.

I will conclude with one last historical insight, partly to deflect the fear that my notion of corruption is too broad—that "corrupt" judgment is better described as "distorted" or "polluted," and that the term "corruption" is best kept for actions which are wrong *and* should be prohibited. On this view, we should not describe misuse of public office for party gain as corrupt, since some such actions should be tolerated, and we should say at most that parties undermine democracy, not corrupt it.

In one sense, the disagreement is only semantic: what matters most is normative—that we *do* discuss distorted judgment, misuses of public office for party gain, and parties undermining democracy. Such views are rare in the literatures on corruption and deliberative democracy, though: historical analysis has helped me make valuable connections.

There is a more important reason to deflect the above objection: implicit in much contemporary discussion of corruption, and most historical uses of the term, is the view that corruption is *necessarily* wrong and should *necessarily* be prohibited. Of course, many writers have denied this. David Hume accepted some degree of some kinds of corruption.[154] Although 1960s economistic defenders of corruption ultimately fail to convince,[155]

[154] David Hume, "Of the Independency of Parliament," in David Hume, *Political Essays*, ed. Knud Haakonssen (Cambridge: Cambridge University Press, 1994), 26.

[155] E.g., Nathaniel Leff, "Economic Development Through Bureaucratic Corruption," *American Behavioral Scientist* 8 (1964): 8–14. For a critique of such arguments, see Susan Rose-Ackerman, *Corruption and Government: Causes, Consequences, and Reform* (Cambridge: Cambridge University Press, 1999), 16–17.

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they are right that some corruption may sometimes be beneficial, even if only because eliminating corruption may have undesirable side-effects,[156] such that we should look for optimal levels of corruption.[157] We should certainly ask if corruption is as worrying as bad governance.[158] Context matters: bribing Nazi guards in concentration camps is hardly evil.[159]

Understandably, though, the overwhelming implication of much contemporary writing is that corruption is always wrong and must be prohibited. This doubtless reflects not only the weight of history and the difficulty of seeing when to permit corruption, but also the recent legalization of corruption discourse, due to bodies like Transparency International and practices like the Foreign Corrupt Practices Act, the United Nations Convention against Corruption, and the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. Such organizations and laws, which have been so important in tackling corruption, could not say that parties corrupt democracy, given political niceties. Still, one does not need to be a poststructuralist or a critical theorist to ask: Who does the dominant language of corruption benefit, and who might lose out if we revisit some largely forgotten historical ideas of corruption? The answer, I have suggested, is parties and party leaders. It is thus in your interest, and mine, to rethink our ideas of corruption.

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[156] Frank Anechiaricho and James Jacobs, *The Pursuit of Absolute Integrity: How Corruption Control Makes Government Ineffective* (Chicago: University of Chicago Press, 1996). But see the important critique of Anechiaricho and Jacobs's evidence by Rodney Smith, book review, *Governance* 13 (2000): 113.

[157] Gordon Tullock, book review, *Journal of Economic Literature* 27 (1989): 659.

[158] William Niskanen, *Bureaucracy and Public Economics* (Aldershot: Edward Elgar, 1994), 192–94.

[159] Susan Rose-Ackerman, *Corruption: A Study in Political Economy* (London: Academic Press, 1978), 9; David Schmidtz, "Corruption: What Really Should Not Be For Sale," in Subramanian Rangan, ed., *Performance and Progress: Essays on Capitalism, Business, and Society* (Oxford: Oxford University Press, 2015), 54.

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