

Political Corruption, Democratic Theory, and Democracy

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Volume 9, Number 3, Fall 2014

URI: <https://id.erudit.org/iderudit/1029057ar>

DOI: <https://doi.org/10.7202/1029057ar>

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Publisher(s)

Centre de recherche en éthique de l'Université de Montréal

ISSN

1718-9977 (digital)

[Explore this journal](#)

Cite this article

Navot, D. (2014). Political Corruption, Democratic Theory, and Democracy. *Les ateliers de l'éthique / The Ethics Forum*, 9(3), 4–24.
<https://doi.org/10.7202/1029057ar>

Article abstract

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POLITICAL CORRUPTION, DEMOCRATIC THEORY, AND DEMOCRACY

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ABSTRACT:

According to recent conceptual proposals, institutional corruption should be understood within the boundaries of the institution and its purpose. Political corruption in democracies, prominent scholars suggest, is characterized by the violation of institutional ideals or behaviors that tend to harm democratic processes and institutions. This paper rejects the idea that compromises, preferences, political agreements, or consent can be the baseline of conceptualization of political corruption. In order to improve the identification of abuse of power, the concept of political corruption should not be related directly to democratic institutions and processes; rather, it should be related to ideals whose content is independent of citizens' preferences, institutions and processes. More specifically, I articulate the relations between political corruption and the notion of subjection, and include powerful citizens in the category of political corruption. Yet, I also suggest redefining under what conditions agents are culpable for their motivations in promoting private gain. By doing this, we better realize how democratic institutions can be the source of corruption and not just its victims. Such a redefinition, I propose finally, is the basis for the distinction between individual and institutional corruption.

RÉSUMÉ :

Selon les propositions conceptuelles récentes, la corruption institutionnelle doit être comprise dans les limites de l'institution et de ses objectifs. D'éminents spécialistes suggèrent que la corruption politique dans les démocraties est caractérisée par la violation des idéaux ou comportements institutionnels, ce qui tend à nuire aux processus et institutions démocratiques. Cet article rejette l'idée que les compromis, les préférences, les ententes politiques ou le consentement peuvent constituer le fondement de la conceptualisation de la corruption politique. Afin d'améliorer l'identification des abus de pouvoir, le concept de corruption politique ne doit pas être relié directement aux institutions et processus démocratiques; il doit plutôt être rattaché aux idéaux dont le contenu est indépendant des préférences des citoyens ainsi que des institutions et des processus. Plus précisément, j'exprime clairement les relations qui existent entre la corruption politique et la notion d'assujettissement et inclus les citoyens puissants dans la catégorie de la corruption politique. Cependant, je suggère également de redéfinir les conditions dans lesquelles les agents peuvent être reconnus coupables pour leur motivation à favoriser le gain privé. Ce faisant, nous réalisons mieux de quelle manière les institutions démocratiques peuvent être la source de la corruption et pas seulement ses victimes. En terminant, je propose qu'une telle redéfinition constitue le fondement de la distinction entre la corruption individuelle et institutionnelle.

Corruption scandals in Western countries and questions about self-regard and abuse of power in democracy have always attracted the interest of political scientists.¹ More often than not, the latter called for the adoption of a more realistic view of human nature and politics, and for a change in how democracy is perceived.² Over the past two decades, however, prominent scholars have suggested a slightly different response. Unlike scholars before them, they did not argue that the expectations from democracy were exaggerated; rather, they added other, more nuanced, conceptions of political corruption. According to such recent proposals, political corruption *in* democracies is corruption *of* democracies. Political corruption constitutes behaviours and practices that violate institutional democratic principles or which have the tendency to harm processes that build the democratic order. It relates to problems of trust, of lack of competition, and of systemic dependency on undue influence. These conceptualizations aim to provide a better tool for judging the conduct of political leaders and for reforming democracies.³

The works of these later scholars have opened up new terrain for the study of political corruption. It is clear by now that the focus on private vices is limited in its scope, and that it may have harmful consequences for both the struggle against political corruption and for the promotion of democracy. Furthermore, the focus on private vices comes often at the expense of a far more important issue: institutional arrangements and other structural incentives for misuse of power, which go far beyond the immorality of agents. Nevertheless, I argue in this paper that there is a more fruitful way of incorporating the insights of these groundbreaking works into the conceptualization of political corruption. The inadequacy of these works relates to the adoption of intuitionism and rejection of normative standards that are independent of political processes or of the preferences of citizens. As a result, they lack the critical distance required in order to study institutional abuse of power for private gain in democracies. Put differently, they do not provide well-equipped tools for dealing with corruption in democracies. Consequently, the reforms that are recommended by these conceptualizations would probably not make contemporary regimes more liberal or egalitarian. In order to improve the identification of abuse of power in democracies, the concept of political corruption should not be related directly to democratic institutions and processes; rather, it should be related to ideals whose content is independent of institutions, processes, and citizens' preferences.

The second part of the paper thus aims to enlarge the critical potential of recent writings. In contrast to recent writings that take democratic institutions as their baseline, this part suggests a conceptualization of political corruption that also takes into consideration how democratic institutions may corrupt politics. To achieve this goal, I articulate the relations between political corruption and the notion of subjection, and include powerful citizens as well as politicians and public officials in the category of political corruption. Yet I also suggest redefining the conditions under which agents are culpable for their wrongful and subjecting behaviour. Finally, I propose to distinguish individual and institution corruption by the question of responsibility for wrongdoing and by observing whether the corruption can be linked to subjection.

The article proceeds as follows. I first discuss the *democratic conceptions of political corruption*, and use that discussion to raise some questions about how best to revise this concept. In the second section, I present an alternative conceptualization of political corruption. In the section that follows, I clarify how to make the distinction between individual and institutional corruption meaningful. In my conclusion, I summarize what sort of difference my reconceptualization can make. As I attempt to show, my reconceptualization may allow us to see that certain practices, which may be approved by current democratic conceptualizations, are often corrupting.

THE DEMOCRATIC CONCEPTIONS OF POLITICAL CORRUPTION

This section has three goals. First, it offers a new way of looking at recent conceptual works about political corruption. Second, it examines the consequences of attempting to connect the concept of political corruption directly to democratic processes, to the preferences of citizens, or to any democratic institutional ideal. Third, it uses this examination to justify the claim that, although the concept of political corruption requires revision, it needs a revision different from that which has been offered recently.

The term “democratic conceptions of political corruption” is a neologism that refers to works that have attempted to reinvigorate the study of political corruption by connecting the concept of political corruption to democratic ideals. The stimulator for these works is the growth of scandals and the use of the term ‘corruption’ in public discourse in many countries since the late 1980s and early 1990s. Another catalyst is the economic scholarship that took off and became very popular in the anti-corruption discourse that evolved during this period.⁴ These democratic conceptualizations aimed both at critiquing corruption and the anti-corruption discourse. They are based on differing accounts of democracy, but actually share important ground: they attempt to shift the focus from the individual politician to institutional settings—that is, they call on us to concentrate on processes and institutions and to pay less attention to private vices and evil persons.⁵

The presumption that these scholars share is that the conventional conception of corruption is problematic and it may stand behind the intensive and unhealthy discussions about corruption in democratic politics.⁶ Another presumption is that “the meaning of principles depends on their institutional contexts,” and that scholars “need to take some of the arguments that political agents themselves make in this context seriously”.⁷ Furthermore, since institutions such as campaigns are “here to stay,” as Thompson asserted, there is no point in saying that democracies do not need campaigns at all, or that such systems are corrupt.⁸

It is not that the problem of corruption goes unrecognized by these scholars, but rather that they believe that a different conception of political corruption is needed in order to figure out what the condition of Western democracies is—a conception that is more closely related to democratic politics or to democratic theory.⁹

According to Thompson, political corruption can be conceived of as “a condition in which private interests distort public purposes by influencing the government in disregard of the democratic process”.¹⁰ For Warren, the defining good in democracies is the democratic norm of inclusion. Since he believes that political corruption is the corruption of this norm, he suggests conceiving of political corruption in terms of exclusion. But not just any form of exclusion is corrupt, for corruption, as he conceives it, also involves hypocrisy and duplicity. Corruption in democracies is therefore conceived by Warren as a form of duplicitous exclusion.¹¹ Or, as expressed in a later articulation, “‘corruption’ may or may not indicate bribery and related transactions, but it most certainly indicates *exclusion through duplicity*—that is, corruption of the democratic process”.¹² Lessig provides a more analytical conception of corruption.¹³ He based his conception on the notions of economy of influence and dependency, and conceptualizes corruption as dependence on wrong influences. Corruption in governance is, first, that the government “does not track the expressed will of the people” and, second, that the people have lost faith in the democratic process.¹⁴ Corruption in institutions takes place “when individuals within the institution become dependent upon an influence that distracts them from the intended purpose of that institution”.¹⁵ This conceptualization enables one to talk about corruption of democracy without assuming that misuse of public power was apparent, as in cases that involve only exclusion or deviation from the (real or imagined) purposes of a given institution.¹⁶ More radically, since influences—even those that an institution is supposed to promote—can be bad, corruption of an institution can be a good thing.¹⁷

Although they recognize the prominent role of private interests in the concept of political corruption, all these conceptions share the view that we do not need to focus upon motivations.¹⁸ As an alternative, we should focus our attention on arguments and on what appears as corruption, or has a tendency, according to past experience, to promote private interests. When it comes to political behaviour, appearances are much more important. Politicians are required to act in a manner that seems trustworthy, whatever their real motivations are.¹⁹ In addition, the fact remains that very often we simply cannot know what motivates others, and political agents are usually motivated by their private interests. More importantly, they have a legitimacy to be motivated in this way. The reasons agents give to others are what is of importance in democracy, not the sincerity of their assertions or their motivations.²⁰ Attention to motives is also not welcomed because it may lead to cynicism, for one can always doubt what motivates a politician to act, thereby preventing change and thus serving to preserve the status quo.²¹ Furthermore, a politician who is driven by a hope to be elected may nonetheless serve the public more effectively than a politician who thinks only of the public good.²² In the end, we should focus on processes and arguments, encourage competition, and accept ambitious politicians and citizens who are interested in promoting their goals. As Michael Johnston puts it, what is needed is a conceptualization of political corruption that encourages more competition “driven not by visions of civic good but rather by plain old self-interest”.²³

At the same time, however, the agent of corruption is still the individual, whether it is the politician or the public official.²⁴ This is the case even with institutional corruption. As Thompson states “the idea of institutional corruption joins the structural concerns of traditional political theory with the individualist modes of modern political science”.²⁵ In contrast to radicals, who may claim that the system or an entire institution is corrupt, such an approach avoids letting “too many individuals off the moral hook”; it is more helpful in pointing out agents, who are responsible, to change the system; and it enables the creation of less radical reforms.²⁶

Taking these characterizations together, the cluster of democratic conceptions suffers from five major problems: (1) they are ambiguous; (2) they encourage a lenient criticism against democratic institutions; (3) they tend to misrepresent the public’s criticisms; (4) citizens are left out of the category, or at least their selfish behaviour is not defined in terms of corruption; and finally, (5) there is no corruption in the conceptualization of political corruption.

The first problematic is that the core arguments of the democratic conceptions are ambiguous—that is, it is not clear what sort of argument is to be used to demonstrate that something is corrupt. The problem is not that recent conceptualizations do not provide a decision procedure yielding a determinate answer to the question whether or not a political behaviour or institution is corrupt. The problem is that it is not clear what the standard is, including what kind of reasons should be used, in determining what is corrupt. Do we need to show that a practice undermines the trust of common people in government, or should we examine whether a political behaviour appears as corrupt to reasonable people? This is not simply academic pedantry, for it has a clear impact on the question of what can be considered as harming a democratic process. In a way, this reflects the dilemma of deliberative democracy more generally: what counts as an adequate reason? It is also not clear how the concept of democratic process should be interpreted—should this be in ideal or non-ideal terms? It is not clear if, for Thompson, political inequality is harmful to the democratic process or only harmful if specific principles, such as impartiality and accountability, are so considered. A similar problem is found in Lessig’s notion of the system of corruption. In general, it remains unclear as to what is included in the system of corruption and what the boundaries of the campaign finance system are. For instance, is the Supreme Court part of this system? More fundamentally, dependency is not the condition of Congress (the institution is, after all, not dependent on funding). Additionally, dependency is not an adequate description for the condition of Congress members—at least, not for those who, after their tenure in Congress ends, join ranks with the wealthiest in order to get a job in the lobbying industry.²⁷

The second problematic, which is the result of the adoption of institutional democratic theory, is lenient criticism against democratic institutions. The lenient criticism against democratic institutions is also the result of the belief that the scholar should be pragmatic and not overtly radical, and that both the concep-

tual criteria and the evaluative standards are procedural-related. Take, for example, lobbying in the United States. This institution is open and transparent,²⁸ and based on deliberation and reason-giving (although, as we saw, the reasons do not have to reflect the belief of the agents who give them). Lobbyism is definitely not *exclusion through duplicity*. So we are almost forced to conclude that it is not an institution that corrupts democracy. Yet, in addition to such reasons, the material benefits that lobbyists bestow upon politicians are boundless and can corrupt the latter, regardless of whether the process is transparent or not. Lobbyists also play a prominent role in the campaign finance system, regardless of whether they have the legal ability to give or raise campaign funds.²⁹ Requiring greater disclosure of such activities will not change its corrupting effects on the judgment of politicians. However, according to the democratic conceptualization, as long as such activities are done in the open, in a transparent way, they do not circumvent the democratic process—they are part of it—and they are not corrupt. Or consider how Johnston and Thompson analyze the campaign finance system and the public's opinion towards it. For both, the system of campaign financing, at least in the US, is 'seriously defective.' Yet both prefer to suggest distinctions between degrees of wrongness within the system and not to condemn it entirely.³⁰

The third problem is the tendency to create a caricature of the public's criticism. The caricature is not the result of adopting democratic theory but rather of the fact that these conceptions try to achieve two contradicting goals at the same time: to show respect to the public (because the public is the baseline) and to reject the public's criticism against politicians, and the public's interest in heavy regulation of competition. The problematic is more serious in this kind of conceptualization because it is based on respect towards institutions and public preferences, and thus it is hard to simply dismiss the public as irrelevant. The solution is to ascribe the public a simplistic opinion that justifies correction. For example, Johnston and Thompson emphasize that one of the campaign finance system's problems is the public perception of the system as imbued with bribes and greedy politicians who care only for themselves.³¹ In contrast, however, the major claim of both the public and the reformists is the influence of interest groups and wealthy donors over representatives who rely on contributions.³² Indeed, this problematic found in Thompson and Johnston does not fully apply to Warren's analysis of the campaign finance system in America. According to Warren, "the U.S. Congress involves a corruption through the campaign finance system that has become part of its culture, so much so that individual members feel justified in doing favors or granting access in exchange for support".³³ But if there is a culture such as Warren characterizes, and if congressmen and congresswomen feel justified in granting favours, they would not adopt deceptive measures (and Warren does not say they do). Campaign finance is perhaps a case in which "an exclusive elite simply holds to different norms than the broader public, however odious." In such a case, Warren asserts, "we would not usually say that they are 'corrupt'".³⁴ So Warren should not say that the Congress involves corruption—yet he does. The apparent inconsistency in Warren's analysis may be explained by the fact that Warren does harbour a latent and different

ideal, one on which he tacitly draws when he represents his conclusion as derivative from the notion of duplicitous exclusion. The ideal is much more related to the conventional conception of political corruption than Warren is willing to admit.

The fourth problem is that not enough studies have been done on the question of what the responsibility of citizens is. Once again, this is not a problem with the mere attempt to connect between democratic theory and the concept of political corruption. Rather, it is related to the problematic of the institutional democratic theory. In brief, this kind of theorization encourages focusing on institutions at the expense of everything else, including agency—that is, it overlooks the responsibilities of both politicians and citizens. Indeed, at least according to Thompson and Warren, citizens have a duty to provide other citizens with reasons for their preferences and actions. But no scholar in this approach, as far as I can tell, has ever claimed that if citizens do not deliberate, their behaviour is a sort of political corruption.

Lastly, the reduction of corruption to a sort of technical term, and the tendency shared by all scholars to disconnect the concept from motivations, imposes the danger of making the concept of corruption redundant or almost meaningless. If we should not necessarily condemn corruption, or at least hope that it be reduced, as Lessig advises us, what is the importance of examining the corruption of an institution? Thompson is not that radical, but even he underscores that the cause of the agent is not important. According to his reasoning, Oliver North was no less corrupt than Charles Keating.³⁵

To conclude, recent scholars are right in stating that political corruption is not confined to quids pro quo, and that we have to think about the influence of institutional settings. Nevertheless, they have adopted the point of view of the current democratic order, on the one hand, and overlooked the question of what the function of the concept of political corruption is, on the other hand. These, as I have just demonstrated, have also devastating consequences. Our challenge, then, is to re-define political corruption in a way that will retain its agential core, yet also take into consideration the effects of institutions on agents. This has to be undertaken by adopting a slightly different view of democratic ideals and democratic politics. The conceptualization of political corruption suggested in the next section aims to meet this challenge.

POLITICAL CORRUPTION REINTERPRETED

By now, the purpose of asking about the concept of political corruption in democracies is still not apparent. Therefore, the first aim of this section is to clarify the question “What is political corruption in democracies?” As part of my response, I shall elucidate what is at stake when we argue about how to revise the concept of political corruption in order to better think about corruption and democracies. The second aim is to offer a revised conception of political corruption.

Generally speaking, the question “What is political corruption in democracies?” involves examining, justifying, or challenging the conventional understanding of political corruption as it applies to contemporary democracies.³⁶ Conventional understanding is related not only to definitions but also to connotations.³⁷

Based on the vast literature published over the past two decades, this paper supposes, without further argument, that the conventional meaning of political corruption is related to misuse of public power for private gain, and that the concept has negative connotations.³⁸ Political corruption is not only a misuse of public power for private gain; it is also the implicit assumption that misuse of public power for private gain as such is wrong, negative, bad, etc. The three elements—the term, the definition, and the connotation—are inherently connected in the conventional conception.

Yet, what about the possibility that corruption is not bad, or can contribute to advance social goals such as modernization, as some scholars suggested in the 1960s?³⁹ Indeed, it is perfectly fine to claim that misuse of public power for private gain—political corruption—is not entirely harmful. But in order to make such an argument, one has to illustrate this claim with examples that are paradigms of the concept, such as bribery.⁴⁰ Otherwise, scholars are in danger of not talking about the same concept but only using the same term, suggesting that something that no one has ever argued is corruption—that it is actually corruption but not necessarily bad. It is hard to see what we can possibly get, as adherents of democracy and as citizens, from a concept that permits saying something like “this is corruption in the broad view but not necessarily a bad thing” about things that before we simply did not consider corrupt.

There is no doubt that misuse of public power for private gain is not, in itself, a full-blown conception of political corruption. It lacks standards, and its application requires knowledge about the subject under investigation. Thus, one can challenge the view that practices like nepotism are forms of political corruption in certain countries. Others may indicate that scholars misinterpret the behaviour under investigation. Still other critics may justly argue that, contrary to what many Western scholars think, illegality is not part of political corruption.⁴¹ Indeed, scholars may fail to realize what motivates agents under investigation, and conclude, mistakenly, that agents are promoting private gains in an illegitimate manner. Scholars may apply inadequate standards (for example, legal rules) in order to distinguish between use and misuse of power, even in countries where the law is part of the problem and the corruption trends. But this is not evidence that the definition is faulty, only that one should be cautious when applying it (for instance, that we must use good standards), and that one should consider more seriously the structural causes for political corruption. It is also a reminder that standards are always undetermined and require practical judgments.

Nevertheless, some scholars argue that the above-mentioned definition of political corruption is predicated on a clear separation between the private and public spheres.⁴² In order to provide further clarification, I shall stress that in order

to apply the concept there is no need to presuppose that the separation between the spheres is constant, universal, and clear-cut. Neither is there any reason to accept the rules of separation of Western democracies. We do need to presuppose that the society under investigation has (or did have) some separation between personal and public affairs and a minimal conception of such separation. It is difficult to imagine any society that does not have such basic separation. But if there were such a society, it stands to reason that it is not that the concept of political corruption requires modification and dramatic revision; rather, it is that we cannot understand such a society.

Another issue that requires clarification is the relationship among political corruption, motivation, and evil. While I suggest that we shall avoid the tendency of recent democratic conceptions to dismiss motivations altogether, we shall also avoid the opposite approach—that which talks about evil. While political corruption is captured by wrongness related to attempts to achieve private gain or something personal, it is not necessarily captured by evil.⁴³ In other words, the final motivation of the agents may be good—such as helping a friend—and one need not be malicious to abuse power. Of course, evil can be defined in very broad terms, and can thus include every wrongful behaviour. In that case, political corruption is evil. But assuming that the notion of evil is more limited in scope, and is related to vices such as greed, treachery, and cruelty, the notion of political corruption is not necessarily captured by evil. A senior public official can accept a bribe in order to help his brother to pay for an expensive surgery and in return cancel a good governmental decision. His motivation is not evil if our criterion is related to selfishness and malicious intentions, although what he did is corrupt. The suggestion that evil is a feature in the concept of political corruption may cause us to overlook abuse of power that is related to systemic problems, to stretch the concept of evil, or to mischaracterize agents and the interplay between them, institutions and the broader context within which they act. Once again, we can definitely define evil in broad terms and talk about structural evil.⁴⁴ But as in the case of the revisionist conception of political corruption, which is based on new content of abuse of power, it is hard to see what can possibly be the point of interpreting evil in broad terms while simultaneously arguing that corruption is confined to evil.

The fact that we classify something as corrupt does not mean that we have any idea of how to reduce or curb it, and it does not presuppose that we now have the power to do so. Moreover, sometimes the decrease in corruption can have negative effects, especially in unjust contexts where it may increase the overall injustice occurring. When Lord Cornwallis reduced corruption in the East India Company, he may, as a result, have strengthened the company's imperial powers in India.⁴⁵ But this fact does not mean that the behaviour of his predecessor, Warren Hastings, was not corrupt or wrong. It only means that sometimes, in order to enhance justice, one has to consider many factors, not only focus on how to reduce corruption. Practically speaking, what it is for something (political or other) to be corrupt is for it to be bad and wrongful. What to do about it, or whether or not it is good to eliminate it right now, is a different question.

Nevertheless, it is still not clear whether we need, in contemporary democracies, a concept that describes the misuse of public power for private gain as a something bad. I believe that, as proponents of democracy, we do need a concept that describes the misuse of public power for private gain as a negative thing. The reason for this is that such a constellation of political behaviours, practices, institutions, and sub-systems contradicts democracy and what we cherish as its ideals. To the extent that there is misuse of public power for private gain, people do not rule their lives. No less important is the fact that political corruption contradicts the idea of the equal worth of persons. When people misuse their power for private gain, they use power that is necessary for living under the rule of law; further, they not only waste it, but actually aim to achieve the opposite of the rule of law.

The next major conceptual challenge is to avoid creating a semantic field where the concepts of political corruption and democracy are related in the abstract; the challenge is to develop a conceptualization that increases our sensitivity to agents who are motivated by their private interests (which violates the idea of equal worth of persons) and to configurations of power that support and legitimize them. A good conceptualization should be helpful in identifying which agents, practices, institutions, and systems pose the greatest threats to ideals we want to achieve in democracies today. That is, we are not looking for a definition or a concept alone, but also for a conception or a theory.

To achieve these goals, I suggest that we first attend to the notion of subjection. I do not argue that subjection captures all or even most of what should trouble us about the misuse of power for private gain. Economic loss, to take one example, can be of utmost importance, and is not exhausted by the problem of subjection. But subjection sheds light on why political corruption should always bother us as democrats, even when it is “functional” or done in the open and in a transparent manner, as in the case of lobbyism. Second, I suggest that we include citizens in the category of political corruption, and briefly define the conditions under which we should regard a citizen’s political behaviour as corrupt. In this context, I also suggest that more attention be paid to the question of what and who is *corrupting*. Finally, in order to sharpen our awareness to the possibility that the current forms of the democratic order may be corrupting, I suggest distinguishing between individual and institutional corruption.

For the purposes of this paper, subjection, domination, and subordination are interchangeable terms that describe a similar state of affairs. It is being treated as a tool or as a means of others’ goals or wills. When X is subjected to the will of Y, X is no longer considered as a purposive being.⁴⁶ The will, preferences, desires, and well-being of X are no longer important; X, and what X produces and has, is a means for Y.

There are two kinds of subordination. The first one is less relevant to democracies, as it focuses on relations between groups that are structurally hierarchical. The second kind emphasizes the state of being subject to the particular will of

another. Here, the subordination is not mediated by being a member of a subordinated group. Slavery is the clearest case of subordination, but being obliged to do what a bribed politician decides is another case in point. In what sense is it a state of subordination? It can be considered so in the sense that the will that guides the power-holder is not the public will but rather the power-holder's own particular will.

To clarify, when a public official receives a bribe, it is almost certain that the bribed will act according to the particular will of the briber. If the public official acts according to the wishes of the briber, those who have to obey the decision, or are affected by it, are thus subordinated to a particular will. But even if the politician refuses to fulfil the wishes of the briber, from that moment on there is a risk of corruption of character and destruction of the capacity and willingness to be loyal to the public. That is, the politician will make the public office a private property that enables the advance of private goals. From that moment onwards, whoever is obliged to accept the politician's decisions is subordinated to the particular will of the politician, not to the public will. Another way of seeing the connection between political corruption and subordination is through the following explanation: by advancing the agenda of the wealthiest citizens only in order to obtain power, the use of public power and the obtainment of public power have become a private goal. They no longer serve a public purpose—only the desire of politicians in power and the particular will of the wealthiest. The rest of the people are thus subordinated to the particular will of the politicians and of the wealthiest.⁴⁷

However, corruption as a form of subjection cannot be studied if we do not understand what tends to subject some to the wills of others. To put the same idea differently, subjection can constitute the basis of a full-blown theory of political corruption in democracies only if a rich interpretation of its content and scope is provided. Therefore, we need to have a basic empirical theory at hand, and a minimum awareness of power relations in contemporary democracies, if we wish to provide a plausible conception of political corruption in democracies.⁴⁸

I assume, with no further argument, that neo-liberal policies have increased the power of wealthy citizens to such an extent that they deserve our attention. I also presuppose that contemporary institutions, especially those that are related to elections, may enable and legitimize the subjection of citizens to the private will of wealthy citizens.⁴⁹ Thus, two things are needed in order to determine the applicability of the concept of political corruption to concrete cases in democracies: first, the inclusion of powerful citizens in the category of political corruption and, second, the distinction of corrupt political behaviour, where individuals are the source of the problem, from institutional (or structural) corruption, where representative democracy and its institutions are its source.

Individual corrupt political behaviour (individual corruption), then, is the use of public power that (1) is motivated by the desire to promote a goal that is personally connected to the power-holder; (2) is done deliberately—that is, with

the intention of pursuing a personal goal; (3) pays insufficient attention to the basic rights of people not to be subordinated to the particular will of any other person, whether a citizen or public official; and (4) is known by the agent, or should have been known by any reasonable agent, to be wrong, or to entail subordinating others. This conceptualization reflects the idea that what agents attempt to seek is legitimate to the extent that their satisfaction can coexist with the requirements of freedom as non-domination of all other citizens.⁵⁰

The separation between personal and public objectives is based on a psychological examination and normative evaluation. In order to consider the possibility that the agent's behaviour is corrupt, the questions we shall ask ourselves are (1) does the objective of the agent relate to him or her personally? and (2) was this fact (i.e., the personal connection) the primary cause for his or her behaviour? An objective is personal if the reason for which the agent wants it is personal attachment and not public consideration. However, the authority of agents to determine the state of their beliefs is limited for reasonable and accepted interpretations. If an agent is mistaken about the nature of the objective (for example, a public official mistakenly believes that public authority can be used to fulfil the duty of helping a friend), and this mistake reflects a personal failure and not social norms, we should treat the agent's objective as if it were personal. I reiterate that, on their own, these facts are only necessary and not sufficient conditions for considering a political behaviour as corrupt. There is a case of corrupt political behaviour only if the agent was unmoved by an interest for the common good, the agent's behaviour subordinated others to that agent's own private will, and the agent was cognizant, or should have known, that such behaviour was wrong.

Following the reasoning of Jennifer Rubinstein,⁵¹ I suggest that the responsibility of citizens for political corruption is related to their powers (capacity to influence decision-making or to improve the well-being of others) and to their relations with governmental or official powers. The more power one holds, the stronger the sense of duty should be. The justification for putting a heavier burden on powerful citizens is that they have the power to shape the policies and practices of coercive institutions. This power comes either by the mere fact that politicians, in general, are more responsive to wealthy citizens (because, for example, politicians are afraid of the latter's abilities to run campaigns against them), or by the access that donors have, due to the fact that they raise contributions or influence public opinion.

The more personal power is related to, or dependent upon, governmental power, the larger the agent's responsibilities, regardless of what that individual feels or thinks. A wealthy agent who runs a corporation whose profits are directly dependent on regulation or de-regulation, has a duty to seriously consider the 'common interest,' and especially the rights of citizens not to be subordinated to personal will. Therefore, problems such as "the capture regulator" are not only about the corruption of governmental officials, but also a problem of corrupt wealthy citizens. It is beyond the scope of this paper to address what exactly

should be done in such cases, but the direction of the reform should be toward placing more legal duties on powerful citizens who participate in politics; these duties should necessarily include more regulation and restriction of private campaign financing and communication electioneering.

The responsibility for wrongful use of power can exist even in the absence of awareness of the meaning of behaviour, if the absence of awareness can be traced back to the character of the agent.⁵² As American lobbyist Jack Abramoff, who was willing to do whatever was necessary to promote his clients' goals, wrote, "In order to get the outcomes I desired, I found myself ignoring the rules—the laws—and rationalizing away my offences... It didn't matter that I believed my actions were for the good of my clients; they were wrong—I was wrong."⁵³

But what if agents fail to recognize that a political practice in which they participate is wrongful for reasons that *cannot* be traced back to causes found within them themselves? Such misrecognition may happen when people have strong public justification for their behaviour.⁵⁴ To fully understand this possibility, we must consider the question of institutional corruption.

INSTITUTIONAL CORRUPTION AND RESPONSIBILITY

There are various ways to distinguish between individual and institutional corruption, and vast characterizations, as well as various terms, to describe non-individual forms of corruption. The distinction between individual and institutional corruption usually aims at stressing the fact that abuse of power for private gain can become the norm, not the deviation, and that the roots of the problems of corruption should not be understood only in individualistic terms such as personal moral failures.⁵⁵

My conception of institutional corruption (IC), on the other hand, refers also to the attributes of institutions: to their structure and purpose, rather than to behaviour, external forces, and their consequences. Institutional corruption exists when the combined operation of political institutions or political systems discourages those agents who benefit from them from caring about other citizens' right to not be subordinated to the particular wills of others. Naturally, IC is associated with the systematic favouring of certain segments of the population. In addition, the abuse of power for private gain becomes the norm. But these are not the hallmarks of IC as I conceive the phenomenon. The most important thing about IC is the fact that it tends to encourage wrongful and selfish behaviour and to simultaneously weaken the awareness of agents to the wrongness of their behaviour. Agents are motivated to promote their private interests, and they subject others to their private wills; more often than not, they are not fully aware of this fact. What makes IC a distinct type of political wrong, on par with other forms of injustice, is the combination of two elements: (1) the motivation is to promote personal goals and not the common interests or rights of others not personally related to the agent and (2) agents recognize the hybrid nature of the practice despite its widespread prevalence and acceptance. Even from their point

of view, the practice that they participate in can be classified as somewhere between ‘sound’ and ‘corrupt.’ Therefore, agents tend to believe that they have no *obligation* to act differently, even if they realize that they should or could have acted differently.

While awareness of agents to wrongdoing is part of the concept of individual corruption (or, as an alternative, the fact that the agent should have known that what he or she did is wrong), in institutional corruption it is enough that the agent is aware, or *should have been aware*, that his or her attempt to pursue a personal goal is wrong to *some degree*, or simply undesirable. If it is impossible to tell whether an agent should have known that attempts to promote his or her own private interests wronged others, or that such behaviour was wrong, it suggests that we have only institutional and not also individual corruption. Under such circumstances, merely labelling wrongful political behaviour as ‘individual corruption’ gives the erroneous impression that the source of the problem is the individual, when in fact the problem is first and foremost the institution or even the entire system. The point is that there are cases in which agents have sufficient reason for not knowing that what they did was wrong. In such cases, we cannot tell whether agents should have known that they had to act differently, even though their behaviour subordinated citizens to their or others’ particular choices.

Two cases of American billionaires illustrate these complexities. Sheldon Adelson gave \$10 million to a political action committee backing Newt Gingrich in his campaign for Republican Party candidate for the American presidency in 2012. Had Gingrich won, or the Republican Party, this donation would have served Adelson’s private interests very well, but would also have undermined the democratic nature of the American political system. Furthermore, Adelson knew that what he was doing was problematic. As he put it, “I’m against very wealthy people attempting to or influencing elections, but as long as it’s doable I’m going to do it.”⁵⁶

Adelson had a certain awareness that what he was doing was problematic. However, his behaviour is not to be labelled as individual corruption, because the behaviour was perfectly legal. No less important, the behaviour is legal in a system within which the rule of law is meaningful. Furthermore, Adelson’s judgment was tarnished by the influence of a system and ideology that equate money and freedom (of speech, but not only of speech)—a system and ideology that he did not invent and for whose continued existence he is not responsible. In other words, Adelson could have mistakenly thought that what he was doing was not only legal, but also socially and politically justified. In such circumstances we cannot say that Adelson should have known that his behaviour was wrong, and thus we also cannot say that his behaviour is a case of individual corruption. But we have a problem of institutional corruption.

A contrasting example is the *Caperton* case,⁵⁷ specifically Don Blankenship who, like Adelson, was also a billionaire who ran independent expenditures. But

unlike the corruption in Adelson's case, Blankenship's corruption is not only a case of institutional corruption but also of individual corruption. The case thus demonstrates that institutional corruption and individual corruption are not mutually exclusive, and should not be examined independently of each other. In brief, in 2002, a West Virginia jury found the Massey Coal Company and its affiliates liable for fraudulent misrepresentation, concealment and tortious interference with existing contractual relations in a dispute brought forward by the Harman Mining Company and its president, Hugh Caperton. The jury awarded Caperton \$50 million in damages—a decision which Massey appealed. When West Virginia held its 2004 judicial elections, Massey's CEO, Don Blankenship, invested \$3 million in independent expenditures in support of Brent Benjamin, a candidate for the State Supreme Court of Appeals—the court which, as Blankenship knew, would consider Massey's appeal. When the case came up on appeal, recently elected Justice Benjamin refused to recuse himself and cast the deciding vote that reversed the \$50 million verdict. Almost certainly, both Blankenship and Benjamin were motivated by private interests.

On the face of it, this is another illustration of institutional corruption *per se*, unaccompanied by individual corruption. Allegedly, it was *not* the case that Blankenship should have known that running an independent campaign was wrong, because of the doctrines of "freedom of speech," self-governance, etc., and the legal status of the practice. So should one conclude that he is blameless? I believe not. What makes the behaviour of Don Blankenship and Brent Benjamin corrupt is not merely that their excuses were based on false evaluative judgments about the nature of the influence of independent expenditures. In attempting to influence the result of a judicial election, Blankenship was, in fact, attempting to influence the outcome of a legal case. While seeking to influence election results is acceptable in some cases, interference with the integrity of the judicial system is detestable. When distorted judgment and behaviour arise from excessive self-regard, the agent is culpable and the agent's behaviour is a case of individual corruption, in addition to the fact that there is a problem of institutional corruption.

CONCLUSION

The analytical account put forward in this paper offers a response to the attempt to directly connect the concept of political corruption to democratic theory or democratic institutional ideals as they have evolved over the past two decades. Indeed, recent writers wish to open our eyes to the possibility that with a different attitude towards self-regarding behaviour, we may find better solutions for the issue of corruption. But their pragmatism also encourages the continuity of the current problematic system. The attempt to train the public to reduce moralistic judgment, or to adopt a slightly different approach to competitive politics, has also had a chilling effect. A similar problem occurs in conceiving political corruption in democracies to be (potentially) harmful to the democratic order, as if the ideal of democracy has already been achieved in Western countries. As a matter of fact, such a conceptualization masks the possibility that the current form of democratic order can be, and actually sometimes is, a source of politi-

cal corruption. Political corruption in democracies is sometimes the way that democracies corrupt just politics, not the other way around.

My reinterpretation of political corruption aims to explain why it is important for democrats to identify the abuse of power for private gain. It is also important for democrats to distinguish political corruption from other configurations of power, to know who or what the cause for corruption is, and, finally, to design reforms that would curb it with minimum damage to democracy. All in all, my conceptualization questions how democratic our regimes are, as well as how legitimate they are. According to this conceptualization we do not need to show that a practice undermines the trust of the common people in their government, nor in how it appears to people. We also need not be concerned about questions of trust, or about how people conceive of corruption, for trust and self-interpretations of agents are not part of the definition of political corruption.

There are important policy implications about the distinctions between recent conceptualizations and mine. If one accepts the fundamentals of representative democracy, including the idea that wealthy citizens have the same rights and duties as the rest of society, the reformist agenda will remain within the boundaries of “the system.” If, on the other hand, one adopts my conceptualization, the audience is not made up mainly of Congress members and the Supreme Court, and the aim is not about reforming the campaign finance system or institutional settings. What is needed, according to my analysis, is a change also in the current democratic ethos. On more practical grounds, we need to shift the balance of power between the rights of wealthy citizens and the rights of the majority of the population, in favour of non-domination. It is not my purpose to advance a conceptualization that is attractive for its practical implications. Nevertheless, in order to avoid the impression that my suggestion is detached from reality, I shall say that one of the ways in which to achieve such changes is through enhancing the power of organized labour and of trade unions.

Let me end this paper by emphasizing what the similarities and differences are among my conceptualization of political corruption, the conventional conceptualization of political corruption, and recent suggestions already in the literature. I share with recent conceptualizations the motivation to increase our awareness of the fact that political corruption may be very similar to legitimate democratic politics. I also accept the claim that ‘evil’ does not address all facets of political corruption. Nevertheless, I disagree that we need an entirely different conception of political corruption in order to think about corruption in democracies and to distinguish between individual and institutional corruption. We can develop a sensitivity for institutional corruption and for corruption in democracies by reinterpreting the conventional conception of political corruption. What I share with the conventional conceptualizations of political corruption is the idea that political corruption is characterized by wrong motivations. I think that it is preferable to conceptualize political corruption as a condition under which the primary motive of the agent is to achieve a private goal. The

public-goal motive does not provide limiting conditions on what may be done from the private-goal motive. Furthermore, the agent is not moved to act in the public interest; the agent proceeds to advance private goals even without the “approval” of public interest goals. I believe that this stipulation is consistent with older conceptualizations of political corruption, but not with more recent conceptions.

More importantly, recent theorists believe that the emphasis “is on *acceptance* (or consensus), rather than *acceptability*.”⁵⁸ Therefore, recent conceptualizations are based on the acceptance and respect of institutions. For them, institutional corruption should be understood within the boundaries of the institution and its purpose. Thus, their critical potential is limited, and they are reluctant to radically criticize democratic systems (such as the campaign finance system) or the democratic order in their entirety.⁵⁹ Moreover, they do not examine the possibility that the institution or process, and the logic of representative democracy more generally, are inherently oligarchic. This paper, as I hope should be clear by now, is based more on the idea of acceptability. It rejects the idea that compromises, preferences, political agreements, or consent can be the baseline of conceptualization of political corruption. It is also based on a critical approach towards the current democratic order and its institutions. The hope here is that by accentuating the effect of institutions on the behaviour of agents, and their capacity to be aware of the fact that they wrong others, the distinction between individual corruption and institutional corruption has become more meaningful.

What about scandals? Indeed, the conceptualization suggested here may inspire mistrust in one’s government, and may result in more allegations of corruption. But when large corporations and wealthy individuals wield enormous power over decision-making processes, as they do today, and when their preferences deviate from those of the majority of the people,⁶⁰ the resulting attitude towards democratic politics is one of mistrust. If there are scandals, their nature should be a bit different, for we talk here more about the structural problems of electoral systems. In any case, turbulence “prevents the degeneracy of government” and—to rephrase what Jefferson said about rebellion—corruption scandals “now and then may be a good thing.”⁶¹

NOTES

- ¹ Brooks, Robert C., "Attempted Apologies for Political Corruption", *International Journal of Ethics*, 1909, vol. 19, no. 3, pp. 297-320; Heidenheimer, Arnold J., Johnston, Michael and Victor T. Levine (eds), *Political Corruption: A Handbook*, New Brunswick and London, Transaction Books, 1989.
- ² Anechiarico, Frank, and Jacobs, James B., *The Pursuit of Absolute Integrity*, Chicago and London, The University of Chicago Press, 1996; Ford, Henry J., "Municipal corruption", *Political Science Quarterly*, 1904, vol. 19, no. 4, pp. 673-686; Lippmann, Walter, *Drift and Mastery*, New York, Mitchell Kennerley, 1914; Herring, Pendleton. E., *The Politics of Democracy*, New York, W. W. Norton, 1940. See also, Strauss, Leo, "What is Political Philosophy?" *And Other Studies*, Chicago, The University of Chicago Press, 1959, pp. 40-55.
- ³ Johnston, Michael, "Democracy without Politics?", in Michael A. Genovese and Victoria A. Farrar-Myers (eds), *Corruption and American Politics*, New York, Cambria Press, 2010, pp. 9-36; Thompson, Dennis F., "Mediated Corruption: The Case of the Keating Five." *American Political Science Review*, 1993, vol. 87, no. 2, pp. 369-381; Thompson, Dennis F., *Ethics in Congress*, Washington, DC, The Brookings Institution, 1995; Thompson, Dennis F., "Two Concepts of Corruption: Making Campaigns Safe for Democracy", *George Washington Law Review*, 2005, vol. 73, pp. 1036-1083; Thompson, Dennis F., "Two Concepts of Corruption", Harvard University, Edmond J. Safra Working Papers no. 16, August 1, 2013, p. 4; Warren, Mark E., "What Does Corruption Mean in a Democracy?", *American Journal of Political Science*, 2004, vol. 48, no. 2, pp. 328-343; Warren, Mark E., "Democracy and Deceit: Regulating Appearances of Corruption", *American Journal of Political Science*, 2006, vol. 50, no. 1, pp. 160-174; Warren, Mark E., "Low Trust in Democratic Institutions", in Genovese and Farrar-Myers (eds), *Corruption and American Politics*, *op. cit.*, pp. 37-64; Lessig Lawrence, *Republic, Lost – How Money Corrupts Congress and a Plan to Stop it*, New York and Boston, Twelve, 2011; Lessig Lawrence, "Forward: 'Institutional Corruption' Defined", *Journal of Law, Medicine & Ethics*, vol. 41, no. 3, pp. 553-555.
- ⁴ Wedel, Janine R., "Rethinking Corruption in an Age of Ambiguity", *Annual Review of Law and Social Science*, 2012, vol. 8, pp. 460-470.
- ⁵ Already before the behavioural revolution in political science scholars lectured that the public should not conceive of political corruption as a problem of evil persons but rather as a systemic problem that causes even honest people to misuse their power. Consider, for example: Ford, "Municipal corruption", *op. cit.*; Lippmann, *Drift and Mastery*, *op. cit.*; Herring, *The Politics of Democracy*, *op. cit.*.
- ⁶ Scholars have used different terms for what I call the conventional conception of political corruption. Lessig writes about "the ordinary meaning of corruption" (Lessig, *Republic, Lost*, *op. cit.*, p. 226); Thompson refers interchangeably to conventional corruption, governmental corruption and individual corruption (Thompson, "Mediated Corruption: The Case of the Keating Five", *op. cit.*, pp. 369-371; Thompson, *Ethics in Congress*, *op. cit.*, pp. 26-37; Thompson, "Two Concepts of Corruption: Making Campaigns Safe for Democracy", *op. cit.*, pp. 1039-1046); and Warren calls it "the standard conception of corruption" (Warren, "Low Trust in Democratic Institutions", *op. cit.*, p. 46).
- ⁷ Dennis F. Thompson, *Just Elections*, Chicago and London, University of Chicago Press, 2002, pp. viii-ix.
- ⁸ Thompson, "Two Concepts of Corruption: Making Campaigns Safe for Democracy", *op. cit.*, p. 1050.
- ⁹ Thompson, "Mediated Corruption", *op. cit.*, p. 378; Thompson, *Ethics in Congress*, *op. cit.*, p. 29; Thompson, "Two Concepts of Corruption: Making Campaigns Safe for Democracy", *op. cit.*; Warren, "What Does Corruption Mean in a Democracy?", *op. cit.*, p. 332.
- ¹⁰ Thompson, "Two Concept of Corruption", *op. cit.*, p. 4.
- ¹¹ Warren, "What Does Corruption Mean in a Democracy?", *op. cit.*, p. 332.

- ¹² Warren, "Low Trust in Democratic Institutions", *op. cit.*, p. 45 (italics and quotation marks in original).
- ¹³ Lessig, "Forward: 'Institutional Corruption' Defined", *op. cit.*, p. 554.
- ¹⁴ Lessig, *Republic, Lost*, *op. cit.*, pp. 8-9.
- ¹⁵ *Ibid.*, p. 15.
- ¹⁶ See for example: Warren, "Democracy and Deceit: Regulating Appearances of Corruption", *op. cit.*, p. 161.
- ¹⁷ For example, "*The Washington Post* 'corrupted' the Nixon presidency. But few (save perhaps Nixon) would condemn such corruption." Lessig, "Forward: 'Institutional Corruption' Defined", *op. cit.*, p. 554.
- ¹⁸ Thompson, "Mediated Corruption", *op. cit.*, p. 377; Warren, "Democracy and Deceit: Regulating Appearances of Corruption", *op. cit.*.
- ¹⁹ Thompson, "Mediated Corruption", *op. cit.*, pp. 374-376; Warren, "Democracy and Deceit: Regulating Appearances of Corruption", *op. cit.*.
- ²⁰ Thompson, Dennis F., "Deliberative Democratic Theory and Empirical Political Science", *Annual Review of Political Science*, 2008, vol. 11, p. 504; Warren, "Democracy and Deceit: Regulating Appearances of Corruption", *op. cit.*, p. 164.
- ²¹ Gutmann, Amy and Thompson, Dennis F., *The Spirit of Compromise*, Princeton, NJ and Oxford, Princeton University Press, 2012.
- ²² Thompson, "Mediated Corruption", *op. cit.*, pp. 372-375.
- ²³ Johnston, "Democracy without Politics?", *op. cit.*, p. 11.
- ²⁴ This point is very explicit in the writings of Thompson. See Thompson, *Ethics in Congress*, *op. cit.*, p. 7; Thompson, "Two Concepts of Corruption", *op. cit.*, p. 8. In Warren, this point is more implicit, but it can be concluded from his requirement that the agent that excludes could be called to account by his own terms (Warren, "What Does Democracy Mean in a Democracy?", *op. cit.*, p. 333).
- ²⁵ Thompson, "Two Concepts of Corruption", *op. cit.*, p. 8.
- ²⁶ *Ibid.*, p. 17.
- ²⁷ Lessig, Lawrence, "Keynote Address: On What Being A (Small R) Republican Means", *Montana Law Review*, 2013, vol. 74, pp. 37-51.
- ²⁸ Lessig, *Republic, Lost*, *op. cit.*, p. 103.
- ²⁹ See Briffault, Richard, "The Anxiety of Influence: The Evolving Regulation of Lobbying", *Election Law Journal*, 2014, vol. 13, no. 1, pp. 160-193.
- ³⁰ Thompson, "Two Concepts of Corruption: Making Campaigns Safe for Democracy", *op. cit.*, p. 1044; Thompson, "Two Concepts of Corruption", *op. cit.*, p. 17.
- ³¹ Johnston, *Syndromes of Corruption*, Cambridge University Press, 2005, pp. 67-73; Thompson, "Two Concepts of Corruption: Making Campaigns Safe for Democracy", *op. cit.*, p. 1044.
- ³² Lessig, *Republic, Lost*, *op. cit.*; Lowenstein, Daniel H., "Political Bribery and the Intermediate Theory of Politics", *UCLA Law Review*, 1985, vol. 32, no. 4, pp. 784-851.
- ³³ Warren, "What Does Corruption Mean in a Democracy?", *op. cit.*, p. 334.
- ³⁴ *Ibid.*, pp. 333-334.
- ³⁵ Thompson, "Mediated Corruption", *op. cit.*, p. 372.
- ³⁶ As Charles Larmore put it "The resources of criticism have to come from what can count as settled about the matter under review." Larmore, Charles, "What is Political Philosophy?", *Journal of Moral Philosophy*, 2013, vol. 10, no. 3, pp. 276-306.
- ³⁷ Pettit, Philip, *On People's Terms*, Cambridge University Press, 2012, pp. 20-21.
- ³⁸ Karklins, Rasma, *The System Made Me Do It*, Armonk, New York and London, England, M. E. Sharpe, 2005, pp. 4-5; Philp, Mark, *Political Conduct*, Cambridge, MA and London, Harvard University Press, 2007, p. 104. See also Philp, Mark, "Defining Political Corruption", *Political Studies*, 1997, vol. 45, no. 3, pp. 436-462.
- ³⁹ Huntington, Samuel, *Political Order in Changing Societies*, New Haven, Conn., Yale University Press, 1968.

- ⁴⁰ Dworkin, Ronald, *Justice for Hedgehogs*, Cambridge, MA and London, England, Belknap Press/Harvard University Press, 2011, p. 161.
- ⁴¹ Scott, James, "The Analysis of Corruption in Developing Nations", *Comparative Studies in Society and History*, 1969, vol. 11, no. 3, pp. 315-341.
- ⁴² For criticism of the definition, see Wedel Janine, R., "Rethinking Corruption in an Age of Ambiguity", *op. cit.*, pp. 471-476; Bratsis, Peter, "The Construction of Corruption, or Rules of Separation and Illusions of Purity in Bourgeois Societies", *Social Text*, 2003, vol. 21, no. 4, pp. 9-34.
- ⁴³ In contrast to the thesis of a recent book. See: Underkuffler, Laura S., *Captured By Evil*, New Haven and London, Yale University Press, 2013.
- ⁴⁴ See, for example: Ophir, Adi, *The Order of Evils: Toward an Ontology of Morals*, Brooklyn, New York, Zone Books, 2005.
- ⁴⁵ Patchen Markell, "The Insufficiency of Non-Domination", *Political Theory*, 2008, vol. 36, no. 9, pp. 26-27.
- ⁴⁶ Ripstein, Arthur, *Force and Freedom*, Cambridge, MA, Harvard University Press, 2009; Pettit, *On the People's Terms*, *op. cit.*
- ⁴⁷ The mere fact that a wealthy citizen gave or did not give a sizeable donation does not determine whether or not we have political corruption; what matters is what motivated the powerholder. For example, American politicians today are afraid that corporations can run independent campaigns against them if they challenge their interests. This fear creates the same corrupting dynamic that explicit donations make. Norm Ornstein, a resident scholar at the American Enterprise Institute, reported that a Senator had said to him: "'We have all had experiences like the following: A lobbyist or interest representative will be in my office. He or she will say, 'You know, Americans for a Better America really, really want this amendment passed. And they have more money than God. I don't know what they will do with their money if they don't get what they want. But they are capable of spending a fortune to make anybody who disappoints them regret it.' No money has to be spent to get the desired outcome.'" See http://www.rollicall.com/issues/56_139/citizens_united_corrupting_campaign_clarity-206476-1.html?pg=2&dczone=opinion (last entry: October 17, 2014).
- ⁴⁸ See also Ronzoni, Miriam, "Politics and the Contingent: A Plea for a More Embedded Account of Freedom as Independence", *European Journal of Philosophy*, 2012, vol. 20, no. 3, pp. 470-478.
- ⁴⁹ See Pettit, Philip, *On the People's Terms*, pp. 233-235. On the problem of representative bodies and elections more generally, see McCormick, John P., *Machiavellian Democracy*, Cambridge University Press, 2011.
- ⁵⁰ Ripstein, Arthur, *Force and Freedom*, Cambridge MA and London, Harvard University Press, 2009.
- ⁵¹ Rubenstein, Jennifer C., "The Misuse of Power, Not Bad Representation: Why It Is Beside the Point that No One Elected Oxfam", *Journal of Political Philosophy*, vol. 22, no. 2, p. 218.
- ⁵² Sher, George, *Who Knew? Responsibility without Awareness*, Oxford, Oxford University Press, 2009.
- ⁵³ Abramoff, Jack, *Capitol Punishment*, Washington, DC, WND Books, 2011, pp. 269-270.
- ⁵⁴ Philp, Mark, "Peacebuilding and Corruption", *International Peacekeeping*, 2008, vol. 15, no. 3, p. 321.
- ⁵⁵ See also: Michael Johnston, *Corruption, Contention and Reform*, Cambridge, Cambridge University Press, p. 12. See also the framework of Donatella della Porat and Alberto Vannucci, *The Hidden Order of Corruption*, Farnham, England, Ashgate, 2009, pp. 33-56.
- ⁵⁶ "Power Player", *Forbes*, March 12, 2012. <http://www.forbes.com/sites/stevenbertoni/2012/02/21/billionaire-sheldon-adelson-says-he-might-give-100m-to-newt-gingrich-or-other-republican/> (last entry: November 17, 2014).
- ⁵⁷ *Caperton v. A. T. Massey Coal Company, Inc., et al.*, 556 U.S. 868 (2009).
- ⁵⁸ Ronzoni, Miriam, "Constructivism and Practical Reason: On Intersubjectivity, Abstraction, and Judgment", *Journal of Moral Philosophy*, 2010, vol. 7, p. 104.

- ⁵⁹ This reluctance is prominent in Johnston's recent book, where he analyzes democratic institutions such as campaign financing and lobbying. At no point does he assert that these systems are corrupt or corrupting, or that they suffer from systemic corruption. Rather he prefers to say things like "it is striking that a system in which the overwhelming majority of political funding is raised, spent, and reported within the laws is still seems corrupted in the eyes of large majorities." See Johnston, *Corruption, Contention and Reform*, *op. cit.*, pp. 197-198.
- ⁶⁰ Page, Benjamin I, Barteles Larry M. and Seawright Jason, "Democracy and the Policy Preferences of Wealthy Americans", *Perspectives on Politics*, 2013, vol. 1, no. 1, pp. 51-74.
- ⁶¹ Sunstein, Cass R., "Interest Groups in American Public Law", *Stanford Law Review*, 1985, vol. 38, no. 1, p. 40.