

The interactive wrong of political corruption: A reply to Warren, Santoro and Fabre

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Abstract

In this response essay, Ceva and Ferretti reply to their critics and clarify some key aspects of their book. Specifically, the discussion starts by elaborating on the notion of an ethics of office accountability, explaining that the specification of institutional norms of officeholders behaviour is the result of practices of officeholders' interaction (including democratic practices) and reflection. The second theme is the responsibility for political corruption. The authors emphasise the importance of focussing not only on retrospective responsibility, for the sake of punishing corrupt behaviour, but especially on accountability as a form of self-reflection by the officeholders on the weaknesses of their institutional work together. This exercise is preliminary to their assuming forward-looking responsibilities for anti-corruption. The third and final part discusses political corruption as a specifically interactive wrong. For the authors, the magnitude and moral salience of the wrong of corruption, as well as the different wrongs implicated both from an interactive perspective and in consideration of the harm caused to third parties, must be assessed in light of the context and the moral standing of the public institution in question. In this sense, political corruption is a pro tanto wrong.

Keywords

Anti-corruption, office accountability, political corruption, public institutions, responsibility

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Introduction

In *Political Corruption: The Internal Enemy of Public Institutions* (Ceva and Ferretti, 2021a), we discuss a special dysfunction of public institutional action. The dysfunction occurs when public officeholders act in their institutional capacity in pursuit of an agenda with a rationale for which they may not account with reference to their power mandate. The identification of this kind of institutional dysfunction pinpoints the common root of political corruption across a variety of more or less individual or systemic cases, from bribery to state capture, from embezzlement to clientelism.

In such cases, we have argued, public institutional action is corrupt in that it displays a deficit of ‘office accountability’. Such a deficit manifests itself as the corruption of the practices of interaction between the officeholders in a public institution. It occurs when the officeholders fail to fulfil their mutual obligations necessary to make their interrelated action uphold the *raison d’être* of their institution. Insofar as the normative ideals that compose an institution’s *raison d’être* are legitimate and/or (nearly) just, political corruption is a form of ‘interactive injustice’ (Ceva, 2016), and, therefore, instantiates a special way in which public institutional action may be inherently wrong.

In their generous comments, Mark Warren, Daniele Santoro and Cécile Fabre raise some insightful questions about the nature of public institutional action and its failure by way of corruption (§2); the officeholders’ responsibilities for corruption and their remedial duties (§3) and the extent to which political corruption is condemnable as inherently wrong (§4). We welcome these questions as prompts for offering some clarifications about crucial aspects of our philosophical inquiry into public institutional action.

Public institutional action as a work in progress

The institutional dimension of the public ethics of office that we highlight in our book brings to focus the idea that political corruption is a deviation of public institutional action with respect to the conduct that is expected of the officeholders in order to uphold the *raison d’être* of their institution.

Because public institutional action occurs in non-ideal circumstances, public officeholders must exercise their judgement and discretion to direct their interrelated action in ways coherent with the letter, or often the spirit, of their power mandate (Ceva and Ferretti, 2021a: 8–9; 31–33; 117–18). In such non-ideal circumstances, political corruption is often favoured by the structural uncertainty in which public officeholders operate. For counteracting political corruption and making public institutional action work is, therefore, of utmost importance that the officeholders make themselves accountable for the rationale of their institutional action with reference to their mandate and, more generally, the *raison d’être* of their institution. When such conditions are not met, political corruption occurs and cripples institutional functioning from the inside (Ceva and Ferretti, 2021b).

Such a challenging background for public institutional action is recognisable across contemporary democracies. In a democracy, the importance of accountability practices concerning public officeholders’ interpretation of their mandate and the *raison d’être*

of public institutional action is pivotal. Such accountability practices see an active role for citizens as public officeholders. Democratic citizens are not an outside source of accountability for the action of an elected parliament. We agree with Warren that to be a 'democratic citizen' is arguably the most fundamental institutional role in a democracy. Democratic representatives must respond for their action in their institutional capacity to the citizens in their constituencies as fellow members of the same institutional structure. When their action, rather, responds to others, for example, some business corporation or foreign state, democratic public institutional action is corrupt.

For Warren, it is crucial to inscribe an institutional ethics of office within a democratic ethos. Warren sees in our sketch of an ethics of office accountability the attempt to transfer the Kantian rules of universal morality to the political domain. Warren thinks that this move is necessary for us to give stability to political rules through the appeal to universal moral rules. However, the move would come at the cost of ridding institutional action of partisanship, which, for Warren, is one of the defining features of politics. What matters, Warren continues, is to find ways to holding on to democratic rules and values for distinguishing between healthy partisanship and pathological practices of dependency that break, for example, the democratic relation between elected representatives and their constituency.

We share Warren's concern with the wrongful dependencies of public institutional action on powers that lie outside democratic boundaries. However, we do not see public institutional action as a mere matter of setting up universal rules that the officeholders could mechanically follow to keep their action on the 'right track'. In the book, we have presented a view of public institutional action as a work in progress irreducible to rule-following. Because officeholders' power mandates are open to possible synchronic interpretations and diachronic evolutions, the functioning of public institutional action is more than a rule-based exercise of institutional design. Even if institutional rules could be ideally designed, public institutional action could not work unless the officeholders actively engage in the work in progress of upholding the *raison d'être* of their institution. Such an upholding requires the officeholders' self-reflective engagement to specify, realise, and revise the *raison d'être* of their institution. This latter is characteristically open-textured and irreducible to fixed institutional purposes.

To summarise, our institutional ethics of office accountability has a distinctive *dynamic* and *reflective* connotation. It requires public officeholders to orient the performance of their role to the normative standards of institutional well-functioning emerging from the interaction with the other officeholders in their institution. The satisfaction of such a requirement is necessary to ensure that all officeholders can perform their roles so as to uphold their institution's *raison d'être* and prevent such institutional dysfunctions as political corruption. In this sense, institutional well-functioning is irreducible to the officeholders' *compliance* with *fixed* normative standards inscribed in the institution's statutory requirements. Our proposal may, thus, be said to have a Kantian flavour because it assumes certain requirements of respect among public officeholders; it also presupposes a normative function of accountability. However, the specification of institutional norms of behaviour, or what count as fairness and impartiality in particular institutions, is the result of practices of officeholders' interaction (including democratic practices) and reflection.

Public officeholders' responsibility and answerability for institutional action

By pointing out the open-texture of the normative standards (the *raison d'être*) of public institutional action, our institutional ethics of office demands public officeholders' active contribution to the specification and actualisation of those standards as an interrelated group of agents. As described in the previous section, such an active contribution requires the officeholders' discursive and reflective practice of holding each other accountable for the rationale of their use of their power of office. Participating in such practices is at the core of our anti-corruption programme.

In the book (Ceva and Ferretti, 2021a: Chapter 5), we argue that anti-corruption is irreducible to an outward practice of chasing compliance with fixed performance indicators, possibly associated with the legally enforced punishment of rule-breaking. Anti-corruption also and necessarily requires the adoption of an inward perspective, which consists in the officeholders' reflective perspective on their own *modus operandi*. This means that the resources for countering corruption as an *internal* enemy of public institutions must (also and necessarily) come from *within* the institution too. Such resources consist in the officeholders' taking direct action to sustain each other as they share the responsibility for specifying, realising and revising the *raison d'être* of their institution.

Concretely, anti-corruption may involve various institutional practices of mutual oversight through which the officeholders can partake in the work in progress of their institutional action. This is the context in which, for example, we propose our reinterpretation of the function of such an oversight practice as whistleblowing. In the context of an institutional ethics of office accountability, whistleblowing loses the extra-ordinary and emergent traits that Santoro somewhat standardly attributes to this practice as an *extrema ratio* of individual's resistance to institutional wrongdoing. True, some instances of whistleblowing as we know it do have some such traits (think of such major cases of whistleblowers as Edward Snowden or Chelsea Manning—see Ceva and Bocchiola, 2018). However, there is no apparent conceptual or normative reason to limit whistleblowing to such instances. Seen from our perspective, whistleblowing can be fruitfully interpreted as part and parcel of the strategies institutions must promote to realise office accountability. So understood, officeholders' engagement in whistleblowing has nothing extraordinary, nor does it express mutual suspicion or distrust for the officeholders' action. Whistleblowing can, rather, be seen as a way, among others (in this sense, an 'ordinary' way), for the officeholders to fulfil their duty to uphold their institution's *raison d'être* by alerting to such institutional dysfunctions as corruption.

This discussion of whistleblowing places it among the answerability practices necessary to counteract institutional dysfunctions from an inward perspective. In this sense, we concur with Santoro that the officeholders' interrelated responsibility for institutional functioning and dysfunctions has an important forward-looking corrective orientation. Indeed, we agree with J. S. Mill that the main reason to establish moral responsibility is that this exercise can help to improve the status quo (Ceva and Ferretti, 2021a: 138). However, as discussed in Chapter 4, the officeholders backward-looking responsibilities for political corruption matter too.

The discussion of the officeholders' retrospective responsibilities for political corruption involves the identification of individual liabilities for specific corrupt actions (e.g. the officeholder who accepts a bribe); it also includes the distribution of causal, individual or collective, responsibilities for such systemic cases of corruption as state capture. Surely, when examining such cases, there are officeholders who acted in the first person in ways incompatible with their mandate (e.g. those who took a bribe), and others who simply could not fulfil their mandate because of their corrupt colleagues (e.g. those who made a policy recommendation based on the bribed officeholders' report). As Santoro rightly pinpoints, when some officeholders' causal responsibility is recognisable, it is very important to pursue it for the sake of differentiating among different degrees of responsibility for corruption. In some such cases, criminal prosecution or administrative sanction is among the answers that anti-corruption ought to give to the officeholders' misconduct.

However, in our view, that an officeholder accepts punishment for their discrete misconduct is only a small part of the task of taking responsibility for political corruption. Looking retrospectively at corruption is not only useful to establish causal relations; it also helps to have a general picture of the institutional circumstances in which corruption occurs, the dynamics of interaction among the officeholders in the institution. Of course, for instance, to establish the causal chain of events in cases of bribery is necessary to establish who exactly is liable to punishment. Nevertheless, looking at the full constellation of officeholders' interaction in which bribery was possible may give a better insight about how the officeholders can oppose corruption as a group. In this sense, for the officeholders, recognising to be responsible retrospectively is not simply a matter of reconstructing their respective acts and omissions to establish who is liable for what. Seen from our perspective of an institutional ethics of office accountability, this is also and importantly a process of officeholders' self-reflection about the weaknesses of their institutional work together, which is preliminary to their assumption of forward-looking responsibilities.

A second aspect of Santoro's discussion of our treatment of the officeholders' interrelated responsibility for political corruption concerns the hardships of answerability practices in 'many hands' scenarios. These are complex scenarios where the identification of anti-corruption with the disentanglement of individual contributions to corruption is wanting. Here, we want to emphasise that many hands scenarios are such that minor slip-pages, that taken in isolation may not seem criminally or administratively relevant, grow in relevance when observed from the perspective of interrelatedness. Moreover, the officeholders' engagement in the answerability practices we outline can reveal the persistence of certain corrupt practices even when those causally responsible for initiating those practices are no longer in office. This is once again a call for seeing anti-corruption, also and necessarily, as a matter of inviting the officeholders to investigate reflectively and address critically the dynamics of interaction that constitute the institutional landscape where corruption occurs.

Anti-corruption can, thus, be seen as comprising the irreplaceable officeholders' own critical perspective on public institutional action. It could not possibly be carried out entirely in the form of an investigation made from external agencies. Answerability practices (such as internal whistleblowing, as characterised earlier) are essential to understand

what really is occurring within an institution, which relations are weak or endangered, which roles exposed to external pressures, which structural weakness can be corrected. All this, we argue, is essential to maintain the normative order of public institutional action and correct its dysfunctions.

Wrongful institutional dysfunctions

The discussion of political corruption thus far has presupposed that such a dysfunction of public institutional action occurs against the background of legitimate or nearly just public institutions. When that is the case, as argued in Chapter 3, political corruption is a form of interactive injustice that occurs in violation of some officeholders' duty of office accountability (as discussed in §1 and §2), which triggers a corrective set of officeholders' duties of answerability (as discussed in §3).

Fabre asks what happens when political corruption occurs in unjust regimes. She gives the example of a KGB (*Komitet Gosudarstvennoy Bezopasnosti*, former Russian security service) agent who, in the routine of gathering information about citizens with the aim of rooting out political opponents to the regime, discovers that the President of Moscow University is having an adulterous homosexual relationship. The agent uses this information to blackmail the President and secure university admission for the agent's undeserving son. Fabre appropriately remarks that this is a clear case of corruption, as it breaches the mandate condition (Ceva and Ferretti, 2021a: 8, 9). For Fabre, however, the wrong of corruption would reside in the harm caused to the President and the other potential candidates cast aside to favour the undeserving agent's son, rather than being internal to the KGB as an institution. No officeholder in the KGB would be in the position of considering themselves wronged by the agent's deficit of office accountability given the institution's rotten *raison d'être*.

From our perspective on public institutional action, the discussion of this case starts from the distinction between calling an institution 'corrupt' and explaining the kind of wrong attached to such label. To be sure, insofar as the KGB agent uses their power of office for an agenda other than rooting out political dissidents (e.g. to secure their son's admission to university), the agent's action importantly undercuts the functioning of the KGB as an institution. Also, in so doing, the agent undermines the work of the other agents in the KGB whose action is interrelated to that of the corrupt agent. For example, should the corrupt practice become common knowledge, even people who are not hostile to the regime may withdraw their cooperation for fear of being blackmailed, thus undercutting even the most basic profiling activities of other KGB agents. To the extent that the officeholders in the KGB are committed to upholding by their action the KGB's espionage *raison d'être*, there is a sense in which the corrupt KGB agent wrongs their fellow officeholders as a group that instantiates institutional action.

We concur that the magnitude and moral salience of the wrong of corruption must be assessed in consideration of the context and the moral standing of the institution in question. So, the well-functioning of the KGB is hardly a moral desideratum; the KGB's *raison d'être* is unjust and so are its agents' mandates. In this context, the diagnosis of corruption and the different kinds of wrongs implicated (both from an interactive point of view, as we argue,

and in consideration of the harms possibly caused to third parties, as in Fabre's example) is probably not the worst possible news. The reasoning applies also to the example of a corrupt Nazi official that Fabre recalls—and which is, by now, a standard case of 'noble cause corruption'. We could say that a Nazi official in charge of hunting down and deporting Jews, who in fact helps them to escape by forging documents, fits the *description* of a corrupt officeholder. We could even say that there is a sense in which the corrupt Nazi official wrongs, from an interactive point of view, his fellow officeholders in the regime. The good consequences of corruption would not change the structure of the officeholders' institutional interactions and their rationale. However, to focus on the officeholder's alleged interactive wrong of corruption would be quite unhelpful for the overall *normative* assessment of the wrong of the Nazi regime. While we concur with Warren that corruption is commonly used with a negative normative-laden connotation when it refers to democratic institutions, we also want to stress the importance of distinguishing more generally between labelling something as corrupt and making a normative assessment of its overall wrongness. To focus on the wrongness of corruption within an institutional setting whose *raison d'être* is grievously unjust seems preposterous and distracting.

To be sure political corruption is only one among the many forms in which public institutional action may go wrong. And we agree with Fabre that, in unjust regimes, corruption is perhaps not the most relevant normative category to capture institutional dysfunctions and wrongs. However, this appreciation does not diminish the moral salience of political corruption across the legitimate and/or nearly just societies in which we ordinarily live. What is more, it does detract from the specificity of the wrongness that political corruption *structurally* brings with itself for institutional functioning. This wrongness concerns the accountability deficit in the terms of interaction between the officeholders in the institution. This account offers a normative ground to assess the extent to which political corruption may be considered wrong even when some of its manifestations may bring about positive consequences (e.g. when bribery helps to overcome bureaucratic obstacles to citizens' access to public services). Also, the account shows how there is an interactive dimension to the wrong of political corruption which is importantly irreducible to the negative consequences single acts of corruption may or may not have (such as the violation of the principle of equality of opportunity in cases of bribery).

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