
Can Focusing on the Ethics of Public Office Address the Challenge of Contemporary Political Corruption?

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Ceva and Ferretti have written an important book on how we should understand political corruption, which they argue entails a public official acting in their institutional capacity as an officeholder but pursuing an agenda that cannot be justified by the specific mandate of their role. Their definition, in stressing the relational nature of political corruption, underpins their argument that its wrongfulness must be understood as a breach of interactive justice and addressed from within. Only by ensuring that individual public officeholders remain accountable and mutually answerable for their conduct (because institutions are constituted by individuals who have interactive duties to their colleagues) can the threat of political corruption be meaningfully addressed. Office accountability as the core duty of officeholders, to be exercised through the practice of answerability, is crucial to developing a meaningful defense against the risk of corruption within organizations and institutions. The central argument of Ceva and Ferretti's book is both powerful and persuasive and makes a significant contribution to the literature on identifying and tackling political corruption.

One of the real strengths of Ceva and Ferretti's analysis is that, although they write as political philosophers with a focus on the public ethics of office, they also illustrate their argument by reference to some real-world examples, notably drawn from the United States and Western Europe (for instance, major construction projects in Germany or the appointment of Ivanka Trump and her husband as unpaid White House advisers). However, despite that, it is precisely in the connection of the argument to real-world politics that I think two main questions arise that merit further consideration.

First, Ceva and Ferretti emphasize that they understand political corruption to be "the corruption of public officials and institutions" (21) and their focus is therefore very much on public office holders acting in a way that is both consistent with and upholds the purpose or mandate of the public institutions in which they are employed. This must suggest that it is possible to clearly delineate what counts as a "public" role and/or a "public" institution in contradistinction to private ones. Whereas there are many circumstances in

which that is broadly straightforward (government ministers and civil servants, local government members and officials, the armed forces, and so on), the very conceptions of public and private in relation to politics, administration, and even law have become increasingly blurred and problematic.

Indeed, the language of public office and office accountability can risk seeming old-fashioned, redolent of a post-Westphalian state, with a clear separation of powers and an unambiguous distinction between public and private sectors, with the former responsible for the design and implementation of public policy. In practice, such a model is of decreasing relevance to how states operate, even those political orders that most closely approximate an ideal type of inclusive and open-access democratic accountability. For a variety of reasons, many (though by no means all) associated with the contested term “globalization,” there have been far-reaching changes in the functioning and capacity of states over recent decades and many of the most significant relate precisely to the boundaries of what is public and what is private.

From the late 1970s and early 1980s, the “hollowing out” of the state saw profound changes in the nature and role of government in many developed democracies, with governmental responsibilities shifted both downwards, often to nonstate actors such as charities and commercial bodies, as well as upwards to international and regional organizations. As deregulatory initiatives gained momentum, particularly after the collapse of communism, nation-states expanded in number, but also saw profound changes in the way they operate. Among the most telling changes have been the growing power of global markets, as well as financialization and technological change across a very wide range of arenas, and—crucially—the growth of massively powerful corporations able to influence and shape policy.

Taken together, these changes have altered some of the basic principles that underpinned traditional understandings of the role of governments and their bureaucratic apparatuses in deciding, legislating on, and delivering public policy. Some of the core elements of nation-states that had allowed them to function effectively during much of the twentieth century have been undermined, notably by deregulated finance and autonomous technology. Critically, the close interconnectivity between politics, economics, and information—all of which had been organized and managed at national scale through much of the twentieth century—no longer holds. Control of the economy and of information now operates largely beyond the direct authority of individual nation states, with global capital and technology increasingly able to operate without reference to any form of public accountability. Michael King and Timothy Sinclair argued some two decades ago that “the assumption that public policy is by definition an output of public institutions is difficult to sustain in an era of global change.”¹ Scherer, Palazzo, and

¹Michael R. King and Timothy J. Sinclair, “Private Actors and Public Policy: A Requiem for the New Basel Capital Accord,” *International Political Science Review* 24, no. 3 (2003): 345.

Baumann similarly observed that “transnational corporations (TNCs), as well as civil society groups, increasingly participate in the formulation and implementation of rules in policy areas that were once the sole responsibility of the state or international governmental organisations”;² indeed, Antoine Vauchez and Pierre France go further in arguing that even the determination of the “public interest” had ceased to be a state monopoly.³

These developments have been reflected in many recent high-profile corruption scandals—as revealed by the Panama and Paradise Papers, Lux Leaks, FinCen Files, and so on—that have highlighted the crucial blurring of lines between public and private roles. They also demonstrate the close interpenetration between leading politicians, bureaucrats, and global corporations, the facilitation of illicit financial flows that shift resources beyond the purview of national authorities, and the capacity of financial elites to avoid effective national regulation. Arguably, what these cases show is not just a loss of state authority over capital, but also, more importantly, as Abby Innes observes in relation to such trends in the UK, “the increasingly pervasive role for private businesses throughout the entire state administration. . . . State authority. . . has increasingly been gifted into private hands.”⁴ In the United States, Donald Kettl points to the increasing interweaving of public and private power, such as the provision of Medicare by private health insurance companies, arguing that such interwoven programs are the most prone to fraud and mismanagement.⁵ Such developments, common across most industrialized nations, have undermined both accountability mechanisms and the principle of fiscal consent, as well as the idea that political corruption is something that operates primarily within the realm of public officeholders.

Turning to the second question that arises from Ceva and Ferretti’s work, I have some concerns about the practicality of their suggested approach to how officeholders should oppose political corruption. They are surely right to stress the negative consequences of many existing approaches that rely on a punitive or retributive dimension: not only do such approaches focus too much attention on upholding formal rules and codes, thereby overlooking more subtle forms of corruption, but they can also result in ever more mechanisms of control being implemented as a reaction to whatever form of

²Andreas Georg Scherer, Guido Palazzo, and Dorothee Baumann, “Global Rules and Private Actors: Toward a New Role of the Transnational Corporation in Global Governance,” *Business Ethics Quarterly* 16, no. 4 (2006): 506.

³Antoine Vauchez and Pierre France, *The Neoliberal Republic: Corporate Lawyers, Statecraft, and the Making of Public-Private France* (Ithaca, NY: Cornell University Press, 2021).

⁴Abby Innes, “The Dismantling of the State Since the 1980s: Brexit Is the Wrong Diagnosis of a Real Crisis,” blog post, *Democratic Audit*, Sept. 3, 2018, retrieved from <http://eprints.lse.ac.uk/109737/> June 1, 2022.

⁵Donald F. Kettl, “The Job of Government: Interweaving Public Functions and Private Hands,” *Public Administration Review* 75, no. 2 (2015): 219.

corruption was not captured in previous frameworks. As Ceva and Ferretti correctly point out, punitive approaches not only run a scapegoating risk, in which their adoption acts simply as a rhetorical device to mask attacks on political opponents, but also an overregulation risk, whereby any form of officeholder discretion becomes stigmatized. To avoid such potential pathologies, they call for anticorruption to be guided by a positive vision that promotes what they see as the opposite of corruption: a public institutional system that realizes office accountability. That is, the organizational culture of public institutions should be organized in such a way as to promote “more ethical” institutional conduct (178).

To achieve such a system, however, Ceva and Ferretti warn against relying solely on promoting an ethical culture; instead, they propose offering purposeful guidance to officeholders on how to act appropriately in an institutional capacity. Such guidance entails setting out various duties to be fulfilled to ensure an institution is functioning properly while allowing individual officeholders not just to resist corruption, but also to be able to detect it and respond appropriately should they do so. Premised on a duty of interactive justice, which also entails a negative duty to stand clear of corruption, the approach requires that officeholders have a clear understanding of what is expected of them in fulfilling their duty of office accountability—to be achieved through such things as organizational codes of ethics, programs of corruption risk management, and reciprocal control through constant vigilance.

My concern is that, without necessarily engaging in the language of answerability practices and the duty of interactive justice, many existing approaches to promoting ethical behavior already try to adopt similar measures—but the evidence of success is limited. In particular, it would be hard to find many organizations these days that do not have a clear procedure for making a disclosure in the public interest (whistleblowing), a core element of Ceva and Ferretti’s approach, which they argue should be an ordinary institutional practice and even obligatory. The reality, however, is that a host of reasons—many to do with the dynamics of human interaction in the workplace, including psychological prejudice—make it very difficult for whistleblowers to put their head above the parapet: as the saying goes, no good deed goes unpunished. Similarly, there is a growing industry around various forms of ethical training, but extensive recent research that looks specifically at civil servants highlights just how difficult it is to design and implement effective training: indeed, surveys of bureaucrats have shown that ethics training does not clearly correlate with lower corruption or more ethical behavior.⁶

Ultimately, although Ceva and Ferretti have provided an analysis that is hugely insightful and offers a real step forward in setting out what political corruption is, why it is inherently unjust, and how a duty of interactive

⁶Jan Meyer-Sahling and Kim Sass Mikkelsen, “Codes of Ethics, Disciplinary Codes, and the Effectiveness of Anti-corruption Frameworks: Evidence from a Survey of Civil Servants in Poland,” *Review of Public Personnel Administration* 42, no. 1 (2022): 142.

justice and a public ethics of accountability underpins their remedial proposals, there remain questions over the practical challenges of promoting an ethics of public accountability in the ever more complex socioeconomic and political environment in which we now operate.

The Open Texture of Public Institutional Action and Its Corruption: A Response to Destri, el-Wakil, and Heywood

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The three perceptive comments by Chiara Destri, Alice el-Wakil, and Paul Heywood take the lead from one of the main features of our discussion of political corruption as an internal enemy of public institutions: political corruption consists in the officeholders' interrelated action in contradiction with the terms of their power mandate (3). Such a feature derives from the theory of public institutional action that underpins our discussion; it qualifies political corruption as a special kind of institutional dysfunction.

Public institutional action is not, in our view, just a matter of setting up institutional mechanisms and having officeholders mechanically follow institutional rules. Public institutional action is a living practice. It consists in the officeholders making an interrelated use of their power of office to uphold the grounding normative ideals—i.e., the *raison d'être*—of their institution (23). Because public institutional action occurs in nonideal circumstances, the officeholders are called upon to exercise their judgment and discretion to direct their interrelated action in ways coherent with the letter, or often the spirit, of their power mandate (8–9; 31–33; 117–18). Such a structural uncertainty creates the circumstances for political corruption. Such circumstances materialize whenever the officeholders' exercise of judgment and discretion sees them using their power of office in ways for which they may not account with reference to their mandate. One of the book's key claims is that such an unaccountable use of power of office is the common root of individual (e.g., bribery, misappropriation) and institutional (e.g., clientelism, state capture) manifestations of political corruption in the public domain (32–33; 104–5; 117–18).

Against this background, some of the questions el-Wakil raises with reference to democratic institutions acquire a general drive: she asks how power mandates may be clearly and coherently established with reference to a public institution's *raison d'être*. If power mandates evolve over time