

CORRUPTION AND CAMPAIGN FUNDING: A BURKEAN PERSPECTIVE

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Edmond Burke based his 1780 plea for economic reform on a notion of political corruption that he touched on only in few additional letters and addresses of the time. It was soon eclipsed by other “burning” questions that occupied his mind, and remains among his less developed and less studied ideas. It nevertheless merits attention. As a pragmatic politician with a philosophical bent, his main aim in the speech on reform was to sway the politics of his time; yet his deductive reasoning led him to generalizations that may point to a possible direction by which we can look for solutions to some of the problems that beset current understandings of corruption. Of special interest in this context is his treatment of situations where widespread perception of corruption exists without any massive law-breaking. In what follows I will argue that Burke’s conception stakes a midway position between the older, “classic” views of corruption, and the thought of the 18th century liberals that informs our current perceptions of the phenomenon. Both received ample attention in the literature. Nevertheless, a brief note may serve as context for the consideration of Burke’s ideas on the subject.

In an important article on “The Corruption of a State”, Patrick Dobel (1978) analyzed the view propounded by Thucydides, Plato, Aristotle, and, in modern times, Machiavelli and Rousseau<sup>1</sup>. Corruption, according to these thinkers, is not a consequence of any particular behavior. Rather, it is borne out of permanent and extensive inequalities of wealth or political power (or both) that erode common moral commitments to “actions, symbols and institutions which benefit the common welfare”. The loss of the sense of civic duty and loyalty means that the “primary attitude among citizens is wary competition to preserve what one possesses and to gain more if possible”(Ibid, 960). Nineteenth century thinkers such as Carlyle and de Tocqueville, likewise spoke of a crisis of authority that could result from the dissipation of common value orientations under the pressure of inequalities caused by structural economic shifts or circumstances that render common symbols and belief systems irrelevant (Mendilow, 1993). Institutions and laws rest on shared values that endow society with its identity, thereby distinguishing it from a mere aggregate of individuals on the one hand and from other societies on the other. Once such a “hidden source of energy” dissipates, what set in are periods of “unstable equilibrium” (Tocqueville, 1955: 203) that could terminate in a full blown crisis of legitimacy once triggered by any serious problem that the citizenry refuses to confront collectively.

Burke shared the notions of health and corruption that could be assessed by the relationship between the meaning and goals underlying politics as perceived by the citizenry, the particular arrangements by which these goals are carried out, and the particular behaviors of those in authority. For him too, “health” meant that the three could be compared to three points of an equilateral triangle, while corruption entailed the loss of balance and the threat of structural collapse. Burke differed, however, in several respects. For him, the question was not directly related to the levels of socio-economic or political equality, but to the widespread perception of the balance between them. All political orders hinge on basic normative assumptions regulating the balance between socio-economic positions and political power. These assumptions set “proper” limits to socio-economic influence, and give rise to policies that are generally considered appropriate. Corruption does not signify the collective erosion of loyalty to such commitments. Rather, such a “state of inflammation” (Burke, 2009: 344) is the consequence of corruption -- the upset of the balance by elements within society (individuals, groups, or institutions) that use power for private gain. Violation of the existing boundaries or the refusal to adjust them to shifting circumstances, are broadly viewed as betrayal of trust. From a Burkean perspective, then, the theorists of the “corruption of the state” school confused the phenomenon with its effect, for it is the widespread perception of corrupt influence that lead citizens to “behold in government nothing that is respectable. They see the abuse, and they see nothing else” (Ibid: 344).

The restricted meaning of corruption as improper use of authority to advance private and /or specific group interests brings to mind current conceptualizations of the phenomenon. Burke shares with them the distinction between the private and the political: the consideration of the latter as a form of relationship distinguishable from the social, economic or any other sphere of activity. As with the modern theorists, Burke understood corruption to mean the extension of the private regarding into the political, and the resulting impact on authoritative resource allocations to the advantage of specific persons or groups. And he too regarded such behavior as blameworthy and as corrosive to the regime. It is the agreement on these components that form the core common denominator of the numerous definitions of corruption that one finds in the literature nowadays.

Definitions should be sufficiently general to allow usage beyond the specific description, but sufficiently precise to allow proper identification within specific contexts. A notion of corruption that would satisfy such requirements would have therefore to be based on

commonly accepted conceptions of the private, the public, the healthy balance between them, and the meaning of the deviation that would trigger the use of the term. The problem is that these “are matters of contention in many societies and of varying degree of ambiguity in most”, thus explaining “the inconclusive nature of the definitions debate” (Johnston, 2005:12). Attempts to resolve the conundrum became so numerous that one finds in the literature several classifications. This is not the place to reiterate all of them, or to elaborate the criticisms they encountered. I shall only note those especially relevant to the consideration of Burke’s notion of corruption.

The oldest of these is the office-based conception received from James Madison and his fellow institution builders, for whom corruption meant the overstepping for private gain<sup>ii</sup> of officially recognized boundaries of public office. As Warren (2004: 329-332; 2006: 803-4) and others pointed out, despite the fact that this became the basis of the modern conception of corruption, it suffers serious limitations. It assumes that the scope of public office is exactly delineated and uniform across times and societies, ignoring the fact that norms are nowhere static and that “there are limits to what rules can encompass, especially when officials’ tasks require creativity, as do many bureaucratic positions and all political positions”; it is individualistic, thus making it difficult to think about institutional corruption or corruption that aims to advance the interests of groups such as parties. And this, in turn, accentuates the definition’s additional weakness: it is state-centric, thus inapplicable to such entities as parties or non state agencies to which more and more erstwhile state functions are outsourced.

Since codes of law are both clearer and more stable than the scope of office, the substitution of legal criteria for the deviation from the formal duties of office may alleviate the first two problems mentioned above. This is evident, for instance, in Fackler and Lin’s (1995: 972) definition of corruption as “variety of ...unlawful public office related acts by political actors”, or Nye’s (1989:966) oft-quoted particularization of the phenomenon as “violation of rules ...[including] such behavior as bribery (use of reward to pervert the judgment of a person in a position of trust); nepotism (bestowal of patronage by reason of ascriptive relationship rather than merit); and misappropriation (illegal appropriation of public resources for private

regarding uses ) “. The limitation of the bureaucratic focus could also be overcome by the use of more general terms, for instance Johnston’s definition of corruption as “the abuse of public roles or resources for private benefit” (Johnston, 2005:12). Nevertheless, both the individualistic element and the fact that laws change across states and times remain as problems. Moreover, it is broadly recognized that the legalistic view is too narrow: the law itself may arise from corrupt processes, while one could easily point to cases where behaviors that are not explicitly prohibited by law violate the public sense of appropriateness (e.g. Gibbons, 1989: 166; Philp, 1997: 441).

On first blush, a possible solution may be found in the intimately connected public interest and public opinion based definitions. The former assumes the existence of a general “state interest” the sacrifice of which by power holders who are motivated by individual or group gain is corruption. The obvious question is how we identify such interest. The latter approach seems to offer the only reasonable answer – namely, that the general interest is what the public believes it to be. After all, as Gibbons (167) argues, scandal means a widespread “hostile and shocked response to a given action”. But, then, the question is who is the public involved. An illustration of the problem may be found in Redlawsk and McCann’s (2005) examination of exit polls in the US 2000 general elections, in which the accusation of “a culture of corruption” played a significant role in the out of office party’s propaganda. Most respondents agreed that lawbreaking by power holders constituted corruption, but a good deal of disagreement existed as to whether ostensibly legal behaviors such as favoritism should be included as well. The conclusion was that the concept is “fundamentally ambiguous “and could “mean different things to different individuals “(Ibid, 262).<sup>iii</sup>

With the exception of the office based conception, Burke would have agreed with elements of all the approaches mentioned. Nevertheless, he would have considered the very attempt to come up with a menu of specific behaviors that could be universally applicable to the definition of corruption as futile. It ignores the fact that corruption means the violation of standards set by historical tradition and political culture and that form a social contract without being enshrined in any written constitution. Moreover, it treats political phenomena while ignoring

what sets politics apart from other (social, economic) relations . Social and economic exchanges are governed by individual (or specific group) short term calculations of capability and preference. Political interactions are based on collective long-term benefits to be generated by the political system and on what are necessary to secure them: individually binding collective commitments that set bounds to the employment of social and economic abilities to shape collective decisions and thereby satisfy the “corrupt, grasping, and ambitious part of human nature “(Burke, 2009: 363). Fundamental principles containing these commitments forge a corporate identity shared by the citizenry and constitute the basis of legitimacy necessary for the conduct of government. And yet, the tension between the supra temporal and general quality and the dynamic nature of the realities in which such principles must operate means that they are neither quantifiable nor detailed with any degree of precision. They are fleshed out by the law that applies them to shifting social, economic and other circumstances. In this sense, “a legislative act has no reference to any rule but these two—original justice and discretionary application” (Ibid: 364). The same is true of those whose charge is to employ “general superintending control over all the actions ...without which it never could provide adequately for all the wants of society”. The difference between the statesman and the university professor , argued Burke, is that “the latter has only the general view of society; the former, the statesman, has a number of circumstances to combine with those general ideas, and to take into consideration ... and judging contrary to the exigencies of the moment, he may ruin his country forever” (Ibid: 377). Corruption, Burke argued, means preference given to social or economic individual or group interests in breach of publicly accepted political principles by which resources are authoritatively distributed and societal conflicts resolved(ibid : 342) . The infringement need not result from law breaking. The same effects could spring from the persistence of arrangements after their reason d’être had passed away. In the case of the reform he advocated, the patterns of influence exerted by the crown were “necessary in the ancient times”, but once realities rendered them irrelevant, their persistence was similar to the “offer of meat and drink to the dead [which are] not so much an honour to the deceased as a disgrace to the survivors” (Ibid; 351).

The results are twofold. The substitution of short term economic or social interests for accepted norms as guides for the exercise of authority is not likely to be contained to any single sphere, leading to

general wastefulness of public resources and abuse of authority. Corrupt influence thus becomes “itself the perennial spring of all prodigality and of all disorder”. At the same time, the widespread feeling that authority is exercised for the good of the few leads to loss of faith in both leadership and patterns of traditional governance and authority. Corruption thereby “takes away ...every shadow of authority and credit from the most venerable parts of our constitution” (ibid: 342-3). As with corruption in the physical world (i.e. rot), political corruption is a dynamic phenomenon: it starts at the surface, spreading wider and deeper until the very foundations are infected.

Unlike the office based conception of corruption, that is corruption as the flouting of recognized boundaries of public office, Burke’s concept refers to the undermining of the distinction between politics and the other spheres of human exchange. In different words, of what renders political processes both necessary and legitimate. It is the width of such a conception that enabled him to apply his conception to power holders regardless of position as well as entire institutions (in the speech on economic reform, the monarchy as against the person of the king) and, as noted above, to acts of commission and omission alike. The application of such a wide ranging concept raises a question. In cases of individual corruption, that is, where power holders break the law, the case is not problematic. The fact that the perpetrator/s usually keeps their deed in secret itself points to their recognition that the principles underlying the political process are not in question. Such cases, then, resemble those of other criminals, except that they are morally more heinous. Rather than asserting and directing the application of the boundaries between the socio-political and the political, the guilty use their position to breach it themselves. But what would trigger the accusation of corruption in cases of omission, where it is not individual criminal behavior but the corruption of the political process that is the subject? (And here one can add a question that Burke did not address -- what happens where the law itself is a product of corrupt behavior). The question has added significance because such cases are of greater severity. Being “in the open” the behavior or lack thereof are easier to detect, and what this signals is that the boundaries setting the political from other spheres are themselves disputed. Moreover, Burke was aware that unscrupulous accusations of corruption could become a weapon to discredit political rivals or entire political institutions. Applying his concept, such a behavior itself was corrupt. Thus, he

wrote a member of the Bell-Club of Bristol, “They are the corrupters themselves, who circulate this general charge of corruption. It is they that have an interest in confounding all distinctions, and involving the whole in one general charge “(Burke, 1960:148). The answer suggested in the Speech on Economic Reform is that because the stakes involve the foundations of politics, and because the Legislator represents society, widespread dissatisfaction and disputation of the proper limits of influence should be addressed and debated with an eye to reform. This seems to resemble the modern public interest definition of corruption, and raises the same question. But, then, Burke did not refer to policy disputations or to opinions of segments of the citizenry. What he had in mind was overwhelming majorities that cross socio –economic divides. When such arise, he implied, not to address them would constitute abdication of the role of representation that justifies the power the Legislator itself. Such a public debate, he allowed elsewhere, could lead not to reform of practices or the adjustment of law to shifting realities but to the reexamination of the constitutive principles, for they too “ may have faults, and ...those faults , when found, ought to be corrected” . It is here that Burke’s conservatism is evident, for whereas reform is necessary for the preservation of the specific forms taken by the constitutive principles in the specific “here and now”, the present question would touch the very bases of legitimacy and the political processes they justify. “To enable us to correct the Constitution, the whole...must be viewed together; and it must be compared with the actual state of the people, and the circumstances of the time “and the same holds for the remedy of “distemper “ , for “ there are many things in reformation which would be proper to be done , if other things can be done along with them, but which , if they cannot be so accompanied, ought not to be done at all” (Burke , 2009 : 383).

Since Burke had made his case for economic reform, over 230 years ago, both the nature of government and the “circumstances of the time “had radically changed. To assess the possible relevance of his notions nowadays I propose to briefly apply them to the vexing question of the funding of political competition. This is an interesting case, both because of its intrinsic connection to the core principles of democracy and because the issue of corruption was raised in this connection by only few scholars (notably Johnston, 2005: chapter 4 ; 2006). The issue itself is well known. In the second half of the 20<sup>th</sup> century, political parties confronted an ever worsening budgetary predicament that resulted from the exponential growth of advertising and polling techniques, the need to reach wider publics, and the inability to raise commensurate funds from ordinary party members to fund the party apparatus. The

result was the adoption of solutions that were widely perceived as corrosive to democratic governance. One was the solicitation of contributions from economic corporations and wealthy individuals who had the means to inject large sums into the coffers of parties or candidates, whether as a reward for favorable policies or as an investment in the expectation of such. Another was the drawing on public services as sources for indirect or direct funding. The former had to do with the unpaid use of resources, especially where broadcasting media or public transportation networks were controlled by government. The latter involved the imposition of regular “contributions” on elected or appointed public servants (“macing”) or on holders of government contracts or permits (“toll gating”) Yet a third source of revenue was the direct “sale” of policies , concessions , honors and titles , or access to policy makers, in return for cash or its equivalents<sup>iv</sup>.

Where questions of corruption were raised, it was in relation to the third “method” of financing which often did involve lawbreaking (and particularly bribery). Yet the office or public interest /public opinion based definitions could not be easily applied since a party by definition represents a version of the public good and a share of the general public opinion and even the legally based approach faces difficulty where the alleged corrupt behavior was not in the service of individual interest. Macing and “plutocratic funding” (Gidlund, 1983: 353; Nassmacher, 2009: 239-246) are still more problematic. The “sale” of public offices or contracts was a regular practice in early modern absolutist monarchies (Scott, 1972: Chapter 3). By the mid century 20<sup>th</sup> century only few democracies issued laws that explicitly forbid macing or, where no explicit bribery was involved, “toll gating”. As for “plutocratic funding”, not only were there no laws forbidding economic interests from contributing to causes they sought to further but such spending was coveted and often seen like any other donation as a virtuous deed. And yet, the three sources shade into one another. Even where provider –consumer connections are only implied, “plutocratic funding” raises the suspicion that public policies, services, or goods are exploited for private or partisan benefit. As one of the foremost students of political finance put it, the disparities in the size of contributions indicates “the desire to surmount the democratic constraints of “one man one vote” to gain disproportionate influence on the decision making process” (Paltiel , 1981: 138 ) . The same is obviously true of the other two forms of funding, where the use of policy making and public services is observable. All three forms of funding favor incumbents, thereby discriminating against those who are out of power. At the same time, all impair the equality of political opportunity among citizens by treating them differentially, according to their ability to “purchase” policies or public benefits.

The argument that such practices necessitated the adjustment of the principles of democracy to the changed reality was generally used to justify the provision of public subsidies to support electoral campaigns. Whether in the form of public funding to parties on a regular basis, or of subventions to competitors for the conduct of specific campaigns, this has been adopted by almost all the stable

democracies and became the dominant pattern among the new and emerging democracies in all regions of the world, with the exception of the Caribbean (where it was taken up only by Barbados) and Africa (where it is available only in 46% of the states)<sup>v</sup>. The basic notion is of a trade-off, that is, restrictions on the use of public office and commitment to political equality in return for assured and stable income. Such intent meant that regulations that would flesh out the concept would not be limited to the provision of revenues alone. The quid pro quo was prohibitions on contributions from dubious sources, limitations on the amounts individuals could donate, ceilings on how much could be spent, and the disclosure of accounts. Public funding, it was argued, would thereby curb excessive electioneering spending, encourage parties to represent the interests of their broad constituents rather than the moneyed few, limit the disparities between political equality and economic inequality, and provide for open and fair political competition. In these terms, the price to the public would constitute (to quote the title of an early book on the subject) “the costs of democracy” (Heard, 1960).

Skeptics have pointed to deleterious outcomes of regulations by which subsidization of political competition was carried out. Most did not raise doubt as to the need to adjust the principles of democracy to new realities but rather questioned the actual effects and pointed to unintended consequences of public funding. An exception is the United States, on which the discussion will henceforth focus, for it was only here that the view of plutocratic funding as subversion of the principle of political equality itself came under attack. In *Buckley vs. Valeo* (1976), the US Supreme Court defined the raising and spending of money to influence elections as a form of constitutionally protected free speech and, accordingly, struck down contribution limitations, as well as any fixed limits of spending by individual candidates or independent groups. This was followed by the decision of the bipartisan Federal Election Commission to allow parties to raise and spend unlimited sums for party building and issue advertising. The logic deriving from the equation of money with opinion was further advanced in 2010, when the Supreme Court nullified the distinction between corporate and individual expenditures. Prohibitions on the independent funding of advertisements that name federal candidates within 30 days of primary or 60 days of general elections by corporations and trade unions were consequently defined as “outright ban on speech, backed by criminal sanctions” ( Supreme Court , 2010 : 4 ). The minority opinion in the case is revealing. Corruption, argued Judge John Paul Stevens, takes many forms and the difference between “selling a vote and selling [political] access is a matter of degree, not kind” (Supreme Court 2010b: 57)<sup>vi</sup>. In effect, the argument was that plutocracy and corruption are two poles of a single continuum, and hence that the majority’s decision was tantamount to the legalization of corruption.

An analysis from a Burkean perspective leads to somewhat different conclusions. Neither in 1976 nor in 2010 did the Supreme Court rupture any walls separating economic capabilities and political power.

Nor did it give license to behaviors that differ from legally defined corruption only in their severity. In fact, such walls never existed to begin with. Small donations, or the ability to volunteer time, for instance, would have not set off such claims though they too hinge on economic ability. And no US court would have approved any form of direct purchase of political position or even policy stands. What the court did was to move the boundaries between the realms as they existed in the time of the verdict so as to allow greater influence to individuals and corporations who have the interest and the amounts of money necessary to impact political outcomes. Irrespective of the actual effects, the perception created by the decisions of the Supreme Court was that the abilities of citizens who can afford less were consequently narrowed.

In and of itself there is nothing wrong in such a decision, as long as it is broadly accepted as a fair adjustment of the basic principles underlying the political process to the circumstances of the day. Unlike legislators, members of the US Supreme Court are not elected by the broad citizenry to apply their fundamental understanding of what underlies the political realm to shifting realities. They are nominated by political institutions on ideological grounds, and are thereafter required to exercise individual judgment without political accountability. This may allow the Court to lead the public and adjust general perceptions to shifting circumstances, as exemplified by the Warren Court. But it may also permit it to lag behind the citizenry and refuse to recognize shifting realities. This, it will be remembered, was the essence of Burke's complaint against the monarchy in his plea for reform. Whether the driving forces is private interest, ideologically set opinion, or the sense that no changes should be allowed to infringe upon hallowed arrangements, is immaterial. The result is likely to be the same. In the American case at hand, public opinion has been shown to regard the Supreme Court decision as a move to curtail political equality and a deviation from the basic norms. Polls persistently point to overwhelming majorities who consider the process of campaign finance as affording "improper influence" to monied interests. In Johnston's acute formulation (72 , emphasis in original ), "popular majorities believe the campaign finance process is corrupting, and... the institutions regulating the connections between wealth and power in the American electoral process have serious credibility problems ...add[ing ] up to a systemic corruption problem ". In 1992, for example, polls show that absolute majorities (83 % and 85% respectively) of registered likely voters agreed that monied interests "have more influence over the government than the voters" and that "special interest money buys the loyalty of candidates" (85%) (Wertheimer and Manes, 1994: 1129, see also 1130-1). And such numbers are by no means exceptional. Throughout the 1990's and first decade of the 21<sup>st</sup> century, about two – thirds of respondents were concerned over the influence of monied interests on politics, and some 80%

felt that corruption in Washington is a widespread phenomenon (the highest numbers were found by USA /Gallup polls of April 2006, where 83% regarded corruption in Congress as a serious or very serious problem. The lowest number was found in CBS /New York Times Poll of October 27-31, 1996, where “only “ 58% felt the same. Polling Report, 1996).

The dim view of the Supreme Court holding in the United Citizens case that allowed corporations and unions to spend unlimited amounts of money on advertisements during political campaigns is therefore hardly surprising. Harris Polls found that 95% of adults nationwide believed that public opinion has too little or much too little influence on policy makers, while 87% defined the influence of big corporations as much too high; CBS /New York Times found that 79% disapproved of the verdict; and 72% agreed that it is very important that laws restricting the political influence of monied interests be promulgated (polling report, 2010). As such numbers suggest, the opinion cut across in all walks of life and shades of policy preferences. Thus, the CBS /New York Times poll shows that disapproval of the Supreme Court decision reached 78% among Republicans, 82% among Democrats, and 79% of those who defined themselves as independents. All this does not suggest any legal corruption, and prompt treatment of cases of actual bribery (there are precious few of these) could not serve as a palliative. Rather, the polls testify to an overwhelming perception that the process itself has been corrupted. To quote Johnston again , “for many citizens ...illegality is in many respects beside the point: current laws with fail to prevent , or permit , what they regard as bribery, influence trading , and a whole style of government by leaders who ‘don’t care about people like me ‘ and have become ‘out of touch ‘ ” (2006:810).

Corruption in a democracy, argued Mark Warren (2004; 2006), means “duplicitous corruption”. The basic norm in democracy is that “every individual potentially affected by a collective decision should have an opportunity to affect the decision proportional to his other stake in the outcome “. Corruption involves unjustifiable exclusion, where “the excluded have a claim to inclusion that is both recognized and violated by the corrupt “and the exclusion benefits “those included within a relationship and harms at least some of those excluded “(Warren, 2006: 804). Among the modern attempts at definition, this is the closest to Burke’s because it takes as the starting point what the author considers to be the fundamental principle underlying the democratic order. From a Burkean perspective it is still problematic, however. One difficulty lies in the rigidity of the principle as formulated above. For Burke, as noted earlier, what renders the political realm unique is that it concerns long term stakes that are general to the degree that they relate to all citizens by virtue of their citizenship rather than by any particular attribute. This does not mean that influence on political decisions cannot reflect such differences, but that this is one of the questions that all polities must contend with and agree on. In

liberal democracies the acceptance of such a premise results in another fundamental principle: political equality. According to this, every adult citizen should enjoy the same opportunity to participate in the making of political decisions as every other adult citizen. If this too seems ambiguous, it is because it is. Indeed, for Burke, the role of political representatives is precisely to interpret the two principles against the backdrop of concrete realities, and forge widespread agreement that will obviate power-play over their interpretation. The funding of campaigns in the US illustrates what is liable to result when political equality is considered by those in power to be of lesser importance than the bulk of the citizenry. The problem is not that of exclusion but of the equality of inclusion and the widespread belief that the political influence of money has trumped public interest.

A second problem is the restriction of the discussion to specific forms of democracy. Warren himself was aware of this. In his words, the “contemporary diffusion of politics ...is changing the very forms of democracy, challenging us to develop a conception of corruption that can keep pace” (2006: 806). But the issue is not limited to future permutations. The assumption that the constitutive principles are the same in all countries that profess to be democracies is equally moot. The question is not of legal definitions but of the manner in which they are understood and applied. To what degree is it true to say that the principle of inclusion is understood in the same manner, for instance, in near democracies like Mexico, or in electoral democracies like Russia, or, for that matter, in states like Myanmar that are closer to the authoritarian pole on the continuum? This leads into a third problem: the fact that not all regimes are democratic. If we do not wish to suggest that corruption is unique to the western democracies of the present, then what is needed is a more general understanding of the term. And, finally, what do we make of situations such as that discussed in the USA, where no personal capability is involved, yet the country suffers from what Burke (and, notably, the majority of the American citizens) would have regarded as systemic corruption?

The advantage of Burke’s thought is that it is broad enough to provide comparable concepts and similar questions that could be answered in specific backgrounds. All politics involve basic principles marking the boundaries between the socio-economic and political spheres. All regimes rest on bases of legitimacy that include such principles, and all must adjust them to shifting realities. All governments, therefore, claim to represent the general good, and all are expected to apply the principles they profess to the shifting circumstances of the “real world “. The Burkean concept, then, allows us to identify situations common to a wide variety of political systems: that is, corrupt influence that involves the violation of the triangular links connecting the constitutive principles, the law of the day, and the behavior of power holders. Such a concept is not restricted to any specific bureaucratic roles, or to legal

definitions, nor yet to public opinion on specific policy questions, though it involves elements of all of these. At the same time, it points to consequences of prolonged systemic corruption that are liable to arise regardless of the polity. Where political exchanges lose their uniqueness and become, in fact or in the mind of citizens, simply another dimension of their socio-economic relations, the system will eventually lose the trust of its members. Under such conditions, what Tocquevillian called “crisis in incubation” may develop: an incipient distrust of government against which such bulwarks as relative well being, or entrenched traditions of local autonomy (both of which are work in favor of the US system) may not hold forever. In offering such an analysis, Burke also shows how elements of the older and more modern conceptions of corruption could be combined into a richer understanding of the phenomenon<sup>vii</sup>.

And yet, Burke did not develop his notion of corruption beyond the Speech on Economic Reform and a few others letters and addresses, and many questions to which he did not pay attention come to mind. Thus, for obvious reasons, he concerned himself only with the state. To what extent can his notions be applied to sub entities within it (e.g. branches of government such as the judiciary, subdivisions of government such as municipalities, or even private companies to which functions of government have been outsourced)? By the same token, what of such entities as the EU? The legal answer is obvious, and it is true that legally based corruption involves the blurring of the political and the socio-economic boundaries beyond the point defined as acceptable. But what of situations where generalized sense of inappropriateness is not a consequence of any massive law breaking by political power holders?<sup>viii</sup> To take yet another line of questioning: if indeed corruption can have meaning only in specific cultural and historical contexts, can comparative efforts reach empirical precision of any sort? Efforts to answer these and similar inquiries lie beyond the scope of this short essay. What it suggests is only that they should direct future efforts to clarify questions that seem as relevant today as they were in Burke’s time.

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## Endnotes

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<sup>i</sup> For the Republican view of corruption as general loss of civic virtue, see Euben , 1989.

<sup>ii</sup> Related to this are the market –oriented definitions that are properly no definitions at all but explanations of the motivate leading to corruption . E.g. "We will conceive of corruption in terms of a civil servant who regards is

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public office as a business , the income of which he will, in the extreme case , seek to maximize . The office then becomes a ‘maximizing unite’ “(Van Klaveren , 1989: 26 ) .

<sup>iii</sup> The difficulty is compounded where disagreements follow class or ideological distinctions. To overcome such a problem , Heidenheimer ( 1978 ) suggested a color code : Black to denote cases of interclass agreement, gray where there is a disagreement between elites and masses , and white in such cases where behaviors that are defined by some as corrupt fail to elicit vigorous opposition within the community at large. Needless to say that such a scheme simply highlights the problem of dentition by public opinion.

<sup>iv</sup> The UK illustrates the “sale” of honors and titles while the Canadian and US fund raising dinners exemplify the purchase of “access” to decision-makers.

<sup>v</sup> Alexander, 1989, pp. 14-15., Walecki 2010:31. The practice was pioneered by Costa Rica (1954) and Argentina (1955). One can broadly distinguish three partially overlapping phases by which the practice had spread from there : the late fifties to the late seventies , when it was adopted by most West European countries and other veteran democracies ( Israel 1969, Canada 1974 US on the federal level and Japan , 1976 ) , from the late nineteen seventies to the nineteen nineties , when most of the Latin American states and the new democracies of Central and Eastern Europe joined in , and from the late nineteen nineties to the present when newly democratizing countries in Asia and Africa adopted the practice. This is a very rough time frame. Noted exceptions exist, e.g. Brazil in 1971, Turkey 1983, or Australia in 1984.

<sup>vi</sup> Similar opinions were voiced by commentators who assessed the actual consequences of the holding. Thus, for instance, Thomas Friedman argued that “Citizens United ...created a congress that became a forum for legalized bribery ” . [NPR On Point](#), 5 October, 2011.

<sup>vii</sup> For the view that the classical notion of corruption may fit the realities of present day USA and the possible dangers to the political order they portend has been see Johnston 2005: 73, and in particular his 2006 analysis.

<sup>viii</sup> At the local level particularly there may exist ingenious methods to perform corruption. Part of the challenge involved in the devise of countermeasures is to identify such behaviors by means that are not restricted to the formal legalistic approach and the minutia it may lead to.