

SYSTEMIC CORRUPTION

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THIS IS A BOOK written against the grain that recovers a lost plebeian tradition and seeks to radically transform constitutional democracy to empower common people against the powerful few who today control most of the financial resources and keep political elites on their payrolls. When I began researching and writing about radical reform, I encountered plenty of conservative thinkers who had no hesitation in calling the project of institutionalizing popular power simply ridiculous, and others who were drawn to critically engage with it from opposing theoretical banks. In many ways this book has been shaped, for the better, by conflict. Here I want to acknowledge the few who supported my outlandish ideas as well as those who constructively opposed them for years, helping me to strengthen my arguments to satisfy criticism and respond to incredulity.

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SYSTEMIC CORRUPTION

Introduction

CRISIS OF THE REPRESENTATIVE REPUBLIC

TODAY THE IDEA that democracy is failing, not only in the United States but around the world, has become ubiquitous.¹ Even if it was only after the 2016 presidential election that the “crisis of democracy” narrative went mainstream,² this particular cycle of political decay in our constitutional regimes appears to have begun in the 1970s and 1980s with the first neoliberal experiments led by General Augusto Pinochet in Chile, Margaret Thatcher in the United Kingdom, and Ronald Reagan in the United States.³ Increasing income inequality and immiseration of the working classes were effectively depoliticized and naturalized to the point that today it is considered legitimate that three individuals in the United States own more wealth than the bottom 50 percent; that while the wealth of the superrich has grown 6,000 percent since 1982, median

1. The rise of far-right supremacist parties in many European countries, which are forming alliances at the supranational level; a government in India that is building concentration camps for religious minorities; and a government in Chile that represses mass protests, violating human rights, to protect a neoliberal model imposed in dictatorship: all show that democracies are malfunctioning. On the totalitarian experiments in India, see Jeffrey Gettleman and Hari Kumar, “India Plans Big Detention Camps for Migrants. Muslims Are Afraid,” *New York Times*, August 17, 2019, <https://www.nytimes.com/2019/08/17/world/asia/india-muslims-narendra-modi.html>. On the popular uprising in Chile, see my article “The Meaning of Chile’s Explosion,” *Jacobin*, October 29, 2019, <https://www.jacobinmag.com/2019/10/chile-protests-sebastian-pinera-constitution-neoliberalism>.

2. For an elitist republican interpretation on the crisis of democracy, in which elites are the culprits of decay, see Levitsky and Ziblatt, *How Democracies Die*.

3. For a partial historical account of neoliberalism, see Slobodian, *Globalists*. A Euro-centric viewpoint prevents Slobodian from taking into account the illiberal origins of neoliberalism, first implemented in Chile under Pinochet with the help of the so-called Chicago Boys, trained in the United States in the 1960s.

household wealth has gone down 3 percent over the same period; and that one out of five children currently lives in poverty in the richest country in the world.⁴

Because patterns of accumulation of wealth at the top, in which corporations pay zero taxes despite high profits while their employees have to rely on public assistance to make ends meet,⁵ are far from natural—but rather enabled by existing rules and institutions—part of what this book sets out to accomplish is to extend the horizon of analysis so we can better appreciate our political regime as an experiment that has led to acute inequality and a dangerous oligarchization of power, and therefore in need of structural reform. Representative democracy is an artificial political infrastructure that we have designed for ourselves, and that, as it was first established, it can similarly be overhauled. Structural innovations to political systems, even those considered radical or extreme, have been achieved in the past, and there is no reason to believe they cannot be attained in our lifetime.⁶

I theorize the crisis of democracy from a structural point of view, arguing that liberal representative governments suffer from *systemic corruption*, a form of political decay that manifests itself as an oligarchization of power in society. I trace and analyze the concept of political corruption in Plato, Aristotle, Polybius, Cicero, and Machiavelli and then offer a critique of our current juridical and individual understanding of corruption. I argue that we need to move away from the “bad apples” approach, the view that corruption exists only because there are corrupt people in office, and look at the structure in which these corrupt elites are embedded. We must entertain the possibility that if a tree consistently produces “bad apples,” it might be a “bad tree.” Systemic corruption refers to the inner functioning of the system as a whole, independent of who occupies the places of power. A democracy is a political regime in which an electoral majority rules, and therefore it makes sense to think that “good” democratic government would benefit (or at least not hurt) the interests of the majority. When the social wealth that is collectively created is consistently and increasingly accumulated by a small minority against the material interests of the majority, then it means that the rules of the game and

4. Chuck Collins, “The Wealth of America’s Three Richest Families Grew by 6,000% since 1982,” *The Guardian*, October 31, 2018, <https://www.theguardian.com/comments/free/2018/oct/31/us-wealthiest-families-dynasties-governed-by-rich>.

5. Louise Matsakis, “The Truth About Amazon, Food Stamps, and Tax Breaks,” *Wired*, September 6, 2018, <https://www.wired.com/story/truth-about-amazon-food-stamps-tax-breaks/>.

6. My viewpoint originates in a deep-seated constitutional skepticism rooted in the experience of having lived in Chile, under an illegitimate constitution that entrenched a neoliberal economic model and a small, subsidiary state as well as religious and patriarchal social norms.

how they are being used and abused are benefiting the powerful *few* instead of the *many*. This trend of oligarchization of power within a general respect for the rule of law, regardless of who controls the government, is what I conceive as systemic corruption in representative democracy.

As a response to this political diagnosis, in which the crisis of democracy is due to an overgrowth of oligarchic power, I propose to retrieve the constitutional wisdom of past republican experiences with oligarchic domination to find an institutional solution to structural decay.⁷ Based on an in-depth analysis of institutional, procedural, and normative innovations proposed by Niccolò Machiavelli, Nicolas de Condorcet, Rosa Luxemburg, and Hannah Arendt, I propose to institutionalize popular collective power in a mixed constitution as the most effective way to deal with systemic corruption and oligarchic domination.

A mixed constitution necessarily entails opposing institutional powers for the few and the many. From the realist and material perspective of the republicanism of Machiavelli, society is seen as divided between the powerful few and the common people, and therefore the political order needs to include institutions both to allow a selected elite to rule within limits and to enable the common people to push back against the inevitable domination that eventually comes from the government by few. Recognizing this oligarchic tendency and the asymmetry of power between the few and the many, mixed constitutions set up *plebeian* institutions to resist the overreach of the few. Constitutional frameworks today have nothing of the sort and therefore have left the many vulnerable to oligarchic domination. Democracies contain only institutions through which representatives govern and check each other (e.g., Congress, the president) and elite institutions supposed to censure their decisions (e.g., the Supreme Court), effectively leaving the elites to police themselves. Common people do not have an exclusive political institution through which they can veto oppressive measures coming from representative government or directly censor their representatives. We thus have much to learn from ancient and modern republics about the kind of plebeian institutions—empowering the common people who do not rule—that are necessary to effectively counter the relentless oligarchization of political power.

7. I approach the decay of constitutional democracies and possible institutional solutions from the perspective of radical republican thought, and therefore I will not engage with other diagnoses and solutions offered from within democratic theory—most prominently coming out of participatory and deliberative democratic theory—but rather focus only on the republican tradition and its model of mixed constitution.

corruption as the oligarchization of power transpiring within a general respect for the rule of law. This conception of corruption appears as intrinsically connected to increasing socioeconomic inequality, which enables inequality of political influence and the drift toward oligarchic democracy: a regime in which the many empower, through their ballots, the powerful few, who enable the dispossession and oppression of those many.

The recognition of systemic corruption as a relentless process of political decay prompted ancient and modern political thinkers to study existing constitutions and engage in efforts to design the perfect regime: a political order immune to the degradation of its institutions and procedures, and thus insulated from social decay and regime decline. Chapter 2 traces the intellectual history and institutional iterations of the theory of the mixed constitution, which originated as a critique of pure, monocratic constitutions and offered a realist redress for systemic corruption based on the institutionalization of different forms of social power. I offer a genealogy of two main strands of interpretation: (1) an *elitist-proceduralist* strand commenced by Polybius and Cicero, reinterpreted by Montesquieu, constitutionalized by Madison, and recently brought perhaps to its highest level of philosophical sophistication by Philip Pettit; and (2) a *plebeian-materialist* strand originating in the political experience of the plebs within the ancient Roman republic and continuing in Machiavelli's interpretation of this experience in light of the political praxis of the *popolo* during the Florentine republic. I make the distinction between elitist and plebeian constitutions based on who has final decision-making power in a given framework: the selected few or the common people. Throughout the book I provide a visual representation of constitutional orders based on this basic distinction between the few and the many, to allow for a better spatial understanding of the distribution of powers in any given constitution as well as for a comparison between different models of republics.

To rethink the republic from a structural perspective implies not only the need to theorize the crisis of democracy at the systemic level, and to find adequate institutional solutions, but also the necessity of approaching constitutionalism from a point of view that allows us to acknowledge ever-expanding systemic corruption and oligarchic domination. Chapter 3 proposes a novel methodological approach to the study of constitutions that goes beyond the written text and jurisprudence, to incorporate the material structure of society. This material interpretation originates in the factual organization and exercise of power that is allowed and enabled by foundational institutions, rules, and procedures—or lack thereof. What I term *material constitutionalism* is premised on the idea that the organization of political power cannot be analyzed without taking into account political and socioeconomic power structures, and it therefore establishes a constitutional ideology that stands opposed to

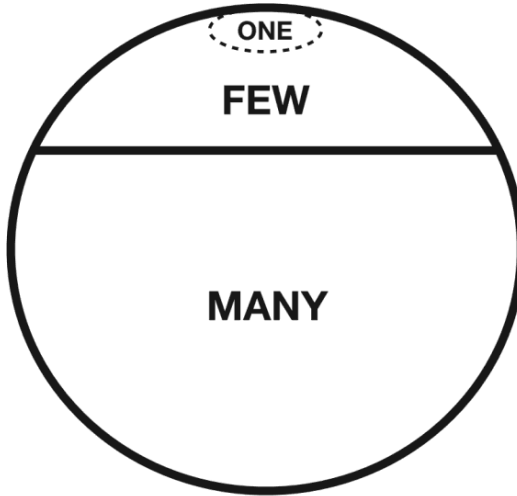


FIGURE 1.1. The material constitution. Basic structure of spatial representation of the constitution as distribution of power.

legal positivism, formalism, and proceduralism. The chapter begins by putting forward this material approach, which I trace back to Machiavelli, and distinguishing two strands: one *institutionalist*, developed by Condorcet, Thomas Jefferson, and Arendt, and more recently by John McCormick and Lawrence Hamilton, and another, *critical*, developed by Karl Marx, Evgeny Pashukanis, and Antonio Negri, and more recently by Marco Goldoni and Michael Wilkinson. Within this taxonomy, Rosa Luxemburg's materialist critique of law and her proposal for institutionalizing workers' councils are a bridge between the critical and institutionalist traditions.

I dedicate the second part of the book to reviewing the constitutional thought of those who dared propose the institutionalization of popular power and endowed it with supreme authority to protect political liberty: Machiavelli, Condorcet, Luxemburg, and Arendt. These thinkers have all suffered reactionary backlashes, and therefore their work has consistently been misunderstood, instrumentalized, demonized, or neglected. Consequently, part of what I want to accomplish is to offer a serious engagement with their ideas and proposals using a plebeian interpretative lens under which they fit together, as part of a plebeian constitutional tradition. This sort of "B side" of constitutionalism is therefore composed of those who support the institutionalization of the power of the many as the only way to achieve liberty for all, misfits in an elitist tradition dominated by the impulse to suppress conflict in favor of harmony, stability, and security.

I begin chapter 4 by presenting Machiavelli's constitutional thought as the foundation of a type of constitutionalism that is material in its analysis of law and procedures, and anti-oligarchic in its institutional design. Recognizing the influence that socioeconomic inequalities exert over political power, Machiavelli embraces conflict as the effective cause of free government and strives to empower and channel emancipatory, plebeian energies through the constitutional order. The chapter focuses on Machiavelli's most important contribution to materialist constitutionalism: the plebeian nature of constituent power. I argue that the constituent power in Machiavelli serves not as a bridge between basic principles and politics, but rather as the power exerted to resist oppression and establish plebeian and anti-oligarchic institutions. While in democratic theory the constituent power has been conceived as the *autopoietic* power of the community, a republican theory of constituent power is defined functionally, determined by the goal of achieving liberty as nondomination. Because for Machiavelli liberty demands the productive channeling of the plebeian desire not to be dominated, the preservative power of free government is the power the people have to periodically redraw the boundaries of what is considered permissible and what is deemed oppressive. Only the many—who desire not to be oppressed and do not partake in ruling—are the guardians of liberty. I analyze Machiavelli's proposal for reforming Florence through his theory of institutional renewal aimed at redeeming corrupt republics, focusing on his proposal to normalize instances of constituent creation and punishment in ten-year intervals as an antidote for systemic corruption.

Chapter 5 is devoted to the constitutional thought of Nicolas de Condorcet, the challenge of representing the sovereign demos, and his proposal for considering the people in its institutional character rather than as an atomized collective subject that can never be made fully present and therefore properly represented. As an alternative to the liberal constitution established in the American colonies, Condorcet proposed a republican framework in which the ruling power of making laws and decisions about administration is concentrated in a representative assembly, which is legally responsive to an institutionalized popular power—a network of primary assemblies—aimed at checking its laws, policies, and abuses. The chapter presents an in-depth analysis of the 1793 constitutional plan for the French republic proposed by Condorcet, read through the lens of his egalitarian tracts on education, slavery, and the rights of women.

While Condorcet was writing at the birth of modern representative government and was concerned with preserving the revolutionary spirit to protect the republic from corruption, Rosa Luxemburg proposes to embrace workers' councils as a political infrastructure of emancipation at a moment when the modern party system had begun to consolidate. It is when the Social

Democratic Party—a party in support of the interests of the working class—had gained partial control of the German government that she realized that the liberty of the working class demanded a different political infrastructure. The betrayal of the revolutionary party proved to her the truth of Marx's argument that the “working class cannot simply lay hold of the ready-made state machinery and wield it for its own purposes,”¹³ and therefore she proposed to alter “the foundation and base of the social constitution”¹⁴ from below by institutionalizing workers', soldiers', and peasant councils and establishing a national council of workers as part of a revolutionary constitutional political order.

The final chapter in this section analyzes Hannah Arendt's intellectual relation with Luxemburg's work, her critique of the American founding, and her proposal for establishing a council system. According to Arendt, the moment the founders focused on representation and neglected “to incorporate the township and the town-hall meeting into the Constitution,” the revolutionary spirit was lost, and government became mere administration.¹⁵ Arendt embraces the council system as an alternative form of government aimed at the continual reintroduction of freedom as action in a public realm dominated by administration. I argue that we should understand Arendt's proposal as a novel interpretation of the mixed constitution, one in which the division between the few and the many is replaced by that of *parties* dedicated to administration, and *councils* dedicated to political judgment.

In the third and final part of the book I survey the development of plebeian thought in the twenty-first century, its philosophical foundations and institutional proposals. In chapter 8 I analyze plebeianism as a political philosophy in the works of Martin Breugh and Jeffrey Green and then provide an in-depth analysis of two recent attempts at retrieving the mixed constitution and proposing institutional innovations by John McCormick and Lawrence Hamilton. I first engage with McCormick's proposals to revive the office of the Tribune of the Plebs and bring back plebeian power to exert extraordinary punishment against agents of corruption, and I argue that his radical republican interpretation of Machiavelli places class struggle, the threat of plutocracy, and the need for popular institutions to control the rich at the center of material constitutionalism. I then problematize the illiberal nature of his proposals and the legitimacy problems arising from lottery as mode of selection. The chapter then analyzes Hamilton's proposal to combine consulting

13. Marx, “Manifesto of the Communist Party” in *Marx and Engels Reader*, 470.

14. Luxemburg, “The Socialization of Labor,” in *Rosa Luxemburg Reader*, 343.

15. Arendt, *On Revolution*, 224.

participatory institutions with an “updated tribune of the plebs” and a plebeian electoral procedure and discusses the challenge of proliferating sites of popular participation and competing authorities arising in such a scheme.

Finally, in chapter 9 I make my own contribution to plebeian constitutional theory by proposing to constitutionalize popular power in a “plebeian branch” that is thought through Arendt’s model of parties and councils, incorporating features from the proposals establishing plebeian institutions analyzed in the previous sections. I first lay out a way to separate the few from the many that would in principle conform to the current liberal constitutional framework, and then I describe the two institutions that would make up the proposed plebeian branch: a network of primary assemblies with the power to initiate and veto or repeal any law, public policy, judicial decision, and appointment as well as to update the constitution, and a Tribunate office aimed at enforcing mandates coming out of the network of assemblies and fighting political corruption. To close this final chapter I offer a tentative juridical framework for this plebeian branch, which is meant to be incorporated into any existing representative democratic regime and is aimed at empowering plebeians—common people who enjoy only second-class citizenship within the current constitutional structure—as a more enduring solution to the systemic corruption of representative systems and the oligarchic domination that inevitably comes with it.

I close the book with an epilogue discussing possible scenarios in which plebeian power could be institutionalized from the point of view of revolutionary politics, and I argue that if—following Machiavelli, Condorcet, Luxemburg, and Arendt—the aim of revolution is liberty, which demands self-emancipatory political action, then revolutionary change—aimed at building the legal and material infrastructure for plebeian political power—could be achieved without the need of an outright revolution. The redistribution of political power could be done by revolutionary reformers within the boundaries of the Constitution or by the people themselves, claiming collective power and authority by disrupting the ordinary administration of power with their extraordinary political action in local assemblies.

1

Corruption as Political Decay

I BEGIN this book from the premise that liberal democracy, as any other political regime throughout history, is flawed and perfectible, a product of fallible human thinking. Of the many deficiencies of our current regime form, perhaps the most problematic is its inability to effectively combat corruption. According to Transparency International, corruption is a serious problem. In 2016 only two countries—Denmark and New Zealand—out of 176 states surveyed scored above percentile 90 (equivalent to an A in political cleanliness), and over two-thirds scored below 50 percent, which indicates that the majority of representative governments¹ suffer from “endemic corruption,” a kind of “systemic grand corruption [that] violates human rights, prevents sustainable development and fuels social exclusion.”² Even if the Corruption Perceptions Index attempts to explicitly account for *systemic* corruption—as opposed to mere cash for votes, *quid pro quo* corruption—the current definition of political corruption does not yet allow for an accurate measurement of its structural layer because it remains blind to the role procedures and political institutions play in fostering corruption through their normal functioning. In this chapter I argue that we are working with an imperfect, reductionist explanation of political corruption that, even if it allows for quantitative research and generalizations based on discreet observable variables, does not capture the broader, more intractable and pernicious form of systemic corruption that ancient and modern political thinkers wanted to avoid.

The predominant definition of corruption as “illegal actions concerning public officials” is narrower and departs in significant ways from the meaning that was attached to corruption in earlier periods of Western thought.³ Our

1. According to the *Democracy Index*, 69 percent of the 167 countries surveyed are considered a type of democracy (full, flawed, or hybrid).

2. *Corruption Perceptions Report 2016*.

3. Barcham, Hindess, and Larmour, *Corruption*, 8.

current understanding of political corruption is positivist and individualistic, which has served well the research model that became hegemonic in the social sciences in the 1990s, which demanded the development of concepts that could be easily measured and plugged into large N models. Corruption has thus been conveniently reduced to its most visible and clear expressions: illegal acts involving public officials (e.g., bribery, fraud, nepotism). But even if the reduction of political corruption to a discreet set of expressions serves the reliable measurement of the phenomenon, this account can be only partial since it is clear that political corruption is a slow-moving process, where meaningful change in the dependent and independent variables occurs only over the long run, tending then, in practice, to fall off the radar within this type of quantitative methodology.⁴

Despite a recent renewed empirical interest in systemic corruption and the most effective ways to counter it,⁵ the concept is yet to be adequately defined and understood. The bulk of research on corruption is policy oriented, aimed at ameliorating the negative economic consequences associated with corruption, especially in the developing world.⁶ “Corruption is thus presented as if it were a matter of misconduct on the part of public officials who are seen, especially in poor countries, as pursuing their own private interests and likely to act corruptly in return for money and other favours, thereby undermining economic development.”⁷

In conformity with the individualistic model that undergirds the current conception of corruption but acknowledging the limitations of analyzing corruption only through its narrow definition, the different organisms aimed at combating corruption have relied on individuals’ *perception* of corruption as a way to complement the tallying of individual illegal acts as a proxy for the rate of corruption in society. This is of course very problematic. If there is no working definition of corruption beyond the legal, on what evidence are respondents of these surveys basing their perceptions? Corruption conceived in this way is guilty of moral relativism and legal positivism because it does not consider an independent standard to judge the law and thus could even end up legalizing the most prominent means of corruption (e.g., campaign finance, donations, lobby).⁸ In our current juridical conception of corruption, for example, there is no way to account for *legal* corruption, for laws and

4. Pierson, “Big, Slow-Moving, and . . . Invisible.”

5. Johnston, *Syndromes of Corruption*; Mungiu-Pippidi, *Quest for Good Governance*.

6. Rose-Ackerman and Palifka, *Corruption and Government*.

7. Barcham, Hindess, and Larmour, *Corruption*, 3.

8. While lobbying was illegal for much of US history, today it dominates politics. For a historical account, see Teachout, *Corruption in America*.

policies that promote the interests of a few against the common good, what the ancients would understand as the gradual decay of good government.

The few attempts at engaging with the concept at a theoretical level fall short of fully conceiving the fundamentally systemic nature of political corruption,⁹ or adequately grounding it on intellectual history and its contexts,¹⁰ and thus these attempts are potentially liable to anachronism through what Quentin Skinner has identified as “mythologies of doctrines.”¹¹ This chapter contributes to this emerging literature by providing a contextualized theoretical analysis of a type of political corruption that seems a systemic feature of all constitutional popular governments. Systemic corruption, which encompasses structural forms of corruption such as legal and institutional corruption, not only is different from the actor-based meanings of the term—the bending and breaking of the law by a clan or class for their own benefit, or the buying of political influences by private interest¹²—but also differs from definitions of corruption as the undermining of the rule of law.¹³ Systemic corruption is a term that seems to directly address the nature of the superstructure itself, and not the manipulation or dismantling of a structure that is seen as the normative ground for neutrality.

Systemic Political Corruption in Ancient Thought

Even though today we associate corruption with illegal action, the etymological origin of the word has a far more complex meaning. The Greek ancestor of the word *corruption* has been traced to *phthora* (φθορά), which meant destruction, decay, and “passing away” as correlative to genesis—the beginning of a process.¹⁴ While in early pre-Socratic texts the word was used only to denote

9. DeLeon, *Thinking about Political Corruption*; Heywood, *Political Corruption*; Thompson, *Ethics in Congress*.

10. See Patrick Dobel’s gathering of “scattered insights” by Thucydides, Plato, Aristotle, Machiavelli, and Rousseau in “Corruption of a State.” A notable exception is *An Intellectual History of Political Corruption*, edited by Lisa Hill and Bruce Buchan, even if it centers on tracing the current individual, juridical concept of corruption, devoting only a few pages to systemic corruption.

11. Coherence, prolepsis, and parochialism. Skinner, “Meaning and Understanding in the History of Ideas.”

12. In his taxonomy of corruption Michael Johnston identified the corruption of “influence markets,” in which private interests seek political influence, as the most pervasive in advanced market democracies. *Syndromes of Corruption*.

13. See for example Rothstein, *Quality of Government*.

14. Peters, *Greek Philosophical Terms*, 158.

the moral degradation of women and youth, and the ruining of crops from bad weather, the concept appears to acquire a decisively abstract meaning in the sixth century BC. The theoretical conception of *phthora* was first developed, according to Aristotle, by Thales of Miletus, the founder of the school of philosophy that studies unchangeable elements in nature, principles that are “neither generated nor destroyed, but persist eternally.”¹⁵ The Physicists—as Aristotle called this school of thought—attempted to understand how plurality in the cosmos could be generated from matter as a “single underlying substance.” Anaximander argued matter was governed by a “diversifying antithesis” in which matter is constantly being generated through “condensation and rarefaction,” and that *phthora* was the natural process through which things returned to the original, indefinite principle.¹⁶ Empedocles and Anaxagoras assigned a direction to this *poietic* process of generation. While for Empedocles generation of matter was circular, always coming back to its starting point, for Anaxagoras this movement was spiral, never repeating itself.¹⁷

The concept of corruption acquired a political meaning when it was first attached to the constitution of the state by Plato, and then furthered analyzed by Aristotle in the *Politics*—work explicitly dedicated to the analysis of the corruption (*φθορά*) and preservation of constitutions. I would argue both authors developed their conception of corruption responding to their own sociopolitical context, and thus we should analyze their ideas on political corruption as inherently tied to a stable democratic regime in a diminished, post-imperial Athens. Through a contextual analysis of their ideas, in what follows I show that while for Plato the source of corruption in democracy was the constitutive principle of liberty, which gradually eroded hierarchies and rule, for Aristotle corruption sprang from the full realization of the principle of equal share in government.

Since the series of constitutional reforms begun by Cleisthenes (508/7 BC) based on the principle of *isonomia* (*ἰσονομία*), right up to Pericles’s prodemocratic policies, the popular sectors in ancient Athens were gradually empowered until acquiring preeminence. By the fourth century almost all magistrates were selected by lottery from a broad pool of citizens¹⁸ who enjoyed *isegoria* (*ἰσηγορία*)—the equal right to speak to the assembly—and were paid by the

15. Air, water, earth, and fire. Aristotle, *Metaphysics*, 984a.

16. Simplicius, *Commentary on Aristotle’s Physics*, 24.13–21.

17. Aristotle, *Physics*, I.IV, 187a.

18. Even wage laborers, *thêtes*, could become officeholders. Aristotle, “On the Constitution of Athens,” 7.4. See also Ober, *Mass and Elite*, 80.

state to exercise political power.¹⁹ The empowerment of nonelite citizens came hand in hand with Athens's increased naval power and state revenue, and with the diminishing of the elite's institutional power. While during the golden years of Athens the increased participation of the masses in political power was financed through colonial tributes and high production of state silver mines, after Athens lost its empire and the production of mines begun to decrease, equal share in government was mostly financed through direct taxation on the leisured classes, whose political influence decreased especially after the aristocratic Areopagus was stripped of its veto power.²⁰

An Athenian citizen of high status, Plato came of age in the midst of the Peloponnesian War (431–404 BC), in which Athens was ultimately defeated, and the longtime-brewing 411 oligarchic coup.²¹ He also witnessed the execution of his mentor, Socrates, condemned to death by the Athenian assembly for corrupting the youth and religion. Pay for assembly goers and jurors, and the establishment of the *nomothetai* (νομοθέται) selected by lot,²² had effectively made the popular sectors the judges of behavior and the interpreters of law, and in Plato's eyes the death of Socrates came to evidence the hubris the multitude was capable of when drunk with liberty. *Dēmokratiā* was certainly not a perfect form of government, and its consolidation (or radicalization) was seen by Plato as only one more phase in the relentless decay of political organizations. In *The Republic* he envisioned the best form of government as that of the philosopher-kings, an aristocracy of the guardians of virtue, who are able to organize society in the best way possible because they lack a stake in it; in *Kallipolis* guardians would live communally, separated from other classes and barred from owning property. However, even this seemingly perfect constitution maintained by the most virtuous elite would not be able to escape corruption, because “*phthora* (φθορά) awaits everything that has come to be, [and] even a foundation of this kind will not survive for the whole of time.”²³

Even if in later writings Plato further explores *phthora* only as a process of degradation that is proper to *physis*, since there is no strict separation between the natural and the political in his thought, this process of decay would also

19. Citizens were paid for exercising all three functions of state power: judging, lawmaking, and making and executing decisions. Ober, *Mass and Elite*, 53–103.

20. Ephialtes's reforms in 462 undermined the elite's power to preserve the status quo through vetoing “unconstitutional” decisions by the Assembly. Ober, *Mass and Elite*, 77.

21. Thucydides, *History of the Peloponnesian War*, 8.45–98.

22. A sort of popular constitutional tribunal aimed at protecting democracy. Hansen, *Athenian Democracy*, chapter 7.

23. Plato, *Republic*, 546a; Plato, *Laws*, 894a.

by the opposition implied in the “coming into being” of a thing; each thing has a principle (or mixture of them), and it is its realization that brings about corruption. Everything begins to corrupt the moment it is fully realized, and *metabole* occurs when that realization is fully negated.

Since “all things arose out of what existed, and so must be there already,”³² according to Aristotle every political constitution would have constitutive principles that would become fully realized, enabling its demise. The degree of corruption of constitutions would relate to the movement within its extremes. Following this idea, Aristotle conceived of three good constitutions (kingship, aristocracy, and *politeia*) based on the nature of the sovereign (one, few, or many) and their final cause (ruling for the common interest, *eudaimonia*), and their corresponding perverted forms brought about by corruption (tyranny, oligarchy, and democracy) aimed not at advancing the common good but at satisfying the personal interests of the rulers.³³ There is much debate about the fundamental feature of the ideal *politeia* in Aristotle’s thought. While some define *politeia* as a combination of democracy and oligarchy, and thus a mixed government in which the interest of the few and the many keep each other in check,³⁴ others emphasize its “constitutional” character given that the ultimate authority would reside on fundamental law and not on the will of the majority.³⁵ I would argue these interpretations are not mutually exclusive.

As Aristotle described in “On the Constitution of Athens” and the *Politics*, Athenian democracy during his time corresponded to the most extreme and corrupt form of democracy—the absolute rule of the many for their own benefit. In his classification of regimes, he identified four types of democracy based on the social basis of the sovereign, the degree of participation in government, and the supremacy of the law. The first three types of democracy, in which the masses share equally in constitutional rights but are unable, because of material constraints, to actually exercise their sovereign power, the rule of law is supreme and thus Aristotle considered them “good,” constitutional forms of government. The fourth type of democracy, however, which he identifies with the Athenian democracy of his time, is inherently corrupt since the “mass of the poor,” thanks to a system of state-payment for attending the assembly, are “the sovereign power instead of the law.”³⁶ This extreme form of

32. *Ibid.*, I.iv, 187b.

33. Aristotle, *Politics*, III. vii, §2.

34. Pasquino, “Classifying Constitutions.”

35. Castiglione, “Political Theory of the Constitution.”

36. Aristotle, *Politics*, IV.vi §§2–6.

democracy, as it were, is brought about by “leaders of the demagogue type,” who arrive precisely because decrees and not laws are sovereign, enabling the transformation of the sovereign *demos* into a type of despotic autocrat.³⁷ This form of government has no proper constitution, since the people are sovereign in all matters,³⁸ and are easily influenced by demagogues who have no official position other than the one conferred by the contingent favor of the masses. Demagogues educate the poor on how to advance their own interests, increasing their power³⁹ and thus are the agents of corruption, enabling interest to be made into law. The full realization of an equal share in government appears then to inevitably produce regime change since such a system, in which “everything is managed merely by decrees, is not even a democracy.”⁴⁰

In Aristotle’s particular account of the history of Athens, demagoguery had plagued the state since the rise of Pericles, who not only “took powers away from the Areopagites” but also “impelled the state toward naval power [and] as a result of this power it befell that the masses took confidence and began in greater degree to draw the whole constitution into their hands.”⁴¹ Thus, departing from Thucydides’s account of Athenian history, which puts total control of government in the masses *after* Pericles’s death in 429 BC, Aristotle argues that the extreme form of democracy had begun three decades earlier with the reforms of the Areopagus, which enabled a regime change (*metabole*).⁴² While the absolute liberty the assembly gained after the last aristocratic constraints were removed would mark the beginning of regime change, the complete realization of democracy occurs only when the principle of equal access to political power is fully materialized.

Even though a corrupt state implies for Aristotle a loss of virtue by both rulers and common citizens, he is very clear that virtue depends on the appropriate legal structure to thrive. Because virtue is not natural to human beings, but needs to be acquired by habit and action, the degree of virtue and corruption in the polis is determined by the law and its effects on the members

37. *Ibid.*, IV.vi §§25–31.

38. Aristotle’s argument stands against the codification of law at the turn of the century and the establishment of the *nomothetai* as a constitutional tribunal. See Hansen, *Athenian Democracy*.

39. Aristotle, *Politics*, IV.iv §§26–30.

40. *Ibid.*, IV.iv §§30.

41. Aristotle, “On the Constitution of Athens,” 27.1.

42. This interpretation appears based not on de jure modifications, but on de facto changes, evidencing for Aristotle a change in the spirit of democracy. Day and Chambers, *Aristotle’s History of Athenian Democracy*, 140.

of the state.⁴³ In Aristotle's account, good character—desire in accord with right reason—cannot exist without habituation. Moral virtue is difficult to acquire because it is concerned with pleasures and pains, the discipline of the appetites, and the internalization of social norms. Therefore, the right habituation must be learned from others and exercised constantly to create a sort of second, moral nature:

For pleasure causes us to do base actions, and pain causes us to abstain from fine ones. That is why we need to have had the appropriate upbringing—right from early youth, as Plato says—to make us find enjoyment or pain in the right things; for this is the correct education.⁴⁴

At the political level, it is the legislator who, grasping the principles of the common good, creates a constitution that can make “the citizens good by habituating them.”⁴⁵ Good laws make good citizens by providing them with the principles of virtuous action, the form to which they should shape their character; the legal framework materializes the universal principles guiding action toward the common good, providing both the limits and the opportunities to engage in virtuous action. The same can be said for corrupt action (preferring individual/sectional interest against that of the polis), as being enabled by the legal structure, with the crucial difference that corruption is a natural tendency that will exist regardless of laws. Therefore, each regime needs to habituate its citizens appropriately through good laws aimed at fostering moral and civic virtue against relentless, unavoidable corruption. If a regime fails to do this and laws become inadequate, allowing and even fostering greed and the thirst for domination in the sovereign, citizens become habituated in this way, and the polis inevitably becomes a corrupt state. Democracy as absolute, unconstrained rule by the people, a form of government effectively lacking a constitution as higher law, is thus for Aristotle inherently corrupt.

Despite their different theories of constitutions, both Plato and Aristotle agree that political corruption occurs in pure regimes because of a loss of virtue in the sovereign body when personal interests take the place of the common good as the final cause of government. If viewed from the second law of thermodynamics, the process of political corruption as *phthora* could be conceived as the natural increase of entropy generated by the pursuit of individual/sectional interest against the common good within a given constitutional framework. This loss of virtue in the ruling body would mark the beginning of

43. Aristotle, *Nicomachean Ethics*, II.1.

44. *Ibid.*, II.3.

45. *Ibid.*, II.1.

the end of a given good constitution, if no constant or episodic external “work” is applied to it to counteract the thrust of actions aimed at the satisfaction of partial interests. Moreover, because corruption and the increase of entropy inevitably produce a change of nature and thus an effective modification of the constitution of the state, the quest for virtue is connected to the idea of *preservation against corruption*.

Aristotle aims at counteracting corruption by proposing as the best form of government one based on a mixture of natures and principles, in which both the few and the many share in government, and the majority of citizens are part of the middle classes. Aristotle’s *politeia* is a constitutional direct democracy in which “the masses govern the state with a view to the common interest,”⁴⁶ and the masses are composed mainly of the middle classes, who possess “moderate and adequate property.”⁴⁷ This best “practicable” constitution—an intermediate regime between the extremes of oligarchy and democracy—would successfully combine qualifications of wealth and legal equality because the middle classes—the majority after the exclusion of the poor—would effectively control government.

The *politeia* being a mixture of constitutions and thus in an intermediate position, one could argue that, following Aristotle’s ideas on corruption, the *politeia* as an ideal type could become corrupt by tending either to oligarchy or to democracy. However, like Plato, he entertains only a corrupting tendency toward democracy, even if from his ideas of the nature of things it is clear that things that are in intermediate positions inevitably drift toward either of the extremes that define them. The same way a *politeia* would suffer *metabole* if the principle of equal share in government were fully realized, were the principle of oligarchy—inequality based on wealth, status, knowledge—to become predominant and driven to its extreme—with a handful of people owning most of the property—the *politeia* would inevitably undergo a regime change into a oligarchy, a regime “analogous to the last form of democracy” in which the sovereign is unbound to seek its own advantage, “closely akin to the personal rule of a monarch.”⁴⁸

Extending Aristotle’s taxonomy of good and deviant constitutions, and combining it with Empedocles’s cosmological theory of cyclical change,⁴⁹ the Greek historian Polybius, who documented the rise of the Roman republic from 264 to 146 BC, articulated a “cycle of political revolution, the course

46. Aristotle, *Politics*, III.vii §3.

47. *Ibid.*, IV.xi §§10–1.

48. *Ibid.*, IV.vi §§7–11.

49. See Tromp, *Idea of Historical Recurrence in Western Thought*.

appointed by nature in which constitutions change, disappear, and finally return to the point from which they started.”⁵⁰ According to his *anacyclosis*, pure regimes, starting from the best one—kinship then aristocracy and finally democracy—are bound to degenerate into their deviant forms, until the tyranny of the many establishes the rule of violence, and the people “degenerate again into perfect savages and find once more a master and monarch.”⁵¹ For Polybius corruption is inevitable in pure regime forms,

just as rust in the case of iron and wood-worms and ship-worms in the case of timber are inbred pests, and these substances, even though they escape all external injury, fall a prey to the evils engendered in them, so each constitution has a vice engendered in it and inseparable from it.⁵²

Following Aristotle, he argues that only mixture can stave off corruption. However, instead of combining the worse two regime types as Aristotle did, following the example of the Spartan lawgiver Lycurgus, Polybius argues that we must regard as the best constitution a combination of the three best forms of government—kinship, aristocracy, and democracy—which he conceived as forms of *limited* government. While the king’s actions were bounded by rational principles, and aristocratic rule was limited by the morality and wisdom of the few selected to administrate public affairs, democracy was the regime in which majority decision prevailed within a traditional framework of popular obedience to the dictates of religion, elders, and civil laws.⁵³

The Roman constitution was of a mixed nature because it institutionalized these three sources of authority, which shared “in the control of the Roman state.”⁵⁴ While the consuls exercised authority in Rome over all public affairs, the Senate exerted control over the republic’s finances and public works, in addition to dispatching embassies and declaring war, and giving advice to magistrates.⁵⁵ The people, on the other hand, through the Plebeian Council⁵⁶ and the Tribunate, had the “right to confer honors and inflict punishment,” especially on individuals who had held public office, and the power of approving or rejecting laws and ratifying issues related to war and peace.⁵⁷ These three

50. Polybius, *Histories*, VI.9.

51. *Ibid.*

52. *Ibid.*, VI.10.

53. *Ibid.*, VI.4.

54. *Ibid.*, VI.2 and 5.

55. Advice that was generally followed. *Ibid.*, VI.12–13.

56. *Concilium Plebis*.

57. *Ibid.*, VI.14.

Ciceronian-scholastic humanist legacy—according to which political corruption is reduced to individual vicious actions—that our current juridical conception of corruption is grounded.⁶⁶

A crucial challenge to the scholastic view of political corruption centered on individual virtue came from a “civic” strand of humanist thinkers from the Italian city-states being threatened by papacy and empire in the fourteenth and fifteenth centuries. Reintroducing ancient Roman political values, this humanist tradition brought to the fore the political concept of liberty as connected to civic virtue and good, popular government,⁶⁷ and it put corruption as an evil in need of permanent contention in their proposed constitutional designs. Even if Machiavelli was not the first thinker of the Renaissance to focus on the role of corruption in politics, according to Skinner he reveals a “heightened awareness of the problem, and devote[s] an unprecedented amount of attention to the investigation of its causes.”⁶⁸ By challenging humanists’ virtue ethics and their support for the rule by an educated elite as the best form of government, Machiavelli proposes a structural understanding of corruption that puts the burden of good government on institutions, laws, and procedures rather than individual actions by the ruling elite. While “virtue-ethics” humanists saw virtue in the ruling class as the key to good government,⁶⁹ for Machiavelli, republican liberty was the result of good laws, which are themselves the product of the institutional conflict between the few and the many.⁷⁰

Machiavelli’s preoccupation with political corruption was embedded in the extraordinary democratic experiment of the republic of Florence, which began in 1494 with the establishment of the Great Council, a form of direct democracy that allowed for extensive citizen participation in legislative, electoral, and judicial authority within the republic. Despite the extensive powers of the Council, the republic remained effectively dependent on the financial oligarchy because of its reliance on mercenary armies that were paid by an extraordinary system of public debt. According to Jérémy Barthes, as secretary and second chancellor of the republic, Machiavelli saw as his central task to liberate the republic from the grip of the financial oligarchy through the introduction of a project of mass conscription, an “ordinary and socialized mode of defense” that would establish the autonomy of the republic of Florence from the

66. Hill and Buchan, *Intellectual History*. I disagree fundamentally with their interpretation of Machiavelli’s approach to corruption.

67. Skinner, *Foundations*, 6–12.

68. *Ibid.*, 166.

69. Hankins, “Machiavelli, Civic Humanism, and the Humanist Politics of Virtue,” 102.

70. Machiavelli, *The Prince*, IX; *Discourses*, I.4, in *Machiavelli Chief Works*.

financial power of the *grandi*.⁷¹ I argue Machiavelli's conception of corruption needs to be understood as connected to this constant threat of oligarchic power, and thus his constitutional proposals should be analyzed as socialized modes of defense against the relentless force of political decay.

Following the Aristotelian definition of political corruption as the favoring of individual interests instead of the common good, in *Florentine Histories* Machiavelli defines a corrupt state as the one in which "laws and ordinances, peace, wars, and treaties are adopted and pursued, not for the public good, not for the common glory of the state, but for the convenience or advantage of a few individuals."⁷² Since for Machiavelli men are by nature wicked and fickle, prone to breaking the rules "at every chance for their own profit,"⁷³ every form of government has a natural tendency toward corruption. Even though a good foundation can counteract this egotistic inclination, it does not eliminate it, so the degeneration of political rule is a constant threat that needs to be averted through extraordinary measures.⁷⁴

In his analysis of corruption, Machiavelli distinguishes three interrelated elements: matter, form, and method. In a city the matter is constituted by the citizens, the form by the laws, and the methods by the rules and procedures for selecting magistrates and making laws.⁷⁵ Even if Machiavelli certainly denounces "gifts" and "promises" as frequent means to corrupt individuals,⁷⁶ and agrees with Cicero that a corrupt government necessarily entails corrupt mores, his conception of corruption is decisively institutional, and his analysis thus focuses on the rules and procedures that enable citizens to exert domination. For Machiavelli the corrupting process does not begin in the *matter* (governed in part by the unavoidable egoistic tendencies of individuals) but on the *form* restraining individual interest and the *methods* by which rulers are selected. Individual interest is a force permanently trying to unduly influence government but succeeding, and thus effectively corrupting the republic, only if laws and methods are flawed and liberty's scaffolding is already being slowly dismantled from within. According to Machiavelli, "an evil-disposed citizen cannot effect any changes for the worse in a republic, unless it be already corrupt."⁷⁷

71. Barthas, "Machiavelli, the Republic, and the Financial Crisis," 273.

72. Machiavelli, *Florentine Histories*, IV.6, in *Machiavelli Chief Works*.

73. Machiavelli, *The Prince*, XVI.

74. For Machiavelli on dictatorship as the ordinary method to deal with extraordinary circumstances, see Geuna, "Extraordinary Accidents."

75. Machiavelli, *Discourses*, I.18.

76. *Ibid.*, I.40; Machiavelli, *The Description*, in *Machiavelli Chief Works*.

77. Machiavelli, *Discourses*, III.8.

For Machiavelli good laws promote civic virtue, and bad laws enable general corruption. Throughout his writings he identifies two types of corrupting norms promoting two forms of evil: license and socioeconomic inequality. Referring to the case of Scipio—"that most excellent man, not only of his own times but within the memory of man, against whom, nevertheless, his army rebelled in Spain"⁷⁸—Machiavelli makes the case that norms allowing for increased license bring ruin even to the most glorious men and institutions. Scipio was called "the corrupter of the Roman soldiery" because he was too lenient and "gave his soldiers more license than is consistent with military discipline,"⁷⁹ which encouraged them to become unruly.⁸⁰ And the same way that good, disciplined soldiers became bad and rowdy through the lifting of restraints to their behavior, the general corruption of mores is allowed to begin when "the laws that restrained the citizens . . . were changed according as the citizens from one day to another became more and more corrupt."⁸¹

In addition to promoting moral license and undermining virtue, laws play a key role in allowing for inequality, which ultimately makes the protection of liberty and the republican project impossible. Because republics need relative equality to exist—great inequality produces princedom, relative equality is conducive to republican rule⁸²—if laws allow for accumulation of wealth in the hands of a few and the destitution of the majority, the gradual transition from good government into a corrupt one is inevitable. Because Machiavelli sees the republic as a type of political organization that is inherently tied to the socioeconomic structure of society, republican liberty demands that citizens live in *relative* equality, in a correspondence based on individual labor and frugality. For him lords (*gentiloumini*) "who without working live in luxury on the returns from their landed possessions" are dangerous for any republic; they are the beginners of "corruption and the causes of all evil."⁸³

But even if Machiavelli strongly denounces wealthy elites and their great influence as "the cause of states being reduced to servitude,"⁸⁴ he also acknowledges that a "republic that has no distinguished citizens cannot be well governed"⁸⁵ and that it is the job of the institutions of the state to adequately

78. Machiavelli, *The Prince*, XVII.

79. *Ibid.*, XVII.

80. For further analysis on Scipio, see McCormick, "Machiavelli's Inglorious Tyrants."

81. Machiavelli, *Discourses*, III.18.

82. *Ibid.*, I.55. For further analysis of the relation between inequality and constitutions in Machiavelli, see McCormick, "Keep the Public Rich, but the Citizens Poor."

83. Machiavelli, *Discourses*, I.55.

84. *Ibid.*, I.55; III.18.

85. *Ibid.*, III.28.

channel individual interest for the benefit of the republic. Bad laws enable undue influence on government from “fatal families” and the division of society into factions that “will strive by every means of corruption to secure friends and supporters” in order to satisfy their interests.⁸⁶ Good laws, on the other hand, establish necessity and duty to create virtuous citizens and make sure the influence of wealth “is kept within proper limits”⁸⁷ by prohibiting the legal ability to command enormous fortunes, castles, and subjects.⁸⁸ Anticorruption laws putting limits to the command of wealth and patronage are thus essential to preserving a good constitutional form.

Even though in Machiavelli’s theory fundamental laws make good citizens⁸⁹ by establishing appropriate limits, rights, and duties, it is for him on the *methods* that the burden of the maintenance of the constitution and the virtue of the citizens appears to be finally placed. Because human affairs are in constant flux, and the matter is not homogenous but composed of two opposing humors (the desire to oppress and to be left alone), there is a dynamic relation between form and matter, laws and men. Therefore, the methods regulating the creation of law and the exercise of power, the procedures allowing for the institutional balance between the elite and the people, are crucial. Good laws are not enough to shape good citizens and keep corruption at bay; an appropriate method of allocating political power and the management of state rule—good procedures aimed at nondomination—is also necessary. It is at this point in his analysis that Machiavelli criticizes, as vehicles for corruption, what are the two most fundamental elements of our current liberal representative systems: elections and free speech.

Using as an example the Roman republic, Machiavelli describes how corruption derived from inequality at the political level ultimately undermined the constitutional order. The procedures for the selection of magistrates, based on voluntary candidacy, and the right to propose legislation and speak in the assembly, even though they were in the beginning good, allowing for the most able to become magistrates and for “each one who thinks of something of benefit to the public” to have the right to propose it,⁹⁰ were the means through which corruption crept into the political system, undermining liberty:

86. *Ibid.*, III.27.

87. *Ibid.*, I.1.

88. Even though Machiavelli refers to the German citizens, who if they get gentlemen “into their hands, they put them to death,” he does not want to bring equality by murdering the rich, but by adopting laws to curb inequality. *Discourses*, I.55.

89. Machiavelli, *Discourses*, I.3.

90. *Ibid.*, I.18.

Such a basic custom became bad, because only the powerful proposed laws, not for the common liberty but for their own power, and for fear of such men no one dared to speak against those laws. Thus the people were either deceived or forced into decreeing their own ruin.⁹¹

While the procedure of election, based on the political equality to compete for office, brought corruption through the self-selection of candidates, the right to speak in the assembly, what for Athenian democracy constituted the fundamental principle of *isegoria*, became the vehicle through which the powerful imposed their values and ideas on the many, forcing their consent. The rights to election and political speech, at least as they were originally conceived, were thus the mediums through which corruption through hegemony⁹² was imposed, creating a state in which the many chose and decreed their own ruin, undermined their actual power, and destroyed the republic. Consequently, for Machiavelli it is when the grandi dominate the popolo based on their own (forced) consent, by creating through deed and speech a narrative of their worldview that is gradually accepted as legitimate, that the matter is corrupted and laws are not enough to maintain liberty. In other words, when socioeconomic inequalities permeate the political process and laws are consistently being made (or not approved) for the interest of the few, amid generalized complacency, universal corruption ends up transforming the republic into a tyrannical government. This gradual corruption of the republic into oligarchy happens then not despite institutions and procedures but enabled by them.

At least two lessons are to be learned from what Machiavelli discovered in the examples of the ancients: that neither the matter nor the form is inherently virtuous, and that even if the matter has been made good through an original virtuous form, the form is not enough to keep citizens good when corruption has been introduced through legitimate political methods and has become pervasive. Moreover, when the matter is corrupt, the form and the methods do *nothing more* than foster corruption, and republics increasingly drift into an oligarchy of consent through the natural functioning of their methods.

Institutional Corruption and Corrupting Dependence

As seen from a *longue durée* perspective, it is clear that the concept of political corruption was meant to account for a systemic phenomenon, a layer of great explanatory value that was almost entirely dropped from theoretical analysis

91. *Ibid.*

92. "The ideas of the ruling class are in every epoch the ruling ideas . . . nothing more than the ideal expression of the dominant material relationships." Marx, "German Ideology," 172.

which is neither coherent with the radical immanence of Machiavelli's thought nor conducive to a republican critique of corruption in liberal democracies, serving more as "dynamite than foundation"⁹⁹ for reformers aimed at addressing the threat of oligarchy.

Even if in Pocock's interpretation of Machiavelli political corruption is an "irreversible, one-way process"¹⁰⁰ of moral decay, and thus it is the degeneration of customs and mores that renders the constitutional framework ineffective to reactivate civic virtue, it is Skinner who decisively positions corruption within the current liberal, juridical paradigm. As Amanda Maher shows in her critique of Skinner's interpretation of Machiavelli, his humanist reading of the Florentine secretary coupled with his project to combine civic participation and negative liberty obscured the "sociological foundations of political corruption in Machiavelli's republicanism."¹⁰¹ Skinner reduces corruption to a sinful disposition, to being unable "to devote one's energies to the common good,"¹⁰² "a failure of rationality"¹⁰³ that can be best counteracted by promoting civic virtue and a sense of patriotism in the citizenry. Even if he acknowledges both the role of institutions in fostering virtue through participation and the connection between corruption and the capture of the state by oligarchs, like Cicero, Skinner puts the burden of liberty on the virtue of individual citizens instead of on institutions, procedures, and material conditions. Because he detaches this "ineptitude for a free way of life"¹⁰⁴ from its fundamental cause—inequality—in his analysis Skinner is unable to account for the structural conditions that determine individuals' public spirit incompetence.

Systematizing Skinner's interpretation of Machiavelli, Philip Pettit put forward a theory of republicanism based on the conceptualization of republican liberty as the lack of arbitrary interference. Despite Pettit's important contribution to the decoupling of domination from interference—broadening the conception of negative liberty to account for domination even in the absence of interference—his conception of corruption is even further removed from Machiavelli's than those of Pocock and Skinner are. In reducing domination to arbitrary power, Pettit is unable to escape laws and procedures as parameters for arbitrariness and legitimacy, and thus his theory of liberty as nondomination creates a problem of endogeneity with respect to corruption. If domination is defined by arbitrary power, and what is considered arbitrary is

99. Sparling, "Concept of Corruption," 170.

100. Pocock, *Machiavellian Moment*, 211.

101. Maher, "What Skinner Misses," 1005.

102. Skinner, *Foundations*, 164.

103. Skinner, "Republican Ideal of Political Liberty," 304.

104. Skinner, *Foundations*, 166.