

Corruption*
David Schmitz

This essay works toward an anatomy of corruption. Section I discusses the corrupting influence of concentrated as opposed to dispersed power. Section II argues that although greed may be the paradigmatically rotten motive, it is but one among several corrupting vices. One general cost of rotten motives, Section II concludes, is a loss of self-awareness. Section III argues that this loss of self-awareness can afflict organizations as well as individual persons, and for an oddly similar reason: the downfall of many an institution involves internal corruption that leads to a loss of any sense of mission on the part of the organization, such that a corporation qua *agent* falls apart. Section IV argues that there is a wrong way of striving to avoid this loss of self-awareness and maintain unified corporate agency: namely, by grasping for ever more concentrated top-down power. In general, nothing good comes from concentrating power at the top, because it treats as spectators or pawns those agents on the ground who need to play, and play well, if a society is to prosper. Section V closes by articulating an implicit contrast between goals of justice and of conflict resolution. We have compelling reason to treat the latter, not the former, as the first virtue of social institutions. Otherwise, in the name of justice, we systematically give our leaders more power than we properly can afford.

I. CONCENTRATED POWER: THE CURE THAT *IS* THE DISEASE

Which social arrangements have a history of fostering progress and prosperity? One quick answer, falsely attributed to Adam Smith, holds that we are guided as if by an invisible hand to do what builds the wealth of nations. A more sober answer, closer to what Smith said and believed, is that *if* we have the right framework of rules—plus decent officiating—steering us away from buying and selling monopoly privileges and toward being valuable to the people around us, we indeed will be part of the engine that drives human progress and the wealth of nations.¹

However, to have a rule of law framework within which markets can grow a healthy nation, officials must exercise oversight. Officials not only enforce rules, but must also interpret, amend, and so on. Smith saw this, and perceived a further, chronically tragic reality: namely, this power to oversee markets is what crony capitalists are buying and selling.

Smith's observation changes everything. Imagine concentrated power in the hands of the

worst ruler in living memory. Now, assume what you know all too well: namely, concentrated power actually does fall into the hands of people like that. As a preliminary, then, when formulating theories about what is politically ideal, we can ask two questions. We can ask, “Ideally, how much power would be wielded by people like *that*?” Or we can ask, “Ideally, how much power would be wielded by ideal rulers?” Which of these genuinely is a question about the human condition? Can political philosophy answer the one that *needs* answering?

Why isn't it trying?

Concentrating Power

Robert Frank finds it baffling that anyone would reject modest redistribution from rich to poor.² Frank starts by seeing the pie, and by knowing how he wants to slice it. But if we were to start instead by seeing that power corrupts, we in turn would find it baffling that Frank so casually endorses *creating the power* to redistribute from rich to poor.

Everyone should deplore the creation of such power when it will be used to redistribute not from rich to poor but from poor to rich (more precisely, from those who have less control over the political process to rich cronies who have more). We want officials to have power to pursue our agenda, but wanting this too much has made us gullible.

What should we infer from the premise that officials, when given such power, use it to pursue their own agenda, not ours? I infer this: we should be skeptical of conceptions of justice that make it seem like we should invest enormous power in the sort of people who most *covet* enormous power. Power to ensure what we call justice is power to inflict a gusher of injustice.

Is There an Alternative?

Does that leave political philosophy at a loss? One theoretical bottom line is this. The fact that power corrupts bears on how much power we have reason to want there to be. When we ask how much good an ideal ruler could do with absolute power, we obscure this. We are working on an idealized problem, and gravitating toward endorsing as much power as it takes to realize our vision of true justice. Yet, among actual corruptible human beings, we ought to regard the raw power to ram visions of justice down people's throats as the paradigm of what true justice forbids. The concentrated power to ram through what we call justice is not a kind of power that merits endorsement in the actual corruptible world. So, what else is there? Is there any power

that is not a license to dominate, subjugate, or otherwise treat subjects of that power like pawns? Is there any power that would not corrupt?

I see one decent—if neither original nor fully satisfactory—answer. Powers that define liberal equal citizenship (rights to say no, rights to exit, constitutional limits on executive power) are as innocuous as power can be. These are the powers that *limit* rather than extend the reach of those who treat us as pawns. Arguably, these are powers worth endorsing. Such power as they embody is inherently dispersed rather than concentrated.

The constitutional part of constitutional democracy is the part that enshrines these powers. Therefore, the constitutional part of democracy is also the liberal part, when there is a liberal part. Democracy is premised on a core of individual rights not subject to the whim of a shifting majority. We are not a democracy unless some things are off the table. The winning party does not by virtue of its win get to call a vote on whether the minority party should permanently lose the right to vote. In a liberal democracy, citizens can count on their status as citizens not being up for grabs every time someone is in a position to bring a motion to a vote.

You *bind* legislators because you don't want legislatures to be where the action is. Living in a free country involves letting the rules settle down and become a framework of mutual expectations around which real players make plans and in which real players make the moves that ultimately lift their communities to the next stage of human progress. To the extent that legislators become players, citizens become spectators to decisions that shape their lives. The right to say no to that logic is as liberal a right as there is.

Montesquieu and America's founders concluded that dispersed power was less corrupting than concentrated power. They sought to create a system of divided sovereignty, backed up by a free press, so that no ruler would rule with impunity simply by executive order. The idea was functional enough to blow the ceiling off the human condition as we knew it in the early 1700's.

At the same time, there is a factual limit on how concentrated power can be. As a hierarchy grows, it adds layers of internal complexity, resulting in a proliferation of corruptible middle managers and local politicians along with decreasing ability to gather enough information to effectively monitor local circumstances from the hierarchical top. Human social organization being what it is, concentrating power at the top entails eventually delegating executive power to operatives on the ground.

This suggests an intriguing (if confusing) possibility, namely that corruptibility is as much a function of power's dispersal as of power's concentration.³ Yet, if we view the hierarchy from the bottom—from the perspective of the vulnerable—the consistently relevant fact remains: where discretionary decision-making power is concentrated, that is where we find the threat, regardless of whether such power has been delegated. A node of discretionary power may exist by virtue of power being delegated from the top, but to the people below, the danger posed by that node is still a function of power concentrated in that node. *Delegated* power is not what Montesquieu and America's founders had in mind when they advocated *dispersed* power. They sought a distribution of power that (among other things) would make everyone mutually accountable. Their objective was not vertical delegation so much as horizontal dispersal.

II. CHARACTERIZING CORRUPTION

Organizations employ officials to speak and make decisions on their behalf. *Corruption* essentially involves, let's say, being entrusted with discretionary power for the purpose of carrying out a particular fiduciary responsibility, then using that power in service of a personal agenda.⁴ Possibilities multiply as each link is added; therefore size matters. Nevertheless, organizations can be corruptible without being vast. To make a *principal-agent* problem, it takes only two: one principal and one agent. Expanding the parts of an organization from one to two, with the second part having a degree of power, responsibility, and discretion, is all it takes to create the possibility of corruption.

On the other hand, Western philosophy arguably dates back to Plato's *Republic*, a sustained reflection on the topic of corruption of the soul and the city. I say it only takes two, but Plato tells us that it only takes one! When Plato wrote about justice in the polis as a "writ large" model of justice in the individual soul, he was treating the paradigm of injustice as an individual soul divided against itself. Plato's discussion may be archaic in some ways. And yet, the word 'corrupt' does, after all, carry with it connotations of being rotten, in a state of decomposition. This rendering seems natural from a virtue-theoretic perspective. What makes a tyrant unjust is what makes a tyrant corrupt: the tyrant's soul is decomposing, falling apart, losing its unifying purposiveness.

We need not entirely trust Plato's analogy. However, consider how it extends to illuminate the political case, where an organization consists of at least two persons. When an

official accepts bribes under the table, the agency for which the official works becomes less transparent to itself. The agency is a soul out of touch with itself. Its left hand does not know what its right hand is doing. The right hand does not *want* the left hand to know.⁵ Such loss of self-awareness is compromised agency. In the case of two or more persons, this happens as delegating decision-making power disperses and provides cover for motives of all kinds, including surreptitious and abusive ones. Corruption is, of course, an abuse of power, not merely a use. It is hard to fashion a working definition from that, but our typical ways of using the term have that implication.

More narrowly, the paradigm of corruption consists of officials treating their fiduciary authority as a service to buy and sell for personal gain.⁶ The paradigmatically rotten motive is seeking payment where one freely accepted fiduciary duties that preclude seeking payment. Yet, paradigms are not definitions, and greed is but one species in the genus of corrupting motives.

For example, seeking to appoint your brother to be Attorney General can cross the line without being an example of greed.⁷ Or, a politician might overlook the crimes of a colleague out of party loyalty, which would count as corrupt regardless of whether it is done for personal gain, and would count as an abuse of responsibility without being an abuse of power. Somewhat farther afield, cheating on exams could be a close cousin of corruption without being an obvious example of greed, or even abuse of power. (Students accept a responsibility to uphold applicable standards, not to corrupt those standards, and their agenda of getting a higher grade than they deserve does not relieve them of that responsibility.) On the other side, petty tyrants sometimes say, “rules are rules; what can you do?” when in fact their job is to *get things done*, which includes discretionary power and responsibility to grant exceptions as required by circumstances not anticipated by those who made the rules. Officials often are tasked with making it easier to transact with organizations that they represent, but when corrupt officials regard their authority as a service that they are at liberty to sell for personal gain, they treat themselves as *licensed* to make it harder. Pretending to lack discretionary power is a way of exercising discretionary power, which at some point becomes an abuse.

Sometimes the rotten motivation is hostile. Imagine county officials going the extra mile to make it gratuitously difficult for minorities to register to vote. Petty tyrants, officiously withholding what isn't theirs to withhold, are not corrupt in the exactly same way as those who sell what isn't theirs to sell. But still it is an abuse of power from rotten motive. In the same vein,

imagine that someone in your human resources department sincerely believes abortion is murder. She feels licensed by personal conviction to find out which applicants have had abortions and do all she can to prevent those applicants from succeeding. Admittedly, this not the paradigm of corruption, but not all cases are paradigms, and we would recognize this as abuse of power even if we endorse the conviction that motivates the abuse.

Sometimes a vacuum of reason can be more corrupting than spurious reason; some officials are dead to the honor of being good at their jobs. They show up in appearance only, aiming only to collect a paycheck or kill time. They do not even aim to get the job done so much as to comply with job requirements and to avoid being named in a lawsuit. They may bear no ill will, but they are of no use.

Another form of corruption, likewise not involving greed, is manifest when junior colleagues evaluate every decision (to go to lunch, serve on committee, write a book, help a student, *or represent themselves as committed to scholarship*) as a means to the end of getting tenure. Professors thus obsessed tend to fall apart when they get tenure. They aim to comply with requirements for tenure, but the fundamental truth is that *deserving* tenure requires a candidate to have a driving motivation that can survive getting it.

In sum, while using public office for private gain is the paradigm of corruption, it is not a definition. Humans naturally reason about paradigms, but as philosophers we are trained to reason about definitions. Our training sometimes is a mistake. Be that as it may, when we aim to illuminate what can go wrong with the moral fiber of people in positions of responsibility, there is much to lose and little to gain by trying to define corruption more narrowly. Corruption in the senses that are of practical concern can be a child of greed, to be sure, but also of other vices.⁸

III. AGENCY IS AN ACHIEVEMENT

Internal transparency is a prerequisite of agency, and corruption compromises transparency. I once heard an interview on National Public Radio. The guest was developing tools for screening job candidates. One of the guest's survey questions was, "If I had an opportunity to steal \$20,000 from my company with no chance of being caught, I would steal the money. True or false?" NPR's interviewer said, isn't that question a waste of time? Every applicant says False, so why bother? The guest replied that, on the contrary, about 20% of applicants say they would steal the money. NPR's astounded interviewer asked how a job applicant could be so foolish as to answer

like that. The guest answered (paraphrasing from memory), “All I know is that 20% say they would steal the money. My speculation, for what it is worth, is that applicants realize the survey is testing their honesty, then guess that the way to prove they are *relatively* honest is by admitting what to them seems obvious: like everyone else, they would steal the money.”

I hear that as an implicit theory of corruption’s ultimate price. As corrupt behavior warps perception, you reach a point where you are so far from being honest that you no longer have a clue what honesty would be like. When you can’t remember what honesty is like, you can’t remember how to fake it either. You are falling apart.

Internal transparency, and the possibility of self-awareness that goes with it, is an achievement, not simply a decision.

*Compromised Group Agency*⁹

This undermining of agency can be understood as a danger to organizations and individuals alike. Suppose your job involves balancing your unit’s budget, and one of your balancing tools involves collecting fees from other units within the organization. You may wake up some day to find that your job, as an administrator in your unit, is to cannibalize other units. You need not be a monster to find yourself in such a position. It may happen as a consequence of your bosses restructuring your responsibilities. They need not be at fault either. They may be under orders to impose fiscal accountability and discipline, as part of an effort to *combat* corruption.

Some organizations are usefully seen as agents, but as a *corporate* agent comes to lack both appearance and reality of being on a mission, it stops resembling an agent. As we would say of an individual person, weakness of will—executive will—compromises the potential to be an agent with a unified purpose. Notice: where we have no reason to call *x* an *agent*, we have no reason (aside from linguistic habit) to call *x* an *organization* either. What *x* is, literally, is a dysfunctional mess.

Finally, a further source of corruption, beyond greed, is sheer uncertainty: there are times when officials exercising discretionary power cannot simply follow the rules, because they have no uncontroversial interpretation of the letter or the spirit of the law. Suppose you are a compliance officer administering a grant, and the grantee asks you to look the other way while the grantee uses the money for a purpose other than the purpose for which the grant was given. Suppose the grantee is asking permission for a manifestly smarter purpose than the purpose for

which the grant was given. Fill in the details to make the case as compelling as you like. The risk of emerging from that situation as more or less corrupt is real whichever way you decide—lazy and irresponsible if you go one way, a pompous bureaucrat if you go the other. Having fiduciary responsibility plus discretionary power, and remaining uncorrupted over time, is not easy.

IV. NO MAN IS AN ISLAND

Adam Smith wondered how stable a liberal community could be in the face of a tendency for its political infrastructure to decay into crony capitalism: mercantilists lobby for subsidies for exporters, protectionists lobby for tariffs or other trade barriers to choke off competition from importers, and monopolists pay kings for a license to be free from competition altogether. Partnerships between big business and big government culminate in big subsidies. These ways of compromising freedom are sold to voters as protecting the middle class, but often their true purpose is to transfer wealth and power from ordinary citizens to well-connected elites. As a result, an ordinary citizen's pivotal relationships are not with free and equal trading partners but with bureaucrats: people whose grip on our community is so tight that we cannot walk away from such terms of engagement as they unilaterally propose. Thus, we reinvent feudalism. We are at the mercy of lords. Corruption makes us less free, not only less wealthy.¹⁰

Our least concentrated power is our liberty as equal citizens to walk away from bad deals, to say no as individuals, that is, to *vote with our feet*. This is the liberty that separates liberal from feudal society. An effective right to exit a relationship limits how corrupt your partner can be.

As Ryan Hanley sees it, Adam Smith's "fascination with and gratitude for the harnessing of the powers of the strong for the relief of the weak is the fundamental fact uniting Smith's seemingly separate defenses of both commercial society and his specific vision of virtue." Commercial societies "promote not only universal opulence but also a universal freedom of which the weak are the principal beneficiaries."¹¹ The crucial bottom line: freedom in commercial society involves *depending* on many, yet being at the *mercy* of none.

Again, however, as Smith understood, we face a conundrum. If our community is to achieve a rule of law, there has to be officiating. To the extent that referees succeed in taking nonconsensual and fraudulent transfers off the table, players learn to pursue their interests in ways they conceive as mutually advantageous—positive for everyone *involved* in a trade and at

least not a negative for anyone *affected* by it.

As with sports, if the game inspires, it will be by virtue of what comes from letting the players play, but when officials push their agenda aggressively, other players are relegated to sidelines waiting to see how it all plays out. What should we infer from the premise that officials, when given power, use it to pursue their own agenda, not ours? I infer this: we should be skeptical of conceptions of justice that make it seem like we should invest enormous power in the sort of people who most *covet* enormous power. And part of the problem is that when *referees* become *players*, players become *spectators*.¹²

Again, power we give officials to push *our* agenda is power to push *their* agenda. If officials push their agenda aggressively, then other players are relegated to sidelines waiting to see how it all plays out. Eventually, the richest spectators tire of watching from the sidelines and get into the legislative game in the only way they can: by buying and selling referees who have turned themselves into the game's most valuable players. Obviously, this is a logic to be avoided, even if our need for officiating renders the logic impossible to avoid altogether.

There is no use lamenting that valuable commodities are bought and sold, and that power is a valuable commodity. What is disconcerting is that power's corrosiveness is proportionate to scale. More power commands a higher price, notwithstanding cosmetic tweaks to campaign finance laws. There is no mystery why candidates would spend ever more on campaigns. It is not because regulators are becoming more lax. It is because the prize keeps getting bigger.¹³

When we create political power worth billions, the bidding for such power tends to be won by billionaires. The bigger the prize, the richer and more unscrupulous one needs to be to compete for it. It stands to reason that the process by which people gain political appointment would systematically tend, and *increasingly* tend, to select the wrong person for the job. The truism that power corrupts implies that randomly selected officers would be corruptible. Yet, the truism is misleadingly optimistic. The more realistic worry is far worse. Namely, the process of selecting officers is not random. We *select* for corruption. It is not a randomly selected fox but the most ravenous fox that tends to be willing to spend the most to get the job of overseeing the henhouse.¹⁴ Political debate then devolves into hens lobbying the fox to devour the other hens first. Some candidates are noble, but we can't sort them out. *Bought* politicians denounce corruption and name names like every other candidate, but of course they target not *their* buyers, but the chief *rivals* of their buyers.¹⁵

V. CONFLICT AND JUSTICE

We all have been taught to think that when we do abstract theory, “justice is the first virtue of institutions,”¹⁶ from which we infer that our first task is to articulate principles of justice.¹⁷

Benjamin Barber marvels at how little *politics* he finds in Rawls, and says of Rawls’s writing that “when political terms do occasionally appear, they appear in startlingly naïve and abstract ways.”¹⁸ Robert Paul Wolff’s criticism is equally sharp. He sees in Rawls “no conception of the generation, deployment, limitations, or problems of political power” and notes that

it would require very considerable political power to enforce the sorts of wage rates, tax policies, transfer payments, and job regulation called for by the difference principle. The men and women who apply the principle, make the calculations, and issue the redistribution orders will be the most powerful persons in the society, be they econometricians, elected representatives, or philosopher-kings. How are they to acquire this power? How will they protect and enlarge it once they have it? Whose interests will they serve?¹⁹

It is indeed startling to see the work of the twentieth century’s most influential political philosopher described as ‘startlingly naïve’. And yet, upon reflection, it is amazing that contemporary philosophical literature has so little to say about the idea that power corrupts.²⁰

In practice, officials who make basic structures work must begin with resolving and avoiding conflict, not with justice. While theorists treat justice as more basic than conflict-resolving rules of practice, practitioners need to do the opposite. The kind of questions that judges actually need to answer are questions like, “When is flying over someone’s ranch at a height of 10,000 feet a form of trespass, and when is it a way of peacefully minding your own business?” Many key questions of justice are more downstream that they appear; they literally have no answers until judges sort out what will help current and potential litigants in particular circumstances to stay out of court and get on with their lives. After judges settle a dispute, citizens go forward with legitimate mutual expectations about what to count as their due. Judges get it right when they actually settle it—when they establish expectations that everyone can live with and thereby minimize the need for future intervention by corruptible public officials. Judges cannot settle for expressing their own convictions about fairness or otherwise pursuing their own agenda. They have to settle disputes.

Contra Rawls, the first virtue of social institutions is to establish a rule of law that holds a community together not by imposing someone’s vision of justice but by enabling people to know

what to expect from each other, to invent ever-better ways of serving each other, and to not feel threatened by the awareness of being among people who will never have a common destination.

Consider how this orientation toward conflict resolution moves a society in the direction of being less vulnerable to corruption. It rules out creating the power to ram through a thick conception of justice, which implies that when it comes to society's basic structure, no *thick* conception of justice is a *true* conception. A theory about justice that sets aside whether alleged requirements of justice can be satisfied without inviting wholesale corruption needs to be rejected, not merely tinkered with downstream by officials responsible for implementation.

In a healthy society, people's movements constitute a flow of traffic that moves smoothly, not by virtue of people reaching consensus on what their destinations should be, or on which minority should bear the cost of implementing what the winner calls justice, but by virtue of people (1) learning to avoid needing to reach consensus on destinations, and (2) learning to reach consensus on the question that truly needs consensus: namely, who has the right of way.

If we settle for conflict resolution, that is, for having our day in court, and for having a forum for airing grievances as they arise, we remain vulnerable to corruption, but there is less scope for corruptible discretion. Judges have a license not to pursue a *vision* so much as to find out what litigants can live with. Judges are constrained by a need to converge on a result that leaves litigants—not theorists but real people whose futures genuinely hang in the balance—feeling like they had a say, and were given terms of peace that leave them free to carry on as equal citizens with lives of their own to live.

The least corrupt system in the long run minimizes reliance on powerful officials, thereby minimizing the concentration of what corrupts—that is, power—in corruptible officials. Thus, one key question for a legal system is: does the rule of law embodied in this system minimize the need for ongoing tinkering?²¹ The power to tinker will be a supremely valuable commodity, and sooner or later those who possess that power will be corrupt. Power is less corruptible when more dispersed. Or, to acknowledge the complexity of delegated authority in passing, note that *delegated* power is not what Montesquieu and America's founders had in mind when they advocated *dispersed* power. They sought a distribution of power that would make everyone mutually accountable. The proposed not vertical delegation so much as horizontal dispersal. Nodes of discretionary power can be created by delegation from above, but to people below, the danger posed by that node remains a function of power concentrated in that node.²² In any case,

a power less corruptible when widely dispersed is the power to vote with one's feet.

I never was employed as a mediator, but after playing football in high school, I coached and served as a referee. Our task as referees was to interpret and apply the rules. With responsibility came power. With power came a measure of discretion. Our calls could determine a game's outcome. Yet, it was not our place to prefer a particular outcome. Favoring a team would have been corrupt. Neither had we any right to prefer games ending in a tie. That would have been just as incompatible with the unobtrusive impartiality that is essential to successful refereeing. We had a duty not to aim for *any* outcome, not even an equal one. It was not our place to win, not even on behalf of our personal convictions regarding justice itself. Our aim was to let the players play, and let their futures be of their own making.²³

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¹ If we want to see evidence of progress, we look where progress is. If we want to fail to see evidence, we look where evidence isn't. Diphtheria vaccine ended a disease that killed mind-boggling numbers of people. Today we don't remember there even was such a thing. Was that progress? What is the appropriate response when we *don't want to know*? Many people assume (1) income inequality is rising and further assume that (2) rising income inequality is bad for the poor. We should care whether (2) is actually true. If it is, that gives us reason to care whether (1) is true. I am indebted to Amartya Sen for asking (in conversation): gaps in *income* are increasing but gaps in *life expectancy* are closing, so while the *five percent* manifestly resents being left behind by the one percent, where are the dimensions of rising inequality that matter to poor people? *Which dimensions of rising inequality are causing life expectancies of poor people to fall?*

² In his opening comment on my presentation at The Royal Society of London, April 2014.

³ I thank Jacob Levy for the observation.

⁴ This may not be a sufficient condition. Perhaps it is more or less necessary. In any case, I characterize corruption this way with the expectation that most readers will see this characterization as representing roughly how they expect people to use the word.

⁵ Needed regulations become more complex over time, in part because new regulations will need to fit into an existing regulatory environment that is itself increasingly complex. As this happens, it becomes increasingly true that the only people who know enough to design, interpret, and apply regulations will be the very people whom the regulations are supposed to regulate. Thus, bankers write banking reforms, insurance companies write health insurance reforms, and so on. Such regulators have a history of responding exactly as one would expect, by designing regulations that reduce consumer access to alternative providers.

⁶ Adina Schwartz, "A Market in Liberty: Corruption, Cooperation, and the Federal Criminal Justice System," *Private & Public Corruption*, W. Heffernan & J. Kleinig, editors, Lanham: Rowman & Littlefield (2004) 173-223, at 173.

⁷ There is no rule against hiring the best candidate for the job, but what if your brother is the best candidate? A nepotism rule might limit corruption by forbidding that which is not corrupt (hiring the best candidate). Thus,

nepotism rules limit corruption without defining it. No code can define corruption. What is in a person's head matters. If no one doubts that Bobby Kennedy is the best candidate, that makes a difference to whether appointing him is corrupt, but not to whether appointing him is covered by the nepotism rule.

⁸ The chapter on Adam Smith discusses the corruption of self-awareness that is a consequence of our need to belong.

⁹ Philip Pettit believes there is such a thing as group agency. Obviously, Pettit's perspective is controversial, yet it does give us an intriguing vocabulary for talking about corruption within organizations. I thank Pettit for conversations at the Royal Society and at a Chapel Hill workshop honoring our friend Geoff Brennan.

¹⁰ So we want to term limit our representatives and thereby make sure they have no chance to develop any expertise of their own, leaving us in a situation where the only people who have even a clue about how to reform the system are the same industry executives who have spent their careers undermining the official intent of such reforms. We trust them with unrivalled power to regulate those who would enter the market and compete with them. Incredibly, *that* is our response to the fact that we don't trust them to regulate themselves.

¹¹ Ryan Patrick Hanley, *Adam Smith and the Character of Virtue* (New York: Cambridge, 2009) 19.

¹² And to those relegated to the role of spectator, the spectacle becomes a team sport, and political life comes to revolve around excuses to boo the other team.

¹³ Some say transparency is the solution. Perhaps, but we might also see transparency as a hard-won achievement, not a policy instrument—an *effect* of beating corruption rather than a weapon with which we fight corruption.

¹⁴ I wish this were less true in democracies, but if anything, the most ravenous fox is also the most charismatic, and most adept at convincing voters (for whom politics has become "info-tainment") that they have nothing to lose by giving a charismatic leader more power. If the fox can make voters see politics as a team sport, and can convince voters that the fox is the home team, then voters will cheer for the fox no matter what.

¹⁵ Where power buys money, the most corrupt lives are studies in ostentatious opulence, but in places where money buys power, corruption is clandestine. I thank Majid Jafar for the observation that in underdeveloped nations, power buys money, whereas in developed nations, money buys power.

¹⁶ John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971/1999) 3.

¹⁷ Bernard Williams sees the same thing, and laments it. See *In the Beginning was the Deed* (Princeton: Princeton University Press, 2005).

¹⁸ *The Conquest of Politics*, Princeton: Princeton University Press, 1989, at 310.

¹⁹ *Understanding Rawls: A Reconstruction and a Critique*, Princeton: Princeton University Press, 1977, at 202.

²⁰ It would be naïve indeed to suppose that, for the sake of fairness, university resources should be distributed among departments in whatever manner is to the greatest advantage of the least advantaged department. However, the principle applies only to the basic structure. Jacob Barrett suggests, in conversation, that Rawls's (1955) distinction between summary rules and rules of practice might have remained relevant to his later thinking. Consider that baseball has utility (let's say) but would not be baseball (and thus would have no utility qua baseball) if umpires took themselves to be licensed to make case by case utilitarian calculations regarding how many more strikes any given batter should get. Similarly, society's basic structure is unfair unless it passes muster with the Difference Principle (DP). This basic structure cannot do unless it comprises rules of practice that do not reduce to case-based applications of DP. If this is Rawls's view, then his view has none of the naiveté that Barber and Wolff find in DP. DP informs one and only one practice: namely the practice of *judging the fairness* of society's basic structure.

We could simply stipulate this, or we could argue that DP more broadly applied would tend to fail self-inspection. For example, would it be to the greatest advantage of the least advantaged to treat rules of university budgeting as mere summary rules that answer case by case to DP? (Would we distribute grades so as to be to the greatest advantage of the least advantaged student?) If so, would that undermine the university, including the least advantaged? By the lights of DP itself, ignoring empirical aspects of such questions is precisely what we have no right to do when evaluating the basic structure and DP's proper scope of application.

²¹ Again, see the essay by [John Hasnas](#).

²² See Adrian Blau's discussion of Hobbes's view that it takes a strong central power, less inclined to delegate, to protect citizens from local tyrants concentrating local power.

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