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Political Corruption as Deformities of Truth

Yann Allard-Tremblay

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Résumé de l'article

Cet article offre une approche du concept de corruption en fonction d'une théorie épistémique de la démocratie. J'explique d'abord l'idée de la corruption en tant que maladie du corps politique. Suivant cette approche, concevoir la corruption politique requiert de déterminer quel type d'action détourne une entité politique de son principe constitutif. Ainsi, il convient d'établir quel est le principe constitutif de la démocratie. C'est ce que je fais dans la seconde section où j'explique la légitimité démocratique. Je présente la démocratie comme une entreprise commune d'enquête, qui inclut à la fois des considérations épistémiques et pratiques, sur ce qui devrait être fait. Dans la troisième section, j'argumente que le problème de la corruption pour une justification procédurale de la démocratie est que la valeur épistémique de la procédure est amoindrie par le manque de considération d'agents corrompus pour la vérité. La corruption, selon ce cadre d'analyse, consiste en deux difformités de la vérité : le mensonge et la *bullshit*. Ces difformités cor-rompent du fait qu'elles dissimulent une recherche d'intérêts particuliers sous le couvert d'un intérêt pour une décision correcte. Dans la quatrième section, je discute des difficultés de l'approche procédurale à formuler des solutions au problème de la corruption.

POLITICAL CORRUPTION AS DEFORMITIES OF TRUTH

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ABSTRACT:

This paper presents a conception of corruption informed by epistemic democratic theory. I first explain the view of corruption as a disease of the political body. Following this view, we have to consider the type of actions that debase a political entity of its constitutive principal in order to assess corruption. Accordingly, we need to consider what the constitutive principle of democracy is. This is the task I undertake in the second section where I explicate democratic legitimacy. I present democracy as a procedure of social inquiry about what ought to be done that includes epistemic and practical considerations. In the third section, I argue that the problem of corruption for a procedural conception of democracy is that the epistemic value of the procedure is diminished by corrupted agents' lack of concern for truth. Corruption, according to this view, consists in two deformities of truth: lying and bullshit. These deformities corrupt since they conceal private interests under the guise of a concern for truth. In the fourth section, I discuss the difficulties a procedural account may face in formulating solutions to the problem of corruption.

RÉSUMÉ :

Cet article offre une approche du concept de corruption en fonction d'une théorie épistémique de la démocratie. J'explique d'abord l'idée de la corruption en tant que maladie du corps politique. Suivant cette approche, concevoir la corruption politique requiert de déterminer quel type d'action détourne une entité politique de son principe constitutif. Ainsi, il convient d'établir quel est le principe constitutif de la démocratie. C'est ce que je fais dans la seconde section où j'explique la légitimité démocratique. Je présente la démocratie comme une entreprise commune d'enquête, qui inclut à la fois des considérations épistémiques et pratiques, sur ce qui devrait être fait. Dans la troisième section, j'argumente que le problème de la corruption pour une justification procédurale de la démocratie est que la valeur épistémique de la procédure est amoindrie par le manque de considération d'agents corrompus pour la vérité. La corruption, selon ce cadre d'analyse, consiste en deux difformités de la vérité : le mensonge et la *bullshit*. Ces difformités corrompent du fait qu'elles dissimulent une recherche d'intérêts particuliers sous le couvert d'un intérêt pour une décision correcte. Dans la quatrième section, je discute des difficultés de l'approche procédurale à formuler des solutions au problème de la corruption.

INTRODUCTION

It is not uncommon to associate corruption with the deterioration and weakening of moral characters or of social mores. The Roman Empire, in its decline, is in our common fancy a decadent and corrupted society, whose virtues lay in tatter. Books have long been held to be potentially subversive and they were accordingly subjected to licensing or to be placed in the index so as to protect the public from their corrupting effect. Similarly, teaching can be both a source of moral edification or of corruption as is shown by the example of Socrates accused of corrupting the youth. Interestingly, the idea of corruption as a damage to the moral fabric of society has not been entirely relegated to history books: e.g. article 163 of the Criminal Code of Canada relates to "offences tending to corrupt morals".

This is because corruption appears as an element of our moral theory used to characterise the degraded or detrimentally affected moral character of agents. As Coady explains: "Corruption is a condition of individuals, groups, or institutions that is characterized by immoral acts and activities, and an abiding tendency towards them, where these acts and activities substantially debase, distort, or destroy the morally appropriate operation of those individuals, groups, or institutions." (Coady C. , 2008, p. 91) On this view, the performance of an activity, the influence of an institution or the keeping of unsavoury company are all possible causes of moral corruption.

There is something akin to this idea of a crooked moral character when political corruption is considered. Our folk understanding of political corruption maintains that corruption occurs when some agents use their institutional position, in ways inconsistent with their position, in order to promote their private interests or to secure some personal gain. The promotion of these private interests is achieved through deceit and secrecy and in ways that affect the normal functioning of the institutions. More formally, corruption is generally conceived as including the following four propositions:

    A. An individual or group of individuals is entrusted with collective decisions or actions.
    B. Common norms exist regulating the ways individuals and groups use their power over collective decisions or actions.
    C. An individual or group breaks with the norms.
    D. Breaking with the norms normally benefits the individual or group and harms the collectivity. (Warren, 2004, p. 332)

Usually, a breaking with the norms is explained through the individual or group's 'abiding tendency towards immoral actions'. We can all easily conceive of an avaricious judge receiving a secret payment to deliver a judgement favouring one of the parties involved in the trial, thus undermining the course of justice. Yet, this notion of a 'crooked moral character' can be softened so as to cover various forms of purely self-interested behaviour that fall short of moral vices. Indeed,

the judge need not be greedy for corruption to occur; it suffices that he should be more concerned by his own interests than by his institutional duties.[1] Nonetheless, the point remains that a breaking with the norms is attributed to some personal failing or individual misbehaviour.

I will refer to this common view of corruption as our folk conception. It conceives of corruption mainly as a form of debasement of the (institutional) virtues of public servants, magistrates and elected officials. Corruption is conceived in terms of individual (mis)behaviour and the harm caused by corruption is limited to those affected by the decisions taken by these corrupted individuals. To cure corruption, it would be sufficient to remove sullied officials, or as Austin says with regard to punishment and deterrence: "By the lopping of a peccant member, the body is saved from decay." (Austin, 1995, p. 43)

There is certainly a kernel of truth in this folk understanding of corruption and in the idea that part of political corruption is to be attributed to moral corruption. At least, this folk conception offers a nominal definition. It points to what type of activity—individuals or groups promoting their self-interest through their institutional position all the while acting against their institutional duties—we generally refer to when we consider political corruption (hereafter corruption, unless specified otherwise). Yet, this identification of what, in practice, is generally acknowledged to be corruption calls for normative "standards which qualify anything to be so acknowledged." (Raz, 2010, p. 327)[2] In other words, this definition needs to be characterised in function of some normative standards in order to assess whether it is correct to count practice X as a form of corruption and whether we should extend our definition to include practice Y, even though it is not usually conceived as corruption. Such a characterisation could be general, in aiming for standards applying to the full extent of the concept of corruption, or it could be more specific, in aiming for standards highlighting the relevant features of corruption for a specific theory. My concern in this paper is with the latter especially since, as I explain later, we can adopt a pluralistic view of corruption.

I offer a characterisation of corruption in function of democratic theory. Such a characterisation may fail to capture all possible forms of corruption, yet this is not a problem. This is because the point of this characterisation is not to analyse corruption but rather to highlight what a commitment to democratic legitimacy entails about one's assessment of corruption. For instance, in what ways is corruption (if it is) bad specifically for democracy? Is democratic theory allowing us to conceive of corruption as more than simply individuals secretly pursuing their private interests to the detriment of the public interest? These are questions that I seek to address in this paper.

In the following pages, I offer an assessment of the concept of corruption in function of an epistemic conception of democracy—in my view, this conception captures best what is relevant about various elements of democratic legitimacy such as deliberation and political equality. I will argue that corruption

causes harm to democracy specifically based on the fact that it is a deformity of truth. Corruption can be associated with both lying and bullshit and accordingly it can be perceived as a disease of democratic institutions inasmuch as it detrimentally affects the integrity of the decision-making procedure. I will further argue that corruption stands as a form of epistemic injustice inasmuch as those involved in corruption disregard their fellow citizens as peers involved in social inquiry about what ought to be done. This account connects the harm of corruption with a specific normative underpinning of democratic legitimacy and, in this sense, offers a more fine-tuned account of corruption than one that would seek an overarching normative principle for all democratic theories, such as Mark Warren's.

To argue for this epistemic democratic account of corruption, I firstly clarify my project by looking at an alternative view of corruption that does not only concern itself with individual moral corruption. This view of corruption allows me to discuss the type of questions that need to be asked in order to capture the nature of corruption for democracy: namely, what are the constitutive norms of democracy? I then present a plausible, but normatively incomplete, answer offered by Warren. In the second section, I move away from corruption in order to explain democratic legitimacy. I offer an epistemic conception of democratic legitimacy supported by a pragmatist conception of truth that associates truth with the end of inquiry. This is then used, in the third section, to establish corruption as a deformity of truth and to explain the harms that it causes to democracy. Finally, in the fourth section, I conclude with some issues with the idea that a procedural conception of democratic legitimacy can remedy corruption. I offer two possible solutions. The first, discussed by Paul Babbitt, relies on satire. The second relies on institutional reforms so as to include lotteries in the selection of officials.

CORRUPTION AS A DISEASE OF THE BODY POLITIC

The aim of this section is to highlight the theoretical relevance of conceiving corruption as a disease of the body politic. In other words, the aim is to show that much theoretical depth is gained by approaching corruption, not just as an issue of individual behaviour, but as a phenomenon with detrimental systemic consequences. Accordingly, the present section only aims to support the *formal* aspects of my conception of corruption. Substantive content is adduced in the next section. I rely on Euben's historical exploration of the meaning of corruption so as to present the questions that need to be asked in order to properly assess the relations between democracy and corruption. I then mention Warren's proposal, which offers a good basis for further discussion.

Corruption can be moral but it can also be organic. It is the fallen state of an otherwise healthy substance. A corrupted substance is a fouled or tainted substance that has undergone decay and degeneration. On this view, "Corruption implies decay, where the original or natural condition of something becomes

infected. […] corruption entails a loss of identity and definition." (Euben, 1989, p. 222) As remote as this may seem from politics, this idea of corruption may as well apply to institutions, as will become clear shortly.

According to Euben: "political corruption is a disease of the body politic. It has less to do with individual malfeasance than with systematic and systemic degeneration of those practices and commitments that provide the terms of collective self-understanding and shared purpose." (1989, p. 222-223) On this view, we need to understand the nature of an institution in order to understand in what its corruption and decay consist. That is, we need first to know in what the identity or the nature of a political body consists before considering what brings about its debasement. This offers a pluralistic view of corruption since there is not only one way in which corruption may affect political bodies; a monarchy, an aristocracy and a republic can all become corrupt in their own way.

There is no need to assume that a specific constitution is the best one in order to conceive of its debasement. Aristocracies may not be legitimate, yet a diseased and defiled aristocracy is perfectly intelligible: an aristocracy is corrupted when power no longer befalls the most excellent and when the dishonoured and the meek rule. Following Euben, who refers to two definitions of corruption found in Aristotle, we can affirm that a moral account of corruption—where corruption would be equated with a departure from the ideal of political life—is too stringent and does not capture the ways in which we can conceive of various constitutions falling short "of the paradigms of action, character, and justice which give [them] unity and definition". (Euben, 1989, p. 227) Since we care about the ways in which various constitutions degenerate and decay, 'organic' describes better than 'moral' the type of corruption that is relevant for political theory. This is especially the case when considering corruption in function of a specific political theory, polity or constitution.

Each polity becomes corrupt when aspects of its functioning become inconsistent with its organising constitutive principle(s).[3] This inconsistency with the fundamental principles of the polity leads to its decay and its vitiation. Accordingly, to understand in what political corruption consists for democracy, we need to look at the organising principle of democracy. As Johnston explains, our assessment of corruption "must incorporate some sense of what we value in public life" and I would add a sense of what we value in democracy. For instance, Thompson (1993) "argues that corruption is bad not because money and benefits change hands but because it bypasses representation, debate, and choice." (Johnston, 1997, p. 68) In due time, I will argue that corruption is bad because it is a deformity of truth, but the point here is that, *structurally*, our assessment of corruption needs to consider democratic legitimacy and what we deem to be of importance when deciding democratically.

Once an account of democratic legitimacy is provided, we will be in a position to assess: (1) in what sense can our folk understanding of corruption be a disease of the body politic when this body politic is conceived as a democracy and; (2)

are there any other practices which are not usually included in the folk understanding of corruption that may qualify as a disease of the body politic. Viewing corruption as a disease of the body politic allows us to expound the ways in which corruption causes harm specifically to democracy but it also allows us to assess the adequacy of our folk conception of corruption with our normative view of democracy.

Two caveats about the structure of the argument need to be mentioned before moving on. Firstly, this conception of corruption detached from the ideal of political life limits the type of arguments that need to be provided so as to support a substantive definition of corruption for democracy. In the present case, I do not need to argue for the moral superiority of democracy to discuss the practices that count as corruption within this system. Indeed, we can discuss the practices that are detrimental to democracy without having to argue that, furthermore, these practices are in the end immoral. I happen to believe that democracy is also legitimate and desirable, but a justification for this view need not be forthcoming for the sake of the current argument. Note, however, that when combined with such a justification, the organic view of corruption offered would also qualify as a form of moral corruption. This is because agents involved in political corruption would, by the same token, be undermining a legitimate and morally desirable system.

Secondly, physical corruption slowly destroys a substance: it is a process by which a thing loses its identity and definition, but retains its form for a while. Political corruption has an analogous effect on political institutions: corrupted institutions retain their forms and processes, yet their substances are affected. A corrupted democracy is debased and fouled yet it has the appearances of democracy. This highlights the importance of formulating an account of corruption that can capture the idea that democratic procedures are followed yet denatured.

On the procedural view of democratic legitimacy I adopt, a democratic procedure is valuable or appropriate when it embodies or achieves a specific good—whether it be equality, fair distributions or truth matters naught at this point. The tendency of a procedure to achieve either of these is what explains which procedure we ought to prefer; yet a specific decision is legitimate when it has been reached through the appropriate procedure not because it is in fact fair, correct or because it respects equality. Accordingly, substance does not directly explain the legitimacy of a decision it is rather the form of the procedure.

If corruption is a disease of the political body, which slowly decays the substance—the organising principle of the polity—without immediately affecting the form of the polity, it becomes difficult for procedural accounts of democracy to identify corruption with precision. It will have to be explained through a defect in the procedure rather than through a defect in the quality of the decisions made. Accordingly, we need to explain how the forms of democracy remain, yet the end for which we strive cannot be attained. This is what I aim to achieve in the third section. Yet, it remains that these procedural inadequacies are often dif-

ficult to detect: when reliance on a correct decision is not possible in order to differentiate between legitimate decisions and decisions that are the result of corruption, what can our democratic theory say? This is precisely one of the puzzles I will tackle in the fourth section of this paper. Now that I have supported the structure of my argument, I can turn to a substantive view of corruption for democracy.

Warren's proposal

Warren adopts a similar understanding of corruption as the one I vindicate in this section. We both consider that we should approach corruption as a disease of the body politic. Assessing corruption for democratic theory requires asking: "*What does it mean to corrupt a democratic process?*" and to answer this question, Warren affirms that "we'll need to identify the basic good, or norm, that is subject to corruption." (forthcoming, p. 13, emphasis always in the original)

We need to find what type of actions undermines the democratic process. To find this, we need to consider the aims of democratic decision-making procedures or to consider the good those procedures are held to embody. As I will discuss in the next section, this aim consists in achieving correct decisions in circumstances of deep reasonable disagreement. However, before doing so, I acknowledge Warren's contribution to this discussion. This is because Warren offers what appears as an adequate account of corruption for democracy. His account is also exhaustive since it covers corruption for different aspects of democratic political institutions. He argues that corruption needs to be "*domain differentiated*" such that it can be conceptualised specifically for the legislature, civil society, the judiciary and the executive. (Warren, forthcoming, p. 3) I do not claim to offer an account as complete as his. My point is to consider more closely the normative underpinning of democratic legitimacy, which remains vague in Warren's account. By looking at the normative underpinning of democratic legitimacy, we can more adequately understand in what corruption consists and the harms it causes to democratic institutions.

Warren identifies corruption of the democratic process with 'duplicitous exclusion'. He affirms that the fundamental norm of democracy, on which there seems to be convergence, is "that *every individual potentially affected by a collective decision should have an opportunity to affect the decision proportionally to his or her stake in the outcome*." (Warren, 2006, p. 804) The debasement and denaturation of democracy consist therefore in excluding those who ought not to be excluded[4]: "The very logic of corruption involves exclusion: the corrupt use their control over resources to achieve gains at the expense of those excluded. They do so by working around, under, or against the institutions that achieve inclusions." (Warren, forthcoming, p. 13) This model is then applied to different institutions by considering "what is the mode of *inclusion*—that is, the democratic function—of the institution that might be harmed by corruption". (Warren, 2006, p. 805)

Exclusion, however, must not be explicit; otherwise the forms of democracy will be affected. As I explained earlier, corruption needs to affect the substance of democracy while maintaining the forms. This is why Warren affirms that: "corruption involves hypocrisy. For an elite (or group or individual) to be corrupt in the democratic sense, it must both profess and violate the democratic norm of inclusion." (Warren, forthcoming, p. 14) This is the sense in which corruption is duplicitous and requires some form of secrecy. Corruption is parasitic on a functioning democracy.

In detail, Warren defines democratic corruption as follows:

(a) Corruption involves unjustifiable exclusion, measured against public norms that define a regime as "democratic." In addition, two other conditions are necessary:

(b) A duplicity condition with regard to the norm of inclusion: The excluded have a claim to inclusion that is both recognized and violated by the corrupt.

(c) A benefit/harm condition with regard to the consequences of exclusion: the exclusion normally benefits those included within a relationship and harms at least some of those excluded. (Warren, forthcoming, p. 15)

This offers a good account of how to conceive the *mechanisms* of corruption within democracy. It is accurate that corruption, both its folk understanding and other practices, which may be considered as denaturing the democratic process, generally proceed through a form of duplicitous exclusion of those who ought to be included.

However, what is lacking from this account is a clear understanding of the reasons why we should care about inclusion. Considering what supports inclusion as a norm of democratic legitimacy is especially relevant since, as Warren himself recognises, the norms of inclusion can vary depending on the type of institutions considered. Furthermore, without such a concern for the reasons supporting democratic legitimacy, we fail to see that other practices, which fall short of deception and hypocrisy, may still qualify as corruption. This will become clear when I argue that bullshit is also a way in which one may undermine democratic procedures without actively seeking deception.

In my view, we need to consider the normative underpinning of democratic legitimacy to really appreciate both the nature of corruption and the harms it causes. It is one thing to affirm that democratic legitimacy requires inclusion, it is another to affirm that inclusion is required because it embodies respect for our fellow citizens, because it realises equality or because it allows us to achieve correct decisions. Depending on the position we adopt, the forms of legitimate exclusion will vary and our account of corruption will not be the same.

Accordingly, my aim in the next section will be to offer an account of democratic legitimacy so as to support in more detail the norms of democratic decision-making. My preferred account is an epistemic one such that inclusion will appear instrumentally relevant for the achievement of decisions that can be regarded by their addressees as probably correct. Hence, I do not offer a wholesale rejection of Warren's account. Rather, I aim to fine-tune his account to an epistemic conception of democratic legitimacy. This offers a more adequate representation of what we find valuable in norms of inclusion but also in equality and reason exchange through deliberation.

EPISTEMIC DEMOCRATIC LEGITIMACY

In this section, I offer an epistemic account of democratic legitimacy but my aim is not to convince the reader of its plausibility. Rather, I aim to explicate this account of democratic legitimacy in order to employ it in the next section. Accordingly, I will not offer arguments in its support.[5] I explain first the idea of a procedural epistemic conception of democratic legitimacy. I then mention some elements of epistemic democratic legitimacy and the relation they entertain with the aims of democratic decision-making. Finally, I present the pragmatist conception of truth that is attached to this account.

Democracy is a *decision-making* procedure since it serves the purpose of achieving some form of agreement—which can be temporary, pragmatic or superficial—on what ought to be done in circumstances of disagreement. Accordingly, democratic legitimacy consists in more than simply the conditions a decision needs to meet to count as democratic. It also needs to make clear how democracy can be a felicitous *decision-making* procedure in such circumstances. Democratic legitimacy consists, therefore, in the conditions that a decision or a law must meet in order to be accepted as *binding in function* of democratic norms or values. This is why we also need to explain why counting as democratic is of any importance in order to resolve or surmount our disagreements.

To achieve this, we need to rely on reasons that do not directly rely on the object of our disagreements. We cannot rely on the justice or the fairness of a decision in order to legitimate it when, precisely, we disagree about its justice or its fairness. (Waldron, 1999a, p. 221)[6] On this view, democratic legitimacy is important because it provides us with reasons to act according to a decision made democratically that are independent of the object of our political disagreements. Yet, we need to explain what these reasons are. In other words, we need to explain what are the values or the norms underpinning democratic legitimacy that can explain its capacity to resolve or supersede disagreements. Affirming that democracy requires inclusion of those affected captures some aspects of democratic legitimacy, yet it does not explain why inclusion is relevant and in what sense it serves the resolution of disagreement.

The arguments explaining the normative value of democratic legitimacy generally take two forms. The first, to which I come back shortly, associates the value of democracy with its ability to achieve some procedure-independent goods.

The second affirms that the democratic procedure can be seen as embodying some value. This value can then be argued to be so important so as to make the disrespect of a democratic decision an affront to some "fundamental duty." (Christiano, 2008, p. 265) Such an approach could maintain, for instance, that inclusion is essential in order to respect all citizens as equal. Democratic legitimacy is important, on this account, because it embodies the value of equality and respecting equality trumps our political disagreements. This is not, however, the approach I want to pursue. I believe that agreement on substantive values is implausible in circumstances of disagreement. Equality and fairness cannot ground our decision-making procedure precisely because this is what we disagree about.

When we disagree extensively about normative considerations, we have to rely on some shared commitments. I concur with Misak (2000) and Talisse (2009) that we share a commitment to true beliefs. Our political disagreements are ultimately grounded on considerations we judge to be either true or false. We do not only 'agree to disagree', we also hold one another to be mistaken and wrong. Accordingly, an adequate decision-making procedure needs to address our disagreements in a way that is consistent with their cognitive nature: we need reasons to regard our decision-making procedure as able to eventually achieve correct answers. Nonetheless, we cannot rely directly on the correctness of a decision to judge of its legitimacy since the correctness of the decision is precisely what we disagree about. Thus, democratic legitimacy needs to be conceived in *epistemic* and *procedural* terms.

On this view, a democratic decision-making procedure needs to include features that will recognisably allow it to achieve, in the long run, correct answers. Under this account, democracy is legitimate because it is a decision-making procedure that qualifies as a form of social inquiry. It is, however, more than only an epistemic enterprise: democracy is also concerned with making decisions that will be sustainable and on which agents will agree to act. In this sense, democracy is a form of social inquiry that combines epistemic *and* practical considerations. Such practical considerations are to be embodied in the ability of democracy to avoid highly objectionable views from being implemented through comprise, for instance.

This normative underpinning of democratic legitimacy explains why we should care about various democratic practices. For instance, we should care about inclusion because: (a) it is a way to pool information from various parts of society (Ober, 2008, p. 110); (b) it avoids invidious comparisons (Estlund, 2008, p. 38) and; (c) it corrects for cognitive biases (Christiano, 2008, p. 201-202). Inclusion is both epistemically and practically relevant. It improves the epistemic quality of the decisions made but it also prevents the procedure from being undermined by objections that the process was distorted by the exclusion of some groups or individuals. In this sense, the features that are included in democratic legitimacy allow the democratic procedure to achieve the aims of making a decision with a concern for truth.

This account of democratic legitimacy also explains why we should care about deliberation and reason exchange. It is because they both improve our chances of achieving correct answers. Deliberation is essential for the formation of epistemically respectable views. This is why Coady can affirm that: "deliberative democracy, properly understood, is a kind of epistemic democracy. It is epistemic democracy accompanied by a particular view of how voters come to have the opinions which they can then go on to state with their vote." (Coady D. , 2012, p. 79) A properly organised democracy should have a free, open and inclusive forum to make decisions and agents should be able to exercise freedom of speech. If voters do not form their views through deliberation, something is lost in terms of democratic legitimacy. What is lost is the recognisable cognitive value of the views influencing the decisions to be made.[7]

To summarise, democratic legitimacy consists in the enactment of a law or decision through a procedure that incorporates features that allow it to be seen as able to eventually achieve correct decisions. Such features include at least freedom of speech and a forum of deliberation that is inclusive, open and free. Essentially, all the important features of democratic legitimacy are to be justified based on their role in allowing the decision-making procedure to be directed towards a correct decision through adequate inquiry. This view of deliberation and reason exchange as apt to direct democracy towards truth is grounded on a pragmatist conception of truth.

Cheryl Misak argues that truth should be conceived as the theoretical end of inquiry, when all evidence and experience have been considered. Accordingly, aiming at truth implies remaining open to adapt one's views based on further evidence. As Misak explains: "Truth is not linked to the actual products of human inquiry, but rather, to the products of human inquiry, were they to be the best they could be, opening up some distance between what is justified now and what would really be justified." (Misak, 2008, p. 114) Therefore, a concern for truth requires recognition of the fallibility of our beliefs. It also requires that the agents involved in decision-making exemplify good faith in inquiry and that they accept to be moved by arguments and evidence. A concern for truth also requires that political procedures remain open to the consideration of new experiences and evidence. For this on-going consideration of new information to be effective, laws have to be revisable. This conception of truth clarifies how the central aspects of democratic legitimacy, such as deliberation and reason exchange, are justified. They are justified since they are essential to an indefinite process of inquiry. As Misak puts it: "deliberative democracy in political philosophy is the right view, because deliberative democracy in epistemology is the right view." (Misak, 2004, p. 15)

Epistemic democratic legitimacy, on my view, requires that a democratic decision-making procedure incorporate features that will allow it to count as a process of social inquiry. Accordingly, what undermines the ability of democracy to achieve correct decisions is illegitimate or at least causes a deficit of legitimacy. Such deficits of legitimacy can take various forms such as a lack of

concern for truth to active disregard for the institutions and processes of democracy. In this sense, exclusion, as Warren would argue, is indeed a form of illegitimacy. It is not however the only one. Retaining essential information, adopting a tenacious method to fix our belief (Peirce, 1877) or corruption are all ways that undermine democratic decision-making procedures. What needs to be explained is in what sense can some of these illegitimate actions be corrupting, debasing or fouling democracy? As I will argue in the next section, actions which are illegitimate and which corrupt democracy are those which pursue some goals that are deceptively presented as exposed to the norms of inquiry, such that the confidence agents can have in the processes of democracy is compromised.

CORRUPTION AS DEFORMITIES OF TRUTH

With this account of democratic legitimacy in hand, we can turn to the nature of corruption and to the harm it causes in a democracy. The view I defend is that corruption occurs, in terms of democratic legitimacy, when a decision is made by a procedure affected by either of two deformities of truth—lying and bullshit—such that it will favour some agents' preferred state of affairs to the detriment of the procedure's truth-conduciveness. I mention two ways in which corruption can be conceived under this approach: (1) corruption happens when agents pretend to care for a correct decision, when in fact their own private interests or preferences move them. This pretension is a lie or bullshit. (2) Corruption can be the systemic consequence of otherwise legitimate institutions. By this, I mean that institutions, such as the electoral system, can bring about a lack of concern for truth. I then turn to the harms of corruption in democratic terms. I argue that corruption affects the epistemic credentials of the decision-making procedure such that it is directed towards some agents' sinister interests rather than truth. The deficit of democratic legitimacy brought about by corrupted agents' lack of considerations for truth qualifies as a disease or a debasement of the democratic constitution. Finally, I argue that corruption is a form of epistemic injustice.

Corruption is often seen as posing a problem in terms of distributive justice: it detrimentally affects our capacity to determine justly and fairly who gets what. It also affects the just price of commodities or services. As Rose-Ackerman explains, in a system plagued with corruption "a larger share of the gains accrue to winning bidders and public officials than under an honest system" since contracts will be more expensive and more revenue will be required by the state in order to afford these artificially inflated contracts. (Rose-Ackerman, 1997, p. 44) Indeed, there is a strong correlation between corruption and distributive injustice since: "all corruption presumably benefits someone or it would not occur". (Johnston, 1997, p. 62) This covers condition 'D' mentioned in my introduction. Corruption benefits those involved in it, generally to the detriment of the public good.

Now, it would be wrong to think that corruption must necessarily be associated with some harm to the public good in terms of resources. It could be the case that the same bidder would receive the contract at the same price with corruption as

without and there would still be harm to democracy. Corruption cannot be entire-ly captured by the idea of distributive justice. In fact, the issue is more general-ly associated with "a departure from procedural fairness and equity." (Johnston, 1997, p. 71) The main issue for democracy is not so much with the result—who gets what—but with the fact that the processes by which this is decided can no longer be seen as directed towards a correct answer. The process is vitiated and is seen as "an auction, with favorable decisions going to the highest bidder." (Johnston, 1997, p. 72) In terms of epistemic democratic legitimacy, condition 'D'—that is pursuing one's sinister interests—obtains when agents forsake the aim of achieving correct decisions and abandon the method of inquiry for the sake of enacting their preferred views.[8]

For this to qualify as a form of corruption, the democratic decision-making pro-cedure needs to retain its forms while no longer being able to achieve correct decisions. This is because, as I mentioned earlier, agents involved in corruption must appear to comply with the normal processes of democracy so as to suc-cessfully reap the benefits of corruption. (Warren, 2004, p. 333; 2006, p. 804) It is essential therefore that the pursuit of one's private interest is achieved covert-ly, that is under the guise of inquiring about what ought to be done. I maintain that agents involved in corruption are required to lie or to bullshit so as to dis-guise the pursuit of their private interests under the guise of a concern for what ought to be done. Corruption consists therefore in a pretention of a concern for truth while pursuing some goals insulated from the norms of inquiry. Just as lying is "very much parasitic on the concept of truth" (Misak, 2008, p. 117) so is corruption parasitic on the appearance of functioning democratic procedures. This pretention can be concerned either with the epistemic value of the views vindicated such that it qualifies as a lie; or it can be concerned with the agents' own interest in truth such that its counts as bullshit.

We can define lying as follows: "a lie is at least the stating of what one believes to be false with the intention of giving an audience to understand that it is true." (Coady C. , 2008, p. 107) This requires, as Frankfurt explains, a concern for what is the case. (Frankfurt, 2005, p. 51) The liar is concerned about truth in order to adequately deceive and to secure the achievement of some good. Cor-ruption qualifies as a form of lie since the corrupted agent seeks to deceive other agents involved in decision-making about her beliefs about what ought be done. Here, the liar's lack of concern for truth is to be found in the insulation of her views about what should be done from the norms of inquiry. What should be done is, for the liar, what she wishes and what she wishes is not subjected to inquiry and deliberation. In fact, the liar knows that what she wishes to be the case ought not, in fact, to be the case. Yet, through her involvement in the dem-ocratic process and her use of deception or lying, the liar can appear as advanc-ing a view subjected to norms of inquiry; the liar will present what she wishes to be the case as her genuine, deliberatively achieved, beliefs about what ought to be the case. A corrupted official who grants a contract to a specific contrac-tor, affirming that it is the result of adequate proceedings, despite knowing that it is not, provides a practical example.

Active deception for the pursuit of one's private interests is but one form of corruption in a democracy; bullshit also qualifies. On Frankfurt's account, the bullshitter "does not care whether the things he says describe reality correctly. He just picks them out, or makes them up, to suit his purpose." (Frankfurt, 2005, p. 56) Bullshit is a discourse detached from any concern for truth: whatever suits the bullshitter's purposes will do. The bullshitter cares not whether what she wishes to be the case also ought to be the case or not. There is no clear intention to mislead about what ought to be the case because the bullshitter does not know, and does not care, whether what she wishes also ought to be the case. In this case, the deception is not about the epistemic value of the decision to be made but rather about the epistemic virtues of the corrupted agents: "What he [the bullshitter] does necessarily attempt to deceive us about is his enterprise. His only indispensably distinctive characteristic is that in a certain way he misrepresents what he is up to." (Frankfurt, 2005, p. 54) In other words, the bullshitter represents himself as involved in inquiry despite not caring an iota about what ought to be the case. The truth or falsehood of what she affirms is of no concern for the bullshitter.

This view of corruption as a deformity of truth captures our folk conception of corruption and explains it in terms compatible with epistemic democratic legitimacy. When agents attribute contracts based on briberies rather than through considerations adequate to a procedure concerned with making correct decisions, they misrepresent their beliefs about what ought to be the case or they misrepresent themselves as caring for a correct decision. Furthermore, this view allows us to capture practices which are not directly related to folk corruption but which count as a debasement of democracy. Here, I have in mind the systemic consequences of our electoral system.

As Coady explains:

> In the case of much political lying and other culpable deceptions, what is true is that democratic politics puts such a glare of publicity upon politicians, and such a premium upon their vote-getting capacities that they are under very strong temptation to lie or mislead their way out of trouble, into advantageous positions, and into gaining or maintaining power. (Coady C. , 2008, p. 177)

The candidate in an election will often represent herself as caring about what is the case. She will state her case in terms veiled in a concern for truth despite only seeking re-election. Talisse remarks: "popular political commentary is couched in a self-image that is strikingly, and nearly exclusively, epistemic." Political discourse appeals to such values as honesty, trust-worthiness and reliability. (Talisse, 2009, p. 111) Yet, these appeals are mostly pious wishes rather than accurate descriptions.

The nature of our electoral and political systems forces agents to represent themselves as epistemically virtuous agents involved in inquiry about what ought to

be done. This can be seen in the fact that political agents often turn a blind eye to or prefer to wilfully ignore various undesirable practices regarding the funding of political parties. They do not care about what is the case; they care about achieving a simple majority and anything that works will do. Accordingly, candidates claim to be trustworthy but this is only inasmuch as they voluntarily avoid information that could taint their virtues. This qualifies as bullshitting the electorate so as to gain the election. It also qualifies as corruption since, by wilfully blinding themselves to these practices, they rip the benefit of practices that undermine the trust agents can have in democratic institutions. On my view, then, buying out votes with money is a form of corruption but so is procuring votes by boasting one-self as a virtuous agent. In both cases, the democratic procedure is debased and vitiated.

By seeking the satisfaction of her private interests under the guise of inquiring about what ought to be done, the corrupted agent "corrodes the meanings and mechanisms of democracy itself" and "breaks the link between collective decision making and peoples' power to influence collective decisions through speaking and voting, the very acts that define democracy." (Warren, 2006, p. 803) This deficit of power to affect collective decisions undermines the epistemic and practical aims of democratic decision-making: the procedure itself can no longer be seen as an acceptable process of inquiry. This highlights how corruption debases and decays democracy since it retains the forms of democracy yet it thwarts the end for which we strive from being achieved.

If corruption consists in undermining the truth-conduciveness of democracy, how can we differentiate corruption from other forms of behaviour that detrimentally affect democratic legitimacy? In other words, in what sense is corruption a debasement of democracy rather than only an amendable deficit of legitimacy? This is an important question since some agents may fail to care adequately for truth without debasing democracy. For democracy to be debased, its capacity to achieve correct answers must be affected in a serious way such that the results achieved could no longer count as ordinary correctable mistakes. By disregarding inquiry, corrupted agents cannot take into account new evidence so as to enable the feedback process; this is because the views they vindicate are not dependent on evidence. Corruption thus undermines the capacity of democracy to achieve, in a specific instance, a correct answer. Moreover, it undermines the capacity of democracy to remedy past deficiencies and to correct itself if it fails.

On this view, corruption is worse than simple illegitimacy since it undermines democracy as a form of social inquiry. Corruption undermines public confidence in the capacity of democracy to achieve correct decisions and to revise wrong ones by breaking "the relationship between deliberation and decision making". (Warren, 2004, p. 338) The institutions of democracy will be seen as mere mummers' farces: "When people lose confidence that public decisions are taken for reasons that are publicly available and justifiable, they often become cynical about public speech and deliberation" (Warren, 2006, p. 7) as if everything was rigged and they were only playing a part in an already decided plot.

This explains how corruption corrodes a democratic constitution; by debasing and denaturing the democratic procedure, corruption causes harm to more than the parties immediately involved. The processes of democracy themselves are vitiated by the lack of good faith of these corrupted agents who are not guided by a concern for truth. On this account, bullshit is worse than lying. Liars can be confronted with the truth, since they actually know that they are deceiving. They are still involved in the logic of deliberation. Bullshit, on the other hand, "contributes to decay in public discourse" (Babbitt, 2013, p. 2) to an even greater extent. Bullshit is worse for democracy than lying since, "bullshit is a greater enemy of the truth than lies are." (Frankfurt, 2005, p. 61) This is because the bullshitter cares not about what the truth is. There is no hinge to demonstrate her position wrong and this is why, as Babbitt explains, it becomes difficult to even formulate an argument against bullshit. (Babbitt, 2013, p. 4) Bullshit destroys the epistemic benefits of democracy by rendering its features—such as deliberation and reason exchange—ineffectual all the while conserving their forms. Agents deliberate and debate but they might as well be dancing in order to sway the opinion of their bullshitting opponents for all the good it would do. Bullshit destroys democracy, not by tearing down the walls of Westminster, but by debilitating and incapacitating its core.

This covers the first harm of corruption that is specific to democracy. It disqualifies the confidence agents can have in the institutions of democracy. The fact that politicians lie or represent themselves as caring for truth creates distrust in the citizenry and this distrust corrupts democracy. Indeed, trust is a necessary condition of democratic decision-making since there cannot be proper social inquiry without it. We must be clear, however, that the presence of lies and deception does not in itself corrupt democracy. As Coady explains, "there is a long tradition of rulers deceiving the ruled" and citizens often take for granted that politicians will lie. (Coady C. , 2008, p. 105) Corruption, as a disease of the body politic, rather than only as some form of illegitimate behaviour, must damage both the quality of a specific decision and the feedback process. Otherwise, confidence in the ability of democracy to achieve correct decisions, in the long run, would not entirely be lost. Some lies may not debase democracy if they are perceived as incidental. If, rather, these lies were seen as perverting the institutions themselves, such that, for instance, the electoral system could not be trusted to evacuate sullied officials then, truly, the institution would be corrupted.

The second harm that corruption causes that I wish to mention is epistemic injustice. According to Fricker, "any epistemic injustice wrongs someone in their capacity as a subject of knowledge, and thus in a capacity essential to human value; and the particular way in which testimonial injustice does this is that a hearer wrongs a speaker in his capacity as a giver of knowledge, as an informant." (Fricker, 2007, p. 5) We should complement this definition of epistemic injustice by including the wrongs done when 'a speaker wrongs a hearer in her capacity as a receiver of knowledge, a peer involved in inquiry'. To conceive of this as an epistemic injustice, there is no need to rely on the idea that the hearer has a 'right to truth'. (Coady C. , 2008, p. 107-108) Rather, this view is warranted if we adopt a form of social epistemology and if we consider circum-

stances in which agents are involved in a collective process of decision-making. This is the case when we conceive democracy as a process of social inquiry. There is an injustice when one, who is involved in social inquiry, fails to treat those involved with oneself in collective decision-making as inquirers.

Corruption, under this view of epistemic injustice, harms the agents involved in decision-making whether acts of corruption are exposed or not. Agents are not granted the respect they are due as receivers of information or as peers involved in inquiry about what ought to be done. By lying, the corrupted agents fail to respect the requirement of inquiry with peers. By bullshitting, the corrupted agent misrepresents herself as an apt provider of evidence in order to achieve some strategic goal. On both accounts, corruption fails to treat citizens as proper epistemic agents involved in inquiry.

To conclude this section, we can see that this view of corruption as deformities of truth captures and explains, in terms compatible with epistemic democratic legitimacy, our folk conception of corruption—i.e. individuals or groups promoting their self-interest through their institutional position all the while acting against their institutional duties. When agents attribute contracts based on briberies rather than through considerations adequate to a procedure concerned with making correct decisions, they misrepresent their beliefs about what ought to be the case. By doing this, they damage the ability of democracy to recognisably achieve correct answers but they also fail to respect their co-citizens as involved in collective decision-making about what ought to be done. The view I put forward also allows us to capture practices which are not directly related to folk corruption but which count as a debasement of democracy. Such is the case with defects in the electoral system, defects that create much cynicism and denature the democratic process.

CONCLUSION: HOW TO REMEDY CORRUPTION

I presented democratic legitimacy in procedural terms. It is not the value of a decision which explains its legitimacy, but the features of the procedure by which a decision is made. When corruption occurs, the procedure is formally adequately followed, yet we face illegitimate decisions. The illegitimacy of these decisions is to be traced back to some agents' lack of concern for truth, which takes the form of lies or bullshit. This is however a pretty difficult aspect of a procedure to assess. Good faith in inquiry is something that lies in the agent's *foro interno.* Indeed, if we could so easily detect lies and bullshit, they would be of no use. Consequently, a procedural account of corruption poses us with a challenge when time comes to identify it in practice or to devise ways of correcting it. As a conclusion, I offer ways of addressing this challenge.

Generally, preventing corruption involves the idea of increasing the cost and probability of being caught and of reducing the benefits of corruption. With regard to corruption conceived specifically in democratic terms, Warren explains that:

> If corruption involves harms caused by exclusion, a key means for
> fighting corruption will involve empowering those harmed to protect

themselves by democratic means: with information, arguments, organization, and votes. In short, more democracy is likely to be a central part of any cure, as long as what counts as "more democracy" aligns with the norms of empowered inclusion embedded within each domain of democracy. (Warren, 2006, p. 806)

This might be an adequate solution for lying. As I mentioned earlier, agents who lie are still involved in the logic of deliberation. Faced with evidence, they would have to respond, lest they are exposed. The problem is different for bullshit. As Babbitt explains: "The problem is in seeing bullshit as a problem of language, or words, and to try to counter it with facts or logic. But the curious nature of bullshit is such that it eludes such counters. The bullshitter does not play fair." (Babbitt, 2013, p. 22) If the liar can be moved by arguments, the bullshitter will simply not be since she does not care about truth at all.

This issue with corruption is precisely that it renders freedom of speech, deliberation and inclusion inefficacious. Corrupted agents' lack of concern for truth has made empty shells of the processes of democracy. Accordingly, I am unconvinced by Warren's suggestion that more inclusion is a key means to resolve corruption. With or without inclusion, the agents involved in corruption do not care about what ought to be the case. Having more democracy and more inclusion might well be what we aim for, but they are not also clearly means.

Alternatively, I suggest that we should consider departing from norms of deliberation so as to restore these norms. As Estlund argues, a departure from the norms of deliberation can be a way to achieve similar results as those of an ideal speech situation. (Estlund, 2008, p. 199-201) On this view, the solution to the defects of democracy is not necessarily to reasserts the procedure—more democracy—but to depart from what it requires. Faced with force, we may respond with force in order to balance out the forum of deliberation. In a similar way, rather than resorting to arguments and deliberation to deal with corrupted liars and bullshitters, we should rather endorse Babbitt's suggestion: 'The challenge to the liar is "is it true?" while the challenge to the bullshitter is "do you really mean that?"' (Babbitt, 2013, p. 7) In both cases, the point is that the proper answer to corruption must address the fact that we face deformities of truth. We must have the ability to show the liar wrong and, in this sense, more democracy might be a solution. We also need the ability to show the ludicrousness or absurdity of the bullshitter's claims.

A departure from the norms of rational deliberation can be seen in Babbitt's suggestion that bullshit needs to be dealt with through satire and ridicule: "In essence, the satirist is presenting bullshit and asking 'how can anyone take this nonsense seriously?'" (Babbitt, 2013, p. 24) One way of dealing with corruption, then, is to expose the bullshitter for what she is through alternative forms of discourse, which are closer to ostentation than deliberation. Such an alternative to rational deliberative discourse can be seen, for instance, in political satire tele-

vision programmes like *Infoman* on Radio-Canada or *The Revolution Will be Televised* on the BBC. These programmes clearly do not consist in an institutional solution—that is unless we can design institutions that favour and increase the incidence of satire. Rather, my point here is only to acknowledge the positive role of satire in democratic debate. This role is to be found in its ability to force political agents to toe the line with regard to their own concern for truth by frustrating their deceptions.

From the institutional point of view, I only intend to offer an often-disregarded tool to prevent corruption. An issue I mentioned earlier is that the electoral system can lead agents to seek their re-election to the detriment of what ought to be the case. Furthermore, such a system offers many opportunities for unscrupulous individuals to bribe candidates or to offer 'turnkey elections'. These cases of corruption are often due to ill-designed institutions. Reforms could resolve some of these issues. In this particular case, there could be a role to be played by lotteries in the selection of some officials: "The democratic process can be severely undermined when officeholders use their offices to benefit themselves. Sortition hampers this process by ensuring that those anxious to obtain office for venal purposes cannot obtain it more reliably than anyone else." (Delannoi, Dowlen and Stone, 2013, p. 14-15) It also prevents unscrupulous agents from buying out officials before an election. This may indeed prevent some form of corruption before an election but it is not clear how it could prevent corruption of already elected officials. Nonetheless, this offers some food for thought in terms of institutional solutions. Furthermore, sortition would also help in removing or at least dampening the systemic incentives to bullshit created by the electoral system.

To conclude, I showed that corruption for democracy should be conceived as the pursuit of some goals that are deceptively presented as exposed to the norms of inquiry. These are deceptively presented as such through two deformities of truth: lying and bullshit. Corruption debases democracy by undermining the confidence agents can have in its ability to achieve a correct decision but also to correct its mistakes. This is because corruption renders deliberation inefficacious. In this sense, it constitutes the decay of a democratic constitution. In this last section, I explained that more democracy is not the only solution to corruption. This is precisely because corruption renders democratic processes ineffectual. Accordingly, a departure from norms of deliberation can be adequate so as to influence agents to abide by norms of inquiry.

NOTES

1   I thank an anonymous referee for this point about purely self-interested behaviour.

2   Raz is concerned with a political conception of human rights but a similar approach is appropriate with regard to corruption: we need normative standards to capture and to assess what we generally consider to be political corruption.

3   There might be more than one principle by which a polity is organised and it might even be difficult to identify the actual principle(s) by which it is organised. It remains, however, that corruption can be assessed from a theoretical and normative point of view: 'what is corruption from the point of view of this theory?' or 'what is corruption for a properly organised democracy? '.

4   An anonymous referee indicates that according to Warren's definition, disproportionate inclusion could also count as a form of corruption. This seems rights, but I doubt that this is Warren's stated position. This does not mean that the model is inconsistent, since one could argue that 'X's disproportionate inclusion consists in the exclusion of Y'. This, in a convoluted way, would allow retaining the notion of 'duplicitous exclusion'.

5   I argued for an epistemic account of democratic legitimacy in Allard-Tremblay, 2012. The reader can also refer to: Estlund, 2008; Knight and Johnson, 2011; Misak, 2000; Peter, 2009; Talisse, 2009; Westbrook, 2005.

6   See also Waldron, 1999b and Besson, 2005.

7   This does not imply that other decision-making procedures are never legitimate. What is implied is that, at least, democracy has primacy over other decision-making procedures such as the market, expert committees or juries. Knight and Johnson, 2011.

8   Note that pursuing one's private interests is not incompatible with democracy. Pursuing one's interests would be democratically legitimate if the institutions were designed to mediate conflicts of interests and if these institutions were themselves subjected to the norms of inquiry. The issue I mention with the pursuance of one's preferences and interests is that they are sought when views subjected to the norms of inquiry should be those guiding decision-making.

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