The Corruption Dilemma: Controlling the Power of the Powerful

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The Political Nature
of Corruption

Power tends to corrupt and absolute power corrupts absolutely.
Great men are almost always bad men, even when they exercise
influence and not authority: still more when you superadd the ten-
dency or the certainty of corruption by authority.
                    —John Emerich Edward Dalberg-Acton,
                         a.k.a. Lord Acton (1834–1902)[1]

Corruption represents a failure to control the power of the powerful.
Though broadly considered the abuse of power for personal gain,
scholars, activists, politicians, and citizens all tend to hold different
understandings and perspectives. Beyond agreeing that it is wrong,
undesirable, and of immense political importance, they tend to disagree
over corruption's essential traits (the who, the what, and the why) and
its outer limits—the meaning of corruption—as well as over which
forms of corruption are more prevalent and which are more harmful.
David Arellano-Gault (2020, 27–29) identifies more than a dozen def-
initions in the literature; the US public seems to entertain a much
broader understanding of corruption than the restricted and technical
views laid out in various Supreme Court decisions or even the views of
experts; and meanings of corruption tend to differ along the left-right
ideological spectrum (Morris 2021c). What some individuals consider
to be corruption, for instance, may be neither illegal nor even a form of
behavior, but instead refer to a systemic phenomenon embedded within

institutions, laws, and policies (e.g., Lessig 2013; Sandoval-Ballesteros 2013; Thompson 2018; Vergara 2020). Others tend to dismiss such a wild conceptual formula as confusing corruption with just everyday politics. Either way, coupled with its centrality to politics, corruption remains a highly contested concept with its meaning constantly under construction. And yet defining precisely what corruption is (and what it isn't) and how power should be constrained—thus setting the limits on the use of power—itself constitutes a political act, an exercise of power (Arellano-Gault 2020, 33). As such, it too is subject to the potential for abuse for personal or political gain.

This study explores the political nature of corruption and the challenges of controlling the power of the powerful. The word *dilemma* in the title captures the central paradox: that the powerful are not only the subject of the controls but also the agents who influence how and where to limit power, and how and even whether to enforce those limits. In other words, the power needed to effectively control the powerful is paradoxically wielded by those whose power we seek to constrain. Embedded within this overarching corruption dilemma, however, lies a series of more specific dilemmas that arise from the political dimensions of corruption and the fundamental power imbalances found in different areas of society. These power imbalances shape the exercise of power to privilege and protect personal and particularistic interests at multiple stages: during the delineation of the limits on power (defining corruption), the creation and operation of state and societal institutions (that effectively limit or facilitate the use of power), the laws that establish the boundaries of permissible conduct (and hence demarcate the illegal forms of corruption), and the policies and enforcement decisions made by state officials who seek to police those boundaries. This book examines five such dilemmas.

The first dilemma (or sub-dilemma under the heading of the corruption dilemma) is the *definitional dilemma*. Addressed in Chapter 2, it focuses on the question of how and who defines corruption, and how those with power enjoy a certain advantage in crafting our understanding of what corruption is, what it is not, how to study it, and where and how to fight it in ways that tend to best reflect and promote their own particularistic interests. After all, as I will describe in greater detail, power encompasses the power to create, define, and operationalize concepts such as corruption. Discussion of the definitional dilemma thus lays out much of the contentious debate over definition and the competing narratives. It describes the conventional or orthodox approach, the underlying interests the approach reflects and promotes, the criti-

cisms it has elicited, and the competing or counterhegemonic narratives that offer different definitions and perspectives on corruption.

The second area concentrates on controlling the power of capitalist forces. In that corruption lies at the intersection of politics and the economy, Chapter 3 focuses on corruption within the rather complex and paradoxical relationship linking capitalism and democracy. The underlying tension that characterizes the *capitalism/democracy dilemma* stems largely from the fact that capitalism is premised on and facilitates individual decisionmaking and the pursuit of individual gain, whereas democracy concentrates on collective decisionmaking, collective gain, and the pursuit of the collective good. Analysis of this dilemma highlights, first, how certain forms of corruption and perspectives stem from this tenuous coupling of capitalism and democracy, and second, how corruption helps mitigate their coexistence. This dilemma underscores that controlling the power of the powerful refers not merely to the power of state officials or state institutions but also to capitalist forces that effectively convert wealth into power and, as a result, exert substantial influence over the state, thereby limiting the scope of democracy and collective decisionmaking. The more prevalent forms of corruption in the United States, for example, center largely on the influence of major corporations and the wealthy over the state, its policies, laws, and their implementation: what Michael Johnston (2005) once labeled as the influence market syndrome of corruption. This is accomplished by way of state capture, campaign finance, lobbying, the revolving door, control over the media and think tanks, and so on. While some dismiss these forms of influence as outside the scope of corruption, others see these forms of corruption as severely distorting, taming, limiting, or hollowing out democracy. Controlling that influence in accordance with basic democratic principles thus faces the challenge of controlling the power of the powerful capitalist forces.

Like the challenge of controlling the influence of wealth over power, the third dilemma centers on the trial of controlling the influence of power over wealth (Johnston 2014, 8). Labeled here simply as the *political dilemma*, Chapter 4 shifts attention to the difficulties of controlling the power of those occupying the state. This is not about controlling democracy per se but rather about controlling the power and actions of those wielding the state's power. Though the state embodies the democratic ideals of limited power (as expressed, for example, in the Constitution) and of prioritizing and serving the public interest, it is nonetheless controlled by individuals, parties, cliques, classes, and the like who wield an abundant amount of power (authority)—both the ideological

and practical powers of the state—that they can easily leverage (abuse) to shape the definition of corruption, the laws, the institutions, policies, and, particularly, their implementation of those laws all in ways that maximize their privileges and their own personal or political interests. As with efforts to control the power of capitalist forces, controlling the power of those occupying the state is formidable. Even if we convince those in government to outlaw certain practices we collectively deem corrupt—an adjustment of the boundary of what constitutes corrupt and noncorrupt behavior—getting the law enforced by state officials when that law may run counter to their own interests remains somewhat challenging. Moreover, those occupying the state will not only privilege and prioritize their own interests when creating and enforcing these limits but will also tend to prioritize the state's control of society over the state's ability to control itself. After all, as US Supreme Court Justice Antonin Scalia once quipped: "The first instinct of power is the retention of power" (*McConnell v. FEC*, 540 U.S. 93, 263 [2003]). This challenge is particularly problematic in Mexico, where state officials have long employed multiple means to protect and promote their own interests, including a high degree of impunity for corrupt acts. Such a pattern enabled one political party to control Mexican politics for seventy years.

While the definitional, capitalism/democracy, and political dilemmas all render difficult the tasks of identifying and fighting corruption, this endeavor is complicated even further by the politicized nature of corruption and its antithesis, anticorruption. With reference to the *anticorruption dilemma*, Chapter 5 highlights a range of factors that complicate the struggle against corruption, from the task of taking on deeply entrenched interests who influence our understanding of corruption—the corruption dilemma—to the politicization and weaponization of both corruption and anticorruption by competing forces. Reflecting the widespread agreement that corruption is bad, wrong, and yet politically salient, political interests tend to mobilize these issues in accordance with their own interests, all in ways that best protect, promote, privilege, and even shield those interests. Above all, this includes weaponizing the tools of anticorruption to undermine and weaken opponents both by those in power who seek to retain it and by outsiders who strive to gain it. In 2016, for example, Donald Trump ran on a campaign to fight corruption in the United States, to "drain the swamp," but according to others, he eventually headed one of the most corrupt administrations in the nation's history. Two years later in Mexico, Andrés Manuel López Obrador also won an election promising to fight corruption; yet today some assail his efforts as disguised attempts to centralize power and

erect authoritarian controls. Such intense politicization of corruption that arises in part from the definitional dilemma severely obscures the fight against corruption.

Stepping down from the structural, institutional, and political rungs of the ladder, analysis finally turns to the dilemma facing the individual. Every day, politicians, bureaucrats, corporate and labor leaders, and citizens all face difficult questions regarding corruption: about whether to engage in corruption or not; whether to blow the whistle and report a state official, a colleague, or a boss or remain quiet; whether to vote for a corrupt candidate or reelect a corrupt incumbent. In some cases, people may feel they have no choice and participate in corrupt exchanges merely to survive; in other cases, they may not even be aware that they are engaging in corruption. Either way, most feel forced to negotiate difficult tradeoffs among their own personal priorities, including maintaining a moral sense of who they are. Focusing on what is simply referred to here as the *personal dilemma*, Chapter 6 surveys the microlevel factors that influence our views and perspectives on corruption, how we contemplate our decision on how to act or react, and how those involved tend to perceive their own behavior. In line with the other dilemmas, research shows how those with power tend to have a somewhat distinct view on what constitutes corruption and a greater tendency to lie, cheat, and engage in what others consider to be corruption, though like everyone else, they tend to disguise and rationalize their own behavior. As the social psychologist Dacher Keltner (2016, 130) puts it, "It is the wealthy and powerful who don't play by the rules," in part by infusing a personal sense of exceptionalism: the notion that the rules (that exist) simply do not apply to oneself.

Analysis of these corruption dilemmas spotlights the difficulties of controlling the power of the powerful. As such, it stresses the political nature of corruption and corruption's seeming inevitability. Still, the concluding chapter, carrying a question mark, addresses whether it is even possible to resolve the dilemma and, in broad strokes, how to at least mitigate it. The discussion points, first, to the many successes in controlling the power of the powerful and how such an intense and exclusive focus on corruption too often tends to obscure that fact. Second, the chapter analyzes in broad terms the paths that seek to strengthen those controls. It highlights the struggle to broaden the debate over corruption beyond mere illegal behavior, the need to address power inequities and equalize power both among groups and across institutions, and the importance of deepening and expanding democracy (Johnston 2014). Finally, from a theoretical perspective, the

chapter highlights the need to disaggregate the concept of corruption while acknowledging its inherently political foundations.

But before exploring these various dilemmas, it is important to better prepare the set. Therefore, the remainder of this introductory chapter offers a conceptual and theoretical framework to address these dilemmas. It first presents a two-level framework on controlling the power of the powerful that teases out the ideological battle from the more practical, empirical struggle. This is followed by a discussion that defines power, ties corruption to power imbalances (Johnston and Fritzen 2021, 21), and then links certain forms of corruption to varying degrees of power asymmetries or concentrations of power. The chapter concludes by briefly outlining the purpose and potential contributions of the book.

The Two-Level Debate

Corruption, as noted, reveals the failure to control the power of the powerful. In broad terms, the struggle to limit the power of the state over others and others over the state plays out at two distinct levels. The first is at the ideological level. Broadly, it centers on the construction of the concept of corruption: the limits on power, the scope of authority, and the general approaches on how to limit power. Reaching beyond the mundane academic chore of merely defining corruption, however, this ideological debate on whether, where, and how to limit power shapes the way state institutions are crafted, their missions, the guidelines and criteria established for making political decisions, and the laws and policies that specify the proper use (and hence misuse) of power. As a contested and constructive process, this ideological debate has, over time, seemingly conquered more and more democratic terrain, raising the bar and stretching the limits on the exercise of power. As a result, political operations once deemed legitimate and even routine are now normally considered illegitimate; what once was permitted is no longer.[2] It is never a linear process, to be sure, with barriers at times contracting to permit activities once declared unacceptable and even illegal.[3] But generally, via some sort of expansive spiral, demands to tighten restrictions on the power of the powerful, initially formulated as part of the resistance to power, have gradually, grudgingly but eventually come to be recognized and even acknowledged by the powerful themselves. In fact, in most societies, those assuming any position of authority within the state must first publicly swear fealty to the limits on the exercise of power.

But while a critically important step, such oaths, promises, and ideological consensus on the legitimate uses of power are hardly enough to limit power in practice. Hence, parallel to the contested ideological struggle, a similar battle takes place at the empirical or operational level. It concentrates on the detailed strategies and policies over how to make the agreed-upon limits effective in actual practice: the minutiae. Despite what at times may have been a long struggle to garner legitimacy, redefine corruption, reform existing institutions, or create new institutions and/or new laws, implementing those changes and making them operational is neither assured nor automatic. Far too often, the arduous and difficult struggle to persuade others to move the boundaries and pass a law to outlaw certain forms of conduct turns into an equally onerous climb to get the law implemented and make a real difference. Achieving the "right to have rights," for instance, is mere prerequisite or a step on the road to ensuring that those rights are enjoyed and protected.

Power, of course, is not monolithic. Historically, and at a broad theoretical level, the primary approach to control the power of the powerful has been to strategically counter power with power. This is usually pursued through some sort of structural, institutional, organizational, and even psychological balancing act. Many strategies dot the historical and institutional landscapes, including the early, congenital democratic efforts to balance the powers of the crown and the landed aristocracy; the balancing of the special virtues of personal, oligarchic, and popular systems of rule per Aristotle's canon; dividing state power into separate institutions with shared functions, thereby creating a system of horizontal checks and balances as Montesquieu proposed; pitting ambition against ambition while broadening the scope of the polity to incorporate so many competing interests that they neutralize one another, as James Madison and modern-day pluralists suggest; breaking up bureaucratic monopolies and counterbalancing discretion with transparency and accountability, in accordance with Robert Klitgaard's (1988) oft-noted anticorruption formula; divorcing partisan political interests from professional and technical perspectives and decisionmaking in the public administration as late nineteenth- and early twentieth-century reformers taught; calibrating the power of society to match the power of the state, thereby empowering the citizenry to conduct vigilance far beyond the ballot box, as Pierra Rosanvallon (2008) describes, or a deepening of democracy as Johnston (2014) and Irma Eréndira Sandoval-Ballesteros (2013) encourage; and even equalizing a personalized sense of civic duty and altruism with the pursuit of one's own personal interests. To date, however, such power matchings—pitting power against power,

ambition against ambition, selfishness against selflessness—have failed to fully control the power of the powerful. More importantly, they implicitly highlight the fundamental role that inequality or the imbalances of power play in nurturing corruption (Johnston and Fritzen 2021, 21), a point I return to momentarily.

Just as corruption persists, revealing the failure to control the power of the powerful, so too do these dynamic parallel processes of construction. Within the ideological realm, while some theorists defend existing limits, others strive to readjust the bar and reset the boundaries, sometimes in different directions. Concurrently within the operational arena, agents painstakingly try to finely tune the balances needed to truly force the powerful to abide by the limits that they themselves in fact acknowledge, seeking new and better ways to enforce the procedures and the laws. But both constructive and contested processes are fraught with obstacles and dilemmas. Not only are the powerful—those we seek to control—also the agents who wield abundant influence in both constructive arenas, deploying their power to protect and promote their own interests in the process—the corruption dilemma—but both the ideological and practical processes face the hard reality that controlling the power of the powerful is neither the only nor perhaps even the primary objective pursued by democracy, the state, the society, corporations, or the individual. As a result, proposed limits on power and their implementation frequently clash with other important values and objectives, such as protecting individual freedoms, promoting economic growth and material well-being, maintaining order, ensuring organizational efficiency and effectiveness, and even balancing the needs of the many against the needs of the few or the one. This inherently forges difficult choices, trade-offs, and perennial struggles to balance multiple objectives at multiple levels.

Power Inequality and Corruption

Pitting power against power to control power highlights how corruption arises from the inequalities of power—what Johnston and Fritzen (2021, 21) refer to as "power imbalances."[4] As Patrick Dobel (1978, 959) notes, "Extensive inequality in wealth, power and status, spawned by the human capacity for selfishness and pride, generates the systematic corruption of the state." Such imbalances of power not only underlie the existence of corruption—where unchecked power too often exploits the weakness of others (Tanzler et al. 2016, 25)—but also significantly shape the nature and outcome of the contested ideological debate to define corruption, the meaning and scope of authority and legitimacy,

the crafting of political institutions, laws, and policies, and their effective (or ineffective) implementation.

Much research highlights a correlation linking inequality and corruption. Generally, such studies focus on economic inequality and just one dimension of corruption: illegal forms of corruption. Inspired in the celebrated phrase by Lord Acton linking power and corruption, the current analysis presents a model that links structural, institutional, legal, and conventional forms of corruption to ideal type categories relating to the distribution or inequalities of power. Such imbalances extend from absolute power, associated with the power to construct, and define the concept of corruption, to the power to distort the implementation or administration of public policy tied to administrative forms of corruption.

In some ways, linking corruption to power imbalances offers partial confirmation of the better-known part of Lord Acton's dictum provided in the epigraph—that "power tends to corrupt and absolute power corrupts absolutely." Simply put, the more power, the more corruption. Grappling with this first requires defining power. Another contested concept, power, first, is "explicitly relational and asymmetrical: to have power is to have power over another or others" (Lukes 2017, 73). As such, references to power inevitably refer to relationships and distributions or inequalities of power. Second, power represents a capacity that can be exercised not just by individuals but also by collectivities, states, institutions, and systems (Lukes 2017, 72). It is thus possible to think not only in terms of the inequality of the power among individuals or groups but also, more importantly, among institutions—particularly, as we will see, between state institutions exercising power over society and those dedicated to controlling the powers of the state. Thus power, taken in all its forms and dimensions, is broadly defined as encompassing at least three dimensions: (a) compelling someone to act in a way they otherwise would not (Dahl 1957); (b) controlling the decisionmaking agenda, thereby making nondecisions a form of power, resulting in a type of coerced silence (Bachrach and Baratz 1970); and (c) fostering compliance by way of the hegemony of ideas exercised through the control of culture and ideology (Gramsci 1971)[5] and the construction of self (Foucault 1980; see Lukes 2017).[6]

Yet while the first part of Acton's hypothesis seems to make some sense (though it may in fact be a bit tautological),[7] the latter part regarding absolute power misses the basic point at the heart of the corruption dilemma: that absolute power also encompasses the power—in a Gramscian and Foucauldian sense—to create (the power of naming) and define

concepts such as corruption free from contestation and in such a way as to make the behavior of the absolute power unassailable, unimaginable, beyond the reach of expression, and by definition not corrupt. "Defining corruption," as Arellano-Gault (2020, 33) correctly notes, "is an act of power." Or as US presidential advisor Karl Rove once put it, "We're an empire now, and when we act, we create our own reality."

A key part of the dilemma of controlling the power of the powerful thus resides precisely in how the inequalities of power permit those with higher degrees of power or the greatest concentrations of power—the power we seek to limit—to prevail in both the ideological struggle and in the empirical battle, thereby effectively shaping and later implementing the limits to power in tune with their own interests. The simplistic example of early (perhaps slightly mythical) notions of absolute monarchy—perhaps the closest earthly example approaching absolute power—is illustrative. In an absolute monarchy the sovereign constituted the sole source of authority, and, as Thomas Hobbes noted, stood beyond the reach of the law.[8] This basically meant that there were no limits on the sovereign's power and that the sovereign could not, by definition, engage in corruption; in fact, there was really no delineation separating the private from the public.[9] Only years later, via a long, drawn-out, and gradual process of contestation and resistance—themselves a sign of the loss of absolute power—did the crown's power begin to be assailed and limited by the landed aristocracy (Johnston 2004).

It is possible, then, to extend this thinking schematically to identify and tie distinct degrees of imbalances or inequalities of power to distinct forms of corruption.[10] Though Chapter 2 explores in greater detail the debate over defining corruption and differentiates the various forms of corruption—structural, institutional, legal, illegal, political, and bureaucratic—it is nonetheless useful to sketch this framework here since it provides the foundation for the ensuing chapters. Beginning at a step below the level of absolute power—noting, again, that absolute power does not exist nor has ever truly existed[11]—lies what might simply be labeled *hegemonic power*. Borrowing from Antonio Gramsci, who coined the concept, hegemonic power represents the power to dictate the prevailing logic and morality within society largely by way of control over the ideological apparatus and discourse. Fundamentally, hegemonic power shapes not only our ways of thinking but also the prevailing institutions, laws, and policies in ways that privilege the interests of the hegemon. Defining corruption thus "gives one the upper hand in setting the rules and conditions to direct, propose and impose, if

necessary, the keys and 'right' ways to build anticorruption policies, institutions, norms, and programs" (De Graaf et al. 2010, 100, cited in Arellano-Gault 2020, 18). As such, the more orthodox approach to corruption crafted by the hegemonic power—also examined in Chapter 2—will tend to exclude certain forms of corruption, particularly what many identify as structural, institutional, and legal forms of corruption, while training particular attention on the forms of corruption most harmful to their interests. But unlike Lord Acton's notion of absolute power, hegemonic power is not absolute; the power is at least partially limited. Despite their dominance, the views and actions of the hegemon remain open to contestation and dissent owing, first, to the fundamental right of free speech at least within democracies—a component of the broader democratic/rule-of-law narrative—and, second, to the physical and technical impossibility of repressing all forms of thought and expression. At minimum, this at least ensures the whispering existence of counter-hegemonic narratives rooted in democratic ideals that contest the formulations authored by the hegemon, basically calling out what some will deem the hegemon's (ab)uses of power. In fact, it is this minimum level of contestation that equips us, in a Wittgensteinian sense, with the language and conceptual tools required to entertain the idea that certain forms of corruption coinciding with the interests of the hegemon have even occurred. Again, despite the dominance of hegemonic power, a sort-of democratic/rule-of-law template—also described in Chapter 2—tends to bound and condition the power of the hegemon. This ensures, for instance, that at a minimum no politician, regardless of their power, proclaims the virtues of corruption or promises on the campaign trail to promote it (even though secretly they may end up doing so).[12] As shown, such a concentration of power is generally what has shaped the prevailing global paradigm regarding corruption despite ample and growing contestation in recent years (Johnston and Fritzen 2021; Rothstein 2021a, 2021b).

A few rungs below the level of hegemonic power resides what might be called *institutional power*. This refers to the degree of power necessary to shape and/or control institutions—their mission, rules, and procedures—in ways that openly or shrewdly promote, protect, and privilege the interests of those wielding this power. Institutions, after all, embody invested power and, as such, prejudice its use and outcomes in certain ways. Such power can occur through initial institutional design or even institutional capture. In both cases, the institutions operate in ways that privilege particularistic interests over the public interest, prejudicing certain courses of action in the process. It is at this level

where one encounters what Dennis Thompson (2018) denotes as institutional corruption and Sandoval-Ballesteros (2013) as structural corruption. This encompasses, for instance, the role moneyed interests play to bias the institutional framework in accordance with their own interests, the power to institutionalize the duplicitous exclusion of those affected by state decisions in the making of those decisions, as noted in Mark Warren's (2006) definition of corruption, or even the control exercised by organized crime over parts of the state. Because the design must still roughly conform to a broader democratic narrative, be open to public criticism and debate, and comply with the existing ideological narratives regarding the limits of power (the broader definition of corruption), this degree of power is somewhat limited; it is not absolute.

A further step downward resides the degree of power or power inequality required to influence the political agenda, the priorities of the state, the laws, and public policies but within the existing, constituted institutions. As with all policies, it includes the power to shape the norms that specify with excruciating precision the anticorruption statutes as well as the resources and priorities devoted to creating preventive mechanisms and/or investigating and sanctioning allegations of corruption. It lays out in highly technical terms exactly what is permitted and what is not and how to police the frontier. In practice, this level of power encompasses most forms of what some scholars denote as "legal corruption" (Kaufmann and Vicente 2011), much of what Arvind Jain (2001) labels simply as "political corruption" (as opposed to bureaucratic corruption), and the violation of what Mark Warren (2004) denotes as second-order norms. Centered largely within the political or input sphere, such corruption encompasses practices that technically are permitted by the law and facilitated by the institutions that, nonetheless, illegitimately privilege and promote particularistic interests and, as such, are considered by some as a form of corruption. As examined in Chapter 3, examples include the ability of moneyed interests to take advantage of the existing institutions of campaign finance, lobbying, and the revolving door in the United States to ensure that their views and interests are adequately reflected in policy (Gilens and Page 2014). It also includes the practices of political parties at the state level to use existing institutions and laws to draw electoral districts in ways that clearly privilege their own party (gerrymandering) or to use discretionary bureaucratic power, as in Mexico, to ensure the impunity of corrupt officials. Of course, once again, this power is significantly constrained by the broader democratic template, the prevailing definitions of corruption, and the conditions imposed by the constituted insti-

tutions. Even judicial decisions to protect these avenues of power, such as campaign finance, must abide by basic, fundamental democratic principles such as the protection of free speech and the right to petition the government—principles that enable private political financing and super PACs in the United States.

Finally, at a lower rung we find the power imbalances producing what is more easily recognizable as corruption. This is where illegal forms of corruption reside, and it is the arena that receives the most attention from scholars, activists, and the bulk of anticorruption reforms. It is here where an institution, an organization, a group, or an individual wields sufficient power to illegitimately influence a particular decision or action by state officials and/or the implementation of a specific policy but does so in clear violation of existing law. A bribe certainly exerts power. But while such corrupt power is perhaps momentarily effective, it remains limited to a particular case and moment. It is thus far more restricted than higher orders or concentrations of power. It is constrained not only by the broader democratic template, the definitions of corruption and existing institutions, but more importantly by the law and policy itself. As a result, such exercises of power can rarely be done in the open or openly admitted: they often require subterfuge and the imaginative elaboration of increasingly complex schemes and networks that strive to at least give them the appearance of legitimacy and legality. They also invite public condemnation, shame, and profuse personal denials when brought to light.

But while bribery or extortion forms of corruption clearly involve a degree of power (money or power talks), those wielding such power lack sufficient power to ideologically legitimize what they do or, in a sense, make graft or the diversion of public funds or protecting drug traffickers acceptable and legal. Of course, such corrupt power also entails the power of those occupying the state to take advantage of their authority to extort or demand a bribe from a citizen or a company or collude with others to ensure that such illegalities go undetected and, even if detected or denounced, go unpunished. After all, they largely control these instruments of the state. But even if they go unpunished, as they often do (impunity), such corrupt acts are nonetheless considered illegal and illegitimate and must be kept hidden. It is at this level that the prevailing paradigm, much of the literature regarding corruption, and the reams of recommendations to fight corruption fit and make the most sense.

Cast within this general framework, fighting corruption (controlling the power of the powerful at all levels), as noted earlier, means the creation of some counter-power within the two-level game to contest the

definitions and conceptualizations of corruption, the institutions behind institutional corruption, and the laws and policies that privilege certain interests over others resulting in legal forms of corruption, and, at the practical level, to prevent, detect, and punish illegal forms of corruption. Taking place within the confines of the broader democratic narrative, this agonistic political struggle produces a dynamic setting where the rules and boundaries of authority and legitimacy remain fluid, poorly defined, and subject to constant change.

And yet, the mere struggle and the outcome to contain power with power itself also arises out of and reflects power imbalances and inequalities. After all, the power needed to limit power requires, to some extent, a matching degree of power by an individual, a group, or an institution that also holds/represents/embodies a particular worldview and promotes particularistic interests and priorities. In discussions of the development of the European state and democracy, for example, both Stephen Holmes (2003) and Charles Tilly (1985) use rational-choice theory to describe how the crown eventually accepted limits on its power when it acceded to the demands of the landed aristocracy in exchange for their cooperation and their resources, which the crown desperately needed to fund its wars and internal operations. Not only did the crown accept these limits on its own power out of necessity—to secure interests deemed more important than the exercise of those specific powers—but the imposed limits reflected solely the particularistic interests of the landed aristocracy: the counter-power. The crown thus acceded to their demands and interests (grudgingly and always trying to circumvent them in practice), but not to the needs and demands of those outside that group, thus leaving weaker groups within society vulnerable to abuses of power by both the crown and the aristocracy. Viewed from a different angle, while the state requires legitimacy to rule, it needs the legitimacy of the more powerful sectors within society more than it does that arising from weaker sectors. So, just as power is limited by others with whom you seek cooperation and resources, it is more important to secure the legitimacy of those whose cooperation and resources are needed to rule. Consequently, even the limits on power reflect the basic inequities of power, privileging other competing interests in the process.

Finally, in addition to shaping distinct forms of corruption and the nature of the limits on power, the inequalities of power, as is discussed later, also influence individual perceptions about the meanings of corruption, tendencies to cheat and engage in corruption, and subjective notions about the applicability of rules to oneself. As research discussed

in Chapter 6 illustrates, people with power and wealth tend to embrace a somewhat different understanding about what corruption is and perceptions about its prevalence. As inequality grows, this feeds a growing gap between the public's perception of corruption and the elite's perceptions. Shaun Bowler and Todd Donovan (2016, 273), for instance, note how "many Americans seem to have a different sense of corruption" than the standard definitions shaped by experts and the elite.

Purpose and Contributions

The primary purpose of this study is to better understand how corruption is engrained in politics and vice versa. But rather than adopting one definition while excluding others, the current approach juggles multiple and competing definitions of corruption and different forms of corruption while also keeping a certain focus on the core concept. The multiple definitions discussed in the next chapter are thus set out as components of the ideological debate that embody and represent competing particularistic interests and motives. In exploring the different types and patterns of corruption, the current study seeks to pursue a multilayered approach to highlight the underlying causes and forces shaping many of the more predominant forms and patterns of corruption and the vast challenges of curbing corruption.

Recognizing the quintessential political nature of corruption and anticorruption means acknowledging not just how corruption relates to controlling the power of the powerful, but also how our understanding of corruption, the patterns of corruption, and the nature of anticorruption strategies are all products of the inequality of power and the role of power and privilege (even our own) in society. In other words, just as power shapes the authority embodied in institutions and laws, so too does it shape the abuses of that authority and the prevailing views on the nature of corruption: what it is and how to fight it. Corruption's fundamental political nature thus lies behind the contested nature of the term's meaning; it is fastened to the perennial political conflicts over the proper nature and role of the state, of authority, and the use of state power; and it finds expression in the highly politicized and often polarized setting of fighting corruption.

So, what does *Corruption Dilemmas* try to explain? What questions does it really seek to answer? At one level, it aims to better understand why corruption exists and, more importantly perhaps, persists even though everyone condemns it and despite the decades of heightened attention, intense governmental and public mobilization,

and the institutionalization of anticorruption efforts nationally and worldwide. Moreover, the book strives to highlight the contentious nature of the debate and the struggles to establish, maintain, defend/ question, alter, and move the boundaries separating acceptable from unacceptable behavior as well as the deep-seated contention over how to prevent, detect, and punish those traversing the boundaries. Within this context, the book also underscores the various trade-offs and conundrums. Of course, if fighting corruption means controlling the power of the powerful, then it should be expected that the struggle would be an exceedingly arduous one. But the resistance and persistence of corruption also likely reflect in part our lack of understanding of how the forces fostering corruption evade, resist, and co-opt ostensibly anticorruption measures; how corruption evolves and responds to anticorruption efforts to survive; and how the powerful bend institutions to protect their interests, even to the point of making certain forms of corruption legal and certain forms of fighting corruption illegal and antidemocratic.

Notes

1. Letter to Bishop Mandell Creighton in 1887 (Figgis and Laurence 1907).

2. Juán Pardinas (2019, 307–308), for example, tells the story of a mayor of a small town in the state of Mexico in the early 1980s who assigned himself a salary of Mex\$400,000, used municipal resources to finance a film that he starred in, and later died flying his own plane. Pardinas's point is that back then all of this was legal and "were not cases of corruption per se because the institutional setting was total discretion, opacity and disorder." Yet today, much of this is illegal. This process of redefining the limits is ongoing. In fact, at the time of this writing, the Mexican congress is reforming Article 74 of the Constitution to eliminate *partidas secretas* (secret accounts), a constitutional prerogative that presidents historically used to divert funds. Under Salinas de Gortari (1988–1994), for example, the account received US\$200 million per month, funds he apparently distributed to his brothers, friends, bureaucrats, business leaders, legislators, writers, journalists, and media owners. During his final month in office, he made forty-one bank transactions involving over Mex\$652 billion (see Badillo 2021b).

3. Moving the out-of-bounds markers outward by eliminating prior limits on power also occurs. Amiati Etzioni (2014), for instance, notes how even practices in the 1970s considered illegal in the United States are now considered legal because of the rulings in *Buckley v. Valeo* (1976) and *Citizens United v. FEC* (2010).

4. Though related, the idea of power inequality or imbalances goes beyond most definitions and treatments of inequality in the literature, which tend to center on inequalities of wealth and income. Of course, the fact that wealth often translates into power—that wealth inequalities parallel power inequalities—captures much of the capitalism/democracy dilemma.

5. The notion of cultural hegemony developed by Gramsci was originally presented in his prison notebooks to describe the hidden power of capitalist forces

to disguise the contradictions of capitalism operating through what Karl Marx described as the ideological/cultural superstructure (see Gramsci 1971).

6. The idea of power has long incorporated not only the resources to force someone to behave in a certain manner but also the determination of the rules of the games and perceptions. Exploring the absence of challenges to the powerful in Appalachia, J. Gaventa (2012, 9–12) distinguishes three dimensions of power: (1) the one-dimensional approach to power focuses on controlling behavior; (2) the two-dimensional approach, based on Schattschneider, relates, in addition, to how power "decides what the game is about . . . [and] who gets in the game"; while (3) the three-dimensional approach also involves determining wants and conceptions of issues. Gaventa (2012, 12) links this form of power to Gramsci's concept of hegemony, or what Ralph Milliband (1969) considers ideological predominance for the "engineering of consent."

7. The famous statement seems to suggest that power (authority) is a causal agent triggering corruption. Yet, authority (a subset of power) is a necessary ingredient for corruption (defined as abuse of authority) to occur rather than a cause. In other words, it is like saying, "Those with authority are more likely to abuse authority than those without," which is largely tautological. Still, it does link corruption to the inequalities of power in that for corruption to occur, some must have authority (power) over others. Since power is relational, the statement thus offers a hypothesis linking the degree of inequality in power/authority to corruption: that corruption is a product of unequal power.

8. Hobbes argued that in the absence of nonhuman-based authority it is impossible to have rule of law over man because the sovereign has the final say (Hampton 1994).

9. This does not mean that corruption did not exist since the sovereign outsourced her/his authority to agents who could and did thwart the interests of the sovereign. The point here, of course, is that the sovereign could not commit corruption.

10. An earlier draft of this section is presented in Morris (2021a).

11. Perhaps the only notion of absolute power relates to various imaginations of god, particularly within monotheistic religions. However, I doubt Lord Acton meant to imply anything regarding god's absolute corruption.

12. See Breit (2010) on the role of discourse in the social construction of legitimacy and power relations.