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Brock, Gillian. *Corruption and Global Justice*.

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“May you have to live on your salary” (old Soviet curse)

Corruption is a ubiquitous problem. As Gillian Brock notes early on, it exists to one degree or another in all societies, no matter their stage of development, and is regularly identified by the public as one of the top problems in the world. (2-3) Despite its importance and frequency, it hasn't been a central topic for philosophers working on normative moral and political theory. This isn't to say it has been ignored, but it has mostly been seen as a specialty topic in areas such as business ethics, criminal law theory focusing on white collar crime, or certain sub-areas in democratic theory. However, as Brock points out, corruption has particular importance for questions of global justice, given that, “corruption plays an enormous role in sustaining global injustice and hinders efforts aimed at remedying global deprivations.” (17) This comes not just from the sort of large-scale corruption by government officials that starves developing countries of funds needed to provide necessary services, but also from more day-to-day corruption in the provision of water, leaving many people without access to clean drinking water, in construction, where people must make do with substandard and unsafe buildings, in the provision of education and medical services, and so on. Despite the massive size of the global justice literature, Brock's book is one of, perhaps the, first to focus specifically on corruption in relation to global justice. It would be an important work for this reason alone, but it also has many other virtues which should make it the touchstone of the topic going forward.

Brock's book is both normative and descriptive/empirical. She presents a wide account of corruption, provides an argument as to what should be done in response to it, and who should do these things. On the empirical/descriptive side, she provides a helpful overview of the harms of corruption, and introduces philosophers to tools for combating corruption, such as the United Nations Convention Against Corruption (“UNCAC”) and Multi-stakeholder Initiatives that have been developed and applied in areas such as natural resource extraction, construction, and other areas. Brock also notes and discusses civil society attempts to curb corruption such as the “zero Rupee note” and the “I paid a bribe” campaign in India, each of which seeks to change public perception of the acceptability of bribery, and to build support that can be relied on when people feel pressured to pay bribes. (81-3) Programs such as these hope to change norms that treat corruption as unavoidable, or at least expected, and so help break out of harmful social equilibria. Much of this empirical/descriptive material is likely to be novel for philosophers, and Brock is to be commended for presenting it in a clear and easy to digest way. While I will express doubts about some of the uses or claims Brocks makes about these matters, I learned a lot from her discussion, and think that others working in this area will do so as well.

“Corruption” is a term with a wide range of meanings. Some accounts are straightforwardly moral, such as the claim that corruption involves the “abuse of power by a public official for private gain.” (179, quoting Ney (1967)) Other accounts seem to include non-

moral instances, like when a metal is corrupted by impurities, or a file on a computer is corrupted. Further instances are somewhere in between the two – we might think of Anscombe’s claim that utilitarians have a “corrupt mind”, or the claim that Socrates was “corrupting the youth”, for example. The problem of finding the right account of corruption for a particular task is made more difficult by the overlap between cases of corruption and other forms of wrongdoing, such as theft, fraud, embezzlement, and extortion, which often involve corruption, but need not. Such cases of (often partial) over-lap can make it difficult to tell what, exactly, is the wrong of corruption, as we may worry about illicitly importing that badness of these other actions into a general account of corruption.

It seems unlikely that a fully happy or comprehensive account of corruption can be set out, and reasonably Brock does not attempt to provide one. We can, however, divide accounts or approaches to corruption into more narrow or focused and broad or wide ones. In this book, Brock consistently takes a broad approach, including more rather than fewer items in her ambit. This commitment to a broad account of corruption is most explicit in the appendix, which is the section of the book that most directly engages in the sort of conceptual analysis familiar from much work in philosophy, but is apparent throughout, including in her discussion of the “revolving door” in politics (7-8), the corruption of knowledge in the way that drug efficacy testing is done (10-12), and many other examples.

Brock favours a broad account of corruption because such approaches capture more of the cases she is interested in and because they allow for “detail that is useful for understanding [corruption] and how it functions in particular domains” that, she claims, is left out of narrower accounts. (195) I am sympathetic to the claim that narrow accounts will often miss cases, but am less sure that this should push us to a broad general account. Another option is to hold that, at best, corruption is a “family resemblance” concept, with no one thread running through all examples, even the central ones. If this is so, it’s no surprise that, say, an account of political corruption, or an account of abuse of public office, will differ in important ways from, say, corruption in the criminal justice system arising from prejudice against minorities, where there is no clear illicit gain to anyone. If I am right here, we’d be mistaken to look for an account that covers both cases.

If there were no practical effect of the account of corruption we take, this might be of purely theoretical interest, but, pace Brock, I think there is good reason to believe that narrower approaches – in the plural, as we will often need somewhat different accounts to deal with different situations – can be better for fighting corruption than her broad approach. I here note three reasons for thinking this is so.

First, if in fact there is no common thread running through all (morally) important cases of corruption, then we will go astray in trying to apply a very general account, because any account that can cover all relevant cases will be extremely abstract. This will both fail to help us understand what is problematic about particular instances of corruption (because these aspects will not necessarily be present in other cases falling under the broad account) but can also, leading in to our second problem, include cases that are, even if problematic, not clearly cases of corruption. This was a recurring worry I had in the book – that several of the topics discussed were, while real problems, not obviously cases of corruption, at least on their own. To my mind, this came up most clearly in Brock’s otherwise quite interesting discussion of tax avoidance. For both developed and developing states, tax avoidance is a major problem, both starving states of the funds needed to provide needed services, and in turn leading to significant expense and to burdens on honest citizens in the attempt to limit these loses. But, while tax avoidance may involve clear cases of corruption (say, if tax officials are bribed, or perhaps if legislators are illicitly encouraged to change laws to make

such avoidance easier), it was not at all clear to me that the bad acts by tax professionals noted by Brock should be thought of as corruption on their own. Brock rightly notes that tax professionals – accountants, lawyers, and others – have profited handsomely from facilitating tax avoidance, and that, in principle, these professionals could simply not do this, and could even help combat this activity. But it is not clear to me how this makes the activity corruption. (As a brief allusion to a point I return to below, on this topic Brock seems to largely suggest that it is plausible those tax professionals can and will simply improve their behaviour. She notes that, “...it is within the power of credible tax professionals to decide that the acquisition of additional clients is not worth compromising their professional integrity.” (129) No doubt it is within their power, in some clear sense, but it isn’t obvious to me that this is any more useful in practice than noting that it is within the power of most criminals to simply stop committing crimes. Noting the duties of people to behave better is often of little use unless there is some credible “stick” to back up moral suasion.)

Finally, taking too broad an account of corruption can both encourage people to find it where it is not, and to dismiss real cases as no big deal. This sounds paradoxical, but seems to explain behaviour such as that found in the U.S., where supporters of Donald Trump will simultaneously claim that the “Biden crime family” is hopelessly corrupt, despite the lack of any evidence, and that Trump did nothing wrong in, say, funnelling government business, or the business of people seeking to influence the government, to his over-priced hotel properties. While partisan self-deception no doubt plays a role here, the way that an overly broad definition can seem to cover innocent actions, and also make it look like “everyone does it”, makes it difficult to gain consensus on which actions are corrupt. Brock rightly points out that perceptions of corruption can often be important on their own. (190) But, this gives us good reason to want to be sure that these perceptions are accurate. I fear that broad accounts of corruption tend to make this more difficult.

Corruption is clearly a significant problem, perhaps especially in the developing world, but what can and should we do about it, and whose duty is it to act? Brock develops an interesting and largely plausible account of responsibility to take action to combat corruption, focusing primarily on “forward-looking” responsibility, which is responsibility to build institutions that can help prevent and combat corruption. (138) Brock proposes eight questions to help us in deciding how to attribute responsibility for responding to corruption. (159-60) For reasons of space, I will not list these all there, but note that they, plausibly, lead to the conclusion that those with more capacity in various ways, and those who have, intentionally or not, benefited from corruption, have greater obligations to address it. Unsurprisingly, it is states that have this capacity to a higher degree than other actors, and developed states have more than developing ones. Given that better institutions are clearly important, and that many developing states lack strong institutions and the capacity to develop them, developed states have an obligation, based in human rights and the need to establish a legitimate international order, to assist in building these institutions. (60)

Given these responsibilities, what should we do? It is here that I found myself most disagreeing with Brock. Brock presents what seems to me to be a relatively optimistic account of how we can address corruption. She devotes significant time to addressing, and largely praising, the UNCAC as a tool that can and will help us address corruption. I come away from looking at the UNCAC with a decidedly different impression than Brock, one that corresponds to a more pessimistic view about how realistically we can address corruption. Brock notes that the vast majority of states in the world have ratified the

UNCAC (88) and that many reports have been filed and “good practices” identified. (96) When I see this, however, the salient point seems to be that essentially all of the most corruption states in the world are parties to the UNCAC, many of them with little improvement and in several cases worsening corruption. (It is instructive to compare the list of states party to the UNCAC with Transparency International’s “Corruption Perception Index” here.) While it would likely be too strong to conclude that the UNCAC is, for the states that need it the most, largely empty words, it is at least clear that it is not sufficient, and no panacea.

This brings us to a more general point. Brock deserves credit for bringing the UNCAC, various multi-stakeholder initiative, and civil society programs for addressing corruption to the attention of philosophers. Her own proposals are along the same lines, calling for codes of conduct for professionals (128), better adherence to existing codes (129), and for both states and other actors to live up to their duties to promote human rights (106), a call that she shows will require combatting corruption. Notably absent from these proposals is any significant discussion of mechanisms with strong coercive force. This is interesting, and a bit surprising, for several reasons. I was, in particular, surprised to find no discussion, or even mention, of the U.S. Foreign Corrupt Practices Act or the similar OECD Anti-Bribery Convention. Each of these, though more limited in scope than the UNCAC, provide for significant criminal penalties for companies that engage in corrupt activities in foreign countries, and seem to reduce corrupt activity by firms located in relevant states.

We might draw a larger moral here. As Brock notes, in many instances corruption places those involved in it in a collective action problem. (79-81) This often has a prisoner’s dilemma like structure, where each party would be better off without corruption, but no party can improve their situation unilaterally. In such cases it is not clear that agreements without significant sanctions behind them can break the dilemma. As Hobbes long ago noted, covenants without swords are mere words. And, moral suasion and calls on people and institutions to do better are even less likely to improve the situation, given that, in these cases, it is not a lack of morality that leads to the problem. Consider the epigram at the start of this review. It may seem immoral for a doctor or teacher (or even a shop assistant) to demand an “illicit” payment to do what their job requires. But when the salaries of those figures would otherwise not cover their own modest living expenses, it is unclear, at best, that appeal to morality will or even should motivate them. Of course, not all forms of corruption fit this picture. Many sorts are clearly immoral or based on greed. But even in those cases it is unclear to me that the types of remedies called for by Brock will have a strong impact. And, the situation may be even worse, given that codes of conduct can sometimes have the perverse result of leading to more corruption. Such codes tend to make regulatory structures more complex, as new compliance burdens are imposed. As people find it harder, more time consuming, and more expensive to navigate the increasingly complex regulatory scheme, both the incentive to pay, and the ability to extract, “facilitation payments” increases.

Where does this leave us? Brock is correct that corruption is an important problem, and that global justice theorists have not given it the attention it deserves. And, many of her proposals are worth taking seriously. I am significantly less optimistic, I think, that the problem can be solved, or even greatly reduced, by the means suggested in the book, and perhaps by any means that are at our disposal, but be that as it may, the topic is ripe for further work, and Brock is to be commended for bringing it to the table.

Matthew Lister

