

justice and a public ethics of accountability underpins their remedial proposals, there remain questions over the practical challenges of promoting an ethics of public accountability in the ever more complex socioeconomic and political environment in which we now operate.

## **The Open Texture of Public Institutional Action and Its Corruption: A Response to Destri, el-Wakil, and Heywood**

*Emanuela CevaMaria Paola Ferretti*

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The three perceptive comments by Chiara Destri, Alice el-Wakil, and Paul Heywood take the lead from one of the main features of our discussion of political corruption as an internal enemy of public institutions: political corruption consists in the officeholders' interrelated action in contradiction with the terms of their power mandate (3). Such a feature derives from the theory of public institutional action that underpins our discussion; it qualifies political corruption as a special kind of institutional dysfunction.

Public institutional action is not, in our view, just a matter of setting up institutional mechanisms and having officeholders mechanically follow institutional rules. Public institutional action is a living practice. It consists in the officeholders making an interrelated use of their power of office to uphold the grounding normative ideals—i.e., the *raison d'être*—of their institution (23). Because public institutional action occurs in nonideal circumstances, the officeholders are called upon to exercise their judgment and discretion to direct their interrelated action in ways coherent with the letter, or often the spirit, of their power mandate (8–9; 31–33; 117–18). Such a structural uncertainty creates the circumstances for political corruption. Such circumstances materialize whenever the officeholders' exercise of judgment and discretion sees them using their power of office in ways for which they may not account with reference to their mandate. One of the book's key claims is that such an unaccountable use of power of office is the common root of individual (e.g., bribery, misappropriation) and institutional (e.g., clientelism, state capture) manifestations of political corruption in the public domain (32–33; 104–5; 117–18).

Against this background, some of the questions el-Wakil raises with reference to democratic institutions acquire a general drive: she asks how power mandates may be clearly and coherently established with reference to a public institution's *raison d'être*. If power mandates evolve over time

and space and are open to different interpretations, who may say the last word on them? An answer to such a question requires us to emphasize the open texture of institutional action, and the notion of an institution's *raison d'être* as a work in progress to whose qualification, realization, and revision the officeholders are incessantly required to contribute.<sup>1</sup> A public institution's *raison d'être* is nothing like a fixed purpose, that teleologically guides the officeholders' action. It is a work in progress that the officeholders are interrelatedly responsible to carry out. As discussed in chapter 4, such an interrelated responsibility falls on each and every officeholder in their capacity as the occupant of an institutional role. This is a form of responsibility which we have specifically formulated for institutional action. It is not a form of collective responsibility because it calls on officeholders individually to act in accountable ways, sustain, and call their fellow officeholders to do likewise. But it is not a form of individual responsibility either. Officeholders have it and may exercise it only in their institutional capacity as the members of an interrelated group of agents that may fail or succeed only together (150ff).

So no one single officeholder (or a subset) has the last word concerning the specification of their power mandates. Officeholders partake as an interrelated group of agents in such an ongoing critical exercise of specification, revision, and correction. Such an exercise is the fabric of public institutional ethics, which explains why we have interpreted political corruption as a matter of public ethics too. Because power mandates are contested and controversial (as el-Wakil, in general, and Destri, with reference to parliaments, underline) such institutional dysfunctions as political corruption threaten institutional action more or less overtly; the officeholders' taking interrelated responsibility for those dysfunctions is, therefore, of critical importance.

The discussion thus far sets the stage to qualify—in response to another concern of el-Wakil's, partly reflected in Destri's comments—the extent to which countering political corruption is an internal matter for public institutions. The claim that the main resources to resist and react to political corruption should come from within an institution should not be narrowly interpreted. Unlike what Destri seems to suggest, for example, democratic citizens are not an outside source of accountability for the action of an elected parliament. In a democracy, the role of a democratic citizen is arguably the most fundamental one. Citizenship is an office to which a special normative status with special powers (e.g., voting rights) accrue.<sup>2</sup> We concur that some outside agents may have a role in anticorruption too. But the role we envisage is that of props of the officeholders' action. This prop may come from oversight anticorruption authorities, or even the judiciary

<sup>1</sup>Emanuela Ceva and Maria Paola Ferretti, "An Ethics of Office Accountability for Well-Functioning Public Institutions," *Public Affairs Quarterly* 35, no. 4 (2021): 277.

<sup>2</sup>Emanuela Ceva and Valeria Ottonelli, "Second-Personal Authority and the Practice of Democracy," *Constellations* (2021), doi:10.1111/1467-8675.12575.

in those cases where political corruption implies the formal violation of a law (such as in cases of bribery). Public institutions are also interconnected in such a way that may justify and require external anticorruption action; for example, politically nominated commissions may be established to audit a public hospital's performance. Last but not least, outside action can matter when institutional action is deeply compromised, such as in cases of systemic bribery, so that relying only on internal resources may not be enough to break vicious circles of power abuse.

We reject the idea that the officeholders may delegate and outsource their responsibility to keep their institutional action on track and correct it when it (risks to) go astray. This claim has two corollaries. Officeholders may outsource neither the therapy nor the diagnosis of political corruption. One of the main implications of saying that political corruption is an *internal* enemy of public institutions is that detecting corruption cannot be done in many important instances by looking at institutional action (or one officeholder's conduct) from the outside. Detecting political corruption cannot be exhausted into an exercise of measuring and assessing institutional action against fixed standards and indicators of institutional performance. This outward approach may be acceptable, at least in part, in straightforward cases of corruption, especially when they involve unlawful practices or the discrete action of clearly identifiable officeholders (such as Sarah, Nilde, and Peter in Destri's example). However, political corruption is only seldom as clear cut. Most of the times, it is difficult to assess who exactly is implicated, how, and why. As discussed in Chapter 5, the identification of political corruption thus requires the officeholders' engagement in an inward exercise of self-questioning as they ask each other what they are doing as an institution. This is the essence of making corruption and anticorruption matters of public ethics.

In the practice of anticorruption, the appeal to a public ethics of office takes seriously the resourcefulness of internal communication practices to correct institutional dysfunctions and find new ways to support the officeholders interrelatedly to uphold the *raison d'être* of their institution. Heywood fears that such an idealized normative view of anticorruption may not resist the shock of the shallow reality of public administration. Evidence shows that the officeholders' psychological biases, as well as their mistrust in the reliability of such institutional mechanisms as whistleblowing, often undercut the efforts to promote an ethics of anticorruption through the officeholders' ethical training.<sup>3</sup>

To be sure, the results of much empirical research on the effectiveness of current anticorruption ethical initiatives are hardly encouraging. However, such results largely refer to anticorruption standards and strategies

<sup>3</sup>See, e.g., Transparency International, "The Dysfunctional Whistleblowing Mechanism in the Georgian Public Service," June 25, 2020, <https://transparency.org/en/blog/dysfunctional-whistleblowing-mechanism-georgian-public-service>.

introduced top-down into public institutions with a long history of corruption. If anything, this evidence corroborates our argument that an outward, standardized approach to fighting corruption is necessarily wanting on its own. The space opens up for our defense of the need of trying novel—however difficult—strategies that treat officeholders not simply as the addressees of anticorruption, but as the active engines of institutional functioning, diagnostic, and repair.<sup>4</sup>

There is a further aspect on which Heywood invites us to engage in a reality check. This concerns the extent to which our account of public institutional action, focused on public officeholders and their mutual accountability, matches the reality of governance. Heywood points out that state-centered views of the public function are increasingly ceding ground to more hybrid forms, in which private companies and nongovernmental organizations cooperate in private-public partnership. An understanding of the public function cannot ignore this intertwining of state and nonstate elements. The strong role of private actors in the redefinition of public rules raises a number of ethical and political concerns, including the erosion of certain political institutions as we traditionally understand them, and the dispersion of public power through systematic outsourcing to nonstate actors.

To acknowledge the current transformations and complications of the public function speaks to the significance of such a flexible and dynamic approach to public institutional action as ours. The notion of the open texture of public institutional action can accommodate and react to the transformations of the ways in which public power is exercised and the actors to which it is entrusted. Such transformations include the implication of nonstate actors that are given a public (or indeed hybrid) mandate. While public power may be delegated to nonstate actors, this fact alone does not dispense those actors from using it in keeping with the normative standards of office accountability. What is more, by questioning the nature of officeholders' mandate and their duties, the current challenges related to the privatization of the public function make the notion of an institution's *raison d'être* as a work in progress even more salient.

This complexity urges the plurality of actors implicated in carrying out the public function to engage in the communicative practices required for the good functioning of public institutions. These include the answerability practices we have placed at the core of anticorruption. Heywood fears that, with the increasing delegation of the public function to private actors, these latter may in turn more or less overtly influence answerability practices and their standards. Consider, for example, the understanding of the *raison d'être* of a prison, to be searched in the precarious equilibrium between the many normative ideals that may inform the management of such an

<sup>4</sup>Emanuela Ceva and Maria Paola Ferretti, "Upholding Institutions in the Midst of Conflicts: The Threat of Political Corruption," *Ethics & Global Politics* 14, no. 3 (2021): 163.

institution (correction, rehabilitation, economic efficiency). When the management of a prison is delegated to a private company, such an equilibrium may all too easily tilt in favor of economic efficiency, regardless of the officeholders' self-critical understanding of their function.

Such cases of privatization of the public function give the opportunity for a critical reexamination of answerability practices. The above-mentioned cooperative alliance between internal and external accountability thus becomes salient. Answerability practices may also include external auditing for reintroducing a measure of public direction to counterbalance the intensification of privatizing tendencies. Such a complexity makes it an asset for a normative theory to be flexible enough to adapt to the many concrete configurations the public function may take. The terrain is thus open for new and fruitful discussions between normative theory and empirical analysis. By appreciating the open texture of public institutional action, our book has begun to plow this terrain, laying the seeds for a study of the transformations of the public function, both within and outside the boundaries of democratic institutions.