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# Individual Responsibility under Systemic Corruption: A Coercion-Based View

<https://doi.org/10.1515/mopp-2020-0033>

Published online August 6, 2021

**Abstract:** Should officeholders be held individually responsible for submitting to systemically corrupt institutional practices? We draw a structural analogy between individual action under coercive threat and individual participation in systemic corruption, and we argue that officeholders who submit to corrupt institutional practices are not excused by the existence of a systemic coercive threat. Even when they have good personal reasons to accept the threat, they remain individually morally assessable and, in the circumstances, they are also individually blameworthy for actions performed in their institutional capacity.

**Keywords:** responsibility, blameworthiness, coercion, corruption, accountability, public ethics threats

## 1 Introduction

In public institutions, corruption often manifests itself as an instance of individual behavior consisting in an officeholder's deliberate use of an entrusted power of office that runs counter to that power's mandate (for example, misappropriation or


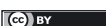
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embezzlement).<sup>1</sup> But the corrupt conduct of some officeholders may also give rise to some unofficial but recurrent institutional practices parallel to the official ones (for example, clientelism or state capture). Such practices typically ramify across several discrete instances and become an actual social activity irreducible to a series of episodic acts of isolated individuals. This form of corruption within public institutions goes by the name of systemic corruption.

Systemic corruption is characterized by a network of distorted relations, mutual incentives, and interconnections that is often so intricate that, viewed retrospectively, it is generally very hard to identify any specific corrupt action of an officeholder as the source of corruption. In these circumstances, there may be a tendency to discount the wrongness of any specific officeholder's conduct. The individual responsibility of officeholders in establishing and maintaining the corrupt practice is thus hard to assess from a moral point of view.<sup>2</sup>

To what extent should officeholders be held individually responsible for participating in systemically corrupt institutional practices? To ask this question is to engage, from a specific but exemplary angle, with the problem of individual moral responsibility in circumstances of systemic wrongdoing. In this article, we approach this problem by drawing a structural analogy between individual action under coercive threats and individual participation in systemic corruption. Responsibility for action standardly presupposes a deliberate and rational choice, and thus coercion is typically taken to disqualify the assignment of individual responsibility to the coercee (Anderson 2011b; Feinberg 1986; Wertheimer 1987). Unlike coercion by force, coercion by threat does not annul the coercee's will, to the extent that the coercee retains the practical capacity to ponder and assess the normative import of the considerations imposed by the coercer.<sup>3</sup> In acting under coercive threat, individuals maintain some moral responsibility for their action, which results from having deliberated in response to the normative pressure of the threat. Although extorted, submissive action is done for reasons. In this article, we

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**1** This characterization of corruption captures the salient overlapping traits of many prominent conceptualizations of this phenomenon, such as Ceva and Ferretti (2018), Heywood (2015), Miller (2018), Philp (1997), and Rose-Ackerman (1999).

**2** For recent formulations of this problem, see Ferretti (2019), Miller (2017), and Thompson (2017). While our inquiry counts as a contribution to the normative debate on corruption, the discussion of remedial anticorruption institutional duties and the basis of their fair distribution falls outside the article's scope. For further discussions see Ceva and Ferretti (2021).

**3** This feature distinguishes the view we adopt from other models of coercion, such as those in Bazargan (2014), Feinberg (1986), Frankfurt (1988), Pallikkathayil (2011), and Wertheimer (1987). We start from coercion by threat and leave aside the discussion of coercion as such (but see Bagnoli 2018); for an overview situating this view within the broader debate on coercion, see Anderson (2011b).

argue that some paradigmatic cases of officeholders' participation in systemic corruption can be interpreted as instances of submissive action under coercive threat. On this basis, we show a sense in which the officeholders who participate in systemically corrupt institutional practices are individually responsible for their actions and their implications in the ensuing systemic wrongdoing.

Because there might be attenuating conditions, the attribution of individual moral responsibility in cases of submissive action in response to coercive threats is sometimes insufficient to ground the moral judgment of blameworthiness and the attitude of moral blame. In this article, we argue that such conditions do not generally apply to officeholders who participate in systemically corrupt institutional practices. Indeed, we submit that, within the context of (nearly) just and/or legitimate public institutions, there is a *pro tanto* sense in which officeholders who participate in systemic corruption are both individually responsible and blameworthy.

We proceed as follows. In Section 2, we present the problem of individual responsibility under systemic corruption. In Section 3, we introduce coercion by threat and the structural analogy between an officeholder's individual submission to systemic corruption and personal submissive action under threat. In Section 4, we explore the analogy between these two kinds of action and lay out our argument for attributing individual moral responsibility under systemic corruption. In Section 5, we discuss the mixed moral feelings associated with individual officeholders acting under systemic corruption and the implications they have for the attribution of agency. In Section 6, we conclude by highlighting the implications of our normative analysis of systemic corruption for the general moral evaluation of individual participation in systemic wrongdoing.

## 2 Individual Responsibility and Normative Reasons to Conform to Systemic Corruption

Corruption in public institutions is a complex phenomenon that may concern not only the behavior of individual officeholders but also an entire institutional structure (Ceva and Ferretti 2017; Philp 1997; Thompson 2017). This complex phenomenon may be understood by presenting corruption as a matter of either "bad apples" or a "bad barrel."

In a basic sense, when it comes to public institutional action, we speak of corruption when officeholders use their entrusted power in ways that run counter to the officeholders' power mandate (Ceva and Ferretti 2021). Such uses of power may be single instances of misbehavior on the part of individual

officeholders (the bad apples) who deliberately use their position to their advantage. Individual corruption may or may not involve an exchange between a corrupted officeholder and a corruptor (bribes vs. embezzlement). Moreover, the advantage that corruption produces may or may not accrue to the corrupt officeholder's personal benefit. In certain cases, a corrupt officeholder uses his position to benefit either some other individual (as in, for example, nepotism) or a group (for example, a politician who accepts a bribe to finance her political party). Some other times, officeholders can even use their position corruptly to promote a good cause (for example, when they embezzle in order to support a charity). The last type has sometimes been referred to as "noble cause corruption" (Miller 2017). In any of these cases, the received benefit may be either material (in money or in kind) or immaterial (for example, influence).

These cases of individual corruption may be isolated and sporadic and have, therefore, no or very limited impact on the general functioning of the public institution in which the corrupt officeholder operates. At other times, their magnitude may increase—for example, when they involve a large number of officeholders or they become regular and systematic. In these cases, corruption is a problem not only of bad apples but also of a bad barrel, and it thus takes on an institutional dimension (Ferretti 2019; Lessig 2013; Miller 2017; Thompson 1995). The overall quality of a public institution may thus be compromised. In certain cases, institutional corruption may even become systemic. When corruption within public institutions becomes systemic, it is no longer reducible to any discrete use of power by an individual officeholder (or a restricted group thereof). Systemic corruption consists in the establishment of a parallel institutional practice that ramifies across several exercises of power of office and gradually comes to replace the official practices. Systemic corruption relies on a web of distorted power relationships, mutual incentives, and interconnections among officeholders who act in their institutional capacity (Ferretti 2019). Instances of systemic corruption include state capture, in which the mechanisms of political selection and decision making create a system in which public power is consistently used to the advantage of some powerful group (for example, a lobby or an ethnic group) rather than the public. This influence may be either unlawful (for example, systemic bribery) or legal (as is often the case with private electoral-campaign financing—see Lessig 2013; Thompson 1995). Think also of clientelism in offices whose recruitment practices routinely respond to the officeholders' personal ties (Ferretti 2019).

Given the complexity of institutional action in cases of systemic corruption, the question of how to attribute moral responsibility is particularly challenging. Notably, in most such cases the task of holding officeholders morally responsible for their causal contribution to the establishment and the maintenance of a corrupt institutional practice looks impossible. There are various reasons for this difficulty.

An officeholder might submit to or sustain corrupt institutional practices without actually doing anything—for example, simply by failing to notice somebody else's corruption. For example, the secretary at a mayor's office might fail to record the gifts that citizens regularly offer the staff in exchange for favors (such as hastening the process of obtaining some official documents). The secretary's failure might be motivated by his false belief that the gifts are simply customary tokens of appreciation for the efficiency of the services rendered.

Individual moral failures to recognize systemic corruption are due to a variety of causes. In some cases, they are simply due to an outward lack of vigilance, perhaps encouraged by the normalization of the corrupt practices. Arguably, this kind of normalization is sustained by the systematic distortion of one's beliefs regarding the functioning and the ends of a shared practice and regarding one's place in it. The complacent agent might rely on self-delusional and self-deceptive reasons in ways that are hard to overcome. It might be unthinkable for the secretary in our example to admit that he is part of a corrupt practice or to see his everyday work environment as corrupt. One may object that if the secretary lacks this awareness, he is simply complying with what he takes to be a legitimate practice. But the objection takes self-serving self-delusion and self-deception as excuses. In fact, these are conditions that expose the agent's moral failure.

While lack of vigilance might be considered less serious than negligence, it is nonetheless a moral failure. In some cases, unawareness depends on the features of the professional role—for example, when it involves routine actions, actions on autopilot, or hyperspecialized actions that are taken without knowledge of the context. In other cases, someone's unawareness might be facilitated by a work environment so oppressive that workers are cowed into unthinking conformity. In these circumstances, one officeholder might not dare do anything other than keep her attention focused on her own narrowly defined role-based tasks, and she might thus fail to notice the broad corruption; another officeholder might have suspicions but not dare pursue them because she fears retaliation by her colleagues or by management; someone else might be fully aware of the corruption but not dare report it or oppose it for similar reasons.<sup>4</sup>

All such cases exemplify how the officeholders in a systemically corrupt public institution may be misled by shortsighted pragmatic reasoning that grasps the seriousness of the risk of causing harm but fails to capture the moral wrong thereby committed. Such reasons are not solely protective of deceptive desires

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<sup>4</sup> We owe this set of cases to Antony Duff. For a discussion of how these fears might discourage individuals to report corruption, see Ceva and Bocchiola (2018).

or false interests. When systemic corruption occurs, there might be strong pragmatic reasons to maintain self-deceptive beliefs. Relying on self-deceptive beliefs might be strategically advisable for the agent; the alternative option—facing the truth—might be psychologically too costly. Such costs should be thought of not only in terms of personal integrity, but also and perhaps more importantly in terms of the complex network of relations in which the agent participates as the occupant of a role within a public institution. Facing the truth means admitting that one is part of a corrupt system; this admission has potential costs insofar as it entails recognizing the moral obligation to refuse to submit to corruption. Refusal to submit is likely to result in the loss of some personal advantages for the agent (for example, his role-based privileges or the friendship of his colleagues), and it also might endanger his dependents (for example, the officeholder's relatives might lose his economic support). While in the long run pragmatic reasons lose force or collapse altogether, their strength might provide a basis of stability that is sufficient to sustain agency for some time.

Our analysis indicates that, at least in some cases, an officeholder's submission to corrupt institutional practices rests upon instrumental reasoning. Such instrumental reasoning need not be endorsed in full awareness in order to be operational, as exemplified by the self-deceptive agent's behavior. However, the reasoning can be reconstructed as instrumental *ex post facto*. That is, it is likely that the officeholder who submits to a corrupt institutional practice rationally reconstructs her behavior by appealing to self-interest or the need to protect her immediate relatives. In some paradigmatic scenarios, the strength of such reasons might be significant enough to silence other moral considerations. In other words, the officeholders submitting to such practices might not be completely deaf to reasons and insensitive to moral concerns. On the contrary, their conduct may be rationally justified in that it is grounded on instrumental reasons. Such conduct can also be viewed as morally justified insofar as it is not self-interested, but done in the interest of, for example, one's narrow circle. The agent might rationally and in good conscience justify this partiality as morally appropriate and reconstruct her corrupt conduct as driven by moral obligations—for example, to her immediate dependents, whom she regards as an authoritative source of moral obligations. This is a further complication in the assessment of moral responsibility for the officeholder's individual action under systemic corruption.

Because of the difficulties of identifying the individual sources of systemic corruption, assessing responsibility for this kind of institutional deterioration has been standardly understood as a matter of collective attribution (Miller 2017). In the remainder of this article, we aim to make some progress on this issue by providing a novel account of some paradigmatic cases in which individual

officeholders who participate in systemically corrupt institutional practices can be held morally responsible.<sup>5</sup>

### 3 Individual Responsibility for Submissive Action under Threat

In this section, we call attention to the case of submissive actions under threat. The structural features of such cases can usefully illuminate by analogy the normative discussion of a paradigmatic class of actions of individual officeholders who participate in systemic corruption.

In submitting to a coercive threat, the individual agent is not completely absolved of responsibility, as in the case of coercion by force or physical violence, because the agent maintains some deliberative power and hence her agential authority is still in place (Bagnoli 2007; Nozick 1968).<sup>6</sup> The coercer exercises his power by threatening to bring about a scenario that the agent has strong reasons to avoid. Thus, the agent has reasons to submit to the will of the coercer and perform a repugnant action in order to avoid a worse scenario. Arguably, the agent retains moral responsibility for submissive action because the submissive action is deliberate and *ex hypothesis* she has the practical capacity to resist the normative pull of coercion. (If the agent does not have the practical capacity to resist, she does not qualify as an agent. If she has no opportunity to resist, the coercion qualifies not as coercion by threat but as coercion by force.)

To elucidate this kind of coercion, consider the following case. During a terrorist attack on a newspaper office, Mary, an employee who has just finished her shift, meets the gunmen as she is leaving the premises with her infant daughter. The gunmen issue Mary the threat that unless she lets them into the building, they will kill her daughter. Mary lets in the terrorists, knowing that her action will likely lead to the murder of some of her colleagues. This is a tragic case of coercive threat in which the threat is immediate, is highly credible, and provides the agent with normative reasons for action that trump others. We can thus recognize that Mary's decision is

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<sup>5</sup> On structural explanations, see Haslanger (2016). For a discussion of the obstacles for individuals to fulfill their anticorruption obligations in the more specific context of intermediate organizational structures, see Herzog (2018). For a broader discussion of shared forward-looking responsibilities for individuals' participation in structural processes with unjust outcomes, see Young (2011). The approach taken in this article does not exclude these and other views in the debate, which can illuminate different aspects of the problem.

<sup>6</sup> The conditions of responsible moral agency are importantly defined in terms of the norms about the boundaries of the moral community, see Bagnoli 2007, and Bagnoli 2021.

deliberate and sustained by compelling normative personal reasons. These are the grounds for holding Mary morally responsible for submissive action under threat.<sup>7</sup>

In cases of coercion by threat, an agent's deliberative capacity is not diminished or compromised but its exercise is severely constrained. This is not because the agent under threat is paralyzed by terror, but because she finds the threatened scenario simply "unthinkable," in Harry Frankfurt's (1998) normative sense, which identifies a volitional necessity. Mary cannot even think of letting her daughter be killed by the terrorists as an option available to her. The incapacity to think of the threatened scenario as an option is best understood as a volitional constraint that determines the agent's will. Mary's love of her daughter works as a preemptive reason because it immediately rules out competing reasons that might enter Mary's practical deliberation under threat. There might be other philosophical accounts of the way such an option disappears from Mary's deliberative field. For the purpose of our argument, these philosophical differences are not relevant. The point is that such an option does not appear in Mary's deliberative field, and thus it cannot be pursued as an action.

Unlike in other cases of causal necessitation, in cases of practical necessity, agents retain full moral responsibility for what they choose to do. Indeed, this is entailed by the very notion of volitional necessity. In the cases under scrutiny, agents act in conformity with the constraints of their rational will and are thus morally responsible for their actions. Actions determined by volitional constraints are, in some important sense, autonomous because they are expressive of the agent's character. Thus, the sense in which volitional constraints cannot be resisted is quite different from the sense in which an agent cannot resist a causal force or an alien source of authority. In the case of volitional necessity, the incapacity to resist consists in a form of personal integrity: The agent would not want to have other wants (Williams 1981; 1993, p. 61). Mary's decision is fully determined by what she most cares about (that is, her daughter's life), even though she is aware of the costs of her action and of the wrong it entails (that is, the death of the hostages). The features of Mary's context of choice are those of a dilemma because there is no morally permissible way out of the situation (see Bagnoli 2018). Thus, to recognize that Mary's action can be rationally justified on the basis of her overriding affective reasons does not entail that her action is morally permissible.<sup>8</sup>

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7 Another possible approach to assessing tragic choices between morally wrong courses of action comes from the "dirty hands" debate (see, for example, Walzer 1973). For the purposes of our analogy to submissive action under systemic corruption, we do not enter that debate. We trust that the reader who is familiar with that debate will appreciate the extent to which the scenario we are discussing could be redescribed in that terminology.

8 The verdict of moral permissibility presupposes that in the case of a moral dilemma between two obligations, it is permissible for the agent to act according to one horn of the dilemma (that is, one side of the disjunctive obligation) but not permissible not to act at all and hence fail the disjunctive



Correspondingly, it would be appropriate for Mary to suffer guilty feelings even though her choice is fully determined in conformity with her reasons. Such feelings of guilt show not that the rational justification is weak, but that it clashes with other moral duties (for example, to protect human lives).

The fact that Mary is morally responsible for her decision and that her developing guilty feelings are appropriate does not make her automatically blameworthy. There are reasons for withholding blame, given the dilemmatic circumstances. Mary faces a moral dilemma in which all venues are morally prohibited and there is no way she can act rightly. This consideration means that while Mary is morally responsible for what she chooses to do in such a dilemma, blaming her would not be an appropriate moral response. Given the features of the deliberative scenario in which Mary operates, other kinds of reactive attitudes associated with the ascription of moral responsibility—such as compassion, sympathy, or resentment—seem more appropriate.<sup>9</sup> To say that Mary is responsible for letting the terrorists in does not amount to finding her morally faulty, since all actions open to her involve wrongdoing.<sup>10</sup> In fact, focusing on the blameworthiness of Mary's submissive action under threat would be distorting and misleading since, instead of appreciating the dilemmatic context, it would unduly tie moral responsibility to the moral judgment that the action committed is wrong because the agent is at moral fault.

The overriding reasons for Mary's actions are considerations that support actions promoting a moral end (for example, protecting her daughter). Thus, in this construal, the overriding reasons are not opposed to moral reasons. Complying with the terrorists' demand in order to save one's daughter's life may be considered both rational and moral, a choice made on moral grounds (for example, the duty to protect one's own child). This characterization does not deny that the agent's

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obligation. This is a generally held principle of rational choice, but it is questionable as a principle of moral choice. A further question concerns whether a moral dilemma is reducible to a disjunctive obligation.

**9** One may deny the relevance of the capacity to resist on the grounds that victims of systemic injustice cannot be blamed (see, for example, Superson 2005). Our argument is that the attribution of moral responsibility is not equivalent to a moral judgment of blameworthiness. This is because the reactive attitudes appropriate in response to wrongdoing are many and varied, depending on the nature of the agent's implication in the relevant action. The problem reverberates also in the debate about coercion and integrity; see, for example, Anderson (2011a), Mason (2012), and Shaw (2012).

**10** Following Strawson (1962), we take "reactive attitudes" as a whole heterogeneous category of coordinated attitudes that appropriately target persons as members of the moral community (McGeer 2010). For our purposes, we set aside the scholarly debate about the nature of such attitudes and about the plural functions and dimensions of blame (Fricker 2016; Mason 2019). However, our argument is compatible with a pluralistic approach to reactive attitudes, including blame.

submissive action makes her morally assessable and implicates her in serious wrongdoing (Anderson 2008; Bagnoli 2018; Bazargan 2014; Pallikkathayil 2011). But the possibility of a moral assessment should be distinguished from the possibility of issuing a judgment of blameworthiness.

This finding has broader consequences. In many practical cases, the normative authority of the reasons at stake is not apparent, and hence the agent is rationally required to engage in deliberation. In assessing the agent's moral responsibility, we must pay attention to the fact that submissive actions are deliberate, even if the context of choice is severely constrained. The next step in our argument is to show that the deliberative element proves crucial also in the assessment of individual responsibility for individual submissive action under conditions of systemic corruption.

## **4 Moral Wrongs and Officeholders' Individual Responsibility under Systemic Corruption**

### **4.1 Systemic Corruption: The Case of Favoria**

Suppose that in the state of Favoria a corrupt practice for allocating research funds has gradually developed within the National Research Council. Namely, the selection of research projects responds to a strategic logic of academic power equilibria that is grounded in a system of local favoritism, and the logic is totally extraneous to the academic excellence-based rule that should officially govern the selection procedure. In this sense, the research project selection practice in Favoria is corrupt: It is regulated by an agenda (the perpetuation of academic equilibria established through a network of personal favors) whose rationale is extraneous to that of the mandate with which the power of selection is entrusted to the members of the committee (namely, the promotion of academic excellence). This condition of systemic corruption is arguably insufficient by itself to make the entire institution of Favoria's National Research Council illegitimate or unjust. Indeed, while the selection of research projects has been carried out irrespective of judgments of the individual merits of each proposal, every university has nevertheless regularly participated in this and other academic processes in keeping with the formal requirements of academic excellence. In this sense, the criterion of academic excellence still retains some normative force, though it is bypassed in the particular proceedings concerning the selection of research projects.

Now, imagine that one year, Prof. Desert, a member of the selection committee who comes from abroad and has just joined one of Favoria's universities, makes a

case for financing Dr. Excel's proposal on the basis of its innovativeness. However, the chair of the committee insists on funding the proposals submitted by Prof. Golucky, who served last year as the head of a selection committee for a senior position that was, surprisingly, filled by one of the chair's junior collaborators. Because most of the members of the committee owe their careers to the chair's power network, they second the selection of Prof. Golucky's proposal, although it is clear to everyone that the proposal he submitted is just a rehashed version of his past research with no innovative content. In view of the corrupt practice, however, financing Dr. Excel's proposal would upset the academic power equilibria, in which the members of the selection committee partake in virtue of the complex web of favor exchanges they have established through the years.

Prof. Desert starts receiving phone calls from the members of the selection committee in favor of Prof. Golucky's proposal. Some of these phone calls are accompanied by the more or less explicit threat that the renewal of Prof. Desert's position as a member of the selection committee depends on her decision to back the chair. The threat is credible because the council, of which the chair is one of the most influential members, nominates the committee, and the threatened result would imply a loss of Prof. Desert's prestige and academic status. These are remarkable costs because Prof. Desert has devoted her entire life to becoming a professor in Favoria. But, naturally, remarkable costs would also come in halting the academic career of Dr. Excel, who is in the early stages of his academic career and will not be able to pursue his innovative research without these funds. Nevertheless, Prof. Desert decides to submit to the threat, and Prof. Golucky's proposal is eventually financed.

Many of us academics can certainly humanely sympathize with Prof. Desert's position and understand the weight of the threats she receives. Nevertheless, the practice of allocating research funds in Favoria is clearly objectionable *qua* corrupt, and the National Research Council of Favoria bears a collective responsibility for having established the practice and for the damages it has caused. But many also share the intuition that the threats to Prof. Desert should not detract from her individual responsibility for submitting to Favoria's corrupt institutional practice. In the remainder of the article, we try to make philosophical sense of this intuition.

## 4.2 When Systemic Corruption is an Instance of Coercion by Threat

To analyze the vicissitudes of Favoria, we want to explore the analogy between the structural features of that case and the terrorist attack case introduced in Section 3.

We start with the descriptive fit of the structural analogy, and we discuss the normative implications of the analogy in the following subsections.

The first point to address concerns the plausibility of interpreting some paradigmatic cases of systemic corruption as instances of coercion by threat. This point builds on the observation that in many cases of systemic corruption, there is no individual coercer who explicitly and directly threatens retaliation if the agent fails to comply. In many cases of systemic corruption (for example, the secretary who fails to report citizens' gifts to the mayor's staff), an officeholder might just be oblivious that a corrupt practice is in place in other offices and might simply submit to it by doing nothing to oppose it. In other cases, the threats might be couched in terms of "friendly suggestions" (as with the phone calls that Prof. Desert receives from the other committee members) or other kinds of nudge. That said, when corrupt practices have ordinarily replaced official rules, we can nevertheless consider some such cases of systemic corruption as instances of coercion by threat. We can do that because, even absent an explicit and direct threat, the costs of noncompliance may still be very high such that the option of deviating from the corrupt practice simply does not exist. As suggested in Section 2, this may be because of peer pressure to adapt, coupled with a commitment to fitting in and, at times, a degree of self-delusion and self-deception (which might explain how some officeholders can claim to be unaware that systemic corruption affects agents in other roles within the same institution). These cases of systemic corruption trade on normative expectations of compliance. So the general plausibility of the analogy is salvaged.

The analogy might be challenged on two further grounds. First, although the stakes in each scenario look similar in kind (lives for lives, for Mary; careers for careers, for Prof. Desert), there is a considerable disparity in their salience. While Mary's daughter's life is at stake, the threat put to Prof. Desert concerns the status she has acquired through her academic career. The salience of the agent's stakes is central to our account because the account views coercion by threat as a kind of coercion. We must show that for Prof. Desert the option of jeopardizing her academic status and achievements is unthinkable (analogous to Mary's option to cause her daughter's death) and therefore is absent from her choice set. This seems plausible. Prof. Desert has dedicated her entire life—even at the personal cost of not having a family—to becoming a professor in Favoria. Therefore, we can plausibly postulate that her sense of self depends significantly on her academic status, which would be credibly damaged were she to refuse to submit to the corrupt selection practice. From this point of view, Prof. Desert, like Mary, acts out of some sort of necessity.

Perhaps more insidiously, the analogy could be questioned given the disparity in the moral implications of the two actions. Mary's submission to the terrorists' threat opens the way to a number of human deaths. By contrast, Prof. Desert's

submission does not have any life-threatening implication, although it does have a negative impact on Dr. Excel's academic career. Arguably this is the case with many paradigmatic instances of systemic corruption, such as systemic bribery and state capture, which are standardly evaluated in terms of their economic, social, and political costs but which hardly have any life-threatening implications. However, the systemic nature of corruption is not defined by the magnitude of its effects. There may be cases of corruption that have this life-threatening impact (for example, when matters of national security are salient); whether they have such an impact is by and large an empirical and contingent matter. Our discussion is more general because it distinctively concerns the analysis and assessment of the normative reasons for individual action rather than the action's consequences. Therefore, we ask the readers to focus their attention on the reasoning structure behind the agent's choice.

From the point of view of their reasoning structure, in both scenarios we can see agents guided by instrumental reasons. Mary decides to let the terrorists into the building so that she can save her daughter's life; Prof. Desert decides to vote in favor of Prof. Golucky's project to salvage her own status and achievements. Although, as we shall see below, the content of the two instrumental reasons for action differs enough to drive a wedge between our overall moral assessments of the two cases, it is sufficient for now to say that an analogous reasoning structure is present in both cases.

This consideration brings us to also emphasize an important difference between the two cases under scrutiny, which are in fact structurally analogous but not perfectly similar. This difference concerns the specific capacity in which Mary and Prof. Desert act at the time they receive the threat, deliberate about it, and decide what to do. When faced with the threat, Prof. Desert acts in an institutional capacity, while Mary's moral dilemma does not concern her institutional role. True, Mary is an employee and she works in that building, but she is not targeted as an employee. The example is such that the gunmen may well lack the knowledge that Mary is an employee at the newspaper office; they only see the opportunity to enter the building by threatening a mother with the murder of her child. The gunmen have normative expectations about mothers' attachments to their children, these expectations apply to Mary, and this is all that matters for their threat to be credible. By contrast, Prof. Desert deliberates and acts in her institutional capacity as an officeholder on the selection committee. The threat she receives targets her in that specific institutional capacity. Unlike Mary, Prof. Desert is implicated in the exercise of her institutional functions.

The difference in the capacities in which Mary and Prof. Desert are acting does not weaken the plausibility of the analogy. In fact, the difference highlights that the analogy holds at a structural level. Yet, as concerns the normative content of the reasons at play in the deliberative contexts, the two cases allow for different moral assessments. We explore these differences in the next two subsections.

### 4.3 Officeholders' Individual Responsibility for Action under Systemic Corruption

Our framing of Mary's decision to let the terrorists into the building as an act of submission to their threat to kill her daughter showed that, although coerced, Mary's choice is deliberate and rational *qua* instrumental to protect her child. Mary can thus claim full responsibility for her action and can be rightfully considered implicated in the wrongdoing of the hostages' killing. We think that the same conclusion also holds with respect to Prof. Desert's decision in the Favioria scenario.

By analogy with Mary's case, Prof. Desert's submission to her colleagues' threats is deliberate and instrumentally rational, although coerced. Her decision to vote in favor of Prof. Golucky's poor-quality project is an act of submission to the coercive threat of being excluded from the selection committee if she does not comply with the corrupt power equilibria-based selection practice. Although coerced, Prof. Desert's choice is deliberate and rational *qua* instrumental to protecting her achievements and academic status, around which she has built her entire life. In this sense, the condition that Prof. Desert acts under threat is insufficient to discount her responsibility for her vote; she can be rightfully considered implicated in the systemic wrongdoing in this corrupt system (for more on the nature of this wrongdoing, see Section 4.4).

To generalize, the model of coercion by threat can thus be usefully deployed to single out those cases of submissive action to systemic wrongdoing in which agents retain some significant decisional powers, which they exercise in deliberating about whether, how, and to what extent to submit to the threat. In the course of these deliberations, coercers and coercees engage with each other. Thus, the coercee's rational agency is not completely shut down. As shown in Section 3, in responding to threats, individuals must exercise this agency for the threats to be effective. The coercees are thus recognized as rational agents capable of acting for reasons and implicated as such.

A first significant result of our analysis thus emerges: It shows an important sense and a paradigmatic category of cases in which the intuition that attributes individual responsibility to officeholders who participate in systemic corruption is appropriate and philosophically sound. But this result prompts another question: whether the officeholders who submit to systemic corruption can be held blameworthy for the action for which they are responsible and for the systemic wrongdoing in which they are implicated. This question arises because, as anticipated, holding somebody morally responsible does not necessarily mean holding them blameworthy. As we discussed in Section 3, blame is but one reactive attitude that

may or may not be appropriate in response to an agent's wrongdoing. Addressing this issue is our task in the following subsection.

#### **4.4 Officeholders' Individual Blame for Wrongful Action under Systemic Corruption**

The analogy with Mary's case helps us to identify the grounds upon which Prof. Desert can be held individually morally responsible for the corrupt selection practice in Favoria. But the analogy also makes apparent that there is a moral difference between the two cases. This difference concerns the capacity in which the two protagonists act and are exposed to the threat. As anticipated in Section 4.2, focusing on this difference is important to emphasize the institutional capacity in which Prof. Desert is implicated in systemic corruption. This point matters in morally assessing the instrumental reasons invoked in the two scenarios.

As mentioned at the end of Section 4.2, Mary is not targeted by the terrorists in the ordinary exercise of the functions entrusted to her in her institutional role. Mary is an employee who encounters the terrorists by chance as she leaves the premises with her daughter. The terrorists choose to threaten Mary in view of her vulnerability as a mother attached to her child. Mary's dilemma concerns obligations toward others, which are binding regardless of her institutional role or the specific powers of her office. In Section 3, we suggested that the overriding force of Mary's love for her child does not relieve her from other duties, nor does it excuse her decision and the ensuing action. Yet we also suggested that, while Mary is morally responsible, there are good reasons to think that she is not blameworthy: Compassion seems a more appropriate reactive attitude in such dire circumstances.

Unlike Mary, Prof. Desert acts in her institutional capacity (as a member of the selection committee) within an institutional context that is arguably "nearly just" (Rawls 1971) or at least legitimate, and she is threatened in that capacity. The threat makes Prof. Desert consider what she has to do as a committee member in the ordinary exercise of the functions entrusted to her in the institutional role in virtue of which she finds herself empowered to promote Prof. Golucky's project and thus curtail Dr. Excel's career. Prof. Desert acts in her institutional capacity and is entrusted with the power to do so with a specific mandate. In fact, as shown in Section 2, a definitional feature of corruption is that the rationale of the uses to which a corrupt agent puts her powers of office is incoherent with the terms of her mandate. Prof. Desert ought to decide what to do by exercising the normative power she has in virtue of her institutional role (that is, the power to alter the normative status of others—for example, Prof. Golucky's and Dr. Excel's rights and opportunities), a power that is entrusted along with a specific mandate (to promote

academic excellence).<sup>11</sup> This kind of normative power is institutional in the sense that it belongs in a legitimate and/or (nearly) just public institutional setting and may only be exercised by someone in her institutional role.

To establish a public institution is to create new possibilities for action for the officeholders within the institution (Emmett 1966; Haslanger 2016; Miller 2014; Searle 1995). The creation of institutional normative powers thus has significant and pervasive implications concerning officeholders' normative powers and practical reasons when they act in their institutional capacity. It is a defining feature of institutional action that officeholders are primarily accountable for their conduct in their institutional capacity by reference to the terms of their power of office mandate, which is what grounds their status and the normative powers that come with it (Ceva and Ferretti 2021). This feature also implies that the primary justification of an officeholder's action in her institutional capacity refers to the terms of the power mandate. From this perspective, it is important to note that Prof. Desert cannot offer any such justification for the use she makes of the power of selection, which she may exercise only because it is entrusted to her as a member of Favoria's National Research Council selection committee.

When Prof. Desert votes in favor of Prof. Golucky's project, she relies on instrumental reasons from her deliberative set that are personal, in that they concern the costs that a loss of academic status would have for her personal life, which has been entirely devoted to achieving that status. The power of office she thus exercises cannot be justified in view of practical reasons that rightfully belong to her institutional role. To wit, the rationale informing her exercise of power may hardly be thought of as coherent with the terms of her office mandate to promote academic excellence, and certainly not to indulge her own personal aspirations and ambitions. This condition drives a significant wedge between this situation and Mary's.

The difference between Prof. Desert's and Mary's deliberations prompts the question of whether the former (unlike the latter) may rightfully be blamed for her submissive action. Whether Prof. Desert may be held not only morally responsible but also blameworthy does not only depend on her reasoning structure. This assessment also partly depends on the background institutional context of the action. The dependence on background institutional features does not indicate that the matter of blameworthiness is to be decided on a case-by-case basis. A generalizable consideration is that, in the normal circumstances in which public institutions are legitimate or nearly just, when officeholders act for self-regarding

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<sup>11</sup> See Luban (2012) and Ripstein (2009). This condition makes officeholders accountable for the use they make of their powers of office in accordance with what Hart (1968, p. 212) calls "role-responsibility."



instrumental reasons according to a rationale that contradicts their power mandate, their action is presumptively wrong and they may be held *pro tanto* blameworthy for it. The wrong for which officeholders who partake in systemic corruption are responsible and *pro tanto* blameworthy concerns the subversion of the normative order of rights and duties that legitimate or nearly just public institutions realize and establish among those who occupy a role within them. In our example, this normative order concerns Prof. Desert's duty of office to use her power of selection to promote academic excellence and Dr. Excel's claim to contribute with his own work to that end.

The condition of systemic corruption within the context of a public institution that is not otherwise illegitimate or entirely unjust (see Section 4.1) makes the moral assessment of Prof. Desert's action a matter of nonideal theory, in which we can at best assume partial compliance with principles of justice and legitimacy (Rawls 1971). These principles retain some normative force, as is indicated by the persistence of the normative criterion that underpins the official selection procedure. While this procedure is systematically bypassed, it is still in place and it informs the power mandates that the members of the selection committee are given. When Prof. Desert decides not to vote for Dr. Excel's application, she is deliberately deciding to deviate from what justice requires in that particular institutional context in order to protect her personal stakes. This institutional action makes her *pro tanto* blameworthy.

That the moral assessment of the blameworthiness of Prof. Desert's action is *pro tanto* invites the question of whether officeholders ever have good moral reasons to act against their mandate or question an established institutional practice. Perhaps Prof. Desert has moral reasons to adapt to the corrupt practice to prevent costs for her narrow circle—for example, in the case of retaliation against her immediate colleagues' or university's access to research funds in the future (see Section 2). Some cases of normative deviations count as civil disobedience or noble cause corruption, and some commentators may suggest that corruption can have the heuristic function of pointing at a deeper background injustice or institutional dysfunctionality.<sup>12</sup> In some scenarios, officeholders may be acting on principle and may support a practice that they know to be corrupt but cannot (or

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<sup>12</sup> This is a large problem that we cannot address in full here. On noble-cause corruption, see Miller (2017). For a discussion of the evolution and contestation of power mandates, see Applebaum (1999). The communicative dimension of civil disobedience is fruitfully discussed in Brownlee (2012).

should not) change at present. In this case, the officeholders are still responsible but are arguably committed to trying to change the circumstances in the future.<sup>13</sup>

These examples are indicative of the manifold challenging instances of practical deliberation in which officeholders, who act in the nonideal circumstances of real-world institutional action, might need to engage when they face coercive threats to induce them to participate in corrupt institutional practices. The details of the normative reasoning implicated across such instances require an eye for the particular institutional contexts, and the reasoning must be open to empirical analysis. Yet the line of philosophical reasoning we have pursued in this section is by itself capable of yielding the second important general result of our argument, which helps us appreciate the depth of the starting intuition concerning how to assess Prof. Desert's situation. Namely, the officeholders who, because of the personal costs of noncompliance, submit to a corrupt institutional practice are individually *fully* responsible and *appropriately pro tanto* blameworthy for their actions and the ensuing systemic wrongdoing.

## 5 Moral Feelings and Wrongdoing

In the previous section, we laid out our argument for holding officeholders who submit to corrupt institutional practices individually responsible and *pro tanto* blameworthy for their actions. The acknowledgment that their blameworthiness is *pro tanto* invites further analysis of the complexity of moral assessment of individual implication in systemic wrongdoing. Among the sources of such complexity, we have already discussed the multiple and sometimes contrasting reactive attitudes associated with the ascription of individual moral responsibility in cases of submissive action under coercive threat (see the discussion of Mary's case in Section 3). Now we suggest that this discussion can shed new light on the appropriateness of agents' mixed moral feelings of the kind often associated with individual corrupt behavior under systemic corruption in the context of legitimate or nearly just public institutions.

The officeholders who, in their institutional capacity, submit to systemic corruption characteristically feel resentful and indignant for being subjected to corruptive systemic threats, but they might also appear shameful and guilty, in

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<sup>13</sup> Ceva and Radoilska (2018) discuss the various forms of tainted reasoning that may sustain an individual involvement in systemically corrupt institutional practices. Thompson (1995, 2018) interestingly locates individual responsibility in cases of institutional corruption in the obligation to make changes, which is greater for those who have participated in the institutional structures that need to be changed.

ways typically associated with moral failure and wrongdoing. This complex mix of moral feelings can be illustrated by reference to the typical redescription of their actions that corrupt officeholders provide when they are called on to respond publicly to the rationale of their uses of their power of office. Corrupt officeholders standardly try to deny their individual responsibility (thus showing indignation), but they can be seen as trying to disguise their shame by vindicating the innocence of their actions. In defending themselves, some corrupt officeholders, while not denying that they took the actions attributed to them, recast those actions in different, and morally neutral, terms. Bribes are couched in terms of gifts, nepotism is glossed over as a matter of trust, and clientelism in politics is presented as an instance of service rendered.

These mixed feelings are explained by the fact that the submissive officeholder is implicated in what she recognizes as wrongdoing, which preserves the traits of voluntary action under coercive threat (Bagnoli 2018). The constraints on the actions are certainly external (as they are imposed on the agent by external threat), but they also have a subjective normativity. The threat under which the officeholders who submit to a corrupt institutional practice act is felt as an external imposition; but, at the same time, it is something that they know they could resist, although at a very high personal cost.

Whenever they surface, mixed moral feelings say something important about the character of the agents. They tell us that such agents are sensitive to moral norms and duties and that they are capable of responding to normative reasons for complying with such norms and duties. Mixed moral feelings also tell us that under such social circumstances, an agent's sensitivity to moral norms and duties is not sufficient to determine full compliance with those norms and duties, because agents also respond to normative reasons of self-interest. Mixed moral feelings respond to conflicting normative reasons, which spring from different sources. They also identify the varieties of personal responsibility that agents can claim for themselves.

Our position is not that the presence of mixed moral feelings reveals or, better, provides the evidence that an officeholder is individually responsible for complying with some corrupt institutional practice. That is, the presence of moral feelings in an agent is not the basis for attributing moral responsibility for her own action. Nor do we want to say that being capable of moral feelings means that such attributions are appropriate. Feeling guilty does not prove that one is guilty, nor does it mean that one is guilty. Moral feelings can be misplaced and felt inappropriately. However, the fact that the agents who are plugged into a seriously compromised network of normative relations feel bad for the systemic wrongdoing in which they are implicated shows that they retain both the "feeling of being an agent" and some sensitivity to moral norms and duties. The phrase "feeling of being an agent" indicates a person's complex bundle of attitudes and self-representations as an agent, which gives rise to the

experience of oneself as an agent capable of doing wrong and having one's integrity tainted (see Anderson 2011a; Mason 2012; Shaw 2012).

The condition that an officeholder who submits to systemic corruption retains the sense of guilt and remorse typically associated with committing moral wrongs says nothing about the nature and magnitude of the officeholder's actual guilt. But this sort of moral sensitivity is an indication that the submissive agent is not totally indifferent to moral norms and duties. That corrupt individual officeholders retain both a sense of their agency and the moral sensitivity associated with moral agency is an important basis for attributing backward- and forward-looking responsibilities for opposing corrupt practices

Furthermore, the subjective experience of mixed feelings is paradigmatically met by the moral feelings felt by the other active participants of the community of which the agent is also a member. It would be appropriate for such participants not only to respond to moral wrongdoing with blame and indignation, but also to be sensitive to the particular positions of the agents acting under threat. So, in some circumstances, it is appropriate to feel pity for the submissive agents, rather than resentment and condemnation. Such attitudes react to wrongdoing, but they also work toward moral repair. This peculiarity is illustrated by reference to the mixed sentiments of condemnation and sympathy that certain public figures involved in major corruption scandals have managed to attract when their actions are perceived as acts of submission to a common corrupt practice.

These remarks about mixed feelings pertain to a theory in moral psychology that takes the so-called "deontic emotions," such as guilt and remorse, to be adaptive syndromes whose primary function is to coordinate actions and normative expectations.<sup>14</sup> It makes sense to feel such emotions following the violation of moral norms. The theory makes sense of reactive attitudes as functional in a community governed by norms. The capacity to be guided by norms and principles is a key aspect of human nature and explains the distinctive sort of reflective agency that human agents display. Guilt and remorse attach to violations of moral norms, understood as norms that govern cooperative interactions. Typically, guilt and indignation are attached to voluntary actions of which we disapprove. Such deontic emotions do not merely sanction social transgressions. More fundamentally, they can be seen as responses to threats against cooperative interactions.<sup>15</sup> As a

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<sup>14</sup> On the definition of adaptive syndromes, see Gibbard (1990, pp. 132ff.). See also Rawls (1971, pp. 67, 70–5, 445, 484).

<sup>15</sup> "A person is to blame for something if it would make sense for him to feel guilty for having done it and for others to resent him for having done it" (Gibbard 1990, p. 126). Taking up Gibbard's claim that emotional coordination is functional to governance by norms, we press the point that the category of reactive attitudes associated with moral responsibility is best understood as informed by concerns about coordination and reciprocity (see McGeer 2010).

consequence, deontic emotions are modulated in relation to the judgment of attributions of responsibility for action taken under coercive threat. If the threat can be easily resisted—for instance, because the personal costs involved in renouncing submissive action are contained or institutionally protected—then blame is more appropriate than pity. Conversely, whenever the immediate personal costs are very high, and there is no institutional protection for individuals who refuse to submit to a corrupt practice, pity seems appropriate

In any such case, however, blame calls attention to the fact that the officeholders' conduct in their institutional capacity should not be primarily responsive to self-regarding reasons aimed to protect that person's immediate interests. As argued in Section 4.4, when officeholders act in their institutional capacity, they are ordinarily required to exercise their powers of office in keeping with their power mandate. In nonideal circumstances, this ordinary requirement of institutional action must be encouraged and protected—for example, through a system of incentives and rewards, but also through emotional support. The presence of arrangements of this sort, together with reactive attitudes such as solidarity and compassion, is an indirect recognition that fulfilling an institutional role may often bear heavy personal costs and is therefore both mandatory and praiseworthy.

## 6 Conclusion

The coercion-based account of officeholders' individual responsibility within systemically corrupt public institutions supports some considerations that are relevant for understanding and assessing individual involvement in systemic wrongdoing in general.

First, whenever individual agents are engaged as rational agents and called on to deliberate about what to do on the basis of reasons, they maintain intact some deliberative powers, even when such powers are exercised under severe constraints. The normative relevance and weight of these constraints are the very objects of rational deliberation; insofar as the agent could resist the coercive threat, if she nevertheless submits she is individually responsible for her actions and the systemic wrongdoing that ensues.

Second, for someone who acts in an institutional capacity, if the agent gives in to the threat for reasons of self-interest, she is not only individually morally responsible, but also appropriately blameworthy for her action and the ensuing systemic wrongdoing. Since resistance to a threat comes at very high personal costs, nonsubmitting agents deserve moral praise, even though their action falls within the boundaries of their institutional role.

**Acknowledgements:** Earlier drafts of this article were presented at the “Future of Normativity” Conference at the University of Kent, and at the *Thumos Seminar* of the Department of Philosophy at the University of Geneva. For insightful comments on previous drafts, we are indebted to the journal’s reviewers and to Julien Deonna, Antony Duff, Maria Paola Ferretti, Michael Smith, Fabrice Teroni, and Dennis Thompson.

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