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Combating Corruption and Securing Justice: Addressing A Worry of the World

Review of Gillian Brock's Corruption and Global Justice

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Corruption, both political and financial, consistently figures among the issues that most worry the citizens of the world.¹ However, while topics as diverse as terrorism, poverty, and climate change, have figured in philosophical discussions concerning global justice, fewer texts have made corruption the explicit focus of their attention.² In her latest book, *Corruption and Global Justice*, philosopher Gillian Brock makes great strides towards addressing this lack of attention and has attempted to comprehensively address the issue of corruption and suggest ways to allocate responsibilities to effectively deal with this 'global scourge' (Brock, 2023).

Brock's text, although dense and tightly knit, is fairly easy to navigate, thanks to its structure and lucidity. A substantive mix of recent data, real-life examples, and relatable real-life scenarios are used to substantiate the claims. These features make it an accessible and relatable read, even for those unacquainted with the academic discourse on such issues. All in all, the work is an exemplar of engaged political philosophy for our times and promises to be one which many will find invaluable in getting to grips with this enormously pressing issue. In what follows, I present a brief overview of the contents and arguments provided

1 Brock (2023: vii, note 1) cites the February 2022 Ipsos data on 'What Worries the World'. However, even in the June 2023 data Corruption (political and financial) figures in the top five issues.

2 But see, e.g., Leif Wenar's *Blood Oil: Tyrants, Violence, and the Rules that Run the World* (Wenar, 2017).

in the book to help future readers understand the scope of the work Brock has undertaken, after which I provide a few critical comments to consider.

We often assume that corruption is ubiquitous and plagues many areas of public and political life. One may nevertheless be shocked or at least surprised when the concrete facts and figures are presented to them. Brock begins her work by noting just a few cases, which are sufficient to highlight just how extensive and deep-rooted corruption actually is. It is this diversity and pervasiveness of corruption which, Brock notes, generate two major difficulties for theorists and practitioners in turn. First, theorists struggle to provide a definition which applies to all cases of corruption. And second, many have become convinced that corruption cannot ever be fully eradicated, hence reaching and fostering a 'low corruption equilibrium' is the realistic goal to aspire for (65-66).

However, the fact that corruption is difficult to define does not mean that it is difficult to recognise; and we still have to find corruption-combatting means even if we gave up on the ideal of total eradication. Brock therefore goes on to undertake these two constructive tasks – that of identifying pervasive forms of corruption and of finding means to combat them.

Brock focuses on those instances where agents misuse public offices or professional roles 'typically for some personal or political gain, in ways contrary to the purpose of that office or role, thereby abusing their entrusted power' (27). This form of corruption encompasses a wide range of cases – corruption in the water sector, corruption in construction, corruption in medicine, political corruption, and more. The author highlights various instances and tries to combine normative and existing real-life tools to provide a 'normative justified account of how to assign responsibilities for addressing corruption' (16).

Global justice efforts – satisfying human needs, protecting basic liberties, securing fair cooperation, etc. – face significant impediments because of widespread corruption. One way to combat it is to focus on what domestic actors can do, and Brock focuses on this in Chapter 2. For states to be effective and legitimate, they must (i) manage an impartial justice system, (ii) fairly raise taxes, and (iii) spend the revenue wisely (on public goods and services). This, however, does not entail that citizens have no part to play. Citizens can hold states to account if they fail to deliver on these aspects, especially the third one, argues Brock (40). Citizens provide the necessary checks and balances to the functioning of the state when the latter struggles to deliver on demands of justice.

States, then, have responsibilities to ensure justice within their borders. But they also have responsibilities to ensure justice beyond their borders. The sta-

te's right to self-determination sometimes legitimises 'compatriot favouritism' – an exclusive concern with the wellbeing of its own citizens (52-54). This right to self-determination, argues Brock, comes with an obligation to support cross-border efforts that aim at 'securing arrangements that can deliver on human rights and other aspects of justice' (54). Furthermore, certain aspects of the political practice around supporting and ensuring human rights goals argues Brock, are indispensable for implementing justice goals 'here and now' (51). The author argues, in Chapter 3, that states should contribute – both domestically and internationally – to resilient communities that aim to secure human rights goals. Tackling corruption and ensuring the realization of human rights, argues Brock, are 'closely connected and mutually reinforcing' (16).

Brock then goes on to look into other credible corruption-combatting arrangements, besides the aforementioned responsibilities of states and citizens. Some such arrangements are already in place, while some will need to be brought about. Chapter 4 focuses on the significance of credible institutions and collective action. Brock argues that we need responsive, effective, accountable, and transparent institutions of governance, with credible role-occupants, and institutions should have robust forms of accountability and be responsive to disclosure and transparency requirements. Additionally, Brock argues here that different accountability-seeking mechanisms – elections, watchdog journalism, legal measures, etc. – should be jointly applied as single avenues are not entirely effective. For example, despite being evidently important, elections are, nevertheless, 'very imperfect' accountability-seeking mechanism because of the time lapse between successive elections (71). We therefore need, says Brock, multiple avenues in play to combat corruption.

Collective action alongside well-designed institutions will also, Brock proposes, be required, and two very encouraging examples from India (81-83) highlight the importance of this kind of collective action in practice. Collective action remains a central concern for Brock. She returns to it in Chapter 7 while addressing the concern that despite having fairly credible mechanisms people often lack knowledge of 'who should act and what they should do' (137). To understand this Brock advances the notion of 'action responsibility' (137). This is a forward-looking notion of assigning responsibility which aims at how to 'reform to prevent future injustice,' (ibid.) contra to backward-looking, liability models which hold perpetrators of offences, including those guilty of corruption, accountable. UNCAC offers useful guidelines for action and sharing of responsibilities (136). And, although the state has the greater responsibility to take the right corruption-reducing measures, individuals, or collective agents also have their share of responsibilities. Sometimes, however, there is a question of

how to assign responsibilities when institutional roles, skills or individual or institutional commitments do not specify the responsibilities. To help in those situations, Brock advances her 'list of questions approach' where she gives a list of 8 questions which should explain who should shoulder which responsibility (159). These are critical proposals to resolve collective action problems.

We also learn, in Chapter 5, about existing legal frameworks, policy initiatives and human rights tools which are in place to tackle corruption. The United Nations Convention Against Corruption (UNCAC) has framed requirements regarding prevention of corruption and enforcement of laws for criminalizing it, and states are supposed to fulfil those requirements. One central requirement is for states to encourage citizens to engage in community participation (100). The UNCAC requirements and various collective action initiatives, show that we already have some credible mechanisms for corruption-control.

Chapter 6 discusses the problem of abusive tax avoidance and illicit international monetary flows, key challenges for globally connected systems. This chapter links some of the concerns raised in various other chapters and, on this issue, argues Brock, there is 'significant room for progress' (20-21). Tax evasion, or abusive tax avoidance has multiple adverse effects, particularly for developing countries and for the poorer sections of populations.

Brock proposes what she considers to be an under-explored strategy to remedy this problem (117-118). The strategy is to address institutional defects that facilitate corruption by identifying agents who have (i) *causally contributed to injustices*, (ii) *benefitted from those wrongs*, and (iii) *the capacity* – access to resources – to remedy the wrong(s). These three kinds of agents could be individually instrumental at remedying the defects. However, if one, or a set of agents, are causally, beneficially, and capacity-wise related to the institutional defects, then that agent or set of agents have *special* responsibilities to remedy institutional defects. And that obligation is not easily defeasible (118.) By way of a critical discussion of Deloitte, PricewaterhouseCoopers (PwC), Ernst & Young (E & Y), and KPMG, Brock argues that tax professionals, lawyers, accountants have often enabled high net worth individuals to violate or substantially subvert tax laws. However, other actors – offshore ecosystems, realtors – are also, at times equal, enablers of tax avoidance, and this all needs to be tackled in order to combat corruption.

The book draws to a close in Chapter 8 addressing two objections. First, that practices which are generally identified as corrupt may be permissible in some cultures. In such cases, it may be inappropriate to question cultural practices, let alone trying to reform such behaviours (166). In response, Brock argues, Ci-

ting Mungiu-Pippidi (2016), that there is ‘no known culture that values dishonesty and unfairness’ (166). Furthermore, UNCAC has curated a list of corrupt practices and 190 out of 193 countries have agreed to recognize these practices as corrupt and criminal.³ Second, and relatedly, Brock considers worries that the corruption-curbing tools up for consideration here and elsewhere may not be culturally appropriate. Here again, however, Brock argues that this need not be the case. One need not only follow the UNCAC or the big international frameworks. Many tools have come up from various parts of the world which share similar goals. For instance, the ‘Ibrahim Index of African Governance’ collects relevant data so that the civil society can hold their governments to account. Hence, while the methods may be diverse, the objectives of identifying corruption and reducing it is shared across diverse peoples of the world.

Anyone reading the book, or this review, will certainly appreciate the wide scope of the book and how it constructively engages with the issue, and there is much to learn from Brock’s analysis and approach. There are, however, three critical concerns which I think are worth considering.

First, covering this huge range of concerns does come with a compromise in terms of the extent of detailed (philosophical) discussion Brock is able to include with regard to some of the important topics she touches on.

One such issue concerns the discussion of human rights as a credible tool for realizing justice goals. Brock (57-59) entertains the question of whether the practice surrounding the realization of human rights is our best vehicle for achieving justice goals. This is an important question. And Brock remarks on this in an earlier work while arguing for an account of basic needs, that: ‘human rights discourse is not obviously better when talking about matters of global *distributive* justice [...] Even fans of human rights should be keen on discourse about human needs, because it has a number of desirable features.’ (Brock, 2005: 65-66; original emphasis).⁴ However, the discussion in the book does not consider any notable alternatives to a practice of human rights protection at length. ‘Binding global law’ is considered as an alternative. But the discussion shifts quickly to the transformation of the practice surrounding the realization of human rights – from being envisaged as a binding law to being a complex process involving many organizations and agents who ‘can assist with implementation and enforcement’ of human rights (59) – and ends with a note that

3 Brock cited the June 2019 data where 186 out of 190 countries had agreed. 190 countries are parties to UNCAC per the October 2023 data.

4 For discussions on a *theory* of human rights, see Sen (2004)

more needs to be done ‘to live up to the full promise of our human rights aspirations.’ (59) Some considerations of conceivable alternatives, how they can work, what their shortcomings are, etc. would have been fruitful. Moreover, it would have, perhaps, helped to accomplish the objective of the specific section.

A second instance of such a compromise is in the discussion on the defence (or lack thereof) of ‘compatriot favouritism’: the claim that states’ right to self-determination allows them to favour the wellbeing of their own citizens. This happens sometimes at the cost of others’ wellbeing, including those who are altogether excluded by the borders (53-54). This right to self-determination, argues Brock, comes with an obligation to support cross-border efforts for realizing justice. The claim is extremely important, especially for those who are excluded by borders. People have ‘located life plans’ (53); a safe home is necessary for a flourishing life, which, in a just world, should be accessible to all (Weir, 2009: 7-8). Hence, there must be obligations towards those who do not have a place to call their home. However, again there is not a great deal of discussion on the issue itself. Readers do not know what the arguments are from those who disregard these obligations and how these latter claims can be addressed, for example.

In Brock’s defence, the author does state at the outset that she chose accessibility when the trade-off was between making the book accessible to a larger audience and going ‘deeply into conceptual analysis’ (26-27). Her aim was to provide resources that people need to continue to work in this neglected field, which she has certainly done. And Brock does provide an extensive literature in the notes for any interested reader to pursue in greater depth. However, leaving the discussion mid-way does nevertheless leave the reader a little dissatisfied in places, and a slightly longer discussion would probably have served to flesh these discussions out enough to avoid the worry. The discussions could have been fleshed out a bit more in a few more paragraphs (or pages), to address this dissatisfaction.

While the first critical comment was about detailed discussion, my second comment is about the absence of a couple of elements, given the content of what is discussed.

Given that the book focuses on topical and urgent issues related to corruption and tries to constructively address them, a discussion of issues pertaining to race, caste, gender and their relation to corruption would have been welcomed. Brock does mention how corruption in the water sector furthers oppression on women (34). However, questions of how corruption enhances and sometimes is fuelled by various political oppressions remain untouched.⁵

5 On corruption and the caste issue see Singh (1997: section II.iii)

The second element relates to criticism of the United Nations. We know that the UN, among other institutions, has the responsibility to oversee that human rights are ensured by states. They have also developed perhaps the most effective corruption-combatting instrument that we currently have – the UNCAC. The book rightly praises them for their efforts. However, what is noteworthy – and what politically conscious readers would notice – is the absence of comments critical of the UN. It is common knowledge to many that international arrangements, including the UN, have failed to ensure protection of human rights in many situations, past and present.⁶ Brock flags up the worry that human rights gains have not been as much as was initially promised, however, she does not go into the details instead focuses on ‘how far we have come using this toolbox, even if there is more work to do to live up to the full promise of our human rights aspirations’ (59). Again, there is a lack of satisfactory discussion, barring some in footnote 26, on areas where the UNCAC may be seriously lacking: where the instruments may seem unsuited to the purpose, where implementations have been sloppy, and so forth (96-97). The focus is mainly on the instrument itself and the headways it has made. The disparity between plaudits and criticisms may come across as a little odd to readers, especially when there is ample room for criticism – particularly on the issue of securing everyone’s human rights.

My third, and final point is of less substantive concern but, given the concerns of the text, perhaps a useful structural note of use to those approaching the text. In the Appendix, Brock discusses the difficulty of defining corruption. The author presents a few definitions from the literature but exposes their inadequacy of capturing the full breadth of the phenomenon. Brock proposes that a unified account of political corruption should include 3 central aspects – (i) the results (corruption can distort or subvert the public realm in ways which are contrary to the latter’s functions), (ii) the processes (corruption can distort the procedures of the public realm), and (iii) the people (corruption can involve people of questionable integrity, whose actions bring disrepute to institutions). Had this discussion been at the start of the book then readers could not only have evaluated the other proposals, but also could have evaluated Brock’s own positive proposal and considered if it too needed amendments while progressing through the work. But this, I should state, is more a point from personal taste, and one that may not suit the goals of all readers.

6 For instance, see the preface of the 2022/23 Amnesty International’s annual report on the state of human rights in the world.

Although I have raised some points here around the greater scope that Brock's text might have usefully covered, overall, it should be stressed that these comments in no way detract from the bold and significant project of addressing the issue of corruption head on which Brock has so excellently initiated.

Corruption is not only a problem on its own – it cripples institutions and societies – but it also has ripple effects: among others, it interacts with other social dysfunctions, impedes efforts to reach Sustainable Development Goals, and impedes efforts to secure global justice. Corruption makes people distrust political institutions which can result 'in a pervasive return to reliance on family and kinship networks' (193). Bicchieri et. al (2021: 30) cite evidence that in countries rife with corruption, personal trust (in friends, and family) may flourish whereas impersonal trust (in strangers, institutions) becomes a 'scarce good'.

At a time when we have exposed ourselves to global interactions, closing up to inner circles and smaller communities seems like a step in the wrong direction. Corruption is a menace across the world, and we should try to combat it together as a global community. Brock has initiated philosophical dialogue on tackling corruption in this interconnected way and it is now up to us, as philosophers and citizens alike, to contribute further to this discourse and action.

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