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Book Review: Systemic Corruption: Constitutional Ideas for an Anti-Oligarchic Republic by Camila Veraga

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Veraga, Camila. Systemic Corruption: Constitutional Ideas for an Anti-Oligarchic Republic. Princeton: Princeton University Press, 2020. xiii + 288 pages. Hardcover, \$35.00.

This book highlights the fact that Americans do not have the conceptual tools necessary to diagnose some of the basic flaws in their political system. The problem is that the Constitution, for all its majesty, has basically outlived its usefulness. Not only are there serious flaws in the original design, but over time the instrument has begun to fray at the edges. However, we really do not have a language to describe what is going on. The author argues that what we are witnessing is “systemic corruption.” Not only are Americans loathe to ascribe corruption to institutions, but they are incapable of agreeing on the meaning of the term corruption itself.

“Corruption” in the American context would generally be ascribed to an individual as in this or that public official is corrupt. The idea that an inanimate object, such as an institution, can be corrupt does not conform well to our notion of individual responsibility. The only language we have left is the language of economic efficiency as in “the government is inefficient.” But when the concept of inefficiency is applied government agencies, the answer is “so what?” All government institutions are inefficient in the economic sense because they (should) perform functions not supplied by the market. Therefore, there exists a class of inefficiencies, if you will, that do not conform to the economic model. For lack of a better terminology, these are inefficiencies in the delivery of justice.

The author demonstrates that in the past there were notions of corruption that could be applied to institutions. This was particularly the case when historians and political theorists were thinking about ways to describe the flaws in political systems that had a corrupting influence on public officials. In other words, the design of system can be flawed in such a way as to encourage corruption and that is a corruption, systemic corruption in and of itself.

The Framers of the Constitution were very aware of the potential for systemic corruption. Therefore, they designed systemic fixes for the potential of public corruption as they saw it. The problem for them, or more to the point for us, is that they saw corruption not only as the abuse of power but also in the potential for democracy to violate the interests of white male property owners, the authors of the Constitution themselves.

The interests of eighteenth-century white male property owners do not translate well into the twenty-first century. Not only that, over time, white male property owners have found ways to further secure their influence in the Constitution. Consequently, much of the U.S. government is undemocratic. Only the U.S. House of Representatives is elected democratically. What is left are institutions, the Senate, the courts, and the presidency that are unrepresentative of the vast majority of Americans. This is in and of itself a corruption of the American political system.

This is a powerful indictment of the American Constitution. However, it can only be supported if we have the language of systemic corruption. In that regard, this book performs a valuable service. While I agree with the author's analysis, I do not agree with her solutions.

As a dedicated republican (with a small "r"), I start getting uncomfortable with direct democracy. Prop Thirteen and Governor Arnold Schwarzenegger are the results of direct democracy. I have lived long enough in initiative referenda states to know that what appears to be direct democracy is actually itself a form of systemic corruption.

The author offers an institutional fix to our systemic corruptions, one that would divide the power, not by the classes but by localities, divided into several levels of constituent, plebian assemblies. The problem as I see it is that such a system will not work well in a continental sized republic. If the pandemic has taught us anything, it has taught us the importance of national

coordination. There is precious little in the author's proposal about the need to conduct a foreign policy or to coordinate a response to a national disaster.

Fine, I agree, we need systemic reform. However, I do not agree with the creation of thousands (85,000 in New York State alone!) of extra institutions of governance. I challenge the author to find a successful example of such a decentralized system in a large, stable republic. But in the end, this is an important book because of the service it provides. It reintroduces to us the notion of systemic corruption, corruption of structures, and institutions. Thus, this book is well worth the read even if you do not agree with the author's recommendations.

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