

ON THE ETHICS OF 'PORK-BARRELLING'

The purpose of this paper is to provide an evaluation of the ethical status of the practice known as 'pork-barrelling'. I have taken the institutional context to be that of a democracy – of which liberal (or 'representative') democracy is one kind. Thus, the 'standard of judgement' applied to the practice of 'pork-barrelling' is derived from a philosophically robust understanding of the concept of 'democracy' and what this entails for the practice under question. I note this, because an evaluation of 'pork-barrelling' under the conditions of an absolute monarchy, theocracy, plutocracy, etc. might yield different conclusions

It is the conclusion of this paper that the practice of pork-barrelling, as defined below, contravenes the core requirements of democracy and as such should be deemed an illicit form of conduct that corrupts the democratic process.

ETHICAL PERSPECTIVES

From the outset, it should be noted that this paper draws extensively on traditions of thinking about ethics and politics in the 'Western' tradition. There are alternative traditions that could be drawn on for additional insight. However, given that the political system in New South Wales is very much a 'western construct', I have focussed, here, on the tradition out of which it has grown.

Yet even a 'Western' perspective is not just one thing. Rather, there are multiple threads that are woven together – to form a whole that is neither uniform nor even coherent.

Attributed by Plato to Socrates, the core question of ethics is: *what ought one to do?*

This is a practical question that seeks to identify the basis for how a person should act or, in the broadest sense, how we are to live. In the Ancient Greek tradition, 'ethics' and 'politics' were intimately connected. For example, Aristotle saw 'ethics' as touching on questions to do with the 'good life' for individuals while 'politics' concerned questions to do with the 'good life' of the community. In that sense, 'ethics' and 'politics' were understood to be 'two sides of the same coin'.

Ethics might be concerned with a single question: what ought one to do? However, this deceptively simple question has prompted multiple responses – with arguments about their respective qualities continuing to this day. I offer, below, a brief account of some of the major traditions – not in all of their subtle complexity but, instead, in terms of their core insights. Later, we will see how the application of these insights might shape our evaluation of the practice of 'pork-barrelling' (as defined below).

Consequences

If you ask people gathered in a room what they think should be done in a particular situation, it's likely that a large number will want to know the most likely outcomes of the options before them. In asking about the likely consequences of a potential course of action, these people hope to be able to do a kind of cost-benefit analysis to pick the option that achieves the greatest good or at least causes the least harm. For each option, you add up all the good that might be done and then subtract all the bad. Whatever option ends up with the highest positive score is the one you should choose.

Throughout history, philosophers have differed in their ideas about what counts as 'good' or 'harm'. The most famous form of consequentialism, Utilitarianism, as developed by Jeremy Bentham and his philosophical successors, originally proposed that 'good' equals pleasure and 'bad' equals pain. Modern Utilitarians link the concept of 'good' to the realisation of preferences and that of 'bad' to aversions. Both 'old' and 'new' forms of Utilitarianism share a commitment to the strict equality of all persons. That is, they think that no individual's pleasure (or preferences) should count for more than another's.

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Duty

Opposing the view that consequences matter most is the argument that we should act always and only according to our duty. This ethical theory thinks the issue of consequences to be irrelevant to any judgement about what one ought to do. Those preferring this approach – about a third of the population in a country such as Australia – feel bound to honour promises, to give effect to commandments (as from God) or, in the most sophisticated philosophical account (as advanced by Immanuel Kant), to act in compliance with universally applicable maxims we prescribe for ourselves.

Kant's argument is based on the belief that the intrinsic dignity of human beings is intimately linked to our capacity to reason. He says that all humans belong to the 'Kingdom of Ends' and that no person may ever be used merely as a 'means to an end'. Persons are not commodities, they cannot be regarded as nothing more than 'tools' to be used by others. Some philosophers have used Kant's criterion for personhood to argue that humans with defective reason (including babies) do not belong to the 'kingdom of ends'; that they are not 'persons'. As noted above, I argue that all humans as 'persons' simply as a result of their participating in a certain 'class' of being – human being – and that their membership applies irrespective of their individual capacities.

Having placed our capacity for rationality at the core of human dignity, Kant then presses reason into the service of ethics. He argues that reason must be the standard for judgements of right and wrong. As members of the 'Kingdom of Ends' each human has the right (indeed the duty) to generate and obey a set of maxims (rules) produced by reason and commanded by ourselves for ourselves. Kant says that we are bound to apply these maxims regardless of the consequences and wholly as a matter of duty. This is what Kant calls the 'categorical imperative'.

For example, Kant argues that it is always wrong to lie or to break a promise. The 'wrongness' of lying has nothing to do with the outcome. Lying to someone is treating them as a means (rather than an end) to gain something from the lie. Kant argues that maxims or rules are only good or worthwhile if they can apply to all people, in all places, at all times. Such rules must be logically consistent, since any contradiction would contravene the demands of reason. Therefore, for Kant the evil in lying does not arise from its consequences. It is in the logical impossibility of willing a *universal* maxim that depends on the concept of truth while at the same time destroying the basis for truth. Such a maxim cannot be 'universalised'. To put it crudely, the maxim is destroyed by a 'logic bomb' – it implodes under the weight of its internal contradiction: truth cannot be a universal maxim if lying is ever allowed.

Virtue

The third broad tradition is based on the idea that the characters of both individuals and organisations are shaped by the choices we make. Adherents of this view do not want (or need) to know what the general consequences of a potential course of action will be. Nor are they concerned about duty for duty's sake. Faced with an ethical question, those inclined to virtue will want to know how their choices will affect their emerging character. Such people see their character as being like wax, able to absorb the imprint of whatever touches it. Looking to Aristotle for inspiration, they believe that who you become is shaped by what you do. According to this approach, if you tell a lie then this leaves behind an indelible mark. Tell enough lies and you end up taking on the shape of a liar. The reasons for lying do not matter so much as the practice itself.

It is in this tradition that we find Aristotle's concept of the 'golden mean' – the point of 'balance' on which virtue rests. Take the case of courage. At one extreme is recklessness, at the other is cowardice. A person of courage recognises and understands the danger they face – and remains steadfast despite that. They do not hide behind others. Nor do they rush recklessly towards the jaws of death. Those who rush towards death or hide behind others are in the grip of vice.

Virtue ethics treats vice as a distortion that prevents us from seeing how we should act or the world as it is. For example, a glutton will also overestimate how much they should eat or drink. The vice of gluttony is a type of 'blind spot' that exposes the affected person to risk.

Relativism

The fourth approach is sceptical about any ethical theory claiming to provide an absolute answer to the question, 'What ought one do?'. In its strongest form, relativism states that there are no absolutes – in knowledge, ethics, and so on. Thus, a relativist will claim that it is wrong to judge the ethics of others since only they are qualified to form a view of their conduct from 'within their own skin'. It is this idea that is often associated with the expression, 'When in Rome do as the Romans do.'

Relativists criticise ethical systems and focus on the way those systems evolve throughout history. At their best, relativists draw attention to the way in which powerful people and institutions are able to 'construct' ethical systems in their own image. This then allows us to look behind such systems in order to see whose interests they are serving. For example, so-called 'Victorian' morality established ideals of conduct that suited the interests of an imperial power that felt justified in colonising people across the world. Dispossession, the suppression of language and culture were all deemed to be 'noble' when couched in the language of the 'white man's burden' to bring 'civilisation' to the world. Relativists challenge the assumption that 'Victorian' morality was in any way superior to the moral codes that it displaced – often by violent means. We are invited to see the ascendant morality as self-serving.

Unfortunately, some forms of relativism go to a point of self-negation. In their strongest form, the claims are self-contradictory. For example, 'it is true that there is no such thing as "truth"' or, 'it is absolutely wrong to claim that anything is absolutely wrong'.

Care

The 'ethics of care' rejects the disinterested application of reason (whether in calculating utility, or universalising a maxim, etc.) in favour of an ethics grounded in the quality and character of relationships. As the name suggests, it prioritises the value of 'care' (benevolence) for others – including other persons, and other entities with which/whom we relate (e.g. aspects of the natural world). As such, an ethics of care directs us to notice the particular in a relationship. This is contrasted to other approaches that depend on the application of a general standard that might make us blind to the needs and interests of those who are before us.

Purpose

There is nothing new in the idea of *teleology*. The central idea is that things should be 'fit for purpose'. For example, the purpose of a knife is to cut. It follows that a 'good' knife is one that cuts well. It's important to note here that a 'good' knife is not one that has produced a set of outcomes. Its qualities will be obvious even if it is never used. So, the 'goodness' of the knife is not assessed in terms of outcomes (consequences). Instead, the 'goodness' is to be found in the knife itself – and how fit it is for its particular purpose.

The same thing can be said of a wonderful friendship. Its goodness is not to be judged by the outcomes it produces. The quality of a friend is not to be found outside of the friendship itself. The goodness is in the relationship, the shared confidences, the trust, etc.

Now, there is something more that might be considered here. It's not enough that what we make is merely 'fit for purpose'. The purpose itself should be constructive (rather than destructive).

Additionally, I think that we are obliged to go about the task of making it the right way. The *ends* and the *means* both matter. Finally, I think that our intentions have ethical significance. In summary: we should make good things by the right means for the right reasons.

Which to choose (if any)?

Each of these traditions has its strengths and weaknesses – often revealed in crude forms that the traditions' more sophisticated adherents would not support. Consequentialists can be led to advocate terrible injustices to a few innocent people if this will result in the realisation of enough 'good'. Those

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focusing on duty can also appear indifferent to great harms caused by complying with logically consistent (or divinely received) commandments. Those concerned with virtue can seem to value the shape of their character more than the welfare of others. And the significance of relativists' analysis of the role of power is often overlooked because it is so easy to poke holes in the strong forms of their arguments.

It is easy to set up as 'straw persons', mere caricatures of each tradition. Yet the broad-brush strokes of each position are worth noting as you will frequently find their central claims being appealed to in public debate. You can see this in the debate about the use of embryonic stem cells for medical research. Human embryos are sometimes destroyed in the course of this work – and this is a source of disagreement between those who support the research and those who believe human life to be sacred and therefore to be protected from harm. Those supporting the use (or destruction) of embryos in medical research often justify the research on the basis of its likely consequences (curing diseases, etc.). Those opposed will often invoke the commandments of their god. Both sides 'talk past' each other and ignore the values underpinning the other side's position. There is little chance of either side really hearing the other – and little chance of real interaction. They are not even on the same ethical page.

Advocates for each tradition often present their approach as being all-encompassing, to be chosen to the exclusion of all others. In practice, I do not think matters are so clear. For example, some actions will be consistent with duty, will build a good character, exhibit care, are aligned to purpose and also generate the best outcomes.

So, how does the practice of 'pork-barrelling' fare?

A DEFINITION OF 'PORK-BARRELLING'

I will leave it to others to outline the etymology of the term 'pork-barrelling'. For the purpose of this paper, I define the term to mean:

The commitment or expenditure of public resources for the principal purpose of securing electoral advantage by conferring a selective benefit on a sub-section of the polity as a whole.

The key features of this definition should be noted:

The commitment or expenditure of public resources

The focus, here, should be on the word 'public' – denoting resources that have been provided by 'the governed', via taxation or any other means, that are levied for the purpose of providing a range of public goods.

... for the principal purpose of securing electoral advantage

It is important that any definition of 'pork-barrelling' distinguish between the commitment or expenditure of public resources on the basis of *intention* rather than *outcome*. There will be many examples of 'pork-barrelling' that confer tangible benefits to at least some members of the polity. However, such outcomes should be understood as 'secondary' (or 'double') effects associated with the intended 'primary' effect – being that of securing electoral advantage.

One immediate question arising from this definitional element will concern how any disinterested observer will be able to discern what is, or is not, the 'principal purpose' behind the commitment or expenditure of public resources. In some cases, the evidence of such a purpose may be both direct and obvious. For example, there may be records that explicitly demonstrate purpose (e.g. colour coding the allocation of public resources according to sources of potential electoral advantage, memoranda seeking approval for patently political purposes, etc.). However, even in the absence of

such compelling evidence, a reasonable and disinterested person might conclude that the 'principal purpose' is the attainment of electoral advantage rather than some public good.

As a matter of principle, one would expect that sound public administration would see public resources applied according to objective need – with those citizens with the greatest need receiving the greatest allocation of public resources. Likewise, where needs are equally distributed amongst citizens who differ in no material respect except for the electorate within which they reside, one would expect an equal distribution of public resources. Yet, as has been seen in recent months following devastating flooding in Northern NSW, people with identical needs were treated in distinctly different ways – based on the political allegiance of their elected representative. This deficiency was only corrected after a public outcry.

This suggests a general principle by which 'primary purpose' can be discerned – even in the absence of direct evidence. That is, when identical cases of need attract materially different levels of public resources, this fact, alone, should be taken as *prima facie* evidence in support of a rebuttable presumption that public resources are being committed or expended for the primary purpose of securing electoral advantage. It will then be incumbent upon a decision maker to rebut that presumption (if able to do so) to the satisfaction of a reasonable and disinterested person.

... by conferring a selective benefit on a sub-set of the polity as a whole.

Here attention is drawn to the fact that the application of resources is not directed to benefiting the polity as a whole. Rather, there is a conscious targeting of resources so as to benefit (or promise to benefit) a subset of the polity; being that deemed capable of conferring particular electoral advantage (e.g. of a kind that might determine the outcome of an electoral contest in a marginal seat). Thus, a promise made to the electorate as a whole (e.g. all citizens of NSW in a State Election) would not be deemed 'pork-barrelling' under this definition.

ON DEMOCRACY

The most fundamental basis for distinguishing between political systems is to locate the 'ultimate source of authority' – that which 'grounds' the legitimacy of the system as a whole. For example, in a theocracy, the ultimate source of authority is deemed to be God (or gods). In an aristocracy, authority is ultimately vested in the 'virtuous'. In a plutocracy, it is the 'wealthy' ... and so on.

In a democracy, the ultimate source of authority is located in 'the governed' (sometimes called 'the people', 'citizens', etc.). Thus, the relationship between a nominally democratic government (one that claims democratic legitimacy) and its citizens can never be reduced to a set of transactions. Citizens are never merely 'customers'. That is because those who govern in a democracy derive all of their power from citizens – each and every one of them – irrespective of whether or not they ever transact with government as a service provider.

One important advantage of distinguishing between political systems according to the 'ultimate source of authority' is that it leaves room for each type of political system to adopt different forms of decision making without necessarily falling outside the definitional scope for their type of polity. For example, one can be a 'democracy' with or without compulsory voting, or bi-cameral houses of parliament or elections held every three, four or five years. The distinguishing feature of democracy is that those who are governed get to determine the mechanism(s) by which power will be exercised. The Australian Constitution is a solid example of this principle at work. It is open to citizens (and only citizens) to amend the Constitution as they think fit. This includes the capacity, if minded so to do, to change the mechanism by which the Constitution is amended. Thus, if the people of Australia amended the Constitution so as to abolish the Senate, hold election only once in a decade, etc., strip the Commonwealth of its foreign affairs power, etc. etc. – Australia would remain a democracy ... just so long as the governed retained the ultimate authority to amend the Constitution again.

The point here is that one cannot declare a political system to be (or not to be) democratic simply by observing its form of government. It goes deeper than that.

There is also advantage in democracies locating ultimate authority 'in the persons of the governed'; rather than in more general terms such as 'the people'. In some respects, this recognises the underlying compact between citizens and the State – most notably in the *prima facie* obligation of citizens to obey the laws made in their name and on their behalf. We gain some sense of this relationship from the medieval concept of an 'outlaw' – a person whose conduct places them beyond the 'pale'; who steps outside the boundaries of the law. By doing so, it was held that the 'outlaw' renounced their status as one of 'the governed' and as such, lost the broad rights of citizenship by becoming, in essence, a hostile 'alien'. We see something of this view reflected in current debates about whether or not felons serving time in prison should have voting rights – a contentious issue that the core concept of democracy informs.

Whether one refers to 'the governed', 'the people' or use some other term, the core idea is that democratic legitimacy is conferred by the consent of the governed/people; often expressed through the process of elections, referenda, etc.

There is much debate about whether or not 'consent' is genuinely possible in a 'liberal' or 'representative' democracy in which those elected to parliament do not serve as *delegates* of their electorate (bound to express and give effect to the electorate's will) but, instead, as *representatives* authorised to exercise their best judgement in the interests of the electorate. Whether one prefers direct or deliberative democracy or think 'consent' to be explicit or tacit, for the purpose of this paper (and in line with the definition of democracy as a political system in which 'ultimate authority is located in the persons of the governed'), I will stipulate that legitimacy is conferred on representatives by the consent of the governed; as expressed during elections.

Of course, this still leaves open issues to do with the quality of consent that might be obtained. The 'gold standard' for consent is that it be 'free' (unconstrained and conferred on genuinely voluntary basis), 'informed' (at a minimum not based on false beliefs induced by a reckless indifference to the truth – including lying, misleading and deceiving (by act or omission) and 'prior' to any act being performed that is reliant on consent for its approval of legitimacy.

One can see why there is such an abhorrence of nominally 'democratic' politicians who either lie or mislead. Their doing so degrades the quality of consent offered by citizens and thus the inherent legitimacy of the democratic settlement that it gives rise to.

A final point about democracy – at least as practiced in Australia – is that all citizens are taken to be equal in the measure of authority they may confer on any democratically elected government. This simple fact is captured in the simple aphorism: "One person, one vote". This is a form of radical equality in which the sole criterion for exercising authority is to be an eligible voter. Beyond that, nothing else is relevant – not education, wealth, postcode, occupation, gender, religion ... nothing else matters. Every elector stands equal to every other. The fact the votes of one or more particular voters (e.g. in marginal seats) might prove to be decisive is irrelevant when it comes to the relative status of different individual or classes of electors. All stand equal.

ON THE STANDARD OF JUDGEMENT

Given the above, the fundamental nature of democracy would seem to entail that the following conditions be met:

- Public power and resources be used exclusively in the public interest. Any unequal distribution of public benefit be prohibited unless explicitly justified by an explicit appeal to the public good (e.g. progressive taxation is justified on the basis that it increases the public good by helping to

minimise poverty, exploitation, etc. – goods which benefit society as a whole and not only those receiving preferential treatment).

- All electors be accorded equal respect by those who seek their votes
- To the greatest extent possible, the consent of the electorate must be free, informed and prior to any exercise of power flowing from the 'authority of the governed'.

APPLYING THE STANDARD OF JUDGEMENT

As defined in this paper, 'pork-barrelling' would seem to violate each and every one of the three conditions for democratic legitimacy as outlined above.

Exclusively in the public interest

By definition, 'pork-barrelling' is motivated by a dominant purpose that is essentially private. Political parties are private entities – seeking to advance private interests (namely, the attainment of power). Political parties and independent candidates may contest for power due to a sincere belief that their election will be in the public interest. However, neither such a belief, nor formal recognition, nor the receipt of public funding alters the fact that parties and candidates are private beings. Given this, it cannot be consistent with democracy that public resources be deployed for the dominant purpose of securing a private advantage. It is this consideration that has led Transparency International (TI) to define political corruption as the:

Manipulation of policies, institutions and rules of procedure in the allocation of resources and financing by political decision makers, who abuse their position to sustain their power, status and wealth.

As noted earlier in this paper, it is possible (perhaps most likely) that 'pork-barrelling' will confer benefits on at least some of the people in whose name the resources are putatively expended or committed. As outlined below, there are some philosophical approaches that might be open to the conclusion that, on the narrow count of public interest, 'pork-barrelling' can be ethical. For example, a consequentialist (e.g. an 'act' utilitarian) might be led to approve such a practice if, in fact, it leads to a net gain in some good (such as happiness or contentment or health ...). Such a calculation would take into account only the consequences and be indifferent to the motivation behind the act.

Unlike 'act-utilitarians', who judge solely by the direct consequences of an isolated action, 'rule-utilitarians' are concerned about the outcome of certain practices should they become the norm. In essence they ask, 'will adoption of a rule or practice (such as 'pork-barrelling') add or subtract from outcomes in the foreseeable future. That is, rule-utilitarians evaluate a practice like 'pork-barrelling' from a more systemic perspective. For reasons outlined below, it is unlikely (but not impossible) that 'rule-utilitarians' would approve the practice.

It should be noted here that in both cases of Utilitarianism (Act and Rule), neither motive nor intention matter, in and of themselves, so long as the outcome is an increase in utility.

Equal respect for citizens

However, it could be argued that the application of a consequentialist form of reasoning betrays a misunderstanding of what is important about democracy as a system of government. That is, the justification for democracy is not grounded in the claim that democratic polities achieve better outcomes. It may be that this is the case (recent history would suggest so). However, this is merely a contingent fact. Indeed, one can imagine a future in which autocratic systems outperform democracies on a number of fronts. For example, some people think that autocracies are better equipped, than democracies, to make the kind of change needed to address challenges such as those posed by climate change. Yet, the traditional case for democracy will disregard factors such as relative outcomes in favour of evaluating rival political systems by reference to values such as: equality, autonomy, justice, etc. all linked to the principle of 'respect for persons'. That is, the source of

democracy's legitimacy lies not in the outcomes that it produces but rather, in the status it accords the citizens who constitute the polity.

Understood in these terms, it cannot be in the public interest of a democracy that some citizens be elevated (and others relegated) according to their instrumental value to those who contend for and exercise power.

Free, prior and informed consent to be governed

As noted above, politicians who lie to, mislead or deceive the electorate deny those whom they would govern the opportunity to confer consent, informed consent, of a quality required for a government to claim the legitimacy of being 'democratically elected'.

However, the same 'dilution of legitimacy' can be produced by the practice of 'pork-barrelling'. For the most part (but not always), the commitment or expenditure of public resources, that lies at the heart of the practice, is directed towards meeting the genuine needs of a sub-section of the community. That is, the offer of improved infrastructure or services will typically remedy a prevailing absence of goods such as healthcare, education, roads, etc. Indeed, it is this fact that seems to make many politicians blind to the iniquity of 'pork-barrelling'. They see a genuine need; they promise to provide a solution and wonder why anyone would criticise such apparent benevolence.

As stressed earlier, the mere fact that some genuine good is realised is not enough to 'justify' pork-barrelling (where the dominant motivation is to secure political advantage). However, this does not exhaust the range of ethical concerns. Some forms of 'pork-barrelling' take the form of a 'conditional offer' along the lines of, "Vote for us and you will be rewarded. Fail to support us and pay the price in lost opportunity". The conditional offer is rarely expressed in such crude terms (it occasionally is as blatant as that), but the underlying logic of incentive/reward is just below the surface. Otherwise, why would the offer of public resources so often be reserved for the election period?

If we assume a 'best case' where there is a genuine need within an electorate, then 'pork-barrelling' takes on the character of something worse than a 'bribe' for votes. The deeper the need, the closer such a conditional offer resembles throwing a line to a drowning man so long as he pledges his loyalty. To say that the man's choice to make the pledge and be hauled to safety is a 'free' choice – invites derision.

Consent – obtained at the point of a gun – is not consent at all. The democratic consent derived from citizens induced to vote for one candidate or another, as the 'price' to be paid in order to secure a public good is no better.

Public goods should flow to citizens on the basis of need and according to principles of justice ... not as a reward for compliant conduct that advances the private interests of politicians.

A FUNDAMENTAL OBLIGATION

As might be expected, politicians are quick to claim the legitimacy of a democratic mandate whenever it suits their interests to do so. Furthermore, they tend to be passionate defenders of the democratic ideal – not merely because it underpins the legitimacy of their exercise of power but also because they have a genuine regard for the many public goods that democracy confers on a polity. These public goods include: the ability to effect a peaceful transfer of power, the ability to undertake complex reform, etc. What is less understood is that public goods, such as those, depend not just on the effective operation of the formal procedures of democracy (such as fair elections).

While the mechanisms of democratic government might be in perfect working order, it is still possible for the machine to grind to a halt if sand enters the gears. In democracies, the equivalent of 'sand' is distrust – especially when it extends to the system as a whole.

It is self-evident that there has been a precipitous decline in public trust of institutions of many kinds; not least of which is government. This has serious adverse consequences not least of which is a reduction in the 'freedom of movement' of government – even if motivated to act solely in the public interest. Paradoxically, the community will even limit the scope of governments to initiate reforms that will confer obvious public benefits – not because the benefits are uncertain but simply because of a lack of trust that the relative burdens and benefits will be distributed equitably. That is, a point can be reached where low levels of trust are, in themselves, a source of risk to the polity.

The 'political class' claims to be aware of this risk. They often express a hope that the 'trust-deficit' might be reversed. However, as Kant observed, "to will the end is to will the means". In this case, it would seem to require those who promote the ideal of democracy to back up their rhetoric with aligned actions. Furthermore, in this case, the obligation to adopt the means necessary to achieve the espoused end requires politicians to enhance and preserve the integrity of the system-as-a-whole.

Seen in this light, 'pork-barrelling' is revealed to be an illicit and ultimately self-defeating practice. As defined, it is a practice that destroys trust – not only amongst those who 'miss out' because they are in the 'wrong' electorate – but more generally. Even those who seem to benefit from this form of politically corrupt largesse are left wondering about how they would have fared if living outside the 'boundaries' of whatever group is being targeted with a view to advancing the private, political interests of one party or another. The effect of this is that the arena of democratic contest becomes de-legitimised to those cost of the whole democratic polity – not least those who contend for a mandate to exercise power.

Some politicians claim that all such considerations should be set aside as electors will ultimately 'signal' their approval or disapproval of 'pork-barrelling' at the ballot box. Those making this claim acknowledge that the exercise of political discretion in the disbursement of public funds must be lawful. However, they deny that there is any objective ethical standard beyond what the electorate will tolerate. Such an approach could be said to be the root cause of the loss of trust in the institutions of politics – as it effectively denies that politicians have any ethical responsibility at all – with all judgement 'outsourced' to citizens. In essence, it denies the fundamental tenets of 'representative democracy'. Worse still it ignores the basic fact that the practice of 'pork-barrelling' is, at face value, a force for corrupting democracy – compromising the judgement of the electorate. Whether presented in the form of a 'bribe' or a 'threat', the practice of 'pork-barrelling' undermines the fundamental grounds for consent to which advocates for 'pork-barrelling' ultimately appeal.

It should be clear from this that politicians, political parties, the media – indeed all who engage actively in the processes of democracy are bound by an obligation that transcends that owed to any individual, part, corporation, institution, etc. That is, there is a supervening obligation to enhance and preserve the integrity of the system-as-a-whole.

CONCLUDING REMARKS

At the outset of this paper, I outlined a number of traditions, drawn from Western philosophy, that can be drawn on when evaluating the ethics of 'pork-barrelling'. Some of these traditions have been evoked, in explicit terms, as the analysis has developed. For example, we have seen how an act-utilitarian might, in theory, deem a particular case of 'pork-barrelling' to be ethical. We have also noted that it is possible that a rule-utilitarian might reach the same conclusion when evaluating the practice as a whole. However, it should be noted here that whether or not such conclusions would be reached depends on the ability to foresee outcomes and estimate net utility. Most importantly, utilitarians require each and every person's utility to be weighed in equal measure – enforcing a type of 'strict equality' that ignores differences of race, gender, etc. That is, utilitarians would disregard factors, like 'electorate', 'postcode', 'political orientation', etc. when calculating utility. As such, consequentialism does not offer any clear basis for evaluating 'pork-barrelling' *per se*. In the end, the most that can be said is that 'it depends ...'. And that, I think, is an inadequate basis for answering the question before us.

We have also examined questions of duty and purpose – notably when considering the democratic context within which the practice of ‘pork-barrelling’ is being evaluated. It seems to me that this provides a much more stable basis for evaluation. As we have seen, ‘pork-barrelling’ (at least as defined in this paper) is unethical – not on the basis of consequences (which could be dire) but because it undermines the ethos of democracy – an ethos that politicians have a general duty to protect and enhance.

I have not said anything about relativism – largely because I think that despite it growing out of important insights about how power shapes narratives, etc. it is, at least in its strongest forms, incoherent.

I have not offered any comments about how an ‘ethics of care’ would ultimately evaluate the practice of ‘pork-barrelling’. My hunch is that such an evaluation would condemn the practice on the basis that it is indifferent to the quality and character of relationships because driven by what is, in essence a selfish (one sided) concern to secure political advantage at the expense of others.

Finally, there is the perspective associated with ‘virtue’ – which leads us to ask about how the character of our society would be shaped should ‘pork-barrelling’ be accepted as the norm. Here we need to consider whether or not we aspire to a character in which inducements (or threats) condition our choices. It might be observed that, as Adam Smith has argued, there is nothing base or inappropriate about appealing to or proceeding from self-interest (at least in terms of the operation of a free market). However, even with his faith in the benevolent operation of the ‘invisible hand’, Smith still reserved certain public goods as being exempt from the operation of the market. Indeed, he believed that a well-functioning society would only be created and sustained should its members possess the virtues of ‘sympathy’ and ‘reciprocity’.

‘Pork-barrelling’ undermines such virtues by fracturing the democratic polity into ‘haves’ and ‘have nots’ where the distinction has nothing to do with either merit or need. The only index for preferment is the usefulness of an elector to those who seek power. This sees citizens as mere ‘means’ rather than ‘ends’ in themselves. It flips democracy on its head. It corrupts the character of our democratic polity.

REFERENCES

1. Aristotle (2003), *The Nicomachean Ethics*, Penguin Classics
2. Aristotle (1982), *The Politics*, Penguin Classics
3. Smith, A. (1999), *The Wealth of Nations*, Penguin Classics
4. Transparency International (TI), 2022, *Corruptionary: political corruption*, [Political corruption - Corruptionary A-Z - Transparency.org](https://www.transparency.org/en/corruptionary)

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Sensitive