

**FROM CANDIDATE TO CRIMINAL:
THE CONTINGENCIES OF CORRUPTION IN
ELECTED PUBLIC OFFICE**

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ABSTRACT: Political corruption is identified as the behavioral consequence of novel contingencies of reinforcement introduced immediately after a candidate for public office is victorious and assumes the powers of incumbency. An analysis of the contingencies surrounding the transition from candidate to criminal is presented and strategies for overcoming the corrosive effects of postelection reinforcers are offered.

Citizen discontent with the institutions of self-government is becoming increasingly voluble. The nation's newspapers present the evidence on a daily basis. One popular viewpoint is that the *structure* of government is responsible for whatever problems are thought to exist. As a result, we are witness to robust efforts to change the structure of government such as reforming campaign finance, imposing term limits, forming additional political parties, and launching numerous proposals to alter state and federal constitutions. Just as structuralism invariably fails to address problems of function, these structural changes, however palliative, fail to confront the central cause of decline in the system, the behavior of political incumbents.

We were warned that the system contained behavioral flaws more than 100 years ago by one of the most brilliant advocates of self-government, John Stuart Mill. In his essay "Representative Government," Mill asked:

How can institutions provide a good administration if there exists such indifference to the subject that those who would administer honestly and capably cannot be induced to serve and the duties are left to those who undertake them because they have some private interest to be promoted? Of what avail is the most broadly popular representative system if the electors do not care to choose the best member of parliament, but choose him who will spend the most money to be elected? (1861/1952, p. 375)

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The form of Mill's lament was an urgent question that has not been adequately addressed in this century. Contemporary academicians show little interest in the phenomenon of political self-service and its malignant effects on Western society. B. F. Skinner (1981, 1987) called attention to our collective failure to identify and manage the real contingencies responsible for the behavior of our public servants. While it is true that we have not yet brought the principles of science to bear on the management of our political processes, some useful conceptual beginnings have been provided (Glenn, 1986; Goldstein, 1986; Goldstein & Pennypacker, 1988; Lamal & Greenspoon, 1992; Malagodi, 1986; Pennypacker, 1992; Skinner, 1948, 1971).

One impediment to understanding and controlling the behavior of elected public servants arises from our tacit acceptance of some traditional tenets of philosophy and political science. Philosophers since Plato have conjectured about the ideal *form* of social organization based on assumptions made elsewhere in their work concerning the nature of the human species and its place in physical and metaphysical reality. Moreover, in this century, we have witnessed the emergence of a discipline known as political science. This discipline is an extension of early thought and has given us detailed descriptions of the structures and microstructures by which the government operates and evolves. With respect to affording an *understanding* of the *behavior* of political figures, however, political science is unable to enlighten us because it lacks the analytical procedures of an experimental science. Consider, for example, the management of reinforcement in political life. Elected officials are ordinary citizens who have become legally empowered to receive and dispense reinforcers on behalf of the entire public.

Genuine understanding of the behavioral processes involved in representative government requires an analysis of the behavior of political incumbents. Such an analysis is strategically and tactically congruent with the analysis of all human behavior. One seeks to identify the environmental events that are antecedent and consequent to identifiable classes of "political" behavior and then seeks to establish functional relations between such behavior and its environmental determinants. We may therefore begin this functional analysis by converging on the unique determinants of behavior that operate when an individual ascends to public office.

It is tempting to focus our analysis on the behavior of elected officials at

¹ In contrast, parents dispense reinforcers on behalf of their children, but these reinforcers are not first procured by the children who then, with consent, yield them up for redistribution.

the national level, as Lamal and Greenspoon (1992) have done with their incisive analysis of the metacontingencies of reelection that control the voting behavior of members of Congress. The media feed us a daily menu of their activities and many of these people become almost as familiar as our own family members. This familiarity should not be confused with useful applied knowledge of the means to achieve accessibility and control, however.

There are two reasons why the behavior of national and state politicians is relatively inaccessible and uncontrollable. First, the media typically provide only small, although frequent, snippets of the verbal behavior of these politicians, giving little objective exposure to the larger context in which that behavior occurs. Second, the contingencies that determine that behavior are usually a result of a complex series of interactions involving aides, staffers and other invisible political operatives, campaign contributors, and representatives of special interest groups. To study the detailed repertoire of these politicians effectively, one would need to exert selective control over most of these elements of the social environment. That is virtually impossible in the case of a national political figure. We are left with voting records (and campaign finance disclosures) as the most objective behavioral record upon which to base an analysis of incumbent behavior, as Lamal and Greenspoon (1992) illustrate.

Fortunately, there is a population that is both more numerous and more readily accessible—local elected public officials. While there is only one national government consisting of 535 elected Representatives and Senators in addition to the President and Vice-President, there are about 6,000 local governments in the United States, not including special taxing jurisdictions. Of these, less than 40 are municipalities with populations exceeding 500,000.

Not only are the actions of local public officials more accessible, their behaviors deviate just as markedly from the normative consensus as do the more visible excesses on the national level memorialized daily by the mass media. Because the behavior of local public officials more often directly affects individuals, its consequences are often more immediate and painful for the electorate. Karen Diegmuller (1986) contends that placing all of the known incidents of corruption in American cities into one book is impossible. According to her, between 1975 and 1984, 1,674 local public officials were convicted of criminal behavior in connection with the discharge of their public responsibility. For each of these convictions, there was a far greater number of violations of the public trust for which there was insufficient political independence or courage on the part of the local prosecutor to proceed to indictment.

The case for analyzing the behavior of local public officials is utilitarian; they are numerous, readily accessible, and frequently engage in behavior that is at considerable variance with the covenants made with the electorate as a condition of their election. Furthermore, their behavior has the most immediate and profound effect on the daily lives of the citizenry.

Psychologists typically characterize behavior that conflicts with conventional standards as deviant. Corrupt political behavior is seen as the result of asocial or antisocial traits. This allows commentators to define political corruption in terms of social or psychological deviance. This practice, although popular, fails to provide a means of correcting the offending behavior before the next election. Further, if corrupt political behavior is the result of immutable character traits of the incumbent, the only recourse is diagnosis prior to election. Our system of self-government cherishes the principle of free access to elected office and could not permit preselection of candidates based on the results of personality inventories.

We propose an alternative explanation of corrupt political behavior that leads directly to empirical analysis and understanding of the variables controlling the behavior of incumbents. It holds that despite the psychological characteristics of the candidate, getting elected exposes that individual to a set of irresistible contingencies. These contingencies, partly because of their novelty and partly because of their density, are sufficiently powerful to engender profound changes in behavior almost immediately after the results of the election have been certified.

A Not Altogether Fictitious Example

We have all seen this phenomenon at the local level. We pass out political literature for a friend of unimpeachable character who is running for the local council on a platform of preserving neighborhood integrity. We are shocked when that individual, once elected, votes to allow a developer to turn our neighborhood into a shopping mall and to six-lane our village streets. "Our" candidate ran on a platform of making the bureaucracy smaller and more efficient. As a result, we are perplexed when our successful candidate supports a motion to raise taxes in order to expand the municipal bureaucracy. Our candidate, an avowed environmentalist, meets privately with corporate executives and then votes to site a giant smokestack, cement plant and incinerator in a residential area. We also wonder why the practice of competitive bidding is replaced by "sole-source" contracts awarded to

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supporters of the incumbent. We are outraged when the community's largest polluter is honored with a plaque for meritorious civic service. We are puzzled to find our candidate now traveling to exotic locales on public business, particularly since no legitimate local public business exists in such locales. We are speechless as the anointed apologizes to us for voting to build a huge and unnecessary garbage dump, explaining that the consultant said it was needed. Finally, we grimace as the incumbent's new office is lavishly redecorated by the same interior design firm that won an award for its renovation of Donald Trump's office.

This is not the candidate we knew and loved. This is a different person. Or is it? Perhaps it is the same person exhibiting behavior lawfully influenced by a set of reinforcement contingencies whose magnitude and frequency have never before been experienced by that organism. Could it be that this individual (whom we shall call Councilperson Friendly) is simply behaving in accordance with a set of the most powerful parameters of reinforcement yet to be isolated and analyzed by our discipline?

Let us consider in some detail the baseline and "intervention" associated with the behavior exhibited. Councilperson (or Commissioner) Friendly has been employed for nine years as a middle-level administrator in the local junior college or is a part-time clerical worker and full-time parent. Friendly decides one day to pay the \$500 qualifying fee for an open seat on the local, elected governing body. Everyone knows Friendly and likes Friendly. Eight social clubs and two civic groups are pleased that Friendly announced for the seat and they so inform Friendly. Friendly gets 25 phone calls in one day from friends who are excited about Friendly's candidacy. Friendly never had it so good. People begin giving money to Friendly; contributions of \$5, \$10, and \$20 are accompanied by a few of \$100 from the local political influence merchants and developers who think Friendly might win. Even Friendly's kids, normally indifferent to Friendly's activities, exhibit excitement.

The rewards are still small, however. They are only extensions of Friendly's well-established reinforcement history. Moreover, Friendly could lose the election and that sobering possibility severely attenuates the power of the increased positive attention. Friendly swears on radio and TV to fight for the public interest, reduce waste in government, and stay in touch with the voters.

Friendly wins. Friendly's boss shows up at the house that night for the first time. He brings with him a bottle of champagne-not the cheap kind. Friendly gets a congratulatory call from the governor of the state. All the other

honorable councilpersons come to Friendly's house that night and eat Friendly's food. The city manager shows up, too, and asks Friendly to stop by his office to pick out furniture from a Henredon catalogue. Friendly frowns. The manager assures Friendly that this is the way things are done. Friendly smiles. Friendly's title changes from Mr. or Ms. to "The Honorable" and the mail carrier notices. Overnight, Friendly's domain of influence goes from one part-time, unskilled assistant, a modest postage budget, and a reconditioned electric typewriter to 5 secretaries, 300 managers, 1800 employees, a \$150 million budget, an airport, a fleet of 800 vehicles, and a police department. Friendly has an expense account limited only by the taxpayers' ability to pay. Friendly has it good all of a sudden.

What do we as behavior analysts know about such abrupt transitions? Very little since we have never studied them *in vivo*. Nevertheless, these changes are orderly, predictable, and extremely powerful. If we have defined the problem correctly, we can isolate and attempt to control the variables governing the inevitable postelection transition from candidate to criminal.

We can of course, terminate the troubling behavior at the voting booth, but that requires enduring it for a minimum of one term. Moreover, throwing Friendly out of office, while temporarily satisfying, only restarts the cycle with the next Friendly. Until we learn how better to exert public control over political behavior, we will continue to be its victims.

The above described events outline the process of a radical and dangerous, but familiar, conversion of Councilperson Friendly. This conversion appears to be associated with the immediate postelection availability of a variety of powerful reinforcers. These reinforcers have the nearly universal effect of diminishing the probability that Friendly's repertoire will remain congruent with Friendly's preelection verbal behavior. Nearly all candidates swear with fervor that they will listen to the citizens after election. Very few do. It is evident that contingencies arising immediately after ascension to public office are fatally competitive with those prevailing before election.

Behavior analysts know that abrupt shifts from regular or continuous reinforcement (CRF) to extinction will often alter the topography of behavior. In Friendly's case, the candidate experienced an enriched schedule of personal contact, support, feeding, and positive public feedback from campaign workers. Most of this ceases after the election, making the officeholder extremely susceptible to any other reinforcers. Those who would seek favorable treatment (i.e., those who would corrupt Friendly) are more than ready to step in and fill the reinforcer void with a contingency system

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of their own. They are skilled at the techniques of reinforcer sampling and shaping. Soon, Friendly will have a new repertoire.

Corrective Action

One remedy suggests itself. The citizens who were active in supporting the candidate before the election must maintain the same level of contact after the inauguration. Doing so would help to preclude the transition from CRF to differential extinction. Additionally, a variety of behavioral inoculation procedures have been developed that would provide extended public control over the incumbent's behavior.

Given the density and strength of corrosive postelection reinforcers it is unlikely that any single approach will be sufficient to maintain preelection behavior. One experimental reform was suggested by Goldstein (1979). Called Electoral Contingency Management of Incumbent Behavior, this proposal requires that all locally elected officials be subject to a plebiscite on each anniversary of their election. Annually the voters would be asked one ballot question with respect to each incumbent: Should he or she be retained without challenge for an additional year? An affirmative majority vote would allow the incumbent to continue service without challenge. A negative vote, on the other hand, would be an invitation to challenge in the next annual plebiscite and could result in replacement. Under this system, a newly-elected incumbent would be assured of serving at least two years. Thereafter, each unchallenged year would presumably function as positive feedback from the public concerning the incumbent's performance. If the vote to challenge occurred, the incumbent would have the succeeding year to amend his or her practices in order to prevail in the ensuing election. Failure so to reform would presumably lead to timely removal by the voters. This procedure would add nothing to the cost of local government since some form of election usually occurs annually and the plebiscite would simply be superimposed.

We have outlined but two of the rich variety of behavior analytic tactics available to those who would attempt to improve the conduct of elected public officials. We behavior analysts hold the key to understanding why candidates become criminals and our public offices are being corrupted. Applying this knowledge to the behavior of those we elect to carry out the public's business is obligatory for us.

This obligation stems in part from the fact that our science has been nourished by tax dollars. Citizens have already shown an aversion to continued

funding of intellectual enterprises that generate no tangible benefits to the commonwealth. Behavior analysis has earned at least a temporary exemption from this charge (Pennypacker, 1992) and could make no more lasting cultural contribution than returning control of government to the electorate.

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