

### Introduction

- Capability in governance consists of values such as integrity, loyalty or accountability.
- How do we locate, define and understand such values underlying capability?
- What does capability entail in 17<sup>th</sup> century? Which values are at stake? What was considered acceptable behaviour?

### A dual purpose

1. Presenting approach to locate, define and understand values underlying capability in historical context
  - Implicit – explicit, Scandals of corruption.
  - broad definition of corruption, multiple sources of values.
2. Presenting Case-study of transgressions and corruption of Lodewijk Huygens as example of 17<sup>th</sup> century *incapability*
  - To exemplify framework
  - To better understand values associated with contemporary office
  - To substantiate, compliment and/or correct abstract and general notions of values underlying capability and governance.
  - To show what was (un)acceptable, (un)wanted and (in)tolerable behaviour for this 17<sup>th</sup> century Dutch magistrate?

### Corruption scandals

- Corruption scandals to get a grip on (often implicit) values
  - venues for explicit (public) debate
  - in moments of crisis behaviour is discussed.
  - values become apparent in clashes, conflict and contest over boundaries.
- Showing the *unacceptable*, *unwanted* and *intolerable*: showing *incapability*

➔ From implicit understanding to explicit debate

### Corruption as a central concept

- Classical broad conception of corruption
- Modern narrow conception of corruption

### Standards to define corruption or incapability

- 'Objective' standards of corruption:
  - Legal rules of office  
"the violation of formal duties of a public role because of private-regarding wealth or status gains" (J.C. Scott)
  - Mixing public with private interests  
"where private benefits outweigh public interests" (Van Klaveren)
  - Public opinion and condemnation  
"a qualitative gradation in terms of public condemnation" (Heidenheimer)

## Central problem

- The problem is trying to find a single standard to measure conduct.
- We should perhaps look for multiple “standards of goodness” instead.

## A broader definition of corruption

*“the abuse, according to the legal or social standards constituting a society’s system of public order, of a public role or resource for private benefit”*

(Michael Johnston: 1996)

- Individual as well as classical: narrow *and* wide
- Flexible instead of rigid: stability *and* change
- Formal as well as public/informal: law *and* public opinion

## Sources of values in the Huygens-case

- Different sources provide different views on same event.
  - Legal codes
  - Public opinion
  - Codes of the shop-floor
- Clashes over boundaries between sources in corruption scandal of Huygens
- Values are shaped in interaction, scandal, debate and contest

## The case of Lodewijk Huygens

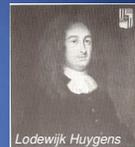
- To exemplify approach
- To examine capability of this 17<sup>th</sup> century magistrate

## The Case of Lodewijk Huygens

- Appointment as sheriff of Gorinchem by Stadholder William III in 1672, fulfilling a vulnerable position as an intermediary between Stadholder and Gorinchem magistrates.
- In the document regarding his appointment hailed (although formally) as a capable magistrate.

## Improper conduct, strife and legal consequences

- Huygens as the sole magistrate to appoint into much sought after positions leading to abuse of office (*mesusen, vuyligheden ende corruptien*) and competing factions (Huygens vs. Van der Ulft)
- Legal consequences, but able to resume his office as sheriff of Gorinchem.
- Strife continued after Huygens’ return, who eventually lost his position in 1684.

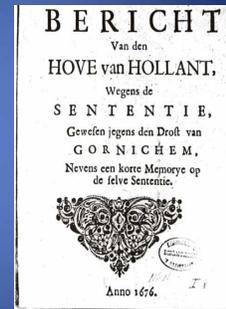


## Sources of values underlying capability

- Legal Codes
- Public opinion as expressed in pamphlets
- Codes of the shop-floor

## Legal codes

- Court sentence: Huygens should have acted with more discretion and should have abstained from accepting gifts.
- Violation of edict and resolution. Sale of office detrimental to welfare of the state.



## Public opinion as expressed in pamphlets

- Pamphlets not really 'public opinion'. Arguments as renderings of what both factions *expected the public to consider* as reprehensible behaviour.
- Influencing the public opinion to gain support or injure the opposing faction.
- Arguing from commonly shared assumptions of capability.
- Viewpoints on the sale of office and gift exchange ambiguous.

## Codes of the shop-floor

- Sale of office and gift exchange generally excepted. Excess condoned as long as most magistrates were able to profit.
- Principles of seniority and rotation determined the distribution of position, but arbitrariness was frowned upon.
- Lodewijk Huygens thwarted time-honoured customs.

## Concluding remarks

### The framework

- Does the framework allow us to trace the meaning and content of values underlying capability in governance?

### The case -study

- What constituted (in)capability in the seventeenth-century (and the Huygens-scandal)?

## Concluding remarks

### The framework

- The Huygens-case shows that, in order to locate, interpret and define improper conduct, corruption or 'incapability' we need to look at multiple sources rather than any *single* standard of corruption. The conflict between these sources of values (or standards of corruption) and the clash over established but often implicit boundaries are what constituted corruption and the incapability of Lodewijk Huygens.

1 Corruption did have a univocal meaning on a formal-legal level, but political behaviour was not constantly compared with the content of edicts or decrees. A preceding contract or convention could circumvent legal rules regarding the exchange of gifts or the sale of position.

2 Content of pamphlets ambiguous. As a magistrate Huygens was not looking after the interests of the community

## Concluding remarks

3 Codes of the shop-floor provide us with the best view on values underlying capability. Here we see motives and opinions for what they really were. As long as the equilibrium wasn't threatened, much was allowed in everyday political practice (even excess).

### What constituted (in)capability in the 17th century?

- A capable magistrate should preserve harmony and uphold (informal) shop-floor rules (legal of limited relevance)
- Arbitrary and excessive actions would result in violations of the shop-floor-codes, possibly leading to a (legal or moral) judgement that a magistrate was incapable of fulfilling his position.