

Chapter

Corruption Claims in Current Debates on Genetically Modified Foods: Moral and Ethical Challenges to Law and Science

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ABSTRACT

Social movements often use corruption accusations to discredit their opponents. In this chapter, we argue that corruption scandals offer an excellent opportunity to study what happens when moral understandings conflict with positivistic maxims based on science and law. We analyze three cases of alleged corruption related to genetically modified foods where corruption claims based on ethical-critical logics were confronted with objective-formal counter-arguments. In the first case, several scientists accused *Food and Chemical Toxicology* journal editors of corruptly retracting their 2012 study on GMO toxicity. This instance of corruption contestation ended in **circumvention** of ethical-critical logics by objective-formal framings when the journal editors and GMO proponents successfully argued that moral arguments were irrelevant to the debate since the standards of scientific evidence, allegedly, justified the retraction. In the second case, activists accused a private pro-GMO industry group of corruption after it spent \$10.6 million to campaign against an initiative to label GMOs in Washington State. This confrontation resulted in

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the **partial accommodation** of ethical-critical arguments: the industry group immediately disclosed the sources and sizes of their contributions, but proceeded to launch a counter-suit and defeat the initiative. The last case of alleged corruption involved the controversial passing of public legislation that limited the role of courts in regulating GMOs. The confrontation between activists' ethical-critical logics and pro-GMO politicians' defenses based on objective-formal arguments resulted in the **temporary silencing** of the former. Although GMO proponents initially overcame the opposition, the law failed when it came up for renewal six months later. We explain this variation in the outcomes of corruption-related discursive contestations with the different ratio of public and private actors across the three cases. Our analysis suggests that the larger the presence of public actors in a given debate, the more bargaining power ethical-critical logics have relative to objective-formal claims.

Keywords: Corruption, genetically modified organisms, GMOs, social movements, morality, law, ideological paradigms, framing

“We will not stand for cronyism. We will not stand for poison.
That’s why we March Against Monsanto.”
(March against Monsanto 2015)

INTRODUCTION

In struggles for resources, social movements often invoke claims of corruption to discredit their opponents. From the long-standing debate on campaign contributions in the U.S. political system to recent controversies surrounding Planned Parenthood, accusations of corruption are very common in political contestations and struggles for power. As a discursive strategy, corruption claims are highly attractive to contending parties because they have a wide resonance with the general public. Aside from their mobilization potential, such claims are easy to make and difficult to resolve, which further increases their attractiveness as a tool for collective action.

In this chapter, we argue that corruption scandals offer an excellent opportunity to study what happens when popular moral understandings come in conflict with positivistic maxims that are based on science and law. As a complex and under-defined analytical concept and category of practice, corruption entails value-free dimensions, such as abuse of office or legal-administrative rules, as well as value-based dimensions, such as violation of trust and ethical principles of disinterestedness. Furthermore, the overlap between these different meanings and manifestations of corruption is only partial. Conceivably, for instance, it is possible to commit an act that is corrupt without breaking the law or, in contrast, to engage in the abuse of office without committing corruption. It is precisely this

coexistence of value-free and value-based dimensions that makes public contestations of corruption interesting to study.

Of course, corruption scandals are but one empirical context in which ethical and critical claims meet counter-arguments based on law and science. Other scholars, for instance, have studied the collision of the two paradigms in public policy (Hammond and Adelman 1976: 269), technological development (Pearson and Young 2002: 5), homeland security (Lakoff and Klinenberg 2010: 503), markets (Fourcade and Healy 2007), and many other social fields. An important contribution of this literature lies in challenging the popular assumption that rational and legalistic paradigms are inherently prioritized in modern Western society due to the alleged objectivity of “facts” and “a priori epistemological requirements” (Longino 1990: 62). Instead, these studies reveal the interplay and mutual constitution of different discursive and ideological paradigms by emphasizing the role that value-based logics play in the very construction of objectivity and rationality, and vice-versa. Some scholars have also suggested that not only do morality and ethics shape the very conceptual bases of science and law (and the other way around), but they also confront each other in direct contestations with a variety of possible outcomes that extend far beyond the expected triumph of “fact over judgment” (Heimer 2010). Our study furthers this work by systematically identifying different possible results of such discursive contestation and theorizing potential reasons why the encounters between ethical-critical and formal-objective logics have divergent outcomes across seemingly similar contexts.

To reach our theoretical goal, we analyze three cases of alleged corruption related to genetically modified foods (GMOs) where corruption accusations, made by GMO critics in terms of ethical-critical logics, were confronted with GMO proponents’ defenses based on objective-formal logics. Our analysis reveals three possible outcomes of such contestation: circumvention, partial accommodation, and silencing of ethical-critical logics.

In the first case, GMO critics made corruption accusations against GMO proponents after Séralini and colleagues’ 2012 study on GMO toxicity was retracted from the journal *Food and Chemical Toxicology*. Using scientific and legal claims, the journal’s editors and GMO proponents argued that moral accusations from the GMO critics were not relevant. We suggest that this case of corruption contestation exemplifies an instance of circumvention of ethical-critical logics by objective-formal framings: the journal editors and GMO proponents maintained that moral arguments were, essentially, impertinent to the debate since the journal’s guidelines and the standards of scientific evidence, allegedly, justified the retraction.

In the second case, a pro-GMO industry group was accused of corruption after it spent \$10.6 million to campaign against Initiative 522 to label foods containing GMOs in Washington State. In this instance, the confrontation between ethical-critical accusatory logics and objective-formal defense logics resulted in the partial accommodation of the former: the industry group responded

by immediately disclosing the size and sources of their contributions, but the Initiative itself was allowed to stand.

The last case of alleged corruption involved the controversial passing of H.R. 933 Section 735 (referred to as the “Farmer Assurance Provision” by its supporters and the “Monsanto Protection Act” by its opponents), Congressional legislation that preempted the court systems from intervening in certain GMO regulations and production policies. The confrontation between the ethical-critical logics of anti-GMO activists and pro-GMO actors’ defense based on objective-formal arguments resulted in the temporary silencing of the former. Although GMO proponents initially overcame critics’ attacks regarding the legitimacy of the provision’s legislative process and Congressional enactment, the legislation failed when it came up for renewal six months later.

We conclude that across all cases, the use of objective-formal logics was effective in neutralizing corruption accusations based on ethical-critical arguments. Yet, the dominance of the value-free discursive paradigm was not absolute. While temporarily silenced, accommodated, or circumvented, ethical-critical logics were never fully dismissed by GMO proponents and continued to shape the corruption discourse in media and policy arenas. Based on our cases, we, therefore, argue that the relative power of value-based and value-free framings of corruption varied across the three cases in a systematic and predictable way. Our analysis also reveals that specific combinations of public and private actors in each case influenced the outcomes of corresponding contestations. Specifically, we argue that the more public actors partake in a debate, the more bargaining power ethical-critical logics have vis-à-vis the objective-formal paradigm.

In the sections that follow, we discuss the foundational premises of objective-formal and ethical-critical logics and review the ways in which the notion of corruption draws on both. We then present our three case studies and offer a close discourse analysis of corruption accusations that each entail, with a specific focus on how different logics interact and compete to establish or refute corruption claims. We conclude with a discussion of possible reasons why the outcomes of the contestation between objective-formal and ethical-critical framings of corruption differed across the three cases under consideration.

VALUE-BASED AND VALUE-FREE LOGICS: OUTCOMES OF CONTESTATION AND THEIR DETERMINANTS

OBJECTIVE-FORMAL VS. ETHICAL-CRITICAL PARADIGMS

The ways of thinking and framing that we call objective-formal logics derive their assumptions regarding the essence of reality (i.e., ontology) and the possibilities of knowing it (i.e., epistemology) from positivism (Comte 1997 [1822]).

Positivism is a school of thought in philosophy and science, founded on the premise that society operates by general laws that can be revealed through empirical study, mathematics, and logic. Positivists emphasize observation and measurement in scientific processes and give little weight to imagination and morality, which are considered largely arbitrary (Comte 1997 [1822]: 36). While positivists maintain that values should have a negligible role in science and philosophy, their logics are utilitarian (Bentham 1789; Mill 1863) inasmuch as they interact with moral outcomes. According to them, the “goodness” of a social act is proportional to the extent to which its consequences maximize the quantity and quality of happiness, wellbeing, and utility. To a large extent, these assumptions are also core to legal-rationalism and natural science. In the words of Comte, “scientific polity wholly excludes the arbitrary... Government by measures replaces government by men” (Comte 1997 [1822]: 49).

Therefore, in situations of conflict or ambiguity, objective-formal paradigm prioritizes the application of the scientific method to establish the “facts” of a contested issue through commensuration, operationalization, and quantification. (Gorski 2004; Hempel 1965). The resolution of a conflict through objective-formal procedures, then, involves measuring different outcomes, evaluating them vis-à-vis each other, and choosing a line of action that, according to such measurements, maximizes benefits and minimizes losses for the involved actors.

In contrast, the ethical-critical paradigm reflects notably different assumptions about the essence of reality and human ability to know and study it. Ethical-critical logics are anti-positivistic; they are premised on the belief that attempts to describe, control, and predict social phenomena (positivism’s goals) are futile because human perception is fallible and because positivist method cannot capture subjective understandings and meanings that people ascribe to social life (Weber 1947). This approach, therefore, holds that “the positivist thesis of unified science, which assimilates all the sciences to a natural-scientific model, fails because of the intimate relationship between the social sciences and history, and the fact that they are based on a situation-specific understanding of meaning that can be explicated only hermeneutically... access to a symbolically prestructured reality cannot be gained by observation alone” (Outhwaite 2009: 22). Ethical-critical logics underlie most interpretive, constructivist, and critical approaches to studying social phenomena. Thus, in contrast to objective-formal logics, which emphasize the importance of knowing “what the case is,” ethical-critical logics focus on the processes that produce social phenomena “as they exist for the people living them” (Gorski 2004; Katz 2002: 255). This paradigm is explicitly value-based and prioritizes morality and deontological and virtue ethics (Aristotle 1952 [350]; Kant 2002 [1785])¹.

¹ Whereas deontological ethics claim moral judgments should focus on *actions* by assessing whether they fulfill specific moral duties and rules, virtue ethics focus on an individual’s *character* and the ways that she approaches morally salient

In discursive contestations with the objective-formal paradigm, ethical-critical rhetoric highlights the ways in which ideological commitments constrain individuals' freedom and dominate their independence (e.g., Marx and Engels 1978 [1848]). In the words of Clara Hill and colleagues (2005: 197), social actors who adopt this approach "recognize that people construct their reality and that there are multiple, equally valid, socially constructed versions of 'the truth.'" They, therefore, challenge objective-formal arguments for disregarding how science is shaped by cultural values (e.g., practice-based knowledge of "good" and "bad" science (Allchin 1988)) and by historical developments (e.g., paradigm shifts (Kuhn 1962)).

Table 1 below provides summaries of the key characteristics of the two logics.

Dimension	Type of Logic	
	<i>Objective-Formal</i>	<i>Ethical-Critical</i>
<i>Ontology</i>	Objective: reality is stable, independent of the observer, and can be known	Social constructivist: reality is constructed through subjective perception and social interactions
<i>Epistemology</i>	Reductionism or rationalism: the study of social phenomena involves splitting them into smaller parts and testing their inter-relationships quantitatively	Interpretive and critical: the study of social phenomena involves an assessment of meaning imbued in them by social actors and analyzing them in light of existing power structures
<i>Methods</i>	Focus on the outcomes of action	Focus on the processes of action
<i>Role of values</i>	Value-free	Value-based
<i>Ethic</i>	Thin morality: consequences of and action are "good" if they maximize happiness and utility for the majority	Thick morality: deontological or virtue-based judgments that simultaneously describe and evaluate the "goodness" of a means of action and actor's character
<i>Rhetoric</i>	Focus on what is the case	Focus on what could/should be the case

Table 1. Summary of Different Dimensions of Discursive Logic

situations. In contrast to utilitarian ethics, neither deontological ethics nor virtue ethics consider the *ends* of action.

WHEN PARADIGMS COLLIDE

So, what happens when the ethical-critical and objective-formal paradigms face each other in a direct discursive contestation? In other words, what are the potential outcomes of debates in which these mutually contradictory logics are invoked by social actors in struggle for power and resources with an explicit goal of discrediting each other? Social-scientific literature identifies several ways in which such contestations may end, and provide some insights as to why the outcomes of paradigm collision differ across cases.

The first possible result of such discursive disputes is, effectively, the lack of any result. In this instance, the two sides talk past each, invoking referents and building on assumptions so different that any meaningful conversation is impossible. When there is no overlapping ground in which the actual dialogue between the two discursive positions could take place, they can achieve neither refutation nor reconciliation. In such contestations, due to the absence of overlap in the foci of the two positions, ethical-critical and formal-objective paradigms remain unengaged by the challenge and, in the last count, unaltered by the encounter. The impact of such contestations is therefore null — the parties leave them in exact same position vis-à-vis each other as they had prior to the confrontation (Greene 2013; Haidt 2001). As suggested by Jonathan Haidt and colleagues, many lay discussions of political and religious issues exemplify this type of outcome: starting from fundamentally different basal premises, the parties fail to initiate and sustain a deliberation (Haidt, Bjorklund and Murphy 2000).

Another possible discursive outcome of the contestation between these two paradigms is complementarity. This rare conclusion to public tensions between ethical-critical and objective-formal logics happens in instances when the opposing parties find an interpretive angle, from which both paradigms can relate to the issue at hand without undermining each other. In this case, one logic does not refute or supersede the other. Rather, specific characteristics of the debated issue allow for a simultaneous application of both paradigms without explicit contradiction or cognitive dissonance on behalf of the involved actors (Feinberg and Willer 2013). Current public debates surrounding vaccination exemplify this discursive outcome. When the anti-vaccination movement started in the 1800s, its activists relied primarily on ethical and religious logics to contest health professional's scientific and legal claims (Salmon et al. 2006; Wolfe and Sharp 2002). With time, however, anti-vaccination activists incorporated more and more scientific references in their critiques of vaccines and directly confronted public policies that mandated vaccination (e.g., the Vaccination Act of 1853 in the United Kingdom) with their own legal logics (Wolfe and Sharp 2002). Health professionals have also become more sensitive to the enduring effects of anti-vaccine attitudes and risk perceptions (Jolley and Douglas 2014). Although they still favor objective-formal logics, health professionals have increased their reliance on moral and philosophical arguments to convince vaccine hesitators (Wolfe and Sharp 2002). In other words, both positions have taken advantage of

the complementarity between ethical-critical and objective-formal logics to make their arguments stronger and more convincing to their opponents and the general public.

While the previous two outcomes happen in the absence of direct engagement between those elements of ethical-critical and formal-objective arguments that are irreconcilably at odds, in many instances such contestations lead to the discursive victory of one logic over another (followed, in most cases, by corresponding resource reallocation). In the minority of instances, moral and ethical considerations trump the arguments based on alleged objectivity and rationality. For instance, Morgan et al. (2010) described a case in which the arguments of a social movement stirred by public concerns over warring motorcycle gangs, couched primarily in ethical-critical terms, resulted in the redefinition of the functions of local police, the opponents of which invoked legal considerations. Other examples of such outcomes include public debates over corporate citizenship (Bartley and Child 2011; Pies, Hielscher and Beckmann 2009) and select instances of contestation in the field of agricultural biotechnology (Schurman 2004).

More often than not, however, in the public space of liberal capitalist democracies, objective-formal logics enjoy precedence over ethical-critical considerations. The historical and philosophical roots of this hierarchy of paradigms can be traced back to the very ideological foundations of a secular democratic government on the one hand and modern capitalism on the other. The separation of church and state and bureaucratization of governance, at least in principle, relegate morality to a second-order normative system, while neoclassical and Keynesian economic doctrines, core to the American breed of capitalism, maintain that social good is maximized through self-interest rather than moral action (McCloskey 2006; Smith 2003 [1776]; Walras 2010 [1874]). Thus, Heimer (2010) suggests that the precedence of objective-formal logics in most organizational environments is due to heavy legal liability of formal organizations in contemporary United States. In relation to the public contestation of genetically modified organisms, the dominance of appeals to science, law, and rationality is well documented by a number of empirical studies. In an illustrative example, Schurman and Munro (2010) described the successful challenges that biotechnology organizations have mounted against anti-GMO activists' ethical-critical arguments. They wrote that such critiques were "based on 'good science,' not on 'irrelevant' criteria such as aesthetics, culture, or environmental damage, which might impede the free flow of goods" (2010: 6-7).

The empirical analysis presented in this chapter provides further evidence of the general dominance of the objective-formal paradigm. In all three cases of contestations surrounding GMO foods, ethical-critical arguments were not as successful as the arguments invoking science, law, and rationality. Yet, a closer empirical consideration reveals that the "victory" of the objective-formal paradigm was not as definite, and the outcome of each contestation was not as black-and-white as previous theoretical and empirical work might suggest.

Instead, ethical-critical arguments, in some measure, retained discursive power and influenced the distribution of resources. Based on our cases, we, therefore, suggest three ways in which arguments built on objective-formal logics may prevail in a debate without fully defeating ethical-critical claims.

EXPLAINING THE VARIATION IN OUTCOMES

So why do the results of contestation between these two paradigms differ across the empirical cases? Existing research suggests a few potential reasons. Most importantly, studies reveal that the context of contestation matters a great deal. Thus, even in liberal-capitalist democracies there are pockets of social life where ethical-critical ways of thinking and acting are likely to have more resonance with the normative environment than the objective-formal logics. Thus, Carol Heimer (2010: 184) writes that “competition among normative systems does not work out the same way everywhere, though. Law is especially influential in some arenas and religion in others. Non-state law making is more important in some fields, formal legislation in others.” While Heimer (2010: 194) argues that formal organizations in the United States have become increasingly “permeated with “legalistic reasoning, procedures, forms, and structures,” in other institutional realms, such as domestic life or religion, ethical-critical considerations are likely to have more salience.

Of course, the bargaining strength of different logics vis-à-vis each other also depends on public confidence in the ideological foundations of the institutional context that imbues them with salience. In simpler words, if a certain institution has low legitimacy, than logics that align with its ideological tenets are not likely to have primacy over competing ways of thinking (Murphy, Tyler and Curtis 2009). Thus, while in the United States and Western European democracies the state enjoys high levels of popular trust and, as a result, objective-formal logics often trump ethical-critical considerations in public realms, in many non-Western societies, the state and its instruments, such as the legal system, have lower legitimacy. In such country contexts, objective formal logics are less salient even in social realms that are, supposedly, formal and legalistic.

One possible reason why formal public institutions may suffer from low legitimacy is the breakdown of the state due to military conflict, internal struggles for power, resource deficiency, and other situations in which “major groups are having difficulty reproducing their privilege as the rules that have governed interaction are no longer working” (Fligstein 2001: 118). In such contexts, ethical-critical logics may trump objective-formal considerations in discursive contestations for power in formal and legalistic realms. Social movements theorists have for a long time recognized the opportunities that political crises offer to underprivileged contestants. In the words of Sidney Tarrow, the ability of ethical-critical logics to succeed in public realms is, oftentimes “a function of a crisis or political opportunity, the preexistence of groups with resources who can

take advantage of the opportunity, and the production of a collective identity by which disparate groups can coalesce” (1998: 6-7).

Short of state breakdown, the legitimacy of objective-formal logics is also low when the law, or other formalized systems of rules, is repeatedly (and explicitly) used to promote the interests of some groups at the expense of others. “When law is seen as a tool by which the rich oppress the poor ... , when people see others treating the law as a game, or when people find that their concerns are not addressed by law,” the strength of objective-formal logics is undermined significantly (Heimer 2010: 190). Heimer explains, “The less a social group is represented among legislators, the more likely it is that members of that group will feel that the law fits their circumstances so badly that violating the law is the only moral course” (2010: 190-191).

In addition to legal consciousness, public sensibility also matters when it comes to specific issues at the heart of the debate. It is possible, therefore, that objects of contestation may be framed differently — in ways that are more or less aligned with two competing logics — depending on the cultural characteristics and outlooks of different groups. For instance, Schurman attributed the European anti-GMO social movement’s successes in turning large numbers of consumers against biotechnology to a “powerful cultural sensibility around food and a recent history of several serious food scares” (2004: 244). This shared sensibility was not characteristic of the U.S. context, where food culture is less developed and where consumers have greater trust and confidence in food safety. In the American cultural context, characterized by utilitarian attitudes to nutrition and high trust in agricultural corporations, the outcome of the discursive contestation between biotechnology advocates and anti-GMO activists is, therefore, expectedly (Schurman and Munro 2006).

Finally, collective action theorists argue that the skill of social actors promoting different logics also plays a role in determining the outcomes of discursive contestations. The importance of leadership is hardly surprising given the vast array of functions it fulfills for social movements — “framing the repertoire of tactics, agenda setting, understanding ambiguities and certainties, bricolage, convincing others that what they can get is what they want, brokering, presenting oneself as neutral, presenting oneself as more active in selling the group collective identity and appealing to others to find a way to get people to go along, getting others to believe that they are in control, building alliances, isolating difficult parties, getting others to believe/see common interests in a project, establishing a common collective identity” (Fligstein 2001: 115). From this perspective, the salience and cultural weight of the logic itself, as well as the context of the contestation, are secondary to social movements’ abilities to mobilize the base, collect resources, and promote their cause.

While social scientists from a variety of disciplines have written about why some logics may trump or compliment others in public debates, to our knowledge, no study has yet explained dissimilar outcomes of discursive contestations between ethical-critical and objective-formal paradigms through a

close empirical analysis of several conflicts pertaining to the same issue. Filling this gap, our study identifies the reasons why corruption-related contestations between pro and anti-GMO groups had different results. Corruption scandals, we argue, offer a fertile ground for the study of contextual determinants of the relative bargaining power of ethical-critical and objective-formal approaches in discursive contestations.

WHY STUDY CORRUPTION SCANDALS?

Definitional debates have pervaded and, oftentimes, incapacitated social scientific studies of corruption ever since their very inception (Gardiner 2002; Johnston 1996). Theoretical and empirical studies identify a range of processes at the heart of this notion, including physical corruption (e.g., spoiling), perversion from an original state (e.g., changing customs and traditions), moral depravity, abuse of office for private gain, and breach of trust (Heidenheimer and Johnston 2002). The primary difference between these varying conceptualizations of corrupt behavior has to do with the standard that such conduct allegedly violates. Thus, some scholars think of corruption as, first and foremost, a breach of codified rules — legal, administrative, or otherwise formalized (Heidenheimer and Johnston 2002). Others, however, maintain that the definition of corruption can never be analytically distinct from a value judgment and, therefore, the essence of corruption lies in the violation of a subjective moral norm (Von Alemann 2004).

Social scientists who conceive of corruption as a breach of concrete and formalized rules tend to adopt objective-formal logics to conceptualize and understand corruption. They start with a premise that law, broadly construed to include other types of codified systems of rules “is the law,” and a controversial event is not corrupt unless it breaks its letter. Social scientists adhering to this theoretical stance usually use principal-agent and cost-benefit frameworks to model corruption and understand its causes (Groenendijk 1997; Husted 1994). From the standpoint of objective-formal logics, efforts to assess corruption that focus on public interpretation, moral judgment, and ideas about social decline, are sorely misguided and practically useless because the wide array of social values that pervade the cultural worlds of any society makes any meaningful consensus unlikely (Heidenheimer and Johnston 2002; Zekos 2004). From the formal-objective perspective, such interpretations are also biased or misleading because public opinion is fluid, ambivalent to some social problems, and open to manipulation by powerful actors (Von Alemann 2004: 27).

Scholars in the second camp, in contrast, favor public interest and public opinion definitions of corruption that emphasize the social construction of corruption and argue that the meanings and significance that individuals attribute to corruption change significantly over time and space (Bukovansky 2006; Fisman and Miguel 2007; Heidenheimer and Johnston 2002; Hodgson and Jiang 2007; Jain 2001; Kreikebaum 2008; Von Alemann 2004). Since value judgment is

central to this conceptualization, its proponents often distinguish between white, grey, and black corruption, which, respectively, refer to largely tolerated, less tolerated and morally reprehensible and legally punished corruption (Von Alemann 2004). Other studies in this tradition highlight the cross-cultural variations in moral codes (Jain 2001), emphasizing that while certain acts are considered corrupt in some societies, in others they are socially acceptable (Gupta 1995; Sissener 2001).

Public opinion and public interest approaches to corruption tend to prioritize ethical-critical dimensions of this concept. They imply that corruption accusations must be considered in reference to the social, cultural, and historical contexts in which they occur, and must take into consideration the power differentials among the involved social actors (Friedrich 2002; Heidenheimer and Johnston 2002). Because moral understandings and judgments can be manipulated, ethical-critical scholars carefully differentiate between individuals' and political institutions' conceptions of morality (Polzer 2001: 20-21) and warn of "moral hypocrites" who stigmatize others' wrongdoings while disregarding their own moral lapses (Batson et al. 1999; Kreikebaum 2008: 85; Valdesolo and DeSteno 2007).

As this discussion suggests, corruption is a multi-dimensional concept, in the construction of which objective-formal considerations meet, yet do not overpower, ethical-critical logics. Public debates in which social actors make and repudiate accusations of corruption, therefore, offer an excellent opportunity to study the interaction between the two paradigms. The uneasy co-presence of these two dimensions in the rhetoric surrounding alleged corruption makes their discursive collisions almost inevitable, while their comparable strength and salience ensure that the outcomes of such contestations are far from predetermined. In the next section, we offer a description of three different debates in which the claims of corruption have been construed and repudiated in either ethical-critical or objective-formal terms, followed by an analysis and explanation of their outcomes.

CASE STUDIES

GENETICALLY MODIFIED FOODS AND THEIR CONTENTIONS

Genetic engineering involves altering the genetic makeup of an organism (either by inserting new genetic information from a similar or different species or by blocking the effects of genetic information that is already present within the organism) in an attempt to develop specific characteristics within that organism. These organisms are commonly referred to as genetically modified organisms, or GMOs. GM foods have been approved for sale in the United States since 1994, when the Flavr Savr tomato, which was engineered to ripen slowly so that it would spoil less easily, was made available to the public. The U.S. Food and Drug

Administration (FDA), Department of Agriculture (USDA), and Environmental Protection Agency (EPA) jointly evaluate and approve all GMOs available for consumption (Food and Drug Administration 2013), and numerous science and health organizations such as the American Association for the Advancement of Science, the National Academy of Sciences, the American Medical Association, and the World Health Organization state that currently approved GMOs are safe and pose no greater risks to human health than conventionally grown foods (American Association for the Advancement of Science 2012; American Medical Association 2012; Sciences 2004; World Health Organization 2014). A recent review of 1,783 studies on the safety of GMOs drew similar conclusions (Nicolia et al. 2013).

American grocery store shelves, stocked with 70 – 80% GM foods, offer proof that the majority of the U.S. public also approves of GMOs, at least implicitly (Hallman, Cuite and Morin 2013; Kahan 2015). Farmers have also been using GM versions of large-scale commodity crops since they were first introduced in 1996. In 2015, 94% of farmland acreage that was planted with soybeans grew GM varieties, and 89% of the acreage growing corn was genetically modified (United States Department of Agriculture and Economic Research Service 2015). One reason for the wide use of GMOs among farmers is that many varieties are resistant to insects and herbicides, which helps farmers spend less money on pesticides and make higher returns on what they grow (Fernandez-Cornejo and Caswell 2006).

Nonetheless, genetic engineering has been a contentious issue among a number of groups since the first GMO (an antibiotic resistant *E. coli* bacterium) was created in 1973 (Cohen and Chang 1973; Schurman and Munro 2006). Select scientists also challenge the consensus that GMOs are safe (Hilbeck et al. 2015). The range of critiques that activists have waged against genetic engineering, GMOs, and the companies that produce them is very broad (Ruse and Castle 2002; Schurman and Munro 2010; Shiva 2007). At the same time, not all anti-GMO activists share the same ideas, approaches, and goals in making their claims and reaching their objectives. Whereas some activist groups wish only to improve the regulations and labeling of GMOs, others strive to eliminate GMOs altogether and completely transform global food systems.

The Organic Consumers Association, one of the leading activist groups that protests GMOs and pro-GMO organizations (including the biotechnology companies that develop them, such as Monsanto and Dow), provides a very comprehensive list of critiques against GMOs. According to OCA, genetically modified organisms are not only insufficiently regulated, but their safety is not actually proven by research. Members of the Association also believe that GMOs increase the environmental pollution and condone the “revolving door” between positions of political power and positions in biotechnology research and business leadership. Lastly, the group is critical of Monsanto’s lawsuits against farmers whose fields are contaminated by GMOs.

Antoniou, Robinson, and Fagan (2012), who report from a different anti-GMO group, Earth Open Source, list many similar criticisms. They argue that industry scientists' research on GMOs is biased, and that research on their risks is suppressed. As a result, they argue for "right to know" laws that mandate labeling GM foods to improve consumers' choices. Vandana Shiva, a prominent figure in the international anti-GMO movement, makes similar points and argues that Monsanto dominates the seed industry: "Control over seed is the first link in the food chain because seed is the source of life. When a corporation controls seed, it controls life, especially the life of farmers" (2013:1). Corporate contracts to plant GMOs, she argues, prevent farmers from reusing the seeds, thereby undermining their potential for being self-sustaining.

Although "food sovereignty" is a social movement in its own right, it is also tied to the anti-GMO movement and its mandate reflects the anti-GMO activists' general values. This is evident in Food First's definition of food sovereignty as "rural revitalization at a global level based on equitable distribution of farmland and water, farmer control over seeds, and productive small-scale farms supplying consumers with healthy, locally grown food" (2005:Online). Many anti-GMO activists also support the principle objectives of food sovereignty activists, such as dismantling the monopoly by corporate agrifoods, redistributing land to small farmers, establishing community rights to water and seed, promoting sustainable livelihoods, decreasing dumping and overproduction, and changing market regulations to promote the fair trade of local foods (Holt-Giménez 2010:3). These goals stand to undermine the "neoliberal corporate food regime," which, according to food sovereignty activists, is characterized by overproduction, corporate concentration, unregulated markets and monopolies, monocultures (including organic), GMOs, and the mass consumption of industrial food worldwide (Holt-Giménez 2010:3). In other words, the contentiousness of GMOs does not take a singular form. GMOs are not merely "bad" or "wrong." Rather, they tap into complex ideas and moral issues in regard to how food systems should be structured, how they should function, for whom they should work, and for what ends.

THE SÉRALINI AFFAIR: AN INSTANCE OF CIRCUMVENTION

The "Séralini Affair" refers to events surrounding the publication and retraction of Gilles-Eric Séralini and colleagues' 2012 study, "Long term toxicity of a Roundup herbicide and a Roundup-tolerant genetically modified maize." Séralini and his coauthors submitted their article to *Food and Chemical Toxicology (FCT)*, where it was published online in September of 2012. In the paper, the authors claim to find adverse health outcomes among three groups of rats: in the first, rats ate three different amounts of Monsanto's GM corn (NK603) that is tolerant to but untreated by Monsanto's Roundup® brand herbicide (glyphosate), in the second group rats ate three different amounts of the same GM Roundup®-tolerant corn that was treated by different amounts of the Roundup® herbicide, and in the

third group rats ate non-GM corn but drank water containing three different amounts of the Roundup® herbicide. The authors found that female rats in three treatment groups died more often and more rapidly than female rats in a control group that ate non-GMO corn and drank herbicide-free water, but that male rats in the treatment groups experienced less mortality than their female equivalents. The authors also report that treated male and female rats both experienced a higher incidence of tumors than untreated rats. In conclusion, the authors suggest that “[t]hese results can be explained by the non-linear endocrine-disrupting effects of Roundup, but also by the overexpression of the transgene in the GMO and its metabolic consequences” (Séralini et al. 2012: 4221).

Séralini and colleagues’ study received substantial attention from the media, scientists, and anti- and pro-GMO organizations immediately after its publication (Butler 2012a; Butler 2012b). Activists (ENSSER 2013) interpreted the study as evidence of GMOs’ adverse outcomes and used it to build support for banning, restricting, or labeling GMOs (Malkan 2012). Supporters of GMOs, in contrast, were critical of the study and questioned its design, methodology, inferences, and conclusions. By March 2013, thirteen comments and letters to the editor concerning the Séralini et al. (2012) paper were published in *FCT*, many of which called for the article’s retraction. In November of 2013, *FCT* retracted Séralini and colleagues’ article. According to the journal’s editors, “[u]nequivocally, the Editor-in-Chief found no evidence of fraud or intentional misrepresentation of the data. However, there is a legitimate cause for concern regarding both the number of animals in each study group and the particular strain selected ... normal variability cannot be excluded ... Ultimately, the results presented (while not incorrect) are inconclusive, and therefore do not reach the threshold of publication for Food and Chemical Toxicology ... The retraction is only on the inconclusiveness of this one paper” (Elsevier 2014: 244).

Anti-GMO activists and Séralini immediately reacted to the retraction by accusing *FCT* and its editors of corruption. Robinson (2013), for example, argued that the editors’ reason for retracting Séralini and colleagues’ study, its alleged inconclusiveness, was illegitimate according to the journal’s own official guidelines, which only call for retractions if there is clear evidence that the findings are unreliable due to misconduct (e.g., data fabrication) or honest error, plagiarism or redundant publication, bogus claims of authorship, or unethical research. Séralini and his coauthors (2013) also highlighted double standards associated with the editors’ decision to retract their study while allowing Monsanto-affiliated researchers to publish studies in *FCT* that used similar procedures (e.g., Hammond et al. 2004). In response to these accusations, the Editor-in-Chief of *FCT*, A. Wallace Hayes (2013), clarified that Hammond and colleagues’ paper had in fact followed the standard OECD Good Laboratory Practice guidelines for carcinogenic studies, and that they had used a larger sample of rats than Séralini.

While Séralini and his collaborators were drafting their response to Hayes’ (2013) retraction justification, Robinson and Latham (2013) accused the *FCT*

editorial board of a potential conflict of interest because one of *FCT*'s editors, Richard Goodman, had previously worked at Monsanto. Since Goodman joined *FCT* in the midst of the article's review, Robinson and Latham claimed that Goodman's editorial position had been created specifically so that *FCT* and biotechnology companies could prevent the publication of studies that are critical of GMOs. Robinson and Latham also argued that the editors violated professional ethics and reviewed the article unfairly precisely because it found adverse outcomes associated with GMOs. In response to this and other accusations, Hayes stated that "[n]ot initially, but during the process, Dr. Séralini made a direct request that Professor Goodman be excluded, and we at FCT readily and quickly agreed. It is understandable that Dr. Goodman's involvement, however small, might be cause for concern for some. However, the decision to retract the paper was mine alone, made by me exclusively and not by a vote of the editorial board. Further, when Dr. Séralini asked for Dr. Goodman's involvement to stop, I agreed, fully and promptly" (2013: Online). Hayes also clarified his reasoning for retracting the article by referring to the journal's specific retraction policy on unreliable findings that are due to honest errors, which he claimed made the article's conclusion that GMOs cause cancer inconclusive.

In the final interaction between Séralini and colleagues (2014) and Hayes and *FCT*, Séralini and his collaborators cite Robinson and Latham's article about Goodman's alleged role in biasing the *FCT*'s editors. They extend their claims of the alleged conflict of interest by stating that Goodman could have influenced how the study was evaluated even though he had no direct role in the review because Goodman communicated with Hayes about the study before Séralini had asked Hayes to not involve Goodman. Séralini and his coauthors, then, accused the journal of applying double standards to reviewing GMO-related studies *again* because a study similar to their own, which found no negative outcomes from GMO consumption, was published in *FCT* (Zhang et al. 2014). Finally, Séralini accused the journal of misrepresenting their article as a carcinogenicity study: "[w]e drew no inference and made no claims about 'cancer'; nowhere did we claim a 'definitive link between GMO and cancer'. In fact, our entire paper does not even mention the word 'cancer'" (2014: 358). Because their study, allegedly, did not discuss cancer, the authors argued that Hayes' justification for retracting the study due to its purported inconclusive inferences about cancer is illegitimate. The authors (2014: 358) concluded their critique of *FCT* by summarizing their key corruption accusations against the journal:

FCT's retraction of our paper, while not retracting studies – Zhang et al., 2014 and Hammond et al., 2004 – is an example of unscientific double standards. The decision to retract our paper appears to be results-driven, in that findings of safety in Zhang et al., 2014 and Hammond et al., 2004 have not been subjected to critical analysis and have been allowed to stand, whereas our findings of risk have been viewed with suspicion and forcibly retracted. As a result, economic interests have been given precedence over public health.

This quote clearly indicates that S eralini and his colleagues believed their article was retracted due to corruption. Relying on ethical-critical logics, S eralini and colleagues implicitly argue that studies that oppose the editorial board’s values should be evaluated equally to those that support them. The final sentence also implies that concerns regarding public health should take precedence over economic gains-related considerations. Given that the authors spent much space critiquing the meaning of “inconclusive” outcomes, their letter challenges the substantive importance of “significance levels” and supports taking a precautionary approach to GMOs whereby suggestive evidence is taken as a signal for risks that cannot be fully discarded until more research is done (L ofstedt, Fischhoff and Fischhoff 2002).

Hayes’ (2013) response to the critiques of the retraction was 1257 words, 383 (30.5%) of which pertain to morally-relevant topics, such as alleged double standards revealed by the publication of Hammond et al.’s study in 2004, and the alleged conflicts of interest associated with Goodman’s Monsanto connections. The rest of his response was guided by the objective-formal considerations. It included an explanation of why S eralini’s methods and analyses did not follow the OECD guidelines, a discussion of why the statistical outcomes were inconclusive, and an elaboration on why the retraction was justified by *FCT*’s retraction guidelines.

The response of Hayes (and pro-GMO activists) to S eralini’s (and other anti-GMO activists’) concerns about the study’s retraction is an instance of **circumvention** of ethical-critical logics by objective-formal logics. According to Hayes and his supporters, the arguments GMO critics were, essentially, irrelevant to the debate since the scientific standards of empirical evidence and codified rules for withdrawing articles from the journal, allegedly, justified the retraction. Moreover, whenever the editors did allude to ethical considerations, they oversimplified the thick moral concepts or left implicit the rationale for how and why the journal’s guidelines and editors’ decisions were “right” or “good.” In other words, they maintained that S eralini’s study was simply “bad science” that failed to meet the grade for acceptance by *FCT*. All corruption accusations (e.g., double standards of evaluation and Goodman’s potential bias in the review) were thus sidestepped as irrelevant to the debate. In the apt words of Jos, “when ‘ethics’ is understood merely as compliance with formal regulations, or when ‘responsibility’ is construed only as legal vulnerability, the search for operational concepts threatens to make empirical ethics research [and the critique of ethical violations] beside the (moral) point” (1993: 360).

WASHINGTON STATE INITIATIVE 522: AN INSTANCE OF PARTIAL ACCOMMODATION

As mentioned previously, the two key goals of the anti-GMO movement are to enhance consumers’ ability to know what they are eating (i.e., if their food

contains GMOs) and to improve consumers' access to the kinds of foods that they actually want to eat (e.g., non-GMO foods). One way to achieve these goals is by mandating the labeling of GM foods. No state to date, however, requires GM foods to be labeled, although Vermont has passed a law (HB 112) that will require GMOs to be labeled in the near future. Instead, most food companies who wish to identify their produce as GMO-free pay third-party organizations (e.g., the Non-GMO Project) for certification. In March of 2012, Washington State Initiative 522 (I-522) proposed legislation that would mandate the labeling of common GM foods sold within the state. Since such a bill would increase the regulation of food producers and have deleterious effects for both, profits and reputations of companies that produce GMOs and GM foods, a campaign to oppose I-522 was initiated immediately ("Vote No on 522"). The most influential organization to oppose I-522 was the Grocery Manufacturers Association (GMA), the largest food and beverage trade association in the world. In its campaign against I-522, GMA has maintained that GMOs are scientifically proven safe, effective, and beneficial for the health of consumers and the environment (Grocery Manufacturers Association 2013c). Over 300 companies, including Monsanto, DuPont, PepsiCo, the Coca-Cola Company, General Mills, and Nestlé joined the GMA and donated to the campaign against I-522 (Grocery Manufacturers Association 2013d; Voter's Edge 2014).

While it is not illegal for companies to donate funds to political campaigns, the GMA lobbied against I-522 in Washington State as a political action committee without actually registering with the state's Public Disclosure Committee and, consequently, without disclosing the original sources of contributions. According to the Washington State Attorney General Robert Ferguson, because GMA collected \$7.2 million from its members to lobby against I-522 using the organization's confidential "Defense of Brands Strategic Account," its actions were illegal (Office of the Attorney General 2013b).

Further grounds for corruption accusations transpired after the GMA completed paperwork for the Public Disclosure Committee and Attorney General Ferguson discovered that the organization failed to report \$3.4 million that it had collected and spent to lobby against I-522 (Office of the Attorney General 2013a). This discovery occurred just after I-522 was defeated by a narrow margin (51.75% of Washington voters voted against the Initiative). After the unreported funds were discovered, Ferguson (2013b) amended his lawsuit against the GMA and stated that the GMA could be found guilty of further violations. With the discovery of these unreported additional funds, the lawsuit against the GMA became the largest campaign finance disclosure case in Washington's history.

The trial against the GMA continued after I-522 failed. Throughout the process, the GMA admitted no wrongdoing (Office of the Attorney General 2013c). In January of 2014, after the election, the GMA (2014) filed a countersuit against Ferguson's lawsuit in addition to a separate civil rights complaint. Whereas the countersuit challenged the constitutionality of the disclosure law that the GMA was accused of violating, the civil rights suit accused Ferguson of

unconstitutionally enforcing Washington's political laws (specifically the law requiring that at least 10 Washington citizens donate at least \$10 to a PAC before the PAC is allowed to contribute its own money to an election). In late October, just before the Initiative went to vote, only twelve registered voters from Washington (two more than what the state's law requires) had *pledged* funds to the GMA's lobbying campaign (totaling \$140) (Office of the Attorney General 2013c). All other funds were contributed from individuals and organizations that were located outside Washington. In fact, all but \$785 of the \$22 million donated to Vote No came from organizations, compared to \$1.5 million out of the \$7.7 million donated to Vote Yes (Voter's Edge 2014). Most claims of GMA's countersuits were rejected by the state's Superior Court (Schaller 2014); however, the law that required PACs to collect \$10 from 10 Washington citizens was found unconstitutional in the State's Supreme Court. Although the lawsuit against the GMA continued to trial, there have been no publicly released updates to the lawsuit since July 25th, 2014.

Anti-GMO activists claimed that the GMA acted corruptly on several occasions in the course of this controversy. From a legal standpoint, not only did the GMA violate specific campaign laws, but it also failed to adequately follow the requests from the state's Attorney General. Additionally, the GMA withheld information about a confidential program, the "Defense of Brand Strategic Account," to acquire funds from members specifically to challenge and preempt anti-GMO bills across the country (Ferguson 2013b). Furthermore, even if legal, the GMA's financing of Vote No's campaign massively overwhelmed the funds acquired by Vote Yes. This large financial contribution and the advantage that it has generated was framed by GMO-critics as the GMA's attempt at "buying" the election. Cowles, Caldwell and Crooks (2013: Online) elaborate:

Election spending, particularly the big budget initiatives, have dwarfed [Washington State's] campaign enforcement mechanisms. Even if GMA is fined a significant sum, it won't overturn the outcome of a close race. GMA spent \$46 million on a similar measure in California, so its members are willing to shell out whatever it takes. The Public Disclosure Commission was itself a product of a citizen initiative, the same one that established the Public Records Act. It passed overwhelmingly because citizens want open government and a transparent political process. The challenge for the state is to devise an enforcement apparatus that upholds those principles. With mountains of money shipped in from all over – labeled or unlabeled – it won't be easy.

In other words, the opponents of the GMA claimed that the legality of corporate campaign financing does not mean that it is how we *should do* politics. Even if the GMA had followed the proper rules for Washington's campaigns, the huge amount of funding that the group provided would corrupt the ideological principles upon which such campaigns rest and decrease the degree to which it represents public interests. Ferguson made a similar point when describing his

lawsuit against the GMA (Office of the Attorney General 2013a: Online), as did the activist group (Moms for Labeling 2013: Online) that motivated Ferguson to begin his investigation of the GMA in the first place: “[Vote] No on 522’s multimillion dollar ad blitz has deceived voters about who is bankrolling their campaign.” These critiques draw on ethical-critical logics and challenge the assumption of objective-formal arguments that a behavior is acceptable as long it follows “concrete, formal and informal system of laws and norms exists which is accepted by all sides” (Von Alemann 2004: 29). An ethical-critical critique of this position holds that it eviscerates the thick moral meaning of the GMA’s behavior and reduces its evaluation to how well the organization has followed the rules. According to GMA opponents, this standard is far from the expectations and demands of anti-GMO activists and the general public.

Expectedly, the GMA and other pro-GMO groups in Washington responded to the lawsuit and protests from anti-GMO activists by claiming that they had done nothing wrong: “GMA takes great care to understand and comply with all state election and campaign finance laws and is surprised to learn that the Washington State authorities viewed the association’s actions as improper” (Grocery Manufacturers Association 2013a: Online). The GMA explained their belated registration with Washington’s Public Disclosure Committee as an attempt “to allow the campaign to focus on the important issues related to the I522 ballot proposal itself, and to put an end to *unnecessary* distraction and speculation about sources and amounts of funding” (Grocery Manufacturers Association 2013b: Online, emphasis added). From the standpoint of the GMA and its advocates, the sources of contributions were beside the point in this argument because corporations have a constitutionally protected right to donate to political campaigns as a form of political free speech (Grocery Manufacturers Association 2014). The violation of this right was also the reason the GMA gave for counter-suing the Attorney General. Local supporters of GMOs made similar claims: “The dialogue should center on science. And so far — there is no reliable evidence crops containing genetically modified organisms, commonly referred to as ‘GMO’ foods, pose any risks... Many oppose a ballot initiative that serves up more *unnecessary* fears of ‘Frankenfoods’ than transparency” (The Seattle Times staff 2013: Online, emphasis added). Such statements reveal the pro-GMO activists’ heavy reliance on objective-formal logics. The GMA and pro-GMO groups who campaigned against I-522 defended their position as right, in the “thin” sense, because the campaign was run “by the books.” Their claims not only privilege law when tensions exist between morality and law (Heimer 2010), but they also downplay the anti-GMO activists’ value-based reasons for rejecting GMOs.

The rhetoric surrounding the GMA’s counter lawsuit provides, perhaps, the clearest example of how objective-formal and ethical-critical logics conflict in the I-522 case. In a memo titled “Preserving the Integrity of Washington Elections,” Ferguson (2013a: Online) argued that “[t]he people of Washington state demand transparency in their elections,” after which he alluded to

community values, integrity, campaign ethics, and fair politics. The GMA, in contrast, devalued these local and value-based definitions of campaigns and sued to have them changed to allow for less stringent regulations (Grocery Manufacturers Association 2014).

In the final count, the GMA's objective-formal emphasis on rule following resulted in the **partial accommodation** of anti-GMO activists' position. Although the GMA never said that it had acted unethically, it acknowledged not registering as a political action committee with Washington State and not disclosing its campaign contributors. Furthermore, the GMA voluntarily responded to the Attorney General's requests, which were directly motivated by the ethical-critical arguments made by Moms for Labeling. This lack of outright rejection, responsiveness, and acceptance of blame for some wrongdoing are a clear sign of the GMA's accommodation of claims made by anti-GMO activists. At the same time, this accommodation was only partial as the GMA proceeded to file a countersuit against the Attorney General and claim that the State's campaign laws were unconstitutional.

THE FARMER ASSURANCE PROVISION/THE MONSANTO PROTECTION ACT: AN INSTANCE OF TEMPORARY SILENCING

On March 26th, 2013, President Obama enacted the Consolidated and Further Continuing Appropriations Act (CFCAA; Pub.L 113-6, H.R. 933) to prevent a government shutdown by temporarily funding the federal government until September 30th, 2013. The "Farmer Assurance Provision" (FAP) (known as the "Monsanto Protection Act" (MPA) among its critics) refers to Section 735 of this bill. According to this provision,

In the event that a determination of non-regulated status made pursuant to section 411 of the Plant Protection Act is or has been invalidated or vacated, the Secretary of Agriculture shall, notwithstanding any other provision of law, upon request by a farmer, grower, farm operator, or producer, immediately grant temporary permit(s) or temporary deregulation in part, subject to necessary and appropriate conditions consistent with section 411(a) or 412(c) of the Plant Protection Act, which interim conditions shall authorize the movement, introduction, continued cultivation, commercialization and other specifically enumerated activities and requirements, including measures designed to mitigate or minimize potential adverse environmental effects, if any, relevant to the Secretary's evaluation of the petition for non-regulated status, while ensuring that growers or other users are able to move, plant, cultivate, introduce into commerce and carry out other authorized activities in a timely manner: *Provided*, That all such conditions shall be applicable only for the interim period necessary for the Secretary to complete any required analyses or consultations related to the petition for non-regulated status: *Provided further*, That nothing in this section shall

be construed as limiting the Secretary's authority under section 411, 412 and 414 of the Plant Protection Act." (Pub.L 113-6, H.R. 933, Sec. 735; emphasis in original)

In lay terms, if a court determines that a previously approved GMO should be restricted due to its potential risks (e.g., if a community votes to ban a GMO within its jurisdiction because citizens believe it may be harmful), then, *overriding any other existing laws*, the USDA Secretary of Agriculture is mandated to *immediately* grant any individual the right to continue moving, growing, and selling the contested GMO within that jurisdiction for one year or at least until the Secretary has completed the review of the GMO's safety. Essentially, the provision bars courts from regulating and restricting GMOs if their safety is called into question.

Although the provision was evaluated and debated when it was introduced as a part of the earlier 2013 Appropriations for Agriculture bill, which failed to pass, it was not discussed during the deliberations surrounding the passage of the 2013 CFCAA. To make matters worse, the names of its authors were not made public in the timely manner (U.S. Congress 2013a). The critiques of the bill, therefore, claim that many legislators did not even know about the provision (Lennard 2013)¹. Although such "sneaky politics" legally do not constitute corruption, the authors and advocates of the bill have also received tens of thousands of dollars from Monsanto in the form of campaign contributions (Monsanto 2010; 2012; 2014) and worked closely with Monsanto when writing the provision (Rodgers 2013). Furthermore, many legislators and anti-GMO groups claimed that the provision was unconstitutional since it preempted local and federal courts from regulating GMOs. In the words of Butler (2013), this law "usurps the power of judicial review from the courts and thus amounts to an unconstitutional violation of judicial sovereignty" (Butler 2013: Online; U.S. Congress 2013a).

Overall, the circumstances surrounding the passage of the provision provided anti-GMO activists with a rich pool of possible frames for corruption accusations. McLendon (2013: Online), for example, argued that "this all can be boiled down into a single, common phrase: a special interest loophole, and a doozy at that. This is a situation in which a company is given the ability to ignore

¹ The arguments of anti-GMO activists were slightly undermined by the fact that, even if legislators had known about the provision, the bill would have, likely, still passed to prevent the impending government shutdown. Thus, the spokesperson for Senator Mikulski, Chairwoman of the Appropriations Committee, stated that the senator had known about the provision, that she disapproved of it and understood the public's anger, but that "Senator Mikulski's first responsibility was to prevent a government shutdown. That meant she had to compromise on many of her own priorities to get a bill through the Senate that the House would pass" (2013: Online).

court orders, in what boils down to a deregulation scheme for a particular set of industries.” Similarly, the Alliance for Natural Health (2013: Online) claimed that “[t]he ‘farmer assurance provision’ has very little to do with farmers and everything to do with the developers of GE crops. It would strip the Judiciary of its authority to fully adjudicate violations of law by USDA and compel USDA to take actions that might harm farmers and the environment — all to ‘assure’ the profits of a handful of biotech companies.” In addition to the critiques focused on conflicts of interest, the Farm and Ranch Freedom Alliance (2013) argued that the provision set a precedent for future bills that could take away communities’ rights to determine local laws and to challenge government abuse through the court system.

Pro-GMO groups, on the other hand, supported H.R. 933, Sec. 735, which they called the “Farmer Assurance Provision” (FAP). Monsanto’s (2013: Online) news release about the passing of the FAP summarizes their arguments in support of the provision:

The FAP was needed to offset the impact of a small, well-funded group of special interest activist groups using the legal system to try and block growers from having access to biotechnology, period. Years after those suits were filed, no harm has ever been alleged or shown, and higher courts ruled that these cases were without merit. But in the meantime, growers lost income and productivity as new products were unavailable to farmers. This discussion shows the need to address the larger problem—abuse of the legal process by activists and returning the regulatory system to one based on real science, operating in a timely and data-driven manner to deliver choices to farmers and the economy they support. We will be working to support the efforts of the USDA and US EPA to make the regulatory system work to provide timely, science-based decisions on new products designed to help our farmers produce food and fiber as efficiently and sustainably as possible.

Other pro-GMO groups, such as the trade association of ten agricultural and biotechnology organizations (Agricultural Retailers Association et al. 2012), made similar arguments and noted the necessity of basing GMO regulations on value-free “sound science” (Entine 2013). From the standpoint of these groups, the provision was legitimate inasmuch as it was evaluated by standard procedures earlier in Congress and codified what the USDA had previously done. They also argued that it was not necessary for a law to be liked in order stand. Finally, they emphasized that pro-GMO groups and sponsors of the provision were not at fault if other legislators did not read the bills that they vote for or against. This appeal to science as the ideal basis for law and policy, the prioritization of economic efficiency over community values, and the emphasis on rule-following are central to the objective-formal paradigm.

Because many of anti-GMO activists’ assumptions about the provision were largely inaccurate, and it was revealed that the provision had, indeed, been debated, that its authors were apparent, and that Monsanto’s campaign

contributions were actually legal (Entine 2013; Office of Barbara A. Mikulski 2013; Rodgers 2013)), their ethical-critical logics were **temporarily silenced** by pro-GMO groups' objective-formal defenses.

Yet, the victory of objective-formal arguments was both partial and impermanent, as it did not compel activists to cease using ethical-critical logics in their future work on this issue. In fact, despite the temporary silencing of their claims, the activists did not change their minds about the morality of how the provision was passed, nor were they convinced that the provision itself was ethical. What objective-formal counter-claims succeeded in doing was simply getting the activists to abandon select arguments for a limited time. Thus, although anti-GMO actors ceased their efforts to repeal this specific provision, they continued to use the same ethical-critical frames to mobilize support and ensure that the bill would not be renewed in the future. Their discursive paradigm was, in fact, successful in convincing sympathetic officials like Senator Mikulski to reject the bill's renewal (Center for Food Safety 2013). In other words, although GMO proponents' objective-formal discourse initially overcame critics' attacks regarding the legitimacy of the provision, their ethical-critical arguments were temporarily silenced rather than defeated. After a brief period, such claims re-entered the debate and brought about the eventual rejection of the provision.

Table two provides a summary of the three cases, discussed in this paper:

Table 2. *The Outcomes of Contestation*

	Summary of the Contestation	Discursive Outcome
Circumvention	The Séralini et al. (2012) article on GMO toxicity is retracted by <i>Food and Chemical Toxicology</i> editors. The authors contest but the retractions stands.	Challenged actors frame ethical-critical logics as irrelevant to the debate.
Partial Accommodation	Grocery Manufacturers Association conceals donors' names in a campaign against a GMO	Challenged actors do not concede to ethical-critical logics publicly, but agree to partially

	labeling initiative. Anti-GMO activists accuse GMA of corruption. The Association complies with demands of activists and reveals its donors, but still wins the campaign, and countersues the Attorney General	change their course of action in the campaign
Temporary Silencing	Congress passes a bill that decreases the ability of courts to regulate GMOs. Activists claim that the provision was anonymously written and not debated. These accusations are shown to be factually untrue and GMO critics abandon them. Yet, under the influence of activists' ethics-related arguments, political leaders reject the provision when it comes up for renewal.	Challenged actors expose factual mistakes in the arguments of challengers, which temporarily undermines the validity of ethical-critical accusations; however, challengers continue to use ethical-critical logics to mobilize allies and prevent the challenged actors from succeeding in near future

DISCUSSION

Our analysis demonstrates that GMO proponents' and opponents' respective adherence to objective-formal and ethical-critical paradigms can create fundamental discursive incompatibilities. Describing the GMO proponents' objective-formal stance, Romand (2012: 507) writes that "the emergent lifeworld of biotechnological scientists and corporate actors engendered a culture in which GMOs were viewed as the epitome of our capacity to master nature for both corporate and human well-being." GMO opponents, in contrast, come from "critical communities" of academics and activists who "reject mainstream society's utilitarian views of nature and consciously place the well-being of society and the environment ahead of the profitability of corporations" (Schurman and Munro 2006: 21). Thick moral judgments (Abend 2008; 2011; Williams 1985; 1995) that, according to Abend (2011: 146), "simultaneously describe and evaluate" and "are ontologically dependent on institutional and cultural facts," are foundational to the arguments of GMO critics. Thus, anti-GMO activists do not believe that GMOs and biotechnology companies are merely "bad" or "wrong," but judge them according to complex ideas about integrity, naturalness, cruelty, pettiness, exploitation, and fanaticism. For instance, Pollan (2008) maintains that GMOs are a product of scientific reductionism and "nutritionism," both of which lead to an overly narrow focus on nutrients that overlooks social and cultural meanings of food. According to Pollan and many other anti-GMO activists, food is not only a *thing* that one judges as "good," "bad," "healthy," or "unsafe"; food is also a *practice*, through which people make sense of and relate to the social world.

In each of the three instances of discursive contestation analyzed in this chapter, the objective-formal paradigm was dominant over ethical-critical logics and the short-term outcomes of all three contestations was favorable to the pro-GMO side. Existing theories provide the conceptual tools necessary to explain this general trend. As predicted by the literature, social skills of the leaders of contending movements (Fligstein 2001), political opportunities (Tarrow 1998), and high salience of objective-formal logics within the legalistic contexts of local and national politics (Heimer 2010) all shaped the outcomes of respective contestations. Other reasons why the objective-formal paradigm prevailed in each case include the lack of popular cultural sensitivity in regard to genetically modified foods in present-day United States and the general resonance of the cost-effectiveness argument with the American public (Hallman, Cuite and Morin 2013; Kahan 2015).

Yet, by studying the construction and refutation of corruption claims in GMO-related controversies in three different cases, we found that objective-formal and ethical-critical logics do not always interact and confront each other in exact same way, even when the contested issues and the contexts of debates are relatively similar. Thus, even though objective-formal logics undermine ethical-critical arguments in every case, never is either paradigm completely refuted or accepted at the end of the contestation. Rather, each of our cases represents a different degree of “victory” by the objective-formal logics over ethical critical arguments, ranging from circumvention to partial accommodation to temporary silencing.

But what accounts for this variation in outcomes? Existing theories are insufficient to explain why corruption claims in regard to largely comparable issues in similar environments can be more or less successful. Although existing work on discursive contestation points to social processes that contribute to the preeminence of objective-formal logics, it does not recognize the different degrees of their alleged dominance, nor does it furnish explanations for this variation in the extent of their “victory.”

Our analysis contributes to previous research by showing that the specific combinations of private and public actors involved in the contestation affect the relative bargaining power of ethical-critical arguments vis-à-vis objective-formal claims. Private actors, such as the editors from *Food and Chemical Toxicology (FCT)* and the Grocery Manufacturers Association (GMA), are likely to follow formal rule-based procedures during conflicts in order to sustain their bureaucratic and rationalized operations while avoiding liability risks (Heimer 2010). Because their priorities lie in adhering to law, administrative regulations, and contracts, they are less open to accepting thick moral appeals based on ethical-critical logics. In contrast, public actors such as the Washington State Attorney General and activists who challenged the “Farmer Assurance Provision/Monsanto Protection Act” (FAP/MPA), are more likely to take into consideration a wide range of thick moral concepts such as power differentials among the contending

actors¹. Therefore, we argue that the more public actors are present in a given contestation, regardless of their specific position in the debate, the more weight ethical-critical logics will carry relative to their objective-formal counterparts. In contrast, all else equal, ethical-critical logics are likely to lose weight as more private actors enter into a specific dispute.

The Séralini Affair occurred almost entirely in the private sphere and involved contestations between two private actors. The editors of *FCT* and GMO proponents' use of objective-formal logics circumvented Séralini's ethical-critical accusations of conflicts of interest and double standards by arguing that the article was retracted under the journal's standard guidelines about unreliable findings. Although the editors acknowledged the concern underlying Séralini's ethical-critical accusations, they deemed his critiques irrelevant and focused their justifications of the retraction solely on the alleged scientific merit of the paper. In the end, Séralini's ethical-critical discourse failed to convince the editors that the paper was unethically evaluated.

This outcome is largely due to the fact that the contestation was confined to private actors who shared a strong consensus regarding the standards for retraction encompassed in the journal's guidelines. Throughout the affair, the editorial board stuck to its formal procedures, which, coincidentally, provided no guidance on how to deal with more abstract ethical issues. In the absence of direct evidence of undue influence from conflicts of interest, the board did not have to give weight to Séralini and colleagues' accusations. The editors, in other words, aimed to be fair within the boundaries of the journal's guidelines, and did not extend their definition of fairness to include the thick moral concepts invoked by Séralini, such as equal representation of competing ideas and challenges to standard definitions of "significance" and scientific value. At the same time, because Séralini and his coauthors challenged *FCT* as private actors, any negative outcomes from the affair did not directly affect the general public. The scientists' private status could have also influenced the *FCT* editors' decisions to remain closed to ethical-critical challenges; the editors were not rejecting the larger public's challenges to GMOs safety, disregarding social concerns or selling their loyalty to biotechnology companies, they were only rejecting the challenges from one paper.

In the Washington Initiative 522 (I-522) case, a public actor challenged a private actor. Anti-GMO activists and the Washington State Attorney General claimed that the GMA had threatened fair political procedures and public choice by illegally campaigning with a hidden agenda to defeat a bill that would have mandated GMO labeling. In the words of Thompson (2004: 1037), the anti-GMO activists accused the GMA of taking advantage of "corrosive and distorting effects of immense aggregations of wealth ... that [had] little or no correlation to the public's support for the corporation's political ideas." The outcome of the contestation, however, consisted in partial accommodation of activists' ethical-

¹ For instance, the activists emphasized that corporations used money to sway political outcomes in both the Washington Initiative 522 and FAP/MPA cases.

critical arguments as the GMA voluntarily followed the Attorney General's requests to register as a political action committee and disclose their funders. The accommodation was partial because throughout this process, the GMA continued to argue that it had followed the law and legitimate political procedures and that Washington State's policies were unconstitutional because corporations have a right to political free speech. Despite the GMA's partial accommodation of activists' logics, the group was a de-facto victor in the I-522 debate because the Initiative was allowed to stand after the details of the GMA's allegedly corrupt campaigning were uncovered.

Like the previous case, the contestation of I-522 involved a challenge against a private actor, largely insensitive to ethical-critical arguments. Ethical-critical logics, however, were more successful in this case than in the Seralini Affair because the presence of other public actors in the contestation influenced the tone of the debate. Thus, throughout the debate, the challengers have repeatedly emphasized that the activist core represented the interest of all Washingtonians insofar as the actions of GMA had far-reaching implications for the entire population of the state. Moreover, since the contestation of I-522 occurred at the level of state politics, the standards of behavior invoked by GMO critics were based on such thick moral concepts as transparency, integrity, and free choice. In contrast to *FCT's* retraction guidelines, Washington state's campaign laws are democratically created and, therefore, reflective of public interest. These laws also coexist with other laws (such as laws on Political Action Committees), which further increase the number of standards, available for judging controversial acts, and, thereby, lessen the consensus regarding the GMA's actions.

In the final case, two public actors challenged each other almost entirely in the public realm. At the heart of this contestation was GMO critics' claims that the "Farmer Assurance Provision/Monsanto Protection Act" had passed through Congress undebated as an anonymously authored rider. Activists' corruption accusations intensified when they learned that the authors of the bill had received campaign donations from Monsanto. These claims set in motion a series of processes that corruption scholars have theorized to generate large corruption scandals, including the loss of public confidence in democratic institutions (LaPalombara 1994: 326), public aversion to perversion of legal rules by misinterpretation (Friedrich 2002: 17), and public rejection of corporate dominance or hegemony in shaping political struggles (Lindblom 1977). The objective-formal arguments of pro-GMO groups temporarily silenced activists' ethical-critical accusations when the former corrected the popular misperceptions about the way that the bill was written, introduced, debated, and passed in Congress. After the de-legitimation of their principle arguments, activists shifted their discourse to thick moral criticisms of corrupt political processes and ethical-critical claims that communities should have the right to structure their own food systems. This discourse gained support of sympathetic political allies, who then

worked to fight the provision, contributing to its failure to be renewed at the next vote.

Out of three cases presented in this chapter, ethical-critical logics bore most weight in the FAP/MPA contestation in which both contending sides were public. Because this debate occurred at the national level, it touched on and invoked a wide variety of different standards. The involved politicians were obliged to consider the interests of local constituents who voted for them and donated money to their campaigns, as well as their relationships with other politicians and political parties. Senators were under pressure to consider those in the House of Representatives, and all parties had to deliberate regarding the constitutionality of their decisions. Inasmuch as the interests, involved in this contestation, were very diffuse, FAP/MPA debate was characterized by a fundamental absence of an agreed-upon standard against which the actions of pro-GMO groups could be evaluated. And, since politicians' mandate obliges them to appeal to the general population and consider the thick morality of public concerns, they tend to be more receptive to value-based arguments than the private actors. This multiplicity of standards and the involved actors' appreciation for thick morality in public discourse made it much easier for ethical-critical logics to gain foothold in the FAP/MPA debate.

CONCLUDING REMARKS

To sum up, this chapter described three cases of corruption contestation where accusations made from an ethical-critical perspective were refuted by objective-formal arguments. In the first case, a group of scientists accused an academic journal of corruption after the retraction of a study that found evidence of harm associated with GMOs. In the second case, activists claimed that an industry group corrupted a political campaign to label genetically modified foods in Washington State. In the final case, activists argued that the passage of a legislative provision that lessened the role of courts in regulating GMOs was an instance of corruption. In no case did ethical-critical logics successfully legitimate corruption claims, nor were these claims fully refuted through objective-formal arguments.

Instead, objective-formal arguments circumvented, partially accommodated, or temporarily silenced the accusations made from an ethical-critical stance. We explain the variation in the relative strength of the two paradigms with different representation of public and private actors in each contestation. Specifically, we show that higher representation of public actors among the contenders (as, for instance, in the "Farmer Assurance Provision/Monsanto Protection Act" debate) is associated with the greater bargaining power of ethical-critical arguments. In contrast, objective-formal claims tend to be stronger in contestations dominated by private actors (like, for

instance, in the debate between Séralini and the *Food and Chemical Toxicology* editors).

While our study identifies a positive relationship between the presence of public actors and the bargaining power of ethical-critical arguments in corruption contestations, it does not provide an exhaustive list of their possible outcomes. More studies are needed to explore the variation in the results of such paradigmatic encounters and to systematically identify their determinants. The debate between the proponents and critics of GMOs offers a fertile ground for research on discursive logics in the construction and negotiation of corruption claims. Inasmuch as GMOs challenge many people's thick moral concepts related to nutrition, consumption, individual choice, relationships between the public and corporations, and, in the final count, democracy itself, corruption accusations against GMO producers and proponents are likely to continue to resurface.

Thus, since the events described in this chapter, there have been several major developments in the GMO movement. The Safe and Affordable Food Labeling Act (H.R. 1599) was approved by the House of Representatives and is currently debated in the Senate. This bill largely resembles the "Farmer Assurance Provision/Monsanto Protection Act," but has a number of additions that, if the bill passes, would preempt *all* state and local level restrictions of GMOs and *all* initiatives mandating the labeling of GMO foods (such as Washington's I-522). Given the contentiousness of the FAP/MPA and I-522, it is likely that numerous corruption accusations rooted in ethical-critical paradigm will be made against the Safe and Affordable Food Labeling Act, which the anti-GMO activists have already called the "Deny Americans the Right to Know (DARK) Act" (Faber 2014).

Allegations of corruption are also waged against anti-GMO activists. For instance, in 2014, groups like MAMyths (March Against Myths About Modification) and the Genetic Literacy Project have accused Dr. Mehmet Oz, a famous anti-GMO public figure, of manipulating public fears to increase his own profits. Pro-GMO groups claim, for example, that Dr. Oz uses his legitimacy and reputation as a prominent medical doctor at Columbia University to promote his personal television show and the health food companies that support it through advertisements. They claim that his statements about GMOs are scientifically unfounded and contradictory to his professional duties of disinterestedly and accurately promoting health. Similarly, other pro-GMO groups criticize organic and "natural" food companies of raising consumers' fears of GMOs for the sole purpose of increasing their own sales. Studying these and other corruption-related controversies surrounding GMOs could provide scholars with invaluable insights on the social dynamics of collision between different discursive paradigms.

Yet, the importance of understanding the circumstances under which ethical-critical arguments are more or less effective than claims based on objective-formal logics far exceeds the boundaries of GMO-related debates.

Rather, an improved theory of interaction between these two paradigms can help explain the outcomes of public contestations over a wide gamut of social and political issues, ranging from military interventions and climate change to vaccination, abortion, and gay marriage. Since such contestations affect social inequality by causing the redistribution of resources and power, both sociological and social justice implications of understanding their dynamics are very broad. To name just a few, rigorous theoretical accounts of paradigm collisions can enrich scholarly knowledge on what makes some social movements more successful than others, shed light on why some informal institutions persist while others evolve or disappear over time, and, in the final count, illuminate the channels and mechanisms whereby some groups gain, exercise, and maintain systematic advantage over others.

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