

Conference 'Conflict of Interest' | 7-8 May 2010 | University of Basel, Switzerland

Self-Interested Actions by Administrators and their Institutional Framing: A Namibian Case Study

Dr Gregor Dobler, Institute of Social Anthropology, University of Basel (Switzerland)

In liberal theory, self-interest is more than justified in the economic domain. It is indeed the driving force of economic cooperation and of societal integration. But once we leave the domain of the economy (or of private life) and go into the domain of public administration, self-interest can only remain legitimate if be channeled into legitimate confines of action. 'Conflict of interest' emerges where self-interest threatens to leave these confines. The emerging practices are usually perceived as *corruption*, as signs of decay in a field of action from which private agendas should be excluded.

The rigidity of rules confining self-interest differs according to societies and to social domains. The highest points in the subordination of personal interest under general rules have probably been reached in some religious norms – and in political theory's ascriptions to bureaucratic administration. Here, self-interest is supposed to be at work only in the strict framework of an institutional logic that filters decisions and sorts legitimate from illegitimate self-interest. In Max Weber's famous, if somewhat ironic image, the ideal bureaucrat becomes an automaton fed with facts to produce decisions onto which the individual idiosyncrasies of the office bearer have no influence at all. The person is supposed to become invisible behind the institutionalized, 'positionalized' (Heinrich Popitz) power of the office which he administrates for the common good. It is not surprising that such an ethos is rarely fully realized. Only under exceptional circumstances can systems of political administration solve the problem of self-interest either by sublimating it into an office ethos or by controlling it tightly enough to become effectless. In most societies, prescriptions to public offices can only incompletely curb the office bearers' self-interest.

But then, why should selfish individuals transform into different beings on being invested with a public office? The presentation starts from the assumption that in most cases, institutional framing matters more than personal ethics. Rather than in the avoidance of conflicts of interest, I am interested in their institutional framing. I will argue that if some fundamental conditions are met, actions based on self-interest, even corrupt practices by administrators, can reinforce the principal validity of bureaucratic rules.

My empiric material comes from an social anthropological study of a town administration in northern Namibia. Oshikango is a trade boom town of about 20.000 inhabitants which



GOVERNANCE

BASEL INSTITUTE ON GOVERNANCE

Page 2

has developed since the late 1990s, and continues to grow rapidly. Since 2004, the town is administered by a local authority which step by step tries to regulate public life. In such a situation of rapid change, administrators are not *free* how to regulate – they have to comply with national norms –, but they are relatively free to regulate *selectively*. This creates a large scope to use decision-making power for personal aims that often stand in conflict with the public good.

This conflict of interest usually remains hidden, as administrators have to keep up the appearance of following the rules of their office. Their most important resource of power is the legitimacy they gain from their position in the state bureaucracy. This results in a paradoxical situation in which even egotistic, illegal actions can serve to fortify bureaucratic administrative rules by constantly evoking them. Given a certain amount of rule validity, even actions contravening these rules can simultaneously confirm the rules' validity, and result in a cumulative effect in which bureaucratic rules can curtail self-interest more effectively. This accumulation is only possible under very concrete circumstances, however: public pressure by civil society and a free press has to threaten exposure; the judiciary has to be efficient and bureaucratic enough to create consequences of exposure; and the fulfillment of norms of transparency has to affect individual administrator's careers, thus creating a long-term interest in following the rules.