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The Two Sides of the Coin: Top-Down and Bottom-Up Conflicts of Interest

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The Author, following a previous research (see G. Guzzetta, *Legal standards and ethical norms: Defining the Limits of Conflict Regulations*, in C. Trost and A. L. Gash (eds) *Conflict of interest and public life. Cross-national Perspectives*. Cambridge University Press, 2008, 21ff.) suggests there is a twofold dimension of conflicts of interests. On the one hand a 'top-down' conflict (according to the conventional and traditional definition of a conflict of interest in the public sector), which involves a conflict between public duty and private interests and motivation. On the other hand, there is a 'bottom up' conflict of interest, involving the use of private resources to seek political legitimacy, gain public offices or enhance one's political power. This is, for instance, the case of media tycoons, holding or seeking a political office, using their dominant position within the media market to influence public opinion and strengthen their political position, or the case of wealthy candidates to public offices or groups of interests supporting political campaigns through huge electoral expenses and financing. This is also the case of candidates to public offices, previously holding another public position (e.g., public persecutors running for Congress, Mayers running for State legislatures etc.), who might be in the position to take some unfair advantage of their previous status (for instance, using their policy choices just to influence and flatter a sector of the future constituency). This second facet of conflict of interests, the 'bottom-up' conflict, has been scarcely conceptualized by scholarship in the past. On the contrary the author thinks it should be now focused on, given the evolution of contemporary democracies, the role of media, the relevance of interests group, the increasing economic inequalities among population. All these factors affect and can profoundly distort the democratic process, from its early steps (candidatures, campaigns, information, etc.). The aim of the essay is to demonstrate the salience of the 'bottom-up' conflict of interests, investigating examples of legislations and rules trying to tackle this phenomenon (legislative limits to electoral expenses, rules on passive electoral capacities, etc.) and trying to conceptualize this kind of conflict as the other side of the coin of the traditional 'top-down' conflict.