



Good Governance, Aid Modalities and Poverty Reduction: Linkages to the Millennium Development Goals and Implications for Irish Aid

Research project (RP-05-GG) of the Advisory Board for Irish Aid

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## Background Note 1

### Neopatrimonialism and public sector performance and reform\*

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September 2007



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\* This paper was written in September 2006 as background to Working Paper 2. It deals with issues that are tangential to the analysis contained in the final version of that paper, but which are of interest within the wider framework of the programme.

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# 1. Introduction

This note introduces the concept of neopatrimonialism, examining its origins and defining characteristics. It then discusses the structural factors that explain the emergence and robustness of neopatrimonial governance in sub-Saharan Africa.<sup>1</sup> This is followed by consideration of the nature of the public sector in sub-Saharan Africa, exploring the implications of neopatrimonialism for public sector capacity and performance. The final section briefly outlines the pattern of reform in Africa and uses political economy analysis – institutional, rational-choice and process approaches – to understand both the dominant trend and variations in reform trajectories in neopatrimonial states.

## 2. Origins and defining characteristics of neopatrimonialism

The literature on neopatrimonialism is derived from the writing of Max Weber (Weber, 1968). Weber used patrimonialism to delineate traditional forms of political authority, domination and legitimacy from modern ones. In particular, he distinguished between legal and patrimonial (traditional and charismatic) authority and described the characteristics of the corresponding forms of political administration: bureaucratic (legal-rational) and patrimonial. Weber has proven pivotal to our understanding of the development of the modern state and provided a rich source of theory for understanding modern African politics.<sup>2</sup> However, as stressed by Le Vine (1980), there has rarely been a clear fit with Weber's ideal type and his understanding of patrimonialism should therefore be thought of as an organising concept.

The term 'neopatrimonialism' was first used by Eisenstadt (1973) to distinguish patrimonialism in traditional and modern contexts. Patrimonial authority and administration are no longer found in the pure form described by Weber. As Bratton and van de Walle (1997) argue, neopatrimonialism characterises states where patrimonial practices inhabit the realm of informal institutions that exist alongside formal, legal-rational institutions. This captures four fundamental elements of neopatrimonial states.

**(i) Institutional hybridity:** Informal institutions are a feature of all human societies and this therefore exist alongside formal institutions in all states.<sup>3</sup> Neopatrimonial states are distinguished

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<sup>1</sup> The content of this note is both too generic and too limited. Too generic because it generalises about neopatrimonialism as a form of authority or governance. Too limited because the focus is on sub-Saharan Africa. This treatment was unavoidable given that this was a background note for fieldwork on neopatrimonialism and local governance in Uganda and Malawi (see ABIA Working Paper 2) but it is recognised that neopatrimonialism is not a purely African phenomenon and that its actual functioning in hybrid political systems varies from country to country, both within and outside Africa. The characteristics of neopatrimonialism identified here, and the impact of these on state and institutional capacity, are also apparent in countries in other regions and times. This is to be expected given the hypothesis that countries exhibit varying degrees of formal/informal hybridity at different stages of their development. The variation in development paths in countries that share neopatrimonial characteristics – and the seemingly particularly pernicious effect it is having in most of sub-Saharan Africa – is an interesting conundrum. This also cannot be attended to here, other than to note that, whilst developing countries may have common informal institutions, such as clientelism, and structural features, such as pre-capitalist economies, their disparate historical paths and structural conditions influence both the form of neopatrimonialism and their potential for development. For example, in comparison to sub-Saharan Africa, it is clear that the colonialism had a different impact on bureaucratic culture and capacity in some Asian countries with important implications for post-colonial state-building. Equally, the perception of an external threat and cultural heterogeneity provided the political and social capital required for nation-building, political mobilisation and developmentalism, which has tended not to be available to African elites.

<sup>2</sup> Africa will be used to denote sub-Saharan Africa.

<sup>3</sup> Formal institutions are explicit and concretised in written documents (e.g. constitutions, laws and regulations, commercial and civil service codes and procedures), physical structures (e.g. ministries, legislatures, courthouses) and public events (e.g. elections, council meetings). Informal institutions are implicit and based on unwritten understandings such as socio-cultural norms, routines and traditions (Brinkerhoff and Goldsmith, 2002). As with formal

by the existence of informal *patrimonial* norms and practices alongside formal *legal-rational* rules or institutions.

**(ii) Existence of both patrimonial and legal-rational institutions:** In purely patrimonial regimes, the question of the legitimacy of patrimonial practices does not arise because no distinction exists between the public and private spheres (Medard, 1982). In neopatrimonial states, however, patrimonial practices utilise (and free ride on) legal-rational institutions. Neopatrimonial states are therefore distinguished by the existence of formal rational-legal institutions (however dysfunctional) and elite commitment (however rhetorical) to the separation of the public and private spheres, alongside informal patrimonial norms.

**(iii) Relative importance of formal and informal institutions:** All modern states exhibit practices that can be characterised as patrimonial. Neopatrimonial states are distinguished by the patrimonial logic being widespread and, often, dominant (Chabal and Daloz, 1999; Clapham, 1982).

**(iv) Institutional incompatibility:** In stable polities, complementary formal and informal institutions usually govern the political rules of the game. Neopatrimonial states not only lack a common set of predictable rules, but also formal and informal rules are often contradictory. This enables contestation about the legitimate rules of the game and produces uncertainty about which rules will be enforced (Leftwich, 2000; 2006). Rather than being defined by an absence of rules, therefore, neopatrimonial states are distinguished by the presence of multiple and contradictory rules or institutions.

The patrimonialism or informality of neopatrimonial states expresses itself through three basic characteristics. These are fundamental to understanding other behaviour and dynamics observed in neopatrimonial states:

**(i) Weak or no separation of the public and private spheres:** This results in the private appropriation of the public sphere and the use of public resources for, *inter alia*, political legitimation. It is also intimately related to other relationships and practices, including clientelism, nepotism, horizontal exchange relationships and corruption.

**(ii) The primacy of vertical over horizontal ties:** African (and other neopatrimonial) states continue to have predominantly agrarian or pre-capitalist economies. Weak class formation means that Africans tend not to identify their interests with, and organise along, horizontal lines. Instead, they maintain predominantly vertical relationships and/or those based on primordial or ascriptive ties (kinship, ethnicity, religion). Combined with the weak separation of the public and private spheres, the primacy of vertical ties results in the systemic clientelism found within neopatrimonial states.<sup>4</sup> Clientelism is also reinforced by the zero-sum nature of neopatrimonial competition for state power. This makes it imperative for both patron and clients to maintain their relationships: for patrons, because of their need to maintain their position and support base; for clients, because of the absence of reliable and universal public services and safety nets (Le Vine, 1980; Kurer, 2007).

**(iii) Personalism:** Personalism suffuses neopatrimonial states and expresses itself both in the form of leadership ('presidentialism') and in the nature of power and relations throughout society. As noted by Bratton and van de Walle (1997), neopatrimonial states tend to be presidential. This refers not to the formal political system (although these, too, are usually presidential) but to the fact

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institutions, a necessary characteristic of informal institutions is the belief that the rules that they give rise to will be enforced (Helmke and Levitsky, 2006).

<sup>4</sup> It is important to note that 'primordial' identities are also created and instrumentalised. Also, as argued by Anders (2005), there is a tendency in the neopatrimonial model to treat all social relationships as primordial. In reality, Africans are involved in different types of clientelistic (and other) relationships with different implications for expectations and obligations, which are fluid and subject to negotiation as conditions change. This is particularly true of urban Africans who are involved in a number of voluntary associations that constitute horizontal networks and entail obligations of a different order than those based on kinship.

that power is concentrated in one individual 'who dominates the state apparatus and stands above its laws'. Others refer to this phenomenon as the 'big' or 'strong' man syndrome (Sandbrook, 1985; Medard, 1982). Leadership in Africa also tends to require elements of charisma, which is used to legitimise authority. However, the hierarchical nature of many African societies and the primacy of patron-client relations mean that personalism and 'big man, small-man' dyads tend to be replicated at (and link) all levels of society.

These characteristics result in a particular political *logic*: leaders and their opponents use both formal institutions (e.g. the state) and informal rules, norms and practices (e.g. personalism, clientelism, patronage, *de facto* centralised control of state resources, etc.) to gain legitimacy and advantage in a 'winner-takes-all' competition for control of the state.

### 3. Principal forces and dynamics: the (re) production of neopatrimonialism

Why has neopatrimonialism arisen as the dominant form of state and governance in Africa? The answer is also important for understanding the persistence of neopatrimonialism. The consensus in the literature suggests that neopatrimonialism has emerged as a response to the political and economic pressures that modernity presents for pre-modern societies. Post-colonial African societies faced two forces in particular. Firstly, the pressure to construct a modern nation state, including the formation of the requisite centralised structures of power and administration. Secondly, the pressures resulting from the global spread of capitalism and the penetration of the market economy. The structural characteristics of post-colonial African societies meant that they were ill equipped to cope with these dual forces of modernity. Of interest historically are:

**State artificiality:** The post-colonial state was artificial in many ways, including its external and rapid imposition, boundaries and moral basis. There was little integration of the centre and the periphery, weak institutionalisation of state structures and no tradition of public ethic (Sandbrook, 1985; Clapham, 1982). The colonial state was constructed to serve particular (colonial) interests and did not lay sufficient foundations on which to build the post-colonial state. Given the social fragmentation and heterogeneous forms of political organisation in the pre-colonial period, however, the colonial political tradition was the only common model on which to base the post-colonial state. The alien nature of this model presented particular difficulties for the legitimation of power for post-colonial elites (Sandbrook, 1985).

**Fragmented social organisation and control:** The ideal-type Weberian state assumes a central organisation that seeks and has the capacity to provide the predominant rules of the game within a given territory. Migdal (1988) argues, however, that, rather than having a pyramidal structure, most African societies have traditionally constituted a more web-like structure in which social control is fragmented amongst a variety of organisations.<sup>5</sup> This dispersal of power and social control means that the state-building process is an active struggle to establish the state's right and ability to make the rules that guide social behaviour – a centralisation of authority that is resisted by subaltern organisations/groups.

**Pre-capitalist economy and class structure:** The post-colonial economic structure remained predominantly agrarian. There had been only weak capitalist class formation during the colonial period leaving a largely peasant society. Furthermore, the African peasantry did not develop a

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<sup>5</sup> Migdal (1988) describes social control as an organisation's ability to make people behave in a way they would not otherwise do by establishing the rules of the game that structure people's interactions with each other. They do so through a mixture of sanctions and rewards packaged within a system of symbols that integrate the material and moral and enable people to give meaning to their world. Migdal argues that individuals take components of these systems in order to construct their strategies for survival – the means by which they meet their material needs. The extent of an organisation's social control therefore rests on its ability to deliver these key components. The amount of compliance, participation and legitimation an organisation enjoys provides a measure of the degree of social control it exercises.

common identity, interest and political agency and did not have a dominant agriculture class. Instead, it remained organised mainly along vertical lines. In the absence of a capitalist class with an economic base independent of the state, not only did no (middle) class emerge capable of 'disciplining' the state, but the state also became the primary basis for accumulating wealth. Political power therefore became the primary source of economic power (Sandbrook, 1985).

**Social heterogeneity:** Most African states are ethnically heterogeneous, often overlaid by other form of sectarianism, based for instance on religion or geography. This has meant that communal but sectarian identity is primary, undermining the formation of the type of national identity and loyalty fundamental to the cohesion and stability of modern states. This has removed a key source of legitimation for political elites and has enabled the political instrumentalisation of ethnicity (Sandbrook, 1985; Clapham, 1982; Chabal and Daloz, 1999).<sup>6</sup>

During the post-colonial period, both African elites and the wider populace were forced to try to reconcile these structural conditions with the challenges of constructing a modern state and economy. The viability of the political elite depended on their ability to build a nation-state and therefore their priority was to establish and maintain centralised political authority and legitimacy. As Le Vine (1980) suggests, they did so using the tools available to them and, given the structural conditions outlined above, personalism and vertical relations constituted a key source of social and political capital and clientelism and patronage one of the few effective tools available (Sandbrook, 1985). Clientelism was also a key strategy for the wider African population. They had experienced massive social dislocation as a result of the political and economic effects of colonialism. In particular, the rapid penetration of the market rendered their kinship-based strategies for survival obsolete but did not allow time for evolution of new strategies (Migdal, 1988). The continued reliance on familiar social resources based in existing relations and norms was therefore a rational response based on a 'reasonable assessment of risk' (Brinkerhoff and Goldsmith, 2002: 11). For ordinary Africans, the maintenance of patron-client relationships was fundamental to their attempt to maintain their security and wellbeing.

While the resort to clientelism was therefore instrumental for both elites and wider society, its availability as a strategy was a result of its resonance with existing social norms, beliefs and forms of organisation and broad social acceptance of the legitimacy of these.<sup>7</sup> These relationships have not remained static, however. Rather than reflecting 'traditional' African relations, the durability of clientelism as a continuing strategy for both elite and poor Africans reflects its ability to adapt to new circumstances and demands. Patron-client ties have been fundamentally transformed in the process of becoming a mechanism for linking the centre and the periphery. Democratisation and economic crises have further reinforced the instrumentalisation of clientelism. However, while clientelism may have been an effective strategy for building support and legitimising power, it has meant that the ability of political elites to provide access to public resources has become central to the nature of representation and accountability in the post-colonial order (Chabal, 1992).<sup>8</sup>

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<sup>6</sup> This does not apply to the same degree to all African countries – for instance some are more ethnically homogenous (e.g. Botswana) and some political elites (e.g. Tanzania) have been more successful at creating viable forms of nationalism. But the majority of African countries do have to contend with ethnic pluralism and have struggled to find a formula for national cohesion. The nature of a state's 'hybridity' – the relative mix of modern and traditional structures – falls along a continuum, and its socio-economic structures, helps explain the differences between countries.

<sup>7</sup> This draws together what is often presented as divergent positions in the literature between those that emphasise the instrumental nature of clientelism (e.g. Sandbrook, 1985; Migdal, 1988; van de Walle, 2001) and those that argue that, as an adaptation of the moral economy, clientelism reflects a social consensus about what is legitimate behaviour (e.g. Chabal and Daloz, 1999). This logic can also be applied more broadly to neopatrimonialism itself. For instance, Le Vine (1980) argues that, whilst there are fundamental differences between modern and traditional African patrimonialism, modern personalist patrimonialism (that is more instrumental) incorporates and responds to several aspects of traditional African culture such as charisma, constitutionalism, zero-sum politics and 'big man' syndrome.

<sup>8</sup> Boone (1990) describes how the post-colonial regime in Senegal was consolidated using a combination of selective repression and the development of extensive patronage networks. The adoption of the colonial economic system provided the Senegalese elite with a financial base over which they had extensive discretionary control, which they used to create 'clientelist structures of political control'. Boone notes the importance of the bureaucracy as a key means of co-optation through the distribution of jobs and other resources – a strategy of incorporation also described

Furthermore, the logic of neopatrimonialism can be self-replicating because the private appropriation of public resources and clientelism hinder the emergence of conditions needed for its transformation: weak state capacity, poor institutionalisation and ambiguity with regard to the separation of public and private spheres undermine the development of a universal public ethic, national identity and the delivery of public goods and services, further reinforcing the elite's reliance on clientelism for their legitimacy. This has meant that the predominant dynamic in Africa has been change within, rather than change of, the system.

## 4. Neopatrimonialism and public sector capacity and performance

The public sector is pivotal both to the day-to-day operation of the state and to its ability to effectively manage development processes and provide universal public goods and services. Civil servants are critical in their roles as gatekeepers, policy-makers, implementers and distributors. As intermediaries between politicians and the wider population, they are essential to ensuring the penetration of the state at the local level, to the allocation and distribution of resources and to the enforcement of rules (Migdal, 1988). Technical and financial constraints on public sector capacity and performance are clearly important, but so too is the influence of political and social arrangements and rules. The core characteristics of neopatrimonialism – private appropriation of the public sphere, the primacy of vertical ties and personalism – have fundamental implications for the relationship between political elites and civil servants and for the use of public resources. They result in certain practices becoming systemic and accepted: political- and patronage-based appointments, absenteeism, the 'sideline' and corruption are a drain on public resources and undermine the capacity of the bureaucracy to make and implement policies, to manage the economy and to undertake routine tasks.

Weber emphasised the importance of a modern bureaucracy – one that combines a high degree of administrative competence, meritocracy, impartiality, probity and accountability – to the development of the modern state (Gorski, 2005; Chabal and Daloz, 1999). Whilst contemporary African administrations are usually assessed against this benchmark, it is important to recognise that African states did not inherit a functioning Weberian bureaucracy at independence. Colonial administrations were designed to serve particular (Western European) interests, including the protection of colonial economic interests, the extraction of natural resources and the maintenance of order. Colonial regimes were authoritarian: political and bureaucratic power was extensive and arbitrary and the accountability mechanisms that existed were external. Patronage was used extensively alongside coercion to ensure compliance or loyalty. Indigenous capacity building was minimal in most countries, particularly in Africa and at the higher grades, and where it did take place it tended to be divisive because of the preferential treatment of ethnic or regional groupings. Rather than a failure of institutionalisation, therefore, colonial administrations were distinct from their Western counterparts because little effort – other than perhaps for a few short years before independence was granted, as in Malawi – had been made to transplant Western institutions (Chabal and Daloz, 1999).

These colonial administrative structures were mostly preserved after independence but a different set of demands was placed on them (Chabal, 1992). The public sector lacked financial, human and organisational capacity yet its role was increased by the pursuit of state-led development in most of Africa.<sup>9</sup> The capacity and effectiveness of the state were further weakened by the suffusion of political and administrative structures with patrimonial practices as a result of elite competition for

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by Brown (1989) and Mwenda and Tangri (2005) in relation to Liberia and Uganda respectively – but also the detrimental impact this had on the capacity of the state to manage development.

<sup>9</sup> As Chabal notes, the capacity of colonial administrations varied. Countries with settler populations, natural resources and favourable ecological conditions tended to have better functioning administrations and these countries tended to continue to be better governed following independence because they had more and better-qualified civil servants and retained more European civil servants (Chabal, 1992).

control and consolidation of power, political centralisation and the 'Africanisation' or 'indigenisation' of state structures (in terms of personnel).<sup>10</sup>

The social and political conditions that have necessitated neopatrimonial forms of governance in Africa have therefore also meant that the public sector is vulnerable to informal institutions and practices in ways that have undermined the development of a professional bureaucratic culture and ethic. The following sub-sections identify four ways that neopatrimonialism frequently influences the capacity and performance of the public sector.

#### **4.1 Absence of consensus concerning the rules of the game**

Leftwich defines politics as the processes that determine the use, production and distribution of resources. In stable polities, these processes are governed by one set of rules or institutions, or by complementary sets.<sup>11</sup> Neopatrimonial states, however, not only lack a common set of predictable rules, but also formal and informal rules are often contradictory, enabling contestation about the legitimate rules of the game (Leftwich, 2000, 2006).<sup>12</sup> This produces unpredictable state behaviour and an environment of uncertainty for both rulers and ruled, particularly in the context of personalism and the centralisation of power. In such environments, it is rational for all actors to utilise both formal and informal institutions in an attempt to overcome their insecurity, despite the fact that this reproduces uncertainty (Erdmann and Engel, 2006).

This affects the public sector in two ways. Firstly, ambiguity in the application of rules profoundly influences leadership style and this sets the tone for the entire state apparatus. Chabal and Daloz (1999) contend that politics in sub-Saharan Africa are characterised by the 'political instrumentalisation of disorder': elites derive political and material gain from uncertainty and informality, removing incentives to move towards greater institutionalisation and increasing the importance of vertical relations. Migdal (1988) describes the governance style of hybrid states as the 'politics of survival',<sup>13</sup> arguing that this produces a particular 'calculus of pressure' shaping the incentives of civil servants. Weak supervision and accountability mechanisms result in weak incentives for civil servants to implement formal rules and the allocation of resources is instead determined by relationships of accommodation and the relative bargaining power of civil servants vis-à-vis their peers (both bureaucratic and political) and local 'strongmen'. The influence of political style can also be more direct: bureaucratic probity is unlikely in the context of widespread use of political (non-meritorious) appointments. As Oluwu (1999) argues, by providing professional leadership and ensuring internal accountability, the higher civil service grades have a critical impact on the performance of the wider public sector. It is unlikely that political and bureaucratic elites will enforce laws, procedures and ethical codes that they themselves violate, which encourages a lack of discipline and corruption throughout the public sector.

Secondly, the public sector itself becomes a microcosm of hybridity. Officially, civil servants may recognise being bound by bureaucratic rules, procedures and codes of practice. However, informal pressures may necessitate them act in ways that violate these. For instance, Anders (2005) describes the gap that exists in the Malawian civil service between 'official regulations' and 'daily practice [which is] legitimised by its own rules and guidelines' which he describes as 'a parallel

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<sup>10</sup> As Callaghy (1988) argues, two distinct processes were actually taking place: (i) normal cycles of political control and extraction characteristic of early modern state formation; and (ii) progressive patrimonialism. However, the use of patrimonial practices to gain and legitimise power meant that these were intimately related.

<sup>11</sup> Institutions are understood to be the 'constraints that structure political, economic and social interactions' (North, 1990), that is 'rules of the game' that shape incentives (Sindzingre, 2002).

<sup>12</sup> This also reinforces the importance of understanding informal institutions as constituting the presence of a different set or sets of rules rather than their absence. Informal institutions also involve constraints on agency, including for power-holders.

<sup>13</sup> That is, fear of the emergence of alternative centres of power drives leaders to: (i) undermine those institutions they require to increase state coherence and effectiveness, and therefore their ability to mobilise human and material resources; (ii) use non-merit appointments to maintain their support base; and (iii) resort to extra-legal activities (Migdal, 1988).

order and unofficial code of conduct' based on loyalty to colleagues rather than the state and 'respect for the master'. This generates an effective form of social control that militates against personal initiative (the 'tall-poppy' syndrome) and creates a culture of indebtedness that implicates all and therefore protects all.

## **4.2 Need for Africans to operate according to dual registers**

If institutional hybridity creates insecurity for all actors, its ambiguity also allows them a degree of room for manoeuvre that is absent in polities where there is consensus regarding the rules that govern politics and enforcement of these. To capitalise on the opportunities this presents, however, Africans must be adept at operating according to both formal and informal logics and moving between these as appropriate. Ekeh (1975) provided one of the earliest expositions of the way Africans operate in two distinct realms. He argues that, in contrast to Western states where the same generalised morality informs both the private and public realms, the post-colonial state contains two publics – the primordial and the civic – but that only the primordial public shares a common foundation with Africans private morality. Whereas, in the primordial realm, the African citizen recognises his responsibilities, in the civic realm he places emphasis on his rights:

*A good citizen of the primordial public gives out and asks for nothing in return; a lucky citizen of the civic public gains from the civic public but enjoys escaping anything in return whenever he can. But such a lucky man would not be a good man were he to channel all his lucky gains to his private purse ... The unwritten law of the dialectics is that it is legitimate to rob the civic public in order to strengthen the primordial public. (p.108)<sup>14</sup>*

Others have since described how Africans are able to operate according to dual registers, explaining how they can simultaneously exhibit what are perceived to be 'modern' and 'traditional' behaviour or beliefs (e.g., Chabal and Daloz, 1999; Kelsall, 2004, Anders, 2005) (See Box 1)

### **Box 1: Conflicting loyalties and aspirations in Malawi**

In his study of the public sector in Malawi, Anders describes how 'a cultural dualism between tradition and modernity pervades the everyday life of the employed and educated urbanites, who are often confronted with a tension between their "modern" middle-class aspirations and "traditional" morality'. Anders points to the importance of long-term processes such as modernisation and urbanisation in producing social stratification and a new group of people with different aspirations and expectations, including civil servants, but also describes the continuing strength of social obligations and expectations resulting from the traditional realm. Urban, educated Africans perhaps hold the most conflictual loyalties and aspirations: they are exposed to 'modern' institutions and attitudes – both international and domestic – but continue to feel a strong sense of obligation towards their kin and affinity with traditional values. Anders describes how this dualism had led the civil servants he interviewed to have an ambivalent relationship with their home village, which they saw both as a representation of backwardness and as an idealised community, as a site of burden and jealousy but also sentimentality and insurance. It is telling that they wished to retire to 'neutral ground' in order to maintain 'social distance through spatial distance' but did not want to cut ties with their kin and wished to be buried in their village. The relative status of civil servants meant that their kin made numerous demands upon them. The discrepancy between expectations and their ability to provide support was a source of insecurity for these civil servants because of their fear of jealousy and witchcraft.

Source: Anders (2005).

Socio-cultural norms also come to be played out in formal institutions in a number of other ways that has implications for public sector capacity. In relation to Malawi, Cammack (2001) describes the impact of the hierarchical organisation of society – the 'large power distances' between individuals – and collectivism, arguing that they reinforce particularism, clientelism and acceptance of the status quo and undermine innovation and a development of a 'culture of excellence'. Others

<sup>14</sup> This again reinforces the self-replicating nature neopatrimonialism: the constant replenishment of the primordial public, through particularism and private appropriation, at the expense of the civic further undermines the ability of the civic public to provide the sorts of universal goods and services that could serve to legitimise it.

have looked at how similar cultural determinants impact leadership qualities and functions within the work place.<sup>15</sup>

### **4.3 Weak public/private boundaries and the dominance of vertical ties**

The dominance of vertical ties is a key way in which the informal realm asserts itself. Clientelism denotes the activities arising from a dyadic relationship between a patron and client. These are exchange relationships between two parties with unequal socio-economic status. However, they are also reciprocal (both parties gain from the relationship) and voluntary (and therefore cannot be based purely on coercion). Traditionally, patron-client relations have been personal, based on affective as well as instrumental ties, and diffuse, relating to a wide-range of exchanges (Scott, 1972). However, these features have been undermined as patron-client networks have served to connect the national and local spheres and the resource base of the exchange has shifted. As Clapham (1982) argues, the hierarchical organisation of the state and its monopoly over certain forms of control and allocation has provided fertile grounds for the reproduction of clientelism. This has also been intimately related to the weak separation of public and private spheres because it is this that provides the resources that maintain clientelist relationships and have led to the misappropriation of public resources and other forms of corruption. Two forms have emerged: (i) political clientelism – the exchange of patronage (usually public resources) for political support; and (ii) bureaucratic clientelism – the use of public resources for patronage purposes by civil servants (ibid.).<sup>16</sup> Bureaucratic clientelism thrives in environments of ambiguity, weak supervision and social acceptance (and expectation) of misuse of public office and fundamentally undermines the development of a Weberian bureaucratic culture and effectiveness. It has been heightened by economic decline. Clientelist relations operate both within the public sector – for instance between senior civil servants who exercise discretion over recruitment and the distribution of benefits for those they manage – and between civil servants and external patrons or clients.

Clientelism has had a profound affect on the design of public policy. For instance, interventionist economic models have been preferred because these have extended state control, and have provided greater scope for corruption and the generation of rents (Bratton and van de Walle, 1997). Such behaviour has not only undermined the performance of public enterprises and provided an enormous drain on state revenue but, in many countries, has led to the operation of a ‘shadow state’ (Lemarchand, 1988; Hibou, 1999). Political factors have also been paramount in the design of state structures. For instance, Crook (2003) discusses how political elites have used decentralisation to renew or consolidate ruling party influence at the local level or to store up support in the face of pressures to move to multipartyism. In the process, central patronage systems are extended to the local level, providing opportunities for local corruption in the context of weak accountability mechanisms (which characterises African local governance structures):

Elite capture of local power structures has been facilitated by the desire of ruling elites to create and sustain power bases in the country side. Popular perceptions of the logic of patronage politics reinforce this outcome ... accountability mechanism are in general not strong enough to ensure that [poor peoples’] interests are represented effectively in policymaking. These are the political realities that have a shaping influence on the outcomes of decentralisation policies in Africa. (Crook, 2003: 86)

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<sup>15</sup> See the Globe Project at <http://www.grovetwell.com/pub-GLOBE-intro.html>.

<sup>16</sup> Of the two, political clientelism in particular has proven most prone to factionalism and the distribution of collective goods. Although patrons and clients do not necessarily share primordial affinities, these often make the relationship more durable, particularly in the context of these becoming less personal and diffuse and more instrumental. Patron-client relationships are conceptually distinct from those based on primordial loyalties (Medard, 1982). For instance, kinship relationships do not necessarily involve an expectation of reciprocity (although even here the person with higher socio-economic exchange received intangible benefits in return for their assistance such as status). Although in reality these practices and relationships become intimately related.

## Box 2: Decentralisation and healthcare in Uganda

Golooba-Mutebi undertook research between 1993 and 1996 looking at the impact of the decentralisation of healthcare in Uganda. He found that, despite the decentralisation of all functions to local government, including supervision, procurement and distribution, there had been little discernable improvement in the quality of service provision when compared to 1986. Service provision continued to be poor and beset with delays, misuse and absenteeism. This was primarily a result of the poor accountability mechanisms within the decentralised system, in particular the failure of local committees to carry out supervision and monitoring of service providers allowing them to engage in 'unrestrained malfeasance'. Whilst this was partly a result of (what they saw as) inadequate compensation for undertaking committee duties, the personal relationships between health workers and local officials were also seen as a driver of weak supervision. As a consequence, service users continued to seek means of reducing their dependence on public provision where possible, for instance, self-medicating or using private healthcare. Golooba-Mutebi asserts that public apathy towards decentralisation, because of hierarchical social relations and their distrust of public officials, leads to an everyday strategy of withdrawal rather than engagement with the state. This challenges the assumption that people want, and have the capacity to, participate.

Source: Golooba-Mutebi (2005).

## 4.4 Generalisation of corruption<sup>17</sup>

Corruption is a logical outcome of neopatrimonialism: vertical relationships and clientelism provide a motor for corruption and rent-seeking activities, and hybridity (of rules, institutions, registers, ethics) and the weak separation of public and private spheres provide both the space for corrupt practices and moral ambiguity about these. Corruption is invariably defined as the abuse of public office for private gain.<sup>18</sup> The Weberian bureaucratic ideal of the complete separation of public office and private affairs is therefore central to our understanding of corruption, leading some to question its universal relevance and analytical utility in contexts where informal relationships and practices suffuse formal institutions (Chabal and Daloz, 1999).<sup>19</sup> Olivier de Sardan (1999) suggests that in Africa there is a 'corruption complex' that situates many illicit practices in the context of social norms that are not themselves corrupt but which create a 'moral economy of corruption', that is the 'value systems and culture codes, which permit a justification of corruption by those who practice ... and anchors corruption in ordinary everyday practice' (pp.25-6).<sup>20</sup>

This has led corruption to become both generalised and banalised in Africa. Each individual is part of a number of solidarity networks making the system one of personalised and 'generalised exchange of services, big or small, often in the shape of an officially illicit favour' (Olivier de Sardan, 1999: 41). While grand and petty corruption<sup>21</sup> are distinguished by scale and impact, the systemic nature of corruption means that they should in fact be viewed as existing on the same continuum, as being part of an 'interconnected whole'. This is because they are driven by the same social imperatives, such as the need to 'invest through showing generosity', kinship and other

<sup>17</sup> Working Paper 3 in this series 'Corruption, Anti-Corruption Efforts and Aid' includes a detailed treatment of corruption, including typologies, measurement, social science explanations of its causes, donor responses and the relationship between corruption and general budget support.

<sup>18</sup> Corruption can cover a range of practices relating to the (mis)appropriation of private resources, such as embezzlement, bribery, fraud, extortion, abuse of power (e.g. favouritism, nepotism) and rent-seeking. Other practices, such as 'moonlighting', are not strictly corrupt but belong to a generalised culture that facilitates corruption. Blundo and Olivier de Sardan (cited in Anders, 2005) apply a seven-part typology of corruption: (i) commission – payment for illicit favour; (ii) gratuity – reward for a public official who has done a good job in executing his duty; (iii) patronage; (iv) informal payment for public services; (v) extortion – demand of money for fictive violations or services; (vi) private use of government property (temporary); (vii) appropriation of government property (permanent).

<sup>19</sup> Although the adoption of British or French law means that these practices will necessarily be defined as illicit from a legal perspective (Olivier de Sardan, 1999).

<sup>20</sup> Olivier de Sardan is clear, however, that this moral economy is not a simply reflection of 'traditional' African norms or relations. Moral economies are constantly evolving: the moral economy of corruption is an amalgamation of norms from different periods, which only makes sense in the contemporary context.

<sup>21</sup> Grand or political corruption occurs when decision-makers use their political power to sustain their position or wealth, whereas petty or bureaucratic corruption takes at the implementation-side of public administration (Amundsen, 1999).

social obligations and a culture of gift-giving, and the same structural conditions, such as hybridity (Chabal and Daloz, 1999; Olivier de Sardan, 1999).

This also explains the ambiguity with which corruption is held in Africa: there is widespread condemnation of corruption but it continues to be widely practiced and individuals are rarely brought to account for it. A disjuncture exists therefore between what is viewed as culturally and legally legitimate. Olivier de Sardan (1999: 34) describes corruption as being 'someone else': it is viewed as illegitimate if you are the victim rather than the beneficiary. It is also illegitimate if it does not operate within certain socially defined boundaries, in particular if individuals are seen to be taking excessively from public coffers without redistributing these benefits. Social norms therefore partly account for the continuing impunity with which these practices are carried out. An individual is subject to social pressure and shame if they fail to act according to the ethic of the primordial public, even if this is at the expense of the ethic of the civic public. However, solidarity is also a result of the generalisation of corruption because everyone is implicated or indebted (Olivier de Sardan, 1999; Anders, 2005).

As Anders (2005) argues, however, this is not to suggest that all corruption in Africa is the consequence of social pressures and obligations. As discussed, processes of state building and democratisation have generally led to greater instrumentalisation of socio-cultural norms and this extends to motives for corruption. For instance, Medard (1982) differentiates between parochial corruption that is part of morally accepted social exchange, and market corruption that is based on impersonal economic exchange. It is also important to set the growth of corruption in the context of deepening economic crisis in Africa, which has compelled state employees (whose real wages have declined significantly in recent years) to seek alternative sources of income. Regardless of how corruption is viewed, however, the public sector in Africa has provided fertile grounds for its growth and this has been detrimental to the development of a bureaucratic culture and has distorted the allocation of public resources.<sup>22</sup>

### **Box 3: Political liberalisation and corruption in Malawi**

Anders describes the 'democratisation of appropriation' that has accompanied the introduction of multipartyism in Malawi. Although the private appropriation of public resources occurred in Malawi under Banda, it was restricted to his personal political and bureaucratic circle. Banda's strategy of filling senior grades with expatriates and maintaining a 'culture of fear' restricted corruption within the civil service and promoted professionalism. This changed following democratisation in 1994. A combination of increased political and economic freedom and weakened discipline under Muluzi enabled senior officials and politicians to establish themselves as patrons through the appropriation of public resources. This misuse at the top of the civil service quickly spread to the junior ranks as senior civil servants have failed to enforce the rules that they themselves violate – resulting in a 'democratisation of appropriation'. This process has been further fuelled by economic decline and the erosion of standards of living which impelled both patrons and clients to seek alternative sources of income. Politicisation of the civil service – including political appointments – has continued to be a feature in the post-Banda period.

Source: Anders (2005).

<sup>22</sup> It is important to distinguish between different types of corruption, however. Khan (2005) argues corruption takes various forms and have different structural drivers and impacts – which should be taken into consideration which forms to address and the appropriate mechanisms for doing so. For instance, he argues that illegal but productive forms of rent-seeking require institutionalisation (legalisation and regulation) and that predatory corruption – in which 'public officials directly, or indirectly through private factions, grab or assist in grabbing public resources ... or collude in the extraction of "protection money" from citizens' (p.33) – is the most damaging form because it never derives public benefits and should therefore be prioritised.

## 5. Neopatrimonialism and public sector reform

### 5.1 Patterns of reform in Africa

Donors have sought to influence the nature and scope of the state's role through structural adjustment and governance measures designed to reduce state intervention in the economy and reform state institutions to increase accountability and transparency by strengthening institutional checks and the consistent application of the law. These measures represent a fundamental challenge to elite access to state resources and their ability to exercise discretion over the distribution of patronage (van de Walle, 2001; Mwenda and Tangri, 2005). As such, policy reform will either 'undermine neopatrimonial tendencies and push the development agenda forward or the political system [will] adapt to the new measures in a way that still perpetuates old practices, albeit under modified conditions' (Mutesa, 2005: 2). The latter has been the dominant trend in Africa, characterised as 'partial reform syndrome' by van de Walle (2001). He argues that the general pattern has been that, after an initial period of attempting to maintain the status quo, deepening economic crisis forced African leaders to accept that some reform was unavoidable, but that their implementation of reform has been uneven (with progress in areas such as stabilisation and some forms of liberalisation, but less being made with regard to institutional reform, including civil service reform) and moulded by a patrimonial logic.<sup>23</sup> Furthermore, while recentralisation of power has enabled some executives to orchestrate reform processes to maintain their own position and consumption, and, in some cases stability, this instrumentalisation of reform has tended to result in a deterioration in state capacity and the withdrawal of the state from development and investment activities, further reinforcing patrimonial tendencies.

#### Box 4: Pattern of reform in Uganda

This pattern of partial reform and instrumentalisation of reform processes is evident in Uganda where the trend has been one of initial gain followed by a gradual undermining of reform leading to it being stalled or reversed in core areas. This pattern can be observed in the reform of the civil service and the attempt to establish revenue and anti-corruption authorities. Museveni's commitment to reform arose from political objectives, in particular the consolidation of power, and therefore waned once these short-term objectives were achieved. Whilst some regard decentralisation as one area that has not succumbed to this trend, it can be argued that this is because it continues to be politically beneficial to Museveni and that this instrumentalisation undermines its potential to improve democratic governance and service provision at local level. These reform processes have been vulnerable because of the dominant position of the executive, the absence of institutional checks and the susceptibility of institutions to political interference that characterises neopatrimonial states.

Sources: Robinson (2006); Kjaer (2001).

### 5.2 Understanding reform patterns: institutional, rational-choice and process approaches

What explains this pattern of reform? Thus far, an *institutional* lens has been used to understand the impact of institutional hybridity, in particular the distance between formal and informal institutions and the ability of informal (patrimonial) institutions to structure individual and group expectations, behaviour, capacity and dynamics. The core characteristics of neopatrimonial

<sup>23</sup> 'Leaders have understood that partial reform and the actual implementation process would provide them with new kinds of rents, as well as with discretion over the evolution of rents within the economy ... in sum, structural adjustment programs are increasingly being used to strengthen neopatrimonialism (van de Walle, 2001: 159). A good example of this instrumentalisation has been privatisation. Initially resisted by elites, the opaque procedures surrounding privatisation have provide ample opportunity for kickbacks and a means of rewarding supporters and excluding opponents, in the process maintaining the links between business and the ruling elite (Tangri and Mwenda, 2001; Hibou, 1999).

regimes and political logic these give rise to have clearly been pivotal in producing the pattern of reform described above.

However the neopatrimonial model alone does not enable us to understand these processes fully. In particular, neopatrimonialism focuses on obstacles to reform and further analysis is needed to explain the factors determining the instigation and consolidation of reform – and therefore the variations in reform patterns between neopatrimonial regimes. Kjaer (2004) argues for instance, that it is necessary to examine a range of other institutional factors that transcend the neopatrimonial paradigm. She suggests that the ability of both new and existing leaders to be reformers depends on the nature of institutions that are not particular to neopatrimonialism, leading her to qualify her 'new broom thesis' in two ways:<sup>24</sup> (i) not all new leaders are able to be reformers: their options are expanded or constrained by the nature of their support base (including the degree to which this is rooted in established clientelist networks) and their institutional legacy (for instance, Museveni's room for manoeuvre was greatly expanded by the devastation of existing institutions during the Uganda civil war); and (ii) not all old leaders are powerless to reform: their ability to do so is determined by the strength of formal institutional arrangements, including the existence of a strong party and stable succession rules, which reduces their dependence on patronage-based support strategies and in turn allows them to promote further institutionalisation.

Therefore, while resistance to institutionalisation may be strong within a neopatrimonial regime, it is clear that there are circumstances (during periods of stability, or after a radical transition, for instance) in which leaders can support reform. Understanding what these circumstances are and how they produce variations in reform processes can be provided by *rational-choice analysis*. In comparison to institutional analysis, rational-choice analysis shifts attention from structural forces and focuses on the decisions taken by potential winners and losers from policy change and examines how their relative power, knowledge and capacity to organise enables them to block those policy measures that undermine their interests or lobby for those that promote them (Grindle, 2002).

Rational choice analysis highlights that the state is not a single entity and that the impact of reform will therefore vary according to the specific actor or group of actors. Two points in particular should be noted: (i) reform processes can actually create new opportunities; for example, while liberalisation may reduce the size of rents, it can increase opportunities for rent seeking (van de Walle, 2001); and (ii) reforms have distributional effects that produce both winners and losers. For instance, retrenchment programmes target low-grade employees but may be supported by senior civil servants who stand to gain from accompanying pay reform measures. Similarly, decentralisation may receive executive support because of expected political gains, but be resisted by functional ministries that resent the dilution of their autonomy (Kjaer, 2004).<sup>25</sup> This means that incentives for reform can exist *within* the neopatrimonial political calculus, including for leaders who will weigh up the benefits of reform (or failure to reform) against its costs, which leads to the variations in the outcome of reform programmes in African states.

Thus, it is not only the distribution of interests that should be considered but also the relative strength of these and the ability of groups to organise to resist or support reform. Public support or resistance to the reform of the public sector has generally been weak in Africa, despite the public being the main beneficiary of reforms intended to deliver public goods and services more

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<sup>24</sup> This assumes that new leaders will be more able to instigate reform because they are not bound by old clientelist networks and can therefore use the grace period following their election to use reform to create new bases of support. However, it also predicts that reform will be difficult to sustain because of the reassertion of neopatrimonialism (Kjaer, 2001).

<sup>25</sup> Another example is the distributional affects of civil service reform in Malawi, which heightened tensions between: (i) new agencies and classic line Ministries, who resented the position of the new agencies and the reduction in their discretionary power; (ii) technocrats and 'old-school officials', who represented different age groups and educational background; and (iii) 'bosses' and 'juniors' (Anders, 2005).

effectively.<sup>26</sup> This has meant that policy change that does not benefit state actors is unlikely to be implemented. Examples have included anti-corruption measures and reform of human resource management, both of which pose a significant challenge to political and bureaucratic autonomy and discretion (Kjaer, 2001, Robinson, 2006). Furthermore, while it is conventional wisdom that resistance to reform tends to be stronger than support, the African experience suggests policies entailing losses for large numbers within either the public sector or wider society are possible if they do not challenge elite interests or are perceived by the elite as being unavoidable.

Van de Walle (2001) therefore argues that it is elite arrangements rather than broader-based societal clientelism that is the primary obstacle to reform, citing as evidence the ability of elites to protect expenditures relating to their own consumption, as demonstrated by the growth in cabinets and political bureaucracies. He also notes the possibility of insulating particular sectors of the state, such as the Ministry of Finance, from clientelist pressures in order to make growth and investment possible, a strategy employed in recent 'enclave approaches' in Africa (Anders, 2005: 89). However, while executive autonomy is clearly pivotal to the instigation of reform, successful consolidation is dependent on the cooperation of the public sector. Civil servants are often both the object and implementers of reform and are therefore in a unique position to distort policies during implementation. Weak class formation has meant that resistance has tended not to be organised along horizontal lines based on income or occupation and has generally not taken the form of coordinated political action (Kjaer, 2001; Anders, 2005). Instead, a series of *ad hoc* and covert actions carried out by individual civil servants has undermined the reform implementation generating unforeseen outcomes (Anders, 2005, Kjaer, 2004).<sup>27</sup>

A rational-choice approach is therefore useful for understanding actors' interests and their ability to act. However, this needs to be supplemented by institutional analysis to fully understand what these interests and capabilities are and what actors perceive as being 'rational' action. For instance, informal institutions are critical in determining how civil servants define their interests and their strategies of resistance.<sup>28</sup> Nevertheless, it is true that both rational-choice and institutional analysis tend to emphasise the obstacles to reform and are, in general, less instructive about the conditions in which reform does take place. A third approach arising from the political economy tradition – the *process approach* – has therefore been used to explain how reform occurs. This approach emphasises the 'possibilities for dynamic agency' – that is, the opportunities that actors have to act strategically to influence the shape of reform processes and their outcomes, albeit within an institutional context (Grindle, 2002). In relation to social policy reform in Latin America, Grindle describes how the development of closed planning teams located within the executive has been crucial to the success of reform. A similar trend – which Anders (2005) terms an 'enclave' approach – can be identified in Africa in countries where strong political support (both internal and external) has been provided to technical elites who are autonomous, both organisationally and in relation to societal interests (Robinson, 2006).

These enclave agencies share many of the characteristics of bureaucracies identified as being important to the developmental state, including elite commitment and competence and insulation from societal and political pressures. However, recent experience has demonstrated that the gains from this approach to reform are easily reversed. As Robinson (2006) argues, the structural

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<sup>26</sup> Reasons for this include inadequate information, poor organisational capacity and the unpopularity of the public sector (Kjaer, 2004, Therkildsen and Tideman, 2006).

<sup>27</sup> Anders (2005) describes how senior civil servants in Malawi undermined retrenchment programmes, which they saw as challenging their discretion over recruitment and therefore patronage opportunities, by re-hiring people they had been forced to make redundant. He also describes how lower-level civil servants have used a range of licit and illicit to resist and manipulate reform, arguing that they 'tend to dodge orders if they run counter to their own interests ... opposition by those who receive orders will rarely be overt. Rather, it might be expressed through a work as you earn attitude, absenteeism and other subversive tactics (p.105).

<sup>28</sup> Again, it must be stressed that the contention is not the patrimonial logic is the only influencing force. For example, forms of economic organisation has been critical in determining the possibility for collective action and economic contraction has been a key driver in forcing public sector employees to search for alternative sources of income. However, patrimonialism remains key because alternative strategies have invariably been based on vertical relations and the appropriation of public resources.

features that allow for the success of reform in neopatrimonial regimes, such as executive autonomy and commitment, also make the reform process fragile and open to manipulation. In a system characterised by personalism and weak institutional checks (both horizontal and vertical), continuing executive support is essential to the sustainability of reform and this cannot be assumed given the institutional requirements of neopatrimonialism: 'political incentives for reform do not emanate from the potential attractiveness of improved governance *per se*, but from fresh opportunities for exercising power, influence and remuneration emanating from new institutional configurations governed by patronage considerations' (p.33). While approaches that focus on contingent factors<sup>29</sup> and the decisions of individual actors are therefore important in explaining the initiation of reform, it is structural and institutional conditions – and in particular informal practices and relationships and their relationship with formal institutions – that remain central to understanding the consolidation of reform. Furthermore, there is likely to be a tension between institutional conditions that are favourable to the initiation of reform and those that make consolidation likely.

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<sup>29</sup> Contingent factors can be exogenous (e.g. donor influence or geopolitical environment) or endogenous (e.g. large-scale shocks such as war).

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