

Chapter VI: Democratisation of Appropriation

Bwana – zimakukomerani ife tikatuwa, pa lunch hour tikuwerenga manyuzi, kuyenda bau inu muli ndi mahule, muku njoya mukukadya ku Ryall's.

Boss – it pleases you to see us reading newspapers and playing *bau* [East-African board game] during lunch hour while you spend your time with hookers, enjoying and eating at Ryall's [expensive hotel in Blantyre].

Lucius and Zembani Band, *Njoka mu udzu* (1999)

Introduction

In this chapter I conclude my examination of the horizontal slice with a discussion of a particular aspect of civil servants' social lives that has received a lot of attention in recent years by the international donor community and social scientists alike: corruption. The ubiquitous talk about corruption overshadowed my fieldwork in Malawi between 1999 and 2002. Songs like *Njoka mu udzu*, in which politicians and civil servants are accused of self-enrichment and corruption, were immensely popular and, while the press ran stories on corruption on an almost daily basis. To talk about corruption in such an open fashion would have been unthinkable in the context of Kamuzu Banda's rule as the boundaries between his own property, the state, and the MCP had become increasingly blurred.

Corruption in an African context is a tricky subject with many pitfalls, and one is well advised to exercise extreme caution in approaching a concept as ideologically and morally heavily loaded. The previous chapters have shown that it is necessary to take a broad comprehensive approach in addressing policy planning and implementation to understand the life-world of those who are affected by and affect the implementation of these policies. Many policy-oriented studies reproduce the stereotypes about parasitic and corrupt African civil servants that have come to dominate the agendas of the World Bank, the IMF, and other Western donor agencies in recent years. A reductionist culturalism

informs these reports, which tend to focus on African “patrimonialism”. For example, Dia, who conducted a large survey for the World Bank, stated:¹

The AM90s study emphasizes that it is the degree of disconnect between formal and informal institutions that largely explains problems in capacity building and institutional performance in both the public and the private sectors in Africa. On the one hand, formal institutions in Africa, being mostly inherited from the colonial period, do not generally reflect actual societal behavior and incentives and thus suffer a crisis of legitimacy and enforcement. Unrooted in local culture, they lack the local “ownership” needed for voluntary self-enforcement. The absence of the rule of law as a third-party referral and enforcement mechanism further impedes the effectiveness of these institutions. (Dia 1996:29-30)

Against this simplistic concept of a transplanted state that is alien to and disconnected from African culture that isolate cultural “factors” or “variables” as an explanation for “failure”, I suggest a comprehensive and thorough analysis that tries to describe and explain historically and geographical contingent phenomena. It is not my intention to develop abstract models to devise better policy but to describe the various aspects of everyday life of civil servants in order to understand the practice of policy implementation. Therefore I would like to approach corruption not as deviant behaviour but rather as an ambivalent and contested concept used by people to exploit the plurality of moral and legal orders.

This chapter is divided into three parts. The first presents a review of literature on the topic and a discussion of related concepts in Chichewa. The second part presents two case studies of civil servants who were implicated in corrupt practices. Both cases show that corrupt practices must be understood in the context of alternative social and moral norms and a parallel order in the civil service which is sometimes – not always and not necessarily - detrimental to the application of official rules and regulations. The third part is split into three sections. The first one sketches a historical background without which it is impossible to understand corruption in Malawi, and which I refer to as democratisation of appropriation. The second and the third sections respectively discuss the existence of a parallel social and moral order in the civil service with its own informal code of conduct,

¹ The African Management in the 1990s Research Programme (AM90s).

and the prevalence of alternative moralities that conflict with official rules and regulations.

1. Corruption and *Katangale*

Corruption is a normative concept with strong moralistic undertones that is inextricably tied to the modern nation state. Any analysis of practices considered corrupt must be sensitive to the normative character of the concept and its boundedness in space and time. An ethnographic study of corruption ought to focus on actual practices and include vernacular concepts to understand what corruption means in specific social settings (Blundo/Olivier de Sardan 2001a, 2001b, 2002). Further, as Gupta states, to focus on corruption in practice and representation can offer interesting and revealing insights about the nature of the postcolonial state (1995).

a) The Weberian Dichotomy

The idea of public office separate from an official's private affairs, the basis for the definition of corrupt behaviour, is a relatively recent concept firmly rooted in Western political and philosophical traditions. Until the 19th century it was common in Europe and European colonies to think of the public office as patrimony. Many practices, considered perfectly legitimate in earlier times, would qualify as corruption or nepotism today. The distinction between public office and private affairs gained hold in Europe and its overseas possessions during a long, gradual process (Friedrich 2002, Scott 1979, Weber 1980[1921], Wertheim 1964). This argument of relativity does not only apply to comparisons across time, as even today there exist considerable differences in regard to what qualifies as illegal corruption between different countries despite the globalized discourse on the topic.

Corruption is usually defined as the misuse of public office for private ends. This broad definition covers a whole range of illegal and semi-legal practices: bribery, embezzlement, misappropriation, fraud, use of the public office to exert influence, "favours" for friends and relatives, etc. This broad definition also covers patronage and

nepotism in the context of public office.² Academic definitions do not differ substantially from definitions used in the global coalition against corruption led by the NGO Transparency International, the World Bank, and the IMF.³

Two differentiations require extra attention: firstly, with respect to the nature of the exchange relationships and, secondly, with regard to the scale. Scott makes a distinction between market corruption and parochial corruption: the first is defined as an impersonal exchange of money between an official and those who can pay while the second denotes “a situation where only ties of kinship, affection, caste and so forth, determine access to the favours of power holders” (Scott 1979:43-45). This distinction is important since it draws attention to the existence of rules of kinship, friendship, etc., which are based on a different morality than state law and distinguishes the exchange of money as payment for services rendered between strangers from favours between friends or relatives. However, both forms of corruption often overlap considerably: even if one has the necessary money one still has to know who to bribe and how to do it “properly”, and it is not uncommon that a favour done for a relative also has a pecuniary aspect.

Bayart points out that “contrary to the popular image of the innocent masses, corruption and predatoriness are not found exclusively amongst the powerful” (1993:238). Indeed, one of the common characteristics of corruption in sub-Saharan Africa is that it is not restricted to a specific class or group of people. In an empirical study conducted in francophone West-Africa Blundo and Olivier de Sardan (2001a) have recently emphasized the importance of “la petite corruption quotidienne” for understanding the functioning of state bureaucracy. Generally, grand corruption can be easily distinguished from petty corruption. It is practised by presidents, ministers, Principal Secretaries, and Secretaries and involves huge sums of money paid as kickbacks or “commissions”. Petty corruption includes police officers at a road-block, the clerk or the messenger at the District Administration demanding an extra payment, store clerks selling stationery, school-masters selling exercise books, and drivers using government vehicles for private business. Despite the obvious differences between grand and petty corruption in terms of scale and actors, it makes sense to think of them as two

² Blundo/Olivier de Sardan (2001a), (2002), Epko (1979), Gardiner (2002), Harsch (1999), Klitgaard (1988), Olivier de Sardan (1999), Médard (1982), (2002), Scott (1979) and Tilman (1970).

³ See, e.g., World Bank (2000a, 2000b) and the websites of these organisations.

extremes “on a continuum of forms of corruption”, as it is the same logic at work in different guises (Olivier de Sardan 1999:250).

Blundo and Olivier de Sardan have developed an elaborate typology of corrupt practices (2001a, 2001b, 2002). They distinguish seven “elementary” forms of corruption: (1) the commission, (2) the gratuity, (3) patronage or “being connected”, (4) the informal payment for public services, (5) extortion, (6) the private use of government property (in French “perruque”),⁴ and (7) the appropriation of government property. The commission is paid for an illicit favour and covers kickbacks for the award of government tenders and recipient does something illegal or refrains from reporting or stopping an illegal activity or racket. The gratuity is a reward for a public official who has done a good job executing his or her official duty. In this sense it differs from the commission that is paid for illegal favours. “Being connected”, the third type, is vital in all dealings with bureaucrats. This form is similar to Scott’s concept of “parochial corruption”. For Blundo and Olivier de Sardan, it was common for users to pay civil servants for services rendered. Of course, these payments were not official fees but informal payments. Extortion is another form of corruption whereby a public official demands money for fictive “violations” or services. The private use of government property is another form of corruption that differs from appropriation in the sense that government property is returned after use or remains in the office. (2001a, 2002:18-22). Blundo and Olivier de Sardan’s typology helps to arrive at a better understanding of the complex phenomenon. My aim here is to take that one step further and explore the social context in which corrupt practices are situated, on the way the public office is enmeshed in the “private sphere”.

b) Local conceptions of Corruption

In everyday conversations in Zomba and Lilongwe, people use the English word “corruption” quite frequently but do so in a very broad sense, to refer to corruption in the legal sense of the term, i.e. bribery, as well as all kinds of illicit practices like fraud, theft, embezzlement, etc. In everyday conversations, newspaper reports, official documents and

⁴ De Certeau (1984) uses the word “perruque” to describe the stratagem and ruses of the individual in modern consumer society, see my introduction on de Certeau.

statements by politicians, practices referred to by the English word corruption were invariably condemned as something poisonous that had to be eradicated or stamped out. However, the general rejection of “corruption” does not always imply a clear and unequivocal rejection of practices considered to be corrupt.

In many conversations people used the Chichewa word *katangale*. *Katangale* denoted any kind of illegal, dubious or shady deal or practice connected to the place of work or the office in the formal sector that served to enrich the employee. *Katangale* also covered nepotism and patronage, two practices that were often connected. When people spoke of corruption using the English word, it was generally to express a strong disapproval. When they used the word *katangale*, however, they were usually more ambiguous. People did not approve of *katangale*, but they often talked about it ironically, acknowledging that it as an intrinsic aspect of formal employment. It was seen less an individualistic action than as an aspect of “the system” or “the way of doing things”. According to popular perceptions *katangale* did not usually constitute an act of free will. People were drawn into it because “that is the way how things are done around here”. Mainly, *katangale* is seen as a system that leaves no alternative way of doing things.

Two other words are also used to refer to corrupt practices: *zipupu* and *madeal*. *Zipupu* is a lesser act of corruption, denoting activities that would be described as theft or embezzlement in English. *Madeal* is also a word used to describe corruption and *katangale* and is derived from the English word “deal”. The word denotes illegal and semi-illegal deals and the transaction between two or more people involved in a deal.

Katangale has strong redistributive connotations and is linked to the notions of “allocating” and “sharing”, *kugawira* and *kugawa*. If others benefit from *katangale*, it is considered acceptable and morally right. *Katangale* is clearly differentiated from ordinary theft, *kuba*. Theft is an individual act undertaken for one’s own benefit. *Kuba* does not evoke the redistributive associations of *katangale*, and is always strongly rejected as wrongful act. Theft is considered legally and morally wrong and can never be justified as *katangale*. For example, in the markets it is common practice for a thief caught red-handed to be spontaneously subjected to mob-justice that often results in severe physical punishment or the death of the thief. Aside from the unequivocal disapproval of theft this example also highlights another distinction: *kuba* is usually an

open act and is not normally associated with the supernatural or magical, while *katangale* can be, especially if used in a negative sense. These observations regarding the concept of *katangale* indicate that attitudes towards the use of the public office for “private” ends was more complicated and multi-layered than simplistic notions of African “primordialism” suggest.

2. What is a Good Civil Servant?

Corruption proved to be an elusive concept; everybody talked about it, the newspapers reported regularly about corruption scandals in the civil service or parliament, and the donor agencies competed to express their rejection of corruption. And yet corruption was shrouded by secrecy and allusion, instead of concrete cases with identifiable perpetrators the wildest stories were spread making it impossible to establish what had really happened. This was not only a problem for me as a researcher but also for the courts and authorities such as the Department of the Public Prosecutor (DPP) and the Anti-Corruption Bureau (ACB). Acts constituting corruption are extremely difficult to prove in legal proceedings. Of course as a social scientist one need not gather evidence to be used in a court of law but, even given this, one needs a critical mass of empirical evidence to lend support to one’s argument. It was extremely difficult to witness acts of corruption and to establish connections between them and people’s relationships in a wider social context. People were rarely willing to talk about concrete cases of corruption, a lot of stories were hearsay, and as a white researcher I aroused suspicion.

For these reasons I cannot completely agree with authors who argue that corruption ought to serve as the primary entry point for a study of the state. A thick description of corrupt practices would tell us a lot about the state, how it works and how it is perceived. But that is exactly the problem. It is very difficult to get a good view of corruption and the situations in which it occurs since these practices are usually conducted in a sphere of secrecy and confidentiality. Instead I argue that any in-depth study of the social lives of public officials will tell us a good deal about both the state and corruption. In most cases I came to the most valuable information by chance, often indirectly when talking about other issues. The information I eventually gathered resembles a puzzle with many separate pieces, which, when put together, gives a fairly

good general picture, but there were few instances where I could witness the whole complex of practices and conflicting rules that normally forms the “corruption complex” (Olivier de Sardan 1999) in Malawi. Two of the most complete cases are described in the following sections.⁵

a) Mr. Banda

I met Mr. Banda in Lilongwe in 2000. He was a Health Surveillance Assistant (HSA) at a health post in a peri-urban trading centre on the outskirts of the city. As HSA he acted as an extension worker of the Ministry of Health for a group of villages about 10 km from the trading centre. His tasks included administering primary health care to the villagers, monitoring their nutritional and health status, and disseminating information on hygiene and health care. He was a friend of a friend who had said – not without irony - that Mr. Banda was a “good civil servant”. I was told that Mr. Banda ran a small restaurant on the main road to the city centre. This was the place where he could usually be found and indeed I did. He lived in a small house behind the restaurant with his wife and their small child. A younger brother who helped him and his wife in the restaurant also stayed with him. Business was not bad since many who boarded the frequent mini-buses to and from town would have a cup of tea, a soft drink, or a simple meal with *nsima* or rice at his place waiting for a bus. His biggest asset was a refrigerator in which he could store drinks and food, allowing him to buy supplies wholesale and thus enabling him to make more profit.

He agreed to take me on his tour of duty, which he was supposed to make daily on his bicycle. In the first village we stopped at a house where he collected a bag of pigeon peas for his restaurant. In the second village we rested in a shop owned by him as he told me. He employed a villager who sold soft drinks, soap, matches, batteries, cooking oil and other items. He had bought the shop when the area had been assigned to him as it was easy to supervise the shopkeeper and replenish stocks on his tours. After we had met several times I asked him how he had managed to raise enough capital to rent the restaurant in the trading centre and to buy the shop in the village. He became very

⁵ The names of my informants are fictive to protect their identity and I do not disclose place names, the department or any other information, which might reveal the identities of the people involved.

evasive and tight-lipped. Eventually he said that he had been able to save money from his salary. Considering that his monthly salary was no more than MK 2000 (US\$ 30) it seemed highly unlikely that this was the case as the refrigerator alone would have cost him a year's salary.

Eventually I did learn from a mutual friend how he raised the capital for his business ventures. The previous year he had participated in the theft of a whole truckload of maize provided by the World Food Programme (WFP). Apparently Mr. Banda had acted as the agent for a powerful maize-trader cum businessman who lived in the trading centre. This trader entertained good relationships with the police and the ruling UDF-party. According to local gossip the trader was involved in criminal deals. His influence was feared by inhabitants of the trading centre and the surrounding villages. The WFP had provided three truckloads of maize to the health post to be distributed among people who had been registered as malnourished. It seems that Mr. Banda took part in the theft of one truckload along with people working for the powerful maize-trader. With the "commission" he had earned through this racket he started the restaurant and the shop. Mr. Banda was not the only civil servant involved in the theft: his superior officer also received a commission for turning a blind eye and the police-officers from the local police-post who were supposed to guard the trucks were bribed by the maize-trader to look the other way the night the maize was stolen.

When I asked why no one had complained to the Ministry of Health or the police, my informants told me that "no one touched" Mr. Banda because of the protection he enjoyed from the maize-trader. The maize-trader was so powerful and dangerous that everybody was afraid of him and people did not trust the police officers at the trading centre who were known to be on his payroll. One informant said, "the police do not act and it has just become a story". The trader had operated illegally quite openly for years and yet no one had dared to complain to the authorities. He had powerful friends and acted in complete indifference to the law. In 1993, for example, when Kamuzu Banda's grip on the country had already been considerably weakened, the maize-trader bought the villagers' registration cards for starter packs⁶ for only MK 150 each, a price far below their actual value. According to one of my informants "he went with a truck and 200

⁶ For a definition see Chapter One, footnote 6.

registration cards to the ADMARC depot in the trading centre and bought the villagers' starter packs in broad daylight!" The informant added that the local ADMARC depot never had maize because the trader usually appropriated most of the maize and sell it on the black market.

In order to blame someone people have to be aware of an event and perceive of it as a grievance. There were only very few people who knew what had actually happened and they refrained from any action because of fear as I was told by them. Furthermore, there was little to complain about according to my informants who knew about the theft. The truckloads of maize had been reserved for people with malnutrition who were registered at the health post. However, not all people in the township saw this as a positive thing. One well-informed contact pointed out: "From the perspective of the rest of the people it is better like this, now everybody can buy maize. The people who were entitled have not even noticed that maize was stolen, the other two truckloads were distributed to them. Well, they just received less, maybe not five kilograms but only two kilograms. Even if they would have known or suspected anything they would not dare to complain".

Many villagers I talked to did not think that corruption was responsible for Mr. Banda's sudden wealth. Instead they believed that the use of witchcraft was the explanation. Mr. Banda's wife had had a miscarriage and one of his brothers had died after a "long sickness", the euphemism for HIV/AIDS. The villagers believed that the foetus had been used by a witch, *afiti*, hired by Mr. Banda to increase his wealth. According to another rumour Mr. Banda kept his dead brother as a zombie, *nsukwa*, in his house to work for him. Others suspected that Mr. Banda stole from the government but did not know the exact details of the theft.

A few months later I returned to the township and met Mr. Banda again. In the meantime he had sold the refrigerator and the shop in the village to raise enough capital to buy a second-hand mini-bus. By owning a mini-bus Mr. Banda asserted his status as one of the big businessmen in the trading centre. The mini-bus was used to transport people back and forth to the city centre, but as he confessed a lot of his relatives and in-laws boarded the mini-bus and "did not expect to pay". There was little he could do: "my relatives expect to benefit, how could I refuse without being accused of being selfish?"

He also seemed to enjoy the respect people paid him and the gratitude they showed for using the bus for free. Respect came at a price. According to rumours Mr. Banda was already involved in witchcraft and he was well advised to display generosity in order not to jeopardize his social position in the village. He was careful to manoeuvre prudently since any display of selfishness could trigger more concrete witchcraft accusations that could eventually isolate him.

I met Mr. Banda again when I visited Malawi in February 2002. I met him at the house of one of my friends, one of the wealthier inhabitants of the trading centre whom Mr. Banda had asked for a loan of MK 30.000 (about US \$ 350). He needed the money to repair his mini-bus, which had been grounded for several weeks because of motor damage. However, the man said he could not lend any money to Mr. Banda since he was already in financial difficulties himself. Mr. Banda was in a desperate situation: he had spent all the money that he had saved from the theft of the maize, he had sold his shop and the refrigerator, and now that the mini-bus was grounded he had no income besides his meagre salary. In order to get money he siphoned off medicines supplied to the health post and sold them to the maize-trader. I was not able to establish whether his superior officer was implicated this time but, in any case, his relationship with the trader seemed to be sufficient to ward off any unwanted attention from the District Health Office or the police.

According to Blundo and Olivier de Sardan's typology (2001a) Mr. Banda's case features two forms of corruption: firstly, the payment of a commission to the superior officer and the police officers guarding the truck and, secondly, the *détournement* or appropriation of government property, in this case the theft of the truckload by the maize-trader's racket and the theft of medicines. Mr. Banda's case is an interesting example since it illustrates why corruption has become so widespread in Malawi and why usually no one takes action or complains to the authorities. Furthermore it shows how the private commercial activities described in Chapter Four are often linked to corrupt practices. Another important issue that emerges from Mr. Banda's story is the relationship between *katangale*, witchcraft and greed or selfishness, *umbombo*. Before addressing these issues in more detail, however, I present another case study of corruption.

b) Mr. Phiri

Mr. Phiri was a senior civil servant. In his early forties he was at the height of his career as an Administrative Officer in the Superscale. It was remarkable to observe the way he handled his superior officers, subordinates, relatives, clients, and all kinds of other relationships, including a European PhD-student. Like a chameleon he switched effortlessly between codes and environments, talking a very learned and bookish English at one moment and in the next putting a subordinate or client at ease with a funny remark in Chichewa. He had contacts everywhere, from the patrons of seedy bottle-stores in town to the highest officials in the civil service. He could arrange almost anything and his subordinates would react in the blink of an eye. Everywhere he went he was greeted with respect and although he did not belong in the highest echelons of power he could mobilise an impressive network and commanded considerable respect.

He lived in a large house provided by the government. His wife, who had also been a civil servant, had passed away the previous year and he lived together with his son and a number of relatives and dependants, some of them in the main house, others in servants' quarters in the compound. Two of the younger ones attended school in town. All of them depended on him for accommodation, school fees, and food, and hoped to find employment through his contacts in the civil service. He had enjoyed a good education at a missionary boarding school and had graduated from the University of Malawi in 1985. His father had been a primary school teacher and had made quite an effort to ensure that his son got a good education. Mr. Phiri had joined the service in the late 1980s as an Administrative Officer, the entrance grade for people with a university degree. Later he had served at different posts where he distinguished himself as an able administrator and a good leader who had both the respect of his superior officers and the loyalty of his subordinates. He swiftly moved up the promotional ladder to the post he had already held for a few years when I met him.

Mr. Phiri employed a male housekeeper who lived together with his wife, his children and mother in one of the servants' quarters in Mr. Phiri's compound. Although the housekeeper worked in the household and was paid wages their relationship extended beyond the usual terms of an employment contract, resembling that of a patron and client. They were very close; the housekeeper had worked for him for more than ten years.

When one day in the month of December the mother of the housekeeper died unexpectedly of malaria, he turned to Mr. Phiri, his patron or *bwana*, for support. The housekeeper told me that he had no one else who could help him since he and his family were poor and his home village far away. He was the only member of his family employed in town and his relatives were subsistence farmers who expected him to arrange the transport of his mother and the funeral in the home village. In turn, he expected Mr. Phiri to help him because he was his patron whom he had always served loyally and who was considered to be a good man who looked after his dependants.

Mr. Phiri wanted to help his housekeeper whom he considered more as a dependant relative. However, Mr. Phiri faced several difficulties. First of all, there was no transport available. His own car had been grounded for a couple of months. It had a motor problem and the necessary spare part was not available in Malawi and anyway, he could not afford a replacement at the moment since the spare part would cost him at least two months salary. Prices for spare parts had skyrocketed in the past months due to a high inflation rate of more than 30 percent. When I suggested that he could rent a pick-up he said that that was not possible because it would be far too expensive. He would try to arrange for vehicles from the office. He assured me that would be the easiest and cheapest option.

But it also seemed to be a somewhat illegal option. According to the Malawi Public Service Regulations (MPSR) the government provides a coffin and vehicles to transport the body and the guests to the place of burial in case of death of a civil servant or a civil servant's family member living at the service station. Despite their apparent rigidity the official regulations left some leeway for interpretation since it did not define exactly who qualified as a family member living at the service station. In a typical civil servant's household, where distant relatives often stayed for weeks or months, this was often difficult to establish. By stretching the meaning of the provision and relying on a little bit of goodwill even a visiting nephew or cousin could be considered a "family member living at the service station" as long as there was some kin relation and the relative died at the service station. In Mr. Phiri's case the situation was a little bit more complicated. Although his housekeeper had worked a long time for him and was

considered by Mr. Phiri to be a relative, *abale*, he did not qualify as such in terms of the Malawi Public Service Regulations (MPSR), which did not recognise fictive kinship.

Once Mr. Phiri had told me that “everything concerning the civil service is in there [i.e. the MPSR]” but when I asked him whether it was against the rules to get the government vehicles for the funeral of his housekeeper’s mother he replied that the official regulations “existed only on paper”. The real problem for him was whether the vehicle would be available or away on other, more urgent, business. It bears testimony to his influence that he managed to arrange two cars with drivers within a day. After the funeral in the village the drivers stayed overnight in a trading centre nearby because it was already too late to return to town. I was not able to establish whether they had received a subsistence allowance for this overnight stay. If they had received the allowance - and it is likely that they had - the trip had been classified as official duty. By using government resources Mr. Phiri exploited the possibilities to minimise costs for himself. In the end he only paid a small amount of condolence money from his own pocket. This money was used by his housekeeper to cover the other costs of the funeral such as food and drinks for the guests.

This story is instructive in various respects. Mr. Phiri’s contention that the rules exist only in the book did not result in their complete disregard. On the contrary, all involved followed official procedures: Mr. Phiri who submitted a request for the vehicles, the superior officer who signed the transport order, the executive officer who countersigned it, and the drivers who filled in their logbooks. Justification for the use of the vehicles, however, could not be found in the official regulations. Another set of principles and rules outside the realm of the office was invoked, i.e., Mr. Phiri’s obligations towards his housekeeper. At the office everybody fully understood that he had to fulfil his social obligations and that it was impossible for him to refuse the request by referring to official regulations. As patron, the employer has a responsibility not only for his employees but also for their family members. A civil servant who would deny access to the state’s resources would appear selfish and heartless. Although employers often complained about this often quite costly obligation, it was virtually impossible for them to reject such a request since funerals had the highest priority in social life and

anybody who appeared to be lacking empathy in such a matter would be threatened by ostracism and witchcraft accusations.

Mr. Phiri's case illustrates the ambivalence toward corruption in Malawi. Because of the ambiguity of the concept *katangale* Mr. Phiri's actions were considered proper conduct and were strongly approved by colleagues and outsiders alike. *Katangale* was often necessary to circumvent rigid bureaucratic rules that were not applicable in the real world. Therefore, in the eyes of his colleagues the use of the vehicles for the funeral of a dependant constituted an example of the care for dependants and justified the transgression of official rules. Everybody agreed that a funeral was too important to be avoided by referring to official regulations existing only on paper.

Brokerage on behalf of his client had consequences for Mr. Phiri's position at the office: he became indebted to his superior officer, the drivers, and to his colleagues at the department who knew about the improper use of the vehicle. His ability to arrange two cars within a day for a trip far away demonstrates his high status and influential position within the department. There may have existed a debt on the part of his superior officer or other colleagues stemming from earlier acts of *katangale* they had been involved in. Mr. Phiri had to take special care of the interfaces between the official and the parallel networks. That is the reason why he needed to get the consent of his superior officer for the use of the cars.

The relative ease with which Mr. Phiri was able to circumvent the restrictions of the civil service regulations does not imply that the official regulations were irrelevant. On the contrary, they were applied - albeit in a selective manner. Those with contacts and relationships of indebtedness with others can use the unofficial code of conduct to get their way and official rules blocking the way melt like snow in the sun. But in the unfortunate case that one has no contacts or debts, official rules one may have never heard of before will be applied to the very letter. Someone who has achieved Mr. Phiri's position is sure to have contacts and knowledge to play the game between official and parallel unofficial rules, otherwise he would not have his present position in the first place.

The central question that arises from Mr. Phiri's story is whether his behaviour is corrupt or not. One could argue that it is corrupt since he violated official regulations. On

the other hand, it is clear that the people involved considered his actions to be morally right and considered the violation of rules to be negligible. Therefore one can understand his story as careful manoeuvring between conflicting normative orders, drawing on different norms as resources. The application of official rules was determined by the parallel order in the office, and the pressure from social and moral obligations was used as a justification of corrupt practices.

It is important to note that Mr. Phiri's case differs from Mr. Banda's case in two respects: Firstly, the former involved actors from outside the department, in this case the health post, whereas the latter was a purely internal matter in Mr. Phiri's department. In Mr. Banda's case it was the maize-trader who corrupted Mr. Banda, his superior officer, and the police officers at the local police post. The damage was not only internal but concerned the intended recipients of international food aid, in other words the citizens. Secondly, Mr. Phiri's case is a clear example of petty corruption that is generally accepted as a necessary corrective to rigid and unpractical "rules in the book". According to Blundo and Olivier de Sardan's typology (2001a) Mr. Phiri's case was a case of "piston", the generalised exchange of favours within a department, and "perruque", the private use of government property.

In spite of these taxonomic differences both cases contain similar elements. The first similarity is that both cases should be seen in a context of the severe economic crisis and growing insecurity. Secondly, in both cases official regulations did not get enforced and the superior officers were involved in the affair and, thirdly, the expectation that dependants and clients should benefit was an important theme in both cases, especially in Mr. Phiri's case. The following sections address these three themes in greater detail.

3. Democratization of Appropriation

Since 1994 corruption has become a hotly debated issue in Malawi and everybody, including civil servants, can relate stories of the greed and inefficiency spreading in politics and the bureaucracy. The fight against corruption in Malawi in its present form is a phenomenon of the late 1990s and is linked to the country's transition to multi-party democracy. The new government and parliament took several anti-corruption measures, often under considerable donor pressure. In 1995 parliament passed the Corrupt Practices

Act, and the donor-funded Anti-Corruption Bureau became operational in 1998. This policy was a direct product of the promotion of Good Governance by the World Bank, the IMF and the international donor community (World Bank 1998, 2000a, 2000b).

These efforts to fight corruption did indeed seem necessary. Everybody I talked to including civil servants stressed that corruption was virtually unknown in Malawi before 1994. People often expressed sentimental feelings for the “good old time” under Kamuzu Banda, a time when crime and corruption were rare and when people got their jobs in the government on grounds of their qualifications and not because of their connections to senior civil servants and politicians. Popular discourse drew a clear line between the period under Kamuzu Banda’s rule with no corruption, on the one hand, and the time since 1994 under the democratically elected Bakili Muluzi with widespread corruption, on the other hand. In my view it is impossible to discount this divide by asserting that people always idealise a better past in contrast to a harsh present. The firm consensus on this point requires further examination.

The previous chapters already expanded on the consequences of the economic crisis and the famine, and it should not come as surprise that many civil servants justified corruption by making reference to them. Poverty was deeply entrenched, endemic illnesses such as HIV/AIDS and malaria produced staggering mortality rates, and civil servants were not only confronted with their own social decline but also by more demands on their resources from impoverished relatives and friends. Furthermore there was growing discontent about the glaring income-differences between them and functionaries of donor agencies and NGOs who did the same jobs and possessed the same qualifications but who earned several times the salary of a civil servant. Consequently, civil servants often referred to their meagre salaries as a justification and explanation for corrupt behaviour. According to this interpretation Mr. Banda’s actions constituted an attempt to grasp the opportunities in the “New Malawi” as a cunning entrepreneur who wants to move upwards on the social ladder. In contrast, Mr. Phiri is someone who turned to the private use of government vehicles to maintain his status as master, *bwana*, despite his own deteriorating income.

The transition to multi-party democracy in 1994 triggered a booming popular discussion about corruption. The establishment of a free press and the introduction of

civil and political liberties after the end of Kamuzu Banda's rule created room for the media and the population to talk more freely about corruption than in the past. Under Kamuzu Banda the whole population and civil servants in particular lived in constant fear of oppression and the arbitrary arrest of "confusionists" and "separatists". There was no free press and the only daily newspaper, the Daily Times, was the mouthpiece of Kamuzu Banda and the MCP. After 1994 newspapers mushroomed and although most of them were only short-lived a range of more professional newspapers survived. In 2000 there were three important newspapers available in all towns and larger settlements: the Nation, the Daily Times and the Chronicle, an investigative weekly. All of these papers reported regularly on corruption scandals and especially the Chronicle strove to investigate and report on corruption cases. Through harassment of the Chronicle's publisher by police and UDF youths increased in 2000 because senior party officials feared criticism. However, the newspaper was never shut down completely.

The vigorous interest of donor agencies in matters of governance and the introduction of a range of programmes to foster governance and democracy had its effects on the domestic discourse on corruption: individuals and institutions that denounced corruption by government officials and called for measures against corruption were encouraged by the interest and the financial support of donor agencies. In the late 1990s donor agencies also started to intervene more directly and suspended aid due to "governance concerns" on several occasions. The suspension of aid because of corruption and mismanagement was unprecedented and would have been unthinkable during the Cold War when Kamuzu Banda was a reliable ally of the West. The end of the Cold War considerably reduced the possibilities for Third World leaders to resist intervention and Western governments and donor agencies were quick to exploit this by demanding democracy and Good Governance in the recipient countries in Africa and elsewhere (Abrahamsen 2000). For example, in 2000 the British government suspended aid to Malawi because of "governance concerns". At various times the governments of Germany and the U.S. suspended aid, and in 2001 the new Danish right-wing government decided to pull out completely and terminate all development projects due to concerns over bad governance and corruption. The IMF postponed the disbursement of balance-of-

payment support during the famine in 2002 because of the alleged corruption of senior government officials and government overspending.

Under Kamuzu Banda's rule the boundaries between the state, his own private property, and the MCP had become increasingly blurred. Practices, which would qualify as corruption were considered to be part of a political system in which the autocrat exercised absolute control. All senior civil servants were completely dependent on Kamuzu Banda. He had appointed them to their positions and he had provided them with tobacco estates. The loans for the purchase of the estates were granted by the state-owned Commercial Bank that was controlled by Kamuzu Banda.

With regard to the rank and file of the civil service, official regulations were enforced under Kamuzu Banda's rule. Compliance to official rules was further ensured by arbitrary arrests of suspected "confusionists" and "separatists". The "culture of fear" guaranteed compliance to official rules: any misstep could lead to one's dismissal and arrest. The Malawi Young Pioneers (MYP), the paramilitary youth wing of the MCP, had spies and informants everywhere and sudden and unexplained wealth would always lead to investigations. Thus one could argue that the low levels of corruption for which Malawi had once been famous depended on Kamuzu Banda's system of brutal oppression rather than the rule of law.

In the early 1990s discipline and enforcement of official rules crumbled due to the dramatic political and economic changes. Being freed from the constant fear of being disciplined, senior officials and politicians of all parties seized their chance to establish themselves as patrons in their own right and appropriated the resources they controlled. According to the truism that the fish starts to stink at its head, the misuse of public office started among the top cadres of the civil service and spread quickly down to the junior grades who imitated their superiors in an attempt to benefit from the political turmoil of the mid-1990s. In contrast with Kamuzu Banda's system, in which only a small circle around the autocrat appropriated the resources of the state one can speak of a democratisation of appropriation that accompanied the democratic transition of the 1990s. The democratisation of appropriation was often seen in the context of the new democratic dispensation and many informants perceived of human rights as a regime that

allowed one to exploit the new freedom for personal enrichment or as “the right to grab as much as you can”.

4. The Office Mores – A Parallel Social and Moral Order

Non-enforcement of official regulations by superiors initiated the democratisation of appropriation in the civil service. The Auditor General’s and other controlling agencies were unable to check this development. Understaffed and underfunded, often without backing from the ministers and the president, these agencies succeeded in exposing some cases of corruption but, even in these cases, their reports and their requests for support had remained largely ignored. Wholly in line with the “enclave approach” the World Bank and other donor agencies funded the establishment of an Anti-Corruption Bureau (ACB) “to fight for a corruption-free society”. The Public Accounts Committee of Parliament, one of the achievements of democratisation, also issued several highly critical reports exposing cases of high-level corruption. However, no action had been taken to follow up on these reports at the time of writing.

It was not lack of suitable statutes that was responsible for the non-enforcement of official regulations. The MPSR contained a chapter on conduct and discipline prohibiting the use of information for personal gain, the use of public monies or property for private purposes, activities that conflict with the interests of the government or are inconsistent with a civil servant’s official duties, etc.⁷ In 1994 Parliament enacted a Public Service Act (PSA), one of the conditions for World Bank support as I have described in Chapter Two, defining the basic duties of civil servants. The MPSR and the PSA were supplemented by the Corrupt Practices Act (1995), prohibiting bribery and extortion, and the penal code, which covers theft and fraud by civil servants. In addition, numerous circulars from the Secretary of Human Resource Management addressed specific problems such as misuse of government vehicles or the fraudulent declaration of per diems.

In spite of the scope of official rules and legislation the risk of discovery and punishment for corrupt civil servants was very low in reality. In this respect Malawi does not seem to differ from other countries in sub-Saharan Africa (Bayart 1993,

⁷ Malawi Government (1991:Book One, Chapter II).

Blundo/Olivier de Sardan 2001a, Chabal/Daloz 1999, Mbembe 2001). Of course, as elsewhere the President and his ministers were eager to point out that corruption was evil and that no one stood above the law. And indeed several high-profile scandals involving ministers and high officials had led to temporary arrests, transfers and suspensions. Furthermore, ACB and the Public Prosecutor regularly charged small fish with corruption, including customs officers and clerks. However, control by these institutions and the notoriously understaffed Auditor General's Office remained incidental at best, and enforcement of the various statutes and official regulations seemed to be restricted to a few isolated cases that were supposed to have a deterrent effect or that served the political agendas of rivals. The difficulty of gathering evidence for court cases exacerbated the difficulties of these agencies. Acts of corruption are extremely difficult to prove in court and convictions of corruption are rare in any given legal system. Furthermore, the rivalry and unclear mandates of these institutions has counter-productive effects: instead of enhancing anti-corruption measures the plurality of agencies seems to have a paralysing effect.

In both the above examples no action was taken against the civil servants who had violated the official rules and regulations, and in both cases the superior officers were involved in the scheme: without the approval of the superior officer it would have been difficult for Mr. Banda and the maize-trader to operate so openly, and without the permission of his boss it would have been impossible for Mr. Phiri to get the office vehicles for the funeral of the mother of his servant. Their colleagues must have known what was going on in both cases but no one complained to the appropriate authorities. This acceptance or indifference can be explained by a feeling of personal loyalty to colleagues and the superior officer who condones the corrupt practices.

This feeling of loyalty to colleagues and superiors rather than to an abstract state is common to all bureaucracies and was entrenched in the Malawian civil service. Parallel to the official statutes, regulations and bureaucratic hierarchies, a complex web of interpersonal relationships thrived, running mainly along the lines of patron-client and peer relationships, with its own code of conduct with regard to corruption. In this sense my conceptualisation of the parallel order resonates with Reno's (1995) concept of the "shadow state" although he describes a much more institutionalised parallel system in

Sierra Leone where formal structures never had much leverage against local strongmen. This had never been the case in Malawi where a shadow state as described by Reno never existed. In this sense the parallel order in Malawi's civil service is a different phenomenon than the shadow state in failed states such as Sierra Leone or Zaire highlighting the need to differentiate carefully when talking about The African state.

I conceptualise the parallel order rather as a set of basic moral principles and an unofficial code of conduct based on "respect for the master" that usually prevailed over official regulations. This system had existed under Kamuzu Banda when it was used to enhance Kamuzu Banda's absolute control over the state. After 1994 the function of the parallel order changed radically. Without Kamuzu Banda and its primary purpose to exercise control the parallel order could be easily rewired and used as instrument to gain personal influence and wealth by the bureaucratic elite and the newly elected politicians of the UDF. This was possible because these people did not have to fear punishment by Kamuzu Banda who would strike mercilessly on anybody who was suspected to harbour personal ambitions.

The informal rules of the parallel order were a very vague set of generally accepted principles and rules, open to negotiation and not known by uninitiated outsiders. The inflation of official rules and a multitude of competing agencies that were all relatively weak did not contribute to clarity of official regulations and a clear focus in policy. Instead, official regulations and policies were often contradictory and generally ignored. Hence, the emergence of a set of internal rules that amended or shortcut official procedures seemed almost inevitable since official procedures simply did not work in complicated everyday life.

The gap between official regulations and daily practice legitimised the informal *modus vivendi* with its own rules and guidelines. It was not easy to escape social control in the office, which in turn strengthened these informal rules. Many civil servants I talked to emphasised the choking atmosphere of distrust and social control in government offices. Young and idealistic officers often bemoaned the culture of corruption and low motivation in the bureaucracy. Yet, it was unthinkable for them to resist social control from colleagues and superiors. Open disagreement with superiors constituted a violation of office mores, which were usually described in terms of "respect to the master", *ulemu*

kwa bwana. Resistance or rebellion would have led to social isolation, diminished career opportunities, and restricted access to attractive posts and workshops.

Social relations within the bureaucracy had two central features: asymmetric power relations and the maintenance of indebtedness. Junior civil servants usually drew a sharp line between themselves, who depended on the grace of their superiors, and “the bosses”. Without the intervention of a patron or friend it was almost impossible to get a salary advance, permission to attend a workshop, a promotion, or even a job in the first place. For example, in many government departments it was understood that civil servants had to pay a “commission” to their superior officer if they wanted to get a salary advance. Indebtedness was another important aspect of relationships inside the civil service. Mr. Banda’s story shows how personal relationships at the office produced and reproduced indebtedness and spawned *katangale*. The production and maintenance of indebtedness were desirable for both parties, the debtor and the creditor. The interest of the creditor was obvious: he or she gained influence over the debtor. Often full return was not in the interest of the creditor who preferred to maintain his or her position of power. But even the debtor often perceived of a debt as an asset. If it was not possible to become a creditor the next best thing was the status of a debtor. To have a debt constituted a means to establish a social relationship with someone who might develop a sense of obligation towards the weaker party.

The production and reproduction of webs of indebtedness is central to the understanding of the parallel order of social relationships in the civil service. Making others accomplices to corrupt and dubious practices, loyalty was ensured. In Mr. Banda’s case the trader could only organise the theft by bribing the superior officer to turn a blind eye. As accomplice he would not turn against the trader later. The same happened with the local police officers. By making them accomplices to the theft their loyalty was guaranteed since any investigation would have implicated them. In Mr. Phiri’s case, arguably a more harmless case of petty corruption, the boss authorised the private use of government vehicles because he owed Mr. Phiri a favour or wanted to create a debt. The other officers tolerated the violation of official regulations as long as they receive their share according to the principle of *kugawa/kugawira*. The protection afforded by the *bwana* was vital for the junior officers and usually people were discharged or prosecuted

because of corruption when their master removed his or her protection. The reasons for such a move by the masters varied. Often they sacrificed one of their clients because they wanted to get out of the line of fire when they were threatened by investigations, often on the instigation of a rival. Sometimes a master removed protection because of misconduct of a client who had failed to pay proper respect.

“Respect for the boss” turned out to be the central virtue in the Malawian civil service. This principle overruled the official regulations, the Malawi Public Service Regulations (MPSR). One informant pointed out that “we have laws but we also have by-laws”. The official regulations were not generally known. Junior officers did not have access to a copy of the MPSR, which was usually kept in the office of the superior officer. The superior officer “knows that there is some government regulation but he may divert”, whereas the junior civil servant had to obey - “in the office you cannot challenge a senior officer, if you do that he can transfer you”, as one of my informants put it.

The disillusionment and discontent of the junior civil servants to whom I talked was remarkable. One of the techniques I used was to ask civil servants to draw their department as an animal.⁸ All of them would draw wild animals such as lions and leopards with sharp claws and teeth, ready to strike. One of my informants, a Technical Officer at the Ministry of Natural Resources, described his department as a leopard:

It looks beautiful, sometimes it is quiet, but it can become aggressive. It becomes aggressive when you trespass. I am saying that because from the outside people think of our department as a place where they can get scholarships but when you come and join the system you start realizing. It looks beautiful from the outside but inside it is dangerous.

I asked him what he meant by trespassing - trespassing official regulations or the office mores? He answered:

Not the ones in the book. There are some other ones, we take them like the ones in the village, *kumudzi*. Sometimes people say *alibe miyambo*, meaning that you have no manners. So the bosses who have just been promoted not because of their qualifications but because of favouritism, that's when you start to meet obstacles. You have to show respect, *ulemu*, if you do not show respect

⁸ Thanks to Kevin Quinlan who suggested this technique.

they say *alibe miyambo*. The new bosses are afraid of being underrated (*kunderera*), they start thinking this young guy is underrating me. This is not because of the MPSR but because of the rules of the *bwana*.

The problem for the civil servant is that the master, *bwana*, is in a position to induce compliance to the office mores because of the authority conferred on her or him by the official regulations. The subordinates depend on the goodwill of their *bwana*. They need authorization from the superior officer and the head of department to be sent to a workshop or to the field, to be selected for training abroad, or to be granted a salary advance. Promotion and transfer to an attractive post require endorsement by the superior officer. Any display of disloyalty can result in being left out in the course of promotions, never being sent to a workshop, not being sent to the field, etc.

Allowances often function as rewards in the patron-client relationships in the civil service - a nice house in a good neighbourhood, a trip abroad for the professionals of the Superscale, participation in workshops, or travel on “official duty” were granted for personal loyalty. Whether a civil servant goes on a trip and receives the allowance depends on the grace of the boss. Since allowances exceed the salary by one or two times, civil servants mainly depend on the grace of their patron for their income. In this regard a salary differs from allowances. One is entitled to receive a salary but one is only eligible for an allowance. Higher salaries would reduce the likelihood that senior officers would use allowances as rewards and sanctions in their clientelistic relationships with their subordinates. This was well understood by the senior officials who pushed for an increase of allowances rather than an increase in salary for civil service employees. Higher salaries would diminish their opportunities for inducing loyalty among their subordinates through the allocation of allowances.

Loyalty or respect to the boss should be understood as a personal loyalty to the master. There exists an informal parallel order in government departments and offices with its own rules and mores. This order should not be confused with a patrimonial pyramidal order with a sovereign ruler, but should be compared to subterranean rhizome, transgressing the official organizational chart in unforeseen ways (Bayart 1993). The image of a clientelistic pyramid with an absolute ruler at the top presupposes a degree of control that does not exist in Malawi. Instead of conceptualising one patrimonial parallel

system, as many studies in the field of political science do, it seems more appropriate to switch to much smaller level of aggregation and conceptualise the parallel or “shadow” order as a multitude of patron-client relationships that are not hierarchically connected to each other. Of course, in a very abstract way it is possible to conceptualise a pyramid with the president at the top, the ministers as his clients, the top civil servants owing allegiance to the ministers, and so on down to the junior officers, thus mirroring the official organizational chart. Such a conceptualisation, however, fails to grasp the nature of the parallel order. The multitude of patron-client relationships in the Malawian civil service is more diverse than this Weberian conceptualisation suggests. Indeed the president entertained a patronage system with most senior UDF politicians, an inner circle of several government ministers, and some members of his entourage who occupied strategic positions in the boards of state-owned companies and government commissions, but from the perspective of the individual civil servant each department, each school and each hospital was like a “village with its chief”, as one of my informants described the parallel order.

Obviously differences exist between different departments and sub-units such as offices and schools. Not all government departments or civil servants were equally corrupt, and there were departments where the superiors checked blatant attempts of self-enrichment and fraud along with departments where corruption teemed unchecked. The most important factor with regard to the extent of corrupt practices was the attitude of the superior and controlling officers heading a sub-unit, because they set the tone for the rest of the staff. Although I do not have quantifiable data on this issue it seems reasonable to argue that in departments where the superiors applied official rules – usually with a margin of discretion that often transgressed official rules – and provided a good example, levels of corruption were lower than in departments where the superiors were corrupt.

Nevertheless there was a set of basic informal rules and codes, which could be found to some extent in all ministries and departments, all the way down to the smaller units of police posts, health posts and schools. In terms of the metaphor of the village and its chief used by my informant to describe the mores at the office, one might say that in all villages one might find matrilinear inheritance rules but their application and interpretation might vary considerably from village to village. Civil servants often

alluded euphemistically to these rules as “know-how to manoeuvre” or the “rules of the game”. The most important principle was “respecting the boss”, *kulemekeza* or *ulemu kwa bwana*. Another important principle was the allocation of resources and the sharing of wealth. According to the accepted forms of *katangale* everyone expected to benefit from the appropriation of government property. One of the obligations of the *bwana* was to ensure that his or her subordinates received their share. The boss who violated this principle faced silent resistance or revenge, for example in the form of corruption allegations.

Junior officers tended to tolerate or even condone corruption by the superior officers as long as they benefited. This attitude of junior civil servants is nicely illustrated in the song *Ndiphike Nyemba* by Charles Nsaku, which was very popular in early 2002. A driver accuses his boss of being selfish, “I am your driver, we left Lilongwe together the previous day coming here to the field to work, there you are with money, boss, food you are just eating alone, while your driver ate two days ago”. The accusation of being selfish is not something to be taken lightly in a society where the obligation to share is a central principle of conduct. In the song *Njoka mu udzu* by Lucius Banda a junior officer compares his boss to a snake lacking basic human qualities: “You are like a snake in the grass, when passing us by you smile, deep down in your heart you harbour bad feelings towards us, what is it that you are missing boss?” He also warns his boss that one day he might have to depend on his subordinates since “life is like a card game, today we are working for you but your children might be employed by us”.

5. A “Primordial Public Sphere” or a Patchwork of Moralities?

Many writers emphasise the role of informal or traditional networks with regard to widespread corruption in Sub-Saharan Africa (Blundo/Olivier de Sardan 2001a, Chabal/Daloz 1999, Médard 1982, 2002, Olivier de Sardan 1999, Scott 1979). Due to the absence of universal and substantial social welfare services people tend to rely on their networks with kin, colleagues, neighbours, etc., for social security. Civil servants are no exception and act as brokers and patrons within a web of interdependent social networks that transcend the sphere of the public office. This position makes them receptive to the temptation of corruption and as Olivier de Sardan states, “one cannot refuse a service, a

favour, a bit of string-pulling or compliance to a relative, neighbour, party comrade or friend” (Olivier de Sardan 1999:256).

To succumb to such social pressure is not without reward. The generous patron enjoys considerable status among his clients. In turn, the connection with a powerful patron enhances the social status of a client. The achievement of an individual is seen as a collective achievement by a potentially wide circle of relatives, which grows to the same extent as a civil servant moves up the social ladder. The senior civil servant or the successful businessman is not surprised to find hitherto unknown “relatives” at his or her doorstep. It is considered to be an essential social obligation for kin to support one another and there is always an implicit threat of ostracism and witchcraft accusations or witchcraft attacks if someone appears selfish or too individualist.

The prevalence of kinship solidarity should not be confused with an idealised picture where all corrupt behaviour by public officials is a logical consequence of demands for support. For an analysis of corruption it is crucial to distinguish motives from mere justifications. Social pressure and the principle of “sharing and caring” often serve only as excuse for misconduct (Blundo/Olivier de Sardan 2001b). My informants pointed out that it was no wonder that other officers (it was always “others”) were corrupt when they were confronted by the obligations of extended families and the limitations of low salaries eroded by inflation. Such statements must not be accepted at face value and ought to be seen in the context of actual practice. Probing and participant observation in hotel bars and nightclubs revealed that kinship solidarity often merely served as an excuse for corrupt behaviour. The numerous civil servants whom I encountered in bars and nightclubs in Lilongwe and Zomba or at workshops in lakeside tourist resorts where they spent a month’s salary in one night give ample evidence of this selfish and anti-social aspect of corruption.⁹

Civil servants maintained intense social relationships with neighbours, colleagues, old schoolmates, and fellow members of the church congregation. In an urban and modern environment, networks based on residence, social status and church membership

⁹ Of course, one has to be extremely careful about generalizations. Not everybody was the same: some were not corrupt, others, like Mr. Phiri, were manipulating and circumventing official rules under severe circumstances only, and some were downright corrupt without the pretext of social obligations and solidarity, using gains from corruption for hedonism and escapism.

were very important. Often these relationships were described in terms of fictive kinship, especially in regard to solidarity. Yet one must be careful not to lump all social relationships and personal exchanges under one heading as many authors seem to do (Chabal/Daloz 1999, Ekeh 1975, Médard 1982, 2002, Olivier de Sardan 1999, Scott 1979). Civil servants often made a distinction between kin and friends, stating that social pressure and expectations of kin weighed more heavily. As the previous chapter showed, voluntary association was actually used as a means to alleviate pressure from kin. Of course, relationships with neighbours, colleagues and people from the same congregation also came under strain from demands for support, but it seemed that there was more room to manoeuvre than in relationships with kin.

Describing the informal rules and principles in terms of a coherent normative system of defined rights and obligations is difficult and fails to account for the fluidity and flexibility of the moral principles and norms. It is best to think of these informal rules as a cluster of basic principles that ordered the sphere of personal relationships. Instead of speaking of rights and duties it seems more appropriate to speak of expectations and feelings of obligation arising from multiplex social relationships. The feeling of obligation towards relatives was generally very strong. It was virtually impossible to reject a demand for support from kin, and people devised the most complicated schemes to avoid or at least to control the demands from their relatives. Exchanges were often never fully consumed to maintain a sense of indebtedness, which left a possibility to ask for favours or services at a later point in time. Terms and conditions of exchanges tended to be implicit and vague, thus leaving space for changes in interpretation and a continuous process of negotiation.

A case in point was the responsibility of the employer, which transcends the terms of a contract and was not limited to the employees. As employer, Mr. Banda was expected to support his employees and their families in times of distress. The employer was generally expected to arrange for or to pay the funeral and costs of transport of the deceased's body to the place of burial, usually the home village. There was no clear rule for whom the employer had to pay the costs of the funeral, since it was neither in the interest of the employer nor of the employee to define more precisely who would benefit from the employer's support. Thus both parties had a possibility to negotiate the

conditions of help in light of the specific circumstances of the situation. A more precise definition was considered undesirable by both parties: the employer wanted to avoid giving the impression that he or she was keen to limit his or her obligations and it was obviously in the employee's interest to have as few restrictions as possible on support from the *bwana*.

This brief sketch of the principles ordering social relationships in Malawi seems to correspond with Ekeh's concept of the "primordial public realm" as opposed to the "civic public" associated with colonial rule, which is devoid of moral imperatives.¹⁰ He suggests that a homogenous set of moral imperatives operates in the 'primordial public' and influences the private sphere. In my view, this conceptualisation is misleading. The idea of a primordial realm seems to be inspired by a search for authenticity rather than social realities in modern Africa. It is a simplistic perspective that essentializes specific cultural features. Of course the primordial perspective has been subject to a thorough critique. However, my point is not superfluous. While the notion of primordialism slipped into obscurity in anthropology already during the 1960s the concept continues to influence many studies of the "underdeveloped" state in Africa (Clapham 1982, Epko 1979, Hyden 1992, Hyden et al. 2000, Médard 1982, 2002). Even today development discourse is dominated by simplistic notions about primordialism and patrimonialism dominate the policies of the World Bank, the IMF and other donor agencies that have the aim to make transplanted institutions work or try to take Africans' primordial affiliations into account.

Conclusions

This chapter concludes the horizontal slice of the everyday experiences of civil servants in the shadow of Good Governance. At this point my argument comes full circle. Instead of reifying the ethnocentric and politically biased categories that dominate the development discourse I presented fine-grained descriptions from the perspective of civil servants in Lilongwe and Zomba. What does it mean to receive a monthly salary and how

¹⁰ Ekeh distinguishes two public realms in the postcolonial state: the "primordial public" realm, which is "moral and operates on the same moral imperatives as the private realm", and the "civic public" of the state's institutions based on the ideology of the colonial administration, which is "amoral and lacks the generalised moral imperatives operative in the private realm and in the primordial public" (Ekeh 1975:92).

important are allowances? How does someone make ends meet with an inflation rate of more than thirty percent and why do people prefer to maintain a “safe distance” to their rural kin? What does it mean to be a corrupt civil servant? Were Mr. Banda and Mr. Phiri and all the others I met in the course of my fieldwork “good” or “bad” civil servants? I must admit that I find it difficult to pass judgement on these people. I agree that one ought to refrain from romanticising corruption, praising the creativity of African civil servants, and losing oneself in the “poetics of clientelism” (Zinn 2001). On the other hand, it is very difficult to condemn the actions of people who go along with the system of *katangale* because of the dire economic situation, social pressure from relatives, and highly clientelistic relationships with superiors who expect their subordinates to display unconditional loyalty.

In my opinion Mr. Phiri did the right thing when he helped his house servant. In the case of Mr. Banda my sympathies are less clear and I think only a cynic would think of him as a “good” civil servant. And yet doubts remain. Mr. Phiri could have helped his servant without violating the official regulations. Admittedly it was more convenient and cheaper for him to get the vehicles from the office but surely there were other options. And how could I blame Mr. Banda for trying to escape poverty by any means available? Would I be not as tempted as he had been to make a fortune in one night and invest the money in a legitimate business?

Good Governance and civil service reform do not provide answers to these questions. In a sense, the focus on parasitic and corrupt civil servants allows the donor community to avoid addressing issues of income distribution and the failure of the economic programmes to alleviate poverty. Instead of asking what went wrong, they simply point an accusing finger at African civil servants who prevent development aid from reaching those who really need it.

Far from being the end of the postcolonial state Good Governance and civil service reform form the most recent organisational layer of the postcolonial state. And as such the latest wave of reforms has to be the focus of any analysis with the aim to elucidate the contemporary Malawian state institutions. I suggest that it is necessary to recognize the historicity of Good Governance and analyse it as one of the manifold manifestations of the neo-liberal political agenda that exacerbates the insecurity and crisis

it claims to address. The dramatic political changes that have taken place since the early 1990s have facilitated the breakdown of discipline and unleashed civil servants' entrepreneurial qualities in the democratisation of appropriation. The reforms and the new agencies did not result in a stronger state apparatus but rather weakened a strong albeit oppressive state. At the time of writing it seemed as if the opaque parallel order has managed to absorb and transform policies to curb corruption, rendering them into weapons to be used against political rivals. What kept corruption in check under Kamuzu Banda was not civil virtues but "the culture of fear" and what contributed to the rise of corruption after 1994 was the introduction of democratic freedoms, not "primordial" affiliations.