Reframing The Conflict Of Interest:
The Public/Private Interface in the Context of Slovakia

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Abstract
This contribution looks at one of the 'grand dichotomies' (Bobbie, 1989), that is to say the public/private divide within the concept of the 'conflict of interest'. The dominant understanding of the 'conflict of interest', grounded in a quintessentially Western conceptualization of public and private, has been applied across contexts as part and parcel of the good governance project in pursuit of a "better world". The point of interest here is the operationalization of the concept in diverse contexts which draw the boundary between the public and the private along different lines. Attention in this work is directed towards 'conflicts of interest' in the public sector and is concerned with personal rather than organisational 'conflict of interest'.

The paper is organised as follows. Firstly, a brief synthesis of the literature assessing the dividing line between public and private, as applied internationally, is provided. In the second part, the methodology is detailed. In the third part, the paper presents an analysis of the public/private divide in Slovak public discourse and its juxtaposition with the international conception. Finally, in the concluding remarks, the implications of the misfit for the notion of the 'conflict of interest' and democratisation efforts at large will be outlined. It will be argued that, without consideration of the public/private distinction in distinctive local contexts, the international agenda, which claims to strive to bring countries world-wide close to the ideal of good governance and in this way achieve international harmony, is seriously jeopardised.

PART 1: 'Conflict of interest': International perspectives

The public/private distinction constitutes the foundational tenet of the concept of the 'conflict of interest', as becomes self-evident in international interpretations of the concept, briefly reviewed below.

The OECD explains that a conflict of interest "occurs when an individual or a corporation (either private of governmental) is in position to exploit his or their own professional or official capacity in some way for personal or corporate benefit" (2007).

Transparency International establishes a conflict of interest as a "situation where an individual or the entity for which they work… is confronted with choosing between duties and demands of their position and their private own interests" (2009: 11).

The Council of Europe mentions that conflict of interest "arises from a situation in which the public official has a private interest which is such as to influence, or appear to influence, the impartial and objective performance of his or her official duties" (2000).

The UN's account of the issue closely resembles the latter definition as it argues that a "conflict of interest is a situation where a person's private interests – such as outside professional relationships or personal financial assets – interfere or may be perceived to interfere with his/her performance of official duties" (2011).

As such, notwithstanding minor differences between the above conceptualisations, central to the concept of the 'conflict of interest' is a breach of the boundary between the public and the private by those in the public sector. In other words, what should be kept in the private sphere has contaminated the public sphere. The following section will look at the underpinnings of the specific public/private divides employed in the given definitions.

1.1 Public/private classification in Western democracy
It could be said that public/private dualism lies at the very core of contemporary democracy. O' Donnell encapsulated the multifaceted role the split plays in democracy in his account of republican, liberalist and democratic streams within the polyarchy of current democracy (1998). Whereas republicanism is concerned with the public duties of those in the public sector and selfless dedication to public interest, liberalism enshrines the public task of guaranteeing private freedoms. Democracy brings in the notion of equality. It is worth directly citing O'Donnell's conclusion here:

"Democracy's concern with equality, liberalism's commitment to freedoms in society, and republicanism's severe view of the obligations of rulers all support … the rule of law. All citizens are equally entitled to participate in collective decision under the existing institutional framework, a democratic rule to which is added the republican injunction that no one, including those who govern, is above the law and the liberal caution that certain freedoms must not be infringed" (ibid: 114).

Put differently, republicanism and liberalism both draw a rigid line between the public and the private, albeit for different reasons. The public/private divide in contemporary democracy reflects this amalgamate of influences by hinging on the ideas of private rights, public responsibility and of equality. Furthermore, an unambiguous dividing line between the two spheres is a fundamental safeguard of accountability, equality, integrity of public actions and the protection of private rights, to the extent outlined in the above quote.

Weintraub shares this opinion about discernibly varying undercurrents informing contemporary thinking about public/private (1997: 11-16), wherein the Greek model of the self-governing polis and the Roman notion of sovereignty, that is to say rule which stands above the society, melt together. The self-governing tenet is seen in liberalism's moulding of society into "the social world of self-interested individualism, competition, impersonality, and contractual relationship centred on the market – which seemed … somehow able to run itself" (ibid: 13). Sovereignty, borrowed from the Roman conception of the state, supplements the liberalist individualism of the state and assures that a centralised rule stands above and governs society through administration and law.

Following from the above, the public and private realms are viewed as mutually constitutive, with the caveat that the private remains within the bounds of norms enshrined in the law and is, as such, protected by the public. The public denotes a collection of individuals pursuing their legitimate private interests collectively. Thus, private interests amount to public interest, which protects these private interests and assures their equality. A 'conflict of interest' arises when a private interest does not dovetail with the public interest. Put differently, a private interest which deviates from the norm is at the core of concern, rather than private interest as such.

The borderline implied in 'conflicts of interest' effectively serves to establish deviations from legitimate private interests, guarded by the public, and private particularism that does not conform to established norms and thus collides with other legitimate private interests and the public interest. The public stands for the governor and the governed and their legitimate private interests and the private denotes the illegitimate particularistic interests. This observation is substantiated by the brief overview of definitions of conflict of interests by international organisations.

To conclude, both of the above accounts of the contemporary public/private division paint a picture of an archetypal Western concept emerging from a distinct historic experience and traditions rooted in ancient Greece and Rome, further shaped by the Western experience of democracy (Lankester, 2007). In other words, the idea of demarking the public and the private started brewing in Western Europe in what are now old established democracies in the wake of political, economic and military shifts in the region. At the conception of the two influences, the public emerges as a sphere of 'participatory self-determination, deliberation and conscious cooperation among equals' (Weintraub, 1997: 14).

Part 2 Methodology

This paper adopts a postmodern perspective towards discourse analysis in its approach to the social world and the data. Specifically, it draws on Gee's

methodological toolkit, specifically on his instruments of *situated meanings* and *cultural models*.

The situated meanings and cultural models tools aid appreciation of how meanings are attached to language in specific situations. Meanings are taken to be malleable and context-creating, as well as adaptable to contexts and situations, rather than stable and fixed (Gee, 1999: 41). Furthermore, meanings are not intrinsic to individual minds, but negotiated in social interactions (Goffman, 1981; Goodwin and Goodwin, 1990). As such, this situated meaning tool provides the means to analyse the meanings of public/private in the specific context of Slovakia at a specific time. To generate ideas about how the texts build meanings, grammar, as the device authors use to shape their texts to fulfil certain purposes and achieve certain goals, will be looked at. Attention is directed towards repeated words and phrases, adjectives and verbs used in conjunction with core words, and the contexts in which they are used, and towards the design of the clauses in which they occur and the way they are connected into sentences and across whole texts.

Building on situated meanings, the cultural model device mediates between micro and macro levels of social interaction (Gee, 1999: 58), for each statement is associated with a cultural model. As Spiro argued, cultural systems (models) are not merely external to participants in social interaction, but also internal to them in the sense that they engage their minds and guide their actions to a substantial extent (1987: 38). In other words, cultural models are taken-for-granted 'theories' or 'simplified worlds in which prototypical events unfold' (ibid: 59). Following the above line of meaning-attaching argument, words and statements are utilised in context against sets of social and cultural assumptions, which are firmly embedded in historic experiences that underpin a particular cultural model (ibid: 60). Put differently, a cultural model is a picture of a reduced world that embodies what is 'normal' in a given context (Gee, 2011: 170).

The data consists of 937 contributions to comment board discussions prompted by 12 articles published on the websites of 2 mainstream newspapers (SME and Pravda) in the period between 2012 and 2013. This time span corresponds with the outbreak and culmination of the greatest corruption scandal in the history of Slovakia, the Gorilla affair, wherein the notion of the 'conflict of interest' came to the forefront of public attention. The below chart details the sources and their coding. See the reference list for full bibliographical details.

Chart 1

Article	Article code	Codes of respective debates
The police used batons at the end of the Bratislava protest (Trško - SME)	Article A	Debate A
Gorilla: demonstrators threw flares, the police used tear-gas (Pravda)	Article B	Debate B
MPs re-opened the Gorilla case, reports have not found any evidence (SME)	Article C	Debate C

MPs re-opened the Gorilla case, no evidence to bring charges has yet been found (Pravda)	Article D	Debate D
Radičová did not deny hosting Haščák in her home (Piško - SME)	Article E	Debate E
Was Haščák visiting Radičová? Penta confirmed it (Stupňan - Pravda)	Article F	Debate F

The affair implicates top-ranking officials and politicians from across the political spectrum, as well as influential private entities, and thus offers a significant opportunity to explore the meanings of the public and the private.

Part 3 'Conflict of interest': The Slovak experience

3.1 Historical background
It is crucial to briefly outline the history of Slovakia in order to appreciate the nuances of the Slovak conceptualisation of the public/private dichotomy, given that this is taken to be a product of a particular historic experience in a perpetual process of construction. As culture and history are inextricably linked, a close look needs to be taken at history in order to understand the cultural models employed in discourse.
Slovakia's history of independence and democracy is relatively short. The country was a component of Austria-Hungary for nearly 1,000 years. It occupied a position of a rather inferior member of the empire with little cultural and administrative independence. After the disintegration of the empire following the events of the WW1, Slovakia formed a federation with the Czech Republic, another former Austro-Hungarian land, but one which had enjoyed a significantly higher degree of autonomy. This is demonstrated by the official title of Astro-Hungarian rulers, which, among many titles, includes King of Bohemia (modern day the Czech Republic). Contrary to this 'component' status, Slovakia was merely treated as a district of Hungary.

Given the limited experience of running a state and a lack of an educated populus in Slovakia, resulting from its low rank within the empire, the Czech part of the country assumed the status of a leader. Slovaks perceived themselves as non-equal partners of the Czechs (Pavlínek, 1995: 351). The paucity of experience and education is reflected in the instances of Czechs predominantly filling the positions of teachers, administrators, doctors and so forth, in other words the educated class (Krajcovicova, 2009). A brief period of an 'independent' Slovak Republic followed from 1939 to 1945, when Slovakia was effectively a satellite state of Nazi Germany. The end of WW2 saw the return of Czechoslovakia, where again Slovaks perceived themselves to be 'playing a second fiddle' (Pavlínek, 1995). The post WW2 period was further marked by the experience of communism and the domination of the Soviet Union. As such, the experience of subordination and alienation from a 'state' that was in foreign hands for most of Slovakia's history is central to the history and people of Slovakia and is strongly reflected in the Slovak understanding of the public and the private.

3.2 How the Slovaks draw the line: Public/private as the history of the present
It has been argued earlier in the paper that the public/private distinction is grounded in the socio-historical and political realities of developed mature economies. As such, the division is inherently value-laden, rather than naturally given, and might therefore not entirely correspond with the situation on the ground in countries anticipated to implement anti-corruption strategies. This analysis continues to shine light on the Slovak conception of the public and the private and illuminate the (mis)fit.

3.2.1 Slovaks and the State

The brief outline of the history of the country above emphasises the inferior position in which Slovaks found themselves for the most of their history and the detachment from their rulers, or later, governors. The subordination and suppression of the Slovaks as a nation thoroughly entered public consciousness in the 18th century following the enlightenment trends in the monarchy and the magyarisation tendencies[1] in the Hungarian part of Austria-Hungary. The middle and the upper classes were more affected by the policies of magyarisation, simply because it was necessary to align in order to progress socially, economically and politically. On the other hand, the bottom of the social ladder was relatively protected by its lack of power (Van Duin, 2009). It was precisely this segment of population which became the cornerstone of the national identity. Effectively, 'us and them' in the Slovak context denotes us- powerless Slovaks- and them- powerful Hungarians and their authorities. The 18th and 19th century literature offers a plethora of instances of such portrayals of the Slovaks and the foreign Hungarian state and the state authority as such[2]. The above lays the foundations of the adverse relationship between Slovaks and the authority of the alien state, detached as it was from the people and ignorant of their needs. This notion has been further exacerbated by the period of communism (see below). As such, a distinct cultural model of the 'adversary state' developed and continues to be heavily drawn upon in the contemporary construction of the state in Slovakia, as demonstrated below.

Analysis of public discourse has revealed that utterances concerned with the state are marked with strong negative undertones. The state appears almost exclusively in unfavourable light and in association with words such as "*hnus*" (filth) (debate A: 8, 10, 11; debate E: 14; debate D: 1, 2). Such sentiments are encapsulated in the assertion "Shame on the state" (debate A: 2).

The image of the malevolent state is further enhanced by utterances charging the state with notions heavy with negative overtones of the communist past, such as "Bolshevik" (debate A: 1, 5), "communist" (debate A: 10; debate B: 1) and "totalitarian" (debate B: 1).

Top-ranking public officials, such as ministers, the prime minister and so forth are attributed with such characteristics as greediness, deception, insincerity, hypocrisy and larceny. Words frequently used when referring to high public officials are "*zlodej*" (thief)(debate E: 4, 5, 7; debate D: 2, debate A: 1, 2, 3; debate B: 1)

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[1] Magyarisation refers to the trend of forging greater unity across Hungarian part of Austria-Hungary eliminating any differences between its multicultural populations. Slovaks conceive of this tendency as forceful assimilation. For further information see Stroschein, 2012.
[2] See for example Kráľ, 2008; Chalupka, 1864; Záborský, 2009; Beblavý, 1949.

"*kriminálnik*" (criminal) (debate E: 3; debate C: 1) and "*klamár*" (liar)(debate E: 6, 9; debate A: 3; debate D: 1) and verb forms of these nouns proliferate in the discourse.

The following quote epitomises the essence of the perception of political figures, who are inseparably linked to the state and the public office.

"It is clear from the behaviour of I. Radičová[3] … that there is no difference between politicians of the last 23 years in Slovakia" (debate F: 3).

Here the author has made the clause 'It is clear from the behaviour of I. Radičová' the main and foregrounded clause. The clause 'that there is no difference between politicians of the last 23 years in Slovakia' has been subordinated to the main clause as background and carrying taken-for-granted information about the character of politicians. Thus, the above utterance constructs a world wherein all high-ranking public officials bear the same adverse characteristics (outlined above), which is well-known information to everyone and therefore does not need to be elaborated. These situated meanings clearly demonstrate that the cultural model of the 'exploitative state' is alive and well.

Here we arrive at the first inconsistency in the international and the local public/private dichotomy. The state emerges as an exploiter, not the representative of the citizenry. Furthermore it has been illustrated that public officials *are* the state, not merely *representatives* of the state, which undermines the notion of the duty of public officials to serve the public, as implied in the concept of Western democracy. The breach of this duty effectively constitutes a 'conflict of interest'.

3.2.2 The state as the public and the people as the private
The seeds of the adverse relations between the people and the state were sown in the period of Austria-Hungary. However, this does not suffice to understand the meanings of the public and the private, as the conceptualisation of the public was decisively marked by the experience of communism, which drove the final wedge between the public and the private.

One of the tenets of communism is total subordination of private interests to the common interest. The Communist Party positioned itself as the ultimate and universal guardian of common interest. Ultimate power rested with party leaders who were positioned in a rather parent-child relationship vis-à-vis the citizenry, for they were in the position to know what is the best for the state (Nove, 1977: 24). In turn, what was best for the state was best for individuals which effectively legitimated opening all aspects private lives of citizens to the party gaze. The relationship between the state and the citizens is thus reminiscent of the relation between parents and children, in that it was patronising, with the Party tasked with the protection of the state overriding individual interests of the people for the sake of their own (and therefore general) good. In other words, the public colonised the private.

The private, along the lines of legitimate private interest, was virtually non-existent in the official discourse. Put crudely, anything that did not conform to official/state interest was against the public/the state and therefore illegitimate (Gal, 2005).

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[3] PM implicated in the scandal.

Nevertheless, as Kmeť maintains, the subordination of the private to the public was not reflected in the activities of individuals (2011). Behind the façade of alignment with the official doctrine, the private sphere flourished. The public became the empty and insincere sphere where individuals superficially adopted the official discourse in order to get by in their private lives and achieve their private interests (Gal, 2005). Contrary to the public realm of charade, the meticulously protected private stood for honesty and righteousness (ibid).

This is reflected in the studied public debate which directs attention towards public officials as the carriers of the stigmatised public identity (debates E: 1, 2, 4, 5; F: 1, 2, 3), the characteristic traits of which, such as greediness, deception, insincerity, deception and larceny, have already been outlined in the preceding section. On the other hand, people are constructed in stark contrast with the public and the state as decent and honest (debate D: 2; E: 9; A: 1; C).

Thus, the notion of the public synonymous of the state becomes deeply stigmatised. This has ramifications for the notion of citizenry. Citizenry is closely linked to the state and as such contaminated with the corrosive meanings of the public. The above is manifested in almost entirely lacking references by discussants to themselves as citizens. Rather, they construct themselves as *the people* (*ľud*). The disconnection between the state and the public is evident and constitutes the cultural model of 'people versus the state' elaborated below.

As such, the second assumption of the 'conflict of interest' paradigm, that is to say the public as a vital connection between the governor and the governed, does not map out onto the Slovak context. The governor and the governed do not exist in harmonious relationship. The public interest merely translates into the interest of the malevolent state, that is to say public officials, not into the individual interests of citizens writ large, precisely because there is no citizenry upholding the state and no state protecting the citizenry in the Western sense.

3.2.3 The private against the public
It has been demonstrated above that Slovak identity emerged from a confrontation with the state and that the state and the public are synonymous to a great extent and divorced from the private. As such, the private effectively translates into the essence of 'Slovakness'.

Any closeness of the people and the state is ruled out for it jeopardises what it means to be a 'true' Slovak. As such, public officials are constructed to inhabit exclusively the public/state realm, which is reflected in the unwillingness to attribute them with the positive features associated with the people, as this would effectively disrupt the world sense-making model of 'the state vs. the people' and compromise the defining element of being a good Slovak (debates A; B; C; D; E; F). It is fundamental for public officials to be devoid of the notion of private, for public and private are bearers of contradictory values and morals. This argument is supported by the adverse reaction to the media construction of public officials as having both private and public identity (debate E; debate F). The perils of the employment of the Western model are pronounced in the public discontent with this and the consequent construction of the media 'sympathizing' with the state, which inevitably transposes into 'opposition' to the people (debate A; B).

The above is reflected in the perceived failure of Slovakia to hold public officials accountable for acts of corruption and conflicts of interest, which is explained by the lack of public pressure. To the best of our knowledge, none of numerous suspicions of conflict of interest resulted in a meaningful legal sanction. This could be attributed to the construction of the public/private abyss deeply embedded in the definition of the Slovak, for it effectively allows Slovaks to divorce themselves from the failings of their elected representatives, rather than pursue their accountability.

As such, the private is always defined in opposition to the public, not only when 'things go wrong' as the 'conflict of interest' would have us believe. This point constitutes the final discord between the international and the local conceptualization of the public and the private.

Conclusion: The conflict of interest: Business as usual vs. a deviation from the normal

To sum up, it has been argued that the meanings of public and private paint a picture of mutually opposing spheres, heavily weighted with contradictory morals. The case of Slovakia highlights the difficulties of seeking international accord via the means of a universal blueprint paradigm. It does not make much sense to talk about the conflict of interest of Slovak public officials, for there is no public and private in harmonious existence. The particular relation between the governor and the governed as implied in 'conflict of interest' does not exist.

This means that what is an anomaly to be corrected according to the Western logic of 'conflict of interest', is a 'natural' state of affairs in the context of Slovakia, as a projection of the historic experience of the Slovaks. In other words, conflicts of interest in the public sector do not exist as a problem and as such do not need to be resolved. The fundamental assumption upon which 'good governance' is built, that is to say the public/private distinction reflected in the relationship between the governor and the governed, in this context is flawed. It means that the institutions of governance are at best functioning with substantial difficulties or at worst not functioning at all. Indeed, it could be said that the international discourse of 'good governance' resembles a Sisyphean attempt to build a house starting from the roof.

International synergy hinges upon the recognition of the distinctiveness of the public/private divide in Slovakia and worldwide to which institutions of governance need to be tailored, rather than being built on assumed foundations in the quest for the holy grail of universally valid and applicable institutional frameworks.

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