ETHICAL DILEMMAS IN THE ALLOCATION OF LOW-COST HOUSES: A SOUTH AFRICAN CASE STUDY

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MATHEBULA N. E.

University of Limpopo, South Africa hongonyi@gmail.com

Abstract: This paper is a culmination of an empirical study which sought to investigate the ethical dilemmas and Clientelism in the allocation of low-cost houses. Section 26 (1) of the Constitution of the Republic of South Africa, 1996 eloquently states that 'everyone has the right to have access to adequate housing'. Low-cost houses commonly known as 'RDP houses' are government's approach in responding and respecting the constitutional right to adequate housing for all deserving South Africans. This paper argues that the low-cost housing system in South Africa is concocted by ethical dilemmas and conflict of interest such as corruption, nepotism, administrative discretion, and policy dilemmas amongst others. The paper adopts a combination of mixed methods (qualitative and quantitative research approaches) and content analysis. The paper followed a case study approach whereby 10 selected villages within the jurisdiction of the Greater Giyani Local Municipality, Limpopo Province were randomly sampled for data collection. Therefore, questionnaires were administered and collected, interviews conducted and documents relating to the discourse of this study were analysed in context of the general objectives of the study. This was done with a view of proposing recommendations that can be used to minimise and curb unethical conduct and the use of public goods for the benefit of political parties, particularly those running the machinery of government.

Keywords: Clientelism, Corruption, Ethics, Ethical dilemmas, Low-cost housing

Introduction

The Freedom Charter (1955) declares that 'there shall be houses, security and comfort'. This declaration further finds expression and articulation through section 26 (1) of the Constitution of the Republic of South Africa (1996) which eloquently states that 'everyone has the right to have access to adequate housing'. 'RDP houses' are government's approach in responding and respecting the constitutional right to adequate housing for all deserving South Africans. It is against this brief background that the paper argues that the low-cost housing system in South Africa is concocted by ethical dilemmas and conflict of interest such as corruption, nepotism, administrative discretion, and policy dilemmas amongst others. Some of the objectives that guided the study were; to investigate the ethical dilemmas in relation to the allocation of low-cost housing and features of clientelism in relation to the allocation of low-cost housing in selected communities within the Greater Giyani Local Municipality in Limpopo Province of South Africa. This paper starts by providing the theoretical framework, presents the adopted methodology and present the findings and analysis.

Theoretical Framework: Ethics, Principles and Theories

According to Mathebula and Makamu (2014), ethics is a branch of philosophy examining the righteousness and the wrongfulness of moral behaviour. According to the Vocabulary Dictionary, the word philosophy has a Greek root composed of the words philo (love) and sophos (wisdom). Loosely translated, philosophy is the love for wisdom. People studying philosophy seeks to comprehend why and how people do certain things to live good in life (Vocabulary Dictionary). Therefore, the etymology of the concept ethics which similarly is of Greek origin is derived from the word 'ethos', which principally refers to attitude that differentiates agreeable conduct of a profession or work (Ehrich et al. 2004). Drawing from the work of Greek philosophers such as Plato and Aristotle, ethics can be understood as 'what we ought to do'. According to Emerson et al (2011), ethics refers to standards of behaviour that are acceptable when measured against acceptable community standards. Inasmuch as there exists acceptable society or community values that are part of the overall discourse on ethics, members of society expect public officials to abide by those values. The normative foundations of public administration that emanate from community values include; reasonableness and fairness, balanced decisions, Christian doctrine, thoroughness, probity, efficiency and effectiveness (Coetzee 1988; Du Toit and Van der Waldt 1999; Du Toit et al. 2002).

Principles of Ethics

A principle in ethics is "a basic truth or a general law or doctrine that is used as a basis for reasoning or a guide to action or behaviour" (Lawrence and Roosevelt n.d). There are four principles in the discourse of ethics which are; beneficence, least harm, respect for autonomy and justice.

Beneficence

According to Page (2012), beneficence means an obligation to convey benefits to others so that they are able to further their interests. Simply put, beneficence is a moral obligation to help others. A classic example is if moral obligation is a case of organ donation (Chagani 2014). This principle seeks to guide public servants and strive to do what is right and good. The prioritisation of going 'good' is a possible solution for ethical dilemmas. In this context, public servants must by all means possible attempt with the largest form of reason and rationale to do good and right over evil. In the context of this study, public officials responsible for implementing the delivery of the low-income housing system must act in the best interest of those low-income households when allocating houses. The principle of beneficence according to Chagani (2014), signifies the provision of goods and services and requires public servants to weigh risks and benefits and take decisions that conveys the greatest of benefits to beneficiaries.

Least harm

According to Summers (2009), harm refers to that which worsens the condition of person(s). In this vein due diligence needs to be exercised by civil servants to ensure the prevention of any type of harm from ensuing. According to Mathey (2003), least harm as an ethical principle is difficult to quantify since it bears the risk of unconsciously infringing other rights. However, central to this principle is that "first do no harm, benefit only" (Summers 2009). It has been alluded on the conceptualisation of conflict of interest that public servants are caught in between two or more conflicting situations whereby it becomes difficult to make informed decisions for a single choice. This ethical principle

requires public servants to do least harm to the fewest people when confronted with a situation in which no choice appears beneficial.

Respect for Autonomy

According to the Oxford English Dictionary, autonomy refers to the freedom for a country, region or organisation to govern itself independently. Autonomy requires the ability to decide for one self from the control of others with an understanding of a meaningful choice (Lawrence 2007). According to Chagani (2014), respect for autonomy signifies an obligation to public servants of respecting the decision-making capabilities of the beneficiaries of services. In the context of this study, the concept autonomy refers to the independence of South African citizens who must independently govern and dictate development alternatives for themselves rather than government dictating. Respect for autonomy as an ethical principle holds that the public and the general citizenry must be allowed to make decisions directly affecting their lives. Allowing the public to be involved in decision making concerning their livelihoods and wellbeing increases their sense of ownership over public goods and services as provided to them by government.

Justice

In simple terms, justice means fair treatment of people (Oxford English Dictionary). The ethical principle of justice states that those in charge of public office must strive to make fair and consistent decisions unless there are extenuating circumstances that can be used as a justification. This then call for public servants who are obsessed with making principles decisions that can escape criticism in future. Justice addresses the questions of distribution of scarce public resources to ensure the protection of their rights (Lawrence 2007). According to Chigani (2014), justice deals with the allocation of resources equally with fairness among citizens according to need, right and utility, while focus is placed on fair distribution of resources keeping risks and benefits into account. This is in line with section 195 (1) (d) of the 1996 Constitution which emphatically states that "services must be provided impartially, fairly, equitably and without bias". The four principles discussed above assist in understanding how public officials can align their behaviour in ensuring that ethical decisions are taken. Theories of explaining ethics and ethical behaviour are outlined below.

Theories for Explaining Ethics and Ethical Behaviour

Ethical theories are imperative in decision making in that they enable individuals to consider making ethically correct decisions (Finfgeld-Connett 2013). Ethical theories are also tools that public officials can adopt to avoid ethical dilemmas and leads them to ethically correct resolutions (Chun et al. 2013; Pullen and Rhodes, 2014). Such theories are; deontology, utilitarianism, rights and virtues.

Deontology

The concept deontology is a combination of Greek terms deon (duty) and logos (science) which if loosely translated means the science of duty or what one ought to do. In contemporary moral philosophy, deontology is a normative deontic theory regarding which choices are morally required, forbidden or permissible (Slowther et al. 2004). Deontological theory which is sometimes referred to as Kantianism places great emphasis

on the use of rules rather than consequences in the justification of policy actions. Simply put, public officials are bound to work within the strict confines of the law and rules irrespective of what consequences those rules lead to. The theory underscores the importance of public officials to adhere to their obligations and duties. The use of the word adherence juxtaposes that the execution of public duties 'must' be done by the book. However, adherence is a relative concept as enforcement becomes a challenge particularly for public officials who claim to be innovative and therefore acting ultra vires. Adherence to strict obligations and duties will practically translate into ethically correct conduct. This is so because a deontologist is principled and take consistent decisions within the confines of the law.

Utilitarianism

Utilitarianism is a theological ethical theory that is generally applied in economics to explain a rationale of a particular decisions (Baumane-Vitolina, et al. 2016). This theory is closely associated with philosophers such as Jeremy Bentham and John Stuart Mill. The ethical principle of utilitarianism is based on a person's ability to predict and foresee the consequences of his actions. Just like the ethical principle of least harm, utilitarianism makes a call to take decisions conveying the greatest of benefits to most people. Such decisions are ethically correct. When confronted with a conflict of interest or an ethical dilemma, a utilitarian's concern is that of achieving maximum goal. Thus, a right of one individual can be infringed in order to benefit the interests of masses. The theory of utilitarianism suggests that efficiency and higher levels of satisfaction are dependent on human morality (Baumane-Vitolina, et al. 2016). Bentham (1982) believed that happiness can be counted in terms of quality and quantity as he used in his calculation; intensity, duration, certainty, volume, time, consequences and purity to quantify happiness.

Rights

Rights that emanate from community or societal values in terms of this theory must be given the highest priority. Of course, ethics are obsessed with what is socially acceptable. The rights of individuals are deemed to be ethically correct since a large population of the society endorses them. The society in terms of this theory can determine the rights it wants to uphold against other rights. This theory must be explained with other theories that seeks to explain the aspirations of society. Is South Africa for example, people have the right to choose their religion since it is enshrined in the 1996 Constitution.

Virtues

Virtue ethics is one of the major normative ethics approaches (Stanford Encyclopaedia of Philosophy 2016). According to the Oxford English Dictionary, virtue refers to behaviour or attitude that shows high moral ground. Although virtue ethics is related to consequentialism (i.e. utilitarianism) and deontology, it is distinguished from them because of its centrality within the theory (Kawall 2009). Virtue ethics points out to the fact that those in charge of public office must execute their public duties that assist a person(s) as charity or benevolence (Stanford Encyclopaedia of Philosophy 2016). The virtue ethical theory judges a person by his character rather than actions that result in unethical conduct. The theory takes into account the person's reputation, motivation and morals when rating unethical behaviour. This notion can be misleading in that people have the ability to

misrepresent their character for immediate good image. It therefore has a weakness in that it does not consider a person's change in moral character. Central to the concept of ethics and ethical dilemmas in the concept of conflict of interest.

Design And Methodology

A research design according to Mouton (2014: 107), is a set of guidelines and instructions to be followed in addressing the research problem and enables the researcher to anticipate what the appropriate research decisions should be in order to maximise the validity of the results. In an attempt to understand the ethical dilemmas in the allocation of low-cost housing in the Giyani area, this paper adopted a quantitative research approach. The study targeted residents from Thomo, Muyexe, Homu, Ndhambhi, Ngove, Mphagani, Nhlaniki, Mapuve, Nkurhi, and Xikukwani villages under the jurisdiction of the Greater Giyani Local Municipality. The study used a purposive sampling technique whereby 300 participants were selected on the basis of their knowledge and expertise on ethical dilemmas in relation to the allocation of low-cost houses. Structured questionnaires were administered while semi-structured supplementary interviews were conducted to the targeted population.

Findings And Discussion

The findings as presented below provide for ethical dilemmas in relation to the allocation of low-cost houses. As such, nepotism corruption and bribery were probed and the data as presented below.

A People receive houses by virtue of being relatives to those in power

Probing this section was for the purposes of establishing the prevalence of nepotism in the allocation of low-cost houses. Nepotism is one of the ethical dilemmas that confront public servants. This means that public goods and services are extended to benefit those that are close relatives, spouses, friends and family with those in power at the expense of the general public. There was a hypothesis in this study presuming that some of the beneficiaries of low-cost houses are relatives to those holding political power and such as influence the allocation process.

Table 1: Houses received by those related to incumbents in power

Strongly Agree	Agree	Neutral	Strongly Disagree	Disagree
18%	24%	6%	29%	23%

The findings reflected in the Table 1 above indicate that majority (29%) of the respondents strongly disagree that nepotism is used in the allocation of low-cost houses while 23 percent disagree. The results further indicate that 24 percent of the respondents agree that nepotism is a factor in the allocation of low-cost houses while 18 percent strongly agree. Only 6 percent of the respondents were neutral. It is common cause though that those with low-cost houses would not agree that they receive those houses by virtue of being related to the incumbents in power. This can be seen in one of the findings in this study, whereby those without low-cost houses are of the view that houses are allocated on the basis of nepotism. It must however be acknowledged that the findings of this study are contrary to the perused literature in that it negates the prevalence of nepotism in the allocation of low-cost houses.

Nepotism features immensely in the allocation of low-cost housing

The rationale for probing this section was for the purposes of following up on the previous section that solicited the views about the pervasiveness of nepotism in the allocation of low-cost houses. Hence this section aimed at establishing the extent of nepotism in the allocation of low-cost houses. It must however be noted that, majority (52%) of the respondents on the figure above negate the presence of nepotism while 42 percent of the respondents do agree that there is nepotism in the allocation of low-cost houses.

Table 2: The extent of nepotism in the allocation of houses

Disagree	Strongly Disagree	Neutral	Agree	Strongly Agree
25%	20	18%	21%	16%

Findings in the table above indicate that, 25 percent of the respondents disagree that nepotism is rampant in the allocation of low-cost houses while 20 percent of the respondents strongly disagree. The results further indicate that 21 percent of the respondents indicate that nepotism is endemic while 16 percent of the respondents strongly agree. Surprisingly, a high number (18%) of the respondents had nothing to say in relation to the high commonness of nepotism in the allocation of low-cost houses. It can be seen from the findings above that the ratio of the responses does not have a major difference. However, it must be concluded that though there is some evidence of nepotism in the allocation of low-cost houses, the ethical dilemma is not very dire. This is the case though the statistics do not explicitly provide a clear picture in terms of the trends.

The low-cost housing allocation is corrupt

Although scholars from different fields of study conceptualise corruption differently, this study aimed at probing corruption within the context of the allocation of low-cost housing in the area of study. Borrowing from the definition of the World Bank, corruption in the simplest of terms refers to the abuse of power for private benefit (Tanzi 1998). With this in mind, politicians and public office bearers uses their administrative and political power to influence processes of allocating low-cost houses while neglecting policy and legislative policies underpinning such a process.

Table 3: Corruption in the allocation of houses

Strongly Agree	Agree	Neutral	Strongly Disagree	Disagree
15%	34%	11%	18%	22%

The findings on the table above indicate that 34 percent of the respondents agree that the process of allocating low-cost houses is corrupt while 15 percent of the respondents strongly agree. On the other hand, 22 percent of the respondents disagree that the process is corrupt while 18 percent strongly disagree. Only 11 percent of the respondents were undecided on this matter. On average, 49 percent (34%+15%) of the respondents are of the view that there is corruption in the allocation of low-cost houses while 40 percent of the respondents on average disagree. The findings paint a picture that has mixed reactions. However, it is apparent that the allocation of low-cost hoses and its process is flowed with corrupt practices. This confirms the findings of the study conducted by the Legal Brief (2015) which reported 2 600 000 cases of corruption in the low-cost housing processes. It

is further alluded that, high ranking government officials in particular are the perpetrators of corruption and consequently fails to take responsibility and be held accountable. In pursuit of verifying the findings above, the paper probed the stage within which corruption in the allocation of low-cost houses is likely to take place. The rationale is that it is mostly reported that the housing process is corrupt particularly at a stage where applicants apply for their houses. So, respondents were asked whether they agreed or disagreed of the occurrence of corruption in the application stage of the low-cost houses.

Table 4: Corruption in the allocation process

Strongly Agree	Agree	Neutral	Strongly Disagree	Disagree
3%	31%	4%	14%	48%

The findings in the table above indicates that 48 percent of the respondents disagree that the application stage of the low-cost houses is corrupt while 14 percent of the respondents strongly disagree. The results further show that 31 percent of the respondents agree that the application stage of the low-cost houses is corrupt while only a mere 3 percent of the strongly agree. 4percent of the respondents are undecided on the matter. From the findings, it can be deduced that though other results in the study have shown the prevalence of corruption, it does not manifest at the application stage. However, this is contrary to a study conducted by Ellero (2015) whereby it was found that applicants have to pay government officials a sum of R2000 in bribery if their applications are to be processed. In the same study, the SIU identified 1000 fictitious applications in the low-cost housing system. Greyling (2009) attributes corruption in the allocation stage to inefficiencies and slow pace due to lack of effective administrative systems. It is also alluded that corruption in the lowcost housing system takes place during the allocation process. Hence this section sought to solicit data about the manifestation of corruption during the stage in which houses are supposed to be allocated to the beneficiaries who have applied and meet all the necessary requirements.

Table 5: Corruption in the allocation process

Strongly Agree	Agree	Neutral	Strongly Disagree	Disagree
36%	17%	3%	16%	28%

The table above demonstrates that 36 percent of the respondents strongly agree that there is corruption during the allocation of low-cost houses while 17 percent of the respondents agree. 28 percent of the respondents disagree that there is any form of corruption in the allocation process while 16 percent of the respondents strongly disagree. Only a mere 3 percent of the respondents were neutral. It becomes clear from the revelations of the findings above that corruption is likely to take place during the allocation process than in the application process as alluded in the figure preceding this one. It can therefore be assumed that while there is some evidence of corruption during the application stage of the low-cost housing, this ethical dilemma becomes rife during the allocation stage. From this, it can be underscored that, while applicants would apply for a house, the lists are meddled with and the outcomes changed at a stage when houses are supposed to be built in favour of other 'beneficiaries'.

Residents bribe officials to get low-cost houses

One of the major growing concerns in the allocation of low-cost houses in the South African public service environment is bribery. These occurs when public officials receive money or other tokens in return of low-cost houses. Normally, people paying bribes to government officials and political office bearers do not meet the requirements for a low-cost house. In these instances, beneficiary lists are manipulated whereby qualifying beneficiaries are removed from lists in favour of people who paid bribes. This section was aimed at soliciting views from respondents on whether residents pay bribes to officials in exchange of a low-cost house.

Findings on the table above shows that majority (42%) of the respondents disagree that residents offer bribes to officials in exchange of low-cost houses while 23 percent strongly disagree. Furthermore, 14 percent and 5 percent respectively agree and strongly agree that indeed there are those residents who will offer bribes to government officials in exchange of a low-cost house. Lastly, 16 percent of the respondents were undecided on whether there are government officials accepting bribes or rather residents offering bribes in exchange of a low-cost house. In a nutshell, a whooping majority of 65 percent (42%+23%) of the respondents are against the fact that there are residents that are offering bribes to officials. It can therefore be concluded that residents in the area of study do not rely on bribes to secure low-cost houses. However, it must be acknowledged that the findings paint to some extent a picture of the prevalence of bribery, though not convincing enough in the view of the statistics as presented in the table above. This however does not necessarily mean the dilemmas of bribery can be ruled out in the allocation of low-cost houses as an average of 19 percent of the respondents agree with the fact that officials are bribed in return to offering houses to undeserving citizens. The finding is also contrary to the findings of the study conducted by Ellero (2015). Ellero found out that government officials accepted bribes from the public in return for low-cost houses.

Conclusion

This paper attempted to provide a theoretical framework which was relied upon to draw inference to the current discourse and the methodology used to gather primary data. The paper as per the study carried out sought to comprehend the existence and prevalence of ethical dilemmas such as nepotism, corruption and bribery confronting government officials in executing their public duties of delivering low-cost houses in the Greater Giyani Municipality area. Against the plethora of literature pointing out the rifeness of those ethical dilemmas, the findings as presented above point to a different direction. However, other findings indicate the existence of ethical dilemmas, it is not very common. Therefore, it can be concluded that although the low-cost housing allocation system is deemed to be mainly corrupt, the case is not very dire in the selected area of study. It can therefore be recommended that political interference which plays a role in the manifestation of ethical dilemmas must be curbed or to a certain extent limited.

Recommendations

It is often said that South Africa has best policies but compliance to such policies remains a major stumbling block in realising their intentions. Policymakers ought to craft regulations in a way that compliance is not limited by administrative discretion. Therefore, enforcement strategies need to be put in place especially during the legislating process rather than focusing on 'useless' control measures such as auditing. This study seeks to

reiterate that ex ante compliance measures based on forecasts and consequences should be the actual focus rather than on the outcome. This recommendation is necessitated by the fact that lack of compliance in the South African public administration practice is a matter of choice and the absence of consequentialism. This paper recommends for the separation of politics from the appointment of senior officials of state institutions such as the National Prosecuting Authority. This will go a long way in dealing with ethical dilemmas and conflict of interest. This proposal comes on the basis that those heading such institutions are politically appointed and therefore become politically indebted. Secondly, life-style audits and vetting needs to be conducted. Appointing credible and people with integrity is so vital. Importantly, anomalies manifesting within the government housing system needs to be given priority and perpetrators prosecuted. sanctions must be imposed and impunity fostered to perpetrators and offenders in the South African public service. Inasmuch as it can be proven through literature and empirical evidence that there is a prevalence of ethical dilemmas such as corruption, bribery, nepotism etc. The South African public service has in the past been placing lots of emphasis on correcting the ills and anomalies perpetrated by those charged with executing public duties but accountability remains just a 'word'. If the low-cost housing system is to 'fixed' accountability and consequentialism for those in the wrong side of the law must be fostered.

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