

# Institutionalization of Corruption in Kenya: A Review of Disintegration of the Moral Fabric

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## ABSTRACT

Institutional corruption is a term that was coined by Dennis F. Thompson in 1995 and has since been used by scholars to analyze the seemingly increasing trend of systematically using public offices to influence outcomes for personal gain. Since independence, Kenya has transitioned towards a functional democracy, with the citizenry expectant of transparency and accountability from the public officials. However, corruption has continued to be a major impediment to developments in Kenya and it has been seen as infiltrating through all of the public and private sectors. For every taker, there is a giver and the Kenyan citizens have become partly unconscious and conscious willing participants in this widespread vice. The vice has infiltrated the social fabric of the Kenyan populace and has now become a way of life. The new constitutional dispensation was welcomed with high expectations and hopes for a better Kenya; however, the devolved system of governance has been seen to devolve not only power and resources but also corruption. This article analyzes the entrenchment of corruption in service delivery by both the public and private agencies and the receptiveness and willing participatory nature of the Kenyan people. Through the analyzed data, this article concludes that the rising rate of corruption is a clear indication that the moral fabric in Kenya is slowly disintegrating and corruption is one of the vice products of it.

**Key Words:** *Accountability and service delivery, Democracy, Devolution, Disintegrated Moral fabric, Institutional corruption, Transparency.*

## INTRODUCTION

The term “corruption”, refers to a form of antisocial behaviour by an individual or social group which confers unjust or fraudulent benefits on its perpetrators. It is inconsistent with the established legal norms and prevailing morale of the land and is likely to subvert or diminish the capacity of the legitimate authorities to provide fully for the material and spiritual well-being of all members of society in a just and equitable manner (Osoba, 1996). Corrupt behaviour would, therefore, incorporate acts such as the use of public authority, office, or official position with the deliberate intent of extracting personal or private monetary rewards or other privileges at the expense of public good and in violation of established rules and ethical considerations. It includes theft, embezzlement of public funds or appropriation of state property by other means, as well as nepotism or granting of favours to personal acquaintances. It comprises both petty and major acts that fall in to these categories (United Nations, 1990).

Corruption is a global problem and no country of the world is totally free of its menacing grip. However, it is the level of its prevalence, on the one hand, and the honest, committed readiness of the people in eradicating it, on the other hand, that differentiates one country from another in the scale of corruption perception index (Adamolekun & Bryant, 1994). In Kenya, corruption has been entrenched in our national ethos, politics, civil society, public and private sectors. Kenya’s educational system, moral preferences and the whole economic machinery of the society is deeply ingrained with corruption. Every level of the Kenyan society has been deeply soaked by a persistent and devastating culture of corruption.

## **An Analysis of Corruption in Kenya**

Since Kenya gained independence from Britain in 1963 and until the political violence that followed the disputed 2007 elections exposed the fragility of the State, the country was considered one of the most stable in Africa. Despite this stability, the country has for a long time been riddled with claims of massive corruption. After independence the first President, Jomo Kenyatta (1963/1978) and his successor Daniel arap Moi (1978/2002) established and sustained an increasingly corrupt one-party authoritarian rule under the Kenya African National Union (KANU) (Wrong, 2010).

The first two post-independence Kenya governments were largely characterized by a centralised state with a dominant executive presiding over a patronage network that benefited mostly ethnically defined elites. The governments have been accused for economic mismanagement and authoritarian rule, respecting few civil liberties and civil rights and occasionally violently suppressing opposition (Oyugi, Wanyande & Mbai, 2003). In the 1990s, Kenya transitioned towards a functional though weak multi-party democracy, but it was not until 2002 that the opposition party, the National Rainbow Coalition (NARC) managed to win the elections against KANU and elected Mwai Kibaki, a former top KANU leader as President. Mwai Kibaki was elected on an anti-corruption platform and the regime change raised tremendous hope in the country in the fight against corruption. In January 2003, Kibaki appointed John Githongo, formerly of Transparency International, as his personal advisor on Anti-Corruption and Good Governance (Wrong, 2010). In the first one and a half years the regime seemed to be making headways in the fight against corruption. Kenyans also joined in and would arrest police officers taking bribes and generally publicly condemned corruption (Taylor, 2006).

Within two years of coming to power however, President Kibaki's Government got engulfed in several corruption scandals leading to donors periodically suspending aid. The Anglo-Leasing scandal was the most prominent blow to the credibility of the new regime's anti-corruption commitment, and failure by the Kenyan Government to respond effectively led to John Githongo's resignation in 2005 (Wrong, 2010). He subsequently released a report based on detailed records of scandals he had been investigating that uncovered multi-million-pound government contracts that had been awarded to phantom companies.

On the country's political front, the 2002 multi-ethnic grand coalition that led to Kibaki's victory collapsed shortly after the regime change, with the emergence of the opposition party, the Orange Democratic Movement (ODM) in 2005 and ethnic and regionally based parties. In the 2007 Presidential elections, the proclamation of Kibaki's victory amid widespread claims of vote rigging exploded into ethnic violence in which at least 1000 people were killed, and hundreds of thousands displaced. The African Union mediated the establishment of a power sharing arrangement in 2008 that retained Mwai Kibaki as President and created the post of Prime Minister for opposition leader Raila Odinga.

In 2010, a constitutional referendum overwhelmingly approved the radical revision of the Constitution, strengthening systems of checks and balances, significantly constraining executive powers and enhancing the protection of basic rights. The new constitution also introduced the devolved system of governance which scholars have argued has also devolved corruption (D'Arcy & Cornell, 2016). From the analyzed data, most founding county governors that were inaugurated after the 2013 general election have been accused of mega corruption. From Ken Lusaka (Bungoma County) non-carcinogenic wheelbarrow to Martin Wambora's (Embu County) non-germinating maize seeds to just name a few (Wanyoro, 2014). The Jubilee regime has also been accused of engaging in corruption such as the National Youth Service scandal (Shaw, 2018).

## **Corruption and Morality**

According to Bowman (1999), morality involves application of responsibilities from inside. Otherwise, morality involves developing standards, which is accepted and followed by the members of a community. This is the product of social wisdom and a regulation unity. The word "ethos" is a Greek word which means a "habit" and a "custom". This is described as "philosophy of morality" and is a practical philosophy. The conception of ethics as "reflective practice" is derived from Aristotle's ideas. This means that those concepts are closely connected. It is possible to affirm that ethics is a critical analysis of morality. Even in literature,

ethics is identified with morality and it is obvious that these concepts are very closely related with other concepts such as “corruption” and “responsibility”, because corruption is determined as unethical and inappropriate behaviour of moral standards. The problem is how to encourage individuals to follow the rules which can motivate an appropriate behaviour and stimulate anti-corruptive behaviour. An individual tends to understand the definition that morality is a system of standards and regulations and it is possible to break them. It is important to prove the usefulness of obeying the rules and regulations. Disobeying them shows that it is not useful as in this way, good name, duties and confidence can be lost. The basis of ethical behaviour is thoughts, responsibilities and decisions to act in a proper way to get the standard of life.

### **Teleological / Utilitarian View of Corruption**

The teleological system establishes the goodness or badness of an act on the effect or consequence of that action or the utility value of the particular action. It holds that a person performs a morally right action if such an action will maximize good and minimize evil, in terms of the number of people who benefit from that particular action or the degree of pleasure the particular action causes on people. In other words, if an action gives happiness to the greatest number of people affected by it, it becomes morally right. Even here too it is easy to see how corruption goes against the principle of morality.

Corruption has adverse effects on the society (Ouma, 1991). It jeopardizes the common good. Human beings are generally selfish and can rarely be satisfied hence the rampant corruption.

### **Deontologist view of Corruption**

Deontologism as an ethical system holds that some acts are naturally obligatory and binding on us. The natural and universal obligatory dimension of such acts gives them their moral status. An act is moral if there is a universal sense of duty or obligation attached to it. To do it makes one morally good and to refrain from it is morally bad; for example, the act of giving a seat to an elderly or sick person on the bus. This is on the positive side. On the negative side, some acts naturally carry with them negative obligation like the acts of adultery, lying, giving or taking bribe, and embezzlement of public funds. People have the natural obligation not to do them.

In relation to this ethical system, one, therefore, sees that corruption is a morally bad action or an immoral act. It goes contrary to right reason that one should appropriate what is meant for the public to assuage one's private interest or that one should use his position as a public servant for self-aggrandizement or for private gain, at the detriment of the common good. It also dictates that one should perform their duties with dedication without bias and to the best of their ability (Mazrui & Tidy, 1984). For example, Kenyans have suffered in the hands of rouge doctors, public officers and the consequences have been devastating. Going by the Kantian moral philosophy on which this ethical system is built, corruption is seen as an immoral or morally bad action because it goes against the supreme moral principle and the natural sense of duty that goes with it.

### **Justice System/ Contractarian view of Corruption**

The justice system predicates moral responsibility on acts that are based on rational choice, done with empathy, without any dint of partiality and motivated by a sense of justice and fairness towards the other person. People make the right choices under a hypothetical social contract. Our actions are good if they respect the right of others and maintain the cohesiveness of the social contract on which society is based. If one goes by the simplest understanding of justice as giving someone his or her dues, then they will easily see that since corruption deprives people of their dues in terms of good and quality service delivery that is effective and timely, and the money corruptly embezzled would have provided for them, then corruption is morally wrong.

Corruption does not, in any way, promote social cohesion or the social contract that binds people together, but rather threatens it. Corruption does not allow one to be fair in one's dealings with others (Stichter,

1982). On all these counts, therefore, corruption is morally bad. It is, therefore, the prerogative of ethics or moral philosophy to establish normative principles that not only make corrupt practices morally bad but also command people to desist from them. In Kenya for example establishment of the various independent commissions such as the Ethics and Anti-Corruption Commission (EACC), Independent Police Oversight Authority (IPOA), Cohesion and Integration Commission (CIC) among others, as well as the Anti-Corruption and Economic Crimes division of the Judiciary, and the integration of Ethics and Integrity as a huge component of the Constitution has been efforts geared towards establishing corruption deterrence mechanisms.

## CONCLUSION

Traditional African Society was rich with many values which can be integrated into our plan for nation building; values which when inculcated can help curb corruption. The values of truth and honesty were highly extolled in the traditional African society and are symbolized among the different communities in Kenya. These were anchored on a firm religious foundation, with the gods as witnesses ready to punish anyone who was dishonest in his dealings with others. The virtues of respect for public property, respect for the laws of the land were also common place. Thieves were publicly disgraced to deter others, and a life of virtue was rewarded. There was a reward system that served to promote hard work, honesty and transparency in the affairs of men, particularly the elders and those in authority.

Jomo Kenyatta, the founding President of Kenya vowed to fight poverty, illiteracy and disease, a vow his successor President Moi vowed to follow with his *Fuata Nyayo* Philosophy. It is a promise that subsequent governments have campaigned on. Unfortunately, the truth on the ground is corruption has crippled the education, health and economic sectors and these leaders have patronized upon regimes that are perpetuating the same vices they vowed to fight.

To fight and crush corruption, Kenyans need to incorporate traditional values that draw motivation from good ethics and morals within our modern institutions and relations. The individual is the origin of every moral action, whether good or bad. One can become involved in acts of corruption through a variety of ways: personally, carrying out corrupt acts, associating oneself with corrupt people through whom one can be influenced negatively, or participation in the use or enjoyment of the booties of corruption.

At this personal level, one can protect themselves from corruption by the formation of good conscience, a conscience that warns you ahead of time, and condemns or praises the individual depending on whether his or her actions are good or bad. Apart from this, there is need to convince one's self that corruption is an immoral act. Without this personal conviction, it will be difficult to get the individual to steer clear of corruption. For the individual to protect himself/herself from corruption he or she must also respect the laws of the land, be satisfied with one's means of livelihood, while looking for honest ways to improve on one's lot. Maintaining a high standard of morality and refusing to compromise these standards, no matter the pressure around one, would certainly contribute to the individual's attempt to protect one's self from being corrupted. Avoiding the company and advice of those who are corrupt is of utmost importance. Subsequently the article challenges all, particularly Kenyans, to be individually and collectively involved in the fight against corruption as well as entrenching good moral standards in the fight against the vice.

## REFERENCES

- Adamolekun, L. and C. Bryant (1994). *Governance Progress Report: The Africa Region Experience*. Washington, DC: World Bank.
- Bowman, J., S. (ed.). (1991). "Introduction: Ethical theory and practice," in *Ethical Frontier in Public Management: Seeking new Strategies for Resolving Ethical Dilemmas*. San Francisco: Jossey Bass.
- Brass, P. (1985). "Ethnicity and the colonial and post-colonial Africa: Abstract", in Brass. P. (ed) 1985, *Ethnic Groups and the State*. London: Croom Helm.
- D'Arcy, M. & Cornell, A. (April, 2016). Devolution and corruption in Kenya: Everyone's Turn to eat? *African Affairs*, Vol. 115, Issue 459: 246–273.

- Freund, B. (1984). *The Making of Contemporary Africa: The Development of African Society Since 1800*. Bloomington: Indiana University Press.
- Mazrui, A. A. & Tidy, M. (1984). *Nationalism and New States in Africa from about 1935 to the Present*. New Hampshire: Heinemann Educational Books Ltd.
- Nkrumah, K. (1980). *Class Struggle in Africa*. London: Panaf Books Ltd.
- Ojama, B. (2015). "Uproar over Sh109, 000 wheelbarrow in Bungoma." *The Star*, 8<sup>th</sup> September.
- Osoba, S.O. (1996) "Corruption in Nigeria: Historical perspectives." *Review of African Political Economy*, 69:371-386.
- Ouma, S.O.A. (1991) "Corruption in public policy and its impact on development: The case of Uganda since 1979." *Public Administration and Development*, 11 (5): 472-490.
- Oyugi, W.O., Wanyande, P. & Odhiambo-Mbai, C. (2003). *The Politics of Transition in Kenya. From KANU to NARC*. Nairobi: Heinrich Boll Foundation.
- Shaw, P. (2018). Corruption has reached tipping point, now something must give. *Daily Nation*. May 30.
- Stichter, S. (1982). *Migrant Labour in Kenya: Capitalism and African Response, 1895-1975*. Harlow: Longman Group Ltd.
- Taylor, S. (2006). Divergent politico-legal responses to past presidential corruption in Zambia and Kenya: Catching the 'big fish' or letting him off the hook? *Third World Quarterly*. Vol. 27, No. 2:281-301.
- United Nations (1990). *Practical Measures against Corruption*. New York: United Nations.
- Wanyoro, C.(2014). "Embu secretary sent home over seed, stadium tenders." *Business Daily*, January 8.
- Wrong, P. (2010). *It's our Turn to Eat: The Story of a Kenyan Whistle-blower*. Reprint. London: Harper Perennial.