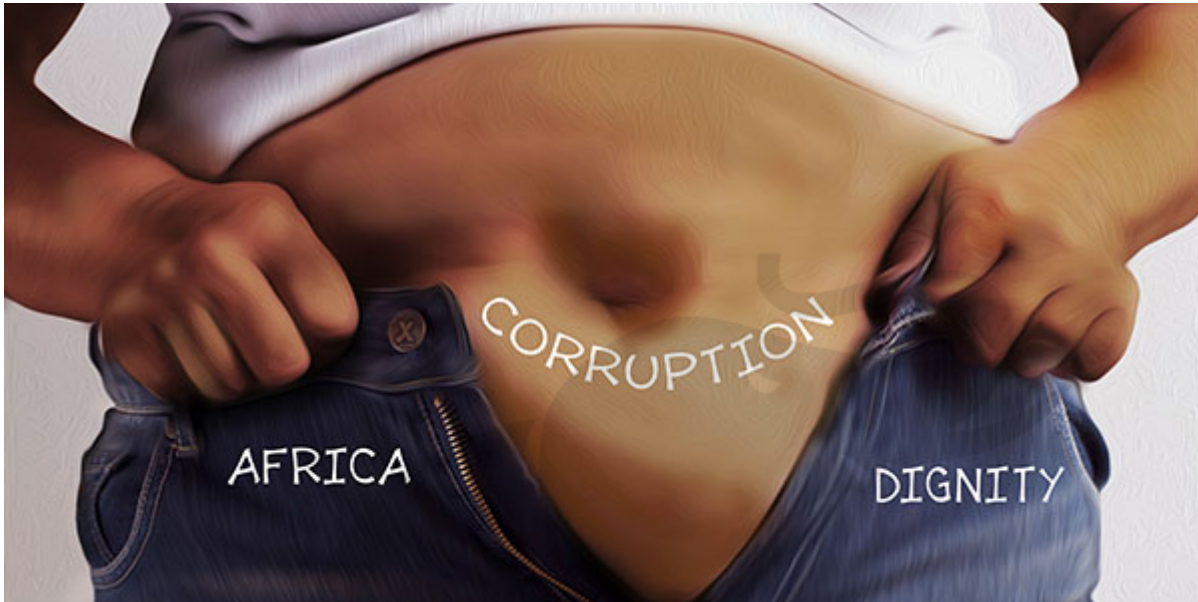




By Antoinette Kankindi



Nairobi, Kenya - The contemporary culture presents many paradoxes. It is an era of massive, constant information bombardment that is also at the same time an era of great complacency and conformity, at least when it comes to devising the fundamental tenets of a justly ordered society.

We are witnessing unprecedented strides in wealth creation and, at the same time, deepening socio-economic disparity. It is an era of democratic advance being enriched with an ever expanding human-rights' discourse and, at the same time, an era of populism, unprecedented human-rights abuses and the corrosion of the very idea of democracy. It is a time when governance is supplanting government to enhance the rule of law and lead to prosperity, yet corruption seems to undermine all three from different angles.

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The list is long and each paradox deserves individual treatment, should there be any chance of overcoming the ignorance underlining all of them. What is certain is that the last paradox mentioned is the theme under examination. Corruption has, indeed, become a monster.

LOOKING FOR A DISRUPTIVE ST GEORGE

The disheartening situation at hand is that incredible resources have been invested in fighting this monster, in many parts of the world, with inconsequential and at times negative results. Indeed, it is puzzling to observe the rise and the fall of such big constructs as the whole idea of transparency with its cohort of institutional mechanisms to fight corruption; its claims to inspire reforms targeting the most corrupt spheres of public life etc. This concept has come to suffer the same fate as the one of 'Codes of Ethics,' with its 'ethics officers' in all manner of organisations. None of these has had any significant effect on the monster. So do human societies have what it takes to slay the monster? Plato once he said we are like people looking for something they have in their hands all the time; so perhaps we're looking in all directions except at the thing we want, which is probably why we haven't found it.

Contrary to what the proponents of activism believe, true change, or revolution as it used to be called a long time ago, does not come from activism; it is not generated in the political arena. It originates in ideas, challenging other ideas. It would be difficult to think of the French Revolution without its Enlightenment thinkers, in the same way as it would be difficult to conceive the Russian Revolution without Karl Marx

At a time that glorifies disruption, the fight against corruption calls for a status quo-disruption campaigns on different fronts, questioning fundamental pillars of the existing failed solutions to the problem. It is a matter of human dignity to disentangle the intellectual inconsistencies driving the dysfunctional dynamics at play today. The endeavour requires character and principles. It is imperative to start by acknowledging that, contrary to what the proponents of activism believe, true change, or revolution as it used to be called a long time ago, does not come from activism; it is not generated in the political arena. It originates in ideas, challenging other ideas. It would be difficult to think of the French Revolution without its Enlightenment thinkers, in the same way as it would be difficult to conceive the Russian Revolution without Karl Marx.

As a first step to finding solutions, which ideas need challenging in the African context, which is already inextricably linked to the global context?

1. A conceptual framework that can put the problem of corruption into perspective should, first, include a dialogue based upon the natural structure of society, which in fact, responds to man's being. A brief description following Prof Alvira's idea of society's sub-systems^[1] would help. At the very basic level of society, there is the economic structure, always driven by the simple fact of survival. The complexity of relations and transactions brought about by economic activity calls for a regulated order, bringing into being the next sub-system, which is law. By its very nature, law requires the immediate social sub-system to allow its possible implementation and enforcement - and that is the realm of politics. However, political action being a human action is likely to need the next sub-system, which is ethics, in order to ensure that the purpose of politics remains the common good and not any other purpose. The last sphere required to complete the natural structure of society would be religion, in which a distinction between what is truly good as opposed to what is intrinsically evil finds an ultimate backing. The reason why the conceptual framework of a social order must be at the centre of the dialogue is that these spheres of society are articulated in a rational order, to the point that when one takes the place of the other, the structures of society become incapable of achieving society's purpose. This situation breeds corruption. It shows today when we see how economy takes precedence over law or politics; or when law takes the place of ethics. An examination of why the fight against corruption has failed cannot be successful unless it captures the subversion of Africa's social sub-systems, including its culture. Such an examination would be also expected to revisit the interference of global players in introducing

dysfunctional dynamics.

The brutal colonial systems had made systematically sure that no 'prior legality' subsisted. This meant that the new social order had no local foundation upon which it could be built, since there were neither traditional African institutions nor African ideals that could serve the purpose. Second, it is widely understood today that Independence was accorded to African countries only in appearance, while unofficially systems of chronic dependence were put in place simultaneously

2. Historically, there is a tendency to assume a certain number of unquestionable realities, at least for African nations. The first one is the idea of Independence considered, immediately after the colonial era, as a new legality. This is problematic on many accounts but two could be sufficient. First the new legality was to be embraced automatically without any other alternative as it was allegedly the best. In fact, the brutal colonial systems had made sure, systematically that no 'prior legality' subsisted. This meant that the new social order had no local foundation upon which it could be built, since there were neither traditional African institutions nor African ideals that could serve the purpose. Second, it is widely understood today that Independence was accorded to African countries only in appearance, while unofficially systems of chronic dependence were put in place simultaneously. The works of French activist Francois-Xavier Verschave are worth study on this[2]. Though his focus is France's role in the unofficial systems of dependence, he does show its institutionalisation through foreign debt and so-called development aid at the very start of the Independence process. There are levels of corruption, perhaps the most difficult to fight, that are embedded historically both in the foreign debt policy and structure as well as foreign aid mechanisms. They have simply become more difficult to identify particularly after 1989. No scrutiny of the failure in eradicating corruption can afford not to question the fundamentals underlying these mechanisms.
3. Post 1989 has seen a rapid rise of what can be called the global agenda, set by a unipolar power and communicated through a kind of uni-language. Such is the agenda that concurrently links democracy, governance, financial markets, human rights, education, health, environment, anti-corruption, prosperity, immigration etc. in one single development agenda. In the past century, this would be called imperialism; the novelty is its championing by the liberal current of thought and policy who were traditionally believed to be against imperialism. In the art of cocktail making, only exclusive experts can single out the ingredients of a truly exotic one. The cocktail that is the global agenda proves to be so intoxicating that only a few can afford to question its contribution to making the fight against corruption a losing battle. Take for example the democracy promoted by and through the foreign policy of major world powers. It is a liberal democracy. Conceptually, its promotion of individualism is in stark contrast with the basics of African societies built upon solidarity and hospitality. Moreover, it seems to either need or breed corruption in its own backyard, to the point of appearing attractive only to those who can see it as an opportunity to promote their own interests, and not necessarily those of ordinary citizens. Evidence in advanced democracies in recent years[3] and as displayed in 2016, makes it legitimate to ask whether liberal democracy needs corruption in a systemic sense. Dialogue on each of the ideas behind the global agenda indicated in this section cannot start soon enough. It should include the problem of the uni-language forged by what may rightly be called the social engineering factories serving the said agenda.

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afford to question its contribution to making the fight against corruption a losing battle. Liberal democracy's promotion of individualism is in stark contrast with the basics of African societies built upon solidarity and hospitality. Moreover, it seems to either need or breed corruption in its own backyard

COMMON SENSE, RAREST OF SENSES

Every question raised here indicates a path in the direction of the true problem of corruption, which lies in human decisions. The latter, in turn, end up creating habits, norms, policies, systems and even institutions. The weight of personal decision and personal responsibility in the culture of corruption makes systemic and/or institutional as well as policy solutions achieve little, since they do not address the sphere of individual decisions. Yet, naturally, it takes an individual decision to change. Excellent policies often remain just that - excellent on paper - as long as there is no personal commitment to make them work. Which means that this is a case of rationality. Either there is a commitment to act rationally, or else the reality of acting irrationally will take hold. Any person of common sense can see, today, that it is the irrational behaviour that is prevalent; but then don't they say that common sense has become the rarest of senses?

[1]Alvira, R. (1995), An attempt at classifying the plurality of social sub-systems with a special focus on law,

[*Persona y derecho: Revista de fundamentación de las Instituciones Jurídicas y de Derechos Humanos*](#), ISSN 0211-4526, Nº. 33, p. 41-52. This document is in Spanish. The journal *Person and Law* is a law review published by the Law School at the University Of Navarra in Spain, on the foundations of legal institutions and human rights. In this article, the whole idea of social sub-systems is demonstrated in detail.

[2]Vershave, F-X., (2002), *Françafrique, L'envers de la dette*, conference enregistrée le 28 mars 2002 à la Faculté St Charles de Marseille. This document is in French. The title of the conference translates as "The other side of the debt," recorded on March 28, 2002. Apart from this conference he has published more books on the neo-colonialism entrenched in global trends.

[3]Kuhner, T. (2014), [*Capitalism v. Democracy: Money in Politics and the Free Market Constitution*](#) (Stanford University Press 2014)

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