



The Evolving Language of Corruption in Kenya

By Dauti Kahura



Andrew Ngumba had a curious way of explaining away institutionalized corruption every time he was accused of engaging in it. “In the days gone by, before the village elders arbitrated any pressing or thorny issue, they would be offered libation just before the deliberations and then thanked with a goat thereafter, as an appreciation for a job well done.”

Those who are old enough will remember Ngumba, who died in 1997, as the mayor of Nairobi from 1977–1980. He later became the MP for Mathare constituency, renamed Kasarani, from 1983–1986. Ngumba estate, off Thika highway, next to East African Breweries, is named after the canny entrepreneur-politician, who founded Rural Urban Credit Finance Limited, dubbed the “ghetto bank”. The finance house collapsed in 1984 and Ngumba sought political refuge in Sweden.

Just like your archetypal politician, the wily Ngumba would with characteristic panache then ask, “Was the libation and the goat a form of saying ‘thank you for your time’ to the elders, or was it just plain corruption?” His cheekiness aside, which Kenyan society was Ngumba describing? Pre-colonial, before the advent of British settlers and missionaries? Or was he referring to a pre-urban, rural-setting Kenya, before it was contaminated by colonialism, modern capitalism and corruption?

We can imagine what his answer to his own rhetorical question was. Of greater interest, is the way

he chose to re-tell the socio-cultural anecdote, with the obvious intention of exonerating himself and like-minded politicians, when caught engaging in bribery and institutional corruption: he implicitly gave a nod to the nefarious activity by normalizing bribery, a vice previously unknown and unexperienced in the very society he was describing.

“Political elites [also] appropriate moral language and social norms to ‘conventionalise’ corruption, fashioning a vocabulary that takes the moral sting from opprobrium, corruption and its various forms,” says Wachira Maina in his report, [State Capture - Inside Kenya’s Inability to Fight Corruption](#). “Corruption is ‘traditionalised’ and reframed as gift-giving or as a form of socially recognizable reciprocity. Corrupt practices are then expressed in the language of moral obligation. No moral wrong is involved when an official or politician from one’s village violates conflict of interest rules or other laws to provide some ‘token benefit’.”

But when is a gift a bribe and a bribe a gift? Let us take the example of the chief - village or otherwise. Until very recently, up to the late 1990s, the chief was a powerful creature bestowed with the powers of “life and death” over his subjects. Until just before the December 1997 general elections, the statutory powers of the chief were many times greater than those of any elected official that you can think of. With the Inter-Parties Parliamentary Group (IPPG) reforms, some of their powers were supposedly clipped.

Picture this: Two parties are squabbling over a land boundary. They must go to the chief for arbitration. On the eve of the arbitration, one of the parties, most probably the one who has encroached on his neighbour’s land, gets a brainwave and pays the chief a visit in advance, ostensibly to remind him of their big day. Because of the unwritten law that it is “culturally rude” to visit a chief “empty-handed”, the visiting party decides to “gift” the chief with whatever, as has happened from time immemorial. One can, without too much effort, imagine the possible outcome of the land tussle the following day.

Chiefs were not only very powerful, they happened to be some of the richest people wherever they reigned. Should we wonder why chiefs as public officials, for example, own some of the biggest chunks of land in their area of jurisdiction? At the grassroots level, a socio-cultural norm was deliberately subverted to allow open bribery and the establishment of institutionalized corruption.

As currently constituted in the country, chiefs are an invention of British colonial rule. They are part of the indirect rule that the colonial government imposed on Kenyans. When Kenya gained independence from the British in 1963, the post-independent government inherited the colonial indirect system of government — the whole kit and caboodle. With their “illegitimacy” and corruption networks carried over and sanctioned by the new African government, chiefs entrenched themselves even further by extending their corrupt patronage networks within the government bureaucratic structures.

During their “reign of terror”, which continues today, chiefs interpreted bribes as “gifts” that had to be given by “force of law”; any person with matters arising at the chief’s court knew that a “gift” had to be carried along. So, even though this form of corruption was covert and not dangerous to the existence of the state, it impoverished and terrorized the poor peasants.

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Corruption, as an evolving concept, was introduced into Kenya society by the British colonial government and, the civil service has been known to be the home of institutionalized state

corruption since pre-independence Kenya. Think about it, the word corruption does not exist in the lexicons of Kenya's ethnic communities. In the Kikuyu community, for instance, there is a specific lexicon that describes a thief and theft, but there is no word for corruption per se, because in African societies, corruption, a Western concept (and as defined today), was unknown in many African traditional societies.

Indeed, as Wachira observes in his report released in 2019, "corruption has been a persistent problem in Kenya since before independence, but it has flourished and put down robust roots since the country's return to multiparty politics in 1992."

What is corruption? For the longest time, corruption has been defined in the binary fashion of either petty or grand corruption. Political scientists have variously described corruption as an act in which the power of public office is used for personal gain. In other words, the misuse of public resources by state officials for private gain. Corruption has also been described as behaviour that deviates from the formal rules of conduct governing the actions of someone in a position of public authority or trust.

The benefits of corruption are either economic — when an exchange of cash occurs — or social, in the case of favouritism or nepotism. Hence, grand corruption, sometimes referred to as political corruption, involves top government officials and political decision makers who engage in exchanges of large sums of illegally acquired money. Petty corruption involves mid- or low-level state officials, who are often underpaid and who interact with the public on a daily basis.

In his concise report, Wachira notes that "a generation of reforms has not dented the corruption edifice or undone its rhizome-like penetration into the body politic of Kenya." Why? "Part of the problem is conceptual: How we name corruption and how we understand its character," points out the constitutional lawyer.

These simple but loaded terms of "petty" and "grand" corruption present a false dichotomy, says Wachira. "Petty" suggests that the corruption is merely an irritant, something people do to speed up things or evade a long queue — a way of "lubricating the system." The term suggests an expedient with trivial effect, considered case by case. In fact, that characterization is deeply mistaken. . . . Most important, it becomes a fee, because it guarantees that what was initially a free service is no longer so. From a macro-economic perspective, its distortionary effect could be as at least as impactful as grand corruption," writes Wachira.

That is why petty corruption in Kenya has long been baptized *chai*, meaning tea, or *kitu kidogo*, which means something small. It is daily language that is used to camouflage an illegal act by likening it to one of Kenya's best-known pastimes — drinking tea. Civil servants demand *chai* from the public in order, they argue, to grease the bureaucratic wheel, which oftentimes revolves very, very slowly and needs to be lubricated for it to move. *Chai* and *Kitu Kidogo* have become interchangeable, because "something small" also connotes a kind of "lubricant" that "hastens" service delivery.

The police, especially traffic cops, who are synonymous with petty corruption, have perfected the language of *chai*-taking more than any other state official such that when Kenyans conjure bribe giving, the first person who immediately comes to mind is the policeman.

The State Capture report says, "Indeed language is in a parlous condition when the bribe a judge takes to free a dangerous criminal is named *chai*, like a nice 'cuppa' tea between intimates."

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that had to be given by “force of law”.

The report further states that, “the term ‘grand’ on the other hand can also be misleading if grand suggests debilitating to the state. Implicit in the term is the notion of a corrupt deal of significant size, involving senior officials and high-ranking politicians. Such corruption involves large-scale stealing of state resources and, the theory goes, it erodes confidence in government, undermines the rule of law and spawns economic instability.”

In Kenya, grand corruption has involved such mindboggling money schemes as the Goldenberg and Anglo-Leasing scandals and more recently, the Eurobond scandal. These mega-scams are a result of collusion between state officials and politicians, who over time have formed powerful corruption cartels that have proved inextinguishable.

Why does this corruption on a massive scale not cause moral outrage or shock in the public? Why is it not obvious to all? “There are cases in which the term ‘grand’ corruption fails to communicate the moral shock and magnitude that seems implicit. ‘Grand’ then becomes merely an audit term that simply describes financial scale,” says Wachira. “If that conclusion is right, it would then explain the frequent lack of moral outrage about widespread theft in government, with the result that there will be cases in which characterising corruption as petty or grand implies nothing about its impact or the social and political levers one can push to eliminate it.”

“Grand corruption” in Kenya today has evidently surpassed the current nomenclature; the staggering sums of money stolen have numbed the people’s sensibilities to shock and have refused to register in their psyche. How, for example, can the president have the audacity of treating Kenyans to shock therapy by telling them that KSh2 billion is stolen from the state coffers every 24 hours? That kind of pillage can no longer be termed as corruption, let alone grand corruption. A more appropriate language has to be found; and there can be no other word for it other than theft.

The State Capture report problematizes the matter of the naming of state plunder and discusses at length what could be the problem with language that seeks to explain the massive haemorrhage of state resources orchestrated by unscrupulous individuals. The report notes that corruption in Kenya has been described as a malignant tumour that hampers the government from governing properly “The problem of naming [corruption] is then compounded by medical or sociological language that pathologises corruption. . . . Therein lies the problem: Anti-corruption programmes ‘pathologise’ the relationship between corruption and the state, deploying medical terms like ‘cancer on the body politic,’ ‘a disease that we must cure’ or ‘a pervasive ill’ potentially responsive to curative interventions.

Wachira says,

Even when the language used is sociological rather medical, the pathological dimension stays. Corruption is ‘a perverse culture’ or ‘negative norm’. Both the medical and the sociological language mobilise a deep-seated ‘conviction that there is something pathological – an illness – within [Kenya] politics and culture’. This suggests that what the reformers must do is ‘to identify this pathology’ and formulate a diagnosis that examines the Kenyan society and brings to the surface the ‘fissures and contradictions’ that explain the graft.

In his report, Wachira goes on to say, “The medical perspective that implies that the state has gone awry and can be put to rights with an appropriate intervention is pervasive. Implicit in the diagnosis and the proposed cure is the thought that the state is constructed for some legitimate — or benign — purpose that has been perverted by corruption.”

Joseph G. Kibe, a Permanent Secretary in six different ministries in the 1970s, was once interviewed about his experience working as a top government bureaucrat, many years after his retirement in 1979. Said Kibe, "In those days, I could see some kind of low-level corruption starting to creep in, especially involving clerks. For instance, in the Lands Office, they would remove one file and hide it away from where the index shows it is and wait until the owners of the land wanted to conduct a transaction at which point they would ask for a bribe."

The same low-level corruption has been rampant in the corridors of justice. The low-paid court clerk in the magistrate's court "disappears" a case file so that he can solicit a bribe to enable the miraculous re-appearance of the "lost" file.

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The former PS, who went on to work for Transparency International (TI) Kenya Chapter, said in 2004, "Corruption had crept into ministries, departments and government corporations and was likely to entrench itself unless it was stopped. With corruption you give up development because all resources you have, only a little will do good. A lot will be taken away for personal use."

Because the patronage networks created by the civil service and the political class have ensured that corruption is profitable and has high returns, it has become extremely difficult to fight the vice. "The difficulties of fighting corruption lie in the union of corruption and politics; a union in which, at least since Goldenberg scandal, a power elite has captured the state, especially the Presidency and the Treasury and repurposed the machinery of the government into a 'temporary zone for personalised appropriation'" says Wachira.

State capture is a term that was popularized in South Africa, a country that since its independence 27 years ago, has witnessed some of the biggest state scandals since the end of Apartheid. "What is at play in Kenya [today] is 'state capture' defined as a political project in which a well-organised elite network constructs a symbiotic relationship between the constitutional state and a parallel shadow state for its own benefit", explains the State Capture report.

The success of the state capture rests on the ability of a small group of powerful and rich operatives to take over and pervert the institutions of democracy, while keeping the façade of a functioning democracy. Thus, oversight institutions are weakened; law enforcement is partisan and in the pockets of the politicians; civic space is asphyxiated; free elections are frustrated and are typically won by the most violent or the most corrupt, or those who are both violent and corrupt. Arrest and indictments are often the precursor of inaction, not proof of official will to fight corruption.

"Corruption eats at the moral fabric of the nation," once said Harris Mule, one of the finest PSs to have served at Kenya's Ministry of Finance. "Positive norms and traditions, once appropriated by the corrupt, instantly transform themselves into curses. Take the uniquely Kenyan institution of *Harambee*, as an example. It has been changed from what was once a positive manifestation of the culture of philanthropy and community service, into a political tool that fails to deliver what it promises."

Mule further said, "Corruption causes poverty by promoting unfair distribution of [the] national income and inefficient use of resources. Poverty and inequality in turn breed discontent and can cause national instability. The political implications of sharp economic inequalities are potent." The former PS was clear in his mind that corruption was the art of "transferring state assets into private

hands at the expense of the public interest and purse.”

Harambee, which means, “pulling together”, was a noble idea that tapped into the egalitarian and altruistic nature of African society, that of pooling their meagre resources together for the public good. It was very popular throughout the 1970s and 1980s and to a lesser extent in the 1990s. When Mwai Kibaki came to power in 2003, his government instituted a probe into the now much-maligned popular group effort. Wachira explains that,

As the report of the Task Force on Public Collections or Harambees showed clearly, politicians are the largest donors to ‘charitable’ causes — churches, schools, higher education and funerals are firm favourites — to which they give fortunes that are many times more than their own legitimate incomes. Such charity is, in truth, a bait and switch ploy: once moral institutions buckle to the lure of corruption money, the corrupt buy absolution and are free to dip deeper into the public coffers.

Both the Jomo Kenyatta and Daniel arap Moi regimes misused the *Harambee* spirit for self-aggrandizement. Mzee Kenyatta, who hardly gave any money towards any *Harambee* effort and if he did, it was a symbolic sum, expected Kenyans to contribute to his *Harambee* causes, which were baptized all manner of noteworthy names. The monies were not accounted for and nobody would dare ask how the funds raised were spent, whether they were spent on the causes for which they had been contributed. In many instances, the money collected went to line the pockets of Mzee’s friends.

During Moi’s time, *Harambee* was used by civil servants, especially chiefs, to solicit bribes and favours from people calling into government offices for services that are meant to be free. A citizen visiting a chief’s office to obtain a personal identification document would be presented with a card for a *Harambee* by the chief and his subordinates. If you wanted to be served at the Ministry of Lands for example, you would be presented with a *Harambee* card by a junior officer acting on behalf of his boss. Yours was not to question the authenticity of the card, why a public office was presenting a *Harambee* card to and all sundry, or why it was “mandatory” to contribute before being served in a public office. If you did, you would be called an “enemy of development” and labelled anti-Nyayo.

Why does this corruption on a massive scale not cause moral outrage or shock in the public?

Just after the Narc party was swept into power in 2003, the country witnessed a “citizen’s jury” at work: it exposed and sometimes went as far as making citizens’ arrests of errant police officers caught engaging in bribery. But what happened to citizens’ arrests? It was just a matter of time before the citizens themselves caved in and returned to offering the same bribes to the very same police officers. Why? Because they realized belatedly that to fight institutionalized corruption in Kenya, there must be goodwill and concerted effort from the government: the fish rots from the head and the fight against corruption must begin at the top.

Since 2013, corruption seems to have acquired a new word to camouflage it - hustler. Under the Jubilee government, “hustler” has come to describe tenderpreneurs masquerading as the toiling masses. It is the new lexicon that has been adopted by a cabal of people intent on raiding government coffers, a cabal that has appropriated the everyday language of Kenyans who eke out a living the hard way. It is the latest socio-cultural jargon that has been unleashed on the political landscape by a network of politicians intent on acquiring state power so that, in their turn, they can

perpetuate state capture.

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