

The Golden Rule as An Alternative Approach in the Fight Against Corruption

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Abstract

Just a few months ago, a boy in one of Kenyan high schools on hearing his teacher share about the extent to which corruption has affected the moral make-up in the country, retorted, “Then why not legalize [*legitimize*] corruption?” The boy’s statement suggests not only that corruption is so deep-rooted that we can do nothing about it, but also a call for a live-with-it situation. A recent survey conducted among the youth drawn from the four East African Countries (Kenya, Uganda, Tanzania and Rwanda) revealed that a good number of young people are so obsessed with getting rich by any means (including corruption) so long as they play it safe – i.e., they don’t get caught. This predisposition raises a number of ethical questions: Do moral values hold anymore? Is corruption a moral or a legal issue? How effective (or ineffective) are the anti-corruption initiatives and do they signal an end for corruption? Is there an alternative for dealing with corruption? This paper addresses corruption in its different forms along with some of the global anti-corruption initiatives that have been formed in an attempt to stamp out the graft. The paper proposes the Golden Rule (GR) as an alternative approach in the fight against corruption because the issue is moral rather than legal. It concludes with the claim that the GR, in its emphasis on love, fairness and selfless disposition would be a preferred option towards fighting corruption and advancing a moral and responsible society – as opposed to the rather punitive legal or anti-corruption approaches which tend to heighten hate and irresponsible behavior in the society and that the focus of the fight against corruption ought to be on the restoration rather than destruction of the agents.

Keywords: corruption, the Golden Rule (GR), anti-corruption initiatives

1. Introduction

In the months of October and November 2015, East African Institute (EAI) conducted a survey among 1,873 youths drawn from Kenya, Tanzania, Uganda and Rwanda on the subject of corruption. The findings indicated that about half of the respondents said they would not care what means they use to make money as long as they do not end up in jail (Awiti & Scott, 2016). Moreover, a good number of those interviewed said they admired people who have become wealthy through dubious means (Awiti & Scott, 2016).

With such a revelation and the fact that the youth form the bulk of the workforce in public offices and the law enforcement agencies, one wonders how corruption can ever be overcome if integrity is being compromised. Besides, the concession stance by the youth towards corruption may be a reflection of a failed judicial system in dealing with corruption as well as poor role modeling by parents and/or leaders. The youth might have watched people commit criminal offences with impunity. Thus, the survey seems to portray the youth as saying that corruption has become a way of life if one can get away with it. Similarly, the parents or leaders, who are supposed to be examples to the youth, seem to have been stained with corruption.

Among the sectors that are adversely affected by corruption are higher learning institutions namely Universities, Colleges and secondary schools where sexual favors between lecturers/teachers and students are used in exchange for grades – a practice (described as “sexually transmitted grades/degrees” (Pulse Team, 2012)) which, according to the views noted in the dailies, leads to releasing fake products to the job market.

Corruption is a worldwide phenomenon and requires a response that is global in appeal. Multiple legal initiatives have been adopted in the attempt to stamp out corruption but with little effect. This paper proposes that the GR, in view of its global recognition, may be the solution for the ever-increasing and multifaceted problem of corruption.

The paper recommends that corruption should be treated as a moral issue rather than legal. I contend that to be moral is to internalize and practice that which is ethically acceptable culturally, religiously and/or constitutionally. Certainly, interpretations may vary with regard to what is cultural, religious or constitutional. This, however, could be settled by formation of what Walzer calls “minimal morality” or values that can be understood and agreed upon by most people despite their different social and/or cultural backgrounds (Walzer, Spheres of Justice, 1983). In other words, minimal morality is about objective rather than subjective rules. That is, rules that serve no particular interest, favor no particular culture and carry no personal or social signature but instead regulate human behavior in a universally acceptable way (Walzer, Thick and Thin: Moral Argument at Home and Abroad, 1994). For example, rules against murder, deceit, torture, oppression and tyranny, which cut across cultures may be considered under minimal morality¹.

¹ Other moral philosophers such as Bernard Gert, Tom Beauchamp, James Childress, Charles Culver and Danner Clouser use

2. Meaning of Corruption

To a relativist, corruption could mean a harmful act to a specific society despite its being considered legal in another group. The underlying aspect in this interpretation is that the perception of corruption should be left to the social, political, and economic structures of a given community. Thus according to the relativists, corruption should be dealt with within the parameters of the community concerned. Here the ultimate source of law and/or morality is the traditional or customary system of a society. Thus for a relativist, there can never be a universal definition for corruption nor universal moral principles.

On the other hand, a positivist argues that the ultimate source of law is the will of the lawmaker. Therefore, for the positivists the standard of conduct is what is formally stated as such by the lawmaker/s. Corruption then, according to the positivist is any behavior that violates some formal standard or rule of behavior set down by a political system to govern its officials and/or citizens.

The popular definition of corruption is that it is the ‘abuse of power by a public official for private gain’ (Nye, 1967, p. 419; Treisman, 2000, p. 399) or ‘the misuse of office for unofficial ends’ (Rose-Ackerman, 1999, p. 91). This definition is, however, narrow in that it assumes that corruption is limited to public officials only and yet ‘private’ persons also engage in corrupt activities. Thus, corruption should be viewed as ‘trans-systemic’ because it affects all systems and classes in society (Alatos, 1990, pp. 3-4). I argue that corruption is any act or conduct that exalts a self-serving attitude at the expense of the good of others. In other words, corruption is a dishonest or perverse act motivated by self-interest. For example, a corrupt public official would demand for a bribe¹ in order to provide a service to a customer regardless of whether the latter is able to pay it or not.

3. Forms of Corruption

The catalogue of corrupt acts includes the following:

- *Patronage* or rewarding one’s supporters especially with employment on the basis of their support rather than their competence. It has been claimed that appointees through patronized system tend to bring more energy to administration, human capital and higher levels of education than careerists (Lewis, 2007) and that they (appointees) are better placed in terms of implementation of the agenda of their political principals.

The assumption in this line of argument is that patronage implies responsiveness and loyalty as opposed to independent and discretionary decisions of the careerists (Dunleavy, 1985; West, 2005). The foregoing argument in support of patronage is, however, rather weak in that it tends to sacrifice objectivity at the altar of responsiveness and allegiance.

- *Nepotism* and/or *cronyism* where one offers job favors to relatives (nepotism) or friends (cronyism) without regard for their qualifications. The situation is a preferential treatment by an official towards family members or close associates as far as employment or related activity is concerned. Acts of favoritism may involve unsolicited benefits provided to a relative or associate of an officer through undue influence or abuse of office.

Nepotism dates back to the Renaissance when the popes placed their relatives in high-level clerical positions in the church without regard for their qualifications (Ford & McLaughlin, 1986). Among the advantages of nepotism that have been proposed include the desire to work in a warm, family-type environment, improved communication network, engendering of family competition which could benefit the organization and keeping difficult younger generation off the streets (Ford & McLaughlin, 1986; Barmash, 1986).

The disadvantages of nepotism include lowering the morale of the supervisors who may not be related to the ‘nepotees’ especially when the latter are unjustifiably rewarded (Ichniowski, 1988). Moreover, nepotism can be a source of family and/or sibling rivalries because family affairs can easily come in the way of business decisions.

Therefore, whether through influence or coercion (i.e. abuse of office), nepotism or cronyism portrays conflict of interest and as a result integrity, objectivity and impartiality are undermined.

- *Fraud* or cheating for personal gain. Common sense suggests that an activity is fraudulent if the perpetrator prefers that it be concealed from public access. One example of a fraudulent conduct is ballot rigging through stuffing of ballot boxes against a political competitor or by intimidating pollsters

terms like “common morality” or “commonsense morality” in a similar sense as minimal morality. They argue that all humans who are serious about morality are aware of certain norms (e.g. don’t kill, don’t cause pain or suffering, tell the truth, keep promises, treat other persons as equals, be honest, be kind, etc.) (Beauchamp & Childress, 2001).

¹ A survey done by Transparency International in Pakistan revealed that 90 percent of homes with access to public education paid an average bribe of \$90 to teachers so that their children made higher grades. Moreover, in 2009, a survey in Uganda found that citizens were required to pay bribes of between \$20 and \$60 for basic health services including aid relief (Cockcroft, 2010).

and/or coercing voters at the polling stations, or through vote buying where voters and/or their agents cast votes in a pre-arranged manner (Lehoucq, 2002). Another example of fraud is what is known as “exam irregularity” in education circles. Exam irregularity or cheating involves possession of unauthorized material/s, with or without intent to use, in the course of an exam by a student or candidate. Acts of fraud undermine credibility and may lead to political instability and hence prevent the consolidation of democracy.

- *Embezzlement* or misappropriation of entrusted funds, which happens when government or organization resources are used for personal benefit. An embezzler uses his/her position in an organization to draw extra money for personal or private gain (Pisor & Gurven, 2015). Embezzlement is premeditated in that the embezzler falsifies records and takes precautions to conceal and carry out the criminal activities without the knowledge and/or consent of the affected person. Often acts of embezzlement happen in stages – in the initial stages the embezzled portion would be too small to be detected and may continue for many years. It is normally when an independent institutional audit is carried out that the victims of embezzlement discover that funds have gone missing.
- *Bribery* or giving and/or receiving inducements. Bribery tends to be the most common or typical form of corruption (Noonan, 1984; Pritchard, 1998). Bribery occurs when two or more persons or parties agree to exchange favors (material or otherwise) in order to get away with what is wrong or against the rule/s.

Corruption, in all its appearances¹ and/or colors², has posed a great challenge around the world for many years. In philosophy, corruption is traced to antiquity or the classical age. At the time, corruption was conceived both morally and legally. Moralistic corruption was perceived as loss of virtue in polity – a generalized condition that afflicted the leaders and citizens alike. This gave rise to aggressive empire building, hedonism (especially indulgence in luxury) and material inequality. Legalistic corruption, on the other hand, meant the abuse of public office for private or personal gain through patronage, bribery, extortion and embezzlement. Among the factors that contributed to corruption during the classical period included low or no pay to public servants – a situation which predisposed the victims to alternatives (e.g. bribery, ‘gifts’, illicit trade, etc.) to augment their income (Taylor, 2001).

Plato pleaded with state officials to render services without taking presents or gifts (Hamilton & Cains, 1961)³; and Aristotle proposed that copies of accounts be deposited in each clan, company and tribe to safeguard public funds from being stolen and that reputable officials who held office without seeking profit be rewarded or honored (Aristotle, Politics, 1998). Both Plato and Aristotle viewed corruption as dysfunctional and destructive for any political order – whether monarchic, aristocratic, or democratic.

With regard to religion, corruption could be as old as creation, especially as far as Christianity is concerned. The first human couple, Adam and Eve, by eating from the tree of the knowledge of good and evil (Gen.2:17; 3:6) which was an act of yielding to the corruptor (the Serpent) rather than obeying the Lawgiver’s (God’s) warning against eating from the forbidden tree, resulted in their punishments and subsequent banishment from the Garden of Eden (Gen.3:14-24).

4. The Golden Rule

The Golden Rule (GR) is a maxim which states either that, “One should treat others as one would like others to treat oneself” (positive form) or, “One should not treat others in ways that one would not like to be treated” (negative form – also known as the “Silver Rule”). The positive formulation of the GR has been associated with the words of Jesus Christ as recorded in Matthew 7:12 – “Therefore, whatever you want others to do to you, do also to them, for this is the Law and the Prophets” and in Luke 6:31 – “And just as you want others to do to you, you also do to them likewise.” Some writers have made a distinction between the positive and negative formulations of the GR. The proponents of the positive formulation argue that it is superior because it is

¹ Stapenhurst and Langseth categorize corruption into two – “petty” and “grand”; petty corruption being practised by public servants who, being grossly underpaid, collect rents from the public to meet their family needs; while grand corruption is practised by public officials over huge public contracts (Stapenhurst & Langseth, 1997). Werlin divides corruption into two – “primary corruption” which refers to partisan behavior that challenges respect for legal and normative requirements but still respects them and expects punishment if caught; and “secondary corruption” which is carried out in the absence of viable respect for legal or normative requirements. Thus, secondary corruption capitalizes on the loopholes in the legal or normative requirements and hence there is less fear and sense of guilt involved in the practice (Werlin, 1994).

² Heidenheimer and Johnston have classified corruption as “black” (actions which, according to majority opinion, are condemnable and punishable), “gray” (actions which elicit at least three different reactions – supporters of punishment, those against punishment and the undecided), and “white” (actions which are often treated as petty and hence tolerable because they do not clearly and totally violate the law) (Heidenheimer & Johnston, 2002)

³ The Greek language has several words (*doron, lemma, chresmasi, peithein*) associated with gifts and/or bribes but tend to treat the two as one and the same and thus to persuade through gift giving was considered normal (Philp, 1997; Bratsis, 2016)

concerned with greater extension and higher quality of actions and desires than the negative form (Topel, 1998). The defenders of the positive imperative of the GR have also renamed the negative formulation as the Silver Rule (SR) in that it only prohibits an action – i.e., it neither commands nor recommends any positive action, which an ethical agent ought to do (Topel, 1998).

Examples of negative GR rendering are evident in statements such as, “What is hateful to you, do not do to your neighbor. This is the entire Torah; and the rest is commentary. Go and study” – recorded in the Babylonian Talmud (*Shabbat* 31a) and attributed to Hillel, the first century BC Jewish sage and, “What I do not wish men to do to me, I also wish not to do to them” – Confucius in the *Analects*.

The Copper Rule (CR), also known as the Platinum Rule (PR), is a moral principle that has been proposed as an alternative to the GR. The CR, which is an amalgam of Zhuang Zi (Daoism) and Mencius (Confucianism) states (positively) that, “Do unto others what they would have you do unto them” or (negatively) “Do not do unto others what they would not have you do to them”. The proponents of the CR consider it as the antithesis of the GR in that it prioritizes the interests of others over one’s own.

Yong Huang, a supporter of the CR, regards Mencius’ words, “gather what they [people] want for them and do not impose what they dislike on them”, as a perfect expression of the CR (Huang, 2005; Mencius, 1970). Through the CR, the focus of relationships shifts from “This is what I want, so I will give everyone the same thing” to “Let me first understand what they want and then give it to them”. Thus, the CR calls for learning to see things through the eyes of others and providing leadership in a way that motivates them to want to follow.

What seems to be apparent is that whether framed positively as a call for higher quality of actions and desires, or negatively as simply an injunctive against harm, or even if expressed conversely (i.e. the Copper Rule), the GR exhorts humans to treat one another with fairness and consideration of multiple and often different perspectives.

In philosophy, the GR has for centuries been accepted as a rational, self-evident principle of natural law. Apparently, John S. Mill proposed that the GR expressed “the complete spirit of the ethics of utility” (Mill, 1981, p. 418). Moreover, the GR has been perceived as an approximation of Kant’s Categorical Imperative (CI) principle in that they both are universal in appeal although the CI seems to be limited to the rational agents only whereas the GR is limitless. However, the CI through its end-in-itself formulation whereby it warns against treating people as mere tools towards achieving our goals but rather with respect and dignity, tends to resonate with the spirit of the GR.

Therefore, this study situates the GR in the deontological theory¹ of ethics in that in its reciprocal nature, the GR seems to advocate that an act is right or wrong in and of itself regardless of its consequences. In other words, the GR would claim that an act is acceptable if it accords with human associations.

5. The Golden Rule versus Corruption

In this section, I will attempt to highlight certain characteristics of the GR whose opposites are found in corruption. These characteristics include the following:-

- *Altruism vs. Egoism*: Altruism refers to the ‘outward look’ (rather than the ‘inward look’ – egoism) by an agent of an action so that the consequences of the action are more in favor of the other person/s rather than oneself. Auguste Comte, who is credited with coining the word ‘altruism’, believed that individuals should renounce self-interest and live for others because that way benevolence, being the source of human happiness and duty, would be fulfilled (Comte, 1892).

Central to altruism is the concern for the promotion of happiness and relieving of pain in the lives of other humans (Broad, 1930; MacLagan, 1954). Thus, altruism is a form of consequentialism in that an action is deemed morally acceptable if it brings good consequences to others.

The GR, through its emphasis on doing to others as one would like them to do to oneself, tends to endorse altruism – it points one’s attention away from oneself to others. Therefore, the GR presumes that what is good for oneself is also good for others and that the agent should attend to his/her interests in light of the interests of others. Thus, the GR from an altruistic perspective would resonate with the Ubuntu proverb *Umntu ngumuntu ngabantu* (‘a human being is a human being through other human beings’) (Hankela, 2014, p. 52).

Egoism or the theory that one’s self is, and should be the motivation and the goal of one’s own action,

¹ Other major ethical theories include: (a) Consequentialism (also teleological or utilitarianism), which holds that an act is morally right or wrong based on its consequences – right if it produces as much good or pleasure for all people affected, and wrong if it produces as much bad or pain for all people affected. (b) Social contract theory, which is an agreement either between the subjects and their ruler, or among the people in a community – has been perceived as a major contributor in the development of democracy or the government being the creation of the people who can and should judge and which they have the power to overthrow if they find it wanting. (c) Divine command theory, which holds that all moral requirements derive from God’s commands; that is, God is the source of morality – remove God and nothing is morally forbidden or obligatory, instead everything is morally permissible (Honderich, 1995).

is the opposite of altruism. Therefore, since corruption is about promoting self-interest at the expense of the good of others, it is egoistic rather than altruistic in orientation.

- *Love vs. Indifference*: Of the three natures of love (*eros* – affectionate or sexual love; *philia* – family and/or group love; and *agape* – brotherly or sacrificial love), the GR follows *agape*, which is drawn from the Judaic-Christian tradition of loving God and one's neighbor (Deut.6:5; Lev.19:18). Such love is superior in that it transcends the sensual love and/or the clique love to include love for all humanity. *Agape* love promotes an egalitarian spirit whereby people are expected to treat or relate to one another as equals irrespective of their social, racial, political, economic and/or religious differences. Indifference is simply to be disinterested in or be unsympathetic towards others. It can then be said that corruption with its emphasis on personal gain through misuse of public resources, is propelled by indifference.

- *Generosity vs. Greed*: Aristotle in his *Nicomachean Ethics*, expressed the virtue of generosity as a mean between two unvirtuous extremes of wastefulness and stinginess – a generous person takes care of his possessions as he cultivates the habit of sharing them responsibly with the right people; that is, giving to the right people, the right amount at the right time (Aristotle, *Nicomachean Ethics*: Book IV Chapter One, 1999). Essentially, Aristotle's counsel is that the agents of generosity should exercise a lot of care to avoid being taken advantage of by underserving recipients of their generous gesture. The GR as expressed in the Christian tradition (Lk. 6:27-38 – *Love for enemies*) takes the virtue of generosity to another level. Unlike in the case of Aristotle where the virtue is limited to the right persons, right amount and right time, the generosity of the GR is far-reaching in that it knows no limits in terms of the recipients (who include the agent's enemies – vv.27-28, 34-35) and amount (which is to be done in abundance – v.38). This move has been described as a shift from "the economy of exchange and its logic of equivalence" to "the economy of gift and its logic of abundance" (Ricoeur, 1990, p. 395).

Contrary to the GR, which is characterized by generosity, corruption is driven by greed or an insatiable desire for more (money, food, power, etc.) than is necessary, not for the greater good but to satisfy one's self interest at the detriment of others. Greed is one of the seven deadly sins¹ and has been described as "the mother and matrix, root and consort, of all the other sins" (Tickle, 2004, p. 15). Being one of the causes of corruption, greed is a global phenomenon.

- *Equality vs. inequality*: Equality refers to mutual correspondence between different persons that share the same qualities in at least one respect but not necessarily all respects. Equality is not another word for identical or 'sameness'; rather it is concerned with similarity especially in the prescriptive sense whereby people may be different in terms of color, religion, or culture but equal by nature or by the simple fact that they are members of the human race.

Morally speaking, all humans everywhere deserve the same dignity and the same respect. Equality is at the heart of the GR. Concern for others' interests as the rule directs, is key to establishing equality. Thus, the GR in its other-directedness and equality is a significant step towards mutuality in the pursuit of overall social good.

Corruption, in contrast to the GR, fosters moral inequality² or systematic inequality by acknowledging differences in wealth, power, status or classes – factors that involve one person benefiting at the expense of another. The rather perpetual unequal distribution of resources and unequal access to education and power would point to the persistence of corruption. There is a mutual correlation between inequality and corruption such that the greater the inequality, the higher the levels of corruption – with a resultant vicious circle in societies (You & Khagram, 2005).

- *Fairness vs. unfairness*: Fairness is usually associated with justice and consists in giving all people their due by maintaining equity and correcting inequity. Fairness begins with the recognition that others are like oneself and hence the need to put oneself in the others' place for the purposes of enhancing mutual equitableness.

The GR is a principle of fairness in that it requires one to treat others as one would have them treat one in like cases. For example, in politics, fairness demands that the states that acknowledge the principle of fairness should deal with weaker states as they would have stronger states deal with them.

On the other hand, corruption, with its focus on self-regard at the expense of others, exudes unfairness. Exploitation or taking unfair advantage of others to benefit oneself, is another word for unfairness. Thus

¹ Also known as 'capital vices' or 'cardinal sins' namely *Lust, gluttony, greed, sloth, wrath, envy* and *pride*, originated with the early Christian monks around the third century AD (Tucker, 2015).

² This is in contrast to natural inequality, which refers to differences in age, physical strength, health, or any other physical characteristics – these inequalities are ordained by nature as opposed to moral inequalities, which are products of human consent often through legislation, promulgation and administration of laws (Rousseau, 2013; Dobel, 1978).

unfairness or exploitation, which typifies corruption, is essentially doing to others what one would not want done to. For example, it would be unfair or exploitative for a pharmaceutical firm in the developed world to use people in the developing world as guinea pigs to test new drugs.

6. The Anti-corruption Initiatives

Corruption is a global issue and has attracted international attention and thus laws upon laws have been passed and entities upon entities have been established towards stamping out the menace.

Among the global initiatives that have been formed in the effort to combat corruption, is the Organization for Economic Co-operation and Development (OECD), which was established in 1961 but dates back to 1948 when it was known as Organization for European Economic Cooperation (OEEC). Currently there are about 39 OECD member countries worldwide. The mission of OECD is to promote policies that will improve the economic and social well-being of people around the world by facilitating forums in which governments can work together to share experiences and seek solutions to common problems. The purpose of OECD is to avoid the mistakes of their predecessors and focus on cooperation and reconstruction rather than punish the defeated nations (OECD: Better Policies for Better Lives, 2016). The Organization of American States (OAS) was formed in 1996 and shares a lot in common with OECD but has an additional clause of denying asylum to corrupt officials fleeing from their countries (Eigen, 2002). The International Association of Anti-Corruption Authorities (IAACA) was established in 2006 to facilitate implementation of the United Nations Convention against Corruption (UNCAC), which was established in December 2005. UNCAC's mandate is to develop effective legal mechanisms for prevention and criminalization of corruption and asset recovery.

In Kenya, anti-corruption legislation has evolved since 1956 when the British colonial authorities established the Prevention of Corruption Act (PCA) Chapter 65, which provided a legal framework for fighting public corruption especially bribery in public offices. PCA was amended in 1991 to provide stiffer penalties for those convicted of corruption. Then in 1993, an anti-corruption squad was administratively established in the police force to spearhead the fight against corruption. In 1997 the PCA was replaced by the Kenya Anti-Corruption Authority (KACA). KACA was, however, disbanded in April 2000 through the High Court ruling that the Authority's powers to prosecute were in conflict with section 26 of the then constitution¹ which stated that the powers to prosecute were exclusively vested in the Attorney General. So, in May 2003, Kenya Anti-Corruption Commission (KACC) was established. KACC was mandated to investigate and recommend penalties for various corruption offences.

Besides, the new constitution of Kenya which was approved in 2010 promotes the principles of transparency, integrity and accountability – virtues that befit a society that is not only set to put an end to corruption, but also desires to live by the GR. Pursuant to article 79 of the new constitution, Parliament disbanded KACC in August 2011 to pave way for the enactment of Ethics and Anti-Corruption Commission (EACC) which took place in September 2011.

EACC is mandated to combat and prevent corruption and economic crime in Kenya by conducting investigations, applying preventive measures, carrying out public education and promoting standards and practices of integrity, ethics and anti-corruption (Ethics and Anti-Corruption Commission).

As is evident in the above anti-corruption entities, their formation was toward institutional reform which involves structural legal changes to curb corrupt practices and subject the perpetrators to high penalties. The legal measures that have been proposed in the effort to defeat corruption include emphasis on free election and equitable campaign financing, the independence of powers between the legislative, executive and judicial arms of government, the establishment of watchdog agencies, protection for freedom of expression and the media and a strong civil society (Corruption and Moral Renovation, 2002).

Unfortunately, attempts towards the implementation of anti-corruption strategies, among other efforts, have been met either with stiff resistance or collision (or perhaps competition) between bodies of inquiry² and consequently corruption tends to thrive with no end in sight. The Corruption Perception Index (CPI) released by Transparency International (TI) on 3rd December 2014 ranked Kenya at 145 (with the score of 25 points on a scale of zero to 100) out of 175 countries – down from number 136 (with a score of 27 points) in 2013 (Transparency International, 2014). Therefore, despite all the many catchy titles and enticing objectives of anti-

¹ The section spells out that the Attorney General shall have the power to (a) institute and undertake criminal proceedings against any person before the court of any court (other than a court-martial) in respect of any offence alleged to have been committed by that person; or (b) take over and continue any such criminal proceedings that have been instituted or undertaken by another person or authority; and (c) to discontinue at any stage before judgment is delivered any such criminal proceedings instituted or undertaken by himself or another person or authority (1969 Kenya Constitution (as Amended to 1997))

² A case in point is the Goldenberg and Ndungu Commissions of Inquiry and KACC which had interest in the Goldenberg scandal. KACC commenced proceedings in the High Court for the recovery of assets under the Goldenberg Inquiry without waiting for the Commission of Inquiry to complete its hearings, but the case collapsed because of a legal technicality.

corruption entities in Kenya, the scam still lives on.

A general assessment would underline devolution as one of the key pillars and successes of the Jubilee government. However, the government has not put in place sufficient mechanisms to control corruption in the counties – no wonder ten (10) wheelbarrows can be procured at a cost of KES.109,320 in Bungoma county; a hospital bed in Nyeri County costs KES.1.3 million; hospital curtains in Meru County are bought at KES.7.8 million; and a gate in Nyamira County can be repaired at a cost of KES.28 million (The Senate Hansard, 2015). Thus, most of the functions and funds have been hastily devolved since 2013 without the requisite structures to protect the public funds.

The 2013/14 report from the Auditor-General's office has revealed massive corruption and careless spending by the national and county governments in total disregard of procurement regulations. For example, the Ministry of Foreign Affairs could not account for over Kshs.2.4 billion; Nairobi county under banked revenue to the tune of over KES.252 million during the period of 1st January 2013 and 30th June 2013; Homabay and Kisumu counties awarded supervisory services to a firm through direct procurement – contrary to the Public Procurement and Disposal Act, 2005 (Ouko, 2015).

Consequently, the fight against corruption has seemingly been a matter of mere rhetoric as opposed to action in the sense that the scourge has mostly attracted analyses, conventions, awareness campaigns, formation of anti-corruption bodies and writings, which include colorful recommendations (Kaufmann, 1997; Billger & Goel, 2009) such as toughening of anti-corruption legislation and drastic changes in corporate behavior (Cockcroft, 2010).

The dismal performance calls to question the effectiveness of the reforms (including commissions) that have been instituted in various sectors. Among the proposed causes of the poor show in dealing with corruption in Kenya, and most likely elsewhere, include the inaction or slow action on corruption cases especially the big ones that involve high-ranking government officials who may have been implicated in corruption practices. Apparently, no serious high-level corruption case has been punished successfully by the successive governments. Moreover, little success has been recorded in the investigation and/or prosecution of grand corruption cases such as Goldenberg and Anglo-leasing scandals. Further, it is possible that those charged with investigation and prosecution are themselves corrupt and hence the task would amount to an exercise in futility.

It has also been established that even the initially goodhearted leaders can also fall prey to corruption. For example, Brazil's Luiz Igratio compromised his anti-corruption resolve by buying parliamentary votes in 2005 during the Mensalao scandal; and in China the Chair of China Construction Bank, Zheng Enzhao, was incarcerated for 15 years for accepting a bribe of \$500,000 (Cockcroft, 2010).

7. How the Golden Rule works with reference to Corruption

The GR's call to "treat others as you want to be treated", is global in scope. The rule, either in its positive or negative form, is acknowledged by major religions, cultures, personalities of different persuasions and business corporations. Currently the GR is part of the growing global-ethics movement¹.

The GR simply means treating other people in a considerate, thoughtful, honest and fair manner without taking advantage of them. To apply the GR, one would have to imagine oneself in the exact place of the person on the receiving end of one's action in order to either like or dislike it. Thus, the implication of the GR is that every individual, (irrespective of age, color, status or religion) has worth and value. Therefore, according to the GR, the recipient of one's action is as worthy of justice, dignity and sense of fairness as one is.

However, the GR cannot be manipulated into defending one's own immoral conduct. For example, it would amount to manipulation of the GR for a criminal who has been fairly sentenced to imprisonment to ask the judge not to jail him/her because he/she (the judge) would not want to be jailed. Rather, the basic requirement for the GR to work is a fundamental level of sincerity. If we cannot consistently and honestly apply it to those around us, regardless of who they are or what the situation is, it will not work because someone who behaves ethically part of the time is not really an ethical person at all.

Turning to how the GR could be a solution to corruption, I propose that the campaign against corruption be done in a manner that takes cognizance of the fact that corruption is immoral because it undermines virtues that attach to the person qua human being such as compassion, impartiality, fairness and objectivity in dealing with other human beings. For corruption to take place it has something to do with the moral disposition of the agent – a person may either uphold virtues against corruption (and not become corrupt or get corrupted) or suppress them (and become corrupt or get corrupted). For example, a lecturer in good moral standing would not yield to the offer of sexual favors from a female student for undeserved grades because that would undermine the virtues

¹ The Global Ethic Foundation uses the unifying values of the GR in its four essential affirmations namely:- (a) Commitment to a culture of non-violence and respect for life, (b) commitment to a culture of solidarity and a just economic order, (c) commitment to a culture of tolerance and a life of fruitfulness and (d) commitment to a culture of equal rights and partnership between men and women (McKenna, 2010).

of fairness and impartiality. Alternatively, the lecturer may suppress the virtues and succumb to corruption by the student. However, a lecturer who subscribes to the GR would not accept sexual favors in order to award an undeserved grade because he/she did not (and would not like to) receive his/her grade by that means.

Similarly, a criminal who follows the GR would not object to the judge's decision to put him/her in prison because if he/she were the judge he/she would not hesitate to rule that he/she (the criminal) be jailed.

It can be assumed that everyone is susceptible to corruption either by being the giver or the receiver – given a chance anybody may either corrupt or be corrupted. If that be the case, then all humans are corrupt and the best place to start dealing with the issue of corruption would perhaps be to earnestly embark on moral renovation or cultural transformation by, for instance, acknowledging the contribution of religious teachings and cultural values. Perhaps it may be necessary to grant partial amnesty to past misdeeds of corruption as a way of pronouncing forgiveness (rather than prison sentence) to the past corruptors and the corrupted; and inviting them to a reformed moral disposition that is not easily prone to corruption.

Thus, a GR follower would admit to the vulnerability of corruption and thereby seek forgiveness and wish the same for others with a view to committing to uphold the moral ideals that do not encourage corruption. Life is about common expectations of behavior and as such, where corruption is the norm, getting rid of it is not easy – after all, if I expect those around me to continue to be corrupt, why should I change my behavior? Because of this, corruption has proved to be highly persistent. Similarly, honesty is persistent – an honest person expects those around to be honest and the GR advocates for honest dealings.

8. Conclusion

I started this paper with a comment from a high school boy in Kenya who views corruption as an invincible monster that should be legalized. I have demonstrated by referring to various anti-corruption initiatives that have been formed, and more importantly through the adoption of the GR, that corruption can be minimized through a personal commitment to treat others fairly and honestly. I have also argued that corruption is more of a moral issue than a legal one because it has to do with the moral predisposition of the perpetrators rather than with intensifying the punishment for their corrupt deeds.

Although the legal or institutional approach towards corruption could be popular, it tends to be very expensive to implement and is likely to attract resistance and hence encourage animosity in the society. The GR or moral approach, on the other hand, by promoting the virtues of love, generosity, fairness, altruism and equality, is to be preferred because it points to a peaceful and caring society.

In closing, I wish to highlight a few implications of the GR for a corruption-free society:

- *Role modeling*: Leaders and parents ought to walk their talk against corruption. If the society is replete with corruption or if it is free from corruption, it is a reflection of the leadership. Therefore, it is incumbent upon the leaders to spare no effort in teaching and setting example towards a nation or society that is free from corruption.
Confucius (6th –5th century BC), the Chinese thinker who founded the Confucian school of thought, saw ruthless, heartless, assassins and thieves who regarded themselves as good leaders, and devoted his life to alleviate the pain that he witnessed at his time (Low, 2011). Though he (Confucius) never attained any political or influential position to enable him put his ethical ideals (e.g. selflessness, goodness, rightness, duty, courage, benevolence, commitment, loyalty, etc.) into practice, he was passionate about them. That Confucianism continues to exert great influence on Chinese intellectuals and on social and political order, is clear evidence that Confucius' efforts were not in vain after all (Honderich, 1995).
- *Impartiality*: Those charged with the responsibility of dealing with corruption cases should unwaveringly deal with the culprits without fear or favor. Admittedly, the process is both risky and tough but has to be done – risky because it could cost one's life and tough because it may involve court proceedings, which may drag on for a long time.
- *Consistency*: There is need for the measures against corruption to be administered in a consistent manner to avoid selective and/or uneven application because to follow the latter is, in and of itself, corruption.

I want to say, whether through the GR which takes corruption as a moral issue and hence the need to rethink (or perhaps reclaim) our moral values or through the legal approach which is largely punitive in nature; the focus should always be to restore rather than destroy the perpetrators of corruption.

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