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**RELEVANCE OF JOHN RAWLS THEORY OF JUSTICE IN CURBING THE  
PROBLEM OF CORRUPTION IN KENYA**

**A DISSERTATION SUBMITTED IN PARTIAL FULFILLMENT OF THE  
REQUIREMENTS FOR THE B. A IN PHILOSOPHY**

**NAIROBI-KENYA**

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## **DECLARATION**

I declare that this work is a fruit of diligent scientific research aided by personal reflection and critical thinking. Furthermore, this paper is a prototype for it has not been presented in any other institution for an academic award. The wellspring used in this work have been cited and properly acknowledged.

**Name:**

**Signed:** .....

**Date:** .....

This Long Essay has been submitted for examination with my approval as the supervisor:

**Name:**

**Signed:** .....

**Date:** .....

## **DEDICATION**

I dedicate this work to all Human rights Activists and all people who fight against corruption with the aim of establishing a Just society.

## **ACKNOWLEDGEMENT**

Many people have sacrificed for me, fed me, and supported me in different ways. Although I have not been able to compensate for all this adequately, I owe immense gratitude to all those who have supported me and will continue to support me. I stretch my thankfulness to Dr. Gerface Ochieng', whose lecturers challenged I to write this essay at a time our political leaders were using public institutions to extract wealth instead of building up our great nation.

My sincere appreciation goes to Rev. Dr. Kenneth Makokha for his humble acceptance to journey with me in this intellectual activity. His criticism adds more credit to this work. Am vastly grateful to Br. Donald Ojobo for his generous and strenuous effort in ensuring this work fits the current situation of Kenyan situation.

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## ACRONYMS

DR.	: Doctor
REV.	: Reverend
FR.	: Father (Priest)
OFM Cap.	: Order of Friars Minor Capuchin
BR.	: Brother
ST.	: Saint
KEMSA.	: Kenya Medical Suppliers Authority
U.S.A.	: United States of America
KACC.	: Kenya Anti-Corruption Commission
COTU.	: Central Organization of Trade Unions

## **ABSTRACT**

Corruption came into existence at the same time with human society. The State of Kenya has a historical background of corruption since independence of which has brought a lot of effects in people's lives. The notion of justice in the Kenyan society has been neglected by ignoring the fundamental principles that govern any just society. Corruption has become a habit and therefore a means to earn living at large hence becoming endemic.

Kenya, among other failed nations, has failed in her developmental agenda due to the establishment of parasitic economic institutions which have failed to produce rewards needed for people to save, make investments, and innovate. Parasitic political institutions which have been used to extract public resources for personal gains, support these economic institutions by consolidating the power of those who benefit from the extraction. These parasitic and exploiting institutions which are projects for extraction, are the main players in the promotion of corruption. According to John Rawls, once the sixth chapter of the Kenya's constitution 2010 which addresses the issue of leadership and integrity is implemented, just institutions will be established and maintained. The extracting projects will come to an end.

The rules of justice are essential requirements in any structured society for they help in regulating its major institutions. The idea of justice as fairness implies the concept of perfect and justifiable process in handling the contingencies of particular situations. In order to realize this, both the social and economic processes requires to be fundamentally organized within the proper circles of political and legal institutions. Without this, the distributing process's result will not be fair. This work focuses on analyzing the multiple causes and effects of corruption and also giving out some pragmatic procedures which will help in bringing back the notion of justice within the contemporary Kenyan society. This research paper is entirely inspired by John Rawls' theory of justice as fairness.

## CONTENTS

<b>DECLARATION.....</b>	<b>ii</b>
<b>DEDICATION.....</b>	<b>iii</b>
<b>ACKNOWLEDGEMENT.....</b>	<b>iv</b>
<b>ACRONYMS .....</b>	<b>v</b>
<b>ABSTRACT.....</b>	<b>vi</b>
<b>GENERAL INTRODUCTION.....</b>	<b>3</b>
1.0    Introduction .....	3
1.1    Background of the study .....	4
1.1.1    Forms of Corruption.....	7
1.2    Statement of the Problem .....	7
1.3    Objective of the Study.....	8
1.4    Research Questions .....	8
1.5    Justification of the Study.....	9
1.6    Scope and Limitation of the Study.....	10
1.7    Literature Review .....	10
1.8    Theoretical Frame Work .....	13
1.9    Conclusion.....	14
<b>CHAPTER TWO .....</b>	<b>15</b>
<b>EXPOSITION OF JOHN RAWLS' THEORY OF JUSTICE.....</b>	<b>15</b>
2.0    Introduction .....	15
2.1    Different Notions of Justice .....	17
2.2    A Theory of Justice .....	18
2.3    The Basic Structure of Society.....	19
2.4    John Rawls' Justice as Fairness .....	20
2.5    John Rawls' Social Contract Theory.....	22

2.6	Rawls against Utilitarianism .....	22
2.7	Rawls' Original Position .....	24
2.8	Rawls' on Under Veil of Ignorance .....	24
2.9	The Maximum Principle.....	25
2.10	Conclusion.....	26
<b>CHAPTER THREE .....</b>		<b>27</b>
<b>RELEVANCE OF JOHN RAWLS THEORY OF JUSTICE TO THE KENYAN SOCIETY</b> .....Error! Bookmark not defined.		
3.0	Introduction .....	28
3.1	Government's reaction on Corruption.....	29
3.1.1	Analysis on the Interpretation of Chapter Six of the Kenyan Constitution 2010 .....	29
3.2	The need for Basic Structure in the Kenyan Society .....	31
3.3	The Notion of Rawls' Social Justice in Kenyan .....	33
3.4	National Planning Under the Veil of Ignorance.....	35
3.5	Measures to Control Corruption in Kenya .....	36
3.5.1	Investing in Education.....	37
3.5.2	Strengthening and Protecting Workers .....	37
3.5.3	Promotion of Gender Equality and Equity .....	39
3.5.4	The Ladder of Opportunity .....	39
3.5.5	The Notion of Distributive Justice .....	40
3.5.5.1	Balanced Re-distribution and Benefits.....	41
3.5.6	Sustained Economic Growth.....	41
3.6	Critical Analysis of the afore-mentioned Position on Corruption.....	42
<b>CHAPTER FOUR.....</b>		<b>43</b>
<b>ANALYSIS OF CORRUPTION AS A MORAL PROBLEM.....</b> Error! Bookmark not defined.		
4.0	Introduction .....	44
4.1	Conceptual and Theoretical Analysis.....	45
4.2	Corruption as an Ethical and Moral Problem.....	47
4.3	Ethical and Moral Implications of Corruption .....	49
4.4	Personal Involvement and how to protect oneself from being Corrupted.....	51
<b>GENERAL CONCLUSION .....</b>		<b>54</b>
<b>BIBLIOGRAPHY .....</b>		<b>57</b>



## GENERAL INTRODUCTION

### 1.0 Introduction

Corruption has been a challenge of great age with which Philosophers, Economists, Political scientists and legislators have tussled with since the fourth century BCE. Currently, corruption is a complicated phenomenon. The meaning of the word corruption etymologically comes from Latin term ‘*corrumpere*’ meaning to decompose, or to disintegrate. The *oxford Advanced Learner’s Dictionary*, defines corruption as “an act of dishonest or an illegal behavior aimed at using public office for one’s private gain”.<sup>1</sup>

The problem of corruption has a historical background and can be traced back to independence. One does not need to be genius to realize that the notion of justice is among the fundamental pillars of morals in any society. The notion of justice in the Kenyan society has been neglected by ignoring the fundamental principles that govern any society, thus, making justice’s real meaning be taken for granted.<sup>2</sup> The fruits of this act are the challenges faced by the country such as; economic crisis, social and cultural growth. The extrajudicial killings, evictions, ethnic wars among other inhuman issues are among the outcomes of unjust governance due to corruption.

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<sup>1</sup> The *Oxford Advanced Learner’s Dictionary*, London, Oxford University Press, 2000, 281

<sup>2</sup> Available at: <https://www.tandfonline.com/doi/full/10.1080/14662043.2014.955981> , Accessed on September 12, 2021.

Corruption which has become a culture among the various cultures, has advanced at a high rate in the Kenya State hence becoming endemic. Civil servants and other well-connected people loot money from the government or engage in corrupt deals which make them rich in a short time. Kivutha Kibwana and S. M. Oketch Owiti in their book, *Anatomy of Corruption in Kenya*, argue that corruption has grown to a reality of monumental proportions in Kenya. It has grown bigger to involve high-ranking personalities and higher amounts of money.<sup>3</sup> In my view, such a society offers no hopes to the poor, unemployed and marginalized people, thus making life meaningless for them. Corruption in this paper is viewed and discussed both as injustice and also as the root cause of human right's abuse.

### **1.1 Background of the study**

Corruption is as ancient as the human society. This emerges an important Philosophical question of why it evolved in Kenya. Corruption being an historical issue can presumably be traced to the social-economic transformation caused by the British colonialism. Hitherto, different societies and communities which were at different social-cultural levels of development were brought under a unified rule. At this time a highly centralized social hierarchy was formed to determine access to resources, power and authority. This promoted the formation of the bureaucratic structure of which its mandate was to rationally organize and administer the well-being of the colony.

Unfortunately, this bureaucratic structure was forced to the indigenous cultures that were still at the undeveloped stage without giving Africans time to catch up with the exotic practices of the revolution coined by colonialism.<sup>4</sup> It is logical to believe Thomas Paine's statement that, 'when

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<sup>3</sup> K. Kibwana, S. M Oketch Owit, *The Anatomy of Corruption in Kenya, Legal, Political and Social-Economic Perspective*, University of Nairobi, 1996, 1.

<sup>4</sup> David. K. Mbugua, *Breaking the chain of Corruption*, Cueva Press, Nairobi, 2020, 25

a man so far, has depraved and defiled the moral purity of his mind and agree to theories he does not believe he automatically sets a scene where every crime will be committed on.’<sup>5</sup> This explains the origin of the two classes, the rich class of the capitalists and the lower or the working class. This describes the economic structure of our State.

A major cultural transformation occurred when colonial rule elevated the individual self-attribute to predominance by introducing the culture and economics of individual tenure. In Kenya corruption became rampant soon after independence when political leaders viewed public offices as an opportunity for personal aggrandizement against positions of trust. In their book, *The Kenyatta Succession*, Joseph Karimi and Philip Ochieng’ gives an account on how the then President Jomo Kenyatta childed Bildad Kaggai, a freedom fighter, for not using his position to amass wealth.<sup>6</sup> This statement, it fundamentally indicates the truth of the matter. At the heart of the Kenyan’s culture of corruption, lies a materialistic Philosophy that characterizes most of Kenyan citizens. This materialistic mentality stands as the principle behind what Ochulor calls the ‘Machiavellian philosophy of acquisition’.<sup>7</sup> What matters for the materialist, imbued with this Machiavellian mentality is the end, they are not concerned with the means applied. This is the Philosophy behind rich class and the unrestrained ambition for gaining wealthy in all its extractive, dehumanizing and unethical forms. This indicates clearly that Kenyan’s independence did not bring any needed changes the common citizens envisioned, but it propagated another colonial face.

Among the many corrupt historical issues experienced in Kenya, this work presents few of them. The business sector has been affected widely by corrupt brokers and at the same time most

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<sup>5</sup> PLO Lumumba, *A call for hygiene in Kenyan Politics, prefatory note*, Nairobi, Mvule Africa Publishers, 2008, x<sup>5</sup>

<sup>6</sup> P. Ochieng’ and J. Karimi, *Kenyatta Succession*, Nairobi, Transafrica Publishers, 1980, 28

<sup>7</sup> C.L. Ochulor, *Philosophy: A fundamental and Basic Science*. Calabar, Focus Prints and Publishers, 2008, 317-331.

companies have frequently suffered from informal payments and bribes for them to operate in Kenya. This trend has contributed to the low rate of business operations in our country. The most affected sector and of which leads in terms of graft cases in the republic is the procurement sector. This is because it is at the center of all major corruption scandals. The use of brokers in enhancing business promotion and advancement is common and the problem is that this corrupt act holds no future for the well-being of the State. For instance, the Covid Millionaires' eight Companies that were not prequalified, were given lucrative tenders worthy KS 2.1 Billion, did not go through the right procurement procedures. This was caused by murder threat from the bourgeoisie class, towards the procurement manager at the Kenya Medical Supplies Authority (KEMSA).<sup>8</sup>

The independence hopes have been frustrated by the corrupt Political elites. Citizen's needs have become secondary because the elites have personalized power and are mis-using it by pursuing personal interest. The Scandal of thousand ghost learners which the Ministry of Education revealed, has made many rich at the cost of the poor marginalized pupils. Some Primary head teachers and corrupt Education ministry officials, inflated the government's official enrollment numbers used to disburse funds for free primary education program, and pocketed the money. As per the 2020 statistics, 8.47 Million primary school learners were recorded according to the government's records, but the number was inflated to 9 million.<sup>9</sup> This raises questions as to why such great abusers of children's right to education has survived persecution. This entrenchment of corrupt practices points to the fact that something has gone wrong in the way the

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<sup>8</sup> Paul Wafula and Angela Oketch, "Covid-19 Millionaires-The Untold Story", *In the Daily Nation*, Nation Media, Nairobi, Dec 2nd 2020, 7

<sup>9</sup> David Muchunguh, "Scandal of Thousands of Ghost Learners Revealed", *In the Daily Nation*, Nation Media, Nairobi, Nov. 16. 2020, 2-4.

State is governed. Corruption represents a governance ill, and therefore a change is needed urgently.

### **1.1 Forms of Corruption.**

Corrupt practices can be divided into categories based on the way of life of those who engage in the dishonest and illegal activity. We shall analyze two popular categories of corrupt behavior under this viewpoint. Pretty corruption; albeit common, this type involves people and resources on a smaller scale and at lower rates. For instance, paying someone to do social services, or paying the police kickbacks, among other things. The grand corruption is the last type; it involves large-scale transactions through, among other things, contracts and concessions. It manifests itself in the form of biased investment choices that serve the interests of the individual, such as the transfer of funds from public to private investors, unauthorized tax exemptions, tax holiday ghost projects, and money laundering.<sup>10</sup>

Corruption has caused sluggish economic performance across the whole country. Ethnic wars has scared away investors and tourists hence lowering the level of growth making the economic efficiency impaired. Therefore, proper State administration is required which values the well-being of each individual across the State.

### **1.2 Statement of the Problem**

A corrupt society is unjust society and contains records of injustices committed as outcomes of corruption. This explains the cause of extrajudicial killings, evictions, ethnic wars, land grabbing, human rights' desecration, inequality, waste of national resources, among other inhuman issues common in the contemporary Kenyan society. The public officials' trend to demand and receive bribes from citizens traces back to the beginning of man's social life, which heralded complex social organization. Kenyan institutions which were planned for the regulations of the relations between members of State and the State leadership have been manipulated as

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<sup>10</sup> Cf, *Ceta Journal*, Vol. 9, July 2011, 2.

channels for personal enrichment by the civil servants and other corrupt stake-holders agents. Capitalism and parasitism have replaced socialism. Corruption has persisted in Kenya because of the powerful corrupt people who gain from it and meanwhile the existing government has no power to deal with them constitutionally.

Corruption has affected nearly all sectors of the republic hence eroding the national culture, the ethos of democracy, and good governance at all levels. The rate at which corruption is being institutionalized in Kenya, if not worked upon will leave the country in unstable state which will lead to crisis. At the moment we are experiencing cold state of enmity and destruction and therefore natural state of life is needed in the Kenyan society. This is the problem that has driven me to embark on this study in attempt to give out practical solution.

### **1.3 Objective of the Study**

The goals of this work are as follows: First, to critically assess the origins and effects of corruption in Kenyan society; second, to examine potential anti-corruption measures; and third, to assess the processes for creating an orderly society by outlining the basic framework of such a society.

### **1.4 Research Questions**

The following are the guiding questions in this work; 1.What is the primary cause of corruption in Kenya and what are the effects to the entire society? 2. What measures must be applied to fight away corruption? And finally, 3. What procedures must be taken into consideration in making unjust Kenyan society just?

## **1.5 Justification of the Study**

John Rawls' theory of justice seems appealing in addressing the current corruption Kenyan situation. Ordinarily, justice implies giving one what he deserves; however, some theories seem to conflict, and so making utilitarianism take advantage of the indeterminate community in a rhetorical way. Rawls' Justice means impartiality and rationality which can only be obtained by means of the veil of ignorance. The principle of goodness can only be arrived at through reasoning. Rawls' principle was a brand approach of making objective decisions in uncertainty situations, for instance a contrast of chance. It is this principle which implores rationality to choose options which maximize the minimum, that is, the options that produces the worst outcome as good as possible. On utilizing Rawls' theory, Kenyan leadership will manage to eliminate injustices which are consequences of corrupt government and therefore free to institute a just society.

Realistic methods of preventing corrupt practices eases in restoring a justifiable society which enjoys democratic peace. Perpetual peace in Kenya will become a reality when all the corrupt institutions will curb corruption and embrace the democratic spirit. Like Rawls, we also believe that if all institutions were either liberal or decent, perpetual peace might be reached hence promoting economic growth. Therefore, Kenyan society should utilize Rawls' ideas on justice as fairness.

This work serves as a wakeup call to the contemporary Kenyan leaders, especially the government officials, to contemplate on the current challenge of social injustices caused by poor and corrupt governance and come up with an elementary structure for establishing a just society. This research paper aims to provoke various individuals, patriotic citizens, to see the need of instituting a just Kenyan society despite the cost.

It is our humble submission, that this research is important in the contemporary Kenyan's settings in which the root reason of the ever increasing injustice cases is discussed, giving out the

solutions preferred to counteract the current status. Rawls' theory is also an aid to the ruling reign when faced with options of borrowing and allocating money to the counties. It also provides grounds for scrutiny of conditions attached to some donor funds from the first World countries, for instance the fraud of the covid-19 funds. Therefore, on utilizing Rawls' theory of justice as fairness creating a just society is possible.

### **1.6 Scope and Limitation of the Study**

This study focuses objectively on John Rawls' understanding of justice in his theory of justice as fairness in respect to the contemporary Kenyan society. Among the important aspects to be considered in order to exist well in any society is justice. The work provides practical measures which when considered can help in curbing the prevailing challenge of corruption. The limitation of this research work is that we never went to the field to gather first hand data due to the covid-19 infection as well as the insufficient time. Therefore the content of this paper is based from a pure analytical research.

### **1.7 Literature Review**

According to Plato the State is nothing else but the individual enlarged. He gives three classes that compose a state namely rulers, soldiers and the populace. Each of these classes is equivalent to the three elements of the soul. The ruling class is the rational element of the society, the soldiers is the spirited element and the populace consists of the appetitive element. The inherent power of the ruling class is wisdom and the virtue of soldiers is courage while for the populace is temperance. For Plato competence should be a qualification for one to be in authority. He holds that the ruler must have the preferred abilities to that function.

According to Plato, the ideal State is one with the three elements functioning harmoniously with each fulfilling its duty. The rulers are there to administer the State, while soldiers are entrusted



with the defense of the State and the populace provides essential commodities. With this, in an ideal State there would be no conflict as each class would devote itself in carrying out their duty. This is a justifiable and free-corrupt State. Concerning the principle of division of labor, Plato holds that each individual or rather each class ought to do that which is best suited for him and no other, this is what he calls the principle of justice. He remarked that a perfect man was the best of animals but when separated from law and justice, is the worst of all. His remark sums the current situation in our State Kenya.<sup>11</sup>

Aristotle places a strong emphasis on the aspect of purpose in both his politics and ethics. The State is there to promote everyone's moral, intellectual, and more importantly, good life, fulfillment. The State is a natural and essential institution since it is not just an economic association but also a moral community. From Aristotle's meaning of man as a social animal, he believes that the State is natural because its origin is within the nature of human beings. No any individual citizen can satisfy his/her wants single handed, and so each individual looks towards society for support. Thus the State is natural for man and it's inherent within man's nature. As far as Aristotle is concerned, the satisfaction of an imminent impulse in man's nature drives people towards moral perfection and finds it in the State after going through various forms of society. If the State is not corrupt, it is then able to provide social peace, order, diversity of interests and a rich variety of life; and further, provide an environment for living a perfect life.<sup>12</sup>

According to Aristotle, a perfect and self-sufficient society is represented by the State as the union of many families and communities. All of the State's citizens will live happy lives after

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<sup>11</sup> Samuel E. Stumpf, J. Fierse, *Socrates to Sartre and Beyond: A History of Philosophy*, 8e, McGraw-Hill Education, Asia, 2021, 58-64.

<sup>12</sup> F. Ochieng' Odhiambo, *A History of Philosophy*, Consolata Institute of Philosophy, Nairobi, 1998, 12-13.

it is over. Aristotle classified states using both quantitative and qualitative criteria. The number of people who hold political power inside the State determines the quantitative form of the State. On the other hand, the state's end condition and the character of the government determine its qualitative shape. He believes that the perfect State is the one which follows the interests of the whole community as its end, and if it does not follow this trend, then it is said to be perverted. On justice he believes that each citizen is entitled to right and obligation to participate in justice administration. He most importantly maintains that there is nothing which must be jealously maintained than the spirit of obedience to law.<sup>13</sup> This work therefore, is deemed to be helpful to the patriotic Kenyans to seek for society which practices fairness.

Jean Jacques Rousseau adopted the social contract principle after rejecting Hobbes' explanation of the formation of society and the idea that any society founded on force can be just. He hoped that men might maintain their independence only by adhering to this concept. Without the freedom protected by the social contract, men will depend on one another, and this physical imbalance will result in injustice and oppression, claims Rousseau. This turns as the main issue facing modern Kenyan society. For him, after the State has been established by social compact, the issue of power becomes of the utmost significance because it has been established by the same common force that gives the civil association its permanence. To outdo this common force from becoming a possible source of oppression, all the partakers must establish a power that represents in some sense an extension of themselves. Through this, the source of the dominant power will be manifested on the total strength of all, that is, the whole body of the members of the society, this will involve all rights and obligations shared by all. Once the sovereignty reigns in the whole body

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<sup>13</sup> Samuel E. Stumpf, J. Fierse, *Socrates to Sartre and Beyond: A History of Philosophy*, 8e, Mc Graw-Hill Education, Asia, 2012, 87-89.

of citizens, it becomes absolute hence preventing the people from being exposed to oppression by a power that is greater than themselves.<sup>14</sup>

Nyerere's social-political Philosophy is anchored on and revolves round *Ujamaa*, translated as "Familyhood". Nyerere argues that socialism is a disposition of mind and not the stiff adherence to the set political pattern standards which are meant to ensure that the people care for each other's welfare.<sup>15</sup> In my view, this attitude distinguishes a fair and corrupt society or rather a socialistic and capitalistic society respectively. For Nyerere, capitalism which is an economic system is in-equitable, it is a form of parasitism and so needs to be put right. A capitalistic community is an unjust society and so something must be done to restore the lost sense of human dignity. Capitalistic society is characterized by acquisitiveness. The problem with the capitalists is that they climb as far as above their neighbors as they can for their personal gains. These sets off the spiral of personal competition which is then anti-social.<sup>16</sup>

## **1.8 Theoretical Frame Work**

American philosopher John Rawls, who lived from 1992 to 2002, contributed to this research with his notion of justice as fairness. By outlining a fair arrangement of the important political and social institutions of liberal society, he yearned to replace the way political philosophy was practiced in the Anglo-American world. This came about as a result of seeing how some individuals dominated others in all facets of life.

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<sup>14</sup> F. Ochieng' Odhiambo, *A History of Philosophy*, Consolata Institute of Philosophy, Nairobi, 1998, 52-55.

<sup>15</sup> Julius Nyerere, *Ujamaa, The Basis of African Socialism*, Oxford University Press, Dar es Salaam, 1973, 162

<sup>16</sup> F. Ochieng' Odhiambo, *A History of Philosophy*, Consolata Institute of Philosophy, Nairobi, 1998, 90

The most significant philosophical work of the 20th century, Rawls has a significant influence on modern political and moral philosophy. His philosophical ideas influenced current debates about social, political, and economic fairness. He resurrected the social-contract tradition by articulating and defending a thoroughgoing egalitarian freedom through it. It is practically impossible to have a conversation on justice in the current day without bringing up Rawls' view of justice as fairness.

Many people find his ideology to be convenient because of its depth of thought. Political and economic justice, democracy, liberalism, constitutionalism, feminism, utilitarianism, and communitarianism are all components of this persuading intellectual motivation. In his view, the first virtue of social structures should be justice.

## **1.9 Conclusion**

Corruption is a deadly disease that has to be treated through political chemotherapy (politicians are able to do away with corruption if only they concentrate their attention on the common good) by formulating policies that are helpful to the society. Our battle in Kenya is not how our economy is growing but how it is being managed by the so called politicians. These among others give me a political odor to the level that my political economic struggle is sucked out from me because of the un-listening ears of our politicians. We must therefore join efforts as Kenyans to combat this vice so that we may work towards attainment of common good as propounded by Rawls theory of justice. Justice as fairness will concertize our minds to know the certainty about the Supreme Being and to celebrate our common interest.

## CHAPTER TWO

### EXPOSITION OF JOHN RAWLS' THEORY OF JUSTICE

#### 2.0 Introduction

We can better understand the meaning and function of justice in society thanks to Rawls. When he was alive, Rawls was concerned in the issue of whether and to what extent human existence is redeemable in the sense that there may be worth in human beings existing on the planet.<sup>17</sup> His work serves as a revival in Political Philosophy. Below is a brief biography and his works.

John (jack) Bordley Rawls was born in Baltimore on February 21, 1921. He is the second of William Lee's (1883–1966) five sons and Anna Abell Rawls' (1892–1954) five sons.<sup>18</sup> John Rawls began his formal education at the Private Calvert School, where he finished one year of kindergarten and the first three years of elementary school (1927-1933). He spent two years (1933–1955) at Roland Park Junior High School before joining Kent Boarding School (1935-1939). Due to the fact that the school was religious, all students were required to attend two mandatory church services on Sundays in addition to religious sessions six days a week. Later, he enrolled in Princeton University in 1939 and graduated from there in 1943 with a degree in philosophy.<sup>19</sup>

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<sup>17</sup> Thomas Pogge, Michelle Kosch, *John Rawls, His Life and Theory of Justice*, Oxford University Press, U.S.A, 2007, 26.

<sup>18</sup> Thomas Pogge, Michelle Kosch, *John Rawls, His Life and Theory of Justice*, Oxford University Press, U.S.A, 2007, 2-3.

<sup>19</sup> Thomas Pogge, Michelle Kosch, *John Rawls, His Life and Theory of Justice*, Oxford University Press, U.S.A, 2007, 7-11.

Mardy became his wife in June 1949. Mardy edited Rawls' books and papers, offered style advice, and assisted with proofreading. She is credited with teaching Rawls the value of equal opportunity for women.<sup>20</sup> On November 24, 2004, John Rawls passed away at his Lexington home following a quick but painless deterioration in his health.

His writings include *Theory of Political Liberalism* (1993), in which he describes the function that the idea of justice ought to serve in a democratic society. His works on the Law of Peoples, published in 1999, lay out a liberal foreign policy that aims to create a durable, stable, and peaceful global order. Nearly all of his published essays dating back to 1951 may be found in his later essay "The notion of Public Reason Revisited," which can be found in his collected papers (1999). His *Theory of Justice as Fairness* (2001) envisions a society in which all people freely use their fundamental human rights and cooperate within a framework of equitable economics.<sup>21</sup>

The Vietnam War dominated politics in the late 1960s. Rawls asserted often in public that he did not believe this war was just and that he had held that belief from the outset. He gave a course on "Problems of War" in the spring semester of 1969, in which he covered several points of view regarding whether the United States' involvement in the Vietnam War was justified. Rawls was forced to reconsider how individuals live and suffer as a result of fundamental problems about social structure and government in the United States. One of them was: On what basis do the political authorities have the moral right to demand that community members follow social norms

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<sup>20</sup> Thomas Pogge, Michelle Kosch, *John Rawls, His Life and Theory of Justice*, Oxford University Press, U.S.A, 15.

<sup>21</sup> Thomas Pogge, Michelle Kosch, *John Rawls, His Life and Theory of Justice*, Oxford University Press, U.S.A, 26.

and laws?<sup>22</sup> After observing the discrimination on the side of the African Americans, of whom injustice was done he drafted the work on theory of justice.

## **2.1 Different Notions of Justice**

We have various categories of things which can be termed to be just or unjust. Justice does not concern the laws, institutions or social settings alone, it also concerns particular actions of various types, for instance decisions, judgments and imputations. Diverse attitudes and dispositions of different peoples, can also be said to be just or unjust. In this work the main subject of justice is to help in the formation of well-ordered societies. By doing so, fairness in the distribution of fundamental rights and obligations will be ensured, and at the same time, the distribution of benefits from social collaboration will be decided.<sup>23</sup>

Justice has always been real to society, occurring as a logical concept and as an existential reality. Justice and society are inseparable. It is a fundamental moral notion in our contemporary political world. The term “justice” is complex and ambiguous and therefore it is applied within a specific context. Justice is the act of giving each individual his due. Justice can be formal or substantive. Formal justice treats all individuals equally and consistently despite the fact that the principles are just or unjust. Substantive justice is connected to human rights.<sup>24</sup>

Formative justice is subdivided into three divisions; Commutative justice, this arises in business and work circles, Retributive justice which deals with when and how punishment should

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<sup>22</sup> Fabre, C., *Contemporary Political Theory, Liberalism and Its Critics*, University of London, London, 2006, 49.

<sup>23</sup> John Rawls, *A Theory of Justice*, Belknap Press of Harvard University, Massachusetts, 1971, 6.

<sup>24</sup> Robert, A., *The Cambridge Dictionary of Philosophy, 2nd edn*, Cambridge University Press, 1999, 456.

be justified. Finally, we have the Distributive justice which is concerned with equal allocation of resources. In distributive justice, the decision of the social system should be created in such a way that the distribution outcomes are fair even if things turn out.<sup>25</sup> Therefore, a justifiable society is generally described as the one her members are treated fairly and where the wealth of such society is fairly shared. Justice is done to each individual.

## **2.2 A Theory of Justice**

A Theory of Justice, written by John Rawls and published in 1971, was intended to change the way political philosophy was practiced in the Anglo-American world. The principles of justice are presented logically in Rawls' theory of justice. The theory is concerned with how a society is organized, the fundamental rights and responsibilities given to each person, and how economic and social advantages should be distributed to all members of that community. The four main Distributive Justice Principles are assessed as follows by Rawls:

***The Principle of Equality.*** This Principle holds that each member is entitled the same quality of goods, services and treatment. This Principle lacks practicality and so remains idealistic for some individuals may need extra gains after considering their needs, efforts and contributions.<sup>26</sup>

***The Principle of Needs.*** It holds that justice should be accorded according to each one's needs. It is also called the Principle of rectification. Its weakness is on the point where it overlooks the principle of contribution and equality.<sup>27</sup>

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<sup>25</sup> John Rawls, *A Theory of Justice*, The Belknap Press of Harvard University Press Cambridge, Massachusetts, 1971, 242-243.

<sup>26</sup> J.C., Johari, *Contemporary Political Theory*, Sterling Publisher Limited, New Delhi India, 2012, 319.

<sup>27</sup> J. C., Johari, *Contemporary Political Theory*, Sterling Publisher Limited, New Delhi India, 2012, 319.



***The Principle of Effort.*** This principle prescribes that the steps of efforts made by an individual should correspond to the benefits. Rawls argues that this Principle lacks credit because some efforts are fruitless, hence there will be no proportionality between income and expenditure of that society.<sup>28</sup>

***The Principle of Contribution.*** It maintains that the benefit of the society should be distributed according to the individual's contribution to the society. The fundamental existential question raised by this principle is how it may consider the underprivileged.<sup>29</sup>

### **2.3 The Basic Structure of Society**

Justice as Fairness' primary goal is to define just order in the key political and social institutions of a liberal society. This encompasses, among other things, the family, the legal system, the economy, and political institutions. The essential framework of a society is created by the arrangement of these institutions. By guaranteeing that all institutions equally distribute the major advantages and disadvantages of social life, the fundamental structure ensures that justice flows from its source. For instance, they will decide which members acquire which fundamental rights, which people should have opportunity to obtain which kinds of jobs, and so forth.<sup>30</sup> Moreover, the basic structure of the society has in itself very serious impacts on the lives of the members. It influences citizen's goals, attitudes, relations, and they are both mental and ethical traits. Institutions with such permeating power on people's lives requires justification.<sup>31</sup>

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<sup>28</sup> J. C., Johari, *Contemporary Political Theory*, Sterling Publisher Limited, New Delhi India, 2012, 320.

<sup>29</sup> A. C., Grayling, *Philosophy, Further Through the Subject Book 2*, Oxford University Press, Oxford, 1998, 395.

<sup>30</sup> C. Bird, *An Introduction to Political Philosophy*, Cambridge University Press, New York, 2006, 157.

<sup>31</sup> J. C., Johari, *Contemporary Political Theory*, Sterling Publisher Limited, New Delhi, 2012, 326.

However, Rawls assumes that the liberal society in question is characterized by reasonable plurality, is under generally favorable circumstances, and has enough resources to make it possible for everyone's basic wants to be addressed.<sup>32</sup> After carefully examining Rawls' theory, we discovered that he downplays the importance of the idea that society is closed and self-sufficient, with citizens able to enter it only via birth and leave it only through death.

## **2.4 John Rawls' Justice as Fairness**

The goal of Rawls is to give a concept of justice that combines some of the elements of the well-known idea of the social contract as put forth by Locke, Rousseau, and Kant but at a higher level of abstraction. To achieve this, Rawls emphasizes that no one should assume that the original contract was the driving force behind the creation of a specific type of government. However, the original agreement's focus was on the guiding principles of justice for society's fundamental structure. These principles, which the citizens initially accepted on an equal basis, establish the fundamental terms of their relationships. These principles also make clear the kinds of social groups that people can join as well as the types of governments that can be established. In his perspective on the fundamentals of justice, Rawls refers to justice as fairness.<sup>33</sup> The key difference between Rawls and the previous authors that championed the concept of social contract lies in the existing fundamental differences in their aims.<sup>34</sup>

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<sup>32</sup> T. Honderich, *The Oxford Companion to Philosophy*, Oxford University Press, 1995, 735.

<sup>33</sup> John Rawls, *A Theory of Justice*, The Belknap Press of Harvard University Press Cambridge, Massachusetts, 1971, 10.

<sup>34</sup> John Rawls, *Justice as fairness; A Restatement*, Harvard University Press, 2001, 59

Fairness and justice are two values. The first rule is focused on political institutions. According to this principle, each member has a right to equal treatment within a framework of fundamental equality that is compatible with the rights of other members. This idea recognizes the equality of human substance that underlies all human values. It focuses primarily on the concept of private property but leaves out the rights to ownership of the means of production and inheritance of wealth.<sup>35</sup> The first principle, which combines two assertions, is referred to by Rawls as the Greatest Equal Liberty. First, under the same comprehensive framework of fundamental liberties, every one of us is entitled to an equal right. Second, these fundamental rights must continue to be as broad as feasible. Rawls defines "fundamental liberties" as the right to engage in political activity, the freedom of speech, the right to practice one's religion freely, the freedom of the person, the right to be free from arbitrary detention or imprisonment, and the right to own property.<sup>36</sup> The above listed liberties are to be equal by the first principle.

According to the second principle the social and economic inequalities should be well designed in order to cater for the great benefit of the least advantaged. Moreover, all office holders should embrace this principle under the consideration of equal opportunities. This principle has two parts, the Difference Principle and the Principle of fair Equality of opportunities. The difference principle deals with the allocation of income and the formation of organizations which deal with differences faced in various authorities and responsibilities. The allocation of income needs not to be equal but it must be to every member's advantage. All individuals must have access

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<sup>35</sup> John Rawls, *A Theory of Justice*, The Belknap Press of Harvard University Press Cambridge, Massachusetts, 1971, 4

<sup>36</sup> H. Gene Blocker, Elizabeth H. Smith, *John Rawls' Theory of Justice, An Introduction*, Ohio University Press, 1982, 8-11

to positions of authority and responsibility in accordance with the principle of just equality of opportunities.<sup>37</sup>

## **2.5 John Rawls' Social Contract Theory**

The word contract indicates the agreement made by different persons intending to live in accordance with the agreement for it establishes moral and political behavior. This established norms ensures that each member enjoys the division of advantages.<sup>38</sup> Rawls' social contract theory maintains that political obligations of the peoples depend on an agreement among them which forms the society in which they live in. In this view, any practice is considered to be just if it is within the agreement made by parties.<sup>39</sup>

## **2.6 Rawls against Utilitarianism**

In its broadest sense, utilitarianism is the view that moral evaluation of actions, social structures, and moral standards can be done solely in terms of how they affect the wellbeing of all people. A behavior, institution, code, etc. is ethically acceptable if it has better effects on human welfare than those of its competitors; if not, it should be discarded. For nearly the past 200 years, Anglo-American moral and social philosophy has been dominated by utilitarian theory, which was prevalent in the classical writings of utilitarian Jeremy Bentham, John Stuart Mill, and Henry Sidgwick.<sup>40</sup> According to Utilitarianism, individuals must maximize their individual welfare, and

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<sup>37</sup> John Rawls, *A Theory of Justice*, The Belknap Press of Harvard University Press Cambridge, Massachusetts, 1971, 53

<sup>38</sup> P. Singer, ed., *Ethics*, Oxford University Press, New York, 1994, 366

<sup>39</sup> E. Kelly, ed., *John Rawls' Justice as Fairness, A Restatement*, Harvard University Press, 2001, 59

<sup>40</sup> H. Gene Blocker, Elizabeth H. Smith, *John Rawls' Theory of Justice, An Introduction*, Ohio University Press, 1982, 346

the society should maximize social utility. This combination of individual welfare is understood as the social utility.<sup>41</sup>

According to Rawls, utilitarianism requires that, in some circumstances, the interests of some people may be violated for the sake of larger advantages for others, and more particularly, that some people's freedom may be sacrificed for the benefit of societal value. Consider the scenario where a serial killer is still at large. People are becoming incredibly anxious; among other issues, some people are afraid to leave their homes. The general good of the community would be served by believing that the murderer has been apprehended. Knowing this, the police decide to apprehend an innocent person before telling everyone that the desired murderer has been killed. For the sake of social utility, that innocent person's freedom is being offered.<sup>42</sup> However, John Rawls contends that is not how a just society ought to operate. In order to prevent an innocent person from being imprisoned in order to assuage public fear, society is said to be just if it upholds and supports individual rights, even at the expense of societal utility. According to Rawls' theory of justice, no one can be expected to put their own interests ahead of those of others because they all have personal goals and projects to pursue.<sup>43</sup>

Unlike utilitarianism, where what is right is linked to what is good and what is right is used to further the good, Rawls theory places the right before the good. According to Rawls, when people act in a way that is consistent with how they interpret what is good, assuming that their modes of action are similar, this is when the correct action is manifested. In conclusion, a just

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<sup>41</sup> C. Fabre, *Contemporary Political Theory, Liberalism and its Critics*, University of London, London, 2006, 9

<sup>42</sup> H. Gene Blocker, Elizabeth H. Smith, *John Rawls' Theory of Justice, An Introduction*, Ohio University Press, 1982, 388-390

<sup>43</sup> John Rawls, *The Independence of Moral Theory, Proceedings and Addresses of the American Philosophical Association*, U.S.A, 1974, 5-22

society should establish a set of principles and guidelines that its citizens can use to live fulfilling lives.<sup>44</sup>

## **2.7 Rawls' Original Position**

The core of Rawls' theory of justice is this. Through the cloak of ignorance, Rawls' interpretation of the original position introduces the idea of fairness. The starting point is the experiential logic that should underpin the idea of a solidarity-based social organization. Its job, as a fictitious group of logical egoists, is to set the standards of justice that will define proper behavior for both individuals and institutions across all generations. The parties are equally represented in this assembly as moral beings, and the result is not determined by artificial circumstances based on the relative balance of social justice.<sup>45</sup>

Rawls' original position is not an historical event, but is his strategy of bringing people together for a purpose of making rules. It eliminates the effects of certain eventualities that put people at a disadvantage and tempt them to take advantage of social and environmental circumstances to their own advantage. It assumes that the parties are hidden behind a curtain of ignorance.<sup>46</sup>

## **2.8 Rawls' on Under Veil of Ignorance**

The veil of Ignorance with the original position, forms a procedure which helps in determining the morality of some issue such as slavery founded by parties in the Original position. In the original position individuals know nothing about their tastes, abilities and positions within

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<sup>44</sup> C. Fable, *Contemporary Political Theory; Liberalism and its Critic*, University London, London, 2006, 10

<sup>45</sup> John Rawls, *A Theory of Justice*, The Belknap Press of Harvard University Press, Massachusetts, 1971, 120

<sup>46</sup> John Rawls, *A Theory of Justice*, Oxford University Press, Oxford, 1972, 136

the social order of the society.<sup>47</sup> Rawls' theme on veil of ignorance, in the *theory of justice* he argues that, individuals in the original position knows nothing concerning themselves personally or about what their individual situations and those of their relations will be like. They are not aware of the effects of their diverse choices, that is, how their choices might affect their own particular case.<sup>48</sup>

The purpose of the veil of ignorance is to holds members of the society in the original position from adopting the standpoint of particular individuals with specific interests and biases. In a manner that recalls Rousseau's distinction between the General Will and particular wills, Rawls' individuals act from a view that claims to represent the whole society at large and not particular groups or individuals.<sup>49</sup> The veil of ignorance presents Utilitarianism as a public notion of justice which should be accepted only if the society is ready to offer a member as a subject under conditions unwanted by the rest of members of the society.

## **2.9 The Maximum Principle**

Justice means getting what one deserves, but theories of justice conflict each other making Utilitarianism take advantage of such indeterminate society in a very rhetorical way. For John Rawls, justice means impartiality and rationality. This impartiality is attained through the veil of ignorance. The Maximum Principle deals with rationality aiming to bring about the best consequences for the good of society. Rawls proposes the application of reasoning through which

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<sup>47</sup> John Rawls, *A Theory of Justice*, The Belknap Press Harvard University Press Cambridge, Massachusetts, 1971, 118

<sup>48</sup> John Rawls, *A Theory of Justice*, The Belknap Press Harvard University Press Cambridge, Massachusetts, 1971, 137

<sup>49</sup> C. Bird, *An Introduction to Political Philosophy*, Cambridge University Press, New York, 2006, 146

all members will have to reach at the principle of goodness.<sup>50</sup> Rawls proposed this principle at an appropriate time because during 20<sup>th</sup> Century, Utilitarianism had more influence in economics than any other moral Philosophy. Democracy especially in Africa and Latin America was dominated by neo-capitalism. The Maximum Principle was a new form of making objective decision in uncertainty situations like a contract of chance. Therefore, Maximum Principle, implores rationality to choose options which maximizes the minimum, that is, the option that produces the worst outcome as good as possible.

## **2.10 Conclusion**

John Rawls theory of justice gives hope to disorderly societies. Lack of clear principles of justice has made the so called political heavy weights to manipulate and monopolize the business of society, and therefore deceiving the common mind on justice related issues. It dismisses unethical political systems and unites societies through its political conceptions of justice. For Rawls understood justice as that which deals with the distributions of rights, duties and advantages in any society. This strengthens the moral reasons of society. The act of taking people to the original position in the veil of ignorance, implores impartiality as a recipe of objective reason.

Contemporary concerns of social, political, and economic fairness were influenced by Rawls' philosophy. The social-contract tradition is revived by him, and he uses it to explain and defend a thorough interpretation of egalitarian liberty. It is practically impossible to have a conversation about justice today without bringing up Rawls' theory of justice. Many people consider his inspiration for philosophy to be convenient. Our hope is that if the Kenyan State applies this idea, it would be able to address the issue of corrupt practices, the demands of the

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<sup>50</sup> S. Freeman, *John Rawls, Lecturers on the History of Political Philosophy*, Harvard University Press, Massachusetts, 2007, 392



entire society, and any type of leadership incompetence that may exist. According to Rawls, the people who make decisions in society, not any structured authorities, hold the power.

## **CHAPTER THREE**

### **RELEVANCE OF JOHN RAWLS THEORY OF JUSTICE TO THE KENYAN SOCIETY**

#### **3.0 Introduction**

Having exposed Rawls' theory of justice, in this section we will show how the fundamental elements in Rawls' philosophy are the yardsticks to filter the politics of Kenya. The political theory of Rawls is very relevant; for it lays ground on how all the economic and political systems would be organized to promote distributive justice. Since time immemorial, Kenyan political system has been operating on federal and capitalist systems. This system has robbed many common citizens their liberties, leading to class division between the poor and the rich. Rawls' theory will help us to map a system which is fair and applicable in curbing the challenge of corruption in our society. This new system should contain a convincing account of fundamental rights and freedoms together with their priorities, and the same account should be integrated with respect to the understanding of democratic equality.

Moreover, man has an inclination to the good which is expressed by a desire to happiness and an aversion to misery. In his search for happiness, man gets involved in many activities. Corruption presumably might have been invented by man in his search for comfort and identity in society, especially when people decide to misappropriate even what belongs to others. Corruption ranges from making a single payment against the law so as to get things done for you outside the law. These unlawful acts can be towards moral, political, or economic systems. Due to the unethical nature of corruption, this chapter seeks to discuss the way forward in controlling corruption in the Kenyan society. To this end, this essay is an invitation to millions of Kenyans, especially politicians to set-up a justifiable society and be role models by adhering to the ethical norms of justice as fairness.

### **3.1 Government's reaction on Corruption**

The fight against corruption in Kenya is historical and it goes back to the colonial era. Unfortunately, Kenya's independence did not bring forth the changes envisioned by the citizens; rather it ushered in another form of colonialism. Our colonial masters formulated laws and schemes not for the interest of the colony, but for their own benefit, the citizens were used as means to the colonial's end, it was meant to enrich themselves by exploiting our rich land. The government of Kenya since then, rules under corrupt and colonially inspired mentality. This corrupt mentality has promoted ethnic wars, division of classes, and unfair distribution of natural resources among others. The process of making the spirit of the Kenyan constitution a reality has been sophisticated leading to meaning of the term justice to be ambiguous. Subjectivism and relativism of our political leaders has promoted the practice of corruption in our contemporary society. The institutions which were made to regulate the relationship between Kenyans and the State are being used for personal enrichment by some government officials and other corrupt private agents. Individualism and capitalism has down played socialism leading to disintegration of our African culture of social order and well-being of our nation.<sup>51</sup>

#### **3.1.1 Analysis on the Interpretation of Chapter Six of the Kenyan Constitution 2010**

The sixth chapter of the Kenyan Constitution, which focuses about leadership and integrity, was inspired by historical data on Africa's post-independence continent's bad governance. Corruption, oppression, and violations of human rights were features of this government. The Kenyan Constitution was influenced by historical instances of grand corruption, nepotism,

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<sup>51</sup> F. Ochieng' Odhiambo, *Some Social-Political Philosophers*, Consolata Institute of Philosophy, Nairobi, 1998, 88-89.

ethnicity, abuse of power, and impunity that resulted in the theft of public funds. The goal was to create a dedicated Chapter on leadership and integrity in the supreme law as a portion of a new political charter intended to improve accountability and combat rampant corruption.<sup>52</sup> This chapter is yet to be implemented fully.

Since the passage of the Prevention of Corruption Act during the Colonial Era in 1956, corruption has been seen as a concern. Although this Act was later modified in 1991, it has not yet been put into effect. The Anti-Corruption and Economic Crime Act, No. 3 of 2003, was the other proposed piece of legislation that was made public. In accordance with the 2010 constitution that was ratified, this governmental body established the Kenya Anti-Corruption Commission (KACC), presently known as the Kenya Anti-Corruption Commission (KACC). In an effort to combat corruption, the Public Officers Ethics Act was enacted in 2003 to regulate the conduct of those holding public posts.<sup>53</sup>

The provisions of the sixth chapter of the Kenyan Constitution 2010, drew inspiration from the seven rules of public life in the United Kingdom. These Nolan principles, as they are called, apply to all civil servants who are office-holders and all those in other sectors which deliver public services. They consist of: Selfishness; under this idea, public office holders must only act in the public benefit. Integrity: According to this guideline, those who occupy public office shouldn't pursue their positions for money gain for themselves, their families, or their friends. They must formally state their commitment to serving with integrity and settle any unimportant links and interests. Objectivity; this principle mandates all public office-holders to make fair decisions so as to treat people with equality. This principle overlooks unreasonable evidences and discrimination. Accountability: According to this principle, all public officeholders are responsible to the public for the results of their choices and deeds. This principle states that they must appear in person for the full examination required to confirm their eligibility for the positions they will hold. Openness; Public office holders are required to publicly disclose their decisions to the public. No information should be withheld from the public in this situation unless there are clear and justifiable justifications for doing so. Honesty; truthfulness is expected of public office holders, and finally, Holders of public office should act in accordance with these moral ideals.

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<sup>52</sup> Lumumba, Franchesci, *The Constitution of Kenya 2010, An Introductory Commentary*.

<sup>53</sup> Geir Sundet, Scanteam, and Eli Moen, *Political Economy Analysis of Kenya*, Nairobi, 2009, 6.

Accountability; This rule holds that all public office-holders are answerable to the public for the outcome of their decisions and actions. According to this principle, they should present themselves for thorough inspection necessary to ensure that they qualify for the offices they are to hold. Openness; Public office-holders are called to publically make known to the people their decisions openly. In this situation, no information should be withheld from the general public unless there are clear-cut justifications for doing so. Honesty: Public office holders should be honest, followed by Leadership: Public office holders should act in a way that exemplifies these moral values.<sup>54</sup> Public servants has the duty to actively promote these principles and challenge any corrupt behavior whenever it occurs.

With all these provisions in our constitution, Kenyans are still suffering because of the corrupt practices and unjust governance. It is our hope that this work will interrupt the dogmatic slumber of our State leaders and give our country new direction towards the curbing of corruption.

### **3.2 The need for Basic Structure in the Kenyan Society**

Kenyan political and social institutions have demolished the economy of our country due to corrupt practices. As expounded in chapter one, the historical background of corruption from the era of colonialism up to date, is a call for a paradigm to cease corruption. Rawls in his theory of justice as fairness, points to the arrangements of political and social institutions of liberal society. To restrain corruption in Kenyan Society, political constitution, the economy, and the legal systems have to be organized a fresh. This will promote justice as for instance on people's basic rights, job opportunities will be granted as per qualification, there will be fare wages, and so on.<sup>55</sup>

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<sup>54</sup> *Committee on Standards in Public Life*, Available at:

<https://www.gov.uk/government/publications/the-7-Principles-of-public-life>. Accessed on 11. Nov. 2021 at 1100 hours.

<sup>55</sup> C. Bird, *An Introduction to Political Philosophy*, Cambridge University Press, New York, 2006, 157.

Additionally, the citizens' lives will be profoundly impacted by the society's basic order. This will have an impact on their prospects as well as more deeply on the plans they make for their daily lives, their personalities, their relationships, and their participation in the development of society. Institutions that have such a profound impact on people's lives need to be justified.<sup>56</sup>

The necessity to defend the imposition of any particular set of rules will become more pressing once the rules of the fundamental structure are frequently enforced with severe penalties. This will assist citizens in creating the norms that must be revised in order to lift the veil of ignorance. This implies that anyone who violates the law will face penalties. Additionally, if the environment is one that is devoid of justice, as Rawls considers it to be in the abundant society in issue that is characterized by acceptable pluralism as indicated in chapter two, corruption will be reduced. When one examines Rawls' theory seriously, they see that Rawls simplifies the idea that society is self-sufficient and closed, and that people can only join and leave it at birth. Therefore, if fairness is increased, there won't be any cases of individualism because everything will operate under distributive justice.<sup>57</sup>

In Kenya everybody does not get the sufficient share of the natural resources. Justice, education, water, proper health services among other fundamental issues cannot be approached by some individuals. This is because of the corrupt leaders, who when the allocation of money is done for the provision of social services by the national government, loot these funds. It's hard for this reason to have a bounded Kenyan society despite the fact that Organizations such as the United Nations have been attempting to promote inclusion at various levels. Moreover, International

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<sup>56</sup> J.C. Johari, *Contemporary Political Theory*, Sterling Publisher Limited, New Delhi India, 2012, 326.

<sup>57</sup> T. Honderich, *The Oxford Companion to Philosophy*, Oxford University Press, 1995, 735.

Institutions, for instance the World Bank of which operates within the frame work structured by the International community, have been in the forefront in their support to Kenyan State by funding her developmental agenda. Unfortunately, a large portion of funds never meet the set objectives of serving for the interest of all the citizens, but are diverted to meet individual's interests of some few members of the State. This behavior doesn't line up with Rawls' definition of social justice's underlying principles. The Maxim Principle of Rawls appears to be in line with certain fundamental principles of international law. When laws and regulations are created, some form of minimal standard is frequently included; curiously, though, more emphasis is placed on the participation of the poor in the decision-making process.<sup>58</sup>

Applying the Principle of Maximum which concerns itself with the employment of rationality in bringing about the best consequences for the well-being of the society, all citizens will at some point arrive at the principle of goodness.<sup>59</sup> Rawls contends that international social justice is unnecessary and unlikely to ever materialize, but we can advance its principles in order to grant others the same liberties we have. By doing this, we will encourage the enjoyment of fair freedom, and a society that is just will be easily formed as a natural part of ourselves.

### **3.3 The Notion of Rawls' Social Justice in Kenyan**

Justice as fairness is a rather abstract concept according to Rawls. Rawls is not very concerned with what people perceive to be just and is still unwilling to embrace the idea that people's perceptions of justice can vary over time based on such changes. What is just in a society

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<sup>58</sup> R. Dworkin, *Equality of Resources*, Philosophy and Public Affairs, 1981, 185-241.

<sup>59</sup> S. Freeman, *John Rawls' Lecturers on the History of Political Philosophy*, Harvard University Press, Massachusetts, 2007, 392.

is decided in the fair beginning scenario, where people get together and create a contract they would uphold after leaving the original condition. We believe that this notion was largely considered when drafting the Kenyan Constitution. For instance, the provisions of the sixth chapter on leadership and integrity indicates that the constitution drafting was inclusive and accessible to all Kenyans and all that was done within the Constitutional assembly was done at a multiparty platform.<sup>60</sup> Of course, there were some divergent viewpoints and concerns that needed to be resolved, but Kenyans took part in the process. In the beginning, it is assumed that everyone has agreed to a shared social contract. There was no agreement reached when the Kenyan constitution was being written, although inclusion was taken into account. The creation of the Kenyan Constitution and Rawls' initial scenario are fundamentally identical. both endeavor to build a platform that aims to unite as many people as possible, and that once a contract has been signed, these individuals continue to be devoted to one another.

If Kenyans apply Rawls' Maximum principle to the allocation of public resources, it could be beneficial. Distribution benefits and natural resources equally will help in curbing corrupt practices. The differences between people who manipulate natural resources, as far as their financial situations are concerned, are tremendous. The principle of maximum if utilized will do away with these manipulations.<sup>61</sup> This principle when applied will also help in considering the necessary requirements of the disadvantaged. The Kenyan society is more complex in its diversity in culture.

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<sup>60</sup> Lumumba, and Frenchesci, *The Constitution of Kenya 2010*, An Introduction Commentary.

<sup>61</sup> JR. Fairbanks, H. Charles, *The Feudalization of the State*, in journal of Democracy, Vol. 10. No. 2, 1999, 47-53.



The division especially on the basis of tribes, affects the exercise of distributing the natural resources. That is, some people have good exposure to these resources while others don't. This makes those who have away through to country's resources, possibly for the reason of their rank in the government, culprits of corruption for their own self interests.<sup>62</sup> According to Rawls, a society that complies with social justice, in our case distributive justice, and is well organized, then such a society is developing in a fair manner.<sup>63</sup> This work presents expectations and wishes of many citizens, concerning the necessity of a free corrupt Kenyan State in future. It also intends to see all the liberties and rights stipulated in the constitution concerning the act of distributing resources being realized and implemented. The urgent call to change corrupt life-styles should be positively responded to and people embrace the spirit of distributive justice.

### **3.4 National Planning Under the Veil of Ignorance**

In Chapter Two, we have clearly discussed that the concept of fairness is introduced into Rawls version of the Original position through the Veil of Ignorance. Having limited wealth and resources to be shared, the Kenyan leaders should ensure fair distribution to her people. Fairness should be reflected in the total amount of commodities and services to be allocated, the distribution techniques, and the distribution models. This is easily possible through national planning. National planning being a wider event, makes it possible through the mobilization of people all over by the political parties.<sup>64</sup> In other words, that which is needed is that State Structure which existed in our traditional kingdom set up long before the colonial invasion.

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<sup>62</sup> W. Ronald, E. Simpkins, *Corruption in Developing Countries*, London, 1963, 11-12.

<sup>63</sup> K. Robert, *Controlling Corruption*, Berkeley, University of California Press, 1988, 7.

<sup>64</sup> J. Rawls, *A Theory of Justice*, The Belknap Press of Harvard University, Massachusetts, 1971, 120.

Facing all these corruption challenges which have failed the planning of our nation, Rawls theory should be put in place. The Veil of Ignorance should help in the national strategic plan so as to achieve the desired objectives. This will help in embracing impartiality and so establish a just society. Before the coming general elections, the campaigning politicians should identify the primary challenges facing the State, corruption and injustices taking the first place, and make their manifestos upon these problems. The electoral commission should ascend to a moral binding with each political party's manifesto, so that political deception of the common mind may be done away with. This means that the manifestos should be comparatively detailed to attend to the primary requirements of the State.<sup>65</sup> The cumulative justice which will accompany the veil of ignorance is meant to compel the central government once installed, not to abandon the people's desires included in the political manifesto. The provisions of making this process comparative should be morally binding and should the administrator fail to bind with these provisions, should be subjected to prosecution. The moral binding of legal practical spirit in this process, should correspond to the notion of justice as proposed by Rawls.

### **3.5 Measures to Control Corruption in Kenya**

The following measures are common sense solutions that could be well received and aid in reviving an economy that benefits all people. Our objective is that these policies would help to clarify how to confront the problem of corruption.

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<sup>65</sup> C. Mwema, *The struggle of My People and Western conditions to Corruptions and Underdevelopment*, 2011, 827.

### **3.5.1 Investing in Education**

Rawls holds that, children of 18 years of age should have access to primary and secondary education of high quality. They should have fair opportunity to access this education. It is legitimate for family members to promote their children's education even though this has an outcome on the working principles of equality.<sup>66</sup> In this regard, the distributing policy formulated by the country should ensure equity in resource distribution to all. In case whereby individuals would be in need of additional level of education, they would be in liberty to purchase for themselves or for others.<sup>67</sup> Once all the opportunities have been distributed equally, the problem of corruption will cease in the universities and this will give hope of the future leadership generation in the country. The government by providing compulsory and free universal education, will have opened up opportunities to the disadvantaged and the poor, by means of social advancements. Therefore, investing in education will increase productivity and decrease corruption. The ministry of education should insist on transformative education in all learning institutions. This will increase creativity and invention of new job opportunities in our society depending on individual's ability.

### **3.5.2 Strengthening and Protecting Workers**

Rawls takes the distribution of income between social classes into account to demonstrate the difference principle. Two key situations are taken into account while using this theory. The first scenario is one in which the expectations of the impoverished are unquestionably maximized. From this vantage point, no variations in the hopes of the better off cannot worsen the circumstances of the least fortunate. The second instance is when those who are better off expect

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<sup>66</sup> M. Victoria, *Rawls' Citizenship and Education*, Taylor and Francis group, New York, 2011, 4.

<sup>67</sup> C. Beattie, *Canadian Journal of Education*, Vol.7. No. 3, 1982, 4.

to at least help the unlucky.<sup>68</sup> Kenyan leaders should reason together on the matter concerning equal distribution of resources and come up with the best consequences which will make individuals realize the principle of goodness.

Additionally, the condition of the workers is permitted to be better than when this system of capital and labor does not exist under Rawls' principle of difference. This may involve transferring wealth through taxation to give employees the negotiating power they need to agree to higher pay and benefits for all workers and to establish high labor standards that will be vigorously enforced to protect workers.<sup>69</sup>

The Central Organization of Trade Unions (COTU) is charged with advancing the development of viable and productive opportunities, facilitating the realization of workers' rights, enhancing social protection, and offering Kenyan employees effective representation. This mission has not been fulfilled. This has been made possible by the corrupted political and economic system of governance which only operates towards personal gains of some social class. This accounts for the various workers strikes experienced in Kenya in demand for salary increment. Many Kenyans have been denied political liberties and basic civil rights, a community with such unresolved pending issues, cannot be a just society. These innocent Kenyans require justice and fairness. It's the proper time for Kenyan public office-holders to utilize Rawls' maximum principle. According to Rawls, justice means impartiality and rationality. This impartiality can be achieved through the veil of ignorance. The maximum principle concerns itself with rationality in establishing the best

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<sup>68</sup> John Rawls, *A Theory of Justice*, Belknap Press, 1999, 67-68.

<sup>69</sup> S. Amartya, *Development as Freedom*, Oxford University Press, New York, 1999, 15.

consequences for the well-being of the society.<sup>70</sup> Rawls proposes the application of human reason in solving workers issues, for this is the only way towards the principle of goodness.

### **3.5.3 Promotion of Gender Equality and Equity**

There is need to end segregation and discrimination which leads to racism and gender inequalities. This can be done by enforcing anti-discrimination laws in the community when hiring, promoting, and paying women and minority workers. Economic equality differs from opportunity equality in that it may benefit society more effectively and with more opportunities if measures are taken to increase the productivity and earning potential of unskilled workers. Women are encouraged to join revolutions because doing so will aid in the fight against corruption.<sup>71</sup>

### **3.5.4 The Ladder of Opportunity**

There is a pressing necessity for developing and applying the concept of social justice so as to guarantee equality of opportunities and its associated principle of distribution is done according to merit. This should be counter balanced by the principle of equality and needs. The benefit will be that, the people's overall life transformation will be undetermined entirely by their success or failure in climbing the opportunity ladder. Rawls suggests a practical thought in the Veil of Ignorance where we did not know our own position in the hierarchy in the ladder of opportunity. For instance, under the Veil of Ignorance, no one should know or beware of different tricks of manipulating society. Nobody who knows their position in society, social rank, fate in the process of allocating resources and skills, intelligence and capabilities, and other such things can see through the curtain of ignorance.<sup>72</sup> Once Kenyan society remains in the Veil of Ignorance,

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<sup>70</sup> S. Freeman, *John Rawls' Lecturers on the History of Political Philosophy*, Harvard University Press, Massachusetts, 2007, 392.

<sup>71</sup> K. Maschke, *Educational Equity*, USA, 1997, 6.

<sup>72</sup> S. Brittan, *Essays on Morals, Political and Economic Issues*, Edinburgh University Press, 1998, 25.

distributing State resources equally will be an easy activity. This will stop some particular individuals from acting with specific interests and biasness.

According to Rawls, it is weighty for the projectors of the future just society to work behind the Veil of Ignorance. According to Rawls, if people were aware of their riches, they would have thought it reasonable to advocate for the idea that different taxes should be considered unfair in order to justify welfare policies. If the same man had known he was poor, he presumably would have suggested the opposing principle. In order to represent these desired restrictions, Rawls recommends that one is obliged to imagine a condition whereby everyone is denied this sort of knowledge. Guided by this idea, the civil administration can try to form a hierarchy of opportunities at least even if all the individuals cannot come from the same families and schools, will have a satisfying opportunity to achieve an economic function in the society grounded on their talents, desires, interests, and efforts.<sup>73</sup>

### **3.5.5 The Notion of Distributive Justice**

Distributive justice concerns the social fair allocation of resources. It concentrates on the outcomes. To address the unforeseen circumstances of specific circumstances, the concept of justice should be used. For instance, social processes should be designed to produce fair distributional results regardless of how events unfold. Designing social and economic processes within the appropriate parameters of political and legal institutions is crucial to achieving this goal. The distributional outcome won't be fair without a proper plan for these background institutions.<sup>74</sup> Kenya has succeeded in re-establishing extractive institutions which are the key players in the

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<sup>73</sup> D. Satz Marta, R. Reich, *Toward a Humanist Justice, The Political Justice of Susan Moller Okin*, Oxford University Press, New York, 2009, 112.

<sup>74</sup> John Rawls, *A Theory of Justice*, Belknap Press, 1999, 243.

promotion of corruption. These extractive institutions were founded by the colonial masters, ironically, after independence, the extractive institutions remained with us.<sup>75</sup> Kenyan leaders, following the constitutional laws should put order that which will dismantle the spirit of extracting the public institutions which were made to fulfil the citizen's needs.

### **3.5.5.1 Balanced Re-distribution and Benefits**

Fair allocation of resources considers; the sum of the distributed goods, the distributing procedures, and the patterns of distribution. Distributive justice concerns with the way our lives' benefits and burdens are shared between the members of a society.<sup>76</sup> The public resources should be distributed equitably so that each citizen obtains a fair portion in order to achieve equitable distribution and benefits. Among the best criteria used in distributing public assets are equality, equity and the consideration of specific individual needs. In competitive systems, the distribution of goods might be done according to efforts or ability and needs so that an equal outcome results. In this case, those with more needs of benefits will receive more. Rawls holds that, distribution is not fully just than as long as is still possible either by transfers with the distributive schemes, or by replacing that scheme with another so as to decrease the share of the better off groups in the end. Thus, the difference principle's operation requires re-distribution.<sup>77</sup>

### **3.5.6 Sustained Economic Growth**

Rawls' theory of justice seems to set a feasible basic conceptual structure for sustainable development that gives direction to both the economic development and intergenerational justice. Rawls theory provides goal for economic development, that is, the formation and maintenance of

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<sup>75</sup> Daron Acemoglu, James. A. Robinson, *Why Nations fail, The origins of Power, Prosperity, and Poverty*, Great Britain, 2007,350.

<sup>76</sup> C. Armstrong, *Global Distributive Justice, An Introduction*, Cambridge University Press, 2012, 78.

<sup>77</sup> John Rawls, *A Theory of Justice*, Belknap Press, 1999, 302.

just institutions.<sup>78</sup> Adopting Rawls idea, Kenyan society governed by ethics, establishment of sustainable developments will be possible. Therefore, advance in economic growth will benefit future generations.

### **3.6 Critical Analysis of the afore-mentioned Position on Corruption**

Corruption is a non-permanent or an impossible problem. To curb corruption, changing of life-style and operating under the spirit of socialism spirit is paramount. These two aspects once put into consideration can promote the well-being of the State, unlike individualism and capitalism. Ethnic wars, racism, and tribal clashes exist due to the presence of corrupted mentality which promotes unfair distribution of resources. These problems can be done away with by structuring a basic society which embraces fairness as a norm of living under perpetual peace.

The measures that the government has been taking in the fight against corruption has been remaining on papers without total implementation. This is an outcome of the prevailing extractive institutions which were formed to serve the interests of the citizens but now are in the service of the bureaucratic class. The measures applied towards the fight against corruption should be realistic avoiding being exclusive monopoly of bureaucratic elites. With the high living standards, caused by high taxation, it is inexperienced to expect a poorly paid public employees campaign for the end of corruption. They would enter into the corrupted system in search of illegal ways to increase their unsatisfying wages.

We need to have patriotic citizens who can be considered as role models to the young upcoming generation. If the sixth chapter of our constitution is implemented, we might have many of them and this will help in the curbing of the corrupt practices. Meanwhile, in a condition

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<sup>78</sup> S. Brualt, *Economic Growth and the Environment, An Empirical Analysis*, Kluwer Academic Publisher, Netherlands, 2007, 37.



whereby the father, mother, children, village elders, chiefs, ward representatives, members of parliament, governors, legal body system, various commissions, top government officials, just to name a few, are involved in corruption issues, where would subordinate employees get suitable examples to emulate?

Finally, there is need of establishing holistic education in our educational sector. This holistic education which is transformative in nature, will help in transforming learners into an integral, political, religious, moral, scientific, and economic persons. Therefore, utilizing Rawls' theory of justice, Kenyan society will have the potential to curb corruption. Corruption is a national vice and therefore a threat to good governance. It will be worthy recommendable if each county could draft relevant strategies to control corruption in her institutions. The initiative to fight corruption should come from every citizen in the various levels including the government and the civil society groups as well as the private sectors. By meeting all these suggestions, we hope that the values of transparency and accountability will be maintained and therefore the establishment of a just Kenyan society will be realized.

## **CHAPTER FOUR**

### **ANALYSIS OF CORRUPTION AS A MORAL PROBLEM**

#### **4.0 Introduction**

This chapter offers an ethical and moral explanation of corruption from a philosophical standpoint. It illustrates how our inherited modern materialistic, capitalist, and individualistic philosophical viewpoint is the source of some of the fundamental causes of corruption. But corruption has also been a result of the sociocultural, political, and economic circumstances we have made for ourselves. No nation in the world is completely immune to the threatening grasp of corruption, which is a worldwide issue. In Kenya, corruption is ingrained in the public and private sectors of business and trade as well as our political system, civil society, and national character. Our society's entire economic infrastructure, moral standards, and educational system all stink and ooze with the stench of corruption. A persistent and crippling culture of corruption has penetrated nearly every level of Kenyan society.

This corruption's pervasiveness indicates a deterioration in our ethical principles and ideals. It demonstrates our fruitless efforts to create a political society without making a fundamental reference to the moral values of fairness, openness, and responsibility as well as the idea of servant leadership. This demonstrates a style of leadership that advances the vested interests of a select few people at the expense of the greater good, which philosophers have argued is fundamental to the development of political society. Some consequences of corruption include the poor condition of some of our roadways, understaffed hospitals, rising crime rates, and theft from the public coffers. Our numerous anti-corruption campaigns, programs, and organizations are sterile, lacking in moral character, biased, and hypocritical. In this vein, this study makes an effort

to provide an ethical and moral analysis of corruption with the goal of outlining an ethical road map for its effective control or outright eradication from our society.

#### **4.1 Conceptual and Theoretical Analysis**

The Greek term *ethos*, which means custom, is the root of the English word *ethics*. Additionally, the term "more," which denotes traditions or habits, has a similar connotation. Sometimes, the terms "customs," "habits," and "accepted patterns of behavior of an individual or society" are used synonymously.<sup>79</sup> The concepts of right and wrong, goodness or evil, and approval or disapproval of our conduct are all part of the field of ethics. Since ethics deals with moral issues and moral evaluations of human behavior, it is sometimes referred to as moral philosophy. Because human behavior and conduct have an impact on the general well-being of the society in which man lives, ethics' primary interest is the regulation of such behavior and conduct.<sup>80</sup>

We are given guiding principles and essential justifications for our moral judgements by ethics as a moral science. On the other hand, morality enables us to determine whether a particular behavior is right or wrong. We come to the conclusion that morality and ethics are essentially intertwined because ethics provides us with the guidelines and justifications for why an action is good or wrong.<sup>81</sup> However, many philosophers have developed a variety of ethical theories and

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<sup>79</sup> Andrew F. Udigwoma; *A Companion of Christian Philosophy and Apologetics*, Ultimate Index Book Publishers Ltd, Calabor, Nigeria, 2009, 1.

<sup>80</sup> Andrew F. Uduigwoman; *A Companion of Christian Philosophy and Apologetics*, Ultimate Index Book Publishers Ltd, Calabor, Nigeria, 2009, 1.

<sup>81</sup> Omeregbe J. I., *Ethics; A Systematic and Historical study*, Joja Press Limited, 2006, 5.

systems in an effort to articulate the ethical principles that underpin the morality of a particular action. Deontology, utilitarianism, and contractarianism are a few of these theories. Some of these ethical theories contend that the moral principle may be applicable everywhere. Others make the case that there is no such thing as a universal moral law, instead supporting subjective moral law. In the former, we find minds like David Hume, Nietzsche, and other empiricists and positivist philosophers, but in the later, we find thinkers like Kant, Plato, and St. Thomas Aquinas.<sup>82</sup>

The rule of behavior might be referred to as ethics in the restricted sense. That is, the overarching concept of behavior that is specific to a person, group, or individual body. For instance, we have work ethics that serve as a guide for individuals in an office or firm, as well as ethics for the legal and medical professions. This demonstrates how particular ethics are. On the other hand, morality has universal applicability due to the requirement that an action be moral in order for it to qualify as such. Therefore, from this perspective, ethics refers to an individual's point of view regarding the goodness or badness of an activity, which may not always have universal applicability, while morality talks of a universal standard by which our activities are judged good or bad. Ethics and morality both utilize words like moral, immoral, and amoral. When something is done with thought and free will, it is moral. Any moral act should incorporate both reason and freedom. When rationality and freedom are absent from a being or an action, it is said to be immoral. Animals have no morals, much like children. If someone behaves immorally, that means they go against accepted moral principles.<sup>83</sup> From this perspective, it is obvious that actions of corruption or corruption itself are immoral, and that a corrupt person is also an immoral person.

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<sup>82</sup> Ochulor, C. L., *Philosophy; A Fundamental and Basic Science*, 300-316.

<sup>83</sup> Andrew. F. Uduigwoman; *A Companion of Christian Philosophy and Apologetics*, Ultimate Index Book Publishers Ltd, Calabor, Nigeria, 2009, 1.

Morality and ethics are essential components of life in every culture, current or hypothetical. Any civilization is made up of moral agents who make decisions every day and interact with one another in ways that are impacted by their unique preferences, proclivities, and desires. Without a respectable, just, and firm moral code, society would revert to Hobbes' state of nature, in which man turns against his fellow humans and makes existence brutal, unpleasant, and brief. Every aspect of a person's life has an impact on him or her, others around him, society as a whole, and his or her ultimate destiny. All of these behaviors have a moral value and can be classified as either good or bad, just or unjust, regardless of whether they take place on the political, religious, socioeconomic, interpersonal, or cultural levels of man's life in society.

The philosophical premise that man is a free and rational entity is the foundation of ethical ideals. An ontological tendency toward goodness, moral self-actualization, and perfections characterizes man as a being. Is a being open to divine existence if it has an innate teleological orientation, an internal moral principle, and an inbuilt conscience. It is impossible to overstate the fundamental significance of ethics for a man's full and genuine self-fulfillment. Corruption changes as a result of these fundamental problems, at which point it becomes ontologically destructive to man's life, his community, and his ultimate goal in life.

#### **4.2 Corruption as an Ethical and Moral Problem**

An agent who commits corruption out of moral responsibility feels some moral remorse. This is so that it doesn't adhere to the accepted moral standard that is shared by all societies or a single society. Because it stems from the metaphysical essence of man as a rational, free person, the idea of corruption gains a status of philosophical importance. In other words, because of the

societal effects of corruption, it undermines the whole notion of the human as a social being. This ultimately threatens the quality of life for men in society.<sup>84</sup>

Any act of corruption is a war against society and thus a fight against man and the metaphysical foundation of his existence since corruption works against the common good. For example, it is obvious that accumulating fortune through dishonest means is a form of sabotage against men, women, and children. This is due to the fact that corruption affects their fundamental right to enjoy excellent wealth obtained legally. The materialistic interpretation of reality, human life, and man's place in the cosmos is at the heart of corruption. What Ochulor refers to as the Machiavellian ideology of wealth acquisition is based on this materialistic view of reality. This kind of thinking employs any and all measures possible, even if they are corrupt, to achieve its goals. The bourgeoisie capitalism is based on this materialistic worldview.<sup>85</sup>

A constant desire for possession and consequently acknowledgment characterizes human dynamics in the areas of economic, religious, social, political, and cultural desires. Man has become a wolf to his fellow men because of this thirst for possession. Man seeks freedom and wealth for himself, but enslaves and deprives others. According to Jean Jacques Rousseau, society itself corrupts man, for man in the state of nature, or rather the primitive man is virtuous and innocent and good.<sup>86</sup> Rousseau paradoxically maintains that regardless of how corruptible civil society is, man nonetheless needs that society and the laws that control it. He claims that laws against avarice and selfish individuality, which corruption exemplifies, are the result of the

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<sup>84</sup> Shanker, Rao C. N., *Sociology*, New Delhi, 2006, 155.

<sup>85</sup> Ochulor C. L., *Philosophy; A Fundamental and Basic Science*, Calabor, Focus Print and Publishers, 2008, 317-331.

<sup>86</sup> J. J. Rousseau, *Emile*, translated by Cress Davids, London, Rapids Publishers, 1974, 222.

communal emotion of brotherhood. In his *Emile*, Rousseau argues in favor of education as a means of instilling in people the virtues of equality and solidarity. Religion must play a vital and essential role in order for this to be successful.

To save man from the corrupting influence of society, Rousseau advocated for the social contract. He believed that the social compact would bind people together under sovereign rules that would promote equality via fraternity, solidarity, and an ongoing awareness of the religiously imposed divine obligation. The relationship between man and a transcendent being is at the core of religion. Man is required in this relationship to accept certain facts as revelations from this transcendent source and to apply these truths as the yardstick for what is right and wrong. For those who follow a particular religion, these moral principles serve as the benchmark.<sup>87</sup>

#### **4.3 Ethical and Moral Implications of Corruption**

Corruption as human activity has moral and ethical implications and so can be analyzed from the ethical and moral perspectives. To explain this, we are going to analyze three dominant ethical systems, Deontological, Utilitarianism, and Consequentialism.

Deontologism ethical system was designated by Immanuel Kant. According to this theory, we are obligated to perform some actions by nature. Such actions are moral since they are a natural and universally required duty. The truly moral imperative, according to Kant, is categorical, as opposed to the hypothetical nature of the technical and prudential imperatives. This categorical imperative, which is applicable to everyone, orders a specific course of conduct without taking into account the needs of others. It is both categorical and imperative because it immediately applies to all

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<sup>87</sup> J. J. Rousseau, *Social Contract*, translated by Cress Davids, 1970, 64.

rational creatures and because it is the guiding principle for how we should behave. According to this categorical imperative, a person should only adhere to a principle if they can simultaneously wish for it to be accepted as universal law.<sup>88</sup>

Three maxims make up the categorical imperative of Kant. According to the first maxim, a person should only follow a principle if they can simultaneously intend that it become a global law. This reveals the universal law's formula. It goes without saying that no one would want corruption to become a norm and a way of life. Nobody would want to be scammed while we are defrauding others. The second principle states that everyone must constantly see humanity as an aim in itself rather than merely a means to an end.<sup>89</sup> Corruption is the usurpation and subsequent exploitation of another person's labor or rights for one's own gain. It suggests complete disregard for and rejection of the worth, sensibility, and social and economic rights of others.

The third axiom holds that a moral agent is only bound by laws that he has created and which are nevertheless universal. This is Kant's autonomous formula. By autonomy, we imply the individual's capacity for free will that is shaped, guided, and informed by reason. Therefore, the will feels obligated to take the specific action and regards it as a responsibility when educated and guided by reason. According to Kant, it is our responsibility to conduct good deeds without anticipating reward.<sup>90</sup> As morally accountable individuals, we understand that corruption is wrong

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<sup>88</sup> Immanuel Kant, *Groundwork for the Metaphysics of Morals*, translated by A. Zweig, Oxford University Press, 2002, 229.

<sup>89</sup> Samuel E. Stumpf, J. Fierse, *Socrates to Sartre and Beyond, A History of Philosophy*, 8e, McGraw-Hill Education, Asia, 2012, 288.

<sup>90</sup> Samuel E. Stumpf, J. Fierse, *Socrates to Sartre and Beyond, A History of Philosophy*, 8e, McGraw-Hill Education, Asia, 2012, 289.



and that what we are doing is wrong. This knowledge resides deep inside us, in the haven of our conscience. We have the option to be dishonest or corrupt. While freely choosing corruption, we violate our moral principles, but we do not want such wrongdoing to be accepted as the norm. Thus, corruption is evil and morally unacceptable.

According to the utilitarian ethical philosophy, an actor acts ethically correctly if doing so will maximize good and reduce evil. In other words, a deed is morally correct if it brings happiness to the greatest number of those it affects. The common good is put in danger by corruption, which ultimately hurts a lot of individuals, if not the entire country. According to the contractarian ethical framework, moral responsibility is based on decisions that are founded on reason and are driven by a sense of justice or fairness toward the other person. This ethical theory contends that as long as we uphold the social contract that underpins society and respect the rights of others, our deeds are morally right.<sup>91</sup> Corruption does not in any way promote social cohesion that binds people together but rather threatens it. Therefore, it is the prerogative of ethics or moral philosophy to establish normative principles that not only make corrupt practices morally bad but also command people to resist them.

#### **4.4 Personal Involvement and self-defense against corruption**

Every moral behavior, whether good or harmful, originates with the individual man. Corruption first manifests as thoughts in a person's heart, which are eventually translated into physical behaviors. When these behaviors are sustained over time, people start taking part in corruption in a variety of ways. These include, but are not limited to, engaging in corrupt behavior

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<sup>91</sup> J.S. Mill, *Utilitarianism*, 16.

and surrounding oneself with corrupt individuals who may have a detrimental influence on one. By developing a good conscience, which forewarns a person in advance and judges or praises a person depending on whether his acts are good or harmful, one can safeguard themselves from corruption at this level.

Additionally, one must persuade themselves that corruption is a morally wrong action. It is challenging to resist corruption without this internal conviction. One should be prepared to uphold the law, be content with their means of subsistence, and seek ethical improvements to their lot. A person's endeavor to safeguard themselves against being corrupted would undoubtedly benefit from upholding high moral standards and refusing to compromise them in the face of pressure from those around them.

However, there are six guiding principles that one can use to amass money ethically while also guarding against corruption. These concepts include self-awareness, the rational driving force, education and specialization, taking advantage of every opportunity, and working hard and persistently while exercising self-control. One can protect themselves from corruption and still achieve true prosperity if they study, comprehend, and put these concepts into practice.

Everybody's existence, as well as the lives of societies and nations, depend heavily on philosophy. Even when a guy has more than he requires, having does not guarantee his safety. Man is not just a material being, despite the fact that matter is a part of his very makeup and that the material side of reality easily corresponds to our physical experience. Spiritual and idealistic concepts coexist in reality in a mutually supportive and symbolic way. This ensures that a person has a genuine existence that reflects reality as it really is. The overemphasis on worldly things at the expense of spiritual things has led to a materialistic spirit, which is marked by greed and is the cause of corruption's prevalence. As a result, we must alter our hedonistic, selfish, capitalist, and

materialistic philosophical viewpoint. This will make room for a fresh perspective that places the correct focus on the spiritual outlook that fosters comradely, social cohesion, and the common good.

## **GENERAL CONCLUSION**

This paper has been an effort to solve the problem of corruption in Kenya from John Rawls' perspective. All Kenyans are vulnerable to the challenge of corruption and no one is exempted from it. The work invites each Kenyan citizen to join the campaign against corruption from the family set up to the highest office in the State. We have analyzed the notion of this phenomenon and the damage that it brings to the country's economy and democracy. Corruption has a close link to the growth of some of the activities of the government. It is therefore likely that corruption cannot be substantially reduced without changing the way the government operates. It is our hope that the fight on corruption is closely linked with the reform of the State. John Rawls' ideas as discussed in chapter two of this work, has great influence on the prevailing challenge of corruption in Kenya.

Additionally, Kenya has experienced a rise in corruption similar to that of other nations due to our country's intellectual detour down the path of excessive materialism, egotistical individualism, exploitative capitalism, and atheistic humanism. Morality has been eliminated from the social and political sphere of our lives due to the erosion of moral principles. Modern man has sacrificed the common good to satisfy his insatiable selfish cravings, and he has confused his true happiness with things that are just temporary, ephemeral, and transitory. We shall continue in the abyss of underdeveloped States unless we collectively go back along the route of morality, the path of high ethical standards, and enable these to pervade our daily lives.

Therefore, ethical reorientation and education are urgently needed, especially in Kenya. Aside from the moral education curriculum, mass enlightenment campaigns through the printed and electronic media, entertainment sectors, government-sponsored television shows, and flyers,

articles in papers, newspapers, and even books are important. Every area and facet of people's life should be held to the highest ethical standards, and those who make an effort should be recognized and rewarded, especially those who have been given public duty. It is our strong belief that by applying the ideas contained in this work, the fight against corruption will be a successful exercise.

In any case, any serious strategy in the attempt to control corrupt practices will need honest and visible commitment from the leaders. It is our belief that by increasing public sectors wages, incentives towards honest behavior, instituting effective controls and penalties to the civil servants, among other issues, will help in curbing this problem. The Kenyan society has the power to control the intensity of this problem, but no single action will achieve this goal unless the government enforces the fulfilment of the laws contained in the constitution and perhaps changing the existing non- pragmatic policies.

Citizens should be sensitized for them to create awareness and awaken the consciousness of the State and other stake holders to focus on corruption as a killing virus which requires non-violent fight. Giving out civic education especially on the value of living our cultural identity and moral values, will help in establishing socialism in our societies. This sensitizations will help in educating the masses on their role as rational and moral beings, on how to institute a justifiable society which is free from ethnic wars and segregation. This needs critical analysis and evaluation of the thoughts or judgments applied.

It will be proper if non-governmental organizations will be given juridical powers to scrutinize every sector which belongs to both civil servants and political heads. This can be facilitated by forming local organizations endowed with full mandate and powers to challenge the government. Under this aspect, it is our hope that various constitutional amendments will be strengthened and this will help in galvanizing the relationship between the individuals and the

State. To this end, corruption will be fought by the whole society as an enemy by use of legal procedures. Finally, following the thought substantiated in this work, Rawls' theory will be of great importance in Kenyan history.

## BIBLIOGRAPHY

- A.S. Hornby, *The Oxford Advanced Learner's Dictionary*, London, Oxford University Press, 2000, Pg. 281
- Acemoglu D, Robinson A.J, *Why Nations fail, The origins of Power, Prosperity, and Poverty*, Great Britain, 2007.
- Amartya S, *Development as Freedom*, Oxford University Press, New York, 1999.
- Armstrong C, *Global Distributive Justice, An Introduction*, Cambridge University Press, 2012.
- Bird, C., *An Introduction to Political Philosophy*, Cambridge University Press, New York, 2006.
- Blocker, H. G., H.S. Elizabeth., *John Rawls' Theory of Justice, An Introduction*, Ohio University Press, 1982.
- Brittan S, *Essays on Morals, Political and Economic Issues*, Edinburgh University Press, 1998.
- Brualt S, *Economic Growth and the Environment, An Empirical Analysis*, Kluwer Academic Publisher, Netherlands, 2007.
- Dworkin R, *Equality of Resources*, Philosophy and Public Affairs, 1981.
- Fabre, C., *Contemporary Political Theory, Liberalism and Its Critics*, University of London, London, 2006.
- Freeman, S., *John Rawls, Lecturers on the History of Political Philosophy*, Harvard University Press Massachusetts, U.S.A, 1974.
- Grayling, A.C., *Philosophy, Further Through the Subject Book 2*, Oxford University Press, Oxford, 1998.
- Honderich, T., *The Oxford Companion to Philosophy*, Oxford University Press, 1995.
- Johari, J.C., *Contemporary Political Theory*, Sterling Publisher Limited, New Delhi India, 2012.
- John Rawls, *A Theory of Justice*, The Belknap Press of Harvard University Press Cambridge, Massachusetts, 1971.
- John Rawls, *Justice as fairness; A Restatement*, Harvard University Press, 2001.
- Kelly, E., ed., *John Rawls' Justice as Fairness, A Restatement*, Harvard University Press, 2001.
- Kant I, *Grounding for the Metaphysics of Morality*, Oxford University Press, 2002.
- Lumumba, P.L.O., *A call for hygiene in Kenyan Politics, prefatory note*, Nairobi, Mvule Publishers, 2008.
- Mbugua, D. K., *Breaking the Chain of Corruption*, Cueva Press, Nairobi, 2020.
- Mwema C, *The struggle of My People and Western conditions to Corruptions and Education*, Taylor and Francis group, New York, 2011.
- Nyerere, J., *Ujamaa, The Basis of African Socialism*, Oxford University Press, Dar es Salaam, 1973.
- Ochieng' P. and Karimi, J., *Kenyatta Succession*, Nairobi, Transafrica Publishers, 1980.
- Ochulor, C.L., *Philosophy: A fundamental and Basic Science*. Calabar, Focus Prints and Publishers, 2008.
- Odhiambo, F. O, *A History of Philosophy*, Consolata Institute of Philosophy, Nairobi, 1998.
- Omeregbe J, *Ethics*, Joja Press Ltd, 2006.
- Owiti, O., S.M., Kibwana, K., *The Anatomy of Corruption in Kenya, Legal, Political and Social-Economic Perspective*, School of Law, University of Nairobi, 1996.
- Thomas, Michelle Kosch. M., *John Rawls, His Life and Theory of Justice*, Oxford University Press, U.S.A, 2007.
- Rao C. N, *Sociology*, New Delhi, 2006.
- Rawls J, *A Theory of Justice*, Belknap Press, 1999.

Rawls, J., *A Theory of Justice*, Oxford University Press, Oxford, 1972.  
 Robert K, *Controlling Corruption*, Berkeley, University of California Press, 1988.  
 Robert, A., *The Cambridge Dictionary of Philosophy*, 2nd edn, Cambridge University Press, 1999.  
 Rousseau J, *Emile*, Rapids Publishers, 1974.  
 Ronald W, Simpkins E, *Corruption in Developing Countries*, London, 1963.  
 Satz Marta D, Reich R, *Toward a Humanist Justice, The Political Justice of Susan Moller*, Oxford University Press, New York, 2009.  
 Singer, P., ed., *Ethics*, Oxford University Press, New York, 1994.  
 Stumpf, S.E., J. Fierse, J., *Socrates to Sartre and Beyond: A History of Philosophy*, 8e, McGraw-Hill, Asia 2021.  
 Sundet G, Scanteam, and Moen E, *Political Economy Analysis of Kenya*, Nairobi, 2009.  
*Underdevelopment*, maiden publishing house, 2011.  
 P.  
 Uduigwoman A, *A Companion of Christian and Apologetics*, Calabar, 2009.

### Article

Oketch, A., Wafula, P., “Covid-19 Millionaires-The Untold Story”, *In the Daily Nation*, Nation Media, Nairobi, Dec 2nd 2020.  
 Muchunguh, D., “Scandal of Thousands of Ghost Learners Revealed”, *In the Daily Nation*, Nation Media, Nairobi, Nov. 16. 2020.

### Journals

Beattie C, *Canadian Journal of Education*, Vol.7. No. 3, 1982, Pg. 4.  
 JR. Fairbanks JR, Charles H, *The Feudalization of the State*, in *journal of Democracy*, Vol. 10. No. 2, 1999, Pg. 47-53.

### Internet source

Available at; <https://www.tandonline.com/doi/full/10.1080/14662043.2014.955981>. Accessed on 12<sup>th</sup> September 2021.  
 Available at; <https://www.gov.uk/government/publications/the-7-Principles-of-public-life>. Accessed on 11. Nov. 2021 at 1100 hours.







