

**TOWARDS A RESPONSIVE ETHICAL LEADERSHIP
BUILDING THE FOUNDATION FOR THE REALIZATION OF VISION 2030**

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Abstract

In 2010, a new constitution was promulgated by the Republic of Kenya. This paper analyses the opportunity created by the provision for the vetting of public and state officers and considers the challenges in implementing the quest for ethical leadership. In particular, the paper explores the political context for the selection of public officers in Kenya. It explores one case in 2018 in which African culture has served as a framework for challenging unethical leadership in the Republic of Kenya. This paper examines the reasons why the Church has not been able to boldly challenge unethical leadership and the ways in which it grapples with being co-opted by the state. The paper considers the social origins of the early Christians as a basis for the Church to evaluate her position over against unethical leaders.

Key words: Ethical leadership, African Culture, the Kenya Constitution

Introduction

Eight years after the promulgation of a new constitution in the Republic of Kenya, the country has yet to feel the impact of Chapter Six of the constitution although some progress has been made. This chapter states that the guiding principles of leadership and integrity should include selection based on personal integrity, competence, suitability; and that decisions should not be influenced by nepotism, favoritism and other improper motives or corrupt practices. Corruption is a major problem in Kenya, and Chapter Six was intended to help ensure that those who are not competent do not get elected or appointed to public office. But over the last eight years, many state officers and public officers, meaning those entrusted with the use of public funds, with questionable character and track records are elected and appointed to public service. Ideally these gaps in ethical leadership should be called out in line with the ideals stipulated in the constitution. Further, it is to be expected that the Church, which is the salt of the earth and the light of the world, should play a role in calling society to the standards and ideals of ethical leadership spelled out in the constitution.

The purpose of this paper is to critically examine how the Church in Kenya can provide a theological understanding to help the society hold political leaders to ethical standards called for in the constitution. This paper will discuss the case of the conflict between the North Rift leaders in Eldoret, Kenya in a meeting with farmers over the payment of 1.9 billion by the National Cereals and Produce Board to less than eight people at the expense of other maize farmers.

This paper has been divided into four parts. The first section of this paper will examine the issue of the political culture that surrounds leadership selection in Kenya. Chapter Six of the 2010 constitution on leadership and integrity assumes that getting the right individuals into leadership is the principal concern in leadership selection. This paper makes the claim that a key problem is that the historical and political systems in Kenya produce a very different type of leader from those envisioned in the constitution.

The second section examines the statements made during the session between the members of the ad hoc committee of the Senate and the Rift Valley farmers. In this section I will attempt to demonstrate that African culture with its underlying assumptions served as a strong basis for challenging unethical leadership on the part of the National Cereals and Produce Board agency officials and their actions in colluding with traders to pay for maize supplied at the expense of farmers.

In the third section the paper will consider the history of religion and politics in Kenya. Finally, the paper will discuss how the Church in Kenya can contribute to the situation by calling for ethical standards for leadership in Kenya.

Limitations

This paper will not attempt to generalize about African culture and its impact on leadership, because of the diversity of languages and ethnic groups across the African continent. This paper will discuss a case from the Republic of Kenya, which is itself ethnically and linguistically complex and diverse. This paper will also not attempt to argue that African culture is either a positive or a negative influence on leadership. This is because the impact of culture on leadership is almost certainly both positive and negative given the fact that culture is broad.

The Political Context of Leadership in Kenya

This section is a discussion of the political context of leadership in Kenya. Daniel Branch (2011, p. 5555) notes that the most immediate problem in changing the nature of elections is that when elections come around, Kenyans for the most part have only unethical leaders to choose from. A key contributor to this is that violence has become normalized as part of the political system. As a result, unethical leaders and even criminals enjoy an advantage when it comes to their efforts to win seats in parliament or on local councils. In addition, the inability of the courts and the police to arrest and prosecute, means that brutality and crime will remain an essential part of political life. Even those politicians who are reformers are forced to resort to such actions as hiring youth gangs to intimidate the supporters of rival candidates.ⁱ

By way of illustration, the fight for the Uasin Gishu gubernatorial seat in 2017 was a deeply divisive process that created animosity between the supporters of the incumbent governor and his challenger. Arguments between the supporters would get to the point where people engaged in fist fights.ⁱⁱ Similarly, around October 2017, in the part of Nairobi called Kawangware, a great deal of violence was witnessed along tribal lines, with gangs from the Kisii, Luhya and Luo communities burning down the shops of small business people mostly

from the Kikuyu community. Shops, market stalls and small businesses were looted and set ablaze. The residents also complained that the police were complicit in supporting a gang which attacked them from the neighboring constituency, Dagoretti South.ⁱⁱⁱ

A second factor is the centrality of ethnicity to politics. Branch (ibid., p. 5455) writes that in Kenya, ethnicity provides a powerful response to the shortcomings of the formal economy, the labor market and the state. He notes that people who would not otherwise have access to credit, wages or social security support are able to make a living by making the most out of their ethnic networks. In the absence of equal access to social and economic opportunities, ethnicity provides a way in which Kenyans can access and protect the scarce resources of jobs and political power. If a political leader is elected as member of parliament or even president, then the infrastructure in that area where he or she comes from will begin to function; roads, schools, factories and other social amenities will become available.^{iv}

This means that the choice of leaders in Kenya is not just the decision to choose from the best candidates, but that the choice of leaders is based on how politics operate in Kenya and the part ethnicity plays in Kenya. This is possibly why the Rift Valley farmers were so enraged by their inability to access the market for their maize since those in the positions of influence were from their own community and ought to have ensured their access to economic opportunity.

A Challenge to Unethical Leadership based on African Culture: The 2018 Maize Scandal

Unethical leadership is exemplified in the case of the maize scandal in Kenya in 2018. In the 2017-2018 financial year, the government projected to buy 2 million bags of maize and budgeted 7 billion Kenya shillings for that purpose to replenish stocks in their strategic grain reserve. Each ninety-kilogram bag was to earn 3,200 Kenya shillings. However, in December 2017, the Director of Crops at the Ministry of Agriculture said that the government intended to raise the number of bags at the strategic reserve to 4 million bags, half of it through

imports in the event it did not get enough stocks from farmers. Difficulties arose however, when the ministry later released a letter stopping farmers from supplying maize. The reason was ostensibly to release new guidelines to vet the farmers supplying the maize. In the meantime, there were also reports that officials of the National Cereals and Produce Board were buying cheap maize from Uganda and that some individuals had supplied maize in the night and been paid promptly.^v

The critical question for the farmers arose from the fact that the role of the National Assembly and the Senate is to provide oversight for service delivery by the Executive.^{vi} In addition, each constituency has its own elected members of Parliament. Each county also has its own elected members of the Senate. The role of members of Parliament is to participate in allocating revenue to the national government as well as exercising oversight over the expenditure of national revenue. Similarly, the members of Senate exercise oversight over the expenditure of revenue at county level. This may have played a vital role in bringing about the confrontation between the Rift Valley farmers and the members of the Senate. The significance of this is that it was not possible for this issue to be obscured by the ethnic polarization that has characterized public debate in Kenya for the last few years. It is for this reason that the Rift Valley farmers were able to clearly express their alarm over the loss of 1.9 billion shillings since negative ethnicity did not obscure the issues. What follows is an account of the statements of the farmers raised during the session between them and the members of the Senate^{vii}:

Those who are taking advantage of us are our own ... Not Weta [sic], Orengo... we know you... Murkommen Terarget, I went to school with your father in 1954. You people, your days are numbered. It is better to be strangled, it is better to die than to live in Kenya... Death is surely preferable! Young children are playing with us... Weta, Weta and Orengo and Moi, you are senior. You cannot run a country like this, you cannot even run your own house like this! Thank you for earning one million plus, the farmers here, our children are not going to school. Yours I know they are in Australia, they are in United States of America. These farmers are suspicious that you are the biggest cartel. This animal called "cartel" who is devouring the government, what kind

of animal is it? Is it a wild dog? We are speaking good English, we are speaking good Kiswahili, but it all ends at the Senate. Murkommen! You are very talkative, talk about maize today! This maize that came from Mexico, whose was it? Have you come here to lie to us and to take us around in circles? And on the issue of 2022, our people are dying at Referral like locusts. We have enough trouble.^{viii}

The concerns of the farmers were similar to those of the Senate who were tasked with conducting a study to investigate the maize crisis in the country^{ix}. The specific concerns of the senators were:

- i. Why farmers who have delivered their produce to NCPB have not been paid to date;
- ii. What was the quantity of duty-free maize imported into the country during the duty-free window which was to end in October 2017 and why the period was extended;
- iii. Who were the suppliers of the maize received by Cereals Board in the 2017-2018 season?
- iv. How were the millers and business persons involved in importing maize identified?

The confrontation between the Kalenjin farmers and the members of the Senate provides an important case that highlights certain foundational values and assumptions of Kalenjin culture: First, the farmers make the point that those who were taking advantage of them were from among their own people. This observation underscores the fact that mutual respect and concern as a foundational assumption in African culture. Second, one of the farmers points out that he had been a student with the father of one of the senators in 1954. The foundational value from African culture pointed out here is that of respect for the aged or for the peers of one's parents. The fact that some of these current leaders were members of the community whose parents are known to the farmers ought to have been a safety net and to have protected the farmers from blatant greed. Third, the amount of money earned by the senators relative to the poverty of the farmers addresses the issue of inequality. The farmers point out the fact that while their children could not go to school, the children of the wealthy

are studying abroad. The challenge given by these farmers echoes that given by Franz Fanon (1963, p.117) when he quoted the Christian magazine in Brazzaville that addressed the barons of the regime as follows:

Men in power and you their wives, today your wealth has afforded you comfort, education perhaps, a beautiful home, contacts and many missions abroad have opened up new horizons. But all your wealth has encased you in a shell which prevents you from seeing the poverty surrounding you. Beware.”^x

The Rift Valley farmers were able to challenge the Senators despite the distance in rank based on the equalizing factor of belonging and community. Secondly, they were able to interpret and challenge the actions of the National Cereals and Produce Board officials as unethical based on the impact of those actions on the community. Finally, because of the communal approach to decision-making, the farmers were able to deliberate candidly on the issues based on their assumptions that the whole community engages in making decisions. The Rift Valley farmers’ case illustrates the fact that the African culture still provides greater legitimacy in terms of the expectations for leadership than the written constitution and its standards for ethical leadership, which are relatively new.

An important theme that arises in this paper is that the Rift Valley farmers’ beliefs about political authority and obligations arose not from the 2010 constitution which is relatively new but from their understanding of the political obligations of leaders from the lens of their African culture. Mosota (2013, p.15) defines legitimacy as the people’s beliefs about political authority and political obligations. He distinguishes among three main sources of legitimacy or the acceptance of authority and the need to obey its commands. He notes that first, people may have faith in a political or social order because it has been there for a long time. Second, people have faith in the rulers or third, people trust in the legality or rationality of the rule of law.^{xi} The farmers’ expectation was that their leaders should look out for them and their interests based on social ties rather than constitutional requirements. The reference

to cartels as a wild dog raiding the community is also a pointer to the frame of reference used by the farmers to challenge the shortcomings of the officials of the National Cereals and Produce Board. The farmers also use their cultural values to question the value of the investigative process of the Senate itself as well as the justice of the high salaries earned by the senators relative to the earnings of the farmers.

Having discussed the fact that leadership selection is impacted by the political context of the nation, and the case of unethical leadership as seen through the lens of the 2018 maize scandal in Kenya, the question now begs how the Church can provide a theological understanding that can help the society hold political leaders to ethical standards called for in the constitution. The previous section has argued that Kenya's political context is characterized by violence, and that this means that those most likely to be selected as leaders are not necessarily those whose standards conform to the standards anticipated by the constitution. In fact, leadership selection is biased in favor of those who can use all manner of intimidation to make their way into leadership. In addition, the other factor that influences leadership selection is not those leaders with ethical standards, but those leaders who are selected by citizens based on their ethnic background. The reason is because the state has functioned in such a way that citizens are guaranteed access to economic opportunities based on ethnic networks rather than structures. In order to understand how the Church in Kenya can contribute to the situation by calling for ethical standards for leadership in Kenya, it is helpful to look at the history of religion and politics in Kenya.

The History of Religion and Politics in Kenya

Gifford (2009, pp. 202-207) notes that except for a few leaders who challenged the state, the Church in Kenya has for the most part been co-opted and manipulated by the state. The Church in Kenya has called citizens to repentance for wrongs committed by their leaders rather than pointing out the ills committed by leaders. Various scriptures such as Romans 13

have been used to call Christians to submit to the authorities that have been instituted by God. “Let everyone be subject to the governing authorities, for there is no authority except that which God has established. The authorities that exist have been established by God”(Romans 13:1)^{xii}.

Another scripture that has been used to call Christians to repentance and submission is 2 Chronicles 7:14;

If my people, who are called by my name, will humble themselves and pray and seek my face and turn from their wicked ways, then I will hear from heaven, and I will forgive their sin and will heal their land.

This passage has been used to call for repentance in the face of all manner of calamities including various corruption scandals. Another pertinent consideration is that the mainstream churches in Kenya have increasingly functioned to provide development services particularly in the area of health care and education and beyond this they hardly see their role as challenging the structures of society.

The African Independent Churches in a similar way have been influenced by a political context in which leaders are hardly ever questioned. Their charismatic leaders build their names and influence and mostly demonstrate support for political leaders by being prominent at public functions. There is therefore a marked absence of a prophetic voice from the African independent churches as well as the mainstream churches, both Protestant and Catholic. It is therefore hardly surprising that the power structures within which the Church in Kenya has existed for a long time are largely intact. The Church fundamentally grapples with having been a tool that was used by state officials to exercise their support and at the same time it wrestles with the African social reality of the gap between most of its members being poor and the political leaders who are rich.^{xiii}

A Biblical Basis for Ethical Standards of Leadership in Kenya

This historical perspective suggests that the Church in Kenya needs to construct a basis for engagement in society regarding ethical leadership. The Church has largely been supportive of political leaders because of the material benefits received through donations to the Church in form of *Harambee*, or fund-raisers. Except for a few leaders who challenged the State, the Church in Kenya has been unable to challenge political leaders to integrity, because it is unwilling to teach things that run counter to the deeply held views of the social context.^{xiv}

One possible basis for the Church to hold political leaders to account, according to the standards of the constitution is for the Church to remember the social origins of Christianity. During the first three centuries of Christianity, most Christians belonged to the lower socio-economic strata of society. According to the gospels, Jesus spent most of his time with the poor, the ill and the despised. Paul does note that many of the Christians in Corinth were ignorant, powerless and of obscure birth. And although some of the great apologists worked to demonstrate that their faith was not in opposition to the imperial policies, nonetheless among the common Christians there was an understanding that there was a clash between their goals and the goals of the Roman Empire.^{xv}

Brothers and sisters, think of what you were when you were called. Not many of you were wise by human standards; not many were influential; not many were of noble birth. ²⁷ But God chose the foolish things of the world to shame the wise; God chose the weak things of the world to shame the strong. ²⁸ God chose the lowly things of this world and the despised things—and the things that are not—to nullify the things that are, ²⁹ so that no one may boast before him.^{xvi} (1 Corinthians 1:26-29)

Much like present day Kenya, the Roman Empire was one in which the gulf between the upper class and all the others was so wide that the members of the society in these classes had almost nothing in common. Jeffers (1999, pp.180-181) notes that the people of the Roman Empire were divided by very definite social classes.^{xvii} In addition, social mobility was not encouraged, and the law always favored the upper class. Social class was conferred

on individuals by birth. Wealth and education were important indicators of status but did not by themselves determine class. Other factors like citizenship were more important. It was therefore possible and more honorable to be a poor freeborn citizen than a wealthy slave. Most Christian workers in the New Testament were in the middle and lower range of class and status. The majority of Christian workers in the Christian congregations earned just enough for themselves to live on, but some among them who were wealthy enough to travel and able also acted as patrons and hosts for other church workers and meetings.

Passages such as James 1 provide a basis for the Church to challenge Christians to evaluate state officers and public officers like the president, deputy president, cabinet secretaries, members of parliament, judges and magistrates, governors and deputy governors as well as members of county assemblies based on personal integrity, competence and suitability rather than wealth and privilege. One possible implication of this is that rather than courting the favor and approval of the wealthy in society, the Church ought to distance itself from those who have become wealthy through abuse of office and corruption and call them to a different standard. The book of James for example provides teaching for Christians to avoid compromising with the world and especially when it comes to the use of wealth.

2 My brothers and sisters, believers in our glorious Lord Jesus Christ must not show favoritism. ² Suppose a man comes into your meeting wearing a gold ring and fine clothes, and a poor man in filthy old clothes also comes in. ³ If you show special attention to the man wearing fine clothes and say, "Here's a good seat for you," but say to the poor man, "You stand there" or "Sit on the floor by my feet," ⁴ have you not discriminated among yourselves and become judges with evil thoughts? ⁵ Listen, my dear brothers and sisters: Has not God chosen those who are poor in the eyes of the world to be rich in faith and to inherit the kingdom he promised those who love him? ⁶ But you have dishonored the poor. Is it not the rich who are exploiting you? Are they not the ones who are dragging you into court? ⁷ Are they not the ones who are blaspheming the noble name of him to whom you belong?^{xviii} (James 2:2-7)

Recommendations for Further Study

The main goal of this study was to provide a critical analysis of Chapter Six of the 2010 constitution through the lens of African culture and to explore a theological basis

through which the Church can challenge the society to the standards of ethical leadership in the Republic of Kenya. Ways in which the Church can uphold and amplify aspects of African culture that are compatible with scripture in order to provide a basis of ethical leadership for the Republic of Kenya would be a fruitful area for further study. Further study also needs to be done to establish more evidence of the use of African cultural values as a basis of challenging unethical leadership in Kenya.

ⁱ Branch, Daniel, *Kenya: Between Hope and Despair, 1963-2011* New Haven: Yale University Press

ⁱⁱ Daily Nation, Thursday August 3, 2017

ⁱⁱⁱ <https://www.nation.co.ke/news/Kawangware-clashes-lay-bare-ethnic--political-tension/1056-4162696-a2r242/index.html>

^{iv} Branch, *Kenya: Between Hope and Despair, 1963-2011*

^v Ad Hoc Committee to investigate the Maize Scandal in the Country. Brief on Maize, NCPB, Fertilizer Subsidy and SFR

^{vi} Lumumba, Mbondenyi and Odero. *The Constitution of Kenya: Contemporary Readings*. Law Africa Publishing Ltd. 2013 Separation of Powers P. 198

^{vii} <https://www.youtube.com/watch?v=aUkzTgvPBEM> Senate Ad hoc Committee on Maize and Agriculture Committee public hearing on Maize issues in Eldoret.

^{viii} Wale wanatukula ni wetu tena...Sio kina weta, kina Orengo, tunajua nyinyi...Murkommen Terarget nilisoma na baba yako 1954. Nyinyi, siku zinahesabika. Heri kunyongwa, heri kukufa kuliko kuishi Kenya... Heri kifo kabisa. Watoto wadogo wanacheza na sisi...Weta, Weta na Orengo na Moi, nyinyi ni senior. Nchi haiwezi endeshwa namna hii hata nyumba yako! Thank you for earning one million plus, sisi wakulima hapa, Watoto wetu hawaendi shule. Yours I know they are in Australia, they are in United states of America. Wakulima hawa wanashuku nyinyi kama nyinnyi ndio cartel wakubwa. Huyu mnayama cartel...anakula serikali. Kwani huyu cartel ni mbwa mwitu? Tunaimba hapa Kiswahili kizuri, Kiiengerza kizuri sana, lakini Inakwishia sanduku ya Senate. Murkomen wewe na jua kuzungumza sana, zungumza mahindi leo. Hii Mahindi ilitoka Mexico ilikuwa ya nani? Mumekuja hapa kutudangaya, mmekuja hapa kutuweka merry-go-round? Maneno ya 2022, watu wetu wanakufa hapa referral kama nzige. Sisi tukona taabu ya kutosha.

^{ix} Ad Hoc Committee to investigate the Maize Scandal in the Country. Brief on Maize, NCPB, Fertilizer Subsidy and SFR

^x Fanon, Frantz. 1963 *The Wretched of the Earth*. New York: Grove Press

^{xi} Mosota, Dennis. Constitutionalism and the Rule of Law under the New Constitutional Order in *The Constitution of Kenya: Contemporary Readings*, edited by PLO Lumbumba, M.K. Mbondenyei and S.O. Odero. 51. Nairobi: Law Publishing Kenya Ltd

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^{xiii} Gifford, Paul. 2009. 'Christianity Co-opted' in *Religion and Politics in Kenya*, edited by Ben Knighton, United States: Palgrave Macmillan

^{xiv} Gifford, Christianity Co-opted, 201

^{xv} Gonzalez Justo L. The Story of Christianity: The Early Church to the Present Day

^{xvi} Holy Bible, New International Version®, NIV® Copyright ©1973, 1978, 1984, 2011 by Biblica, Inc.®

^{xvii} Jeffers, James S. *The Greco-Roman World of the New Testament Era: Exploring the Background of Early Christianity*. Downers Grove: Intervarsity Press.

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