The Utility of Moral Philosophy and Professional Ethics in the Fight against Corruption in South Africa: Any Role for Ubuntu?

Siphesihle Dumisa
Researcher and policy analyst at the Human Sciences Research Council, South Africa
sihledumisa@yahoo.com

Olumuyiwa Babatunde Amao
Doctoral Candidate in the Department of Politics
University of Otago, Dunedin, New Zealand
talk2smath@yahoo.com

Abstract
This paper derives its motivation from the longitudinal attitude survey conducted by the Human Sciences Research Council in 2011 and Transparency International between 2011 and 2013, which highlights how corruption has been on the increase in South Africa. Consequently, the paper interrogates the possible role which Ubuntu can play as an anti-corruption mechanism in South Africa, and argues the need for its adequate reinvigoration at the ‘systemic level’ to complement the vigour with which it has been touted at ‘agency level’. We argue that while government employees are being encouraged to uphold the values of Ubuntu in governance, the lack of accountability and transparency in government circles do not ensure adherence to such high moral standards. This asymmetry inevitably prevents the moral philosophy of Ubuntu from making a contribution as an anti-corruption stratagem.
Key Words: Corruption, Human Sciences Research Council, South-Africa, Transparency International, Ubuntu.

Introduction

For a keen observer of current trends in African politics, scarcely would a day pass without a news report on a case of corruption. Indeed, the subject has become highly sensitive, given the varied pattern of reactions it has elicited. As Gaston argues, “while no one can deny that the magnitude of its incidence is one of the foremost problems in the developing world, and a pre-eminent issue in Africa, corruption remains a universal phenomenon, as it has existed throughout history” (Gaston, 2005:23). This perhaps explains the African Union Advisory Board on Corruption’s (AUABC) identification of the quagmire as a major challenge to sustainable economic development and good governance in Africa.7

In South Africa, corruption is pervasive in both the private and public spheres of the country, and it has provoked a series of responses from the South African society, including that of former President Nelson Mandela, who noted:

Our hope for the future depends on our resolution as a nation in dealing with the scourge of corruption. Success will require an acceptance that, in many respects, we are a sick society. It is perfectly correct to assert that all this was spawned by apartheid. No amount of self-induced amnesia will change the reality of history. But it is also a reality of the present that among the new cadres in various levels of government you will find individuals who are as corrupt as those they found in government. When a leader in a provincial legislation siphons off resources meant to fund service by legislators to the people; when employees of a government institution set up to help empower those who were excluded by apartheid defraud it for

their own enrichment, then we must admit that we have a sick society. This problem manifests itself in all areas of life (Mandela, 1999:1).

In practical terms, the phenomenon of public corruption in South Africa has manifested in a plethora of instances such as: the case of five police officers reportedly found guilty of corrupt vices while working in the former Traffic Department in 1999; the unethical conduct allegation levelled against South Africa’s erstwhile Minister of Transport, Sbusiso Ndebele for accepting a car gift from Vukuzakhe contractors -- a company which had contractual ties with his ministry; and the corruption charges pressed against President Jacob Zuma with regards to the Arms Deal imbroglio (Lewis, 2004; Cull, 2005, Faull, 2008). There were also the cases of Jackie Selebi, a former national commissioner of the South African Police Service and head of Interpol, who was accused of receiving bribe from a murder suspect; and Schabir Shaik and President Jacob Zuma’s perceived ‘generally corrupt relationship’, where frequent payments were made by the former in appreciation of the political influence the latter brought to bear on his business interests whenever requested (Moyo, 2009).

This unsavoury development, has further awakened the consciousness of its citizenry, such that over three-quarters (74%) of South Africans are of the opinion that the country’s public and private governance sectors are increasingly becoming infested with the corruption virus (Gordon et al. 2012). In the light of the foregoing, this paper aims to assess the impact of corruption on post-Apartheid South Africa. Specifically, the paper seeks to answer the following questions: (1) To what extent is corruption pervasive in South Africa’s public and government sector?; (2) In what ways do the actions of individual political actors contribute to the continuing germination of corruption in the polity?; (3) Are these actions in any way congruent with the salient elements of corruption as highlighted by globally recognized anti-corruption institutions?; (4) Are there any institutional approaches that have
been (or are being) employed to combat corruption in South Africa?; And, finally, in what ways can the Ubuntu moral philosophy be applied to help stem the rising tide of corruption in South Africa?

To answer the above questions, the paper has been structured into four parts, with the first serving as introduction. The second interrogates the political economy of corruption in South Africa, with a tabular and thematic classification of some of the incidences in the South African public and governance landscape, including a synopsis of the apparent frustration on the part of those who are meant to tackle the menace. The third, assesses the existing anti-corruption policies in South Africa, and provides an argument on how this ‘cankerworm’ can be overcome through the moral and philosophical underpinnings of ‘Ubuntu’. The fourth and final section reflects on some of the probable challenges to the success of Ubuntu as an anti-corruption mechanism, and offers some elucidations on how this can be surmounted—particularly on how the approach can be effectually used to overcome ‘the Agent/Principal phenomenon’ confronting South Africa’s public service and governance landscape.

Explicating the Political Economy of Corruption in South Africa

Defining corruption is often a cumbersome task, given that there are a number of elements attached to the discourse. However, in spite of this definitional impasse, the general consensus points to the direction that corruption is ‘cancerous’ and pervasive in virtually all facets of the society (Evans, 2002). This viewpoint is reflected in a number of scholarly interpretations of the phenomenon. Nye, for example, views a corrupt act as involving any behaviour which deviates from the formal duties of a public role because of private-pecuniary or status gains; or violates rules
against the exercise of certain types of private-regarding influence (Nye, 1967). These include behaviours such as: bribery (use of reward to pervert the judgement of a person in a position of trust); nepotism (bestowal of patronage by reason of inscriptive relationship rather than merit); and misappropriation (illegal appropriation of public resources for private-regarding use(s)” (Nye, 1967:419). However, it is instructive to note that Nye’s definition appears fairly limited in scope, particularly when situated within the realms of what constitutes the elements of a corrupt transaction, and ethical relativism.

For Bayley (1966:720), corruption implies the “misuse of authority as a result of considerations of personal gain, which may not necessarily be monetary”. Werlin (1973:73) sees corruption as the “diversion of public resources to non-public purposes”. Here, the office holder directly and illegally appropriates public resources for his own private use. Wilson (1968:55) defines corruption as having occurred “when a person, in exchange for some private advantage, acts other than what his/her duty requires”. For Mafunisa (1999:191), “corruption involves the illegal or unethical use of governmental authority for personal or political gain”. When this happens, there is an abuse and/or misuse of public office and authority in return for personal gain, which could be material (in the case of bribery) or non-material (in the case of favouritism) (Mafunisa, 1999:191).

Moving forward, Heidenheimer and Johnston (2001:8) -- arguing from a political perspective -- identify corruption as the “perversion or destruction of integrity in the discharge of public duties by bribery or favour; the use or existence of corrupt practices, especially bribery or fraud, in a state, or a public corporation”. For Balogun (2003:129), corruption takes place “when approved codes or rules have been ignored to attain personal ends or manipulated to frustrate public intentions”. It is imperative to note that placing the discourse on corruption within
the precincts of conceptualization appears quite contested, as there may be some extenuating circumstances attached to the perpetuation of the act. And as Evans (2002:26) argued, “one person’s perception of corruption may not be shared by others”. Consequently, the lack of a common definition of corruption adds to the difficulty of combating it.

For a better interpretation of what should constitute direct or indirect acts of corruption, it is necessary to focus our attention to the following excerpts from Article 4, clause 1 of the AU’s Convention on Preventing and Combating Corruption and Related Offences (2003), which defines corruption as:

“(1) The solicitation or acceptance, directly or indirectly, by a public official or any other person, of any goods of monetary value, or other benefit, such as a gift, favour, promise or advantage for himself or herself or for another person or entity, in exchange for any act or omission in the performance of his or her public functions;
(2) The offering or granting, directly or indirectly, to a public official or any other person, any goods of monetary value, or other benefit, such as a gift, favour, promise or advantage for himself or herself or for another person or entity, in exchange for any act or omission in the performance of his or her public functions, and;
(3) The diversion by a public official or any other person, for purposes unrelated to those for which they were intended, for his or her own benefit or that of a third party, of any property belonging to the state or its agencies, to an independent agency, or to an individual, which the official has received by virtue of his or her position” (cited in Deming, 2010:564:565).

It seems apparent from the above that the examination of literature on corruption is replete with various analyses of what constitutes the vice, thus its study and analysis is multi-faceted. However, much work seems to have been dedicated towards understanding the discourse from the vantage point of bureaucratic performance, particularly its nexus with underdevelopment in the Third World. As Kroukamp observes: “the high prevalence of corruption within African states is based
on the assumption that the continued prevalence of traditional moral values within African societies is a key enabler of a corrupt behaviour”, (Kroukamp, 2006:1). These countries, as noted by Boone (2003:18), “are hit by economic decline as they are often reliant on the provision of public services and are the least capable of absorbing additional costs associated with bribery, fraud, and the misappropriation of economic wealth”.

In Africa, corruption is perceived by most people in more practical terms as: the theft of national resources; embezzlement of public funds; illegal taxation by public servants with the benefits accruing to them, their relatives and friends; nepotism and patronage; extortion of bribes in the distribution of public goods; irregular and selective enforcement of state laws and statutes in an effort to generate benefits for the office holder; and differential treatment of private business enterprises in the expectation of an illegal payment from the business owner whose enterprise is being favoured (Yagboyaju, 2011).

Evolving from these elucidations, and as De Maria observes, the key arguments embedded in grappling with the definition of corruption questions the very existence of what constitutes ‘an African corruption’, considering that there is an ontological difference between Western and African societies. The reason for these contestations lie in “the prerogative to define flows to the prerogative to act, which in turn flows to the prerogative to control” (De Maria, 2009:359). In other words, there are voices in the discourse about corruption which contest the definition of the concept due to what they argue as a Western attack on an African way of life. They use examples such as nepotism and partialities, and preferential hiring to question the credibility of globally defining corruption along the lines of the United Nations Convention against Corruption (UNCAC) (Metz, 2009).

For the purpose of this paper, therefore, we premise our argument on the growing tide of corruption in South Africa from
the perspective of the Corruption Perceptions Index (CPI) -- an annual anti-corruption survey conducted by Transparency International. CPI’s reports between year 2010 and 2013 ranked South Africa as occupying the 54th position out of 178 countries in 20108, 64th out of 182 countries in 20119, 69th out of 174 countries in 201210 and 72nd out of 175 countries in 2013.11 What the forgoing implies is that over a four-year period (2010-2013), South Africa retrogressed on corruption. Table 1 below illustrates through some specific examples the extent this vice has permeated the socio-political and moral fibre of the South African society through what we argue as the nexus between single party dominance, abuse of power, and the endemic nature of corruption in South Africa.

Table 1—Select Corruption-related cases in South Africa as captured by Transparency International

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<th>S/N</th>
<th>Corruption Theme</th>
<th>Case Study</th>
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<td>1</td>
<td>Corruption loves to hear excuses</td>
<td>The National Prosecuting Authority (NPA) has withdrawn the corruption charges levelled against six people, including two African National Congress (ANC) officials of the KwaZulu-Natal province who were initially accused of fraud and corruption in the Intaka case. The investigation was struck out on grounds that there were no prospects of a successful prosecution if further pursued.</td>
<td>Corruption Case: ANC welcomes NPA move&quot;; News24, 21 August 2012-- <a href="http://www.news24.com/SouthAfrica/Politics/Corruption-case-ANC-welcomes-NPA-move-20120821">http://www.news24.com/SouthAfrica/Politics/Corruption-case-ANC-welcomes-NPA-move-20120821</a>. Accessed, 2 December 2015.</td>
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<td>Three stalwarts of the ruling ANC—Block, Alvin Botes and MP Yolanda Botha, and Trifecta director—Christo Scholtz, were accused of fraud and corruption with respect to a number of lease agreements which saw the prices of rental spaces in the Department for Social Development of the Northern Cape Province grossly inflated.</td>
<td>NPA mulling over taking ANC MP corruption case further&quot;- <a href="http://m.timeslive.co.za/politics/?articleId=11049097">http://m.timeslive.co.za/politics/?articleId=11049097</a>. Accessed, 4 December 2015.</td>
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8 See for example: http://www.transparency.org/cpi2010/results
9 See also: http://www.transparency.org/cpi2011/results
10 See for more: http://www.transparency.org/cpi2012/results
11 For more on this, see: http://www.transparency.org/cpi2013/results
The corruption charges against two senior government officials (Mike Mabuyakhulu and Peggy Nkonyeni) of the KwaZulu-Natal province were withdrawn by the South African National Prosecution Authority (NPA). It should be noted that the two had earlier been implicated in the “Amigos” case regarding the award of a multimillion-rand contract for water purification plants at KwaZulu-Natal hospitals.

President Jacob Zuma gets accused of obtaining bribe from the firm which got the contract to supply arms and ammunitions to South Africa’s Department of Defence.

The Eastern Cape province is one of the poorest in South Africa owing to unbridled corruption. It is widely believed that the funds meant for the employment and payments of the salaries of public school teachers have allegedly been embezzled.

President Jacob Zuma is indicted of allegations bordering on impropriety, unethical conduct and using tax payers’ money to finance the installation of security and other related measures at his private residence in Nkandla. The cost of the project was initially put at R145m, and later revised to R215 million by the Office of the Public Protector.

Jackie Selebi—a former national Police Chief was sentenced to 15 years in jail over accusations that he received bribes to turn a blind eye to drug trafficking incidences under his watch.

The Cape Town Parliament was reported to have written off the sum of R12m in outstanding debt owed by MPs implicated in the Travelgate scandal. Only 6 of the 79 Members of Parliament implicated in the scandal have been criminally prosecuted.

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<th>2</th>
<th>Corruption believes in privileges and not rights</th>
<th>Case Study-- Abuse of Office/Misuse of Public funds</th>
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<td>Jackie Selebi—a former national Police Chief was sentenced to 15 years in jail over accusations that he received bribes to turn a blind eye to drug trafficking incidences under his watch.</td>
<td>President Jacob Zuma is indicted of allegations bordering on impropriety, unethical conduct and using taxpayers’ money to finance the installation of security and other related measures at his private residence in Nkandla. The cost of the project was initially put at R145m, and later revised to R215 million by the Office of the Public Protector.</td>
<td>Pay back Nkandla Spending, Public Protector tells Zuma: <a href="http://www.bdlive.co.za/national/2014/03/19/pay-back-nkandla-spending-public-protector-tells-zuma">http://www.bdlive.co.za/national/2014/03/19/pay-back-nkandla-spending-public-protector-tells-zuma</a>. Accessed, 20 February 2015.</td>
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<td>3</td>
<td>Corruption only protects itself</td>
<td>Case Study—Security issues</td>
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<td>The Arms Deal Saga was a South African Defence package totalling about US$4.8b ($3b in 1999). The contract was meant to facilitate the purchase of weaponry for the South African Defence Force. However, there was an allegation of corruption in the award of the contract, with accusing fingers pointing towards President Jacob Zuma.</td>
<td>Arms Deal Commission begins probe&quot;; SABC News, 03 May 2012 <a href="http://www.sabc.co.za/news/a/88cb86804b1c8e">http://www.sabc.co.za/news/a/88cb86804b1c8e</a> cb9432b69e9e975c0f/Arms-Deal-Commission-begins-probe-20120503. Accessed, 23 March 2015.</td>
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<th>4</th>
<th>Corruption is afraid of the truth</th>
<th>Case Study—Calculated attempts to restrict access to information from members of the public</th>
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<td>The ANC has proposed before parliament, a legislation which seeks to establish a media tribunal to try journalists involved in “sensational and careless reporting, low regard for accuracy, privacy and a lack of commitment to facts. It has been argued that it will make the industry vulnerable to political control, and whittle away the right to freedom of expression as enshrined in South Africa’s constitution.</td>
<td>Debate on Media Tribunal hots up&quot;; Jocoza, <a href="http://www.journalism.co.za/blog/debate-on-media-tribunal-plan-hots-up/">http://www.journalism.co.za/blog/debate-on-media-tribunal-plan-hots-up/</a>; Accessed, 28 March 2015.</td>
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<th>5</th>
<th>Corruption doesn't like to compete fairly</th>
<th>Case Study--Emergence of 'tenderpreneuship' and cronyism in South Africa's governance sector</th>
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Source: Compiled by the authors with references drawn from TI’s report from 2010-2013 and a compendium of newspaper articles and other media sources.
The corollary of the dynamics of large and small scale corruption in South Africa’s governance and public sector -- as evidenced in Table 1 above -- indicates a worrying trend of corrupt practices among South Africa’s political elites. While it may be true that some public servants (struggling to make ends meet) collapse under pressure to commit corrupt acts -- a phenomenon which we prefer to argue as corruption induced by ‘need’ -- senior government officials, on the other hand, engage in corrupt practices to maintain their access to luxury. Also intricately linked to this phenomenon in South Africa is what Urien (2012:143-152) identifies as the manifestation of 'grand' and 'petty' forms of corruption. This conundrum, as noted by South Africa’s public protector, Thuli Madonsela, has risen to a tipping point and has permeated the public service. This perhaps explains Madonsela’s observation that:

Out of the workload of an unprecedented total of 33,777 complaints (about 6,400 more than those of the previous year), we managed to finalise 22,400 investigations. This was about 5,600 cases more than those finalised in the preceding year. There was a sharp rise in complex service delivery and corruption complaints (Madonsela, cited in Wyndham, 2013).

Furthermore, there has also been a rise in the incidences of cabinet ministers and provincial Members of Executive Councils (MECs) breaching the executive ethics code (Wyndham, 2013). Perhaps a more damning verdict by Madonsela’s testimony were the remarks made by Debbie Schafer, a member of parliament on the platform of South Africa’s main opposition party—the Democratic Alliance (DA). Schafer argues that the fact that the cases before Ms Madonsela had increased so sharply illustrates: “the dissatisfaction by members of the public with the way they are treated by the public service; the increasing and uncontrolled levels of corruption in our country; and the confidence that members have in the office of the Public Protector to assist in these matters” (Schafer, cited in Wyndham, 2013:5).
What the above suggests is that most incidences of corruption in South Africa are often perpetuated by those who are/have been saddled with the responsibility of confronting the conundrum head on. It is in the light of this apparent dilemma that the next section examines the existing legal instruments and mechanisms set up by the South African government towards exterminating this vice. We will also advance our argument on why we think the embracement of the Ubuntu philosophy, could be a potential antidote for the gradual elimination of corrupt tendencies in South Africa’s public governance sphere.

**South Africa’s Anti-corruption instruments in retrospect**

Among some of the frameworks established by the South African government to tackle corruption are: Section 182 of the 1996 Constitution which empowers the Public Protector to investigate any alleged or suspected improper or prejudicial conduct in state affairs, and Sections 6 and 7 of the Public Protector Act, 23 of 1994, which regulates the manner in which Section 182 of the 1996 Constitution may be exercised. There is also the ‘Executive Members’ Ethics Act 82 of 1998, which confers on the Public Protector the power to investigate alleged violations of the Executive Ethics Code, at the request of the President of the Republic, Regional Premiers, and the members of national and provincial legislatures (Public Protector South Africa, 2010.)

Additionally, the Public Financial Management Act 1 of 1999, and the Preferential Procurement Policy Framework Act 5 of 2000 were designed specifically to enforce stricter rules for the daily activities of public servants (Bauer, 1999). Similarly, there are a host of other structures straddling national, provincial, and local governments including: (i) the office of the Public Protector; (ii) the Public Service Commission; (iii) the National Prosecution Authority; (iv) the Special Investigations Unit and the National Anti-corruption forum. The existence of these policies and
structures notwithstanding, a number of domestic and international anti-corruption institutions have noted that corruption and its accompanying perpetuation have been on a steady rise since the rebirth of South Africa in 1994 (Habib, 1996).

However, it is instructive to note that the South African government has acknowledged that the existing hard approaches aimed at countering corruption do not seem to be achieving the desired outcome, thus suggesting the need for increased collaboration between the civil society and the business sector (Habib, 1996).

This debacle is perhaps what informed Fraser-Moleketi’s observation that:

Given the magnitude of the scourge of corruption [in South Africa], the Public Sector cannot but act in concert with other institutions from the civil society and business sectors to protect the public interest. This emphasizes the necessity of strategic partnerships in the fight against corruption. Any anti-corruption approach which ignores this will certainly not succeed (Fraser-Moleketi, 2006:2).

Therefore, it seems obvious that the strategies for countering corruption, as pursued by post-Apartheid South Africa, appear quite inefficient, given that corruption has continued to rise over the years. It is within this context that a moral appeal to the philosophy of Ubuntu surfaces as a potential antidote to corrupt practices in South Africa’s public sector. If the laws, institutions, and policies that exist are seen as the ‘hardware’ in the fight against corruption, it suffices to argue that the set of ‘Professional Ethics’ outlined in the constitution, as part of the mandate of the Public Service Commission, are the ‘software’ of the system. The values of Ubuntu can then be regarded as the ‘programme’ supporting these professional ethics, while also acting to prevent the software from mal-functioning.

To be sure, South Africa’s professional code of ethics comprises eight principal values known as the ‘Batho Pele’
principles, which translates as 'People First'. These include: consultation; service standards; access; courtesy; information; openness and transparency; redress; and customer satisfaction. When situated within the context of global best practices and other good governance indicators, the Batho Pele principles are capable of fostering a corruption-free government. Indeed, potentially, the principles can encourage good governance and professional conduct without necessarily appealing to any moral philosophy, but when located within the purview of the African society, where communal solidarity and moral values are largely viewed as important, these principles might prove insufficient. Consequently, it is believed that a connotative interpretation of the concept of ‘Batho Pele’ within its cultural and linguistic basis is essential to allow in-depth and contextual understanding of the principles. This is particularly necessary given the seeming nexus between these principles and the philosophical premise upon which the values of Ubuntu are grounded — ‘motho ke motho ka batho’ (a person is a person through others), which like ‘Batho Pele’ is an age-long Sotho adage. In isiZulu, the saying is translated as ‘umuntu ngumuntu ngabantu’.12

Linking Solidarity to ‘Putting People first’

The strategic role of Ubuntu in achieving good governance in post-apartheid South Africa has been highlighted on numerous occasions. In 2006, former President Thabo Mbeki noted at the beginning of his Nelson Mandela Memorial speech that South Africans should not act in ways that would cause disunity in the new country. Rather, Mbeki argued that “what we [South Africans] should strive to do is to infuse the values of Ubuntu into our very essence as a people” (Mbeki, 2006:1). Similarly in

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12Sesotho is one out of South Africa's three Sotho languages; spoken by 7.6% of the population. IsiZulu is the most widely spoken language in South Africa (by nearly 23% of the total population), and the language of South Africa's largest ethnic group, the Zulu people.
2013, President Jacob Zuma asserted his administration’s support for embracing the Ubuntu philosophy as a governance strategy when he noted: “We also need to look at how we can promote values that define human beings, such as respect for human life, respect for the next person and their property, and the basic Ubuntu and other values that cement the social fabric of our society” (Zuma, 2013).

Unequivocal statements such as Zuma’s point to the need for leaders in all spheres of the South African society to devote more time to the task of moral regeneration generally across society, and particularly in the public sector. An intensive moral regeneration is proffered in the battle against corruption to complement the work being done by the state’s anti-corruption institutions. It is imperative to point out that although South Africa’s constitution promotes a public sector that espouses 'professional ethics', it does not speak of a moral ethics code as evident in Act 108 of South Africa’s 1994 constitution.

Similarly, monitoring and evaluation systems have been put in place to reward good behaviour and deter ill-discipline under the guidance of the Public Service Commission.13 It is espoused that civil servants and all citizens will embrace the communal values of Ubuntu and similarly internalize values that view corrupt behaviour as morally undesirable in the court of public opinion and in their own eyes. Thus, it is plausible to say that government leaders seek to invoke the spirit of Ubuntu in governing the country, particularly in the provision of public services and the crusade against corruption. Therefore, the governance ethos of South Africa strongly infuses moral philosophy into the professional code of ethics for civil servants.

13One of the Key Performance Areas of the Public Service Commission is to ensure Professional Ethics in the public sector by promoting “a high standard of ethical conduct among public servants and contribute to preventing and combating corruption”. Available on the Public Service Commission webpage, http://www.psc.gov.za/about/mandates.asp Accessed, 1 April, 2015.
Thus, the values of Ubuntu could be utilized as an anti-corruption strategy as it resonates both within the South African socio-cultural milieu and its public service. In reality, however, upholding the ideals of Ubuntu in the everyday practice of good governance could be a herculean task, which may explain Ubuntu’s weakness as an anti-corruption stratagem -- a problem located in its inadequate reinvigoration at an operational level to complement the vigour with which it has been touted at agency level. When situated within the Ubuntu discourse, these approaches tend to reduce the philosophy asymmetrically to mere rhetoric, and render the concept largely incapable of making noteworthy contributions towards good governance in South Africa. Regardless, closer attention still needs to be given to the cultural and political norms obtainable in these institutions.

In essence, it is not enough for democratic institutions to be established with the intent of fighting corruption; efforts must also be made to institutionalize anti-corruption initiatives within the confines of the moral and philosophical premises which Ubuntu represents. In taking cognizance of the existing hardware against corruption (i.e. institutions) as well as the blueprint for the anti-corruption software (moral and professional ethics), our argument here is that the hardware and the software mechanisms are not yet compatible in South Africa. This phenomenon thus not only leads to incongruence in the country’s political culture, but also hampers South Africa’s democratic institutions, given its inability to create an enabling environment for Ubuntu to flourish as envisaged by its leaders.

In light of this asymmetry, inculcating a model of participatory democracy in all spheres of government, beginning specifically with the local level, is seen as an important step towards creating the necessary environment for Ubuntu to become a more pragmatic panacea to corruption. As Shutte (2009:275) argues:
By the time a community is united and organized by laws it has entered the sphere of politics, a deliberate and self-conscious creation. The sphere of politics is the sphere of authority. There is a need for an authority to make rules regarding the use of resources, ownership, and the rules embodied in money. These rules give people power over people and over nature.

Deducing from Shutte's analysis, it is critical to note that the qualities of those in governance must always be a reflection of the ideals and values of the electorate. In other words, those given the power to govern must implement rules that are consistent with the values of the society if they are to maintain their legitimacy. In this regard, public opinion on nearly all matters are crucial -- particularly when located within the Ubuntu philosophy, whose central objective is the desire to foster community and individual growth for the common good of all people(s) regardless of race, ethnicity, or party affiliation. As Shuttle argues, “when this happens, it enables the government to essentially be ‘of the people by the people and for the people’” (Shuttle, 2009:378).

As evident in the preceding discussions, the basic values and principles of a society founded on the premises of Ubuntu have not come to fruition in contemporary South Africa. This partly explains why corruption appears quite endemic -- the incumbent governing elites often stray from the politically ideal (Shutte, 2009). Beyond the incidences mentioned above, many other cases go unreported because corruption is a complex and value-laden phenomenon, which defies complete agreement on its meaning, its measures, and its implications. Therefore, the precise level(s) of corruption in any given society is seldom known.

On average, virtually every country in Africa has a unique approach to capturing incidences of corruption in the public sector and working towards eradicating the pandemic. Indeed, the conceptualization and definition of corruption has equally been controversial as De Maria (2009:359) articulately notes: Who defines [specific actions] as “corruption” is an extremely
important question . . . [As] the prerogative to define flows from the prerogative to act which, in turn, flows to the prerogative to control. De Maria’s proposition is particularly salient in the light of the contrasting moral views between Africa (global South) and the West -- a binary which exacerbates the ambiguities in the meaning of corruption and its subsequent measurement. To this end, the debate as to whether corruption should be understood from a Universalist or a Relativist perspective remains unresolved. However, some global consensus in the fight against corruption has been reached, most notably in the signing of the United Nations Convention against Corruption (UNCAC) formulated in 2003.

Deducing from the above, it suffices to argue that the permeation of corruption in any society is not only a moral dilemma for the community concerned, but also an issue that commands global attention. Two popular divergent reasons are offered for this trend. The first, views the on-going international anti-corruption campaign/programmes as another layer in the continued colonization of Africa by the West (De Maria, 2009:360). While the second, cites political uproars, media attention and public fascination as reasons why corruption receives such a high level of attention on the international scene (Urien, 2012). In support of the latter claim, Urien (2012) has attributed the indecisive pressure and assistance from the global community in fighting corruption as one of the main catalysts responsible for its spread in Africa.

Corruption has continued to rise globally despite growing campaigns against it. Clearly, the vice requires concrete efforts at agency level, specifically through the creation of bodies of non-corrupt and self-policing agents. Undoubtedly, there have been a number of useful collaborations between international and domestic bodies, particularly in the attempt to situate the anti-corruption discourse within the need to embrace the ethics of
Ubuntu as an anti-corruption mechanism (Bertucci, 2001). Regrettably, however, such advocacy stops within the topic of corruption, and to some extent other crises such as environmental degradation, human rights violations and animal rights abuses. So far, there are no true attempts to synthesize Ubuntu and the structural spheres of governance and the economy in South Africa—two cornerstones upon which a modern society is built.

Furthermore, hard issues such as governance and economic systems are not espoused in accordance with the philosophy of Ubuntu. Yet, the softer issues pertaining to the interactions amongst human beings and between humans, the environment, and animals are seen as areas where Ubuntu can prevail. Our position, therefore, is that solid efforts should be made to ensure that both the hardware and software components of any given society are in consonance with each other, especially if Ubuntu is to be employed successfully as an antidote to corruption. This is particularly necessary given that the hard and soft issues affecting society are not only two sides of the same coin but also complementary parts of a single whole, which must be grounded on reciprocity and in congruence always.

Given South Africa’s lack of commitment towards creating a society wholly founded on Ubuntu, it is unsurprising that the spirit of Ubuntu has not yielded significant results in uprooting corruption in the public sector. From our viewpoint, the primary structural constraint circumventing the practice of Ubuntu at agency level is a system of governance which is fundamentally premised on the principles of liberalism. In this context, government leaders no longer see their own prosperity as co-dependent on the greater prosperity of the society. From elections to policy formation and to the delivery of services, the governing system encourages rifts between leaders and society as community participation in decision making is minimized. This situation does not encourage the success of Ubuntu (however defined) as a
panacea to corruption. Thus, we reiterate that the main deficit of Ubuntu as a panacea is located in its inadequate reinvigoration at a systemic level to complement the vigour with which it has been touted at the agency level in South Africa.

Consequently, this paper posits that there is an urgent need for the introduction of a model of participatory democracy into South Africa’s democratic structures, starting from the local level of government. Expectedly, such a model will lessen the divide between leaders and the society, and also create an enabling environment for Ubuntu to become a pragmatic corruption panacea. And as Ramose observes, “the imperative to return to this tradition means that the tradition should function as a source extracting elements that will help in the construction of an authentic and emancipative paradigm relevant to the conditions in Africa at this historic moment” (Ramose, 1999:414).

Ubuntu as a Panacea for Corruption: Overcoming the Principal-Agency Dilemma

The communal ethos of African culture necessarily placed a great value on solidarity, which in turn necessitated the pursuit of unanimity or consensus not only in such important decisions as those taken by the highest political authority of the town or state, but also decisions taken by lower assemblies such as those presided over by the councillors (Gyekye, 1987:12).

The South African constitution provides for a model of participatory democracy at the local sphere of governance with the objectives, *inter alia* to “encourage the involvement of communities and community organizations in local government matters”.\(^{14}\) In this way, the constitution envisages a sense of solidarity between local government leaders and the communities that have elected them. Solidarity is an intrinsic characteristic of Ubuntu, given its association with critical values such as

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\(^{14}\)Constitution of the Republic of South Africa, Act 108 of 1996, Schedule 152, Section (1) Sub-Section (c)
reciprocity, horizontal accountability, dialogue, and transparency. However, the solidarity anticipated at the local level of governance, has not been achieved because of the failure to minimize corruption. Contrary to expectations, the South African local governments are consistently riddled with misappropriations of state resources.\(^{15}\)

Local government corruption is deeply rooted in the assumptions of the ‘The principal-agent dilemma. The principal-agent theory provides an explanation for the disjuncture that rises between government leaders and the community in the execution of public duties. The theory argues that principals (i.e. citizens) require the services of agents (i.e. bureaucrats) because the latter have the ‘special skills’ necessary for the fulfilment of the principals’ ‘goals’ (Worsham and Gatrell, 2005). Consequently, such interactions require a sense of trust between the principals and agents, given that the agents often exercise a measure of discretion in their endeavour to fulfil the principals' objectives. However, because discretions are quite hard to monitor, they could potentially translate into functional political power by bureaucrats (Worsham and Gatrell, 2005).

To be sure, two problems could be associated with the principal-agent context, particularly in situations where an agent is unable to fulfil certain obligations. These are the *moral hazard* and *adverse selection* debacles. The moral hazard scenario explains how the interest of agents can differ from the interests of principals. Basically, agents without a reciprocal or mutually beneficial relationship with their principals, and who see their service to principals in a burdensome way, are likely to deviate from the

agreed contract in order to increase their gain(s) from the relationship. Adverse selection, on the other hand, unpacks the challenges of selecting capable agents who possess the necessary skills to deliver the desired services to their principal.

When situated within the discourse on Africa, it is believed that African political leaders tend to govern in a way that pronounces their elitist autonomy which distinguishes them from the majority of citizens, and also akin to the political behaviour of the West (Descartes, 1985). But as Mbiti notes, an African worldview should see leaders focusing on what they have in common with ordinary citizens and use same for the betterment of the larger society (Mbiti, 1969). While Ubuntu remains a possible panacea to corruption, it is also quite evident that Ubuntu faces great difficulties in curtailing corruption in public administration in South Africa. This, we argue, is a consequence of the difficulties inherent in the principal-agency dilemma which characterizes relations between government and society in contemporary South Africa. Therefore, if the Ubuntu philosophy is to be engaged in the fight against corruption, concrete structural changes in the public sector are needed to enable maximum impact.

Arguably, the best place to bring these changes into effect in South Africa is at the local level where the constitution encourages a system of participatory democracy. This is borne out of the fact that “Ubuntu, as a concept, remains an old philosophy and way of life, which has for many centuries sustained the African community in South Africa, and Africa as a whole” (Munyaka & Motlhabi, 2009). Though the principal-agent dilemma explains why this is not always the case, such a dilemma is common place in liberal forms of governance, which accentuates the social boundaries between leaders and ordinary citizens. In contrast, a government founded on the ethic of Ubuntu, as many South African policies articulate, should not
only be pro-masses always but also an integral part of its service community. This implies that corruption, particularly at the local level, is capable of being minimized in a governance system premised on Ubuntu’s’ moral philosophy. This could enable the enthronement of a political climate where citizens would become more active not only in public governance discourses, but also in consciously engaging the South African government on the need for public accountability.

**Conclusion**

Findings from this paper have revealed a strong international condemnation of all forms of corruption. The paper also reveals that the six principles of good governance, as espoused by the international community, particularly the emphasis on sustainable development, and the consolidation of democracy are being threatened by corruption. The prevalence and continuing enablement of corruption in any given society often serves not only to corrode national culture, but also to undermine development by distorting the rule of law (which is the ethos of democracy and good governance), endanger stability and security, and threaten social, economic and political development.

We submit that given the negative correlation between sustainable development and corruption in South Africa, concrete efforts must be made towards tackling the vice head on, particularly in the public administration sphere of the South African society. This is achievable through the promotion of a stable and ethical leadership complemented with strong institutions and structures to detect and eliminate corruption. In our view, the formation of a strong anti-corruption regulatory institution, premised on the philosophical foundation(s) of Ubuntu, remains a sine-qua non for South Africa, if it is to overcome its current corruption-induced dilemmas.
References


