



Bribery: An Exploration of Uganda Perspectives

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RÉSUMÉ

Cet article examine le concept de pot de vin dans un contexte multiculturel. Le terme pot de vin n'existe pas toujours dans certains contextes africains. L'Ouganda, et plus spécifiquement Ankole, est pris comme exemple. Afin de donner sens au terme, une définition contextuelle et une différenciation doivent être proposées. De manière similaire, les termes d'éthique et de politique économique ont besoin d'un traitement contextuel. Par exemple, les codes éthiques peuvent-ils être universalisables? la discussion suggère un déplacement de la nature et de l'impact de l'éthique et de l'économie vers les contextes dans lesquels ils opèrent.

ABSTRACT

This is an investigation of the concept of bribery in a multicultural context. It is possible that the term and concept "bribery" do not exist in some African contexts. Uganda is taken as the example and centre for this discussion, and in particular Ankole. In order for both the term and concept to make sense, there is need for contextual definition and differentiation. Similarly the terms Ethics and Economic Policies need a contextual treatment. For instance, can Ethical Codes be universalised? The discussion suggests a shift from concentrating on the nature and impact of Ethics and Economics to the understanding of the contexts where they operate.

Key words: bribery; Uganda; multicultural context; public office.

JEL classification: D73, D78, O17, Z13

1. INTRODUCTION

We begin with an observation that in some ethnic groupings such as that of the Banyakore,¹ like in some other parts of Uganda or indeed Africa, there was an administrative structure that was both cephalous and a-cephalous. That is, administration centred on the authority of kings and chiefs but it also had its value systems operating on the people's thinking, beliefs and practices. Problems arise when colonialism enters which introduces a hybrid of indigenous and foreign cultures. Foreign cultures are introduced at a time when they are relatively advanced in terms of clarity and differentiation while the indigenous cultures are still at the rudimentary stage. The two cultures are operating at two different levels with no provision for the rudimentary to catch up with the exotic. The consequence of this is that the exotic vocabulary is imposed on the rudimentary culture. Sometimes new vocabulary is introduced in the rudimentary culture without regard to the reality that the two cultures are operating at different conceptual levels. That is how the term bribery was introduced in the Kinyankore² culture.

This discussion sets out to investigate the concept of bribery in a multi-cultural context, which is from both the modern conventional and the traditional perspectives. We intend to address questions such as: Does the concept "bribery" exist in the traditional sense? Is it one of the many importations from the occidental world that comes with colonialism? Why is it that bribery is cosmetically shunned by those who have undergone formal education but largely condoned by the informally educated? Why is it that many conventionally educated well-to-do people find themselves trapped in the vice of bribery? Could it be that the concept does not exist in their traditional cultures, accounting for its seeming absence in their conscience?

We intend to show that both the concept and expression 'bribery' do not exist among the Banyankore! (The expression ekituga³ which stands for bribery is not a Runyankore⁴ word. It was smuggled in from Buganda⁵.) The traditional mechanisms had no room for bribery. Society shared compounds, huts and therefore hearts. Society was stratified according to age and gender. Honour and dignity of person were engrained in the conscience of the people. Justice without fear or favour was the order of the day.

¹ Banyankore are people living in an area called Ankole in South Western Uganda. The original name of the area was "nkore". This area acquired the new name Ankole at the time of colonialism. The British could not pronounce "nk" so they added "A" to make it "Ankore". However, the colonial agents were Baganda, the neighbouring tribe, who could not pronounce "r". They replaced "r" with "l". That is how the term Ankole came into existence. However the Banyankore continue to pronounce it as Ankore.

² Kinyankore is what belongs to Ankore

³ "Ekituga" is a noun of "okutuga" meaning to strangle which is borrowed from Buganda. This word actually has no meaning in Ankore.

⁴ Runyankore is the Language spoken by Banyankore.

⁵ Buganda is a neighbouring area to Ankore

Ankore was and is a pragmatic society. There was nothing for nothing and there were no favours. People believed in honest hard work. Exchange of the fruits of hard work was a cherished value. Taking an example, the term and concept “office” meaning an authorized and empowered role are dangerously vague and ambiguous to Banyankore. We intend to show that the concept and term “office” in the modern conventional sense have been confused with their counterparts in the traditional sense. The definitions are different, hence the mystery over the concept of bribery. In most cases the concept of bribery goes hand in hand with the concepts public office and public officer. Traditionally, in some parts of Ankore, where the administration was under a king, the king had a team of advisors working in Eishengyero (a sort of council). In the council collective decisions were made. It would be impossible for anyone to influence this council with an offer of a bribe. A king held an office. As an example, he was custodian for land on behalf of the people. Whoever wanted land would take a gourd of beer to the king; and in turn would be given land. In case of famine, one took a small basket of millet and beans to distant relatives. In turn one would be given large baskets of food to take home. There are even words of wisdom to explain this scenario. “Akaibo Kaza owanyamugarura”, “ Muture niyo murongoore.” Both expressions imply that nothing comes out of nothing. We intend to investigate whether such traditional practice would be described as bribery. We will show that the mystery surrounding the concept and expression bribery arises from contextual and inter-cultural confusion.

The modern conventional perspective is inductive, that is you move from the individual to society while the traditional perspective is deductive, that is you move from society to the individual. Failure to understand this fact generates a sea of confusion. We mean that for instance in the majority of European countries including much of the United States, it is the individual who shapes the economic modes of operation and the ethical codes of conduct for society. In the European and American democracies, in terms of Ethics, one talks of freedom of choice, and in terms of Economics, one talks of liberalisation and privatisation of economies. In the inductive context individuals can largely own multibillion dollar enterprises. This is not necessarily the case in the deductive context. Here, in the majority of cases, property belongs to the community. There exist mechanisms for sharing it out among the individuals. This discussion intends to show that economic modes of operation and the ethical codes of conduct can become too problematic if the occidental and traditional contexts and standpoints are not clearly differentiated and defined.

2. BACKGROUND

Pre-colonial Uganda boasted of a wealth of values and had established norms to protect them. These norms were vested in specific structures. There was deliberate effort to protect the community in general and the individual in particular. This was done through informal education by all members of the community. This education was through folklore, on-the-spot correction, and severe punishments both reformatory and deterrent in nature. For instance the Bakiga (a related ethnic group to Banyankore) would throw a pregnant girl over the cliff, and the Banyankore would spear an adulterer, a robber and a sorcerer on-the-spot. Education and punitive measures were designed to produce an ideal, all-round human being

with a rational mind and a skilled hand who would fit in the community. Given the fact that all punitive, corrective measures are coercive, there is need to get to the root or foundational understanding of why these measures were applied, especially when they were sanctioned by elders who were not fools but wise men and women in spite of their lack of formal education. Discipline, honesty, industriousness, and respect were emphasised more than freedom and independence. These values kept communities intact with communities supporting individuals and individuals sustaining communities. Communities ensured sustained values, identity and heritage. The do's and don'ts were taught; so were the values, norms/morals and taboos. Through harsh practices, boys were initiated into the challenges of manhood. Through observing the societal demand for virginity and the paying of bride wealth, women were taught the value and respect of womanhood.

In a nut-shell, traditional education produced an individual for the community. It was education for a decent living, it was relevant education. That is, it was education for morality, for efficiency at war, for efficiency at material production such as agriculture, animal herding, iron works for men, crafts for women; it was education for creativity through folklore and the arts; it was the sort of education that embraced all aspects of the practical day to day living of the community. It was a model to emulate.

What happens in 1877 when the Christian Missionary Society and in 1879 when the White Fathers moved in; and in the 1920s when colonialism makes an active move in education? The fire for formal education is lit which is later to burn and destroy almost all aspects of traditional guidance. With what consequences!

First a quasi-colonial culture replaces the indigenous cultures. What is typically Ugandan is labelled black, sub-human and devilish. The brainwashing gets so intense that it erodes the rational perspective of most Ugandans, leading them to abandon all they had stood for in their traditions. The whole spectrum is attacked and eaten into. This destruction for example is evident in the conscious efforts to undermine local languages in favour of foreign ones which come with the swapping of cultural and customary practices. These practices include the mode of worship. The church and mosque replace the traditional shrine. In fact religion and colonialism were two parallel cancers with the same objective. The religious cancer eating into people's ways of life while the colonial cancer ate into the administrative set-ups. For instance, Islam replaces Ruhanga⁶ with Allah; while Christianity replaces all the other gods with a nameless one in the idea of the trinity. Communication with god, now a foreign one, shifts from local languages to Arabic, Latin and English. The traditional drum becomes inferior; it is music from the European's organ and the Arab matali⁷ that are recognised by God. Worship shifts from the needful type to the formalised type: five times a day for Moslems and once every Friday and once every Sunday for Christians. Local beer is replaced by the European wine and also other foods too. A Ugandan Christian regularises his meals to four a day. He switches to European bread, abandons a mat for a table, a communal dish for a personal single plate, hands for forks and spoons. His attire changes too. A king abandons his traditional regalia for King George's suit. Women go for the Queen Victoria

⁶ Runyankore word for God

⁷ Arab Drums

styles, their hair is curled and their skins bleached to look like the European. A Ugandan slowly begins to feel ashamed of her Ugandan identity and feels ashamed of her customary practices. A Ugandan Moslem goes hungry during Ramadan, his food taste changes from ebitookye⁸ (bananas) and oburo⁹ (millet) to rice and chicken. He abandons his traditional drinks for concentrated coffee, a desert drink; he abandons pork, and meat slaughtered by a non-Moslem becomes dirty. His dress changes to a kanzu¹⁰ and a cap for men, and women cover themselves up completely.

The cancer on the administrative front transforms traditional authority and makes it subservient to that of the queen of Britain. Traditional economies are transformed from the community-serving mode to cash economies where natives had no cash. Land policies are transformed to suit the whims and fancies of the British Crown.

Marriage institutions are not spared too. They get transformed. Marriage outside the Islamic Mosque or Christian Church was regarded as unclean and all the children born in that marriage were unclean, kafirs¹¹ or bastards. Christians abandon their wives in favour of one, with the consequence of breaking up families. Moslems chased away all the other wives in order to retain only four. Marriage based on the Ugandan standards of qualities and community values was replaced by marriage based on the European definition of love as short lived emotional attachment which has rendered the marriage institutions vulnerable especially when the superficial emotions have evaporated.

The naming institution is victimised too. Names which once carried meanings understood by the clan and which reflected the clans' heritage, failures and achievements are now swapped for either Arabic or English names, whose meanings if any were more often than not unknown to their new carriers. These names acquired prestige, class and served as symbols for the newly acquired civilization and for liberation from the devilish Ugandan identity and customary practices. In fact some Ugandans felt ashamed of their Ugandan names and abandoned them altogether in favour of the Arabic or European ones. It sounded civilized and high class to be called McIntyre-McCracken rather than Rwakyanshororo Mwene Muguta.

African chemistry becomes heathen. The European aspirin replaces the Ugandan herb in situations where there is no clinic or dispensary, not to mention a hospital; and where the hospital existed the aspirin was reserved for the European patient. Research in Ugandan medicine is frustrated. Midwifery skills are done away with. Traditional healing is condemned in favour of Jesus as the overall healer.

Ugandan burial rights are condemned as heathen. Traditional songs are replaced by Islamic and Christian hymns, often sung in foreign languages whose meanings are unknown to the believers. All burial entitlements are removed and burial styles assume either the Arabic or

⁸ Green Bananas used as staple food in Ankore and the neighboring areas

⁹ Millet bread

¹⁰ Official dress for men in the large parts of Uganda.

¹¹ This word is a hybrid of Arabic and East African vocabulary.

English modes. All in all we see religion, using the weapons of cultural brain washing, deception and intimidation, lead the way and colonialism following in the footprints, sometimes using brute force in the destruction of the way of life of pre-colonial Uganda.

What happened in Uganda was not peculiar to Uganda alone. Uganda was one of the many African states caught up in the quagmire of African identity in the face of colonialism and neo-colonialism. At the time of independence Africa finds herself at the cross roads. Pertinent questions arise. Does she adopt the occidental/oriental modes of life? Does she revive and revitalise the African modes or take on the challenging path of combining the two? Following these uncertainties debates about the African identity crisis ensue by both African and European scholars alike. Scholars like Cisternino (1987) believe that traditional wisdom is rooted in proverbs. True as this may be, we know how at times proverbs can be dangerously ambiguous and contradictory. Masolo (1994) makes desperate efforts to search for the African identity. But reality on the ground suggests that an African of today is a product of both the traditional and modern cultures. Mbiti (1969) makes the situation even worse. For him the entire traditional set up seems to be steeped in compactness and lack of differentiation. Oruka (1983) tries to establish wisdom in the African sage, a scenario that is contradicted by Mbiti (1969). Wiredu (1980) attempts to establish clarity in logic and an African culture. Mamadou Dia (1999) cautions about political interference in economic ventures. Winch (1958) advocates that solutions to a particular country's problems should be sought within that country. The problem here is that these scholars seem to fail to propose ideas that will help Africa shape a common destiny or a near common destiny. We find a remedy in Lonergan (1990) who advocates that the mind is universal and if all of us Europeans and Africans alike choose to shape one common destiny, we can.

3. INTRODUCTION OF THE CONCEPT AND TERM “BRIBERY” TO UGANDANS

3.1 Public Office

The concept and term of bribery get introduced in Uganda with the emergence of formal office, together with the inception of concepts such as: “Civil Service”, “Public Office”, “Public Servant”, “Public Sector”, “Private Sector” and a host of related vocabulary that contain the seeds which later develop into a full blown cancer of bribery. How does this happen? In Uganda the majority of the ethnic groupings operated on the communal mode. There were no such things as public or private offices occupied and managed by individuals. In areas managed by kings, the king operated under the guidance of clan elders who were more often than not men wise and experienced in the matters of the community. The same can be said in situations which were managed by chiefs. These also worked collectively with councils of elders. Decisions which were made were often collective decisions. Under such tight arrangements it was impossible to bribe a particular officer or councillor. We can say that in Uganda bribery was almost impossible because systems operated under a collective mode which would make it impossible for any particular individual to perpetrate the vice of bribery.

However bribery finds fertile ground with the introduction of a formal office. The safeguard against bribery was communal operation. But the formal office presupposes an individual officer who happens to be either a public servant or a private practitioner. Either way this is an individual who is charged with the duty of serving the community. Here we experience a change in operation. It is not the community through a council of elders deciding for the individual but now it is the individual, a public servant, who decides for the community. We get a situation where an individual minister decides for entire masses with little or no participation of the affected masses. Instead of the community holding a position of influence and influencing trends, events and happenings, it is now the individual who does the influencing. It makes it a lot easier to approach an individual with a bribe for a favour than to approach a council of elders. This demonstrates that bribery is more of an individual affair rather than a community affair. It is the individual committing a crime against the community. This was not the case with traditional communities.

3.2 Introduction of the Shilling

The second channel through which bribery infiltrated Uganda was through the introduction of the shilling. This is now the official Uganda currency. Needless to mention a shilling is not Uganda's indigenous means of exchange. It is one of the many imports of colonialism. With a shilling, this time we enter into the perennial problem of a shilling offered as payment or present or bribery. As mentioned earlier Ugandans are pragmatic people. Nothing is for nothing. Here we reiterate the Banyankore proverb "Mutuure niyo murongoore". This is a situation where something is given in anticipation of a service or after a service has been rendered. For instance a case where a gourd of beer is offered to a king in anticipation of land or where something is offered as a thank you after the service has been rendered. The confusion holds still where it is not clear whether the shilling has been given as a gift or a bribe.

The problem here is rooted in the definition of a public officer and public office looked at from the modern conventional and the traditional contexts. According to the modern conventional context a public officer in a public office receives a salary. Therefore she is not expected to receive extra payment for the services she renders to the public. The position collides with a long traditional value of nothing for nothing. It is engrained within a traditional mind that whenever one receives something one is expected to express some kind of a thank you. This could be material, as when a shilling is given, or in kind. Either way it is an expression of gratitude or appreciation. Nothing evil is attached to it. Probably that explains how public officers continue to fall victim to bribery. For when is a bribe a bribe and when is it a token of appreciation? The confusion is exacerbated by lack of a yardstick to enable a public servant to differentiate between a genuine gift and a bribe. She may know the definition of a bribe but this knowledge is a foreign convention. So she gets caught up in between the foreign conception of bribery and the traditional value of appreciation for a service. To the traditional recipient of a service it is immaterial whether the civil servant receives a salary or not. One is simply showing gratitude for a rendered service. This case

may sound simplistic but it is a genuine problem. It is one of the problems of attempting to define cases using the modern conventional standpoint in the traditional context. The worldviews are different. Sometimes the literal meanings are confused with the literary meanings. At times literal meanings are imposed on the literary ones with consequences of confusion piling upon confusion and in the process people getting caught up between traditional values and modern conventional conceptions. We shall talk more about this confusion in the subsequent sections but for now let us look at the third channel through which bribery was introduced in Uganda.

3.3 Artifacts

Bribery also came in form of artifacts such as guns to kings and chiefs and ornaments such as jewelry. Here we may begin by asking ourselves whether the guns given to African kings and chiefs were gifts or bribes. This would usually be one gun given not to the kingdom or chiefdom to protect the masses but given to a king or a chief as a person or as a personal possession in return for a given favour. This practice introduced another dimension where kings would in turn give gifts to chiefs either to help them advance their influence or for having betrayed their kin and kith on behalf of the colonial governors.

Here we can see that it is the foreign means—the shilling, the gun and jewelry—that are used to systematically introduce the idea of bribery, of giving something in order to benefit an individual and not the community: in this case the individual king or the individual chief or the colonial master. We see that two cultures, the European and the African, are operating at two different conceptual levels. This breeds confusion between the modern conventional and the traditional. The culture of the shilling, the gun and the gifts drills holes in the traditional value of nothing for nothing whose objective was originally hard work. Together with this, mistrust is hatched. The shilling, the gun and jewelry are used by the colonialists to bribe kings to betray fellow kings, chiefs to betray fellow chiefs, ordinary people to betray their kings and chiefs.

To illustrate this fact, let us see how bribery was used to introduce colonialism in the first place. Some ethnic groups in Uganda exchanged blood. This was done by a member of a particular clan sucking blood from a member of a different clan. This act bonded them together and they became what could be called biological brothers. That meant there was to be maximum trust between the affected. In Europe on the other hand the equivalent to blood brotherhood was the signing of agreements and treaties. Treaties were binding, much as blood brotherhood was. Treaties were binding but only in the European culture, and blood brotherhood was binding but only in the Ugandan culture. The concept of trust worked differently in the two contexts. In Europe the practice of blood brotherhood was actually meaningless. The same holds with the practice of signing treaties in Uganda. To the Ugandans a treaty was a meaningless piece of paper. However to a Ugandan, a shilling, a gun and jewelry meant something. These are the weapons of bribery. Needless to mention they were effectively used to plant colonialism in Uganda. It was another means of entrenching and consolidating foreign encroachment. Behind it all there was a motive of

deception. To illustrate this fact Kabwegyere gives two examples, one, concerning treaties, by A. F. Thurston, a British agent, and the other one, blood brotherhood, by Lugard himself, a celebrated practitioner of colonial machinations.

I had a bundle of printed treaties which I had to make as many people sign as possible. This signing is an amiable farce which is supposed to impose foreign governments, and to be an equivalent of occupation. The modus operandi is some what as follows: a ragged, untidy European lands at a native village; the people run away; he shouts after them to come back, holding out a shilling's worth of beads. Someone, braver than the rest, at last comes up. He is given a string of beads and is told that if the chief comes up, he will get many more. Cupidity is in the end greater than fear; the chief comes and receives his present, the so called interpreter pretends to explain the treaty. The chief does not understand a word of it, but looks pleased, as he receives another present of beads; a mark is made on the printed treaty by the chief and the other by the interpreter, the vagrant professes to be the representative of a great empire, signs his name. The chief takes the paper, but with some hesitation, as he regards the whole performance as a new and therefore dangerous piece of witchcraft. The boat sails away, and the new ally and protégé of England ... immediately throws the treaty into the fire (Thurstone in Kabwegyere 1995: 59-60).

According to Kabwegyere, what are the lessons in this extract?

1. Mutual distrust between the colonial agents and the native chiefs. Note, for instance, the running away of the natives from the European and the burning of the treaty which was regarded as dangerous piece of witchcraft.
2. Trust based on a string of beads, a bribe, was in itself a dishonest trick by the colonial agent to get value for no value, for he knew the value of the beads while the natives did not.
3. Lack of seriousness of purpose in the whole enterprise, for anyone could pretend to be the chief and sign on behalf of the chief. For instance between 1893 and 1895 Kabalega who never met Europeans is alleged to have signed five treaties. Another case is where the chief's impersonator would be regarded as a traitor and killed by his people.

So the whole business of treaties was surrounded by tricks, treachery and distrust. The truth is that the motive behind it was the acquisition of land by the occupying forces. On the same issue of land Lugard had the following to say:

...so far as I personally had a share in treaty making...I adopted the method which adopted the best parallel to our idea of a "sacred" bond in black and white. This is the custom of blood brotherhood, which other writers besides myself have testified to be the most binding form of contract possible among savage tribes (Lugard in Kabwegyere, 1995: 60).

According to Kabwegyere, the practice of blood brotherhood had been attempted before between Buchunku, the representative of King Ntare of Nkore, and Stanley. Lugard for ulterior motives undergoes the custom of blood brotherhood with several chiefs, the most prominent being the representative of King Ntare.

The crucial question in this enterprise is the definition of blood brotherhood to the two parties, what blood brotherhood meant to Ugandans and what it meant to Europeans as empire builders. In Britain in general and to the European community in Uganda in particular the practice of blood brotherhood, as mentioned, was as meaningless as a written treaty to the Ugandans, for whom that was nothing more than a dangerous magical piece of paper.

To Ugandans the bond of blood brotherhood meant equality in all respects and trust at all times. Blood brotherhood was more binding than the kinship bond. But how did Lugard understand it? The Wakoli of Busoga upon attempting to implement the treaty he had signed after the blood brotherhood bond with Lugard was murdered by his people. For Lugard had regarded himself as superior protector of Wakoli, made him his subordinate and demanded total subservience from him, reducing him from the position of a ruler to that of an agent, hence compromising the principle of equality before his subjects. This was too much of an insult to the Basoga. In fact in many areas where treaties were signed the chiefs who signed were sooner rather than later forgotten and the occupying forces took over completely, save for some kingdoms such as Buganda, Ankole, Tooro and Bunyoro which kept on demanding for their survival. The violation of the practice of the value of equality reduced the once powerful kings and chiefs to the status of the humiliated lot, because their privileged positions had been compromised.

In this discussion we have advanced two points so far. One is that the concept “corruption” came with colonialism. This is manifested in the introduction of the shilling, the gun, and jewelry whose function was not clear. It was not very clear as to whether they served as payment, gifts or bribes. We also emphasise the fact that this lack of clarity was conceptual because the European and Ugandan cultures operated in different contexts.

4. FOREIGN TERMINOLOGY, TRADITIONAL VALUES AND CONCEPTUAL CONFUSION

4.1. Tripartition of Power

Under this extraordinary expression, “tripartition”, the term and concept “Democracy” were hatched in Uganda. Do they exist in the traditional context? If they do, what do they mean? We are told that there must be democracy in order to have “Good Governance” and this leads to the observance of “Human Rights”. The conceptual confusion that we have here is that before a peasant grasps what democracy is, a new term, “Good Governance” is introduced. Before this one is grasped, a new expression “Human Rights” is introduced. To the list we add power, freedom and a tirade of many others.

The peasant is told that power belongs to the people – the people meaning peasants. It is important to note that the definition of the term power is contextually different in the two contexts, that is the modern conventional and the traditional. In the traditional context, the expression, “power belongs to the people” is actually meaningless. In the traditional context power either belongs to the king or the chief. Power is for territorial security and dignity of the people. It is symbolized by a spear, and arrow and later a gun. These weapons belong massively either to the king or a chief, even though men, generally, could have these weapons for self defense. It was mainly through the guarantee of territorial security and dignity and integrity of a people that other powers were guaranteed.

The definition of power in the traditional sense goes contrary to that in the modern conventional sense. The traditional definition is reversed. Power shifts from the king and chiefs to the people. As if that was not confusing enough, instead of its being expressed through the spear, the arrow or a gun it is now expressed through a piece of paper – the ballot paper! In all earnest, this piece of paper to a rural peasant remains as meaningful as the treaty (another meaningless and suspect piece of paper) discussed in section 3.3. Due to lack of a better place in which to dispose of the piece of paper, a treaty is thrown into the fire. But under the new concept of democracy, a rural peasant finds a better use for his ballot paper and that is to sell it to the politician. What would be the wisdom of throwing it away in a ballot box when it can earn him a quarter or even a half a dollar with which he can buy a kilogram of salt or some aspirin for his sick child?

This is what is classically and conventionally called a bribe. But to the rural peasant it is not! A ballot paper is a false promissory note which lends power to the peasant by the politician and is taken away from him immediately after the swearing-in ceremony. The peasant remains powerless and defenseless. Power remains with a gun-wielding politician and not a ballot paper-wielding peasant.

The irony here is that the politician knows this psychological fact. That is why he finds it easy to pay money, a bribe, in exchange for this paper. It does not occur to the rural man that he has sold his power to the politician. Because the politician has bought the power, it belongs to her and not to the peasant. Logically she remains under no obligation to offer services to the rural peasant. Hence the perfect equation that corruption leads to bad governance.

Once the elected group is in power, power which actually belongs to them and not to the peasant, the process of tripartition begins. The legislature is formed. It becomes a professional body with its code of conduct, its main function being the making of rules. Next is the cabinet also with its own code of conduct, its primary function being to apply these rules. Also the judiciary surfaces, also with its own code of conduct, its main function being to decide disputes and also to punish rule breakers including incarcerating them or killing them off altogether. We pause for a moment and ask ourselves a question; who really has the power? Is it the rural peasant anymore? Pythagoras would have said that tripartition of power is a perfect equation for good governance. But is that the case? No sooner is this equation completed than you hear of gross acts of corruption at virtually all the three levels. What is

disheartening is that all of them operate under ethical codes of conduct. In spite of the existence of these codes, cases continue to be reported in newspapers that institutions and not only individuals within these institutions are achieving top positions in corruption. Institutions such as the police, the judiciary and others top the list for acts of bribery. We know that the police by all standards is supposed to be the law enforcing institution. The judiciary is supposed to be not only the punishing but also corrective institution. As if that was not enough, every now and then, you hear that government ministers have been involved in bribery scandals. This surprising though true scenario leads us into formulating a number of wondering questions.

Is bribery a consequence of poverty? If that was the case how come that the judiciary which globally seems to be among the most highly paid institutions holds the second position in this vice? If not poverty, is it then a question of morality; if not, what then? Could there be something else which lies outside poverty and morality, hitherto unknown, which is responsible for bribery? If that is the case what is it? As we said in the introduction to this analysis, both the concept and expression bribery did not exist in the peasantry or the peasant communities in Uganda and possibly many other communities in Africa and possibly beyond. But let us examine this claim further.

4.2 Bribery Consciously or Unconsciously Catered for in Institutional Literature

If we take a close look at the national constitutions, penal codes, acts of parliament, leadership codes, rules, laws, general instructions and other administrative guidelines, in one way or another the jargon used in the framing of these guidelines to some extent caters for the vice of bribery.

Take for example the Constitution of the Republic of Uganda 1995 Art. 128 (1) on the independence of the judiciary. It states that in the exercise of judicial power, the courts shall be independent and shall not be subject to the control or direction of any person or authority. This provision puts the judges in a powerful negotiating position for bribes. Take note too of the earlier article, Art. 126 (c): “adequate compensation shall be awarded to victims of wrongs.” My concern here is with the word “adequate”. When is adequate, adequate? What measure does one use to establish what “adequate” is? We have just noted that the judge in exercising judicial power shall be independent and shall not be subjected to the control or direction of any person or authority. Although the expression “courts of law” is being used here, it is actually the judges who are operating in these courts that are the focus of our analysis. Because the judge has been placed in an independent position it is for her to determine the right and befitting definition of “adequate”. This definition can range from one point to another, allowing an elastic negotiation with the culprit. It is now possible for the judge to say that what is adequate according to the gravity of this case is five hundred dollars. However I will grant you one thousand dollars compensation on condition that you

take seven hundred and three hundred comes to me. This scenario has been made possible because of the ambiguity and vagueness of the expression “adequate”.

Similar expressions abound, such as the “offender shall be liable to imprisonment not exceeding ten years”. Again we see a wide range of negotiations for the bribe between the judge and the offender. The imprisonment period may be one year, five years, eight years or so on, depending on how much the offender is capable of paying; and if she cannot pay anything at all she gets all the ten years.

Another term that is often used that attracts bribes is “discretion”. The offence may attract a fine of one thousand dollars or ten years in prison or both depending on the discretion of the judge. This provision provides room for negotiation for a bribe. The judge is in a position to say to the offender that according to my discretion your offence attracts both punishments: the payment of one thousand dollars and the ten-year imprisonment. But if you pay two thousand dollars instead of one thousand you will escape prison.

This scenario is possible not only in courts of law but in other institutions as well. For example a public servant is supposed to be given a job description. But at the end of the list of responsibilities you find a statement like “and any other duty assigned by the head of department”. The expression “any other duty” remains ambiguous and therefore creates room for bribery on both sides. A public servant can create a nonexistent duty which attracts a sharable allowance between her and the head of department. Or a head of department can create a nonexistent duty upon which he offers a sharable allowance to the public servant. Expressions such as “ghost teachers” and “ghost soldiers” are part of a recent vocabulary in the Uganda media all of which is associated with corruption. The question that we may need to ask now is why is it that such institutional phraseology has found fertile grounds in traditional communities? The reason is partly found in the traditional communities themselves. Let us explore what we mean. In this exposition we follow Cronin’s views.

5. COMPACTNESS OF MEANING AS CHARACTERISTIC OF TRADITIONAL COMMUNITIES

...every person and every culture starts with the mentality of common sense. Sometimes this person or this culture remains at that level. In common sense there are inadequacies....In the usual context, “common sense” refers to a down-to-earth, practical, sensible attitude, or... an undifferentiated, practical, short-term mentality (Cronin, 1999: 25).

Here Cronin gives us the characteristics of common sense in traditional cultures. These cultures are simple and undifferentiated or compact. Political, social, religious, moral, economic and practical affairs tend to intermingle and overlap. Specialised institutions are not yet needed. Education and socialisation are informally passed on in songs, ceremonies and prescribed rituals. Economic institutions comprise cultivation and survival skills. Oral

cultures develop languages that are rich in proverbs, nuance, personal relations and attention to practical details of food and work. However, the problem is that they lack in precision, definition, distinction and mathematical terms of reference or abstraction.

In these cultures the predominant reality is personal relations, that is, the primacy of the community, belonging to the group and identifying with the clan. Another characteristic is that the wider cosmos tends to be identified along the lines of the family, that is, the sun as the father, the moon as the mother and the stars as the children. Symbols and myths appeal to feelings, as they are easy to remember and pass on. It is these symbols and myths that provide the answer to global questions about God, life, death, sickness, origins and destiny.

This compactness in all areas of life does not allow clear differentiation. Dangerous confusions result, for example between the symbol and the symbolised, the image and the real, dreams and the waking consciousness, desire and fulfilment.

In these cultures the rhythms of nature are mostly cyclical. The day, the month, the year, the seasons, birth and death are cyclical and one generation succeeds the previous generation. Life is lived harmoniously, with these recurrent cycles. A linear historical idea of progress is alien. The gods, the divine, the spirits of the ancestors, spirits of places, earth and river, all inhabit a spiritual universe which is very close to the physical one. Cronin informs us that religion, superstition and empirical thinking overlap and intermingle. He points out that a failure of a crop might be attributed to bad farming methods, anger of an ancestor, and witchcraft of a jealous neighbour, punishment from God or any combination of these. Here as we can see knowledge is crowded and confused.

He also points out that the languages of these cultures are poor in expressions concerning conscience, consciousness, intention, feeling, psychic tension, soul, intellect and will, freedom and responsibility. The internal states are usually alluded to by using symbols of inference such as head, heart, breath and bowels. He explains that the internal tends to be projected into theophanies, conversations with gods, divine signs and commandments on stone. Freedom is usually understood as submission to fate. Their beliefs are expressed in myth and ritual and handed on from generation to generation. He states that these cultures were practical in a sense that the struggle for survival was the first priority. The environment in which they live is often quite hostile. Their technologies are primitive and challenges are many. In a situation like this a politician finds it easy to use terminologies and concepts which do not initially belong to the traditional communities.

6. A POLITICIAN AS A PRODUCT OF THE MODERN CONVENTIONAL AND THE TRADITIONAL CULTURES

We have just seen that traditional communities are deeply engrossed in a culture that is characterized by compactness in definitions. In such a situation a politician finds fertile ground to sell her ideology. This is because he understands both the modern conventional definitions and the traditional compact definitions. He is very much aware of the confusion

that is rife in the minds of the peasant and takes full advantage of the situation. At times he uses political conceptual confusion to advance his economic ends and those of his protégés.

As discussed in section 4.2 ambiguous vocabularies are used in the institutional literature to cater for bribery, especially in legal instruments. Such terms as “democracy”, “power”, “freedom”, “development” and a host of others are dangerously confusing to a simple common sense peasant mind especially when the definitions are not made in the traditional context. From this confusion a politician makes both political and economic capital. Bribery finds fertile ground in both political and economic confusion. It has been stated for Britain, for example, that

Within the last thirty years a number of scandals have tainted some of the nations largest corporations.... Ethical codes of conduct represent a response to, and shield against, such...misconduct. These codes are written statements of ethics, law, or policy (or some combination of the three).... Great skepticism has been expressed against the impact of such codes.... The courts have not yet articulated the full legal effect of such codes (Spencer, 1995: 165).

Here we are in full agreement with Spencer. We add that the confusion that is reported in the institutional literature is imported, sometimes wholesale, into the traditional context. The victim of this confusion is not necessarily the politician but the simple-minded peasantry whose ability to discern the tricks therein is not yet developed.

McCarthy joins in the debate with an argument that state law inevitably created counterpart zones of ambiguity and outright illegality. Criminal underworlds, pirates and brigands, black markets, illegal migrants, smugglers, protection rackets – these topics have a certain lure, or perhaps a defiant attraction. But they do not stand apart from the state, nor the state from them. State law and evasion of state law must be studied together. Often governments tolerate ostensibly forbidden activities, and ‘deviant pieces of the state’ can even ally with illegal networks. Government and illegal practices enjoy some variety of symbiosis. Western democracies and capitalistic economies tend to foster individualism. Winner-takes-it-all set ups tend to tempt individuals to take shortcuts. The most prominent of these is to bribe one’s way out. Traditionalism or the peasantry, on the other hand, tends to foster communal institutions. But because we in Uganda are a combination of two cultures, the Western and the traditional, we fall victims to conceptual confusion emanating from the mixture of the two cultures. At times we tend to behave like children by doing things that we often regret later. This comes as a consequence of mixing individualism and communalism in the same context. Individualism if not placed in the right context ends in immature actions. Instead of becoming politically and economically developed one ends up in defensive mechanisms. Orm observes:

...defences...are normal behaviours but they can frustrate coping with reality. Common ego defences are repression, where painful thoughts and feelings are excluded from awareness; denial where again the person closes their eyes to threatening actuality, but to a more conscious level than repression where there is a return to behaviour that is immature (Orm, 1998: 136).

We must say here that individualism comes as a consequence of the selfish ego. Selfish feelings tend to overshadow communal principles. That is why bribery is often an act of an individual taking shortcuts in order to put her interests above those of the community. But sooner or later reality catches up with them. We hear of the bribe-related scandals in which some people commit suicide and others go underground. This is a result of a conceptual mix-up between the two mentalities, the modern conventional and the traditional.

7. CONCLUSION

We introduced this discussion with the idea that among the Banyankore both the concept and term bribery did not exist. This is because people of this region believed in something for something and nothing for nothing. This was meant to generate the spirit of hard work. The problem of bribery comes with colonialism which fosters the spirit of individualism as opposed to communalism. Here communal principles are confused with individualistic egoism.

Bribery is slowly introduced through a new phenomenon of a public office. Here it becomes easier for an individual officer to demand a bribe before executing a duty. Bribery also comes with the introduction of the shilling. A shilling becomes the negotiating unit between the individual and the public servant, the principle being that the more you pay the better and quicker service you will get. The practice of bribery grew slowly with colonial masters bribing kings with guns and artifacts and later on politicians buying ballot papers. We reach a situation where through the tripartition of power, judges demand bribes from offenders in order to sell them their freedom.

Here we must say that freedom is another aspect that was never fought for in many African communities. Individuals fight for freedom. Freedom of the individual in most cases collided with the interests of the community. African communities instead fought for justice and not freedom.

We again saw problems in the composition of institutional texts. Phrases and statements are structured in such a way that they leave loopholes for individuals to solicit bribes from the unlucky culprits.

Our main concern of whether bribery is a genuine ethical or economic issue in the traditional set-up comes to prominence when we analyse the compactness in a typical traditional setup. Here two mentalities come to prominence, the traditional and the modern conventional mentalities. We see that the beneficiary of bribery is a product of this dichotomy who takes advantage of the conceptual confusion that a typical peasant suffers.

We end by reiterating that bribery is not a question of poverty but a moral turpitude, where the intersection of two mentalities allows some technocrats to take advantage of the peasantry, who happen to be more entrenched in the traditional mentality.

From this argument we can conclude that we can no longer afford to look at aspects of corruption and bribery as if the human race was one homogeneous lot. Hitherto, intensive discussions of these and similar issues have often been rooted in the intellectual fields of ethics and economics seen as universal subjects. However it remains evident that the aspect of context, namely here the meeting of the modern conventional and traditional, needs to be tackled with great attention. As we have seen in some traditional communities concepts and terms may not necessarily have uniform definitions. For instance, does the term and concept bribery mean the same thing in the European and many African contexts? If not then isn't there a possibility that someone somewhere may be victimised due to contextual confusion? Should Ethical Codes and Economic Ideologies be defined irrespective of the contexts in which they operate? Should Economic Liberalisation mean the same thing in all contexts? In the final analysis, we end with a suggestion that, instead of emphasising the standardising of Ethical Codes and Global Economic Policies, let us for a while pay attention to their meanings in the different contexts in which they apply and operate.

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