



MAINSTREAMING ETHICS IN HIGHER EDUCATION

RESEARCH ETHICS IN ADMINISTRATION, FINANCE,
EDUCATION, ENVIRONMENT AND LAW

OBIORA F. IKE, JUSTUS MBAE, CHIDIEBERE ONYIA (Eds.)

4

Vol. 1

Mainstreaming Ethics in Higher Education

*Research Ethics in Administration, Finance,
Education, Environment and Law*

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Globethics.net Education Ethics

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TABLE OF CONTENTS

Preface by the Editors 11

Obiora F. Ike / Justus Mbae / Chidiebere Onyia

Ethics Matters in Higher Education15

Justus Mbae

A Research Ethics and Administration

**1 Governance of Colleges and Universities:
Evidence and Lessons from Global Practices..... 25**

Moses Wandera

**2 Ethics and Management of University Academic
Staff: A Kenyan Perspective 39**

Jacinta Mary Adhiambo

**3 Teaching Ethics with Special Reference
to Higher Education..... 67**

Najjuma Oliver Babirye

B Research Ethics and Business, Finance

**4 Ethics of Self-Reliance - A Challenge to the African
Church and People for Respect, Human Dignity
and Self-Worth..... 85**

Obiora F. Ike

5 Ethics and Business..... 109

Agnes Umutesi Muhavani

6 Ethical Issues and Corporate Governance 133

Carolyne N. Mungai

7 Ethical Issues of Insider Trading 153

Esther Nkatha M'ithiria

**8 The Role of Ethical Education in Building
Human Capital 177**

Shijja Kevin Kuhumba

C Research Ethics and Education

**9 Ethical Consideration in Curriculum
Implementation 205**

Constantine Kangalawe & Sr Sarah Maina

**10 The Indispensable Relationship between Ethics
and Education in the Process of Teaching
and Learning 221**

John Mwai Theuri

**11 Research Ethics as an Effective Toolkit
for Future Leadership and Governance 241**

Aidan G. Msafiri

**12 Inclusive Education and Epistemic Value
in the Praxis of Ethical Change 259**

Ignace Haaz

13 Ethical Education for Transformation of Schools and Universities.....	291
---	------------

Clement Majawa

14 Ethical Concerns in Research Supervision of Doctoral Dissertation Writing in Selected Public and Private Universities in Kenya	331
--	------------

Momanyi Marcella

15 Sustainable Behaviour.....	355
--------------------------------------	------------

Cecily Njoki

16 Ethical Issues Facing Teachers in the Management of Inclusive Classroom in Sub Saharan Africa	387
---	------------

Elizabeth Nduku

17 Ethical Concerns in Ghost-writing	413
---	------------

Herbert Makinda

D Research Ethics and Environment

18 Ethics and Environment	429
--	------------

Wandera Conrad

19 From Climate Change to Holistic Change	459
--	------------

Aidan Msafiri

20 Environmental Degradation	475
---	------------

Clement Majawa

**21 Promotion of Environmental Ethics
in Theological Education505**

Richard N. Rwiza

22 Education for Peace531

Tobias Dindi Ong'aria

E Research Ethics, Justice and Law

23 Professional Ethics553

Alice Bitutu Mongare

**24 The Responsibility of the Church to Promote
Social Justice and Ethical Values589**

Caroline Nzuya

25 Disregard for the Rule of Law and Ethics613

John Martin Owor

26 The Church Social Teaching on Human Dignity629

Peter Mbaro

**27 The Inherent Relationship between Ethics
and Philosophy as a Moral Guide for all Human
Behaviour649**

Simon Njuguna

**28 Mentoring as a Tool for Integrating Ethics
in Higher Education669**

Njeri Kang'ethe

29 Integrating Ethics into University Curricula with Special Reference to Law.....	695
---	------------

Ernest Beyaraza

30 Changing Mindsets with Transformational Leadership	735
--	------------

Chidiebere Onyia

Conclusion	759
-------------------------	------------

List of Contributions to Vol. 1.....	763
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PREFACE BY THE EDITORS

INTEGRATING ETHICS IN HIGHER EDUCATION

Obiora F. Ike / Justus Mbae / Chidiebere Onyia

Responsible and transformational leadership at a time of global crisis of values and orientation is possible. Recurrent crises in the education sector challenge humanity to think deeper and critically in order to establish the correct diagnostics. There are solutions for the constant spinning out of control and at a global level of the various forms of crisis experienced by humanity at this time. These include sectors that deal with the Finances, banking and economic, political and governance structures, public sector and the private. There is crisis in housing, health and well-being. The environmental and ecologically propelled climatic challenges lead to crisis of sorts. And then one has to think of crisis in the educational sectors, the spiritual domains and the entire basis of Trust which is humanities asset. People live in fear and populism continues to create xenophobia in our one world – much of it promoted by fake news and media propaganda. Transformational Leadership styles when reflective in higher education can support the change in mindset which is all about capacity of the next generation – youth and future leaders through values-driven knowledge and education founded on ethics to learn in order to practice properly for the common good.

This publication is the fruit of an international, inter-disciplinary conference on mainstreaming Ethics in Higher Education in Kenya and in the Eastern African region that was jointly organized by the Catholic

12 Mainstreaming Ethics in Higher Education

University of Eastern Africa (CUEA) and Globethics.net East African programme in 2018. While Higher Education is the obvious beneficiary of the conference, research and current publications, the significance of this work goes well beyond education. In order to appreciate this fact and so as to see the kind of possible impact that this publication may have especially in Africa, we only need to take another look at an earlier conference that took place almost 60 years ago in Africa. In 1962, UNESCO convened a conference for all African universities and institutes of higher learning. That Conference, which took place in Tananarive, Madagascar, addressed matters of mutual interest and the nature of the university in Africa. This meeting was concerned that the universities of newly independent African nations were not living up to their African expectations. Having been established by the colonial powers, they were specifically designed to serve the masters' needs. When our countries became independent, they continued running our universities in the same way and for the same purposes that the colonialists had done.

The 1962 UNESCO conference strongly encouraged African universities to adapt their teaching and research to address relevant African challenges and problems. Given the history of colonialism in Africa and the almost total annihilation of African culture, it is easy to understand why universities were expected to help society re-discover its African Identity, its lived philosophy of *Umunne* (solidarity of fraternity); *Umuada* (sisterhood); *Ubuntuism* or African Communalism, and chart a true path for development and progress (as opposed to mere economic and material development). These are still among the most pressing needs of the continent today. The Association of African Universities (AAU), which was conceived at this meeting and which was officially launched in 1967, stated its mission as:

”to identify and formulate a new philosophy of higher, particularly university education for Africa, in the hope of evolving insti-

tutions that are not only built, owned and sited in Africa, but are of Africa, drawing their inspiration from Africa, and intelligently dedicated to her ideals and aspirations”¹.

For this reason, the conference called on all African universities to undertake necessary reforms to make themselves more relevant and useful to the African people and societies they serve. Today, almost sixty years later, it is doubtful that the situation has changed much. We continue to teach our youth people things that make little sense in their African culture. Nor can our universities be said to be outdoing themselves in support of African developmental ideals. For example, even though we have all heard of African Union’s Agenda 2063 and the ambitious blue print for transforming the continent into a global economic powerhouse, it is not clear what roles our African universities are playing to help the continent realize this dream.

Higher education institutions can support the change of mindset of academics who have a fixed mindset about integrating and living ethics into their lifestyles and curriculum. This book which you have in your hands addresses the results of research by many practitioners, teachers, vice chancellors and ethicists from all fields of endeavor working particularly in East and West Africa to join their voice to the need for honest dialogue and professional development for faculty work and teaching related thinking and design. Understanding the role a transformational leadership model can play in creating a sustainable culture where ethics is not viewed as a Stand-Alone course taught by only those with the academic qualification, but as integral part of a disciplinary curriculum.

Mainstreaming ethics into the culture of higher education will result in students who are more ethically aware and conscious of this need and bring it to bear into their decision making process. In addition a culture

¹ Association of African Universities (AAU) (1969) Report of the Second General Conference of the Association of African Universities, Kinshasa, Zaire: Lovanium University.

14 Mainstreaming Ethics in Higher Education

of ethical thinking positively affects the designing, planning and implementation of higher education processes. These start from the process of admission, faculty and staff recruitment, staff interaction on directorates, departments, directorates and faculties; promotion processes; disciplinary engagement and leadership selection. But above all, they include the style of research and what is taught to students in the classroom.

As can be seen, the issues in question are mostly tied to values, which include ethics and morals. The CUEA-GLOBETHICS.NET collaboration, whose first fruits are contained in these publications, must be understood as a significant and unique contribution that goes beyond higher education to seek ways of understanding, re-constructing or even reviving Africa's value systems. Hopefully, this collaboration will grow and spread. The first of the two volumes, which you have in your hands, is a good attempt by African authors and intellectuals, thinkers and teachers to share on a global scale their researched findings on how ethics can be mainstreamed into higher education. Good reading for many other institutions of higher education in the Eastern African region. Integrating Ethics in higher Education (its timing, its motivation, general approach and research) could not have come at a better time.

ETHICS MATTERS IN HIGHER EDUCATION

AT THE WORKSHOP INTEGRATING
ETHICS IN HIGHER EDUCATION,
THE CATHOLIC UNIVERSITY OF EASTERN
AFRICA (CUEA), MARCH 2018

Justus Mbae

[...] Ladies and Gentlemen,

Good morning. We are delighted to have you here to participate and share in this very important conference organized by Globethics.net in collaboration with the Catholic University of Eastern Africa². Thank you for coming. I take cognizance of the fact that many of you travelled long distances which serves to remind us all just how important our work is in contributing to an ethical society. I welcome in a special way our guest trainers from Globethics.net Foundation who have come all

² Prof. Justus Mbae is an Associate Professor of Education and a champion of Value-Based Education. He has published widely in the area of Education. He is the immediate former Vice Chancellor of The Catholic University of Eastern Africa where he served as Deputy Vice Chancellor, Academics Affairs and Director of the Institute for Regional Integration and Development (IRID). Prof. Mbae also worked in the U.S. Embassy, Department of State and Cultural Affairs Section, as the Cultural Affairs Specialist from 1993 to 2009. Prior to that Prof. Mbae worked in Kenyatta University as a Lecturer, Senior Lecturer and Head of Department-Department of Educational Foundations from 1982 to 1993.

the way from Geneva, Switzerland and Arigatou International some of whom have come from Sri-Lanka. It is indeed a pleasure to have you with us and we anticipate learning a lot from your knowledge and experience. It therefore gives me great pleasure to extend to you all a very warm welcome on behalf of The Catholic University of Eastern Africa Management, staff and Students.

[...] Allow me to briefly give you a background of how we have reached here. Globethics.net came into a cooperation agreement with The Catholic University of Eastern Africa in March 2011. The regional programme named Globethics.net East Africa (GE-EA) is hosted in the Centre for Social Justice and Ethics (CSJE) and covers the East African Economic Community countries namely; Kenya, Tanzania, Uganda, Burundi and Rwanda. Many activities have taken place in the region since then.

In June last year, as co-founders with Globethics.net Foundation and other members we launched the Globethics.net Consortium for Ethics in Higher Education in Geneva, Switzerland. The aim of this consortium is to promote ethical governance and leadership in Higher Education. As a matter of fact, the goal is to form a partnership with universities and colleges, in order to support teaching and research in Ethics, creating a framework of cooperation for equal opportunities and access to quality education around the world. This is in line with the United Nations Sustainable Development Goal (no. 4) as set by the UNESCO Framework for Action 2030. In this regard, I invite in a special way my colleagues Vice Chancellors to start thinking seriously about how we can partner to form a consortium of universities around the subject of ethics in this region.

[...] The theme of our workshop Integrating Ethics in Higher Education is timely as we reaffirm that Universities play a key role in the formation and imparting of values to the society. All the Universities in the World and in particular The Catholic Universities have a role to play

in the provision of quality education which must not be devoid of ethics and values. For a *university* to grow, it needs to recognize the integral, constitutive *role* of *ethics* in the formation of a flourishing community. This will not be easy unless the entire university community integrates ethics in all her activities. On this note I wish to say that the agenda of the workshop covers a very critical area.

To discuss issues of ethics really matters even before we speak of integrating ethics into higher education. Immanuel Kant is known to have said, *“In law a man is guilty when he violates the rights of others. In ethics he is guilty if he only thinks of doing so.”* Many times people act with inclinations. This means, people act rightly so that something is achieved or rather happens. According to Kant, this is a “hypothetical imperative” or command and to act so is not to act ethically. In such a situation, one is acting legally (what Kant refers to as “mere legality”), that is, obeying the law because one is required to and not because the act is good; hence, acting in accordance to duty but not from duty.

However, ethically, a person should act from duty. This means that one should do “good” as a duty. Kant calls this a “categorical imperative.” Therefore, to act ethically is to act according to the categorical imperative. This simply means “doing ‘good’ because it ought to be done.” As staff and students in institutions of higher learning we should therefore really strive for the categorical imperative.

In the world today, many governments and educationists are greatly concerned about the proliferation of societal ills such as corruption, violence, suicide, numerous forms of addiction, child abuse, terrorism, disrespect for one another just to mention but a few. All AMECEA countries have performed consistently below average (less than 90 out of 180) on the Global Corruption Perception Index by Transparency International. Africa lost up to \$1.4 trillion in illicit financial flows in 1980-2009 alone, far exceeding money coming in over the same period and seriously undermining the continent's development. Illicit financial

flows involve the transfer of money earned through corruption, bribes, tax evasion, criminal activities and transactions involving contraband goods. The current ten year assessment threatens to be more shocking. Dr Willie Mutunga, the former Chief Justice of Kenya calls this kind of situation a Bandit Economy where education and hard work no longer pay, but shortcuts, manipulation and exploitation.

The situation is made worse by the fact that in some situations an entire education system could be corrupted, so that universities sell cheap diplomas and the best academics move abroad. The level of academic integrity, such as the rules for reporting fraud, addressing misconduct and dealing with whistle-blowers is in many times wanting. The extent to which these rules are enforced is often influenced by extra educational considerations. It would seem for instance that if no case of plagiarism is recorded, it is more likely that there is no enforcement of the plagiarism rules than that plagiarism has never occurred.

In other jurisdictions, doctoral students have filed legal complaints against their supervisor's failure to acknowledge the students' contribution to grant proposals. Charges of plagiarism have been brought against very senior academics across the globe. It would also seem apparent that academic ethics is eroding because it is not taught and is often contained in policy documents that are rarely enforced. When especially graduate programs fail to emphasize ethics, the result is scepticism about the necessity of learning about ethics and about how to teach it.

In our own university we have had situations where at the time of reviewing academic programmes, the first units to be weeded out are the ethical units. The Faculty of Law for instance was pressured by the Council for Legal Education (CLE) to weed out as much as possible all the units that were perceived by CLE as non-legal units. The result was a dilemma for the Faculty. It had to choose between two undesirables: To scrape the mandatory Christian Ethics from the Law programme or merge it with Introduction to Bible. They did the latter and we are yet to

establish how well that is working in terms of forming the young people in our hands.

In the circumstances, one cannot fail to conclude, at least in the interim, that nihilist philosophies such as anti-foundationalism are gaining currency within the academic environment itself and the regulatory agencies. This is progressively contributing to the neglect of ethics in education. An anti-foundationalist is one who does not believe that there is some fundamental belief or principle which is the basic ground or foundation of inquiry and knowledge. As the Catholic University of Eastern Africa, we cannot afford to walk this path. It is not who we are. Our History advises us otherwise.

The Peripatetic was the University in the classical times. This peripatetic university carved out for us some basic principles. That the unexamined life is not worth living (Socrates) and that virtue is a habit consciously chosen, lived and perfected (Aristotle).

The platonic allegory of the cave is the best illustration one can find of what it means to be educated. It does not end with the educated person. Education is not solely for the benefit of the individual. According to Plato, the educated one is only worth that tag if they return to the cave and liberate those they left in the cave. It is my submission, that if the journey out of the cave was corrupt and full of shortcuts, then even the process of liberating others from the cave will be corrupt. This only serves to perpetuate an absurdity.

The Patristics made a good case for social ethics. By pronouncing themselves on property, poverty, or usury, their teaching took the form of a coherent, discrete body of doctrines that remain relevant to date. In these our modern times, ethics links social justice to the structure of society and puts the pair at the heart of political thought. In the ancient world, social justice hardly played a role in ethics, which was rather concerned with how the individual could achieve happiness.

To cure the societal ills mentioned above, many more think that introducing value-based education will be able to counter the trend and achieve a society of human beings who have high regard for:

- Life and Dignity of the Human Person,
- Call to Family, Community, and Participation,
- Rights and more importantly Responsibilities,
- Option for the Poor and Vulnerable,
- The Dignity of Work and the Rights of Workers,
- Solidarity, as well as
- Care for God's Creation.

It is recognised that higher institutions of learning play a critical role in fostering students to not only be well educated but also to be value-driven, first as citizens and then as leaders. In this regard, the responsibility rests on all academic institutions of higher learning to ensure that they abide by the highest ethical standards and that they build an ethos on their institutions, among teachers, students and administrators that inspires trust, credibility and hard work.

In the coming days, starting now, we are going to draw from the wealth of knowledge and experience of our respected facilitators. The goal of this workshop is *inter alia* to strengthen the ethical practices and reputation of CUEA. This will be achieved by supporting efforts to integrate more fully value-based decision making processes in governance, management and daily practices of staff, management and leadership. It is also geared towards strengthening the professional ethical awareness and providing support to teaching staff to help them to be adequately equipped to teach ethical values.

At the same time the workshop will be supporting students with tools and resources to think and act according to ethical values. It also aims at integrating ethical reflection and action in research, ensuring that research goals are beneficial and that the means are not harmful. Finally, it also aims at raising the awareness of policy makers and stakeholders in

Kenya about the need to integrate value-based policies in education and in research.

This intervention is consistent with the vision of our founders. When AMECEA founded the now Catholic University of Eastern Africa, they must have had in mind transformation of society through evangelization. Transformation begins first with individual and personal conversion. It begins with an awareness *ad intra*, then a challenge to pursue conversion *ad extra*. When in 2003, the Centre for Social Justice and Ethics was founded in CUEA, the Bishops were affirming what they had always held that working for social transformation and liberating people from all sorts of oppressive structures is an intrinsic component of the gospel (*Justicia in Mundo, 1971*).

If CUEA is in the business of producing transformative leaders for Church and society, then Ethics must be an intrinsic component. In a sense we undertake to form the conscience of those we teach, challenge them to liberate themselves from the warped value system that the society so often presents and offer a more humane and ethical vision of society.

But will the three - four years of university education make someone ethical? 'May be Yes' and 'May be Not.' But one thing is certain, s/he who comes through a university that lives what it preaches about ethics cannot plead ignorance. Since moral responsibility does not accrue in ignorance, what ethics in higher education does, is to remove the ignorance barrier and create a situation where individuals can be morally responsible acting agents.

I, therefore, invite all of you take this opportunity to benefit from the resource persons who are here present with us. In a special way I invite those who will be trained as trainers to take the training seriously because going forward you will be required to cascade the training to the other faculty members and students in the entire university and other universities in the country and the region.

22 *Mainstreaming Ethics in Higher Education*

With these few remarks, it is my pleasure to declare this workshop on Integrating Ethics in Higher Education officially open.

A

**RESEARCH ETHICS
AND ADMINISTRATION**

GOVERNANCE OF COLLEGES AND UNIVERSITIES: EVIDENCE AND LESSONS FROM GLOBAL PRACTICES

Moses Wandera

1.1 Abstract

Corporate governance has been defined as the system by which companies are directed and controlled (Cadbury Report, 1992, OECD, 1999)³. Similarly it is used to refer to a set of mechanisms through which outside investors protect themselves against expropriation by the insiders, that is, through large controlling shareholders and managers. In the United Kingdom, corporate governance code has defined it as being; about what the board of a company does and how it sets the values of the company. Internal audit function has been linked as a bridge on the internal and external governance practices, since the internal auditors execute governance related assurance, compliance assessment and consulting services. While, the external governance involve the mimetic, normative and coercive roles that maintain the legitimacy theory or in-

³ Moses Wandera is governance professional; certified secretary and also research fellow at The Cooperative University of Kenya.

stitutional theory, based on acquiescence strategy, compromise strategy, avoidance strategy, defiance strategy and manipulation strategy in the enterprise resource planning (Hany, 2015). The study used legitimacy theory with case surveys of global practices in corporate governance in institutions. The study has reviewed gaps and challenges that can be filled through proper governance.

1.2 Introduction

Good governance refers to the management of government in a manner that is essentially free of abuse and corruption, and with due regard for the rule of law. The governance of higher education in the 21st century needs to develop a fusion of academic mission and executive capacity, rather than substitute one for the other (IMF/OECD, Hoffmann, 2011). In addition the principles of good governance in the institutions of learning have involved; transparency, responsiveness, equitable and inclusiveness, effective and efficient manner, following the rule of law, participatory, consensus oriented and being accountable (ibid).

In OECD Countries, governance in higher education is linked to quality as an appropriate state regulation, and it incorporates, planning and policy leadership, structure and governance financing resource allocation and subsidies, incentives (monetary and non-monetary, information, communication and reporting, laws, ordinances, decrees and soft law as well as modes and processes of policy implementation (OCED, 2005, 2005 (b)).

The system of cooperate governance have been distinguished on the basis of growth as European and American systems. The system further can be categorized as bank-based that is, system in Japan, Germany and Finland. Market-based systems have operated in United Kingdom and the United States of America (USA). Further, the governance mechanisms have been based on external basis and internal basis, that is, legislation, nature of capital market, financial structure and the ownership

structure. While the internal corporate governance has been incentive schemes, reporting practices, hierarchy and organization structure as well as the corporate culture. In addition articles and memorandum of association and board of directors operate in between external and internal corporate governance.

The corporate governance mechanisms involving internal and external governance have also been based upon economic development and ownership concentration. This has involved the models; Anglo-Saxon governance model and German-Japanese governance model. Further, the Anglo-Saxon type is the capital market or stockholder model prevalent in Germany and continental Europe which differs from the USA and the UK in socio-economic, judicial and cultural dimensions (Palka, 2015). In essence the internal mechanisms involve on board structure, composition and role, managerial incentives and ownership structure. The external governance mechanisms will involve on market based and bank-based in common law as well as civil law (Ibid).

Indonesia, models of governance in higher education institutions are four (4), state-owned legal entity (SOLE), public service institution (PSIS), public government institutions (PGIS) and private institutions for instance in cluster I, the main features have included; level of control (by respective authority), highest level of authority, highest level of authority for academic issues, law and regulations, funding, strategic objectives, selection process for top administrators, selection of University council, employee status, salary and incentive system, student enrollment and tuition fees (ibid).

1.2.1 Statement of the Problem

External corporate mechanisms involve; legislation, nature of capital market, financial structure and ownership structure as well as the internal governance structure involves; incentive schemes, reporting mechanisms, hierarchy and organization, the structure and corporate culture. This involves revolves around the board of directors and the articles of

incorporation (OECD, 1999, Igor and Chizu, 2010). The relevance can be linked to the World Bank website acknowledgement that in adapting principles of good corporate governance, companies in developing countries can often command higher valuations, improve their profitability and gain better access to outside capital than their poorly governed peers. Developing countries can attract more interest from local and foreign investors and reduce their vulnerability to financial crises. Therefore, an effective corporate governance will require both internal and external measures in practice (Brown and Taylor, 2006). In Kenya corporate governance practices in universities and colleges has been based on the management that is the council or the board, the senate and the management board and sometimes the board of trustees, however there exists the dissimilarity on principles of good governance.

1.2.2 Objectives of the Study

The study sought to verify the following objectives;

- Explain global practices in corporate governance in colleges and universities
- Describe the gaps in corporate Governance in Colleges and Universities
- Design of the study was descriptive survey from global practices based on the contents available as disclosed from the contents.

1.3 Theoretical Framework

This theory leans on the insights of the system oriented view of a society as a whole. It is assumed in the system-oriented view that an entity is influenced by or has been influenced over the society in which it operates. Therefore it is their social, political and economic framework, within which human life takes place from the perspective of the

theory of political. The theory implies that society, politics and economic issues cannot be investigated meaningfully without considering the political, social and institutional frameworks in which economic activities take place. An essential feature takes place. An essential feature of political economy theory is to reorganize power conflicts that exist with the society and various groups within society (further in Hannele and Salme (2010)).

Legitimacy is then accomplished if society perceives the organization to be operating in accordance with the prevailing norms and values. However, legitimacy is a dynamic concept as the in question can change over time and overtime clients might occur that adversely affected the reputation of the organization, its legitimacy and perhaps even its existence. It means breaches of the social contact are perceived to lead to a perception by society that an organization is not legitimate. In addition, it is said if the society does not consider the organization legitimate, then legitimacy gap exists, and the organization can use different strategies to bridge the gap. The actions taken in such a situation will depend on the management's perception of the threats to legitimacy which can be the media, hence the importance of an issue to the public, and thus the level of pressure placed on corporations to remain legitimate or to regain legitimacy is of an issue in the Media (Ibid). Legitimacy is also a resource that an organization can influence or manipulate. However, organizations that are multinational, or desire to be need to consider their reputation in the entire county in question and indeed worldwide. If a legitimacy gap exists this card has irreversible economic effects on the corporation, for instance in the form of strikes and subsequent loss of customers and revenues (ibid. Hannel and Salme, 2010).

It also means that understating the role of different stakeholders can be seen as an important issues in maintaining the organization legitimacy and the right to existence, understood as the precondition for the organizations long-term success which depends on disclosures in its press

releases, annual report interim reports for the period under study as these documents are considered to represent official and carefully considered corporate talk, more so if the organization in question is a public organization with a high criteria for publicity. (Ibid)

1.3.1 Global Corporate Governance Practices

In the United Kingdom, corporate governance in church based higher education institutions has been based on memorandum and articles of association. The challenges however, have been based on nomination, processes, and the foundation committee as well as the genuine occupational requirements (GoR) (Cucu, 2007). In Europe, higher education governance is an issue that is strongly connected to the count of Europe's key missions; protection of human rights, democracy and the rule of law (Council of Europe, cited in Hoffmann, 2011). In the UK since the white paper of year 2001, external corporate governance have included; stakeholders, founders, investors and the communities in their operations have, meant to achieve long-term financial sustainability of the organization as the approach is relevant to the social enterprise sector given that raising financial resources and other forms of capital is a challenge for social enterprises (Walter, 2015). In Greece voluntary codes of governance have been developed by different types of issuers as; stock exchange, government, directors' association, managers' association, professional association and investors' association, this is later incorporated into charter map comprising best practices for companies listed on the Athens Stock Exchange. However, the Greek federation of enterprises code contains 64 recommendations and do compiled, based on 11 main categories as; role and responsibilities of the board, size and composition of the board, role and profile of the chairman of the board, duties and conduct of board members, nomination of board members, functioning of the board, level and structure of remuneration, communication with shareholders as well as general meeting of shareholders (Michail, 2014).

In addition in the United States of America (USA), there exists, the association of governing boards of universities and colleges, that was founded in 1921 as the association of state universities and allied institutions. In the 1960s, several important changes took place in the association to like American council on education founded in 1918, the American council on education (ACE) is the major representative organization for higher education in the USA, and has both National and private universities. There is also centre for higher education transformation (CHET). This was founded in 1966, as a response to the need for capacity building. The centre has been committed to empower higher education so that it may become an effective and influential player in transformation of the higher education sector, through management and leadership development, council capacity development, student services management, networking (national and international), developing indicators of transformation and diversity management (Naayiyana and Hayward, 1999).

In Asia, Malaysia, University leaders are supposed to have the following characteristics; are reputable persons in their academic disciplines, have strong advocacy for the public interest and for disadvantages people in the community, have strong leadership as well as have abroad perspective and are able to observe and to provide solutions to social problems. Further in Philippines, there is no discrimination in obtaining the post of university administrator, that is, any individual, whether from within the higher education institution or elsewhere, who possesses the qualifications as publicized by the governing board may apply for a university presidency (ADB, 2012). In Thai University sector, information technology governance practices have enhanced management in nine areas that is, business strategy alignment, value creation, project investments, budget management, human resource management, user management, university social responsibility. The Green I.T and quality assurance concerns (Kaliaya, 2015).

In the Middle East, development in the corporate governance codes has been in seven (7) key committees as audit, nomination, remuneration, corporate governance, risk management, executive and investments (as in Baharain, Oman, Qatar, Saudi Arabia and UAE, Kuwait). For instance in Tunisia, 1/3 of the board are supposed to be independent members are supposed to be the minimum of the board, while in Jordan, two members should be the minimum, while in Morocco, the minimum is not specified in the codes (Nermean, 2015).

In Indonesia Islamic banks do disclose external and internal corporate governance principles. This is evident in the bank's annual accounts through; Shariah supervisory board, board of commissioners, board of directors, board committees, internal control and external audit, risk management, corporate governance implementation reporting (Salim, 2013).

Governance concerns in Anglophone Africa has been the desire for good governance, for instance strengthening of existing internal governance structures and the creation of new ones if necessary, so as to make them more sensitive to the needs of all the stakeholders. There has also been the promotion of dialogue at both the formal and informal levels between the various groups within universities. There has also been the promotion of greater flow of information between staff and students on one hand and administration on the other. Sources of conflict between universities government has been on finance as a source of conflict, government involvement in university affairs as a source of conflict, as well as accountability to government and the wider society further, good governance can be achieved through strengthening or creation if none already exist or better bodies that oversee university dealings with government for funds, planning among government other concerns, increased contacts between government officers and members of the university community, efforts should be made by the governments to fulfill the financial needs of universities, besides restraining from interfering

with the legally allowed level of university, besides efforts to be made such that universities are more accountable to the government and the wider society (Mworia, 1992).

In South Africa, effective governance in universities and colleges just emphasized on values, and traditions that made academic environment effective; academic freedom, institutional independence and consultation with stakeholders on appropriate decisions. The university council is also deemed cooperate within the framework of the South African constitution and of the public entities act. Governing council have twelve responsibilities, especially on mission and purpose appointing the vice chancellor and other senior management officers, evaluating and supporting the vice chancellor, ensuring good management, being accountable for financial resources and institutional assets, ensuring that there is a strategic plan, monitoring the transformation process, ensuring student access and success, being responsible for ensuring good order and a safe campus environment, preserving institutional autonomy, setting up and serving on council committees and taking stock of the councils own performance (Naanyiana and Hayward, 1999).

In Tanzania, unfinished business in governance reform of the university's organizational structure has remained to be on the agenda over time for instance and recent report on the organizational structure of universities identified several problems inherent in the present structures as; being excessively centralized, divided the workforce into two potentially competing camps; one under the central government and other from the community. It has also relied heavily on committees for decision making which has had a bad impact on efficient and effective management. There is also span of control for the offices of central and community or local as it has become too wide by international standards undermining their efficiency and effectiveness.

The proposed university bill for university count has been; membership of the university council to be not less than ten and not more than

15. Eight of them, as chairman, vice-chancellor, two members of National assembly, one member appointed by the minister in charge of education, one member appointed by the minister in charge of education, one member appointed by the minister in charge of finance and one member appointed by government of Zanzibar. There is also commission of higher education, further the report had proposed a new organizational structure designed to eliminate governance weaknesses, especially, with three (3) deputy vice chancellors responsible for teaching, research and consultancy also planning, finance and development as well as human resources management and general administration (Mkude, Coksey and Levey, 2003).

Governance of Kenya Public Universities and Colleges has wanted the major concern has been the origin of university expansion, as Kenya had placed the role of education in promoting economic and social development after the achievement of independence in 1963. This then resulted in the expansion of the education system to provide qualified persons for the growing economic and administrative institutions and to undertake some reforms to reflect the aspirations of an independent state (Court, 1974, Sifuna, 1987).

1.3.2 The Gaps in Corporate Governance in East Africa Colleges and Universities

The role of Higher Education and tertiary institutions is meant to:

- Educate highly qualified graduates and responsible citizens able to meet the needs of all sectors of human activity;
- Provide opportunities for higher learning and for learning throughout life;
- Advance, create and disseminate knowledge through research; help understand, interpret, preserve, enhance, promote and disseminate national and regional, international and historic cultures; help protect and enhance societal values;

- Contribute to the development and improvement of education at all levels.

The challenges in institutional governance are very many and include:

- Some of the universities and colleges are too hierarchical in their leadership style, leading to inefficiencies.
- Poor communication and consultation between the different levels and sectors resulting in strikes by staff and students that could have been averted.
- Inadequate representation of stakeholders in key decision-making processes.
- Political interference in the management of institutions that frustrates meritocracy and rewards political loyalty in leadership thereby derailing the quest for excellence.
- Lack of deliberate efforts to build the institutional leadership in governance and management on an ongoing basis, with the situation being made worse by the rapid expansion without structures.
- Poor and inefficient systems and infrastructure leading to overloads and delays in procurement, payment and other decision-making processes.
- Lack of a strong community because of difference and divisions in many teams.

There is imbalance between academia and administrative staff, where favoritism and segregation are experienced, creating conflicts between administrative staff and academicians, often leaving academicians feeling unappreciated, with too much demanded from them. Some-

times the systems and structures are too detailed to help emerging colleges to function (Anafe (2015)).

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ETHICS AND MANAGEMENT OF UNIVERSITY ACADEMIC STAFF A KENYAN PERSPECTIVE

Jacinta Mary Adhiambo

2.1 Abstract

Management of university academic staff in Kenya has become challenging amidst strikes, slowdowns and staff hopping from one institution to another in search of greener pasture which raise ethical dilemmas⁴. Cases have been cited where universities have been taken to court in relation to some unethical decisions. Values of human dignity, integrity, social justice, transparency and professionalism have been compromised in the management of academic staff. What has happened with codes of conduct and ethics that exist in universities in Kenya? Why is it that the contracts between the individuals and universities are not honoured in some cases? The paper sets out to examine how ethics interplay in the procedures and practices in the planning, recruitment, motivation, development, appraisal and exit of staff. It recommends that the

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solutions to the myriad ethical dilemmas lie on entrenching ethics in the implementation of policies and procedures in the management of academic staff. *Key Words:* Ethics, management, academic staff, ethical dilemmas

2.2 Introduction

Management of human resources in educational setting and more so in universities in Kenya has attracted a number of debates and discussion. In the local daily papers, universities are reported to have problems linked to the way they manage the academic staff inclusive support staff. The Commission of University Education in Kenya has guidelines and standards on recruitment of academic staff to the different positions Professors, senior lecturer down to tutorial fellows.⁵ Each university has the human resources manual or handbook; others have code of ethics and conduct to guide the management of the staff in the different processes that affect them in the execution of duties after their placements as seen in Kisii University,⁶ University of Nairobi,⁷ The Catholic University of Eastern Africa,⁸ to mention but a few. The staff handbooks or manuals stipulate processes such as recruitment, appointments, deployment, staff performance appraisals, promotion, remunerations and allowances, staff development and training or welfare, leave and holidays to mention but a few. Are the processes carried out in fairness and consistency for the

⁵ Commission for University Education, *Harmonized Criteria and Guidelines for Appointment and Promotion of Academic Staff in Universities in Kenya*. Commission for University Education, 2014, 1.

⁶ Kisii University, *Code of Conduct and Ethics*, Kisii University Corruption Prevention Committee, 2015.

⁷ University of Nairobi, *Staff Handbook*, Nairobi: University of Nairobi Press, 2006, 12-21.

⁸ The Catholic University of Eastern Africa, *Human Resources Policies and Procedures Manual*, Nairobi, CUEA Press, 2017, 31-50.

good of the academic staff and respective institutions? This paper wishes to interrogate ethics in the management of the mentioned areas.

The core business of most universities is curriculum implementation which is spearheaded by the academic staff. The way the academic staff are handled has great effect on how they will teach and supervise students' theses/ dissertations. Therefore, it is paramount that the management of these crucial human resources be interrogated in the light of ethics in order to chart ways of ensuring the decisions made are ethical and unethical issues that arise in their management are minimized for the common the good of the interested parties: staff, students and university management. The academic staff in universities in Kenya includes Professors, Senior Lecturers, Lecturers and tutorial fellows. They are engaged to implement the programmes of studies in respective disciplines such as sciences, education, social sciences, technology, medicine, law humanities, and languages among others.

Management of the academic staff in this article borrows the definition of Henry Fayol (1841- 1925) the founder of principles of management and a contributor to the scientific management theory. To him management involves forecasting and planning; organizing, commanding and controlling⁹. The definition is applied in the planning, recruitment, promotion, development and training, appraisal, compensation and separation/exit of academic staff at the universities in Kenya. For these management processes to bear fruits without causing discomfort to the academic staff, ethical decision making is a must.

In their contribution to the understanding of ethics and management of organizations in general, Saremil Hamid and Behrad Moein, N., posit that managers at different levels in organizations face ethical issues

⁹ Fayol, Henry, *Principles of Management* <http://andrewmckay.yolasite.com/resources/14%20Principles%20of%20Management.pdf> retrieved on 25th November, 2018.

when they are planning, organizing, motivating or communicating¹⁰. At times they are confronted with matters of right and wrong, fairness and unfairness, and justice or lack of justice as they make decisions. A university being an organization with its dynamics is not exempted from ethical concerns in the management of the academic staff.

But one would ask, what is ethics? There are many definitions of ethics such as Webster's dictionary defines ethics as the 'discipline dealing with what is good and bad and with moral duty and obligation'¹¹. Ethics according to Lovin Robin, W., is 'the study of our choices about good life, both individually and in the whole picture of a good life that choices taken together create'¹². Ethics is derived from the Greek word 'ethos' to mean shared beliefs and practices of a people¹³. Gill Robin maintains that the 'knowledge of good and evil seems to be the aim of all ethical reflection'¹⁴ and this knowledge is dependent on one's belief in God who is the origin. Daft Richard explains that ethics refers to 'code of moral principles and values that govern the way a person or group of people behave in relation to what is right or wrong'¹⁵. Thus ethics help people to make decisions about the good life. In this case therefore, the decisions that university management make on academic staff ought to be for the good of the institution and the individual staff.

¹⁰ Saremil, Hamid / Behrad Moein Nezhad, Role of Ethics in Management of Organization in *International Journal of Current Life Sciences* - Vol. 4, Issue, 11, November, 9952-9960, 9953.

¹¹ Merriam-Webster Dict., <https://www.merriam-Webster.com/dictionary>

¹² Lovin, Robin W., *Christian Ethics: An Essential Guide*, Nashville: Abingdon, 2000, 16.

¹³ Ibid., 16.

¹⁴ Gill, Robin, *A Textbook of Christian Ethics*, 2nd Ed., New York: T & T Clack. A Continuum Imprint, 2005, 107.

¹⁵ Daft, Richard L., *New Era of Management*, 9th Ed., South- Western: Cengage Learning, 2010, 130.

Given the ethical issues that surround the management of staff in general and academic in particular, Ongong'a Jude, J and Akaranga Stephen, I., observed that universities recognize the significance of ethical issues and decisions in the daily operations. They have experienced that unethical decision or behaviour can create legal risks that could put the institutions in unending law suits that could have financial implications in the handling of cases against them¹⁶. This is why the proposal that universities be ethically managed to attract loyalty, trust and commitment for the benefit of the institutions and staff.

Therefore, the common good is the gist of ethics in the management of academic staff as proposed in this expose. Ethics is essential in facilitating decision making because of the of values that each university in Kenya places in their codes of ethics and conduct, human resources handbooks, procedures and processes that affect the academic staff. Ethics helps a great deal in making better decisions for the common good of the institutions and the staff.

This article endeavours to discuss approaches to ethical decision making as the theoretical underpinnings for managing the university academic staff, the universal principles of ethics, the processes involved in the management of the academic staff, ethical dilemmas that emerge in the management of academic staff and conclusion. The methodology is mainly literature review coupled with personal reflection on the issue. The following section presents the theoretical framework for the discussion on ethics and management of academic staff in universities in Kenya.

¹⁶ Ongong'a, Jude J./ Akaranga, Stephen I., Work Ethics for Lecturers: An Example of Nairobi and Kenyatta Universities, *International Journal of Arts and Commerce*, www.ijac.org.uk, 2013, 8-22.

2.3 Theoretical Framework for Ethics and Management of Academic Staff

There are many ethical theories which guide ethical decision making at different levels. However, due to the scope of the paper, the discussion is based on deontological, teleological, utilitarianism theories. Fedler and Odera Oruka divide them also ‘egoism, deontology and utilitarianism’¹⁷. In ethical egoism, decision is based on the principle that everyone should act so as to maximize his or her own benefit. The motive behind the decision being made is for self-interest. How is the decision or action going to benefit me as a person or an institution? The emphasis is on “Me, I and myself”. Let us take a case of recruitment of the academic staff, the university advertises the positions to be filled and interested candidates apply. Each of the interested parties takes a move towards the process with the personal interest or benefit. Even at the negotiation of the terms and conditions of services, the staff looks at how much the university will take care of his/her needs and how the placement makes him gain from the deal.

On the other hand, in deontology approach, all people have obligations that are not negotiable. The verb “deontology” is derived from Greek word “*deon*”, meaning duty. The theory recognizes that there are actions which are morally obligatory no matter what the consequences. According to Ongong’a and Akiranga, the concept of duty is free of the concept of good, and that actions are not justified by the consequences.¹⁸

¹⁷ Cf. Odera Oruka, Henry, *Ethics*, Nairobi: Nairobi University Press, 1990, 41-47. Cf. also Fedler, Kyle D., *Exploring Christian Ethics – Biblical foundations for morality*, Kentucky Westminster: John Knox Press, 2006, 15-17.

¹⁸ Work Ethics for Lecturers: An Example of Nairobi and Kenyatta Universities, op. cit. 11.

This theory as presented by Kaptein and Wempe puts emphasis on rights, obligations and justice.¹⁹ Thus, one is able to claim the rights and duties accompanying them. Deontological theories highlight duties that must be observed irrespective of their consequences: thus legitimate rights must be respected and unjust actions or behaviour forbidden. The universal principles under deontology are: ‘Do unto others what you would have them do unto you’ and ‘Don’t do to others what you would not like done to yourself’. This is the famous golden rule. This implies equal treatment for equal cases which results in justice. Ongong’a and Akaranga argue that justice implies ‘equals ought to be treated equally’ and ‘unequals ought to be treated unequally’,²⁰ thus the concept of fairness.

In discussing rule-deontological theory, we cannot avoid to make reference to Kant Immanuel who maintains that moral rules are based on pure reasoning instead of intuition, conscience or the consequences of action.²¹ This explains why Kaptein and Wempe comment that all the moral rules can be traced to a general rule which Kant called the Categorical imperative, which states that the general principle should be utilized to evaluate the concrete rules of action.²² As such if the procedures and policies are in place to guide the planning or motivating the staff, then they should not be flawed at any cost. The University Management Board through the Human Resources Manager therefore ensures that the procedures are followed consistently to comply with the procedural justice. Nevertheless there have been cases where some academic staffs

¹⁹ Kaptein, Muel / Wempe, Johan, Three General Theories of Ethics and the Integrative Role of Integrity Theory, *SSRN Electronic Journal* 2002, DOI: 10.2139/ssrn.1940393, 10-11.

²⁰ Work Ethics for Lecturers, *ibid.* 17.

²¹ Kant Immanuel, *Groundwork of the Metaphysics of Morals* (trans. & ed. M. Gregor), Cambridge, UP, 1998, 34.

²² Three General Theories of Ethics and the Integrative Role of Integrity Theory, *op. cit.* 14.

have complained that although their entry point was similar; their colleagues were placed in higher levels for reasons best known to the management. This already compromises the theory of justice: fairness in handling a case of the equals unequally.

Another ethical theory is teleological approach. The word “teleology” is derived from Greek “*telos*” or “*teleos*” meaning an end. Thus, teleology refers to final causes. In ethics, teleology refers to the evaluation of human conducts in relation to the ends it serves.²³ The theory posits that an action is good if the consequences are good and desirable and bad if the consequences are bad. Thus the consequences become the yardstick for judging outcomes or actions. Namagembe and Ntayi observe that in this theory actions are taken to be right or wrong only in terms of their ability to bring about desired ends.²⁴ Thus the management guided by teleological position takes ethical decisions basing themselves on the consequences of the processes be it motivation, compensation, retention, promotion or separation. Does the promotion of an academic staff in a given faculty bring desirable results to the university or students? If it does, then do so as per the procedures that the deontological advocates for. As such the theories should be applied complementarily, thus avoiding issues of unfairness in the management of the academic staff.

In addition, there is the theory of utilitarianism whose main proponent is Jeremy Bentham (1748- 1832). The word is derived from “utility”, which has to do with the uses or benefits that one gets as a result of an action. Kaptein, Wempe and Oruka Odera opine that the criterion of judging actions or deciding is the welfare of all/ society or the

²³ Ibid., 2

²⁴ Namagembe, Sheila/Ntayi, Joseph M. Individual Ethical Orientations, Ethical Sensitivity and Professional Conduct of Academic Staff in Universities in Uganda, *International Journal of Economics and Management Sciences* Vol. 1, No. 6, 2012, 56-64 (57).

common good.²⁵ Ongong'a and Akiranga maintain the decision is ethically correct if it yields the greatest good or benefit to the most people.²⁶ The theory purports that actions ought to be judged on the basis on total costs and benefits to the society. Consequently, any decision that benefits the majority should be followed religiously.

Under the utilitarian theory we compare foreseen solutions and so determine which choice is ethically suitable and beneficial for the most people. In the case of the planning, recruiting, placing, developing, compensating, appraising and retaining of the academic staff in universities in Kenya, is the good of the whole society the underlying reason? The Management of the universities are challenged to bring the values emanating from utilitarianism: common good, outward looking, benefits for all to permeate in the management of the academic staff. For instance, is the contract of an academic staff who has committed a scandal be terminated or not? Does leaving the person in the university affect many people? Is the going beneficial to the whole university? These are some of the questions the management interrogates if ethics is to come into play in the processes that affect the well being of the staff and the entire university. The following section looks at the main management processes which need to be permeated with ethics in the day to day operations.

2.3.1 Management of Academic Staff

Management of academic staff in this article entails processes such as planning, recruitment and selection, training and development, retention and appraisal of performance. These processes are based on four principles of human resources management which, according to

²⁵ Three General Theories of Ethics and the Integrative Role of Integrity Theory, op. cit. 14. Also refer to Oruka Odera, H, *Ethics*, Nairobi: Nairobi University Press, 1990, 41-47.

²⁶ Work Ethics for Lecturers: An Example of Nairobi and Kenyatta Universities, op. cit.

Okumbe and Teklemariam, govern the human resources management²⁷. These include the following:

- Human resources are the most important assets that an organization has for its success.
- The success of any organization is easily achieved if the policies and procedures are closely linked with the achievement of the organizational objectives and specific plans.
- The corporate culture and the values, organizational climate and managerial behaviour that come from the culture have an influence on the achievement of excellence. This means that it is the work of the manager to ensure that workers accept and adopt the values.
- There is need for continuous effort to achieve integration such that all members of the organization are involved and work together towards a common purpose/goal.

Looking at these principles in the light of the different ethical theories one realizes that the management of the institutions must keenly ensure that values, organizational culture and the idea of common purpose (good) are the centre of the management of the staff. The principles therefore form the basis on how to implement all the processes that affect the academic staff in the universities in Kenya. The section highlights the processes showing how ethics comes to play for the good of the individuals and the entire university community.

²⁷ Okumbe, Joshua, A. *Human Resources Management: An Educational Perspective*, Nairobi: Educational Development and Research Bureau, 2001, 3. Teklemariam, Amanuel, *Human Resource Management for Educational Practitioners in Africa*, Nairobi: CUEA Press, 2009, 7.

2.4 Planning

The planning for the academic staff as the most important human resources in the universities in Kenya is often the priority to the human resource manager. Armstrong Michael defines human resource planning as determining the ‘human resources required by the organization to achieve its strategic goals’.²⁸ He continues to say that the planning is based on the belief that people are an organization’s most important strategic resource.²⁹ From this definition, planning for the academic staff would mean finding out how many staff are needed in each university to comply with the Commission for University Education lecturer-student ratio of 1: 25. Academic staff planning is based on the belief that they are important in dealing with core business of a university: teaching, research and community engagement.

Planning for academic staff at the university needs both quantitative and qualitative aspects, which means answering two basic questions: first, how many people, and second, what sort of people? According Teklemariam Amanuel, A., the planning is important in determining the required man power in a location, retaining highly skilled staff, managing an effective downsizing program, preparing the next generation of managers³⁰. Thus the management is expected to determine the number of academic staff to march the jobs required to be done for the achievement of educational objectives at the universities. This means that one should find out exactly how many staff would be required in a given situation at a particular time. Such a process enables the management to avoid cases of ghost academic staff. This may result in unethical prac-

²⁸ Armstrong, Michael, *A Handbook for Human Resource Management Practice*, London & Philadelphia: Kogan Page, 2006, 363.

²⁹ Ibid.

³⁰ Teklemariam, Amanuel, A. *Human Resource Management for Educational Practitioners in Africa*, op. cit., 22.

tice when the non- existing staff are included in the pay roll to benefit some unscrupulous individuals.

2.5 Recruitment and Selection

Universities recruit academic staff that can handle students at different levels: diploma, undergraduate and postgraduate. This therefore requires that the process is well done to attract a variety of applicants. Okumbe explains that recruitment is done after the manpower requirement has indicated that there is a need for new staff, or promotions of those who are in the system³¹. To explain further the argument, Cascio maintains that ‘recruitment is a big business’.³² If the recruitment is well done, the right candidates apply and are short listed for the positions that were advertised for. Once the pool of qualified candidates have been reached, the screening begins, the few that meet the requirements are short listed and called for interview which is the process of selection which eventually is followed by orientation and placement once the right people have been selected for the jobs.³³ The recruitment and selection need to be done with integrity and in honesty to give the opportunity to those who merit recruiting and selecting for the departments that need filling of the advertised positions. The two processes if not done in an ethical manner can easily be manipulated by unscrupulous management boards. There are cases where the advertisement is done, many people apply but because some individuals were earmarked the short listing is flawed, other applicants are disadvantaged. Thus the principle of justice must guide the processes or else the wrong people may be selected to the detriment of scholarship in the universities.

³¹ Okumbe, Joshua A., *Human Resources Management: An Educational Perspective*, Nairobi: Educational Development and Research Bureau, 2001, 57.

³² Cascio, Wayne F., *Managing Human Resources: Productivity, Quality of Work life, Profits*, Eighth Edition, Boston: McGraw Hill, 2010, 199.

³³ Cascio, Wayne F., *Managing Human Resources*, *ibid.* 201.

2.6 Training and Development

Training implies the use of systematic and planned instruction activities to promote learning among the staff. It involves the use of formal processes to impart knowledge and help employees in this case academic staff to acquire the skills necessary for them to perform their jobs as expected.³⁴ The main aim is to develop the staff to continuously equip them with skills and knowledge needed for their job. Training programmes or events can be concerned with any of the following:

- Manual skills;
- Information Technological skills;
- Team leadership or supervisory training;
- Management training;
- Interpersonal skills, such as leadership, teambuilding, group dynamics,
- Personal skills such as assertiveness, coaching, communicating, time management;
- Training in organizational procedures or practices such as induction, health and safety,
- Research and Publications
- Pedagogical skills, quality assurance issues and curriculum development skills; and
- Assessment and evaluation skills to mention but a few depending the Training Needs Assessment report.

The training and development should be organized in such a way that the needs of every academic staff are taken care of. The ethical decision making approaches must be put in place for the decisions to result in the good of the university community at large. The utilitarian ap-

³⁴ Loc.cit., 83.

proach ought to be the guiding principle to enhance the common good of the students and the staff themselves.

2.7 Appraisal of Performance

Every organization values performance evaluation to gauge if the staff meets targets to warrant the payment or increase of salary or any bonus at the end of the year. This is why performance appraisal is one of the processes that should be looked at in the management of the academic staff at the universities in Kenya. Performance appraisal according to Okumbe is ‘arriving at the judgements about an individual’s past or present performance against the background of his/her work environment, and about future potential for an organization’.³⁵ This process would only benefit the individual academic staff if the judgement is done following the principles of justice and transparency.

The appraisal is done objectively following the guiding principles such as: appraisal is to facilitate change in individual behaviour in order to achieve personal and university goals; getting factual information about specific achievement as they relate to set goals; the method used is sensitive in distinguishing effective performers from ineffective ones and method used is easily understood³⁶ by the supervisors and the academic staff. The person appraising needs to be guided by the teleological theory so that the exercise benefits the staff being evaluated towards the improvement of the operations of the university. The results of the appraisal helps the university to look on how to help the non-performance who are willing to improve while those who may affect the operations the university by non-performance would be asked to leave.

³⁵ Okumbe, Joshua A., *Human Resources Management: An Educational Perspective*, Nairobi: Educational Development and Research Bureau, 2001, 97.

³⁶ *Ibid.*, 97- 98.

2.8 Retention of Academic Staff

There is no university in Kenya that is not challenged by the issue of staff turnover. Some staff may resign because they have found greener pastures while others do so because they want to change their orientation. Whatever the case may be, the Human Resource Manager or employer should be aware of the reasons for resignation and look for possible solutions to ensure that the staff are retained. The retention of staff depends so much on how the work environment is motivating to the staff such that they feel that it would be a loss if they left the university. What would be possible reasons for staff departure? These may include: poor terms and conditions of service, low staff morale, unfulfilled expectations, dissatisfaction that may end up being unethical issues in themselves.

In deciding to retain staff, care should be taken that it does not bring unfairness where some negotiate for better terms and promoted while their colleagues who have not considered resigning are left in their current levels. To maintain the staff related issues such as compensation, salary administration, benefits, safety and health programmes,³⁷ among others must be organized.

Compensation entails cash payments, indirect payments in form of benefits, and other forms of incentives to motivate the staff to work towards maximum output in the respective duties.³⁸ Cascio posits that compensation programme could include wages and salaries and benefits such as health insurance, paid leaves, compassionate leaves, and employee staff development scheme, and pensions.³⁹ In the Staff handbook of University of Nairobi and CUEA Staff manual echo the list and

³⁷ Okumbe, Joshua A. *Human Resources Management: An Educational Perspective*, op. cit., 97- 98.

³⁸ Ibid. 134-140.

³⁹ Cascio, Wayne F., *Managing Human Resources*, 413. Also Daft, Richard L., *New Era of Management*, op. cit., 130.

add tuition waiver for members of family, provident fund, out of station allowance, subsistence allowance, per diem⁴⁰ among others. How does the university gauge that one is justified to get a given benefit? This requires that policies to this effect are put in place; evaluation of the job is done so that there is equity in administering the different forms of benefits or pay.

Connected to retention are to other issues such as promotion, grievance and discipline and procedural justice and ethics⁴¹ in academic staff relations. The promotion criteria for academic staff⁴² are well stipulated in the Commission for University Education. Each staff is to be made aware of the requirements so that as they apply for promotion they do not feel that they are unjustly left out in the process. Care needs to be taken not allow some kind of favouritism set in during the promotion procedures. The guidelines must be followed to the letter.

On procedural justice and ethics in the academic staff relations, fairness of the procedures used in the managing cases that affect the staff must be consistent so that there is no element of biasness. Even when due process is being applied, the university management ensures that it is strictly followed: prior warning, opportunity for explanation of oneself, timeliness observed, impersonality, consistency and right to appeal⁴³ given. The ways the processes and procedures are handled motivate the academic staff to move on.

Furthermore, the administration of the benefits and promotion process ought to be done faithfully in line with the principles of justice, fidelity, non- maleficence and beneficence. There should be fairness,

⁴⁰ University of Nairobi, *Staff Handbook*, Nairobi: University of Nairobi Press, 2006, 15. Also refer to The Catholic University of Eastern Africa, *Human Resources Policies and Procedures Manual*, Nairobi, CUEA Press, 2018, 31-34.

⁴¹ Okumbe, Joshua A., *Human Resources Management: An Educational Perspective*, Nairobi: Educational Development and Research Bureau, 2001, 204.

⁴² Commission for University Education Kenya,

⁴³ Op. cit. 209.

equity, ensuring that everything is done to avoid causing harm to the academic staff as they go about carrying their duties. The harm being referred to includes emotional, psychological or socially.

2.9 Academic Staff Separations

Dealing with the human resources is at times quite tricky given that people have different personalities. Even family or socio-cultural background of an individual poses a challenge at the place of work. This is why some people may stay longer at one work place while another may not be ready to continue. Some staff may be requested to leave while others may decide to leave on their own. This is why it is also important that even at the time of separations, the decisions taken on an academic staff be guided by ethical decision making.

Separations according to Teklemariam and Okumbe include mandatory or voluntary retirement, redundancy, and resignation, termination of service, dismissal and death.⁴⁴ The university management may find it easy to deal with voluntary and mandatory retirement or resignation by a staff because the benefits are well stipulated in respective university staff handbooks. However, it becomes a challenge if a staff is to be dismissed or contract terminated especially while the staff perceives that due process is not followed, this can be disastrous if the staff opts to sue the university. This is why ethics should be the guiding principle in all the decisions that are taken when separation occurs.

⁴⁴ Teklemariam, Amanuel A. *Human Resource Management for Educational Practitioners in Africa*, 83. See again Okumbe, Joshua A., *Human Resources Management*, 210-214.

2.10 Principles of Ethics and Management of Academic Staff

Research highlights some ethical issues for universities that may justify the need to look at how the principles of ethics would be integrated in the management processes. Silvia Puiu and Ogarca Radu enumerate: fair treatment, academic freedom, competence, plagiarism, teacher-student relationship, discrimination, conflict of interest, truth, honesty and respect⁴⁵. Such issues are also reported in Universities in Kenya, this is why there is the introduction of code of ethics to most of the universities in Kenya to prevent occurrences.

It is observed by Koch that codes of ethics are based on ethical principles but they in themselves are insufficient to guide our practice-due to ethical conflict and dilemmas⁴⁶. Ethical principles guide people depending on the context or profession that one is engaged in. The principles include justice, autonomy, beneficence, fidelity and non- maleficence. The Syracuse University explains that the five principles have guided many professions.

2.10.1 Justice

Justice means being fair and that is why Daft asserts that justice approach to decision making is based on standards of equity, fairness and impartiality.⁴⁷ As such academic staffs who are similar in a decision that is likely to affect them must be treated similarly. The principle is appli-

⁴⁵ Puiu, Silvia/Ogarca, Radu F. Ethics Management in Higher Education System of Romania, 2nd Global Conference on Business, Economics, Management and Tourism, 30-31 october 2014, Prague, Czech Republic, *Procedia Economics and Finance* 23, 2015, 599-603, 600.

⁴⁶ Koch, Shane D., Ethics and Ethical Decision Making, Rehabilitation Institute Illinois University at Carbondale, Slide share, retrieved on 26th October, 2018.

⁴⁷ Daft, Richard L., *New Era of Management*, op. cit. 133.

cable in all the processes of management of the academic staff in universities in Kenya. When promoting or appraising the staff, fairness ought to be practised to ensure the guidelines are consistently followed so that the staffs are treated against the same standards. If this is done no complaints may arise that their colleagues are judged differently. Deontological approach must form the basis of fair treatment removing any trace of partiality in the process.

The fair deal must also be practiced in the training and development of the staff. Let us take the scenario where there are a number of staff in need of development through staff development arrangement, there should be modality in the way the training needs are identified and priorities set. This ensures that each staff benefits from the scheme without discriminating any staff. This implies that justice needs to influence all the processes such as remuneration and allowances, motivation, promotion, leave and holidays. To ensure fairness in the appraisal of the staff, every staff is subjected to the same tool for appraisal/ evaluation. Justice therefore presupposes objectivity in the way the academic staff is evaluated.

The promotion criteria that the Commission of University Education, Kenya spelt out and adapted by individual universities promote fairness in the deal. However, there is need to caution the managers that there are cases where some of the set down rules may not apply. In such cases, then the decision should be based on utilitarian approach so that it benefits most people in the university. The dilemmas must be resolved.

2.10.2 Autonomy

Autonomy refers to one having right to act as a free person. The principle of autonomy according to Rwiza is the basis of the 'dignity of human person'⁴⁸ and thus implies the recognition of the dignity and

⁴⁸ Rwiza, Richard N., *Ethics of Human Rights. The Africa Contribution*, op. cit. 41.

uniqueness of the human person. The principle presupposes that people are free to decide on how they want to live their lives provided what they do does not have adverse effect on others. Koch argues that autonomy gives room for individualized treatment as opposed to 'One Size Fits All Models'.⁴⁹

Consequently, every person is distinct and ought to be treated in that manner. It also gives room for involvement of the persons concerned. University management board in using this principle are able to meet the need of the academic staff at different levels. The decision taken on the processes that affect the staff must have the staff engaged so that each staff is taken as an individual although in a group of many. The academic freedom in the higher education must come to play in the way the academic staffs are managed.

2.10.3 Non-Maleficence

Non- Maleficence is a principle that is often referred in the management of health care to mean doing no harm to others.⁵⁰ The principle can also be used in universities where staff or students could be harmed psychologically, emotionally or physically. In the process of managing the academic staff, the management board should ensure that any decision taken does cause harm to any staff. It would be unethical if the decision taken brings the people concerned unnecessary harm. Let us take an example of an academic staffs who works in one campus of a university and requests to be transferred to another campus on medical ground or family issues and the management refuses to approve such a request. Such a decision could cause harm to the staff either psychologically, emotionally, physically or health wise. It is therefore important that this

⁴⁹ Koch, Shane D., op.cit.

⁵⁰ Bennet-Woods, Deb, *Ethics at a Glance*, Rueckert-Hartman: Regis University, 2005, 9.

principle guides the management and if not known, then they are supposed to be trained on ethics for management.

2.10.4 Beneficence

The term beneficence is derived from Latin word ‘*bene*’ to mean ‘well’ or ‘good’. Summers explains that beneficence simply means avoiding or refraining from harm⁵¹. Thus beneficent deeds or actions mean that the actor is morally obliged to take positive and intentional move to help others. Bennett-Woods writes that people should act in ways that ‘prevent harm, remove harm, and promote good’.⁵² Whatever is done is for the benefit of others. The principle is closely linked to the utilitarianism approach which advocates for the greatest good for the most people.

Applying this principle in the management of academic staff in universities in Kenya, requires that the management watches on the way the processes of planning, recruitment, selection, training and developing, motivating, appraising and separation are handled. Whatever, it takes, one should always try to avoid causing harm to the staff and be directed by the fact the decision taken should be for the good of the majority. For example, decision to retain renowned Professors in the universities to benefit the postgraduate students would work towards the high completion rate thus benefiting many people. The same staff would in turn be enabled to work in enabling environment so that they too feel good in the execution of their duties.

In the recent past it was reported by the media that some universities in Kenya are not honouring their terms and conditions of services as spelt out in the contracts or letters of appointments. The point in question is the remittance of the statutory deductions such as provident fund,

⁵¹ Summers, Jim, *Health Care Ethics: Critical Issues for the 21st century*, 2015, 47.

⁵² Bennet-Woods, Deb, *Ethics at a Glance*, Rueckert-Hartman: Regis University, 2005, 10.

National Social Security Funds, National Health Insurance Fund to mention but a few. Although we recognize that the universities are going through hard financial times, such decisions cause harm to the staff and so ought to be avoided at all cost.

2.10.5 Fidelity

The principle of fidelity entails being faithful and this is in line with the explanation of Bennett-Woods that fidelity implies being faithful to what was promised, doing what is expected of us, performing duties and being truthful.⁵³ What does the academic staff in the universities expect concerning the management of the processes that affect them? They expect to be respected as human beings and experts in their area of specializations; compliance to the standards and procedures/policies; payment of their salaries in good time; faithfulness to the terms and conditions of service among others.

When the management in the implementation of the procedures and policies says one thing and does the other, the staff gets disgruntled and loses the morale of performing their respective duties thus affecting the day to day operations. The management therefore is challenged to be keen on how they carry out what they promised they would do or else it becomes unethical. This principle could simply be summarized as ‘walk the talk’.

2.11 Ethical Dilemmas in Management of Staff

As one endeavours to manage the academic staff in the universities there are a number of ethical issues and dilemmas. One single process may be clouded with a number of dilemmas. Becker posits that ethical

⁵³ Ibid., 12.

dilemmas are 'situations in which two or more values are in conflict'.⁵⁴ These mainly emerge in human resources, customer confidence, conflicts of interest, and the use of corporate resources⁵⁵ as observed by Trevino and Nelson. For instance, conflicts of interest may occur when objectivity is compromised, there are corrupt deals, bribery, kickbacks for securing a position, lobbying for one to be recruited to mention but a few. Ethical dilemmas are most difficult when they combine several of operation areas.

According to Murage, Sang and Ngure, unethical issues such as nepotism, sexual harassment, discrimination and bribery, and selection of employee who do not have the right knowledge skills and ties⁵⁶ among others are situations that result in ethical dilemmas. These issues can affect performance of the individual academic staff and that of the entire university. This is why Mathenge argues that human resource dilemmas are the most common type of ethical issues at work and they generally involve fairness in working relationships.⁵⁷ He cites examples of ethical issues such as discrimination, favouritism, harassment, work-life balance, inconsistencies in pay or discipline, or simply how people get along to mention but a few, are areas where ethical dilemmas may arise. Ethical dilemmas calls for critical analysis of pro-

⁵⁴ Becker, Wendy S. Ethics in Human Resources: An Exercise Involving New Employees, *Journal of Human Resources Education*, 26 (4), No. 4, Fall 2010, 26.

⁵⁵ Trevino, Linda K. / Nelson, Katherine A., *Managing Business Ethics, Straight Talk about How to Do it Right*, 5th Ed., John Wiley & Sons, 2010, 115-132.

⁵⁶ Murage, Sarah N./Sang, Anne/Ngure, Susan, Ethical Issues in Recruitment, Selection and Employee Performance in Public Universities in Nyeri County, Kenya, *International Journal of Business and Social Science*, Volume 9(2), February 2018, 195.

⁵⁷ Mathenge, Donatus Githui, Ethical Considerations in Human Resource Management in Kenya, *Theory and Practice, Public Policy and Administration Research*, www.iiste.org, Vol.1(4), 2011, 9.

cesses of academic staff management to ensure that only that decision that benefits all is taken. The university management is therefore challenged to make deliberate effort to ensure that they mitigate the occurrence of ethical issues that may compromise effective management of academic staff. Thus the principles of ethics that have been discussed in the previous section should guide the processes of management of academic staff in the universities in Kenya.

2.12 Conclusion

From the discussion it is concluded that ethical decision making theories and principles if applied in the management of academic staff in the universities in Kenya would help sort out many ethical dilemmas that face the management. Ethics integrated in the management of academic staff ensures that all decisions regarding their well fare are made to benefit the individual and the universities. Such decisions may work to boost the working environment where justice, care for each staff, faithfulness, and the good of all permeate every academic staff management processes. Ethics in academic staff management should become a concern of every university as each considers the implementation of code of ethics and ethics charter.

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TEACHING ETHICS WITH SPECIAL REFERENCE TO HIGHER EDUCATION

Najjuma Oliver Babirye

3.1 Introduction

Teaching ethics appears not to have been as urgent before as it is today⁵⁸. We are living in a globalized world where the traditional local influence of society on the young is dwindling very fast. Parents, teachers, and the local community as a whole have been rendered redundant by science and technology. Young people appear to be more taken up by such international events as football and other games. Worse still, however, they are adversely influenced by what they learn from films, documentaries, TV and radio presentations, newspapers, and other forms of mass media. Some activities such as betting have led many to unnecessary fights, misusing money, among other types of misbehavior. A good number have misused even school fees in this manner. Other types of copied misbehavior include homosexuality which is becoming rampant and uncontrollable in certain societies.

The biggest issue of concern here is the rapidly changing mind-set. In African traditional societies, mind-sets were formed by traditional

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methods of education. Education is a vehicle of values. As such, African stories, for instance, which deeply influenced the young and formed them into morally upright and responsible citizens are now overtaken by events. The youth have no time for them, yet they are the backbone of moral life. These African stories depict characters that are immoral and they suffer because of this and those that are morally upright and greatly benefit from it. The purpose of this is to help the youth copy the upright and look down upon the immoral. This important lesson has been reversed. Today, the influential films and other forms of mass media tend to award those who misbehave, thus making the youth adopt wrong characters as their role models. In the final analysis, the new generation ends up being a misguided society. It is due to this that this paper considers the teaching of ethics not to be only important but also urgent.

Although such questions are bothering people today and have become a cause of concern, they are still worth teaching. We may need to observe that this concern is from antiquity. We may also need to remind ourselves that there is no subject which is free of controversy. The history of philosophy indicates ages such as Ancient Greek Philosophy, Medieval Christian Philosophy, the Renaissance Period, Modern Philosophy and Contemporary Philosophy. Within these ages different concepts and views are born, grow and fall into decadence but philosophy remains: all of them are philosophizing, philosophy is the common denominator. Similarly, there are different views on ethics, but ethics remains. When we consider the extreme of thinkers who tried had to undermine values in favour of science and technology, for instance, we also find a variety of concepts, positions, schools of thought, among other discrepancies. All the same, science and technology retain their meaning and status. This applies to ethics as well. Whether one talks of Meta-Ethics, Normative Ethics, or Applied Ethics, one is still talking about ethics. Basically, ethics is life. Human life is not mere biology. Human beings are rational and moral beings. This is what distinguishes

them from other beings. Most important, this is what characterizes humanity. All human beings, be they scientists, theologians, philosophers, or any other trade share this in common. In a nut-shell, therefore, teaching ethics means accomplish human life.

Within this historical background of philosophy, ethics, as a branch of philosophy, has developed into different branches and sub branches. These include meta-ethics with such sub branches as moral realism and moral anti-realism. Normative ethics has deontology, consequentialism and virtue ethics as its sub branches. Finally, applied ethics covers medical ethics, environmental ethics, business, ethics, information ethics and legal ethics as its branches. The paper presents these branches and sub branches and then discusses their application to education.

3.2 The Background Systematic Categorization of Ethics in Philosophy

There is no doubt that the mind-sets of the young today are changing at a serious speed, this is not only in the higher institutions of learning but right from the families and the society at large. This is due to the fact that the young are so much influenced by science and technology plus the reality of a globalized world. This concern reveals the need to teach ethics. By using the conceptual tools of meta-ethics and normative ethics, discussions in applied ethics can be resolved. For example, the issue of abortion mainly falls under applied ethics since it involves a specific type of controversial behavior. However, it also depends on more general normative principles, such as the right of self-rule and the right to life, which are the tests for determining the morality of that procedure. It is worth noting that the same issue also rests on meta-ethical issues which deal with the origin of rights and the kind of beings entitled to have rights. It is for such reasons that this paper emphasizes the teaching of ethics in higher education.

The field of ethics involves systematizing, defending, and recommending concepts of right and wrong behavior. Philosophers usually divide ethical theories into three general subjects. These are meta-ethics, normative ethics, and applied ethics. Meta-ethics investigates where the ethical principles come from, and what they mean. It focuses on the issues of universal truths, the will of God, the role of reason in ethical judgments, and the meaning of ethical terms themselves. Normative ethics takes on a more practical task of arriving at moral standards that regulate right and wrong conduct. This may involve articulating the good habits that we should acquire, the duties that we should follow, or the consequences of our behavior on others. Applied ethics involves examining specific controversial issues, such as abortion, infanticide, animal rights, environmental concerns, homosexuality, capital punishment, or nuclear war.⁵⁹ In other words, normative ethics enquires on how people should act. Applied ethics focuses on how people should take moral knowledge and put it into practice. For Meta-ethics the question is about the meaning of ethical concepts like rights, justice and morality.

We are living in the world that attaches different meanings to the same things such as values, rights, justice and even ethics. There is a need, therefore, to subject these concepts to careful and responsible scrutiny for the common good. This need can best be addressed by ethics. Once ethics in its broadness is taught to the young it will not only form their character, it will also enrich the society at large since these are the future leaders. Leadership is often mistaken for only the occupation of political positions. This paper extends the concept of leadership to all institutions and sectors of life. Each responsible citizen is a leader

⁵⁹ Fieser, James, "Ethics" in: *The Internet Encyclopedia of Philosophy*, <https://www.iep.utm.edu>, 2018.

in his or her own way. To achieve this objective, ethics can be taught in three branches and their sub-branches.

3.2.1 Branches and Sub-branches of Ethics

Meta-Ethics

Meta-Ethics is concerned primarily with the meaning of ethical judgments, and seeks to understand the nature of ethical properties, statements, attitudes, and judgments and how they may be supported or defended. A meta-ethical theory, unlike a normative ethical theory does not attempt to evaluate specific choices as being better, worse, good, bad or evil; rather it tries to define the essential meaning and nature of the problem being discussed. It consists in the attempt to answer the fundamental philosophical questions about the nature of ethical theory itself. In seeking to understand the ethical judgements Meta-ethics investigates whether these judgments are factual statements, capable of being literally true or false. The category of meta-ethics which deals with this is called cognitivism. Meta-ethics investigates also whether the ethical judgements are commands or expressions of attitude, capable of only greater or lesser appropriateness or efficacy. Non-cognitivism is the category of meta-ethics behind that search. Cognitivism focuses on whether the facts to which they claim moral judgements to correspond are discovered from experience or whether they occupy a different realm, as mathematical facts. Non-cognitivists, in contrast, argue that moral judgements are not fact-starting, they ask if they signal our feelings or commitments or are imperative of conduct. Other questions concerning moral judgements include whether they are subjective or objective, and how they are connected to motivation.⁶⁰ Moral realism and moral anti-realism are regarded as the main views of meta-ethics.

⁶⁰ Edwards, Craig John, "Peter Railton," in: *The Routledge Encyclopedia of Philosophy*. Vol. 1 (London: New York 1998).

- *Moral Realism*: moral realism is a kind of metaphysical thesis about the nature and status of morality and moral claims. A realistic view about ethics presumably asserts the existence of moral facts and true moral propositions. Moral realism, is committed to moral facts and truths that are objective.⁶¹ It is a cognitivist view in that it holds that ethical sentences express valid propositions and are therefore truth-apt. Moral realism entails ethical naturalism and ethical non-naturalism as its main types.
- *Moral Anti-realism*: Moral anti-realism holds that there are no objective moral values. It is explained in three forms. The first form is ethical subjectivism. This depends on whether ethical statements are believed to be subjective claims. The second one is non-cognitivism. Here the ethical statements are not considered as genuine claims at all. The third one is moral nihilism or moral skepticism. This regards ethical statements as mistaken objective claims.

Normative Ethics

Normative Ethics is the branch of ethics which is concerned with establishing how things should or ought to be, how to value them, which things are good or bad, and which actions are right or wrong. In other words, Normative Ethics deals with judgements about what is good and how people should act. It attempts to develop a set of rules governing human conduct, or a set of norms for action. It is the study of what makes actions right or wrong, what makes situations or events good or bad and what makes people virtuous or vicious. Normative ethical theories are usually divided into three main categories. These are deontology, consequentialism and virtue ethics.⁶² Before looking at these catego-

⁶¹ Brink, David O., *Moral Realism and the Foundations of Ethics*. (Cambridge University Press 1989), 14.

⁶² Fieser, James, op., cit.

ries it is important to note that what normative ethics offers can be of great use in forming the character of the youth who find themselves completely taken up with whatever pops up in the media, their surroundings and other situations.

- *Deontology*: the term deontology is from the Greek word *deon* which means duty. This approach of ethics emphasizes the rightness or the wrongness of actions themselves, regardless of the consequences of those actions. It claims that decisions should be made bearing in mind the factors of one's duties and other's rights. For deontologists, acting morally involves the self-conscious acceptance of some rules or constraints that place limits both on the pursuit of our own interests and on our pursuit of the general good. The deontologists insist on the importance of moral rules, because for them the avoidance of wrongdoing is the main task of a moral agent qua moral agent, and they are also convinced that, as moral agents, we have it in our power to aim at the avoidance of wrongdoing and achieve this aim, provided only that we make a reasonable and sincere effort. We can be assured of success if we avoid doing certain sorts of things, things which are narrowly and clearly specifiable and specifiable beforehand, prior to involvement in the often overwhelming circumstances of deliberation and action.⁶³ Some deontological theories include Divine command theory, Natural rights theory, the Categorical Imperative, Pluralistic deontology, and Contractarian ethics.
- *Consequentialism*: Consequentialism, is the view that normative properties depend only on consequences. This general approach can be applied at different levels to different normative properties of different kinds of things, but the most prominent

⁶³ Davis, Nancy, in: Singer, P. (Ed.), *A Companion to Ethics* (Blackwell Publishers Ltd. 1991), 216.

example is consequentialism about the moral rightness of acts, which holds that whether an act is morally right depends only on the consequences of that act or of something related to that act, such as the motive behind the act or a general rule requiring acts of the same kind.⁶⁴ The major examples of consequentialism theories are utilitarianism and hedonism. Utilitarianism judges consequences using the standard of the greatest good for the greatest number. While for Hedonism, something good is considered depending on whether its consequences yield to pleasure and avoidance of pain. Consequentialism is sometimes criticized because it is difficult sometimes to know the result of an action ahead of time. This however does not take away the fact that it is good to think about the consequences of our action. The young need to be taught such disciplines since they can prevent some behaviors which lead to serious consequences like rape, abortion and abuse of drugs.

- *Virtue Ethics*: Virtue Ethics focuses on the inherent character of a person rather than on the nature or consequences of specific actions performed. For Aristotle a virtue is a trait of character manifested in habitual action. He emphasized with an example that, the virtue of honesty is not possessed by someone who tells the truth only occasionally or only when he/she finds it beneficial, but the honest person is truthful as long as her actions spring from a firm and unchangeable character.⁶⁵ The proponents of virtue ethics claim that a lifetime of practicing virtues leads to happiness and the good life, this too can apply to higher education

⁶⁴ Sinnott Armstrong, Walter, “*Consequentialism*”, in *The Stanford Encyclopedia of Philosophy*. Edward N. Zalta (ed.), URL = <<https://plato.stanford.edu/archives/win2015/entries/consequentialism/>>. Accessed on 21/11/2018.

⁶⁵ Rachels, James, *The Elements of Moral Philosophy*, 7th. Ed. by Stuart Rachels (Mc Graw-Hill, New York 2012), 159.

where by the young can be trained to live a virtuous life and thus to flourish in life. Some virtue ethical theories include; Eudaimonism, Agent-Based and Ethics of Care.

Applied Ethics

Philosophical ethics has always been to some degree applied to real life. Aristotle for example believed that there was no point in studying ethics unless it would have some beneficial effect on the way one lived his life. From 1960s, there has been a renewed interest in detailed discussion of particular issues of contemporary practical concern.⁶⁶ Applied ethics is marked out from ethics in general by its special focus on practical issues and controversies. It comprises of medical ethics, environmental ethics, and evaluations of the social implications of the scientific and technological change, as well as moral problems in society and in professional ethics. Prominent examples include: abortion, euthanasia, the protection of human and animal subjects in research, racism, sexism affirmative action, acceptable risk in the workplace, the legal enforcement of morality, civil disobedience, unjust war and the privacy of information.⁶⁷ Generally, applied ethics focuses on how people should take moral knowledge and put it into practice. As mentioned earlier it consists in the attempt to answer difficult moral questions people face in their lives. Some topics falling within the discipline include:

- *Medical ethics*: Concerning medical ethics we shall make use of Ovadia Ezra's words who stresses that: "Of the myriad of ethical debates going on in the present-day public discourse, it would not be an exaggeration to say that medical ethics raises the most intensive and vehement arguments. The rapid progress in tech-

⁶⁶ Edwards, Craig, "Roger Crisp" in *The Routledge Encyclopedia of Philosophy*. Vol. 3 (London: New York 1998).

⁶⁷ Frey, R.G. and Wellman, Christopher Heath, *A Companion to Applied Ethics* (Blackwell Publishing co. 2003), 1.

nology and bio-technology has far outstripped parallel progress, if there be any, in either moral or legal studies. It seems that by the time that ethical discussion, buttressed by legal considerations, grasps and is able to deal with a medical issue—one that is usually on the frontier of scientific discovery—technological progress has already flung us forward into more complicated or acute issues.”⁶⁸ What Ovadia is emphasizing is that technology progress has resulted to so many dilemmas in the medical world. Some of the issues he focuses on are; mercy death or killing, donating or selling organs, genetic engineering and reproduction. Regardless of these dilemmas, it’s important to note that medical ethics has its values which are worthy of teaching not only to those in medical schools but to the society at large bearing in mind those in higher education too. These values include; Beneficence, this states that, a practitioner should act in the best interest of the patient. Non-maleficence is the second one and it appeals to the medical personnel to avoid doing harm to the patients. The third one is Autonomy, this states that, the patient has the right to refuse or choose their treatment. Justice too comes in to settle issues concerning the distribution of scarce health resources, and the decision of who gets what treatment. Regarding dignity, there is a concern that, both the patient and the practitioner have the right to dignity. Honesty too is considered in the context of truthfulness and respect for the concept of informed consent.⁶⁹

- *Environmental Ethics*: Environmental Ethics consists of several principles. The first one is the human-centered environmental ethic, this claims that environmental policies should be evalu-

⁶⁸ Ovadia, Ezra, *Moral Dilemmas in Real Life; Current Issues in Applied Ethics*. (Tel Aviv University, Israel 2006), 51.

⁶⁹ Fieser, op. cit.

ated solely on the basis of how they affect humans. The second is called Animal-centered ethics, this does not count only humans as morally considerable but non-human animals as well; it includes all animals in its scope. It claims that many of the things which we do to the natural environment do affect non-humans adversely and this must be taken into account. The third one is the Life-centered ethics which emphasize that the class of living things includes more than humans and non-human animals; it includes plants, algae, single-celled organisms, viruses and, it is sometimes suggested, ecosystems and even the whole biosphere itself. A life-centered ethic counts all living things as morally considerable, although not necessarily of equal moral significance.⁷⁰ Generally environment ethics encourages humans as rational beings to be conscious and respectful as they utilize the environment.

- *Information Ethics*: Information Ethics investigates the ethical issues arising from the development and application of computers and information technologies. It is concerned with issues like the privacy of information, whether artificial agents may be moral, how one should behave in the info sphere, and ownership and copyright problems arising from the creation, collection, recording, distribution, processing, of information.⁷¹
- *Business Ethics*: Much attention was not paid to business ethics before as it is in the recent years. Business ethics is the study of how ethics and business are connected and the analysis of ethical decision making in commerce. One may wonder whether business and ethics can be connected at all. Some presume that

⁷⁰ Robert, Elliot, in Singer, P. (Ed.), *A Companion to Ethics* (Blackwell Publishers Ltd. 1991), 284-287.

⁷¹ Fieser, op. cit.

business refers to a purely economic activity, which is less important for others. This is not the case in recent years, the development of business ethics as an academic discipline has involved going beyond simple connections between ethics and business. There is a great deal of work being done on developing a set of conceptual frameworks, theories and ideas in which we shall value creation and trade.⁷² Business ethics is both normative and descriptive; it describes and evaluates individual and cooperative behavior and practices that managers and corporations ought or ought not to engage in. It also evaluates the role of government, law and public policy in affecting business, both nationally and in international trade. Most of the youth are involved in business, some even get their fees from such endeavors. Therefore there is a need of learning business ethics in order for them to work effectively and to know which kind of businesses are worthy of involvement.

- *Legal ethics*: Legal ethics is the minimum standards of appropriate conduct within the legal profession. It is the behavioral norms and morals which govern judges and lawyers. It involves duties that the members owe one another, their clients, and the courts. Respect of client confidences, candor toward the tribunal, truthfulness in statements to others, and professional independence are some of the defining features of legal ethics. Legal ethics can also refer to the study or observance of those duties or the written regulations governing those duties.⁷³

Sometimes the ethical issues in applied ethics are treated in isolation, however, it is important to note that if they are discussed in the context of some more general questions which have been the preoccupations of

⁷² Frey and Wellman, op. cit., 537.

⁷³ <https://definitions.uslegal.com/l/legal-ethics/>

philosophers, they can yield best results. Some of these general questions include; how should humans see the world and what is our place in it? What is the good life for the individual? What is the good society? In relation to these questions, applied ethics involves discussions of fundamental ethical theory, including utilitarianism, liberal rights theory and virtue ethics.⁷⁴ Some of these we have already discussed them while dealing with normative ethics hence emphasizing the need of teaching these three branches of ethics in higher education.

Apart from the issues mentioned above the public offers a lot of issues which are also worthy considering, these include, ethnicity or gender in relation to discrimination, cultural understanding and toleration, not forgetting the issues of interest also to political philosophy, such as terrorism and war. In all these matters applied ethics does not only supply a personal ethical perspective, but it provides guidelines for public policy. Applied ethics takes professional ethics too as its area of interest, it examines the ethical dilemmas and challenges faced by workers in the health care field and by a wide range of workers in other professions including lawyers, accountants, managers and administrators, people in business, police and law confidentiality, truth-telling, or conflicts of interest may arise in any of these areas, and most professions seek to codify their approaches and provide guidance for their members. Therefore those in higher education given a chance can benefit a lot in applied ethics since these are future professionals.

Concerning the research in applied ethics, ideally it starts from a perceived problem and is motivated to find a solution to that problem. A research program is often inspired by technological progress, for it is this that has placed ethical considerations at the heart of many areas of public debate. Other appropriate areas where ethics impinges on practical inquiry include, the ethical implications of the human genome pro-

⁷⁴Edwards, Craig, "Peter Railton," in *The Routledge Encyclopedia of Philosophy*. Vol. 1 (London: New York 1998).

ject, the ethics of confidentiality, insurance in relation to AIDS or inherited disease, the care of the elderly, homelessness, and mental illness.⁷⁵

- *The Application of Ethics in Education*: Susan Illingworth identified three different approaches to teaching applied ethics, these are pragmatic, embedded and theoretical. The pragmatic approach is based around regulatory bodies and codes of conduct. The embedded approach involves reflective practices like, drama, role plays and narratives. The theoretical approach distinct from pragmatic and embedded methods places an understanding of moral theory at the heart of ethics learning and teaching.⁷⁶ This third approach presents the real-life situations in terms of the application of that theory and if such a method is used it can give guidance to students on how to approach some real life situations.

When it comes to the application of normative ethics into higher education there is a need to use the results of the philosophical thought, that is, the factual inquiries about human beings, the psychology of learning, what education should be and the dispositions it should cultivate plus the reasons for cultivating them. Besides that, the basic normative premises about what is good or right, the basic factual premises about humanity and the world should be put into consideration. R .M. Hare stimulated interest in ethical education with his view, in *The Language of Morals*, that what is important is that children should learn the form of morality so that they may find and embrace a set of moral principles of their own. Other prominent moral theorists followed his lead generating a debate largely defined by the tensions between

⁷⁵ Edwards, Craig, "Brenda Almond" in: *The Routledge Encyclopedia of Philosophy*. Vol. 1 (London: New York 1998).

⁷⁶ Illingworth, Susan, *Approaches to Ethics in Higher Education: Teaching Ethics across the Curriculum*. (Philosophical and Religious Studies Subject Centre, 2004), 10.

Kantian and Aristotelian views. Kurt Baier and others took positions sympathetic to Lawrence Kohlberg's conception of moral development as a sequence of stages towards mature moral reasoning. Resisting both moral indoctrination and treating the child's intuited values as authoritative, they advocated instruction in moral reasoning that would enable a child to become morally autonomous or able to identify and apply rationally acceptable moral principles.⁷⁷ The topics that dominate current debate include curricular multiculturalism; university neutrality in the face of injustice or political controversy; university-business partnerships and other arrangements that may compromise academic integrity; the proper management of student life in the face of sexual harassment and violence, alcohol and drug abuse, and racism.⁷⁸ All these activities entail ethical judgment. This is where we need the application of meta-ethics.

3.3 Conclusion

From this general analysis there is no doubt that teaching ethics in higher education plays a big role in upholding morality among the young. As mentioned earlier, the youth have a lot of distractions that take away their attention from the ethical concepts like values, obligation, responsibility, choice, and others. The cure to these distractions is rooted in ethics, as one can see from the branches of ethics and ethical theories. These provide the ethical principles that help to distinguish between right and wrong conduct, thus giving people a moral compass. In the current globalized world, this moral compass is a big requirement. Teaching ethics, therefore, fulfills this human requirement.

⁷⁷ Edwards, Craig, "Randall R. Curren" in *The Routledge Encyclopedia of Philosophy*. Vol. 3 (London: New York 1998).

⁷⁸ Ibid.

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B

**RESEARCH ETHICS
AND BUSINESS, FINANCE**

ETHICS OF SELF-RELIANCE - A CHALLENGE TO THE AFRICAN CHURCH AND PEOPLE FOR RESPECT, HUMAN DIGNITY AND SELF-WORTH

Obiora F. Ike

4.1 Introduction

We start this reflection by stating that poverty is not God determined⁷⁹. Poverty is man-made. If we wished, we could reduce and eradicate poverty, hunger, malnutrition, disease and provide affordable and peaceful environments for all peoples within this globe - within a decade, simply by the force of values and ensuring that ethical ingredients drive our actions. It is time to do the right things rightly because it is ought that they be so done for the common good.

This contribution serves the common purpose to learn from each other and to focus on one agenda – namely the task for the self-understanding of the Christian churches and the community of believers in Africa for increased self-reliance in their governance structures, judicious management of their natural and human resources and the distribution of their temporal and spiritual goods. This would signal to the larg-

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er world that the people and Churches of Africa are at the forefront of leading by example and being the Light of the World and Salt of the Earth (Mathew 7). It is also a sign of its growing maturity and self-worth.

History records show that from the 15th century trade on human beings as slaves, Africans have suffered intolerable exploitation of their human and material wealth. This business of slave trade happened for near three hundred years, depopulating the continent, depriving a people of their most important assets, setting the clock back for the progress and development for Africans and killing millions of its sons and daughters in the bowels of the trans-Atlantic slave trade for centuries. The slave trade was immediately followed in the early 19th century with colonialism – a system of forced conquest of people and territory – all in the interest of the usurper and colonizer.

These acted above and out of every natural or human or even divine law - intimidating, killing, maiming and denigrating all known fundamental respects to rights, dignity or self-worth of the colonized with the false notion of civilization. It extremely exploited and robbed the people of their identity and natural wealth in still unimaginable and unfathomable wickedness – difficult for words to express. This unparalleled thievery in human history and the imposed denial of all basic rights upon the African peoples is still cause for the under-development of the continent. The time has therefore come for the search and required introspection necessary for the African church and its peoples, to see in the philosophy of self-reliance, an ethical attempt to reclaim their respect, human dignity and self-worth.

The global environment of the 21st century offers some space for the African Churches and its peoples to think of ways to reclaim their fundamental rights and dignity by asserting their ability to authentic identity through a certain self-reliance on the economic, social, political and cultural areas of collaboration.

It is time therefore, looking at the biblical insights and the challenges which theology offers for any persecuted people, to understudy the urgency of a Christian community and Church that believes in, and works for Justice and self-reliance for its people. The proclamation of faith in the One God of Heaven who made all people in his own image and likeness, therefore equal in dignity, identity and humanity makes this search and vision possible.

The African churches and its peoples are called to promote self-reliance through care for the environment and creation at a time of climate change and its challenges. There is urgent insistence on the need for the protection of basic freedoms and the religious rights and free conscience of peoples through the prophetic function of education, teaching, witnessing, practice, sharing values and practicing the law of Love within the Churches and amongst the people “made in Gods sacred image” (Genesis 1:26).

The basic Laws of most States including the United Nations are guided by values and norms to protect common interests one of which is that “Human dignity shall be inviolable”. This fundamental principle, rooted in many African traditions as is also found in other religions as well as in Christian tradition offers moral obligations which call people to do the right thing because it is right to do so. This includes the right to move from a beggar and constantly begging and dependent Church to self-reliance and self-sustenance.

Already, the vision, values and Mission of Christ which agenda is open-ended and limitless, without borders and eternal is now joined by the Africa Union Agenda 2063. It corroborates the United Nations Sustainable Development Goals Agenda 2030 and the self-understanding of the African peoples themselves.

It seems appropriate to presume that one of the expectations of this reflection is on how we can specifically offer some solution to the legitimate quest for the self-reliance of the local Churches and Societies

within the African continent, moving away from the already mentioned symptoms of stigma of coloniality mentality; alienation, lack of identity and self-worth and age long dependence on external agencies and institutions to the vision and reality of post-conciliar Second Vatican Council (1962 -1965) which challenged the Christian faithful to become more subsistent and self-reliant Christian communities along the examples found in the early Christian Church (Cf. *Acts of the Apostles*, Chapter 2, ff).

This agenda is summarized in those beautiful words of St. John's Gospel: "*The Word took flesh and dwelt among us*" (John I: 14). It is the taking flesh of faith in Christ (incarnation) in a particular place, culture and amongst people, still remaining authentically Christian and truly human and Africans. This world view and theology empowers and liberates people – offering people the possibility to realize that poverty is not God determined but man-made. If we wished, we could reduce and eradicate poverty. Poverty, hunger, malnutrition and want could be overcome within a decade if the right things were done.

4.2 The Gift – Africa's Blessings and Tremendous Assets

I mention as starting point a truism which I believe you know well but I feel some joy each time to repeat it: Africa is the cradle of humankind – "and there is some atom of Africa in each person" according to a recently widely publicized document of the German Government titled: "*Africa and Europe – A new partnership for development, peace and a better future*".

The continent is rich with vast agricultural and land resources and potentials to feed all its peoples. Looking at the size, this is a landmass three times the size of Europe and 85 times the size of Germany, consisting of 54 independent countries and is home to over 3,000 ethnic groups and communities, distinct cultures, languages, landscapes and

countless religious faiths.. In concrete terms, afro-optimism insists that an Africa without hunger is possible.

Nature has blessed creation with abundance and it has blessed the continent of Africa. Scientists, philosophers, economists and simple people know this. There are plenty of resources, natural, human, spiritual, technical and mental to take care of all. The continent is home to 15 per cent of global oil reserves, 40 percent of gold reserves, 80 per cent of platinum metal reserves and has the largest expanse of agricultural land in the world (African Development Bank documents, 2015). In addition to its richness in resources is the tremendous asset of its young population, with cultural diversity, entrepreneurial spirit, innovative power and great untapped potential in the areas of renewables and agriculture.

The Churches and faith communities share cultural and religious diversity which bring joy, life, meaning and values into the African space. Churches have always played a pivotal role in providing social services, especially in the areas of education and health. They reach people even in places where no public institutions or systems exist. Religious groups are strong in defence of human rights and development and raise their voices exposing corruption and social injustice even at risk of persecution.

A McKinsey study makes concrete forecasts for year 2025 on Africa, showing doubling of manufacturing output, 2.1 trillion USD in household consumption and 3.5 billion dollars in business spending. In the last few decades, there have been some positive developments: *“the gross domestic product has increased fivefold since 1990, child and maternal mortality has been reduced by half, and 80 per cent of all children today attend primary school”* (McKinsey Global Institute (2016), Lions on the Move II).

But there is unfortunately, the equivalent amount of greed, wickedness, sin and powerful agents who do not wish for a world for every-

body. This is so when we consider our Youth, caught languishing on the waters of Mediterranean sea as migrants and being pushed by circumstances, feel rejected by all – both at home and abroad.

God gives abundant life and resources to his whole creation, including humanity. Christians as followers of Jesus Christ and churches as the body of Christ participate in this abundance of God's gifts with talents of human resources and manifold mobile or fixed assets in land, forests, real estate, institutions, capital, including the assets of church-related organisations (CROs) such as schools, hospitals, farms, training centres, microfinance institutions, women's associations, universities etc. What we have done with all these gifts?

Are they being effectively used?

Therefore, we need a new partnership in development co-operation where a coalition is built around those who believe that poverty is not God determined. We are challenged to take a stand on the side of on-going struggle for the eradication of the structures of disease, hunger and ignorance.

4.2 The Challenge

Africa "*rise up and walk*"! (John Chapter 5). This is the challenge, words found on the lips of Jesus Christ and addressed to the lame man on the pool side of Siloam in the New Testament to help himself and not live in helplessness. These words are addressed to the African peoples in Church and Society with even greater vigor today so that that they do not continue to wallow in self-pity, lethargy, apathy, unrealistic and unrealistic bogus claims, dishonesty, adulation and a perpetual dependency syndrome.

Look around you and you discover the manifest situation of many people in our lands, frustrated, homeless, facing wars and displacements, dejected, brutalized, abandoned, disillusioned and rendered poor in every sense of the word. They are hungry, exploited and naked, homeless

and many of them die young. Statistics on the African continent state that 40,000 children die daily due to lack of the basic means of livelihood. The contextual statistics would be most challenging, thus, the phenomenon of crime, 'boko Haramism', terrorism, kidnapping and brigandage into negative actions which has become the bane of our society.

At the Berlin conference of 1884/85, European greedy nations gathered together to take what does not belong to them and thus split up the continent drawn with a ruler on a table, dividing peoples, cultures, relations and peoples without taking into account the history and the consequences of these actions – just for the sake of naked power, greed for resources and utter neglect of all the noble principles which guide civilised humans.

By denying the people their right to self-determination for over hundred years of colonialism which just came at the end of over three centuries of slavery – the lowest point in human savagery (selling fellow humans as merchandise), an era of suppression, paternalism, humiliation and exploitation has been entrenched and continues to this day. This past historical reality has caused many conflicts and wars and which continue to the present day, thus the problems of today have their roots in this past European intrusion. *Learning from this history today means assuming responsibility for a common future grounded on justice, equity, freedom and reconciliation.* Europe and the west owe Africa, but what do we say of what Africans do to themselves?

Worldwide, cases of corruption abound. Poverty increases alongside wealth and many die young. There is constant news on abuse of resources and its depletion; of lack of transparency and the growth of nepotism, mediocrity, unethical dealings, or just indifference to the world around us. What is our role in all of this? How do we bring this reality closer in view of rising depletion of resource, climatic changes, disasters such as floods and acid rains, global warming and lack of access to required knowledge and adequate funds to make things better? How do we

build bridges across cultures, religions, sectors to ensure stewardship as a Gospel value? And the bottom line is this: Building a bridge from the reality to the ideal requires a plan.

In many African countries, corrupt elites still have too much influence. Elites who prefer to channel their money abroad instead of investing it locally, who decide to sell their arable land and fisheries instead of using them to feed their own population, who let multinationals exploit the countries natural resources without creating domestic value chains. The many gifts received imply a great challenge and calls for acceptance of principles of Solidarity with those in need; promotion of the thinking around subsidiarity which is self – help; responsible management of available resources to avoid waste and recycle them; rejection of lifestyles that are superfluous and mundane to our vocation and identity.

International corporations are also falling short in many areas. They do not meet local environmental and social standards and compliance regulations where they do business and extract minerals and resources. Large amounts of money are lost through the illicit financial flows, tax avoidance and irregular practices that deprive a continent and its people their wealth and development (*cf. Final Paper of the High Level panel on Illicit Financial Flows from Africa of the AU/UN, 2015*).

There is still much poverty in churches and CROs, in Africa which urgency implies a need to decrease dependency from donations and to increase income from professionally managed assets. This include the mismanagement and abuse of church resources e.g. by corruption. Improved asset management is urgent for the sustainable continuation and expansion of the mission and tasks of the churches and CROs. It is also a key element for African Dignity, the motto of the All Africa Conference of Churches All African Conference of Churches (AACC).

In addition, women and minorities are often excluded in many cases although the skills and abilities of all people are needed. No society can afford not to use the potentials of half of its population. The women of

Africa hold the key to the continents future in their hands. They must also be able to use that key.

The aforementioned document on a Marshall Plan with Africa mentions large sections of the African populations, especially in sub-Saharan Africa *who suffer from a political culture that does not define “government” as a duty to serve the common good but as the right to help yourself.* This aberration deprives everyone, particularly the youth of Africa of their future.

4.3 Our Mandate

Our mandate has its roots in the Gospel of Jesus Christ to *“Go into the whole World and proclaim the good news”* (Matthew 28:19). *“I came that they may have life in abundance”* (John 10:10). *“The spirit of the Lord has been given to me for the Lord has sent me to Good news to the poor”* (Luke 4:18). The Lord Jesus Christ in his life challenged the people of Israel to self-help. A good example is the miracle at the lake of Galilee with the multiplication of loaves. He made the disciples *‘not to send the people away into the desert in search of food’* but to give them food themselves by helping locate a young lad who had five loaves and two fishes. This symbol was enough for the Lord to perform the miracle of the multiplication and feeding of five thousand people, not counting the numbers of women and Children.

It is our responsibility as Christian leaders of society to encourage the empowerment of people, which leads them into self-reliance and allows them to shape their destiny. Such strength helps people to understand the underlying causes of poverty and to organize themselves for purposeful activity. Positive empowerment is based on solidarity and mutual respect and strives for an equality of relationship, which it may never fully achieve. This is the real challenge facing the world and the Church, for how can we see people die daily of hunger for food, unemployment, curable diseases, illiteracy and ignorance, ill-health, inade-

quate housing and horrendous poverty without realizing their God given destinies and talents? The challenge and mandate in the language of Vatican II is to “*see the signs of the times and translate them in the light of the Gospel*” (GS I, 2).

Taking into consideration, the fact that any discussion about self-reliance revolves around the proper use of power which is the ability to achieve purpose and bring about change, we do underscore our utter rejection of a system which creates and encourages poverty in order to practice charity. The New Testament repeatedly attests to the paradoxical inter-relationship of power and powerlessness. “*He has sent me to bring the Good News to the poor, to proclaim liberty to captives, sight to the blind to set the downtrodden free and to proclaim to all the Lord's year of favour*” (Luke 4:18-19).

The long tradition of Christian Ethics and Social Teaching has always advocated the *empowerment* of poor and marginalized people, a theology completely consistent with the Gospel by empowering the less privileged to become equal and responsible citizens. *No genuine authority can be based upon the powerlessness of those who are subject to it.* In fact, political and economic situations challenge poor people to effect changes in their own lives by engaging the oppressive structures and social situations that has kept them dependent. “*God helps those who help themselves*”.

What we experience in the Arab world and in other places of tumult and uprising currently is somehow related to the relocation of power to the people against years of oppression, injustice and tutelage. There comes a time when people can and must say “No!” to subjugation as an attempt to recreate their destinies wasted by elite that denied them their rights and suppressed it. The exodus phenomenon is the historical presence and action of God alongside the marginalized, a paradigmatic approach which captures the present situation and mood of the Nigerian people.

In the words of a Vatican diplomat to the UN: “*if the process globalization which is taking place in our world is to be truly human, it requires the construction of a truly global community where concern for all especially the weakest is uppermost*” (cf. Archbishop Renato Martino, Vatican Diplomat and Nuncio, *Speech to the UN*, 1977).

4.4 Some Solutions towards Self-reliance of the African Church and Society

It has been said often but bears repetition here: “*There is not ONE solution, ONE plan, ONE best way of responding to the challenges that Africa faces today*”. There are many ways but the first step is in values driven leadership where Africans must first of all help themselves first.

The African Church Assets Programme ACAP of AACC and Globethics.net, supported by Bread for the World, is a very important effort and contribution to these goals. The handbook on Assets management for the Church in Africa is a concrete tool for church leaders, finance and asset officers, pastors, lay persons and experts to develop their action plans, increase their income from assets and attract ecumenical partners, investors and governments to support the efforts of the churches and CRO for sustainability and thus also to contribute to the UN Sustainable Development Goals. The handbook is also timely as AACC with its 11th General Assembly in Kigali/Rwanda early July 2018 decides on the AACC programmes for the coming years. Responsible and sustainable assets management will certainly be part of it.

4.4.1 Ethics is Key

The subject of Ethics is in very high demand during these times as we face global challenges that need standards for human interaction and orientation, founded on values and sustainable principles that serve the common good of all people.

With the consequences of scandals at all levels in the corporate, religious, educational and overall private sectors, exposing massive abuses, gross cases of corruption, growing poverty and impunity that justifies illegality (*might is right*), there is urgent need to address an ethical orientation in the financial management of resources entrusted to our care.

4.4.2 Ethical Education

There is need for ethical education at all levels starting from the family but entrenched in the curriculum of studies of centres of learning, particularly in tertiary institutions of education, but also in seminaries and business schools. But ethical education is not enough. It must be followed by transformation from within since this is a domain that needs internal but also external co-ordination. Universal Standards that guide people through constitutions, codes, guidelines and wisdom practices become relevant.

Management of the resources of groups and religious congregations and their assets are not normally the first things religious think of in the context of their piety, mission and the practice of their spiritual lives as religious brothers and sisters. So why focus on “Economy and Mission”? The question can be put in another manner: How are you managing the responsibilities entrusted to you as a religious at every level of responsibility? And since some of these assets are material, a clear answer necessarily links the topic of Economy and Mission. In view of global climate and socio-political and economic challenges, there is a worldwide concern about the care for our resources and for the environment.

People are thinking of the future in ways that was some years earlier presumed as certain. Religious life is moving from the global North to the global South after several years of dominance and presence of the centres of religion and political dominance in these centres. Just like a well that watered other countries and farms in the past, it is clear that the

North must let go so that the younger mission countries find their own sources, resources, and personnel to thrive and grow new fruits. It is a difficult task to let go, therefore several discussions are happening about the Future and the responsibility all of us have for this Future. Pope Francis has called all to become Good Stewards. The simplest way to formulate this question is to ask the following to the brothers and sisters: “How do you start your day? Do you have any plans? Or do you just wake up in the morning and watch the day pass by, waiting for things to happen? And the Religious are specially invited to raise awareness about the importance of good stewardship, become better stewards in areas of competence and serve Christ better.

Let it be said – Many Church leaders, theologians and pastors live in a reality that is often far removed from our ideal. *“When we discuss finances, we talk about our lifestyle and the way of living together and therefore, in particular about the credibility of our religious life. And at the same time we reflect upon the way in which we establish our mission [...] the importance of our vocation to be close to the poor”* (Brother Lawrence Obiko, Superior General of the Brothers CMM, at the International Meeting Accountable Brothers – Good Stewardship in Brothers CMM, October 9th to 21, 2016; ISSN, 1877-6256, p.4).

Permit me to begin this reflection with a statement made by the Blessed Michael Eneja, Bishop of Enugu 1978 -1996 who addressed religious and priests in Nigeria with these words: *“We as individuals and groups need to be efficient in financial management. Our system must be clear, orderly and transparent. Our reports must be punctual and regular. One must not be satisfied that one is honest to oneself. This is no longer enough. One must also prove that one is honest before others and the Law. It is not just the casual statement “it is between God and me”. In these days, it is the question of “between others, the Law and me”.* Church stewardship on financial management is a dimension of

integral Development. It is the relevance of the link between body, mind and soul and a call to faithful followership.

4.4.3 Stewardship

The goods of this world have been given to humankind for use and responsible stewardship/management. This mandate to stewardship is grounded in sound reason and common sense and is justified in all cultures, traditions and religions. For Christians this mandate is at the origin of creation in the Book of Genesis chapter one: “*subdue the earth and fill the earth*”. True stewardship therefore involves and revolves around the following themes with implications for:

- Preservation of the *trust* delegated to humankind;
- The guarantee of *justice* in the distribution of goods;
- The promotion of the *common good*;
- Search for the restoration of *human dignity*;
- The practice of the *principles of subsidiarity, solidarity and accountable lifestyles*;

The good Shepherd has taught us: “*not only in this life, but even in the next shall each person be held accountable for deeds, misdeeds and omissions (Mathew chapter 25)*”. And this portion shows that the accountability shall be based on Truth, Justice and Charity. Self-reliance implies stewardship which is realised through proper planning, budgeting, monitoring, and evaluating development and projects as stewardship “*Failing to Plan is planning to fail*”. This is an old adage and is useful for each Planning group of person.

The Lord teaches in the Gospel of Luke 14. 28 -33 to plan and budget properly. The adage is “Look before you Leap”. Planning is an intellectual process, the conscious determination of courses of action, the basing of decisions on purpose, facts, actual situations and considered estimates. Planning could be ad-hoc, short term, medium term, or even long term depending on the project and problem in view. The ad-

vantages of planning are many including offsetting uncertainty, minimising costs or wastes, facilitating control, keeping objectives in view. Good planning under normal circumstances leads to successful results.

4.4.4 Co-ordination and Collaboration Skills

Co-ordination calls for mutual proper assessment of targets and goals aligned to expected results. The leaders ensure communication and knowledge of skills, respect, trust, understanding and team work among the stakeholders of a project. Faithful to our mandate to witness to Jesus Christ in our lives and in His Church, the responsibility of co-ordination of various projects and persons responsible for execution appears as the mandate to stewardship and preservation of the goods given to our care. Co-ordination can be internal or external but always implies that the right people be appointed for the right jobs. We call it “putting square pegs in square holes”. It implies ability to maintain a strong communication link among the activities in a particular project in order to get the desired goals and objectives achieved according to plan. Therefore the regular training of the agents and sharing of experiences of projects is critical for success.

4.4.5 Self-reliance - Christian Social Teaching en route

The universal quest by man created in the image and likeness of God (Genesis 1: 27) for a better world founded on the biblical injunction to “subdue the earth and fill it” (Gen 1: 28) living in full equality, dignity and integrity, prompted this reflection on the linkage of Church and self-reliance.

Due to the lack of knowledge by people, including Christians of the profound teachings contained in the Social Teaching of the Church since Pope Leo XIII’s Encyclical letter *Rerum Novarum* on the conditions of the working classes and the call for their liberation, just treatment and just wage, the magisterial office of the Church has continued to inundate the world and the Faithful with statements, guiding principles and teach-

ing that guarantee a proper understanding of socio-economic and political-cultural realities. These realities are founded on sound reason, common sense and the injunctions of faith. We as African theologians, Christian Faithful and ministers of the Word are also called to reflect on these teachings in the light of our own peculiar faith experiences and circumstances of life with the purpose of drawing from their insights, deepening them in our thoughts and further elaborating upon them with our background and context in view.

4.4.6 Christian Principles Call for Personality and Subsidiarity

This sharing today draws upon some of these age old wisdom and guiding principles, thus, their presentation in a brief summary here. Pope John XXIII described the Church as “*Mater et Magistra*” (mother and teacher) in his Encyclical letter which bears this title, stating very strongly that this “Catholic social Doctrine is an integral part of the Christian conception of life” (MM 222). He suggests that these principles are of universal application, for they take human nature and the varying conditions in which man's life is lived into account.

The principles also take into account the principal characteristics of contemporary society, and are, thus, acceptable to all (Cf. MM no 220). Pope John XXIII, therefore, recommends that there is urgency for the study of the Social Doctrine of the Church. “*Such teaching must be extended by regular, systematic courses in Catholic schools of every kind, especially in seminaries. It is to be inserted in to the religious instruction of parishes and of association of the lay apostolate. It must be spread by every modern means at our disposal: daily newspapers, periodicals, popular and scientific publications, radio and television*” (MM 224).

This call, which since then has been interpreted to mean prophetic challenge in view of the events of human history since 50 years of its publication, faces us more in the particular churches of Africa and our developing nation. With the document *Populorum Progressio* Pope Paul

VI in 1968 gave the world a clear teaching on the link of development and progress, Church and self-reliance, culture and society. In fact, he called development the ‘new name for peace’ and urged that every effort be made to bring humanity to the awareness and authenticity of their true self, identity, skills, ability and resources which in essence is authentic and sustainable development. *True development is not infrastructural; it is the building of the human person and his integrity and personality according to the mind of God.*

The linkage of Church and self-reliance is a theological concept, expressed since apostolic times and engraved even in the nature of the family and the system of economic enterprise, particularly agricultural production in antiquity before the emergence of industrial capitalism. In the word of Pope John XXIII, “*it is not enough merely to formulate a social doctrine. It must be translated into reality. And this is particularly true of the Church's Social Doctrine, the light of which is truth, justice its objective and love its driving force*” (MM226).

Grieved at the wanton misery and suffering into which increasing majorities of our people are condemned to live especially their economic dependence, there is need for the leaders of the people to realize that “*failing to plan is planning to fail*”. Therefore, in an effort to free ourselves from the present situation of dependency we acknowledge the need to recognize our potentials and limitations in order to achieve the desired self-reliance. Over ambition and undue expectations are part of the problems which make people “*build castles in the air*”. Several resources have been wasted in unattainable projects. The Church is called to lead by modest example to sustain this drive and its ministers must commit themselves to carry out this mission in educational campaigns for justice and peace for all our people.

4.4.7 Self-reliance also Implies Solidarity

The quest for self-reliance is not an attempt at rebellion, or an exercise in isolation. The Church can attain self-reliance in those areas

where she can do things for herself, seek reasonable assistance from external bodies on those things she cannot support herself and pursue the wisdom which states that subsidiarity does not exclude solidarity in the search for the Common Good. Our belief is based on the fact that we have several values in our religious, theological, cultural and social ambient which teach us the proper use and management of resources. These correspond to the wisdom of our ancestors who became rich by saving and harnessing the little they had. In our context and with the added advantage of knowledge and experiences of what works elsewhere, the management of local resources and the belief in our ability to sustain and survive assumes the dimensions of a Gospel initiative. It is imperative to accept this challenge and serve the people to redirect their values so that we learn to “*cut our coat according to our size and cloth*”.

Given the socio-political conditions in our various churches and countries today, the Church's growth and development of the faithful has been adversely affected without much needed resources. The seminaries and religious houses still lack adequate accommodation. Many parishes especially in the rural areas do not have the access and adequate resources required for mission work. Infrastructure much needed for development are lacking as our road network, housing, energy and power supplies for industrial development is below average and constant outage of electricity a common occurrence. As a result, we still have to depend upon external assistance on a wide range of areas.

We realize that funds emanating from external sources may have some ‘strings’ attached and may not continue for long, in fact are rather diminishing. *Donor agencies have developed a gradual ‘aid fatigue’ and there is a direct call to recipients to be on their own.* We urge ourselves and other Non-governmental organizations including our local Church to prepare for this probable development. At a meeting in Kumasi, Ghana of the Bishops of West Africa, concern and focus was given to matters of sustainability and self-reliance, showing that the bishops

are resolved to move from a receiving (begging) Church to become a self-sustaining and rather giving Church.

Our people are brilliant with realistic ideas, planning and methodology skills which are foundations for the proper participation of all persons as productive ingredients in the attempts towards self-reliance. The contributions of the Laity in resources management needs to be constantly encouraged and not be neglected. The laity have a wealth of resources, decision making systems and management competency skills that serves the need of the Church and their locality. Their participation is critical and Laity remain the major untapped resource in our Churches.

4.4.8 Development Cooperation-Lessons for the Global North and the South

In a growing global environment with migrations, influences and interconnectedness on economic, cultural, social, political, technological and market/religious levels, human thinking and development models are changing and rapidly too. Whereas populations and youthful religious vocations move to the global south, aging populations and wealth stay in the global North calling for all round paradigm shifts. In a paper I delivered in 1997 at Enugu for Justice and Peace co-ordinators of the Catholic Church of Nigeria and co-organised with Misereor on the topic: "Development strategies and Financial Management of Projects", CIDJAP publications, 1997, pp. 15 to 20, co-edited with Willy Kawohl and Emmanuel Ome, I made the following points which bear repetition here:

- Development must take place in the global North and the global South simultaneously and on a reciprocal basis. This is based on the Social teaching of the Church which states that Development is integral and is needed by all. "The Goods of this world belong to all" (*Ref to Gaudium et Spes; John XXIII, Mater et Magistra; John Paul II Laborem Exercens; Paul VI, Popu-*

lorum Progeressio; Pope Francis, Spes Salvi). This means that development can no longer be understood as something that is almost exclusively necessary for the so called “*developing countries*”. Co-operative development work has to be re- defined as applicable both to the North and the South with simultaneous inter-dependent challenges.

- Co-operative Development work has to be more engaged in a just distribution. The imbalance of the distribution of the goods of the universe with statistics that show clear disparity is the bane for Economy and Mission. Whereas some have little or nothing, others have more than they need and even waste it. The world-wide prevalence of the market economy system also integrates the so-called developing countries into the world market. It is a task for Church leaders to counteract the continuing concentration of economic power in the North. The mutual aims must remain the limitations of unchecked market forces, the redistribution of power and wealth at all levels and the strengthening of local and regional structures.
- Co-operative Development Work is not only the Business of Aid/Development Agencies. Churches, Trade Unions, Missionary organisations and governments are all part of development in its broadest forms. The aim of this broad based co-operation is an improved coherence in the relationship between the Global North and the rest of the global south.
- The interdependence of the problems of the North and the South demand specific strategies for their resolution. Changes can be realised by targeted measures that have positive effect on global problems affecting all. Examples include justice questions such as access to Trade and Markets; preventing capital flight from poor countries to the global banks in the north; reduction of

carbon dioxide emissions and balancing the overuse of the planet's resources through greening of the environment of the south, etc.

- The Problems of the North and the South are interlinked. Some of the problems currently existing in the global south have their origins in the structures and rules prevalent in the *global north*. These include: environmental issues; health problems, cultural alienation and migrations. Many of the goals for development work in the North have relevance also for the South, such as strengthening of democratic structures, environmentally supportive food production, dealing with terrorism, etc.

4.5 Conclusion and Practical Resolutions

Aware of the enormous responsibilities facing humanity, the African continent, the Church and society, we recommend and resolve as follows:

1. To face up to the real problems and challenges of the local Church, working in unity, determination and focus and through the Holy Spirit to promote more conscientiously the mission of Jesus Christ which is summed up in the new evangelization understood as: *proclamation, dialogue, enculturation, justice and peace and the challenges of the means of social communication (Ecclesia in Africa)*.
2. *Reaffirm our desire to identify and harness the material, spiritual and human resources of our local Church for the attainment of a state of sustainable self-reliance through measurable action that integrate respect for creation and inclusion of all, especially the poor.*

3. *Acknowledge the relevance of trained personnel* in our work to sustain the training and empowerment of our personnel and calling for ongoing formation in skills and knowledge within the shores of the locality and abroad.

4. *Promote the sustenance of the use and management of funds* at our disposal as a vital issue in the attempts to attain self-reliance. It is, therefore, imperative to hold tenaciously the principle of proper accountability, honesty and transparency in the use of funds.

5. *Promote the preferential option for the poor* which calls each individual to give a weighted concern to the needs of the poor, in all economic, political and social decisions; because, it is the most impoverished people whose rights and dignity are most often violated. We affirm that we are on the side of the poor.

6. *Challenge the rascality by which Local, State, and Federal officials of government have borrowed money* to buy supplies, equipment or a house. They borrow money from private markets and international financial institutions. Individual loans are often repaid directly, but if a country borrows money, the citizens are not necessarily notified or informed of the purpose of the loan or its terms and conditions. In fact instances exist, where such loans have been used to enrich a small group of people and have been transferred to private bank accounts of government officials outside the country. We question the logic and the justice which demands repayment of debt taken thirty years ago, before many African children were born and paid to creditor nations to be enjoyed by their children who were not born when the loans were taken. Huge debt repayments places repayment before life, and a total debt cancellation is a bold gesture of the Millennium Devel-

opment Goals to usher in demand for ethical considerations that promote and enhances life for all.

7. In line with Christian Ethics, *emphasize our belief in the sacredness of each individual and in the dignity of each person.* We consider this position a criterion against which all economic, political and social systems are to be judged and all aspects of the debt situation must be measured. The erosion of common good, caused by the current debt situation demands active solutions from governments, institutions, and the Churches which assure human dignity and protect human rights.

8. *Foster education growth at all levels and in all forms and dimensions,* especially in the promotion of career and skills programmes, youth and women development and in the promotion of a theology of empowerment, which is truly Catholic and authentically African.

9. *Encourage democratic elections and challenge our people to register, vote and be voted for and develop positive interest in politics for the general welfare,* whilst supporting lay and active participation in politics. We are aware that only in the restructuring of the social order based on the principles of justice, truth and fairness can there emerge the new society of our dreams. This optimism has its source in the belief that a “*common dream is the nearest reality*” and affirm with the Bishops of Africa in the Synod our hope and belief in HIM through whom all things are possible (Luke 1:37).

10. *Work towards financial self-reliance through income-generating projects and the establishment of Microfinance banks that are properly functioning and are guided by discipline and corporate governance;* the creation of Small Projects Fund and credit revolving projects for communities and groups such as

youth, women and men to promote their efforts on a revolving basis. Such projects build up group solidarity action and workers' rights; the provision of soft loans through Christian based and NGO Pro-credit Micro finance institutions to support private initiative, social market and individual or group entrepreneurship.

11. *Engage the people in agricultural projects; skills training and vocational centers for the youth and adult education with literacy programmes for those in need.*

12. *Acknowledge the spiritual, social and human dimensions of the contexts in which we act as agents of the Good News.* There is a lot of potentiality in human, natural and material resources in our nations and Christian communities. Almighty God has blessed us abundantly. The Local Church to a large extent is already self-reliant in manpower and personnel. The Church leadership has vision and there is need for courage. While much has been achieved already with the support of the world, Church and people of goodwill, much is yet to be done.

Finally, there goes out a *call on all our people, to work assiduously for the achievement of the goal of a self-reliant Church* in our countries and societies which are mature enough to help herself do what it can and even assist others. Success in attaining self-reliance will need discipline, truth, justice, hope, patience, love and perseverance.

ETHICS AND BUSINESS

A PROPOSAL FOR A NEW COMPREHENSIVE BUSINESS MODEL

Agnes Umutesi Muhavani

5.1 Abstract

The study of ethics in the context of financial management is relatively a new and subjective discipline that can be confusing to many⁸⁰. Most people feel that ethics is governed by morality, while others believe that it's only governed by law. However, it is very important to note that some actions are legal but not ethical. In the world of business however, there is a universal consensus to deal with the biggest unethical business behavior "corruption"; a move that has attracted almost everyone's attention since Enron scandal in 2001. The purpose of this paper is to educate and transform business students, managers, and all those involved in economic development activities on the ethical core values in business. This paper serves to promote best business practices,

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as well as contribute to high ethical standards. The tools of ethics such as ethical language, rights and duties, moral rules, and common morality will be used to inculcate the collective consciousness of ethics in business. *Key words:* Ethics, Business Ethics, Codes of ethics, Organizational Culture.

5.2 Introduction

The study of ethics in the context of business management is relatively a new and subjective discipline that can be confusing to many. One fundamental question to ask is: What is really ethics? An even more specific question is: what is business ethics? Generally, discussions on business and ethical issues include integrity in business, fairness in decision-making, compliance and governance to uphold an organization's core values. The bottom line is that in the current global competitive business environment, many business institutions face a multitude of ethical issues regardless of their sizes.

The overarching purpose of this paper is to investigate the concept of ethics and its implications in business practice with a view to propose a more inclusive model of conceptualizing business ethics. The paper starts by examining the notion of ethics and the rationale for being ethical. Secondly, it investigates the concept of business ethics and the attendant issues of ethical and unethical behaviour in business with special focus on best practice in business. Finally, it reviews key models of ethics which share a similar concept in business process and proposes a more integrated model of business ethics. The overriding argument in the paper is that ethics is at the core of good business practice and that every organization must take keen interest to entrench high ethical standards in its processes.

Business ethics can be defined on the basis of its specific content and methods of dealing with this content.⁸¹ This means application to organizations and, adding to it, of the organization-related specific to requisitely holistically deal with business issues of organizations from the crucial viewpoints inside the selected dialectical systems of crucial viewpoints. Thus business ethics applies the selected content to organizations based on selected dialectical systems of viewpoints, purposes, goals, methods, methodologies, circumstances of use and characteristics of its users.⁸²

In the contemporary business environment, the ethical threshold is constantly being pushed further leading to a myriad of problems. In an alarming survey consisting of 1,300 employees and managers, 48 percent admitted to practicing some form of unethical conduct in the workplace. Poor ethical behavior can lead to business losses and embarrassing scandals.⁸³

This paper aims to help businesses implement new policies and procedures to ensure continuous ethical conduct in the workplace, allowing for improved ethical behavior. The paper also aims to signify the necessity of ethics in the enterprise and the importance of it being upheld in the workplace environment, in addition to highlighting the various areas in which ethics can be applied to in any organization, as will be later shown in the proposed new model, which will provide solutions to some shortcomings of existing models especially at the functional level by

⁸¹ Nedelko, Z., Mulej, M., & Potocan, V. 2017. How to requisitely holistically consider internal gaps of business ethic. *46*(6), 914–932. *Kybernetes*: <https://doi.org/10.1108/K-01-2017-0027sar>

⁸² Nedelko, Z., Mulej, M., & Potocan, V. 2017. How to requisitely holistically consider internal gaps of business ethic. *46*(6), 914–932. *Kybernetes*: <https://doi.org/10.1108/K-01-2017-0027sar>

⁸³ Sardy, M., Mark Munoz, J., Sun, J. J., & Alon, I. 2010. Dimensionality of business ethics in China. *20*(1), 6–30. *Competitiveness Review*: <https://doi.org/10.1108/10595421011019948>

enhancing the process stages, as well as the stakeholders' decisions or participation.

5.3 Ethics and Business Ethics: An Overview

5.3.1 The Notion of Ethics

Ethics or moral philosophy is a branch of philosophy that involves systematizing, defending, and recommending concepts of the right and wrong behaviour. Ethics seeks to resolve questions of human morality. To most people the term “Ethics” and “Morality” are synonymous.⁸⁴ Historically “Ethics”, comes from Greek *ethos* which means customs, habits and mores of people.” Morality”, on the other hand is derived from Latin word *mores* which is the equivalent to the Greek *ethos*, that is, the special do-s and don't-s widely shared and accepted as standard in a society. “Ethics” stands for the effort to force everything into universal harmonized principles, while “moral philosophy” endures colliding or incompatible values or concepts in the discourse.⁸⁵ So, philosophical ethics is the study of the existence of as well as the content of any such norm of a universal character. We can define it as the systematic study of human actions from the point of view of their, we can consider Austin Fagothey's definition: Ethics is the practical normative science of the rightness and wrongness of human conduct as known by natural reason.⁸⁶ We can consider yet another view, that, when narrowly defined according to its original use, ethics is a branch of philosophy that used to study ideal human behavior and ideal ways of being. The approaches

⁸⁴ <https://www.law.cornell.edu/wex/ethics> (Accessed 25/09/2018)

⁸⁵ Dupuy, J.P. 2005. Complexity and uncertainty: A Prudential approach to non-technology: UNESCO

⁸⁶ Austin, Fagothey, *Right and Reason Ethics in Theory Practice* 2nd Ed., North Carolina: TAN Books, 1959, 20.

to ethics and the meanings of related concepts have varied over time among philosophers and ethicists.⁸⁷

There is diversity within the conceptualization and practice of business ethics worldwide. In the same manner, in the arena of international ethics, literature suggests that ideologies and practices vary across countries.⁸⁸ This diversity of ethical beliefs and practices would probably need an in-depth understanding and customization of practices in foreign locations. Even within a country like Kenya, values and ideologies across regions can vary.⁸⁹ Accordingly, ethical management practices typically need distinctive approaches.⁹⁰ Meanwhile, with this diversity rising we are compelled to converge practices. Are there any absolutes in correct conduct? Are there limits to corruption, labor abuse, and environmental practices? With heightened globalization, there is a growing concern towards the commonality of ethical standards.⁹¹

There are many factors that could make a case for moral diversity. One factor relates to the inherent characteristics of a person or of people or individuals: individual moral systems form moral nature and behavior⁹². Moral judgments are either subject to “relativism” or “idealism”.⁹³ Individuals create selections primarily based on the situation, practical

⁸⁷ Gichure, Christine W. *Basic Concepts in Ethics: With an Outline of Different Methods in Contemporary Moral Philosophy*, Nairobi: Focus Books, 1997, 16-17.

⁸⁸ Berger, R., & Herstein, R. 2014. The evolution of Chinese business ethics. *Management*. 37(9), 778–790. *Research Review*: <https://doi.org/10.1108/MRR-06-2013-0153>

⁸⁹ Goodman, 1997.

⁹⁰ Berger, R., & Herstein, R. 2014. The evolution of Chinese business ethics. *Management*. 37(9), 778–790. *Research Review*: <https://doi.org/10.1108/MRR-06-2013-0153>

⁹¹ Kung, 1997.

⁹² Kohlberg, 1969.

⁹³ Forsyth, 1980.

tendencies, belief in what is looked as if it would be “good,” and even altruism.

When firms notice that there is a necessity to look at their moral practices and to maneuver forward proactively in this space, they invariably seek to develop at intervals their organizations artefacts that they will institute at intervals their firms to signal to any or all stakeholders, both external and internal, that they have a commitment to business ethics. Usually, they will implement a Code of Ethics as a result of its tangible artifact that may be seen and acted upon by all.⁹⁴

Ethics has its place in nearly all professional discipline: the medical profession, legal profession, accounting profession and many more. Ethics addresses the concepts of morality such as good and evil, right and wrong, virtue and vice, justice and crime.⁹⁵ Wouldn't business world be an easier place if we all lived by these simple rules?

In this era of cut throat competition in the business environment, it is important to know about business ethics and what it entails. Unethical behavior in business or business malpractices has caused losses of millions of dollars for some companies emanating from law suits.

5.3.2 Business Ethics

“*Business ethics*” also known as “*corporate ethics*” deals with organization’s internal concepts and philosophy of business. It is applied in order to examine and analyze certain ethical principles or moral problems concerning every aspect of the business environment.⁹⁶

Business ethics in organizations requires value-based leadership from top management, purposeful actions that include planning and im-

⁹⁴ Mpinganjira, M., Roberts-Lombard, M., Wood, G., & Svensson, G. 2016. Embedding the ethos of codes of ethics into corporate South Africa: current status. 28(3), 333–351. *European Business Review*: <https://doi.org/10.1108/EBR-04-2015-0039>

⁹⁵ Lynn, 2012.

⁹⁶ Simola, 2014.

plementation of standards of appropriate conduct, as well as openness and continuous effort to improve the organization's ethical performance.⁹⁷ The concept of business ethics can be difficult to instill in business practices. The complexity comes in application. It may seem so obvious but in application it becomes blurred. For example, American Medical Association which established their first code of conduct in 1847, yet the concept of "business ethics" did not become common in the U.S until 1970s.⁹⁸ Conventional approaches to business ethics have historically emphasized the development and acquisition of rational, cognitive skills associated with the appliance of ethical philosophical theories to the analysis of business ethics dilemmas.⁹⁹

The idea of a socially responsible company or one that is motivated to behave morally or ethically arose following public outrage over various business scandals.¹⁰⁰ Since early 1960s business ethics came in vogue, topic of corporate responsibility, compliance, and ethical behavior have increasingly been in the public discussion. Discussion in business ethics is necessary because business can go unethical and there are plenty of evidence on unethical corporate practices.¹⁰¹

Mpinganjira cites three trends as evidence of the growing importance of corporate codes of ethics: the globalization of markets and the need for core principles that are universally applicable; the acceptance of these codes as part of the corporate governance as illustrated by increased participation of boards in their development; and the improved ethical

⁹⁷ Salehi et al. 2012.

⁹⁸ Lynn, 2012.

⁹⁹ Simola, S. (2014). Facilitating embodied learning in business ethics education: the use of relational sculpting. 6(1), 75–97. *Journal of Applied Research in Higher Education*: <https://doi.org/10.1108/JARHE-07-2012-0019>

¹⁰⁰ Lynn, 2012.

¹⁰¹ Salehi et al. 2012.

literacy of senior managers as illustrated by the increasing sophistication of the codes.¹⁰²

All companies are now on notice that their peccadillos are getting harder and harder to hide, as the technology that has enabled the spread of globalization can be brought to bear against all companies to ensure that their alleged transgressions come to light.¹⁰³

Often business ethics is divided into three different kinds of issues; society or systemic, corporate as well as the individual issues.¹⁰⁴ Society issues are seen in business ethics as issues which are ethical questions on for example, economic, political, and legal or in other social systems in which the organizations work. Such questions could be for ex-ample, whether environmental legislation has been arranged to enhance organization's performance or whether environmental obligations are undertaken to lead to more profitability? Ethelmary and Dapper argue that Corporate issues in business ethics and ethical questions are raised especially about the company itself, such as conservation of the environment, treatment of the staff, work safety and so on.¹⁰⁵

5.4 Current Issues in Business Ethics

Presence of high unethical acts substantially hinders the inflow of foreign direct investment (FDI) to host countries, reduces the level of human capital, and destroys confidence in both public and private institutions. There are efforts within governmental, non-governmental, and

¹⁰² Mpinganjira, M., Roberts-Lombard, M., Wood, G., & Svensson, G. 2016. Embedding the ethos of codes of ethics into corporate South Africa: current status. 28(3), 333–351. *European Business Review*: <https://doi.org/10.1108/EBR-04-2015-0039>

¹⁰³ Wood, 2017.

¹⁰⁴ Ethelmary & Dapper, 2016.

¹⁰⁵ Ethelmary, D., & Dapper, M. 2016. *Effects of Business Ethics on Small Business Sustainability: A Study of Selected SMEs in River-state*, 1(I).

international organizations to fight unethical practices in international business and to establish specific guidelines to prevent bribery for example, the US Foreign Corrupt Practices Act (FCPA) 1977, the UK Bribery Act, 2010, OECD Anti-Bribery Convention, Transparency International (TI), are governments and international organizations efforts to prevent unethical practices.¹⁰⁶

In the early years of the new millennium, multinational corporations were under scrutiny from such organizations as the ILO, the OECD, the EU and the UN, who all put forward recommendations as to the minimum standards of behaviour that should be expected from these corporations.¹⁰⁷ With such a powerful group of organizations providing guiding principles for business and the ways that the largest corporations should act, then we could only but expect to have seen a diminution in corporate scandals, but sadly this hope seems to have been a forlorn one,¹⁰⁸ and in the last 5 years, large firms across the world became disreputable for their spectacular collapses and others are severely penalized by regulators for their miscreance, with, in some cases, senior managers getting custodial sentences for their components within the collapses. The list is a who's who of company success, then the discovery of malfeasance resulting in infamy.¹⁰⁹

In the current global business environment there are a growing number of ethical issues facing business organizations. These among others include fundamental issues; diversity issues; decision-making issues; and compliance and governance issues.

¹⁰⁶ Okpara, J. O. 2014. The effects of national culture on managers' attitudes toward business ethics: Implications for organizational change. *10(2)*, 174–189. *Journal of Accounting and Organizational Change*: <https://doi.org/10.1108/JAOC-07-2012-0046>

¹⁰⁷ Wood, 2017.

¹⁰⁸ Ibid.

¹⁰⁹ Ibid.

Fundamental issues that all business face are mostly integrity and trust. Every day raised question is whether business practitioners conduct their affairs with honesty and commitment to treat every customer fairly. When customers believe that an organization is exhibiting commitment to ethical business practices, a high level of trust can develop between the business and its clients.

Diversity issues this paper refers to employees hired to serve the organization. Both current and potential employees are divers in knowledge, competencies, and culture; and their differences should be respected in their work place. In business, ethical response to diversity starts with recruiting the divers workforce, enforce equal opportunity in all training programs and create a conducive environment that drive every employee to be team player. Business to succeed needs the employees to maximize their performance. Employee job fit is very important to insure the right person performs the right duty, however, unethical practice of acquiring certificates has been happening as well as unethical process of hiring. These short cuts to employment poses threat to the consumer due to the inadequate skills or limited competencies.

Decision-making issues in business arise due to diversion from the agreed processes or methods. A useful method for exploring ethical dilemmas and identifying ethical courses of action includes gathering facts, evaluating alternative actions, making decision, testing the decision for fairness, and reflecting on the outcome. In business the customer is a king and employee is the driver of business success. Business decision-making should therefore center on protecting their rights. The business owner has to make sure that business operations are fair and just.

Compliance and governance issues emanate from enforcement of laws and regulations. All businesses must comply fully to environmental laws, government safety regulations, tax laws, and applicable civil rights laws. The organization must lay down procedures on how to deal with

employees who break the law or go against the company values, policies, and procedures. The public expects the business through its executives and employees to conduct business in accordance with its business conduct policies.

5.5 The Rationale of Being Ethical

Ethics is a systematic study of human actions from the point of view of their rightness or wrongness as a means for achievement of man's ultimate happiness.¹¹⁰ When individuals call an action bad or wrong, they evaluate it negatively without committing themselves to much if anything by way of non-evaluation description. Even if calling something selfish evaluates it as bad in some way or respect, not any bad act can count as selfish; it must also involve the agent of giving a certain degree of priority to him or her over the others. So, the application of concepts seems to involve both evaluation and non-evaluation description. For example: keeping silence or turn a blind eye when you should not. This happens very often in business, and the use of the term "*Mind your own business*", a statement usually used to make individuals feel as if they have not done anything wrong. Silence occurs due to the fear of retribution, yet the only way to fight business scandals that are destroying our commerce industry is to erase the concept that "*silence is golden*" and encourage individuals to speak the truth.

The fact that businesses often try to resist the imposition of regulation on their profitable activities points to another issue for a more progressive macro-level ethics of commerce. Many unethical or otherwise undesirable business practices at the micro-level and mid-level can best be controlled not by relying on the independent ethical choices of individual agents in the economy, but by well-designed and enforced regula-

¹¹⁰ Gichure, 1997.

tions that forbid these practices.¹¹¹ A progressive business ethics might also call into question the way the standard model derives the most important duties and “social responsibilities” of managers from the property rights of owners.¹¹² It is particularly in times of corporate scandals and moral lapses that the broader public and interest groups in a corporation ask themselves the fundamental question, namely, who are corporate managers and are they ethical. It is only in the recent years that managers and researchers have turned their attention to ethics management.¹¹³ The concern for “ethical consciousness” comes at the time when the concept of leadership legitimacy is questioned and when the public’s trust in corporate governance is extremely low. Leaders ought to be a crucial source of ethical guidance for employees and should at the same time be responsible for moral development in an organization.¹¹⁴ People might think that ethics is something intimate, a confidential matter that an individual and his conscience share. How we behave, how we reach goals (as long as they are legal and legitimate), might not seem important, and some might even say that ethics has nothing to do with management.

The truth is however simply the alternative, ethics has a lot if not everything to try and do with management / leadership. And managers’ behaviour is disseminated throughout the corporations and their behavioural standards are the crucial part of a company climate, and stable culture. Leadership signifies a relation between a leader and his followers within a situational and organizational context. According to insights and research by Rost, leadership is outlined as a power-and-value-laden

¹¹¹ Norman, W. (2013). *Business Ethics*, 652–668. <https://doi.org/10.1002/9781444367072.wbiee719>

¹¹² Ibid.

¹¹³ Mihelič, Lipičnik, & Tekavčič, 2010.

¹¹⁴ Ibid.

relationship between leaders and followers/constituents who intend real changes that replicate their mutual functions and goals.¹¹⁵

Leader's character influences his ethical performance, but exclusively poor character will not totally justify ethical lapses in companies. However, it is true, that a strong character plays a very important role in effective self-leadership and in the process of leading others.¹¹⁶

Mpinganjira indicates that moral principles are fundamental to ethics. Ethical behaviour would be characterized by unselfish attributes that balance what is good for an organisation with what is good for the stakeholders as well.¹¹⁷ Thus, business ethics would embrace all theoretical perspectives regarding the ethicality of competing economic and social systems. The discussion of the business ethics dimensions is varied, depending largely on social and economic elements surrounding the organizations concerned. The view that prevails depend on the roles that organizations are supposed to play internally and in society in general. In macro-ethics, the central question is the fairness of the organizational choice of economic system and also ethical merit of the key elements of such a system.¹¹⁸

Khomba also argues that Business ethics is now generally regarded as a form of applied ethics or professional ethics, which examines ahead of time the ethical principles and issues that may arise in a business environment.¹¹⁹ It applies to all aspects of business conduct from how it

¹¹⁵ Mihelič, K. K., Lipičnik, B., & Tekavčič, M. 2010. Ethical leadership. 14(5), 31–41. *International Journal of Management and Information Systems*: <https://doi.org/10.1097/HNP.0b013e318263f2da>

¹¹⁶ Norman, W. (2013). Business Ethics, 652–668. <https://doi.org/10.1002/9781444367072.wbiee719>

¹¹⁷ Mpinganjira, M., Roberts-Lombard, M., Wood, G., & Svensson, G. 2016. Embedding the ethos of codes of ethics into corporate South Africa: current status.

¹¹⁸ Khomba, J. K. (2012). *The African Ubuntu Philosophy*.

¹¹⁹ Khomba, J. K. 2012. Business ethics and corporate governance: An African

develops, produces and delivers its products and services, to its interactions with its customers, suppliers, employees and wider society. Business ethics is widely recognized in most developed countries (as well as in emerging economies including China and India) as a social science where the study of changing social expectations of business as one vitally important element of a well-functioning society is critical to sustaining progressive economies.¹²⁰

5.6 Best Practice in Business Ethics

“*Best practice*” is the process of finding and using ideas and strategies from outside your company and industry to improve performance in any given area. Big businesses have used base practices benchmarking over the years and have realized great savings and revenues in all areas of business operations and sales. Best practice is a method or technique that has been generally accepted as superior to any alternatives because it produces superior results. It therefore becomes a standard way of doing things. It is a feature of accredited standards such as ISO 1500, and is used to maintain quality as an alternative to mandatory legislated standards, and can be based on self-assessment or bench-marking.

There is currently increasing pressure on business organizations to be ethical, in addition to running their operations within the most economical, efficient and effective manner potential to increase performance.¹²¹ Due to continually changing competitive environments, busi-

socio-cultural framework. 6(9), 3510–3518. *African Journal of Business Management*: <https://doi.org/10.5897/AJBM11.2932>

¹²⁰ Institute of Chartered Accountants Australia and New Zealand. 2013. Why business ethics matter to your bottom line. *Chartered Accountants Australia and New Zealand*, 1–16: <http://www.feal.asn.au/multiattachments/3630/DocumentName/BusinessEthics.pdf>

¹²¹ Khomba, J. K. 2012. Business ethics and corporate governance: An African socio-cultural framework. 6(9), 3510–3518. *African Journal of Business*

nesses must also find new ways of meeting competition other than the traditional ways of offering better products, or lower prices. It is important to note that modern businesses employ people with diverse backgrounds in terms of nationality, culture, religion, age, education and socioeconomic status. Each of these persons comes into the workplace with different values, goals and perceptions of acceptable behaviour. This diverse background creates ethical challenges for individuals as well as managers. Businesses have realized that ethical misconduct can be very costly not only for the organisation but also to society as a whole.¹²²

Ethics is simply *doing the right thing* when no one is watching purely on the dictates one's conscience, belief, unwritten code conversely, not doing the right thing only because of fear of getting caught. Breaking the law is illegal but breaking unwritten laws that seems natural is unethical. For instance, a mother with a sick child who is spending more money on her clothes rather than buying medication for her sick child is considered unethical. Also in health profession, doctors who consider charging fees to another doctor's patient are considered unethical.

According to the 2011 biennial National Business Ethics Survey from the Washington-based Ethics Resource Center (ERC), the percentage of employees who perceived pressure to compromise standards in order to do their jobs has increased while retaliation against employee whistle blowers has also risen sharply. Employees' cynicism regarding the tone being set from the top has similarly increased. ERC surveys consistently show that there's a very strong correlation between a strong

Management: <https://doi.org/10.5897/AJBM11.2932>

¹²² Turyakira, P. K. 2018. Ethical practices of small and medium-sized enterprises in developing countries: Literature analysis. *21*(1), 1–7. *South African Journal of Economic and Management Sciences*: <https://doi.org/10.4102/sajems.v21i1.1756>

ethical culture and lower observed misconduct. In 2011, misconduct was observed in only 29% of companies with a strong ethical culture but seen in 90% of those with a weak ethical culture. Pressure to compromise ethical standards was felt in 33% of companies having a weak ethical culture versus only 7% where the ethical culture was strong. Employees in companies with weak cultures failed to report observed misconduct 48% of the time, but only 6% of employees in companies with strong cultures didn't report misconduct they observed. Retaliation after reporting misconduct was also more prevalent in weaker cultures.¹²³

Businesses of the future recognize that there is a fundamental readjustment going on from a rules-based society to a principles-based society¹²⁴ These leaders understand the role they can play in enhancing not only business success, but overall societal well-being. They know that ethical leadership involves managers leading by example. They put strong boundaries on competitive behaviour even as they recognize that they are operating in adversarial markets. They insist on more attention to good governance rather than hiding behind outdated notions of total control.¹²⁵ They are the employers of choice because they are responding to a new generation of employees looking for organizations with a comparable set of values, and a responsible attitude towards their community. Their business models appreciate the importance of business with purpose, organizational integrity as the basis of employee engagement and satisfaction, and ethical standards as the basis for sustainability. Traditional transactional command and control leaders have given way to these transformational ones who work on culture, bring their

¹²³ Institute of Chartered Accountants Australia and New Zealand, 2013.

¹²⁴ Govekar, P. L., & Schwartz, M. 2007. The "business ethics" of management theory. 13(1), 43–54. *Journal of Management History*: <https://doi.org/10.1108/17511340710715160>

¹²⁵ Boda, Z., & Zsolnai, L. 2016. The failure of business ethics. 11(1), 93–104. *Society and Business Review*: <https://doi.org/10.1108/SBR-11-2015-0066>

people with them, instill pride in the mission of the enterprise, and deliver benefits to the societies from which they profit.¹²⁶

5.7 Proposal for a New Comprehensive Model

5.7.1 The 5M Business Ethics Model

In this section, we can follow the three phases of a modeling approach to create a replacement conceptual model for moral Business decision-making: Setting up the system, decision process, and Choice making. This conceptual model was arrived at after consulting a number of ethics models including *Ethical Decision-making Model* and the *Holistic Ethical Model*.

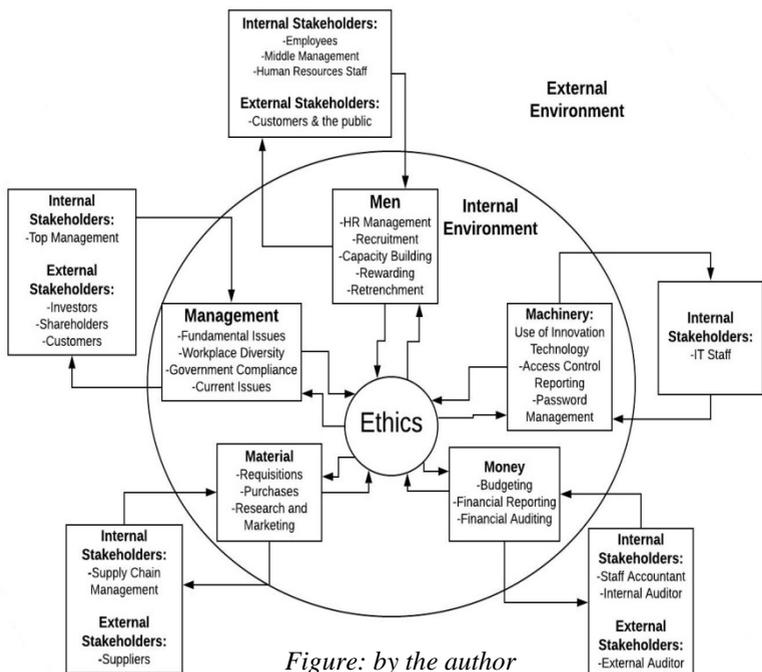


Figure: by the author

¹²⁶ Institute of Chartered Accountants Australia and New Zealand. 2013. Why business ethics matter to your bottom line. *Chartered Accountants Australia and New Zealand*, 1–16.

According to this new business ethics model, ethics becomes the center and the starting point for every business enterprise initiative for it to remain sustainable while impacting the society. This [model focuses on both Internal environment and external environment of the business. The operating processes are based on the five organizational resources “the 5M” to describe how the entity functions internally. The external environment, on the other hand, is composed of organizational stakeholders. The successful performance of a business enterprise, according to this model comes from the interactions of both environments by considering ethics as the foundation of all operational departments using all available resources as well as communication flow from all stakeholders.

This model is a culmination of two existing models – The *Ethical Decision-making Model* and *The Holistic Model of Ethics* – integrated to form a new business ethics model that can be applied to virtually any business enterprise or organization. Through the understanding and interpretation of the Ethical Decision-Making Model, which looks at ethics from the perspective of the decision-making process and stakeholder impact analysis, as well as the Holistic Model of Ethics, which analyses the framework of ethics as a virtue in everyday life, the New Comprehensive Business Model allows businesses to utilize both those aspects by making ethics a focal point in all business operations, with respect to the 5Ms (Men, Money, Material, Machinery & Management) of the enterprise.

Setting up the system: There are a variety of components already known within the literature; Davidrajuh identifies four components like laws, the market, code, and social norms, as the primitive elements of a system for moral business decision-making. Besides the four elements, Davidrajuh lists ethic as an vital primitive component enjoying the regulative role ¹²⁷; Walstrom identifies six components like social surround-

¹²⁷ Davidrajuh, 2000.

ings, legal (or government) environment, personal environment, private surroundings, professional surroundings, and work environment, as the primitive elements.¹²⁸ In addition to all these elements listed within the literature, human resource elements such as the interacting agents, managers, shareholders, etc., are conjointly primitive components of the system. Making the Connected System first we have a tendency to determine the sources (ie business opportunities from internal or external environment) and also the output of the system (ie possible choices identified via ethical processes) and the connections that exists between the elements.

5.7.2 The Decision-making Process: 5M-Sources and Output

Basically, the 5M represents the usual 5 resources in every institution namely: the human resources (Men/women), the procurement (Material), the finance (Money), the technology (Machinery), and the ultimate decision makers (Management). The sources are the external disturbances that agitate the system to come out with a desired output. Without business opportunities there won't be any business exchanges; so, business opportunities are the sources of the system. Obviously, ethical business choices are the output of the system.¹²⁹

The Connections Given below is a step-by-step formulation of the connections between the primitive components of the system: When the input (a business opportunity) is received into the systems, the legal setting and the work environment (business goals and objectives, etc.) must acknowledge the business choice as a valid one. For example, when the organization receives a business offer, the decision-making process must adhere to the ethical rules as a pre-condition acceptance to realize business exchanges. The business relationships are developed by the skilled

¹²⁸ Walstrom 2006.

¹²⁹ Davidrajuh, R. 2000. A Conceptual Model for Ethical Business Decision-making under the Influence of Personal Relationships 2. 1–22. Issues in Personal Relationship in Business Exchange.

environment of the respective corporations and stakeholders concerned.¹³⁰ Business decisions are created to strengthen profits from the business relationships. For this model therefore to bring the ultimate success the ethics guidelines and policies must be adhered to and reviewed periodically. Even though departments (resources) are encouraged to have the autonomy to control their functions, the synergy of all 5M will be felt and realized as output meet the desired standards and yields the expected revenue.

Finally, ethical business choices evolve from business selections. As Walstrom states, social environment (religious values, cultural values, and social values) plays the major role in shaping ethical business selections.¹³¹ All these values have been documented in policies and procedure manuals to be the guiding tool for decision-making process. In addition, the agent's personal ethics (might also be referred to as morality - the power to acknowledge moral problems, make ethical judgment, awareness about profit for "all the stakeholders", etc.) play a vital role.

5.8 Conclusions and Recommendations

As the economy continues to struggle, ethical behavior of those within business will dramatically impact the success of that recovery. Organizations must focus on all aspects of their ethics programs. They must have their ethical policy in action: know well how the policy is practiced, enforced, updated, and how compliance is measured and reported.

Finally, it is interesting to look at the whole ethical decision-making process, without making the distinction between recognizing ethical

¹³⁰ Davidrajuh, 2000.

¹³¹ Walstrom, 2006.

dilemmas and acting ethical. Business is a human activity, it has been and is likely to continue to be evaluated from a moral point of view.¹³²

Business organizations and managers need to behave ethically and defend their own business interests if they're to stay competitive. Especially, Small and Medium-sized Enterprises (SMEs) owners and their workers need to become a lot of educated and more conscious of the necessity for ethics in business. They need to grasp what ethics suggests that “*choose a code of ethics as a key tool for implementing business ethics in the businesses*”. Such a code of ethics should translate core values into specific commitments and expected behaviour in relation to the organization’s stakeholders.

The new comprehensive business model of ethics was developed to address two key shortcomings of current models of ethics (the Ethical Decision-Making Model and the Holistic Model of Ethics); namely, the scope of ethics, where the Holistic Model of Ethics hardly factors ethics into a variety of organizational activities, but rather depicts ethics as a framework that should be instilled in everyday life. Secondly, the neglect of ethics, particularly in the Ethical Decision-Making Model, that fails to adequately represent ethics in the decision-making process in an institution, hence facilitating the need for a business ethics model that clearly depicts how ethical behavior can be established and maintained in all key areas of an organization as well as highlight the necessity of ethics in support of the decision-making process by management.

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ETHICAL ISSUES AND CORPORATE GOVERNANCE

A REVIEW OF LITERATURE AND FIRMS LISTED AT THE NAIROBI SECURITIES EXCHANGE (NSE)

Carolyn N. Mungai

6.1 Abstract

This paper reviews literature on corporate governance and ethical issues that arise in relationships between company's management, board, shareholders and other stakeholders¹³³. Corporate governance is a complex issue which has support from different theories. This paper will focus on two theories to analyze the ethical considerations of corporate governance and existing empirical evidence. Further it provides an overview of ethical problems of corporate governance and solutions to these problems. Finally the paper will highlight on the importance of corporate governance in combating corruption.

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6.2 Introduction

Corporate governance has grown to be an important factor in managing organizations in the current global and complex environment. Corporate governance can be defined as a set of processes and structures for controlling and directing an organization.¹³⁴ Corporate governance constitutes a set of rules, which governs the relationships between management, shareholders and stakeholders'. Corporate governance is seen as structure, process, customs, policies, laws that guide companies into achieving the necessary high standards of corporate behavior.¹³⁵ That seeks to achieve the goal of the organization and manage the relationship among stakeholders including the board of directors and the shareholder. Corporate governance deals with the accountability of the individuals through a mechanism which reduces the principal-agent problem in the organization.

On the other hand Ethics means doing the right thing. Othman defined Ethics as the study of morality and the application of reason which sheds light on rules and principle, which ascertains the right and wrong for situation.¹³⁶ In corporate governance the responsiveness of ethical issues helps managers to avoid abusing power and using improper practices resulting in weird behavior. Therefore the relationship between ethics and corporate governance improves the exercise of power and renders it more transparent and credible not only to the shareholders, but also to stakeholders who include employees, clients, suppliers, trade

¹³⁴ H. Abdullah and B. Valentine, "Fundamental and Ethics Theories of Corporate Governance", *Middle Eastern Finance and Economics Euro Journals Publishing Inc.* Vol. 4 (2009): 1450-2889.

¹³⁵ Rahman Z. Othman and Shamsudin, R. F., "The Role of Ethics in Corporate Governance", *Journal Pengurusan*, Vol. 35 (2012):13-20.

¹³⁶ *Ibid.*

unions, NGOs, public opinion.¹³⁷ Good corporate governance goes beyond rules and regulations that the government can put in place. It is also about ethics and the values which drive companies in the conduct of their business. Hence, trust is established over time between companies and their different stakeholders. Good corporate governance has come to be seen as promoting an ethical climate that is both morally appropriate and consequentially appropriate in that ethical behaviour in business is reflected in desirable commercial outcomes.¹³⁸

There are several events that are responsible for the heightened interest in corporate governance especially in both developed and developing countries. The subject of corporate governance has become of interest after a string of collapse of high profile companies such as Enron, World Com which shocked the world as a result of their unethical and illegal operations.¹³⁹ In Kenya the Cytonn Corporate governance index report of 2017 indicated that Kenyan investors lost over Kshs 257 billion as of May 2016 due to increased cases of corporate governance malpractices.

According to OECD corporate governance is one key element in improving economic efficiency and growth as well as enhancing investor confidence. For a country to achieve sustainable prosperity, economic growth and social development it depends on the allocation, utilization and investment of resources. Without credible, stable and sustainable organizations, investors will not invest their resources into productive capacity and without investment businesses will stagnate and collapse.

¹³⁷ V. Dessain, O. Meier and V. Salas, "Corporate Governance and Ethics: Shareholder Reality, Social Responsibility or Institutional Necessity", *Management* Vol. 2, No. 11 (2008): 65-79.

¹³⁸ A. Armstrong, *Ethical Challenges to the Governance Practices of Corporate Leaders in the 21st Century*. In: *Third World Congress*, (14th-17 July 2004, Melbourne, Australia, unpublished).

¹³⁹ V. Lekaram, "The Relationship of Corporate Governance and Financial Performance of Manufacturing firms Listed in the Nairobi Security Exchange", *International Journal of Business and Commerce*, Vol. 3, No. 12 (2014):30-57.

Therefore without investors firms will not prosper, no economic growth, no employment, no taxes paid to government consequence no development in the country. In Kenya the Capital Markets Authority introduced corporate governance guidelines for all public listed companies in the Nairobi Stock Exchange. The corporate governance principles in the capital markets are enforced through the “comply or explain” principle mandatory for the listed companies to adopt those corporate governance practices. These corporate governance practices mainly deal with the issues of the board such as board composition, role of audit committee, separation of the role of Chief Executive Officer (CEO) and the chair. In addition, they focused on the rights of the shareholders.¹⁴⁰

6.3 Nairobi Securities Exchange (NSE)

The Nairobi Securities Exchange (NSE) is a public market for the trading of securities issued by publicly quoted companies in Kenya. NSE was founded in 1954 and is the largest securities exchange in East and Central Africa with a market capitalization of USD 20 billion in the Nairobi Securities Exchange, 2017. The Nairobi stock exchange is the Centre point of Kenya capital market; stocks are listed and traded on the exchange. The apex regulatory body is the Capital market authority. The regulation authority is under a government body the Ministry of finance and governed through the Capital Markets Authority Act Cap 485A.¹⁴¹ The Authority was established to regulate and oversee the orderly development of Kenya’s Capital markets.¹⁴² The NSE has been one of the most popular investments in Kenya in the recent past due to its high return. It has become an integral part of the Kenya economy and any

¹⁴⁰ *Ibid.*

¹⁴¹ The CMA Act.

¹⁴² NSE handbook (2006).

fluctuation in this market influences financial lives of individuals as well as corporate entities.

Presently the NSE has 65 listed firms spread across 13 sectors. Firms listed at NSE have two indexes computed daily; the NSE-20 share index which is equal weighted geometric mean for twenty large and most active stocks that represents of all sectors and the NSE all stock index which is value weighted arithmetic mean. These sectors are; agricultural, automobiles and accessories, banking commercial and services, construction and allied, energy and petroleum, insurance, investment, investment services, manufacturing and allied, telecommunication and technology, real estate investment trust and exchange traded funds.¹⁴³ Investors expect returns on their investments and given a certain level of risks a rational investor expects to maximize his returns. The firms listed therefore provide a good representation of the Kenyan economy and this enhances the general ability of studies conducted on NSE listed firms.

6.4 Statement of the Problem

Corporate governance has increasingly become an issue of important in organizations worldwide. Firms have a vital role to play in promoting economic development and social progression. Corporate governance involves a set of relationships between company's management, board, shareholders and other stakeholders. The absence of governance standards definitely leads to questionable practices and corporate failures which surface suddenly and massively.¹⁴⁴ Several studies demonstrated varying relationship between corporate governance and ethics amongst firms in the country. Empirical literature has revealed consistent find-

¹⁴³ Nairobi Securities Exchange (2018a).

¹⁴⁴ R. Nainawat and R. Meena, "Corporate Governance and Business Ethics", *Global Journal of Management and Business Studies*, Vol. 3, No. 10 (2013):1085-1090.

ings regarding the relationship between corporate governance and ethics. Corporate Governance has received increased attention because of high profile scandals involving abuse of corporate power and cases of alleged criminal activity by corporate officers. The recent financial crisis that has hit the west JP Morgan and American Insurance Group (AIG) have proved that corporate governance was the cause of the crisis. Kenya too did not escape the flurry of the world's almost financial collapse example of firms listed in NSE are Chase Bank, Kenya Airways, Uchumi Ltd and Mumias Sugar Company consistent reports on firms experienced questionable practices and corporate failure.¹⁴⁵

Therefore, there is need to establish connection between good corporate governance and ethical behavior in governance. This study seeks to investigate the relationship that exists between corporate governance and ethical issues in relationships between company's management, shareholders and other stakeholders in ownership and control of firms listed at NSE. Further, the limited studies in the area have focused mainly on developed economies. It is crucial to examine the relationship corporate governance and ethical behavior of management, board shareholders and stakeholders. In literature a number of studies have sought to investigate the relation between corporate governance and ethics. For example, study by Nainawat and Meena¹⁴⁶ show that corporate governance and business ethics work hand in hand while Othman studied the role of ethics in corporate governance.¹⁴⁷

¹⁴⁵ Lekaram, *The Relationship of Corporate Governance and Financial Performance of Manufacturing firms Listed in the Nairobi Security Exchange*, *Loc. Cit.*

¹⁴⁶ Nainawat and Meena, *Corporate Governance and Business Ethics*, *Op. Cit.*

¹⁴⁷ Othman and Shamsudin, *The Role of Ethics in Corporate Governance*, *Loc. Cit.*

Locally, Okumu conducted a study on corporate governance and firm value for firms listed at the NSE,¹⁴⁸ while Manyuru researched on corporate governance and organizational performance the case of companies quoted at the NSE, while Miring’u and Muoria did a study on analysis of the effect of Corporate Governance on Performance of Commercial State Corporations in Kenya.¹⁴⁹ Again none of these studies have focused on the relationship between ethics and corporate governance of firms listed at NSE in Kenya. Therefore the need for the study at hand, focusing on the firms listed at NSE assessing the influence of ethics and corporate governance on performance. The study findings will be invaluable to all the firms in Kenya as it will provide a benchmark on the effect ethics and good corporate governance on firm.

6.5 Objectives of the Study

The aim of the study is to assess the effect of ethics and corporate governance on performance of firms listed in NSE.

- To establish if the right of shareholders equitable treatment
- To determine the role of stakeholders on performance of firms listed in NSE.
- To find out the role and responsibilities of the board on performance of firms listed in NSE

¹⁴⁸ Okumu, F.O. *Corporate Governance and Firm Value for Firms Listed at the NSE*, (Unpublished Thesis, Nairobi University, 2015).

¹⁴⁹ Miring’u, A. and E. Muoria, “An analysis of the effect of Corporate Governance on Performance of Commercial State Corporations in Kenya”, *International Journal of Business and Public Management*, Vol. 1, No. 1 (2011) 36-41.

- To determine the role of disclosure and transparency on performance of firms listed in NSE

6.6 Literature Review

6.6.1 *Theoretical Framework*

This section reviews past empirical studies that are relevant to this research. It identifies the studies, gives the objectives of the studies, discusses and summarizes the findings.

6.6.2 *Agency Theory*

Agency Theory is one of the main anchoring theories of corporate governance structures. Crowther and Jatana State agency theory argues that managers merely act as custodians of the organization and its operational activities and places upon them the burden of managing in the best interest of the owners of that business.¹⁵⁰ This implies that management cannot be trusted hence calling for strict monitoring by the Board in order to protect shareholders' interest. In the context of corporations and issues of corporate control, Agency Theory views corporate governance mechanisms as being an essential monitoring device in ensuring that any problems that may be brought about by principal; agent relationships are minimized. The main concern of Agency Theory therefore, is effective monitoring which is achieved when Board have majority of outside and ideally independent directors. The position of Chairman and CEO should be held by different persons.¹⁵¹

According to agency theory all other stakeholders of the business are largely irrelevant and if they benefit from the business then this is coincidental to the activities of management in running the business to serve

¹⁵⁰ Crowther, D. and R. Jatana, *Agency Theory: A cause of Failure in Corporate Governance* (Aldershot: Ashgate, 2004).

¹⁵¹ Dessain, *Corporate Governance and Ethics: Shareholder Reality, Social Responsibility or Institutional Necessity, Loc. Cit.*

shareholders. This focus upon shareholders alone as the intended beneficiaries of a business has been questioned considerably from many perspectives, which argue that it is either not the way in which a business is actually run or that it is a view which does not meet the needs of society in general.¹⁵²

6.6.3 Stakeholders Theory

Freeman defined stakeholders as any group or individual who can affect or is affected by the achievement of the organization objectives.¹⁵³ Freeman continued to use this definition in a modified form he stated stakeholders as those groups who are vital to the survival and success of the organization.¹⁵⁴ The stakeholder theory advocates that management decisions should balance and satisfy the interests of all stakeholders. Fontaine contends that a company cannot maximize its value if it ignores the interests of its stakeholders.¹⁵⁵ Donald and Preston suggested that the firm is a system, where there are stakeholders and the purpose of the organization is to create wealth for its stakeholders.¹⁵⁶ This creates awareness of the important role that stakeholders play in improving firm's value.

Stakeholder theory argues that there are a whole variety of stakeholders involved in the organization and each deserves some return for their involvement. The maximization of returns is achieved in the long run through the optimization of performance for the business to achieve

¹⁵² Crowther and Jatana, *Agency Theory, Op. Cit.*

¹⁵³ Freeman, R. E. *Strategic Management: A Stakeholder Approach* (Boston, MA: Pitman Publishing Ltd, 1984).

¹⁵⁴ Freeman, R. E. "Response: Divergent Stakeholder Theory", *Academy of Management Review*, Vol. 24, No. 2 (1999):233-236.

¹⁵⁵ Fontaine, C., Haarman, A. and Schmid, S. *Stakeholder Theory of the MNC* (2006).

¹⁵⁶ Donaldson, T. and E. L. Preston, "The stakeholder theory of the Corporations: Concepts, Evidence and Implications", *The Academy of Management Review*, Vol. 20, No. 1 (1995).

maximal returns to all stakeholders.¹⁵⁷ According to stakeholder theory therefore benefit is maximized if the business is operated by its management on behalf of all stakeholders and returns are divided appropriately amongst those stakeholders, in some way which is acceptable to all.¹⁵⁸

6.7 Review of Empirical Studies

6.7.1 *Rights of Shareholders*

A shareholder is a part owner of a company and is entitled to take part in making decisions for the running of the company. When an individual or a group or persons purchase shares of a company, they become shareholders of that particular company.¹⁵⁹ Crowther and Jatana in their study state that shareholders role in governance is to appoint the directors and auditors and to satisfy themselves that an appropriate governance structure is in place.¹⁶⁰ Shareholders as legal owners of the firm are entitled to enjoy certain rights such as right to access and examine the firm's records concerning governance and financial performance. They are also entitled to access information regarding the performance or otherwise of the company as contained in its annual report at the end of every year.¹⁶¹ According to OECD of 2004 Shareholders should be furnished with sufficient and timely information concerning the date, location and agenda of general meetings, given opportunity to ask questions to the board, related to the annual external audit and propose resolutions.

¹⁵⁷ Freeman, *Response: Divergent Stakeholder Theory*, loc. cit.

¹⁵⁸ Dessain, *Corporate Governance and Ethics: Shareholder Reality, Social Responsibility or Institutional Necessity*, loc. cit.

¹⁵⁹ Securities and Exchange Commission (2017)

¹⁶⁰ Crowther and Jatana, *Agency Theory*, loc. cit.

¹⁶¹ Abdullah and Valentine, *Fundamental and Ethics Theories of Corporate Governance*, loc. cit.

Each shareholder has the right to receive dividend or surplus. Dividend amounts are determined by the corporate officers or board and not by the ownership interests of the shareholders. These amounts can fluctuate yearly based on the corporations' earnings for that year. However, corporations must pay every shareholder a dividend if they're distributing them and cannot select just a few to pay profits to and neglect the rest.¹⁶²

Shareholders have rights under both common and corporate law to participate in key corporate governance decisions, including the right to nominate, appoint and remove directors and external auditors, and the right to approve major corporate decisions.¹⁶³ Other basic shareholder rights include the right to secure methods of ownership registration, right to convey or transfer shares, the right to obtain relevant and material information on the company, the right to participate and vote in general shareholder meetings (in person or by proxy) and the right to share in the profits of the company.¹⁶⁴ Also, shareholders have the right to receive information, including about the firm's financial performance and to ask executives questions at general meetings. Crowther and Jatana affirm good corporate governance practices entail active participation of shareholders in the direct and indirect control of the company through the board of directors and an arrangement of effective checks and balances among shareholders, the board and management.¹⁶⁵

¹⁶² OECD (2004).

¹⁶³ Dessain, *Corporate Governance and Ethics: Shareholder Reality, Social Responsibility or Institutional Necessity*, loc. cit.

¹⁶⁴ Bedchuk, T., Cohen, B. and Ferrell, L. "On the Relation between Ownership Structure and Capital Structure", *Accounting and Finance*, Vol. 42 (2004):189-220.

¹⁶⁵ Crowther and Jatana, *Agency Theory*, loc. cit.

6.7.2 Role of Stakeholders

Freeman defined stakeholder as any group or individual who can affect or are affected by the achievement of an organization's purpose.¹⁶⁶ Organizations have many stakeholders these includes local communities, competitors, media, financial analysts and markets, financial institutions, voluntary organizations, environmental and consumer protection groups, religious organizations, military groups, political parties or factions.¹⁶⁷ Crowther and Jatana in their study highlight that an organization is accountable to wider audience than simply its shareholders.¹⁶⁸ Primary stakeholders are; minimum shareholders, lenders employees, suppliers, customers and managers, while secondary stakeholders include local community, the media, the courts, the government, special interest groups and the general public, who have a long-term association with the firm.¹⁶⁹ These stakeholders have legitimate rights in the running of the business activities. OECD of 2004 states that the corporate governance framework should recognize the rights of stakeholders established by law or through mutual agreements and encourage active cooperation between corporations and stakeholders in creating wealth, jobs, and the sustainability of financially sound enterprises. Stakeholder interests are therefore protected by law; stakeholders should have the

¹⁶⁶ Freeman, *Response: Divergent Stakeholder Theory*, loc. cit.

¹⁶⁷ Wood, J. D. and Jones, E. R. "Stakeholder Mismatching: A Theoretical Problem In Empirical Research On Corporate Social Performance", *The International Journal of Organizational Analysis*, Vol. 3, No. 3 (1995):229-267.

¹⁶⁸ Crowther and Jatana, *Agency Theory*, loc. cit.

¹⁶⁹ Letza, S., Kirkbride, J. and Sun, X. "Corporate Governance Theorizing: Limits, Critics and Alternatives", *International Journal of Law and Management*, Vol. 50, No. 1 (2008):17-32.

opportunity to obtain effective redress for violation of their rights and should be granted legal protection as well.¹⁷⁰

6.7.3 Responsibilities of Board of Directors

According to Bhatt and Bhatt the primary responsibility of the board is to monitor the management and protect the interest of shareholders.¹⁷¹ Capital Authority of 2014 state that every public listed company should be headed by an effective board to offer strategic guidance, lead and control the company and be accountable to its shareholders. There should be a formal and transparent procedure in the appointment of directors to the board and all persons offering themselves for appointment, as directors should disclose any potential area of conflict that may undermine their position or service as director. The board has the responsibility to establish relevant committees as may be necessary setting the company's aims, providing the leadership to put them into effect, supervising the management of the business and reporting to shareholders on their stewardship.¹⁷²

According to Okumu in his study on relationship between some measures of corporate governance such as board size, board composition, and audit committee composition and firm value of firms listed at the NSE the study indicated increase in number of board members negatively influences the return on assets.¹⁷³ Miring'u and Muoria concede in their study on the role of corporate governance and its effect on performance of commercial state corporations in Kenya indicated there was a

¹⁷⁰ Abdullah and Valentine, *Fundamental and Ethics Theories of Corporate Governance*, loc. cit.

¹⁷¹ Bhatt, R.P. and R. R. Bhatt, "Corporate Governance and Firm Performance in Malaysia", *Corporate Governance International Journal of Business in Society*, Vol. 17, No. 5 (2017):896-912.

¹⁷² Crowther and Jatana, *Agency Theory*, loc. cit.

¹⁷³ Okumu, *Corporate Governance and Firm Value for Firms Listed at the NSE*.

positive relationship between return on equity and board size and board composition of all state owned corporations in Kenya.¹⁷⁴

Private sector Initiative for Corporate Governance of 2012 emphasizes that the board has the responsibility of reviewing and guiding corporate strategy, major plans of action, risk policy, annual budgets and business plans; setting performance objectives; monitoring implementation and corporate performance; and overseeing major capital expenditures, acquisitions and divestitures. Therefore in order for the board to fulfill their responsibilities, board members should have access to accurate, relevant and timely information should act on fully informed basis, in good faith, with due diligence and care, and in the best interest of the company and the shareholders. They should treat the all shareholders fairly, apply high ethical standards. Also should take into account the interests of stakeholders. The board should be able to recognize and manage risk by maintaining a sound system of internal control to safeguard shareholders' investment and company's assets.¹⁷⁵

6.7.4 Transparency and Disclosure of Information and Audit

According to Abdullah and Valentine, assert that transparency/disclosure involves disclosure of information on: financial or operation results, ownership structure, members of board of directors and management, employees and other stakeholders in the corporation, governance structures and policies, corporate targets and prospects.¹⁷⁶ The corporate governance framework should ensure that timely and accurate disclosure is made on all material matters regarding the corporation, including the financial situation, performance, ownership, and govern-

¹⁷⁴ Miring'u and Muoria, *An analysis of the effect of Corporate Governance on Performance of Commercial State Corporations in Kenya*, loc. cit.

¹⁷⁵ Bhatt and Bhatt, *Corporate Governance and Firm Performance in Malaysia*, loc. cit.

¹⁷⁶ Abdullah and Valentine, *Fundamental and Ethics Theories of Corporate Governance*, loc. cit.

ance of the company.¹⁷⁷ The Capital Markets Authority of 2014 states the importance for firms listed in NSE to comply with the corporate governance guidelines which form an essential part of disclosure obligations in the corporate annual reports. Firms listed should indicate the extent of non-compliance and also disclosed. Every public listed company should disclose, on an annual basis, in its annual report, a statement of the directors as to whether the company is complying with these guidelines on corporate governance as prescribed under the Capital Markets Authority of 2014. Recently the Ex Kenol Kobil CEO was fined 5 million Kshs for failing to disclose shareholding information in the company.¹⁷⁸ Instances where firms have not fully complied with these guidelines, they should state the reasons for non-compliance and indicate the steps being taken to become compliant.

Lekaram in his study on the relationship of corporate governance and financial performance of firms listed in NSE his findings indicated that openness and reliability are measures of trust and credit risk as a measure of disclosure has a negative relationship with financial performance.¹⁷⁹ It is obvious that that trust has a significant impact on financial performance, given that transparency and disclosure boosts the trustworthiness of firms.

Therefore directors are required to disclose material information on: the financial and operating results of the company, Company objectives, Major share ownership and voting rights and Governance structures and policies, in particular, the content of any corporate governance code or policy and the process by which it is implemented.¹⁸⁰

¹⁷⁷ OECD (2004), loc. cit.

¹⁷⁸ Mbogo, A. Ex Kenol Kobil CEO Jacob Segman Fined Sh.5M for failing to Disclose of Interest in the Company. (Kenyan News August 20, 2018).

¹⁷⁹ Lekaram, *The Relationship of Corporate Governance and Financial Performance of Manufacturing firms Listed in the Nairobi Security Exchange*, loc. cit.

¹⁸⁰ OECD (2004), loc. cit.

According to Capital Markets Authority of 2014, Companies that adhere to good corporate governance practice should establish a formal and transparent procedure for remuneration of directors, which should be approved by the shareholders. Also there should be public disclosure in respect of any management or business agreements entered into between the Company and its related companies, which may result in a conflict of interest.

6.8 Discussion

The theories of corporate governance discussed have been used as tool for effective governance. The Agency theory provides a platform for managers to act as agents on behalf of the owners of the firm. The managers have the ability to commit the organization to those contracts and transactions that they feel are appropriate for the owners of the business. The stakeholders' theory specifies the role of management in optimizing the long term performance of the business in order to achieve maximum returns and reward all stakeholders.

Previous empirical studies have provided the relationship between corporate governance and firm performance have shown that well governed firms have higher firm performance.¹⁸¹

Shareholders have a right to participate in every corporate decision which may affect them immensely considering that whenever the company is doing well their dividend increases. On the other hand directors have the responsibility to protect the interest of shareholders and other stakeholders of the firm. Stakeholders expect; investors to be provided with fair returns and management remunerated fairly also employees

¹⁸¹ Bhatt and Bhatt, (2017), Miring'u and Muoria (2011), Crowther and Jatana, (2004), Abdullah and Valentine, (2009), Klapper and Love, (2002) and Gompers et al. (2003). Others, Bhatt and Bhatt (2017), Lekaram (2014) and Bedchuk and Cohen (2004).

expect wages and benefits that are based to the industry standards. The board should therefore ensure there is transparency in all their activities and disclose information to stakeholders especially the financial reports and annual reports that are deemed necessary by the code of good corporate governance. The absence of good corporate governance practice definitely leads to questionable practices and corporate failures which may surface suddenly and massively.

6.9 Conclusion

Corporate governance practices may not necessarily reduce corporate violations, other means should be put in place and ethics may provide the required link. Incorporating ethics and corporate governance honesty and trust are vital ingredients for running a successful firm. For ethics to work in an organization there must be a synergy between strategic plans, principles of good corporate governance and clear code of conduct.

The board has the biggest responsibility in ensuring proper corporate governance structures are in place. Shareholders should appoint board members who exhibit integrity, accountability, responsibility, competence and fairness. The management should declare their wealth to curb unfair and unethical practices.

Lastly lack of corporate governance and ethics in the running of companies result in reduced economic growth, increased unemployment, reduction in tax remittance to government hence lack of national development.

Recommend further research should be carried out in the field on the effect of corporate governance on firms listed in NSE since this study only concentrated on desk review. Also study on how cultural differences in national ideologies may hinder implementation of corporate governance should be carried out.

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ETHICAL ISSUES OF INSIDER TRADING

A REVIEW OF LITERATURE AND THE CASE OF KENYA

Esther Nkatha M'ithiria

7.1 Abstract

This paper reviews literature on ethical issues of insider trading¹⁸². It focuses on theories used to analyse ethical considerations of insider trading. Further, it provides arguments in favour of and against insider trading and presents its impact on the economic and societal value. Additionally, the paper provides implications to managers of firms operating in the capital markets and regulating agencies. The Capital Markets Authority should ensure strict enforcement of the insider trading law in Kenya. Further, listed firms, the Nairobi Securities Exchange (NSE), and other capital market participants should formulate and fully implement insider trading policies. Additionally, universities should team up with finance professional bodies and industry players to design continuous professional education programmes that address gaps in ethical education in the finance discipline. Finally, there is need for empirical research in Kenya to ascertain the extent to which insider trading impacts

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on the firm and societal value. *Key words:* Insider Trading, Ethics, Capital Markets, Kenya.

7.2 Introduction

Insider trading remains a topical issue in capital markets and business ethics research. However, there seems to be no conclusive agreement as to whether insider trading is ethical or unethical. Some scholars argue that insider trading is necessary if financial markets are to self – correct. On the contrary, other scholars argue that insider trading is unethical and should be dealt with through appropriate regulations. While developed countries like the United States (U.S) have put in place a proper regulatory framework that has minimized insider trading, countries in the developing world such as Kenya, still struggle with incidents of insider trading. For instance, in the Kenyan capital markets, there have been cases of insider trading involving firms listed at the NSE such as Uchumi Supermarkets and East African Cables Ltd. Cases of insider trading can dent the image of the market and erode the confidence among market actors. Furthermore, these incidents are a threat to the crucial role played by capital markets in any country as well as promote unethical conduct among capital markets participants.

Capital markets provide a medium where buyers and sellers of financial assets come together.¹⁸³ These markets play a very important role in an economy by facilitating movement of monetary resources across economic units in a country. Similarly, the Catholic Church recognises the critical role that financial markets play in the society. In a document on ethical considerations regarding financial systems released in May 2018, the Church acknowledges that activities in the financial markets have

¹⁸³ Reilly, Frank K. and Keith C. Brown, *Investment Analysis and Portfolio Management* (10thed) (Mason, OH: South-Western, Cengage Learning, 2012), 16.

substantial impacts on the material wellbeing of mankind.¹⁸⁴ Capital markets provide an opportunity for investors to rebalance their wealth portfolios through security trading of their investment holdings.

Security trading is the buying and selling of financial instruments or securities in the secondary market.¹⁸⁵ Thus, through security trading activities, investors and other market participants are facilitated to positively impact their material well-being. In the security trading process, market participants are not expected to engage in unfair trading practices such as insider trading. Insider trading is buying and selling financial instruments based on private information not available to other actors outside the firm.¹⁸⁶ Consequently, insiders trading securities based on private information gain more compared to those without access to this material information.¹⁸⁷ Thus, possession of any non-public information about the firm provides a privilege to its holder. Most holders of this kind of information are insiders to the firm.

Insiders are defined as persons with access to material non-public information which they use to their advantage to buy and sell securities of a firm.¹⁸⁸ Given that holders of private information may use it to generate gains at the expense of other investors, insider trading and its regula-

¹⁸⁴ Holy See. Considerations for an ethical discernment regarding some aspects of the present economic-financial system” of the Congregation for the Doctrine of the Faith and the Dicastery for Promoting Integral Human Development, (May 25th, 2018).

¹⁸⁵ Reilly and Brown, *Investment Analysis*, op. cit.

¹⁸⁶ Desjardins, J. *An Introduction to Business Ethics (3rd Ed.)* (New York: McGraw-Hill, 2009), 162.

¹⁸⁷ Szeto, Ricky W.F. “The sun side of insider trading: An ethical perspective by financial performance analysis in Hong Kong.” *Global Advanced Research Journal of Management and Business Studies*, 2, 3, (2013).

¹⁸⁸ Engelen, Peter-Jan and Luc Van Liedekerke. “The Ethics of insider trading revisited.” *Journal of Business Ethics*, 74, 4, (2007): 497-507.

tion is very important for markets' operations.¹⁸⁹ Persons involved in the activity of insider trading are grouped into various categories such as: company insiders, market professionals, and investors.¹⁹⁰ Company insiders are the officers, directors, and other key employees of a firm who by the nature of their employment obtain or possess confidential information regarding the firm's prospects.¹⁹¹ Market professionals are non-insiders such as securities analysts and brokers, who may access and use private information regarding the operations of the firm.¹⁹² Thus, by virtue of their work, persons working for a firm or an investment firm have privileged access to material information which is not in the public domain.¹⁹³ The use of this information at the expense of other actors amounts to insider trading.

Insider trading continues to attract not only the attention of scholars and regulators but also that of the general public.¹⁹⁴ Furthermore, it remains one of the most controversial economic transactions in financial markets.¹⁹⁵ However, despite the growing interest in the area of ethics in finance, there is no consensus on what kind of conduct should be regarded ethical or unethical in relation to insider trading. Existing literature does not provide conclusive evidence on the harmful effects of in-

¹⁸⁹ Ozsozgun, A., Ozarslan, E. & Akbas H. E. "Insider trading from the perspective of two ethical theories: Utilitarianism and Kant's approach". *International Journal of Business and Management Studies*, 2, no. 1, (2010): 1-8.

¹⁹⁰ Jie Hu and Thomas H. Noe, The insider trading debate. *Federal Reserve Bank of Atlanta Economic Review, Fourth Quarter*. (1997): 34-45.

¹⁹¹ Engelen and Van Liedekerke. "The Ethics of insider trading revisited.", op.cit. 497-507.

¹⁹² Engelen and Van Liedekerke. "The Ethics of insider trading revisited", ibid.

¹⁹³ Cichos, T. "The misappropriation theory of insider trading: its past, present, and future." *Seattle University Law Review*, 18, (1995):393.

¹⁹⁴ The insider trading debate, ibid, 34-45.

¹⁹⁵ The insider trading debate. ibid.

sider trading. In addition, there is no clarity on the economic impact of insider trading on firm value and social welfare.¹⁹⁶

Although insider trading is recognized as a pervasive practice since the inception of the stock market there are those who support this activity while others are against. For instance, the main argument in support of insider trading is derived from the belief that it promotes economic efficiency and enterprise while the argument against arises from the breach of fiduciary duty.¹⁹⁷ Insider trading is considered unethical because utilisation of private information not available to all shareholders by management leads to injustice because the freedom of other shareholders is violated.¹⁹⁸ Within a firm's environment insider trading raises interesting ethical questions concerning the responsibilities of managers to the firm, shareholders, and financial markets.¹⁹⁹ The Catholic Church emphasizes the need to adequately regulate the financial system and advocates for a clear ethical foundation to ensure realization of material well-being through the quality of human relationships.²⁰⁰ Thus, the Catholic Church underlines that market participants need to act ethically in all the activities.

7.2 Insider Trading in Kenya

Capital markets play a very important role in the economic development of any country. In Kenya, the capital markets continue to be a crit-

¹⁹⁶ Yulong, Ma and Huey-Lian, Sun. "Where should the line be drawn on insider trading ethics?" *Journal of Business Ethics*, 17, No. 1, (1998): 67-75.

¹⁹⁷ O'Hara, Philip A. "Insider trading in financial markets: legality, ethics, efficiency." *International Journal of Social Economics*, 28, 10/11/12, (2001):1046-1062.

¹⁹⁸ Micewski, Edwin R. and Carmelita, Troy. "Business Ethics: Deontologically revisited." *Journal of Business Ethics*, 72, 1, (2007): 17-25.

¹⁹⁹ Desjardins, *ibid.*

²⁰⁰ Holy See, *ibid.*

ical avenue through which firms and the government raise funds to finance their operations. Further, it provides a platform where investors who have excess funds can invest and earn a return on investment. Thus, successful operation of the market is very crucial if the country has to meet its economic goals as well as provide a fair market place for both domestic and foreign investors. Therefore, insider trading activities which are likely to sabotage the successful operation of the market are discouraged and prohibited. In 2013, the Cabinet Secretary, National Treasury, Mr. Henry Rotich pointed out that activities of insider trading and market manipulation continue to threaten the stability and growth of the Kenyan capital markets.²⁰¹

In Kenya insider trading is regulated via the Capital Markets Act CAP 485 which was revised in 2017.²⁰² The Capital Markets Act under sections 32 and 33 clearly prohibits insider trading activities and provides that any party engaging in this practice is held liable on conviction. Despite the existence of this legislation there have been incidents of insider trading in the Kenyan capital markets. The most notable case involved trading of shares of Uchumi Supermarkets Limited by Bernad Mwangi Kibaru, a general manager at the retail giant and Mr. Terry Davidson, the then Kenya Commercial Bank (KCB) chief Executive. It was believed that Mr. Terry Davidson used privileged information as an insider between 2003 and 2005 and traded Uchumi Supermarkets Limited shares to his advantage.²⁰³ Similarly, Mr. Kibaru used material private information to offload shares of Uchumi Supermarkets Limited on 26th April 2006, days prior to the financial crisis that hit the retail chain lead-

²⁰¹ Anyanzwa, James. Capital markets to tighten noose on insider trading, (The Standard Newspaper, 26th November, 2013).

²⁰² Capital Markets Authority. *Capital Markets Act: Chapter 485A*, (Nairobi: National Council for Law Reporting, 2017):62.

²⁰³ Benson Wambugu, Davidson denies insider trading charges, (Business Daily, May 25th, 2010).

ing to its suspension from the Nairobi Securities Exchange.²⁰⁴ However, these two accused persons were cleared of charges in 2010 due to lack of authentic evidence.

Despite Kenya having a regulatory framework that clearly bans insider trading, market players and other insiders continue to use private information for their own benefit. Besides the Uchumi Supermarkets case, there have been other reported incidents of insider trading with no prosecution. For instance, cases of market manipulation and insider trading have been cited with respect to firms such as East African Cables, Equity Bank, Cooperative Bank, and CMC Holdings, all listed at the Nairobi Securities Exchange. Although, revision of the Capital Markets Act Cap. 485 in 2017 strengthened the regulation on insider trading this has not deterred suspicious trading activities at the Kenyan bourse. For instance, in June 2018, the Capital Markets Authority reported an investigation of a bond trader believed to have benefited unfairly to the tune of Ksh. 260 million through use of inside information.²⁰⁵ Further, on 25th October 2018, there were reports of trades on the shares of Keno-Kobil Limited based on insider and price sensitive information. This perceived insider trading activity with a potential profit of Ksh. 500 million is under investigation by the Capital Markets Authority.²⁰⁶

Considering that insider trading activities continue to be reported in Kenya despite the existence of a regulatory framework to limit such occurrences, there is need to probe further, what the impacts of insider trading have been in the Kenyan market from an economic and societal value and provide strategies that can be used to curb the menace. This paper focuses on insider trading and its ethical considerations. It briefly

²⁰⁴ Anyanzwa, James. Capital markets to tighten noose on insider trading, (The Standard Newspaper, 26th November, 2013).

²⁰⁵ Alushula, Patrick. Dealers under CMA probe for Sh260 million gain from insider trading, (The Standard Newspaper, June, 2018).

²⁰⁶ Mwaniki, Charles. KenolKobil suspect deals raise insider trading concerns, (Business Daily, October 26th, 2018).

reviews commonly used theories to analyze the ethical considerations of insider trading as well as related studies that have focused on this issue. It aims to provide implications for the Kenyan market regulators and capital markets professionals as well as suggest areas for further research.

7.3 Statement of the Problem

It is generally accepted that there is need to be ethical in whatever actions one engages in. Being ethical is about how human beings ought to behave while business ethics is about how business agents ought to behave.²⁰⁷ Insider trading is a topical issue in stock market research while the business ethics literature raises questions on whether insider trading adds any value to the society. Existing literature on insider trading and the ethical issues surrounding it provides mixed results. As a result, there are many competing viewpoints on the ethical implications of insider trading. The views range from those that support and those against this controversial activity and its perceived positive and negative effects on the firm and societal value. Consequently, many scholars support restrictions placed on insider trading while others advocate a laissez-faire government policy.²⁰⁸

The propositions from different theories seem contradictory with no single theory fully explaining the ethical issues surrounding the insider trading activity. Further, empirical evidence does not provide consistent findings. Thus, due to the variations in documented evidence, there is need to further explore literature with a goal of providing further areas for investigation. This paper reviews existing literature with the aim to

²⁰⁷ Micewski, Edwin R. and Carmelita Troy. "Business Ethics: Deontologically revisited." *Journal of Business Ethics*, 72, 1, (2007): 17-25.

²⁰⁸ The insider trading debate. 34-45, *ibid*.

identify research gaps for future research as well as provide policy implications for the Kenyan market.

7.4 Review of Related Theories

There are various ethical theories that are relevant to the subject of ethical issues of insider trading. These theories can be used to show whether, and in what circumstances, insider trading can be considered ethical or unethical. The theories commonly associated with the insider trading and ethics are utilitarian, rights based approach, the deontological view, and the misappropriation theory.

7.4.1 The Utilitarian Approach

Classical utilitarian theory is associated with Jeremy Bentham (1748-1832) and John Stuart Mill (1806-1873), who were of the view that classical utilitarianism guides ethical decision makers to make decisions that brings the greatest happiness to the greatest number of people.²⁰⁹ The focus of utilitarian ethics is on what constitutes a good outcome of an action related to an individual's (or group of individuals) notion of good and bad.²¹⁰ Thus, the utilitarian approach focuses on the purpose and consequence of each action an individual undertakes. Further, the efficiency argument, a variation of utilitarianism implies that an act is ethical if it increases efficiency.²¹¹

Market efficiency is an important and topical issue in capital markets research. A market is considered efficient if current share prices reflect all available information.²¹² Thus, the efficiency argument sug-

²⁰⁹ Desjardins, *ibid.*

²¹⁰ "Business Ethics: Deontologically revisited.", 17-25, *op.cit.*

²¹¹ McGee, Robert W. "Analyzing Insider Trading from the perspectives of utilitarian ethics and rights theory." *Journal of Business Ethics*, 9, (2009).

²¹² Reilly and Brown, *Investment Analysis and Portfolio Management*, *op. cit.* 50.

gest that trading insider information allows the market to reflect and influence the share prices in the correct direction sooner than it would have been if insider trading is not allowed.²¹³ This is in line with the efficient markets hypothesis whose proponents suggest that markets are efficient if stock prices adjust immediately to any new information.²¹⁴ In a market that is efficient, current share prices reflect all relevant information including that which is privately held.²¹⁵ From the efficiency argument, the correction of market prices through insider trading increases market efficiency and therefore, insider trading maybe considered ethical as it increases the overall efficiency of the market which leads to higher levels of social welfare.

7.4.2 The Rights Based Approach

The rights-based argument in favor of insider trading is that property owners have the right to do whatever they want with their own property regardless of what others think.²¹⁶ This view has its basis on the property rights approach which suggests that individuals are entitled to do whatever they deem fit with what they possess. Thus, insiders can use the information in their possession to gain profits through trading so long as they are not violating any other person's rights. In this approach an act is unethical if someone's rights are violated in the process even though the outcome could lead to an overall higher utility. Under this approach, insider trading may be ethical because property owners have

²¹³ "Analyzing Insider Trading from the perspectives of utilitarian ethics and rights theory", *ibid*.

²¹⁴ *Investment Analysis and Portfolio Management*, *ibid*.

²¹⁵ Laffont, Jean-Jacques and Eric S. Maskin. "The efficient market hypothesis and insider trading on the stock market." *Journal of Political Economy*, 98, 1, (1990): 70, 86-87.

²¹⁶ "Analyzing Insider Trading from the perspectives of utilitarian ethics and rights theory", *ibid*.

all the right to use their property, that is, insider information so long as they do not violate anyone's right in the process.

7.4.3 Deontological View

Deontology is also referred to as duty based ethics. Deontological ethics emphasizes the fact that sometimes the correct path is determined not by its consequences but by certain duties.²¹⁷ It implies that individuals are morally obligated to act in accordance with a certain set of principles and rules irrespective of the outcome. In this approach, the ends of any action can never justify the usage of any or all means, because one must act out of respect for the moral law.²¹⁸ Hence from this perspective the intention of the action is considered more important than the result. The deontological approach to ethics concerns morality as a duty or a moral rule that must be followed.²¹⁹ Therefore, the deontological approach focuses on universal norms that prescribe what people ought to do, how they should behave, and what is right or wrong. Thus, managers as employees of the firm have a responsibility and duty to take decisions that are in line with shareholder's interest.²²⁰

The categorical imperative model developed by Immanuel Kant determines whether an action is ethical or moral.²²¹ The categorical imperative is stated in two ways. The first formulation of the categorical imperative states that an action is morally right for a person in a certain situation if, and only if, the person's reason for carrying out the action is

²¹⁷ Desjardins, *ibid*.

²¹⁸ Micewski and Troy. "Business Ethics: Deontologically revisited", *op. cit.* 17-25.

²¹⁹ Van Staveren, Irene. "Beyond utilitarianism and deontology: ethics in economics." *Review of Political Economy*, 19, 1, (2007): 21-35.

²²⁰ Cichos, T. "The misappropriation theory of insider trading: its past, present, and future." *Seattle University Law Review*, 18, (1995):389.

²²¹ Velasquez, Manuel G. *Business Ethics: Concepts and Cases (5th Ed.)* (Upper Saddle River, NJ: Prentice Hall, 2002).

a reason that he or she would be willing to have every person act on, in any similar situation.²²² This implies that an individual's action is allowed if that individual would find it acceptable if all people acted the same way in similar circumstance and it may seem that insider trading is not acceptable. The second formulation of the categorical imperative states that an action is morally right for a person if, and only if, in performing the action, the person does not use others merely as a means for advancing his or her own interests, but also both respects and develops their capacity to choose freely for themselves.²²³ Thus, the second categorical imperative suggests that if insiders use private information to gain an unfair advantage over other market participants, then it is unethical.

7.4.4 Misappropriation Theory

The misappropriation theory provides that a person is "liable for insider trading if she breaches any duty owed to any party by using material, non-public information for personal gain. Under this theory, it is not required that an insider breach a duty owed to the corporation or the shareholders."²²⁴ Insider trading is deemed to involve misappropriation of information by those that have access to the non-public information.²²⁵

Unlike the deontological approach which emphasizes on the fiduciary relationship between corporate insiders and shareholders, the misappropriation theory focuses on the source of privileged price-sensitive information. Thus, anyone who uses private information irrespective of the source is considered to have committed insider trading and as such, the activity is deemed fraudulent.

²²² Desjardins. *An Introduction to Business Ethics*, op. cit.

²²³ Velasquez. *Business Ethics: Concepts and Cases*, ibid.

²²⁴ Cichos. "The misappropriation theory", ibid. 401.

²²⁵ Moore, Jennifer. "What is really Unethical about Insider Trading?" *Journal of Business Ethics*, 9, 3, (1990):171.

4.4.4.1 Insider Trading and Ethics

Insider trading continues to attract attention due to its controversial ethical implications. On one hand, some parts of existing literature support insider trading. Conversely, the literature raises questions on whether insider trading adds any value to the society. Thus, there seems to be no conclusive evidence on the effects of this stock market activity. Desjardins²²⁶ argues that insider trading raises ethical questions concerning one's responsibilities to the firm, shareholders, and financial markets.

The debate on insider trading ethics revolves around two issues, that is, the ethical issue and the economic issue of insider trading.²²⁷ There is a strong divide in what should be done about insider trading. Some scholars believe it is mostly ethical and should be legal, while others believe that it is an unethical practice and thus should not be legalized. The ethical and economic question on whether insider trading is harmful or not is still debatable.²²⁸ For those that support and argue in favour of insider trading, imply that insider trading is not wrong. Further, the proponents try to show that the insider activity is beneficial to the society. On the contrary, those against it argue that actors who practice insider trading have an unfair advantage and gain at the expense of other actors.

Some part of literature argues that the debate should focus on the economic impact of insider trading to shareholders instead of concentrating on whether insiders get any benefit from the trading using non-public information.²²⁹ Therefore, if insider trading, as an informational measure, positively impacts firm value and shareholder wealth then it should not be considered unethical. However, despite the perceived ben-

²²⁶ Desjardins. *An Introduction to Business Ethics*, op. cit.

²²⁷ Yulong, Ma and Huey-Lian, Sun. "Where should the line be drawn on insider trading ethics?" *Journal of Business Ethics*, 17, No. 1, (1998): 67-75.

²²⁸ Szeto. "The sun side of insider trading: An ethical perspective by financial performance analysis in Hong Kong", *ibid.*

²²⁹ Ma and Sun, "Where should.", 67-75.

efits of this activity, the arguments for insider trading are not ethically persuasive.²³⁰

7.4.4.2 *Arguments in Favour of Insider Trading*

Proponents of insider trading assert that it is a viable and an efficient economic means and it can be used to serve the best interests of shareholders and the economy at large.²³¹ A study on ethical implications in Hong Kong, documented that insider trading provides benefits to society through correctional signals to the market about the firm's value and thus increasing shareholders wealth.²³² Other proponents are of the view that insider trading provides strong incentives for insiders such as managers to work to benefit the firm.²³³ Furthermore, insider trading provides a strong incentive for creativity and it is the only appropriate way to compensate entrepreneurial activity.²³⁴

The case for insider trading is a philosophical, justice, and efficiency view of the workings of capitalism and financial institutions.²³⁵ This perspective arises from the natural right of individuals to have a definitive sphere of unfettered activity, to acquire property, to trade, to buy and sell labour power, to become rich or poor. Further, there is a belief that insiders such as managers who are also shareholders have the same rights as ordinary shareholders to carry out trading based on their information and judgment.²³⁶

Furthermore, the case for insider trading is from a market mechanism view, where insider trading is believed to be an efficient medium to disseminate correct information to the market which consequently

²³⁰ Desjardins. *op. cit.*

²³¹ Ma and Sun, "Where should." 67-75.

²³² Szeto. *op. cit.*

²³³ Desjardins, *op. cit.*

²³⁴ Ma and Sun, *op. cit.*

²³⁵ O'Hara, "Insider trading," 1046-1062.

²³⁶ Ma and Sun, *op. cit.*, 67-75.

causes share prices to adjust to reflect their true value.²³⁷ Therefore, insider trading enhances market efficiency. An analysis by McGee²³⁸ supports market efficiency as the main argument in favor of insider trading. This emanates from the fact that trading on inside information causes leads to a timely release of information to marketplace, thus causing share prices to adjust in the right direction faster than would otherwise be the case. In addition, through insider trading activities current security prices reflect much faster the real value and in this way the allocation efficiency of the market is enhanced.²³⁹

7.4.4.3. Arguments against Insider Trading

The growing importance of ethics in finance has undoubtedly been recognized by people from all disciplines. Insider trading in financial markets raises various unethical issues such as conflicting rights, unfairness, and inequalities across stock market participants. Those opposed to insider trading seem to believe that insider trading is inherently immoral and therefore it should be declared illegal.²⁴⁰ If insider trading is immoral then it is unethical because it provides an avenue for unequal information thus limiting perfect competition.²⁴¹ This implies that investors not privy to this private information have no way to obtain that information regardless of how much research or analysis they do. Consequently, insider trading is unfair to other traders in the stock market who do not have the same information and hence unfairly disadvantaged in trading process.²⁴²

²³⁷ Desjardins, op. cit.

²³⁸ McGee. "Analyzing Insider Trading from the perspectives of utilitarian ethics and rights theory." Ibid.

²³⁹ Engelen and Van Liedekerke. "The Ethics of insider trading revisited," *ibid.* 500.

²⁴⁰ Ma and Sun, op. cit.

²⁴¹ McGee, op. cit.

²⁴² Jennifer Moore. "What is really Unethical about Insider Trading?" *Journal of Business Ethics*, 9, 3, (1990):172.

Similarly, there are arguments that insider trading negatively affects the efficient and proper functioning of a free market.²⁴³ Critics of insider trading argue that even if insider trading were to enhance market efficiency, it would do so by unfair and unethical means because the private information is not in the public domain.²⁴⁴ Further, insider trading should be considered unethical if it leads to a decline in shareholders' value.²⁴⁵ In addition, opponents of insider believe that it is inherently immoral to trade on inside information because making a large profit with such little effort is wrong.²⁴⁶ Other opponents say that in every activity that involves more than one person there should be a level playing field but when some individuals enjoy informational advantages over others then the field is not level and thus provides an unfair advantage.

O'Hara²⁴⁷ summarizes four main ethical arguments against insider trading. First, insider trading is unfair because the two parties to a transaction in the stock market have unequal information concerning conditions underlying that transaction. Information asymmetry is thus unethical because the two parties do not come to the transaction as equals. The second argument against insider trading is that the information is not accessible to the ordinary shareholder to ascertain the appropriateness of trading securities in the secondary market. This argument emphasizes that information should be public in a way that hard work on the part of potential or actual dealers in the market will be able to unearth it.

Thirdly, insider trading contravenes property rights in information. The proponents argue that inside information is a type of property, and that dealing in this information is a violation of property rights.²⁴⁸ Fur-

²⁴³ Ma and Sun, *op. cit.*

²⁴⁴ Desjardins, *op. cit.*

²⁴⁵ Ma and Sun, *op. cit.*

²⁴⁶ McGee, *op. cit.*

²⁴⁷ O'Hara, "Insider trading," 1046-1062.

²⁴⁸ McGee, *op. cit.*

thermore, this information should not be misappropriated.²⁴⁹ The fourth argument is that of fiduciary duty, implying that it is not the entrepreneur who has the right to the information, but the entrepreneurs, managers, and workers who owe a fiduciary duty to shareholders. Thus, insiders have a long-standing ethical duty to enhance shareholders' interests of wealth maximisation.

Furthermore, the information used by insiders is the property of the firm hence it is unethical to use that information without permission and in way that harms other stakeholders of the firm.²⁵⁰ In addition, insiders have some fiduciary duty not to benefit from the information they have access to because of their position within the firm.²⁵¹ From a misappropriation theory perspective, insiders are still viewed as misappropriating information belonging to someone for personal gain and hence this is a violation of property or contract rights. Using insider information to trade involves misappropriating private resources for personal gain in a way that causes harm to the firm's investors thus, this is considered unethical.²⁵²

7.5 Conclusion and Implications

The objective of this paper was to review existing literature on ethical dimensions of insider trading. The review shows that the discussion on the ethical issues of insider trading is far from over. The central concern underlying the current controversy over insider trading ethics should be an economic one.²⁵³ Several studies reveal that insider trading

²⁴⁹ Cichos, T. "The misappropriation theory," *Seattle University Law Review*, 18, (1995):401.

²⁵⁰ Desjardins, op. cit.

²⁵¹ McGee, op. cit.

²⁵² Desjardins, op. cit.

²⁵³ Ma and Sun, op. cit.

results in a positive-sum game as there are more winners than losers.²⁵⁴ Therefore, from a utilitarian perspective insider trading is ethically justified in the cases where the result is a positive-sum game. McGee argues that not all insider trading results in violation of anyone's rights because in many cases it is merely the exercise of property rights.²⁵⁵ Thus, from a rights perspective insider trading is not necessarily unethical since it depends on whether anyone's rights are violated in a particular instance when insider trading occurs. On the contrary, the review shows that insider trading show that opponents of insider trading also provide persuasive arguments on why insider trading is undesirable.

7.5.1. Conclusion

The debate on insider trading is still continuing since some scholars show that it has benefits to the society and therefore not unethical while other scholars suggest that it has negative effects on the society and hence unethical. The theoretical review shows that there are various theories that explain the ethical consideration of insider trading. However, the theories do not agree as to whether insider trading is ethical or unethical. On one hand theories such as the utilitarian and the rights approach seem to support insider trading thus implying it is ethical. On the contrary, theories such as the deontological view suggest that insider trading is unethical and thus should be banned. Further, arguments have been put forward on the benefits of insider trading while there are opponents with persuasive arguments on the unethical aspects of insider trading. Thus, the debate is still controversial and remains unresolved.

In addition, in the corporate arena, insider trading activities continue to be reported in both developed and developing countries. There more prosecution cases revolving around insider trading in developed countries such as the US and UK compared to developing countries such as

²⁵⁴ McGee, op. cit.

²⁵⁵ McGee, cop. cit.

Kenya. This implies that country specific factors may contribute to insider trading persistence. Despite, existence of regulatory frameworks put in place, insider trading has not completely been eliminated even in developed countries. Thus, regulation alone does not seem to offer a complete solution to curb insider trading activities. Dealing with insider trading has been a challenge due to the need to prove that an insider used private information to gain advantage over others.

It is important to think through the trade-offs and all the costs and benefits associated with insider trading. This paper concludes that there is need to do more empirical research to ascertain the extent to which insider trading positively or negatively impacts on the firm and societal value. Further, it is important to enhance enforcement of regulations to minimize the negative implications of insider trading. In addition, there is need to explore alternative mechanisms to combat unethical practices relating to insider trading, Some of the mechanisms include insider trading policies, and continuous professional development education. Further, behaviour change from markets participants is crucial.

7.5.2 Implications

From the review of literature, this paper concludes that insider trading has more negative effects on the capital markets than perceived benefits. Further, no country is immune to the illegal activities of insider trading, since they thrive even in the most developed countries. Insider trading is complex and combating this persistent practice is a challenge especially for developing countries with unstable and nascent capital markets. In Kenya, there is need for all stakeholders to deal with this manipulative practice if the country has to meet its goal of deepening and strengthening its capital markets. The focus should not only be on curative measures but preventive mechanisms as well. Furthermore, there is need to cultivate goodwill from all the stakeholders if the war on unethical insider trading is to be won. Based on the findings from the

review, this paper provides implications for various stakeholders in the Kenyan capital markets.

Although, the revised Capital Markets Act Cap. 485 provides a stronger regulatory framework, there is need to enhance enforcement of the law. The regulator must therefore ensure the law is adhered to and proper investigation done to build strong prosecution cases against those engaging in insider trading. However, it is important to note that even in developed countries such as the U.S. that have very strong regulatory systems and developed financial systems, insider trading still persists. Thus, additional mechanisms should be employed in preventing insider trading occurrences. Of particular importance in Kenya is continuous ethical education of players in the capital markets such as brokers, dealers, and investors. Educating these stakeholders will create awareness on the unethical aspects of engaging in insider trading and its undesirable effects.

Finance professional bodies such as the Institute of Certified Investment and Financial Analysts should incorporate ethical education in their continuous professional development education programmes. This would equip finance professional with emerging ethical issues. Additionally, higher education institutions need to be more aggressive and intentional in mainstreaming ethics education targeted programmes to ensure ethical graduates that get employed in the capital markets sphere. Further, there is need for higher education institutions to collaborate with the industry so as to fill any identified gaps in ethical education in relation to finance.

Freezing the assets and bank accounts of market operators found engaging in insider trading is a crucial strategy. The Kenyan regulatory authority should in place mechanisms to trace and freeze the assets of those engaging in insider trading. This would discourage other market participants likely to consider engaging in the pervasive activity. Further, firms need to implement insider trading policies and ensure that

employees comply fully. Similarly, the NSE and other market participants such as brokers must formulate and implement proper ethical conduct policies. Finally, there is need for more empirical research in Kenya to ascertain the extent to which insider trading positively or negatively impacts on the firm and societal value.

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THE ROLE OF ETHICAL EDUCATION IN BUILDING HUMAN CAPITAL

A PRE-REQUISITE FOR TANZANIAN
INDUSTRIAL STRATEGY

Shijja Kevin Kuhumba

8.1 Abstract

This essay addresses the role of ethics education in building human capital as the pre-requisite in achieving industrialization in Tanzania²⁵⁶. The fifth term of honourable president Dr. Pombe John Magufuli has endorsed five year development plan 2016/2017-2020/2021. The theme is, “Nurturing industrialization for economic transformation and human development,” with the main objective of enhancing the pace of progress toward the Tanzanian development vision 2025. Therefore, this essay argues that industrialization requires proper nurturing of human capital by putting into account essential aspects, namely, skills, aptitudes, integrity, transformative, and efficient administration, sustainable

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development, hard work, commitment, discipline and sacrifice. The essay illustrates virtue ethics and its relevance in forming human capital with virtuous character. The essay also elaborates principles of Ubuntu ethics namely, sense of togetherness and solidarity. The paper argues that human labour in realizing industrial growth should be inculcated with values of solidarity, cooperation and togetherness, which would enable them to fulfil their duties towards the attainment of common good. All these ethical principles if well inculcated in the Tanzanian citizens will enable them to realize both competitive human capital as well as moral integrity. The essay argues that ethical education ought to be considered very important in the context of Tanzanian society in the realization of industrialization strategy. It will conclude by proposing a shift from ethical theories to building ethical human capital. The essay suggests the cultivation of moral values and rethinking ujamaa educational and ethical principles while building human capital through educational training and formation. Finally, this ethical formation will bring about responsible and steward human labour with the aim of moving Tanzania to the heights of holistic human development through industrialization process envisaged in the development vision of 2016/2017-2020/2021. *Key Words:* Tanzania, Industrialization, Ethics, Human capital, Human labour, Virtue ethics, *Ubuntu* ethics and Tanzanian Industrial Strategy

8.2 Introduction

This paper contributes to the current debate regarding Tanzanian Industrial Strategy. Tanzanian development vision of 2016/2017 – 2020/2021 aims at attaining industrialization and making the country semi-industrialized and middle economy. This essay addresses three issues, firstly, the imperative of human capital in realizing industrial growth leading to human development. Thus, institutes of learning, universities, vocational and tertiary institutes should work hand in hand

with the government and industrial and investment stakeholders to train human labour required in industries and small factories. This could involve education centred on spearheading innovations, inventions, creativity and technical skills as prerequisites for industrial enhancement. The second issue is focusing on building human labour with ethical awareness, moral values and integrity. This would require exposing ethical principles and ethics education to candidates. This essay suggests that virtue ethics and *ubuntu* ethics could be relevant in this discourse. On one hand, virtue ethics could bring awareness to moral agents of some virtues such as integrity, ethical courage, modesty and sense of service. On the other hand, *ubuntu* ethics if well inculcated to human labour could help in bringing a sense of togetherness and solidarity among entrepreneurs who gather resources to establish small enterprises and small companies. The third issue is that the ultimate end of industrial advancement should be the attainment of holistic human development. Indicators of human development would be seen in the improvement of public and social services such as public schools and institutions of learning offering quality education, improved health care system which is affordable to majority of Tanzanian citizens, improved infrastructure development, increased levels of employment opportunities, increased economic opportunities and increased social freedom. This essay is divided in three parts. The first part will dwell on the explication of key terms which are employed in the paper. The second part will illustrate some ethical theories. Finally, the paper will move a discourse by providing ethical pathways required to boost human capital with integrity, ethical awareness and moral values. Thus, the paper suggests human labourers with moral values and integrity are urgently needed to boost industrialization in Tanzania

8.3 Explication of Terms

8.3.1 Ethics

The word ethics is derived from the Greek “*ethos*” which means customs, a habitual way of acting, and character (Finance, 1991, p. 7). Msafiri²⁵⁷ (2016, p. 2) highlights five essential elements of ethics, namely: good habit, good attitude, good behaviour, good relationship, good conduct and responsible living. Another study conducted by Christoph Stückelberger, Cui Wantian, Teodorina Lessidrenska, Wang Dan, Liu Yang, and Zhang Yu (2016, p. 24) defines ethics as a strive to answer questions such as: What should I do? How should I act? How should a community of people act? In other words, ethics strives to answer the question as to what is good behaviour and just action. Also, Paul Ricoeur (1992, p. 202) defines ethics as “aiming at the ‘good life,’ for and with others, within the framework of just institutions. Thus ethics concerns all areas of life. It concerns individual integrity aiming at both personal and community well-being in the just society. Thus, this paper argues that these ethical values are very relevant in promoting human capital as the pre-requisite for achieving Tanzanian industrial strategy.

8.3.2 Human Capital

According to Msafiri (2013, p. 75) defines human capital as the aptitudes, skills, and competencies necessary for effective, integral, transformative and efficient administration and sustainable development. Massive investment in building human capital is necessary condition for attaining industrialization in Tanzania.

²⁵⁷Prof. Aidan Msafiri is an intellectual scholar in the domain of applied ethics. He has conducted various researches in environmental ethics, ethics education in institutes of higher learning, and global issues reflected in his books *Globalization of Concern I, II and III*. In addition, Prof. Msafiri serves on the Advisory Board of Globethics.net East Africa. In this essay I own to him many insights from his publications in Globethics.net online.

8.3.3 Tanzanian Industrial Strategy Plan

The fifth term of honourable president Dr. Pombe John Magufuli has endorsed five year development plan 2016/2017-2020/2021. The theme is, “Nurturing industrialization for economic transformation and human development,” with the main objective of enhancing the pace of progress toward the Tanzanian development vision 2025. Tanzanian industrial strategy aims at transforming the country to the middle income economy, which is characterized with quality and sustainable livelihoods, peace, stability, unity, good governance, an educated, strong and competitive economy. The industrialization plan aspires to build a base for transforming Tanzania into a semi-industrialized nation by 2025. Importantly, the plan focuses on promotion of skills and technical knowledge for production and service delivery. The four areas priorities are: promotion of growth and industrialization for economic transformation, enhancement of human development, improvement and enabling for enterprise and improving implementation effectiveness. This industrial strategy plan to be actualized requires competent, skilled human capital, above all human labour with integrity and moral aptitudes. Basing on this account this essay argues for ethical education in capacity building of human labour with integrity and moral values.

8.4 Ethics in Education

The study of ethics and moral philosophy has not been considered much important in Tanzania. Few higher institutes of learning have ventured into imparting ethical education to its students. For instance, Saint Augustine University of Tanzania and its constituent colleges offer social ethics, introduction to philosophy, critical thinking and comparative religious education to its students from various academic programmes. Students are exposed to ethical theories and ethical issues, hence bringing moral awareness to students. On one hand, the study of introduction to philosophy helps students to understand how philosophical arguments

are constructed. On the other hand, the study of critical thinking helps the students to think coherently, to argue systematically and to detect fallacies in speaking and writing. The study of comparative religious education exposes students to knowledge of different religions such as Hinduism, Buddhism, and African Traditional Religions, and so on. Ultimately, Saint Augustine of Tanzania aims at preparing competent human power with a sense of integrity, moral uprightness, concern for others and critical thinking. These elements are crucial in enhancing human capital as a pre-requisite for industrialization as a process in Tanzania. If other universities in Tanzania adopt the same, to my mind, our nation will have ethical, critical and competent human labour. Now let us turn to the ethical theories which I consider relevant in promoting integral human capital.

8.4.1 Virtue Ethics

Virtue ethics is concerned with being (agent-based ethics), centred mostly on moral character of moral agents so as to attain goodness and well-being both to themselves as individuals and to the society as well. The study on virtue ethics of Aristotle conducted by Ntibarigirwa (1999, p. 1) suggests that virtue ethics could help us to relocate the individual in the community as a being-with-self and a being-with-others. Virtue ethics has attracted many thinkers in various societies throughout history. These have included Confucious in Ancient China, Gautama Buddha in Ancient India, along with Socrates, Plato and Aristotle in Ancient Greece. These thinkers emphasized principles of goodness of character and conduct which lead people towards moral excellence (Ntibarigirwa, p. 13).

Virtue comes from a Latin word, *vir* which means man. Thus, virtue means humanness. The corresponding Greek concept is *arête*, which means excellence. Thus, virtue is excellence in a given quality. Virtue is a quality that helps one to perform his/her functions well and thereby acquire well-being or happiness. Aristotle views virtue in terms

of habit or habitual doing. According to Alasdair MacIntyre (1992, p. 45-56), Aristotle's virtue ethics constitutes of four main features.

- Virtues are dispositions not only to act, but also to judge and to feel, in accordance with the dictates of right reason. The practice of the virtues is required for the life of happiness, the achievement of which is the human end. Accordingly, to have virtue is to be disposed to function well as a human being.
- There are two categories of virtues, namely intellectual virtues and moral virtues. Intellectual virtues are those excellences which inform the activities specific to reason, and are acquired only through education. On the other hand, moral virtues are those excellences of the non-rational parts of the soul when they are obedient to reason, acquired only through habituation and training. In other words, there is a connection between the moral virtues and the intellectual virtues. This connection consists in practical intelligence (*phronesis*)
- Moral virtues direct us to the ultimate end while practical intelligence (or wisdom) selects the right mean and orders to it to the good. But each particular virtue is ordered to this good. Thus, in their relations to practical intelligence, virtues are a unity in so far as they contribute to the achievement of the same good.
- The fourth feature is a communitarian understanding of moral virtues. It is only within the *polis* (society or city state or political community) that the life of happiness can be achieved and lived out. In other words, it is in and through the life of the *polis* that the virtues are exercised. Aristotle argues that unless by the *polis*, especially by the better kind of *polis*, human beings are incapable of the rationality required for virtue. Aristotle's claim here seems to be that morality depends also on the kind of society in which one lives.

8.4.2 Ubuntu Ethics

Ubuntu ethics lies at the heart of the African way of life and impacts all the aspects of people's well-being. Broodryk (2006, p. 16) describes *Ubuntu* as an African traditional moral philosophy, which is based on the values of humanness, caring, sharing, respect, compassion and associated values. The principle of caring for each other's well-being and a spirit of mutual support of each individual's humanity is ideally expressed through his/her relationship with others in the community. Broodryk (2006, p. 18-19) observes that *Ubuntu* is present in all languages of Africa, for instance, *Hunhu*, a Shona description in the Zimbabwean context, *Ubuntu* in Zulu; *Botho* in Sesotho, *Ajobi* in Yoruba, *Umuntu* in Xhosa, *Utu* in Bantu and *Abantu* among Baganda. This conception figures out African structure of personality, which is available in Bantu languages in Sub-Saharan region. This structure views an African conception of the human being in two dimensions, namely, *Umuntu w'ubuntu* and *umuntu mu'abantu*. The *Umuntu w'Ubuntu* conceives human being as part of the universal community of *ntu* (beings). Thus, it refers to persons of humanity, with the characteristics of harmony, integrity, equity. In other words, it refers to a human person who realizes oneself as an individual person in one's universe which includes one's guiding principles, cherished values, innovative and constructive choices, self-determination and self-realization in harmony with others. This categorizes human being as an individual. The other dimension, i.e., *Umuntu mu-bantu* refers to how we associate with others. It is mainly concerned with being-with or in-community; so, it considers a human being as a being in communion with others and social being. In this case, people realize themselves in the universe of other people, including their guiding principles, their values and dynamics of the world (Ntibagirirwa, 2014, p. 11-29).

Ubuntu as an embodiment of ethical living in contemporary African philosophy should maintain communal relations in which persons are

able to express themselves with the greatest possible freedom. Chasi (2014) comments that, it is reasonable to say that *Ubuntu* should prize the freedom of expression by which individuals with the social capital have the capabilities to build and sustain strong communities. This essay argues that human capital or human labour required to realize industrialization process ought to possess virtuous character as envisioned in virtue ethics and sense of cooperation, solidarity, responsibility towards others for the holistic social-economic growth of individuals and community at large as enshrined in *Ubuntu* ethics. Now let us turn to the application of virtue ethics and *Ubuntu* ethics in forming integral human labour as necessity for industrialization process in Tanzania.

8.5 Towards a Shift from Ethical Theorization to Ethical Human Capital

This section makes an attempt to illustrate the concrete applications of aforementioned ethical theories in improving human capital, which is necessary in realizing industrialization in Tanzania aiming at holistic human development. The first point argues that human capital is an imperative toward an achievement of Tanzania Industrial strategy. The second point moves the discourse by arguing for human labour with virtues and moral values. The third point presents the essential elements enshrined in *Ubuntu* ethics and their necessity in improving the status of integral human capital. The fourth point, attempts to rethink the main values of *Ujamaa* philosophy and education for self-reliance as articulated by Mwalimu Julius Nyerere.²⁵⁸ The fifth point argues that industrial-

²⁵⁸Mwalimu Julius Kambarage Nyerere (1922-1999) was the first president of Tanganyika, presently known as Tanzania. In 1967 Nyerere articulated his ideas of African socialism as encapsulated by Arusha Declaration, which outlined his vision of *Ujamaa*. However, this essay will only dwell on Nyerere's education for self-reliance and its relevance in promoting human capital required for realising industrialization.

ization process in Tanzania requires human labour with a sense of responsibility and finally human labour with sense of stewardship.

8.5.1 Imperative of Human Capital towards the Achievement of Tanzanian Industrial Strategy

The recent study done by Msafiri (2013, p. 86) suggests that for Tanzania to attain sustainable development and to alleviate poverty, it should prioritize on improving human capital. Msafiri (2013, p. 86-87) suggests ways to improve human capital. First, human capital involves preparing human labour for the acquisition of transformative core competencies, skills and attitudes. These elements remain the most essential values and driving forces behind holistic change, be it economic, political, social, technological, agricultural, and so forth (Msafiri, 2013, p. 86). What is needed at present to improve the competencies and skills of human labour is to invest massively in institutes of learning, vocational institutions, universities and tertiary institutes to train skilled human labour required to serve in the industrial sector.

Secondly, Msafiri (2013, p. 86) argues that a true innovative drive for human resource development in particular is absolutely necessary. Indeed, education training should be centred on creating innovators and inventors so as to let Tanzanians become competent labourers in the industries. This can be achieved by emphasizing practical dimension of education. To attain innovative minds to advance Tanzanian industrialization process, this essay argues that Paolo Freire's²⁵⁹ philosophy of education which is centred on a praxis-oriented education is very relevant. Freire (1993, p. 33) defines praxis as "reflection and action upon the world in order to transform it. Praxis is the result of a critical consciousness and a way of reflecting on and interpreting problems.

²⁵⁹Paolo Freire is a Brazilian educational philosopher, wrote a book titled *Pedagogy of the Oppressed*, whose first English translation was published in 1969. In this book Freire critiques the traditional education model which he terms as banking model. He further propounds for dialogical model of education.

Through education a praxis-centred education people can exist humanely. This means that they become capable of naming the world and changing (Freire, 1993, p. 69). In training human capital Tanzania educational system should get rid of what Freire calls banking model of education depicting the act of depositing, in which the learners are the depositories. This kind educational model according to Freire inhibits creative powers of the students (1993, p. 64). It denies the experience, freedom and autonomy of the learners to become critical thinkers.

To realize innovation, therefore, we need to adopt the dialogical system of education as proposed by Freire. It is an approach that equips the learners to struggle with life in a given cultural context and to respond to it critically, creatively and constructively in order to transform it (Shijja, 2016, p. 92). According to Freire (1993, p. 70-74) dialogical system of education requires six prerequisites, namely: love, humility, faith, trust, hope and critical thinking. In addition, to apply Freire's educational insights into the discourse of human capital, we can draw two aspects associated with problem-solving education model. These aspects are education as conscientization and humanization as the goal of pedagogy. The former, focuses on the process of cultural action in which human beings are awakened to their socio-cultural reality and, move beyond the constraints and alienations to which they are subjected, and, affirm themselves as conscious subjects and, become active co-creators of their historical future (Freire, 1970, p. 51). This aspect enables us to critically evaluate our socio-cultural setbacks which hinder holistic human development. Thus, it is an invitation to become active participants in solving our problems such as poverty. The latter aspect (humanization as the goal of pedagogy) is an invitation to denounce culture of silence, which has left great masses in abject poverty. It reminds us to fight against injustices which block wellbeing of others in the society. Freire perceived that the dehumanizing condition of the oppressed people and their society is due to poverty, hunger, disease, ignorance, etc., and also

by unjust structural systems of the oppressors. Under, this situation, a problem solving educational system is indispensable. Such educational system should address existential problem of the people or learners. For Freire, education should be an effective instrument to liberate the oppressed people for freedom and identity. Basing on Freire's educational approach I argue that education as a process of learning should enable citizens to critically evaluate their socio-economic and political scenarios. Learners should be trained to become creative and innovators; as a matter of fact these two aspects are prerequisites for industrialization process which aims at holistic human development. Also, education should equip citizens with the spirit of togetherness, cooperation and solidarity. Now let us turn to another point which focuses on cultivation of moral virtues while enhancing human capital.

8.5.2 Cultivation of Virtues towards Human Capital

Human capital encompasses skills and competencies necessary for attaining industrialization process in any country. Tanzania in particular has witnessed increased number of higher institutions of learning, which have played a key factor in expanding human capital. However, cases of irresponsible leadership, massive corruption scandals and rapid increase in misuse of public funds and resources vividly points out the lacuna in our current education system which breeds human capital. To attain human development as an outcome of industrialization involves more than basic skill acquisition; it involves inculcating virtues to human labour. The study conducted by Christoph Stückelberger, Cui Wantian, Teodorina Lessidrenska, Wang Dan, Liu Yang, and Zhang Yu (2016, p. 40) consider virtues as *attitudes*, behaviours of individuals and a concretization of values.

In training virtuous human capital to move Tanzania to an industrial economy we are encountered with three basic questions: 'who are we?' 'Who ought we to become?' and 'How are we to get there?' In answering the first question 'who are we?' it is necessary to focus on the

standards and the criteria with which we are measuring ourselves. Regarding the standards, Christoph Stückelberger (2014, p. 40) gives eight virtues that are necessary for Globethics.net staff and board members. These virtues are:

- Integrity (honesty, openness, transparency)
- Modesty (free from greed, arrogance)
- Servant (courage to serve the common good and common cause)
- Forgiveness (being able to accept own mistakes and forgive others)
- Empathy (ability to empathise and care for others)
- Faithfulness (faithful to values and promises)
- Carefulness (prudence in the management of resources and people)
- Ethical Courage (courage to defend and implement ethical values against resistance).

I find these virtues very important in advancing human capital for industrialization process in Tanzania. For instance, we need not only skilled engineers but also engineers with sense of integrity, modesty, common good and ethical courage among others. Also, industrialization in Tanzania not only needs competent and skilled managers but also managers with sense of prudence in the management of resources and people.

The second question of ‘who ought we to become?’ embodies a vision of the type of human labour we are supposed to become. Here, the virtues aforementioned become our guideline for us to act morally for the good of the society as our ultimate end. Thus ethical and moral education becomes necessary mainly dealing with cultivation of our

personality as human labour. There is high need for an on-time justice to acquaint citizens with a value-oriented formation combining moral training. Unfortunately, the training for moral virtues is portrayed as a less important dimension in academic formation. But, in reality, moral virtues are the most important components of a socio-economic organization characterized by efficiency, integrity and accountability. Finally, 'how are we to get there?' This question focuses on how to attain skilled and virtuous human labour required in industrialization. Attaining this requires our practical actions guided by our skills and moral virtues. To conclude this point, the question is: 'how can virtuous labourers be concerned with the well-being of the community?' This question is dealt in the next point.

8.5.3 Imparting Ubuntu Ethics to Human Labour

Ubuntu philosophy is becoming a mainstream in African affairs ranging from socio-economic to political and so on. This essay considers *Ubuntu* from its ethical perspective in which human person as a moral agent is oriented toward the well-being of others. *Ubuntu* ethics treats human being in two dimensions: the first, *Umuntu w'abantu* (individual as a moral agent with integrity), the second, *Umuntu mu'abantu* (individual as a moral agent with/in-community). On the one hand, *Umuntu w'abantu* specifies the main characteristics of a human being as individual with integrity, sense of equity, fairness and harmony. *Umuntu w'abantu* considers a human person who realizes oneself as an individual person in one's universe which includes one's guiding principles, cherished values, innovating and constructive choices, self-determination and self-realization in harmony with others (Ramose, 2002, 41-42). On the other hand, *Umuntu mu'abantu* refers to being-with or in-community (in-communion-with). *Umuntu mu'abantu* considers the human being as a communal and social being. In this regard, people realize themselves in the universe of other people, including their guiding principles, their values and dynamics of the world. This catego-

ry of *Ubuntu* philosophy indicates that the conception of the human person includes the plenitude of humanness which cannot be achieved outside the community.

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The communal aspect in this discourse can be seen in the associations and groups coming together to work collectively. General examples can be drawn in Tanzania whereby people come together bound in the virtue of cooperation and solidarity. People work collectively for the communal well-being by virtue of solidarity. For instance, in Tanzania Village Community Banks (VICOBA) tends to put into consideration the key values of *Ubuntu ethics*, namely: solidarity and cooperation. Odunga Maureen (2016), comments that VICOBA has proved a success in boosting and raising incomes among different community members in the country over the years. This is evident among various groups scattered across the country and are benefiting from the scheme. The small financial institutions are effective in mobilizing financial resources strategically by members engaging in small productive activities through their small savings obtained as loans. As from last year, Twiga Bancorp dedicated their focus in supporting the Village Community Banks (VICOBA), by introducing and improving their income generating activities and it was carried out in Dar es Salaam, Coast and Morogoro Regions (Odunga 2016). Recently, the bank allocated 5 billion to be loaned to various entrepreneurs through their VICOBA groups to boost their income generating activities at national level for the financial year 2016 (Odunga, 2016).

The above mentioned example illustrates the relevance of *Ubuntu* ethics on the basis of imparting solidarity and cooperation. In this line of thinking, Symhorien Ntibatirwa (2016) suggests that solidarity is a main component for members of any community to participate fully in the development activities. Thus, members realize themselves when they participate fully in production as they partake in the community. Ntibatirwa (2016) adds that solidarity among individuals in the community should be accompanied by friendship. As members of the community journey together in the projects, they grow to relate in terms of what each one can be for others. So, in implementing industrial strategy leading to human development the government should put emphasis on empowering groups and associations of human resource, who come together through gathering their resources to establish a small industry. More-so, these associations should put into consideration virtues of trust, transparency and responsibility.

8.6 Rethinking *Ujamaa* Educational Principles in Human Capital Realization

Ujamaa philosophy as articulated by Mwalimu Nyerere reflects the *Ubuntu* ethics of togetherness, solidarity and cooperation. *Ujamaa* is a Swahili term that means “Family-hood” coined by Nyerere for his philosophy of African Socialism. The concept of *Ujamaa* is based on the family, where members are sealed together as *Jamaa*, meaning relatives (Nyenyebe, 2004, 19).

Ujamaa's educational vision was grounded on the principle of ‘education for self-reliance.’ It defined how education is to transmit values of living and working together for the common good and without exploitation. It was designed to transform the inherited colonial system of education to make education provided for young and adult Tanzanians more relevant to the needs and aspirations of the post-colonial African nation. This idea came about in Arusha Declaration in 1967.

Education was therefore, to focus on the following: community school integration as a way to inculcate in learners a sense of commitment to the community, integration of education with productive work, democratization of education in the sense of education for all primary and adult education, political ideological education for mental liberation and inculcating an acceptance and support for national policies. In order to achieve these broad educational objectives it upheld the following central principles: concretization, democratization, development and use of science and technology, integration of theory and practice through education-work integration, creativity, planning and lifelong, nationwide education. Under these principles, education for self-reliance was a philosophy of liberation and development for Tanzania as a nation.

In this philosophy the purpose was threefold. First, the role of education was to transmit the cultural heritage from one generation to the next. Second, education was to prepare learners actively and creatively to participate in the current development concerns of Tanzania. Third, education was to prepare learners to cope with the problems in the foreseeable future of Tanzania on the basis of self-reliance (Suzgo, Nyirenda and Ishumi, 2008, 36).

In rethinking the tenets of *Ujamaa* as a prerequisite for realizing effective human capital for Tanzanian industrialization process, there is a need to revisit its foundation especially on education. *Ujamaa* emphasizes the importance of two concepts: *Education with Work* (EWW) and *Education with Production* (EWP), so as to materialize the sense of responsibility to others under an umbrella of *Education for Self-Reliance*. This provides a link between education, work and responsibility leading to common good. As Nyerere aptly insisted: education should aim to search for truth (Nyerere, 1995), which emphasizes the informative and transformative roles of education. Additionally, it is a value oriented system of education combining intellectual formation, efficiency at work, integrity and accountability. As regards enhancing the efficiency

of human capital required for industries in Tanzania, institutions and stakeholders in education should focus on forming and training people with spirit of responsibility, accountability and services which are captured in *Ujamaa* philosophical thought. This will enable a shift from recent trends in education characterized by commodification by institutes of learning driven by increasing profit margins to return to their being centres where good character formation and moral values are assimilated.

8.6.1 Forming Human Labour with a Sense of Responsible Leadership

Responsible leadership is a common term used in civic education, leadership courses, business ethics etc. Deon Rossouw argues that: “responsible leadership is constant personal and institutional reflections on the short and long term impact of their personal and institutional decisions on society” (cited from Msafiri, 2012 p. 43). In the same line of thinking, Christoph Stückelberger (2007) views responsible leadership as a key factor for performance, success, credibility and sustainability of any organization. Both theorists are concerned with ethical values which are essential in building human capital, namely: accountability, integrity, fairness, care, stewardship, care holding and responsible management of natural resources. This essay argues that building human capital as a necessary factor for Tanzanian industrialization must include the task of training people to become duty-conscious and responsible members in the society. Eventually, responsible human labour should be in position to promote the well-being of the entire society.

8.6.2 Forming Human Capital with a Sense of Stewardship

As Stückelberger aptly argues, the Greek word *oikos* is today presented in three aspects namely: *economy*, the *ecology* and the *ecumenism*. In this hypothesis responsible stewards cares for the economy to meet material needs of life in the household, they care for ecology as the

environmental basis of life in the household; they care for ecumenism as the spiritual basis for life and its interreligious and intercultural community in the global household. Here, responsible stewards care, protect, guide, serve and share on all the three levels (Stueckelberger, 2007, p. 8-10). Consequently, human capital required to transform Tanzanian industrial sector should be inculcated with fundamental values of economy, namely: caring for the whole household of Tanzania under the rubrics of common good.

Secondly, human labour required to improve industrialization should be trained into core values regarding environmental issues. For instance, Christopher Stückelberger (2002, p. 47) model of *need-related justice* will be relevant in this context. According to Stückelberger, a fair distribution of goods must take into consideration basic human needs (food, shelter and clothing) and a healthy and dignified life (2002). Thus, the government and environment stakeholders should take into account the ecological concerns. Msafiri's (2012, p. 47) study shows how some unscrupulous industries conduct their activities which are not concerned with realizing the *need-related justice*. Msafiri gives us a concrete example of Wazo Hill Cement Company (25km north of Dar es Salaam) as a source of multiple health hazards to citizens living in the nearby Kunduchi, Boko, Tegeta, Madale, Kisauke and Wazo Hill communities. Many people suffer from various respiratory illnesses as a result of toxic emissions and dust (2012).

Finally, Stückelberger suggests *ecumenism*, which focuses on spiritual life, intercultural and interreligious dialogue. In this context the essay argues that to realize industrialization aiming at integral human development the government and development stakeholders should involve spiritual and religious leaders under a common platform. Also, Religions should play active role through their institutes of learning, schools, vocational trainings and universities to train competent human

labour with sense of integrity and moral virtues needed to transform Tanzanian industrial sector aiming at human development.

8.7 Human Development as the End of Industrialization

This essay suggests that the end of Tanzanian industrial strategy should be attainment of human development. The expression ‘human development’ first appeared in the *World Report on Human Development* (1990), became influential for including a statistical appendix introducing the Human Development Index. It shifted the focus of economic growth to a people-oriented development model. The traditional focus on standards of living, economic variables and goods was replaced by human welfare in terms of life expectancy, education, and health. The United Nations Development Programme (1990) report defines human development as “the enlargement of the range of people’s choices” (p. 10). Thus, this essay depends heavily on Amartya Sen’s²⁶⁰ understanding of human development.

Human development, according to Sen, cannot be limited to the growth of the gross national product (GNP), the rise in income, or the increased levels of industrialization and technological advancements. He holds that income, utilities, resources and wealth act as means towards an end for human development, and not as ends in themselves. Sen (2000) attests that “the usefulness of wealth lies in the things that it allows us to do” (p. 14). This brings us to Sen’s understanding of human development as enhancement of the lives we lead and the freedoms we enjoy, thus, human development is defined as the removal of major hin-

²⁶⁰Human development approach is rooted in Amartya Sen’s capability approach. Amartya Sen is a first Indian and Asian Nobel Prize winner in Economics. He has published widely on political economy, developmental studies, contemporary understanding of justice, poverty and famine. However, this essay does not provide detailed information of Amartya Sen’s capability approach and its contribution in the discourse of human development.

drances to our freedom. Some of these hindrances are poverty, tyranny, poor economic opportunities and others.

Human development is achieved when people have greater freedoms (capabilities). These substantive freedoms, according to Sen (2000), are “seen in the form of individual capabilities to do things that a person has reason to value” (p. 56). The freedom that we enjoy is inescapably qualified and constrained by the social, political, and economic opportunities that are valuable to us. Institutions and societal arrangements are of much importance for promoting the freedoms of individuals. Thus, human development as an expansion of individual substantive freedoms occurs with the improving of institutional frameworks such as markets, public services, the judiciary systems, political parties, mass media, and public discussions.

Additionally, human development would really mean making the person more capable through investing in social sectors and public infrastructures and in the long term these goals will improve the health, education and social capabilities of people (Alexander, 2007, p. 10). This draws attention to what makes life worthwhile: people’s ‘centredness’. This departure sees human development in terms of expansion of individual freedoms in the bundle of opportunities that one has reasons to value. Thus, the end result of industrialization to Tanzanians should be increased and improved elementary things like being adequately nourished, living in a solid house and being in good health. Hence, these require improved social and public services such as health care, quality public education and improved infrastructure such as roads and so on. Ultimately, the industrialization process should target attaining happiness of citizens, self-respect and participation in community life by Tanzanian citizens.

8.8 Concluding Remarks

This essay has dealt with ethical education in promoting human capital required for Tanzanian economy to attain industrial growth. The paper asserts strongly that human labour should be inculcated with moral virtues and values so as to attain virtuous manpower. Thus, there is a need to introduce courses on ethics especially in institutes of higher learning and schools. This could bring ethical awareness to human labour. Consequently, this could enable human labour to have sense of integrity, responsibility, ethical courage and sense of togetherness leading to common good. The essay affirms that these ethical values are highly demanded while implementing Tanzanian industrial plan of 2016/2017 – 2020/2021. The diagram is the conceptual framework of the whole essay.

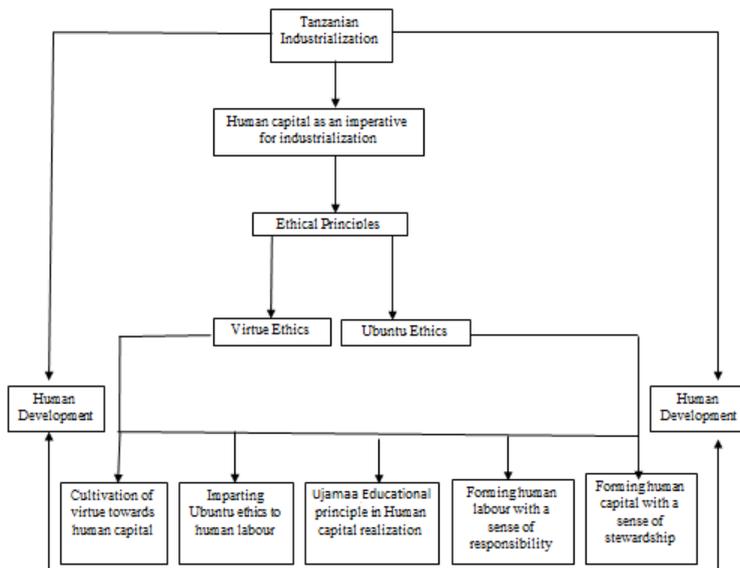


Figure by the author

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C

RESEARCH ETHICS AND EDUCATION

ETHICAL CONSIDERATION IN CURRICULUM IMPLEMENTATION

THE ROLE OF HEAD TEACHERS IN THE IMPLEMENTATION PROCESS

Constantine Kangalawe & Sr Sarah Maina

9.1 Abstract

Educators are entrusted with the responsibility of forming learners in a holistic way²⁶¹. The ethical considerations in education come in handy since holistic formation and rendering education as a right calls for substantial moral conduct. This entails respecting the learners, protecting them from abuse physical, psychological and spiritual as well as cultural in curriculum implementation. To render the best services to learners, a head teacher is mandated to manage the school in a harmonious way. This paper seeks to find out whether ethically committed teachers and head teachers in curriculum implementation would be instrumental in achieving quality education, moral uprightness and responsible citizens. Data will be drawn from content analysis and seeking the views of ex-

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perts whose diverse experiences in educational leadership will shed light on the ethical adherence. The evidence will be based on credible delivery of the curriculum content, assessment, learner's character formation and conducive learning environment. To achieve these goals, the head teachers need to be passionate risk takers who lead in actions that promote the practice of ethical guidelines governing the teaching profession.

9.2 Introduction

Quality and holistic education is a globally desired outcome. Quality learning outcomes enshrined in the educational goals are pursued through ethical practices during curriculum implementation. This ensures that education as a human right is rendered in the right ways and in fullness. Curriculum implementation is the core business of school head teachers and the very reason for existence of schools. Kocaba, and Karaköse assert that 'school principals are main decision makers. They must follow codes of ethics and always think of students first in decision making'²⁶².

Schools face the challenges of human rights abuses such as inequalities, sexual harassment, examination cheating, low quality teaching and learning process and an overall compromise of virtues. While the quality outcome in academic performance is highly desirable the ethically rooted teaching and learning process is equally valued. The society with academic giants and moral dwarfs is wanting in peaceful living and development. Moral decadence and abuse of human rights leads to devaluation of human life.

²⁶² Cf. Kocaba, Ibrahim / Turgut, Karaköse, "Ethics in school administration" in: *African Journal of Business Management*, 3 (4), 2009. 126-130.

The purpose of this paper is to generate ways and attitude that link the ethical leadership of the school head teachers with crucial role of facilitating for morally responsible citizens through education. *Key terms*: ethics, curriculum implementation, role of head teachers.

9.3 Ethical Considerations, Curriculum and Implementation

9.3.1 Ethics

Gulcan says that ‘the term ethics is derived from Greek term Ethos which means custom, character. It is related to our values and virtues’²⁶³. Education is a value and a right of all people and should be acquired in the right ways, proportions and in a conducive environment.

9.3.2 Curriculum

Shao-Wen asserts that ‘curriculum refers to content, goals, methods, assessment, extra-curricular activities, learning environment, hidden curriculum and cultures’²⁶⁴. All forms of experiences are encompassed for holistic curriculum implementation.

9.3.3 Curriculum implementation

Obilo/ Sangoleye, insist that ‘curriculum implementation is the act of translating the curriculum document into action in the classroom by the teacher’²⁶⁵

²⁶³ Cf. Gülcan, Yelix N., “Discussing the importance of teaching ethics in education” in: *Social and Behavioral Sciences* 174, 2015, 2622 – 2625. doi: 10.1016/j.sbspro.2015.01.942 Science Direct INTE 2014

²⁶⁴ Cf. Su, Shao-Wen, The Various Concepts of Curriculum and the Factors Involved in Curricula-making, in: *Journal of Language Teaching and Research*, 3, (1), 2012, 153-158, <https://pdfs.semanticscholar.org/4b27/4bc0f86b4444371fd362cb0f74048445bdf.pdf>.

²⁶⁵ Cf. Obilo, Princess Ijeoma / Sangoleye, Solomon A., Curriculum Implementation and the Teacher: Challenges and Way Forward.

According to Rasmi et al 2014 Curriculum implementation is the integration of instructional content arrangement intervention, management and monitoring classroom activities. Teachers are the greatest assets of any education system. They stand in the interface of the transmission of knowledge, skills and values. To achieve these goals, an ethical head teacher works hand in hand with the teachers.

The school head teachers play a key in the implementation of curriculum. The management and leadership roles are vested on them whilst their ethical stand is of paramount importance for holistic education.

9.4 Transformational Leadership Theory

This work is based on transformational leadership theory by Bass. Bass ‘connects transformational leadership with high-order values and perceives morality as a crucial component’²⁶⁶. Transformational leaders aim at promoting individual to make positive change in their lives and in other people’s lives. Jovanovica et al, insist that during ‘the interaction of leaders and followers, their ethical aspirations are improved which is a sign that a true leadership occurs’²⁶⁷ The theory ascertains that moral ethical considerations go hand in hand with education more so during curriculum implementation.

McCloskey asserts that transformational leadership is the process of creating, sustaining and enhancing leader-follower, follower-leader and leader-leader partnerships. These partnerships work in pursuit of a

<http://www.globalacademicgroup.com/journals/academic%20excellence%20/CURRICULUM%20IMPLEMENTATION%20AND%20THE%20TEACHER.pdf>

²⁶⁶ Cf. Bass, M., From Transactional to Transformational Leadership: Learning to Share the Vision. discoverthought.com/Leadership/References_files/Bass%20leadership%201990.pdf.

²⁶⁷ Cf. Jovanovica, D. / Ciricb, M., Benefits of Transformational Leadership in the Context of Education. <http://dx.doi.org/10.15405/epsbs.2016.09.64>

common vision, in accordance with shared values and on behalf of the community²⁶⁸. The transformational leadership theory has four principles as identified by Bass

Idealized influence, or charisma, embodies personal attributes of who the head teacher is in word and practice. According to Gokce, ‘idealism refers the individual’s concern for the welfare of others. Highly idealistic individuals believe that ethically correct actions will consistently produce desirable outcomes’²⁶⁹.

The head teachers whose conduct is morally upright, inspire and transform others into ethically sound individuals. Their authority lies in their moral values and integrity. Such head teachers influence the schools by being ethical models, collaborative team players and they empower individuals to become ethical leaders too. They ensure that the curriculum is implemented through quality approaches. They ensure that assessments reflect authentic learners’ outcomes. They facilitate for virtue-based character formation of learners in a conducive learning environment.

Bass believes that ‘the emotional component of leadership drives followers to forgo their own comfort in favor of the collective interest, that is, in the search for a greater good’²⁷⁰. Transformational head teachers portray the aspects of hard work, dedication, respect for all, justice and fairness, humility and willingness to develop themselves and those around them.

²⁶⁸Cf. McCloskey, Mark W., What is Transformational Leadership? ML513/ML791, pp. 3. <http://people.bethel.edu/~pferris/otcommon/TransformationalLeadership.pdf>.

²⁶⁹Cf. Bass, B. M., *Leadership and performance beyond expectations*. New York: Free Press. 1985, 191.

²⁷⁰ Cf. Gokce, Asiye T., “The Effect of Teachers’ Spirituality and Ethical Ideology on Their Preference of Reporting Wrongdoings at Schools” in: *International Education Studies*, 9 (5), 2016. 85. <http://dx.doi.org/10.5539/ies.v9n5p85>

Bass says that '*Inspirational motivation* entails being enthusiastic, positive minded, and transmitting the same to the followers such that they are encouraged to forge forward with hope and determination'²⁷¹.

The head teachers inspire both teachers and learners to uphold the research proven teaching-learning approaches that lead to deep learning and high self- efficacy. The challenges involved are collaboratively dealt with by the school as a community of learners and the parents.

Bass asserts that '*Intellectual stimulation* refers to the way a leader questions the status quo and appeals to the intelligence of followers to prompt them to question their own ideas'. The head teachers lead in applying the educational policies such as application of learner-centered approaches, authentic assessment modes, healthy teacher-learner relationships and proper management of teaching learning resources.

They value collegial instructional supervision. This entails capacity building of the teachers by involving them in planning for necessary changes and engaging the learners in authentic learning activities. They initiate changes based on evidence and expert advice and appeal to the hearts of teachers, learners and parents to be change drivers. Creates awareness of the human rights, children's rights and the care they need.

According to Bass '*individual consideration* entails being concerned listeners and keen observers'²⁷². The head teachers make deliberate efforts to know their staffs' strengths and weaknesses so as to provide appropriate interventions. This ensures that nothing hinders the proper curriculum implementation. It also ensures that conflicts are resolved in good time and gaps are filled up in the right ways.

They are on the lookout for the welfare of learners, ensuring that they are well disposed to benefit from the teaching and learning process-

²⁷¹ Cf. Bass, B. M., *Leadership and performance beyond expectations*. New York: Free Press. 1985, 191.

²⁷² Cf. Bass, B. M., *Leadership and performance beyond expectations*, op cit.

es as stipulated in the curriculum. They deliberately work for conducive learning environment. They check on threats that may hinder learning and moral development. Such threats may emanate from teachers, support staff, learners, parents, guardians or external environment such as poverty, natural calamities or political instability

9.5 Role of the Head Teacher in Curriculum Implementation

Ahmed asserts that ‘in educational leadership we have to do right things whereas our ethics helps us to keep alive our values and character in making decision and doing things right’²⁷³. The head teachers are entrusted with the entire management of schools.

Management of education is the process of planning, organizing, directing and controlling the activities of an institution by utilizing human and material resources so as to effectively and efficiently accomplish functions of teaching and extension work and research. However in fulfilling these functions, the head teachers should portray moral uprightness by acting in the right ways. They are to be set good examples and prove that there are possibilities of living ethically and be fulfilled. That attainment of goals counts on the ethical process not just the desired outcome.

According to Tyler, ‘Principals today for effective moral and ethical leadership must have a vision for the school, which determines the direction that the school should move’²⁷⁴. The head teachers need to bear

²⁷³Cf. Ahmed, Qazi W., Ethics as a Major Element of Sustainability in Educational Leadership across Finnish Education. <https://jyx.jyu.fi/bitstream/handle/123456789/50390/1/URN%3ANBN%3Afi%3Aaju-201606173160.pdf>. 2016

²⁷⁴Cf. Tyler, Clifford E., Today’s Challenges and Dilemmas for Ethical School Leaders, 2014. <https://www.g-casa.com/conferences/bangkok14/papers/Tyler.pdf>.

at heart the vision, mission, goals and core values of the school. These inform the path ways and the outcome of the curriculum implementation under the guidance of the ethical head teachers.

9.5.1 Delivery of the Curriculum Content

The teaching and learning process is core to curriculum implementation. It is the process that highly determines the learning outcomes of the learners. The process reflects the ethical adherence of schools to the best practices in curriculum delivery and the impact rest on learners' good grades and character. The Teachers service Commission (TSC) 'recognizes the Heads of the Institutions and entrusts them with maintenance of the teaching standards in the implementation of curriculum to enhance learning outcomes'²⁷⁵. This implies that the head teachers are to be benevolent and precise in harnessing the human, material and financial resources in support of curriculum implementation.

According to the Schools White Paper in United Kingdom, 'the human resource is of basic importance especially teachers since no education system can be better than the quality of the teachers'²⁷⁶.

Therefore, TSC mandates the head teachers to give teachers an opportunity 'to improve their performance competencies and analyze teachers' performance gaps. They ought to provide support for professional development, maintain cumulative records of teaching and learning for decision making'²⁷⁷.

²⁷⁵ Cf. Teachers Service Commission, Kenya (TSC), Performance Contract between the Teachers Service Commission and the Principal/ Head teacher, 2016. tsc.go.ke/index.php/...for-headteachers/.../83_e96de75ea8c16301f2e735dc07ebc86a.pdf

²⁷⁶ Cf. The Schools White Paper 2010, the Importance of Teaching. Department for Education, the Stationery Office Limited, UK. <http://www.educationengland.org.uk/documents/pdfs/2010-white-paper-teaching.pdf>.

²⁷⁷ Cf. Teachers Service Commission, Kenya (TSC), loc. cit.

In a bid to transform the teaching staff into effective responsible teachers the head teachers supervise the teaching process with a concern for improving the efficacy of teachers in teaching and learning process. In most cases the teaching methodologies are replaced by drilling learners to pass exams only while the necessary competencies are compromised. This is ascertained by Mackatiani says that ‘examination oriented approaches do not address acquisition of practical skills, values, and attitudes in learners’²⁷⁸. It is unethical to lead learners let learners pass through schooling and end up without substantial life and intellectual skills necessary in this demanding and fast changing world.

Examinations form part of curriculum assessment. However, both formative and summative assessments complement each other for the good of the learners. Garrison et al say that ‘summative assessments are given periodically to determine at a particular point in time what students know and do not know. Formative Assessment is part of the instructional process, it provides the information needed to adjust teaching and learning’²⁷⁹. Lack of or poor formative assessments lead to low quality teaching and learning.

Low quality teaching and learning process lead to malpractices that need to be curbed through ethical leadership. Head teachers ought to be on the lookout to ascertain that learners are assessed and given honest feedback for informed interventions in curriculum implementation. They are answerable to learners, parents and the government through the education ministry. These stakeholders are usually given a white wash glory through high summative grades that are far from honest. They do not

²⁷⁸ Cf. Mackatiani, Caleb I., Influence of Examinations Oriented Approaches on Quality Education in Primary Schools in Kenya. *Journal of Education and Practice*, 8 (14), 2017. <https://files.eric.ed.gov/fulltext/EJ1143881.pdf>.

²⁷⁹ Cf. Garrison, Catherine/ Ehringhaus, Michael Formative Assessments in classroom, 2013. https://www.amle.org/portals/0/pdf/articles/Formative_Assessment_Article_Aug2013.pdf.

reflect the learners' true capacity since they are obtained through cheer examination cheating.

The values such as faithfulness, honesty, academic integrity self-reflection and acceptance are compromised. Kariuki established that 'social factors and Teachers' practices have great influence in cheating behavior in examination. Admission to universities, colleges, and pleasing parents as well as to secure scholarships, spur unethical practices'²⁸⁰.

While teacher practices such as teacher-centered pedagogies, the rise of high-stakes testing and the consequences of the results on the teachers, unfriendly and boring teachers get engaged in examination cheating. These unethical practices can be curbed by head teachers' modeling in moral values. It is their responsibility to sensitize the teachers, learners and the society especially the parents on the benefits of hard work, honesty in all endeavors and self-acceptance.

9.5.2 Learner's Character Formation

The head teachers are first and foremost teachers, with aims and goal to achieve and ethical standards are integral part of the educational goals. The head teachers have authority to influence teachers to live ethically and influence learners in the same way. Moral authority is necessary for moral development and character building of learners.

Protecting learners from any sort of harm during curriculum implementation period and empowering them to live safely in future is of paramount importance. The head teachers should be the heralds of observing and creating awareness of policies that protect the learners. TSC stipulates that 'the learners should be protected from bullying, corporal

²⁸⁰Cf. Kariuki, James Factors Influencing Cheating Behavior in Examinations among Secondary School Students in Kilifi District, Kenya" 2012, erepositoary.uonbi.ac.ke/.../JAMES_MAINA_KARIUKI_M.E_M__E_2012.pdf

punishment, forced repetition, holiday tuition, safety standards, sexual abuse and harmful cultural practices’²⁸¹.

9.5.3 Conducive Learning Environment

According to Murtedjo et al, School climate refers to ‘the social, physical and academic environments of the school. Educators feel respected and do their work effectively and efficiently. Students experience conditioning emotional climate that encourages the achievement of academic success and personal welfare hence higher self-esteem’²⁸². The overall goal of the head teachers is to ensure that the curriculum implementation is facilitated for to the highest degree possible. There are threats to sustaining the conditions necessary for learning.

It takes a transformative ethical head teachers to confront the vices courageously and assiduously. This entails working hard to secure the resources necessary for learning in justice and equity such as classes, books teaching learning resources, funds for educational projects and adequate time for learning processes. However, ignoring and failing to secure or misusing the resources denies learners of their right to education.

Embezzlement of funds, conflict of interest and bribery for grades or to cover errant teachers or learners. Overall lack polices that guides in deterrent of vices or corporal punishments are occasions that portray bad examples to learners. Lack of concern for learners, poor teaching methods, discrimination, ignoring the poor and special need learners, sexual

²⁸¹ Cf. Teachers Service Commission, Kenya (TSC 2017). Safety of Learners in Learning Institutions. *Circular* 6(2017). <https://www.tsc.go.ke/.../39-circulars?...safety-of-learners-in-learning-institutions-201.pdf>.

²⁸² Cf. Murtedjo/ Suharningsih, The role of principal in optimizing school climate in primary schools. *Journal of Physics: Conference Series*, 953, 2018, 012179. iopscience.iop.org/volume/1742-6596/953.pdf.

harassment, failure to let teachers attend professional development. All these constitute to sour learning environment. Head teachers are duty bound to follow their moral standards and root out such behavior from the school environment.

It is the responsibility of the head teachers to ensure that the vulnerable learners are protected. This entails looking for means to ensure they are in school, safe from abuses and well provided for so as to fit in during curriculum implementation. The learners who hail from impoverished background, special need learners, orphans, HIV/AIDS infected or affected, those whose parents are single or in prisons need to be cared for. The head teachers have the responsibility of creating conducive learning environment, ensure learning resources and opportunities are available and that they are accepted and respected by the school community.

Well set policies that are made known to learners, teachers, parent and any education stakeholder help curb such irregularity. Educating the stakeholders on the moral guidelines help in transforming and developing ethical human resources in all levels of participation in curriculum implementation. Involving the stakeholders in planning the school activities help create open communication and ownership of the curriculum implementation process. As such all stakeholders participate willingly and lovingly for the good of learners and the society as a whole.

9.6 Conclusion

Ethical living is a prerequisite for peaceful and harmonious life, while Education is power that needs to be shared in morally acceptable ways befitting humanity. The commitment of the head teachers to be morally upright and make decisions that are ethically sound inspires a culture of moral considerations by teachers, learners and the entire school community. It leads to self-actualization, fulfillment and true concern for human life. While helping learners to obtain knowledge and

skills during curriculum implementation in schools moral uprightness counts for credible long lasting outcomes. The head teachers are radiators of true love, concern, honesty and commitment to develop human potentials in the best and right ways possible. They bear in mind the present needs and the future welfare of learners and the society at large.

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THE INDISPENSABLE RELATIONSHIP BETWEEN ETHICS AND EDUCATION IN THE PROCESS OF TEACHING AND LEARNING

John Mwai Theuri

10.1 Abstract

Interpersonal relations and dialogues are incorporated in the method of teaching²⁸³. Consciousness and the way people construe the world are a great influence on existential-phenomenological views. In the process of education reality is never just simply the objective datum or concrete fact. Rather it is also man's perception of it. Man's discussion of intersubjectivity, intentionality, authenticity and cultural action for freedom is traced to his existential-phenomenological concerns. Jean-Paul Sartre held that “existentialism is human existence, determinism has no place in man's existence and freedom defines the human being”. It is therefore important to trace the principles that construct the philosophy of education in the context of human freedom and synthesize it with Ethics in the process of progressive education. This is because education is power and the process of teaching is part of human empowerment. This article aims

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at demonstrating the central role of Ethics in the process of teaching and learning. The two realities education and ethics are so intertwined that talking of education without the ethics is practically impossible if the fruits of education is anything to go by. *Key terms:* Education, Ethics, concept, society, process

10.2 Introduction

The increasing cross-national mobility of people and the transnational communication of ideas that took place cause the educators around the world are faced with new challenges of balancing local, national, and global norms and moral as well as ethical values in the process of education. However, some educators are always unwilling to devote time and effort to bread ethics education which is viewed as a soft at the expense of what they view as more important. Many scandals related to professionalism in the fields takes place all over the world which calls for code of ethics. Ethics, also known as moral philosophy is defined as generally used interchangeably with morality and the moral principles of a particular tradition, group or individual. Education is focus on teaching humans with ethics and morality besides development in knowledge and physical acquisition. In the philosophy of Imam Ghazali, education is a process of teaching and used to shape an individual character.

10.3 Critical Issue Pertaining to Relationship between Education and Ethics

10.3.1 Concept of Education

The word “education” is derived from the Latin word “educare”. It means to draw out, or to call forth what is already present as a possibility. The phrase “what is already present as a possibility” may be the essence of all that is really meant by “human resources” in the realm of the

modern workplace.²⁸⁴ Why education is important? Education is the process of facilitating learning, or the acquisition of knowledge, skills, values, beliefs, and habits. Educational methods include storytelling, discussion, teaching, training, and directed research (Basic concept of education, 2016). Education frequently takes place under the guidance of educators, but learners may also educate themselves. Education can take place in formal or informal settings and any experience that has a formative effect on the way one thinks, feels, or acts may be considered educational.

Human beings deserve to be educated although they are being alive and have thought emotion, and willingness. Definitely, they need a long life education to support their existence to live or enhance their skills and ability to stay alive in this world. Their various souls' condition allows them to be more optional and flexibility in life in making any ethical decision. In fact, this habit indicates that they could be wrong or right; ethical or unethical to do so. Therefore, it is a huge step for human beings to improve their self by being educated in order to place them in the appropriate concept of thinking. Of course this is not about the perception but is about attitude. This is because human beings are sinned since their ancestors felt into the sin. This condition makes them trigger any concept, proposition, and hypothesis from their bottom of the heart that might be outstanding compared with others. Education plays a vital role in this case. It immerses them into appropriate thinking in stating any thought, emotion, and the willingness. Human has preference in judging based on what he knows. He will defend on his statement when another criticizes his statement and gives judgment. The study of Philosophy and Sociology of Education is an exciting and challenging ven-

²⁸⁴ Boon, H. Raising the bar: ethics education for quality teachers. *Australian Journal of Teacher Education* 36(7): 2011. 76–93.

ture. The reason why I said so because it allows us to encounter some of the great and enduring ideas of human thought.

10.3.2 The Concept of Ethics

Ethics is defined as ‘the science of morals, treatise on this, moral principles or rules of conduct’ by The Concise Oxford English Dictionary (1964). It originated from the Greek “*ethikos*” meaning ‘of or for morals’. While morals been described as being concerned with ‘the distinction between right and wrong’. According to May (1993) state that in practice, ethics is a path of studying morality which permits decisions to be made when individuals face specific cases of moral dilemma?²⁸⁵ Ferrell et al. (2008) reviewed the ethics is defined as behavior or decisions made within a group’s values, where these values and judgments play a critical role for making ethical decisions.²⁸⁶

According to the Explanatory Dictionary of the Romanian Language, ethics is the science managing the theoretical study of values and human behavior from the viewpoint of moral principles as well as the general of moral behavioral norms. Pascu and Horomnea found that moral refers to a behavior which society accepted and practiced. Thus, ethics is a main part of philosophy, which can be called the science of moral reality that referring to the research of moral issues.²⁸⁷ The concept of ethics was used as the name of a philosophical discipline by Aristotle for the first time. Based on the ethical and moral concept including truth, sincerity, regularity, reality, neutrality and so on, the true and fair view is able to connect to the performance criterion. “As a philosophical discipline of study, ethics is a systematic approach to understanding, analyzing, and

²⁸⁵ May, T. What are ethics? *Social Research: Issues, Methods and Process*, (1993), 54 – 62.

²⁸⁶ Ferrell, O.C., Fraedrich, J., Ferrell, L. *Business Ethics: Ethical Decision Making*, 2015.

²⁸⁷ Schwartz, M. S. Developing and sustaining an ethical corporate culture: The core elements. (2013). *Business Horizon*, 56, 39-50.

distinguishing matters of right and wrong, good and bad, and admirable and deplorable as they relate to the well-being of and the relationships among sentient beings.”²⁸⁸ Many societal used to see ethics as correlated with integrity as it is the ability a person to conduct life without compromised in any way. The ability to make the right and just decision is depending on the core values of a person.

10.4 Theories Relevant to the Relationship between Education and Ethic

10.4.1 Experiential Education

One of the ideals that influence students today is experiential education. This involves learning by doing where the teacher guides the students to practice what they learn. Philosopher John Dewey in "Experience and Education"²⁸⁹ analyzed both traditional and progressive education. According to him traditional education focused more on defining the student's learning path and processes which were described as de-bunking method. On the other hand progressive education focuses on the learners interests rather than that of the educator.

The whole learning process becomes student-centered. However none of the two methods is watertight as the traditional method focuses more on the curriculum and heritage while progressive education becomes too spontaneous and individualized. To harmonize the two methods of education the principles of continuity and interaction must come to play. Past and present experiences play key role in influencing the future while the current situation influences the experience of the learner towards the future. The present experience of the students is the direct result of their past and previous experiences. Hence past, present and

²⁸⁸ Ibid.,

²⁸⁹ Dewey, John, *Logic: The Theory of Inquiry*, (NY: Holt, Rinehart, and Winston, 1938) iv.

future experiences are key determinants of the student's process of learning. In this way education becomes a social process that enhances growth. In John Dewey's words "Education is not a preparation for life ; education is life itself".²⁹⁰

Every educational process should focus on the quality of experience more than the information presented. This is by creating a continuity of the learner's past and their future experience and between the student's individual perception and the prevailing environment. Continuity propels the learner to continue learning while interaction meets the learner's personal needs. Experiential education becomes a solution and a philosophy that learning occurs through experience and requires hand-on-activities that directly relate to the learner's life.

10.4.2 Traditional Education

Traditional education is defined as teacher-centered delivery of instruction to classes of students who are the receivers of information. Traditional schools generally stress basic educational practices and expect mastery of academic learning in the core subjects of math, reading, writing, science and social studies. The method provides a conducive environment for learners to listen and learn without necessarily thinking for themselves. This falls short of what progressive education offers in allowing the learner to think and grow.²⁹¹ However in the process younger generations interact with adult standards which they are forced to adopt and enact. This pushes the learners to think on their own even without understanding the reason behind their thinking. This calls for the recognition of the relationship between education and experience. It is not every experience that is educational and therefore the educators should expose the learners to the experience that result to growth and

²⁹⁰ Ibid., 4-8.

²⁹¹ Warnick B.R. & Silverman S.K. (2011). *A Framework for Professional Ethics Courses in Teacher Education*. *Journal of Teacher Education*, 62: 273-285.

learning with the aim of achieving creativity in the learners' future experiences. The continuity of experience impacts on future decisions and experiences of the learners.

10.5 Importance of Ethics in the Process of Education in Today's Globalized Society

The fluctuating structure of today's world characterized on the one hand by multicultural cooperation of people from various cultures and ethnic groups and on the other hand seen with many conflicts and misunderstandings makes ethics a central and important component in forming character and growing humanity.²⁹² With this in mind it is imperative to demonstrate the importance of ethics in the process of education in today's globalized world with the aim of leading the students to the multicultural perception of society and the world.

Acts of terrorism, mass murder, homicide, attacks against humanity and moral decadence in general is a trend that has met condemnation from the world public. Mass abductions of young girls, rape and forced underage marriages are just some of the despicable dehumanizing activities that leave the world discussing the relationship between integral education system and human moral formation.

10.5.1 Need for Ethics

Contemporary global conflicts, social evils and individual sins call for well-founded standards that define actions as right and wrong. Ethical values such as human life, integrity, honesty, and discipline among others apply in daily human life hence influencing behavior and allowing the individual to make right choices. Without ethics it would be impossible to regulate life and act responsibly. While the importance of ethics cannot be ignored in any sphere of life, it is imperative that it be

²⁹² Ibid.

learned and practiced in the field of education by all stakeholders. Ethics in education therefore becomes essential in helping the system run smoothly by setting standards of what is acceptable and what is not, in this way protecting the interests of all stakeholders²⁹³. It is a call to educational institutions to enhance the courses designed to help learners understand ethics.

Ethics apply to both learners and teachers. As much as it is the teachers' responsibility to make the learners aware about ethics, the teachers must be made aware of the ethics that are relevant to their profession. The teachers play an important role in the life of students not only in the intellectual formation but also in the integral formation of their personality. The ethical teacher becomes a mentor, a role model, a formatter and a great influence in the life of the student among other things.²⁹⁴ This is by showing patients to the students despite their different learning abilities, treating students equally, and being just in their actions. Teachers are called to understand the different capabilities of the students, considering the uniqueness of each so that all are not evaluated on the same basis. The teachers are not allowed to be biased, hold grudges or intentionally treat the students unfairly. In return students are obliged to show utmost respect to the instructors and abide to the set rules. Academic integrity and the sense of responsibility on the part of the student is not a choice. Self-discipline demonstrates the level of responsibility on the part of the student. It is ethics that regulate education system ensuring that this practice contributes greatly toward positive human welfare

²⁹³ Manea, A. D. (2014) Influences of religious education on the formation moral consciousness of students. *Procedia - Social and Behavioral Sciences*, 149, 518-523.

²⁹⁴ Ibid.

10.5.2 Teacher's Responsibility

The society's expectation is that teachers will act in a 'professional' manner. Professionalism, in this regard, means identifying a unique body of occupational knowledge, adherence to desirable standards of behavior, processes to hold members to account and commitment to what their profession regards as morally right or good. This is what we refer to as ethical conduct. Teaching ethically involves making reasoned decisions about what to do in order to achieve the greater good for learners. This involves a complex interplay between the current and past experience plus personal beliefs and values that are in tandem with the objective good. However, teacher education, training and accountability frameworks naturally give priority to the concept of 'practical rationality'.²⁹⁵ In this process planning, delivery and assessment of the official curriculum, not the 'value rationality'²⁹⁶ involved in exploring the ethics of teaching in difficult practical circumstances. It is important to focus on the challenges of developing a workshop that both informs and educates teachers about ethics

Most students hate cumulative exams, largely because they have to study volumes of material covered by the course in order to demonstrate proficiency in a particular course. Another reason is how well they truly understand the course material especially in courses where there are formulas or specific tools that need to be used.

For example, it's one thing for physics students to know how to apply the equation $F = ma$ when they're studying the chapter on Newton's Second Law. It's quite another when they're taking a cumulative exam and need to know when and how to apply the different formulas swirling in their heads based on the various problems presented.

²⁹⁵ Manea, Influences of religious education on the formation moral consciousness of students, *ibid*, 518-523.

²⁹⁶ Dewey, John. *Logic: The Theory of Inquiry*. NY: Holt, Rinehart, and Winston, 1938.

Taking these students from a rather superficial knowledge structure to a richer, more meaningful knowledge structure requires a teacher who truly understands the learning process and then works to create the optimal climate for learning.

10.5.3 Developing Students Professional Ethics

Teachers' actions and behavior have moral potency in relation to students. Teachers should therefore foster ethical professionalism and reflect on the moral impact of their actions, decisions, and overall attitudes towards students.

Although the older students are typically more experienced than the young ones, they nevertheless require professional development. They therefore need their teacher's support to become autonomous, critical and ethically responsible professional. For instance, discussions on issues about informed consent, confidentiality, debriefing, and protecting the interest of research participants are common in undergraduate and graduate psychology, counseling, and social work classes²⁹⁷. It is the duty of the teachers to help students develop ethical motivation skills such as the ability to act responsibly, understand social structures, and build a self-concept of an ethical person. Moreover, they should learn the importance of adhering to the personal, professional, and societal code of ethics including the consequences of violating them.

As moral and pro-social behavioral models, teachers are expected to demonstrate unquestionable professional ethics in class and other areas of interaction with the students. Teaching is a profession with two additional ethical responsibilities. The teacher points out ethical issues and serves as a model of the professional character. Moreover, the result of a recent study suggests that professional conduct is learned mainly by example. In other words, future professional ethics of students are re-

²⁹⁷ Burgess, B. (2011). *The Educational Theory of Socrates*: Retrieved from New Foundation: European Journal of Education 43(2): 181-187.

flections of their teacher's moral and pro-social behavior.²⁹⁸ These can be good values such as an emphasis on the interest of students more than individuality and selfishness, teaching that recognized diversity, honesty, sense of justice, self-esteem, consideration, commitment, and emotional control. In this way the teacher becomes a parent, an educator, a formatter, a mentor and a model. The impact the teacher has on the student becomes part of the student's treasures that he carries all the way to the grave.

10.5.4 Is Ethic Necessary for Education?

Today, ethics play an important role in all areas of life. Education is also a fundamental process of human life. Therefore, in education, ethics has a very important and effective role. In order to be a good human, ethics should be placed as a course in educational system. Therefore, ethics is very important subject in education. People can easily reach all knowledge by technology. Technology had been used to reveal some ethical problems in education, for example plagiarism. In order to understand the importance of ethics, ethics should be placed as a course in educational system.

However, several popular arguments against teaching ethics exist. There are few popular arguments which existing which includes positive and negative arguments.

Positive Arguments

In the book of "*Essays on Religion and Education*", Oxford philosopher R.M. Hare argued that ethics can be taught in schools, because it involves learning a language with a determinate method, "such that, if you understand what a moral question is, you must know which arguments are legitimate, in the same way in which, in mathematics, if you know what mathematics is, you know that certain arguments in that field

²⁹⁸ Manea, op.cit.

are legitimate and certain arguments not.”²⁹⁹ As Hare argues, teaching morality is not about inculcating substantive positions. The purpose isn’t necessarily to answer questions, but to raise them, and at the same time to provide students with a method in accordance with which the questions must be discussed. “As in mathematics, having taught them the language,” Hare said, “we can leave them to do the sums.” So, whilst there may never be consensus on the ‘right answer’ in ethics, this is not an insuperable hurdle. Ultimately all secular-ethicists are engaged in the same task which is reasoning and reflecting on our intuitions, principles and values³⁰⁰. This is what teaching ethics in schools should involve. Secular ethics is about challenging students to provide reasons for their views, and to counter the reasons of others without invoking flawed arguments or fallacies.³⁰¹

As Mary Ann Cutter Ph.D. explains, ethics can be applied to almost everything. Biologists have learned an extraordinary amount about the genetic code that shapes mice and men. The ethics of these professionals guide them in how to use these new genetic technologies and the information that comes from it. In addition to cloning animals and sequencing the human genome, amazing revelations have been presented. So while we are gaining information every day the genetic footprints breast cancer and other disease, what we know about the genome still pales in comparison to what we do not yet know and the implications what lies in between.

In school, students learn what is right and what is wrong. This is a value education or character education. In educational systems, generally ethics is associated with religion. Therefore, instead of ethics course

²⁹⁹ Dewey, John. *Logic: The theory of Inquiry*. NY: Holt, Rinehart, and Winston, 1938) 6-9.

³⁰⁰ Burgess, B. (2011). *The Educational Theory of Socrates*: Retrieved from New Foundation: European Journal of Education 43(2): 181-187.

³⁰¹ Ibid.

students take religious course. However, students should learn values clarification, and making ethical decision. In addition, school fosters to students become trustful, responsible, and just person. Ethics in school can benefit to this. In university, ethics should be professional ethics. Only some students can take ethics course related to their professions in universities, because in universities ethics does not give as a course in all departments. This kind of ethical education provides students to realize what is right, make good decisions about ethical issues in their professions. In addition, students learn evaluate different moral standpoints. The ability to reason morally is a fundamental requirement of good citizenship, and an aspect of ‘civics education’ broadly understood. It is important that citizens know how laws are made, and how decisions can be challenged. But a robust democracy requires more, which is it requires citizens with the capacity to reflect on how their country ought to be.³⁰² Issues as diverse as taxation and inequality, the limits to free speech, and the claims of future generations, all have a moral dimension³⁰³. Citizens need to be able to spot flaws in arguments and weigh competing considerations if they are to exercise ‘self-government’ in the fullest sense.

Negative Argument

Ethics education not necessary can only be taught at school, but also can be taught through family and business. In family, ethics educations focus on descriptive facts. Children observe their parents’ (role models) ethical behaviours and they learn social facts about ethical behaviour. While in business, people learn some ethical codes about their occupations. This kind of ethics tells how people should act in business life.

³⁰² Boon, H. Raising the bar: ethics education for quality teachers. *Australian Journal of Teacher Education* 36(7): 2011. 76– 93.

³⁰³ Burgess, B. (2011). *The Educational Theory of Socrates*: Retrieved from New Foundation: *European Journal of Education* 43(2): 181-187

There are good reasons not to overlook the obvious necessity in considerations of ethics education. Education in phrase of ethics education is considered to be the best way to promote individual and communal development and the most effective remedy for overcoming many problems, such as ignorance, disparity and poverty.³⁰⁴ Education has the potential to produce fascinating outcomes and outputs in individual as well as public level.

10.5.5 Implication of Education and Ethics to Society

Ethics is important for every society, because it plays a critical role in shaping the individuals' behaviors within a society. People have sought to keep human conduct in check preserve the peace of society since the dawn of human civilization. If written law is used to manage official businesses and happenings, ethics act as a self-governing system to keep human self-interest and the good of society at equilibrium because the eyes of the law are not always available.

However, as with all of the things in life, nothing is perfect, ethics and human conduct are no exception to this rule. Ethics of the past has been polluted and are inadequate for business self-governance due to changes in the environment and cultural norms. In other words, ethics in today's society has been eroded. Managers and leaders in modern organizations lack strong ethical standards or are willing to abandon them in the face of economic incentives or competitive pressures.

However, erosion of ethics is not just limited to the one world. It has spilled over to every aspect of society, such as athletes taking drugs or cheating, and previously unheard of bribing of Olympics organizing selection committee. It was very serious impact to the society if the erosion of ethics is not kept in check. The public, whether is business, friendship, or any kind of interaction, functions because human rely on a

³⁰⁴ Manea, *ibid.* 518-523.

varying level of trust, respect for others, and cooperation.³⁰⁵ So nobody will have any trust in others at all if the erosion of ethics continues to worsen. In the end, society will cease to function like it presently does. Unfortunately, it's not just the actual erosion of ethics, but the people's perception of the erosion that has to be addressed as well. Thus people are judgemental and will choose not to commit to any activities when they perceive that the other parties are unethical.

Education is the most important means to improve personal endowments, build capabilities, overcome constraints and in the progress. The process of education and attainments thereof has an impact on all aspects of life. It is a critical invasive instrument for bringing about social, economic and political inclusion of people.

Education ethics covers a relatively broad area of ethical concerns related to education as such. It can be defined as three major fields, which namely deliberation and reflection on educational policies (especially those directly related to ethical concerns), moral education and professional ethics³⁰⁶. In addition, it further deals with philosophical and especially ethical sources of education's aims and goals, and investigation of the ethical dimensions of different teaching methods and paradigms.

In addition, Gould opines that one of the most outstanding achievements of the developing world is the rapid expansion of education over the last three decades. It examines the origin of this expansion and its impact on the improvements of social and economic development at social, national and global levels.³⁰⁷ Throughout the discussions of the historical, economic and political contexts of the demand is necessary for education. That's a review of the issues in educational planning in

³⁰⁵ Ibid.

³⁰⁶ Friedman M. *Capitalism and Freedom*, University of Chicago Press, Chicago, 1962) 5-12.

³⁰⁷ Ibid.

the developing world and the governmental and community response at all levels is provided, and his survey reveals that expansion of education has the greatly contributed to the quality of life, economics and social development. Besides that, "Health literacy as a public health goal: a challenge for contemporary health education and communication strategies into the 21st century explains the role of health education in addressing the social determinants of health. In this analysis, for improving health literacy means more than transmitting information, and developing skills to be able read pamphlets and successfully make appointments.

10.6 Some Learner-centered Principles to Improve Teaching and Learning of Ethics

10.6.1 Students' Prior Knowledge

can help or hinder learning: What the student already knows can on the one hand serve either as a foundation of new knowledge thus taking the student and the teacher on the path of "from the known to the unknown" while on the other hand can serve as a bias in a given area of knowledge leading the student to think that they know too much hence no need to advance in a particular area.

10.6.2 Organizing Knowledge

How students organize knowledge influences how they learn and apply what they know: Students naturally make connections between pieces of knowledge³⁰⁸. When those connections form knowledge structures that are accurately and meaningfully organized, students are better able to retrieve and apply their knowledge effectively and efficiently. New knowledge is constructed as it relates to existing knowledge.

³⁰⁸ Warnick B.R. & Silverman S.K. (2011). A Framework for Professional Ethics Courses in Teacher Education. *Journal of Teacher Education*, 62: 273-285.

10.6.3 Students' Motivation

Student's motivation determines, directs, and sustains what they do to learn: While motivating students can be a difficult task, the rewards are more than worth it. Motivated students are more excited to learn and participate. Simply put: Teaching a class full of motivated students is enjoyable for teacher and student alike. Some students are self-motivated, with a natural love of learning.

10.6.4 Developing Mastery

To develop mastery, students must acquire component skills, practice integrating them, and know when to apply what they have learned. Common sense suggests that having achieved mastery within a domain should position an instructor well to help novices develop mastery when it comes to teaching.

10.6.5 Goal-directed Learning

Goal-directed practice coupled with targeted feedback enhances the quality of students' learning. In recent years, researchers in evolutionary psychology and anthropology have proposed that the distinctive nature of human cognition is the product of our evolution as social beings; we are born with "social brains" that enable us to manage complex social relationships in ways other animals cannot. This means that the concept of the social brain is potentially useful for understanding the dynamic, interactive relationship between individual and collective thinking, and the role of language in mediating that relationship. The human mind is therefore goal oriented and teaching is a process of directing the mind to this goal.

10.6.6 Self-directed Learners

To become self-directed learners, students must learn to monitor and adjust their approaches to learning: Teachers often say that they wish

their students were more responsible for their own learning.³⁰⁹ If we want to understand and develop more self-directed learners, it's productive to focus on what such a learner should be able to do. As a minimum, self-directed learners should be able to focus on a given activity, manage distractions, organize information they are given and focus on teachers and what they are saying.

But this is all from a compliance view of learning where learning is "taught" by the "sage on stage". With support self-directed learners can start to generate their own inquiries, plan how they'll go about an activity, monitor how well an activity is going and review whether the strategies they have used have proved effective.

Teaching should focus on where the bottlenecks in the discipline are, he said. On the topics in the course that are harder for the students. The reasons as to why they are harder, why the students lack requisite prior knowledge, whether they need more practice of certain basic skills, whether they bring misconceptions to the table, whether there is need to collect some data. Once the teacher gets a handle on the reasons why, he should start bridging those gaps with appropriate interventions. Knowledge comes incrementally.³¹⁰ The teacher should get comfortable with a few changes at the beginning of teaching, and then expand to others, until they reach a tipping point. Becoming more learner-centered inevitably means giving up some of the control in the classroom. This can be daunting, but it can also free up opportunities for more personal and meaningful learning for the students.

³⁰⁹ Burgess, *ibid*, 181-187.

³¹⁰ Avci, E. Learning from experiences to determine quality in ethics education. *International Journal of Ethics Education*, 2016.

10.7 Conclusion

Education and ethics are often to be related, and some argued that education does not help in ethical traits building. After the empirical studies, even though education does not seem to be giving a direct impact to ethical behavior building, but education should and always been associating with ethical teachings. Many researchers had argued on this and Hooker (2004) emphasizes on the unnecessary of ethics education implication since ethical decision-making is always depends on feeling and intuitive instead of theoretical framework in most of human life. However, the formation of ethical behavior in individuals is based on religious, intellectual and cultural studies. And the content of it at least partially were involved in mandatory education since childhood. Thus, education does play a role in building an ethical person. The consciousness of important of ethics can be ignited when there are touch points from teachings in education.

It's important to realize whether that education does play a role in ethical building in sane mind. The philosophy behind ethical studies is difficult be done through usual communication and casual teachings. The complexity behind ethical decision-making requires a clear understanding on the fundamental of ethics studies and case references, as most decision-making is reflected through difference moral and ethics dimensions in difference situations.

The adequate amount of proper education on ethics can impact one's ability to lead in an organization and enhancing its sustainability of business through implementing proper code of conducts while putting stakeholders as priority instead of self-centered. If one without receiving proper education on ethics, the principles that set possibly no meeting the requirement of the society as well as the stakeholders. It is not easy to identify the type of ethical approach to suit the expectation of society as it always contrast with profit generating. Thus, if one receives education on ethics since young, they can tailor their mindset into more social-

ly committed. The indispensable relationship between ethics and education in the process of teaching and learning is useful for determining the intensity or subject matter should be include in any level of education.

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RESEARCH ETHICS AS AN EFFECTIVE TOOLKIT FOR FUTURE LEADERSHIP AND GOVERNANCE

A TANZANIAN PERSPECTIVE

Aidan G. Msafiri

11.1 Preamble

Research: it is defined in a number of different approaches by different scholars and academicians³¹¹. The following include key synonyms to the word research as a noun: *investigation, experimentation, analysis, fact finding, scrutiny, probing, post mortem, inspecting, reviewing, searching for knowledge, assessing, verifying, discovering* etc. It involves both content and method.

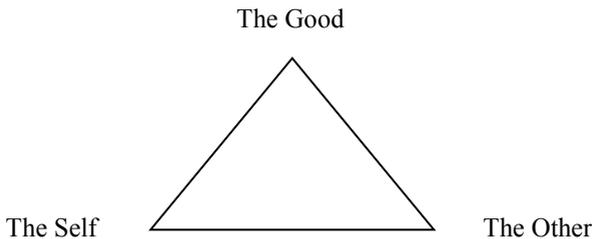
On its broadest sense, Creswell defines research as “a process of steps used to collect and analyse information to increase our understanding of a topic or issue.”³¹² The most common steps in conducting research include identification of the theme/ problem/challenge, to be spe-

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³¹² [En.wikipedia.org/wiki/Research](https://en.wikipedia.org/wiki/Research)

cific, to use the “Taproot Tree System”, to go deeper and deeper; be original, creative, avoid the present day plagiarism, copy and paste syndrome.

Ethics: in common parlance, the concept of “ethics” and “morality” are almost indistinguishable. They are profoundly interrelated and interdependent. The word “ethics” has its roots from the Greek term “ethos” which means good conduct, discipline or character. Ethics is therefore with what is objectively good or right for human interaction. According to Deon Rossouw and Leon van Vuuren (2010:5), ethics resolves around three key pillars. These are: “The self” “the good” and the other(s), covering all areas of human life³¹³.



Responsible Leadership refers to a deep vision, passion and belief in constant personal and institutional reflection of the short and long term impact of his or her personal and institutional decisions on humans, society, resources, academic, politics, the earth etc.³¹⁴ In short, a responsible and passionate leader, strongly emphasizes particularly on the relevance of building sustainable institutions and societies.

Responsible Governance: admittedly, there is a close connection between governance and leadership. Governance simply a conscientious culture and will power of a leader to be a care holder, a protector, a

³¹³Rossouw, Deon et al, *Business Ethics*, (Cape Town: Oxford University Press, 2010) 5.

³¹⁴ Rossouw, et ali, *Business Ethics*, 289.

servant, a sustainer and a protector of all material and non-material (human) resources or capital both for the current and the future generations of humans and non-humans as a whole.

11.2 Justification and Rationale

The present day syndrome and culture of massive corruptive practices, irresponsible leaders, misuse of Tanzanians natural resources, riots, lawlessness, and dissatisfaction among citizens (politically, economically, socially, educationally etc.) are clear causes and effects of irresponsible leadership and governance. Consequently, as the dictum goes, “No research no right to speak” it is justifiable to make this assertion that *no researches no right to lead, no research, no right to govern*. Fundamental ethical values, habitus and ethos such as justice, transparency, dignity, accountability, foresight, care, concern, participation, forgiveness, agape, peace, and solidarity form the heart of a good leadership model and best practice. Such ethical values in particular have vanished from the current leadership and governance model especially in Tanzania and Africa in particular.

11.2.1 Thought Provoking Questions

- Could we change our “Silicon Savannah” into transformative values for leadership and governance in Tanzania³¹⁵?
- Have we forgotten Nyerere’s key pillars for good leadership and governance?
- Are our leaders responsible in fostering good institutional management of people and resources?
- Do the current decisions and actions of our political leaders (from the President, ministers, parliamentarians, intellectu-

³¹⁵ “Silicon Savannah” is Kenya's promising tech hub, home to more than 200 startups. [Ed.]

als, economists, planners etc) reflect real responsible leaders or comedians?

- Do they have the courage to learn from either their own mistakes or those of others? Do they believe past lessons from researches etc?
- Do our leaders take seriously both the short and long term consequences of their personal and institutional decisions for the wellbeing of its people?
- Do our leaders have internal ethics and values for leadership and governance?
- To what extent do our leaders in Tanzania promise a political paradigm and system that really cares for sustainable management of both human and natural resources?
- Are we managing or damaging?
- Are we leading or simply pleading?
- What could academicians and leaders to be do?
- Personally, communally, collectively, nationally, etc. Could we rediscover the core values for responsible leadership and governance in Tanzania today?³¹⁶

11.2.2 Structure of the Paper

This paper entails three main parts. In the first part, an attempt is made to both underscore and show the relevance of research ethics and publication as the soul and engine for responsible leadership and good governance in Tanzania. The second part indicates the current leadership “void” and vacuum in Tanzania.

³¹⁶ We invite to discover a list of other important questions as Addendum to this chapter.

11.3 Research and Academic Publications as the Soul and Motor for the Responsible Leadership and Good Governance in Tanzania

11.3.1 The Initial Planning Principle: (Luke 14:28)

- It starts with a dream, vision and passion
- It demands creativity moving from ignorance to illusion then to innovation (3Is).
- It calls for an added value. It entails, clear critical and constructive attitude.
- It demands a scholar to move from passion to profession.
- It demands true interest.
- It calls for newness and not repetition, “copy and paste” syndrome (plagiarism etc.)
- True research and academic culture demands the value of originality, nobility and foresight that is forward looking.
- It underscores the truth that encapsulated in this saying: “If you do not use your brain you lose it.” Good research involves objective or descriptive or expository, argumentation and normative writing
- It demands a real pragmatic culture of translating brilliant ideas, literature knowledge and information to real life, praxis, and practicum.

11.3.2 The Principle, no Research, no Right to Lead and Govern

It is commonly reported that the famous British researcher, academician and leader, Sir Francis Bacon said, “knowledge is power” and

therefore the more knowledge there is, the more power we have³¹⁷. We should note that today USA, China, Europe and the BRICS countries are increasingly becoming power houses of the world. The more knowledge and research are done contextually; building on geographical knowledge, the more world power and development is given incentives. Newton and later Churchill also acknowledged this circle of progress: “The empires of the future are the empires of the mind”, if we want to be seeing further it is “by standing on the shoulders of Giants”. To discover or reinvent truth, one needs to have the courage of building on previous discoveries, or inventions. Do we have the courage, passion and zeal to do this?³¹⁸

Opachchowski (2008:449) went so far as affirming that, “anyone who gives up learning and research in life must also give up living.” A famous Greek philosopher made a more modest but concrete proposal: “If one does not know to which port once is sailing to no wind is favorable”.

The Bill Gate’s Development Principle: a Provocative Truth or an Aporia?

It seems that the secret of China’s becoming the world’s giant today is through research, knowledge, R & D and innovations culture and passion. The ethics by the Chinese example is limited, because it cannot be globally applicable without defining precisely the geographical context in which success is likely to multiply, and the reasons for being so. Can we agree with the claim attributed to Bill Gate that: “If you are born poor, it I not your mistake, but if you die poor, it is your mistake”?

³¹⁷ In his context, Bacon was using the term in relation to his philosophical views on religion and the qualities of God: https://en.wikipedia.org/wiki/Scientia_potentia_est [Ed.]

³¹⁸ [Ed.].

The Christian Leadership and Prophetic Principle as Avant-garde Development Principle

- It Christian Leadership and Prophetic Principle is based on the courage to witness in a prophetic manner: (Is 4:14) John 1:12)
- It is the engine of total liberation and transformation.
- It is the source of integral/holistic development of the entire human person: Intellectually, spiritually, socially, psychologically, economically, technologically, politically, religiously, biologically etc.
- It is the formative and transformative “Soul” and engine to spearhead what we call “excellence in learning”, including research, publication, leadership, governance, management, service rendering and qualitative growth³¹⁹.
- The Golden Maxim Principle (Mt.22:37-39) underscores the fundamental motivation of engaging in research, publication, quality service, quality eldership, governance etc. to fellow humans and the planet (as Sustainable Development Principle).
- It occasions the discovery moments: “eureka!” (Greek: Εύρηκα) the joy when one finds something.
- It promotes responsibility to God and fellow humans.
- It reiterates the old Jewish saying: “When good people do nothing, evil increases.”

Conclusively, when one aspires to conduct an academic world class research and ambition knowledge (epistemic) authority, to develop knowledge platforms and aim at consolidating higher education leader-

³¹⁹ Cf. Msafiri, Aidan G. *Globalization of Concern*, Globethics.net Focus Series, Geneva: Globethics.net Publications, 2012, 131.

ship, initial planning, research (descriptive, historical, statistical/empirical etc.) methods and approaches and all qualitative research methods) are necessary. However, Robert A. Day managing editor of the American Society of microbiologists offers a powerful poignant remark for academic communication of research results and writing: “To learn to write well, you should read good writing”. It goes without saying “to learn to lead and govern well you should read and research good leadership and governance³²⁰”. Hence higher education institutions need to develop both a coherent culture and ethic of research and leadership in Tanzania today. Let us now try to identify leadership crises, dilemmas and bad practices of the current generation of leaders in Tanzania. Indeed true researchers, academicians, professionals need to recognize the limits of methodological solipsism of a *do-yourself research* and leadership model, and embark instead towards collaborative and co-design models.

11.4 Current Leadership Vacuum, and Governance Dilemmas in Tanzania

Systematic Corruption as an Indicator of Failure of Leadership and Governance in Tanzania.

According to the Tanzania Governance Review (2013) lack of transparency with impunity has been identified as being critical in the following areas. Government’s has tolerated engagement in secret and unethical contracts, particularly in gas and oil resources and mineral resources. Corruption is involved in the power utility of TANESCO, Richmond Saga, DOWANS etc. Government’s syndrome in allowing excessive tax exemptions to foreign investors are highlighted, encouraging mispricing, tax havens etc. Government ministries, as the Ministry of Tourism and Natural Resources retained 25 bn Tsh. from 2011 revenue in 2012 (see

³²⁰ Cf. Msafiri, Dec 2013.

Public Accounts Committee, TGR 2012:16). The increase of public expenditure allowances accounted for about 16% of the wage bill. Massive leadership vacuum and irresponsibility is revealed by the prevention of corruption bureau the so-called (PCCB). There is little or no stern actions taken against corrupt leadership in Tanzania to date. Poor or inexistent legal action is taken against the ex-ministers, Mustafa Mkulo for his failure to control budget deficit and inflation³²¹.

The same applies on human rights violation since 2013 by Prime Minister Pinda, Shukuru Kawambwa introduction of Division 5 and paralyzing educational quality and excellence, Kagasheki in failing to manage the pastoralists and agriculturist land crisis.

Massive Leadership Failure of Local Governance: there is concrete evidence of systemic misuse of the development grants at the local level. *Corruption in All CCM Elections*: the Director General of PCCB- Dr. Edward Hosea said that “Never before in the history of this country’s elections have there been (such) widely reported allegations of corruption in the ruling party [...]. Most political leaders are in corrupt dealings, and therefore are not expected to set examples in the community”.³²² Corruption in CCM elections has taken a new approach by shifting from an individual bribing to network bribing.

Wanton Leadership Failure of Education Quality and Delivery

- Introduction of a ”shameful” National Form Four Examination Grading system by the Ministry of Education under the aus-

³²¹ William Ngeleja for failure to avoid power crisis nightmares; Omar Nundu and Athuman Mfutakamba for systemic and financial irregularities in the expansion programmes of the Port of Dar es Salaam; Ezekiel Maige for failure to control poaching and export of live animals; Haji Mponda and Lucy Nkya for failure to manage doctors’ strike and corruption in MSD; Cyril Chami for phantom vehicle pre-shipment scam? The list and litany goes on and on. [Ed.]

³²² Musendo, Zephaniah (2012): The Order of the day in Tanzania in Mirror Digest, 27th October, 2012.

pices of a myopic Motto “Big Results Now” which is quantity oriented, short –term designed non credible.

- Poor teacher motivation and human resource capacity building to meet the shortage of qualified teachers.
- Lack of government’s leadership in facilitating research for quality education and professionalism. Academic Problems and challenges need academic solutions, not political propaganda.

Government’s Ever Growing Inability in Promoting Human Rights and Rule of Law

- In October, 2011, the leader of the parliamentary team which made a critical post-mortem of the Richmond Saga, Dr. Harrison Mwakymbe (CCM) was sent to India for treatment due to possible poisoning.
- The ever growing disproportionate use of force by the police and Field Force Unit (FFU) particularly against genuine meetings and demonstrations organized by CHADEMMA
- The unacceptable killings and attacks and bombings of religious leaders, churches in Zanzibar, Arusha etc.
- The inhuman torture and force against the people of Mtwara in 2013 against government’s non dialogue decisions to build a gas pipe from Mtwara to Dar es Salaam, as the huge weakness and loopholes of the Tanzania’s natural Gas Policy of 2012.
- Lack of government’s moral and leadership authority in promoting true rule of law, democracy and good governance in many sectors in Tanzania. Hence, leading to an ever growing gap and inequalities between the rich and the poor, the elites and the non-elites etc.

Massive leadership and Governance Incompetence in Tracking the Extractive Industry

a) Mining Companies in Tanzania take lion’s share³²³:

- Lack of rue and timely peoples participation in the mining contracts, etc.
- Tanzania’s small or indigenous minors are not taken “seriously” as national stakeholders particularly in the extractive industry. Hence, minerals and other natural resources have become “a curse” instead of being “a blessing” especially to the poorest of the poor at the Bottom of the Pyramid. (BOP).

Government’s Leadership Failure in Managing Land and Agriculture for People

- Massive Land Grabbing manic particularly by foreign investors has been on the rise year by year, HAKIARDHI has estimated that by September, 2012, about 1’125’000 ha had been formally leased to foreign investors³²⁴. Is the government managing or damaging these resources?

Company	Origin	CROP	Area (Ha)
SEKAB BT	SWEDEN	Sugar Cane	400’000
AGRISOL ENERGY LLC	USA	Maize Livestock	325’000
GREEN RESOURCES AS	NORWAY	Forestry, Carbon Sequestration	100’000
DI Oils	UK	Jatriphe	60’000
KAPUNGA Rice Project	URT	Jatriphe and Rice	50’000

³²³ “It is disappointing to see some mining investors want to benefit alone... leaving the government and surrounding communities with nothing.” Jakaya Kikwete, *Citizen*, 28th April, 2012. HAKIARDHI or the Land Rights Research & Resources Institute has a precise mission: to ensure realization of the rights to land of the majority of the small land holders rural based communities. [Ed.]

³²⁴ Cf. *East African* 7th November, 2012

(Source: Katunda et al 2013:21-28)

- Lack of citizens' land rights. Most of the 30 million Tanzanians who make 2/3 of the entire population simply practice semi subsistence farming based on mere customary rights of occupancy!!
- The “Kilimo Kwanza” Nightmare. Indeed, its vision and policy simply remain utopia.
- Constraints on the Cashew nut and cotton sectors industry in selling its products (Cfr: Delayed payments to Tandahimba Cashew nut growers which eventually led to the April 2012 disturbances and demonstration who were justly demanding for full payment of their cashew nut sales.

Government's Leadership Failure in Commodifying NGO's, CBO's; CSO's and Public Official-Traffic Police

- There is growing evidence of growing and widespread fraud among Tanzania's NGOs, CBO, CSOs e.g. corruption in WWF Programme. CFR: Corruption in WWF programmed a embezzlement of US and Norwegian funding by WWF staff –TGR 2013: 72)
- Today, Tanzania's Police unit and particularly, traffic police are dubbed as the most corrupt public service leaders being followed by the by judiciary, TRA health services and registry.

In short, all these are indicative of both institutional and systemic leadership failure by the current generation of Tanzanians' leaders. This has brought about deep dissatisfaction and mistrust particularly on the poor part of the local populace and the poor in particular. Could we say this is already the "Point of No Return" or "Last Point of Return". What should urgently be done to do away with this emerging malignant leadership cells and cultures? Let us now identify the intrusive link ("Nex-

us”) particularly between good ethical principles, virtues, habits and values research and ethics of good leadership and governance as a whole.

11.5 Ethical Principles for Responsible Leadership and Governance in Tanzania: a Holistic Research Ethics as Toolkit

The Ethical Principles of Justice and True Love (AGAPE)

This demands future researches, leaders and to amalgamate and synergise the values justice, integrity, true sharing, love, tolerance, commitment, transformation, transparency, responsibility, engagement, care, empathy particularly with and for the poorest of the poor (“Walala Hoi, Wachovu”, etc.)

The Ethical Principle of Human Capital Development

Human persons and their intellectual ability to transform their lives runs as the key element in bringing about true socio-economic and technological development (as Nyerere’s vision for development which demands “Watu, Ardhi, Siasa, Safi na Uongozi bora”)

The ABC Model/ Type of Leaders and Governors

a) A Type of Leaders (E.g. Nyerere, Nelson Mandela 3%

- Innovative, Efficiency
- Effectiveness
- Visionary, committed
- Sacrifice oriented
- Sustainability oriented
- Agape oriented
- Empathetic etc.
- If they are given paper they transform it to gold.

b) B Type: 13%

- Do the bare minimum
- No sacrifice

- Routine
- If she/he is given gold it remains Gold, no added value.

c) *C Type of Leadership: 84%*

- Cheap popularity
- Mediocre
- Destructive
- Opportunistic
- Comedians
- No added value
- “If he/she is given gold, he/she changes it into rubbish.

The Principles of Good Preparation and Success Factors or *P.P.P.P.P (5Ps) Preliminary Preparation Prevents Poor Performance*, promotes the value and virtue of trust (Msafiri 2012:82-84). Trust is seen as a new global currency, a fundamental value of confidence, a necessary social phenomena.

The Principle of a Healthy Leadership is founded on the values of true discipline, management ability, humility, communicative culture, pro-activeness, competence, foresight, innovation, honesty, freedom and good character. It demands the leader to be a servant who can emulate the values of healing what is wounded and empower others. It demands us of the famous German saying which goes “he who wants to win must lead.”

The Principle of Behavioral Change and Transformation demands deep change as opposed to complacency and indifference. It demands the ethical virtues of basic human virtue of moderation and humility against the vices of greed (hyper-conservation) and arrogance both on part of researches and generation of future leaders. Hence, it is about striving “being more” instead of “having more.” It demands true dedication and commitment particularly in promoting human dignity, respect, rights true happiness and common welfare.

The Principle of Admirable Best Practice and Role Modeling invites us to remember that true leader researcher or writer can teach by what

he/she says, but can teach better by what she/he does, and even better by what he/she *is*. Exemplarist virtue ethics shows us that a responsible leader can be seen as a giant and admirable virtuous model, defined by direct reference to *that* example and concrete model of true ethical “heavy weight” (as Nelson “Madiba” Mandela, Julius Nyerere).

A true and responsible leader struggles to establish a deep sense of ethical culture and life style, not only related to external behavior models, but also on good practices.

- He/she does not talk the talk, but walk the talk.
- He/she knows what leadership, capacities and values do not simply fall from the sky.
- He/she admits that values give birth to values and vices give birth to vices.
- He/she admits that power corrupts and absolute power in academics, politics, etc. corrupts absolutely.
- He/she does not sit on his/her laurel but he/she keeps awake making in-depth and long term strategies, based on precise contextual scanning and prognosis, gathered from the resources of various disciplines of the academia: as education, politics, economy, social sciences and information technology.
- He/she values the different talents and abilities of his people. (Cor 12:1-13:1ff)

11.6 Concluding Remarks

Admittedly, China for instance has become the worlds’ economic giant. Annually, it sends about 500 young people to do research in the USA or Europe. This is particularly due to her immense passion on research, innovation and leadership drive. This has its roots in research, knowledge creation and dissemination and application. This is the “condition sine qua non” for true change and leadership, politically, socially. Economically, technologically, ethically, etc.

Second, as the wise saying alludes: *only composers of songs know the beauty of music notes*, the nexus between values, ethics, and ethos in

research, leadership and governance need to be reinforced anew. As Winston Churchill once said “we ignored the age of action and now we are forced with the age of consequences”.

Last but not least, as key stakeholders particularly in academic and political transformation we need to rediscover the centrality of ethics in all disciplines. As Beth Krasna vividly observes that in ten years’ time “ethics will be a major factor in decision making. Rules, box-ticking and checklists will not be sufficient; there will be need to create core values to be embedded in all organizations.” Globethics.net remains the leading toolkit and best practice of this philosophy not only theoretically but also practically.

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Addendum

Other important questions listed by the author include³²⁵:

- Do we agree that new researchers have a greater chance to become responsible and inspiring leaders?
- Why, do we today have irresponsible leaders and governors in Tanzania?
- Does the introduction of Division 5 in the national Form IV examination reflect the type of leaders we have in Tanzania?
- Do we see the link between good researchers and good governance?
- What lesson could we learn from leadership giants like Mandela, Nkrumah, and Gandhi?
- What ethical principles constitute the essence of good leadership and governance?
- Do our leaders and governors have a vision, passion and the necessary will to transform our societies?
- Could we discuss today Silicon “Values” among African University Scholars?
- Could the current generation of Tanzanian researchers and leaders put themselves in the shoes of leaders like Nyerere, Mandela, Nkrumah, and Martin Luther King?

³²⁵ [Ed.]

INCLUSIVE EDUCATION AND EPISTEMIC VALUE IN THE PRAXIS OF ETHICAL CHANGE

Ignace Haaz

“How did we learn this word (“good” for instance)?
From what sort of examples? In what language-games?
Then it will be easier for you to see that the word must have a family of meanings.”
(L. Wittgenstein, 1953, §77³²⁶)

12.1 Inclusive Education

12.1.1 Epistemic Value, Ethics and Online Learning

In many universities and related knowledge transmission organisations, professional focus on empirical data shows as in vocational education that preparation for real life technical work is important, as one would expect from “career education”. University is as the name shows on the contrary focusing on the universality of some sort of education, which is neither a technical one, nor much concerned by preparing oneself for a career. We see that knowledge comes also across disciplines,

³²⁶ Wittgenstein, Ludwig (1953/2010): *Philosophical Investigations*, Transl. G. E. M. Anscombe, 4th revised Ed. by P. M. S. Hacker and Joachim Schulte, Wiley-Blackwell.

which can enrich academic education. Vocational and university education could agree on the fact that we all are lifelong learners, a concept that could be streamlined into institutional education models, where technical and pragmatic views would be assessed³²⁷. There is not much focus however on how everyday life could be made a fertile ground for education. The scope of this chapter is to propose an analysis of inclusion as the very essence of an ethics of reformation of education, which in our opinion cannot come from the institution of education as much as from a common basis between everyday learning capacities and curriculum based learning methods. Inclusive vision and values should be theoretically explained by philosophers in order to be refined and adapted into our current experience of values, pointing out issues about method and knowledge parameters. In particular a focus on epistemic values should bring good indications on how to empower others, and leave a more inclusive life, assuming the somehow paradoxical and surprising idea that knowledge is as important in real life outside the university as it is in the classroom, being the real universal value and currency across disciplines, times and contexts – and that university learns from being inclusive, i. e. by bringing not only a higher point of view on technical education but also a wider view on the human being.

“Epistemic values” simply mean that knowledge and truth should have a value. In order to fulfil the mission of an education institution, we should commit to the ideal of knowledge transmission *realiter*, not only as a consequence of our practice of teacher, editor or librarian. It is not enough to practically agree on the argument that human rights (SDGs) and communities are good solutions to unethical problems of exclusion and mismanagement (religious communities, academic communities are of course important elements). Academia and information science dif-

³²⁷ Lucas, Bill, Spencer, Ellen and Claxton, Guy (2012): *How to Teach Vocational Education: A Theory of Vocational Pedagogy*, Centre for Real-World Learning, University of Winchester, The City and Guilds of London Institute.

fers from various other professional fields in that knowledge and truth have a particular value for any person or group part of these environments or stakeholder in education. To move on the line of building communities is important, in particular for an online platforms based on internet (this is the case for institutions based on distance learning methods, for networks of teachers and students, for higher education administration distance learning and ToTs, and in open and distance learning in general). To build online open and distance communities gives a rather practical solution to an ethical need which is always as well a theoretical question³²⁸.

Ethics and inclusive education should not be reduced to the action level of practical possibilities, just because these notions serve to make ethics understandable to all. A balance between theory and practice should always be considered. In this chapter we shall express the view that theoretical levels of ethical understandings focusing on ethics, education and research help inclusion of others in education institutions, far from the view that theory is a field which should be left to the attention of some eccentrics living in ivory towers.

By the means of theoretical understanding of ethics as in *metaethics*, *epistemology*, *history of science and information science*, we are also accepting that ethics might entail a plurality of views, as well as the richness of a common sense understanding of some widely shared standards of ethics across cultures and historical times.

If we can ground ethics on some shared values it is also because any human being should be recognized some basic rights for education.

³²⁸ See the commented survey on ODL: Zawacki-Richter, Olaf and Qayyum, Adnan (2019): *Open and Distance Education in Asia, Africa and the Middle East*, Springer-Briefs in Open and Distance Education, https://doi.org/10.1007/978-981-13-5787-9_1

12.1.2 Inclusive Education in Practice: An Introduction

12.1.2.1 Facts of Special Needs in Education

Inclusive education defined as special education has a specific aim and a set of means to adapt an education structure to the individual needs of some students with special needs³²⁹. The purpose of special education is providing specialized services to students with disabilities so that they can develop and overcome their difficulties, in some cases that they succeed academically³³⁰. Different roles in the education sector are concerned by delivering this service.

The assistance of a behaviour specialist for younger students as children with emotional disabilities and mental health disorders is part of inclusive education. Early intervention enables an educator to work with children from birth to kindergarten to support important skills development. Education institution employees do not actually diagnose behavioural or cognitive delays, medical professionals must do that, but they look at indicators that draw relations between cognitive deficits and educational concerns. Para educators are instructional assistant, integral part of the educational team because they provide the support a teacher, but are not responsible for learning that takes place. Special education administrators and coordinators, take leading roles in decision-making and in facilitating the right outcomes for students with special needs, by directing and overseeing the whole team of education related staff. Special education teachers serve both as a teacher and as an advocate for

³²⁹ Ignace Haaz received a Doctorat ès Lettres from the University of Geneva and was Doctor Assistant at the Department of Philosophy of the University of Fribourg (Switzerland). Since 2013, he has contributed to release over 190 books on ethics and theology as Globethics.net Publications Manager and is also active as Globethics.net online Ethics Library Programme Executive.

³³⁰ Special Education Guide, 2019, <https://www.specialeducationguide.com>

students with special needs, juggling with responsibilities related individualized education programs for those in special need³³¹.

12.1.2.2 Sociological Framework of Inclusion and the Ethical Principle of Inclusiveness

As special education it can be derived from a general will to give equal rights to all in terms of education, including handicapped persons who should also have the right for education. Inclusive education is also to do with the evolution of the role of parents, who are more closely involved with the education of their children or young adult relatives. Family life is not only impacted by the needs and limitations of young persons with disabilities, it is as well under pressure of assessing the precise utility and contextual progress of psychological care and continuing impact on education, while continuing to live a normal relationship with the person who should never be reduced to a patient or to the sociological facts of special needs³³².

In a more general sense, inclusiveness (as opposed to exclusion, segregation, or even integration) can be understood as adopting proactive measures that eliminate the barriers which hinder the learning and the full participation of students. Inclusion should transform the teacher's and institution's method of education and adapt to the individual needs of persons not only with disabilities (Gavira & Moriña, 2015). Inclusiveness should also be a way to ethically reform education institutions to be more truthful to their mission of delivering a decent education for all.

³³¹ Special Education Guide, Ibid.

³³² Éric Plaisance, « Débats, échanges autour de l'éducation inclusive dans le monde », *La nouvelle revue de l'adaptation et de la scolarisation* 2013/2 (N° 62), pp. 183-186. Rosario López Gavira & Anabel Moriña (2015) "Hidden voices in higher education: inclusive policies and practices in social science and law classrooms", *International Journal of Inclusive Education*, 19:4, 365-378

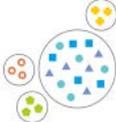
<p><i>Exclusion</i> Separation of those who have a capacity for education, or linguistic capacity, from those who don't have</p>	<p><i>Segregation</i> Separation and concentration on the base of capacity and qualities</p>	<p><i>Integration</i> Incorporation of those previously separated but next to each other</p>	<p><i>Inclusion</i> To insert all together, the structure adapts to the individual needs</p>
			



Figure: Source: Robert Aehnelt (2013): *Historische Schritte auf dem Weg zur Inklusion auf gesellschaftlicher Ebene*

Descriptive efforts should be made by anthropologists, linguists, digital media experts and philosophers to show the highly attractive nature of inclusive education, not because of some dogmatic arbitrary choice but because inclusiveness is in conflict with our subjective notion of values. Across disciplines all should explain and communicate how ethics is practised, but also be aware about how ethics is related to theory on a metaethical level.

In practice we all observe that there are involuntary habits which impact our lives but that are passively experienced, as first order short term desires, and beyond our long term conscious control (such as phobia, obsessions, compulsive disorders). Therapeutic care can be used to heal and revive capacities restricted by physiological mechanical or psychological causal constraints. If a child or a young adult is not given precise limits in the use of the internet, he or she may develop behavioural/mental health disorders, such as computer addiction and insomnia.

In order to promote health and education behavioural change and empowerment are needed, the first targeting individual or group behaviours through information incentives and manipulations, it is an easy way to change short term or first order desires, but is of no use for the development of personal autonomy and risks to induce other health and

education inequalities³³³. Empowerment on the contrary needs longer to realize because it is not a top-down but collaborative approach, but the change induced is respecting personal autonomy, and has long term effects. In order to be collaborative approaches, health and education measures should be primarily considered by decision related experiences, even though some changes in life are not chosen but nudged into some kind of behaviour. Changing behaviour as empowerment can be related semantically to the notion of inclusive and collaborative learning to change our attitudes in various types of interactions, interrelations, reciprocity based attitudes, religion related mutuality, in opposition to a “behaviour-change approach” which wants “to influence (other) people to change their health-related behaviour, be it to stop smoking, eat less, eat better, exercise more”, etc. (Tengland, *ibid.*). At best change as empowerment should be part of mutual attentions and care in collaboration but this is only the practice based common ground.

Ethical philosophy shed some light on how inclusion and inclusiveness in education could/should be seen as central focus of ethical reformation or change³³⁴. In particular we would like to address the question to what extent knowledge has a value that brings change in our life as

³³³ We think at social marketing techniques and sophisticated technics of nudging people into certain kinds of behaviour. See as example: Tengland, Per-Anders. (2012) Behavior Change or Empowerment: On the Ethics of Health-Promotion Strategies, *Public Health Ethics*, 5, 140-153, <http://dx.doi.org/10.1093/phe/phs022>

³³⁴ In *The Value of Critical Knowledge, Ethics and Education* (Ignace Haaz, 2019), I have attempted to show from a philosophical historical point of view how the values of good education are interrelated to generous and inclusive education, which has a long history. Introducing an ethics of generosity can help prevent unexpected catalysts for discrimination and oppression. This book invites the reader to rediscover the Cartesian system of virtues focused on the central virtue of generosity, as key paradigm of inclusive education. Download for free from: www.globethics.net/philosophy-series

such, without focusing here on the question about how self-knowledge and knowledge can be achieved at the same time.

The ethics of inclusive share of esteem across cultures and boundaries remain a powerful counter reaction to the movements of groups driven by polarizing sociological mechanisms, which generate division and reproduce factual inequalities. Education is revolutionary in the sense that educators tend to firmly believe that we can discipline ourselves to follow ethical guides, in order to dismantle barriers that are being formed by difference.

In order to understand inclusion as related to the values of knowledge and truth, we need to present a concept of change, as a simple and not contradictory practice. With an appropriate notion of self-esteem and esteem of others, and with a strong concept of truth and what we call the ethical change or reformation, we can fulfil the main conditions for dialogue with others and inclusion of others, tolerating some disruptive attitudes, because our compass is fixed on solid ground. The right attitude is not complacency toward others, nor is it an unjustified desire to please others. I shall attempt to sketch out some basic ingredients of what an “ethical reformation of values” can mean, and we will argue that change is best assured when knowledge is granted.

12.2 Ethical Change Understood Philosophically

If we listen to media campaigns we are told on daily basis to embrace disruption in our behaviour, or collectively on the level of policies, and change early and at any price. In order to have some dialogical and second order desire based foundation of empowerment and change, let's try to unfold the complex process of how change enters our mental life, by reflecting on movements and practices and try to show how transformation is widely present in our life:

12.2.1 Potentiality in Action

Philosophical ethics is not only related to the arena of intentional reflection. It is not solely reflective, conscious deliberation that leads us to live our values but also that which brings what exists as human potentiality, which is virtual, into actuality as an active experimentation (Greek: *energeia* as opposed to *dynamis*)³³⁵. *Potentiality in action* means either a reflective conversations (e. g. between professionals) or as a smoothly incorporated collective practise in any type of social activity. Consciously transmitted values in a process of experimentation and actualisation are open to change and revision.

12.2.2 Humans are Relational Beings

Homo sapiens gained an advantage over more dopamine addicted cousins by having a low “neanderthal quotient³³⁶”. In other words, we as humans survived, even before inventing an elaborate language, religious gatherings and great economic collaborations, through simple social ability and willingness to live in groups. Humans are beings whose identity is formed in relationship to the beings around them. In the practice of good relationships, the care of one’s self can also be seen as a precondition for being able to care for others. Good relationships depend on collective expression in practice but also on a minimal security of our private sphere.

12.2.3 Esteem and Empowerment

Self-esteem and esteem-of others can afford some degree of ethical reformation and change: it is the price of a *humanistic* and *pluralistic* view on values, and a constructive dialectic between power oriented and

³³⁵ I leave open the metaphysical structure of our setting; I refer to a basic concept, that of *Energeia*, given by Aristotle and interpreted it in a personal way.

³³⁶ Geher, Glenn, Holler, Richard, Chapleau, David et alii, “Using Personal Genome Technology and Psychometrics to Study the Personality of the Neanderthals”, *Human Ethology Bulletin* 32 (2017)3: 34-46.

service oriented ethics of leadership³³⁷. As long as we acknowledge either a wide set of inherent values, or one core humanity grounded value, and we do so precisely and value refined values consequently among peers, adapting to given geographical contexts, we are dealing with strong values, quite on the opposite of complacency and resignation which are rooted in impotence, and cannot be embedded in shared esteem. Excessive limitations in potential/competence cannot afford any change or revision of values.

Complacency occurs if we depreciate our self-esteem (individually or collectively); by willing to please others at an unaffordable cost vis-à-vis some essential potential and shared values. Ethical change should go away from complacency toward initiative and empowerment.

12.2.4 Contempt for the Pain instead of Blaming

How should we answer to wrong actions in a fairly inclusive way? Answering by contempt instead of by blaming to a wrong differs from seeking to correct a wrong at any price, but seeking instead to empower by showing the right example. Blaming is related to the hope that the perpetrators of wrongful actions can see their guilt and recognize and experience it as wrong. “Praise and punishment can correct and effectively control behaviour when it affects people who are concerned not only with their reputation, but also with self-esteem. Moral censure produces a moral shock: feelings of guilt, failure and defiance. Blame generates displeasure and should therefore often be omitted, even if it might be appropriate. Some blame remains silent blame and should remain so.” (Wolf, Haaz, 2011). Blaming is a poor method of amelioration or facilitation of virtuous action, mainly based on a rights based retributive principle which evaluates the complex interrelations of various rights, it

³³⁷ See my definition of ethical pluralism, as opposed to ethical relativism, Haaz (2019), op. cit., in particular Ch. 2 “Leadership, Anti-realism and moral psychology”.

is as using “the power of Beelzebub to force out demons” (Matthew 12.24). Answering to wrongs by contempt (as *mépris* for Descartes) is very different, it takes the value of moral sentiments seriously but doesn’t cultivate the hope of changing behaviour by proactive moral shocks; *mépris* can and should remain as silent as possible in order to not add more pain and suffering in the world³³⁸. Contempt should not be understood in the popular sense of stigmatisation but on the contrary, it is writing off a wrong as negligible—“e.g. a hero could be said to have ‘contempt for the pain of his wounds’”³³⁹.

12.2.5 Digital Disruption

Economy, commerce, administration, communication, our work and even our presence —the beginning, the origin, or the active constitution of the self and values— are increasingly digital. It is indeed a chaotic change but also an invitation for creativity in the age of digital disruption. Increasingly, we are including technology in our interactions; therefore we should speak of techno-moral care and change. Indeed we allocate differently our time and energy since the emergence of a new phenomenon: the development of digital technologies, a paradigm shift as revolutionary as the Gutenberg’s printing press³⁴⁰.

³³⁸ Wolf, Jean-Claude, Haaz, Ignace, Strafe als Tadel? Argumente pro und kontra in: Von Hirsch, A., Neumann, U. and Seelmann, K. (Hrsg.), *Strafe - Warum? Gegenwärtige Strafbegründungen im Lichte von Hegels Strafrecht*, 2011, 69-78.

³³⁹ Descartes, René (1649/2010): *Passions of the Soul*, Transl. and Glossary by Jonathan Bennett. See Glossary: “Contempt”.

³⁴⁰ I owe this § to Christian Grund Sørensen’s bright insights (“Church and Neighbour in an Age of Artificial Intelligence and Disruption”, Report, unpublished, May 2019), for convincing me on the relevance of *digital disruption* as not only as quantitative modality of *an augmented reality* or presence, but as a *paradigm shift* in the sense of T. Kuhn (*The Structure of Scientific Revolutions*, 1962) a paradigm shift occurs when “the dominant paradigm under which normal science operates is rendered incompatible with new phenomena”.

12.2.5.1 Digital Disruption as a Democratisation Process

The use of internet to express the voice of the majority, relates to the participation opportunities in social life, whereby new digital platforms provide new opportunities for online activism. E-activism, e-petition, e-citizenship, e-government, e-voting are promising aspects of the internet, having more technical capacity to interact. Do we have more time and an augmented organisation capacity needed to make the best use out of it? Our capacity of communication has in reality been limited by censorship, our freedom is limited by more surveillance, propaganda and manipulation

12.2.5.2 Internet Epistemic Risks

In order to be inclusive in an efficient way, we need to get rid of the hyper-optimistic “technological solutionism” and focus on values adapted for internet literate persons, in particular when crisp clear knowledge transmission is a professional duty as for educators and information professionals³⁴¹. There are many deep social and economic inequalities that have not been solved, such as the generation and social gap. To address these issues more effectively with the help of information technology, I propose to focus on five important epistemic risks inherent of the use of internet, which may prevent a constructive change and the empowerment of others when we navigate on the internet. Using internet is complex to the point of labyrinthine once we do an advanced search, it is easy to be walking around and not finding what we are looking for.

(a) *Filter bubbles* are not only useful tools where search engines and their algorithms track information in our browser history to increase the usability of our environment on internet (including, for example, the place where we have been), but it can also produce a state of intellectual

³⁴¹ Hidalgo, Olivier (2019): Demokratie und Digitalisierung, *Information Philosophie*, März 2019, 52-58.

isolation built on our personalized searches. We can easily find ourselves “in a mirror chamber with a narrower and narrower experience of the world.” (Lanier, 2016). If both John and Paul search “virtue” they don’t come up with same results as Google has a database of one’s previously used search terms and visited web pages, resulting in a specific informational profile which is unique for each user (Heersmink, 2018).

(b) *Bias due to personalised ranking of search results* consist in an imprecise ranking, from knowledge value point of view, determined in relation to a network of other websites. Just because many hyperlinks point towards a website, it is no guarantee that it contains epistemically useful or accurate information.

(c) Studies showing students implicitly trust *Google’s ranking* of educational content in that they prefer to click on links in higher positions even when the abstracts are less relevant.

(d) *Autocompleted search* terms nudging towards a wrong path of enquiry (Google autocomplete based on search history with trending popular searches cannot be turned off, only ignored). A good case study of this bias is to search for “What happened to the dinosaurs?” which brings some epistemically wrong results at high Google ranking levels.

(e) Difficulty of verifying the validity of the source of information on blogs, social media and internet forums posted by anonymous non-experts³⁴².

With regard to inclusiveness, a person who has bad cognitive habits, because he/she does not develop much his/her ideas in complete arguments, relying more on a short-term memory than clear reasoning, or a person who has learning difficulties, or who does not speak a language well, will have additional cognitive difficulties to escape the technical daedal of how engines and navigators function.

³⁴² Heersmink, Richard (2018): A Virtue Epistemology of the Internet: Search Engines, Intellectual Virtues and Education, *Social Epistemology*, Vol. 32, No. 1, 1–2.

An important part of the solution depends on the dispositions and attitudes of the person (his/her ethical character) vis-à-vis various methods of acquisition and transmission of knowledge (epistemology) and which can be defined by intellectual virtues: virtues a person of knowledge.

12.2.5.3 *Internet Virtues as Epistemic Virtues*

Intellectual virtues can be divided into two sets of virtues, and correlatively with what Heersmink calls internet epistemic vices³⁴³ (ibid. 2018, 3), or the absence of these positive dispositions:

- Intellectual responsibility related virtues (curiosity, open-mindedness, attentiveness, intellectual carefulness)

Curiosity: being motivated to extend the horizon of knowledge

Open-mindedness: willing to consider alternative views

Attentiveness: to have a sustained focus when performing some cognitive task

Intellectual carefulness: logical skills and critical thinking skills

- Intellectual reliability related virtues: (intellectual courage, humility, tenacity, intellectual thoroughness)

Intellectual courage: to be prepared to be embarrassed, eventually accept some risks related to founded knowledge

Intellectual humility: to be realistic on own limitation of reasoning skills, and mistakes to which one is prone

Intellectual tenacity and thoroughness: not to give up quickly when one doesn't understand something, to probe for deeper meaning,

³⁴³ “Epistemic virtue” comes from the Greek *epistēmē*, which can refer to knowledge, science or understanding, and virtue which stands for moral excellence. Epistemic virtue is a value committing to individual or collective greatness. As related to our understanding, virtues are also common good related or part of first principles of moral life.

draw connections instead of memorizing

- Intellectual vices (apathy, dependence, arrogance, neglect, carelessness, intellectual conformity, indecisiveness)

The opposite of curiosity is intellectual apathy

The opposite of autonomy is dependence

The opposite of humility is arrogance

The opposite of attentiveness is neglect or inattention

The opposite of carefulness is carelessness

The opposite of open-mindedness is being dogmatic

The opposite of intellectual courage is intellectual conformity

The opposite of intellectual tenacity is indecisiveness

12.2.5.4 Redefining Common Good Based Use of Internet

There are deontological ethical principles related to the use of internet focusing on intentions (also called Golden Rule, reciprocity rule), more than concrete consequences and risks. The most important deontological principle is the *categorical imperative*, which based use of internet would urge us to ask oneself a simple question: “Before a person does something with a technology, the person should reflect, whether it would be alright if everyone did it”. There is also a teleological ethical principle for internet focusing on aims and outcomes, rather than intentions. The most important is the *no harm principle* “to ask oneself whether this internet product is going to harm or dehumanise anyone”. The third family of common good based principles is a consent based principles of artificial intelligence related technology. *Informed consent* condition of using AI would invite us to ask “whether we have the informed consent of those who will be affected”. Privacy is part of a consent related use of technology; it is about the right limits in establishing good relationships with others (teacher/student/clients/patients). Privacy

depends on the subjective and lived experiences of the value of privacy across contexts, not only on norms, definitions, rights and laws - which should be adapted (but are unlikely to prevent all risk).

Common good based values and internet are all concerned by the ethical use of internet and artificial intelligence based on the principle of diversity for common good and benefit of humanity. It is part of the condition of diversity and of common sense understanding of humanity that inclusiveness is not left behind. For persons in need for inclusive education, the very condition of a principle of reciprocity, considered as a fundamental principle, might be problematic, justifying the need for external support to the teacher (or the librarian), but also information about how to handle similar situations in such a way to give individual attention and keep in mind that inclusion is most of the time about the spirit, not the space. Let's try to define the right spirit of inclusiveness with regard to common practices.

12.2.6 Inclusion and Practice

A non-contradictory definition of a value or norm should always be seen as possible and subject of tacit consent (implying, therefore, logical non-contradiction). Definitions can be communicated and agreed upon among persons entering in good practice in order to strictly distinguish the definition of the norm and any interpretation of these norms, rules and practices. Changing a value can be understood as *shifting, engineering, replacing, revising, improving, innovating, ameliorating or reforming*; they apply to the rule of practice (not to interpretations). In some cases, experimentation leads to active intervention which can be seen as transgression. Transgression is thus always norm relative; it is related to norms which have been previously established.

Amelioration and facilitating is a change done by practice, i.e. by use: a new meaning has been made explicit in action, in a community of users and practitioners.

12.2.6.1 A Philosophy of Contradictions

Inclusion and change can also be seen as a way of dealing with conflicts, a *philosophy of contradictions* or an affirmative and dynamical way of looking at the being and the reality as we read in Matthew 10:33: “Do not assume that I have come to bring peace to the earth; I have not come to bring peace, but a sword.” The leader and pacifying mind across conflicts, by being inclusive is “The thunderbolt pilots all things.” “The god is day night, winter summer, war peace, satiety hunger [all opposites, he is the *nous*]” a Heraclitus inspired hidden unity that binds all opposites. Inclusivity is “Grasping: wholes and not wholes, convergent divergent, consonant dissonant, from all things one and from one thing all.” (D.K. 64, 67, 10³⁴⁴)

While including others, the fact of intervention can disrupt the normal functioning of a process of development of values, or a system serving certain functions or values, and ultimately be considered as transgression. Knowledge values, common good based values, and preferences don’t align as easily as we can see in the thought experiment below.

12.2.6.2 The Reformer’s Dilemma and Transgression and Rule of Practice Reformation

Suppose A is an ethical social reformer and thinks that value v should mean v where v is not the value determined by the value conventions of v ’s community. If A uses w to mean v – i.e., speaks to and interprets others as if w means v – then A has done something wrong qua member of his value community (supposing common values). Either A can interpret others correctly (according to conventional values) or A can reform the values, but A can’t do both.

In his *Philosophical Investigations*, L. Wittgenstein brings a way out of this dilemma by showing that the correctness or incorrectness of a use

³⁴⁴ Diels, *Ancilla to the Pre-Socratic Philosophers*, K. Freeman (transl.), Cambridge: Harvard UP.

of language, which applies for other rule based practices, is determined by the rules of the language or of the given practice—“determined” in two senses which allow the transformation or inventive change of a practice:

(a) The rules form a complete system, in the sense that for every “move” within the language it is obvious that a rule does or does not apply.

(b) Where a rule does apply, it is obvious whether it has been followed or infringed.

(c) Where no existing rules apply, you can always adopt a new rule to cover the case, but then that obviously changes the game.

A constructive and sustainable change is thus a change that is embedded in such a way in a practice that it has been made possible in a reformed system of values, which is not simply interpreted by the community of practitioners as a form of transgression, and the game has changed around that overall praxis in a sense not affecting the application of existing rules. Trust and transgression are mutually exclusive concepts; it is not possible to build on trust in any trade related exchange, or simply any relationship on love if the fear of hate, of being cheated, is predominant over confidence and predictability. Three main reasons to change rules are (1) Rules can be incomplete, therefore subject to modifications (§68), (2) the rule doesn’t exhaust the correctness of its applications in term of right or wrong, and (3) some rules doesn’t explain what playing the game constitutes³⁴⁵. Changing a practice as reforming a practice by contrast to consolidate without significant change differs from revolutionizing a practice which always entails a removal and replacement of major components of the practice. Reforming a practice is based on the aim of bringing an amendment of what is defective or incomplete, without turning the whole system upside down.

³⁴⁵ Cavell, S. *Must We Mean what We Say? A Book of Essays*, Harvard: UP, 49.

12.2.6.3 Community of Practice as Institutional Form of Practice and Reformation of Practice

Ethical reformation has as main tool for inclusion the institutional form of a community of practice. An activity which can be attributed to individuals, collectives (families, churches, societies) and institutions (private, public, State related) has a political advantage to multiply horizontal interactions between communities of practice, in order to increase the outreach of each circle, provided overlapping interest and values. The more communities have an interest to promote progress and change, the more they are keen to be open.

Institutional communities of practice are interconnected as solidarity is increasing with the use of technology. Global understanding is needed to deal with the most imaginative scenario of connections and connectivity between sectors in our societies.

Ethical reformation is often part of an education (scientific), religion, and/or legal and political discipline oriented practice. Institutions of education, religious communities, legal and human rights NGOs and political drivers of change welcome reformation of values in their institutions. Instead of relying only on their professional network, embracing strategically an ideal progress in well-being, human rights or essential human capacity based values means to stay open to social and human progress in various ways. Power relations are seen increasingly as shared capacities instead of concentration and accumulation of power.

Various forms of work organisation (administration, management) are based on legal and proto-legal types of practice across many sectors of activities (professions, economic sectors). As such they should be based on the division of responsibilities in order to generate stronger impact; a form of organisation should never be merely “the rule of the anonymity”, which on the contrary is a risk, that of harming other capacities, professional potentials of innovation. Horizontal organisational structures relying less on legal codes and hierarchy may be more flexible and thus open to change. Many different forms of activities around the

living being coexist. By balancing globally these formal conditions of our life we can invest harmoniously our life and develop with joy and the sentiment of a free horizon in front of us our potentials in a dynamical way. When this dynamism is given, we have the sensation of being able to work and give our best; whether individual or collective. A collective brings innovation when there is an industrial impact of the technology developed by this enterprise/work organization. Innovation is not a value expressed on the originality of the scientific findings, which logically precedes, but which is often owned by multiple research stakeholders, across different continents, in a complex way.

By being actualized into an institutional form, a dynamic of change or reformation of values is not simply concerning an actual shape³⁴⁶, or the reproduction of a formal strategy of the organisation, or professional corporation interactions. Reforming an institution, or laying down a progressive dynamic at the core of the institution refers to a deep movement of transformation which brings some new values into action, based on the mission and values of the organisation³⁴⁷. In order to be inclusive, the change in value should be seen as a potential being, as philosophers after Aristotle would say which is something else, already, and therefore change dependant.

³⁴⁶ Chen, C. (1956): "Different Meanings of the Term *Energieia* in the Philosophy of Aristotle", *Philosophy and Phenomenological Research*, 17(1), 56-65. doi:10.2307/2104687

³⁴⁷ As inclusive activity value reformation is something that should become actual, passing from capacities and potentials as matter to be expressed and ultimately related to a given form, and thus be normative in the sense of application to a form (Greek: *energia* as application to a form *aidos*). As example: the bronze is actually bronze, but it is in action "not in so far as it is bronze, but in so far as it is movable". The community of practice constituted by institutions share this propriety of overcoming the matter and form antimomy by creating new potentials by the simple fact of the diversity and size of the institution.

12.2.6.4 Inclusion and Ecological Transition

Care for the environment as qualitative design principle refers to an ethics of change as transformability in social-ecological systems. The terms “transformability” is to be understood as an energy transition related and defined as a long-term structural change (“ecological transition”). Inclusion as an education oriented aim should not only bring an openness of the self to others, but also to a non-anthropological world, to nature and to our responsibility towards environmental impact. As we rely on an open society model of organisation and economy, ecological awareness is again showing the importance of having the right knowledge at the right time. Unfortunately the more a situation is understood as being urgent, the less theoretical and practical work is likely to complement harmoniously. When a majority of the population on earth is exposed to concrete risks of climate change, but without that some of the richest part of the world face the same risk, to the same extend, inclusiveness might be more difficult for rich countries because of the simple fact of their situation.

12.2.6.5 The Problem of Drawing a Relation between Statements of Facts and Moral Judgements

Philosophers call *is-ought problem* the category confusion inherent to the attempts of empirical or pragmatic foundation of ethical values on brute facts. On a purely prudential level prevention of risks can be done by facts assessment, as when police is blocking a road after an accident. In order to present the moral duty of a subject in a convincing way, we need more than a harm or a risk, we need wrongdoings i.e. intentions and liable, or responsible subjects.

The Scottish philosopher D. Hume presented how the attempt of deriving moral belief and judgment from facts might occur, but should be handled with caution, showing how our use of the language can hide some ethical preconceptions. He shows a kind of allegoric shift between two levels of the discourse: first facts (natural phenomenon, tendencies,

first order desires) and second, the apparition of unexpected ethical notions:

“In every system of morality, which I have hitherto met with, I have always remarked, that the author proceeds for some time in the ordinary ways of reasoning, and establishes the being of a God, or makes observations concerning human affairs; when all of a sudden I am surprised to find, that instead of the usual copulations of propositions, *is*, and *is not*, I meet with no proposition that is not connected with an *ought*, or an *ought not*. This change is imperceptible; but is however, of the last consequence. For as this *ought*, or *ought not*, expresses some new relation or affirmation, 'tis necessary that it should be observed and explained; and at the same time that a reason should be given; for what seems altogether inconceivable, how this new relation can be a deduction from others, which are entirely different from it³⁴⁸.”

The *is-ought* gap comes from possibly not seeing clearly the difference between facts as how people live and express values by looking at them, and the moral judgement which is grounded on a meta-ethical prescriptive ground. Hume would clearly derive values from passions, not reason, but T. Reid has denied the irrational or empirical ground proposed by the former, by affirming the need for *ethical reason based first principles*. Reid presents the utility of *deontic statements* and explains that there should be a logical difference between what *should* be done or not done, what *must* be done, or what *must be forbidden*, given some strong modalities of necessity or principles in the first place. This whole conversation remains valid when epistemic authority is not clear and communication about knowledge and values is not clear.

³⁴⁸ Hume, David (1739): *A Treatise of Human Nature*, Book III, Part I, “Of virtue and vice in general”, Sect I.

In order to avoid the error of category between facts/norms, theory/practice based judgements, a clear ethical argumentation and reasoning needs to be prior available. There is stability across cultures and History on first (global ethical) principles of morals³⁴⁹. In order to designate actors as moral or non-moral, we need another type of reasoning than consequence based reasoning, argues Reid, who answers the sceptical temptation of reducing the good to what is desirable, - showing the incapacity of desires and wills to account for moral subjects as they are limited to the evaluation of actions.

In order to have an inclusive attitude towards others, one needs more than medical, ecological and socio-economic facts. Without reflecting morally on the subject, we are left with the desirability or undesirability of unequal circumstances of life, and lack the right attitude of including the other person, not because of moral sentiments, but because of the ground of a reason and moral principle.

Ethical progress in areas open to strong moral dilemmas as those related to ecology (climate change) show the limits of action based interpretation of human behaviour. In order to change the mind of those who remain sceptical we need the ground of a stable foundation, given by common sense practical morality; however, to be tempted to reducing all ethics to practical ethics is an abuse of language, it is forgetting the theoretical level of norms, where we easily tend to disagree, but knowledge authority is theoretical and disagreement is part of the theoretical development of knowledge³⁵⁰.

³⁴⁹ This common sense judgment is “necessary to all men for their being and preservation, and therefore it is unconditionally given to all men by the Author of Nature”, Reid, Thomas, *Essays on the Intellectual Powers*, Derek Brookes (ed.), University Park: Pennsylvania State University Press, 6.4, 452.

³⁵⁰ Legal texts, aphoristic discourses, which are narrative but not argumentative or the preaching of values (as living practice in religious communities, as exemplarist virtue ethics in practice) fulfil some essential conditions to be value driven ethical change drivers, but without argumentative authority, without the logi-

In order to bring a large overlapping consensus over ecology related issues the academic professions need to be developing strong theoretical research and show the example by strong institutional presence in the civil society.

12.2.6.6 *Summum Bonum*

What ought to be should not simply be based on statements about what is, running the risk of missing the gap between facts and values. An argumentative discipline is required to sort out what behaviour is valuable (teleological), or even *ethically the best*, with regard to an ultimate standard or *summum bonum*. To claim for a precise notion of a highest good, an end in itself or intrinsic value; brings immense advantages in order to construct an explicit and argument-based system of values. To be able to reform a practice following the main chapters of the given type of highest value that has been chosen, introduces parameters of articulation of a system of values/principles. As the birth, the death, separation or illness are chapters of the human life, and are to some extent containing all the other goods or values of that life, any highest good (Greek *energia* as being perfect) supposes chapters/parameters of a given hierarchy of values (or axiology), or definable stages of evolution (and possible regress). In priority *summum bonum* should be concerned by truth related systems of values in order to gain epistemic authority or a value of knowledge, objectivity and predictability.

cal constructive skeleton of systematic thinking, the communication doesn't bring a fundamental narrative of what ought to be. We miss realistic theoretical analysis when we rely on practical projection into a possibly common but ultimately highly contingent configuration of the world.

12.3 Conclusion: The Value of the Epistemic Value

A radical faith in people is important if we take seriously the idea that we are neighbours, and that we should carry the same interest in our neighbour as we do in ourselves, according to Jesus Christ (Mark, 12, 31). To improve policies and professionalism in higher education are good first steps but not sufficient in order to achieve real change in quality as it is not sufficient to be using the ingenious path of the cyberspace to achieve real change in quality, which should always be related to conceptual clarity, truth and inventive argument based narratives. It is not enough either to be able to analyse the methods of knowledge; knowledge itself should remain the central scope of higher education development; otherwise communication would have a poor value, even if our intentions are praiseworthy.

As living beings, we are placed in the world of nature, not only with regard to the environment, animals and the biodiversity but with regard to the billions of living beings who work unceasingly to maintain our collective body and identity. We may be tempted to forget this natural fact because we are part of a project of human community which gives a unifying form to our interactions and brings changes into our life and the world. We aim endlessly at becoming self-organizing living wholes, with many other humans, claiming ethically to pay a special attention to mutual differences, to include them with respect and care. It is a matter of constant ingenuity and careful observation of nature and of the human mind (including our possible justifications of the existence and description of the presence of a Divine power or world order).

We are continuing to live in one world, but the world has different attributes, bodily and spiritually, thus bringing an epistemic (epistemic, method of knowledge related) focus. This theoretical view point is necessary in order to make progress and change the world, although changing the world is often seen as a matter of practice. In the footsteps of F. Bacon's writings on the nature of science and the scientific method,

where he shared his views of the unity of knowledge, both scientific and non-scientific (including philosophical/ethical), we find three important insights on the overall relation of ethics with research and education, which was understood as a great potential of change, not only for science but as an ideal inclusivity rooted education.

Building knowledge and thus *augmenting it*, grounding knowledge on a solid methodological ground, *developing an argument* in order to communicate knowledge: all the complicated aspects of truth and justified belief formation and communication are central aspects of an ethics of change for three reasons, that have been found in the parallel development of scientific research and good practice oriented education policy.

In order to avoid error and not to suspend the process of progress in knowledge and good practice: (1) the delivery of knowledge, which is often magisterial and peremptory, and not ingenuous and faithful in education institutions, should be perfected and amended. (2) An early and peremptory reduction of knowledge into arts and methods, from which research and education receive small or no augmentation, should be limited. We need to keep the original creative activity of the researcher as *energia* in focus: “knowledge, while it is in aphorisms and observations, it is in growth; but when it once is comprehended in exact methods, it may, perchance, be further polished, and illustrate and accommodated for use and practice, but it increases no more in bulk and substance³⁵¹.” (3) If science is not increased, it is unlikely that decent conditions of research and education can be further looked for, clearly established and reaffirmed when good practice is not respected. Lack of augmentation of knowledge, research and education output is a risk for the research and

³⁵¹ Bacon, Francis (1893) *The Advancement of Learning*, London: Cassell & Company, §V, 4, 9. Francis Bacon (1561–1626) is a leading figures in epistemological philosophy and scientific methodology just after in the Renaissance era; not to confound with the 20th Century Irish painter and homonym.

education profession: “the most constant and devoted kind of professors of any science ought to propound to them-selves to make some additions to their science”, they should not convert their labours “to aspire to certain second prizes: as to be a profound interpreter or commenters, to be a sharp champion or defender, to be a methodical compounder or abridger”. Quality of knowledge should be improved, but also the quantity augmented, because change in praxis depends not only on the consolidation of knowledge but on knowledge formation itself³⁵². Of course knowledge formation and augmentation should not be overall considered as mandatory or vital for a majority of the homo sapiens family, as life has many circumstances which don’t depend on it; it is enough to inspect the socio-economic tissue of society at many levels, and across many useful professions, to see that some are *indirectly* very dependent on the progress in knowledge, not to mention the deep but sophisticated gap between scientific progress and technical innovation.

Aiming at living with *epistemic concern for truth* is to philosophicaly question the value of prima facia knowledge, instead of denying knowledge in order to posit human practice dangerously close to *might is right*. Knowing what we eat, where we live, how we use common natural resources as water, food, how we take a medicine when we are ill, how aware we are of having a freedom of movement, how we manage to bring nature closer to our lives and to our relatives, all these simple aspects of life show the importance of having at hand the right knowledge, instead of relativizing the value of knowledge. The cultural framework of knowledge is important but should never be confounded with knowledge formation and the relevant criteria for truth and authentic scientific discovery. Inclusive education on the contrary can be directly related to knowledge formation as it concerns the right understanding of a good practice, which should not exclude on the ground of the identity or of a particular handicap.

³⁵² Bacon, §V, 10.

Inclusive education can be part of an ethical reformation of life, including a fine understanding on how digital technology may bring some answers on how we change the world, as the same ingenuity was needed at other periods of History, related to the impact of other major technologies and scientific paradigm shifts. In conclusion it is not enough “to call philosophy down from heaven to converse upon the earth” and to apply knowledge only to manners, good practices and research policies; both heaven and earth should “conspire and contribute to the use and benefit of man”, “to preserve and augment whatsoever is solid and fruitful; [...] as a spouse, for generation, fruit, and comfort”. Knowledge formation will always be the best ally of meaningful inclusion of weak parts of the human family, and of sustainable societal change, but the search for knowledge without self-knowledge is vain: “knowledge without conscience is but the ruin of the soul [Science sans conscience n'est que ruine de l'âme]³⁵³” (Gargantua and Pantagruel by F. Rabelais, 1653).

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³⁵³ Rabelais, François (1653): *Gargantua and Pantagruel. Complete. Five Books of the Lives, Heroic Deeds and Sayings of Gargantua and his Son Pantagruel*, Transl. by Sir Thomas Urquhart of Cromarty and Peter Antony Motteux, Book II, Chapter 2.VIII, Derby: Moray Press.

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ETHICAL EDUCATION FOR TRANSFORMATION OF SCHOOLS AND UNIVERSITIES

PARADIGM OF DUAL-INTELLECTUAL HERITAGE IN AFRICA

Clement Majawa

13.1 Abstract

The study discusses identity crises and ethical dilemmas in African Universities today³⁵⁴. Some of these academic institutions are losing the impetus of providing quality education anchored in ethical dynamism because of: (a) disparity or gap between culture and universal intellectual ethos and (b) distortion and compromising their moral identity which lead to deterioration in educational standards, human unrighteousness and societal structured evils. The discussion examines the dual intellectual approaches on how to recognize the African values and contextualize them in the world class intellectual heritage championed by Greek

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and Christian philosophies. Vatican II's Declaration on Christian Education '*Gravissimum Educationis*' teaches about the ethical wisdom and praxis of pursuit of truth, intellectual excellence, protection of freedoms, experience of human rights and practical institutional integrity in the light of the Gospel. There is need for universities to revisit their current policy and code of ethics, and uphold a revolutionary permanent paradigm of dual intellectual heritage which integrates behavioral values of *Africana humana* and university worldview so as to transform the the whole education system in Africa. *Key Words*: Ethics, University, Intellectual heritage, Renewal, Excellence.

13.2 Challenges on Quality Education in Africa

A Malawian educationist Paul Chirikwako Dzungulawola (2003) observes that the major challenges in education sector on the African continent is the phenomena of underdevelopment, tribalism, negative ethnicity, nepotism, religious discrimination, corruption, bad governance, un-constitutionalism, un-professionalism, superstition/witchcraft and abuse of human rights. Almost in all the countries, be it in Malawi or Zimbabwe, Kenya or Uganda, Nigeria or Ghana, Egypt or DR Congo, etc. negative ethnicity, corruption and immorality in all institutional fronts is eating moral fiber of education. Our educational institutions do not cultivate universal humanitarian outlook and do not emphasize moral values. There is a trend of thought in academic institutions to promote Euro-American majoritarian ethos of materialism, appraising uncritical capitalistic ideologies, glorification of social media and ICT enterprise and demeaning of spiritual and moral values. There is a failure to inculcate African values in many systems of education.³⁵⁵ Education in Afri-

³⁵⁵ Chirikwako Dzungulawola, Paul, Research on 'The Successes and Challenges of Education in Post Independent Africa: Dilemma in the Realization of Holistic Education' Centre for Educational Research, Lilongwe, Malawi, 2003.

ca needs to be open, inclusive and holistic in its vision and mission. Education has to have a multicultural ingredient. The study of cultural and religious diversity or individual differences in schools is nothing new. Indeed in history, there have been differences between people for quite some time. The question is why is cultural intolerance, tribal/religious discrimination and negative ethnicity cropping in our education systems today (Diamante and Giglen, 1994)?³⁵⁶

Professor of Education Iles (1995) emphasizes that quality education entails cultural diversity and inclusivity; that is true education is founded on ‘*ethics in diversity*’ and ‘*unity in diversity*’ for higher intellectual goals of transformation. The composition and interaction of teachers and students in today’s institutions of learning has changed significantly. Many academic institutions are already appreciating and benefiting from cultural inclusivity; however much has to be done. Culture influences the nature of educational renewal and development.³⁵⁷ As Matthews Chiuzaphoyo (2001) cites “Africa need to promote quality education with multicultural niche”. Africa needs holistic education with dual-intellectual heritage: the religious ‘paideia’ and the cultural values. The dual intellectual experiences need each other for quality and rele-

³⁵⁶Diamante, T. and Giglen, L. (1994). Managing a Diverse Workforce: Training as a Cultural Intervention Strategy, *Leadership and Organization Development Journal*, 15 (2) p. 13-17.

³⁵⁷ Iles, P. (1995). *Learning Work with Difference*: Personnel Review, 24 (6), pp. 44-60; see also Jhingran, S. (2001). *Ethical relativism and universalism*, New Delhi: Motilal Banarsidass Publishers. Johnson, D. & Johnson, R. (2000), *Cooperative Learning, Values, and Culturally Plural Classrooms*; Education, Culture and Values: Classroom Issues: Practice, Pedagogy and Curriculum. Vol. III, London: Falmer Press, 15-28. Mavin, S. & Girling, G. (2000); What is Managing Diversity and Why Does it Matter? *Human Resource Development International Journal*, 3 (4), pp. 419-433. Maxwell, G., Blair, S., & McDougall, M. (2001); *Edging Towards Managing Diversity in Practice. Employee Relations*, 23 (5), pp. 468-482.

vance.³⁵⁸ Africa does not exist in isolation; it needs to co-exist, appreciate, learn and be enriched by other societies, other cultures, other academia and other empirical experiences so as to have a quality, balanced, ethical and transformative education, learning and teaching for the personal and common good. This is what Patristic 'Paideia' education entails.

13.3 Main Argument

The argument of the study navigates around SIX determining converging insights:

- Education is seen on academic crossroads, identity crisis and ethical dilemmas in institutions of higher learning in Africa. Researches have revealed that some schools and universities are losing the impetus of providing quality education because of devoid of ethical dimension in all sectors of teaching and learning. There is diverging parallelism between Christian and Traditional forms of education.
- Examination of various intellectual approaches by recognizing African values and contextualize them in the Patristic (Paideia) Christian Intellectual wisdom for excellence in particular and global academia in the light of Vatican II's Declaration on Christian Education '*Gravissimum Educationis*' (28/10/1965).
- There is evidence of lack of quality educational dialogue, Contextual Conversation and mutuality between unearthing Intellectual Stances of *Africana Humana* (Ubuntuism) and Christian Educational Design;
- There is a challenge of contextualizing policies and systems of 21st century traditional and government education with faith

³⁵⁸ Chiuzaphoyo, Matthews, *African in Need of Transformative Education and Civility*, San Francisco: Ignatius Ltd. 2001, 111.

based intellectual heritage because of dangers of compromise, syncretism, negative attitudes and relativism, leading to corruption and dis-functional education.

- The Dual-Intellectual Heritage' (Church's intellectual culture and the African learning culture) belong to the reality of multiculturalism which manifests cultural diversity in institutions of learning. If cultural diversity is well understood and managed, then it becomes an educational value and teaching asset for holistic education.
- There is need to review, deconstruct, renew and re-align the whole system of education for excellence and transformation by employing the 'Dual – Intellectual Heritage' in the 21st century institutions of learning for ethical integrity and academic progressive posterity.

13.4 Theory of 'Dual-intellectual Heritage'

Dual Process Theory: Concept: Is a complementary cognition and habituation of a social, philosophical, religious, spiritual or experiential values of two distinct natures when integrated produce the best learning processes and transformation of both sides for the common good. In reality, just as there are two side of the same coin, so there are always two complementary ways of thinking, reasoning, teaching and living so as to seal the gaps, inconsistencies, weaknesses and limitations leading to healing, restructured, renewed and new meaning for the desired progress (William James, *Principles of Psychology*, 1890).

Double Learning Theory: Benjamin Roosevelt (1964) reveals that two processes consisting of conscious and unconscious, implicit or explicit, natural and supernatural, automatic or controlled expressions are

necessary for leading to an objective and better way of doing for higher value.³⁵⁹

Theory of Dual-Coding for Holistic Information Process: Allan Paivio (1964, 2007) defines Dual-coding for holistic information process as well and ethical coordinated activity of two independent but related process with logical reasoning creating a permanent common-frontier for better understanding and progress in life.³⁶⁰

Theory and practice of ‘*Dual-Intellectual Heritage*’ is essential to quality, inclusive and transformative education for all because it lays the foundation for understanding the theme of the study: *Ethical Education for Transformation of African Universities: Paradigm of Dual Intellectual Heritage*. The argument of the two intellectual heritages (Christian-Patristic and African heritages) provides a deep cultural, religious, historical, philosophical and theological grounding for Catholic Teaching and African worldview, both heritages contributing a pool transformational-creative ideas and habits to form and reform the contextualized African-Christian imagination, initiation and educational system. Prof. Benjamin Gutmann (2008) cites that whenever there is government, family, education and relational professionalism viewed from two but complementary arguments, the result is of clearer, permanent and transforming message to all.³⁶¹ The Catholic (Patristic) and African (Traditional) Intellectual heritages are complementary in transforming and renewing Catholic educational system. They dialogue, appreciate, borrow from, learn from and enrich each other for intellectual excellence. The two intellectual heritages do not contradict each other but are complementary because they all come from one source: *God the Creator*.

³⁵⁹ Roosevelt, Benjamin, *Double Learning Theory or ‘Theory of Double Learning and Experience for Higher Value’*, New York, 1964. 4-9; 12-17, 23-29.

³⁶⁰ Paivio, Allan, *Mind and Its Evolution: A Dual Coding Theoretical Approach*, New York, 1998, 13.

³⁶¹ Gutmann, Benjamin, *Quality Education for Transformation of Societies*, Scottsville: University of KwaZulu-Natal Press, 2008, 76-77.

The Latin American educationist Paul Freire (1973) stressed the importance of different intellectual heritages in interactive method of teaching and learning and learning so that students can discuss and raise questions on a subject from different philosophical and experiential views, and analyze critically how these views enrich each other for objective conclusion.³⁶² This method develops students' critical thinking which leads to solution-based conclusion. This is the basis for holistic teaching and learning which is envisioned by Christian/Patristic education. The Dual-intellectual heritage and educational wisdom appraises and promotes both Christian and African traditional systems. The new paradigm of Christian and African intellectual heritages promises hope for quality, moral and transformative education in Africa.

13.5 Traditional Education in Africa

The major goal of traditional education in Africa is to produce a complete individual, a lifelong learner who is initiated, cultured, respectful, integrated, sensitive, in good relationship with the unborn, the living, the living dead and Creator; and is in ethical responsive to the needs of the community, family, neighbors and supernatural existence (Nyamiti 1986; Nikiema 2009; Omolewa 2007). It is aimed at inculcating attitudes and values capable of integrating the individual into the wider society (Majasan 1967; Fafunwa 1974; Fajana 1978).

The ultimate objective is to produce a holistically formed person guided by the wisdom of African intellectual heritage and African experience of humanity and divinity. These traditional values and goals of education promote and enrich educational experience which makes learners ethical citizens, relevant leaders and effective entrepreneurs in society. Thus, they need to be inculcated in the Christian educational

³⁶² Freire, Paul, *Education for Critical Consciousness*, New York: Seabury, 1973. 12-17.

systems. Christian (Paideia) education is urged to converse, appreciate and enrich and be enriched by some African intellectual heritage and values.

13.5.1 Purpose of Traditional Education

- Acquiring knowledge of the divine, the self, and the community for life of integrity.
- Holistic transformation of an individual for quality existence in society.
- Knowledge and experience of one as a communitarian being.
- Conservation and preservation of cultural heritage
- Transmission and perpetuation of societal knowledge, wisdom, language, initiations, rituals and practices.
- Teaching skills and practices of progress and life preservation.
- Promotion of good relationship with religion, and supernatural spiritual world.
- Realization of family, communitarian values and community for the common good
- Good preparation for joining the supernatural World (ancestors, living dead and the Creator)

13.5.2 Method of African Traditional Education

- Teaching of religious beliefs and values by religious leaders.
- Inculcation of family and societal values and virtues by parents, relative and kinsmen/women.
- Initiation rituals, ceremonies and practices.

- Familial and elders cum adult-parenting.
- Role modeling and imitation of leaders.
- Drum, dance and musical heritage.
- Poetry, art, music and oral tradition.
- Domestic skills and apprentice.
- Using instructional and symbolic language.

13.5.3 African Wisdom and Phenomena of Dual-complementary Heritage

An African proverb says: “*Dressing is not in covering a person’s face, but in covering one’s hair and the whole body for human dignity*”. Commenting on this African wisdom, a Malawian Anglican sociologist and missiologist Jones Abdu Mkhwakwalala says: “Missionary approaches should not be merely cosmetic, but should touch the inner most fiber of people and transform their life and worldview. It is an on-going reality, takes time, changes its approaches and needs patience of a moving snail. Education like marriage is very serious issue needing in-depth analysis to understand its challenges and provide African cosmic solutions.” Catholic Education in Africa needs quality criticism for renewal and new societal civilization on the continent. As the people of Rwanda say, “A fetus that is afraid of criticism is never born”³⁶³. Furthermore, missionary evangelization should not be delayed nor compromised.³⁶⁴ As Catholic theologian and socio-educationist Bernardson Mphuwa Thumbuwela (2008) affirms that Catholic education should embrace the genus, ethos and wisdom of the local people to become transforma-

³⁶³ Rwandan Proverb, “*A foetus that is afraid of criticism is never born*” cited by Laurenti Magesa in *What is Not Sacred? African Spirituality*, Maryknoll, New York: Orbis Books, 2013, 186.

³⁶⁴ Abdu Mkhwakwalala, Jones, *Called to Evangelize Africa with Christian and African Wisdom*, Utrecht: IIMO, 2008, 103.

tive.³⁶⁵ And “Every bird that flies high must remember to come down”. “Every food that is chewed must be swallowed”. This oral tradition confirms the duality and complementarity of reality in life.

In the context of quality education in Universities John Paul II makes it clear that the Catholic Universities and Higher Institutes in Africa have a prominent role to play in perfecting and transforming schools and institutes of learning through proclamation of the Word of God.³⁶⁶ These Institutes are a sign of the growth of the Church insofar as their study and research integrate the truths and experiences of the faith and helps to internalize them.³⁶⁷ The Higher Institutes serve the Church by providing trained personnel, by studying important theological and social questions (eg. *education, health, social services*) for the benefit of the Church, by developing an African theology, by promoting the work of inculturation, by publishing books and publicizing Divine Truth and by contributing to a scientific study of cultures.³⁶⁸ This teaching resonates with the argument which was discussed at the 2015 Enugu (Nigeria) International Theological Conference under the theme: ‘*Transformation of Catholic Schools and Colleges in Africa*’. The Pan-African conference saw the urgent need to the mission of on-going research on many areas of evangelization like education and see how it rediscovers and preserves education with Catholic intellectual heritage for quality life in Africa. Zimbabwean theologian cum educationist Alexander Morrison Ncube (2003) in his research on ‘*Quality Education through Catholic Intellectual Values in Africa*’ revealed that: ‘Catholic educational institutions are always the *Model, the Light and the Pearl* of quality education everywhere in the world because they are always defined by intel-

³⁶⁵ Orison Thumbuwela, Bernard, *Creative Appropriation of Catholic Schools in Africa and Beyond*, Atlanta: John Knox Press, 2008, 96.

³⁶⁶ John Paul II, *Ecclesia in Africa*, no.103

³⁶⁷ *Ibid.*

³⁶⁸ *Ibid.*

lectual philosophy, spirituality and practice of Jesus Christ the ‘*Teacher par excellence*’ because *He is the Way, the Truth and the Life* (John 14:6). Catholic schools and colleges in Africa have never failed to deliver the best results.³⁶⁹ At the time of independence, many founding fathers (the presidents and prime ministers) of African countries and governments were educated in Catholic schools. Rwandan Prof. Bernard Hwamungwaza (2008) asks, “*Today, we are surprised to note that many Catholic schools and colleges are commercialized and have lost the Catholic Identity and Catholic intellectual direction*”³⁷⁰. Clement Maja-wa (2007) explicates that time is ripe to search, research, teach and uphold the lost, distorted or forgotten values of Catholic Intellectual tradition, Catholic identity and integrity on one hand and how to inculcate them for excellence in African academic values on the other.

This academic project for excellence of integration of Patristic Intellectual Heritage into African wisdom and worldview in Catholic schools has a two-fold thrust:

- Contributing to the building up of God’s Kingdom (*Divine Wisdom, morality and spirituality*) in the students and teachers through transformation of Catholicism and African history, culture and religion in schools.
- Multiculturalism, Cross-inculturation, intellectual intersectionalism and reforming the African philosophy, milieu and schools/universities so that they can rediscover themselves and bring out their enriching life-giving expressions, and share these values with the international community.

³⁶⁹ Morrison Ncube, Alexander, *Quality Education through Catholic Intellectual Values in Africa*, New York: Dover INC. 2003, 15-17.

³⁷⁰ Hwamungwaza, Bernard, *Morality in Catholic Higher Institute of Education*, Pretoria: African Institute of South Africa, 2008, 43.

13.5.4 Nature of Two Foci of Reality (Dual Intellectual Foci)

"The two foci of reality (of Christian education and traditional education)" says Boyd Alexanderson (2003) "are not contradictory, but complement and enrich each other". The Christian education elevates and guides the traditional education, but at the same time it listens and is enriched by the later.³⁷¹ This is similar to the reality of *Inculturation* which has two foci: the Gospel Culture and the Traditional Culture. A consequence of Inculturation is that a given culture has an opportunity to be transformed by faith, and ideally the culture in question is introduced into the Church. Inculturation has this effect because humanity reflects God as they are created in His image (Genesis 1:27). God has planted His Spirit, in every individual, and as such, every community. This is the reason why the Gospel message (Divine Wisdom) is permanent and unchanging despite inculturation of the Gospel into local cultures which are prone to human limitation and changing. From this dual-heritage perspective, inculturation becomes a process that plies the pattern of the 'Word made-flesh or Immanuel', which would involve the gospel taking life and flesh in the beliefs of people who welcome Christ and the values of the gospel. Just as Christ became man so as to win salvation for all, the gospel must become 'culture' so as to win the heart of 'local people'. Thus the 'Dual-intellectual heritage' is considered as the 'Christian education becoming flesh' in the traditional cultures so as to attract and lead people to the Divine wisdom and transformation.

13.5.5 An Overview of Integration, Inculturation or Dual-intellectual Heritage in the History

St. Justin made a notable attempt at arguing that the Christian faith is not only compatible with whatever is good and noble in Hellenistic, Roman and Mesopotamian cultures, he holds that the different cultures were created and inspired by God (*they reflect the values and goodness*

³⁷¹ Alexanderson, Boyd, *Education and Two Foci Reality in Global Contexts*, New Jersey: Pearson INC, 2003, 11-14.

of God) and should be appropriate for His service and common good. These cultures are Prefigurations of Christ “a Logos Spermatikos” (seed bearing word). The Spermatic Logos has been implanted in the heart of every human culture since all things were created through Christ, with him and for him. All cultures have intellectual wisdom and heritage which is purified and transformed by the Christian intellectual heritage which is “the Way, the Truth and the Life (John 14:6). Dual Intellectual Traditions (Christian Education and Traditional Education) is a form of integration for transformational Education (Two Foci of Holistic Education).

13.6 Gap Identification in Education

An educated population remains the fundamental platform for meeting most of the other Millennium Developmental Goals (MDGs), and a well-oiled education system is important for many reasons. It is a means to encourage a knowledge movement which reflects the traditional heritage of Africa (values of *Africana Humana*) and develops it into a living educational force for the future. A good education system is crucial, not only for ensuring that the citizenry are well educated; but also ethical formation for human development and for the maintenance of socially responsive economic and political systems. However various researches on quality education in African reveal that the current education system is producing ‘*giant*’ informed and knowledgeable graduates, but ethical and spiritual ‘*dwarfs*’. There is a worrying gap between knowledge and the life-experience; between Christian and Traditional systems of education; between theory and spirituality; between research findings and industry; between ideology and ethics. As a result, the following challenges are experienced:

Goal no. 4 (out of 17) United Nations Sustainable Development Goals 2015-2030 states: “*Ensure inclusive and equitable quality educa-*

tion and promote life-long learning opportunities for all”,³⁷² but this goal is not effectively understood and experienced by all educational stake-holders. Some African countries strive to realize this goal but is not substantially, professionally and morally achieved. Educational standards and excellence are deteriorating because of the following gaps:

- Education is merely informative and exam oriented.
- Lack of Moral, value and virtuous Teaching, learning and experience.
- Lack of formation in African wisdom and character in education system.
- Lack of quality participation and conversation of the main stake holders of education.
- Lack of Integration between ‘Africana Humana (Ubuntuism) and Christian Wisdom in educational curriculum and system.
- Teaching of ‘Christian ethics, CRE or values rely on the “Direct method” – teaching values as a subject (or as an area of thought) focusing on accumulation of knowledge, but No Formation of Heart and Character.
- Need of intellectual rediscovery, convergence abridging and re-aligning the Informative, Formative and Transformative dimensions of Education when teaching Values and Ethics.

Filling these gaps can be realized with the methodology of ‘Dual Intellectual Heritage’ in the institutions of learning. Benedict XVI urges for education without gaps:

³⁷² The United Nations: *The Sustainable Development Goals 2015 -2013*: <https://una-gp.org/the-sustainable-development-goals-2015-2030/>

Pope Benedict XVI calls for great access to quality education at all levels as the pre-condition for international development.³⁷³ However, he notes that every education must reflect universal intellectual values from all traditions; and has the aim at the formation of the whole person.³⁷⁴ The Greek poet, Pindar, noted that since ‘*a smile becomes a smile if it is shared by two people*’, thus, ‘*no philosophy is philosophy in isolation*’; no culture can exist alone, and so, one of the goals of education is to help to bring different cultures together and live together in unity, peace and progress for all.³⁷⁵ The Jewish philosopher of education, Azanias Bin Haggazerubabel (4 BCE) affirms that quality education borrows and learns from advanced intellectual values from other cultures, and never loses them for transformation of future generations.³⁷⁶ Paul Chikasweka Soko (2002) oral tradition says “grilled fish from the river is enjoyed as food when shared by two, so any education has to learn from and share its wisdom with other intellectual heritages. Clement Howard (1998) argues that ‘no human education is perfect’, and since humanity is limited and fragile, there will always exist gaps and limitation in every trend and system of education.³⁷⁷ This justifies the on-going research and calls for new intellectual discernment to find and come up with new approaches of filling in these academic gaps for transformation of education sector.

Prof. Stan Chu Ilo (2013) challenges Africans to be aggressive in learning from other traditional systems of education. There are gaps in

³⁷³ Benedict XVI, Encyclical, *Charity in Truth*, Boston: Pauline, 2009, no. 61.

³⁷⁴ *Ibid.* no. 58.

³⁷⁵ Chu Ilo, Stan, *The Church and Development in Africa: Aid and Development from the Perspective of Catholic Ethics*, Nairobi: Pauline Publications Africa, 2013, 241.

³⁷⁶ Majawa, Clement, *Patristic Education, Teaching Module I*, Nairobi: CUEA, 2004, 4-5.

³⁷⁷ Howard, Clement, *In Search of Quality Education for All*, Hillsdale, NJ: Erlbaum, 1998, 76.

African trends of education which need serious research and address. African leaders and scholars have to be concerned with the policies and systems of education that we are giving to our children in the continent. Is it relevant and effective to the African mentality, worldview and spirituality? African education cannot exist in isolation; it needs the enrichment and complementarity of other traditional intellectual wisdoms.³⁷⁸

What should we do in Africa to seal the gap between knowledge and spirituality, between consciousness and conscience, between theory and witness? For many centuries quality education was identified with religious and church's philosophy, beliefs and praxis. What about in the contemporary times, what is it that religions and the Churches have lost in today's educational system? There is need to fill in the missing link in the educational system.

Patristic Education envisions itself to offer a missing link of 'Dual-intellectual-heritage' as excellent approach of improving, renewing and stabilizing holistic education for all in Africa. *Enugu International Colloquium. Integrating African Value-education and Catholic Intellectual Heritage* (2015) identified eight reasons for deterioration of ethics, values and excellence in Education and institutions of higher learning in Africa:

- Shyness, degrading and renunciation of African identity.
- Divergence and separation between Catholic identity and African culture.
- Renouncing, loss and dying of values and virtues.
- African-Christian schizophrenia in institutions of learning.
- Uncritical separation of African standards and universal standard of education.

³⁷⁸ Chu Ilo, 241.

- Syncretism between Christian life and African culture.
- Crisis of ethical-deficiency leading to education moral dwarfism.
- Many Catholic schools and universities: nominal in nature and shallowness in way of life.
- Uncritical upholding of Euro-American values in African educational curriculum at the expense of African philosophy and spirituality³⁷⁹

Integrated education with various intellectual heritages and values is rooted, routed and has goals in holistic education. Why and how is quality and excellent education holistic? Etymologically: the word education comes from the Latin “educare” meaning to lead out. Education is a continuous process of leading out, nurturing, elevating , forming and modeling a human person to grow , mature holistically and become independent (physically, psychologically, intellectually, emotionally, religiously, socially, morally, spiritually, operatively, economically, and politically) so that one experiences in society transformation in relationship, leadership, governance, development, liberation, socialization and self-realization for the common good.³⁸⁰ Christian education which is essentially founded and guided by Divine Wisdom defines and promotes these integrated outcomes; it appreciates and learns from all historical, cultural and religious intellectual heritages and learning values

³⁷⁹ Majawa. Clement, “*Integrating African Value-education and Catholic Intellectual Heritage*” position paper at Enugu International Colloquium on the Future of Catholicism in Africa: 50 Years after Vatican II: Celebrating the Beginning of the Year of Mercy, (December 17-20, 2015) held in Abuja and Enugu, Nigeria. Organized by CWCIT at De Paul University in Chicago, USA.

³⁸⁰ Groom, T. *Christian Religious Education: Sharing our Story and Vision*, New York: First Harper & Row Paper Books (1981), 5. Also: Nanni, C. “Education” in Vecchi J. and Perellenzo J. (eds.), *Project of Pastoral Education: Modelled Elements*, Roma; 4 LAS (1984). 27.

(*paideia*). This is the essence, identity and mission of Patristic Education which is divine-centric, anthropocentric, ethic-centric and evangelic-centric for transformation of individuals and sustainable development of society.

What is Patristic education? It is a quality, holistic, ethical and value oriented education for all in the dynamic rhythm of life defined by early Church Fathers based on Divine Wisdom, was developed and interpreted in the Catholic Intellectual Tradition and considered the Classic Paideia (the intellectual values from all cultures) for the advancement of informative, formative and transformative encyclopedic knowledge and witnessing for the common good (with integral meaning, integral liberation, integral dissemination, integral development and integral salvation) and whose wisdom and experiences are relevant today and posterity.³⁸¹

13.7 Evolution of Ethical Education: from Greek to 21st Century Philosophies

Scholarly debate on Moral development and Character formation goes back to Greece and Aristotle's (384-322 BCE) *Nichomachean Ethics*. He taught that the aim of life is the attainment of happiness (*Eudaimonia*) which can be achieved through moral intelligence and character. A moral virtue is the mean or middle way between two excess and deficiency (*in media veritas*), - The Golden Mean. Human virtue and excellence has Moral virtues and Intellectual virtues.³⁸² This is what was referred to earlier by Plato (428-347 BCE) who defined virtue as moral knowledge and that people will be virtuous if they know what virtue is, and that evil (vice) is the result of ignorance. Thus, the ultimate virtue is justice: a sublime state which sees three elements of the soul working

³⁸¹ Majawa, Clement, *Patristic Education*, Nairobi: Kijabe Publications, 2014, 30.

³⁸² Jenkins, Joe, *Ethics and Religion*, Oxford: Heinemann Educational Publishers, 1999, 21.

together in harmony: (i) intellect sovereign (ii) the will and (iii) the emotions. A just person is virtuous because his life is balanced in these three dimensions.³⁸³ Socrates (407-399 BCE) accentuated virtue to moral knowledge. He believed that if people are well educated about what constitutes virtue, they will become moral and so lead a life of excellence. Thus, individual life has a purpose (teleos) which is the “Real Self or Truly I” in everybody. Morality (*treating others well as ourselves*) is essentially enshrined in us. This has to be discovered by an individual in one’s daily life experience.³⁸⁴

Patristic Education as a way of reasonable and transformative knowledge of Divine Wisdom (God) and moral or virtuous life with people in society for the high, higher and highest good was defined and streamlined by the earliest Church Fathers who gave the origin, identity, nature and goal of Moral Education. Later, ethical or character education has been seen as a primary function of educational institutions. For example, John Locke, 17th century English philosopher, advocated education as education for character development.

This theme of moral education and integrity continued in the 19th century by English philosophers John Stuart Mill: character development as response to social problems (Miller & Kim, 1988) and by Herbert Spencer (Purpel & Ryan, 1976). American education has had a focus on character development and moral integrity from its inception. The leading American philosopher and educationist of the early 20th century, John Dewey, saw moral education as central to the school’s mission. Without ethical discipline and moral integrity there will be no quality education. Every school, college and university has to pursue righteousness, discipline and moral integrity all the time for attainment of institutional excellence and transformation (Dewey, 1934).

³⁸³ Ibid. 20-21.

³⁸⁴ Ibid. 20.

The Church which has firm historical foundations in the Patristic times teaches, promotes and is a champion of Moral education and ethical integrity in research, teaching and learning continues to teach and uphold moral virtues, intellectual values and academic peace, justice and righteous development at all levels of academic habits. These are cultivated and instilled in both learners and teachers through quality instruction, teaching and witness. The Church has written extensively on virtuous education and training. There are many Church Documents which interpret and contextualize Christian moral education in the global context for quality, and excellence (Pius XI, *Encyclical Divini Illius Magistri* -1929; John Paul II, *Ex Corde Ecclesia* – 1990, Vatican II – *Gravissimum Educationis*; and recently Pope Francis: *Veritatis Gaudium* 27/12/2017).

13.8 Theory, Practice and Spirituality of Patristic Intellectual Heritage

It is a socio-historical, philosophical, biblical and theological theory founded on Divine Wisdom as taught by Jesus Christ (*the Way, the Truth and the Life* – *John 14:6*) and enriched by good values from all cultures (*Paideia*) developed by the early Christian Church Fathers as a means of evangelization, transformation and education for the high, higher and highest common good (Majawa, 2014)³⁸⁵. From its historical, philosophical, cultural, and religious considerations as defined and articulated in Patristic educational theory and practice, quality education for transformation is willed by God, guided and standardized by Divine Wisdom and engages the supernatural (divinity), humanity and nature. Thus quality and holistic education is *Cosmo-thea-andrian* (*Cosmos = nature; thea = godly or divine; and ander = man or humanity*)

³⁸⁵ Clement Majawa, *Patristic Education*, Nairobi: Kijabe Publications, 1984.

St Thomas Aquinas (1225-1274 AD) cited that the greatest gift of God to humanity is reason, knowledge and education. These *three sacred gifts* lead to Revelation of God, Humanity and Nature (*Cosmotheandrian grace*). The three revelatory concepts are complementary because one leads to another. They have a Three-fold Identity: (a) *Personal identity*, (b) *Communitarian Identity* and (c) *Supernatural or Divine Identity*. Thus, True Education embraces and upholds a Tripartite nature of Three-Cs: (i) Consciousness (ii) Conscientiousness and (iii) Common sense in Community. True Education defines that reality is governed by Revelatory Three Laws: (i) Natural law (philosophy), (ii) Divine law (Spirituality) and (iii) Humanistic / Positive Law (Societal Constitution). Reality needs holistic natural knowledge and understanding based on: its Personal Truth, Societal Truth and Divine Truth. In every person, culture, religion and history, there is natural knowledge which is a value and good, and ought to be taught, learned and preserved for posterity. Every form of education should lead individuals to Three – Fs Value-experiences (i) InFormation (ii) Formation and (iii) TransFormation.

Patristic education calls for every value and goodness from all cultures to be taught, known and shared with all people for unity, justice, and progress for the better world. From the Catholic Intellectual Heritage, emerged some significant theories of quality education which were developed by religious congregations. These theories and practices were founded on the Divine Wisdom, defined and commissioned by the Truth of Jesus Christ as a means of evangelization, transformation and salvation of humanity. The Catholic Intellectual Tradition is a way of thinking, teaching and learning about God, humans and the world (*Cosmotheandrian*) in the light of Jesus Christ the fullness of Wisdom and Revelation, in which love rather than methodical questioning is the primary motive force in drawing the thinker to discover the truth that makes all things work together for common good. Because the Catholic

Church is a community centered upon and constituted by the living reality of Jesus Christ, the Catholic intellectual tradition seeks to know the reality of love that vivifies and holds all peoples and things together. The interplay between knowledge and love shapes the Content (*Tradita*) and Mode of Transmission (*Traditio*) of the Catholic intellectual tradition.³⁸⁶ The Catholic thinker or educator cannot afford to separate or divorce reflection upon creation (cultural worldview) from attention to the Creator (Divine Wisdom) for it is the ongoing attention of the Creator that draws all people and things together into right relationship. Thus, Catholic Intellectual Tradition which acknowledges, gathers and promotes the Truth and values from all cultures and religions (*Paideia*) essentially unifies and develops all people and all worldview for the highest common good. Some of the leading Religious Congregation Educational Philosophies, Trends and Systems based on Catholic Intellectual Tradition have contributed significantly, and influenced tremendously the world educational systems.

13.8 Uniqueness or Niche of Patristic Educational Method and Trend

This Approach has the following unique characteristics of Scientific nature and Patristic nature: (1) It is Systematic (method, plan, logical and organization) (2) It is Controlled (normative and standard of comparison for verifying or checking the findings) (3) It is Empirical (sensitivity, objectivity, minimization of subjectivity biases) (4) It is Critical (careful analysis, evaluation and judgment). The Patristic component adds and is based on (5) Divine wisdom (Scriptures, Church teaching and relevant authoritative literature.) (6) It acknowledges and is enriched

³⁸⁶ Launderville, Dale, Love and Knowledge: The Heart of the Catholic Intellectual Tradition, <https://www.csbsju.edu/about/catholic-benedictine-tradition/catholic-identity/catholic-values/dale-launderville>.

by the intellectual values and heritages from all cultures and traditions (Patristic Paideia) values (7) Ethical integrity (morality and spiritual values) (8) Natural and supernatural discipline (9) Five Instrumentum-Sophia of Educational Equilibrium (*meaning, liberation, development, evangelization and salvation*) (10) Leads to Divine Investment and Legacy: Research and Generated Knowledge is immortal (It never dies) It immortalizes and divinizes the author for future generations.

The traditional philosophy, cultural intellectual heritage and historical universal genre of education state that the desired outcomes from learning are (i) Knowledge and Understanding (*Cognitive*); (ii) Beliefs, feelings and attitudes (*Effective*) (iii) Skills and habits (*Psychomotor*). These are found in African educational system although they need to be explored further, re-aligned and implemented in the third millennium. Today with influence of globalized materialism, there is a danger of isolating interior transformative values from these three dimensions of education resulting into producing graduates or professionals without upright conscience, virtuous character and civilized principles of life. Patristic education states that (a) Acquiring knowledge of Biblical (Christian) and Greek-Egyptian-Roman-Mesopotamian-Semitic (GERMS) philosophical and historical facts, understanding the meaning of revelation and salvation would be *Cognitive Informative learning*; (b) Experiencing a supernatural feeling of worship before God, an attitude of love for others in the light of Biblical and GERM formative spirituality would be *Affective formation*. (c) Learning in the light of Biblical and Greek-Egyptian-Roman-Mesopotamian-Semitic-Indo-China (GERMS-IC) praxiotic references would be a *Practical Transformative skill*. This Patristic concept, theory and spirituality of Education is relevant and effective in Africa and global contexts. When Africa and international community is threatened by ideologies of anthropoid extremism, relativism, secularism, materialism, religious fundamentalism, cultural and ethnic intolerance, racial discrimination and moral decay, Patristic Edu-

education teaches the value and spirituality of *Paideiac Intelligentsia* (the virtuous intellectual supremacy and ethical elements from every history, culture and religion). It is anchored in '*Dual-Intellectual Heritage*'. It promotes respect of all people, cultures, religions and civilizations as a creation of one God.

13.9 Patristic Education: Essentially Religious with Multi-intellectual Heritage

Patristic Education is essentially rooted and founded on Christian Religion. It is Christian in essence, identity and mission; but it has borrowed and is enriched by intellectual wisdom and traditional values from world cultures (Paideia). Patristic Education like any other True education begins from divine common denominator (God). Leo I the great (440-461) taught that "*If we remove God and spirituality, religion and values, virtues and morals, natural law and discipline from education, then there will be anything but not true education*"³⁸⁷. *True education has both natural and supernatural dimensions, universal (Christianity) and local (African) values. The two heritages lay the foundation for 'Dual-intellectual-heritage' which perfects and idealize educational system.*

These definitions should embrace the understanding that education is a life-long process of growth in knowledge and development to a responsible maturation through which human society passes on its cultural tradition from one generation to another towards the highest common good (God). Many definitions of education manifest a spiritual gap and interior dissatisfaction. The definitions need to be discussed and interpreted considering the divine wisdom and spiritual opportunities so as to feel in their gaps and limitations. A leading contemporary Educationist

³⁸⁷ Ellspermann, *The Attitude of the Early Christian Writers Towards Pagan Literature and Learning*, Washington DC (1949), 74.

John L. Elias (2002) of Fordham University in New York City makes a transformational Christian contribution that education which has religious intellectual heritage should embrace traditional intellectual heritage so as to make the educational system qualitative, holistic, transformative and universal.³⁸⁸

13.9.1 Patristic Education as the Yeast and Model of Transformative Education

There is a Biblical precedent and Catholic Intellectual Tradition for using traditional values from other cultures in the service of communicating the Gospel. Inculturation is a classical methodology of both education and evangelization processes which inserts the Gospel values into local cultures which are defined by Natural Law. Natural Law is the obvious way in which God manifests Himself to humanity. This Law regards the realities of the earth as having their own proper natures so that it makes sense to speak of the “Logical Nature” of a thing. These natures which reflect the Eternal Law (*Divine Law*) in the mind of God, are to be respected in our use of earthly things. Education helps us to understand the nature of each thing we use in life, and so direct that thing to the purposes that are proper to it. Education aims at getting the best value from each natural (*cultural*) thing created by God and use it for both personal transformation and experience of the highest common good. Evolution of education commenced at the beginning of reality, at creation. It developed in history and embraced the educational values from other cultural integrity; and these values are used for recreating and developing the face of the earth (Genesis 1:28).

³⁸⁸ Elias, John L. *A History of Christian Education: Protestant, Catholic and Orthodox Perspectives*, Melbourne, FL: Krieger Publishing Company, 2002, 2-25.

13.10 Implementation of Dual-intellectual Heritage

13.10.1 John Lawrence Elias (1933); *Bridging Theory and Practice Divide for Quality Education*

A leading American educationist, John Elias has made a significant intellectual and scholarly contribution to the field of quality education and adult holistic-religious education over a 40-years period. He is distinguished by his successful efforts to bridge the fields of *Adult and Religious education*, *Theoretical and Practical Education* by ably bringing the literature of religious and philosophical education to bear on the largely secular field of adult education, and vice versa.³⁸⁹

³⁸⁹ Elias, John, *Philosophy of Education: Classical and Contemporary*. Malabar, FL: Krieger (2002) 14-18. Elias, John (1974), *A critical evaluation of the social and educational thought of Paulo Freire and Ivan Illich, with a particular emphasis on the religious dimension of their thought*. Doctoral dissertation, Temple University; Also Elias, J. (1976). *Conscientization and Deschooling: Freire's and Illich's Proposals for Reshaping Society*. Philadelphia, PA: Westminster. Elias, J. (1979). "Andragogy revisited: Elias challenges Knowles and McKenzie". *Adult Education (US)*, 29(4), 252-256. Elias, J. (1982/1993). *Foundations and practice of adult religious education*. Malabar, FL: Krieger, 1982. (Rev. ed., 1993). Elias, J. (1985). *Religion and adult education in Britain* [Monograph]. Department of Adult Education, University of Surrey, England; Elias, J. (1986); *Studies in theology and education*. Malabar, FL: Krieger. Elias, J. (1991). *Psychology and religious education* (3rd ed.). Malabar, FL: Krieger. Elias, J. (1989). *Moral education: Secular and religious*. Malabar, FL: Krieger. Elias, J. (1995). *A history of Christian education: Protestant, Catholic and Orthodox perspectives*. Malabar, FL: Krieger. Elias, J., & Merriam, S. (1980/1995/2005). *Philosophical foundations of adult education*; Malabar, FL: Krieger. (2nd ed., 1995; 3rd ed., 2005). Principal Author Fallaw, W. (1977). [Review of the book *Conscientization and deschooling: Freire's and Illich's Proposals for Reshaping Society*, Philadelphia: Westminster, 1976]. *Christian Century*, 94(37), 1072-1073. Ferro, T. (1984), Review of the book *Foundations and practice of adult religious education*. Malabar, FL: Krieger, 1982, Rev. ed. *Adult Education Quarterly: A Journal of Research and Theory*, 34(3), 179-182; Freire, P. (1970). *Pedagogy of the Oppressed*. New York: Continuum. Gallagher,

Like many educators before him, Elias advocated the healing of the division between theory and practice, between culture and education, his efforts are distinguished by the concrete and theoretical ways that he linked them in order to experience transformative education. Not surprisingly, closing the gap between theory and practice in adult religious education continues to be an issue that goes to the heart of what it means to be an adult religious educator. Elias was committed as he says in *Studies in Theology and Education* (1986) to “constantly work for the integration of these at both theoretical and practical levels”³⁹⁰ and to maintain “the dialectical tension between theory and practice” and to transform the relationship between culture and religion in education for holistic development in society. This discussion on ‘*Bridging the Theory and Practice Divide*’ for holistic education is done by many scholars of education. See the handbook: *Conscientization and Deschooling: Freire's and Illich's Proposals for Reshaping Society* (Philadelphia, PA: Westminster, 1976); Wesley Fallaw (1977), writing in *Christian Century* about this text, hailed John Elias as “an impressive interpreter of educational reformers” and needs to be emulated by educationists throughout the world.

13.10.2 Ali Mazrui (1933-2014) Kenyan Scholar: Education for Historical, Cultural and Religious Institutional Memory (Preservation)

Professor Ali Mazrui (1933-2014) is one of the world’s most prolific writers on Africa. His classic book: *The Africans: A Triple Heritage* (1987) explicates importance of the foundations, mission and destiny for transformation of *Triple-intellectual heritage* in Africa and beyond. He makes it clear that contemporary Africa is the product of three major historical influences: (i) *Indigenous heritage* (ii) *Western culture and* (iii) *Islamic culture*. The Africans look at these three heritage-legacies

M. (1983). Review of the book *Foundations and practice of adult religious education*, Malabar, FL: Krieger, 1982. *New Catholic World*, 226(1351), 226.

³⁹⁰ Ibid.

with cultural-value and appreciation, intellectual acumen and globalized critique with lessons learned. Africans see how they co-exist, enrich each other and their impact on the continent and the people who have African ancestry.³⁹¹ Mazrui is also famous for his unique book: '*Towards a Pax Africana: A Study of Ideology and Ambition*' 1967. He argues that African history should be credibly re-written by unbiased people who know and understand African mind, wisdom, heritage and spirit. African history and its rightful place in the world should be taught in schools with value as a greatest resource to the world.³⁹² In his inspirational and critical writings on 'Educational Standards in Africa' in the book: *Political Values and the Educated Class in Africa* (1978) he mentions six *historical paradoxes* that are central to understanding the Continent of Africa.

- Why Africa – the earliest home of humanity, yet is not fit for human habitation?
- Why Africa – with the earliest cradle of civilization, had the worst 'cross of humiliation: slavery, colonialism and apartheid'?
- Why Africa – its valuable cultures regarded as the worst, so different and distanced from Western culture?
- Why Africa – the richest in resources, yet regarded as the poorest and underdeveloped.
- Why Africa – the largest continent (Brobdingnagians) but with extreme divisions, fragmentation and tensions (Lilliputans)?
- Why Africa – highest hospitality, yet in crisis of habitability, mass migration and 'brain drain'?

³⁹¹ Mazrui, Ali A. *The Africans: A Triple Heritage*, New York: Little Brown and Company, 1987.

³⁹² Mazrui, Ali A. *Towards a Pax Africana: A Study of Ideology and Ambition*, Chicago: University of Chicago Press, 1967, 12-20.

These six paradoxes should never be lost or forgotten. It is imperative for the young and future generation to know for their authentic identity in life. These paradoxes need to be inculcated in the school curricula in Africa. “*We are what we are if we understand well our true history. Our education in Africa will be holistic, transformative with innovation if it embraces these historical paradoxical experiences*”.³⁹³ Ali Mazrui is famous for his historical, philosophical cultural, religious and educational axiom which summaries the identity of African peoples: “*Africans are the people of the day before yesterday, and the people of the day after tomorrow.*” (1986) This unique axiom rooted in his book, ‘*The Africans: A Triple Heritage*’ gives more intellectual heritage and insights to the theory, practice and ethics of “*Patristic Education with Dual-intellectual Heritage by Clement Majawa, 2018*”.

13.10.3 Raphael Thomson Phazilanyalungwe (1997) Education for Virtuous Heritage and Unity of Peoples

Raphael Phadzilanyalugwe (1997) research on ‘*Education having a strong and positive effect on religious and ethical participation*’ found out that “Education with strong religious and virtuous heritage inculcates human values in both learners and teachers, influences strategies of transformative action, and these strategies of action are relevant and bring transformation and common good to society. In the process of education to engage with African intellectual wisdom and virtuous heritage, there must be a genuine listening, process of conversation and interaction among all the stake holders of education³⁹⁴. Furthermore, it should be known that any education devoid of values and virtues, destroys the self, harms the community and fails to impact on life in schools and society. In this regard: (i) Education distancing itself from

³⁹³ Mazrui, Ali L. *Political Values and the Educated Class in Africa*, Heinemann, University of California Press, 1978.

³⁹⁴ Thomson Phadzilanyalugwe, Raphael, *Education for Virtuous Heritage in Sub-Saharan Africa*; New York: McGraw-Hill Books, 1997, 58.

religion and ethics, values and virtues, conscience and character becomes a catalyst for ignorance, tension, corruption, under-development, exploitation, shallow faith and culture of death in society. (ii) Education distancing itself from traditional wisdom and cultural norms and values distorts and disorients the essence of education making it become skeletal, superficial, temporary and ineffective in many areas.

13.10.4 Merdado Cardinal Mazombwe of Zambia (1931-2013): Factors Delineating African Values from Education

Merdado Cardinal Mazombwe, former Archbishop of Lusaka in Zambia and former Chancellor of the Catholic University of the Catholic University of Eastern Africa in Kenya, identified three issues which is detrimental to the realization of quality and ethical education in Catholic schools and universities in AMECEA³⁹⁵ region and African in general: Some of our Catholic and faith based educational institutions in Africa are experiencing moral degradation, loss of academic excellence and societal values because the following:

- *Education* is blind to African intellectual values and virtues emerging from relativism and secular ideologies.
- *Deafness* to the cry of the marginalized, the voiceless, the poor and the ignorant in school and society because of the compromise, and omni-commercialization, doctrine of hyper-sensualism, neo-atheism and glorification of ICT-ism and social media.

³⁹⁵ AMECEA stands for Association of Member Episcopal Conferences of East and Central Africa. It is an ecclesiastical regional body comprising of the following countries: Malawi, Zambia, Kenya, Tanzania, Uganda, Sudan, South Sudan, Ethiopia, Eritria and designated – Somalia. Cardinal Mazombwe was Chairman of AMECEA in 1979-1986.

- *Slavery* to some irrelevant curriculum, oppressive academic systems and intellectual colonialism in schools and universities because of Global North's imperialistic tendencies.

Catholic schools, colleges and universities in Africa should live the Catholic identity if they are to reclaim their original moral integrity, become true centers of intellectual excellence and societal transformation.

13.10.5 Pope Francis (2014): Catholic Schools, Colleges and Universities not to Be Isolated from World Intellectual Heritages, but to Converse and Engage in Contemporary Cultures and Religions

Addressing the plenary session of the congregation for Catholic Education on 13th February 2014 in Clementine Hall Vatican, Pope Francis says: "Quality education should be at the center of human life. Education determines the culture of people, is at the heart of human communion and relationship with God. This view is articulated by other Pontiffs. *"The importance of implementation of the Apostolic Constitution "Sapientia Christiana"* (John Paul II) and the 50th Anniversary of Vatican II's Councilor Recleration: *Gravissimum Educationis* (Paul VI) and 25th Anniversary of Apostolic Constitution *Ex Corde Ecclesia* (John Paul II). These three documents give the teaching and spirituality of the origin nature, mission and Identity of Catholic intellectual heritages in the Catholic Schools and Universities.

Pope Francis acknowledges the challenges facing Catholic education today. Catholic education provides opportunity of quality life, quality education for all and quality communion for all people. Deterioration of education is one of the most important challenges for the Church today as she is engaged in the implementing the new evangelization in a historical and cultural (dual) context which is in a constant flux. Quality education will be realized in Catholic schools and colleges if they tolerate and engage in multiculturalism, ecumenism and inter-religious dialogue; if they return to the original aim of education based on Divine

Wisdom and Catholic Intellectual Heritage and positive human and empirical experience; if they witness their call to be moral authority and instruments of evangelization and transformation in society.

Thus, Education is great open building site for all in which the Church is present through the institutions and projects. There is need for commitment to quality education on all levels and renew the commitment of all people engaged in the new evangelization. Furthermore, there is quest for on-going reformation and renewal in pedagogy through new educational paradigm in Catholic schools and universities. In the light of this, Pope Francis challenges Catholic institutions of learning worldwide to read the signs of the time and make education become relevant to the changing time.

13.11 Dual-intellectual Heritage: Patristic Education and African Education

Dual-intellectual heritage in Catholic schools and colleges has a mission to transform personal and societal lives. Christian (Patristic) Education responds to the call of quality Education of Hybridization of African and Christian intellectual heritages for the high, higher and highest common good. This mission of quality education, health and social services as a powerful means of evangelization has been there since the embryotic introduction of Christianity in Africa.

The aftermath of Vatican II has seen a most significant reformation and renewal of Catholic education and Catholic religious education, both in the actual concept of religious education and in its methodology, hence in its content and material. The document '*Gravissimum Educationis*' has been a driving force in transformation of Catholic education. Without entering into detail, we may say that the main efforts of this renewal bear on a new research vision and on a new anthropological foundation, with a point of departure in the contemporary human being

and a presentation of the Christian message from this reality.³⁹⁶ The renewal of Catholic education in Africa shows that Christian education does not contradict or reject the values and virtues of the African heritage. The Catholic and African intellectual heritages are from the same source; God and have a complementary mission of making the world a better place to live.

A leading African pastoral theologian, biblical scholar and educationist, Bishop Patrick Kalilombe who taught for many years at Birmingham Sally Oakes ecumenical institute and University of Malawi, and who championed the establishment of the Catholic Higher Institute of Eastern Africa (now Catholic University of Eastern Africa, 1984) argued passionately about the importance of having holistic Catholic education grounded in both Christian intellectual tradition and African transformational values in all Catholic schools, colleges, technical schools and universities on the African continent. Catholic students in Africa are called to be “Truly Catholic, Truly African and Truly Human” for a credible identity in African and world context.³⁹⁷ The Prefect for the Congregation of Catholic Education, Zenon Cardinal Grocholeswki challenged institutions of learning in Africa to go beyond mere education and instead offer holistic formation also which focuses on faith-witnessing, African culture and values, relevant professionalism and ethical integrity. “True scientific education requires sound grounding in discipline, ethics and human values. Mere education without proper moral grounding results in horrendous consequences of dire relativism,

³⁹⁶ Preiswerk, Matias, *Educating in the Living Word: A Theoretical Framework for Christian Education*, Maryknoll, New York: Orbis Books, 1984, 7.

³⁹⁷ Bishop Kalilombe, Patrick, “The Church in African called to be Self-reliant, Self-propagating and Self-ministering for Deeper Evangelization: A Theological critique in AMECEA Region as CUEA celebrates Silver Jubilee, 1984-2009”, Position paper presented at the Faculty of Theology’s Interdisciplinary Session, Nairobi: CUEA Langata Campus, 2009.

secularism, materialism, neo-atheism, injustices, and glorification of ICT-ism among others.³⁹⁸

It is empirically evident that the many challenges facing educational curriculum, pedagogy, teaching, environment, policy, system, etc. in institutions of learning in general and in Catholic schools in particular are a result of lack of integration between Christian teaching and the African worldview. Any system of education which denounces and renounces the local culture and traditions cannot realize its formative and transformative mission; and is destined to fail.

Thus, Christian education which is a very powerful tool for evangelization and social transformation should dialogue with, and promote African intellectual heritage and social communality. Quality Catholic education becomes a mediating force between Christian intellectual heritage and values of 'Africana Humana' in catholic schools on the African continent. This resonates with Patristic Educational wisdom (*paideia*) which teaches that every good value from all cultures in history should be never be destroyed or lost, but purified, preserved and integrated in an emerging educational system for relevance and transformation of life.

13.12 Dual-intellectual Heritage: Future Paradigm of Educational Reform, Renewal and Transformation in Africa

African and Christian cultures have co-existed and engaged each other in Africa since missionary settlements. The two heritages do not conflict each other. What should be the vision of the Church and African

³⁹⁸ Cardinal Grocholeswki gave a key note address during the celebration of 25 years of CUEA in 2009, during which the University honoured him with a honorary degree '*honoris causa*' along with five other eminent personalities for their contributions to the course of evangelization and human development.

worldviews for the educational and cultural development in African institutions of higher learning and for societal progress?

The re-emerging of 'Patristic Education' which is fundamentally Christian and Paideian (*with intellectual values from other heritages*) has a mission of critiquing and renewing various educational systems to become world-class human and divinized institutions of learning; Patristic education which envisions to be a true agent of evangelization and stimulation of African values for the common good functionality, gives people a way to understand themselves and their world, to develop their logical-imagination and self-identity, to establish instruments of justice, peace and liberation, to provide quality skills for working productively for transformation for all.

Dual educational heritage will be brought into harmony with the specific challenges of ignorance, poverty, disease, negative ethnicity, bad governance, abuse of human rights, relativism, consumerism, radicalization and under-development in Africa; and hence provide quality solution to these vices. Thus, Patristic education cultivated in African intellectual heritage will ensure deeper evangelization and sustainable development in Africa.

13.13 Way Forward: Recommendations

- Institutions of higher learning in Africa to adopt some values of the Methodology of 'Dual-Intellectual Heritage' in the Teaching of Moral Education (Hybridization of African and Christian Intellectual Heritages for academic excellence and ethical integrity)
- Inculcate with intellectual ethics and discernment the wisdom of 'Africana Humana' in the Curriculum, policy and system of education in Africa.

- Reading the signs of times correctly and righteously calls for introduction of the Course: Patristic Education with Dual-Intellectual Heritage as a Common Course to instill morals, values and virtues to teachers and lecturers in the Undergraduate and Masters' programs.
- The Entry and Orientation policy, procedure and standards for new teachers and lectures to share the historical, philosophical, religious and ethical heritages of Christian (Patristic) educational Wisdom and the traditional intellectual heritage.

13.14 Conclusion

The Dual-intellectual heritages with Christian and African dimensions have the common source, identity, mission and goal in the Divine Wisdom. These heritages have evolved in history of humanity; they converse and collaborate in identifying and appraising the hidden, the distorted, the compromised, the forgotten and the lost values of quality education. Today the intellectual heritages complement each other in the process of re-discovering, rooting, re-routing, reconstructing, re-aligning, renewing and transforming quality education for all.

Secondly, there is need for institutions of learning in Africa to put in place structures which will promote true ethical education which unveils, rediscovers, reconstructs, re-align, renew and brings to light, returns to and focus on its 10 original aims: *God (Divine Wisdom), eternal law, natural law, vocation, nobility, ethical, universality, information, formation and transformation (Christ's and Gospel Values)*. It will realize this with the Dual-Intellectual Heritage (Patristic-Christian and Africana Humana).

Patristic Education is an essential transformational Paradigm with Dual-intellectual heritages (*Christian Wisdom and Africana Humana*) which instills ethics and excellence in education. Patristic education

visions bringing quality education with a divine-human foundation, integrity, relevance, professionalism and competitiveness to schools and universities in Africa. This is a unique education with a difference which is a Catalyst for deeper evangelization and holistic transformation in the 21st Century and posterity.

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**ETHICAL CONCERNS
IN RESEARCH SUPERVISION
OF DOCTORAL DISSERTATION WRITING
IN SELECTED PUBLIC AND PRIVATE
UNIVERSITIES IN KENYA**

Momanyi Marcella

14.1 Abstract

One of the key objectives of university education is to create knowledge through scientific research to address the emerging issues in the society³⁹⁹. However, there has been a public concern on the long-time taken by Doctoral Students to complete their dissertation writing. The study was guided the following research questions. What are the supervisory guidelines availed to doctoral students during dissertation writing? What challenges do doctoral students encounter in their dissertation writing? What strategies can be adopted to enhance doctoral students' timely completion of dissertation writing? Convergent parallel Mixed Methods Design guided the study. The target population was all supervisors and doctoral students in selected public and private universi-

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ties in Kenya. Questionnaire, Interview guide and document analysis guide collected data. The research instruments subjected to both face validity and content validity. Cronbach Alpha technique determined the reliability of quantitative items. Reliability of qualitative items established through member checking, credibility and peer debriefing. Key findings showed that lack of finances, family responsibilities, job stresses, age, policies, and stringent supervision hindered students dissertation completion on time. Other ethical issues exposed were supervisor turn over, supervisors' divergent conflicting views, laxity to give feedback, uncooperative students and supervisors, lack of intrinsic motivation, corruption and inadequate staff in the students' area of specialization lengthened time of completion. The study recommended closer student follow-ups, holding dissertation-writing workshops, refresher courses, creating alumni networks and rapport with individual student as ways of enhancing their academic writing. *Key words:* Dissertation, Doctoral, Ethics, Research, supervision,

14.2 Introduction

The government is committed to ensuring that in vision 2030 Kenya becomes an industrialized nation, knowledge based economy. The latter is created particularly in universities that aim at equipping students with knowledge, skills and attitudes needed in the society. The universities are termed as centres of excellence where students create knowledge through research and discussions. This is the reason why the Kenya Commission for University Education has considered research as a critical element of Higher Education and Training. The commission has put in place policy guidelines that have identified key thematic areas which universities must address. These are institutional policies and regulations, learning environment, institutional support systems, funding and

admission of postgraduate students.⁴⁰⁰ The available literature indicates that although there is an increment of students' enrolment undertaking doctoral studies in Kenya, the professors and doctoral lecturers are fewer. This implies that there is mismatch between students' research topics in areas of specialization and the supervisor's expertise. These have raised concern among stakeholders on the progression and completion rates as well as the quality of graduates produced. This is the reason why The Kenya Commission for University Education (CUE) has put in place measures intended to maintain quality and standards in postgraduate particularly doctoral studies. The new policies require doctoral students to publish⁴⁰¹ two articles from their researched work in peer reviewed and refereed journals before they are conferred their degrees. This means that the students work has to be exposed to other academic experts or peer reviewers to determine the originality of the research⁴⁰². The students also have to complete their studies within years admitted for study to minimize backlogs.

Of paramount importance is that, students must adhere to the best practices that lead to academic integrity. For instance, the research must be conducted following well-established criteria and proper supervision. The collected data should be analyzed using appropriate statistical techniques and knowledge obtained is disseminated for public consumption either through print media or through internet. For the information from researched work to be authentic, the studies must be conducted following ethical guidelines. Ethics is defined as philosophy that is concerned

⁴⁰⁰ Commission for University Education "Universities Standard and Guidelines", 2014.

⁴⁰¹ Wachira, Kigotho, *New Guidelines Set for High Publishing Bar for Academics*, 2017.

⁴⁰² Odebero, S.O. "Crisis in Financing and Management of Higher Education in Kenya: Implications for Planning Reform Agenda", A Paper presented at Educational Management Society of Kenya Conference, held at Migori Teachers College, 12-14 April 2010.

with morality and its problems and judgements, or with moral problems and judgements⁴⁰³. Ethics can also be used synonymously for morality or moral code or normative theory either of an individual or group which is referred to as to work ethics. Ethics (Moral theory), grows out of real life situations where people are confronted with some sort of perplexity or doubt about what is the right thing to do or the best course to follow, situations in which different desires strive for opposed good or in which incompatible courses of action seem to be justifiable⁴⁰⁴. When a person encounters a conflicting situation, particularly academic writing standards, one has to personally inquire into the reasons for deciding on the right action to take. This article deals with the work ethics and academic writing standards that educational supervisors use to guide doctoral students in dissertation writing. It examines what the supervisors and students ought to do or not to do in order to write best academic dissertations and complete them on time.

14.3 Statement of the Problem

The Government of Kenya is working hard to ensure that the increased enrolment of post graduate students have adequate qualified mentors or lecturers. The mentors should not only possess quality degrees of integrity but also good character. However, there has been a public concern from stakeholders that majority of doctoral students complete their course work on time but delay in completing their dissertation writing. Available literature shows that doctoral students take more years in their academic writing than their course work. The average course work and dissertation writing in most Kenyan Universities is

⁴⁰³ Frankena, William Albert. *Ethics*, 2nd ed., New Delhi: Prentice Hall of India, 2007, 3.

⁴⁰⁴ Gonsalves, Milton Albert, *'Fagothy's Right and Reason. Ethics in Theory and Practice*. 9th ed., New Jersey: Englewood Cliffs, Prentice Hall, 1989, 3.

3 to 4 years. But in reality only a few students complete their studies within the given time. From life experiences, some students take between 5 to 10 years to complete their studies which are an ethical concern. Studies done in Kenya focused on students' awareness of research methodology, supervision but limited study focused on integration of ethical concerns in dissertation writing that deter completion rate. It is against this background that the researcher decided to conduct the study.

14.4 Review of Related Literature

Available literature indicates that studies related to doctoral students' academic writing have been conducted worldwide. For instance, in Sweden, a study was conducted on challenges in postgraduate studies assessments by doctoral students in a Swedish University⁴⁰⁵. The findings indicated that most students encountered challenges in data collection, methods data analysis, writing publishable research papers and oral presentation skills. Other concerns raised included inaccessibility of both main and associate supervisors.

From African Continent, studies explored experiences of supervisors in the supervision of postgraduate students' research in Zimbabwe Open University⁴⁰⁶. The study revealed that students had limitations in the development of proposals. The problems ranged from not knowing what to include in the proposals to the ethical considerations. Other studies have investigated the challenges of writing theses and dissertations

⁴⁰⁵ Ezelibo, Eugene, K. 'Challenges in Post graduate studies: Assessment by doctoral students in Swedish University' in *Higher Education Studies* 2(4), 2012, 47-57.

⁴⁰⁶ Mafa and Maliposa, "Supervisors experiences in supervising Post graduate Education students dissertation and thesis at the Zimbabwean Open University" in: *International Journal of Asian Social science* 2(10), 2012, 1685-1697.

among postgraduate students in Tanzanian higher institutions⁴⁰⁷. The researcher reviewed 39 theses and 64 dissertations from three universities in Tanzania. Key findings showed that most students lacked academic writing skills in all chapters that were inappropriately presented. In the first chapter, for instance, candidates did not present the theoretical background that justified the problems that prompted their studies. The specific objectives were not aligned to titles of their studies. In the second chapter, the majority of students were unable to analyze literature reviews to bring out controversial issues that needed further research. Instead they presented reviews in a descriptive form of a ‘shopping list’ thus unable to derive knowledge gaps from reviewed literature. In the chapter of research design and methodology, the candidates stated designs correctly but failed to justify the choosing of the design. Similarly, the locale of the study, data collection tools was not justified; this made it difficult for the reader to understand how the study was carried out to justify the findings and conclusions drawn from the study. Analyses of these findings pose ethical concern or morality in supervision. How did the supervisors sign those faulty documents? Did they really check the students work and ensured it is up to the required standard before signing and allowing them for binding?

In Kenya, available literature indicates that studies have been conducted on challenges faced by students’ research supervision in Kenyan universities. Particularly, the study investigated students’ awareness in research methodology, perceptions of supervisors and preparation for defence of their projects. Key findings showed that most students lacked basic research methods and skills, their supervisors lacked experience in

⁴⁰⁷ Komba, Claudius Sostico, “Challenges of writing theses and dissertation among postgraduate students in Tanzanian higher Institutions” in: *International journal of Research studies in Education* 5(3), 2016, 71-80.

research⁴⁰⁸. Those made students develop a negative attitude towards research writing. It implies that lecturers who taught research methods lacked expertise, which is unethical and harmful to students. For they neither added value nor equipped the students with right knowledge and skills of writing high quality research projects. Limited reviewed literature has looked at ethical concerns and the rationale for delay in completion rate of dissertation that the current study addresses.

14.5 Research Design and Methodology

The study adopted Convergent Parallel Mixed Methods design whereby in qualitative phenomenology was used where supervisors and their students narrated experiences in dissertation writing. In quantitative, cross sectional survey was used to gather information from students across educational disciplines in research, administration and curriculum studies. Convergent Parallel Mixed Methods Design was considered appropriate for the study because of its suitability and strengths in collecting, analysing and integrating quantitative and qualitative research simultaneously in a single study⁴⁰⁹. The target population was PhD students from the Faculty of Education and their supervisors. The sample size was 120 doctoral students and 20 supervisors selected through stratified random sampling. The research also used non-probability sampling particularly snow balling technique to access doctoral students who had taken many years in dissertation writing and their supervisors. Data collection instruments were questionnaires and interview guides. Document analysis guide was utilized to obtain information from dissertation writing progress reports, topics, proposal, and final defences' reports. Re-

⁴⁰⁸ Enos, Ezine Musatsili "Challenges faced by students research supervisors in Kenyan Universities" in: *Journal of Advanced Research in Education and Sciences* 2(4), 2018, 32-38.

⁴⁰⁹ Creswell, John W. *Research Design, Quantitative, Qualitative and Mixed Methods Approaches*, 4th ed., Lincoln: Sage Publication, 2014, 219.

search instruments were subjected to both content and face validity. Cronbach alpha technique determined reliability for quantitative items at 0.05 level of confidence and yielded a coefficient of 0.8. Peer debriefings, member checking, credibility, triangulation-checked reliability of qualitative items. Quantitative items were coded, keyed in a computer and analyzed using Statistical Package for Social Sciences (SPSS) version 20 to generate frequencies and percentages that summarized data. This was presented in tabular form. Qualitative data from interviews and analysis of documents were categorized into themes and presented in narrative form, excerpts and verbatim.

14.6 Presentation and Discussion of the Findings of the Study: Provision of Guidelines for Writing Dissertation

The first research question asked the participants on whether they were provided with guidelines for dissertation writing. Their responses were categorized into themes and are presented in the following section.

The first part consists the time of commencement of writing. That depended whether doctor of Philosophy degree was on dissertation only or course work, examinations and dissertation. From the findings, those taking dissertation only commenced immediately after registration as a PhD candidate. Those with course work stated at different times. In some universities candidates started after completing their course work while others allowed students to select research titles/ topics when remaining their last two units. That enabled students' time to read extensively to identify knowledge gaps on which to base their study.

Another guideline given to students was on criteria of selecting topics and their approval before commencing writing. The study established that in some universities, over researched topics was listed and communicated to students either through their emails or placed on notice boards. This aspect of ethics was valuable for students to avoid such topics and venture into new areas.

The specification of what is right or wrong can also be expressed in terms of commands, rules, regulations and moral law⁴¹⁰. Study findings indicate that universities have established clear post graduate guidelines and specified expectations on dissertation writing. Analysis of the documents showed that both content and procedures are value loaded that need adherence by both students and supervisors to produce quality work. However, guidelines per se cannot produce quality writing; hence universities need to inculcate ethical values in their guidelines and policies of dissertation writing. This is likely to lay a good foundation and criteria for moral judgement and actions supervisors to genuinely own the students assigned to them, guiding and empowering them as well as the provision of constructive feedback.

Academic writing is a process and is structured in a particular way. Perusing through dissertation writing guidelines, the researcher noted that most doctoral students had knowledge on the formats of the concept/proposals and final dissertation. It was clear on what students should include in the title of the theses/dissertation, background to the problem, research questions/objectives/hypotheses and the theoretical/conceptual framework. The chapter of review of related literature consisted of introductory part, critical review of related theories and empirical/conceptual review related to either objectives or research questions. Students are encouraged to critique reviews to identify knowledge gaps to which their research can add knowledge. The guidelines were clear on what to include in each chapter and yet the findings showed that some of the students hardly adhered to those standards. There is therefore, need for universities to integrate ethical values or promote moral values to enable students to write their dissertation in an orderly manner.

⁴¹⁰ Cronin, Brian, "Value Ethics. A Lonergan Perspective". Guide to Philosophy series. 1st Ed. 13 reprint. Nairobi: Consolata Institute of Philosophy Press, 2006, 487.

Students also mentioned that they were given guidelines on their roles in dissertation writing. The researcher triangulated students views with those of university's post graduate guidelines on theses/dissertation writing and identified the roles of the student as follows: Select appropriate topic to base their research and present it to the departments for approval. Once assigned supervisors, each candidate shall constantly consult his/her supervisors at least once month to receive feedback. Students are responsible for securing, organizing and presenting content professionally and accurately⁴¹¹. They are required to familiarize themselves with the dissertation guidelines and adhere strictly to that standard of writing. This is the reason why concepts papers, proposals and final dissertation can only presented for defence with the approval of and signed by the supervisors. In case a student wanted to change a supervisor, guidelines were clear. For instance he/she shall make a formal application to the Dean of Faculty who will forward it to Post Graduate Studies Committee for consideration. It should be noted, however, some universities were silent in the change of supervisors especially in the public sector, and many students were devastated to the point of giving up dissertation writing.

The study established that supervisors were also provided with supervision guidelines. They were to guide the students' dissertation writing in line with Postgraduate guidelines. Maintain effective contact with students assigned to them; submit reports to the departments on the progress of students at least once a month to confirm that the student is receiving supervision. Supervisors should ensure that the dissertation meets the standards of academic writing before it is duly signed and submitted for defence. The study findings indicate that some of the supervisors were not supportive or committed to their work; a situation that created animosity among students. Integration of value ethics in

⁴¹¹ Kenyatta University, *A Handbook for Postgraduate Students*, 2nd Edition, Nairobi: Graduate school, Kenyatta university press, 2012, 11.

supervision guidelines can help supervisors develop a sense of integrity and ownership of students, supporting, guiding and encouraging them on tasks they are supposed to undertake in the entire process of dissertation writing.

14.7 Challenges Encountered by Doctoral Students when Writing their Dissertation

The second research question sought to establish challenges doctoral students experienced in writing their dissertation. Their responses were grouped into broad categories of academic, personal and work environment shown in Table 1

Statement	frequency	percentage
Academic writing	110	91.7
Family responsibilities	105	87.5
Engagement in employment	96	80
Lack of mentors motivation	82	68.3
Conflicts between mentors and mentees	75	62.5
Inadequate mentors area of specialization	60	50
Stringent policies	53	44.2
Corruption	41	34.2

Table 1. Student's responses on challenges they encounter n=120

The findings in Table 1 show the different challenges participants mentioned that prolonged their dissertation writing. A majority of 91.7% mention academic writing as a major challenge. Participants' views on academic writing were compiled and categorized into three sections; initial stages, proposal writing and final dissertation writing.

Initially many students lacked knowledge on appropriate topics to conduct research. Others felt discouraged that every time they suggested one, the post graduate committee that approve topics too long to give feedback and finally rejected it. Perusing through minutes of approval of topics for research, the researcher noted comments such as the topic rejected, it's vague, and the candidate need to rework on the topic to capture clearly the independent and dependent variables as well as the scope of study. In some cases final dissertation was rejected by the panel of examiners on grounds of major flaws in the research problem, lack of originality and contribution to knowledge, hence lengthened their time of writing.

14.8 Actual Dissertation Writing

In Kenya academic writing is done in British English which is a second language to most students. The study found out that dissertation writing was an overwhelming or tormenting experience to most students. All universities had prepared supervision guidelines and availed it to students to be strictly adhered to in academic writing standards in order to be acceptable including the content, grammar, sentence structure among others. A review of defence reports revealed that students had serious editorial and language concerns that needed repeated correction. Excerpts such as shorten the long paragraphs and sentence structure, improve on connectivity and coherence of information was mentioned in the reports. Other comments included checking spelling and correct use of punctuation marks. The findings in general indicated that students had challenges in writing all chapters in the dissertation. In reporting the findings, most students dreaded testing the hypotheses using appropriate statistical techniques. Only a few students did it correctly meaning that their supervisors guided them correctly. Analysis of their findings in relation to literature was either minimal or omitted altogether.

er. That showed that student encountered challenges in interpretive skills.

The study exposed unethical practices that warrant attention if doctoral students have write quality work. It was noted that some students paid commercial researchers to write the dissertation for them. This is not acceptable; from a reliable source, rarely do those students pass during defence due to their unfamiliarity with content. Furthermore, they are not able to clarify statements due to lack of intellectual independence. This is why the researcher emphasises that supervision should be guided along ethical values. The supervisors should instil in students values of hard work, perseverance, self-discipline, encouragement and embracing academic guidelines and best practices that produce high quality work. This will eradicate vices of exploitation, bribery and corruption pointed out 34.2% of the students.

Other factors pointed out include lack of access to adequate and relevant literature in the research areas. Participants particularly from rural areas cited that they lack internet facilities to access e-resources; some of the libraries are ill equipped with updated books or journals. Some of them were not conversant with academic writing skills hence had to repeat the work several times.

The Commission for University Education in Kenya has issued guidelines that all post graduate students in Kenya must publish from their researched work two articles in peer reviewed refereed journals. That posed a challenge as pointed out by 42.2 % of the participating students as stringent policies. Publications of researched work form a key component in research and training.⁴¹² Universities, therefore, should put in place induction programs for students on publication guidelines and assist them to write quality publishable papers. This is one way in which they can disseminate their valuable research findings

⁴¹² Mukhwana, Eusabius, Jackson, K. Too, Some, David K. *Policies to Support Quality University Postgraduate Research Training in Kenya*, 2017, 52.

to the public through print media, Websites of scholarly journals for consumption.

14.9 Personal Challenges

Views related to personal challenges gathered from participants were analyzed and grouped into family, remuneration and strained relationships. About 87.5% expressed family responsibilities which means most doctoral students are married with children in schools and colleges. Competition for scarce resources to finance their education made some students opt to concentrate on their children at expense of their studies. They asked for study leave for some years before resuming studies. Engagement in full time employment was another challenge mentioned by 80% of the participants. All jobs demand commitment in performing administrative duties all day leaving limited time for meaningful academic writing as one of the participants said:

“On my part, availability of adequate time to go to the library, research for information and write has been a problem. While doing course work, I was teaching in a school. Then, I could have time in between weeks and during holidays to sit for quality work on my concept paper. This ceased when I joined the civil service where assignments include travelling outside duty stations and writing reports on assignments. The department I was deployed in lacked adequate human capacity, hence rendering me as the only assistant to the Head of Department to handle most paper-work that needed technical input⁴¹³.”

It is important to note that the other remaining 20% of participating students were honest that they did not have a good reason for not completing their dissertation writing. It was just mediocrity on their part.

⁴¹³ Interview findings from one of the PhD participants August 22, 2018.

Ethical values demands that supervisors take keen interest to make follow ups to identify what is delaying students and put up remedial measures. Other concerns put forward included unforeseen circumstances like deaths, retrenchment, sickness that diverted the candidates' attention from academic writing.

The study found out that mentors were not remunerated for supervising students' dissertation writing. Supervision was taken as part of the workload which triggered de-motivation as pointed out by 68.3% of participants. This was confirmed during an interview when one mentor said:

“I dislike supervising students due to lack of motivation. It is a tedious exercise where I take extra time to read the students work to understand, make corrections and provide appropriate feedback. Yet the educational administrators do not compensate us which is unethical. I am aware that students pay for supervision fee each semester and final dissertation submission fee for examination. We spend a lot of our time reading and examining the students but administrators never appreciate us.”⁴¹⁴

It seems lack of remuneration created animosity among lecturers who developed laxity in giving students feedback. From interviews students complained of not being in contact with their supervisors for long who neither receive their phones nor emails. The findings is similar to other scholars who found out that very few students are satisfied with the research supervisors because they are not supportive in giving feedback on their researched work⁴¹⁵. Although students complained about their supervisors, the latter described guiding such students as a difficult task because some are uncooperative; that they want a PhD certificate

⁴¹⁴ Interview findings from one of the supervisor participants 25th August 2018.

⁴¹⁵ Wadesango and Machingo 'Post graduate students experiences in research supervisors in; *Journal of Sociology and Anthropology* 2(1), 2011, 31-37.

without working hard. Such an attitude is unrealistic; a psychological illusion that prevents the student from acquiring the true knowledge and skills. According to the supervisors, such students are not able to discuss and interpret their findings; not willing to learn or present papers in seminars/conferences. They are absenteeism students who after being given corrections disappear for six months or even the whole year. On returning with corrected work, they want the supervisors to read it within two days and give them feedback. This unethical practice that needs correction by inculcating social values where supervisors and students find the best way of relating to each other; be cooperative, develop respect and love for normative ethics of academic writing and adhere to them. Both the supervisor and the supervisee should practice professional ethics in order to bear fruits of self-control and kindness.

The supervisors deliberate refusal to give feedback to students on basis of not being remunerated is an immoral act and unprofessional. The student has paid fees and nothing to do with remuneration. This is a grievous mistake that endangers the students' academic writing of not knowing what to do. Working with the supervisor with whom one is in conflict puts the student in a vulnerable situation that triggers confusion, bitterness, helplessness and resentment. Money should not be the determinant of our actions. Work has an intrinsic value. Supervisors need to respond differently to students needs by integrating moral values in their actions or work ethics. They can willingly choose to do good by reading students work, providing constructive feedback and guiding them to successful completion dissertation writing. This is what Aristotle *Nicomachean Ethics* is all about 'That good is that which all things aim'⁴¹⁶. Supervisors' guidance should benefit the students by equipping them with the authentic knowledge to be useful members in the society. They should role model ethical values to stimulate students to make sound judgements based on well-informed conscience.

⁴¹⁶ Aristotle, *Nicomachean Ethics*, 1094 a3.

Conflict between the mentors and mentees prolonged dissertation writing. This was opined by 62.5% of doctoral student participants. The study established that although universities issued common guidelines for research, concept paper, proposal and dissertation writing, some supervisors did not assist students to adhere to the standards. Instead, they insisted that students follow guidelines borrowed from their diverse academic backgrounds and; that created confusion and frustration among students. That was lengthened by disagreements and conflicting views from the two supervisors that took time to reconcile to enable a student to proceed. This is unethical practice on the part of supervisors for not adhering to the set standards of academic writing. It leads to time wastage, as examiners will disapprove the dissertation; the student has to rework the document which is disheartening.

On examining a few marked dissertations, the researcher confirmed that some supervisors were not helpful to the students. Their comments were vague, for instance, do “corrections” without making any comments in the student written work. Others just signed for a student a substandard dissertation for final defence which they knew very well could not pass. Asked why they did that one supervisor said, “I give corrections to the student but he does not follow them. He is very difficult and thinks I am preventing him from graduating. I just assigned his work to face the examiners and get roasted.” This is unprofessional attitude; supervisors should teach students the virtue of perseverance to persist in academic writing, not to give up in challenging situations. Infusion of ethical values in mentoring students requires supervisors to develop a compassionate heart, to make the right choices and decisions to guide the student correctly. Adoption of the good moral values gives us the vital energy to want to serve and build; in our case the guide students with love to succeed. The society needs people not only with high degrees but also integrated with good moral character or transformed to bring up positive changes.

Frequent supervisors turn over disrupted students writing process; finding a replacement takes time. The study found out that some of qualified professors are always on the move to either give workshops or conferences. The new Kenya Commission for University Education guidelines for promotion to either full lecturer or professorship one must publish or perish. This has pushed lecturers seeking for promotion to engage themselves in research and publication at the expense of guiding the students. Others go on sabbatical leave or are appointed as external examiners to universities in other countries. Although this is a good way of sharing knowledge, it does affect the quality of supervision as some declined to supervise student at an advanced stage. It means student has to get a replacement; once appointed, the newly assigned supervisor takes time to read document to acquaint oneself to what the student is writing about in order to give proper guidance. Absent supervisors cause anxieties in students as they do not provide timely feedback which delays completion of post graduate students⁴¹⁷. This is one of the most frustrating incidents encountered by students as one participant exclaimed:

I have waited for my first supervisor for one whole year. He neither picks my phones nor responds to my email. I am not able to move on in my academic writing. My second supervisor is available for me, but he says we cannot proceed without comments of the main supervisor. I am frustrated and feel discouraged.⁴¹⁸

Such experiences wound the mind and heart of the students; they feel rejected and not cared for. It makes academic writing life difficult for the student. Furthermore, supervisors' unethical practice hikes the cost of dissertation writing as the student pays supervision fee and other administrative charges each semester. The supervisors need to instil integ-

⁴¹⁷ Elishiba, Kimani Njambi, "Challenges in Quality Control for Postgraduate supervision" in: *International Journal of Humanities and Social Sciences and Education* 1(9), 2014, 63-70.

⁴¹⁸ Interviewee response from a doctoral student participant, 2nd October 2018.

rity in their work ethics to be available for students; their actions should be guided by moral values to overcome the deeply embedded vices and cultivate better habits that are life giving. The universities should be alert to note the supervisors' unethical actions that trigger students' resentment. Organize induction programs for supervisors on feedback and stress on accountability in giving reports monthly to minimize delays.

The Commission for University Education supervision policy is that the first supervisor of a doctoral student should be from the candidate's area of specialization. The study established that some departments were understaffed as mentioned by 50% of the participants. The departments filled the gaps by assigning students supervisors who are neither grounded in contemporary research methods nor equipped with adequate knowledge in the area of study. This is unethical as it undermines the quality of supervision as well as academic writing standards. The universities should institute policies on who should be the main and second supervisor taking into consideration the expertise in the study area of specialization. In addition, hold regular workshops for faculty on supervision training to keep them abreast to new changes. Other supervision flaws pointed out by participants was that in some instances, one supervisor does a lot of work with the student while the other remains silent or plays a minimal role. That raised a moral concern as in case of publication both supervisors earn points for promotion. It means some supervisor's names just appear in published article for which they had minimal input, which is not prudent. The worst vice mentioned is where other names have been added in the published article who were not supervisors of the student. It means some people have a lax conscience and that discouraged some lecturers from supervising students.

14.10 Strategies Proposed to Enhance Doctoral Students' Timely Completion of Dissertation Writing

Participants proposed various measures if implemented correctly will enhance their academic writing. For instance, the universities should integrate ethical values in all academic programs to instil responsibility and personal commitment to work. Ethics is key to a successful life. The universities should come up with a schedule for the students to be reporting to college to present their work to the departments to ascertain whether they are on the right track. Departments should train students on keeping time lines of dissertation writing. Universities should encourage students to think about their research topics early and identify target groups who will to provide correct information to minimize frequent changes in topics selection.

They should organize seminars and workshops for doctoral students on academic writing and make attendance mandatory. Such forums will clarify students' misconceptions and misunderstandings hence speedy dissertation completion on time. Students should be inducted on guidelines for paper publications, be encouraged to read high quality published articles to familiarize themselves. The universities should design policies for students to get a certificate from a professional editor indicating that the dissertation has been checked and ready for examination. Originality should be encouraged by subjecting the final dissertation to *Turnitin* to minimize plagiarism. They should sensitize students on plagiarism policies, forms of plagiarism, disciplinary actions taken once detected to instil moral values in dissertation writing.

Other suggestions included that schools should enforce the already existing policies on course duration, dissertation-writing guidelines; for instance, either students or supervisors do not adhere to fill in students' progress tracking reports. Heads of departments should be more proactive in following Postgraduate students to get feedback on their writing; any challenges are identified earlier and remedial measures put in place

to minimize delays. To reduce work overload for supervisors, universities should adhere to the Commission for University Education in Kenya of allocating 3 PhD students and 5 Masters for one supervisor to do quality supervision work.

Universities should put up computerized internet infrastructural facilities for postgraduate students to carry out intense research work. Long distances travels can be minimized by establishing modern digital libraries equipped with e-resources, latest e-books, e- journal and make them accessible to students. In this way students candidates can be assisted to do online research, send and receive feedback from their supervisors before face-to-face meetings. Organizing capacity-building workshops for supervisors can improve their mentorship competence. Postgraduate supervision training in all aspects of dissertation is significant in producing quality work. Universities should design policies to clarify who are to be first/main supervisor and second supervisor of the candidate to minimize conflicts.

Supervisors conflicting views can be sorted out well by holding discussions to clear their differences and give a student a way forward. The universities should establish a follow up mechanism to enhance accountability from both the supervisor and the student. For instance, putting measures in place to track supervisor performance; if the guidance is poor, the supervisor should be replaced. The supervisors should submit regular reports to the concerned departments to show students writing progress. To manage payment of supervision fee, the universities should come up with flexible and realistic mode of payment that self-sponsored students can afford to enhance their progression rate.

14.11 Conclusion

In order to improve the quality of academic writing, universities need to integrate and enforce ethical values in Postgraduate guidelines on dissertation writing. Students and supervisors should internalize these

values and base the choices of supervision on to those guidelines and moral values in order to produce quality dissertations. Challenges student encounter in their dissertation writing are most academic, family related as well as personal challenges. Reduction of supervisors' workload, enforcement of existing policies, capacity building of supervisors and organizing workshops on academic writing can enhance students' completion on time.

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SUSTAINABLE BEHAVIOUR

STUDY ENGAGEMENT AND HAPPINESS AMONG THE 21ST CENTURY UNIVERSITY STUDENTS

Cecily Njoki

15.1 Abstract

Happiness is a positive emotion that can transform a person and enhance positive behaviour⁴¹⁹. To attain sustainable behaviours, the combination of sustainability, happiness and well-being is inevitable. Sustainable happiness has the potential to transform attitudes, behaviours, policies and practices. People understand that no success comes in isolation because all creation is interconnected thus interdependent. Examinations of sustainable happiness have proved that individuals are opting to be accountable in how they pursue happiness. Therefore, it is critical that teachers, lecturers, tutors and educators in general, should pay much attention to students' happiness. Only education and training for a bright

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future can produce happiness. It would be advisable therefore, to facilitate students' understanding of environmental problems and their involvement in solutions through an education that leads to sustainable development, increased happiness and well-being.

15.2 Introduction

The scarcity of peace, harmony and justifiable personal and communal happiness in our contemporary global society manifest itself through differing unstopable crises for instance, the messes in the economy, the healthcare, the environment, politics, including our daily life. As global citizens, we definitely feel the pinch of the dreadful threat of our life dreams. The encountered predicaments appear to be too complex and fish-webbed to believe the Wise Saying: *In crisis lies opportunity*.⁴²⁰ As such, humanity's psychological intrinsic emotional need is interfered with. Subsequently, people are drastically losing their power of *human-ness, utu, or Ubuntu*. Is it therefore, a wonder today, to see a student murdering his teacher, witnessing sons and daughters committing incest with their parents, terrorism, increased suicidal cases mostly by the police, the defender of life, and worse still by religious leaders. What went wrong?

Happiness is the life-spring of joy and satisfaction to the soul.⁴²¹ among other scholars, found out that approximately 50% of the factors that influence a person's happiness are inherited, while 10% are on environment, and 40% emanates from inner activity of the person, for example all that one think and do daily in life. It is undeniably true that the strongest human desire is to be sustainably happy. The argument here is

⁴²⁰ Loizzo, J. (2012) Sustainable Happiness the Mind Science of Well-Being, Altruism, and Inspiration. Retrieved March 11, 2013 from <http://sustainablehappinessbook.com/wpcontent>

⁴²¹ Lykken & Tellegen, A. Happiness is a stochastic phenomenon. *Psychological Science*, 7, 1996, 186-189.

that authentic happiness has power to sustain positive values of sustainability within and among individuals and members of the globalized society.

Unfortunately, human individuality has often lured people to compromising the human moral and ethical values that determine human survival and that of the earthly environment that we inhabit. Don't we remember that human happiness depends on the quality of human behaviour towards sustainability? Some scholars recommend that care and protection should be provided to both human beings and natural environment.⁴²² On the contrary, who should protect who? Human beings today are self-destructive! A good example is Africa, where corruption was identified by the Commission for Africa, to be a major problem that is destroying the governance and development on our continent.⁴²³ To date, the continent has the highest records of abject poverty, insecurity, unemployment, and general social and moral decay and list can continue.⁴²⁴ This has caused countless complex challenges to the 21st Century society, and seemingly, uncontrollable conflicts between cultural and social values,⁴²⁵ thus, persistently threatening the peace, joy and harmony between humanity and nature.

⁴²² De Young, R. Some psychological Aspects of Reduced Consumption Behaviour the Role of Intrinsic Satisfaction and Competence Motivation. *Environ. Behav.* 28, 1996, 358-409.

⁴²³ Commission for Africa, In: Lumumba, P. (28 June, 2005). Corruption the Bane of Africa: Common Interest: Report of the Commission for Africa, London, 28, 2005, 33rd *Annual conference and Exhibition*, 26-28 June 2011, Sun City, South Africa, 2005. The 33rd *Annual Conference and Exhibition*, 26-28 June, 2011, Sun City, South Africa, 4, 2005.

⁴²⁴ Lumumba, P. (28 June, 2005). Corruption the Bane of Africa: Common Interest: Report of the Commission for Africa, London, 28, 2005, 33rd *Annual conference and Exhibition*, 26-28 June 2011, Sun City, South Africa, 2005.

⁴²⁵ United Nations (2015). 'Transforming our world: the 2030 Agenda for Sustainable Development,' 25 September, viewed 1 October 2015 at <https://sustainabledevelopment.un.org/post2015/transformingOurWorld>.

Elliot, the Author of *Normative Ethics*, and the editor of *A Companion to Environmental Philosophy*, testifies that most people are horrified by such harmful behaviour because of its implication for their lives, their children, their friends, other creatures, and the planet that we live in. He thus regards such terrible incidences as immoral, bad, wrong or even evil.⁴²⁶ This scatters the human dreams of sustainable social justice, a sustainably corruption free planet, sustainable universities and equitable education systems, sustainable security systems, and so on.

However, the call by sustainable societies for every society to engage in sustainable behaviours for sustainable development in attempt to creating sustainable lifestyles and happier lives,⁴²⁷ has prompted most people in this era including most of the 193 national governments in the United Nations, to desire for the establishment of global peace, tolerance, and happiness. Regrettably, its materialization is messed around by the greedy individuals, leaders of varying capacities, and the most powerful Global Corporations, for accumulating wealth at the expense of the poor or environment.⁴²⁸

However, the World Business Council on Sustainable Development (WBCSD), a 29 Member Organization of the largest and most important companies on earth, blames the failure to sustainability on the 21st Century education's refusal to incorporate the Education for Sustainable Development, but instead, adhering to service provision and develop-

⁴²⁶ Elliot, Robert (2001), *Normative Ethics*, In: *A Companion to Environmental Philosophy*, D. Jamieson (Ed.), 2001. Dawe, G. et al. (November, 2005). *Sustainable in Higher Education: Current Practice and Future Developments*. A Report for the Higher Education Academy.

⁴²⁷ Corral-Verdugo, V. et al. Happiness as correlate of sustainable behaviour: A study of pro-ecological, frugal, equitable and altruistic actions that promote subjective wellbeing. *Hum. Ecol. Rev.* 18, 2011, 95-104.

⁴²⁸ Sachs, J.D. (2018). *World Happiness Report, 2018*, New York: Sustainable Development Solutions Network. <https://www.google.com/search?q=Global+happiness+Report+2018>

ment of skills for employability in the contemporary global economy.⁴²⁹ Thus, the need to integrate both curriculum and co-curriculum cannot be overlooked. A study conducted to establish the extent to which both curriculum and co-curriculum factors contribute to students' engagement with ecological behaviour showed that, hearing about environmentalism and sustainability in class, together with being a member of a University environmental group, impacted positively and had significant effects on students' improvement in caring for environment, and increased private and public pro-environment behaviour.⁴³⁰

The WBCSD therefore, warns the world that if the current trend of unsustainability and its predicaments is not urgently addressed, it may in the future cost the world about 2.3 planets earth, to effectively manage the rising levels of resources, energy consumption and waste product, depending on the projected global population of 9 billion by 2050.⁴³¹

To overcome the sustainability crises facing the global community in the 21st Century, we should all as members of the same planet change our values, attitudes and behaviours and instead, adopt a more sustainably oriented ways styles of living and being.⁴³² The most popular psy-

⁴²⁹ Choi, J. (2016). *Sustainable Behaviour: Study Engagement and Happiness among University Students in South Korea*. Received: 18 April, 2016; Accepted: 21 June 2016; Published: 27 June 2016.

⁴³⁰ Pizmony-Levy, O. & Ostrow, J.M. (2018). *Pro- Environmental Attitudes and behaviours in Higher Education: Investigating the Role of Formal and Informal Factors*.<https://academiccommons.columbia.edu/doi/10.7916D81z5GWB/download>

⁴³¹ David V.J. *Twenty-First Century Education: Transformative Education for Sustainability and Responsible Citizenship*. Vol. 18, Issue 1, 2016, 48-56. Doi:<https://doi.org/10.1515/jtes-2016-0004>

⁴³² Agbor, F.B. (25 July, 2017). *Infusing Sustainability in Higher Education in Ireland: The Green Curriculum Model (GCM) and the Dispositions, Abilities and Behaviours(DAB) Competency Framework* Dublin City University https://hubmedia.aashe.org/uploads/FridaBesong_Thesis_July25th_2017_FINALE.pdf

chological and intangible positive consequence of sustainable behaviours is happiness. Happiness is a positive emotion that can transform a person and enhance positive behaviours.⁴³³ To achieve this, therefore, the combination of sustainability, happiness and well-being is inexorable. Sustainable happiness has the potential to transform attitudes, behaviours, policies and practices. Therefore, it is critical that teachers, lecturers, tutors and educators in general, should pay much attention to students' happiness. Only education and training for a bright future can produce happiness. It would be advisable therefore, to facilitate students' understanding of environmental problems and their involvement in solutions through an education that leads to sustainable development, increased happiness and well-being.⁴³⁴ Cultivating and practicing of sustainable behaviours, lead to personal, collective and social happiness and life satisfaction.⁴³⁵ This paper is the reviewed literature examining the interrelationships among the Sustainable Behaviours, Study Engagement, and Happiness among the University students in the 21st Century. Happiness an intrinsic power to sustainably oriented behaviour. The paper stresses on the positive impact of incorporating the concept of sustainability with happiness. The behaviours reviewed in this paper are: pro-ecological behaviours, frugal behaviours, altruistic behaviours and equitable behaviours.

⁴³³Kasser, T. Psychological need satisfaction, personal wellbeing, and ecological sustainability. *Ecopsychology*, 1, 2009, 175-180.

⁴³⁴ Abdallah, S. et al. *The happy planet index 2012: A global index of sustainable well-being*. London: nef, 2012.

⁴³⁵ Gardner, G. & Prugh, T. Seeding the sustainable economy. In Starke, L. (Ed.), *State of the World*. New York, W.W. Norton & Company, 2008.

15.3 Sustainability and the Twenty-First Century University Education

According to 2030 agenda for sustainable development, education is a paramount strategy to help people especially our University students understand that our personal behaviour and actions have an impact on other people's lives all over the world. Education for Sustainable Development (ESD) is a holistic and transformational education, and concerns learning content and outcomes, pedagogy and the learning environment. Therefore, sustainable development must be integrated into education and education integrated into sustainable development.⁴³⁶ This inclusion is crucial to the present age for mere fact that through the teaching and learning process, all people can work towards sustainability in creating a sustainable happier future. Thus, institutions of education should prepare students for job security in a sustainable economy, but more so, for skills and values that will enable them to make wise decisions for sustainable behaviours for protection and preservation of the planet. ESD in Universities therefore, should prepare students through implementation of programmes which will enable them to build both skills and competencies, as well as positive attitudes and values they will require for resolving future sustainability problems,⁴³⁷ in ensuring their commitment to fulfilling their responsibility in generating sustainable societies.⁴³⁸ Though there has been constant efforts since 1992 of implementing sus-

⁴³⁶ UNESCO, 2014, In: Leicht, A. et al. Issues and trends in Education for Sustainable Development: Education on the Move. UNESDCO, Paris: France, 2018.

⁴³⁷ Lambrechts, W. Possibilities and practices of competences for sustainable development in higher education. In *Research and Innovation in Education for Sustainable Development*; Environment and School Initiatives-ENSI, ZVR-Zahl: Vienna, Austria, 2016.

⁴³⁸ Lozano, R. Declarations for sustainability in higher education: Becoming better leaders, through addressing the university system. *J. Clean. Prod.* 48, 2013, 10-19.

tainable behaviour in education settings, however, there has been scarcely any outstanding outcome due to lack of clear understanding by educators, of what sustainable behaviour is. We all ought to understand that social sustainability do affect students' well-being. Therefore, this paper is a wake-up call for educators across the world, to take a new approach in teaching sustainable behaviours and changing attitudes to enable better alignment with these behaviours.⁴³⁹ Thus, the incorporation of the 21st Century education with the concept of sustainable happiness is the core of this paper.

15.3.1 Sustainability and Sustainable Happiness

Sustainable happiness is critical to individuals and others because the 21st Century has brought with it both challenge and the dawn of a new age where our whole life seems threatened. The notion of sustainable happiness was developed by.⁴⁴⁰ Sustainable happiness contributes to individual, communal or global well-being without ill-using other people, the environment or generations to come. The purpose for combining the two terms was to enable focusing on positive and negative consequences of how individuals, communities, and countries pursue happiness, since in a globalized society everyone's actions are a combination of both immediate and long term consequences, though others have long lasting impact. The other intentions for combining the two terms are: to connect happiness to sustainability for the present generation and generations to come; to stress on the reality of our mutual interdependence; and to create debates on the potential for making substantial contribu-

⁴³⁹ Barth, M. & Michelsen, G. Learning for change: An educational contribution to sustainability science. *Sustain. Sci.* 8, 2013, 103-119.

⁴⁴⁰ O'Brien, C. (2005, June). Planning for sustainable for sustainable happiness: Harmonizing our Internal and External Landscapes. Paper prepared for the 2nd International Conference on Gross national Happiness, Antigonish, Canada. Retrieved from www.gpiatlantic.org/conference/paper/obien

tions to sustainability efforts through research from happiness studies.⁴⁴¹ However, the concept of sustainable happiness can be used on three levels:

- Individual Level: This is where individuals can use sustainable happiness to guide their actions and decisions making every day in their lives.
- Community level: At this level, sustainable happiness is used in strengthening the need for genuine social, environment and economic indicators of well-being, to ensure the sustainability of community happiness and well-being.
- National and International levels: At this level, sustainable happiness highlights the importance of both the individual and community actions for the well-being of all today, and into the future.

Sustainable happiness supports the fact that we are interconnected and interdependent with all on the planet earth and also with the generations to come. Besides, sustainable happiness is used in nurturing sustainable behaviour. Our natural desire for happiness can be an entry point for discovering that our well-being is inseparably connected to the well-being of others and natural environment. Moreover, sustainable happiness can argue against the misconception that our option to live sustainably decreases our quality of life^{442 443}.

⁴⁴¹ O'Brien, C. (2010a). Sustainability, happiness and education. *Journal of Sustainability Education*, 1. www.jsedimensions.org/wordpress/content/2010/04/

⁴⁴² Brown, K. & Kasser, T. Are psychological and ecological well-being compatible? The role of values, mindfulness and lifestyle. *Social Indicators Research*, 74, 2005, 349-368.

⁴⁴³ Kabat-Zinn, J. *Coming to our Senses: Healing Ourselves and the World through Mindfulness*. New York: Hyperion, 2005.

According to various sources,⁴⁴⁴ sustainable happiness is a new approach that calls for reflection on sustainability problems together with chances to improve our quality of life to contribute to individual, community, and global well-being. Again, it inspires behaviour change through compassion for others including environment. However, we must be cautious that, not every activity that brings pleasure contributes to our well-being or others or the environment. Hence, we can disconnect happiness from consumption by examining sustainable happiness, in order to discern the current opportunities of developing well-being and sustainability. Therefore, Sustainable happiness is an excellent approach to sustainability for the following reasons:

- One, it can be used in introducing sustainability to teachers.
- Two, it can be used in motivating student teachers in order to become models of sustainability.
- Three, it can be used in exciting both teachers and students to integrate sustainable happiness into their teaching practice.

Therefore, educating students to instil attitudes and values of sustainability, surpasses any acquisition of knowledge on environment, economy and society. Thus to foster the values of sustainability, pedagogical practices should reflect systems thinking, inquiry, discovery and active learning in a supportive environment. It is necessary that students should be engaged in decisions which concerns their learning and their learning institutions. Here, the role of the teacher is very key, which implies that, the teacher is the main element which educates the students about sustainable happiness through the curriculum and subject aspect. There are myriads of arguments based on how to transform education to meet the need of 21st century. There has been a constant criticism on traditional education for being stuck to out-dated strategies and methods

⁴⁴⁴ Brown K. & Kasser, T. loc.cit. 420.

which suited industrial age^{445 446} among others. Thus, as educators reflect on the future of education alongside the promotion of different visions like the 21st Century learning, Health promoting Schools programs, social and emotional learning, and entrepreneurship education, the integration of the concept of sustainable Happiness can contribute to the development of an integrated vision that promotes a long life well-being for all on the planet earth.⁴⁴⁷

Sustainable happiness denotes the happiness required if the world were to be re-directed to a more sustainable path, thus making sustainable happiness obligatory for the new visions of 21st Century education.⁴⁴⁸ In addition, the way to happiness can depend on sustainable lifestyles that we all choose.⁴⁴⁹ Thus, different studies have demonstrated:

- The relationship between happiness and positive health benefits^{450 451}
- That the happier you are, the lesser your inclination towards materialistic values.⁴⁵²

⁴⁴⁵ Hargreaves, A. & Shirley, D. *The global Fourth Way*. Thousand Oaks, CA: Corwin, 2005.

⁴⁴⁶ C21 Canada, (2012). *Shifting Minds: A 21st-century vision of public education for Canada*. Retrieved from www.c21canada.org/wp-content/uploads/2012/11/Shifting-Minds-Revised.pdf

⁴⁴⁷ Hopkins, C. Educating for sustainability: An emerging purpose of education. *Kappa Delta Pi Record*, 49, 2013, 122–125.

⁴⁴⁸ O'Brien, C. Happiness and sustainability together at last. *Canadian Journal of Education* 36; 4, 2013. <http://www.cje-rce-ca>.

⁴⁴⁹ O'Brien, C. Op. cit., 6

⁴⁵⁰ Davidson, K. W. et al. Don't worry, be happy: Positive affect and reduced 10-year incident coronary heart disease: The Canadian Nova Scotia Health Survey. *European Heart Journal*, 9, 2010, 1065-1070.

⁴⁵¹ Steptoe, A. et al. Positive affect and health-related neuroendocrine, cardiovascular, and inflammatory process. *Proceedings of the National Academy of Sciences*, 102, 2005, 6508–6512.

- The connection between happiness and active transport to work.⁴⁵³
- The association between happiness and nature-relatedness.⁴⁵⁴
- The relationship between happiness and green practices.⁴⁵⁵
- That happiness is associated with children's experiences on their journey to school.⁴⁵⁶

We can therefore conclude that if the 21st Century education were to make a difference to the existing unsustainability level, the world governments and higher education should embrace the positive psychology and happiness approach that is capable of mobilizing everyone everywhere and for all seasons, for both personal, communal and environmental benefits. University students have all the potential and so, they should be introduced to the integrated curriculum that encourages both theory and practices in and out of class initiatives. This will enhance and reclaim the lost skill, values and attitudes towards sustainability for sustainable happiness. This will lead to more sustainably happy universities, homes and society.

⁴⁵² Brown, K. & Kasser, T. op. cit. 6.

⁴⁵³ Turcotte, M. Like commuting? Workers' perceptions of their daily commute. *Canadian Social Trends*, 28, 2006, 35-41. Retrieved from www2.canada.com/vancouver/news/extras/commuting.pdf.

⁴⁵⁴ Nisbet, E. / Zelenski, J., / Murphy, S. Happiness is in our nature: Exploring nature relatedness as a contributor to subjective well-being. *Journal of Happiness Studies*, 12, 2011, 303-322.

⁴⁵⁵ Barton, J. & Pretty, J. What is the best dose of nature and green exercise for improving mental health? A multi-study analysis. *Environmental Science & Technology*, 44, (2010), 3947-3955.

⁴⁵⁶ O'Brien, C. & Gilbert, R. (2010). *Child and youth friendly land use and transport planning guidelines for Nova Scotia*. Centre for Sustainable Transportation. Retrieved from www.kidsonthemove.ca/uploads/Guidelines%20NS%20Apr30.pdf

15.3.2 Student Involvement in Sustainable Higher Education

Education for Sustainable Development is viewed as a generational problem and therefore, students of the 21st Century must actively participate in the transformation towards a sustainable society. Across the globe, teachers are known to be key players in bringing about the extensive social changes needed for sustainable development.⁴⁵⁷ Therefore, it is the duty of Institutions of higher education to prepare all graduates for a decent 21st Century living. The graduates of the current Century needs to be endowed with particular knowledge and skills, values and attitudes, since they will be required in the future when they will assume influential roles in the society in effort to create a sustainable and a desirable happy future⁴⁵⁸ Universities' societal mandate of providing advanced knowledge and educated leaders, equips them with a moral responsibility to contribute to the societal need for sustainable development.⁴⁵⁹

Students are a strong beneficiary and stakeholder of education, hence, they should be given a chance to participate in its reform. According to,⁴⁶⁰ there are five major reasons as to why students should be involved:

- Effective implementation of change needs participation of all those involved, students as well as teachers.

⁴⁵⁷ Kerry S. *Higher Education's Role in 'Education for Sustainability'*, University of Otago, New Zealand, 2010.

⁴⁵⁸ Sterling, S. Separate tracks or real synergy? Achieving a closer relationship between education and SD, post-2015. *Journal of Education for Sustainable Development* 8(2), 2014, 89–112.

⁴⁵⁹ Waals, A. *Shaping the Education of Tomorrow. Report on the UN Decade of Education for Sustainable Development*; UNESCO: Paris, France, 2012.

⁴⁶⁰ Levin, B. Putting students at the centre in education reform. *Journal of Educational Change*, 1, 2000, 155–172.

- Students have unique knowledge and perspectives that can make reform efforts more successful and improve their implementation.
- Students' views can help mobilize staff and parent opinions in favour of meaningful reform.
- A more active student role in schooling is needed because constructivist learning is increasingly gaining its importance in high standards reforms.
- Student involvement is crucial to all improvement since students themselves are the producers of knowledge.

Students are part of the transformation and so, when working for a sustainable development at the university, they should be involved. Despite how educational institutions view their students, they still remain a strong determinant to the expected outcome.⁴⁶¹ Another study on the value added by participation of students in sustainable development, acknowledged that involvement of students (Weidner, 2014⁴⁶²) provides new energy, new ideas and enthusiasm.⁴⁶³ It also reminds universities that to educate their students for life, a lasting remembrance of knowledge, skills and values is 80% based on how we act and approximately 10 to 20% from what we hear or read. Therefore, Nicolescu (Nicolescu, 2006)⁴⁶⁴ warns the universities and colleges to be cautious because what they teach or fail to teach as they prepare students for future

⁴⁶¹ Ibid., 9.

⁴⁶² Weidner A. Study for the establishment of VU Green Office - Involvement of students in the sustainability of Universities, VU University Amsterdam, 2014.

⁴⁶³ Cortese, AD. The critical role of higher education in creating a sustainable future. *Planning for Higher Education* 31(3), 15–22, 2003.

⁴⁶⁴ Nicolescu, C. *Corporate Social Responsibility in the Romanian Higher Education*, Open Society Institute. Romania, 2006.

leadership, can either make or break the future and well-being of a country.

15.4 Association between Sustainable Behaviours and Happiness

The overconsumption, waste, careless destruction of earth's natural resources, pollution, corruption and other individualistic behaviours among others, must be faced out of our society, and more sustainable behaviours be embraced, if we and our environment should be to be sustained. Most scholars agree on SBs to be a set of deliberately chosen and effective actions, that when practiced, they result in conservation of the social-physical environment in effort to safeguarding the both the individuals, other groups particularly the most vulnerable, without taking advantage of the future generations.⁴⁶⁵ Therefore, the sustainably-oriented individuals demonstrate their sustainable lifestyles through engagement in actions that allow justice and fairness in accessibility to the usage of our natural resources.⁴⁶⁶ Besides, they moderately consume these resources,⁴⁶⁷ which allow more to access the resources. Likewise, sustainably-oriented persons, are known to be cooperative, and are committed the needy in their environment.⁴⁶⁸

⁴⁶⁵ Bonnes, M. & Bonaiuto, M. Environmental psychology: from spatial-physical environment to sustainable development. In R.B. Bechtel & A. Churchman (Eds.), *Handbook of Environmental Psychology*. New York: Wiley, 2002, 28-54.

⁴⁶⁶ Ehrlich, P. & Ehrlich, A. *One with Niniveh. Politics, Consumption and the Human Future*. Washington, DC: Shearwater Books, 2004.

⁴⁶⁷ Iwata, O. Attitudinal determinants of environmentally responsible behaviour. *Social Behaviour and Personality*, 29, 2001, 183-190.

⁴⁶⁸ Pol, E. The theoretical background of the City-Identity-Sustainability Network. *Environment & Behaviour*, 34, 2002a, 8-25.

Such behaviours imply that such people are altruistically motivated.⁴⁶⁹ It has also been demonstrated as the nature of sustainably-oriented people to constantly practice actions that are more oriented to the conservation of natural resources.⁴⁷⁰ Therefore, the aim of a sustainably-oriented person is to ensure the protection and conservation of natural resources as 's/he' cares for the welfare of the fellow human beings.

According to numerous studies and proposals, sustainable actions include pro-ecological, frugal, altruistic and equitable behaviours.⁴⁷¹ Pro-ecological behaviours, are identified effective activities in conservation and protection of natural resources for example in, reusing, and recycling of resource, water and energy conservation and so forth.⁴⁷²

Frugality behaviours, are voluntary actions that an individual chooses so as to lead a embraces lead to a low consumption lifestyle, which evades behaviours like unnecessary buying and wasteful consumption of resources.⁴⁷³ However, both the pro-ecological and frugal behaviours are related in that both results in conservation of natural resources.

⁴⁶⁹ Schultz, P.W. The structure of environmental concern. Concern for self, other people, and the biosphere. *Journal of Environmental Psychology*, 21, 2001, 327-339.

⁴⁷⁰ Kaiser, F. A. general measure of ecological behaviour. *Journal of Applied Social Psychology*, 28, 1998, 395-442.

⁴⁷¹ De Young, R. Some psychological aspects of living lightly: Desired lifestyle patterns and conservation behaviour. *Journal of Environmental Systems*, 20, 1991, 215-227. Iwata, O. Attitudinal determinants of Environmentally Responsible Behaviour. *Social Behaviour and Personality*, 29, 2001, 183-190. Kaiser, F. A. OP. cit. 10. Schultz, P.W. Op. cit. 10.

⁴⁷² Kaiser, F. A. loc. cit., 11. Corral-Verdugo, V. et al. Equity and sustainable lifestyles. In *Psychological Approaches to Sustainability*; Corral-Verdugo, V. et al. Eds. / Nova Science Publishers: New York, NY, USA, 2010.

⁴⁷³ De Young, R. Op. cit., 11.

Altruistic behaviours, are self-sacrificing activities meant purposely to promote the human well-being and other people's interests rather than you your own personal interest.⁴⁷⁴

Equitable behaviour, is the fairness in accessing resources in consideration of the needs of the present generation and those yet to be born. Thus, equitable behaviour implies treating others justly, regardless of their demographic, biological or personal characteristics. Equity, therefore, appeals for fair distribution of resources among people regardless of their race, national origin, gender or age.⁴⁷⁵ Besides, it seeks to balance between the human and socio-physical environments. Such a behaviour is associated to individuals' psychological factors, with happiness as a principal example.⁴⁷⁶ Happiness is the consequence of enjoyment, satisfaction and a positive sense of well-being. Happiness expresses the feeling of meaningful and worthy life is.⁴⁷⁷

A study conducted by Tapia-Fonllem (Tapia-Fonllem, 2013)⁴⁷⁸ to investigate the relationships among the sustainable behaviour, study engagement, and happiness among undergraduate students in Korea, indicated that sustainable behaviour has a direct effect on happiness, and that happiness is affected development.

A number of studies demonstrate that people who involved themselves in pro-ecological behaviour, perceived indirectly if mediated through study engagement⁴⁷⁹ believe that people's subjective judgement of how they feel is more important than objective norm. Thus, satisfac-

⁴⁷⁴ Tapia-Fonllem, C. et al. Assessing sustainable behaviour and its correlates: A measure of pro-ecological, frugal, altruistic and equitable actions. *Sustainability* 5, 2013, 711–723.

⁴⁷⁵ Corral-Verdugo, V. et al. Op. cit. 11.

⁴⁷⁶ Choi, J. Op. cit., 3.

⁴⁷⁷ Seligman, M. *Authentic Happiness: Using the New Positive Psychology to Realize Your Potential for Lasting Fulfilment*, New York, Free Press, 2002.

⁴⁷⁸ Choi, J. Loc.cit., 11.

⁴⁷⁹ Diener, E. Subjective Well-Being. *Psychol. Bull.* 95, 1984, 542–575.

tion with one's life through sustainable behaviour can be a means to determining one's happiness. Hence, Happiness is the anticipated outcome that emanates from participating in sustainable themselves happier than those who did not, while individuals concerned with equity experience a high level of subjective wellbeing.⁴⁸⁰

Furthermore, people who are cooperative, compassionate, unselfish and welcoming to other people's requests, are found to be experiencing greater happiness.⁴⁸¹ Additionally, participation in sustainable behaviour tend to be more intimate and happier in relationships with significant others. Subsequently, sustainable behaviour leads to positive psychological behaviour, which is happiness.⁴⁸² Other studies established that altruistic and equitable behaviours seek for the well-being of others, thus impacting on social environment.

Conclusively, although the four types of sustainable actions differ, most previous studies agree that they are all significantly interconnected.⁴⁸³ Therefore, sustainably-oriented people must be both pro-ecological and pro-social at the same time.

⁴⁸⁰ Amato, P. / Booth, A. / Johnson, D. / Rogers, S. *Alone together: How Marriage in America is changing*. Cambridge, MA: Harvard University Press, 2007.

⁴⁸¹ Kasser, T. & Ryan, R.M. Further examining the American dream: Differential correlates of intrinsic and extrinsic goals. *Person. Soc. Psychol. Bull.* 22, 1996, 280–287.

⁴⁸² Buunk, B.P. & Schaufeli, W.B. Reciprocity in Interpersonal Relationships: An Evolutionary Perspective on its Importance for Health and Well-being. *Eur. Rev. Soc. Psychol.* 10, 1995, 259–291.

⁴⁸³ Corral-Verdugo, V. et al., Op.cit. 11. Schultz, P.W. Op.cit. 11. The structure of environmental concern. Concern for self, other people, and the biosphere. *Journal of Environmental Psychology*, 21, 2001, 327-339. De Young, R. Op. cit. 2.

15.5 Association between Sustainable Behaviour and Study Engagement

Basically, all human beings possess psychological needs like: desire to be competent, autonomous, and to be connected to others. The satisfaction of these needs leads to engagement. On the contrary, failure to satisfy the psychological needs, the level of engagement diminishes due to lack of motivation.

A psychology study⁴⁸⁴ found out that autonomy and self-control contribute to students becoming more engaged in their studying, while others,⁴⁸⁵ affirmed that committed and involved students have mastery achievement goals and high level of self-control. This is a confirmation by some studies that proved that, for individuals to be fully engaged, inner control is needed, and can only be increased when individual gain autonomy in their work.⁴⁸⁶

According to work ethicists,⁴⁸⁷ students with positive attitudes towards studying are believed to be more engaged because they are highly motivated. Hence, a study from an Australian College of student reported that students who tended to be more engaged in study, demonstrated great improvement in their academic and achieved higher satisfaction

⁴⁸⁴ Salanova, M. et al. The gain spiral of resources and work engagement: Sustaining a positive work life. In *Work Engagement: A Handbook of Essential Theory and Research*; Psychology Press: New York, NY, USA, 2010, 118–131.

⁴⁸⁵ Howell, A.J. Flourishing: Achievement-related correlates of students' well-being. *J. Posit. Psychol.* 4, 2009, 1-13.

⁴⁸⁶ Bakker, A.B. et al. Multi-group analysis of the Job Demands-Resources Model in four home care organizations. *Int. J. Stress Manag.* 10, 2003, 16–38. Halbesleben, J.R.B. A meta-analysis of Work Engagement: Relationships with Burnout, Demands, Resources and Consequences. In *Work Engagement: A Handbook of Essential Theory and Research*; Bakker, A.B. & Leiter, M.P. / Eds. / Psychology Press: New York, NY, USA, 2010, 102–117.

⁴⁸⁷ Cotton, S. et al. Stress and student Job design: Satisfaction, well-being, and performance in University Students. *Int. J. Stress Manag.* 9, 2002, 147–162.

level. Therefore, there is a correlation between high academic performance and positive emotions.⁴⁸⁸

As argued by Corral-Verdugo,⁴⁸⁹ sustainable behaviour should be controlled from external motivations and inner environment, because people preserve resources for the environment and future generations, and also putting others' interests before their own. This also applies to students too. For instance an additional study⁴⁹⁰ found out that, when students have autonomy and self-control, they become more engaged in their studying. According to Howell et al,⁴⁹¹ committed and engaged students have mastery goals and high level of self-control, which means that engagement needs inner control and that it is increased when individuals gains autonomy in their work. A study by Judge et al⁴⁹² acknowledged that the self-efficacy that learners experience during the learning process, provide students with a sense of well-being.

A study conducted to find out what facilitates a positive learning status,⁴⁹³ established that some behaviours such as thanking others, self-

⁴⁸⁸ Harter, J.K. et al. Business-unit-level relationship between employee satisfaction, employee Engagement, and business outcomes: A meta-analysis. *J. Appl. Psychol.* 87, 2002, 268–279.

⁴⁸⁹ Corral-Verdugo, V. *Comportamiento Proambiental: Una Introducción al Estudio de las Conductas Protectoras del Ambiente*; Resma: Santa Cruz de Tenerife, Spain, 2001.

⁴⁹⁰ Salanova, M. et al. The gain spiral of resources and work Engagement: Sustaining a positive work life. In *Work Engagement: A Handbook of Essential Theory and Research*; Psychology Press: New York, NY, USA, 2010, 118–131.

⁴⁹¹ Howell, A.J. & Flourishing: Achievement-related correlates of students' well-being. *J. Posit. Psychol.* 4, 2009, 1-13.

⁴⁹² Judge, T.A.; Bono, J.E. Relationship of core self-evaluations traits-Self-esteem, generalized self-efficacy, locus of control, and emotional stability-with job satisfaction and job performance: A meta-analysis. *Appl. Psychol.* 86, 2001, 80-92.

⁴⁹³ Ouweneel, A.P. et al. How task characteristics and social support relate to managerial learning: Empirical evidence from Dutch home care. *J. Psychol.* 2009, 143, 28-44.

lessness and kindness resulted to positive learning related emotions. Conclusively, therefore, students' involvement in kind behaviour, lead them to experience positive feelings which enhance their engagement in learning, resulting to good performance⁴⁹⁴.

15.6 Association between Study Engagement and Happiness

In the 21st Century, higher education is experiencing severe conditions such that, it has become almost impossible to attract and retain students, satisfy and develop them into successful and productive graduates. ⁴⁹⁵For this reason, student engagement is today considered critical to the improvement of these practices, both in- and out of classroom. Study engagement can be looked at as the quality of effort that students put in their commitment to educational activities that contribute directly to desired outcomes.⁴⁹⁶ As argued by Harper,⁴⁹⁷ engagement is more than involvement or participation, because it needs feelings, sense-making and the activity, else, acting in absence of feeling, is just but compliance, consequently, it leaves no impact on the student.

Happiness is a positive emotion that can transform a person and enhance positive behaviour. Hence, it is critical that teachers, lecturers,

⁴⁹⁴ Pekrun, R. et al. Academic emotions in students' self-regulated learning and achievement: A program of qualitative and quantitative research. *Educ. Psychol.* 37, 2002, 91-105.

⁴⁹⁵ Trowler V. Student Engagement Literature Review. The Higher Education Academy, Lancaster University, Heslington, 2010.

⁴⁹⁶ Hu, S. and Kuh, G .D. Being (Dis) Engaged in Educationally Purposeful Activities: The Influences of Student and Institutional Characteristics. *Paper presented at the American Educational Research Association Annual Conference*. Seattle, WA, 10-14 April, 2001.

⁴⁹⁷ Harper, S .R. & Quaye, S .J. Beyond Sameness, with Engagement and Outcomes for All. In: *Student Engagement in Higher Education*. New York and London: Routledge, 2009a, 1-15.

tutors and educators in general, should pay much attention to students' happiness.

Only education⁴⁹⁸ and training for a bright future can produce happiness. It would be advisable therefore, to facilitate students' understanding of environmental problems and their involvement in solutions through an education that leads to sustainable development.

Study engagement is a diligent intellectual activity and purposeful participation in learning. That is, study engagement is connected with the level of energy a learner spends in studying, both physically, and psychologically.⁴⁹⁹ It is a positive study that is associated with state on one's mind and involves passion, dedication and commitment.⁵⁰⁰ As argued by scholars, study engagement is the investment of one's efforts in learning, that is, the act, the behaviour of being strongly involved in learning which generates enjoyment or positive attitude⁵⁰¹ towards study⁵⁰².

Engagement is also associated to good health⁵⁰³ and a positive emotions.⁵⁰⁴ Ryan noted a high level of academic performance and positive

⁴⁹⁸ Veenhoven, R. Healthy happiness: Effects of happiness on physical health and the consequences for preventive health care. *Journal of Happiness Studies*, 9, 2008. 449-469.

⁴⁹⁹ Astin, A. W. Student Involvement: A Developmental Theory for Higher Education. *Journal of College Student Development*. 25, 1984, 297-308.

⁵⁰⁰ Schaufeli, W.B. & Salanova, M. Work engagement: An emerging psychological concept and its implications for organizations. In *Research in Social Issues in Management: Managing Social and Ethical Issues in Organizations*; Gilliland, S.W. et al. Eds; Information Age Publishers: Greenwich, CT, USA, Volume 5, 2007, 135-177.

⁵⁰¹ Finn, J.D. Withdrawing from school. *Rev. Educ. Res.* 59, 1989, 117-142.

⁵⁰² Willms, J.D. *Student Engagement at School: A Sense of Belonging and Participation*; Organisation for Economic Co-Operation and Development: Paris, France, 2003.

⁵⁰³ Demerouti, E. et al. Burnout and Engagement at Work as a Function of demands and control. *Scand. J. Work Environ. Health* 27, 2001, 279-286.

well-being among the students who are totally involved in learning. Studies confirm that individuals who are engaged in learning do experience greater levels of well-being.^{505 506} This implies that engagement in a learning behaviour helps students to experience happiness.

Gavin and Mason⁵⁰⁷ also found out that there is association between happiness and individual's levels of engagement, and that engagement and happiness were factors contributing to success of different groups.

Students with positive attitudes toward studying are known to be more engaged in studying because they are more motivated. A study conducted in an Australian College students, revealed that students who were more intensely engaged in study, revealed improved performance and higher satisfaction with respect to their academics.⁵⁰⁸ It is evident therefore, that, there is an association between high academic performance and positive emotions^{509 510}.

15.7 Conclusion and Recommendation

Education and advocacy for Sustainability has had its value since time immemorial. It is an ancient practice and need. Hung Hsu, a Chi-

⁵⁰⁴ Chambel, M.J.; Curral, L. Stress in academic life: Work characteristics as Predictors of Student well-being and Performance. *Appl. Psychol.* 54, 2005, 135-147.

⁵⁰⁵ Ryan, R.M. & Deci, E.L. Intrinsic and extrinsic motivations: Classic definitions and new directions. *Contemp. Educ. Psychol.* 25, 2000, 54-67.

⁵⁰⁶ Meyer, J.P. & Gagne, M. Employee engagement from a self-determination. Theory perspective. *Ind. Organ. Psychol.* 1, 2008, 60-62.

⁵⁰⁷ Gavin, J.H. / Mason, R.O. The Virtuous Organization: The Value of Happiness in the Workplace. *Organ. Dyn.* 33, 2004, 379-392.

⁵⁰⁸ Cotton, S. et al. Op. cit. 13.

⁵⁰⁹ Harter, J.K. et al. Op.cit. 13.

⁵¹⁰ Schaufeli, W.B. et al. Workaholism, burnout, and work Engagement: Three of a kind or three different kinds of employee well-being? *Appl. Psychol.* 57, 2008, 173-203.

nese poet back in 500 BC, confirms this claim, when he advises that, if someone is planning ahead one year, 's/he' should plant a seed; if planning ahead ten years, 's/he' should plant a tree; and, if planning ahead a hundred years, 's/he' should educate the person.⁵¹¹ This is a call to a sustainable lifestyle for all generations on earth. This paper proposes the need to embrace the original human psychological mechanism for sustainability, that is, happiness. It argues that unless the 21st Century universities integrate the 2030 Education for Sustainable Development, with happiness as indicator for effective sustainable behaviours, the planet earth, together with all her dependants, and particularly the human race, are on the verge of extinction. Hence, the sustainable behaviours that students are engaged in, should be tested by their level of happiness, through their process of leaning, in and out of classroom. This, in return, motivates them to be more responsibly engaged in ensuring sustainability in their universities, and later on in society as workers, leaders and decision makers. It also supports the recommendation of Catherine O'Brien that sustainable happiness model should be integrated into University teacher education since 's/he' is core to the formation and implementation of students sustainable behaviour, in both their institutions of learning and society at large.

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⁵¹¹ Hung, (500B.C) In: David, V.J.B. ESD: Cure or Placebo? in Glen Toner and James Meadowcroft (eds) *Innovation, Science and Environment: Special Edition-Charting Sustainable Development in Canada*, (McGill Queens Press, 2009), 2016, 1987-2027.

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ETHICAL ISSUES FACING TEACHERS IN THE MANAGEMENT OF INCLUSIVE CLASSROOM IN SUB SAHARAN AFRICA

Elizabeth Nduku

16.1 Abstract

All persons have a right to basic education as enshrined in art 26 of the universal declaration of human rights of 1948 and efforts must be made by governments to ensure that every child has access to education without discrimination⁵¹². For this to happen, inclusive education which is based on the respect for the inherent dignity of the human person must be enhanced by all states. To achieve inclusion it is imperative that teachers are given skills that enable them to understand and cater for the varied needs of all types of learners irrespective of any physical, social, intellectual or emotional challenges. Unfortunately not all states and nations have managed to train teachers in these different skills thus raising ethical challenges in the implementation of the policy on inclusive education. The paper which is conceptual in nature will explore some of

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the ethical challenges facing teachers in the management of inclusive classrooms by focussing on the foundations of inclusive education, teachers management of inclusive classrooms, ethical challenges facing teachers and finally propose some practical ways of addressing these issues.

16.2 Introduction

Sub Saharan Africa is a region that suffers a myriad of challenges ranging from social, political, economic, environmental and educational which affect not only the individuals but the entire community. To some extent these have affected the region making it lag behind in keeping abreast with the implementation of inclusive education. Cherema, in his writing felt that the major factors that retard progress in implementing Inclusive Education (IE) in these countries are ‘lack of funding for informative research, lack of adequate resources to equip, facilitate and expand the provision for children with special needs, misdirection of funds towards political security, corruption, limited personnel training programs, inadequate qualified personnel, the absence of enabling legislation and limited support services’⁵¹³. Despite the presence of these challenges, it is important to emphasise the fact that every person is entitled to certain basic rights such as education irrespective of one’s social, cultural, religious, race or economic status. It is in recognition of this that governments have put a lot of efforts to ensure equitable and quality provision of education to all her children as they strive to achieve sustainable development goal number 4 which focuses on Ensuring inclusive and equitable quality education and promotion of lifelong learning

⁵¹³ Cherema (2010). Inclusive education in developing countries in the Sub Saharan Africa: From theory to practice in the *International journal of special education* Vol 25, no 1

opportunities for all . To meet this goal, inclusive education is central and for this reason, Mittler (2000b) calls for “a radical reform of the school in terms of curriculum, assessment, pedagogy and grouping of pupils based on a value system that welcomes and celebrates diversity arising from gender, nationality, race, language of origin, social background, and level of educational achievement or disability”⁵¹⁴. Teachers must therefore be willing to take the lead as they are the key stakeholders in the implementation through teaching learning process if this vision has to be attained. In support of this claim, Rose says that “teachers must be able to cater for the needs of the most diverse student populations academically, socially and culturally”⁵¹⁵. It calls for a change of mind-set and overcoming all the barriers that hinder every child from accessing education in the same schools without discrimination of any form. Although inclusive education is a desire for many, its attainment remains a challenge and no wonder is seen as “a vision, a road to be travelled, but a road without ending since it is a process rather than a destination and a road with all kinds of barriers and obstacles, some of them invisible and some of them are in our own heads and hearts. Such a process needs change of attitudes, new ways of thinking, manner of teaching and assessment of students”⁵¹⁶ so that no learner feels left out or discriminated against. All stakeholders must understand their roles in such a system so that they can support its attainment.

⁵¹⁴ Mittler, P. (2000b). *Working towards Inclusive Education*. London: Fulton Publishers.

⁵¹⁵ Rose, R (2010). *Understanding Inclusion interpretation perspectives and cultures*. In: *Confronting Obstacles to Inclusive Schools*, Abingdon, Routledge. 1-6.

⁵¹⁶ Miller, 2000, Mittler, P. (2000a). *Time to stop being special*, in Miller, C. *Effective Change for People with Special Educational Needs: A Celebration of the Contribution of Professor Ronald Guilford*. Tamworth, NASEN.

It is worth mentioning that the foundation of inclusive education is the classroom, in which “students regardless of ability are educated together in common educational contests”⁵¹⁷, and teachers must see themselves as the prima stakeholders in its implantation. As such, a change of attitude among the teachers is urgent since inclusive classrooms comprise learners with different abilities and capabilities and teachers must be empowered to manage and cater for the needs of all the learners. Teachers must take care of the individual differences of learners and be open to embrace changes that come with inclusion. Unfortunately teachers who are at the centre of the attainment of inclusive education are not trained to cater for the individual differences thus face a lot of challenges especially in the management of inclusive classrooms and particularly in the teaching learning process. “All teachers in regular schools must be prepared to teach all children irrespective of the children's individual differences”⁵¹⁸ for in most of the Sub Saharan countries many children attend regular schools. Preparation of the teachers has to be a concerted effort between the governments and all those involved in education.

16.3 Inclusive Education

Though education is a basic human right, we still realize that not all children have access to education. For a long time, children with special needs and especially disabilities have been taught in separate schools. This led to social exclusion and to some extent made the children with special needs feel discriminated and deprived of some rights and yet every child is valued equally and deserves the same opportunities. This attitude of educational exclusion was addressed during the Salamanca

⁵¹⁷ Loreman, T. Deppeller, J.M. & Harvey, D, H.P (2010). *Inclusive Education Supporting Diversity in the Classroom*, 2nd ed. Sydney: Allen and Unwin.

⁵¹⁸ Cherema (2010). Inclusive education in developing countries in the Sub Saharan Africa: From theory to practice in the *International Journal of Special Education*, Vol 25, no 1.

Conference in 1994 where the issue of inclusive education was discussed. The conference expounded on the fact that “every child has unique characteristics, interests, abilities, and learning needs and that regular schools must accommodate children with special needs. They felt that a child-centered pedagogy be adopted in order to meet the needs of all the children”⁵¹⁹. This approach focusses on the needs of the individual learner and makes sure that the curriculum is developed to respond to these needs. The conference resolved that all children should learn together, wherever possible, regardless of any difficulties or differences they may have hence inclusive education. For UNESCO, inclusive education is “a dynamic approach of responding positively to pupil diversity and seeing individual differences not as problems but as opportunities for enriching learning. It is a process of addressing and responding to the diverse needs of all learners through increasing participation in learning, cultures and communities, and reducing exclusion from education and from within education.”⁵²⁰ All these point to the fact that children have different needs, backgrounds, religions, culture, capacities, talents and capabilities and in any school and classroom all these must be considered by teachers especially in the preparation of teaching content, methodology and assessment processes. To cater for this diversity, the whole education system must facilitate learning environments where teachers and learners embrace and welcome the challenge and benefits of diversity.

In support of the above argument, Forlin stressed that “inclusive education is based on the principle that local schools should provide for all children, regardless of any perceived difference, disability, or other social, emotional, cultural or linguistic difference”⁵²¹. These change pro-

⁵¹⁹ Salamanca Conference in 1994.

⁵²⁰ UNESCO (2005).

⁵²¹ Forlin (2008).

cesses towards inclusion often begin on a small scale and involve overcoming some obstacles such as:

- Existing attitudes and values. It is common to find out that the people have negative attitudes towards the persons with disabilities and therefore discriminate them. For inclusion to be realised, these attitudes must be changed and see each person as unique, created in the image and likeness of God, capable of contributing to the development of the society and therefore deserving equal treatment.
- Lack of understanding. It is critical for all stakeholders to acquire the basic knowledge that will enable them to appreciate the differences among the learners and treat them with dignity.
- Lack of necessary skill. Owing to the fact that inclusion entails diversity, skills of addressing the diverse needs of the learners must be acquired. This is a process which requires training on the part of the teachers and the care takers and all those who support the learners. In-service training can be adopted for those already in the field but for those yet to be trained, the curriculum offered to the teachers must include these skills.
- Limited resources. The governments must ensure that adequate resources are availed so that learners can be engaged in teaching and learning process without difficulty. The infrastructure should also be friendly and creation of conducive environment.

The importance of inclusion is well articulated in art, 26 of the Universal Declaration of Human Rights (UDHR) of 1948 which stresses that all children have a right to education. According to this declaration, inclusive schools must recognize and respond to the diverse needs of their students, accommodating both different styles and rates of learning

and ensuring quality education to all through appropriate curricula, arrangements, teaching strategies, resource use and partnerships with their communities. There should never be any discrimination against children as stated in art 2 and 23 of the convention on the rights of a child of 1989 hence need for full inclusion. Inclusion as a process therefore must respond to the diverse needs of students and reduce exclusion. If this is to be achieved, changes and modifications in content, approaches, structures and strategies must be given priority by all nations. The approach should focus on how to transform education system and other learning environment in order to respond to the diversity of learners.⁵²²

Inclusion must be embedded deeply in the very foundation of the school, in its missions, its belief system, and its daily activities. This already points to the fact in any school motto, vision or mission, the aspect of inclusiveness must be reflected so that every child begins to assimilate and embrace inclusiveness⁵²³. A good example of a mission statement that embraces inclusiveness could be stated like this “The school will offer all students a safe and nurturing environment, with a core curriculum that is rich and rigorous and which respects diversity” or “Our mission is to inspire, challenge and support every student to achieve academic excellence by embracing the full richness and diversity of our community”. Such statements speak to the entire school system and all the stakeholders. In such a school, the teachers for instance are expected to prepare content and plan for activities that cater for the needs of all learners. It also focusses on the methodology to be applied in the teaching learning process. The students too learn to work together and support each other in order to acquire the necessary knowledge and do away with any form of discrimination. The environment too is prepared in a manner that takes care of all the children’s physical, social,

⁵²² UNESCO Guidelines (2005).

intellectual and spiritual needs. For proper implementation of an inclusive education, ministries of education in various countries must ensure that full inclusion forms part of the policy documents. It must begin from curriculum development process to its implementation and preparation of the human resource (teachers).

The following four key elements must be considered by nations as they look into inclusion namely.

- Inclusion as a process, a never-ending search to find better ways of responding to diversity. It is about learning how to live with difference and learning how to learn from difference.
- Inclusion as the identification and removal of barriers which involves collecting, collating and evaluating information from a wide variety of sources in order to plan for improvements in policy and practice. It is about using evidence of various kinds to stimulate creativity and problem-solving.
- Inclusion is about the presence, participation and achievement of all students. All students must be considered in all activities of teaching and learning indiscriminately.
- Inclusion involves a particular emphasis on those groups of learners who may be at risk of marginalization, exclusion or underachievement. Groups that are statistically most “at risk” are carefully monitored, and that, where necessary, steps are taken to ensure their presence, participation and achievement in the education system⁵²⁴.

To stress on the importance of inclusion, the Dakar conference of 2000 on Education for all clearly identified Inclusive Education (IE) as a key strategy for the development of EFA. It has also been stressed in the different international conventions and treaties and further reinforced by

⁵²⁴ UNESCO (2006).

The Education 2030 Framework for Action which has been adopted by the global education community to advance progress towards SDG4 and its targets. The Framework stresses the need to address all forms of exclusion and marginalization. It specifically calls for addressing inequalities related to access, participation, and learning processes and outcomes, paying particular attention to gender equality. SDG 4 supports this notion when it emphasizes on the need for building and upgrading education facilities that are child friendly catering for the needs of all. All States therefore have an obligation to respect, protect and fulfil the right of all learners to education (UNESCO, 2014). This should start with inclusive education systems.

Forlin in his research on issues in inclusive education in the 21st century points out that the development of effective inclusive schools requires a school to have the capacity for implementing systemic policy. To be effective in doing this there are a range of approaches that could be taken including:

- Developing a positive school ethos that values diversity
- Developing a positive and collegial attitude towards inclusion
- Providing appropriate and relevant training for teachers
- Employing continuous problem-solving or Response To Intervention;
- Applying universal design for curricula;
- Employing effective child focused pedagogies;
- Providing alternative assessments to cater for different learning styles;
- Use diverse outcomes to demonstrate learning;
- Develop good support structures;

- Ensuring the use of learner-centred approaches which recognize that each individual learns differently⁵²⁵

If the above issues are embraced, inclusive education will become a reality.

16.3.1 Rational for Inclusive Education

Education is a basic right for all people irrespective of their physical, mental, emotional or social economic status. This right is enshrined in the Art 26 of UDHR, 1948. Following this declaration, different nations and states have endeavoured to ensure that all children access education indiscriminately. A number of conventions and treaties have been signed to allow all the children access education. This is also reaffirmed in different international laws and treaties such as African Charter on the rights and welfare of the child Art 11 (ACRWC), Article 1 Convention against Discrimination in Education 1960, convention on the rights of persons with disabilities and optional protocol Art 1 and 3, and United Nations Convention on the Rights of Persons with Disabilities - Articles 24, 31 and 33, which requires countries to develop an inclusive education system for all children ,Children’s Act 2001 of Kenya, section 4 and 5,, section 7- every child shall be entitled to education, and Kenya’s 2010 constitution Art,53). All these conventions and parliamentary statutes emphasize that every child is entitled to education and to equal opportunities without discrimination on the basis of sex, race, color, religion, physical or mental challenges etc. A good example of the stress given to inclusive education can be found in the United Nations Convention on the Rights of Persons with Disabilities. This convention especially Articles 24, 31 and 33, requires countries to develop an inclusive education system for all children as well obliging them to implement

⁵²⁵Forlin, C. (2013). Issues in inclusive education in the 21st century in *Journal of Learning Science*, Issue no 6, 67-81. Available on <http://ir.lib.hiroshima-u.ac.jp/en/00035243>

and monitor the process, for it presents both a challenge and an opportunity to the countries of the world.

Further, the Dakar conference of 2000 on Education for all reaffirmed the importance of education and identified Inclusive Education (IE) as a key strategy for the development of Education For All (EFA). It was reinforced further by the Education 2030 Framework for Action. The Framework emphasizes the need to address all forms of exclusion and marginalization. SDG 4 supports this position through its emphasis on the need for building and upgrading education facilities that are child friendly catering for the needs of all. To advance IE, inclusive classrooms are inevitable. They must be well managed so that all children benefit from it.

All these documents form the basis of IE but despite all these efforts, some Sub-Saharan African countries like Lesotho, Malawi, Botswana, Namibia, Mozambique and Zimbabwe, the educational opportunities for all, including Learners with Special Educational Needs (LSEN) remained at a policy statement level within general education policies⁵²⁶, challenges of its implementation have continued to be experienced. All these challenges should not discourage the different nations but they must work hard to embrace and strive to achieve and maintain IE in the best interest of all its children. Teachers must be well trained to adopt the different teaching methodologies and be able to appreciate diversity. Schools should foster environments where teachers learn from experience in the same way that they expect their pupils should learn from the tasks and activities in which they are engaged. Teachers who regard themselves as learners in the classroom are more likely to successfully facilitate the learning of their pupils. The sensitivity they acquire as a result of reflecting on their own attempts to learn new ideas or new ways

⁵²⁶ Cf. Booth & Pather, (2010) quoted by Awoniyi, S.A. & Karen N. E (2015) in *European Scientific Journal*, May 2015 edition, Vol.11, No.13.

of working is influential in terms of the way children are dealt with in their classes. It is paramount for nations to rethink and evaluate teacher preparation since teachers are the key drivers of inclusive education.

16.4 Management of Inclusive Classroom

An Inclusive classroom is defined as “one in which continuing emphasis on valuing individual differences lead all pupils irrespective of social or cultural background, disability or difficulty in learning to succeed in terms of the fulfilment of academic and social goals, and in the development of positive attitudes to self and others.”⁵²⁷ It is a place where diversity is at the centre and where curriculum should be planned in such a way that all needs of the students are met the curriculum must not only be content or subject based but must be learner centred where all the varied needs of learners are considered. In such a classroom diversity is valued throughout all environments, activities and events that take place therein. Inclusive classroom puts more demands on the teacher in relation to the teaching methodologies, content coverage, classroom organization, and environmental factors if all the needs of the learners have to be met. It is incumbent that the teachers learn different skills of teaching and learning in order to manage inclusive classrooms. Since management entails planning, coordinating, organizing and controlling events to achieve the intended goals through the use of the available resources, teachers of inclusive classrooms must have these skills. To manage inclusive classroom, the teacher must plan the content, activities and the time to be taken to ensure that the students learn. They must develop skills that help them to organize, coordinate and control all the classroom activities. If the teacher has the capacity to carry out these activities then he/she will ensure that classroom lessons run smoothly despite disruptive behaviour by students. For this to happen, the teacher

⁵²⁷ Alban-Metcalf (2001:20)

must be prepared to understand what an inclusive classroom is. Classroom management can therefore be seen as the actions and activities of planning, coordination and directing what teachers use to create a successful learning environment.

16.4.1 Components of an Inclusive Classroom

In any inclusive classroom, the following elements must be considered as important.

16.4.2 Teachers

Teachers are at the heart of the teaching and learning process and are responsible for quality of education at all levels and as such they are most probably the most critical, expensive and valuable resource in the school. They are the ones who are responsible for the daily learning of the students and they should be trained to manage themselves first in order to manage inclusive classrooms. In inclusive classrooms, teachers have a key role in creating a classroom atmosphere conducive to learning which may be related to student outcomes. Mackenzie argued that effective teaching is also adapted instruction⁵²⁸ often referred as differentiated instruction⁵²⁹ which aims to support all learners through a variety of approaches and strategies. To do this, teachers require proper teaching and learning skills that can be able to take care of the needs of all the learners. They must possess analytical and decision making skills as they are dealing with persons with diverse characteristics. It is important to note that collaborative and support skills are essential for the success of an inclusive classroom. In an inclusive classroom, the teachers play a number of roles to ensure that all learners' needs are taken

⁵²⁸ Cf Mackenzie DE (1983) Research for school improvement: An appraisal of some recent trends. *Educational Researcher* 12: 5-17.

⁵²⁹ Tomlinson CA (2001) *The Differentiated Classroom: Responding to the needs of all learners*. Association for Supervision and Curriculum Development, Virginia.

care of which include the following: “Identification of the children with disabilities in the classroom and referring the identified children to the experts for further examination and treatment. They have a responsibility of accepting the children with disabilities and developing positive attitude between normal and disabled children. They are also engaged in placing the children in the classroom in proper places so that they feel comfortable and can benefit from the classroom interaction. Further they see to it that architectural barriers are removed wherever possible so that children with disabilities move independently consequently involving the children with disabilities in almost all the activities of the classroom and making suitable adaptation in the curriculum transaction so that the children with disabilities learn according to their ability”⁵³⁰.

Children are unique and when they exhibit a particular learning, emotional or behavioural problem, and teachers should gather information from different sources to understand every possible factor that may be attributed to the children’s behaviour. When teachers identify the needs of the students, it is easy for them to plan and coordinate the activities that will involve the children with disabilities. It also helps the teachers to identify the stakeholders in the school who could help and support them as they ensure all the needs are met without any form of discrimination.

It is important to identify these children and offer specialised support since many times children with disabilities are often forgotten. Owing to the fact that not all learners have the same challenges, when teachers discover that there are some students who need special attention, they usually refer them to experts for further diagnosis. It is the experts who are able to give the right advice and help the teachers know how to deal with them and place them in the right classroom.

⁵³⁰ Cf Gunjan Tyagi (2016). Role of Teacher in Inclusive Education Susana Methodist Girls B.Ed. College Roorkee, Uttarakhand, India. *IJEAR* Vol. 6, Issue 1, Jan-June 2016.

16.4.3 Collaboration and Co-teaching

Since an inclusive classroom is diverse and no teacher can have all the knowledge and skills, collaboration with the different stakeholders is of paramount importance. As such the formation of partnerships between the different stakeholders in the classroom is critical if quality learning has to take place. These stakeholders include teachers, students, parents, students themselves and support staff. All of them must work together to support the learners which is possible through collaboration. Collaboration is a “system of planned cooperative activities where general educators and special educators share roles and responsibilities for student learning”⁵³¹. Each stakeholder is expected to play their roles diligently and with dedication. As they do this it is important to note that the virtue of respect is essential as it will enable each party to appreciate the roles played by the other for the good of the learner. These stakeholders mentioned above have varied responsibilities. Teachers for instance play the co-teaching role and are therefore expected to “share the roles of planning, implementing, classroom management, and assessing to ensure that the learners have met the goals of their objectives”⁵³². Planning is not an individual effort but must be an inclusive activity where all members take part. They must discuss the achievements of their learners as well as their strengths and weaknesses, the methodology appropriate for the good of all the learners and the areas that they need to correct to enable them meet the needs of all the learners and must be done on daily basis for “when teachers work collaboratively with one

⁵³¹ Cf Wiggins, K.C. & Damore, S.J. (2006). “Survivors” or “friends”? A framework for assessing effective collaboration. *Teaching Exceptional Children*. 38(5).49-56

⁵³² Holliday, Lindsay (2011). *Effective Co-Teaching within the Inclusive Classroom* (M.S. Special Education). School of Education St. John Fisher College.

another, both teachers and learners can benefit from the opportunities to learn and work together”⁵³³.

Parents on the other hand must make sure that the basic needs of the students are met, make them feel appreciated and loved and collaborate with the teachers and other stakeholders to support the education of their children. The parents must ensure that their children have appropriate clothing, pay their school fees, take care of the medical issues and provide good shelter as these contribute a great deal to their learning. The support staff who generally take care of the wellbeing of the learners while in school play a very important role of ensuring that the classrooms are well kept, that the arrangement of the class does not hurt the learners who are challenged, the toilets are cleaned regularly and the meals well done for without proper hygiene, the children get contract many diseases. The school nurses also see to it that the children are in good health which support teaching and learning. The learners in an inclusive class must accept and appreciate each other. They support each other to learn and create a homely environment. Those that are not physically or mentally challenged ensure that they understand and attend to the needs of their colleagues in the class.

16.4.4 Conducive Class Environment

The type of a class that a teacher creates either supports learners or destroys it. It is the role of the teacher to create an atmosphere that is warm which enables the learners to want to learn. The learning classroom environment must be organized to allow proper learning space for all. Considerations must be made to allow free movement of the learners and be well decorated. The wall pictures must capture the diverse images that speak to all learners. The room must be barrier free taking into

⁵³³ Cf. Brownell, M.T., & Adams, A., S. Indelar, P., Waldron, N., & Vanhover, S. (2006). Learning from collaboration: The role of teacher qualities. *Exceptional Children*. 72 (2).169-185.

account special needs or pupils with disabilities. “Teachers should apply the strategy of universal design for learning to make sure that activities, materials, and equipment are physically accessible and usable by all students. Teachers should also expand safety procedures to all students, including those that are identified with a disability and when teaching, repeat printed directions orally”⁵³⁴.

Some of the questions that a teacher must ask according to Scott, Leach, & Bucholz, as quoted by Jessica L. Bucholz and Julie L. Sheffler, include the following: Is the classroom warm and inviting? Are all areas of the classroom accessible to all children? Are the walls bleak and lacking in color or do the decorations help to make the students feel comfortable? Are areas well defined as to their design and purpose?⁵³⁵ All these and others if well taken care of help the learner to be keen and interested in learning.

16.4.5 Individualized Curriculum

At the centre of an inclusive classroom diversity is at the centre and therefore it is imperative for educationists to think about individualised curriculum. This is important because the learners have diverse needs and as such the curriculum must be individualized to cater for the learners needs. The curriculum that can respond to the needs of an autistic child will not be relevant to a gifted child hence each need a tailor made curriculum. The teachers must therefore plan well to ensure that all learners are attended to. Inclusive education requires letting go of classi-

⁵³⁴ Jessica L. Bucholz and Julie L. Sheffler (2009). Creating a Warm and Inclusive Classroom Environment: Planning for All Children to Feel Welcome. *Electronic Journal for Inclusive Education* Volume 2 Number 4.

⁵³⁵ Scott, J., Leach, D., & Bucholz, J. L. (2008). Organizing the inclusive classroom for grades K-3. In M.LaRocque & S. M. Darling (Eds.), *Blended curriculum in the inclusive K-3 classroom: Teaching all young children* (pp. 91-127). Boston: Pearson Education, Inc.

cal teaching methods and embracing possibilities of differentiation. To do this, teachers' must develop individual learning routes for children. The process of individualizing instruction consists of four primary steps : namely getting to know each child's interests, needs, and abilities, creating opportunities for learning that build on children's interest, scaffolding children's learning through supportive interactions and monitoring children's progress toward achieving important goals⁵³⁶. These factors enable the teachers to make decision on how they plan and develop the curriculum implementations and the strategies to be put in place to ensure that all the needs of the learners are met. The teacher's role must become that of guiding and facilitating engagements and learning rather than instructing. "They must create individual goals that relate to student academic, behavioural and social achievement, engagement, wellbeing and other relevant areas. Goals should be specific, realistic and achievable that should include observable actions, a reasonable time frame for accomplishing these and criteria that make it possible to measure the student's progress. It is critical to collaborate with colleagues as well as parents, carers, families and students to moderate and finalise the goals"⁵³⁷. The interest of the teacher is on how he/she can support a learner to be successful Teachers must learn new ways of developing lessons, material and the teaching that help the learners understand hence the need for training teachers on inclusive education.

⁵³⁶ Pretti-Frontczak & Bricker (2004). *An activity based approach to early intervention* (3rd Ed). Baltimore, MD. Brookes.

⁵³⁷ State of Victoria, Department of Education and Training (2018). *Personalised learning and support inclusive classrooms for students with additional needs*. Available on https://researchmgt.monash.edu/ws/portalfiles/portal/245337890/245337834_oa.pdf, 21/12/2018

16.4.6 Diversity

Diversity is central in everything the school does: in its admission policy, in how classes are managed, in the way of looking at what level learners can achieve, how teachers work together and teaching methods. In an inclusive classroom diversity is respected. There are differences exhibited by the nature of the learners. There is an acknowledgement that all humans are different and that difference in itself is valuable. Support, development and growth are fundamental for the entire school and all people involved. It is the teacher who ensures that all learners have been taught. However there are some difficulties that teachers face and bring about ethical issues which must be dealt with if IE is to be achieved.

16.5 Ethical Concerns Facing Teachers in the Management of Inclusive Classrooms

Though many governments have stressed on the importance of embracing inclusive education and inclusive classroom, teachers are not prepared for such tasks. In an inclusive classroom there are children with different needs and the teacher is expected to understand them and respond appropriately to each. The child is expected to be at the centre of any teaching and yet they are diverse in their capacities and capabilities. There are those who are fast and slow learners, others who may be physically or mentally challenged.

From the aforementioned, some valid ethical concerns are derived such as: Are teachers able to adapt materials and lesson plans for diverse learning styles and abilities? Are the teachers well prepared to handle inclusive classes considering learners with different needs in the same setting? The resources available in the hands of the teacher are not catering for the needs of all, the classroom setting is also a challenge, and the language used may affect some of the learners. Are the teachers able to use multiple methods to deliver course content and provide students with a variety of opportunities to share what they know?

16.5.1 Curriculum Implementation and Coverage

Curriculum implementation requires that the teachers are trained to cater for the needs of all the students in the class. Unfortunately in most cases the curriculum is not inclusive. The implementation is time bound and requires that the teachers follow a specific time frame and factor in the needs of all. Is the teacher able to understand that each student brings unique experiences, strengths, and ideas to our classroom and that these must be factored in curriculum development and implementation? Are they able to embrace diversity in the exploration and incorporation of these differences to enrich learning and in our classrooms? Because of such situations, ethical issues arise from the way the curriculum is set, the time frame provided for coverage and the training of the teacher in inclusive curriculum.

16.5.2 Teaching Methodologies

According to UNESCO (2009), inclusive education involves changes and modifications in content, approaches, structures, and strategies, with a common vision that covers all children and a conviction that it is the responsibility of the regular educational system to educate them all. Unfortunately this is not the case in most inclusive schools and particularly in inclusive classrooms. As a result, some ethical issues may arise and some of the learners may feel discriminated. If for instance the teacher does not have knowledge in the use of braille, how does he help the blind learner in? The class? Will they not feel discriminated at some point? How will he deal with the fast and slow learners without some feeling that their needs are not taken care of? Will the teacher be able to complete the syllabus? How about the time allocated for a specific lesson or unit to be covered. How will the assessment be conducted? Will all the students be treated equitably? All these and more raise ethical issues.

16.5.3 Equity and Equality

Equity is about providing students with a fair learning environment that promotes excellence for all people while equality is about treating all learners in the same way. The fact is not all children are treated equally in a school system. The treatment is based on the ability of the students. Learners may see other learners receiving differentiated support which may create misunderstandings amongst the students therefore raising ethical concerns. Educators must develop curriculum that teaches learners about diversity and applying fair standards to their peers.

16.5.4 Management of Diversity

In classroom setting diversity means that each student brings unique experiences, strengths, and ideas to our classroom. Diversity can be conceptualized in different ways depending on the context. When it comes to our classrooms, we conceptualize diversity as understanding each learner brings unique experiences, strengths, and ideas to our classroom. These differences can be along dimensions of race, ethnicity, gender, socio-economic status, age, ability, religious or political beliefs, or other different ideologies. Diversity is the exploration and incorporation of these differences to enrich learning and in our classrooms.

These differences can enrich the learners or bring about conflicts in the class setting for each one needs to be understood from their perspective. As educators, teachers have a responsibility to ensure our students are prepared to work in a diverse environment and collaborate with others who bring new perspectives. The teacher is expected to factor the diverse perspectives into the course content since they come from different cultures, backgrounds, religions, races, age, political groups among others. Ethical issues may arise as one tries to respond to these questions: How does a teacher cater and manage these diversities? How do they ensure that no one is discriminated? How patient are the teachers?

16.6 Ethical Recommendations

To be able to manage inclusive classrooms, the author proposes the following ethical recommendations

16.6.1 From a Virtue Ethics Perspective

Teachers must practice virtue ethics by ensuring that they develop in the learner's virtues and values that will help them to become better citizens. Some of the virtues that can be imparted on the learners include love, care, tolerance and patience among others. This is possible when: Teachers help the learners to acquire values such as to be caring, loving, patient and tolerant with each. The teachers must set the standards through being role models of the virtues. They have the responsibility of ensuring that they provide broad activities that help the learners to develop and practice these virtues. Opportunities of arranging classroom conversations that encourage learners to discuss the different virtues, what they entail and how they can help them become better citizens should be planned for in the school programme. The school's rules, culture and organization should be in such a way that it builds a community that fosters good morals and virtues.

16.6.2 From a Deontological Perspective

The teacher must take it as his or her duty to take care of the needs of the learners in his or her class for the society has given them that responsibility. They should employ methods that respond to diversity and prepare content that is inclusive. There is need to collaborate with others to ensure that learners understand what they are expected to learn at various levels. To cater for all learners, it is imperative for teachers to use assessment methods that are appropriate to all learners. Learners must be helped to develop a series of rules that govern actions that they do. They should learn to do the right things because they are right and be helped

to understand that the morality of the action must be based on the rightness of the action not on the circumstances or intention.

16.6.3 From a Consequentialist Perspective

The content of the curriculum developed and taught to the learners must be geared towards making them useful in the society. The virtues imparted on the learners must help them create a sense of belonging for instance love, tolerance. These should help them unlock the potentials in the learners to make them more creative and innovative. The curriculum too should help the learners change their way of thinking, acting, affect their attitudes to be able to appreciate the diversity

The teachers must help the learners to make ethical decisions when faced with challenges and be able to solve ethical dilemmas. To do this, the teachers must acquire knowledge and skills of decision making. There is need to respect diversity in the class and learn to appreciate each other and use the giftedness of the class to create a better society. The teacher must ensure the learning environment is conducive for all the learners

16.7 Conclusion

Education is a basic right for every person though each person may be unique and different with varying talents values, behaviours, culture and characters among others. No one should be deprived of the opportunity to learn and therefore these differences must not be seen by educationists as challenges and threats but opportunities for growth and innovation.

The differences should be used for developing programs that can benefit the societies in different ways and that is why inclusion in educational system is key.

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ETHICAL CONCERNS IN GHOST-WRITING

Herbert Makinda

17.1 Abstract

Ghost-writing, which is the act of presenting of another individual's work or assignment as the one's own, is gaining popularity in institutions of higher learning not only in Kenya but in the world at large⁵³⁸. This truly implies that in ghost-writing the real author of a work is not acknowledged. As a matter of fact, the authorship of such works can rightly be referred to as pseudo-authorship. In ghost-writing the principal writer may be given little or no credit for his or her work. There is agreement between the parties to do so. The services rendered are largely for a fee. Many who engage in this practice are motivated by the desire to complete their assignments without pain or stress. For others, it is the lack of adequate skills to do the work, limited time or inadequate support from their mentors. Ghost-writing can be distinguished from plagiarism which is presenting another's work as one's own is done by the actual author. As a fact, it also violates copyright as well. This paper endeavours to bring forth the ethical concerns in relation to ghost-

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writing with reference to the Kenyan context and suggests a way forward for Ethics in Research and Publication in Higher Education.

17.2 Introduction

Knapp and Hulbert describe ghost-writing as the writing of material by one person (the writer) for use by another (the client) who will be credited with its authorship, and where both parties agree that the writer's role will be invisible to readers or hearers of the words - hence the term ghost⁵³⁹. According to the Edith Cowan University⁵⁴⁰, "Ghost-writing is the presenting of another individual's work or assignment, as the student's own. Ghost-writing exists when someone has made substantial contributions to writing and this role is not mentioned." This truly implies that in ghost-writing the real author of a work is not acknowledged. As a matter of fact, the authorship of such works can rightly be referred to as pseudo-authorship. Similarly, ghost-writing explained by Jankowska is a phenomenon defined as an act of creating a work for a client that is then publicly distributed not under the name of the actual author, but that of the client.⁵⁴¹

Fusch (Fusch et alii.) goes on to argue that ghost-writing is more commonly known and used by speech writers for presidents and political leaders, particularly when major governmental policies are presented to the general public such as when major legislation has passed or a sig-

⁵³⁹ Knapp, John C. and Azalea M. Hulbert. *Ghost-writing and the Ethics of Authenticity*. New York: Springer Nature, 2017, v para 2.

⁵⁴⁰ Edith Cowan University, *Ghost-writing*. Australia: Centre for Learning and Teaching, 2018. Retrieved from https://intranet.ecu.edu.au/_data/assets/pdf_file/0006/498633/ghostwriting-.pdf

⁵⁴¹ Jankowska, Marlena. On the implications of the inalienability of the right of authorship for ghost-writing contracts. *Review of Comparative Law*. Vol. XVIII, 2013, 77.

nificant congressional bill has been signed.⁵⁴² In the field of academics ghost-writing should be considered unacceptable since one takes credit for an award of academic qualification that leads to one being commissioned to do all that appertains to the qualification obtained. The question is, ‘whose competence is such a graduate going to use in executing their duties?’ Zheng and Cheng equating ghost-writing with plagiarism and fabricated data wrote that medical ghost-writing reduces the credibility of paper before the public. This problem may even be a threat to public health, Lacasse and Leo argue.⁵⁴³

The purpose of this paper is not to give answers to the problem but to challenge the reader to critically relook at the issue of ghost-writing and the ethical concerns it raises thereto. This paper is anchored on Kantian deontological perspective. This is an approach to ethics that focuses on duties and rules. In Kant’s definition a person is a rational, autonomous (self-directed) being with the ability to know universal, objective moral laws and the freedom to decide to act morally.⁵⁴⁴ For Kant, each rational being must ethically act only from a sense of duty. In this regard, one is compelled to do good because he/she ought to. This means therefore that the end never justifies the means. Hence, it is by ‘doing good because it is good’ that people can be moral.

According to Kant there are two types of duties or obligations namely the hypothetical imperative and the categorical imperative. The distinction is that in the hypothetical imperatives one does a good deed because he/she is fulfilling the requirements of the law and not because it is good. In other words, one is simply following the law. However, in

⁵⁴² Fusch, P. I., Ness, L. R., Booker, J. M. and Fusch, G. E. The Ethical Implications of Plagiarism and Ghost-writing in an Open Society. *Journal of Social Change*. Volume 9, Issue 1, 2017, p. 57. DOI: 10.5590/JOSC.2017.09.1.04

⁵⁴³ Zheng, Shulun, and Jie Cheng, “Academic Ghost-writing and International Students”, *Young Scholars in Writing* 12, 2015, 124-133.

⁵⁴⁴ Paton, Herbert James. *The Categorical Imperative: A Study in Kant's Moral Philosophy*. Vol. 1023. University of Pennsylvania Press, 1971.

the categorical imperative one ‘does good because it is good’ meaning doing good as an obligation. This is so because Kant held that duties and laws are absolute and unconditional. Hence, he recommended that people ought to follow a universal, unconditional framework of guidelines to know the correctness of actions and their moral duties.

The paper begins by presenting a cameo to illustrate the situation on the ground. It goes on to present ethical concerns regarding ghost-writing and then finally suggests a way forward on the issues raised.

17.3 Ghost-writing in Highers Education – A Cameo

Higher education is the apex level of formal education. Universities are higher education institutions. In the current Kenyan education structure, higher education follows eight years of primary and four years of secondary education. Soon this will be replaced with a structure which covers two years of pre-primary, six years of primary, three years of junior secondary and three years of senior secondary education in the competency based curriculum.

It suffices to say that universities are tasked with the responsibility of achieving three-fold functions namely teaching, research and community service. Ogula and Onsongo⁵⁴⁵ refer to them as scientific establishments and centres of learning where students experience theoretical or applied research teaching. They go on to say that these institutions offer courses that lead to the development of new knowledge through research and publication done by students and lecturers. The new knowledge may necessitate formulation of new policies and decisions geared towards the development of society. As a matter of fact, the teaching function is by all measures being done. However, the research function is rarely being pursued by faculty members who complain that they have no enough

⁵⁴⁵ Ogula, Paul A. and Jane K. Onsongo. *Handbook on Teaching and Learning in Higher Education*. Nairobi: CUEA Press, 2009.

time to engage in research due to the heavy workload in the teaching function.

The Commission for University Education in Kenya whose mandate is to promote the objectives of university education, by regulating and accrediting universities and programmes, among other functions has a set criteria seen as a way of improving standards of university education. The criteria requires masters students to publish at least one article and PhD candidates at least two articles before graduating with a relevant degree. Similarly, the new regulation requires that all lecturers have earned a PhD in the relevant field, with a minimum of 24 publication points, with 16 from refereed journal papers.

In the recent times, there is mounting pressure on both the students especially postgraduate and the faculty members to meet the set criteria before graduating and being appointed or promoted respectively. The pressure to 'Publish or Perish' is leading towards many unethical practices in the academic arena. Many jobless people are capitalising on the gap to earn a living. Some have opened offices where they receive orders to unfortunately write term papers, projects, thesis and dissertations. In the recent past it was common seeing notices on the streets and even in university compounds advertizing where one can get these services. There are, equally, sites online where one can get the services of these ghost-writers. The ghost-writer is engaged for an agreed fee. The availability of these services entices those who do not want to suffer the rigor associated with authorship and publication.

Interacting with many students who seek services of third party to write their work, there is a sense that some of them are largely ill prepared to handle the task ahead of them. Apart from lack of skill, some suggest they lack adequate support from those charged with the responsibility of supervising their works. Such candidates try to avoid the pressure that mounts as a result of realising that their efforts are not meeting

the required standards or that their work is not moving in the pace that they wish that it to move.

17.4 Ethical Issues of Concern in Ghost-written Works

17.4.1 Keeping the Ethical Standards

Ethical standards are critical in research and need to be adhered to at all times. The main purposes of scientific research are to generate new knowledge and solve existing problems in the society. In this regard, the knowledge produced must aim at the truth and free from error. This means that at no time should there be a sense of fabricating and falsifying data. This includes misrepresenting research data in any way to achieve certain results. The ethical standards also take into consideration how researchers handle and deal with their informants. It is a requirement that researchers protect the privacy and confidentiality of the human subjects in their studies. It is mandatory that they seek informed consent from those they include in the studies and plan how to protect them from both physical and psychological harm. In a like manner, it is incumbent upon them to care for animals and the environment.

The ethical standards maintained in research also assist in the building trust that is necessary from potential donors and beneficiaries of the research endeavours. Donors for instance are more likely to fund researches that they can trust in terms of quality and integrity of results. It is equally important to note that research is a collaborative exercise. In this respect, different people are involved accomplishing the endeavour. The collaboration may be both interdisciplinary and interinstitutional. Ethical standards go a long way to facilitate the values that are vital in such cooperation. Such values include trust, accountability, mutual respect, and fairness. These includes respect for authorship guidelines, copyright and patenting policies and data sharing policies whereby an embargo is place on raw data for a certain agreed period of time. Such an embargo normally affects researchers or people who were not part of

the research team. Part of the ethical standards here covers confidentiality rules in peer review and protection of the intellectual property rights. With this background in mind, ghost-writing abdicates all of these standards.

17.4.2 Authorship

Authorship is defined as the state or fact of being the person who wrote a particular book, article, play, etc.⁵⁴⁶ Picking from this definition the words, ‘fact of being the person who wrote a particular book, article’, etc. suggests that the author is the person who drafts the words and content in a given piece of writing. In this regard, pseudo-authorship or ghost-writing is not covered. Hence, the author is one who contributes and writes to produce a work. The ICMJE recommends that authorship be based on four criteria namely, substantial contributions to the conception or design of the work, or the acquisition, analysis, or interpretation of data for the work; drafting the work or revising it critically for important intellectual content; final approval of the version to be published and agreement to be accountable for all aspects of the work in ensuring that questions related to the accuracy or integrity of any part of the work are appropriately investigated and resolved.⁵⁴⁷ Zairil, Muhamad and Mustapha argue that generating ideas is an important step in academic essay writing. It suffices to say that the author whose name appears in a ghost-written work does not participate in the generation of ideas that

⁵⁴⁶ Online Cambridge English Dictionary. Retrieved from <https://dictionary.cambridge.org/dictionary/english/authorship> on 09/06/2019.

⁵⁴⁷ International Committee of Medical Journal Editors. *Defining the Role of Authors and Contributors*. <http://www.icmje.org/recommendations/browse/roles-and-responsibilities/defining-the-role-of-authors-and-contributors> on 02/06/2019

form the content of the text⁵⁴⁸. The pseudo-author takes undue credit for a work that is not theirs. The question is, ‘Who takes credit for the authorship?’

17.4.3 Copyright Issues

Related to authorship is the concept of copyright. Copyright is the exclusive legal right to reproduce, publish, and sell the matter and form of a literary or artistic work. According to the copyright act charter 130, Laws of Kenya article 23 ownership of the copyright of literary work one write has a validity period of the length of the person’s life plus 50 years, as long as it was not done for an employer or commissioned as work for hire.

Jankowska adds that:

In the theory of law, it has been commonly stated that a legal norm can only be held binding when it complies with commonly approved moral and social norms. Ghost-writing appears to have escaped this rule and, because of its practical significance, effectively casts a shadow over the principle of the inalienability of the right to authorship, introduced not only to the Berne Convention in article 6^{bis}, but also to numerous national copyright acts.⁵⁴⁹

Authorship in this regards ends up in the hands of one who never had any contribution to the work in question. This is regarded as dishonesty and cheating in academic arena. The motive for authorship of this nature is equally in question. Similarly, one wonders, ‘Is there any innovation from the one who takes credit for the work?’

⁵⁴⁸ Zaiyadi, Z. A., Abdullah, E., Muhamad, S. H., and Mustapha, G. (2016). Creative thinking in academic essay writing. *GLIT E-Journal on Information Technology and Language Practice*. 2. 11 - 16.

⁵⁴⁹ *op. cit.* p. 83.

17.4.4 Intellectual Property Rights

According to the World International Property Organisation⁵⁵⁰, Intellectual property rights allow creators, or owners, of patents, trademarks or copyrighted works to benefit from their own work or investment in a creation. It goes on to state that these rights are outlined in article 27 of the Universal Declaration of Human Rights, which provides for the right to benefit from the protection of moral and material interests resulting from authorship of scientific, literary or artistic productions. In ghost-writing the actual author is either not acknowledged or minimally recognised in the work. Does the true author benefit from their own work? For argument sake one would say that the ghost-writer is doing their work for a fee and therefore receive the monetary benefit. Nevertheless, the question that one asks is, ‘Who owns the intellectual property rights?’

17.4.5 Knowledge of the Content (Pseudo-Writer)

Authorship is an inalienable right as mentioned earlier. Through it the authors draft the content of their ideas and take responsibility for the knowledge they disseminate. The academician or student who employs the services of a third party to author a work violates this right. The question is, ‘Does the author have knowledge of the content?’ Despite the fact that they take credit for the published work, they lack the knowledge of the content therein. At times they may revise the work and internalise it but even then they are not the original thinkers and source of the knowledge. Their readers quote or cite them in deception. Academic honesty requires giving credit where it is due.

⁵⁵⁰ World International Property Organisation. What is Intellectual Property Right? Retrieved from https://www.wipo.int/edocs/pubdocs/en/intproperty/450/wipo_pub_450.pdf on 02/06/2019

17.4.6 Integrity Issues

Integrity is the quality of being honest and having solid ethical principles. It means following one's ethical principles and doing the right thing at all times. One who has integrity is true to oneself and can never do anything that would degrade or dishonour them. Ghost-writing violates that dignity. This is so because in ghost-writing one gains credit for what they have not achieved. The question is, 'What is the integrity of the author? Is it an issue of reaping from where one did not sow?'

17.5 Way Forward for Ethics in Research and Publication in Higher Education

It is clearly evident that ghost-writing is academic dishonesty and therefore cannot be permissible. The fact that this practice has gained popularity among those who desire quick and stress free completion of assignments, measures to counter it need to be put in place. This would also include ensuring that all who the concerned are sufficiently made aware of the consequences of academic dishonesty of any kind. At the moment, to counter the practice institutions of higher learning have come up or put up strict measures such as suspension or expulsion for offenders. However, this only applies to those who are discovered. The big question is, 'Is it possible to discover that one has not done the work themselves?' We argue that the answer to this question is, 'Yes.' This is achievable if the works presented by students especially their theses and dissertations are thoroughly scrutinised by other scholars in a rigorous way. The supervisors of such works can also make an attempt to correlate or compare the language used and determine whether it sounds like the expressions of the said author.

To mitigate against the temptation to engage the services of a third party to write for one an academic paper or assignment, we suggest that the potential authors need to start their work early. Procrastination is a thief of time. This leads to pressure of meeting the deadlines pile which

may weigh down the author hence making them to seek short cuts. Starting the work early will enable one avoid the pressure towards meeting the deadline. It also equally reduces the temptation to copy and paste other authors' works for those who do it themselves.

Apart from pressure to finish and submit their work on time, students are forced to engage the services of ghost-writers because they feel that they lack the skill to do a good job and achieve good results in the assignment. It is therefore imperative on the administration of the various schools and faculties to ensure that the students are properly taught and guided in academic writing. In this regard, those charged with the responsibility of guiding the candidates should perhaps take the role of mentors rather than supervisors in discharging their duties. For these to happen effectively, it should be mandatory for all teachers and faculty members to continuously be trained so that they can channel the same to the students. It is well said in Latin language, "Nemo dat quod non habet" (translated as follow: "You cannot give what you do not have"). Consequently, the teachers should guide the candidates towards doing a good job and encourage them to publish in collaboration with them sections of the accomplished work.

More importantly there is need to educate students and all potential writers/authors about the ethical obligations when conducting research and publishing. However, it would still depend on one following their conscience to do the right thing because it is the right thing to do. That conscience must therefore be well informed and formed.

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D

RESEARCH ETHICS AND ENVIRONMENT

ETHICS AND ENVIRONMENT

AN AFRICAN PERSPECTIVE

Wandera Conrad

18.1 Abstract

In this article the author presents from African background one of current issues that have been debated upon both locally and internationally in conferences⁵⁵¹. A factor to consider when streamlining ethics in higher education is the question of ethics and environment. Ethics and environment are areas of study which have left many scholars, governments and professionals divided in their different points of view and approaches. This is the case in particular when it comes to the discourse about unethical human activities and its impacts on environment like global warming and its many causes and diverse consequences. This chapter is intended to make a contribution to the debate on these two vital areas of human life: destruction of ethics and environment pose a big threat to peaceful coexistence in the universe as a whole and vice versa. *Keywords:* Ethics and environment.

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18.2 Introduction

The contribution we make in this article has been inspired by the ongoing discussions on the subject matter of ethics and environment better still environmental ethics and the realities on the ground in Africa. Our aim is to draw awareness to scholars, students and all stakeholders in streamlining ethics in higher education. The world is now a global village therefore irresponsible human activity in a single part of the world could eventually impact negatively on the global scale. This leads us to the view of rational animals. So far human beings regard themselves as the only rational beings who can be held accountable for the various actions they undertake in their endeavor to lead a happy life, with exceptions of few cases like the insane. In Africa human conducts were oriented according to the wisdom of the sages in daily living in society and in relationship to the environment. Our article consists of: - an introduction, - the definition of terms. The body is further divided into five parts: - traditional African view of environment, - ethical preservation of environment, - current environmental challenges, - consequences in Africa, - the ways towards an African environmental ethics.

18.3 Definition of Terms

We need to clarify the terms ethics and environment, starting with ethics. Philosophical ethics is the study of the existence of as well as the content of any such norm of a universal character. We can define it as the systematic study of human actions from the point of view of their rightness or wrongness as means for the achievement of man's ultimate happiness.⁵⁵² However etymologically the word ethics is derived from the Greek word *ethos* (character), and from the Latin word

⁵⁵² Gichure, Christine W. *Basic Concepts in Ethics: With an Outline of Different Methods in Contemporary Moral Philosophy*, Nairobi: Focus Books, 1997, 16.

mores (customs). Together, they combine to define how individuals choose to interact with one another.⁵⁵³ Fagothey argues that; we judge that such conduct is not only customary but right, that to deviate from it would be wrong, that it results not from arbitrary whim but from some fixed principles in human nature. These are morals, and it is with these alone that ethics deals. Hence ethics is the study of right and wrong in human conduct.⁵⁵⁴ We can consider Fagothey's definition that: Ethics is the practical normative science of the rightness and wrongness of human conduct as known by natural reason.⁵⁵⁵ We may consider yet another view, when narrowly defined according to its original use, ethics is a branch of philosophy that used to study ideal human behavior and ideal ways of being. The approaches to ethics and the meanings of related concepts have varied over time among philosophers and ethicists. For example, Aristotle believed that "ideal behaviours were practices that lead to the end goal of *eudaimonia*, which is synonymous with a high level of happiness or well-being."⁵⁵⁶ So we grant that ethics deals human conducts, in which a person is held accountable according to societal norms.

From African understanding we contend that Traditional African heritage has communal understanding of ethics as cultural norms, customs or ideals which are clan based or of ethnic group. It is passed orally through the local languages, signs and symbols that are well defined by elders for peaceful existence of individuals within themselves, with other people in the society, elders, ancestors, Supreme Being, animals, plants and everything else. Along the same line Wangari Maathai noted that; "the African people's heritage is their historical record which has

⁵⁵³ <https://www.law.cornell.edu/wex/ethics> (accessed 25 September 2018).

⁵⁵⁴ Fagothey, Austin. *Right and Reason Ethics in Theory Practice* 2nd ed., North Carolina: TAN Books, 1959, 20.

⁵⁵⁵ *Ibid.*

⁵⁵⁶ Rich, Karen L. http://samples.jbpub.com/9781449649005/22183_CH01_Pass3.pdf (accessed 25 September 2018).

been passed from one generation to another and which directs communities in times of peace, insecurity and in times of birth, life and death. This heritage gives them self-identity, self-confidence and self-respect. It allows them to be in harmony with their physical and spiritual environment. It is the basis for their personal peace, or lack of it.”⁵⁵⁷ The human conducts of community members have to measure up with cultural norms or else their action or omissions will result in negative consequences that affect the individuals themselves and sometimes their families, clans and the whole geographical areas depending on gravity of the human behaviour. Due to such dire consequences the individual would die rather than be the cause of the community suffering due to their human acts.

While environment is defined as the surroundings or conditions in which a person, animal, or plant lives or operates; in some cases there is a single simplistic view referring to the environment to mean green vegetation, commonly found among NGOs and some government agencies. Whereby environmental campaigners put focus only on planting trees, which is just a part of the wider complex. Our understanding of environment here is broader to encompass the whole ecosystem, human beings in relationship to animals, plants, land, minerals, and atmosphere. So applying ethics and environment we are taking into consideration good use and protection of our natural surroundings for harmonious co-existence. Let us take another view of environmental ethics in the western approach for the sake of clarity of the terms.

Environmental ethics examines the moral basis of environmental responsibility. Most people today recognize that we need to be environmentally responsible. Toxic waste contaminates ground water, oil spills destroy shorelines, fossil fuels produce carbon dioxide gas that adds to

⁵⁵⁷ Maathai, Wangari <https://www.greenbeltmovement.org/wangari-maathai/key-speeches-and-articles/bottle-necks-to-development-in-africa> (accessed 29 September 2018).

global warming, and use of fluorocarbon gasses depletes the earth's protecting ozone layer. The goal of environmental ethics is not merely to convince us that we should be concerned about the environment, but explain the moral foundation of environmental responsibility and how far this responsibility extends.⁵⁵⁸ As Fieser contends that there are three distinct theories of moral responsibility to the environment:

The first being anthropocentric, or human centered, it sees responsibility as derived from human interests alone, the assumption being that only human beings are morally significant person with a direct moral standing. Because the environment is crucial to human well-being and to human survival, then we have an indirect duty toward the environment – that is a duty derived from human interests. A second general approach to environmental responsibility is an extension of the animal rights view, which maintains that higher animals are moral persons. If at least some animals qualify as morally significant persons, then our responsibility toward the environment also hinges on the environmental interests of these animals. The third and most radical approach to environmental responsibility called *eco-centrism*, maintains that the environment deserves direct moral consideration, not one that is merely derived from human (and animals) interests.⁵⁵⁹

It is interesting to discover that the responsibility to the environment is contained in African traditional heritage wisdom in different cultures separately with some similarities in attempts to justify the necessity to care for the environment. However human centered view seems to be outstanding. The next section we are going to consider African thought on the environment.

⁵⁵⁸ Fieser, James, *Metaethics, Normative ethics, and Applied Ethics: Historical and Contemporary Reading*, Wadsworth: Cengage Learning, 2000, 480.

⁵⁵⁹ *Metaethics, Normative ethics, and Applied Ethics*, *ibid.* 480.

18.4 Traditional African Heritage View of Environment

“Africa” should be used to refer to sub Saharan lands and their inhabitants. S. K. Gitau correctly acknowledged that in traditional African societies, people lived in a religious universe where human beings and nature were partners. This perhaps explains why environment as a term, has no single direct translation in most African languages and dialects. To Africans, environment implies totality of life. In other words, neither the sacred nor the secular existed as a separate entity.⁵⁶⁰ For Kinoti, general African world-view recognizes the fundamental unity of the different realms which constitute the African cosmos. It is a universe made up of the supernatural and spiritual realities, the human society, animals, plants and all other realities.⁵⁶¹ From African traditional heritage we come to interact with African world view which was transmitted orally within the family (clan) from generation to generation. “The basis of kinship, in Africa as elsewhere, is descent from an ancestor. The most widespread descent group is known as the clan, which can be either patrilineal or matrilineal.”⁵⁶² The author of *everyculture.com/Africa-Middle-East* continued to explain that: the members of the former type of clan (patrilineal) comprise all those who are born from a single founding ancestor through the male line only; those of the latter (matrilineal) comprise all those born from a single founding ancestor or ancestress through the female line only. A patrilineal structure is far more

⁵⁶⁰ Gitau, Samson K. *The Environmental Crisis. A Challenge for African Christianity*, Nairobi: Acton Publishers, 2000, 33.

⁵⁶¹ Hannah W. Kinoti, “African Morality: Past and Present” in: Jesse Mugambi N .K./ Anne Nasimiyu-Wasike, (eds.) *Moral and Ethical issues in African: Exploratory Essays in Moral Theology*, 2nd ed.. Nairobi: ACTON Publishers, 1999, 73-82, 76.

⁵⁶² <https://www.everyculture.com/Africa-Middle-East/Introduction-to-Africa-Family-Kinship-and-Domestic-Groupings.html#ixzz5SIFOFavL> (accessed 27 September 2018).

common in Africa than a matrilineal, which is limited mainly to parts of Zambia and Malawi, in central Africa, and to Ghana and Ivory Coast, in western Africa. Regardless of the means of descent, authority in the family and elsewhere is always formally held by men; therefore, men have domestic authority in both patrilineal and matrilineal families (formal matriarchy is unknown in Africa).⁵⁶³ To get a good grasp of an African perspective of ethics and environment we have to appreciate African past, the present and future. Much as many changes take place, there is still continuity of land and the world view from our ancestors.

As S. K. Gitau further explains that; “moreover the African sense of community, based on clan system ensured security, justice and social welfare to all members of the society. It is true there were murderers, adulterous, thieves, witches, liar, sorcerers and disrespectful people. However, several mechanisms were deployed to ensure that evil deeds were met with justice and minimized.”⁵⁶⁴ In addition to that Gitau continued to argue that, traditional education was particularly important in that it inserted in the lives of individuals as to the relevant duties, responsibilities and taboos. Morality of the society was taught and also the consequences of doing evil. The popular belief therefore was that whatever an individual did was bound to affect the community either for good or for worse.⁵⁶⁵ A similar view is shared Silvana Bottignole who acknowledges that in fact, the sense of the sacredness permeates every act of the traditional life. From childhood the Kikuyu grew up in an environment that helped them to learn the basic beliefs and values of their tribe. This happened especially through the teaching of legends and

⁵⁶³ *Ibid.*

⁵⁶⁴ Gitau, Samson K. *The Environmental Crisis. A Challenge for African Christianity*, 34.

⁵⁶⁵ *Ibid.* 34.

proverbs, and sometimes through participation in sacred rituals.⁵⁶⁶ The African world view is of communitarian spirit or interrelationship in the universe whereby we have mankind who seek close relationship with the Supreme Being, ancestral spirits, elders, human society, animals, plants, minerals and everything else.

Each ethnic groups and clans had more or less similar ways expressing this interrelationship with universe for harmonious existence. For example Bottignole expounds that the weight of communal factor in the Kikuyu religion is particularly emphasized by the fundamental ethic which governs everyday life. The communal sense on which the life hinges is not only limited to communion with parents and relatives, but it encourages communion with all living beings and with creation and such a communion extends to the souls of the deceased. The duties of hospitality, solidarity, sharing and respect for the leaders and authority are sacred. Every form of individualism and, even, of introspection is banished. Therefore the man, within his family, clan and age-group, is the center of everything. All creation is at his service: the earth and its fruits, animals, the sun and the rain, the rocks and the rivers. But the creator of all this is *Ngai* and to Him alone one must give the supreme worship.⁵⁶⁷

A similar narratives run across most African ethnic cultures. The Supreme Being was and is still in some places worshiped in sacred places in big mountains, forests, hills, lakes and rivers. Thus those areas are of great concern for every member of the clan and ethnic group. That meant that the areas should be maintained in their natural settings as much as possible and only visited in times of necessities like worship, offering of sacrifices and big community ceremonies like thanking giv-

⁵⁶⁶ Bottignole, Silvana, *Kikuyu Traditional culture and Christianity: Self Examination of an African Church*, Nairobi: Heinemann Educational Books, 1984, 31-32.

⁵⁶⁷ *Ibid.* 37.

ing after a good harvest. All the limitations are in the view of strong relationship Supreme Being and the dwelling places in relation to human beings and other natures in their awesome appearance. However, in a book edited by M. Kirwen, *African Cultural Knowledge*, he argues that God is approached through worship and prayer. This can be done at any time and place, by going to God's sacred dwelling places found in mountains, trees and lakes, sacrifices, offerings and rituals as means of appeasing God when God is discontented with us, through intermediaries such as ancestors.⁵⁶⁸ It is important to note that African cultures have similarities and differences according to different ethnic groups; to some ethnic groups Supreme Being is not approached at any time in any place, by any person. There are also restricted areas for the mediators only, which has a positive impact on environmental protection.

The family unites are identified with the extended family and a particular clan in an ethnic group. In most cases each clan is named after a certain animal or totem which is sacred to clan and they protect one another, in other words have special relationship, of trust and doing no harm. The example of a clan, whose totem is a big snake can be mentioned. Under no circumstances should any one kill any snake, when he or she comes across, but understand the message and allow the snake to proceed peaceful with the journey or if need be feed it. This is still a common practice in Eastern Uganda who has a clan whose totem is a big snake and among the Baganda of Buganda Kingdom the different clans are named after animals or plants which they take pride to introduce themselves with. As Charles Mukasa rightly observed:

“Each clan has a totem (*omuziro*) and a minor totem (*akabbiro*). Most totems are animals or plants but there are few exceptions. Baganda started with 6 original (*Nnansangwa*) clans: (*Lugave*–Pangolin, *Mmamba*–Lungfish, *Ngeye*–Colobus monkey, *Njaza*–

⁵⁶⁸ Michael Kirwen, (ed.), *African Cultural Knowledge: Themes and Embedded Beliefs*, Nairobi: MIAS Books, 2005, 5.

Reedbuck, *Nyonyi Nnyange-Cattle egret and Fumbe-Civet cat.*)⁵⁶⁹

In these totems we are interested in the family relationship with others animals or plant lives and the level of respect involved to conserve nature in such a diverse community spirit or family inclusivity. To the benefit of human persons, animals, plants and the Supreme Being, a world of harmony with nurture. It is more than just respect to environment but establishing intrinsic relationship hitherto correlation. It is not just by accident that tourists still find wild life attractive in many corners in Africa. Community ethics has played a role in conserving nature in Africa the mother land of humanity and animals.

In an ethnic group there are many clans who identify with different totems to ensure peaceful relationship with such animal, or birds meaning no killing or eating them and also in turn peaceful relationship with other clans who can be called to take care of their clan totem when identified in other clan areas. Traditional African heritage was also very rich in preserving vegetation as an important aspect of the environment. Throughout Africa, one comes across some sacred tree. Such trees are mythical and had to be preserved under all circumstances. There were also sacred groves among the different African societies. Among the Kikuyu, for instance, there was the *Mugumo* and *Mukuyu* (fig) trees. Usually, sacrifices to the creator were conducted under fig trees. It was a taboo for one to cut down these sacred trees or take shelter under them. This wisdom of viewing particular plant species as sacred assisted greatly in ensuring their survival and subsequent propagation.⁵⁷⁰ In fact with arrivals of missionaries most churches started under big trees and as well

⁵⁶⁹ Mukasa, Charles, http://ttabamiruka.com/bagandaclans/Baganda_Clans_Primer-Edition2.0.pdf (accessed 25 September 2018).

⁵⁷⁰ *The Environmental Crisis*, ibid. 34-35.

as meetings were also carried out under trees hence conserving the plant life.

Sources of water, forests, big trees, mountains, hills can be sacred places that should be related to with care. If not, any misconduct spoils the relationship which impacts negatively on the human society and the wider environment. It developed a sense of common good for common course to be protected and preserved by each and every one in the society.

The traditional African heritage developed the world view of universal brotherhood with nature, and of oneness, communion, interrelationship and peaceful interaction for promotion of life (not death and destructions). This is still the case in many rural areas in Africa. In urban centers on the contrary, African heritage value can be considered as a limiting factor, where people coming from different cultural backgrounds, are exerting pressure on land and environment. Holders of true African values would be in fear of transgressing them because of the consequences, a kind of cultural boomerang, which could be explained in cause and effect relationships. Like one buys a piece of land which is a wetland and uses it to construct rental houses due to high demand of accommodation then certain misfortunes follows or occupants experience no peace living in such an environment.

18.5 Ethical Preservation of Environment

In African traditional heritage view it is a moral responsibility and unwritten law in each and every individual member of the community to put into good use the natural resources and preserve the environment. One's own conscience, elders and natural forces would convict and naturally punish the transgressor and the community at large. So it is not only individual who will suffer the consequences of the wrong doing but even the large community will be affected by the natural justice when nature fights back. That is why there was a lot of ritual practices to

cleanse persons who have been unethical in their conduct through sacrifices in an effort to save the community from the consequences that would result from such behavior. Unethical behaviour of the individuals towards the environment in some cases would result into pests and diseases, drought or excessive rains like a case in point burning of grazing lands before the due season.

The call to preserve and protect the environment lay heavily on the community's shoulders. It calls for the right things to be done immediately or remotely. But it is just a question of time and of the building up of similar cases, because of interconnectedness perceived by African traditional heritage world view. Example commonly given is to not throw stones in a lake because it may well provoke aquatic animals to attack the stone thrower and others. The moral of the story is to preserve the environment for peaceful coexistence.

In most African communities you will find men and women who have been trained, either through apprenticeship or by deep mystical experiences, to diagnose, treat, cure and ward off anything that might harm one's life. Their instruments of healing are various types of medicine made with roots, leaves, minerals and dried parts of animals together with special rituals for healing and warding off evils.⁵⁷¹ Harming the environment would make herbal medicine to disappear for good within a given geographical area or people to migrate to the next village due to bad relationship of the people with environment. As consequence, especially in case of sickness, entire communities question their relation to nature, as someone would be considered as losing life simply because of the bad relationship with environment. Michael Kirwen noted that; the herbalist in the minds of the people are seen as doctors of African medicine in contrast to the doctors who were trained in Western medicine. Presently, both kinds of doctors have their roles to play; if one type of doctor does not bring relief, then the other is consulted. For example, at

⁵⁷¹ Michael Kirwen, ed. *African Cultural Knowledge, Ibid.*, 170.

Bugando hospital in Mwanza, Tanzania, major district referral hospital, a survey a number of years ago showed that 90% of the three hundred out-patients seen on a daily basis had already used local African medicines, or were going to use them if the hospital medicine were not effective.⁵⁷² The availability of herbal medicine presupposes for the members of a community to have good relationship with plants, animal and nature in general.

18.6 Current African Environmental Challenges

18.6.1 Global Warming

From the African tradition heritage wisdom experience tells us that there are many changes witnessed in the recent past in connection with weather patterns, going to extremes of prolonged dry season or wet season. This leads us to current wave of climatic changes. Climate change refers to significant, long-term changes in the global climate. The global climate is the connected system of sun, earth and oceans, wind, rain and snow, forests, deserts and savannas, and everything people do, too. The climate of a place, say New York, can be described as its rainfall, changing temperatures during the year and so on.⁵⁷³ The reality of climate change brings to surface global warming. According to *warmheartworldwide.org*:

“Global warming is the slow increase in the average temperature of the earth’s atmosphere because an increased amount of the energy (heat) striking the earth from the sun is being trapped in the atmosphere and not radiated out into space. The earth’s atmosphere has always acted like a greenhouse to capture the sun’s

⁵⁷² *Ibid.*, 170.

⁵⁷³ https://warmheartworldwide.org/climatechange/?gclid=EAIaIQobChMIlfa3nqXd3QIVIPdRChInBAjBEAAYASAAEgLKSPD_BwE (accessed 28 September 2018).

heat, ensuring that the earth has enjoyed temperatures that permitted the emergence of life forms as we know them, including humans⁵⁷⁴.”

Heat is energy and when you add energy to any system changes occur. Because all systems in the global climate system are connected, adding heat energy causes the global climate as a whole to change.

However for some reasons there is no general consensus to the reality of global warming which is already being felt in Africa in the unexplainable changes of seasons from the original pattern of planting season with onset of rains from a specific time, and harvest time marking the beginning of dry season. In one of my journeys to the rural parts of Eastern Uganda the local people have developed a slogan of warning each about the climatic changes by reminding the community members that: “These days when you just wait for traditional seasons you will not harvest anything.” The farmers adjust to global warming by preparing the farming lands in bits and planting in small scales so as to avoid heavy losses from the extremes weather condition. The important thing that matters for them now is to plant something with each appearance of any little rains hence their crops are growing at times out of season with great difficulty of the harsh weather conditions. The recent losses of herds of animals among pastoralist communities in Kenya are due to prolonged drought which can be attributed to effects of global warming.

18.6.2 Influence of Globalization

Globalization is a process of interaction and integration among the people, companies, and governments of different nations, a process driven by international trade and investment and aided by information technology. This process has effects on the environment, on culture, on political systems, on economic development and prosperity, and on hu-

⁵⁷⁴ *Ibid.*

man physical well-being in societies around the world.⁵⁷⁵ For Ana Marta González acknowledged that; indeed, while it is clear that economic processes of a global import, media-culture promotion of certain sort of values, family policies designed by international institutions, are influencing people's life-styles and family law in African countries, it is less clear what relative weight we should ascribe to each of these factors, to characterize both the real life and the cultural ideals which inspire African families.⁵⁷⁶ Through globalization western culture has either influenced African way of life, which treat Western life style as superior and worthy of copying, or as a way of life related to the destruction of African traditional heritage cultural values and the environment at large. Many consider that discarding African cultural values which are environmental friendly means no care for environment thus self-destruction. Human being exists within space and time and so do ideals and anthropological contexts.

As Julie Hanlon Rubio noted; key contemporary changes to the companionate marriage model include declining birth and marriage rates, rising cohabitation and divorce rates, increasing gender equity and support for the rights for same sex couple. In view of these changes, many identify a worldwide movement away from institutional marriage (supported and controlled by family, community, and the state) to companionate marriage in which the relationship to the spouse is more important than the concerns of extended family and extends beyond the raising of children.⁵⁷⁷ All these contemporary changes mount pressure on the African cultural values and the environment which is defenseless

⁵⁷⁵ www.globalization101.org/what-is-globalization/ (accessed 25 June 2018).

⁵⁷⁶ González, Ana Marta, www.socialtrendsinstitute.org/experts.../family-structures-and-globalization-in-africa (accessed 25 June 2018).

⁵⁷⁷ Hanlon Rubio, Julie "Identity, Reciprocity, and Familial Relations A Vision of Marriage for Twenty-Century Christians: Intimacy, Reciprocity, and Identity." In: Keenan, James F. (ed.), *Catholic Theological Ethics, Past, Present, and Future the Trento Conference*, NY: Orbis Book, 2011, 210-223, 211.

before these ideologies insensitive to the polite of African people and their environment. Therefore Bansikiza rightly warns that; “the family should not sacrifice its good socio-ethical and spiritual values in the name of modern civilization and development and thus lose the best of its patrimony.”⁵⁷⁸ Globalization is a big threat to the continuity of African family values and environmental ethics for the future generations. It demands concerted effort to promote African Christian family in the face such danger. Bansikiza further acknowledged that “Globalization undoubtedly poses frightening challenges the Christian family in Africa. Its formidable nature should nevertheless diminish its significance.”⁵⁷⁹ In African traditional heritage family settings is the school where cultural value and care for environment are transmitted from generation to generation. Possible erosion of African family values may backfire to the culture of the people and their relationship with the environment. The current changes in African family system affect the clan system and ethnic groups rather negatively and by extension ethics and environment at large.

18.6.3 Urbanization

Sociologically, urbanization is the process of human settlement in towns and cities. Some scholars have suggested that patterns of human settlement tend to evolve progressively from villages through towns to cities and city clusters.⁵⁸⁰ Africa can be groups in areas of; rural areas,

⁵⁷⁸ Bansikiza, Constance, “A Christian Family: An Educational Peace Building Institution in Africa” in: *African Christian Studies* vol. 28, no. 4, CUEA Publications June 2012, 7-19, 13.

⁵⁷⁹ Bansikiza, Constance, “Challenges facing the Christian Family in Africa Today” in: Lukwata, John (ed.), *Search for New Paradigms for Evangelisation in the 21st Century*, Nairobi: CUEA Press, 2013, 133-162, 146.

⁵⁸⁰ Mugambi, Jesse N. K. *From Liberation to Reconstruction African Christian Theology after the Cold War*, Nairobi: East African Education Publishers Ltd, 1995, 58.

semi-rural and urban areas. Urbanization is the social process by which people acquire material and non-material elements of culture, behavior and ideas that originate in, or are distinctive of the city or town. Urbanization can therefore affect rural areas. In Africa it does this through the 'rural- urban continuum' or interdependence of rural and urban areas.⁵⁸¹ Urbanization is also associated with industrialization and pollution of the environment from industrial waste products. Benezeri Kisembo *et al* argued that the migration labour system is frequently blamed for the high rate of marital breakdowns in South Africa, particularly in urban areas.⁵⁸² Urbanization is the reason why clan members leave their kinsmen in the rural areas to base themselves in towns and cities hence there are generations who are born in urban centers who do not know their mother tongues, cultural values or which clan they belong to. This has greatly weakened African traditional heritage and moral fabric and further affected environmental protection mechanism. To those who do not value richness contained in the wisdom of African traditional heritage reject wholesale as outdated and primitive in preference to western culture regarded as modern. As a community a saying goes, a person without a culture is like a tree without roots. Push and pull factors attracting the young generations to urban centers has created a lot of human population pressure on the environments in African urban centers leading informal settlements and destruction of wetland areas surrounding urban centers.

18.6.4 Individualism

Individualism extolls the value of the individual, his individual liberty against authority, his individual activity against social activity; it may attribute to the human person qualities which it does not have. Individu-

⁵⁸¹ Shorter, Aylward, *African Culture, An Overview Socio-cultural Anthropology*, Nairobi: Paulines Publications Africa, 1998, 35.

⁵⁸² Kisembo, Benezeri / Laurenti, Magesa / Shorter, Aylward, *African Christian Marriage*, Nairobi: Paulines Publication Africa, 1998, 64.

alism is based on the principle that man is sufficient unto himself (autarchy) and responsible to himself (autonomy). One's own conscience is the only criterion of good and evil.⁵⁸³ This is contrary traditional African communitarian spirit, where the individual persons would only find their happiness in the community good. Due to the increasing high levels of individualism, it has generated a lot of greed, corruption and distraction of environment, so long as the individual apparently benefits at the expense/ cost of the community. Because the individual persons do not consider first the environmental impact of their actions to the community but put first their individual benefit and in most cases it is costly to the communities now in relationship to environmental conservation.

On the other hand, 'equal consideration needs to be given to the growing danger represented by an extreme individualism which weakens family bonds and ends up considering each member of the family as an isolated unit, leading in some cases to idea that one's personality is shaped by his or her desires, which are considered absolute.' The tension created by an overly individualistic culture, caught up with possessions and pleasure, leads to intolerance and hostility in families.⁵⁸⁴ Along the same line "growing individualism has led the family to find some challenges in parenting"⁵⁸⁵; whereby in African cultural value system parents lead by example as they transmit the African cultural values to their young ones who will take care of them, elders and environment in old age. Bansikiza rightly puts it that; an increasing loss of fundamental socio-ethical, the weakening of family bonds and solidarity all contribute to a general destabilization.⁵⁸⁶ Individualism in African setting needs

⁵⁸³ Palazzini, Pietro, "Individualism" in: Roberti, Francesco (ed.), *The Dictionary of Moral Theology*, Westminster: The Newman Press, 1963, 619-621, 619.

⁵⁸⁴ Francis, Apostolic Exhortation the Joy of love *Amoris laetitia*, (19 March 2016), no. 33.

⁵⁸⁵ Jeketule, Jacob Soko, "The Balancing Act of work and Bringing-Up Children" in: *Hekima Review*, no. 55 December 2016, 140-150, 141.

⁵⁸⁶ "A Christian Family: An Education Peace Building Institution", *ibid.*, 13.

to dialogue with traditional African heritage value of communitarian spirit. Otherwise it risks turning into the rule of the jungle survival for the fittest. And it is destructive to the environment and with time even to the fittest in the long run.

18.6.5 Investors

The ever rising number of both local and international investors in African lands who are motivated by profit maximization begs a question on how business ethics would correlate with environmental ethics. Take case studies of the multi-national business companies operating in all the corners of Africa, subject them to international standards of environmental ethics and their current relationship with the hosting African communities leaves a lot to be desired. Whether it is mining in war torn areas in Democratic Republic of Congo, or Petroleum oil wells in Nigeria, the presence of many mineral deposits in different parts of Africa and the manner in which their extraction and disposal of waste management are concerned, call for ethics and integrity to rescue human beings and ecological system. Taking into consideration cost vis-à-vis benefit, whether the said investment is beneficial to the local population or it is costly to them, African ethics would take into account first the community wellbeing. Not so long there was a big debate in Uganda that caught that attention of the media both locally and internationally. An investor had showed serious interest to turn Mabira national forest into sugar cane plantation and local population could not support such a business idea and it left many people lost for words. Call it African mentality or African ethics for many years helped to preserve the mother earth in peaceful state in relation to the ecosystem.

18.6 Technological Advancement

African is still crawling when it comes to development of advanced technologies and yet is not spared from the global warming resulting

the side effects of the highly industrialized nations. Bénézet Bujo relevantly argues that:

“In view of the technological civilization of Western origin ... It has become a trivial observation that people indulge in self-destruction by pursuing solely the total domination of world and the reckless exploitation of nature. Therefore, people should be prepared to account for the technical achievement attained so far and ask themselves the question whether nature is really regarded as a co-creature in this process. Considering the Euro-American and Japanese superiority in technology, it would be necessary to examine the various rationalities which all have a definite cultural background.⁵⁸⁷”

In most cases African countries, just imports the technology without taking into consideration the cultural background. Put in other words Tenamwenye rightly acknowledged that:

“The environmental crisis has created a planetary agenda that engages all people. It is now becoming clear to many that environmental crisis puts at stake the survival of humanity on planet earth. It is not something that any discipline can solve, but it is about how all human beings and non-human creatures can live justly and sustainably on planet earth. Therefore, it is more than what science and technology can offer, it is about the human management of the only planet earth, and it includes attitudes in the first, behaviours, technologies and science.⁵⁸⁸”

⁵⁸⁷ Bénézet, Bujo, *The Ethical Dimension of the Community: The African Model and Dialogue Between North and South*, Nairobi: Pauline Publications African 1998, 215-216.

⁵⁸⁸ Tenamwenye, John, “Environmental Ethics and Sustainable Development: Rethinking the Idea of Development for an Integral Human Progress” in: *African Christian Studies* vol. 29, no. 1 March 2013, 7-18, 9-10.

Thus technological advancement should consider environmental impact and being ethical in their approaches. For example environmental pollution created by polythene bags and plastics could have been avoided a long time ago. Rwanda as a country took an initiative and created a positive environmental impact in Africa as whole in eradicating polythene bags and environmental conversation. There are many ethical dilemmas in regard to environment and technology, like technology tells us that now it is possible to construct Standard gauge railway in Nairobi National park but what is its impact on the environment, – granting Nairobi national park is the only national park within the precincts of a capital city in the whole world?

18.7 Consequences in Africa

18.7.1 Disappearing of Wetlands

In the recent past African has experienced drastic reduction of the size wetlands which are important water catchment areas for Eco biodiversity, its disappearance impacts negatively on the environmental conservation. For example drastic action is being taken in Kenya's capital, Nairobi, with 4000 buildings set to be demolished. The reason: they were constructed on riparian land – land adjacent to the watercourses that traverse the city. In an interview with *The Conversation Africa*, Sean Avery discusses what is happening and why riparian areas are so vital.⁵⁸⁹

This news article catches our attention to rethink and ask ourselves what is happening in our African cities as far as environmental ethics is concerned. We can take the meaning riparian area to aid our understanding of the discussion. The riparian area is the land next to rivers, inland lakes and ocean shores. It's the zone within which water bodies natural-

⁵⁸⁹https://www.the-star.co.ke/news/2018/08/20/explainer-whats-driving-the-demolition-of-4000-buildings-in-nairobi_c1805463 (accessed 2 October 2018).

ly fluctuate. Near the coast it is the tidal zone and along inland water bodies it's where seasonal water level fluctuations, including floods, are accommodated. Riparian land is a vital part of a water body's habitat and its functions. It is the buffer between water and the land. It can store water and reduce the force of floods. Its vegetation stabilises soils and slows down fast flowing water, controlling the transport of sediment and the destructive energy of the water.⁵⁹⁰ African countries have National Environment Management Authority (NEMA), the body to ensure environmental ethics is observed in the different activities undertaken by human beings. How far NEMA succeeds as the guardian of the environment is only a question of time. *The-star.co.ke* went ahead to explain that: The important functions of riparian areas are already fully recognised by Kenya's laws. Unlicensed development, cultivation and the removal of vegetation within these areas is outlawed. Unfortunately, the laws haven't been effectively enforced. Every year heavy rains overwhelm the city of Nairobi's drainage system and roads are inundated in water. Factors that contribute towards this include urbanisation, inadequate drainage design and maintenance.⁵⁹¹ During the rainy seasons a number of African urban centers face a big challenge of floods that puts to test environmental ethics implemented in the course of urban planning.

18.7.2 Reduction in National Forest Cover

Africa as a whole inherited a wide area of beautiful natural forest cover which as a consequence of uncontrolled human activities and breakdown of traditional African cultural heritage, the natural forest cover is now the shadow of its former glory. When we take a critical look comparatively from the time of independence in some African

⁵⁹⁰ *Ibid.*

⁵⁹¹ *Ibid.*

countries to now, in span of 50 years deforestation rate is something to worry about. As Wangari Maathai rightly observed:

“Deforestation and habitat degradation are continuing and population pressure is increasing. Both are affecting the integrity of the watersheds that provide critical water supplies. It is now well understood that this destructive trend, further impacts economic development and undermines food security. Protecting these critical watersheds is an environmental, social and economic issue.”⁵⁹²

If expression water is life is worthy considering then protection of watersheds is vital for sustainable developmental and environmental conservation.

18.7.3 National Game Parks Encroachment

Human population encroachment to natural wildlife remains a continuous conflict to the loss of a number and species of wild animals, and yet the wildlife earns a lot of income from tourism and holiday making in African countries. There are some attempts to cage these endangered species in orphanages but it has not been so successful. The wisdom of old traditional African heritage of totems, which worked for centuries, is now faced with Western culture. African ethical values have been tested for long time in their protection of the environment.

18.8 The Ways towards an African Environmental Ethics

18.8.1 The African Communitarian Spirit

Communitarian spirit in Africa is a perspective of individuals finding full meaning of life by belonging to the group kinship or the larger soci-

⁵⁹² Maathai, Wangari, <https://www.greenbeltmovement.org/node/853> (accessed 29 September 2018).

ety. In his book *Hope for Africa and What the Christian Can Do*, G. Kinoti explicitly stated that:

“There are many fine elements in traditional African culture. These include strong family ties, generosity, and a strong community spirit. But many of them are breaking down due to urbanization and other modern forces. Christians need to find ways of helping their people preserve and strengthen them because they provide invaluable support to individuals and give society essential cohesion.”⁵⁹³

We are focusing here on strengthening a strong community spirit. As John S. Mbiti underscores “I am because we are and since we are, therefore I am.”⁵⁹⁴ A similar view is shared by Nkafu Nkemnkia when he stated that: “Due to the multiplicity of the others, of the individuals, the meaning of life is hidden within the dialectic of the collective or the community.”⁵⁹⁵ Communitarian spirit has helped in protecting the environmental and promotion of African common good. Bujo asserts that; On the other hand, African communitarianism contains a dimension of procedural ethics. With regard to substantial ethics, the African model refers to communal experience, which is essentially based on the forefathers’ wisdom and that of the clan elders. The norms, which are defined on the basis of experience and wisdom in the community, cannot be lived out in an individualistic manner.⁵⁹⁶ Along the same line Martin Ntkafu Kemnkia highlighted that: “Man is the most social being ever known on earth. This is because he is able to relate to others, with his

⁵⁹³ George Kinoti, *Hope for Africa and What the Christian Can Do*, Nairobi: AISRED, 1994, 46.

⁵⁹⁴ John S. Mbiti, *African Religions and Philosophy*, London: Heinemann, 1969, 104.

⁵⁹⁵ Martin Nkafu Nkemnkia, *African Vitalogy A Step forward in African Thinking*, Nairobi: Paulines Publications Africa, 1999, 111.

⁵⁹⁶ Bénédzet Bujo, *The Ethical Dimension of Community the African Model*, 54.

own kind, with the surrounding world and with God, his creator. For this very reason he is always a member of a society, without which he loses his value."⁵⁹⁷ The communitarian spirit will improve interrelationship within the human society, with animals, plants, ancestors and the Supreme Being and result into environmental consciousness and conservation.

18.8.2 Afforestation and Re-afforestation

Plant life or green vegetation plays a big role in sustaining sufficient supply of oxygen and reduction of carbon dioxide in the environment and acts as food and herbal medicine to animals including human beings. It can be argued that when green vegetation is destroyed completely no life can be sustainable. This calls for the care of the green vegetation, by planting more and more trees where they have not been (afforestation) and replanting where they have been cut (reforestation), protecting national forests and forest reserves. This will reduce air pollution and adequate rainfall making the mother earth green with life a better place to live in.

18.8.3 Conservation of Wildlife

From the wisdom of traditional African heritage some clans already have totems as a way of being one large family with animal and plant kingdom. The conservation of the wildlife is more urgent call than ever, because human settlements and activities have been not so mindful of the fundamental right of the animal kingdom in the natural world, in fact it is a matter of integrity. Whether we philosophize that animals have rights or not, this earth is only interesting when everything else is at its right place in ecobalance, which resembles the African togetherness when every kind of living creature has a home.

⁵⁹⁷ Martin Nkafu Nkemnkia, *African Vitalogy, Ibid.*, 111.

18.9 Conclusion

Ethics and environment from an African perspective is highlighting the understanding of ethics and the African environmental world view as handed over from African traditional heritage. Africa is a unique part of the whole universe which now faces a number of environmental challenges including global warming whether the skeptics agree or not. Climatic change is taking its course seriously unless acted upon. Uncontrolled human activities carry a fair portion of the blame for the environmental degradation. Change is a reality and any environmental ethical remedy to respond adequately to African environmental challenges should consider African world views, the history and the participation of African people. It is responsible human activities that help minimize negative environmental effects. In Africa for any lasting solution to be realized the communitarian spirit among others may help in sustaining a harmonious coexistence in the healthy environment.

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FROM CLIMATE CHANGE TO HOLISTIC CHANGE

Aidan Msafiri

19.1 Introduction

19.1.1 Holistic Change

Holistic Change refers to a profound inter- and multidisciplinary approach in responding effectively and efficiently to different socio-human, environmental, economic changes and/or dilemmas⁵⁹⁸. Holistic change is of paramount relevance and urgency in tackling the short, medium and long term imminent and potential challenges posed particularly by the 21st climate change dilemmas, facts, crises, frustrations and uncertainties as a whole.

Among others, this needs human deep change, stewardship, cultural ethic, efficiency revolution, green revolution, responsible governance of resources, global sustainability, resilience economies, and trusteeship

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and sustainable consumption and motorization. Thomas L. Friedman (2009:184) strongly affirms and maintains that in “a world that is hot, flat and crowded where all kinds of things are going to be moving and shifting much faster than in the ages past, the last thing we want to lose is the tools we need to adapt to change.”⁵⁹⁹ Briefly, stated, this type of change has to be multidimensional and all embracing.

19.1.2 Justification

Climate change has become the magnifying glass of global challenges to day. Humanity stands at a brink of great peril and risk caused by climate and global warming. This can neither be exaggerated nor ignored. We are almost at the point of “*No Return*”. The future of humanity, biodiversity and resources are at the critical moment towards both total collapse systemic depletion and devastation. According to the Earth’s Charter, the “resilience of the community of and the well-being of humanity depend upon preserving a healthy biosphere with its ecological systems, a rich variety of plants and animals, fertile soils, pure waters and clean air. The global environment with its finite resources is a common concern of all peoples⁶⁰⁰” Consequently, sustainable, smart, alternative and holistic change remains the best and immediate option. Indeed, these go beyond the hitherto climate change politics, discussions, policies, adaptation and mitigation strategies, treaties, negotiations, models, paradigms COP’s.

19.1.3 Thought Provoking Questions

What are the key weaknesses of the current climate change adaptation and mitigation strategies locally and globally? Do we agree that climate change must first and foremost be addressed effectively through

⁵⁹⁹ Friedman, Thomas L. *Hot, Flat & Crowded*, London Penguin Books, 2009, 184.

⁶⁰⁰ Cf. *The Earth Charter, Vision, Ethics And Action For A Just, Sustainable And Peaceful World* (www.EarthCharter.org).

a value-based multidisciplinary approach? Do we see the strengths of a holistic change and efficiency revolution particularly in responding to the ever worsening and alarming climate change dilemmas locally and globally?

Could we rediscover the culture and values of relative anthropocentrism instead of a radical anthropocentric ideology in our collaborative endeavor and quest for sustainable living today? Are we aware of the invisible (qualitative) aspects and impacts of climate change or do ponder mostly on the visible and tangible ones? Are our political and religious institutions devoid of the “*courage*” and “*tools*” of promoting and enhancing true behavioral and lifestyles change today? What are the short, medium and long-term consequences of the hyper-consumerist and “*throw away*” life-style and living? What is the role of the virtue and values of moderation, (The Middle Path by Mahatma Gandhi), co-cooperation, mindfulness of nature, sufficiency, gratitude, humility, foresight, long-termism instead of short-termism, true happiness, compassion, care, empathy, solidarity, holistic justice, equity, equality and fairness, co-existence, peace, inclusivity, plurality, multiculturalism, dialogue in our lives today? Do we agree with the dictum “you are what you do, not what you say” How viable, credible and efficient are our survival strategies amidst massive climate change dilemmas and risks?

19.1.4 Method/ Methodology Used

This paper has adopted the “*ACTION*” model developed by Aidan G. Msafiri 2013. It is highly inter- and multidisciplinary:

A = Analysis: (Qualitatively and Quantitatively)

C = Convince

T = Transform

I = Initiate/Innovate

O = Observe

N = Network

19.1.5 Structure of the Paper

This paper entails two main parts. In part one, an attempt is made to identify multiple discrepancies, fears and frustrations particularly in responding to current climate local and global approaches. The second part underpins a true and radical paradigm shift. It challenges the current approaches, strategies and responses calling for a new radical change and shift. In short, it stresses on a new value-based multidisciplinary value-base mechanism and approach.

19.2 Discrepancies, Tears and Frustrations

19.2.1 *The Earth under the Destructive Anthropocene (Anthropocentric) Culture and Activities*

First, the human-induced effects and life styles are alarmingly increasing particularly in the postmodern 21st Century society. The human person has radically changed from being “*Homo Conservator*” to “*Homo consumerismus*” and “*Homo idoticus*.” Second, the human population has exponentially “grown from just under 1 billion then to almost 7 billion today”. Energy use, around 600W per person in the agricultural societies, rose to 4,750W per person in the highly industrialized nations of the world. One important driving of this expansion has been the use of fossil energy carriers⁶⁰¹. Third, today humans, “already use almost a quarter of the biomass produced globally each year on all land (IPCs, 2007 a) and over 40% of the renewable accessible water resource (MA, 2005 b). Collectively various anthropogenic global material and energy fluxes by now far exceed any natural flow⁶⁰²” “What are the short- medium and long term implications to humans and the mother earth? An ever increasing stress and reduction in water resources, biodiversity (Soil Flora and soil fauna: plants and animals), resources, soils, forest

⁶⁰¹ Germany Advisory Council on Global Change, *World in Transition: A Social Contract for Sustainability*, Berlin, WBGU, 2011, 31.

⁶⁰² Ibid. 31.

ecosystems, healthy and /or quality air etc. All these have local and global characteristics and proportions.

19.2.2 Politicization of the Climate Change Disaster and Agenda

First, despite being objectively good and plausible, the concept and practice of “*sustainable development*” (“Sustainable Growth, “Green Growth” “Sustainability”) etc has largely since the 1992 Rio de Janeiro Earth Summit been “hijacked” by greedy and short sighted politicians and policy makers locally and globally. Besides some few strengths of this model, there have been multiple weaknesses towards true global efficiency and transformation.

Second, there has been a new wave of commodification and commercialization of both governmental and non-governmental institutions and organizations dealing with the challenges and impacts of climate change locally and globally. These have now become new “fora” for getting rich quickly.

Third, the lack of consensus, common vision, synergy and action at the Conference of Parties (COPs) has reduced such global fora and platforms to be considered as mere “Conference of Polluters” “Conference of Politicians” etc. There is still a long way to go. Indeed, more should have been achieved. This is strongly reiterated by Bjorn Lomburg (2013:48) who claims that “efforts to Strike an international climate deal have come to naught, more newspaper space and celebrity attention⁶⁰³”. Quite often there is

“a superficial” and “cosmetic” commitment to the issue, policies, strategies of climate change mitigation, adaptation etc and sustainable development as a whole not only from politicians but worse still professionals and academicians. As Thomas L. Friedman puts it, a “*different image comes to my mind when I visit*

⁶⁰³ Lomburg, Bjorn, *How to Spend \$75 Billion to Make the World a Better Place*, Washington: Copenhagen Consensus Center, 2013, 48.

places like MIT. It is the image of a space Shuttle taking off. That's what America look like to me. We still have all these tremendous thrust coming from below, from a society that is economically idealistic, experimental and full of energy. But the booster rocket of our space Shuttle (the political system...) is leaking fuel, and the Cockpit (Washington D.C.) the pilots are fighting over the flight plan. As a result, we cannot generate the escape velocity-the direction and focuses we need to reach the next frontier, fully seize the opportunities there, and fully meet the challenges of the Energy-Climate Era⁶⁰⁴”

19.2.3 The Unsustainable Effects and Implications of the Ever-Growing Consumerist Culture World Wide

First, the current hyper-consumerist society is predominantly characterized with wanton resource depletion, air, water pollution and deforestation. Rajendra Pachauri (2008) claims that more than 1 billion animals are slaughtered every week to supply meat; about 900 million chicken, 24 million pigs, 17 million goats and sheep and 6 million cows and oxen⁶⁰⁵.

Second, the present day speed “maniac biotechnological breeding processes are causing remarkable stress and damage particularly to non-renewable resources. It is claimed that between 13, 000 to 100,000 liters of water (H₂O) are needed just to produce 1 kg of beef meat! And about 2 to 4, 000 liters of water is required to produce only one liter of milk. The same amount of water is needed to produce 1 Hamburger (150 gms). Finally, about 1,000 liters of water are required to produce only 1 kg of wheat flour⁶⁰⁶.” Due to this insatiable consumerist culture locally and globally, today both individuals and families falsely believe that

⁶⁰⁴ Ibid. Friedmann, 436.

⁶⁰⁵ Pachauri, Rajendra, President of IPCC-Peace, Nobel Prize 2007 (with Al Gore) in *Farm Animal Voice*, N.171, Autumn 2008.

⁶⁰⁶ Ibid. Pachauri.

they need bigger, and more expensive and multiple cars, houses, refrigerators, radios, HD TVs, Suitcases etc. Undoubtedly, consumption is highly untenable and destructive on a finite planet with limited resources. It is clear that such practices continue indefinitely⁶⁰⁷ Briefly, hyper consumption is a result of massive propaganda and brainwashing. Everyone today is “compelled” to consume more and more. That is “*Homo Consumerismus*.” Who is characterized with endless consumption life styles, behaviors and irresistible resource depletion and destruction.

19.2.4 The Effects and Implications of the Hyper Commuting (Speed Maniac Culture) on Climate and Environment

First, the post modern speed oriented private commuting and mobility practices worldwide are highly energy intensive. As Heisserer (2014:62) observes, the “growing availability of mass produced, affordable cars during the twentieth century facilitated the rise in individualized motorized travel, a trend that was accompanied by a rapid increase in resource use by the automobile industry and the need to fuel the growing fleet of vehicles⁶⁰⁸ .

Second, from a health perspective, it is claimed that “car dependence and excessive car use are also responsible for the rise in serious health problems related to pollution, stress and lack of physical activity. For example obesity levels among children are on the rise which can be partly attributed to their car dependence at an early age⁶⁰⁹ . This life view and culture has given rise to the so-called “consumption of distance with its far reaching negative implications to societies, peoples, resources and environment as a whole.

⁶⁰⁷ Davies, A. R., Fahy, F. (Eds) *Challenging Consumption* (New York: Routledge, 2014) 4.

⁶⁰⁸ Ibid. Davies, Fahy, 62.

⁶⁰⁹ Ibid. Quoting Cahill, 2011, Harrington et alii, 2008, 62.

Third, today's society considers high speed as a modern "virtue" while slowness is dubbed as a "vice". Massive emission of CO₂, GHGs etc. from vehicles, industrial plants and other fossil energy based human activities are cause and effects of continued climate change and resource depletion.

19.2.5 The Discrepancies and Gaps Inherent in the Current Climate Policy Models

Among others, Aidan G. Msafiri (2013:672) identified three models which contribute to climate injustice and resource misuse locally and globally: The "Greedy Jackal" Climate and Sustainability Policy Model. This is per se characterized with exploitation and self interest. Then the "Ignorant Ostrich" Climate Policy Model. It is marked with a blind and indifferent view particularly towards the rights of animals, plants, humans, resources for thousands and thousands of years to come. Last, but not least, the "Busy Bee" Climate and Sustainability Policy Model. This policy lacks common vision, focus and true commitment towards climate and resource injustices both human and non-human⁶¹⁰.

19.2.6 The Effects of the Mathematical, Legalistic, Quantitative and Financial Models (Solutions) to Climate Change Today

First, the current alternative to mitigation and adaptation are largely money and profit oriented, hence, characterized with great weaknesses and threats particularly to poor nations who pollute less. Among others, such models or alternatives include the Carbon Development Mechanism (CDM), the prototype Carbon Fume, (PCF), The Polluter Pays Principle (PPP) and Reducing Emissions from Deforestation and Forest Degradation (REDD). Today there is even REDD plus! (REDD+)⁶¹¹.

⁶¹⁰ Msafiri A. G. in: Ruppel, Oliver C., Roschmann Christian et al. (Eds.), *Climate Change: International Law and Global Governance*, Vol 2, Baden Baden: Nomos Verl., 2013, 672.

⁶¹¹ Ibid. Msafiri, 675.

Second, such a “price tag” on carbon is basically and necessarily a quantitative mathematical-oriented alternative to a very qualitative ethically central crises. At this juncture, it must again well be understood that ethical problems and challenges need ethical solutions and alternatives.

Admittedly, after several years from the earth summit in Rio de Janeiro 1992 to this year’s UNFCCC Lima (Dec 2014) Paris, France, it can justifiably be argued and concluded that time is out. We need more action and commitment. We need a more value-based and ethical oriented solution. We need more praxis that mere political propaganda, rhetoric and technological euphoric and utopic. Let us now identify the key practical aspects for more efficiency and positive impacts especially in responding to the challenges of climate change today.

19.3 From Climate Change to Holistic and Practical Change: a Way Forward

19.3.1 From Lethal Climate Change Propaganda to Leadership Change

First, this needs a new model of responsible stewardship and awareness particularly on the part of politicians and governments. It calls for promptness and a pro-active stance among all leaders locally and globally, to be true stewardships and care taker of the Mother earth and climate justice.

Second, the powerful and passionate words of Suzuku, a twelve year old girl who spoke for the Environmental Children’s Organization (ECO) addressing 1992 Earth Summit in Rio de Janeiro are worth paraphrasing:

“At school, even in Kindergarten, you teach us how to behave in the world. You teach us not to fight with others, to work things out, to share not to be greedy. Then why do you go out and do things you tell us not to do? Do not forget why you attending the-

se conferences, who you are doing things for - we are your own children. You are deciding what kind of world we are growing up in... Well what you do makes me cry at night. You grown-ups say you love us, but I challenge you. Please make your actions reflect your words⁶¹².”

What soul searching and passionate world from a twelve years' old girl!

19.3.2 From Fossil-Intensive, Destructive Car Technologies to Hybrid Systems and Efficiency Revolution Models

First, Friedmann (2009:225) asserts that if today car manufacturers “put together a new system and do it rightly and efficiently then everything would start to get better⁶¹³.¹⁵ He goes on giving a “best practice” and model today maintaining this: “*The Toyota Prius Hybrid car is a perfect example of a new system replacing an old one and creating a whole new function that is greater than the sum of its parts. The Prius is not a better car.*” *It is a better system. The Prius has brakes. The Prius has a battery. All cars have batteries, The Prius has an engine. All cars have engines. What is new about the Prius is that its designers looked at it as a system that could perform more than one function- not as just a collection of car parts whose primary function was to turn the wheels. Why not use the energy from braking to generate electrons that we could then store in the battery and then use that for driving as many miles as possible, instead of using the gasoline in the tank? And when the Prius is going downhill, let's use that kinetic energy created by the spinning of the wheels and store that in the battery too, to power the car when it wants to go uphill⁶¹⁴”*

⁶¹² Ibid. Friedmann, 457-458.

⁶¹³ Cf. *ibid.* p. 225.

⁶¹⁴ *Ibid.* p. 225.

The key point here is a transformation through a systems approach. This has enabled that car to generate some of its own energy without depleting fossil fuel and destroying the environment.

19.3.3 From “The Business as Usual Syndrome” Eating Lifestyle to a Smart Eating Culture and Model

First, there is need for sustainable “*smart*” eating. This is opposed to the throw away and wasteful practices. Smart eating must be based on highest levels of technological change.

It demands a deep individual behavioral change as well as organizational and socio cultural changes.

Second, it calls humans to adopt “*smart*” technologies that are more energy efficient as well as environmentally friendly technologies. Last, it challenges compulsive shopping practices to more intelligent approaches which could be done online and thus prevent both unnecessary motorization and from waste.

19.3.4 From Short-Termism to Efficiency Revolution in All Life

First, the concept and practice of a global efficiency revolution needs to be implemented now. Indeed, it has to challenge the mere theoretical policies, decisions, strategies and sugar-corned action plans which are never concretized. Second, there is need to rethink on a least cost planning model.

Third, efficient use, reuse and management of resources are keys in responding effectively to climate change today. Among others, this could include video conferencing, instead of travelling, vegetarian life style, instead of meat eating, electronic letter and literature instead of hard copy publications, the use of trains instead of cars, buses and trucks, planting trees instead of cutting downs trees, riding a bicycle instead of a private car, pay “*LUKU*” and electrical bills online, instead of commuters, discourage artificial flowers during religious ceremonies (e.g. Christmas, Easter, etc.). Install energy efficient bulbs; install so-

lar/wind/geothermal energy sources instead of fuel, communal-based driving and advocate the culture of *being more than having more*.

19.3.5 From Climate Change to Climate Justice Culture

First, according to Christoph Stueckelberger, (2010:30) Climate Justice simply means “just and fair instruments, decisions, action, burden sharing, and accountability for the prevention, mitigation and adaptation related change⁶¹⁵”

Second, Climate justice must entail the 14 key aspects of holistic justice. These are:

- Capacity - related Justice
- Performance - related Justice
- Distributive Justice
- Needs - Related Justice
- Punitive Justice
- Intergenerational Justice
- Participatory Justice
- Procedural Justice
- Restorative Justice
- Functional Justice
- Transitional Justice
- Transformative Justice
- On Time Justice
- Justice as equal treatment⁶¹⁶

19.3.6 From a Hyper Selfish and Greed Culture to Mindful Communities

First, according to Jeffrey D. Sachs (2011:164) the value and virtue of mindfulness should “start with each of us making the effort to regain

⁶¹⁵ Stüeckelberger, Christoph, *We are Guests on Earth: a Global Christian Vision for Climate Justice* (Bangalore: Dharmaran Publications, 2010), 30.

⁶¹⁶ Cf. Ibid. Stüeckelberger, 30-35

control of our personal judgment as individuals who must balance consumption and saving, work and leisure, individualism and membership in society⁶¹⁷.” In concrete human life mindfulness should therefore be extended to mindfulness of self, others, nature, biodiversity, work, economy, knowledge, the future Mother earth, resources, politics, technology, religious etc.

Second, it must well be understood that, a “mindful society is not a specific plan but rather an approach to life and the economy. It calls on each of us to strive to be virtuous, both in our personal behavior and in our social behavior as citizens and members of powerful organizations, whether universities or businesses. Our current hyperconsumerism on a personal level corporatocracy on a social level have carried us into a danger zone⁶¹⁸.”

19.3.7 From Hyper Indifferentism to Active Gratitude and Sufficiency

First, consumerism has brought about a profound spiritual void or emptiness. Today many people especially in the developed and even developing world lack a deeper meaning of life. They suffer from the “meaninglessness syndrome” of life. This spiritual vacuum has brought about a vicious cycle for turbo consumption of material goods and *emotional* pleasures.

Second, Psalm 67 reminds us of being thankful to God, and the entire creation:

“Let the peoples praise you, O God let all peoples praise you. Let the nations be glad and sing for joy... The earth has yielded its increase; God our God has blessed us...”

⁶¹⁷ Sachs, Jeffrey D. *The Price of Civilization* (London: The Bodley Head, 2011), 164.

⁶¹⁸ *Ibid.* Sachs, 182-183.

As the famous African adage goes “*Kushukuru ni kuomba tena*” (He who thanks, asks once more) humans need to do away with the lamentation cancer.

Besides the virtue of gratitude, there is also need to foster the virtue of humility, fairness, equity, justice, care, empathy, Agape, peace, faith and hope with and for creation as a whole.

19.4 Concluding Remarks

It is quite evident that humanity must seek a new beginning particularly through the ethical value and principles, which true transformation and change of human induced factors to climate change locally and globally. Among others, this necessarily needs a new and radical change of mind, heart, and actions. It demands a new sense and commitment of global accountability and solidarity at all levels.

Last, everyone shares responsibility not only for the welfare (wellbeing) of the current human and non-human family, but for many thousands of years to come. Indeed, we are all guests on the mother earth. We are therefore obliged to promote the traditions of care, stewardship, sustainability, efficiency, interdependence, gratitude and peace. Again, this is not an event but a process which needs to start now.

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ENVIRONMENTAL DEGRADATION

QUESTING FOR ECOLOGICAL JUSTICE AND ETHICS FOR SUSTAINABLE DEVELOPMENT IN AFRICA

Clement Majawa

20.1 Abstract

In Africa as elsewhere climate change and environmental pollution is one aspect of *ecological crisis* that has resulted from human overpopulation, deforestation and climatic degradation, underdevelopment and other related human injustices which are depriving the earth of integrity of creation⁶¹⁹. The main challenges of this crisis include: climate change, stratospheric ozone, degraded air quality, land and water contamination, challenges of refugees, human trafficking, soil erosion, biodiversity, etc. leading to what Pope Francis calls Ecological crisis as ‘*Sin of our times*’. The Church refers to this as ethical injustice against cosmic nature which needs urgent action to address. The study will employ Cyprian of Carthage’s *Method of Spirituality of Ecological Integrity* (255AD) and Pope Francis’s *Method of Bio-evolutionary and Eco-anthropological Liberation* (2015). There is urgent need for ecological

⁶¹⁹ For a presentation of the author see Chapt. 13.

conversion and cosmic equilibrium as a means of environmental justice and ethical praxis to realize the Kingdom of God and world transformation. This is what I call ‘*environmental care for eternity*’. *Key Words*: Ecology, Environment, Climate-change, Conversion, Liberation, Transformation.

20.2 Preamble

The theme of Leonardo Boff’s book *Cry of the Earth, Cry of the Poor* (1997)⁶²⁰ is also discussed in the Francis’ Encyclical ‘Laudation Si’. Boff was influenced by Thomas Berry’s “Dream of the Earth and Cry of the Earth” (Berry, 1988). He realized, as did other liberation theologians after reading Berry, there is no liberation for humans without liberation of the Earth from exploitation. Boff thus has woven into his writings a profound appreciation for the cosmological perspective of Brian Swimme and Thomas Berry in their book, *The Universe Story* (1992). As well Boff has brought this evolutionary framework into the Earth Charter movement where he has been active as a commissioner from Latin America. Boffs human liberation and eco-justice transformational analysis has become a point of departure for many discussions on the issues of ecology, ecosystem, environment, human rights, socio-economic political platforms, sustainable development, world politics, theological discourses and Christian witness in global contexts.⁶²¹

⁶²⁰ For Leonardo Boff, the ‘*Cry of the Earth and the Cry of the Poor*’ emanate from the threatened Amazon in his native Brazil. The liberation theologian extends some of his thinking previously expressed in *Ecology and Liberation: A New Paradigm*. According to Boff, we are called to be guardian angels of the earth and “sons and daughters of the rainbow.” The challenge is to see ourselves “as alongside things, as members of a larger planetary and cosmic community.” Boff, Leonardo, *Cry of the Earth and the Cry of the Poor*, Maryknoll, New York: Orbis Books, 1997.

⁶²¹ <http://www.journals.uchicago.edu/doi/full/10.1086/688095>.

20.3 Aim

The paper envisions to contribute a distinctive and constructive voice to the ecological debate and hermeneutical dialogue of the timely theme: *‘Ecological crisis: The Sin of our Times – A Quest for Global Theological – Ecological Response’*, for human social economic-political transformation and common good in Africa and global contexts. This will be realized in a three-fold objective (a) To highlight the ethical dimensions of the ecological degradation and environmental crisis as a departure from the Genesis original intention of creation; (b) To link questions of ecology and poverty, human rights and cosmology, environment and development; church/religious and governmental institutions for planetary common good (*John XXII’s Paces in Terris*) and (c) To promote a vision, spirituality and praxis of a just, peaceful and sustainable Africa and world community through ecological integrity and relevant paradigms of environmental restorative justice.

20.4 Ecological Integrity

Earth and all its inhabitants are manifestations of God's creativity (Genesis 1). The human community now has a deeper appreciation for the interconnectedness of all of life. At the same time, we also realize Earth's fragility and the need to restore and protect Earth's ecological integrity. As Elizabeth Johnson writes: “the present moment is marked by a strange paradox: the more we gaze in wonder at Earth, the more we realize that human actions are ravaging and deleting the natural world.”⁶²²

The capacity of our planet to sustain life is being exhausted by the pressures of humankind and the market economy. Species are disappearing at an alarming rate. The air is polluted, becoming a contributing

⁶²² http://www.cscsisters.org/justice/issues/Pages/issues_ecological.aspx.

agent to some forms of cancer. The water and soil are being fouled by industrial waste and the overuse of chemicals. To restore and sustain Earth, we must immediately reduce the impact of humankind on the life systems of our planet. This requires that we “adopt patterns of care, production, consumption and reproduction that safeguard Earth's regenerative capacities, human rights and community well-being” (*Earth Charter no.7*).

20.5 Signs of the Times and Ecological Crisis

There are many signs of the times around us which show that that nature and the world is being attacked by many man-made vices.⁶²³ The effects of environmental degradation surround us: the smoke in our cities; chemicals in our water and on our food; eroded topsoil blowing in the wind; the loss of valuable wetlands; irresponsible excavation of minerals, radioactive and toxic waste lacking adequate disposal sites; imprisoning the soil with plastic products, threats to the health of industrial and farm workers; the list goes on. The problems, however, reach far beyond our own neighborhoods, communities and work-places. Our problems are the world's problems and burdens for generations to come. Poisoned water crosses borders freely, moving from one country to the other, from one continent to the next and threatening life in the new contexts. Acid rain pours on countries that do not create it. Greenhouse gases and chlorofluorocarbons affect the earth's atmosphere for many decades, regardless of where they are produced or used.⁶²⁴ These moral vices and ethical irresponsibility towards ecology is leaving ‘mother earth’ (Gerald Watson 2014) in perpetual cry with ‘tears of blood’. This scenario, in turn becomes a recipe for abuse of human rights, poverty,

⁶²³ Rodney, Michael, *Ecology and Development*, New Delhi: Sage Publications, 2010, 78.

⁶²⁴ http://www.cscsisters.org/justice/issues/Pages/issues_ecological.aspx.

negative ethnicity, new forms of slavery, colonialism and underdevelopment in Africa and a barrier to deeper evangelization.

Prof. Charlene Spretnak in her book: *Resurgence of the Real* (1997)⁶²⁵ draws attention to a number of beliefs and practices which cause and escalate ecological degradation. With this investigation, Charlene takes her place among the great visionary ecological philosophers and pragmatic thinkers of our time. 'Ecological postmodernism' is a pathway toward creation's integrity, human sanity and fulfillment via the acceptance and embrace of ecological imperatives. Whether one is a religious or governmental leader, an activist, a public policy leader, an academic, a worker, or is simply interested in breakthrough thinking regarding creation, nature, ecology and environment, he or she has a mission of advancing the cause of ecological renewal and transformation.

20.6 Contemporary Creation and Destructive Assumptions

As the *Earth Charter 13: The Energy Balance of the Earth*⁶²⁶ examines and describes what is happening in the world, ecology and environment today: global patterns of production, consumption, and reproduction are widening the gap between rich and poor, undermining communities, threatening global security, and destroying the environment

⁶²⁵ Spretnak points out that modernism "situates humankind in a glass box on top of nature, insisting on a radical discontinuity between humans and the natural world. It frames the human story apart from the larger unfolding story of the earth community.

⁶²⁶ *The Earth Charter* is an international declaration of fundamental values and principles for building a just, sustainable, and peaceful global society. Cf. Spretnak, Charlene, *Resurgence of the Real: Body, Nature and Place in a Hypermodern Word*, Los Angeles: Addison Wesley Longman, 1997, 219-220.

and life sustaining systems of the planet. The Charter 13 mentions five goals which are essential to earth and ecological integrity:

Section 13.1: To describe the energy balance of the Earth

Section 13.2: To discuss climate and weather patterns

Section 13.3: To define the biosphere

Section 13.4: To illustrate unpredictability in the environment

Section 13.5: To discuss computer simulations and the environment.⁶²⁷

However, there are a number of contemporary ideological threats to the harmony of cosmological and ecological transformation: Pope Francis has called upon the religions and nations to be united in order to address these enemies of creation and environment. The destructive philosophical views include: Dualism, Domination, Determinism, Self-redemption (or new forms of Anthropocentrism or Immanentism or Gnosticism / Pelagianism of 'restoration'). These manifestations of the new forms of *materialistic and secular philosophies* jeopardize Christian faith on one hand and, ecological, cultural, religious, socio-economic, development and political life on the other.

They have been condemned by Pope Francis.⁶²⁸ Self-redemption denies objective truth or permanent religious values. They consider Christian life according to personal interpretation and use reason to glorify secularism and materialism as the basis for personal happiness in the world. These values and assumptions have led to an innate bias embedded in social relationships and in almost every citizen of modern society. The Earth is seen as an endless resource with which humans have the right to do whatever they wish. One can readily see how such beliefs promote the exploitation in the service of human ambition. Lawrence

⁶²⁷ <https://www.physics.ohio-state.edu/p670/Wi04/textbook/per13.pdf>.

⁶²⁸ <https://rorate-caeli.blogspot.com/2013/07/pope-francis-against-pelagianism-of.html> (downloaded on 01/06/2019)

Amadeus (2011) cites that there are emerging ideologies which are pro-mineral exploration and mining at the expense of ecological destruction. Such attitudes need to be reversed at soonest in order to save creation and humanity.⁶²⁹

20.7 Africa's Cry for Ecological Justice and Integrity

Extreme droughts have resulted in exceptional food emergencies, scramble for land for cultivation and pastoralism in Burkina Faso, Chad, Ethiopia, Kenya, Niger, Rwanda, Somalia, Sudan, Tanzania and Uganda. In 2001, floods and cyclone Dera submerged 79'000 ha of planted land, severely affecting the livelihoods of nearly 120'000 farm families and 2 000 fishing families in Mozambique. In North Africa (Egypt and Algeria), 22 earthquakes killed 14'405 people and affected another 106 150 people between 1980 and 1998. In January 2002, lava flowing from Mount Nyiragongo destroyed half of the city of Goma in the eastern Democratic Republic of Congo where more than half a million people fled to take refuge in neighbouring villages and in Rwanda. In Uganda there are over a million refugees from South Sudan, Kenya is hosting more than half a million from Sudan, etc.⁶³⁰

Another environmental tragedy which is making Africa cry for herself, her ecology and her children is the on-going vice of refugees and internally displaced persons. The latest report from the United Nation's refugee agency (UNHCR), titled *Global Trends: Forced Displacement in 2015*, paints a grim picture of the global refugee crisis. More than 65 million people around the world have had to flee their homes due to war, persecution, violence and human rights violations. These figures have never been so high since the UNHCR was established in 1950. Most

⁶²⁹ Amadeus, Lawrence, *Ecology in Need of Holistic Transformation* (San Francisco: ICS Press, 2011) 124.

⁶³⁰ Ibid.

affected, however, was the African continent. In late 2015, about 16 million people in Africa were either displaced or forced to flee to other countries. This figure increased by 1.5 million from 2014. Most of these people, about 10.7 million of them, were internally displaced persons (IDPs). The remaining 5.2 million were people that fled their home countries. The vast majority of these refugees, roughly 4.4 million, sought refuge in neighboring countries. The to-and-fro movement of refugees in Africa is creating land-destruction and ecological inconsistencies in hosting countries (*Africa: Worsening Refugee Situation in Africa - UNHCR Report*⁶³¹).

20.8 Environmental Degradation: Crisis of the Mind, Spirit, Belief and Attitude

G. Tyler Miller begins his popular textbook, *Environmental Science*, quotes Lynton Caldwell: The environmental crisis is an outward manifestation of a crisis of mind and spirit. There could be no greater misconception of its meaning than to believe it is concerned only with endangered wildlife, human-made ugliness, and pollution. These are part of it, but more importantly, the crisis is concerned with the kind of human beings we are; what we believe as essential, what we see in creation (God's revelation or human entertainment). Thus our mind, understanding, belief and attitude play a major role in ecological justice or environmental exploitation and degradation. The research of Clement Maguire (2013) on *Injustice to the Environment in Global Contexts* revealed that the major reason for devastating recurrence of environmental degradation with insignificant impact in many nations is because the projects of addressing ecological crisis do not consider the spirituali-

⁶³¹ Ibid.

ty and morality of creation. Human mind, heart and spirit are isolated from the activities of environment.⁶³²

“While we cannot do away with natural hazards, we can eliminate those that we cause, minimize those that we exacerbate, condemn those that are waging silent ecological war on humanity, and reduce our vulnerability to most. Doing this requires Church and government ethical ecological sensitization, healthy and resilient communities and ecosystems; and broader strategy of sustainable development and human transformation making communities socially, economically and ecologically sustainable”

Where are we not doing it right?⁶³³

20.9 The Study Uses St Cyprian’s Method of Spirituality of Ecological Integrity

This is a theological method of ‘ecological equilibrium’ as a means bringing original justice to creation, and environment as a means of realizing the Kingdom of God. The method has two parts: *Part one*: The method gives five ways of attaining the original justice and equilibrium in creation and ecology for realizing the Kingdom of God:

- (1) Through vision and integrity with the Owner of Creation (God)

⁶³² Maguire, Clement, *Injustice to the Environment in Global Contexts* (Catham: Natural Resource Institute, 2013) 67.

⁶³³ Abramovitz et al. (2001). *Adapting to Climate Change: Natural Resource Management and Vulnerability Reduction*, Worldwatch Institute, quoted from: UN/ISDR Africa Educational Series, Volume 2, Issue 2, June 2004. URL<http://www.unisdr.org/files/8548_environmentalprotectioncommunity1.pdf>

- (2) Through vision and integrity with the Message of Creation (Genesis 1 and Psalm 8)
- (3) Through vision and integrity of the Messenger of Creation (Catholic Intellectual Tradition – Social Teaching of the Church and *Laudatio Si*) and Ecologico-Spiritual Education
- (4) Through vision and integrity with the Context of Creation (Caring of the face of the earth)
- (5) Through vision and integrity with Planetary Common good (Deeper evangelization and Holistic development)

Part two is proposing a Patristic Christian apologia for the environmental integrity (St. Cyprian of Carthage)

This is a theological hermeneutical writings on humanity as the guardian angel of environment, Cyprian's thesis explicates that the root of ecological problems derive from:

- (1) Spiritual blindness to the needs of nature
- (2) Christian misinterpretation of the Bible on creation
- (3) Greed and injustice done to the earth's resources.
- (4) Relativism which denies the Objective Truth for Creation's guidance.

From the Patristic period to the present, the Church has affirmed that proper care and use of the world is a blessing to all, and misuse of the world's resources or appropriation of them by a minority of the world's population betrays the gift of creation since "whatever belongs to God belongs to all."⁶³⁴

⁶³⁴ USA Bishops' Documents (*Economic Justice for All*, 1997, no. 34, citing St. Cyprian)

As a result, people forgot the divine mandate given to humanity by God in Genesis 1:28 “*Subdue the earth; have dominion over the fish of the sea, birds of the air and all things that move on earth*”. Human beings began to treat creation and nature as being at the service of their needs and whims, even today by means of science and technology. Rationalism, agnosticism and relativistic interpretation of the Book of Genesis made humanity to divert from their original role of promoting and defending the ecological integrity. Thus, the relationship between human society and the environment is presented as the relationship between dominator and dominated, and in this dualism was used by man/woman to exploit nature.

Pope Francis adopts and re-aligns St. Cyprians of Ecological Integrity in the Encyclical ‘*Laudato Si’- On Care for Our Common Home* (05/24/2015) so as to address the challenge of ecological crisis today.

In January 2014, the pope addressed politicians and business leaders at the World Economic Forum in Davos, Switzerland noting that a “renewed, profound and broadened sense of responsibility” is critical for serving the common good. On April 28, 2015, Francis convened scientists, economists, and religious leaders from all over the world at the Vatican to highlight the moral dimensions of our global environmental crisis. Then on 24th June 2015, the Pope released *Laudato Si’*, the first Encyclical in the history of the Catholic Church on ecology. An Encyclical is the highest-level teaching document on a specific theme on issues of faith, morals and praxis in Catholicism. There have been earlier statements by popes and bishops on the environment, but never an Encyclical.

In this Environmental Encyclical Pope Francis gives a Method of Bio-evolutionary and Eco-anthropological Liberation Theology and Catechesis which teaches about the Gospel of creation, ecological crisis and effective ways of addressing these crisis through ecological education, environmental liberation and cosmological spirituality. There is

urgent need for ecological conversion for human transformation and the cosmic common good.⁶³⁵ This can be achieved through the following Influences:

20.9.1 Influence on Education

Indeed, this has enormous transformative potential within education, both in secondary schools and universities around the globe. This is particularly true in religiously based educational institutions. Education informs students of critical environmental issues, but also challenges them to examine the ethical implications of these issues. This is very much in the spirit of the Encyclical, *Laudato Si*.

20.9.2 Influence on the United Nations

The timing of the Encyclical and the pope's visit to the United States was clearly intended to influence the U.N. climate talks in December 2015. On September 24, 2015, Pope Francis spoke to a joint session of the U.S. Congress and the following day he addressed the U.N. General Assembly to highlight the urgent need for climate change action, sustainable development, and "ecological conversion." He challenged all countries to take the issue of environment and ecology very seriously. He was speaking not just to Catholics, but also to all people on the planet. It was at the conclusion of his talk at the U.N. that the new Sustainable Development Goals were unanimously passed by 195 nations.

20.9.3 Influence on Global-Religions

The pope's urgent appeal regarding climate justice and genuine sustainable development will provide a critical moral compass. Indeed, it issues a clarion call for awakening to our planetary crisis—not just among 2 billion Christians, but among other religious groups as well. There are more than a billion Muslims, a billion Hindus, a billion Con-

⁶³⁵ Pope Francis, Encyclical Letter *Laudato Si – On Care for Our Common Home* (Vatican, 24/05/2015).

fucians, and nearly 500 million Buddhists, many of whom are hearing this urgent call for change. There have already been statements of support for the Encyclical from Jewish and Muslim leaders, as well as Hindus and Buddhists. There is urgent need for multi-religious, multicultural and multi-national approaches in addressing the challenge of environmental and ecological crisis.

20.9.4 Influence on Global Ecologists, Environmental Scholars and Scientists

The Encyclical is increasingly a source of encouragement to environmentalists who are not overtly religious, but who care deeply about the environment, often for aesthetic and spiritual reasons. They are also concerned about the effects of climate change on the most vulnerable. Indeed, many scientists and ecologists have been keen to draw on the message of the Encyclical and are impressed by its solid scientific grounding. They have realized that simply telling people the scientific facts about climate change or showing them charts and graphs does not alone change mindsets or effect behavior.⁶³⁶

20.9.5 Influence of International Advocacy and Activism

Until recently scientists have primarily focused on research, modeling, and publishing technical studies; but they have not fully factored human behavior and spirituality into the equation. More recently they are relying on social scientists for this information. Moreover, by and large, scientists wish to remain “neutral” or “objective” and avoid making policy statements or moral pronouncements. For many scientific researchers this crosses the line to activism. On the other hand, many nongovernmental organizations and religious groups have focused only on aid, relief work, and poverty alleviation. They have been unaware or less concerned about the growing threat of environmental degradation

⁶³⁶ Ibid.

and global warming. Bringing concerns for people and the planet together is one of the primary aims of the Encyclical.

20.9.6 Influence of Updated Theology and Catechesis of Creation

Nature shares in God's goodness, and contemplation of its beauty and richness raises our hearts and minds to God. St. Paul hinted at a theology of creation when he proclaimed to the Athenians, the Creator who

“made from one the whole human race to dwell on the entire surface of the earth, and he fixed and ordered the seasons and the boundaries of their regions, so that people might seek God, even perhaps grope for him, though indeed he is not far from any of us” (Acts 17:26-27).

Through the centuries, Catholic theologians and philosophers, like St. Paul before them, continue to search for God in reasoning about the created world. Our Catholic faith continues to affirm the goodness of the natural world. The sacramental life of the Church depends on created goods: water, oil, bread, and wine. Likewise, the Western mystical tradition has taught Christians how to find God dwelling in created things and laboring and loving through them.⁶³⁷

Contextualized theology of Creation forbids choosing between people and the planet. It urges us to work for an equitable and sustainable future in which all peoples can share in the bounty of the earth and in which the earth itself is protected from predatory use. The common good invites regions of the country to share burdens equitably in such areas as toxic and nuclear waste disposal and water distribution and to work together to reduce and eliminate waste which threatens health and environmental quality.⁶³⁸

⁶³⁷ Ibid.

⁶³⁸ Ibid.

20.9.7 Encouraging the Spirituality and Witnessing to the Social Teaching of the Church, ‘Pacem in Terris’ ‘Centesimus Annus’ and ‘Caritas in Veritate’

Pope Francis chose a more central topic of the human role in ecological degradation and climate change. He critiques our “technocratic paradigm” (sec. 101) and “throwaway culture” (sec. 16). He calls for a transformation of our market-based economic system that he feels is destroying the planet and creating immense social inequities. Indeed, the Encyclical is highly critical of unfettered capitalism and rampant consumerism. He sees unregulated economic growth as problematic for the long-term sustainability of the community of life both human and natural.⁶³⁹

Pope Benedict XVI, however, expanded Catholic thinking regarding the environment. His 2009 Encyclical, *Caritas in Veritate*, is focused on charity and our duty to the poor as well as obligations to present and future generations. He wrote of this responsibility arising from ‘*Our Relationship to the Natural Environment*. The environment is God’s gift to everyone, and in our use of it we have a responsibility towards the poor, towards future generations and towards humanity as a whole (*Caritas in Veritate*, 48).

20.9.8 Need for Ecological Conversion (John Paul II)

In his speech about the ‘ecological conversion’ Pope John II is basically saying that humans were put on the earth to look after everything on it. (Genesis 1:28). He says that God had a plan that we would live in harmony with our fellow creatures, with creation and with God. We were made in God’s image to reproduce and fill the earth as well as to control and have domain over the earth and every creature upon it. However John Paul II believes that this plan ‘was and is continually upset by human sin’. We have failed to continue the mission that God left us. This is evident where we have destroyed forests, polluted waters

⁶³⁹ Ibid.

and the air, upset systems of the earth and introduced uncontrolled industrialization everywhere. He says that therefore it is necessary to introduce and continue with the ‘ecological conversion’ which had made humans more aware of the problems that we are now facing. ‘Man is no longer a “minister” of the Creator’. However, people are not trying to concentrate on the problems they are facing but rather how they could be improved. Now the human ecology is in danger as well as the physical ecology and humans must consider the fact that there are other creatures that we have to protect. We must also protect the environment for future generations and live closer to the plan of God.⁶⁴⁰

20.10 Christian Response to Environmental Concerns

20.10.1 Old Testament and Creational Value:

God’s creation refers to natural creation described in Genesis 1:1-25 composed of the earth, sky and natural elements found therein such as rocks, minerals, soil, water, air, vegetation and fish and wildlife.

The Principle of Creation Value first recognizes that God created the heavens and earth and all things found therein (Genesis 1; Psalm 146:6; Acts 14:15; Revelation 4:11). For example, Revelation 4:11 states: “You are worthy, our Lord and God, to receive glory and honor and power, for you created all things, and by your will they were created and have their being” (Rev. 4:11). The Bible also teaches that although God allows people to utilize elements of the environment, God retains ownership of all His creation (Ps. 24:1; 89:11; Lev. 25:23; Col. 1:15-16). For example, Psalm 24:1 states; “The earth is the Lord’s, and everything in it, the world, and all who live in it.”

The Bible teaches that God loves and enjoys all that He has created. The Psalmist, for example, states: “You open your hand and satisfy the

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<https://ecologicalconversionlg.weebly.com/john-paul-ii-ecological-conversion.html>

desires of every living thing. The Lord is righteous in all his ways and loving toward all he has made” (Ps. 145:16-17). Thus, an important implication of the Principle of Creation Value from an ethical standpoint is that God places value on elements of the environment independent of human use and human-centered values (Gen. 1:25; Ps. 104:31; Psalm 148:9-13). This God-centered inherent value of nature is termed “theistic intrinsic value.”

20.10.2 New Testament and Creation Value

Jesus came proclaiming a jubilee (Lk 4:16-22) in which humanity, and with us all creation, was to be liberated and celebrated (Rom 8:18-25). He taught about salvation, however, with a countryman's knowledge of the land. God's grace was like wheat growing in the night (Mk 4:26-29); divine love like a shepherd seeking a lost sheep (Lk 15:4-7). In the birds of the air and the lilies of the field, Jesus found reason for his disciples to give up the ceaseless quest for material security and advantage and to trust in God (Mt 6:25-33). Jesus himself is the Good Shepherd, who gives his life for his flock (Jn 10). His Father is a vineyard worker, who trims vines so that they may bear more abundant fruit (Jn 15:1-8). These images portray how the Creator takes care of creation all the time.

The new covenant made in Jesus' blood overcomes all hostility and restores the order of love. Just as in his person Christ has destroyed the hostility that divided people from one another, so he has overcome the opposition between humanity and nature, for he is the firstborn of a new creation and gives his Spirit to renew the whole earth (Col 2:18; Ps 104:30). The fruits of that Spirit—joy, peace, patience, kindness, goodness, trustfulness, gentleness, and self-control (see Gal 5:22) – mark us as Christ's own people. As they incline us to “serve one another through love” (Gal 5:13), they may also dispose us to live carefully on the earth, with respect for all God's creatures. Our Christian way of life, as saints

like Benedict, Hildegard, and Francis showed us, is a road to community with all creation.

20.11 Man and Woman as Steward of Creation

The Bible teaches that as caretakers or managers of the environment, people are to practice good stewardship. The word “steward” and “stewardship” is used throughout the Old and New Testaments of the Bible (Gen. 15:2; 44:1; 1 Chron. 28:1; Matt. 20:8; 1 Cor. 4:2; Luke 12:42; 16:1-2). The word used for steward in the Bible can also be interpreted as manager or servant. The steward as one in-charge is to maintain self-control, oversight and ecological justice (not overindulging), be environmentally vision-oriented and a “problem-solver,” and follow the household or estate owner’s wishes and instructions with respect to use and management of what has been entrusted to his or her care (Luke 12:42-46; 16:1-9).

In the area of environmental stewardship, a deep, personal understanding of the way God loves and sustains all of his creation gives us a new and proper perspective of the temporal and eternal value and purposes of the environment. This understanding, when taken to heart, transforms how we view and carry out our God-given role as Christian environmental stewards or caretakers.⁶⁴¹ Christian environmental stewards may be farmers, foresters, or anglers who manage and harvest the land and waters of the earth in a productive and sustainable manner. They may be professional biologists, botanists, ecologists or other environmental scientists who study the environment and develop scientific solutions to problems and challenges related to managing specific parts of the environment or entire environmental systems. They may be toxicologists or other human health specialists who study the effects of envi-

⁶⁴¹ Middletown, Geoffrey. *A Responsive Christian Role to Environment Degradation*, London: Brighton Publications, 2005, 136.

ronmental pollutants on people in order to develop waste management and pollution control strategies that protect and maintain our health and quality of life.⁶⁴²

In this regard, we should always have faith that God never abandons his people or his creation. He still abides to his promise of Genesis 1:31 “*God looked at everything he had created, and found it very good*”. Human intelligence, talents and creativity were given to us for a reason: to enable us to know, love and be with God and our neighbor in Christian freedom. Furthermore, God provide us with the gifts and graces that are needed to care for both nature and ourselves. Nonetheless, we should still not expect that any of our many pursuits in the coming years—let alone complex activities such as environmental stewardship—will be without new problems of their own. As the great Catholic theologian Hans Urs von Balthasar (1905-1988)⁶⁴³ has recently reminded us, Jesus said that the wheat and the tares grow together. Believing that we can uproot all evil may threaten the goods on which we all depend.⁴³ Catholic teaching about the Fall is a realistic, not a pessimistic view, in this perspective. There is much bad and much good in our world, but the persistence of evil should not discourage us. At the end of times, creation will be experience total perfection. In the meantime human beings have a responsibility of caring and developing creation towards that ‘beatific’ experience at the end of times.

20.12 Christian Ecological Concern

The phenomenon of climate change alongside its devastating effects has over decades, been of great concern to world leaders, international

⁶⁴² Ibid.

⁶⁴³ Hans Urs von Balthasar was a Swiss theologian and Catholic priest who was to be created a Cardinal of the Church but died before the ceremony. He is considered one of the most important Roman Catholic theologians of the 20th century.

agencies, organizations, and individuals. This ecological concern has also been taken seriously by Christians or the Christian community world over. The Christian ecological concern could be said to have been triggered by several accusations and indictments which have blamed religion and Christianity in particular, for the current state of the global climate. For instance, Nasr (1967) observed that the ecological crisis is fundamentally a crisis of values and virtues and that religions like Christianity being the primary source of values in any culture, are thus implicated in the decisions humanity makes regarding the environment. In the same vein, White (1971) in his 'Historical Root of Our Ecological Crisis', specifically blamed Christianity for the current ecological crisis when he wrote that:

“Our science and technology have grown out of Christian attitudes towards man’s and woman’s relation to nature. In fact, for nearly over two millennia some Christian have been involved in activities of environmental degradation, cutting down trees and sell so as to make ends meet. These activities are said to be stripping the face of the earth naked (or raping the earth) which are idolatrous because they assume spirit in nature”.

Although these indictments may not be absolutely justifiable, these works succeeded in awakening ecological consciousness in Christendom. Hence, for decades, the preoccupation with ecological stewardship among Christian theologians has been quite pronounced as several eco-theological perspectives have been developed. The need for ecological justice and stewardship today can hardly be overemphasized.

This ecological need should be given serious attention and coordinated research especially as the continent bears the brunt of the devastating impact of climate change. Religious leaders and African theologians and other stakeholders should in understanding that ‘creation is bound up with salvation’ by humanity’s holistic care for creation and the world. De Gruchy (2004) reflects on the origin, purpose and destiny of

the cosmos from the point of view of faith. African cultures are replete with values and belief systems that promote the integrity of the ecosystem.⁶⁴⁴ Some of these values include the sacredness of the earth, reverence for life, listening to the cry of the environment and provision for generational continuity (CIWA 2011). African theologians and academicians should do intensive research and relive some of these eco-friendly values without distorting the main essence of the Gospel of Christ who is the Ideal Eco-conscious Universal Savior.⁶⁴⁵

20.13 Reconstruction of Social Teaching on Environmental Ethics

The tradition of Christian social teaching offers a developing and distinctive perspective on environmental issues. We believe that the following experiences drawn from this ethical tradition rooted and routed in Cyprian wisdom of Ecological spirituality are integral dimensions of ecological responsibility:

- (1) *A God-centered and sacramental view of the universe*, which grounds human accountability for the fate of the earth⁶⁴⁶
- (2) *A consistent respect for human life*, which extends to respect for all creation.⁶⁴⁷

⁶⁴⁴ De Gruchy, S., 2004, 'Handout on five reasons why African Christians should be concerned about the environment', *Theology and Development Studies*.

⁶⁴⁵ CIWA 2011, 'A Communiqué issued at the end of the 22nd CIWA Theology Week', Held from 21st – 25th March, 2011 at the Catholic Institute of West Africa (CIWA), Port.

⁶⁴⁶ USA Catholic Social Teaching and Environmental Ethics, <http://www.webofcreation.org/DenominationalStatements/catholic.htm>

⁶⁴⁷ John Paul II, (*The Ecological Crisis: A Common Responsibility*, 1990, no.7)

- (3) A worldview affirming the ethical significance of *global interdependence and the common good*.⁶⁴⁸
- (4) An *ethics of solidarity* promoting cooperation and a just structure of sharing in the world community.⁶⁴⁹
- (5) An understanding of *the universal purpose of created things*, which requires equitable use of the earth's resources.⁶⁵⁰
- (6) An *option for the poor*, which gives passion to the quest for an equitable and sustainable world.⁶⁵¹
- (7) A conception of *authentic development*, which offers a direction for progress that respects human dignity and the limits of material growth.⁶⁵²
- (8) The earth, ecology and environment need a contextual (inculturated) spirituality which integrates God's original intention of creation with the contemporary values and skills of caring for the world. It is a human right.⁶⁵³

Although the Christian social teaching does not offer a complete environmental ethic which can address all ecological challenges because of some socio-political differences, we are confident that this reconstruction-developing tradition can serve as the basis for spiritual engagement and inclusive dialogue of religions, governments and people of good will with science, ecological enterprise, the environmental movement, etc. in the international community.

⁶⁴⁸ Ibid. no. 15

⁶⁴⁹ John Paul II, (*Sollicitudo Rei Socilis*, no. 38)

⁶⁵⁰ John Paul II, (*Centesimus Annus* , no. 31)

⁶⁵¹ John Paul II, *The ecological problem is intimately connected to justice for the poor* (Address: 25/10/1991)

⁶⁵² John Paul II, (*Sollicitudo Rei Socilis*, no. 28)

⁶⁵³ Paul VI, (*Populatio Progressio*, no. 37)

20.14 Need to Returning to Original Justice and Integrity in Creation

There can be no sincere and enduring resolution to the challenge of the ecological crisis; environmental degradation and climate change unless the response is socio-religiously anchored, concerted and collective, unless the responsibility is shared and accountable, unless we give priority to solidarity and service.

The solution is a quadrilateral eco-approach:

- (1) Re-interpretation of the Social teaching of the Church on ecology and ecosystem
- (2) Re-routing the doctrine, spirituality and ethics of environment in society
- (3) Engaging in research investigation in institutions of higher education for objective solutions
- (4) Engage all stake-holders in conversation on ecosystem as an issue of religion, justice, peace, liberation, development and evangelization.

Secondly, Pope Francis believes we can only understand how to remedy this when we look beyond the symptoms to the human origins of the ecological crisis: three-fold mission

- (1) To be understanding and compassionate so as to cry with the earth
- (2) To ask the degraded mother earth for pardon and forgiveness
- (3) To convert to transformative eco-catechesis and spirituality of integrity of creation.

Therefore, humanity is urged to heed to Pope Francis '*Laudato Si*'s passionate call to humanity for a change in direction from global warm-

ing and pollution to global peacemakers with environment. There is need to re-rooting and re-routing the ecological justice and integrity into St. Cyprian's Patristic Theological Method of '*Ecological Equilibrium* for the earth's eco-justice, integrity and transformation. These affirmations imply a challenge that is also a calling: to fulfill our vocation as moral images of God, reflections of divine love and justice charged to "serve and preserve" the Garden of Eden (Genesis 2:15).

20.15 Environmental Degradation: Needs Inclusive-implementation strategies of Earth Charter - 2000

The idea of the *Earth Charter* originated in 1987, when the United Nations World Commission on Environment and Development called for a new charter to guide the transition to sustainable development. The Earth Charter is the product of a decade long, world- wide, cross-cultural, dialogue on common goals and shared values conducted during the 1990s. The final text of the Document was approved at a meeting of the Earth Charter Commission at the UNESCO headquarters in Paris in March 2000. The official launch was on 29 June 2000 in a ceremony at The Peace Palace in The Hague, Netherlands. The Charter builds on and extends international environmental and sustainable development law. It recognizes the importance of the spread of participatory and deliberative democracy (respect for human rights) for human development and environmental protection. The Earth Charter identifies a number of widely shared spiritual attitudes and values that can strengthen commitment to its ethical principles, and the document culminates with a vision of peace and the joyful celebration of life.⁶⁵⁴ The Charter has to be continually studied, reflected on, taught and it should develop its spiritual,

⁶⁵⁴ The Earth Charter: Introduction, 2000. <https://www.mauricestrong.net/index.php/earth-charter-introduction>.

socio-political, economic and global ecological integrity for the common good.

All religions, governments, corporations and policy makers in global contexts should collaborate and network in the noble endeavor of reconstructing, renewing and implementing the wisdom and spirituality of the earth Chapter 2000. This integrated ecology also points toward hope. That is reflected in Pope Francis' quote in the Encyclical from the Earth Charter: "As never before in history, common destiny beckons us to seek a new beginning. [...] Let ours be a time remembered for the awakening of a new reverence for life, the firm resolve to achieve sustainability, the quickening of the struggle for justice and peace, and the joyful celebration of life" (sec. 207).⁶⁵⁵

20.16 Conclusion

Global concerns about the current environmental crisis have culminated into some controversial environmental ethical theories, i.e., normative environmental ethics, sentientist-ethics, biocentric ethics, eco-centric ethics and eco-feminist ethics. One of the fundamental underlying features connecting these environmental ethical theories is their grounding and routing in religious ethics (Christianity, Hinduism, Buddhism, Islam, Taoism, African Traditional Religion, etc.) and cultural experiences. Given that ecological and environmental concerns are global concerns, and that the imperative of environmental ethics is challenging those life-threatening concerns, critical explorations of environmental ethics need to go beyond the present horizon. But with respect to the African perspective to environmental ethics and the people's cultural understanding of the ecological crisis, more has to be done in this penultimate area. This is so because Africa has a complex history of

⁶⁵⁵ Mary Evelyn Turker, *Integrating Ecology and Justice: The Papal Encyclical*, <http://www.journals.uchicago.edu/doi/full/10.1086/688095>.

valuable heritages as well as multifaceted challenges in her cultural-political evolution. Since primordial times, Africa had a humane and peaceful society and environment informed by traditional wisdom and eco-transformative ethics. Such ethics have to be explored further for the common high, higher and highest good (Majawa, *Patristic Education*, 2014).

The natural ecosystems of our planet are losing their ability to sustain human community due to climate change, ecological degradation which results from human disrespect, injustice, anti-religious attitude and abuse towards the environment. The exploitation of the natural environment through pollution, depletion, drought, etc., is leading to deeper injustice and environmental collapse. As human beings we are not licensed to abuse the creation of which we are part. We are not the owners of creation, but its stewards. We are called to “watch over and care for it” (Genesis 2:15). We have been given responsibility to conserve and renew the earth, not to deplete or destroy the earth, which God redeemed and restored (Romans 8:18–23).

20.17 Socio-Theological Recommendations

Socio-theological work recommends SIX approaches for promoting eco-justice ecological integrity:

- (a) Providing resources for catechesis, prayer, reflection and study on the relationship between faith, spirituality and an ecologically sustainable lifestyle;
- (b) Educating ourselves on the specific causes of environmental degradation and cosmological deterioration.
- (c) Promoting healthy lifestyle and eco-friendly changes that respect all forms of life on Earth;

(d) Engaging in advocacy in support of our religions and governments' legislation and international treaties/protocols promoting environmental protection and sustainability.

(e) Need to re-discover the link between our faith and concern for the environment; re-root and re-rout humanity's recreating the face of the earth following St. Cyprian's spirituality of transforming the environment. The main goal of this project has been to establish the link between environmental engagement and our Christian faith.

(f) Paradigm shift on ecological philosophy, theology, education, training, catechesis and spirituality can make a huge difference. Raising awareness about environment conservation, cosmological ethic and introducing practical, environmentally friendly tools, strategies and techniques, are the primary mitigation interventions at our hand in the transformation of human person and development of the world.

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PROMOTION OF ENVIRONMENTAL ETHICS IN THEOLOGICAL EDUCATION

Richard N. Rwiza

21.1 Introduction

Ethics is understood as the science of morals⁶⁵⁶. It studies various sets of norms guiding human conduct. Environmental ethics is the study of the morality of human dealings with the impact upon nature. It focuses on what we should do and be disposed to do regarding nature. The way human beings handles the environment tends to influence the way it handles itself. Nature ought to be conceived as the fruit of God's creation. This perspective calls for a sense of responsibility.

Ethics and education constitute a unique link that is hard to overlook. Ethics must in the final analysis define the character of education. The

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implied link is a point of reference in mainstreaming ethics in theological education. This article is on promotion of environmental ethics in theological education. It starts by clarifying the meaning of ethics. The second part points out what is distinctive in ethical discourses and the third section focuses on environmental theological ethics. The central issue is that of mainstreaming ethics in theological education.

21.2 Meaning of Ethics

21.1. 1 Concept of Ethics

Ethics is conceived as the study of morals.⁶⁵⁷ The etymological implied meaning of the Greek term (*éthos*) was personal disposition. Hence it primarily meant a state of mind or will. Later on it has been taken to mean the morals of a people (*éthos*). Hence, ethics has been conceived to refer to customs, manners or morals. Ethics was originally derived from Greek noun *ethos* meaning the customs and conventions of a given community. Ethics can be conceived as a set of norms guiding human conduct.

In higher education, claims for academic freedom and autonomy are constitutive elements in regard to the nature, mission and proper functioning higher academic institutions. Academic ethics refers to the norms for academicians, governing behaviors acceptable in academic institution. Mainstreaming ethics in higher education ought to be founded and rooted in two basic elements: Academic freedom and instructional autonomy. Academic freedom refers to “the freedom of the members of the academic community individually, and are collectively in pursuit development, and transmissions of knowledge.”⁶⁵⁸ The point of refer-

⁶⁵⁷ Ayto, John, *Arcade Dictionary of Word Origins*, New York, Arcade Publishing, 1990, s. v., ‘ethical’, 208.

⁶⁵⁸ The Association of African Universities, *Handbook on Academic Freedom and University Autonomy*, in J. F. Ade Ajayi & others, *The African Experience with Higher Education*, London, 1996, 242.

ence is on communities which the academicians as professionals require in order to fulfill their obligations effectively. It is the freedom of inquiry by students and staff members. The point of reference is on freedom to teach and learn, to search for truth, to discover new insights through research. Academic freedom needs a convenient environment that promotes intellectual diversity.

The academic community ought to be free to communicate what it regards to be scientifically valid insights. At a personal level a teacher should be free to teach according to his/her conscience. In the Pastoral Constitution of the Church in the Modern World *Gaudium et spes*, conscience is understood as the deepest kernel of the human person as well as the sanctuary where one is alone with God. Through conscience, persons are related in their search for solutions to various issues faced in education.

While autonomy implies the capacity to govern without outside controls, accountability indicates the quality to express responsible action. University autonomy means “the freedom and independence of a university, as an institution to make its own internal decisions, whatever its decision... Therefore, university autonomy can be taken to mean self-government by a university.”⁶⁵⁹ Autonomy guards the corporate rights of self-regulation of an institution of learning and research. Autonomy and accountability ought to be exercised in an ethical way.

21.1.2 Task of an Ethicist

An ethicist (ethician) is a person who deals with ethics. One who reflects on morality, its nature, its presuppositions and its applications. The term ethicist is commonly used interchangeably with - moral theologian, Christian ethicist, religious ethicist, moral philosopher, philosophical ethicist. According to G. Bennaars, “Ethics, according to this

⁶⁵⁹ *Handbook on Academic Freedom and University Autonomy*, 243.

second meaning, stands for the *study* of morality in all its forms; it is primarily an academic exercise, an intellectual pursuit a process of inquiry and reflection.”⁶⁶⁰ It follows that an ethicist studies morality. By so doing, deals with process of inquiring and reflection on morals issues. The product or outcome of the task of an ethicist is a set of established norms guiding human conduct.

The task of an ethicist is to be a resource of moral living by bringing sensitivity, reflection and method to be able to discern the sorts of persons we ought to be and the sorts of actions we ought to perform when faced with challenging moral issues. The basic role of an ethicist is to promote sensitivity to moral analysis.⁶⁶¹ The vocation of a theologian includes the task of attempting to make sense of things. In trying to understand things Laurenti Magesa identified at least five basic and crucial elements that are considered by being constitutive dimensions in the vocation of a Christian theologian in the life of the Church.

1. A profound awareness and deep owe of the divine presence.
2. The heart desire to understand and live Christian life, which is Christocentric.
3. A readiness to entertain unconditional intellectual and spiritual openness to the inspiration and the guidance of the Holy Spirit.
4. Awareness of fallibility of humanity, but that has been transformed through Jesus Christ redemption.
5. Appreciation and respect of beauty and sacredness of creation. Creation constitutes the theater of divine presence. This reality

⁶⁶⁰ Bennaars, Gerald A. *Ethics, Education and Development. An Introductory Text for Students in Colleges and Universities*, Nairobi, E.A.E.P., 1993, 15.

⁶⁶¹ Gula, Richard M. *Reason Informed by Faith: Foundation of Catholic Morality*, New York, Paulist Press, 1989, 11.

points to the relevance of caring for the environment.⁶⁶² There is the crucial role to trying to understand the connection of things. “One of the most important but also perhaps, one of the most neglected investigations in African theological reflection, concerns humanity’s relationship with material universe.”⁶⁶³ Environmental ethics deal with the relations human beings and the environment.

There are three main ways of studying morality. In dealing with *Meta-ethics*, an ethicist studies the language of morality in view of concepts, statements and other justification. Meta-ethics reflects on the cognitive status of our moral judgments. It is the epistemology of ethics. It analyses ethical language. Meta-ethics analyzes ambiguous concepts such as ‘all persons are equal’. The meaning of equality needs to be clarified. “A society of equals, they say, would be a world of false appearance where people who were not in fact the same would be force to look and act as if they were the same.”⁶⁶⁴ In a negative perspective, equality aims at eliminating not all differences but a particular category of differences and a different set in different times and spheres. The basic issue is not the elimination of differences. As human beings we do not all have to be the same or have the same amounts of the same things.

Descriptive ethics focuses on empirical or descriptive investigation and inquiry into issues related to morality from the scientific perspective. For example, one can describe the moral development of a person. In this context, *descriptivism* is a term used to refer to the meaning of

⁶⁶² Magesa, Laurenti “Endless Quest: The Vocation of An African Christian Theologian,” in J. N. K. Mugambi & E. M. Corneli (eds.), *Endless Quest*, Nairobi, Action, 2014, 7-34, 9-10.

⁶⁶³ Ibid, 26.

⁶⁶⁴ Walzer, Michael, *Spheres of Justice: A Defense of Parallelism and Equity*, New Jersey, Basic Books, 1983, XII.

moral terms in the sense that such a process is exhausted by their descriptive functions. For example, the expression that 'he/she is a good student' serves to describe a student as having a certain properties – so that to know the meaning of 'good' is simply to know what properties one ought to have in order to be referred as 'good' student.

Descriptive ethics focuses on empirical or descriptive investigation and inquiry into issues related to morality from the scientific perspective. For example, there is the issue of considering the university rankings, in which the dimension of research is crucial. "It is therefore essential to monitor the quality of research staff members are involved in (science-based) teaching and teaching programs. For the considerable amount of time, South African universities have scored the top position in the university rankings within the African context. Africa's strongest research universities tend to attract more resources, best student and highly qualified (prominent) staff. There are institutions of higher learning that have been struggling with the means to retain their staff members, sustaining research facilities, offer fair salaries and promote education that is in touch with current needs. Basically the issue of quality research is a central issue in ranking universities. Consideration of quality of education ought to be defined by ethics.

In *Normative ethics*, an ethicist uses a normative view and transcends descriptive approach. "It attempts to justify the various norms and principles and ideals that govern human conduct."⁶⁶⁵ Norms are guides to being and doing, particularly guide to types of actions that are right or wrong, obligatory or permitted. There are norms that point to character and traits of character such as virtues and vice. In this context of norms, environmental theological ethics searches for a better understanding of the connection between morality and religious faith. A (moral) norm is a rule which influences the will as 'what ought to be' and morally binds it while providing space for freedom. Moral norms deal with generalized

⁶⁶⁵ Ibid, 16.

standards relating to particular values or value models drawn from an ethos. An ethicist reflects on morality by posing critical questions.

21.1.3 Types of Ethical Questions

Ethics is a critical reflection on morally significant individual behavior norms within a systematic frame of reference. “Ethics has always to answer three central questions: that of the categorical structure, that of the origin of the notion of duty in human conduct and that of free decision about behavior, and that of the determination and legitimation of the contents of moral norms.”⁶⁶⁶ There are three types of ethical questions:

- a) In the context of normative ethics, an investigation is made on how we ought to behave, what is right, good etc.
- b) In view of descriptive ethics or comparative ethics, an ethicist questions as to the responses (answers) provided by specific societies or people (moral anthropology or sociology). The descriptive sense deals with the features in virtue of which an act is referred to as best.
- c) An ethicist also investigates the nature or logical character of moral concepts or language. There is the role of finding out what is good. In the religious context, ‘wrong’ implies contrary to the will of God. The main morality of command and obedience does not fit the modern person. The real nature of ethical demands remains closely linked to the structure of social and personal relations between those of whom the demands are made.

21.1.4 Object of Ethics

There is the ethical challenge of understanding and specifying the range of application needed to clarify on what ought to be done and what ought to be avoided. There is also the ethical task of understanding

⁶⁶⁶ Stoeckle, Bernard (ed.), *Concise Dictionary of Christian Ethics*, London, Burns & Dates, 1979, 74-76, 75.

the plurality and the historical transformation of morally responsible behavior. For an ethicist, this needs the clarification of cognitive and scientific questions in the sphere of theory that calls for clarity on socio-culturally based anthropological issues or norms of human behavior.

When an ethicist appeals to ‘natural moral law’ (norms), this opens the horizon of the universal dimension. There are three properties of natural law:⁶⁶⁷

1. *Universality of natural law.* It binds every person at all times and in all places. It is based in the nature of the human person. Natural law is common to all. The most universal principle of natural law is: “the known good must be done and evil must be avoided.’

Vatican II in *Gaudium et Spes* refers to “the permanent binding force of universal natural law and its all-embracing principles. Man’s conscience itself gives even more emphatic voice to these principles”⁶⁶⁸ The dictate of conscience indicates certain moral norms which a person feel bound to respect independent of his/her own will. The challenge is that of discerning in a responsible way what actions are in line with human nature created by God. Action follow being. Hence, a human person ought to act freely according to the divine plan for which creation has been made. This human nature is the root of common conviction as expressed in the Universal Declaration of Human Rights. The declaration provides a common standard of achievement for all people and nations. It constitutes a moral forum requiring respect for freedom and dignity of everyone. The emblem of the univer-

⁶⁶⁷ Peschke, Karl, H. *Christian Ethics Moral Theology in the Light of Vatican II*, Dublin, C. Goodliffe Neale, 1986, 143-140.

⁶⁶⁸ *Gaudium et Spes*, article 79.

sal declaration appeals for the obligation of human fraternity inspired by that master precept. “Love thy neighbor as thyself.”

2. *Immutability and dynamics of natural law.* According to *Gaudium et Spes* (art. 5) “The human race has passed from a rather static concept of reality to a more dynamic, evolutionary one.’ However, *Gaudium et Spes* (art. 10) also notes that “beneath all changes there are many realities which do not change.” Immutability means that as soon as the human person endowed with reason had emerged, certain basic norms concerns good and evil emerged from the human persons nature and these will exist as long as human nature exist.

3. *Dispensability from natural law is not possible.* This is due to the fact that human nature and the ultimate end, from which natural law derives, are not constituted by the human person but by a power superior. It follows that natural law exists independent of a person’s assent. Natural law is identical with the will of God. “The fundamental principle of just life is accordingly nature as the all – inclusive unchangeable cosmos personally posited by God as the ‘eternal law’ and therefore independent of all human subjective influence, and known in the conscience of the individual (knowledge as perception) and therefore the norm for the conduct of the human being who is himself located within this universal order.”⁶⁶⁹

21.3 Distinctiveness of Ethics

21.2.1 Ethics and Morality

Morality refers to set of norms or standards that define, guide and regulate good (acceptable) behavior among human beings living togeth-

⁶⁶⁹ Stoeckle, B. *Concise Dictionary of Christian Ethics*, 76.

er in society.⁶⁷⁰ The word ‘morality’ is etymologically derived from Latin noun *Mos* (Mores pl.) meaning the customs and conventions of any social group or community. In this context, immoral in the etymological sense means to live or act contrary to the customs (morals) of a specific community, ethnic or religious norms. The Latin *mos* “its derived adjectives *moralis* was coined, according to some by *Cicero* as a direct translation of Greek *ethikos* ethical to denote the typical or proper behavior of human beings in society”⁶⁷¹.

21.2.2 Ethics in Education

Ethics is a human phenomenon. It is interrelated with education. *Ethics contains four distinctive aspects*: the cognitive, the motivational, the behavioral and the societal. Education is a human activity that is always socially and historically determined. It can be taken to refer to those processes by means of which the ‘coming generation’ is enabled to undertake the tasks maintained within the context of a pre-existing social situation. “Education normatively is the inter-subjective process of learning to be self-reliant person in society.”⁶⁷² It is a human response, human enterprise and human creativity. Such human personhood is conceived in terms of our sociality.

There are *four basic dimensions of education*: the cognitive dimension, the normative dimension, the creative dimension and the dialogical dimension. “Education in the human sense is not merely a matter of acquiring knowledge and skills, and of norms and values. It must also be creative, action-oriented.”⁶⁷³ If education is conceived as learning to be a self-reliant person in society the four dimensions find here a unity that integrates them into a single pedagogy: an educational approach: An

⁶⁷⁰ Bennaars, G. A. *Ethics, Education and Development*, 13.

⁶⁷¹ *Dictionary of Word Origins*, 354.

⁶⁷² G. Bennaars, 64.

⁶⁷³ *Ibid*, 66.

integrated pedagogy. Such integration is basic in mainstreaming ethics in education.

21.4 Managing Education

Promotion of ethics in education needs sound management. Proper management of educational institutions is essential in realizing the goals of education and effective utilization of institutional resources. There is the need for managerial knowledge and skills. According to A. A. Teklemariam: “Management is viewed as the process undertaken by one or more individuals to co-ordinate the activities of others to achieve results not achievable by one individual acting alone.”⁶⁷⁴

According to J. K. Nyerere conception of education the issue of self-reliance is central. Education for self-reliance, it has to be reviewed in the context of people’s needs and social objectives. “That purposed as to transmit from one generation to the next one accumulated wisdom and the knowledge of the society, and to prepare the young people for their future membership of the society and their active participation in its maintenance or development.”⁶⁷⁵ Formal education intends to reinforce the social ethics existing in the particular society and to prepare person to be responsible in society. It is the issue of preparing young people to live in and to serve the society. “Wherever education falls in any of these field, then the society falters in its progress or there is social unrest as people find out their education has prepared them for a future which is not open to them.”⁶⁷⁶

Educational change ought to be meaningful. This is part of managing education. If reforms are to be successful, those involved in such re-

⁶⁷⁴ Tecklemariam, Ammanuel A. *Managing Education: A Handbook for Students Teachers, Trainers and School Principals*, Nairobi, CUEA Press, 2009, 1.

⁶⁷⁵ Nyerere, Julius K. *Freedom and Socialism: A Selection from Writing and Speeches*, Oxford University Press, 1968, 268.

⁶⁷⁶ Nyerere, *Freedom and Socialism*, 269.

structuring efforts must find meaning concerning what should change as well as how to go about change. Dissatisfaction with and interest in the respects for educational reform is a common issue. “It isn’t that people resist change as much as they don’t know how to cope with it.”⁶⁷⁷ Where are those who are claiming that higher institutions of learning are being bombarded by change, there are others who remark that there is nothing new under the sun. “One of the most fundamental problems in education today is that people do not have a clear coherent sense of meaning about what education change is for what it is, and how it proceeds.”⁶⁷⁸

Education administration concerns the operation of educational institutions. Administration ought to be rooted and founded on a code of ethics as a guide. *A code of ethics* provides in concise fashion the behavioral norms for entire institution or for particular profession or occupation. “Educational Administration can be defined as a social process concerned with creating, maintaining, stimulating, controlling and unifying formally or informally, the organized human, financial and material energies within a system designed to accomplish predetermined educational objectives.”⁶⁷⁹

Education administration concerns the operations of educational institutions. A code of ethics provides in concise way the behavioral norms for the entire institution or for a particular profession or occupation such as the teaching profession. One of the distinctive marks of a profession is its dedication to compose its own code and apply it to its members. Professional code offers summaries of ethical norms of profession. In a religious context, the ethics of code can be understood in the covenant or contract. It is a concern for reciprocal responsibility. For

⁶⁷⁷ Fullan, Michael G. & Suzanne Stiegelbauer, *The New Meaning of Educational Change*, London, Continuum, 1991, XIV.

⁶⁷⁸ *The New Meaning of Educational Change*, 4.

⁶⁷⁹ Tecklemariam, *Managing Education*, 2.

example, a responsible professional engineer will infuse ethical values into his/her decision making. Such dimension of responsibility is basic in promoting environmental ethical education.

21.5 Professional Ethics

A profession is not simply a way of making a living. It is the fulfillment of an occupation to which standards of competence and responsibility are (respected) attached. Professional ethics deals with the values appropriate to certain types of occupational activity such as medicine, law and divinity. The crucial challenge is that of mainstreaming ethical values in training professionals. A profession in a general sense means someone's occupation, in a narrower meaning it refers to a certain kind of activity, one carrying with it a certain status and associated with a particular ethics.⁶⁸⁰ A profession tends to be distinguished by a body of knowledge, mastery of what regulate entrance to its ranks, and by an ideal service. Professional bodies have distinctive degree of autonomy in regulating both access to the profession and professional ethical conduct.

The concept of profession focuses upon five principle criteria of professionalism.⁶⁸¹ First, professions offer an important public service (community service). Second, have distinctive ethical dimension, for example, the code of ethics. Such a code expressed the fundamental ethics and the law of culture. Third, professionals include a theoretical as well as practically – based expertise. Fourth, professions need organization and regulation for the purpose of recruitment and discipline. Fifth, professional practioners require a high degree of individual auton-

⁶⁸⁰ Chadwick, Ruth “*Professional Ethics*” in G. De Stexhe & J. Verstraeten (eds.) *Matter of Breath: Foundations for Professional Ethics*, Leaven, Peeters, 2000, 17.

⁶⁸¹ Carr, David, “Professional Education and Professional Ethics” in *Matter of Breath*, 15-56, 17.

omy - independence of judgment for effective practice. Professions contain a strong ethical dimension which serves to distinguish professional from other occupations. Professional ethics is concerned not only with relations with clients, colleagues and members of the public, but also with promoting the public image of the profession.

21.6 Environmental Theological Ethics

21.6.1 Environmental Ethics

Environmental ethics is the study of the ethics of human dealings with the impacts upon nature. Environmental ethics focuses on the concern of ethics on what we should do and be disposed to do regarding nature or the material universe. It is the matter of human beings relation to nature and their behavior towards it. According to Benedict XVI, “The way humanity treats the environment influences the way it treats itself and vice versa.”⁶⁸²

There is a crucial challenge of environmental care in Africa. While science and technology have promoted human capacity to exploit the environment, this has a cost on the environment. According to J. C. Smyth, “Our environment is the totality of what we live in, natural or constructed, spatial, social and temporal. It is an extension of ourselves, its health requiring the same care as our own health.”⁶⁸³

The key environmental issues include land use change from forest to woodland and urban spheres. The soil is the earth’s fragile skin. The development of Africa is determined by her ability to conserve and manage her land resources. Land management is the very cornerstone of strategies for food security. Aldo Leopold, prominent ecologist, forester and environmentalist lamented by noting:

⁶⁸² Benedict XVI, *Caritas in Veritate*, art. 51.

⁶⁸³ Smith, John C. “Environment and Education. A View of a Changing Scene,” *Environmental Education Research*, 12: 3-4, 247-264, July – Sept. 2006, 248.

“Obligations have no meaning without conscience, and the problem we face is the extension of the social conscience from people to the land. No important change in ethics was ever accomplished without an internal change in our intellectual emphasis loyalties, affections, and convictions. The proof that conservation has not yet touched these foundations of conduct lies in the fact that religion [has] not yet heard it.”⁶⁸⁴

Pollution is among the crucial environmental problems especially in urban areas. Pollution is any action rendering the environment impure. It is a process of introduction of contaminants into the environment and causes radical changes. Air pollution is a reality we are already paying for through the nose. Air pollution takes place when abnormal elements are added to air. It can be due to various toxins and gases from factories and combustion of fossil fuels. Those who pollute the air are in reality abusing what belongs to common heritage:

“In the DRC, for example, water is continuously and progressively polluted by numerous wastes related to human settlement, which includes an increasing number of old, rust pipes leaking pollutants into the water system. Household wastes are thrown into water point and rivers and water-borne diseases have multiplied.”⁶⁸⁵

21.6.2 Environmental Theological Foundations

Environmental theological ethics is rooted in our modern obligation to care for the environment, to respect all of God’s creation and to assure that its goods are equitably shared with all. Environmental theology acknowledges the dignity of the human person and recognized hu-

⁶⁸⁴ Leopold, Aldo, *A Sand County Almanac: With Essays on Conservation from Found River*, New York, Ballantine, 1949, 1970, 246.

⁶⁸⁵ Mwambazambi, K. “A Theological View of Environmental Protection in Africa”, in *die Skriflig* 45 (4) 2011, 849-866, 857.

mans as uniquely singular but yet integral to creation. According to Jürgen Moltmann's observation: "Today a theological doctrine of creation which can responsibly be maintained must first of all come to terms critically with its own tradition and history of its own influence, before it can face up to the dialogue with the modern natural sciences and the contemporary philosophy of nature."⁶⁸⁶

Lynn White argued that the Western Christian cosmology promotes human domination and exploitation of nature. This project has been seen by some as promoting the spirit that humanity was made to benefit and rule all other things in the spirit of Genesis 1:26-30, human beings are consideration be created in the image and likeness of God, hence having superiority to dominate all other creatures. L. White states that Christianity "not only established a dualism of man and nature but also insisted that it's God's will that man exploit nature for his proper ends."⁶⁸⁷

The accusation made by L. White is wake up challenge which ought to be taken seriously. "Being accused of not paying attention is one thing; being held culprit i.e. for planetary devastation is another. White charged that Christianity is the most anthropocentric religion in the world."⁶⁸⁸ He has a point. However, to argue that Christianity is significantly responsible for environmental crisis is in a sense true but this accusation tends to overlook what appears to be a common human tendency towards ecological damage. The accusation made is a challenge to reconsider the way we care for the environment in the theological context.

⁶⁸⁶ Moltmann, Jürgen, *God in Creation: A New Theology of Creation and the Spirit of God*, Minneapolis, Fortress Press 1993, 21.

⁶⁸⁷ Lynn White, "The Historical Roots of Our Ecological Crisis" *Science* 155 (1967) 1203-1204, p. 1205.

⁶⁸⁸ Cowdin, Daniel "Environmental Ethics" in: *Theological Studies*, 69 (2008), 164-184, p. 165.

21.7 Environmental Theological Tradition

Environmental theological ethics calls for re-examination of the world on nature in the light of Christian faith. In the spirit of Vatican II, *Gaudium et Spes* the Pastoral Constitution in the Modern World calls for the Church as it has “the duty to scrutinizing the signs of the times and interpreting them in the light of the gospel.”⁶⁸⁹ The document laments the split between faith and daily life. Among the problems of special urgency considered is that of degradation of the naturel environment. In order to promote environmental ethics in education, there is the need to be in touch with the signs of times (*Gaudium et spes* (p. 9).

Through faith it is possible to discern what we should be or how we should act and react in real situations. This is a way of scrutinizing, reflecting and realizing God’s continuous and active presence in the world within and around us:

“Still further the human greed for more and better is causing enormous damage to the prospect of human well-being survival and continuity, which is evident in the ecological concerns, such as pollution of land, water and air, global warming and climate change.”⁶⁹⁰

Reading the signs of the times implies the vocation of each believer in Christ to participate in the divine life despite the sinfulness, fragile difficult human circumstances scrutinizing the sign of the times consist of understanding of God’s active and loving presence in human history to bring about the reign of peace, justice and love.

⁶⁸⁹ Vatican II, *Gaudium et Spes*, December 7, 1965, AAs 58 (1966), 1025-1115, art. 4.

⁶⁹⁰ Prem Xalxo, “Reading the Signs of The Times: A Moral Theological Appraisal,” in Shaji G. Kochuthara (ed.) *Revisiting Vatican II: 50 Years of Renewal*, 172-189, 173.

The 1971 Synod of Bishops focuses (*Justitia in Mundo*) on the issues of justice in the world. The Church has a role in environmental care. The synod noted that: “Action on behalf of justice and participation in the transformation of the world fully appear to us as a constitutive dimension of preaching of the Gospel.”⁶⁹¹ The Church is called to witness to justice through its own lifestyle, educational activities and international action. Environmental issues are social justice issues.

“Large scale looting of rare materials and natural resources from the developing world by developed world continues. The environmental impacts on the developing are there for everyone to see.”⁶⁹² “The challenge, thus, before the Church and the world is to address the huge divide in the world between the haves and the have nots, the poor and the rich in all its dimensions, not just materials poverty, which a culture of sharing and giving.”⁶⁹³

The care for environment has to be taken in a broader perspective of the development of people. According to Pope Paul VI in *Populorum Progressio*, integral development implies a search for a development that is for each person and the whole person.⁶⁹⁴ It is a transition from less human conditions to those which are more human. By extension those human conditions include convenient environment. *Populorum Progressio* is about a ‘new humanism’, a full-bodied humanism’ as opposed to ‘narrow humanism’. Humanism tends to focus on the natural order. First, it makes a person more human and manifests his/her original greatness. Second, Christian humanism promotes a new Christian

⁶⁹¹ Synod of Bishops, *Justitia in Mundo*, AAS, 63 (1971) 923-942, art. 6.

⁶⁹² George, M. K. “Post Vatican 11 Challenges To Social Justice” in *Revisiting Vatican11:50 Years of Renewal, Vol. 11* (ed.), Kichuthara, Shaji G., Bangalore: Dharmaram Publications, 2015, 225-235, 231.

⁶⁹³ *Ibid*, 236.

⁶⁹⁴ Paul VI, *Populorum Progressio*, 26 March 1967, AAS, 59 (1967) 257-299, art. 14.

order no longer sacred but secular in its forms. Humanism is founded in the axiom that humans are the measure of things. Jacques Maritain's concept of an integral humanism was based in the values of the incarnation and the transcendent reality of God.

Pope Paul VI in *Octogesima Adveniens* made a call for action for the environment. The appeal is made in view of the dramatic consequences of an ill-considered exploitation of nature. Environmental crises are mainly rooted in human beings activities to nature. *Octogesima Adveniens* poses a question: "Having naturally endeavored to control nature, are we now becoming the slave of the objects which we make?"⁶⁹⁵ By an ill-considered exploitation of nature people risk destroying and becoming the fiction of this degradation. The material environment is becoming a menace-pollution.

The focus is on the value of freedom and participation of believers in searching for solutions to various problems facing individual countries and the world. This initial step is that of making a critical analysis of particular circumstances experienced by people. This step points to the relevance of sociological analysis in order to have clear insights on liberal ideologies, urbanization and environmental issues.

Pope Paul VI in *Octogesima Adveniens* made a call for action for environment. The appeal is made in view of the dramatic consequences of an ill-considered exploitation of nature. Environmental crises are mainly rooted in human beings activities to nature. Paul VI poses a question: "having rationally endeavored to control nature, are we now becoming the slaves of the objects which we make?"⁶⁹⁶ By an ill-considered exploitation of nature people risk destroying and becoming the fiction of this degradation.

The call for action has to be evaluated in the context of industrialization. That is the process by which economies and societies in which ag-

⁶⁹⁵ O. A., 9.

⁶⁹⁶ Paul VI, *Octogesima Adveniens*, art. 9.

riculture and the production of handicrafts predominance became transformed into economies and societies where manufacturing and related extractive industries are control. The process of industrialization is closely related to the overall modernization of societies. In a sense, it is taken as a means to control nature/ exploit nature. As Paul VI noted: In view of industrialization:

“The introduction of industry is a necessity for economic growth and human progress, it is also sign of development and contributes to it. By persistent work and use of the intelligence people gradually wrest nature’s secrets from her and find a better application for her riches.”⁶⁹⁷

John Paul II issued *Redemptoris Hominis* on 4th March 1979 to commemorate the 25th anniversary of *Ad Gentes* (on the missionary activity of the Church).⁶⁹⁸ There is a link made between religious beliefs and human behavior. We need to discover God in all the beings he has created and to find his life giving spirit in all the community of creation that they share. What is needed is the integration the historical symbol of hope, the kingdom of God with the natural symbol of hope, the new creation. The integration of real history with nature leads to awareness of the social concerns.

The focus of *Redemptor hominis* is on the issue of redemption and the dignity of the human race. The encyclical is devoted to the concept of integral humanism, which views the totality of human beings as a center of all history, human and divine. Thus points to the centrality of human race to the world history of salvation: “for the Church all ways lead to man.” In Christianity, anthropocentrism is not watered down: “In Christ and through Christ, human persons have acquired full aware-

⁶⁹⁷ Paul VI, *Populorum Progressio*, art. 25.

⁶⁹⁸ John Paul II, *Redemptoris Hominis*, March 4, 1979, A.S.S. 71 (1979), 257-324.

ness of their dignity.”⁶⁹⁹ The crucial issue is that the world contains many forces that reduce and destroy the dignity of the human person. John Paul II is disheartened by the situation of fear (RH, 43-48) injustice (RH, 49-59), alienation (RH, 44), and ecological devastation.⁷⁰⁰ He calls for a structural transformation by individual and people who are free and linked in solidarity. There is emphasizing on the role of personal responsibility with call for a structural solution, which is developed in human work.

Pope John Paul II issued *Solitudi Rei sociallis* on 30th Dec. 1984, to commemorate the twentieth anniversary of *Populorum progressio*.⁷⁰¹ The encyclical points at the urgency and about the need to care for the environment in order to promote and enjoy true development. Such a development must affect salvation of individuals and peoples. This involves two related and interdependent aspects. First, salvation from want and second from fear. The development cannot ignore the use of the elements of nature, the renewable of resources and the consequence of haphazard industrialization.⁷⁰²

John Paul II focuses on solidarity and takes into account two notable issues of liberation theology: structural sin and the preferential option for the poor. Encyclical calls attention to some demographic problems and point out some ecological concerns referred to in *Octogesims Adveniens*. The notion of integral development includes the concept of the human flourishing of the whole person and every person. Genuine humanization of life is the divinization of life, which finds its fulfillment in through Christ. The encyclical calls for urban for the social transformation. In other words, there is no room in the social teaching of the

⁶⁹⁹ John Paul II, *Redemptor Hominis*, 40-42.

⁷⁰⁰ *Ibid.*, 52.

⁷⁰¹ John Paul II, *Sollicitudo Rei Socialis*, 30th December 1987.

⁷⁰² SBS, art. 34.

church for *Fuga mundi* that's to say, resignation or withdrawal from the world.⁷⁰³

There is a need to analyse the situation of the world through social analysis. In the context of SRS, an indicator of development (true) is also in the sphere of the theology of ecology. The moral character of development is rooted and founded in true development. As noted in SRS:

“a true concept of development cannot ignore the issue of the element of nature, the renewability of resources and the consequences of haphazard industrialization—three considerations which alert our consciences to the moral dimension of development.”⁷⁰⁴

Pope John Paul II issued *Laborem Exercens* on 14th September 1981. It is a theological and philosophical consideration of human work, issued to commemorate 90 anniversary of *Rerum Novarum* work is for the person not the person for work. The encyclical considers the subjective dimension of work – the person who does it as being superior to the objective dimension. The approach of John Paul II in *Laborem Exercens* makes a “shift of interest 1) from property to labor and 2) from a preoccupation with doctrine to an analysis of historical facts.”⁷⁰⁵ There is a call for structural transformation as a strategy to “bring a relief and hope to the millions who today live in conditions of shameful and unworthy

⁷⁰³ Kariuki, Joseph, “Sollicitudo Rei Socialis” *The Answer of The Church to Economic Situations* In L. Namwera & Others in L. Namwera & others, *Towards African Christian Liberation*, Nairobi, St. Paul Publication Africa, 1990, 220-244, 227.

⁷⁰⁴ John Paul II, *Sollicitudo rei socialis*, art. 34.

⁷⁰⁵ Antoncich, Richard, *Christians in the Face of Injustice: A Latin American Reading of Catholic Social Teaching*, New York, Maryknoll, Orbis Books, 1987, XIV.

poverty.”⁷⁰⁶ This poverty is rooted on notions of direct and indirect employer, which are crucial in explaining the factors leading to the sad light of laborers.

In pointing out the gospel of work, John Paul II state:

“the expression ‘subdue the earth’ has an immense range. It means all the resources that the earth (and indirectly the visible world) contained and which, and through the conscious activity of people, can be discovered and used to their ends”⁷⁰⁷.

Each and every persons in various way is involved in the process whereby we ‘subdue the earth’ through our work.

In view of celebrating the centenary of *Rerum Novarum*, John Paul II issued *Centisimus Annus* on 1 May 1991. The document appeals for a serious consideration to be offered to care for the environment. There is a type of consumerism which is destroying the environment. Consumerism prioritizes and promotes a culture of consumption the process in which goods are utilized to satisfy economic needs. Equally troubling is the ecological issue which accompanies the problem of consumerism. It is the desire to have and to enjoy rather than to be and to grow. The ecological crisis calls for a common responsibility. It is the issue of peace with God, peace with all of creation.⁷⁰⁸

Centisimus Annus was issued in the hundredth anniversary *Rerum Novarum*. It is a review of Pope Leo XIII *Rerum Novarum*. This re-reading is categorized in a three - directional view into the past present and future: a) a looking back at the text by pointing out the characteristics of the condition of the workers: b) a looking around by pointing out the orientation towards the new things in the first decade in the century,

⁷⁰⁶ *Laborem Exercens*, art. 4.

⁷⁰⁷ *Laborem Exercens*, art. 4.

⁷⁰⁸ John Paul II, “The Ecological Crisis; A Common Responsibility” on the World Day of Peace, 1990.

and c) looking into the future in the third millennium too, the church will be faithful in making people's way her own, through Christ.

John Paul II notes and acknowledges the poor's capacity for work. It is recognition of the self-affirmation in the social question of work. The poor has the right to share in gaining and profiting from material goods and to make use of their ability and capacity for work. Hence they have a positive role in creating and promoting justice in true world for the common good. This approach of recognizing the role of the poor and their participation is not paternalistic. That is the claim or attempt to provide the needs or to regulate the life of a nation or community in the same way a father does those of his children. Paternalism is the practice principle of paternal and ministrations government as by a father. There is a need to provide due significance to the liberating power of the poor themselves.

Pope Benedict XVI issued the encyclical *Caritas in Veritate* on 29 June 2009.⁷⁰⁹ The cross-cutting issue is integral human development. There is a tendency to conceive nature as mere consequence evolution determinism, eradication of our sense of responsibility. It may lead to abuse of nature. Nature ought to be conceived as the fruit of God's creation. It is a grave contradiction, one that despises the poor and disrupts the environment.

Benedict XVI appeals from the reality of human solidarity which also imposes a duty. "An overemphasis on rights leads to a disregard for duties." This sharing of reciprocal duties is a more powerful incentive to action than the mere assertion of rights⁷¹⁰ The issue of development is closely linked to the duties based on our relationship to the national environment. As Benedict XVI notes: "The environment is God's gift to everyone and in our use of it we have a responsibility towards the poor,

⁷⁰⁹ Benedict XVI, *Caritas in Veritate*, 29 June, 2009.

⁷¹⁰ *Ibid.*, 43.

towards future generations and towards humanity as a whole.”⁷¹¹ Nature is an expression of a design of love and truth. It is spreading to us of the creator (Romans 1: 20). The universe and life in all its form are a testimony of God’s creative power, His love and enduring presence. “Reducing nature merely to a collection of contingent data ends up doing violence to the environment and even encouraging activity that fail to respect human nature itself.”⁷¹²

Pope Francis issued an encyclical letter *Laudato Si*. It initiates revolution on environment (24 May 2015).⁷¹³ Our common name is like a sister who is crying due to the harm that has been inflicted on by our code of responsibility. Pope Francis invites people of good work to take into account their responsibility for current and coming generations. The instrumentalization of nature leads to its abuse. According to Pope Francis, “care for ecosystem demands farsightedness, since no one looking for quick and easy profit is truly interested in their preservation.”⁷¹⁴ The natural environment: the forest, the water, the land belong not just to the modern generation but also to future generations. *Laudato Si* ignites revolutions on environment that is rooted on the interpretation of the scripture from below that is from the experience of people.

21.8 Conclusion

This study is a humble contribution in mainstreaming ethics in theological education. It is a reflection on an environmental ethics, its nature, its theological presuppositions and its application. Our focus has been on the ethics of human dealings with the impacts upon nature. Environmental theological ethics is founded on the obligation to care for the envi-

⁷¹¹ Ibid., 48.

⁷¹² Ibid., 48.

⁷¹³ Francis, *Encyclical letter, Laudato Si*, 24 May 2015.

⁷¹⁴ Ibid., 36.

ronment, to respect all the God's creation and to ensure that its goods are equitably shared with all, such a theology acknowledges the dignity of human person and recognizes humans as uniquely singular but yet integral to creation. Such acknowledgement is basic in promoting environmental awareness. It is an issue of human survival as well as survival of all creatures. Environmental theological education seeks to consider the theological foundation for sound relationship between God, human and the cosmos. The implied integration is crucial in mainstreaming ethics in theological education.

EDUCATION FOR PEACE

RE-IMAGINING THE SELF, THE OTHER AND CREATION

Tobias Dindi Ong'aria

22.1 Abstract

Kenya is a country fragmented ethnically. Public calls for peace have yielded little, just as in the past⁷¹⁵. Peace has however been wrongly understood, in a reductionist way, as absence of war, rather than in a more holistic way that encompasses the tranquillity of the whole individual, the other, and collectively the human community and creation. Such an ideal is illusory if sought in public rallies; as such, the best conceptual space for the search of such an ideal is in the classroom. This article will be an attempt at theorizing this possibility of higher education that encompasses a whole person, in relation to the other and collectively, in relation to creation. It is an attempt at a structure that can take various forms of actualization, depending on contexts. The desired result is an education system that inculcates the value of unity within the individual person at a first level, between individual persons and communi-

⁷¹⁵ A Kenyan Jesuit, undergraduate student of Philosophy and Humanities at Arrupe College, Jesuit School of Philosophy and Humanities, Harare Zimbabwe.

ties at a second level, and between humanity and the earth as his home at a third level. A break in any of these levels is a necessary recipe for a collapse of the entire structure. To theorize such a structure, I venture into existential self-discovery as basis for the first level, inter-subjectivity at the second level, and ecological inter-subjectivity at the third. I will stress the need to reimagine education that fosters liberative approaches, forming individuals into critical beings, transcending their facticity, to their existential and relational reality. Such is core for a system of Peace Education.

22.2 Introduction

In recent days, events have crammed the Kenyan social media that inspire my reflection on ethics in higher education in Kenya, and by extension, in Africa. First, in October of 2016, in Nakuru Kenya, the social media wakes up to trending pictures of a 25 year old young woman whose humility surprises Kenya. As a customer care staff of one of Kenya's biggest mobile networks, Safaricom, Pauline Muganda walks a few yards from her place of work, kneels next to a physically challenged old man, and offers a service that ordinarily this man would have had to queue for at the customer service centre. The second incident happens in Nairobi, Kenya's capital. March 2017, a homeless, unkempt young university graduate is walking idly on the street and stumbles upon two bundles of cash amounting to Kshs. 200,000 (about \$2000) dropped by someone walking just ahead of him. He picks the cash and runs after the owner of the cash, who is unaware that she dropped her money, and perhaps thinks the young man intends to rob her. She seeks shelter at a bank's entrance because the security personnel could perhaps 'help'. To her dismay, the young man says "*umeangusha pesa*" (you dropped money). The media is awash with these two stories with conspicuous titles: The first story, one online daily titles; "*I love helping people, says customer care attendant who melted hearts*" (Mureithi, 2016) and the

second, “*Kenyans hunt for homeless saint who returned Sh 200’000 to owner*” (Musambi, 2017).

These two events are important for a conversation on ethics in higher education for two reasons. First, in a society where corruption scandals are almost ordinary, yet such heroic acts are interpreted as so rare to ‘melt hearts’ and for a homeless man to be referred to as a ‘homeless saint’ is an indictment on what the school does to members of the society. Why are ethically reflective individuals so rare? Is it evidence that the school does not educate an ethical individual anymore? Does our education system educate the person into a material conception of education bereft of any moral grounding? With the current state of affairs in Kenya and Africa, there is no reason whatsoever to answer any of these questions in the negative. We could even rightly claim that moral reasoning is a rare trait because it is not educated into the mind of the person going through the education system. Secondly, does the Kenyan education system educate the human person to be open to the reality of the other, foreign to him/her thanks to differences of race, tribe, religion and gender among other categories? Unless the Kenyan young person is educated to accept the reality that the society we live in is a shared world, moral reasoning becomes fundamentally impeded. Thirdly, is the educated mind aware that the responsibility to take care of the shared world is primarily the individual’s? Unless this is appreciated, coexisting in the society becomes an illusion. Education ought to liberate the mind to appreciate these three dimensions, the individual, the other, and creation. This is an attempt at showing why this kind of education is a necessity for the future of our societies.

22.3 Scope of the Work

To achieve such a project, I venture into three main areas that will be building blocks for the structure that holds together the idea of educating the mind for societal living. First, to educate a purpose driven, ethical

mind, the individual has to be guided necessarily into imagining the purpose of existence. Although in existential thinking, whether human life is purposed or is an absurd coincidental existence is a topic of interest. The first section will show why the purpose of life is an important area of reflection for the mind that is being prepared for ethical thought and living. I will offer a review of a motion picture, *The Sunset Limited*, to show why existential mystery is important for the reflection of a young person going through an education system preparing them for societal living.

Secondly I will stay with existential thought to show why thinking with the good of the other person and hence the common good is so elusive in the contemporary society. Partly, this stems from a failure to appreciate human life as an existential mystery. Unless human life is thus approached as existentially a mystery, the treatment that the individual accords to the other will lack a critical component that appreciates the humanity of the other person. Humans will be approached as instruments for an individual's good, and not as ends in themselves.

Thirdly, unless humanity is approached as ends in themselves, as fellow travellers in the pilgrimage of current corporeal existence, there will be no reason whatsoever to make the world a better place for future generations. Flora and fauna remain just sources of immediate gratification, and not an equilibrium that must be maintained for a balanced existence and good of future generations.

Finally how does this relate to a society's system of education, and importantly, what does this have to do with ethics in higher education. Primarily, this is reflection that ought to be entrenched in the education system, the ethical question of what is the right thing to do must escape the normative to go into circumstantial reflectivion. To form a young person who immerses himself/herself in such reflection for his/her factual good; the good of the other, and the good of future generations would be a desirable formative component of education. How this can

be achieved while balancing the transmission of skills valuable for life and the job market is key to educating the mind. In defining education, Ike (2017) talks of integral education as that which

“makes possible the emergence of all round persons, equipped upon completion of studies to transform society and positively. This is the business of a university in the current times. In defining education in the context of society in the twenty first century, ‘true education’ must be an ‘education in criticism’. It is the exercise to question things from their origin, allowing doubt and examination of the problem to come to a balanced conclusion and position (22).”

The last section will concentrate on why this critical balance is a necessity with urgency if education is to make sense at all.

22.4 Existential Mystery: The Sunset Limited

“[...] the problem the existentialists were concerned with was the problem of meaning. Human beings crave meaning; they crave an orderly universe that they can make sense of. When you find that the universe isn’t going to cooperate, when you discover that the stories you’ve told yourself in an attempt to force it to have meaning have ceased to work, you feel like you’re a stranger in the world” (Panza and Gale, 2008, 9).

With the enlightenment, the question of meaning of life is inevitable. The religious believer, with a staunch explanation of the reality based on belief of a transcendent being, on one hand, and the extreme pessimist on the other hand, give room for the existentialist enterprise in the middle of them, battling with the question of who is right, whose view tells the reality about human life? The importance of this question spills off to other questions at the centre of the human person’s quest to under-

stand who he truly is. Who exactly are we? What is our origin? What is our purpose in this life? What is our destiny? And ultimately, with these questions, the ethical question of what is the right thing to do is necessarily with us. The education process cannot escape this quest. The film, *The Sunset Limited*, exposes several existential questions without answers, leaving them to the existentialist mind to battle with.

The Sunset Limited is set in a small room, owned by a man named Black, one of the only two characters in the movie. The other character of the movie named White, has attempted to commit suicide by jumping into an eighty mile per hour train, “the Sunset Limited.” Black engages in a long argumentative attempt to make White reconsider his project of the Sunset Limited, which henceforth refers to suicide. As it is revealed, Black is a former inmate in a jail house, from Louisiana, who, claims that he experienced God speak to him, and therefore lives his life with a firm belief in God and his son Jesus Christ, a faith he appeals to in order to try and convince White to abandon The Sunset limited project.

White is a professor, a pessimist who believes neither in God nor an afterlife. To him, there is nothing to hope for after death except a peaceful darkness. Belief in God is a false quest for consolation in despair (McCarthy, *The Sunset Limited*, script, 2006, 59). All of Black’s attempts at convincing White to abandon the Sunset Limited project fail. White eventually storms out of the house apparently headed for suicide after Black cannot do anything else to stop him. A despaired Black remains in his room calling upon God, who apparently seems absent.

Several issues arise here, the first, suicide. White reason for thinking of suicide is seen in his words:

“Letting it all go is the place I finally got to. It took a lot of work to get there and if there is one thing I would be unwilling to give up, it is exactly that. [...] The one thing I won’t give up is giving up. I expect that to carry me through, am depending on it. [...] you give up the world line by line. Everything you do closes a

door in front of you. And finally there is only one door left” (McCarthy, *The Sunset Limited*, 2006).

The other question raised is the belief in God. Black is a Christian, while White is an atheist. White asks Black who it is that appointed him (Black) to be his guardian Angel? Black responds that White knows who appointed him. He says, he did not ask White to leap into his arms in the subway station where he was attempting suicide. In his response is implicit belief that God or Jesus sent him to save White, hence provoking White’s question, “do you really think Jesus is in this room?” to this he responds, “[...] I know he is in this room” (McCarthy, 2006, 8). Whereas the Bible for instance is true for Black, for White, it is made up, just like Leo Tolstoy’s *War and Peace*. The true book for him would be like *Decline and fall of the Roman Empire*, for would be about actual events.

Suffering is to him an intrinsic part of humanity, and not even liquor could possibly address his problems. Only the Sunset Limited can address his problems, only suicide. God is not the solution either, the people that are on the quest for God, in his view, are seen by atheists like him as having something really wrong with them.

Is there an afterlife? Not for White. Every person according to White dies marking the end of everything. In his worldview, life is a labour camp from which the workers are led forth by lottery –pure chance, a few each day to be executed. All attempts to improve the world just make it worse (McCarthy, 2006, 52). He is more preoccupied with minimizing pain, and a jump into the Sunset Limited will serve this purpose, because a train moving at a high speed will not cause pain but instant death.

Back to the motivation for suicide: Black suggests that all people seeking suicide are blind. For him, the ordinary folk go through each day in pain and grief, but they are not intent on suicide. If they were, it would be a fulltime job burying people each day. Those contemplating suicide either can’t bear something they lost or maybe it is what they

have that they cannot bear to lose, they would rather die than give up (McCarthy, 2006, 54). This led to White's response, mentioned earlier, that giving up is the only thing he cannot give up.

These two towards the end of the film summarize their worldviews. Black believes that all we need to do is to live with hope, and join others in the human community in travelling the journey of life, interacting as a human community and learning from others' mistakes, listen to those who have gone the way of losing hope and hence be thankful that we did not tread that route. White on the other hand believes that we should die and go forever. For him, even an afterlife would be a nightmare. He would not wish to even meet the people he knew in this life if an afterlife exists; not even his mother, which would be horror. The ideal afterlife for him is darkness, silence, blackness and peace (McCarthy, 2006, 57). He claims to be a professor of darkness. He wishes for a religion that prepares people for death, nothingness, for dreams are illusions; we would all rather be suicidal.

The complexity of the questions surrounding who exactly we are, what our purpose is, what our destiny is, and what the right thing to do is, among other fundamental questions of existence are raised. The importance for every learner to reflect on these questions cannot be over-emphasized. In many cases, these questions are explored in a religious context and an appropriation of religious beliefs helps offer individuals a sense of purpose. In Higher education, there is no harm of exploring these questions in a guided, critical academic environment that helps individuals crystalize values that eventually become important in the formation of worldviews. Some African countries have introduced such philosophical reflection in their education systems as early as high school levels (UNESCO, 2009). The criticality appropriated in this process is priceless, yet others have not seen this need even at tertiary and higher education, the effect runs deep in the quality of resultant societies.

Hinged on the reflection arising from these questions is the quest for the best possible way to live as a human person. That quest leads deeper; given that we are social and political animals as humans, we must figure out how best to live in a human community. Exploration of existential questions is therefore trickling down to socio-ethical questions. The next section is an attempt at exploring questions that facilitate reflection bordering on the relationship with the other, necessary for a communal co-existence.

22.5 Who is My Neighbour? The Alterity of the Other

The question of who the other person is to us and how best we ought to relate with the other has gotten a lot of treatment on Philosophical reflection. Many thinkers have taken an interest in this area because the impact of dehumanization of the other in human history from the slave trade, colonization, the holocaust, genocides, civil wars, and several other forms of violence that plague the human world. A lack of fundamental critical reflection on our common human experience surrounding who we really are as humans is a conspicuous cause of such failures in humanity. An education system that does not prepare its young people for a future that reflects on who the individual is, who the other is, and how these two relate in a human society is an education system that fails fundamentally. The *brokenness of the world* experienced in a myriad of ways is a manifestation of a crisis that runs deeper than we notice ordinarily.

Marcel (1951) dramatically characterizes the world as broken using the image of a watch that has stopped ticking. Look at the watch, and everything looks perfectly in place, but put it close to your ear, the tick sound that is familiar from a normal working watch is missing. “The world of human creatures, it seems to me it must have had a heart at one time, but today you would say the heart had stopped beating” (22). It is

this same brokenness that Pope Francis has talked of in a more thought provoking manner. For Pope Francis:

“The social dimensions of global change [...] social exclusion, [...] social breakdown, increased violence and a rise in new forms of social aggression, drug trafficking, growing drug use by young people, and the loss of identity. These are signs that the growth of the past two centuries has not always led to an integral development and an improvement in the quality of life. Some of these signs are also symptomatic of real social decline, the silent rupture of the bonds of integration and social cohesion” (Francis, 2015, #46)

For Pope Francis, the social problems that are experienced in today’s world, even ecological, are growing because “the internal deserts have become so vast necessitating [...] profound interior conversion” (# 217). This brokenness, if it is to be found inwards, cannot be conceived of without going to one of the fundamental traits of the human person, the fact that man is social by nature. The human crisis of our time cannot find redress unless relationships between man and his neighbour are re-examined and brought to the level of communal reflection. In this case, the way individuals predispose themselves to relate with one another is key to any possibilities of reflection about these social crises.

Appiah (1992) has argued convincingly about the danger of categorization and how categories can be wrongly employed in history. One area he emphasizes upon is the idea of race and how it has been pushed to do what it cannot do. Whereas race cannot be accounted for as a fundamental human category, it has been used in the past to justify the slave trade and colonialism. In our time something similar would be the tribe, or even social classes, and how they categorize members of a society into subtle groups that are not in any way beneficial to the growth of a cosmopolitan society.

These are various examples in which the other person has gone through various processes of dehumanization and hence severing fundamental links that ought to bind humanity together, instead breaking them apart. In the thought of Levinas (1979), himself a survivor of the holocaust, the relational problem between individuals arises when we fail to acknowledge that the face of the person that appears before us is a mystery that we cannot fully grasp. Our attempts at explaining the other person, the way we ordinarily do following stereotypes that we have learned over time, does not tell us much about the other person.

As stated earlier, existential questions ought to help us appreciate the fact that we are mysteries, and so grasping fully who we are remains just a quest. How then can we claim to be able to fully explain the other person just by employing a category assigned to them like their colour, or their tribe? Unfortunately, in our own time, we have witnessed serial dehumanization of people following stereotypes that are not backed by factual knowledge. On social media in Kenya, tags like ‘your name betrays you’ have been employed stereotypically and have left the young population greatly fragmented on ethnic lines⁷¹⁶. Levinas (1979) argues that we must always approach the other as a mystery, for whom we ought to take responsibility. For this responsibility to be adequately assumed, we must recognize that we are different, yet each person is uniquely endowed with humanity, and that humanity must be respected and accorded the due dignity it deserves.

The otherness of the other person cannot be overlooked. Yet our classrooms have not put an effort to do this in realizable measure. The education system of our time, if it has to attune itself for the future, must teach young people to ask important questions about who is the other, and how ought we relate with them. The flip side of the scenario is that

⁷¹⁶ Tags like this have been employed widely on Kenyan social media, especially Facebook, to tell users on opposing sides of an argument that they hold a given position simply because they are of a given ethnicity.

the ego is exalted over the relationship that ought to lead to the discovery of the inter-subjective reality. Marcel (1965) in *Homo Viator* criticises a world where the other is engaged to augment the satisfaction of the self. When this is done, he says, we end up forming our own image of the other, and this process being a worship of the self he calls “egolatry,” that is, the worship of the ego (20).

The phrase *Homo Viator* loosely translates to itinerant man, or man on a journey. This is the ideal attitude that ought to be adopted in relating with the other. That as human persons we are on a pilgrimage of discovering ourselves as related to others with whom we continually interact. We therefore ought to strike a relational balance with fellow travellers on our worldly encounter, and this way we are better disposed to make the world a better place for fellow wayfarers who will inhabit the same spaces we inhabit in decades and centuries to come. The perfect scenario can only build onto this relational equilibrium, to a society that takes care of the earth as the home of man. Ecological balance is a critical area that demands reflection in every educational system because nature, when not taken care of, can have drastic repercussions. I now take a look at why the care of ecological balance is critical in this relationship of self, the other and creation and is an important consideration for education.

22.6 Laudato si’: Alterity Meets a Higher Inter-subjectivity

In his encyclical, *Laudato si’, on the care of our common home*, Pope Francis advances that the brokenness of the world is rooted in human action, and this action follows so much on the dignity accorded to the Other. In this section, I suggest that there is a similarity in the view of the human person with the thinkers earlier mentioned. Both adopt an ethics that respects inter-subjectivity.

Let us revisit Levinas; he paints a picture of Western Philosophy as emphasizing freedom and autonomy, based on his view that in its search for truth, Western Philosophy places the subject at a central position over everything else. Accordingly, this philosophy ends up “reducing to the same all that is opposed to it as Other” (Peperzak, 1993, 91).

Peperzak (1993) in his commentary points out that:

“Although it recognizes to a certain extent that philosophy is a journey [...] “vers l’*étranger*” [towards the stranger] on which one is surprised by strange and unsuspected events, the interpretation of philosophy as the conquest of autonomous knowledge sees it as an odyssey: by integration of all his adventures, the traveler comes back to his point of departure. He has enriched himself but has not changed radically. [...] by the interpretation of freedom as self-possession and [...] mastership over all beings, Levinas prepares his identification of ‘autonomy’ [...] (91).”

For Levinas, this kind of philosophy is narcissistic. The assertion “*cogito ergo sum*” of Descartes is a typical example of all beginning with me. For all sources of knowledge to begin with me as proof for existence of anything might be a plausible argument, but how do we begin imagining the presence of the other person. Can we likewise make epistemological claims of the existence of the other? Following the *Cogito*, we cannot. A strict and logical following of this assertion does not mention the other person anywhere, which is utter philosophical selfishness that calls such systems of thought to question.

Hence, if Levinas were to write a philosophical exhortation that directly responds to ecological problems, like Francis does, he most likely would have addressed relationships between individuals and specifically an acknowledgement of alterity, the fact that the other person is part of our reality, yet he/she is unique in his/her own right, their otherness

must be respected. For Francis, the ecological problems are fundamentally social in origin.

Pope Francis, (2015) in *Laudato si'*, criticises notions of freedom to respond to the needs of the other only when we want to. Responsibility for the earth means respecting the laws of nature and the balance existing between creatures; alterity must be discernible here. "The laws found in the Bible," Francis says, "dwell on relationships, not only among individuals but also with other living beings" (#68).

Laudato si' reproaches the view of the current generation to exert influence on the earth and plunder it. These are all notions of freedom and autonomy, where the individual thinks he can do all he wants, as long as it fits into his conception of what benefits him, he sets the rules for himself and perpetuates a narcissism that ignores the reality of the Other, who benefits from the earth too. In fact, creation itself is a mystery that does not fit into our cognitive constructions. "Clearly, the bible has no place for a tyrannical anthropocentrism for other creatures," Francis says (#68). A true anthropocentrism for Francis would be one that places the human person in the centre, but a human person that exists in a searching relationship. Francis adopts a very Levinasian conception here, that unless the existence and uniqueness of the Other is acknowledged, we cannot talk about our own existence. Pope Francis even goes further to criticise "a consumerist vision of human beings" which, inspired by technological changes, reduces cultures of others and diminishes "the immense variety which is the heritage of all humanity" (#144).

Might all these ideas sound so abstract not to respond directly to the practical reality of our time? Perhaps so, but only if not put through a second level of reflection that asks how they can be brought to praxis in the educational sphere of our context. What I reflect upon next is how these can be actualized. However, the actualization of the structure I propose can never adopt a one-fit-all system, because education is a process and not an event, and as a process it ought be understood as per-

petually value-based, and in itself transforming the person in all his/her faculties of mind, soul, body and will (Msafiri, 2016).

22.7 From Theory to Praxis: When Structure Meets Aims

To better theorize how a possible system would be pushed through to practical realization, it is important to reflect on the aims of education, and some of the factors that would impede the realization of such aims in a given context. The easiest route towards the answer to the question of what education ought to do is to imagine the image of an educated person. In many developing countries, this image has generally been reduced to a materially able individual, which skews the role of education towards only one direction, hence limiting it significantly.

John White (1982) suggests that the educated individual “is someone who has come to care about his own well-being in the extended sense which includes his living a morally virtuous life, this latter containing a civic dimension among others” (87). He goes further to suggest that present day thought esteems knowledge as a characteristic of being educated, yet what is knowledge bereft of virtue? What is knowledge bereft of prudence? And that includes numerous other virtues. It is important to ask here the same question that Katundano (2014) asks; whether our education systems prepare the individual into that which is expected by the society. In a critical dimension, these values can only be achieved and internalized after asking the ethical question; what is the right thing to do? The educated individual cannot, as matter of principle, avoid the ethical question.

The structure I suggest presumes as a task of education this liberative aspect; that the resultant individual will question himself about who he is, who the other person is and how they co-exist in both a material and moral universe. Education therefore ought to lead to critical reflection on both of these aspects. There are several aspects of such education that

are to be appropriated by simple habits that the school ought to offer, like a reading culture, however, these are really wanting in the contemporary society. Although scientific data may be absent for this claim, there are signs in popular youth culture that point towards a looming gap in readership. Such criticality cannot be achieved simply by sitting in class and passing examinations, there has to be something more. A fusion of several worldviews is crucial. In our context, it can be appropriated through the encounter of various thought systems by a wide readership.

The challenges that stalk our education systems are clear, material realities must be faced and confronted, for although they may sound insignificant, it is not possible to educate hungry, insecure, and sick communities. The educator cannot do anything about this in the ordinary sense, there has to be an infrastructure; and that is why achieving such a structure as suggested herein might sound too idealized. But then if education is a holistic communal process, then it ought to be approached holistically. Every player must strum his string where they ought. Of significance is that most societies overlook the fact that the infrastructural challenges feed into the failures in education and vice versa. Poor individuals will strive to be educated so that they can beat their challenges, this way they emphasize only a materialistic approach to education, and if they get material liberation, they become rich materially and empty ethically, and they run the institutions, feeding the same mediocrity into the system, with a cyclic sustenance of the broken society. What Nduku and Makinda (2014) talk of as effects of corruption on Education can partly be seen enduring because of such a recurrent process. To such a society, such a liberative approach is sheer abstraction obviously with nothing practical. Yet we need to repeat it again, the educated individual cannot, as matter of principle, avoid the ethical question.

22.8 Conclusion

This paper has been guided by a question running through its whole construction; what is the best way to achieve peace in the education system? I therefore ventured into a critical discourse on how the individual can search for the self, the other and collectively their place in creation, as an educational structure. It comes out as a structure that can work amidst several other infrastructural considerations, yet if the system is made to work, this can be a viable contribution to a holistic approach to education.

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E

RESEARCH ETHICS, JUSTICE AND LAW

PROFESSIONAL ETHICS

THE OTHER MESSIAH WE UNWITTINGLY CRUCIFIED

Alice Bitutu Mongare

23.1 Abstract

The paper examines the role of ethics generally on delivery of public goods and service and enquires into the flaws apparent in consumer protection and how the same relates to ethical conduct or lack thereof⁷¹⁷. Professional ethics is a collective term used to refer to the rules and standards governing the conduct of members of a given profession, as a paid occupation involving long training and formal qualifications. The word professionalism originally applied to vows that were taken by three professions namely: Divinity, Law, and Medicine. These Professionals and those working in such professions were to exercise specialized knowledge, skill, and personal etiquette, the application of which ought to be governed by a code of conduct when providing a service to the public. The duty bearers whether professional or just appointed to serve the public, are expected to be capable of making sound judgments when applying their skills, by reaching informed decisions. The chal-

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lenge that out rightly impedes progress in this respect is that those who are owed this right or duty, have not attained the necessary knowledge and skills to question the professionals they have and thus must be led. This paper attempts to establish a base level of acceptable behavior that is designed to make human interactions desirable. The duty bearers and professionals' main duty in service delivery can be summed as 'do no harm.' However, in the recent past we have experienced grim maltreatment done to the public and diminished moral perceptions in the professional spectrum and the delivery of service to the Kenyan public. The paper will be interrogating the position of the law in dealings of professionals and answer the question of why the application of reactive approach by the law enforcement authorities to matters public service. Notably, professionalism, morality and ethics have all been on the downward trend in this country. Some of the areas of concern witnessed *in the rest on void ethics include*: Medical practitioners sexually assaulting patients, misdiagnosis of patients, reckless and careless driving leading to road carnage inter alia. The education sector has not been spared either considering the incidences of examination leakages, the rampant strikes among the staff and students, instances of defilement and arson in boarding schools which have been on a rising trend. The safety and health of Kenyans has been diminished as a secondary concern, due to contrabands now being allowed into the country at the glare of consumer protection agencies and laws in place. Our legislators are also in the mess, they allegedly receive incentives to support unmerited motions. Reporters are giving us wrong information, based on who paid them more to develop the story. Professional Ethics suffices as a messiah who was conceived to save mankind from itself, but mankind has yet again turned against, and crucified its messiah. *Key terms*: Ethical standards, Morality, 'Do no harm', Rule of law, Ethics

23.2 Introduction

Professional Ethics and matters pertaining ethical conduct are perhaps the most canvassed subjects in our everyday media, mainly because of the contentious nature of the deliberations that suffice.⁷¹⁸ So much has been said, and so much more has been done yet a lot remains unrealized in as far as the attainment of the ethical equilibrium is concerned among citizens on income and expenditure among other services.⁷¹⁹ Professional Ethics is the societal fabric from which a social development model with actual impact may be tailored notwithstanding the prevailing economic circumstances.⁷²⁰ It is an incontestable fact that professional ethics form the foundation upon which social welfare is built and without which the failure of nearly all social, political and economic functions is inevitable.⁷²¹ Professional ethics therefore emerges as the fiber that ties moral values to personal and the social spiritual being so much so that morals and ethics are inextricably inseparable.⁷²²

The quality of our lives is not determined by the happenstance of genetics but by the influence of environment in which it is nurtured. It is not measured in material possessions or in the trappings of youth neither

⁷¹⁸ Daily Nation newspaper, Nairobi <<https://www.nation.co.ke/news/Kenyans-sceptical-anti-graft-war/1056-4693528-8986xjz/index.html> accessed on 12th October 2018.

⁷¹⁹ Smith, Adam, *The Wealth of Nations* (London and New York, Dent & Dutton 1977) Book V Chapter II. As quoted in Atiya Waris, *Delineating a Rights-based Constitutional Fiscal Social Through African Fiscal Constitutions*, p. 24.

⁷²⁰ Noddings, N. (2013). *Caring: A Relational Approach to Ethics and Moral Education*. Univ of California Press.

⁷²¹ Pratt, Cornelius B. Multinational corporate social policy process for ethical responsibility in sub-Saharan Africa (1991) *Journal of Business Ethics* 10 (7)527-541(532).

⁷²² Ibid Pelizzo, C.F Ricardo and Rick Stapenhurst, 'Legislative Ethics and Codes of conduct, in rick Stephen Hurst et al (eds) *The Role of Parliament in Curbing Corruption* (World Bank, 2006).

is it dependent on personality or social acclaim.⁷²³ Contrary to popular belief, the intrinsic value of the lives we lead reflects the strength of a single trait; our personal character which is a construct of our ethical values.⁷²⁴ In his book: *Character Is Destiny*, Russell W. Gough describes the steps to personal growth from examining our lives to taking responsibility for our actions, from discarding selfishness to embracing the greater good, from becoming a better role model for others to finding the courage to do the right thing naturally and consistently. He opines that more often than not, ethical standards unlike laws are of a persuasive nature and not binding. This explains why individuals are more likely to engage in unethical conduct than they are to break the law.

Particularly in the African societal perspective, unethical conduct is merely frowned upon and it is only in few specific instances where the same is otherwise punished.⁷²⁵ This explains the pandemic prevalence of disreputable behaviors in all social spheres including but not limited to the work environment, politics, business et cetera. Professional ethics resonates as the standard of behavior which an individual's conduct should not be below.⁷²⁶ Ethics is a branch of philosophy dealing with values relating to human conduct, with respect to the rightness and wrongness of our actions and to the decency and wickedness of the motives and the ends of such actions.⁷²⁷

⁷²³ Ibid.

⁷²⁴ Anderson, P. M. (1997). Book Review: Character is Everything: Promoting Ethical Excellence in Sports. *Marquette Sports Law Review*, 7(2), 485.

⁷²⁵ Okeke, E. C. *From Cultural Diversity to Universality for Attainment of Peace, Justice, and Harmony in Africa*.

⁷²⁶ ibid

⁷²⁷ Kenya doctors perform a wrong brain surgery. See: Martin Mutua & Andrew Teyie, "Shame: MPs for Hire, The East Africa Standard" (*Nation*, 18th November 2004; Njeri Rugene, Bribery Rampant in Kenya's Parliament, Sunday Nation Nairobi, 16 May 2009); Editorial, 'put the voters interest first Daily Nation (2004).

In order to fully appreciate the niche occupied by ethical standards in any given society, one must invite themselves to consider certain factors incidental to professional ethics and ethical conduct.⁷²⁸ Perhaps now is a good time as any other to sound the alarm because the moral decay and failures in governance that saturate the news nowadays are merely manifestations of the derogations from the ethical standards set forth within various professions.⁷²⁹ One must also be alive to the fact that personal ethics, mostly referred to as individual moral values are slightly different from the professional ethics though the two function in congruence. For one to be deemed “ethical”, they must exhibit both personal and professional ethics since each is a construct of the other. One cannot have one while lacking the other.⁷³⁰

Professional Ethics has become such a growing concern that it has been enshrined in the Constitution of Kenya and several other statutes such as the Advocates Act. Additionally, various regulatory bodies governing various professions as well as institutions such as Institute of Certified Public Accountants Kenya (ICPAK), Law Society of Kenya (LSK), Kenya Medical Practitioners and Dentists Board (KMPD) and commissions such as the Judicial Service Commission (JSC) and The Ethics & Anti-Corruption Commission (EACC) pride themselves in implementing policy that promotes a certain ethical standard. Chapter six of the *Kenyan Constitution* (2010) sets standards of leadership and integrity that public officers must meet in order to be eligible to hold

⁷²⁸ Nash, D., Wintrob, R., Bernard, H. R., Brunt, L., Epstein, D. G., Freilich, M., & McKnight, R. K. (1972). The emergence of self-consciousness in ethnography, *Current Anthropology*, 13(5), 527-542.

⁷²⁹ Ibid.

⁷³⁰ Koliba, C. J., Meek, J. W., Zia, A., & Mills, R. W. (2018). *Governance Networks in Public Administration and Public Policy*, Series: Public Administration and Public Policy, Routledge.

office. Further *Article 10* espouses the national values and principles which it reiterates binds all persons at all levels of government.⁷³¹

In retrospect, the implication of reading *Article 10* along with chapter 6 of the Constitution of Kenya 2010 is that all Kenyans, and not just persons serving in a leadership capacity, are expected to maintain the ethical standards set therein.⁷³² This then raises the question of why we are treated to several egregious instances of unethical comportment and professional misconduct despite all the advancements we have made to curtail the same.⁷³³ In Narang's words though speaking in a different context but related to the point here, that is on participation, one of the principles under article 10 of the Kenya Constitution, he says:

“individuals expect to recognize themselves in public institutions they expect some consistency between their private identities and symbolic contents upheld by public authorities, embedded in public events. Otherwise individuals feel like social strangers, they feel that the society is not their society”⁷³⁴

⁷³¹ National assembly, first report of the Committee on Appointments on the vetting of the Cabinet Secretaries Nominees (2013). Parliament, has adopted the tradition of consulting institutions on nominees for public office, such as Ethics and Anti-Corruption Commission, *The Kenya Revenue Authority*, High Education Loans Board.

⁷³² Ibid.

⁷³³ Kinyungu, Cyrus, ‘MPs Are Most corrupt,’ *The east African standard* Nairobi, 6 December (2006); Mugo Njeru, ‘MPs most corrupt’ league’ daily Nation, (*Nation*, 10 December 2005).

⁷³⁴ Narang. A.S. Ethnic Conflicts and Minority Rights, *Economic and Political Weekly*, Vol. 37 no. 27, July 6-12, 2002, p. 2696, <<http://www.jstor.org/stable/4412319>> Accessed on 20 October 2018.

Messiah is a biblical⁷³⁵ connotation used in this paper to refer to professional ethics, ethics and morality as a liberator that we the Kenyan society has sacrificed for our own personal selfish benefits. To say the least, our morals are wanting, our actions are without any justifiable reason. The *messiah* was among us all the time to tell us what is wrong and what should be done, we however opted to crucify him without wit. The main question that lingers is, why is there a lot of harm in the country yet all the professionals' code of conduct, laws, religious and moral standing, demands that we should: '*do no harm*'?

23.3 Characteristics of Professionalism

The word professionalism originally applied to vows that were taken by three professions namely: Divinity, Law and Medicine. They were governed by their own code of conduct. Subsequently, several professions have come up. For purposes of this paper professionalism will refer to all persons that are in apposition of delivering service and goods to the public or reception position. Talking of professionalism one would expect us to deal with professions, however, each person is expected to display ethical behaviour in matters public service and private. That resonates well with the fact that ethics and morality cannot be separated. The characteristics of professionalism include: the duty bearers should offer service to others, assessment of client needs, theoretical body of knowledge obtained through extended pre-service education, standards for entry, practice, and ethical conduct, professional association to maintain standards, continuing education and lifelong learning professionalism does not mean the clothing it is the service behind it. For instance in legal circles, can you refuse to take on board a client, whom in your judgement is poor or guilty of the offence charged with?

⁷³⁵ New King James *Bible*, Isaiah chapter 53. Prophesied the coming of the messiah to save mankind but when the messiah came he was crucified Cf.: 1 Peter 4:10 let everyone use their gifts to serve others.

No, the car brank rules demand you take up all cases brought to you in order of priority, you will tell your client the implications of what he tells you. if acceptable appear before court and plead to lesser charge of manslaughter. Your first duty is to the court but rarely do this happen.

23.4 Research Question

This paper seeks to establish the circumstances that beget the harm that characterize the entire social, economic and political fabric of this nation, and which are incidental to ethical considerations or lack thereof, while assessing the roles played by the very institutions that were conceived to address these events they now encourage.

23.5 Methodology

The study is mainly a desk top review embracing a multi-disciplinary research approach to attempt to address the problem at hand from a theoretical point of view from a philosophical perspective not empirical.⁷³⁶ It will consult legal minds, legal literature on consumer protection, professional ethics and anthropology to understand Kenyan society's origin of the problem at hand and culture in service delivery. It will interrogate the philosophy behind professional ethics. The research also evaluates existing literature in social disciplines that discuss the demographic construction of Kenya in a social sense to appraise the cultural confines that malign professionalism.

⁷³⁶ Scholastica Omondi on Social Science/Empirical Research for lawyers: data collection and analysis in multi-disciplinary research (applying different methodologies in addressing the research problem from multiple points of view) legal research meaning interrogating different disciplines to solve the problem at hand. For instance, in this case legal mind, psychology, anthropology, medical, education experts were engaged to attempt to address the issue at hand.

23.6 Challenges Faced by Consumers of Professionalism

Speaking of challenges faced by consumers of professionalism, in this paper does not mean the professionals are on spot but refers to all duty holders or service providers in the Kenyan community.⁷³⁷ Despite the clear and cogent legal framework, the Kenyan community has received a raw deal on delivery of goods and services. One of the major drawbacks that fetter the pursuit for progressive ethical conduct has to do with the inequities that are apparent in the enforcement of such entitlements.⁷³⁸ Nearly all statutes in Kenya have an ethical bearing but none so far has codified the entitlement to ethical practice as a right. Even in the Constitution which by far suffices as the most intrinsically endowed, does not quite consider the entitlement to ethical treatment as one that should be deemed as a right within its Chapter 4 (Bill of Rights). The implication of this lacuna is that it becomes rather difficult for one to bring an action against an unethical individual particularly where the latter's unethical conduct does not result in criminal or civil liability. To bring this into perspective, consider the case against the Migori County Governor Okoth Obado, it is rather obvious that had the events not culminated into the murder (Criminal Liability) of the undersigned, there wouldn't be any other punitive measures against the accused because holding everything constant, matters purely ethical, and without criminal or civil liability have no practicable fora for redress.⁷³⁹

Breach of ethical duty arises, where a person or a body is under a duty (statutory or otherwise) to perform an act or, more rarely, to refrain

⁷³⁷ Oduor. R. M. J. *Social Education and Ethics Programme: Its Main Sources and their Justifications in Post-colonial Kenya*, M.A. thesis unpublished at Kenya University, 1990, 102.

⁷³⁸ Ibid.

⁷³⁹ One of the main principles of criminal law is that, no one shall be punished for acts and omission, which said acts and omissions were not specifically stated to be a crime and punishable by law.

from doing an act; does not perform the act they are obligated to, either in accordance with the terms of the statute, or at all or does the act when it should not be done; and a party suffers damage as a result of the statutory breach; and that statutory breach gives rise to “a right of action”. In matters pertaining ethics, perhaps we should do away with the requirement that the unethical conduct caused harm to an individual. The fact that an unethical conduct was perpetrated should merit punishment whether or not it occasioned suffering on another. In essence, we ought to institutionalize punishment of unethical conduct without making the same secondary to criminal and civil liability.⁷⁴⁰ For professional bodies, this is not such a concern because there are mechanisms within the professions regulatory framework to curb such unethical behaviour, however the same cannot be said for all disciplines.

The failure of the current legal dispensation has led to very unprecedented and honestly legally unjustifiable consequences.⁷⁴¹ In addition to the inept services the public receive from officers statutorily obliged to offer standard services, laxity and incompetence is a common feature of such services. How does one for instance explain how contaminated sugar unfit for human consumption was sneaked into the country through our ports undetected? Definitely it was incompetence and/or laxity of some officials and outright corruption among others.

Luckily, corruption is a triable offence,⁷⁴² as Marsh rightly points out we have a long way to go in this fight: but how about incompetence and laxity? Could this be the reason why the perpetrators from Kenya Bureau of Standards on contaminated sugar were charged with “attempted

⁷⁴⁰ *James Kuria v Attorney General & 3 others* [2018] eKLR, Petition 254 of 2016.

⁷⁴¹ Narang A.S. Ethnic Conflicts and Minority Rights, *Economic & Political Weekly*, 18, Vol. 37, Issue No. 27, 06 Jul, 2002.

⁷⁴² Simon Marsh, ‘there is light at the end of the tunnel in corruption war’ Nairobi, daily Nation News Paper June, 19, 2018. Simon marsh is an advisor on investigative Corruption and Economic Crimes.

murder” and not more precise citations that might have punished their crime? The failure of our institutions has led to delivery of otherwise inexplicable services, consequences of which have been horrendous. In the latest incident a bus not licensed for night travel for example, went through 12 roadblocks and caused an accident killing 55 people and counting. All these pointing back to professional ethics and ethical conduct, to say the least morals were dead and buried long ago. Other areas of concern witnessed in the rest on void ethics include: Medical practitioners are sexually assaulting patients,⁷⁴³ misdiagnosis of patients leading to wrong surgeries,⁷⁴⁴ reckless and careless driving leading to road carnage inter alia.

The education sector has not been spared either considering the incidences of examination leakages, plagiarism, the rampant strikes among the staff and students, instances of defilement and arson in boarding schools which have been on a rising trend.⁷⁴⁵ The safety and health of Kenyans has been diminished as a secondary concern as contrabands are now allowed into the country even with consumer protection agencies and laws in place.⁷⁴⁶ Indeed, the shepherd has turned against the sheep, because the very people charged with the onus of ethically safeguarding our welfare are in the bed with the individuals perpetrating such unethical vices against us to the extent that suspects are getting murdered in police custody. All these appear to be consequences of derogation from ethical standards we set.

⁷⁴³ Corruption ranking Kenya ranked no. 28 out of 100 most corrupt countries. There is argument of improvement from 45 out of 100 <<https://www.standardmedia.co.ke/business/article/2001270749/how-kenya-ranks-in-world-corruption-index>>accessed on 20 October 2018.

⁷⁴⁴ Kenya doctors perform a wrong brain surgery <<https://www.bbc.com/news/world-africa-43255648> > accessed on 20 October 2018.

⁷⁴⁵ Ibid, the minister launches investigations to establish allegations of sexual harassment in the same largest facility in the country by medics.

⁷⁴⁶ Consumer Protection Act, Nairobi 2016.

23.7 Religious Circles on Consumption of Professionalism

Religion cannot be separated from ethics the good book Holy Bible is full of morals and ethics. From the New Testament all the way to Old Testament, there is emphasis on doing good and not to do harm to anybody. Deuteronomy demands love from all those that fear God, there are sanctions coming with violation of Gods laws, ethics and morals.⁷⁴⁷ The same applies to Islamic religion, the Quran is categorical on maintaining ethical and moral conduct while dealing with one another.⁷⁴⁸ The same views are held under Hinduism, under the Indian holy book Gita- the golden rule as fronted by Krishna on administration in society is that you should bear in mind at all times the karma that life is like a circle that today the most despised or discriminated may be born as a ruler. We should shun *kama* which means bad or unethical habits.⁷⁴⁹

Professional Ethics suffices as a messiah who was conceived to save mankind from itself, but mankind has yet again turned against, and crucified its messiah, unknown to us, from the trend of events it is safe to conclude that this messiah may never resurrect.

23.8 Theorizing the Challenges Faced by Consumers of Professionalism Framework

The paper proposes four theories which are examined to explain the problem at hand from a philosophical point of view. They include, the rights theory that attempts to show that reception of goods and services

⁷⁴⁷ Nelson, Thomas, New King James version of the Bible, Harcourt religious publishers, Hosea, 9:9, Deuteronomy 6:5-7.

⁷⁴⁸ Quran chapter Islam-Quran Al 'Asraa-17th Chapter (17:33).

⁷⁴⁹ The Indian Lord Krishna advises how to manage better in the Gita.

should be available as of right not as an appeal to charity from the duty bearers. The social-cultural theory will show that the environment we live in reflects the traits we carry around. Some unethical behaviour that are displayed in society are as a result of uncouth environment we find ourselves in. The sociological theory also brings on board *synergy principle* to realize social economic rights.

23.9 Rights Theory

Rights are legal, social, or ethical principles of freedom or entitlement; that is, rights are the fundamental normative rules about what is allowed of people or owed to people, according to some legal system, social convention, or ethical theory⁷⁵⁰. This theory is entrenched in the fact that a government owes people certain rights. For the purpose of this paper we focus on Hegel's *Philosophy of Rights*. He believed that:

“Owing to the character of the entire body of the laws, knowledge both of what is right and also of the course of legal proceedings may become, together with the capacity to prosecute an action at law, the property of a class which makes itself an exclusive clique by the use of a terminology like a foreign tongue to those whose rights are at issue. If this happens, the members of civil society, are kept strangers to the law, not only to those parts of it affecting their most personal and intimate affairs, but also to its substantive and rational basis, the right itself, and the result is that they become the wards, or even in a sense the bondsmen, of the legal profession.”

In summary what he was saying was that, if the people are not made a part of the systems, they are being denied an essential right. It also

⁷⁵⁰ Hegel, Georg Wilhelm Friedrich (1820): *Elements of the Philosophy of Right*, German: *Grundlinien der Philosophie des Rechts*.

means that they remain at the mercy of those who understand the law alone and may never know if their rights are being infringed upon. This theory is therefore fundamental to this paper, it encourages participation and awareness. It clearly illustrates that denial of public participation as one of our values erodes confidence in the systems because they have little knowledge of its inner workings.⁷⁵¹

23.10 Social Contract

After Hobbes, for Jean Jacque Rousseau the social contract theory postulates that a social contract is formed between the government as the sovereign and its subjects. According to this theory, a body polity is formed by the people by way of formation of a social contract.⁷⁵² The body polity formed is the government. Upon formation of this body polity, the people cede their rights to the government to enforce them on their behalf collectively as well as individual benefit.⁷⁵³ The sovereign body polity created is therefore conferred with the power, the mandate and the machinery to enforce the rights of the people on their behalf and to their benefit. This is the reason as to why the people by themselves are precluded from taking personal measures to enforce their rights as this would be an attempt to usurp the power of the sovereign which is the body polity formed under the contract theory.

As a matter of fact, the social economic rights are some of the rights ceded to the body polity in a free and democratic society based on hu-

⁷⁵¹ Hegel, *Elements of the Philosophy of Right*, *ibid.*

⁷⁵² Rousseau, Jean-Jacques (1762): *On the Social Contract*.

⁷⁵³ Riley, Patrick (1982): *Will and Political Legitimacy A Critical Exposition of Social Contract Theory in Hobbes, Locke, Rousseau, Kant and Hegel*, Cambridge: Harvard UP.

man rights.⁷⁵⁴ As indicated in the social contract theory, the people form a body polity and bestow it upon themselves and their future generations so that the formed polity protects them and preserves their rights including their right to property clean environment information among others.⁷⁵⁵ In the case of Kenya, the people of Kenya while contemplating their plight and that of their children, as evidenced in the preamble of the *Constitution of Kenya* 2010 entered into a social contract in the following manner by using the following words verbatim:

23.11 “We, the People of Kenya“

ACKNOWLEDGING the supremacy of the Almighty God of all creation:

HONOURING those who heroically struggled to bring freedom and justice to our land:

PROUD of our ethnic, cultural and religious diversity, and determined to live in peace and unity as one indivisible sovereign nation:

RESPECTFUL of the environment, which is our heritage, and determined to sustain it for the benefit of future generations:

RECOGNISING the aspirations of all Kenyans for a government based on the essential values of human rights, equality, freedom, democracy, social justice and the rule of law:

EXERCISING our sovereign and inalienable right to determine the form of governance of our country and having participated fully in the making of this Constitution:

ADOPT, ENACT and give this Constitution to ourselves and to our future generations.” Thus, if the power belongs to the people the question is why is that the people do not exercise their powers as principals and terminate the authority of the agents”.

23.12 The Sociocultural Theory

The social cultural theory to explain the problems experienced in schools on exam leakages, conflict that leads to butchering of teachers and strikes among others was developed by Lev Vygotsky, the sociocultural theory postulate that children learning are majorly influenced by the social and cultural setting they are exposed to.⁷⁵⁶ When children are born in a region and they grow in it, they are likely to acquire the traits they find there. According to the sociocultural theory, culture and social happenings around a child provide the elementary education to a child and continue to form an integral part of his education life until he becomes an adult. It is noteworthy that the influence of culture and social organization of child does not cease with adulthood.

Children have innate tendency to observe the values they learnt from their cultural and social up-bringing especially when the said cultural or social learning was very strong. For this reason, the exposure of children to conflict and chaotic societal alignment influence the manner in

⁷⁵⁶ Lantolf, James P., ed. *Sociocultural Theory and Second Language Learning*. Vol. 78, no. 4. Oxford University Press, 2000.

which children learn and acquire new ideas. When academic learning of children is constantly interrupted due to conflict and chaos, the children would begin to relate cordially with violence and get their attention much to issues resolving around violence instead of focusing on academic concepts. When all they see is a salary of some body being a few thousands but within a short time they are driving heavy machine! For this reason, the social and cultural environment children are exposed to has a serious impact on them.

Vygotsky who is the major proponent of the sociocultural theory hold the opinion that learning is a social process especially when the same is being done formally in an education system.⁷⁵⁷ When children are taught, they attempt to first relate with the person teaching them and interact with him or her socially before they get to appreciate the concepts he/she is talking about.⁷⁵⁸ This is the reason as to why learning is faster and more efficient when children relate cordially with their teacher than when they have no regard for him. The social aspect of leaning makes the process require that teachers develop a good working relationship with the students since this makes the process of acquisition of knowledge easier and better. In other words, it takes two to tangle whether for good or bad. It all depends on whether the teacher has ethics in her if it is crucified the child will pick this.

For children in conflict areas, there is usually no proper time to establish a social bond between the learners and the teachers and between the learners and themselves. This is the reason as to why learning is impaired in the conflict regions. It would be very difficult for learning to be efficient when some teachers flee from the regions shortly after they

⁷⁵⁷ Kozulin, Alex, Gindis, Boris, Ageyev, Vladimir S. and Miller, Suzanne M. Eds. *Vygotsky's Educational Theory in Cultural Context*. Cambridge University Press, 2003.

⁷⁵⁸ Lupton, Deborah, Ed. *Risk and Sociocultural Theory: New Directions and Perspectives*. Cambridge University Press, 1999.

have been brought on board to take the children through their basic education curriculum. Further, learning is seriously impaired when children cannot establish proper bonds between or among themselves since the composition of the class is usually interrupted by the conflict that afflict them incessantly. Children in conflict regions are therefore disadvantaged by the fact that they cannot form reliable social bonds with the people teaching them and/or social bonds with the people they learn with. In these regions, conflict prevent some students from getting to school while in some the schools get to be closed indefinitely until a contrary decision is made on the status of the security in the regions.

23.13 Sociological Theory-Synergy of Systems Theory

The issue being addressed in the research is not to be understood from a privation of laws in place, however, it is a matter that calls for a paradigm shift⁷⁵⁹. Having enacted laws which assign different stakeholders' divergent roles on delivery of qualitative dimensions of education and others to ensure compliance seems not sufficient. The sociological systems theory opines that law is itself complex and effectiveness can only be achieved through interdependence.⁷⁶⁰ This resonates with the theme of this study, that for the State to effectively deliver the social economic rights for to its citizens, there is need to employ synergic energy among all the stakeholders as legislatively provided. As opposed to each stakeholder acting independently on how they deem fit in delivery of socio-economic rights.

⁷⁵⁹ This is the writer's views of the social responsibility principle that if we are to achieve the desired results on delivery of goods and services, there is a need to synergize all the efforts by different actors to form a whole without duplicity.

⁷⁶⁰ Freeman, M. D. A. *Lloyd's Introduction to Jurisprudence* (7th ed., Sweet and Maxwell, 2008, London) 659.

This is drawn from the meaning of system. A system is composed of regularly interacting or interdependent groups of activities and parts that form a whole. The central theme of the systems theory is the idea that when one part of system fails then the whole system is bound to fail. Interpreted ordinarily, if one stakeholder fails in their assigned duties, education for children in conflict situation fails. In order to realize social economic rights, the State and other stakeholders need to pull together roles, resources and redistribute them.⁷⁶¹ Niklas Luhmann argues that social systems are systems of communication, and society is the most encompassing social system.⁷⁶² Each system has a distinctive identity that is constantly reproduced in its communication and depends on what is considered meaningful and what is not. If a system fails to maintain that identity, it ceases to exist as a system and dissolves back into the environment it emerged from. The State should be able to communicate with the other stakeholders on delivery of social economic rights. In a nutshell, effective delivery of the social economic rights in society greatly depends on a working system and synergized system.⁷⁶³

23.14 Legal Frame Work

Ethics in Kenyan law catapulted into significance after the enactment of the 2010 Constitution. The entire Constitution is about values and principles of the Kenyan people. Article 10 of the Constitution 2010

⁷⁶¹ Niklas Luhmann was a German sociologist, philosopher of social science, and a prominent thinker in systems theory. Much of Luhmann's work directly deals with the operations of the legal system and his autopoietic theory of law is regarded as one of the more influential contributions to the sociology of law and socio-legal studies.

⁷⁶²Niklas Luhmann (1982): The World Society as a Social System. *International Journal of General Systems*, 8:3, 131-138.

⁷⁶³ Op. cit., section 31.

espouses the National Values and Principles, they include and not limited to:

Rule of law, Participation, accountability, equality, equity, natural justice honest non-discrimination, human rights, effectiveness, among others. All this principles and values are almost a replica of the characteristics of professional ethics⁷⁶⁴.

23.15 Rule of Law

The rule of law means that nobody is above the law, hence all including government should be subject of the law⁷⁶⁵ and that nobody should exercise powers that are beyond what is provided under the law.⁷⁶⁶ The most effective international legal system in the world exists in Europe, it works much like our domestic system, where violations of the law are brought to court, legal decisions are respected, and the autonomous influence of law and legal rulings extends into the political process itself.⁷⁶⁷ The European legal system was not always so effective at influencing State behavior and compelling compliance.⁷⁶⁸ Indeed the European Community's original legal system was intentionally designed to have very limited monitoring and enforcement capabilities. The European Court of Justice transformed the original system through bold and controversial legal decisions declaring the direct effect and supremacy of European law over national law.⁷⁶⁹

⁷⁶⁴ Sihanya, Ben, Devolution and Education Law and Policy in Kenya (2014), 10(1), *Law Society of Kenya Journal*, 59-90. See also: Bovens, Mark, Public Accountability, *ibid.*

⁷⁶⁵ Scalia, A. (1989): The rule of law as a law of rules. *U. Chi. L. rev.*, 56, 1175.

⁷⁶⁶ Amollo Otiende, on Rule of law in Kenya.

⁷⁶⁷ *Ibid.*

⁷⁶⁸ Scalia, The rule of law, *loc. cit.* 14.

⁷⁶⁹ *Ibid.*

The rule of Law in this sense implies that even the law itself is subject to the law such that law that is repugnant to the relics of justice and canons of natural law is vitiated in as far as that repugnance prevails.⁷⁷⁰ The Constitution of Kenya has reiterated this position in its articles and the same has been the dictum of several judgements pronounced by Kenyan courts.⁷⁷¹ The most important demand of the Rule of Law is that people in positions of authority should exercise their power within a constraining framework of well-established public norms rather than in an arbitrary, *ad hoc*, or purely discretionary manner on the basis of their own preferences or ideology.⁷⁷² It insists that the government should operate within a framework of law in everything it does, and that it should be accountable through law when there is a suggestion of unauthorized action by those in power. Notably, the Rule of Law is not just about government, it requires also that citizens should respect and comply with legal norms, even when they disagree with them.⁷⁷³ When their interests' conflict with others' they should accept legal determinations of what their rights and duties are.

The law should be the same for everyone, so that no one is above the law, and everyone has access to the law's protection.⁷⁷⁴ It also implies that the law applies to all without bias or favors so that two individuals having broken the same law suffer the same consequences regardless of

⁷⁷⁰ Bingham, L. (2007): The rule of law. *The Cambridge Law Journal*, 66(1), 67-85.

⁷⁷¹ Council of County Governors v Attorney General & another [2017] eKLR, Constitutional Petition no. 56 of 2017

⁷⁷² Sihanya, Devolution and Education Law and Policy in Kenya, *op. cit.*, 59-90.

⁷⁷³ *Ibid.*

⁷⁷⁴ Bosire, Conrad (2012): Will Devolution Help Kenya's Poor? Published by Open Society Initiative of South Africa. (OSISA), August 2, 2012, <http://www.osisa.org/economic-justice/blog/will-devolution-help-kenyas-poor>>accessed 17th June 2014.

the fact that they belong to different socio-political classes.⁷⁷⁵ The government is the duty bearer whereas the citizens are rights holders.⁷⁷⁶ This duty owed to the citizens conversely creates an indispensable obligation upon the government to its people in that regard. The nagging question is if this is the position, why do we experience and continue to endure violation of rights in the country ranging from consumption contaminated sugar, meat, rice, lack of accountability, public being subjected to wrong procedures, lives easily taken away by those supposed to be protectors, preferential treatment for some people among others. The law exists, what does not is the moral obligation to follow the law which is founded in personal ethics; an area you would agree that we significantly lack in.

The Constitution of Kenya under article 79 establishes the Ethics and Anti-Corruption Commission (EACC) and an ethics and Anti-commission Act, that guides on how this body plays a watch dog role. Article 232(1) of the Constitution provides that; “The values and principles of public service include — (a) high standards of professional ethics”.

High standards of professional ethics include values and principles of public service. There is a notable function accorded to the EACC under the Constitution in the same article; the power to oversee the implementation process and compliance with the provisions of Chapter Six of the Constitution on *leadership and integrity*. Public and State officers, therefore, ought to conduct themselves in a very high moral and ethical manner and also in accordance with provisions of the Public Officer

⁷⁷⁵ National Democratic Institutes for International Affairs, *Legislative Ethic: A Comparative Analysis*, 1999, Legislative Research Series Paper 4.

⁷⁷⁶ The Constitution of Kenya, 2010, *Chapter One*.

Ethics Act, derogations from which is regarded to be inconsistent with the constitution.⁷⁷⁷

The functions of the EACC in relation to State officers are provided for under *section 11 (1)* of the Ethics & Anti-Corruption Act include but are not limited to:

- (a) Develop and promote standards and best practices in integrity and anti-corruption;
- (b) Develop a code of ethics;
- (c) Receive complaints on the breach of the code of ethics by public officers;
- (d) Investigate and recommend to the Director of Public Prosecutions, the prosecution of any acts of corruption or violation of the codes of ethics, and
- (e) Recommend appropriate action to be taken against state officers and public officers alleged to be engaged in any unethical conduct
- (f) Oversee the enforcement of codes of ethics prescribed for public officers; [...]
- (h) Raise public awareness on ethical issues;

Devolution is another tool within the constitution meant to assist Kenyans access services expeditiously, but the duty bears must play within the provisions of article 10 of the Constitution 2010 as pointed out above.

⁷⁷⁷ Standard digital, 'Kenya ranked fourth globally as countries most hit by fraud' <http://www.standardmedia.co.ke/business/article/2000142773/kenya-ranked-4th-globally-in-list-of-countries-worst-hit-by-fraud> accessed on 20 October 2018.

In addition to the constitution, the Public Officer Ethics Act has been in force since 2004 and is still intact. This Act established the specific Codes of Conduct and Ethics of public servants, such as teachers, armed forces, National Intelligence Service, independent commission(s) personnel, co-operatives and universities. It appears that the law deals only with ethics of public officers and State officers; professionals have to adhere to in-house ethical restrains most of which do not have the force of law, for instance, the Hippocratic Oath taken by doctors.⁷⁷⁸ Ethics and morals both relate to ‘right’ and ‘wrong’ conduct. However, ethics refer to the series of rules provided to an individual by an external source e.g. their profession and which such individual ought to adhere to. On the other hand, morals refer to an individual’s own principles regarding right and wrong. It is a little surprising that the Ethics and Anti-Corruption Commission since its inception has made no impression whatsoever on its mandate on ethics.⁷⁷⁹

Kenyan remain totally uninformed as to what the Commission is doing in respect of ethical matters. How does the Commission intend to nationally deal with the issues of ethics? How will breaches of ethics, firstly by Public Officers and then other Kenyans, be dealt with? Both the accuser and judge? Ethical matters cannot be punitive and dealt as criminal offences. What, therefore, are the sanctions the Commission hopes to impose — reprimand, demotions, sacking, naming and shaming? Ironically it appears that our institutions such as Courts, police, commissions are more reactive on ethical matters. The Judiciary addresses various issues of governance, national values, patriotism, integri-

⁷⁷⁸ Bowry, P. *Laws on Ethics are Inconsequential in Reality*, retrieved from: <https://www.standardmedia.co.ke/article/2000083623/laws-on-ethics-are-inconsequential-in-reality>, last accessed on 08/09/2018.

⁷⁷⁹ Lack of impression by ECC despite there being laws that encourage ethical behaviour.

ty, transparency and accountability as happened in the Mumo Matemu case.⁷⁸⁰

Some recent past incidents do highlight the predicament of various regimes which fall under matters of ethics. Is it for instance unethical for senior public officers to commit adultery, or even allegedly sire children and portray themselves as upright Kenyans? The Homa Bay County Governor has found himself in this very predicament, however the punitive measures taken against him relate more to the criminal offense tied to the unethical conduct which begs the question of how exactly are ethical misconduct punished in Kenya? The Deputy President for instance allegedly engaged in adultery and sired a child. Were there any punitive measures taken?

Is it ethical for prominent and so-called upright Kenyans to get married in churches and then have other wives which only surface after their deaths?⁷⁸¹ The birth of a new vicious animal called “Vetting” has had both interesting and uninteresting yields. Vetting by boards, parliament, by in-house ad hoc committees all are matters touching on morality, criminality consciousness, abuse of office, et cetera but ultimately relate to ethical ethos. The question which remains unanswered is who the Judge is of whether conduct is ethical or otherwise and who passes the judgment after due process. Will there be a Tribunal to deal with matters ethical? Will the Ethics Commission undertake investigations and bring culprits to face the consequences? Is there a risk of the Commission being the accuser, the judge and the executioner? Is it ethical that Cabinet Secretaries with extremely high academic qualifications are being vetted by Members of Parliament, probably with questionable moral and academic qualifications? In light of the prosecution of the deputy president

⁷⁸⁰ *Mumo Matemu v Trusted Society of Human Rights Alliance & 5 others* [2013] eKLR, Civil Appeal 290 of 2012.

⁷⁸¹ Mongare, Alice (2018): *Cohabitee: A Thorn in the Flesh*, Pravni Vjesnik, Croatia.

of Kenya's Supreme Court, how ethical or unethical is it for the Judicial Service Commission to become a judge in a case facing their superior?

The Consumer Protection Act 2012 that was later assented into law on 14 March 2013, has been deemed as a turning point for customers' country wide, considering that it is the first of its kind to formally document the rights of consumers, and to provide guidelines on various consumer-supplier interactions. Contained in its statutes are two main objectives: to provide for the protection of consumers in the country, largely referred to in common speak as customers; and to prevent unfair trade practices in consumer transactions from suppliers. In other words, protect consumers from unethical business transactions. The perception that the Kenyan customer is at the mercy of the supplier is rife and is only now slowly turning around, with the advent of the more technically savvy and informed citizen.⁷⁸² The act does not make direct reference to ethical treatment of consumers but one can immediately deduce that any unethical transactions calculated to be adverse to consumers is punishable under this law; particularly under *section 35*. Having excellent legislation in place is one thing, but having an enlightened populace is another. It should be the duty of every consumer to seek to understand what is in place to protect their rights; whether legal, ethical or otherwise.

The Law Society of Kenya in 2005 established Ethics Committees (*also known as regional ethics panels*) throughout its branch network to promote alternative dispute resolution without necessarily resorting to the formal disciplinary process.⁷⁸³ Their mandate extends to relatively complaints which are inherently unsuitable for the formal disciplinary process. Significant gains have been made from this innovative approach to complaints and discipline, foremost among them being expe-

⁷⁸² Solomon, Michael R., and Nancy J. Rabolt (2004): *Consumer Behaviour in Fashion*, Prentice Hall.

⁷⁸³ Law Society of Kenya in 2005 formed the Ethics Committees throughout the country to deal with ethical issues without necessarily disciplining the member.

ditious and convenient resolution of disputes between advocates and clients. International practice has recognised the value of alternative dispute resolution, especially where there is a need for relatively quick processes. However, to some degree alternative disputes resolution, although widely used in the disciplinary arrangements of legal professions, is found to be complementary to investigative functions, and is not a substitute for disciplinary action. This is because professional misconduct does not only harm the client – indeed there may be no victim as such. It adversely affects public perceptions of the profession. Thus, like the general criminal law the victim is in a sense a secondary consideration.⁷⁸⁴

23.16 Relationship between the Law and Practice

Since the inception of Kenya's new constitution, several actions have been brought to court and the various tribunals empowered to adjudicate on the same. A significant majority are still in court while among those that have been decided, here seems to be a common trend. It has become apparent that unless the ethical misconduct can be tied to criminal or civil liability, the powers of our courts are clipped and the aggrieved must then find other ways to redress. These were the findings in *Benson Riitho Mureithi v J. W. Wakhungu & 2 others* [2014] eKLR.⁷⁸⁵ The facts of this petition were that the petitioner contended that the 1st respondent failed to consider the *provisions of the Constitution contained in Chapter 6 with regard to the competence, suitability and integrity* of the Interested Party before appointing him as the Chairman of the Athi Water Services Board.

⁷⁸⁴ Ojienda, Tom, *The Enforcement of Professional Ethics and Standards in the Kenyan Legal Profession*, *ibid.*

⁷⁸⁵ *Benson Riitho Mureithi v J. W. Wakhungu & 2 others* [2014] eKLR, Petition 19 of 2014.

The respondents and the Interested Party argued that this Court has no jurisdiction to deal with this matter as there is a procedure provided by the Leadership and Integrity Act which should be followed before a party can approach this Court; and that it is not the petitioner who has a right to approach the Court but the Ethics and Anti-Corruption Commission. In addition, it was contended for the Interested Party that the petition before the Court raises issues that are the subject of proceedings before other courts, and this petition therefore breaches his right to a fair hearing. The duplicity of fora in this case was cured by the judge invoking the *Kompetenz doctrine* to decide on its own jurisdiction and later allowed the petition and made orders in that respect. However not many courts have been able to wiggle themselves out of such conundrums.

In another petition *Katiba Institute v Presidents Delivery Unit & 3 others*,⁷⁸⁶ in a Petition dated 20th September 2017 and filed in Court on 21st September 2017, the petitioner averred that on diverse dates during of 2017, the 1st respondent published advertisements in the media, through billboards and in business messaging or tags #gok DELIVERS and #JUBILEE DELIVERS. The petitioner stated that on 17th August 2017 in pursuit of its *right of to access information*, wrote to the 1st respondent seeking information on how many advertisements had been published, through what media, schedules and dates when it was done, copies of the documents advertised, total cost incurred and the relevant government accounting office(r) and the individual or government agency that met the cost. The information sought was to cover the period 25th May to 16th August 2017. The Petitioner further states that the request was founded on *Articles 1, 10, 19(1) 21(1) and 35(1) of the Constitution as well as Access to information Act, 2016*.

The petitioner also relied on the *Fair Administrative Action Act, 2015* which obliges Public Officers to act expeditiously, efficiently, law-

⁷⁸⁶ *Katiba Institute v Presidents Delivery Unit & 3 others* [2017] eKLR, Constitutional Petition 468 of 2017.

fully, reasonably and in a procedurally fair manner. At the first glance, one may immediately establish that the matters elicited herein were largely ethical in nature but luckily for the applicant, the same is provided for in law. In fact, throughout their submissions, the petitioners relied on literature on accountability and public ethics. A declaration was issued that failure by the 2nd, 3rd and 4th respondents to provide information sought under Article 35(1) (a) and also to publish the information in accordance with Article 35(3) was a violation of the obligations imposed on the said respondents by *chapter six specifically under Articles 73(1) and 75(1) of the Constitution and section 3 of the leadership and integrity Act and sections 8, 9 and 10 of the Public Officers Ethics Act.*

23.17 Findings and Discussion

The law exists, what does not is the moral obligation to obey these laws, the duty bearers have turned against the rights holders. The question is, if there are laws and the problem is the moral obligation to obey them, where did the rain start beating us? The root cause of the ineptness in goods and service delivery is just but a maturity of sins planted by the societal environment. The origin of unethical and unprofessionalism can be traced back to the family values and virtues imparted by the parents as a first teacher on the children. The home environment presents absentee parents and when available, they socialize the children in unethical manner. The fridges are full of brands of alcohol, home discussions are unethical, everybody is painted corrupt and unethical including the priest, pastor, teachers and the leaders.

Therefore, unethical behaviour is not a big deal: the children listen to their parents' act unethically including discussion of the neighbours, having fixed grades for their children. A neighbour having bought a house and a car after working for a year. The discussions on television have neither spared us from advertisement of condoms possibility of

terminating pregnancies name them. It is safe to infer that as a society we are reaping what we have sowed.

The case in point, is the expose by Nation TV by Dennis Okari on the 5th November 2018 ‘self-acclaimed’ doctor Mugo Ndichu case alias *Mugo wa Wairimu* case where he puts the lives of women on the line by conducting an unlicensed and unregulated medical business. He conducts surgeries on women and performs abortions with no ethical, hygienic and human considerations which have not only jeopardized profession’s name but Kenyan’s lives. There is a case currently in court where a pathologist stole the body organs from a body after performing a post mortem which is contrary to provisions of the law.

As rightly put by Simon Marsh, all is not lost there is light beyond the tunnel in corruption war. The position is supported more since the professionals and or duty bearers are now held more accountable for their actions, the rule of law is at work.

Professional Ethics suffices as a *messiah* conceived to save mankind from itself, but mankind has yet again turned against him and crucified its *messiah*, unknown to us, from the trend of events it is safe to conclude that this *messiah* may never resurrect.

23.18 Conclusion

It is not disputed that the laws in Kenya have a nexus with ethical conduct. Education is a way opener for enjoyment of all the other rights.⁷⁸⁷ Education may be formal or informal. The first teacher is the ethical home environment which said ethical environment is lacking and has a negative influence. Parents have no time for their children and even when parents and children are together, they have shown them that

⁷⁸⁷ UNESCO leads the Education for All, Movement aiming to meet the learning needs of children, youths and adults by 2015. Article 28 and 29 CRC.

they can provide everything including educational grades through short cuts. The flaws experienced today in service delivery are the consequences of a seed that was planted at the first ethical school home! The leadership and Ethics Act is one such law, meant to check the ethical conducts of the public officers but like has been seen it is not enough to have laws, more needs to be done to implement the same. The Governance, Justice, Law and Order Sector Reform Programme (GJLOS) has as one of its objectives the addressing of shortcomings in the formal justice system, and facilitating the implementation of reforms to strengthen institutions within the sector. The Ministry of Justice has identified a number of priorities akin to the legal profession. These priorities include fighting corruption, promoting judicial reform, promoting legal reform, improving access to justice, and improving legal education, including continuing legal education. One aspect of this programme is ensuring that the ethical and disciplinary procedures of the legal profession as any other are sufficiently robust to meet international standards of impartiality and effectiveness. After reviewing the legislative policy and administrative structures in which the disciplinary system is based, and included consideration of broader aspects such as the advocates' practice rules and code of conduct, the regional ethics committees of The Law Society of Kenya, and the ethics content of the Advocates Training Programme.

As the context of the review is to benchmark Kenyan practice with international best practice documentary analysis coupled with observation of process and discussion with stakeholders provided the necessary empirical evidence. One thing that comes out clearly is that much more can be done in the wake of the failing ethical standards in the various disciplines. Without ethical considerations, Kenya will continue to wallow in the deplorable state it has been in for a while now. It is worth noting that personal moral compass is just as important as professional ethics. Finally, the law exists, what does not is the moral obligation to

follow the law which is founded in personal ethics; an area you would agree that we significantly lack in.

23.19 Recommendations

We have seen that education is the key to access of all human rights and a denial of certain rights is a violation the paper recommends that the first stakeholder- parent should play his role right by imparting the necessary ethical behaviour directly and indirectly.

To curb the many ills in society we need to view the duty bearer and rights holder in an agent-principal relationship: the rights holders to be presumed principal whereas the duty bearers are agents. The people have donated their powers to popularly and competitively appointed duty bearers. In absence of proper disposal of duties, they should be stripped of their agency.

Reward ethical practice, that is celebrate someone who has done right not because of closed deal for instance in medical circles celebrate the doctor who takes time to treat patients. This will be a motivating factor.

Establish the root cause of the unethical behaviour displayed in all the suppliers of service delivery and deal with it. Additionally, the relevant institutions should deal with the little things.

We need to come up with strategies of implementing the several policies and laws on unethical conduct. The Advocates Act should be amended to ensure that the Advocates Complaints Commission has jurisdiction over former practitioners, subject to the qualification that the conduct complained of must relate to their practise as advocates, and not to any judicial, prosecutorial or other role they may previous or subsequently have held. The same should be applicable to other professions in that one may be prosecuted for unethical conduct they perpetrated while they were in office even if they have since retired in the same context.

We must conceive tribunals or other institutions that try and resolve matters purely ethical. The Ethics & Anti-Corruption Commission has failed in its mandate and its officials probably need to endure ethical proceedings too. Kenya needs a more precise framework under which to prosecute ethical breaches without necessarily tying them to civil or criminal liability. Persons facing ethical deliberations must forthwith be removed from office because otherwise it foretells impunity.

On the authority of section 54(3) of the Advocates Act, the Attorney-General should, in consultation with the Law Society of Kenya, make comprehensive rules of procedure to guide the operations of the Advocates Complaints Commission. This means that the discretion of the Commissioners to make their own rules of procedure, as envisaged by Rule 11 of the Advocates (Complaints Commission) (Structure and Procedure) Rules 2003, should be reduced. This is because the discretion is more often than not abused. It is unethical to have someone be the judge in a case facing their kin.

The same must also be replicated in other professions so that the fate doctors are facing disciplinary proceedings is not determined by friends but rather fair exercise of the law and regulatory procedures. As a matter of fact, the Commissions ought to lose the ability to make determinations, and confine themselves to roles bordering investigation and prosecution, with a supporting mediation and conciliation role.

The Secretary to The Law Society of Kenya is also Secretary to the Disciplinary Committee. While the Disciplinary Committee remains an organ of the law society a close linkage is appropriate. However, as recommended in the Stobbs Report, it is recommended that the Secretary should cease to be Secretary of the Committee. The separation of powers and mandate here is not as succinct as it should. This duplicity is an oxymoron on its own such as the one currently facing the Judicial Service Commission with the prosecution of the deputy president of the Supreme Court.

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THE RESPONSIBILITY OF THE CHURCH TO PROMOTE SOCIAL JUSTICE AND ETHICAL VALUES

In The Preferential Option For The Poor as Stipulated in Canon 222, §2.

Caroline Nzuya

24.1 Abstract

The preferential option for the poor, closely linked to social justice is an ethical value which streams right from the Heart of God as stipulated in the Sacred Scriptures⁷⁸⁸. His son Jesus, endorse it in the Gospel by his own life and actions. He always identifies himself with the poor and the marginalized. The Church along the past centuries has always shown a great concern for the poor as demonstrated by the Papal writings along the Church history and effectively implemented by several saints such as St. Francis of Assisi, St. Martin of Tours, St. Theresa of Calcutta and many others. Never the less, the Church sometimes faces the challenges of deviating from this noble calling of promoting the common good of the poor and the vulnerable especially in the contemporary society. She must as in past, fight against the social sin and structural injustice which

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has become embodied in our world, just as she tirelessly work for the option against sin.⁷⁸⁹

After attending a global ethics convention, the researcher is motivated to write on this topic with the desire to reawaken in the hearts of the readers of this article, the value of social justice and ethics in the society demonstrated through the option for the poor. The researcher intends to emphasize on the obligation of all individuals, Christian communities, organizations, institutions and the Church to be more just and participative in bringing about changes that can uphold the human dignity, the common good of all and value to the poor and the vulnerable. The study will be based on Biblical foundations, Social teachings of the Church and the Magisterium, and on the norm of the Code of Canon Law. Due to the exploitation and ignorance that is demonstrated by the wealthy and those in power towards the poor, the researcher will present a brief report of the current situation in the Democratic Republic of Congo as an example of what happens in most of the countries in the African continent. The objective if this research is firstly, to remind the Church in Africa that she has the duty to be the louder convincing voice of the plight of the poor to the oppressors. The Church leaders are to give authentic witness before the world to the demand for love and justice as contained in the Gospel with the mission of redeeming the suffering human race and its liberation from every oppressive situation. Secondly, it intends to convince the readers of this article that the option for the poor is indeed a call from God to everyone. It's a call to aim at a complete eradication of the social injustices and a mission to bridge the huge gaps which exist between the wealthy and the poor. *Key words:* Social Justice and Ethics, Option for the Poor, Obligation, Promote Humane World.

⁷⁸⁹ Cf. Dorr, D. *Option for the Poor. A Hundred Years of Catholic Teaching*, Orbis Books Maryknoll, New York 1992, 299.

24.2 Introduction

According to the pastoral constitution on the Church in the modern world, the duty to promote social justice and the duty to help the poor are obligations which are incumbent on all people as a logical consequence of the right of each person to own some of the earth's goods for themselves and for their families.⁷⁹⁰ The Second Vatican Council calls upon the whole humanity to fairly share the earthly goods with the poor and the vulnerable under the guidance of justice tempered with charity.⁷⁹¹ These duties are incorporated in canon 222 §2 among the duties inherent to the baptized faithful. They assume special connotations more especially that of cherishing a feeling of deep solidarity and respectful affection with the suffering human race. The Spirit of God and the ferment of the Gospel continues to arouse in the hearts of the followers of Christ an unquenchable thirst for human dignity and social order which is founded on truth, built on justice and enlivened by love.⁷⁹² This is because the obligation of the Christian to assist the poor emerges in the Christian with a greater force and urgency because of the precept of the Lord (Jn. 13:34).

The society in which we live today is a stratified society where certain economic, political, cultural and religious structures maintain and promote the dominance of the rich and powerful over the mass of ordinary peoples. In fact, Donal Dorr points out that some people reject the notion of an option for the poor on the grounds that it implies a rejection of the rich and is therefore incompatible with the Christian message that is intended for all.⁷⁹³ The option for the poor instead is a series of choic-

⁷⁹⁰ Cf. Flannery, A. Vatican Council II, The Conciliar and Post Conciliar Documents, Pastoral Constitution on the Church in the Modern World, *Gaudium et Spes*, 7 December 1965, St Pauls Bandra, Mumbai 2004, n. 69 a, 859.

⁷⁹¹ Cf. Flannery, *ibid.*

⁷⁹² Cf. Flannery, *Gaudium et Spes*, n. 26, 815.

⁷⁹³ Cf. Dorr, *Option for the Poor*, op. cit., 2-3.

es, personal or communal, made by individuals, communities, and even corporate entities such as religious Institutes, dioceses, or Churches. It is a choice made to disentangle oneself from serving the interests of those at the top of the society and to be in solidarity with the less favored ones.⁷⁹⁴ The Catholic Church in her social teachings never tires of emphasizing the needs of the poor and the fight against poverty out of her preferential love and care for the poor.⁷⁹⁵ Pope John Paul II, in his message for the 2000 World Day of Peace said: “At the beginning of the New Millennium, the poverty of billions of men and women is the one issue that most challenges our human and Christian consciences.”⁷⁹⁶ Poverty in most cases is a problem of injustice and ‘is characterized by an unequal growth that does not recognize the equal right of all people to take their seat at the table of the common banquet.’ The poor people cannot live in conditions that are more human.⁷⁹⁷ Given that the Christian revelation leads to a deeper understanding of social life, the entire Church feels obliged to work hard so that the mankind becomes capable of correctly restoring the order of temporal goods and of guiding them towards God. She is obliged to inspire just attitudes imbued with charity and ethical values in respect to the earthly goods and socio-economic relationships to ensure that the administration and the distribution of created goods are placed at the use of everyone in the society.⁷⁹⁸

Pope Francis commonly known as the “Pope of the poor” has ever since the beginning of his Pontificate, exhorted and encouraged the

⁷⁹⁴ Cf. *Option for the Poor*, 4, *ibid.*

⁷⁹⁵ Pontifical Council for Justice and Peace, *Compendium of the Social Doctrine of the Church*, Paulines Publication Africa, Makuyu (Kenya), 2005, 242.

⁷⁹⁶ John Paul II, *Message for the 2000 World Day of Peace*, 14, in AAS, 92 (2000), 366.

⁷⁹⁷ *Compendium of the Social Doctrine of the Church*, *ibid.* 242.

⁷⁹⁸ Cf. Catechism of the Catholic Church, 2nd Ed., Revised in Accordance with the Official Latin Text Promulgated by Pope John Paul II, 15 August 1997, Libreria Editrice Vaticana, Citta’ del Vaticano, Roma, nn. 2419-2420.

Church and all her members to reach out to the poor, to love and help them. Recently, on the eve of this year's world day for the poor, he said: "We need to encounter the poor and learn how to share so that it becomes our way of life."⁷⁹⁹ And again he says: "Poverty is not an accident. It has its causes that must be recognized and removed. The poor should be seen not as a problem, but as people who can become the principle builders of a new and more human future for everyone."⁸⁰⁰

The Christian faithful, all the people of good will and the entire humanity, are all called to follow Jesus' example by making a specific effort to defend and promote the dignity of the poor and the vulnerable; to meet their immediate economic, social, cultural, religious, political and environmental needs. Everyone has the right and obligation to promote the common good of the poor and the vulnerable by giving them what is due to them so that they too may have means to reach their perfection of life.⁸⁰¹ The Church, by the use of divine treasures at her disposal, cannot ignore to respond to the pursuit of a just and peaceful human society for the common good of the human person.⁸⁰²

Pope Francis, speaking on the World Food Day, emphasized on the need for effective help not mere agreements in regards to the poor. He invited all especially the FAO, its member States, the national and international organs and institutions, civil society and all persons of good will, to redouble our commitment so that no one lacks the necessary food, neither in quantity nor in quality.⁸⁰³ The Roman Pontiff, Pope Francis said that the poor expect from us an effective help to take them come out of their misery, not mere propositions or agreements. He ob-

⁷⁹⁹ Cf. Pope Francis, Twitter, Friday 17th November 2017.

⁸⁰⁰ Cf. Pope Francis, Twitter, Thursday 16th November 2017.

⁸⁰¹ Cf. John XXIII, Encyclical Letter *Mater et Magistra*, 15 May 1961, in AAS 53 (1961), no. 65.

⁸⁰² Cf. P. W. Mbaro, Class notes 2017, 2.

⁸⁰³ Cf. Pope Francis, Speech at FAO HQ on the World Food Day, October 16, 2018.

served that in this century, much advancement have been made in various fields such as in technology, science, communications and infrastructure. He continued by saying that the world ought to feel shame for not having achieved the same advances in humanity and solidarity in order to satisfy the primary needs of the disadvantaged. The Pope stressed that we all can and must do better for the destitute by moving to concrete actions, so that the scourge of hunger disappears completely. Policies of cooperation for development; reasonable engagements in tangible processes; vital relations; effective plans and real commitments are necessary for this implementation.⁸⁰⁴

The research will therefore discuss briefly the concept of the Catholic social teachings on justice and ethics for a better understanding followed by the understanding of the concept of common good. It will also look at the Biblical Foundation for the option for the poor, followed by the reminder from the norm of the Code of Canon Law for the Latin Church on the obligation to promote social justice and to help the poor and the vulnerable as stipulated in canon 222 §2. The role of the consecrated men and women in the promotion of social justice, ethical and moral values in the society will be highlighted followed by a brief report on how the poor are undermined in the Democratic Republic of Congo. Thereafter a conclusion will be drawn followed by some recommendations.

24.3 Definition of the Poor and the Vulnerable

Kira Dault writes that the poor and the vulnerable are those powerless individuals who live on the margins of the society.⁸⁰⁵ They are those

⁸⁰⁴ Cf. Pope Francis, *ibid.*

⁸⁰⁵ K. Dault, "What is the Preferential Option for the Poor?" in *U.S. Catholic. Faith in Real Life*, <http://www.uscatholic.org/articles/201501/what-preferential-option-poor-29649> > (September 1, 2018).

who are in need and live under the oppression of material and many other forms of cultural and religious poverty (CCC. 2444).⁸⁰⁶ The poor are also those living under the strain of human misery such as material deprivation, unjust oppression, physical and psychological illnesses (CCC. 2248).

Pope John Paul II in his Encyclical Letter, *Centesimus Annus*, wrote that the option for the poor is not limited to material or economic poverty only but on cultural and spiritual poverty as well. He in that way referred to the poor as those living in economic, cultural and spiritual poverty. The poor and the vulnerable can also include: the widows, children, people with disabilities, and victims of oppression, among others. Hence, the term 'poor' is meant for all those who lack their cultural, environmental, social, religious, economic and political basic needs for their sustenance and development. The vulnerable are those who cannot claim their rights on their own, such as the elderly, the sick, disabled, refugees, children and the widows.

24.3.1 Understanding the Concept of Social Justice and Ethics

Moral Theology defines Social justice as “a virtue by which men and women as members of the human society and the Mystical Body of Jesus Christ, by virtue of the natural law and the evangelical solidarity, give to their fellow men and women, especially the needy, those things necessary for the maintenance of their life and dignity.”⁸⁰⁷ It is the attitude of promoting a just society by challenging injustice which exists when people who share a common humanity deny others their rights to equitable treatment that is attributed to justice such as: Fairness; Equity in the distribution of power, resources, and processes that affect the sufficiency of the social determinants of health; just institutions, systems,

⁸⁰⁶ Cf. Catechism of the Catholic Church, n. 2444.

⁸⁰⁷ T. Pazayampallil, Pastoral Guide Vol. 1. Fundamental Moral Theology and Virtue, IV Revised Edition, no. 517, Kristu Jyoti Publications, Bangalore 2012, 984.

structures, policies, processes; equity in human development, rights and sufficient sustainability of well-being for proper support of human life.⁸⁰⁸

The aim of social justice is to establish the right social order in the society, to create economic, political, moral, and intellectual conditions which will allow men and women to live a full human life. This social order is nothing other than the conservation, maintenance and enforcement of the normal ways of relating and behaving in a society.⁸⁰⁹ In line with this perspective, Mbaro in his book entitled *Makers of Peacemakers* defines social justice as “the development of the general or legal justice that seeks to establish a system in which social, political and economic policies based on the rule of the law promote the common good of all people in a given society.”⁸¹⁰

Social order is created when each person receives what is his or her due.⁸¹¹ This can only be possible when all the different interpersonal interactions namely; family, economics, politics, culture, ecology and religious are operative, create a favorable environment, and their sum-total condition of living enables everyone in the society to fully and more readily achieve their own perfection.⁸¹² Pope Benedict XVI clari-

⁸⁰⁸ Buettner-Schmidt, K. & M.L. Lobo, “Social Justice: a Concept Analysis” in *Journal of Advanced Nursing*, 2012 Apr, 68(4): 948-58<<https://www.ncbi.nlm.nih.gov/pubmed/22032609>> (September 1, 2018).

⁸⁰⁹ Pazayampallil, T. *Pastoral Guide*, Vol. 1, 985.

⁸¹⁰ Cf. Mbaro, P.W. *Makers of Peacemakers. Christian Family Based Education for Peace in the Context of the Social Doctrine of the Church*, Finesse Publishing Ltd, Nairobi 2010, 227.

⁸¹¹ Cf. Benedict XVI, Encyclical Letter *Deus Caritas Est*, 25 December 2005, no. 28(a) par 4, <http://www.vatican.va/content/benedict-xvi/en/encyclicals/documents/hf_ben-xvi_enc_20051225_deus-caritasest.html> (September 3, 2018).

⁸¹² Cf. John XXIII, Encyclical *Mater et Magistra*, 15 May 1961, no. 65, <http://w2.vatican.va/content/johnxxiii/en/encyclicals/documents/hf_j-xxiii_enc_15051961_mater.html> (September 3, 2018).

fies that “the just ordering of society and the State is a central responsibility of politics.”⁸¹³ This means that the State has a primary duty and obligation to its individual and communal members to ensure that the systems, structures and institutions which promote, maintain and enforce a just social order are put into place and operate in justice.

According to the Pope, the State should in agreement with the principle of subsidiarity, acknowledge and support the initiatives arising from the different social forces and combine spontaneity with closeness to those in need.⁸¹⁴ This implies that the duty of establishing a just social order does not lie with State alone but also with all the members of the society, particularly the Christian faithful, who as citizens of the State, have the right to take part in the public life to contribute and participate in building a just social order through charitable works of love and personal responsibility. It is, therefore, the duty of the state “to configure social life correctly, respecting its legitimate autonomy and cooperating with other citizens according to their respective competences and fulfilling their own responsibility.”⁸¹⁵ This factor calls for the implementation of the principle of subsidiarity as set forth by the Catholic Social Doctrine.⁸¹⁶

However, according to Father Mbaro, social justice alone is not enough to get solutions to all the human sufferings and poverty which escalate as a result of unjust structures and due to other causes. There is also an indispensable need for social charity and love intertwined with ethical values. These are very necessary even in the most unjust society in order to offer consolation and solidarity.⁸¹⁷ As such, social justice

⁸¹³ Cf. Benedict XVI, Encyclical Letter *Deus Caritas Est*, no. 28a, par. 1.

⁸¹⁴ Cf. *Deus Caritas Est*, no. 28b, par. 1.

⁸¹⁵ Cf. *Deus Caritas Est*, no. 29, par. 2.

⁸¹⁶ Cf. Pontifical Council for Justice and Peace, *Compendium of the Social Doctrine of the Church*, Paulines Publications Africa, Nairobi 2004, 100-103.

⁸¹⁷ Cf. Mbaro, *Makers of Peacemakers*, *ibid.* 408.

requires a fundamental preferential option for the poor well-grounded on ethics, social charity and love, without which it cannot be realized.

24.3.2 Understanding the Concept of Common Good in Order to Act with Justice

The Pastoral Constitution on the Church in the Modern World defines the common good as “The sum total of social conditions which allow people, either as groups or as individuals, to reach their fulfillment more fully and more easily.”⁸¹⁸ The Common good concerns the life of everybody. *Dignitatis humanae* describes the common good as “Those conditions of social living which enables people to develop their own qualities most fully.”⁸¹⁹ The common good according to the Catechism of the Catholic Church involves three essential elements: firstly, the common good presupposes respect for the person as such. In the name of the common good, public authorities are bound to respect the fundamental and inalienable rights of the human person. The society should permit each of its members to fulfill his vocation freely. Secondly, the common good requires the social well-being and development of the group itself. Development is the essence of all social duties. The authority should make accessible to each what is needed to lead a truly human life: food, clothing, health, work, education and culture, suitable information, the right to establish a family, and so forth. Finally, the common good requires peace, that is, the stability and security of a just order. It presupposes that authority should ensure by morally acceptable means the security of the society and of its members. It is the basis of the right to legitimate personal and collective defense.⁸²⁰

⁸¹⁸ Cf. Vatican Council II, *Gaudium et Spes*, Paulines Publications Africa, Nairobi, Kenya 2013, n. 26, 402.

⁸¹⁹ Cf. Vatican Council II, *Dignitatis Humanae*, n.6, Paulines Publications Africa, Nairobi, Kenya 2013, 265.

⁸²⁰ Cf. John Paul II, *The Catechism of the Catholic Church*, Revised Edition, Paulines Publications Africa, Nairobi, Kenya 2001, nn. 1907-1908.

The common good of all created reality and of humanity is God. God is the Universal common good to whom human beings are oriented as their end and ultimate fulfillment. The common good is also understood as being connected to the practical exigencies of living in the society.⁸²¹ Therefore, one can say that there are two main common Good: spiritual and temporal. Temporal common good is the totality of those goods which promote virtuous living and which can be shared by all. The state or society has a great responsibility of fostering the common good in its enactment and application of laws, which when observed, promote ethical virtues. The common good is more important than the individual good. Thomas Aquinas underlines three necessary things for the good life of a social group. Firstly the society must be united in peace. Secondly, the society thus united must be directed towards acting well with everyone. Thirdly, is a requirement to see that there is sufficient supply of the necessities required to live well.⁸²²

24.3.3 The Catholic Social Doctrine and the Preferential Option for the Poor

The concept of the preferential option for the poor is one of the major developments in Catholic Social Doctrine. The Church's foundation for this teaching is the truth that goods of creation are destined for the whole human race.⁸²³ It is simply the idea that is reflected in canon 222 §2, which stipulates that the Christian faithful "are also obliged to promote social justice and, mindful of the precept of the Lord, to assist the poor from their own resources."⁸²⁴ In his Encyclical Letter *Sollicitudo*

⁸²¹ Cf. Decrane, S.M., *Aquinas, Feminism and Common Good*, Georgetown University Press, United States of America 2004, 60.

⁸²² Cf. *Aquinas, Feminism and Common Good*, op.cit. pp. 60-63.

⁸²³ Cf. *Catechism of the Catholic Church*, n. 2402: and *Compendium of the Social Doctrine of the Church*, 171.

⁸²⁴ Codex Iuris Canonici, auctoritate Ioannis Pauli PP. II promulgatus, 25 Ianuarii 1983, in AAS, 75 (1983II), pp.1-317, Canon 222 §2; Code of Canon

Rei Socialis, Pope John Paul II says that the option for the poor and the vulnerable is one of the characteristic themes and guidelines of the Catholic Social Doctrine and he defined this concept as “an option or special form of primacy in the exercise of Christian charity, to which the whole tradition of the Church bears witness.”⁸²⁵

The option for the poor is not just a principle but a call to action directed to all people, particularly the State and Ecclesial authorities who are entrusted with the stewardship over the common good of all the people. It is a call to imitate Christ who always had the poor and the marginalized at heart. This means an obligation to give the same rights to others, to protect the poor and the vulnerable and to provide charity, defense, and liberty to those who need it. It also means an obligation to look after those who are in living in material poverty by caring for what they do not have, creating opportunities for them to be heard, defending them against injustices, and empowering them so that they may attain the fullness of their human lives and earn their living independently.

24.4 Biblical Foundation for the Option for the Poor and the Vulnerable

The preferential option for the poor and the vulnerable is a concept deeply rooted in the Sacred Scriptures, in the Traditions and in the Teachings of the Church. The Scriptures put at the center stage those

Law, Latin-English ed. translation prepared under the auspices of the Canon Law Society of America, Canon Law Society of America, Washington DC 1983. (All references to canons of the 1983 Code will be styled can. for canon and cann. for canons, followed by the canon number[s]).

⁸²⁵ Cf. John Paul II, Encyclical Letter *Sollicitudo Rei Socialis*, 30 December 1987, no. 42, <http://w2.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_30121987_sollicitudo-reisocialis.html#-24 > (September 4, 2018).

who are oppressed, the poor, who turn to God in prayer (Ps 9–10; 22).⁸²⁶ God himself prescribed a brotherly social order in his Torah (Ex 20:2-17; Deut. 5:6-21), as a favorable consideration for the poor and the vulnerable (Ex 22:20-26); and that a portion of the harvest should be set aside for the poor and the stranger (Lev 19:9-10). A fundamental commitment to the poor is prescribed explicitly in Mosaic Law (Deut. 24:6, 12f, 17); the dignity of the debtor must be respected (Deut. 24:10f); poor laborers are to be paid immediately (Deut 24:14); the remaining crop of grain, olives and grapes after harvest shall serve the poor (Deut 24:19-22).

Prophets such as Isaiah and Amos raised their voices on behalf of the poor, the marginalized, and those belonging to the weaker social groups, going against unjust laws and judges (cf. Is. 10:1f; Am. 5:7, 15). Isaiah says that true fasting sought by God is working for justice and caring for the poor and the oppressed (Is. 58:5-7). The option for the poor is also reflected in the Wisdom literature: “Open your mouth on behalf of the mute [...] defend the needy and the poor” (Pro. 31:8-9); one should not turn away the face from the poor nor eyes from the needy, nor delay giving to those in need (Sir. 4:1-10). In the New Testament Jesus proclaimed his mission which was geared towards the poor, the captives and the oppressed (Lk. 4: 16-21); he identified himself with the poor and the vulnerable and set the care and help for the needy as a basis of judgment on the last day (Mt. 25:34-40). Thus, the option for the poor is a scriptural imperative and the ultimate criterion for Christian life which is always to love God and one’s neighbor (Mk. 12:28-34).

⁸²⁶ The New African Bible. Biblical Text of the New African Bible, Pauline’s Publications Africa, Nairobi 2011. All the Biblical quotations will be taken from The New African Bible.

24.5 The Obligation to Promote Social Justice and Charity to the Poor (Can 222 §2)

The option for the poor is directly linked with social justice to the extent that there can be no social justice if the poor and the vulnerable are not given their due in respect of their rights and dignity, participation in the common good, and protection from injustices. Social justice implies that the society must provide the conditions that allow associations or individual persons to obtain what is their due, according to their nature and vocation.⁸²⁷

The Catholic social teaching has linked social justice and the option for the poor with the principle of the common good. Benedict XVI writes that “to desire the common good and strive towards it is a requirement of justice and charity. To take a stand for the common good is, on the one hand, to be solicitous for, and, on the other hand, to avail oneself of that complex of institution that give structure to the life of society, juridicaly, civilly, politically and culturally.”⁸²⁸ Thus the option for the poor is an act of love and the promotion of justice manifested in the pursuit for the common good.

The option for the poor and promotion of social justice also came into the Code of Canon Law. Paragraph two of canon 222 prescribes that the Christian faithful are “obliged to promote social justice and, mindful of the precepts of the Lord, to assist the poor from their own resources.” This canon obliges all the Christian faithful not only to assist the Church in her material needs to enable her to fulfil her mission,⁸²⁹ but also to provide for the poor from their own resources. According to *Apostoli-*

⁸²⁷ Cf. Catechism of the Catholic Church, n. 1928.

⁸²⁸ Benedict XVI, Encyclical Letter *Caritas in Veritate*, 29 June 2009, no. 7, Libreria Editrice Vaticana, <http://w2.vatican.va/content/benedict-xvi/en/encyclicals/documents/hf_benxvi_enc_20090629_caritas-in-veritate.html > (07 November 2017).

⁸²⁹ Cf. Canon 222 §1.

cam Actuositatem, this obligation takes precedence over charity. It states: “The demands of justice should be satisfied at the outset, so as to avoid giving in charitable gifts what is due in the name of Justice.”⁸³⁰ It is very important to first work at the eradication of the causes of evil and of social injustice so that works of charity truly reflect the Lord’s command to love God and neighbor. The human dignity demands social justice which is a natural right according to the Gospel teachings and a reflection of the Church as Communion.⁸³¹

The obligation of the faithful to promote social justice also includes the Church’s mission of proclaiming the Gospel message of salvation as it is clearly stipulated in canon 211. “The specific modality and the best means of fulfilling this obligation are to be determined by the individual, depending upon particular circumstances and resources available.”⁸³² However, the care and assistance for the poor and vulnerable should be carried out in such a way that the “purity of one’s charitable intentions be not stained by seeking one’s own advantage or by striving for domination, and especially that the demands of justice be satisfied lest the giving of what is due in justice be represented as the offering of a charitable gift.”⁸³³

⁸³⁰ Cf. Vatican Council II, “Decree on the Apostolate of the Laity *Apostolicam Actuositatem*,” 18 November 1965, no. 8, in A. Flannery (gen. ed.), *Vatican Council II. The Conciliar and Post Conciliar Documents*, Vol. I, St. Pauls, Mumbai 2004, 683.

⁸³¹ Cf. Vatican Council II, *Gaudium et Spes*, no. 26, 815.

⁸³² Cf. Kaslyn, R. “The Rights and Obligations of All the Christian Faithful (cann. 208-223),” in J.P. Beal *et al.*, (eds.), *New Commentary on the Code of Canon Law, Commissioned by the Canon Law Society of America*, Theological Publications in India, Bangalore 2013, 284.

⁸³³ Cf. Second Vatican Council, Decree on the Apostolate of the Laity *Apostolicam Actuositatem*, 18 November 1965, no. 8, 683.

24.6 The Consecrated Men and Women and the Option for the Poor

The love of the Church for the poor has its most eloquent manifestation in the men and women who carry out the temporal and spiritual works of mercy and charity for the poor. Their contribution to the human promotion is great especially through education and healthcare services. They reach out to the poor peripheries of the world where neither States nor organizations want to go. Participating in the one mission of the Church, they go out as prophets⁸³⁴ carrying the Gospel message enriched with deep faith and ethical values which they impart on those they serve as they denounce the evil of sin and injustice. By their examples and words, they instill in all, society and individuals moral and ethical values, a mentality and awareness of their responsibility to fight poverty and social injustices by non-violent but efficacious means in view of the establishment of an integral human society.

The love for the poor of the religious find sympathetic attitudes and expressions in words of comfort, material help, choice of a way of life resembling the poor (cf. canon 640) and a special commitment in spreading the social doctrine of the Church and awakening the conscience of the wealthy to the new commandment of love which is the basic law of human perfection and hence of the world's transformation.⁸³⁵ In imitation of Jesus, the religious choose voluntary poverty to enrich others in the spheres of charity, assistance and social justice.⁸³⁶ They do this with an outstanding and striking testimony that the world cannot be transfigured and offered to God without the spirit of beatitudes.⁸³⁷ This is why they feel obliged to awaken consciences to the

⁸³⁴ Cf. Rosanna, E. *Temi di Vita Consacrata*, Libreria Editrice Vaticana, Città del Vaticano 2010, 82.

⁸³⁵ Cf. Vatican Council II, *Gaudium et Spes*, n. 38, 823.

⁸³⁶ Cf. Vatican Council II, *Evangelica Testificatio*, no. 16, 611.

⁸³⁷ Cf. Vatican Council II, *Lumen Gentium*, n. 31, 353.

drama of misery and to the demands of social justice made by the gospel and the Church. The religious vow of poverty is directed towards transforming this world in justice through empowerment of the poor and the vulnerable not only by charitable assistance but also by helping them to know their rights and fight for them accordingly.

24.7 A Brief Report as an Example of How the Poor Are Undermined

It is not a surprise to say that the poor and the vulnerable in Africa are very much undermined especially by the political leaders. Wealth and most of the natural resources are only consolidated in their hands. The poor have neither voice nor right to be heard and be helped to develop and obtain a stable state of living. Many examples can be given but the researcher prefers to use the report given through the social media of the situation in the Democratic Republic of Congo because of the ongoing conflicts. The current reality in the Democratic Republic of Congo shows that the common good of peace has been violated for a long time up to date. There are conflicts and violence everywhere in the country especially in the Eastern part of Congo. Since 1996, there is no peace. Injustices, poverty, exploitations, wars, violations and so forth... are becoming too much. By 2008 the war in the Democratic Republic of Congo had killed 5.4 million people. Rape and violence against women and children is a fact of such conflicts. The major things causing the conflicts are: Militias groups, Minerals and ethnics, the unpaid armies and Police.⁸³⁸ This is evidence of how bad leadership and the selfishness of politicians worsen the situation every day for the poor. Their desire

⁸³⁸ Mulumeoderhwa, S. "Peace and Conflict Resolution. Democratic Republic of Congo," [http://www.globaleducationmagazine.com/peace-conflict-resolution-democratic-republic-congo/\(10/10/2018\)](http://www.globaleducationmagazine.com/peace-conflict-resolution-democratic-republic-congo/(10/10/2018)).

for personal good prevail over the common good of all without respecting the rights nor the human dignity of the peoples.

As a way forward to this problem, the Congolese people have come to a conclusion that it is the responsibility of all those in authority, of the pastors who are called to be the voice of the voiceless and of all the citizens. In the Democratic Republic of Congo, many groups have been created with the purpose of working together for peace building and for promoting development. For instance, there are; the PCF (Peace and Conflict Resolution), Women for Peace (*femme pour la paix*) and others. Their vision is focused on resolving conflict at community level. They are striving to establish a society where people and communities will be empowered with the skills to overcome conflicts and take charge of their destiny. As peace builders, these groups contribute a lot in training people on how to live peacefully.

The Congolese people acknowledge that the contribution of the pastors is enormous. In their exhortation letters, they exhort people to reinforce mostly the unity in the diversity as a process of reconciliation which brings about a reconciled diversity. This diversity is the richness of the country as explained by the bishops in their letter written on 5 December 2012: “*La diversité de nos ethnies est une richesse [...] Ce n’est que dans l’unité, la conversion des cœurs et la réconciliation que nous pouvons faire avancer notre pays sur tous les plans.*”⁸³⁹

⁸³⁹ Comité Permanent de la Conférence Épiscopale Nationale Du Congo, *Message sur la Situation Sécuritaire dans le Pays* (Décembre 5, 2012), n.11. That translate as: Our ethnic diversity is our wealth... It is only in unity, through conversion of hearts and reconciliation that we will be able to help our country to develop on all levels. Cf. <http://www.cheikfitanews.net/article-messages-des- eveques-congolais-peuple-congolais-leve-toi-et-sauve-ta-patrie-113233368.html>, 10/10/2018.

24.8 Conclusion

Based on the findings of the study, the researcher can affirm that the task of building a just and truly humane world is a formidable one. The Church has committed herself to it and believes that working for it today is an essential part of preaching the Gospel. Through the Catholic tradition of social teaching along history, the choice for justice and liberation of the oppressed in the society has grown stronger, deeper and clearer though much still have to be done due to the current situation where so many people are suffering from want. This paper advocates for the significance of the moral call and canonical obligation upon everybody to love and take care of the poor and the vulnerable in the society. The preferential option for the poor is a requirement of social justice directed towards making the world a more just and humane community where the needs and interests of the poor are more protected. This implies a call upon the wealthy individuals and the governments to share what they have with the poor and to ensure that no significant groups of people are left totally impoverished.

An option for the poor is thus, a choice and a commitment which is personal and communal, to struggle against structural injustice which marks our societies and to consequently take up the cause of the poor, the oppressed and the marginalized in their struggle for justice. There is a belief that where poverty prevails at a higher degree, social injustice also prevails highly and this means that the control of wealth is still consolidated in the hands of a few wealthy people. The consequences of big gaps between the wealthy and the poor are a social unrest which lead too often to the violent conflicts, crimes, terrorisms and wars just as it is happening in the Democratic Republic of Congo. Political leaders are requested to govern with justice in order to promote peace and harmony for the common good of every citizen. Opting for the poor, therefore, is an absolute act of love and justice which is to be promoted by everyone.

24.9 Recommendations

Having been created in the image and likeness of God, the human person possesses the sublime dignity which stands above all things. Therefore the social order and its development must constantly yield to the dignity of the person and to his common good. The government is to ensure that the systems, structures and institutions which promote, maintain and enforce a just social order are put into place and operate according to justice.

The option for the poor practically demands for an effective solidarity with the victims, work for a more equitable sharing of power and the available resources, empowering the poor, sharing to some degree in their lives, sorrows, joys, hopes and fears. It also requires an evaluation of the distribution of earthly goods that calls for the distributive justice. Each person when exercising his own rights must also consider the rights of others so that everybody may get his share and live a life of dignity. There is need for the Church leaders to courageously work hand in hand with the political leaders encouraging and inspiring them for better improvement of social order in the society.

Living in the world where ethics is losing value, there is a great need that the consecrated men and women continually instill these moral and ethical values to the young ones in their schools, in their pastoral ministries and to all the people whom they serve, so that injustices may be curbed through decent moral and ethical foundations.

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DISREGARD FOR THE RULE OF LAW AND ETHICS

A cause for Deeper Social and Economic Tribulations in Kenya

John Martin Owor

25.1 Introduction

The Republic of Kenya is a nation endowed with immense natural resources under and above the earth. It is rich with wild life and beautiful ecosystem. The citizens of this country should actually count themselves very lucky to inhabit this part of the planet earth. The socio-economic standards, on the contrary, reveal a struggling populace with all sorts of hardships. A considerable portion of the population is wallowing in poverty, and are afflicted at all fronts with the reverberations of social and economic malpractices by the “big fish” (the wealthy class) of the land who control the economy. Kenya ranks very poorly in global statistics in terms of uplifting the standard of living of her people.

This study draws attention to the fact that non observance of the rule of law and dishonour to ethical principles by public officers are probably the ultimate origin of the socio-economic imbalances and pains among the Kenyan citizens. The research employs document analysis on the statistics of socio-economic status of Kenya and beyond to obtain a

global understanding of the present situation in the country. The available information seems to indicate strongly that disregard to the provisions of the law and unethical behaviours among public officers are consistently eroding all possibilities of socio-economic development and drowning the country into misery.

The only way to uplift the poor and enable all citizens to have equitable access to resources for better living standards is by designing aggressive strategies of integrating ethics in all aspects of life and to instil in all citizens the honour of observing the laws.

25.2 An Overview of the Kenyan Economy and Quality of Life among Citizens

Quality of life of any country depends much on the rate of economic growth. In the past few years, Kenya has been recognized as one of the fastest growing nations in the Sub-Saharan Africa owing to the strides it is making on political, structural and economic levels, thanks to the significant reforms being translated into reality from the 2010 Constitution. Citizens are enjoying considerable improvement in quality of life as services such as hospitals, better transport and telecommunication networks, affordable housing initiatives, business possibilities through quick loan access from several domestic finance institutions have been made easier through the devolved government system which is distinguished as the biggest gain of the new Constitution (The World Bank, 2018).

These gains are indicators of something good for the country but at the same time, should not lead to illusions that all is well as far as the quality of life from the economic and social perspective is concerned. Only a fraction of the nation is actually benefitting from those successes. The country is still coming to terms with long rooted problems of poverty, disease, illiteracy, early child mortality, poor infrastructure, poor housing, low job opportunities, and the widening gaps between the rich

and the poor. The gains mentioned above promise better times ahead, although the country needs to employ concerted efforts to achieve a level of economic growth that will minimize the burdensome economic and social environment yet prevailing.

25.3 The Laws of Kenya on Distribution of Resources and Services for the Wellbeing of all Citizens

Kenya is rich with laws that have been given to guarantee that resources and services are well distributed within the territory with the intention to realize national economic growth and subsequently to improve the life standards of all citizens. The spirit behind the promulgation of the 2010 Constitution was substantially to address those issues that have held the country hostage to poverty, inequality, backwardness and to propel the country to high levels of development in all dimensions: education, healthcare, housing, nutrition, good governance and balanced distribution of resources. The people of Kenya had waited for this moment for a little over 40 years. This was attested by the great jubilations that defined the 27th day of August 2010 when the Constitution was promulgated by the then president of the Republic, Mr. Mwai Kibaki before a mammoth crowd at the Nairobi City's biggest open assembly garden known as Uhuru Park. The excitements, however, were not just about the new law but, about the change that it was hoped to come with, about the revamp of a stagnant economy to greater heights where citizens for the first time would enjoy a life standard which was befitting of a nation endowed with copious natural resources and possibilities of being one of the most prosperous countries in Africa and beyond.

For the purpose of illustration, it is good to make reference to some articles of the constitution that directly touch the question of the wellbeing of the citizens. Art. 43 which is located in chapter Four part two

under the bill of rights addresses particularly the economic and social rights. The article provides that:

- “(1) Every person has the right— (a) to the highest attainable standard of health, which includes the right to health care services, including reproductive health care; (b) to accessible and adequate housing, and to reasonable standards of sanitation; (c) to be free from hunger, and to have adequate food of acceptable quality; (d) to clean and safe water in adequate quantities; (e) to social security; and (f) to education;
- (2) A person shall not be denied emergency medical treatment;
- (3) The State shall provide appropriate social security to persons who are unable to support themselves and their dependants.”

This present article of the 2010 constitution kind of wraps up the whole idea of whatever could be required to heal the current economic and social tribulations among the people of Kenya if positively implemented as was indented when the law was formulated and promulgated. The dream to realize any of the above rights stated in the said article has faded away from the minds of many citizens of Kenya. Common experience and research reveal that the gap between the rich and the poor is widening in the country. A small fraction of Kenyans is possessing immense wealth, while many citizens barely afford what to eat. Affordable health care and housing for all still remains a subject of constant political empty rhetoric during electoral rallies.

Article 40 of the 2010 Constitution dictates the right to acquire and own property by all Kenyans either individually or in association with others. The same law prohibits the parliament from enacting laws that could unlawfully deprive or restrict people from acquiring or enjoying the use of their property within the provisions of the law. The article also prohibits any citizen from acting contrarily to this law in such a way that they become obstacles to the free exercise of these rights by other

persons. Again this article, just like the precedent one, articulates those rights which when fully respected as so desired by the constitution would offer every Kenyan the possibility to enjoy their economic well-being with full dignity.

Chapter 11 of the 2010 Constitution introduced devolved system of governance where apart from the national government; the country has been divided into counties. The basic idea of the new system was to ensure that effective governance and services are delivered in all parts of the country fairly and promptly. For the purpose of this study, it is compelling to cite art. 174 (f) which clearly outlines as one of the objectives of devolution being: “to promote social and economic development and the provision of proximate, easily accessible services throughout Kenya.”

Similar pieces of legislations have been given through Acts of parliament in an effort to bring to an end the state of lawlessness and unethical behaviour which is sinking the country and her people into deeper inequalities economically and socially. Such parliamentary acts include: The Public Finance Management Act 2016. Management of public finances has been a thorny issue in the country and this Act was thought to correct the malpractices surrounding that are deeply entrenched among government officers at all levels. The Act provides in its preamble a call to responsibility by those who run the government to use the national finances for the benefit of all Kenyans. The text reads that this Act of Parliament is:

“to provide for the effective management of public finances by the national and county governments; the oversight responsibility of Parliament and county assemblies; the different responsibilities of government entities and other bodies, and for connected purposes”. The Republic of Kenya (2012).

Guided by art 56 of the Constitution, the government created the National gender and equality commission as a department entrusted with

ensuring that those communities which are not properly integrated in the economic life of the country are sought and accorded special opportunities to enhance their wellbeing as desired for the rest of the nation. These are the people the constitution refers to as minorities and marginalized groups who should not be left behind to languish in poverty and misery while the other nationals enjoy higher standards in all spheres of life.

Within the same scope, the Constitution sanctions in art. 204 the establishment of the *Equalization Fund* providing services to marginalized groups. Roads, clean water, electricity health care facilities are to be availed to improve quality of life of these groups to the extent these amenities are generally enjoyed by the rest of the citizens as far as possible. (Cf. The Republic of Kenya, 2012).

Without exhausting the list of all those laws the country has in place to help bring about social-economic balance among Kenyans through the observance of the law and practice of ethics by public officers and indeed by all citizens, it is worth summing up by recalling these last two acts of parliament: Public Officer Act and Ethics and Anti-Corruption Commission Act. The former was issued in 2003 and revised in 2009. The parliament enacted this act to advance the ethics of public officers. This was done providing for a code of conduct and ethics for public officers, that is, for all those officers who are employed in any entity established by the government or by the law of the state at any level. Part III of the Act sets out a general Code of Conduct and ethics for these officers (The Republic of Kenya, 2003); a few years later, the Ethics and Anti-Corruption commission was established with the Act of Parliament No. 22 of 2011. Within the area of its mandate, this commission was given power to undertake preventive measures against unethical and corrupt practices, among many other responsibilities.

From the look of things, Kenya has all the legal means sufficient for it to warrant progress in all aspects of life and to create a nation which is

economically stable. Law has the function of bringing order in public and private affairs. Law educates the nation on correct acts and procedures to be followed to achieve them. If only all these laws meant something for the citizens of this country, especially the public officers, people would enjoy equitable distribution of resources and services and balanced standard of living. It is in common knowledge that this is but a distant dream for many Kenyans. Disregard for the rule of law and unethical conduct among public officers is seemingly on the rise with a high degree of impunity.

25.4 Unethical Practices by the Powerful to the Detriment of the Poor and Weak

Talking of unethical practices in Kenya and in Africa at large is not something that should cause a surprise to anyone. It is a societal ailment that is deeply entrenched in the public sector as well as in the private sector to such an extent that it has become practically 'normal', if taken casually. The big name predominantly assigned to this phenomenon is corruption. It depends, though, on what is understood by the term corruption in Kenya; the common perception is tied around two issues: on the one hand, there is the unlawful soliciting of money by public officers in order to render services, of which they are already salaried, to the citizens; and on the other hand there is the misappropriation of public funds for private or personal benefits (cf. Union of International Associations, 2018).

Corruption instead involves broader and multifaceted activities, most of which are subtle in nature while some are conspicuous. The former includes acts such as nepotism through which individuals are designated Jobs despite the insufficiency of their qualifications; blackmail of the innocent citizens by state officials to obtain from them unlawful resources; violation of bureaucratic procedures in favour of some people to gain certain private benefits in exchange; unlawful compensation

awarded to persons by state officials or organs such as the judiciary as a way of colluding to steal public funds; inflated costs in procuring or sourcing services on behalf of the government. These are but a few unethical practices that could be mentioned for the purpose of illustration here.

For the latter, it is enough to recall the public outcry against the Kenya police. This particular state entity has been frequently referred to by citizens as notoriously corrupt. Police traffic solicit bribes on the Kenyan roads from motorists without shame or any sense of discretion before the public eye. Any adult Kenyan who has made journeys along the Kenyan roads at some point has at least witnessed such unfortunate events where a police is seen soliciting or taking bribes from drivers who break the law in one way or another. Any data to this fact as concrete proof is needless since it is a menace broadcast by public television stations and other multimedia outlets on daily basis.

It has also been in public knowledge that lots of public monies have been embezzled by state officers. This is happening from the national government to the Counties (Wesangula, 2018). Large amounts of money have reported to have been stolen by civil servant from state organizations such as the National Youth service (Cf. Reuters, 2018); the National Cereals and Produce board; Kenya Pipeline Company; National Tree Planting Programme; and from Youth Enterprise and development Fund (Cf. Kenya Human Rights Commission, (2018).

These state of affairs being the order of the day in running the Kenyan economy, one does not expect anything other than sharp socio-economic inequality in the nation. The Powerful civil servants accustomed swindling from state coffers and getting away with their crimes without any legal obstacles are steadily enriching themselves to the detriment of the rest of the nation. Wealth in Kenya is confined to the dominion of a few powerful politicians, civil servants and a few filthy rich

cartels. These own the country with remorse for the poor nor care for equitable distribution of resources and services of all in the country.

25.5 Failure of the Law Enforcement Organs and Impunity

The law enforcement organs are probably the most important public service systems in the country. These law enforcement organs include the legal and justice system. Certainly, these are the systems which the public interact with on daily basis. Among the countries within the Eastern African region, Kenya has been considered as the most preferred country for investment and socio-economic development. However, the widespread corruption within the Kenyan law enforcement organ (legal and justice system) has seriously hindered the social, economic, political and even the cultural development of the country. The culture of impunity especially within the police force has largely been blamed for the escalating levels of police brutality and other crimes in the country.

Over the past 50 years of independence, Kenya has experienced massive cases of violation of basic human rights associated with police enforcement of law and order. The Kenya Police Force (KPF) has long been accused of operating within a political culture characterized by impunity, excessive use of force, brutality, disregard for human rights and corruption. According to the Transparency international – Kenya, (2011), the National Police Service (NPS) was ranked as the leading corrupt institution in EAC out of 115 institutions listed. It is with no unreasonable doubt that endemic corruption in the Kenyan Police Force has greatly contributed to the widespread insecurity concerns witnessed in different parts of the country

The widespread and routine corruption practices have ruined the integrity of government institutions and private sectors as well. Corruption has reduced the Kenya's competitiveness within the East African region. The frequent demands for bribes among the public officials have in-

creased the costs of operating business for foreign investors. The widespread tax evasions have deterred long-term economic growth in Kenya due to rampant fraud and bribery in public procurements. While the law criminalizes corruption practices, bribery, and abuse of office by public officials, the corrupt public institutions for law enforcement including the judiciary and police service undermine adequate implementation of Kenya's anti-corruption framework (Gan Business Anti-Corruption Portal, July 2015).

Over the past decades, the Kenya Police Force has always been associated with poor academic qualifications among the recruits, which further challenges the knowledge of officers on integrity and service to the community. The recruitment process, training, vetting, and promotion of police officers across the country, has always been linked to corruption among senior police officers through nepotism, tribalism, and bribery acts, especially for those that do not meet the academic qualifications.

Nevertheless, lack of accountability and transparency in the Police Service to prosecute police officers reveals the ever-present policy impunity against the citizens. Kenya Police have always been linked with abuse of power and with impunity when tackling crime or executing their duties (Kagari, Thomas 2006). For example, the fight against terrorism in Kenya has always been viewed as discriminatory to the Muslim community. As a result, police searches, and operations against suspected Al-Shabaab terrorists in Muslim-dominated regions of the Kenyan Coast, and North Eastern provinces has long been manifested with high rates of extrajudicial killings, brutality, and false imprisonments against innocent youths.

25.6 The Way Forward: Some Lessons that Kenya Can Learn from Police Accountability in the United States

To address police accountability, American policing made significant external and internal mechanisms to monitor various behaviours of

officers' misconduct. Civil suits for incidences of police abuse were enhanced in an award by the court where money is paid to the victims. Criminal prosecution against abusive officers charged for allegedly using excessive force became an effective check on police misconduct within police departments. Departmental oversight mechanisms were also established through the creation of civilian review boards. Consequently, this fostered structural reorganization of the larger organizational policies, with practices that increased internal accountability within various police departments (U.S Department of Justice, 1988).

The long centralized agencies became regionalized to streamline military hierarchies according to their specific roles of prevention and investigation units, particularly in the wake of transnational crime in Latin America. Transnational crime control mechanisms were improved towards a greater oversight of police activities from general ombudsmen to internal affairs agencies. The approach led to sub-regional governments that became more positioned to respond to the local security concerns. The sense of security became paramount due to greater oversight of police activities while enforcing law and order within a designated area. Consequently, this led to increased accountability by police officers of their actions through cooperative embrace of community policing and neighbourhood patrols to fill in the vacuums of organized crime networks involving the impenetrable circles of corrupt police officers.

Based on the US police accountability, there is need for the Kenyan government to strengthen the capacity of internal and external oversight mechanisms through its existing investigative bodies including community groups, media, and civil society. Effective police oversight bodies help to monitor and review complaints against officers' misconduct hence allowing for the larger organizational policies and practices that increase internal accountability within police departments.

The Kenyan government must also focus on building the capacity of the police officers through appropriate modern infrastructure such as

equipment, information, technology, and expertise. The equipment would not only serve as crime control mechanisms within the country, but also improve on accountability among individual police officers. For example, the American police force has also made critical changes that are designed to foster police accountability in addition to the civilian review boards. First, several police departments have equipped and installed digital cameras in police patrol cars to monitor police-citizen encounters and improve the scrutiny against the police behaviours.

In the efforts to foster police reforms within the National Police Service (NPS), there is need for a strong political leadership that strictly adheres to all the provisions of the new constitution. The NPS has failed to comply with the law due to frequent interference from politicians. Since independence, the executive actors have long used the NPS as a tool of oppression and repression to secure their positions in the government and remain in power. As a result, there has been lack of political will to establish necessary structures to address the inefficiency and mistrust created between the police force and the citizens due to enduring impunity in the NPS. Therefore, strong political will is critical to spearhead and catalyse efforts towards increased accountability to cultivate respect for human rights, restore the lost public confidence, and maintain the nation's security.

Through an effective functioning Kenya Judicial System, the government can impose stiff laws against individual officers reported with serious cases of unprofessionalism such as corruption, brutality, and violation of human rights in order for legal actions to be taken. In the US, new penal codes in the police force strengthened the investigation, prosecution, and sentencing of corrupt police officers such as the establishment of Violent Crime Control and Law Enforcement Act 1994. The act led to a greater accountability in police departments by shifting the focus from individual police officers to police organizations. Like in the US, improved capacity of police oversight bodies, laws and severe pun-

ishments against abusive police officers in Kenya would serve to enhance institutional and individual commitments towards meaningful and accountable police operations.

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THE CHURCH SOCIAL TEACHING ON HUMAN DIGNITY

FUNDAMENTAL TO ETHICAL DISCERNMENT

Peter Mbaro

26.1 Abstract

The discourse on ethics and ethical behaviour is very much about ethical discernment that a human person, as an ethical agent engages in, in order to be an ethical person and act ethically. This definitely implies that we have to constantly engage ourselves in a process of discernment, asking ourselves, certain questions like: “what should I do to be ethical and act ethically?” or “Is what I am about to do right?” Quality of ethical discernment leads to either ethical or unethical decision, choice and action. For this process to lead to what can be referred to as good for self and others, then, ethical discernment need a sound conscience, one that is based on a strong foundation. It is the argument of this paper that, for ethical discernment to end in the promotion of common good, it is important that the dignity of the human person, as expounded in the Church Social Teaching, be recognized, protected and promoted as the true foundation of ethical discernment. Therefore, this paper seeks to underscores the truth that human dignity is fundamental in the formation of conscience for ethical discernment. To do this, the paper will explore

the following areas; Introductory Note on the Church Social Teaching; thus underlining the Principle on the Dignity of the Human Person, the Meaning of Ethical Discernment, Conscience as the Capacity for Ethical Discernment, Ethical Discernment and Common Good, Implication of the Teaching on Human Dignity on Ethical Discernment and Conclusion. *Key Terms*: Church Social Teaching, Human Person, Dignity, Ethics, Discernment, Conscience and Common Good.

26.2 Introduction

In our society today, the discourse on ethics has taken a central place in social conversation and it has equally characterized the institution discourses on how ethics can be the distinguishing quality of a good institution. Many individuals and organisations are keen on being judged ethical in their being and conduct. Today we find many individuals seeking to take courses on ethics, in order to build themselves as ethical beings and, consequently, act in an ethically acceptable manner. Institutions likewise, are struggling to train their constituents to be ethical in all their dealings with the clientele, for this is the only way of winning customer confidence, loyalty and, therefore, ensuring sustainability.

In other words, individuals and institutions have endeavoured to empower themselves to be ethical beings, ethical institutions and act in an ethical manner. All this effort is around ethical discernment that a human person should engage in, in order to be the being that he/she is expected to be and act in a manner coherent to the being he or she is: ethical person. Institutions likewise seek to be ethical, by developing an ethical culture, by enabling all the people within and without, to be conscious of their ethical expectations in all the affairs of the institution. Institutions cannot develop an ethical culture without having ethical individuals, who have the capacity for ethical discernment and action.

However, in all these efforts the central question has always remained: what should be the criteria for ethical discernment in an indi-

vidual's decision-making process? In other words, what should be the main point of reference in decision-making that will eventually lead an individual to take the right course of action that will definitely qualify to be ethical? People have always struggled with the question: What principle or principles can serve as an ethical compass in the process of ethical discernment?

It is the argument of this paper that there can be one key or fundamental point of reference for ethical discernment, namely, the Church Social Teaching on the Dignity of the Human Person. In view of this, the paper will endeavour to develop this argument by looking at various aspects that will built towards the conclusion that recognition, respect and promotion of the dignity of the human person can be and is fundamental in ethical discernment. This paper explores the following areas: Introductory Note on the Church Social Teaching; The Principle on the Dignity of the Human Person; the Meaning of Ethical Discernment; Conscience as the Capacity for Ethical Discernment; Ethical Discernment and Common Good; Implication of the Teaching on Human Dignity on Ethical Discernment and Conclusion.

26.3 Introductory Note on the Church Social Teaching

In this section we seek to briefly describe what the Church Social Teaching is all about. Of course, we do not intend to give an elaborate exposé, but it is important to understand what the Church Social Teaching entails, in a way of description, if not of definition.

The Church Social Teaching is “a rich treasure of wisdom about building a just society and living lives of holiness amidst the challenges of modern society.”⁸⁴⁰ As such, the Church teaches on how to organise

⁸⁴⁰ United States Conference of Catholic Bishops, *Seven Themes of Catholic Social Teaching*, <http://www.usccb.org/beliefs-and-teachings/what-we>

the social order for the common good of each person and for all people through the Church Social Teaching: a rich heritage.

In addition, it is a body of teachings founded on Scripture and the ongoing reflection of the Church focused on how we as people of God ought to live together in loving community. The Church Social Teaching centers its focus on social living, seeking to assist members of the Christian community to understand the indispensable relationship between their daily life and witness to the Gospel truth. Thus, Church Social Teaching holds and teaches that, “Life together in society, in the network of relationships linking individuals, families and intermediate groups by encounter, communication and exchange, ensures a higher quality of living.”⁸⁴¹ Therefore, the Church Social Teaching is the moral reflection of the Church on human relations in society.

When examining human society, we often find human interactions at different levels, which come to existence as human beings relate with each other. Human relationships are shaped or come to be as people engage in different interpersonal interactions as they seek to meet their human needs in all aspects of life, namely, family, economic, political, cultural, religious and environment. Following this, then, we can further note that Church Social Teaching is the moral reflection of the church on human relations in society.

In light of this, the Church Social Teaching can also be understood as the entire teaching of the ecclesiastical Magisterium, which applies revealed truth and Christian moral principles to the social order. It seeks to apply the Gospel message to social reality.⁸⁴² Javier Hervada notes

[believe/catholic-social-teaching/seven-themes-of-catholic-social-teaching.cfm](http://www.vatican.va/roman_curia/pontifical_councils/justiceandpeace/documents/pc_02_01_01_believe_catholic-social-teaching/seven-themes-of-catholic-social-teaching.cfm),
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⁸⁴¹ Pontifical Council for Justice and Peace, *Compendium of the Social Doctrine of the Church*, Nairobi: Paulines Publications Africa, 2004, No. 61.

⁸⁴² Hervada, Javier, *The Principles of the Social Doctrine of the Church*, <https://www.scribd.com/document/49349289/THE-PRINCIPLES-OF-THE->

that the sole objective of the Church Social Teaching is “to present to men God’s plan for secular reality. It enlightens men’s minds with truth and guides them in building up the earthly city according to the divine plan.”⁸⁴³

26.4 The Principle on the Dignity of the Human Person

Among the seven key principles of the Church Social Teaching, the principle on the life and dignity of the human person takes the pride of place. This is the principle that holds and teaches that the human person has great worth and dignity. In other words, this is the principle that affirms the value of human life and the dignity of every human person.

One key foundation of this picture of human life is that all humans are made in the image and likeness of God (Gen. 1:28). As children of God created in God’s image, human persons have a preeminent place in creation. With God as the one who bestows on the human person this dignity, then, human dignity is intrinsic and therefore it is the result of human existence. It is not earned by achievements or bestowed by any authorities other than God.

Therefore, by the Church Social Teaching holding firmly that the human person is a being of dignity, it insists that he/she deserves unqualified respect in the society. This dignity requires recognition, protection and promotion for any social order to be guaranteed in any society. The right ordering of society with all its activities is based on this truth about the human person and his/her unique value and worth. It is for this reason that the Church Social Teaching

“proclaims that human life is sacred and that the dignity of the human person is the foundation of a moral vision for society.

This belief is the foundation of all the principles of our social teaching.”⁸⁴⁴

As earlier noted, the Church Social Teaching, being the moral reflection of the Church on human relations in the society, puts the human person at the center of the society and its activities. Therefore, the Church Social Teaching addresses the topic of the human dignity in a special way that leads to some particular firm conclusions about what is permissible both in individual moral choices and in ethical practices of entire societies. This implies that there are social and ethical implications of this teaching, which need to be considered every time the human person is acting in the social arena. Every human action has, therefore, social and ethical dimensions and has a direct or indirect effect on the human person.

Consequently, it is in light of the Social Teaching of the Church that we need to explore how ethical discernment can be enlightened by this principle on the dignity of the human person in the process of decision making, choice and action in the social life. We now turn our attention to the understanding on what ethical discernment is all about.

26.5 The Meaning of Ethical Discernment

In this section, we would like to explore the meaning of the ethical discernment. It is important to note that in the field of ethics, there are various terms used as alternatives to ethical discernment such as; moral discernment, moral reflection, ethical reflection, decision-making process, moral decision-making, moral reasoning and practical reasoning. These are some of the terms used by different scholars which imply the

⁸⁴⁴ United States Conference of Catholic Bishops, *Seven Themes of Catholic Social Teaching*, <http://www.usccb.org/beliefs-and-teachings/what-we-believe/catholic-social-teaching/seven-themes-of-catholic-social-teaching.cfm>, Accessed on 27/8/2018.

process of seeking to choose the right course of action as one seeks to maintain his/her ethical character and action. There could be other terms that ethicists may have used and continue to use, implying the same ethical endeavour. For this paper, the term ethical discernment has been used throughout the discussion.

To begin with, in the way of description on what ethical discernment is all about, we note that according to Richard M. Gula, we often find ourselves asking certain questions daily in the process of making decision and taking a certain course of action. Some of these questions are like, “What should I do?” “How do I know if I have made the correct choice?” “Is this the right thing to do?”⁸⁴⁵

In relation to the ethical question asked by a moral agent in the process of discernment, we further find James M. Gustafson noting that, “the practical moral question is asked in various ways. Sometimes it is, ‘What ought we to do?’ Or, if one chooses to relax the imperative and accentuate the indicative, it is, ‘what are we to do?’”⁸⁴⁶ These questions are asked by moral agents geared towards living as ethical beings and acting ethically in their daily life. Hence, these and other similar kind of questions clouds our minds as we go about our daily tasks.

Hence, Gula clearly observes that we often engage in this process when dealing with complex ethical issues, as well as in simple matters of life. Therefore, “making moral decision is a central part of our lives.”⁸⁴⁷ In other words, ethical discernment can be said to be accompanying us wherever we are, like our shadow during the day. Described in other ways, William C. Spohn notes that “making moral decisions is

⁸⁴⁵ Gula, Richard M. *Moral Discernment*, Mahwah, New Jersey: Paulist Press, 1997, 1.

⁸⁴⁶ Gustafson, James M. “Moral Discernment in the Christian Life”, in: Hamel, Ronald, P. and Kenneth R. Himes (Eds.), *Introduction to Christian Ethics: A Reader*, New York, New Jersey: Paulist Press, 1989, 583.

⁸⁴⁷ Gula, 1.

as common an experience as walking and as difficult to analyze.”⁸⁴⁸ As such, discernment plays a central role in making moral decisions and executing corresponding actions.⁸⁴⁹ Following this we can, then, say that ethical discernment is a mental activity that every rational human person finds him/herself engaged in daily.

At this juncture, we need to ask; what is ethical discernment? Ethical discernment can be described in different ways that can help in grasping more comprehensively, what it is. To begin with, we underscore that, generally, “ethical discernment is the skill of moral evaluation in the concrete.”⁸⁵⁰ It is the process that a moral agent engages in, in a given situation, in order to assess the moral quality of an action that he/she intends to execute, that he/she is undertaking and that he/she has already accomplished, as he/she seeks to be an ethical person.

In addition, ethical discernment, which can also be referred to as Christian moral reasoning, involves a two pronged exercise, namely, reflection and deliberation. Though the two go hand in hand in the mind of a moral agent, they are different in focus and attention. The first one, i.e., reflection, is whereby the moral agent thinks over something, asking himself/herself: “what is the truth?” In the second one, i.e., deliberation, the moral agents centers his/her attention or thought on the action, thus, asking himself/herself, ‘what am I to do?’ As observed, “the metaphors contained in the two words illustrate the difference: reflection is ‘turning back’ on something; deliberation is ‘weighing up’ alternative courses of action.”⁸⁵¹

⁸⁴⁸ Spohn, William C. “The Reasoning Heart: An American Approach to Christian Discernment”, in: *Introduction to Christian Ethics: A Reader*, op. cit. 563.

⁸⁴⁹ Ibid.

⁸⁵⁰ Ibid.

⁸⁵¹ O’Donovan, O. M. T. “Christian Moral Reasoning”, In: Atkinson, David J. et al., (Eds.), *New Dictionary of Christian Ethics and Pastoral Theology*, Downers Grove, Illinois: InterVarsity Press, 1995, 122.

However, while inclining to Christian life and ethics, then, “discernment is the privileged name we give to the decision-making process that reaches into the heart of one’s fundamental commitment to God.”⁸⁵² In other words, “discernment is the process of discovering the course of action most fitting to what our fundamental relationship with God demands.”⁸⁵³

In this respect, then, decision-making process is not only meant just to solve ethical problems, but it is meant to help people of faith to respond to God’s call to holiness (Mt. 5:48). It is not limited to discerning the ethical quality of a given decision, choice and action, but more so it is about the person one ought to be in relation to God. This approach to ethical discernment changes definitely the ethical probing and questions, therefore, they do not remain only focused on the action, but they as well focus on the being that one ought to be. As observed by Gula, “in discernment, we ask not only, ‘Is this action right?’ but we also ask, ‘Is acting this way consistent with my fundamental commitment to God? Does it fit who I am and who I want to become as a disciple of Jesus for today?’”⁸⁵⁴

Nevertheless, discernment is not a process expected only of people who subscribe to a certain faith, as implied above of Christians, but it is expected of every human person, as a moral agent. Therefore, cognizant of the truth that “morality is universally binding on everyone, no matter what their religion or lack thereof,”⁸⁵⁵ we can affirm that morality is grounded in rational human nature, hence, appealing to the natural law.

⁸⁵² Gula, 47.

⁸⁵³ Ibid.

⁸⁵⁴ Ibid., 48.

⁸⁵⁵ Boss, Judith A. *Analyzing Moral Issues*, Mountain View, California: Mayfield Publishing Company, 1999, 18.

In light of this, then, ethical discernment, which can equally be referred to as moral reasoning, is the capacity to discern what is right and wrong in the light of natural reason. In other words,

“Without correct reasoning, people who have good intentions may end up actually causing harm. This is because, although people may be strongly motivated to do what is right, they cannot always figure out what is the best way to achieve this goal.”⁸⁵⁶

From the above assertion, we can conclude that ethical discernment is the process that all human beings undertake in order to make the right decision, either enlightened by faith and reason as religious people, and as those who don't subscribe to any faith, the use of natural human reason. But this capacity through which the human person is able to undertake this ethical discernment resides in human conscience.

26.6 Conscience as the Capacity for Ethical Discernment

Following the above assertion, it necessarily follows that a moral agent must have the capacity for ethical discernment. Moral theologians recognize this capacity as conscience. Conscience, therefore, is the human capacity to engage in moral discernment in the daily undertakings, seeking to direct the moral agents to the right course of action in order ultimately to become the being they ought to be.

Conscience is often defined as the practical judgement of reason that enables the human person to discern that which is good and ought to be done and that which is evil and must be avoided. Further to this definition, the *Catechism of the Catholic Church* has it that “Conscience is a judgment of reason by which the human person recognizes the moral quality of a concrete act.”⁸⁵⁷

⁸⁵⁶ Ibid., 86.

⁸⁵⁷ *The Catechism of the Catholic Church*, Nairobi: Paulines Publications Africa, 1994, No. 1796.

In other words, “conscience is the inner aspect of the life of the individual where a sense of what is right and wrong is developed.”⁸⁵⁸ As such, conscience serves in the life of the individual person, as the “guardian of the integrity of the person.”⁸⁵⁹

In *Gaudium et Spes*, this is well captured when the Vatican Council II firmly taught that

“In the depths of his conscience, man detects a law which he does not impose upon himself, but which holds him to obedience. Always summoning him to love good and avoid evil, the voice of conscience when necessary speaks to his heart: do this, shun that. [...] Conscience is the most secret core and sanctuary of a man. There he is alone with God, Whose voice echoes in his depths. In a wonderful manner conscience reveals that law which is fulfilled by love of God and neighbour.”⁸⁶⁰

Hence, conscience guided by the moral principle, especially, the one that states “good is to be done and evil is to be avoided”, seeks to help the moral agent to correspond his/her decision and, consequently, human acts to the known good, as well as assist him/her avoid the known evil. We can, therefore, note that conscience also judges particular choices, approving those that are good and denouncing those that are evil.

Conscience comes into play when a moral agent is in the process of making a decision and acting. Hence, in relation to action, conscience is a judgment of reason whereby the human person recognizes the moral quality of a concrete act that he/she is going to perform, is in the process of performing, or has already completed. It accompanies the moral agent

⁸⁵⁸ Gladwin, J. W. “Conscience”, In: Atkinson, David J. et al., (Eds.), *New Dictionary of Christian Ethics and Pastoral Theology*, op. cit. 251.

⁸⁵⁹ Ibid.

⁸⁶⁰ Pastoral Constitution on the Church in the Modern World, *Gaudium et Spes*, in Flannery A., (ed), *Second Vatican Council, The Conciliar and Post-Conciliar Documents*, Bombay: St. Paul Publications, 1975, No. 16.

as a power of reason ready to indicate here and now the right decision and course of action to be taken.

However, in the process of ethical discernment, the quality of human conscience is very important. Conscience makes judgment of the moral quality of an act according to its nature. It is in this line of thought, we note that there are different kinds of conscience that men and women have and, thus, manifest in the course of decision-making process and action. For a conscience to have the capacity to carry out ethical discernment and arrive at sound ethical decision, it must meet a certain quality: it must be right or true conscience. A true or right conscience is often described as a conscience that judges what is good as good and what is evil as evil. It is equally described as a formed conscience since it makes right judgement about the moral quality of an action. This is the kind of conscience on which this discussion is based on, for other kinds of conscience, such as erroneous or false, perplex, lax and scrupulous conscience do not lead a moral agent to the right decision and action.

For a conscience to be qualified as true or right conscience, one that has the capacity to guide the moral agent in ethical discernment, it requires a thorough formation. The *Catechism of the Catholic Church* has it that “Conscience must be informed and moral judgment enlightened. A well-formed conscience is upright and truthful. It formulates its judgments according to reason, in conformity with the true good willed by the wisdom of the Creator. The education of conscience is indispensable for human beings who are subjected to negative influences and tempted by sin to prefer their own judgment and to reject authoritative teachings.”⁸⁶¹

Therefore, as well put, “conscience, therefore, needs instruction, so that it may be trained to alert us to what is genuinely right and manifestly wrong, and it also needs the liberating experience of forgiveness. The

⁸⁶¹ *The Catechism of the Catholic Church*, No. 1783

dynamic of conscience in Christian life is explained by these two things: education and liberation.”⁸⁶²

This formation of the conscience, in order to give it authority to direct the ethical discernment process, has to be undertaken by the individual moral agent and through different means. It is rightly put that,

“In the formation of conscience the Word of God is the light for our path; we must assimilate it in faith and prayer and put it into practice. We must also examine our conscience before the Lord’s Cross. We are assisted by the gifts of the Holy Spirit, aided by the witness or advice of others and guided by the authoritative teaching of the Church.”⁸⁶³

As we noted earlier, the Church Social Teaching is the moral reflection of the Church magisterium on human relations in society and it is the gospel message applied to social realities. It is light of this that the principles of the Church Social Teaching, in general, then, come in handy for the formation of conscience. As clearly put

“The Church’s social doctrine is therefore of a theological nature, specifically theological-moral, ‘since it is a doctrine aimed at guiding people’s behaviour.’ ‘This teaching ... is to be found at the crossroads where Christian life and conscience come into contact with the real world [...]’.”⁸⁶⁴

In particular, the principle of the Church Social Teaching on the dignity of the human person is the most effective means of the formation of conscience.

⁸⁶² Gladwin, J. W.

⁸⁶³ *The Catechism of the Catholic Church*, No. 1785

⁸⁶⁴ Pontifical Council for Justice and Peace, No. 73.

26.7 Ethical Discernment and Common Good

Looking at the relationship between ethical discernment and common good, we start by noting that, ethical discernment is meant to assist the human person, enlightened by faith and reason, to make right decisions and take the right course of action, in order to build the common good. Common good is often described as the sum total of all conditions of social living that enable men and women attain their perfection of being and dignity.

It is in this line of thought that ethical discernment is to be considered important in all aspects of human life, social, economic, political, cultural, religious and environmental. In every action taken by a moral agent, therefore, should always contribute to the social order for the good of the human person, in particular, and the community, in general.

This process of ethical discernment aims at ensuring the right social order for the good of every human person and of all people: the common good. This definitely implies that there must be certain ethical principles that serve as a guide to the human person to direct his/her decisions, choices and actions towards the right ordering of society with all its activities. Such ethical decisions, choices and actions must have a proximate good to the individuals and an ultimate good to the community.

Failure to engage into systematic ethical discernment, because of failure to subscribe to a given ethical order that is often recognized by human rationality, society can gradually disintegrate into social disorder. As clearly observed,

“In order to liberate every realm of human activity from the moral disorder that so often afflicts it, the Church recognizes among her primary duties the responsibility to call everyone, with humble certainty, to clear ethical principles. The shared human reason, that ineffaceably characterizes every person, demands an enlightened discernment in this regard. Moreover, human rationali-

ty searches, in truth and justice, for the solid foundation that sustains its operation and maintains its sense of direction.”⁸⁶⁵

It is important to state that ethical discernment is important for the common good. As well, put, “Every human reality and activity is something positive, if it is lived within the horizon of an adequate ethics that respects human dignity and is directed to the common good.”⁸⁶⁶

26.8 Implication of the Teaching on Human Dignity on Ethical Discernment

Generally, as well noted, the Church Social Teaching “should help us to renew our belief that every person is precious, that people are more important than things, and that the measure of every institution is whether it threatens or enhances the life and dignity of the human person.”⁸⁶⁷

In addition, the social and moral implication of this teaching is that “every good society must be defined as such following its effort to establish systems and structures that recognize, protect and promote the dignity of the human person and, thus, protecting the sacred life of every individual and of all people.”⁸⁶⁸

⁸⁶⁵ Congregation for the Doctrine of the Faith, Dicastery for Promoting Integral Human Development, Ladaria, Luis F. S.I., Turkson, Peter Kodwo Appiah, Morandi, Giacomo, *Considerations for an Ethical Discernment Regarding Some Aspects of the Present Economic-Financial System*, 2018, No. 3. <https://www.catholicculture.org/culture/library/view.cfm?recnum=11869> accessed on 09/10/2018.

⁸⁶⁶ *Ibid.*, No. 8.

⁸⁶⁷ United States Conference of Catholic Bishops, *Seven Themes of Catholic Social Teaching*, <http://www.usccb.org/beliefs-and-teachings/what-we-believe/catholic-social-teaching/seven-themes-of-catholic-social-teaching.cfm>, Accessed on 27/8/2018.

⁸⁶⁸ *Ibid.*

Following this we can affirm that the above-delineated Church Social Teaching on the dignity of the human person, which has been proposed as the most effective means of the formation of conscience, therefore, is being proposed as the key consideration every time the moral agent takes up the ethical discernment process.

It is a principle that will ever serve as the voice of conscience calling the human person, in the process of ethical discernment, to do good and avoid evil. It is a principle that will serve as the standard measure of that which is good or worthwhile for the human person. The measuring standard of the 'good' will always be the dignity of the human person. The conscience, the seat of ethical discernment will have the dignity of the human person as the reference point in the search of the good and avoidance of evil.

This principle will serve as the light in the life of a moral agent to discern what is true and ethically acceptable in the process of decision making. Once the good of the human person is always taken into account, due to the dignity that is his/hers by nature of having a universal, inviolable and inalienable dignity, then, the decision made and action, consequently taken, will be always for the good of individual human beings, of all people and the entire society.

This further implies that, as earlier noted, there are certain actions towards the human person that are not permissible, thus unethical. In our modern society, we find quite a number of unethical trends that are affront to the sacred human life and dignity. Human life and dignity is thus under direct attack by war, tribal violent conflict, corruption, abject poverty, drug trafficking, drug addiction, human trafficking, prostitution, abortion, infanticide, murder, euthanasia, organ harvesting and trafficking, clinical experiment on vulnerable persons, etc.

26.9 Conclusion

As we have so far underlined, the ethical discernment is an important process in human life. It is the indispensable basis on which we build character of being and also of taking actions coherent to the ethical being we ought to be.

For this ethical discernment to take place, the moral agent requires guiding principles. Among many, the guiding principle hereby proposed is the Church Social Teaching on the dignity of the human person.

We have clearly underlined that once this principle is taken into account, every time the human person engages into ethical discernment, then, the human person will always make the right decision and take the right course of action.

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**THE INHERENT RELATIONSHIP
BETWEEN ETHICS AND PHILOSOPHY
AS A MORAL GUIDE
FOR ALL HUMAN BEHAVIOUR**

Simon Njuguna

27.1 Abstract

The life of the human person ought to flow from his very nature, his creation and his divinely governed conscience which make him unique in all aspects⁸⁶⁹. We can also call for a universal agreement that human life is sacred both in dignity and essence. But to come to this critical conclusion, we need to ask ourselves some fundamental questions: what makes man stand out from other created beings or what is the specific difference that can be identified to him only? What makes human behavior personal and to befall a moral evaluation? To answer the above questions, it is essential to know that human acts are defined in terms of choices informed by reason, conscience, will and human good. To take this as a governing principle or a moral compass we would remain obscure unless we interrogate the ‘Whyness’ of every human behavior. The first principle(s) are needed and “the now” principle(s) must have a

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clear bearing on possible choices, so that the relationship—positive or negative—between the choices and integral human fulfillment will be clear. Some people argue that the principles of practical reasoning in general — for example, *Life is a good to be preserved* — do not specify the first principle of morality, for each refers only to one basic human good, not to integral human fulfillment. This problem can only be responded to by the analyzation of the circumstances, the object and the end in view of even the so-called particular or one basic human good. This makes the marriage between Ethics and Philosophy fundamental in evaluating and guiding all human behavior. The article demonstrates this fundamental argument.

27.2 General Introduction

The study of man as an entity or as a subject is so central an all holistic human development. The metaphysical reality of the human person is founded in his reality as part of “Being *qua* Being”. Man’s the investigator, the investigated, the subject and the object of the study. The life of the human person ought to flow from his very nature, his creation and his divinely governed conscience which make him unique in all aspects. We can also call for a universal agreement that human life is sacred both in dignity and essence. Being truly human, consciously is action towards “the other” and actualizing “the self” in the mode of our very being. *The blend of Ethics and Philosophy* is a relational celebration of life in the other human person and with the other human person.

27.2.1 Background of the Study

The human person is the only created being who can transcend the limits of his very being, to comprehend, grasp and appreciate the Creator and even investigate Being *qua* Being. In his venture, man realizes that even he himself is a complex reality that is fused into a Metaphysical World. We therefore investigate ourselves concisely. Humanity is expe-

riencing violence in thinking, contemplation and doing. People condemn others exclusively as not “ours”, hatred, killing, frustrations, mistreatment, bombings, kidnaps, and the like. Doctors and nurses (medical professionals) ‘go-slow’ or down their tools! *Their tools are for humanity!* How do they leave a dying person, a delivering woman in great labour pains, a disabled, people needing emergence attention or an all-time care unattended? Can thieves, terrorists, witch and sorcerers, rapists, abortionists and the like harm, destroy, kill or cause any form of pain?

27.2.2 Statement of the Problem

Man stands out from other created beings with a specific difference that can be identified to him only. Man’s rationality and his personal behavior befall a moral evaluation. There’s a principle or a faculty in man identified by Ethics and Philosophy that initiates his response towards his fellow men as different from other animals

27.2.3 Objectives of the Study

- To interrogate the reality underlying our very being
- To investigate whether the reality that defines and/or composes an individual common to all humanity
- To show that man is superior in the created order due to his unique faculties

27.2.4 Significance of the Study

The quest of ‘who a human person is *per se*’, or an “individual person”, we include the “other individual persons” that make up a community of “we”. All human beings to appreciate the intrinsic value(s) that unify, edify and elevate us all to the pre-ordained position in the created order. Appreciate intrinsic connectedness in “I”, “We”, “Us”, “Individual”, and “Community” in as far as the human family is concerned. Embrace the dictum “The prosperity (or well-being) of man depends upon his fellow-man.”

27.2.5 Theoretical Framework

Man is not a being of rationality and emotions only, but a being endowed in his essence with an intrinsic active connectedness to God, Self, Others and the World. Man's nature provokes his reasoned and deliberated actions making him superior in the created order. Through his consciousness, man embraces his transcendental character to that which is beyond him.

27.2.6 Scope and Limitation of the Study

This article ventures into the nature of the human person specifically, the intrinsic principle of action, which is both ethical and philosophical. We only touch man in his individuality, his communality, his activity and passivity and, in a way, his intrinsic nature. *Ubuntu*, *Utuism*, humanism, *Undugu* and *Ubinadamu* are active conscious virtues.

27.3 The Meaning and Implication of “Ethics” and “Philosophy”

The two terms ‘Ethics’ and ‘Philosophy’ share the same fundamental foundation and subject. We may argue that the only notable difference is on object. Both terms have their pillar in man as the investigator and beneficially of the same. We cannot strictly speaking discourse on philosophy outside the man who is the discoverer of the many tenets of reality. As a matter of fact, even to study the greatest reality, which is, God or ‘Being’, man remains the key discussant. Metaphysically, we cannot be justified to treat man as a subject independent from the idea of God, who Aristotle and Thomas Aquinas graced as the Supreme or the Primordial Cause of everything that is. Therefore, man's venture of understanding himself and his environment opened up this other problem of knowledge: the problem of God. The quest to know himself as a person, his environment and his source, and the source of his environment is ever typified in the Man-World-God scheme, whichever the order. It

is worth noting that, according to Edmund-Ugwu Agbo, every rational inquiry revolves around this scheme.⁸⁷⁰ Our main enquiry would be to investigate whether in the course of man defining himself, is he limited to the boundaries of only a ‘rational being’ or do we have other specific difference(s)?

From the African context and/or understanding of man, which has been defined more closely by people like Placide Tempels in his work *African Philosophy*, numerous critical writers like Alexis Kagame, Marcel Griaule, D. A. Masolo’s *Self and Community in a Changing World* (2010), and Kenneth Kaunda’s *Humanism*, among others, we get to embrace a more extensive concept well taken in both South Africa and Zimbabwe, now developed into a philosophy: *Ubuntu* and *Hunhui* (South African local languages, Nguni and Shona terms respectively). The terms literally mean showing humanity to one another: the word *Ubuntu* itself captures the spirit of the being human.⁸⁷¹ It is this second part of the meaning of the term that we want to explore. As I argued in my previous work *Philosophy of Utu*⁸⁷²:

“The notions of the person, his mode of operation, his nature imbued by causality and his ultimate end in Africa and actually in the whole world, is scattered over different forms of cultural expression. Thus, different fields of research analyze this issue differently as they focus on the different aspects of culture, besides philosophy. They concentrate on other areas like the studies of social institutions, in analytical and creative literature, in reli-

⁸⁷⁰ Edmund-Ugwu, Agbo, “Africa: Origin, Trends and Articulation of African Philosophy”, an article posted on 28th January, 2011 at www.allafrica.com website.

⁸⁷¹ Samkange, Stanlake John William Thompson, *Hunhuism or Ubuntuism: A Zimbabwe Indigenous Political Philosophy* (Harare: Graham Publishing, 1980), 106ff.

⁸⁷² Waitherero, Simon N. *Philosophy of Utuism* (Nairobi: CUEA Publication Press, awaiting release).

gions and different rituals, and in myths and cosmology. But this ultimate question of the person is the key to relating all other disciplines. The establishment of academic philosophy braced the exercise of man's activity as a rational animal. Unfortunately, this ambitious expedition has brought about a mental and intellectual conflict. Some people have in their discourses created very serious errors, fallacies and unforgiveable sins in dealing with the issue of the human person.⁸⁷³

It is from this understanding that the two terms interrelate. Coming to this direction requires us demonstrate the meaning of the two terms and their expansive necessity in scoring the self-conscious man.

Philosophers technically use the term 'ethics' to mean a philosophical study of morality from the Greek terms *ethos* and Latin term *mores*. The Greek terms equivalent to Latin *mores* are *ethos* (ἔθος, ἦθος, 'character') or *nomos* (νόμος, 'law'). As with the relation of *mores* to morality, *ethos* is the basis of the term ethics, *nomos* give the suffix -onomy, as in astronomy⁸⁷⁴. Thus we can affirmatively say that, ethics consists of the fixed morally binding customs of a particular group according to dictionary meaning. Morality is understood as a set of social rules, principles, norms that guide or are intended to guide the conduct of people in a society, and as beliefs about right and wrong conduct as well as good or bad character.

As it will be explained in the next section, the term morality carries the concepts of: moral standards, moral responsibility and a moral identity. These concepts are with regard to behavior, referring to our conscience and one who is capable of right or wrong action respectively. That is, moral standards dictate human acts; moral responsibility is dictated by individual inner voice that commands the course of action im-

⁸⁷³ Waitherero, 8.

⁸⁷⁴ "Ethos and Mores" Retrieved on July 18, 2018 from <<https://thesaurus.plus/related/ethos/mores>>

peratively of what is right or wrong; and moral identity answer to the mandatory question of who is capable of responding to the imperative principle. The late Prof. Joseph M. Nyasani⁸⁷⁵ in writing the forward of the book *Philosophy of Utuism* said:

“The study of man as an entity or as a subject is so central an all holistic human development. Man is the investigator, the investigated, the subject and the object of the study. Humanity is experiencing violence in thinking, contemplation and doing. People condemn others exclusively as not “ours”, hatred, killing, frustrations, mistreatment, bombings, and kidnapping among others. Doctors and nurses (medical professionals) ‘go-slow’ or down their tools! Their tools are for humanity. How do they leave a dying person, a delivering woman in great labour pains, a disabled person, people needing emergency attention or an all-time care unattended? Can thieves, terrorists, witches and sorcerers, rapists, abortionists and the like harm, destroy, kill or cause any form of pain? This reality makes us ask critically: is the specific difference “rational animal” in the definition of man inclusive of all that there is, or is it exclusive? Is man’s rationality the only superior faculty differentiating him from other animals, or is there more to this? What is responsible as a principle or as a faculty in man that initiates his response towards his fellow men as different from other animals? Is it out of reason, or instincts, or is there another underlying principle, initiating singly or in combination with the other faculties?⁸⁷⁶”

Etymologically, the term Philosophy is the combination of two Greek words – *Philos* (love) and *Sophia* (wisdom). Thus philosophy

⁸⁷⁵ The Late Prof. Emeritus Joseph Major Nyasani of happy memories was renowned scholar from University of Nairobi from 1970-2015.

⁸⁷⁶ Simon N. Waitherero, *Philosophy of Utuism*, Forward.

means love of wisdom. In this way search of wisdom or truth is called philosophy, and the man who engages himself in this search is called a philosopher. In his famous book “*Republic*” Plato says: “He who has a taste for every sort of knowledge and who is curious to learn and never satisfied may be justly termed a philosopher.”⁸⁷⁷ The rational investigation of the nature and structure of reality (metaphysics), the resources and limits of knowledge (epistemology), the principles and import of moral judgment (ethics), and the relationship between language and reality (semantics). Philosophy is that discipline which is related to the vision of ultimate reality.⁸⁷⁸ As is put precisely and definitely:

“One may call philosophy as that deep thinking and mediation which concerns itself to the God, the soul and the Nature. • This concentration and deep thinking is for revealing the hidden and immortal realities of existence namely- what is the nature of life, whence human being has come and what will be his final destination, how does external nature affect human life. • All these are the subjects and topics of philosophical thinking and ultimate realization. 1. Metaphysics 2. Epistemology 3. Axiology (Ethics, Esthetics) 4. Logics. The exact meaning of branches of philosophy 1. Metaphysics: study of existence, what's out there? 2. Epistemology: Study of Knowledge how do I know about it? 3. Axiology: The study of values or Study of Action What should I do? 4. Logics: Study of Art: What can life be like?⁸⁷⁹”

Any moment we venture into the ‘who a human person is *per se*’, we are faced by the fact that there is no way we can define an “individual

⁸⁷⁷ Moore, M.A.D. <https://www.ancientgreekphilosopher.com/2016/03/14/what-is-the-nature-of-the-philosopher-in-the-republic> Accessed and Retrieved on September 30, 2018.

⁸⁷⁸ <https://www.slideshare.net/KafkleBharat/31-etymological-meaning-of-philosophy> Accessed and Retrieved on October 2, 2018.

⁸⁷⁹ Ibid.

person” without, by extension, including that of the “other individual persons” that make up a community of “we”. Thus, “I” is included in the “We”, not linguistically, but in the inner natural meaning. Just as Nyasani in his 2013 book, *Metaphysical Psychology: Rational Psychology*⁸⁸⁰ argues, the term person in its lexical sense means an individual human being. But this term has a complex (and life⁸⁸¹) philosophical meaning that embraces that which basically defines the person in a differentiating manner, that is, rationality, and consciousness with a moral sense; this was traditionally thought of as mind and body.⁸⁸² This well exposed reality shows an objectivity in the human person and his mode of acting. But there arises a major concern: why is there a differentiation of human interpretation of the dignity, integrity and intellectual capacities of human beings, defined using geographical, racial and socio-economic realities?

When dealing with ethics, key terms that are encountered are principles, virtue, values, happiness and goodness. It is at this point that we now explore who man is and his connection to philosophy, what morality is, how it affects our behavior, our conscience, our society, and our ultimate destiny.⁸⁸³ The ultimate discussion for who a philosopher is, is found in Plato’s *Republic Book IV* with a great summary, that is, a grocery list of the desirable traits to be found in a philosopher are described by Socrates. The list of virtues is long and encompassing: a love of learning of things that are (485b), no taste for falsehood (485c), a concern with the pleasures of the soul, not the body (485d), being moderate and not a lover of money (485e), not given to petty speech (*smikrologia*)

⁸⁸⁰ Nyasani, Joseph M. *Metaphysical Psychology: Rational Psychology* (Nairobi: Consolata Institute of Philosophy Press, 2013), Ch.12.

⁸⁸¹ This is my personal adding to show the active sense of the terms consciousness, rationality [...], mind and soul.

⁸⁸² Nyasani, loc. cit. 99.

⁸⁸³ “Meaning of Morality” Retrieved on August 13, 2018 from <<https://www.allaboutphilosophy.org>>

(486a), believing that death is no great evil (486b), being “just and tame not hard to get along with and savage” (486b), learning easily (486c), has a good memory (486c), has measure and charm (486d).⁸⁸⁴

27.4 Man, Morality and Human Behavior

One of the greatest philosophers in the all history of philosophy is Socrates.⁸⁸⁵ His famous dictum of “Man know thyself”⁸⁸⁶ can be one of the basic foundation of ethics at any other time. The best and desirable human acts ought to be rooted on the self-knowledge. This philosophical canonization of the primacy of the individual intellect, connects naturally to the so-called ‘the other’ human being who is the mirror of internal intellectual reality. As analyzed:

“Socrates believed that philosophy should achieve practical results for the greater well-being of society. He attempted to establish an ethical system based on human reason rather than theological doctrine. He pointed out that human choice was motivated by the desire for happiness. Ultimate wisdom comes from knowing oneself. The more a person knows, the greater his or her ability to reason and make choices that will bring true happiness. Socrates believed that this translated into politics with the best form of government being neither a tyranny nor a democracy. Instead, government worked best when ruled by individuals who had the

⁸⁸⁴ *The Republic of Plato* transl. by Bloom, Allan, 1968, New York: Basic Books, <https://www.basicbooks.com/titles/allan-bloom/the-republic-of-plato/9780465094097/> Accessed and Retrieved on August 22, 2018.

⁸⁸⁵ Born around 470 B.C in Athens, Greece.

⁸⁸⁶ Eyo, E. and Ogar, J.N. “The Socratic ‘Man know thyself’ and the problem of personal identity”, *Sophia: An African Journal of Philosophy*, Vol. 15, No. 1 (2014).

greatest ability, knowledge, and virtue and possessed a complete understanding of themselves.⁸⁸⁷

Man is a being befitting the term “being” as such (in the finite order of beings) of Aristotle in the orders of subsistence and dependence. How the human person acts and relates via various modes of expression and attitudes to self, other human beings, environment and God. Human acts are defined in terms of *choices* informed by *reason, conscience, freedom, will and human good*.

We thus interrogate the ‘*Whyness*’ of every human behavior. The first principle(s) are needed and “the now” principle(s) must have a clear bearing on possible choices, so that the relationship—positive or negative—between the choices and integral human fulfillment will be clear.

Morality describes the principles that govern our behavior. Without these principles in place, societies cannot survive for long. In today’s world, morality is frequently thought of as belonging to a particular religious point of view, but by definition, we see that this is not the case. Everyone adheres to a moral doctrine of some kind.

Morality as it relates to our behavior is important on three levels as presented by C.S. Lewis: (1) to ensure fair play and harmony between individuals; (2) to help make us good people in order to have a good society; and (3) to keep us in a good relationship with the power that created us. Based on this definition, it’s clear that our beliefs are critical to our moral behavior.⁸⁸⁸ This is an illustration that we are moral beings not only for ourselves as individuals through our relational nature, but we have a transcendental faculty that delimits us from our corporeality to the spiritual and metaphysical incorporeality, that is, we relate to the ultimate Being.

⁸⁸⁷ “Socrates Biography”. Retrieved and accessed on October 10, 2018. <<https://www.biography.com/people/socrates-9488126>>

⁸⁸⁸ Marty, Elsa J. *A Dictionary of Philosophy of Religion*. Continuum International Publishing Group, 154.

It is notable that despite morality being the subject matter of ethics, it is most often used interchangeably with ‘ethics’. The philosophical inquiries undertaken by individual moral philosophers regarding morality are analyses which often result in diverse positions or conclusions. The core elements of the morality of a society, those moral principles and values that actually guide and influence the lives of a people, remain pretty much what they are or have been. What individual moral philosophers, through their critical analyses and arguments, try to do is to explain, clarify, refine, sharpen, or enlarge the understanding of the concepts and issues of morality.

Thus, moral principles and rules may emerge from or evolved by a particular human society; even so, they are principles that can—and do—apply to all human societies inasmuch as they respond to basic human needs, interests, and purposes. When the Akan moralist maintains, for instance, that ‘To possess virtue is better than gold’, or ‘When virtue founds a town, the town thrives and abides’, he strongly believes that he is making a moral statement—he is enunciating a moral principle—that transcends his own community and applies not only to other towns in his nation but, indeed, to all human societies, just as Socrates surely intended his celebrated moral statement ‘Virtue is knowledge’ (whether true or not) to apply to peoples and cultures beyond Athens and Greece, even beyond fifth century Greece. Thus, the moral intent of the morally-freighted proverbs (or maxims) discussed in this entry is considered relevant to the moral life of the human being and, as such, is purported to have universal application or reference.

The active humanness of the individual person is expressed in and through the society. For the “I” to fill the fundamental requirements of the “We”, “Us”, “Our” and even the “Other”, the inner guiding principle to the actions would be relational. The power inside an individual that reminds him that that which he gives out will also be given back. Immanuel Kant: “nothing in the world – indeed nothing even beyond the

world – can possibly be conceived which could be called ‘good’ without qualification except a good will”.⁸⁸⁹

After the reflective activities of the individual moral thinkers, the beliefs and presuppositions of a people about right and wrong conduct, good and bad character—all of which featured in the moral life of the people prior to the activities of moral thinkers—remain substantially or generally unscathed; they continue to constitute the moral framework within which the members of the society function. A theoretical distinction can be made between morality as constituted by the moral beliefs and principles that a group of people abides by in their daily lives or morality (1), and morality or ethics as comprising the reflections of moral thinkers on human conduct as morality (2). To the extent that morality (2) provides a clarification and better explanation and understanding of morality (1), it can be said that the two terms, morality and ethics, refer essentially to the same moral phenomenon — to human conduct, and thus can be used interchangeably. Thus, the term ‘African ethics’ is used to refer both to the moral beliefs and presuppositions of the sub-Saharan African people and the philosophical clarification and interpretation of those beliefs and presuppositions.

I take note of a view expressed by some philosophers on Aristotle's ethics: Bertrand Russell observed that “Aristotle's opinions on moral questions are always such as were conventional in his day” (1945: 174)⁸⁹⁰. In the same way, this entry is subject to *an actual interpretation* of the moral ideas and values as found in the African moral language, conceptions of society, conceptions of a person, and so on.

⁸⁸⁹ Kant, I. *Foundations of the Metaphysics of Morals*, Study Guides, <https://www.enotes.com>, Retrieved and accessed on October 22, 2018.

⁸⁹⁰ This view is found also by Hardie: “Aristotle's moral ideas and moral ideals are, in some degree, the product of his time” (1968: 120); “Aristotle in the *Nicomachean Ethics* is at least in part an interpreter of Greek experience” (W. F. R Hardie, 1968: 123).

27.5 Ethics (or Morality) as Practical Virtue

We would begin with an inquiry into the word ‘ethics’ or ‘morality’. Both character and morality bring about meanings of ‘being’ or ‘nature’ in relation to man. The result of this is ethics, that is, the ratio-emotional active man. Rationality is an activity. Man is a Moral, Political, Social animal; not only human action as an activity but human fulfilment is based on self-determination and freedom⁸⁹¹. Thinking and comprehending are manifestations of man’s intellectual function. The goal of Existentialism’s first move is to make every man aware of what he is and to make the full responsibility of his existence rest in him but also he is responsible for all men. Whenever we question, we know that we are in the position of an inquirer, but Dupre argues that ethics without failure is not ethics at all. In order to cope with the dimension of finitude, man is forced to leave in a constant tension between the dynamics of immanence and transcendence the self, irreducible neither to active endeavour alone nor to passive surrender.⁸⁹² We are nevertheless human persons, individual human beings characterized by consciousness, rationality, and a moral sense⁸⁹³.

⁸⁹¹ See: Wojtyła, Karol, *Considerations on the Essence of Man*. Rozważania o istocie człowieka., trans. John Grondelski (Lublin-Roma: Polskie Towarzystwo Tomasza z Akwinu, Societa Internationale Tommaso D’Aquino, 2016). Also: Andrzej Maryniarczyk, S.D.B., “From the Publisher,” in Wojtyła, *Considerations on the Essence of Man*, 9-12. Also: Kim, Younhee, *The Quest for Plausible Christian Discourse in a World of Plurality: The Evolution of David Tracy’s Understanding of ‘Public Theology’* (Peter Lang, 2008), 186.

⁸⁹² See: Dupre, B. *50 Ideas You Really Need to Know*, 2013, <https://www.dymocks.com.au/book/50-ethics-ideas-you-really-need-to-know-by-ben-dupre-9781780878270> Accessed and Retrieved on October 11, 2018.

⁸⁹³ See: Nyasani, Joseph M. *Metaphysical Psychology: Rational Psychology* (Nairobi: Consolata Institute of Philosophy Press, 2013), Ch. 12.

In defining good life by having most of the time a virtuous life – or having taken care of developing a virtuous character is what F. Hesselbein shows when he argues that:

“Leaders spend most of their time learning how to do their work and helping other people learn how to do theirs, yet in the end, it is the quality and character of the leader that determine the performance and results.”⁸⁹⁴

This logic is applied not only for an individual but also for groups of persons and organizations:

“We say these are the values of the organization, and we all live them. Then, no matter what the situation, we never think, “Well, I can be slightly unethical today, but tomorrow I’ll be better.” It doesn’t work that way. No matter how difficult the circumstances become, we stand and we act on principle.”⁸⁹⁵

Kant argued that humans are obliged to bring about the *summum bonum*: the two central aims of moral virtue and happiness, where happiness arises out of virtue.⁸⁹⁶ Morality presupposes God’s existence to its binding. This is through the natural cause of human act, happiness as the highest good. If the highest good is to be with God, then we can see through the argument from moral normativity:

“A human experience of morality is observed. God is the best or only explanation for this moral experience. Therefore, God exists.”⁸⁹⁷

⁸⁹⁴ Bunker, Hall and Kram, *Extraordinary Leadership Addressing the Gaps in Senior Executive Development* (2010), 138.

⁸⁹⁵ Bunker et al., 141.

⁸⁹⁶ Byrne, Peter. “Moral Arguments for the Existence of God”. *Stanford Encyclopedia of Philosophy*. Accessed and Retrieved August 24, 2018.

⁸⁹⁷ *Ibid.*

For us to be ethical and virtuous, we must be driven by the great virtues as our capacity for love. Love here is to be understood as a positive attitude toward the other person since we all share the same dignity, through our creation as *imago Dei*. Hatred would be understood as the privation (negation, absence) of love where it ought to be. Samuel Hutcheson confines the terms ‘love’ and ‘hatred’ to the sentiments we feel only toward moral agents. Accordingly, he defines love as ‘the Desire of the Happiness of another, generally attended with some approbation of him’ as possessing a character where Good is generally prevalent.’ Hatred of others, he says, denotes disapprobation by our Sense, with the Absence of Desire of their Happiness.⁸⁹⁸

Love could cause us to desire any pleasures of the five types of senses for ourselves or for others; it is as much a fact about human nature that we care about other people as it is a fact that we care about ourselves. One may have benevolence without love, since benevolence is mere desire of another’s happiness; and one may have malice without hatred, since malice is simply desire of another’s misery. Consequently, essential to love are moral approval and particular benevolence (a desire for the happiness of the one admired); essential to hatred are moral disapproval and particular malice (a desire for the unhappiness of the one hated). These are calm loves and hates, depending, as they do, on our moral sentiments, which come through a reflective sense.⁸⁹⁹

27.6 Philosophy Embraces Fundamental Moral Principles that Direct Human Behaviour

The above demonstrates that philosophy rotates around the human being holistically. Man is never a passive but an active being who natu-

⁸⁹⁸ Radcliffe, Elizabeth S. “Love and Benevolence in Hutcheson's and Hume's Theories of the Passions.” *British Journal for the History of Philosophy*, Volume 12, 2004 - Issue 4, 631-653.

⁸⁹⁹ Ibid.

rally interprets everything from homocentric dimension. It would be erroneous to infer that this homocentric dimension is alienating the individual from the rest of mankind. We are relational beings governed by fundamental moral principles. That is:

- *The principle of life*: human life must be respected, upheld and protected right from its natural inception (conception) to its natural end (death). Based on the fact that we are created *Imago Dei*.
- *The Principle of respect for autonomy*: Autonomy is Latin for “self-rule” We have an obligation to respect the autonomy of other persons, which is to respect the decisions made by other people concerning their own lives. Corollary principles: honesty in our dealings with others & obligation to keep promises.
- *The Principle of beneficence*: We have an obligation to bring about good in all our actions.
- *The Principle of non-maleficence*: We have an obligation not to harm others: “First, do no harm.” Corollary principle: Where harm cannot be avoided, we are obligated to minimize the harm we do. Corollary principle: Don't increase the risk of harm to others.

Corollary principle: It is wrong to waste resources that could be used for good.

Combining *beneficence* and *non-maleficence*: Each action must produce more good than harm.

- *The Principle of justice*: We have an obligation to provide others with whatever they are owed or deserve. In public life, we have an obligation to treat all people equally, fairly, and impartially.
- *The principle of good*: Do good and avoid evil.
- *The principle of love*: Love God and Neighbour.
- *The principle conscience*: Obey your conscience.
- *The principle of the Golden Rule*: Do unto others what you want done unto yourself.

27.7 Conclusion

The above discourse shows that there is an intrinsic relationship between ethics and philosophy in shaping and directing human behavior or acts. Both ethics and philosophy in their expressions bear very thin difference in that they are not only disciplines but more than, they are a way of human life. Any pursuit of wisdom or truth devoid of the ultimate goal of all human acts, as a practice of moral sentiments and living a joyful life, is a contradiction of the very essence of the fundamental truth of human life on the line of the Scottish thinker S. Hutcheson.

The ultimate happiness is to be with God who is ultimate Good and Final End of humanity. Therefore, the social inherent nature of the human person coupled with the sharing of the same origin, purpose and destiny, make us uphold the entire dignity of the individual human persons devoid of any accidental differences like gender, race, all human status, power, possessions to mention but just a few.

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MENTORING AS A TOOL FOR INTEGRATING ETHICS IN HIGHER EDUCATION

Njeri Kang'ethe

Introduction

It would be superfluous to state that the world over, the law profession has for the longest time been, and continues to be, the butt of many a cruel joke, from within and without the profession. Invariably, newsletters owned or linked to bar associations are incomplete without a column dedicated to “lawyers’ jokes.”⁹⁰⁰ The Bible narrates an incident where Jesus Christ himself does not have very kind words for lawyers either. In one of his encounters with Pharisees and lawyers, he admonishes them, “Woe to you lawyers! For you have taken away the key of knowledge. You did not enter yourselves and you hindered those who were entering.”⁹⁰¹ At the core of this apparent contempt for lawyers and the law as a profession and as a discipline, is the perception that those who practice law in whatever spaces of the profession, are, either by design or default, short in the virtues of honesty, integrity, and morals

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⁹⁰¹ Luke 11:52 ESV

whether in their public or private lives. It is no wonder then that most people believe rightly or wrongly that the law profession is under threat.

Whether this perception is justified or not does not seem to be of great concern to the average person, much less the proverbial man on the street. What is important is that this negative perception hurts not only the profession and its practitioners, but the consumers of the products of legal processes and systems, and by extension the society as a whole. In democratic societies, the negatively perception adversely affects administration of legal institutions, administration of justice, thus impairing adherence to the rule of law, a thing that dents the basis of societal cohesion and good order. If this societal anomaly is to be righted, it is imperative that those who are entrusted with the teaching of the law and formation of practitioners of law, concentrate their efforts in transforming the way the law is taught, practised and lived. This undertaking must of necessity be focussed, sustainable, intensive, and all embracing. It must traverse all the processes of learning, be they pedagogical, andragogical, or socialisation in the profession.

As the title connotes, this discussion is not a scholarly enquiry into the substance of mentoring, law or ethics per se, but it is simply a testimonial of what has worked and continues to work in a specific situation. The paper gives a glimpse of how the Catholic University of Eastern Africa (CUEA) Faculty of Law (FoL) a school of law in a private Christian university, has attempted to cure this anomaly by instituting a departmental mentorship programme, to complement efforts to inculcate and integrate ethics in the courses taught. This disclaimer notwithstanding, this paper will as far as is practicable, not escape the rigours of scholarly objectivity, even as the author traverses with alacrity, the very thin line between the demands of conscientious reflexivity, and the emic

subjectivity⁹⁰² which lends credence and authenticity to a discussion of this nature.

30.1 Background

Being a testimonial, this paper finds it prudent right from the outset, and in the interest of substance and coherence, to step out of the present, and look over the hedge into some of the theoretical bases upon which praxis of law both as a discipline and as a profession are founded. In doing so, this discussion will locate itself as far as is practicable, in the spaces where law, morality, and ethics intersect.

30.1.1 The Theory of Law

In his seminal *Summa*⁹⁰³, Thomas Aquinas⁹⁰⁴, the father of modern day jurisprudence, inspired by the social teachings of the Catholic Church and the writings of Aristotle⁹⁰⁵, proposes in his theory of law⁹⁰⁶,

⁹⁰² The author is the founding coordinator of the Catholic University of Eastern Africa Faculty of Law Mentorship Programme.

⁹⁰³ *The Summa Theologiae* of Thomas Aquinas (c 1266), as translated by the Fathers of the English Dominican Province in 1912 and revised in 1947, Benziger Brothers, London, UK, 1947.

⁹⁰⁴ St. Thomas Aquinas a medieval Roman Catholic scholar was born in 1225 to a noble family in the kingdom of Sicily. At age 5 his family sent him to the Benedictine monastery at Mount Casino and later attended the University of Naples where, without the permission of his parents he joined the Dominican Order and took the vow of poverty. In 1245 he travelled to the University of Paris, where under the tutelage of Albert the Great he propagated the idea of Aristotle and later became a Dominican teacher of religion at the University. He is credited with having reconciled the political philosophy of Aristotle with the precepts of the Christian faith generally and the social teachings of the Catholic Church in particular.

⁹⁰⁵ Aristotle 384-322 BC was a Greek philosopher and scientist. Born in Stagira in Northern Greece to a court physician to the king of Macedon, Aristotle a pupil

that law, is a core component of God's plans for human existence. Aquinas begins his discussion⁹⁰⁷ by predicating his interpretation on morality. He avers that a human being has God given inclinations to self-preservation, self-reproduction, self-perpetuation, and employing his capability to reason, search for truth. Being a rational being, these inclinations make the human person amenable to protecting himself, and his turf, by living peacefully within society. Hence, in mediating life, a human person is guided by the basic moral truth - to do good and to avoid evil.

To put his assertion that law is core to God's plan for human existence into context, Aquinas categorises law into four clusters. On close scrutiny, the keen observer will note that the four clusters roll into each other seamlessly, all the while, inter-weaving into a motif of ethics, morality, and the common good.

Aquinas calls the first cluster 'eternal law' *lex aeterna*, which is the divine intellect and will of God, without which the human person is without direction. Aquinas further avers that, unlike human law, eternal law is not promulgated by man. It emanates from the Divine Word and the writing of the Book of Life, the Holy Bible. It therefore is the preserve of God who alone knows it and its truth in its totality⁹⁰⁸. However, it is revealed to the few chosen ones who have been able to know God in

of Plato is regarded as one of the most influential thinkers in philosophy and is credited with formulating political theory.

⁹⁰⁶ Curzon, L.B., *Jurisprudence*, Cavendish Publishing Co., London, UK, 1993

⁹⁰⁷ On Treatise on Law (First part of the second part of the *Summa Theologiae*) Aquinas answers pertinent questions on the essence and various kinds of law.

⁹⁰⁸ In answer to the objection that there is no eternal law Aquinas states: "Those things that are not in themselves, exist with God, inasmuch as they are fore-known and preordained by Him, according to Romans 4:17 'Who calls those things that are not, as those that are.' Accordingly, the eternal concept of the Divine law bears the character of an eternal law, in so far as it is ordained by God to the government of things foreknown by Him."

his essence. Aquinas calls the second cluster ‘divine law’ *lex divina*, and avers that divine law comes through revelation directly from God to the human person as a guide to reason in order to perfect him, by Divine Grace to his highest nature⁹⁰⁹.

Aquinas calls the third cluster of law ‘natural law,’ *lex naturalis*, which he defines as man’s participation in the eternal law that governs him, as is made known to him through reason. He posits that when man exercises his reason correctly⁹¹⁰, he understands the fundamental principles of God’s plan⁹¹¹. The ability to rationalise distinguishes the human person from the rest of creation, in that the human person, through reason is guided by God to lead his life. This important attribute is what in Aquinas estimation, guides the human person in pursuit of good and

⁹⁰⁹ On divine law Aquinas says “[...] Besides the natural and the human law it was necessary for the directing of human conduct to have a Divine law [...] because it is by law that man is directed how to perform his proper acts in view of his last end. And indeed if man were ordained to no other end than that which is proportionate to his natural faculty, there would be no need for man to have any further direction of the part of his reason, besides the natural law and human law which is derived from it. But since man is ordained to an end of eternal happiness which is not proportionate to man's natural faculty, as stated above (Q[5], A[5]), therefore it was necessary that, besides the natural and the human law, man should be directed to his end by a law given by God.”

⁹¹⁰ On natural law and man’s ability to appropriate its tenets, Aquinas states “[...] Now among all others, the rational creature is subject to Divine providence in the most excellent way, in so far as it partakes of a share of providence, by being provident both for itself and for others. Wherefore it has a share of the Eternal Reason, whereby it has a natural inclination to its proper act and end: and this participation of the eternal law in the rational creature is called the natural law. thus implying that the light of natural reason, whereby we discern what is good and what is evil, which is the function of the natural law, is nothing else than an imprint on us of the Divine light. It is therefore evident that the natural law is nothing else than the rational creature's participation of the eternal law.”

⁹¹¹ Kretzmann, Norman and Stump, Eleanor, Eds. *The Cambridge Companion to Aquinas*. Cambridge: Cambridge University Press, (1993).

avoidance of evil, which is the master principle of natural law. Hence according to Aquinas, the capacity to reason, enables a human person to adhere to natural laws that are good for self-preservation such as marriage and family, and to avoid actions that would threaten his and others' self-preservation such as adultery, suicide, and fraud. It also incites in the human person, the desire to know God.

The final and most important cluster for this discussion is what Aquinas calls 'human law,' *lex humana*. On human law,⁹¹² Aquinas propositions that, in order to preserve himself and his neighbour, and by extension live in harmony with himself and the rest of humanity, man, in setting the rules of engagement, must draw from the tenets of natural law. According to Aquinas, where human law is in concordance with the law of reason, that is natural law, it conforms to the divine will of God. Therefore, for efficient and just governance, human laws, whether promulgated by legislation or other modes of societal concurrences, must of necessity have a moral dimension⁹¹³. This notion echoes Cicero⁹¹⁴ who was of the view that, since the law ought to make men

⁹¹² On the apparent contradiction between divinely inspired natural law and human law Aquinas states "[...] The human reason cannot have a full participation of the dictate of the Divine Reason, but according to its own mode, and imperfectly. Consequently, as on the part of the speculative reason, by a natural participation of Divine Wisdom, there is in us the knowledge of certain general principles, but not proper knowledge of each single truth, such as that contained in the Divine Wisdom; so too, on the part of the practical reason, man has a natural participation of the eternal law, according to certain general principles, but not as regards the particular determinations of individual cases, which are, however, contained in the eternal law. Hence the need for human reason to proceed further to sanction them by law."

⁹¹³ Klosko, George. *History of Political Theory, An Introduction*. Vol. I. Fort Worth, Tex.: Harcourt Brace College Publishers, (1994).

⁹¹⁴ *De Republica* (52 BC), Marcus Tullius Cicero as translated by David Fort, Cornell University Press, Ithaca NY, 2014.

good, it should lead them to their proper virtue; and proper virtue can only come from God⁹¹⁵.

To sum up his propositions on the genesis, source and attributes of law, Aquinas unequivocally declares that if any human law is in conflict with the precepts of natural law, it is no longer binding because it ceases to be a law, and becomes a mere perversion of the law. In what would seem to be a paradox of sorts, Aquinas does qualify this statement by averring that there are times, in order to avoid a general state of lawlessness, that it might be essential to obey man made law however unjust it may be.

This Thomistic paradox is as alive today in the teaching and practice of the law, as it was in Aquinas' day. Whereas Aquinas' elaborate postulates on common good, tyrannical powers, civil rebellion and just wars, are out of the scope of this paper, his well-articulated definitions of law and the intersections between law, ethics and morals, right from divine revelation, through to revelation through reason, to promulgation of human law and how all these mediate a human person's life, are the pivot round which this paper rotates.

⁹¹⁵ In defence of natural law, Cicero in Book III of *De Republica* states "[...] True law is correct reason congruent with nature, spread among all persons, constant, everlasting. It calls to duty by ordering; it deters from mischief by forbidding. Nevertheless it does not order or forbid upright persons in vain, nor does it move the wicked by ordering or forbidding. It is not holy to circumvent this law, nor is it permitted to modify any part of it, nor can it be entirely repealed. In fact we cannot be released from this law by either the senate or the people. No Sextus Aelius [a noted and distinguished jurist of an earlier time] should be sought as expositor or interpreter. There will not be one law at Rome, another at Athens, one now, another later, but one law both everlasting and unchangeable will encompass all nations and for all time. And one god will be the common teacher and general, so to speak, of all persons. He will be the author, umpire, and provider of this law. The person who will not obey it will flee from himself and, defying human nature, he will suffer the greatest penalties by this very fact, even if he escapes other things that are thought to be punishments."

30.1.2 The Theory of Social Interests

In what would best be described as an antithesis to Aquinas' theory of law, in his theory of social interests,⁹¹⁶ Pound an American jurist of our time, pokes holes at Aquinas' posits on the sources and genesis of law. Pound has little or no regard for such Thomistic notions as 'law being a reflection of divine reason governing the universe,' or 'law as a God-given order.' Rather, he propagates the notion that law is a tool of social engineering striving to achieve some societal order by a process of adjustments and practical compromises of conflicting demands and interests,⁹¹⁷ and not an abstraction of human existence vis-à-vis God's divine plans for creation. Pound expends his energies on defining law as a functional tool, and a basis for judicial and administrative action within organised society, and more importantly for this paper, in a democratic society.⁹¹⁸

Although the analogy of law as a tool of social engineering has been faulted by many a jurist on account of the fact that law is more often than not unpredictable and cannot afford the precision required of an engineering tool, Pound's proposition has merit in that law is the medium through which societal interests, be they individual or public are secured in a balanced manner, and as far as is practicable, with the least possible sacrifice of other interests⁹¹⁹. Of particular importance to this paper is the fact that Pound's proposition predicates the training and role of lawyers within the framework of social engineering, in the context of their role as agents in the ordering of human relations with a minimum

⁹¹⁶ Pound, R. *An Introduction to the Philosophy of Law*, Yale University Press, New Haven, USA, 1930.

⁹¹⁷ Pound, R. The theory of judicial decision, *21 Harvard Law Review*, 594, 1923.

⁹¹⁸ Pound, R. *The Task of Law*, Yale University Press, New Haven, USA, 1944.

⁹¹⁹ Curson, *supra*.

of waste and friction⁹²⁰. This socially constructed locus makes the role of a lawyer not only one that calls for a high degree of integrity and responsibility, but also one that must be easily amenable to role/peer modelling, oversight, scrutiny, and correction, all of which are the province of mentoring.

To contextualise the role of a lawyer, Pound enumerates six categories of social interests, namely: *general security* as encapsulated in social order, health, peace, security of acquisition and sanctity of private property; *security of fundamental social institutions* such as domestic institutions [marriages and families], religious institutions, political, and economic institutions; *security against forms of action offensive to the moral sentiments of civilised society* such as dishonesty, corruption, gambling, and things of immoral tendency; *security against destruction of social resources* by restraining waste and destruction of common property and training of dependents and defectives; *security of the general progress of the human person* by ensuring that development of human powers and of human control over nature for the satisfaction of human wants go forward unhindered, and by guaranteeing the wherewithal for economic, political and cultural progress; and finally, *security in the individual life* as reflected in the claim that each individual be able to live a human life in civilised society according to the standards of that society. Therefore, as an agent for satisfying, reconciling, and harmonising these societal interests, the lawyer must not only understand the mechanisms availed by the law to do so, but she/he must carry the attributes critical for holding such an elevated position of trust. Hence there is no substitute for morals and ethical behaviour on the part of anyone laying claim to the profession and practice of law, adherence to the demands of professional ethics and etiquette notwithstanding.

⁹²⁰ Pound, R., *Social Control Through Law*, Yale University Press, New Haven, USA, 1942.

Pound further makes a case for inclusion of ethics in the training of lawyers. In his criticism that the education given to lawyers is inadequate, he recommends that since the outcome of functional law is social control, it must of necessity depend upon other agencies to point out what legal precepts ought to be and what they ought to effect. It is therefore imperative that those who are entrusted with the practice of the law, be not only well versed in the study of legal theories, legal institutions and doctrines, legal history, legal systems, judicial processes, and jurisprudence, but must be conversant with other social sciences such as psychology, modern philosophy and most importantly, ethics.⁹²¹

30.2 Training and Role of a Lawyer in Society: Villain or Virtuous Hero?

The functions of law in the society are mediated primarily by those schooled in the discipline and profession of law. Core to this paper, is the role and place of a lawyer in society, vis-à-vis her or his professional responsibilities, personal character, and attributes. This is a subject that has since time immemorial elicited and continues to elicit a lot of debate.

Locating his discourse in the highly adversarial common law tradition, Markovits one of the most accomplished jurists of our day,⁹²² propositions that a lawyer is a partisan advocate who fights for his client's cause, the justice or injustice of the cause, the tactics employed in arriving at the outcome, or the outcome, notwithstanding.⁹²³ In an at-

⁹²¹ McManaman, L.J., *Social Engineering: The Legal Philosophy of Roscoe Pound*. *St John's Law Review*, 33(1) (1958).

⁹²² Daniel Markovits is a Professor of Law at the Yale Law School and has researched and published extensively on ethics of advocacy and adjudication in the Common Law jurisprudence.

⁹²³ Markovits, D., *A Modern Legal Ethics: Adversary Advocacy in a Democratic Age*, Princeton University Press, USA, 2011.

tempt to resolve the very real ethical dilemma between a lawyer's lived reality and the demands of personal and public morality and legal ethics, Markovits predicates this stance upon the principles of partnership and non-accountability, coupled with a broad and organic principle of professional detachment.⁹²⁴ These principles generally provide that in the highly positivist adversarial system, lawyers should, in administering justice, employ the provisions of the law and the rules of practice, without subjecting the same or their clients' objectives, to any kind of 'moral filter' of their own design. Standing on this pedestal of personal non-accountability, Markovits writes off any consequential vice on the part of a lawyer to virtue distinctive to the lawyer's role, which he defines as fidelity to one's client rather than to the law or personal morality.⁹²⁵ On the very real danger of a lawyer committing acts of immorality such as lying or suppressing the truth on behalf of his client, Markovits further supports his highly Machiavellian standpoint by asserting that it is a virtue for a lawyer to every so often resort to exercising negative capability⁹²⁶ as an act of fidelity to his client. In other words, a lawyer is called upon to suppress his or her conscience in order to tell his client's story. Thus a lawyer becomes his client's mouthpiece rather than an intentional liar.

In his critique of Markovits' suppositions, Luban⁹²⁷ argues that Markovits is to a great extent ambivalent, because his theory of partisan ad-

⁹²⁴ Simon, W.H. *The Practice of Justice: A Theory of Lawyers' Ethics*. Harvard University Press, MA, USA, 1998.

⁹²⁵ Markovits, D. Adversary Advocacy and the Authority of Adjudication, *Fordham Law Review*, 3(75), 2006.

⁹²⁶ The term "negative capability" was first coined by the celebrated English Poet John Keats (1817) as a concept that refers to the ability of a human being to use his imagination and think beyond the limits of human contexts and inhibitions.

⁹²⁷ Luban, R., *Review of Daniel Markovits, A modern legal ethics: Adversary in a democratic age*, Georgetown University Law Center, 2010.

vocacy is more supportive of personal morality and normative ethics than Markovits cares to admit. For instance, Markovits condemns various vices that are inherent in aggressive adversarial advocacy, namely: forms of lying that help the client to misrepresent rather than express themselves; forms of cheating that close off rather than open up the judicial process; strategic delays in legal processes in order to exhaust an adversary's resources; and strong arm tactics such as discovery abuse and filing of counterclaims which intimidate an adversary into dropping a lawsuit. Luban avers that, in condemning these vices, Markovits affirms, albeit covertly, the importance of ethical behaviour on the part of a lawyer. This argument is important for this paper.

On the notion that lawyers should exercise negative capability by assuming their clients' persona, Luban reminds Markovits that whereas this could very well serve poetic truth, in the real world, suppressing one's conscience and advocating for wrong is an evasion and cannot be hidden under the euphemism 'negative capability'. What Luban is saying is that essentially, even as a lawyer fights for his client, he must remember that there is a personal ethical red line that he must not cross.

Nearer home, training of lawyers generally, and incorporating ethics into the training curricular in particular, has been an area of great interest, especially during the nascent years of growth and development of the legal profession in East Africa. By and large, this discourse focussed on the tension that was the burden of an inherited colonial legal order based on capitalistic neo liberal values, and a system that required radical and transformative training for lawyers for newly independent former colonies.

In the early 1960s, Twining, then an international and comparative law professor at the University College, Dar-es-Salaam captured this tension well. In comparing the Kenya School of Law's curriculum with that of the Faculty of Law in Dar-es-Salaam, Twining noted that Nairobi was absorbed in the desire to foster the traditions and ethos of the Eng-

lish Bar with all its trimmings, while on the other hand, Dar was electric, radical, and concerned with the role of lawyers and their relationship with societies in revolution.⁹²⁸ It is noteworthy that one of the objectives of the Dar-es-Salaam Law School Guide for Schools was not so much to bank legal theories and facts into a student's mind, but to hone his or her capability to creativity and individuality in implanting in their minds a standard of thoroughness, all the time conscious of the difficulty as well as the value of truth.⁹²⁹ In the same vein, Ghai decries the fact that at the material time, training of lawyers in East Africa was yet to impart on the law students the importance of their professional responsibilities in newly independent Africa. In Ghai's words, the legal profession was by and large lacking in any real sense of ethics.⁹³⁰ The social, cultural and political ideologies informing these early posits are out of the scope of this paper, but suffice it to say here, that they were a clarion call for independent Africa to write her own script and to grow a jurisprudence predicated on the hopes and aspirations of her people. This would of necessity take radical dismantling and discarding of ethics of colonisation and oppression, to embracing and growing ethics of *Ubuntu*, humanness and fairness, which transcend public and private realms even in the practice of law.

⁹²⁸ Twining, W., Legal Education within East Africa. *East African Law Review Today*, 136-199, 1966.

⁹²⁹ Harvey, W.B., *An Introduction to the Legal System in East Africa*. East Africa Literature Bureau, Nairobi, Kenya, 1975.

⁹³⁰ Ghai, Y.P. Goals of African Legal Education: A Comment, A. Vanderlinden (Ed.), *Proceedings of the Conference on Legal Education in Africa*, Addis Ababa, 25-37, 1968.

30.3 Regulation, Harmonisation, and Standardisation of Legal Education in East Africa: An Overview

Much water has since passed under the proverbial bridge, and five decades after Twining and Ghai's initial lamentation, personal and professional ethics have been to some extent incorporated into the legal education and training curricula in the region. For the purposes of this discussion, the Kenyan situation will be the prototype of the region in so far as legal education and training is concerned.

In order to afford requisite legitimacy and recognition, the legal education and training regime in Kenya is anchored on a well-articulated legal framework. The Council of Legal Education (CLE) is the regulator of legal education and training in Kenya. The history of legal education in this country is out of the scope of this article, but suffices it to state that CLE is the creation of statute, the Legal Education Act, No 27 of 2012. Sections 4 and 8 of the Act stipulate the objectives and functions of CLE. These include but are not limited to: promoting legal education and the maintenance of the highest possible standards in legal education; providing a system to guarantee the quality of legal education and education providers; regulation of legal education and training in Kenya offered by legal education providers; licensing such providers; supervising legal education supervisors; and setting and enforcing standards relating to legal education and training in Kenya.

The Kenya School of Law (KSL) is a creature of statute, the Kenya School of Law Act, No.26 of 2012. Section 4 of the Act lays down the objects and functions of KSL which include but are not limited to: training persons to be advocates under the Advocates Act, Cap 16; ensuring continuing professional development for all cadres of the legal profession and developing curricular, training manuals; and conducting examinations and conferring academic awards.

From the foregoing objectives and functions, one can clearly see that although the relationship between CLE and KSL is not strictly symbi-

otic, the two institutions complement each other's functions in so far as provision, standardisation, and regulation of legal education and training for lawyers in Kenya are concerned. In exercising its regulatory and standardisation role, sections 22 and 23 of the Legal Education Act, give CLE the mandate to prescribe legal education and training curricula, methodologies of delivery; and quality of examinations; at tertiary⁹³¹ and undergraduate⁹³² levels. The Act, in Schedule II thereto, prescribes the core courses to be offered at tertiary, graduate and post graduate levels. Of particular importance to this paper is prescription for a course in professional ethics at both undergraduate and post graduate levels.

A cursory glance at a template trial advocacy and professional ethics course brings to the fore the fact that the course leans more towards the discipline of the legal profession required of an advocate, rather than to the lawyer's personal and interpersonal ethics and relationships within and without the profession. For instance, the purpose of the course is to introduce the student to the history of the legal profession and to expose them to various regulations, rules and laws that pertain to the discipline

⁹³¹ For certificate and diploma courses section 22 provides: (1) For purposes of the award of a certificate or diploma in law, a person shall undergo, in the case of (a) a certificate course, at least one year of instruction; (b) a diploma course, at least two years of instruction; and (c) a professional post graduate course at least one year of instruction, and sit and pass all the examinations in the core courses set out in the Second Schedule. (2) A legal education provider may, in addition to the courses set out in the Second Schedule, offer any other courses to persons pursuing a certificate or diploma in law.

⁹³² For core degree courses section 23 provides: (1) A legal education provider offering a course for the award of a degree in law shall, in addition to any other courses offered, provide instruction and examination for each of the core courses set out in the Second Schedule. (2) A legal education provider may offer any other programmes that it may consider necessary, taking into account the developments in the law and society generally.

(3) The Cabinet Secretary may, by notice in the *Gazette*, amend the Second Schedule to this Act.

of the legal profession; and to the development of legal skills necessary to manage, initiate and finalise cases and other duties and functions of the legal profession. Predictably, expected learning outcomes include but are not limited to: adhering to professional ethics and etiquette of practice of advocates; identifying the rights and obligations of advocates; and internalising principles of good trial advocacy and characteristics of a good trial advocate.⁹³³

It is noteworthy to mention here that upon graduating, getting licensed and joining the working ranks, a lawyer's professional ethics are prescribed by various codes of regulations, which are all anchored on legal and institutional frameworks.⁹³⁴ Disciplinary mechanisms in the event of infractions are also anchored on relevant legal and institutional frameworks.⁹³⁵

30.4 Mentoring at the Catholic University of Eastern Africa Faculty of Law

One of the many courses offered at the Catholic University of Eastern Africa is a Bachelor of Laws Degree. Over and above this course being subject of the regulatory, harmonisation and standardisation framework set by CLE as discussed above, the course is also on the radar of, and must pass regular and various vetting processes by the

⁹³³ CUEA Faculty of Law Syllabus, CUEA Press (2016).

⁹³⁴ The Law Society of Kenya Code of Standards of Professional Practice and Ethical Conduct is anchored on the Law Society of Kenya Act, No. 21 of 2014 and is the umbrella code that governs the standards of professional practice and ethical conduct for the practice of law in Kenya. The Judicial Officers Code of Conduct governs those who join the Judiciary while those in the Civil Service are governed by various public service codes.

⁹³⁵ The Advocates Complaints Commission and the Disciplinary Tribunal are established under sections 17 and 23 of the Advocates Act, No. 12 of 2012.

Commission of University Education (CUE)⁹³⁶, the body mandated by law to oversight institutions of higher learning in Kenya.

30.5 The Catholic University of Eastern Africa Faculty of Law

The Catholic University of Eastern Africa (CUEA) is a Catholic institution of higher learning founded by, and administered under the auspices of the Association of Member Episcopal Conferences of Eastern Africa (AMECEA)⁹³⁷. Inspired by the words of the Great Teacher, Jesus Christ, '*Consecrate them in the truth (John 17:17)*, and founded on the philosophy of Catholic Higher Education,⁹³⁸ CUEA seeks to promote scientific research, quality teaching, and community service for the purpose of preparing qualified, competent, and transformative leaders for the Church and society. CUEA's vision is to be an academic agent and instrument of liberation and transformation of peoples in their social, cultural, political, economic and religious dimensions.

The Catholic University of Eastern Africa Faculty of Law (CUEA-FOL) is a fully fledged school of law of CUEA. In line with the aspiration of CUEA, its mother institution, CUEA-FoL, in all its undertakings, subscribes to CUEA's vision, mission and philosophy in their entirety

⁹³⁶ The Commission for University Education is a body corporate established under the Universities Act, No. 42 of 2012. Its core mandate is to ensure maintenance of standards, quality and relevance in all aspects of university education, training and research in Kenya.

⁹³⁷ Catholic University of Eastern Africa Statutes and Charter

⁹³⁸ Deferrari, R.J., *The philosophy of Catholic Higher Education*, Literally Licensing LLC., London, UK (2012) The philosophy of catholic higher education subscribes to the belief in the transcendent dignity of the human person, created in the image and likeness of God (imago dei) and endowed with an intellect that is capable of reasoning and grasping the truth. It therefore encourages education that involves a core of genuinely liberal learning which enlarges the soul and affords considerable long-term practical benefits.

and in meeting its mandate, strives to produce qualified, competent, and morally conscious law graduates who will sustain integrity, decency, dignity, and moral values in society by providing dynamic and transformative regional leadership.

30.6 Rationale for Mentoring at the Faculty Level

Right from the outset, CUEA-FoL realised that in order to meet its mandate to produce competent, morally conscious law graduates who would sustain integrity, decency, dignity, and moral values to society by providing dynamic and transformative leadership, it had of necessity, to offer the prescribed courses and more. Towards this end, CUEA-FoL exploited the window of opportunity offered by CLE to craft courses peculiar to it, by teaching common courses on Christian Ethics, Communication Skills, Bible Studies and Social Development. In addition, every unit instructor is required to incorporate “an element of ethics” in their courses. CUEA-FoL in conjunction with the university-wide Ethics Committee are in the process of formalising integration of ethics into the law curriculum.

To augment these efforts and actualise integration of ethics into the law curriculum and co-curricular activities, a Faculty Mentorship Programme was mooted to provide hands-on co-curricular training and co-ordination.

30.7 The Faculty of Law Staff and Students’ Mentorship Programme (FOLSSMP)

The Faculty of Law Staff and Students’ Mentorship Programme (FOLSSMP) draws its mandate from the CUEA-FoL Mentorship Programme for Lecturers, and the Students’ Academic Mentorship Programme Policies. Although each policy gives guidelines for mentorship of the corresponding cadre, namely; the Faculty and the Students, both

policies' broad and overarching objective is to proffer quality mentorship, with a view to growing and enhancing personal, professional, academic, and career development. Hence in the wisdom of the Faculty Administration Board, the Mentorship Programme was crafted in such a way that it covers both cadres as one entity. The FOLSSMP is run by a Programme Coordinator, assisted by a Coordinating team with representation from both the Faculty and Students. FOLSSMP works closely with other programmes established by the Faculty of Law, most notably, Community Service and Research and Postgraduate Programmes, both of which are vehicles of mentorship in themselves.

In true Mentorian⁹³⁹ tradition, and in living the CUEA motto, 'Consecrate them in the Truth,' FOLSSMP has been a platform from which: Faculty have mentored each other in various capacities especially in teaching, research, writing, publication and practice; Faculty have mentored and guided Students; and Students have mentored and peer modelled one another over the years. In carrying out its mandate, FOLSSMP builds on existing and envisaged structures.

The following structures and activities have made a great impact in inculcating and integrating ethics into the law curriculum:

30.7.1 The Faculty of Law Career/Open Day

The Faculty of Law Career/Open Day is the flagship activity of FOLSSMP. It is a one-day event held bi-annually in January and July every calendar year. During the Career/Open Day, exhibitions by selected exhibitors run simultaneously with lectures, seminars, symposia and debates organised by the students. Plenary and panel presentations

⁹³⁹ In Homer's *The Odyssey*, Mentor was a trusted friend, counsellor, and teacher to young Telemachus son of Odysseus the king of Ithaca. Odysseus would often leave his wife Penelope and young son Telemachus in Mentor's care when he went to battle. Mentor's was a position of great trust and confidence and his role was to teach, coach, guide, encourage, challenge, and role model Telemachus into a man of honour and integrity.

by invited career guides, motivational speakers, and representatives of reputable law firms, state law agencies, judiciary, human rights organisations, state penal/correctional agencies, inter-governmental agencies, civil society organisations and the academia, help students internalise what they learn in classrooms and from textbooks. On their part, the students get to engage and exercise their newly acquired skills in readiness for joining the working ranks.

This social constructivist mode of peer and role mentoring⁹⁴⁰ has proved invaluable in inculcating best ethical practices in the young lawyers as they sit, listen, talk to, watch and work with their learned seniors and masters in the profession.

Some of the outcomes of the Career/Open Days include but are not limited to: placement of CUEA-FoL students into internship and externship positions with reputable firms and organisation which translates to future employment; entering into partnerships with organisations and institutions who assist in promoting ethical practices in scientific research and publication, quality teaching, and community service⁹⁴¹; and more importantly, the Career/Open Day affords CUEA-FoL a platform in which to incubate and market ethical, morally upright lawyers to serve the Church and society.

⁹⁴⁰ Edmonson, S. et al, Project CONNECT: A university's efforts to close the gaps. A paper presented at the Annual Meeting of the American Educational Research Association. Chicago, IL (2003). In their discussion Edmonson et al highlight the benefits of peer/role modelling in collaborative academic environments. It assists students internalize what they learn in classrooms, provides, support for students enrolled in non-traditional courses, exposes students to new learning environments and enables them to interact with role mentors. These engagements ease transition into the job market.

⁹⁴¹ At the time of writing this article, CUEA-FoL is in the process of finalizing memoranda of understanding with a regional human rights non-governmental organization, a regional intergovernmental authority, and a community based human rights organization.

30.7.2 The Faculty of Law Academic Seminars

The Coordinating Committee works closely with the Coordinator, Research and Postgraduate Programmes in mentoring Students and Faculty into research and publication. External and internal guest speakers are invited to speak to Faculty and Students on carefully selected topical issues. The Coordinator Research and Postgraduate Programmes acts as the focal point in peer reviewing the papers and publication.

Out of the various academic seminars and symposia held, Faculty and Students have presented and published papers.

30.7.3 The Faculty of Law Mentorship Coordinating Office Walk-Ins/Referrals

The FOLSSMP has an “open door” policy to both Faculty and Students. Where appropriate, referrals are received or made for Faculty and Students, especially those who need specialised support of a non-academic nature. In cognisance of FOLSSMP’s work, the University’s top management has installed an in-house counselling centre at the CUEA-FoL facilities. The centre is manned by a qualified counselling psychologist where both Faculty and Staff who need psychosocial support get it in a secure and much more private space.

30.7.4 Intra and Inter-Faculty Linkages and Collaborative Initiatives

FOLSSMP acts as the platform from which sustainable linkages and collaborative initiatives between different departments of FoL and different centres, schools, and departments of the University are launched and nurtured. Some of the success stories include but are not limited to: FOLSSMP is a permanent partner with the FoL Regional Cooperation and Integration Programme in organising study tours to the East African Community headquarters; FOLSSMP continues to co-host conferences and symposia with the CUEA Centre for Ethics and Social Justice; FOLSSMP continues to co-host events with the CUEA Community Ser-

vice department; and is a resource pool for community service within and without the University.

In the last Kenyan general elections FOLSSMP was able to, in conjunction with internal and external partners, train and provide a team of independent and ethical election observers.

30.7.5 The Faculty of Law Advisory Council “The Wazee Hukumbuka Club”

One of FOLSSMP’s dreams is to mentor both Faculty and Students by giving them a platform on which to stand on the shoulders of giants of the profession.⁹⁴² Marrying the age old African philosophy of devolving authority and leadership from the elderly to the young through *ituika*,⁹⁴³ with Meritonian philosophy of role modelling by creative transmission of knowledge from the giants to the dwarfs of academia and science, plans are in full gear to institute the Faculty of Law Advisory Council aka “*The Wazee Hukumbuka Club*”⁹⁴⁴. As the name denotes, the envisaged Advisory Council will basically be a think tank whose membership will be drawn from distinguished legal schol-

⁹⁴² Merton, R., *On the Shoulders of a Giant: A Shandean Postscript*. University of Chicago Press, IL, USA (1993).

⁹⁴³ Kabetu, M.N., *Customs and Traditions of the Kikuyu People*. East African Literature Bureau, Nairobi, Kenya, 1966. A peculiar feature of the *Agikûyû* governance and public administration was the institution of age-sets *mariika* which transcended lineage and territorial demarcations. Each generation *riika* had the responsibility of running the affairs of the community for a maximum of forty years. This period would begin with an elaborate and sombre ceremony called *ituika* (lit - devolution). The ceremony itself was a binding oath and a code of norms whose infraction would result in calamity for the community. Therefore, despite not having codified checks and balances, it was extremely difficult if not impossible, to break the norms set by tradition and excesses of power were an unknown phenomenon.

⁹⁴⁴ Swahili for “the elders remember” euphemism for wealth of wisdom that reposes in those who have walked the path before.

ars/practitioners, public administrators and community leaders, from the region. Its functions include but are not limited to:

- Advising the institution's managers;
- Facilitating educational and internship opportunities for students and alumni;
- Mentoring the students and alumni towards jobs, careers, and leadership positions;
- Supporting various institution's programmes;
- Mobilising financial and other resources for the betterment of the institution.

From the foregoing, it is obvious that when finally put in place, the Advisory Council will not only give much needed leverage and visibility to FoL, but will be a pool of immense and invaluable mentorship resources for both Faculty and Students especially in the area of ethics.

30.7.6 Challenges and Opportunities for Growth

Mentoring is a resources intensive enterprise in terms of finances, administrative structures, physical infrastructure, time, and human capital. Like many other institutions of higher learning in the region, CUEA is labouring under the heavy burden of financial constraints, and more often than not, cannot support FOLSSMP as much as it would wish to. Secondly, although as articulated in this paper the benefits of mentoring are enormous, it still loses to the competition on account only of it being a co-curricular, non-examinable, non-core, and non- elective course.

With a little ingenuity, the Programme Coordinating Team has turned lack of adequate resources into opportunities for growth and networking. Mechanisms for innovative resources mobilisation, such as having law firms, organisation and individuals sponsor events have been put in place. Another creative way of making resources stretch is piggy riding on other departmental and or university programmes. FOLSSMP's projects have benefited greatly from partnering with

CUEA's Centre for Ethics and Social Justice, Institute of Canon Law, and Institute of Regional Integration and Development. On the departmental level, Regional Cooperation and Integration, and Research and Postgraduate programmes continue to be valued partners for FOLSSMP.

30.8 Conclusion and Recommendations

As the title connotes, this paper is a testimonial of what has worked and continues to work in a specific situation by showcasing the work of FOLSSMP. By way of introduction and background, the paper has walked the reader through the philosophical and theoretical underpinnings of the genesis, of law as a discipline and a profession, and how these intersect with ethics and morality in the practice of law. Thereafter, the paper has given a broad overview of the status of legal education and training in the region, the role of a lawyer, and the rationale for mentoring as an important core-curricular activity. The paper finally delved into great into the rationale, operational structures, workings, outcomes, challenges, and opportunities for growth for FOLSSMP.

In so doing, the paper did not shy away from admitting that mentoring at FOLSSMP is a work in progress and hence has many gaps, including the fact that the CUEA-FoL is yet to fashion an appropriate monitoring and evaluation tool to enable it know where the programme is going and whether it has merit. However, in showcasing the work, this paper has shown that with a little creativity, ingenuity, and willingness on the part of those to whom teaching is entrusted, ethics can be integrated into the realm of higher education.

By way of recommendations, this paper suggests that:

- Since *prima facie* FOLSSMP has met with some degree of success, it should be supported financially and morally, and upgraded to a recognised and legitimate tool of integration ethics in higher education

- An appropriate monitoring and evaluation tool be developed and put in place to enable the programme coordinators see where the programme is going and if indeed it has any merit
- A proper scientific enquiry be made into the workings of the programme with a view to identifying the gaps, and seeking to fill them based on empirical evidence
- Institutions of higher learning that are struggling with integrating ethics in their curricula should begin small, perhaps at the departmental level and escalate this to university wide initiatives.

INTEGRATING ETHICS INTO UNIVERSITY CURRICULA WITH SPECIAL REFERENCE TO LAW

Ernest Beyaraza

29.1 Introduction

The contemporary world is characterised by turmoil. This is mainly because human values are gradually being overwhelmed by material and monetary values. The undesirable results of this paradigm shift have spared no continent, country, institution, and hardly any individual person. Besides the direct exploitation of humans by fellow humans, natural catastrophes like global warming and its consequences are some of the consequences of the paradigm shift. The ensuing profound worry has led to searching for ways and means of getting out of this quagmire to bring the world back to sanity. The Council for Research in Values and Philosophy (RVP)⁹⁴⁵ is one the responses to the unabated derailing of the world from its natural course of protecting humanity.

⁹⁴⁵ The late Prof. George McLean of Catholic University of America dreamt of building cultural bridges in the world bedeviled by division, bigotry, bias, hatred, violence and related evils. Research in Values and Philosophy was born to carry out this mission.

Currently, the council is running international conferences on a quite revealing theme: ‘Re-Learning to Be Human Again’⁹⁴⁶. It is due to the same concern that Globethics-net⁹⁴⁷ has initiated a different approach: organising local courses and international conferences on ‘Managing and Teaching Ethics in Higher Education: Policies, Skills and Research’⁹⁴⁸. Catholic University of Eastern Africa (CUEA) is one of the first local institutions to join hands with Globethics-net in teaching ethics.

This paper contributes to this venture by proposing how this teaching can be effectively carried out. In so doing, the paper compares and contrasts modern and indigenous civilisations, showing how the former is inhuman due to lack of the human values that keep the latter humane. Prof. George Mclean’s idea of building bridges has more to do with people’s attitudes than physical borders. This is in tandem with the African idea that the only room that can be too small is the one in the heart. The world is in organised chaos due to the undesirable reversal of human values. There is a need to find out who reverses the order, why and how in order to reverse the reversal. ‘Re-learning to be human again’ alludes to this reversal by returning to or reviving human values. Short of this, humanity is in danger of perishing.

The world has changed so much that reshaping it needs careful planning and action. Preaching or even legislating about it is of little avail. Concerted efforts need to be made to change people’s mind sets. Excellent indigenous civilisations were slowly infiltrated and undermined. It

⁹⁴⁶ Catholic University of Eastern Africa is now a member of RVP. The writer of this paper is the RVP contact person at CUEA where he organised an international conference on ‘Re-Learning to Be Human Again’ in May, 2017.

⁹⁴⁷ Prof. Obiora Ike of Nigeria has initiated Globethics.net to address the world rampant unethical behaviour. CUEA has become a member of this organisation, and this paper is an effort to implement the organisation’s objectives.

⁹⁴⁸ ‘Managing and Teaching Ethics in Higher Education: Policies, Skills and Research’ include Globethics.net’s objectives.

is more justifiable to infiltrate and undermine the inhuman ideas and practices of modernism. For instance, school education was originally for all, just as church service still is, till it was discovered that it is much easier to shape the minds of the youth than the mature people. That is how the elderly missed out on modern school education. Similarly, teaching ethics to the youth will go a long way in achieving the goal of 're-learning to be human again'. Thus, this paper supports teaching ethics, with a proposal of integrating it in all existing courses, rather than only introducing it as yet another academic subject.

29.2 Background

Given the quandary in which the world happens to be, teaching ethics may be described as an effort to rescue humanity. Teaching ethics at institutions of higher learning, particularly universities is strategically placed. These institutions serve as social nerve centres. They are human factories that yearly produce and unleash the human resources on the unsuspecting members of society. These products need to be well planned, prepared, and produced. Short of this, the world tends to sink deeper into the quagmire.

At the outset, it is important to note that the paradigm shift from human values to material and monetary values has greatly contributed to the development of new academic subjects and courses in all fields that are tailored more to the material world and personal benefit than general humanity⁹⁴⁹. The one-sided approach covers mainly physical sciences and technology, medicine, social psychology, social sciences, and related mundane fields of study. Access to the specialists such as doctors, lawyers, teachers, etc. needs to be afforded in monetary terms. This has totally changed the work ethos as we shall see in more detail below. Even philosophy, the oldest and mother of other subjects, has not been

⁹⁴⁹ Vide 'explosion of knowledge' as a result of scientific development.

spared. Metaphysics, the most fundamental philosophical field, has been split into static and dynamic, critical and other areas. Idealism, which is behind the good old tripartite theory of man and society, has been undermined by materialism. Theodicy and cosmology have been reduced to natural sciences. Dialectical materialism has staged a Divine coup d'Etat. God is no longer the creator but the creature of man. He is regarded as a concept among other concepts which emerge at a certain level of evolution⁹⁵⁰. Religion is reduced to the opium of the people⁹⁵¹.

Due to overwhelming practical needs, modern society tends to prefer skilled persons. People are taken up by what a school leaver can do or produce. What a person is in terms of character tends to immaterial. The shift from human to material and monetary values has transformed work ethos. People are valued for what they earn and possess. The tragedy, however, is that such skilled persons, if devoid of moral principles, regrettably turn into the worst monsters anyone can imagine. For instance, such skilled medical practitioners excel in committing such crimes as abortion. Journalists specialise in misleading society with fake news. Some deadly conflicts have emanated from such irresponsible reporting. Without morals, lawyers become opportunists and liars. Accountants strategically balance books. The police who may arrest a criminal, a person suspected of being a criminal, a person about to commit a criminal, among other uncertain grounds, have a field day. Ironically, all this is in return for the so many sacrifices made by society to provide education. There is, therefore, a dire need to balance academic knowledge and skills with moral values. Information needs to be blended with formation. One may need to note, however, that formation without information is equally disastrous.

⁹⁵⁰ Dialectical materialism and the thesis, antithesis and synthesis process reverse the creative order of Idealism.

⁹⁵¹ Karl Marx's statement could have been a reaction to the insincerity of capitalism and imperialism.

Aware that the teaching of ethics is already part of academic courses, particularly in form of professional ethics, this paper proposes a new approach to augment the hitherto mainly technical ‘professional’ courses. These courses impart knowledge or emphasise mere learning academic content that is often forgotten after tests and examinations. The difference intended by the new approach also extends to the code of conduct⁹⁵² which, without moral uprightness, is easily circumvented, manipulated or looked down upon with impunity, among other shortcomings. The difference expected is evident in indigenous civilisations where the educated are so edified that they police themselves. The laws in such civilisations, e.g. norms and taboos, bind far more strongly than the modern cob-webs that catch only small insects⁹⁵³. Indigenous people do not legislate, enumerate, or preach human rights, which, after all, must be afforded. They live them. That is why they are shocked when the rights are violated. That is why they have the sense of shame. Embarrassment still exists in their vocabulary. Indigenous people practice such things as justice in their own way without discrimination⁹⁵⁴. This is because their beliefs and practices are integrated. This paper aims at achieving lasting ethical effects by changing the modern learners’ and practitioners’ mind-sets. The paper holds that this dream is better realis-

⁹⁵² ‘Professional ethics’ and ‘code of conduct’ may mean the same thing, i.e. rules guiding institutional behaviour. Here, the former refers to a course in which the rules are taught, while the latter refers to a document containing the rules.

⁹⁵³ Jonathan Swift, ‘Laws are like cobwebs, which may catch small flies, but let wasps and hornets break through’.

⁹⁵⁴ As language has no meaning in itself, there is need to listen and learn. Pastoralists, for example, practice justice when they carry out raids. When a drought hits, or when the youth need to marry, raids are carried on to recapture what was once captured. Raid, therefore, fulfils a need. Complaints arose when raiders ferried the booty to the city for sale.

able through the method of integrating ethics into the existing curricula than merely introducing separate fully fledged ethics courses.

There is a general practice of offering professional courses after general education. The rationale is that one needs to acquire a wide academic experience before one narrows one's specialisation to practical courses. This procedure separates theory from practice. One is expected to acquire knowledge and then the skills to apply the knowledge. It is generally accepted that candidates who are well exposed to theoretical knowledge are easier to train⁹⁵⁵. In this sense, diploma courses are usually done after completion of general degree courses. Thus, in the education profession, for example, one acquires general knowledge and graduates with a degree in arts or scientific subjects. Thereafter, one acquires specific skills in how to teach these subjects and graduates with a diploma in education. Even in professional courses there is a distinction between theory and practice. This picture is closely related to the categorisation of knowledge into 'knowledge that' and 'knowledge how'.

So, all professional courses entail professional ethics, i.e. rules that guide the practice of these professions. It is one thing to know substantive law, for instance, and another thing to master the procedure of practicing this law. Even specific courses may be separated into criminal law and criminal procedure, civil law and civil procedure among others. In some countries, professional degree subjects, like law, are studied after the first degree such as philosophy. One can argue, therefore, that it is not ethics that is lacking, but something else.

This paper only expresses the need for improvements in teaching the overwhelmingly needed subject of ethics. That is why the paper proposes integrating ethics in the existing professional courses, i.e. not to replace but to augment the teaching of ethics as a course. To put it differently, the challenge is not teaching ethics. The challenge is how.

⁹⁵⁵ University graduates who join the army, for instance, do better when they take courses with seasoned soldiers.

While the term teaching is generic, integrating is specific, suggesting a method of teaching. In the final analysis, integration makes ethics part and parcel of the entire curricula. While arts and sciences, for example, may be different subjects, and while specialists in them have different objectives and even assume different outlooks on life, ethics may not be seen as a course similarly set apart, but as a one that influences the human behaviour commonly shared by all, despite the various fields of specialisation. Ethics provides unity in diversity. It may be comparable to a language like English which unites scholars divided by various concepts, theories and practices, academic jargons, among other things. Each specialisation has its communication skills but there are communication skills that cut across all academic divides. Ethics is similar to such commonly shared skills. It transcends myopia. It cements societal bricks of individuals together. It is universal.

The problem that exists in the academic world is that ethics is regarded as any other course with a course outline that details topics and sub-topics, purpose and objectives of the course, course duration, assessment methods, reading list, among other requirements. Professional ethics is objectively structured like any other academic course that comprises theoretical ideas and tenets which are often too lofty to have an effective personal touch. The problems with such bookish knowledge become evident when professors such as those of veterinary medicine retire without a hen and become worse paupers than those who never went to school. In the process of teaching itself, bookish knowledge limitations reveal themselves when, for instance, lecturers 'fall sick' and miss classes after failing to trace their lecture notes. In religious life, some preach x during the day and do y at night, or even in broad day light. The principle appears to be do what I say, not what I do. The problem also comes out when some countries switch off the communication system during exams, when researchers - big and small - fail to survive without plagiarism, when professionals master how to misuse their skills

and commit crimes, like forgery, abortion, etc. or when responsibility dies a natural death, and when human trust goes down the drain, among other things on the unending list. As is generally observed, the quagmire of unethical behaviour has become so enormous that the expression, 'ills of the world' has been coined to communicate the dire situation.

29.3 Learning vis-à-vis Living Lessons

It is one thing to know and use things. It is another thing to understand and appreciate the things learnt and used. A mechanic of a vehicle, for instance, may know certain principles and how to apply them in servicing or repairing a vehicle without much understanding of how parts of the vehicle he or she assembles together are made. Worst of all, the mechanic may be reduced to joblessness when foreign vehicles specialised in get out of use or are no longer imported. Many are aware of shoe, dress and other designers out of work due to imported goods, including second hand clothes. Academic fields are not short of such mechanics. Joblessness is partly a result of studying courses whose application is not available.

To alleviate the situation of law mechanics, the study of jurisprudence has been insisted on in many law schools. The general question in law is what the law says, and not necessarily why. Positive law has clear provisions which a lawyer applies just like the spanners a vehicle mechanic applies in a garage. Legal provisions are sometimes accompanied by commentaries. While a constitution, for instance, has a preamble, it is only Articles that are recognised as legal provisions. Besides the precision of the legal provisions, legal procedures are also clear and systematic. Sometimes good cases are lost or thrown out of court due to procedural issues. Law depends on evidence. This entails how to adduce and present this evidence. All this makes law technical and mechanical. As such law is objective, not subjective. When what one prefers differs from what the law says, the law prevails. This marks the distinction be-

tween ‘learning and living’ something. It also explains why a good lawyer is not one who knows the laws by heart but one who knows where to find the law. When a client goes to a lawyer, the lawyer identifies relevant facts from the client’s concerns and discerns issues from these facts before going ahead to seek a precedent to use in his pleadings. What the lawyer has is the skills to handle the law. But these skills are also shared as one must apply them according to acceptable standards. In this sense, learning the law differs from living the law.

‘Living’ the law may be demonstrated by religious laws. Islamic law, for instance, goes as far as pointing out which foot to use first when entering a toilet. St. Thomas Aquinas combined positive and natural law, founding all law in God, till Hugo Grotius isolated positive law from natural law, thus distinguishing the law of the land from the Thomistic legal thought system. The subsequent debates between naturalists and positivists, like Austin⁹⁵⁶, have set the law of the land free from other types of law. Our concern, when we discuss teaching law, is this law of the land. The law of the land is so peculiar that what is legally prohibited in one country may not be so in another country. Even in one and the same country, what is prohibited in one state may not be in another state. The requirement of enforceability has created a query as to whether international is law. This clear distinction of the law of the land from other laws gives this law a special status of being the state’s means of protecting life and property.

The law, therefore, is to be observed or followed, but not lived. It may be comparable to someone looking after a herd of cattle to make

⁹⁵⁶ Legal positivists derive their thought from the Latin verb, pono, ponere, posui, positum, i.e. to put down. They limit law to its social foundations, i.e. the law made in time and space. This type of law is not only man made but also man enforced. Thus, they dismiss moral law as mere wishful thinking, since there is no one to enforce it. Positive law has two sides to it, i.e. what the law says and what happens when it is not followed or violated. So, there is law and punishment, prosecution and defense, among other dimensions of litigation.

sure they are protected from external problems. Internally, they are prevented from fighting each other and not allowed to stray into people's crop gardens. As regards living, they are not shown how to graze or mate. They do other private things without interference. In traditional society norms (dos and don'ts) or taboos (sanctions) are in no way separated from the people. In indigenous civilisations people live what they believe. Thus, listing laws or ideals such as human rights have no room. People recognise and preserve themselves as human beings. They know how to live together humanely, even when they fail. That is why dos and don'ts exist. That is why there are sins in religion. That is why crimes and commensurate punishments exist in law. The challenge for law, therefore, is whether, and if so, how legal practitioners can live what they are intended or made to believe. That is precisely why this paper strongly argues for the idea of integrating ethics in legal courses, tenets, principles, positions, arguments, procedures, and other aspects of law.

29.4 Ethics as Moral Philosophy

There is a sense in which ethics can be equivalent to morality. In this sense, ethics applies to private and public morality. Morals tend to be subjective. However, no one can behave morally when alone. Morality is social centred. The challenge is balancing the subjectivity and objectivity of morality. Subjectively, people are individuals. Objectively, individuals share humanity in common. Despite people's common humanity, a lot of diversity persists. Individuals and societies may cherish different values. They may be guided by different moral standards. Individuals are socialised through such traditional methods of education as indoctrination, rote learning, carrot and stick, among others. This makes morality different from ethics (moral philosophy) and law. On rational grounds, individuals can accept or reject beliefs and practices. Conscientious objectors change societies by questioning traditions. Bigotry, dogmatism, conservatism, compartmentalisation, fundamentalism dicta-

torship, among other dangerously myopic positions and practices generally resist reason to preserve society at the expense of individuals. Philosophising on issues can breathe fresh air into society. It is important to note that when individuals are empowered, society as a whole is. With individual empowerment and participation, draconic laws such as apartheid are challenged and defeated. Colonial laws are evaluated and replaced or adjusted. The top-bottom approach is reversed. The initiated bottom-top approach, if sustained, leads to participation in planning and acting. Flexibility follows suit. Unity in diversity reigns, Room for human, socio-political and economic development is created.

Philosophy liberates individual persons from societal fetters⁹⁵⁷. The liberated are both subjects and rulers. Institutions do not enslave only

⁹⁵⁷ Philosophy is so deep and wide that it has acquired a host of meanings. In this paper it is used as a field of study that entails ethics - our concern. It is also used as a mental activity on existing activities. Philosophy has developed over time, but remains founded on wonder (Aristotle). Originally, It is metaphysics (philosophy of reality), It then covered logic (philosophy of argument), since it is based on human reason. Curiosity on palpable reality led to cosmology (physical philosophy). It was extended to man or homo (philosophy of mind), leading to axiology (philosophy of values), including aesthetics (philosophy of beauty values), ethics (philosophy of moral values), social philosophy (societal values), political philosophy (government values), among others. Curiosity on human knowledge led to epistemology (philosophy of knowledge). Theodicy (philosophy of God) came in handy on realisation of both man and nature boasting of limitations. With the 'explosion of knowledge', specialized areas of study emerged, but philosophy reserving a study of each. This led to 'philosophy of...' e.g. science, education, etc. All these developments are subsumed under history of philosophy. All these take different shapes or even crumble depending on various schools of thought and the ultimate positions of Idealism and Materialism.

The emphasis in this paper is on philosophy as basically an individual affair. No one can reason for another. Philosophy helps individuals to understand other people's views and either agree or disagree on rational grounds. Without philosophy, society is prison, politics is dictatorship, education is indoctrination, work

the weak like employees. Those in positions of leadership, employment, supervision etc. may be more enslaved by the tenets, beliefs, principles, theories, practices and other forms of behaviour they subjugate others to. True development is not of individuals alone but also of the physical, social, and mental environment surrounding them. There are many misfits, white elephants, and other would be resourceful persons whose limitation or fate is accounted for by the environment. Thus, a liberated person amidst those still heavily mentally colonised, for instance, ends up being extremely lonely, frustrated and miserable. The need for holistic development is clearly demonstrated by the so called political independence which without economic independence does not graduate from flag independence.

Such independence and subsequent developments have to begin with individuals. It is individuals who form families, communities, societies, and the world. The more prepared or enlightened the individual the better the families, communities, societies, and the world. The principle that when you educate a woman you educate society reflects this idea of building individual persons first. You begin with one by one and end up with a whole bundle. The issue is 'one' what. This determines the type of bundle that ensues. You cannot reverse this process and begin with a bundle, unless you figuratively refer to the environment conducive to development, such an affluent society. Even such a society, however, has to be manned by individual persons whose level of development and understanding reflects on the proper use of the affluence. This refers us back to 'one what' in the building of a bundle.

This emphasis on individuality is met with high regard at a religious university. Religion cherishes individual efforts and development. Human beings are created, moulded, and saved as individuals. When individuals are successfully brought up, society is well brought up. Society

is slavery... When one understands what is to be done and why participation is guaranteed.

needs to be built by giving a chance to all without discrimination or self-seeking. When one builds for all, one includes oneself. When one builds for himself or herself, one, unwittingly, excludes oneself. Individuality is not individualism. Today's issues such as corruption, mismanagement, etc. can only be defeated through fortifying future leaders who will see things differently. Leadership is not limited to politics or any other institution. People can be leaders each in his or her own way. This is why producing ethically upright people is real building for the future.

29.5 The Need for Ethics in Law

As indicated above, professional ethics sets guidelines for behaviour in a given institution or organisation. These rules are part of positive law, i.e. the law 'posited' and existing in books. This means that these laws can be buried in books, as it were, with little knowledge of, let alone reference to them. The defence of this neutral existence of the laws is the need for a fall-back position. They are like money safely kept in a bank to be used when need arises. A problem may lead to the question whether there is a law that has been violated, and whether a remedy exists. This leads to legal research, even by seasoned legal practitioners.

Law is also kept aloof by principles, such as *Nullum crimen sine lege* and *Nulla poena sine lege*, i.e. for a law to be violated the law must first exist, and for punishment to be given the punishment must first legally exist. This is why all lawyers turn pages and pages of legal materials looking for 'positive' law. The justification of these principles is that without them, rulers would do anything they liked with their subjects. While this avoids the dangers of being capricious, it puts positive law in a special position where only those trained in law can confidently analyse, internalise, and apply legal issues.

Such laws, therefore, do not directly address the concern of this paper, namely people living what they know and practice. The laws are in books and one needs proper reference to the provisions when one is ap-

plying the laws. It is of interest to note that this application usually arises when there is cause for litigation. The laws must be gazetted, but it is incumbent on the citizens to search for them. Sometimes the culprits are taken aback when the wrongs they committed are red to them. It is common that even those who have no reading problems often do not pay attention to rules, even when they sign legal documents like contracts. This demonstrates the distance between the citizenry and the laws of the land. This also applies to rules of the institutions people are employed in. Even lawyers and judges have to open the right references at the right pages when applying law. Sometimes the references and the procedures are too technical for the victims to follow.

This legal distance between the law and the people it protects places a big moral challenge on the shoulders of legal practitioners. Without being morally upright, good laws can be ‘doctored’ or manipulated. Connivance can lead to unfair judgements. Clear legal positions can be circumvented. Unscrupulous lawyers can prey on their innocent, trusting and unsuspecting clients. Thus, professional ethics rules existing in books require personal commitment to be properly operational. One may elaborate such commitment with paying taxes. Many pay because they fear being accused of defaulting and being punished. The committed pay because they understand, value and appreciate taxation.

29.6 The Is and the Ought

There is a difference between what is and what ought to be. What we do may not necessarily be what we ought to do, and what we ought to do is not necessarily what we do. The is and the ought problem arises here because of our concern to establish the relationship between positive law (the is) and moral law (the ought). Hume⁹⁵⁸ (1711-1776) distinguishes between positive statements (what is) and prescriptive or normative

⁹⁵⁸ David Hume (1738/40) *Treatise of Human Nature*.

statements (what ought to be), arguing that human beings are unable to ground normative in positive arguments, i.e. to derive ought from is. Moore⁹⁵⁹ an analytical philosopher argues for the indefinability of goodness. He presents the Hume's law as a naturalistic fallacy, i.e. appeal to nature. The fallacy tries to explain what is good reductively, in terms of natural properties, e.g. pleasant or desirable. Bentham⁹⁶⁰ argues that natural law theory exaggerates the relationship of law and morality, and distinguishes between human law (positive law), moral law, and scientific law. Kant⁹⁶¹ distinguishes between two imperatives, the categorical and the hypothetical imperative. The categorical imperative is the foundation of people's moral duties, just like the golden rule: treat others as you wish to be treated. It is the guideline of moral awareness, and states as follows: act as you would want all other people to act towards all other people. Act according to the maxim that you wish all other rational people to follow, as if it were a universal law. The hypothetical imperative is the realistic imperative which can be used in practice, i.e. do x in order to achieve y. John Rawls⁹⁶² attack on dictatorship is rooted in the Kantian categorical imperative. According to him, justice is fairness.

Positive laws try to sort out people's relationship with their governments (criminal laws provided in penal code), the same people's relationship towards one another (civil laws). The law of the land neither creates nor dismisses moral behaviour. The law finds it in place and only organises and 'legalises' it. People naturally rationally distinguish between right and wrong. They naturally morally choose right and immorally choose wrong acts. But, this remains on the subjective level. Positive law follows and orders up moral positions and related behaviour. For example, a promise is regarded as a debt. Agreements to meet obli-

⁹⁵⁹ George Edward Moore (1903), *Principia Ethica*.

⁹⁶⁰ Jeremy Bentham (1748-1832), *Internet Encyclopaedia of Philosophy*.

⁹⁶¹ Immanuel Kant (1785), *Groundwork of the Metaphysics of Morals*.

⁹⁶² John Rawls (1971), *A Theory of Justice*.

gations are categorised into social and legal. At the social level, meeting obligations depends on moral uprightness. At the legal level, a legal agreement is designed in such a way that the defaulter is dragged to courts of law for remedies. An example of legal agreement may be a contract, with clear terms of reference. The elements of a contract are the contracting parties, the subject matter, or what one party promises to part with, and the consideration, or the value of the subject matter the beneficiary promises to part with, in return. Thus, the buyer and the seller, for instance, may be the parties, land the subject matter, and the price the consideration. The transaction modalities are clearly defined. What happens if the buyer does not pay the consideration to the seller is also clearly put down. The source of the law of the land, such as the Constitution, Acts of Parliament, and other materials are well known. Cases in which legal issues have been handled can also be sources of law. Legal principles, such as due process and habeas corpus come in handy in applying the law.

In trying to specify and define the issues that morality often leaves general, subjective, vague, etc., positive law leaves enough room for rational and moral manoeuvre. So, while marriage, for example, is a contract, like any other contract, it is given special consideration because of its status in humanity. Human rights are claimed by human beings in their capacity as human beings, but certain human beings are accorded special consideration because of their vulnerability. Thus, there are women's rights, children's rights, the rights of persons with disabilities, among other humans that need or deserve special attention. Refugee law started in Europe after WW II (1951) as a stop gap measure, but is currently an industry. The law is practiced world-wide without any end in view as all human beings are candidates for refugee status, given the prevailing culture of conflicts. International humanitarian law also falls under the category of the laws designed to deal with human catastrophes, like war.

29.7 Methods of Integrating Ethics in Teaching and Learning

We have already established the meaning of ethics used in this paper. We have also argued that we need to integrate ethics in what we learn and practice in order to be able to live what we believe. Further more, we have demonstrated why we need to live what we believe. The next logical thing is to discuss how this integration can be carried out.

First, ethical issues are not limited to principles and doctrines. The issues can arise even at the level of concepts. One of the effective methods of teaching is beginning by introducing and discussing the key concepts in the course. Ethical issues can be discussed at this juncture, i.e. before plunging into course content.

Second, the course outline provides the list of topics and the logical sequence in which they are dealt with. Such topics are not free of ethics issues. Handling these issues at this level makes the issues part and parcel of the course. It is important to note that teaching ethics as a separate course may not have the required mechanisms to relate relevant ethical issues to specific legal issues, particularly if the ethics course is taught by a non-lawyer.

Third, references to when and where ethical issues have arisen, e.g. in case law, legal research, specific topics, or any other publications can be established and made part of the reading list.

Fourth, assessment through course work and written or oral examinations can entail ethical issues as parts or aspects of the questions in order to make students take ethics seriously. When the students understand the role of ethical issues in law, they are bound to take them more seriously than when they take a separate course in ethics without quite appreciating its relevance to the law core courses. It is also important to note that ethical issues are not smuggled into law core courses. They are indeed embedded in these courses. The problem, as earlier alluded to, law is often taught to produce legal practitioners referred to as legal me-

chanics. The realisation of this folly has led to the teaching of jurisprudence, or philosophy of law compulsory in certain universities.

Fifth, a separate ethics course needs to be taught in the first year along with the introductory course of law so that the students become better prepared to handle ethical issues in subsequent law courses.

Sixth, a subject like law is a definite field of study. It is divided into specific areas in accordance with its application. Courses are designed not only to cover this application, but the whole field. Thus, there is what makes law law just as there is what makes mathematics mathematics, or any other subject. The problem that arises is the time frame for covering the course and the time table in which all the subjects and their relative courses must fit. The recent changing of terms into semesters has led to mutilating courses for manageability purposes. This has led to too many courses that must be fitted in the same time frame, since days, weeks, months and years cannot be stretched. Integrating ethics in the existing courses, therefore, alleviates the time table headache.

Seventh, the purpose of integrating ethics into legal courses is to make law more relevant to life issues. Technical courses tend to be specialised in such away that they are isolated from other areas of specialisation and general issues of life. Thus, some thinkers have argued against the teaching of ethics in law relegating such teaching to the family and society as a whole. These critics limit their concept of ethics to moral behaviour or even manners and etiquette which girls should learn from their mothers or aunts and boys from their fathers or uncles. According to such thinkers, wider society, too, religions, and other sources of morality are charged with imparting values pertaining to such behaviour. The role of law is regarded as being so different that it should neither be confused nor contaminated with such mundane ideas and practices, In a nation, there may be many religions, ethnicities, among other sectarian groups that need to be subsumed under the law of the land. Municipal law needs to be superior to the variety of belief systems

in a country. Law operates differently from cultural practices. For instance, while the culture of telling the truth is admirable, denying the truth in court is legal. While there is a culture of punishing culprits, in criminal law the accused is both prosecuted and defended. In the case of serious crimes like those punishable by death the state is obliged to provide the accused with defence lawyers to make sure the culprits are not unjustly treated. The legal concept of justice often differs from justice in other fields. It may not be the generally expected 'fairness' but the establishment of legal institutions, the training of legal practitioners, and the provision of competent legal personnel to handle legal issues according to the law of the land.

Religion recognises sinners and urges them to repent, confess their sins and be forgiven. For lawyers, however, confession is what is being sort in court. Once it is received, court stops and the accused who has confessed is punished. Besides, proving a criminal guilty beyond reasonable doubt is not easy. Thus, many well-known would be criminals are often acquitted due to lack of incriminating evidence. The subjective concept of guilt does not exist in law. However guilty a criminal feels, he or she remains the accused and a mere suspect. The concept of suspect differs from the English language one. There are so many technicalities that set law apart from other practices that it is always wise for the accused or defendant to keep quiet and let his or her lawyers talk.

29.8 The Need for a Holistic Approach to Mind-Set Change

Like members of all other institutions, lawyers, too, need to be liberated from their own legal institution. Institutions can enslave both employers and employees. Law, like any other institution needs to adjust to the life of the people among whom it is practised. Developments in the colonial and subsequent state indicate alienation and adjustment. There are examples from the colonial state which, for instance, looked down

upon the customary laws. These neglected laws were later recognised after ‘flag independence’. Positive changes are also evident in the embarrassing situations whereby female victims of rape were humiliated in courts that demanded proof of penetration in the open. In some societies these victims can now testify in camera. Similarly, traditional polygamous marriages which had been rejected on the grounds of one man one wife to the exclusion of the rest for life are, in some countries, recognised again.

In the struggle for living what we believe, the cardinal principle is balance. Extremes on either side (traditionalism and modernism) have to be avoided. This is the ideal situation in all fields. In trying to achieve this balance, Christianity, for instance, has introduced ‘inculturation’. The problem with this, however, is the implication of ‘conversion’ in the sense of ‘baptising’ influencing indigenous cultures. In the final analysis, Christian tenets and ideals triumph. The idea of balance is lacking, if traditional beliefs and practices have to be abandoned. In the case of law, there is a need for legal practitioners to participate in their legal systems instead of being tethered at the receiving end as mere legal mechanics. The good old attacks, such as paganism, ignorance, barbarism, unculturedness, uncouthness, backwardness, uncivility, etc. deserve a bonfire. They only serve as hiding places of real intentions of grabbing other people’s property by colonialists and imperialists. Such property did not only include land for raw materials but also admirable artefacts which still fetch millions of currency from tourists who visit museums where they are displayed. How could the ignorant, uncultured...people produce these wonders?

Mental colonisation is a big road block to mind-set change. Mental liberation faces challenges of the infiltrated people’s environment. Mind-sets are built by people’s surroundings. To change the mind-sets, therefore, it is necessary to change the environment. However, people can be influenced in such a way that they change their environment. For

instance, colonial rule relied on putting laws in place and brutally enforcing them. People's mind-sets were shaped by fear. When colonisation waned, the fear oozed out of the people's minds. What was prohibited and not done out of fear was now done with impunity. This includes invading prohibited areas, hunting protected animals, among others. Things have changed for the better after the people have understood why prohibitions were made and returned to them with gusto.

However, the issue of mind-set still dogs many societies. Part of the difficulty emanates from the manner in which mental colonisation was initiated. The colonists and imperialists armed with new scientific and technological developments decisively distinguished between 'endogamy' and 'exogamy', 'enlightenment and ignorance', development and backwardness', 'modernism and traditionalism', and other parallel ideas that pitted the colonising against the colonised to justify the presence of the former. This made the concepts of 'superiority' and 'inferiority' sink deep in people's minds. The former category was not only characterised by success but also by colour. Eventually, anyone with a different colour, however poor, ignorant, desperate, or any other negative psychological disposition, is rich, wise, prosperous and successful in the eyes of the dangerously mentally colonised. For these, anything local is bad and anything from abroad is good.

One of the crises the world is facing today is food. People who have reduced to getting food from the market starve to death when markets close. But, there are traditional ways of environment protection, food conservation, among other disaster preparedness methods. Unfortunately, when African cultures were at most destroyed or at least distorted, this preparedness was undermined. Thus, when the idea of famine and starvation strikes people's minds, Africa comes first. There are videos upon videos that demonstrate these catastrophes. To make matters worse, many, including some Africans themselves, wrongly attribute these disasters to traditionalism and backwardness.

The Pygmies of Congo forest, for instance, are very well known for environment protection. They do not destroy the forest - their life line. They do not kill or harvest what they do not need. They protect both nature and one another. No one has ever heard about starvation among them, except when they are forced out of their forest. The Ndorobo people of Northern Kenya are very well known for disaster preparedness particularly in terms of food preservation. They live in the forest where they hunt animals and preserve meat to sustain life. They dig big holes, use leaves therein to protect the meat against soil, mix the meat with honey to preserve it, and cover the holes. They then plant trees to mark these eternal food stores. Unlike the Ndorobo, the Wasukuma of Tanzania are cultivators. They harvest and dry a lot of potatoes to keep them as long as possible with other food staffs such as rice. Thus, they are always prepared against the famine in which the 'civilised' often perish.

Due to mental colonisation, these successful peoples in disaster preparedness are looked down upon even by those often totally lost in the forest of the ideas of modern civilisation. In many societies, when a person wants to attack another person as ill-mannered or 'uncivilised', the attacked is dubbed pygmy. In Tanzania, when someone utters or does something silly, listeners wonder whether he or she is a Sukuma, i.e. a member of that 'backward' ethnic group. The last time the write enquired about the Ndorobo, an interesting comment was uttered: 'Oh, they are coming up! Recently one of them was ordained priest!!

We need to pray hard that this new man of God does not soon or later find himself begging for food from abroad to feed his coming up, yet starving people!

The argument here is not for the full return to traditional ideas and practices which, actually, would be far better than swallowing the bait in strategic foreign ideas and practices. At a recent course for trainers of trainers in Nairobi, the problem was obesity and related diseases which are destroying the youth while their parents and even grandparents are

still intact. The food the youth and their parents eat makes the difference. The main issue that explains all this is the paradigm shift from human values to material and monetary values. While the traditional people were masters of their food - given the facts that they had landed, fruits, animals, and the crops whose seeds they kept for new crops, modernisation is slowly but steadily reducing all this to total dependence. Many people now depend on 'given' seeds before they can plant food crops. What is going to happen when all the traditional crops are gotten rid of, and those 'giving' seeds look away? This is a big ethical issue. Food is life. Many crops can no longer grow without fertilisers and sprays full of the chemicals that are behind the strange diseases. The local people are shown how to destroy soil and water, poison crops, and fall sick but not given hints on how to recover. Animals and birds are similarly poisoned. Due to the introduced material and monetary values that are edging out human values, many people do not hesitate to sell the meat of a diseased animal. The first eggs of treated layers are supposed to be thrown away. Who does? The issue is mental colonisation which replaces useful ideas with dangerous ones to the detriment of the local people and benefit of the foreigners who strategically manufacture poison and other destructive materials used in other lands.

29.9 Colonial Hangover and Obstacles in Teaching Ethics

29.9.1 Language and the Social Set-up

Some still remember being beaten for speaking vernacular. Unilateralism had caught root to the extent that a teacher who had visited England told people, on his return, that Africa would never catch up with England where, even a child, spoke perfect English. A missionary who 'discovered' the 'perfect' Akamba language declared that these people (incapable of developing a language) must have got theirs from the Tower of Babel. Propaganda was widely spread that Africans (from the

Dark Continent of all places) could not express themselves in the dark because they used only gestures, visual aids, etc. - except reason - to talk. In some colonies, however, the ignorant foreigners avoided exposing themselves by hiding their language from the indigenous people who heard them speak among themselves with wonder and awe. Thus, some indigenous languages survived. Elsewhere, the insistence on colonial languages led to ignoring the highly expressive indigenous languages. In the case of law, all the 'learned friends' recruited from the colonies and indoctrinated both at home and abroad had to master relevant colonial languages. To be 'fear' to the many local people who were dragged to court, the idea of interpreters came in handy. The irony is that when the 'independent' colonies recognised the neglected languages, the learned friends were forced to relearn and express themselves in local languages. The fun is that many end up being laughed at even by prisoners in the dock as they hesitate and swallow, fumbling with their own languages.

The issue of language extends to technical terms alluded to above which lead to the clash of legal and religious concepts, such as 'confession'. We know that words in themselves have no meaning. It is people who use them that give them meanings. So, comparing words with pegs on which people hang clothes is correct. Just as a peg cannot argue about which clothes to be hanged on it, a word cannot discuss the ideas people use them to communicate. This scenario can also be extended to culture as a whole. The observable external culture expresses the people/s internal culture. To understand people's language, therefore, or culture, for that matter, it is imperative to politely ask the people concerned. The interference with people's languages and cultures as a whole has created a hotchpotch of ideas which have negatively influenced people's mind-sets, thus leading to disorientation, confusion, conflicts among other undesirable realities.

29.9.2 Attitudes

Mind-sets, disorientation, confusion, conflicts and related problems are behind people's attitudes to themselves, other people, and life as a whole. Such realities have been witnessed in all sectors of life. At this juncture, we limit our observations to academic issues surrounding us. We rub shoulders with many practitioners, such as linguists, literary experts, medical doctors, counsellors, veterinary doctors, agriculturalists, teachers, lawyers among others. Many of these have gained a lot of experience in their fields that often does not augur well with either indigenous, nor modern theories or practices. They find themselves entangled within indigenous and modern ideas and practices without being able to quite fit in either. This has led to frustration. There are some who have return to school for higher degrees only to be subjected to academic theories that sometimes tend to be of little help. Instead of utilising these people's great experience, the academic system is structured in such a way that those who should be listening and being tested are the ones talking and examining. The frustrated listeners end up being subjected to theoretical examinations which are often irrelevant to real issues and then return to their work to start where they had been or even more ignorant than before. In the case of conflict resolution and management, some theories based on foreign experience fail to address local issues. As it is difficult to solve a problem without addressing its root causes, a good number of academics rely on theories that are irrelevant to local issues and tend to make the situation they try to resolve even worse. There is a dire need to respect, recognise, and make use of the indigenous wisdom and practices which have, after all, passed the test of time. If, for example, societies have enjoyed their civilisations and peacefully lived together for time immemorial, how should anyone be fooled that the colonists and imperialists who arrived only yesterday are the reason for peace in the colonies? What sort of peace is that if people

have been reduced to dependence socially, politically, economically, etc.?

29.9.3 Paradigm Shift

The well organised paradigm shift from human to material and monetary values is totally to blame for the dire situation the world is in. This shift has adversely affected work ethos. Genuine work is part and parcel of human nature. A human being is fulfilled by work. But when work becomes contingent to earning money, the dynamics radically change. Money and the material things it affords a person come first. Thus, the idea attributed to Machiavelli - whether rightly or wrongly being not the issue - i.e. that the end justifies the means prevails. When monetary and material values are the major objectives, specific objectives circumvent moral values. This is the folly of negative capitalism whose cherished and favourite children are colonialism and imperialism. In the current venture of teaching ethics, attempts are being made to reverse the cardinal principles of modern or Western education. The anomaly of being beaten at school for speaking one's mother tongue 9e augmented by that of being punished with a hoe to dig and touch sol in the school garden, Right from kindergarten the lie of going to school in order to get a white-colour job was inculcated in the minds of the colonised people. Then the 'educated' would look down upon the land that had brought them all the way from their countries.

We need to bear in mind, therefore, the fact that the professionals, the students, and other stakeholders in the educational system we are trying to change already know the meaning and purpose of the education being pursued. Accurate research has been carried out to indicate which jobs earn what money. Just as a primary school pupil dreams of a lucrative job, without rvrn being realistic about the time factor, students, particularly those taking professional courses like law, dream of big jobs and the close relatives Of these jobs oblivious of such huddles as unemployment. Most significant for our cause, however, is the dream of how

money is earned and property acquired. There are clear mechanisms in place but also turns and twists within these professions. If corruption, for instance, is one of these twists, how effective can ethics lectures be to a poor student that needs a job by hook or crook? There is a real need to think of whether the uprightness we are dreaming of will be received or not.

29.9.4 Society

Although we must be realistic about our circumstances, we must not be pessimistic. We must realise that all the above observations that tend to dampen our spirits are mere symptoms. They are effects of abnormal causes. They occupy the vacuum created by the absence of the right causes. Right causes lead to right effects as wrong causes lead to wrong effects. The problem, therefore, is the cause, not the effects or symptoms. When the cause is removed, its symptoms die a natural death.

Society is a structure. Some thinkers have compared society with a human being⁹⁶³. Reason shows a person what to do and what not to do. Choice helps the person to choose either the right or the wrong thing. When you freely choose to do a wrong thing, you sin. Sin is rebellion against oneself. In a society, when a person freely does what is prohibited, the person commits a crime. However, it is neither sins nor crimes that matter. What matters is the individual person. That is why freedom is underlined. Society, therefore, has the duty of building persons first and institutions after. Institutions cannot be run by Angels from heaven.

So, if a person is seen to sin or commit a crime while the person is not 'free', what is observed is mere symptoms of the absence of the 'freedom'. The unappealing observations are wrong effects of wrong causes. Reference has already been made to the distinction between in-

⁹⁶³ Plato's tripartite theory of man as rational, moral, and emotional is also extended to society under a philosopher king helped by soldiers to control citizens. Just as a person whose mind does not work runs mad, society, too, runs mad without proper leadership.

digenous and modern 'civilisations'. Civilisation, like any other term, has no meaning in itself. Its meaning depends on the person who uses it. Thus, the West, aided by superior weapons, invaded the rest of the world under the pretext of civilisation which, to them, meant scientific enlightenment. The game is comparable to one who uses tricks to exploit the ignorance of those unaware of this trick. To the indigenous people, civilisation is living human values. The two concepts of civilisation contradict each other. One is objective. The other is subjective. A member of the modern civilisation looks upon someone who does not know how to make and use weapons. This one is uncivilised. A member of the indigenous civilisation looks down upon someone who is so heartless as to mow down innocent people just because he or she can use modern weapons. A member of the modern civilisation laughs at someone without personal property. A member of the indigenous civilisation frowns at someone who destroys communal means of livelihood for personal greed and selfishness.

Both civilisations belong to people who hand them down from generation to generation through their educational systems. Through these systems society builds individuals to sustain its values.⁹⁶⁴ These values are basically for the common good. This explains why in indigenous civilisations there are no haves and have-nots, no unemployment, no beggars, no classes, among other mutilations of society and associated misery. The people in indigenous civilisations found their civilisation on human values. There is unity among all human beings. There is unity between human beings and nature. There is unity between all creation and God. Modern civilisation has shaken this beautiful structure to its foundations. The civilisation is characterised by atheism. Human beings are mere machines. The tripartite theory of rationality, spirituality, and physicality no longer holds. The conception of life by both civilisations

⁹⁶⁴ Elkins, Caroline (2005) *Imperial Reckoning: The Untold Story of Britain's Gulag of Kenya*. Henry Holt and Company.

fundamentally differs. While indigenous civilisation places life in the universal context of reality, Western civilisation has thrown the metaphysical or fundamental ideas of whither and thither through the window. The significant observation is that while in the violated, impoverished, and sinned against indigenous civilisation people survive mainly due to sticking to human values, the holistic approach reality and the universal meaning of life, many people in the West are lost. Some are impoverished, like those invaded and colonised, but unlike the latter, the former have become hopeless. While the latter, despite their abject poverty, love, laugh and make merry, there former are characterised by rampant suicides. The whole world, therefore, loudly calls for ethical education and liberation.

The results of colonialism and imperialism totally reverse the theory of unilateralism, namely that Western societies are ahead of ‘Other Cultures’, and have the duty of civilising these backward societies. That is why it has been emphasised that no one has the right not to be civilised. The practices and results also contradict the flimsy grounds, for example, as expressed by Caroline Elkins. According to her, there were three-pronged prescriptions of the British mission to civilise the African continent. First, to redeem the backward heathens by bringing the light of the gospel to the dark continent. Second, to use the superior economic know-how to exploit the continent’s natural resources and its people’s labour. Third, to civilise Africa administratively by using their superior legal and administrative structures.

Despite the revelations of the colonial hidden agenda by the true actions of exploitation and the barbaric treatment of the people which happened to be far from the good news of love together with the scholarly exposure by academics such as Walter Rodney⁹⁶⁵ these so-called ‘superior laws and administrative structures’ are still in vogue. The teaching

⁹⁶⁵ Rodney, Walter (1972), *How Europe Underdeveloped Africa*. Bogle L’Ouverture Publications.

of ethics in law is expected to be in this type of law which is supposed to be free of human feelings.

One of the radical legal changes in independent Kenya, for instance, is the reinstatement of African traditional marriages which are by nature polygamous. Kenya also recognises traditional marriages of the same sex, which have nothing to do with Western lesbianism, homosexuality, etc. The teaching of ethics in all subjects, including law, is shared by the Catholic University of Eastern Africa (CUEA) which strives to instil Christian values in the learners. Polygamous marriages are unchristian. According to the law of the land, however, such a clash leaves the law of the land triumphant. The other challenge pertains to concubinage, divorce, among other marriage issues. The Pope, being in charge of the whole world, finds that a good number of church community members in the West are single parents, divorced, concubines, and other unchristian relationships. If the church were to be strict with rules and barred out these sinners, many of the churches would close. In his wisdom, the Pope has thrown the problem to local churches⁹⁶⁶. While the key church principle is to love such partners, there is a legal problem to watch. The law of the land is specific. It is positive in the sense that the recognised marriage, for instance, are 'put down' or documented. Yet, the love upheld by the church is unlimited. Consequently, the church may put unsuspecting couples in danger by tolerating them while they are illegal. Usually, the victims are women who discover they are not wives, after all, when their presumed husbands die.

29.9.5 Education

A look at the folklore through which some moral lessons were delivered in the indigenous educational system reveals a set of characters that were rewarded for being upright and those that suffered and regretted their misconduct. The characters to be emulated and those to run away

⁹⁶⁶ Pope Francis (19.03.2016) *Amoris Laetitia* (The Joy of Love) Encyclopaedia.

from for dear life were clearly and emphatically brought out. Wow, what do we really observe in our societies? There many who have tried to live upright lives and ended up in unenviable situations. There are those who openly defy uprightness and create heaven on earth. Of these, who do we expect the students we are setting out to influence to be their heroes and heroines? It is, therefore, of great significance that the whole society, particularly the powers that be strongly participate and play their role in this all important exercise of changing society through teaching ethics. In indigenous civilisations, education is for all and has both a personal and social dimension. The education edifies individuals to live upright lives and empowers them to protect and sustain social institutions. Traditional education is a holistic approach to life. It is not as restricted as modern education which tends to be limited to the theories that reduce it to bookish knowledge. Modern education is also characterised by skills for employment. This changes work ethos. One is reduced to the level of the tools required by specific activities. When these activities end, the skills and their owner are rendered redundant. In any case, no activities can absorb all skilled people. This leads to the ideas of unemployment, retrenchment, promotions, demotions, etc. with their pros and cons. This creates room for negative competition, corruption, among other evils unknown to indigenous civilisations.

29.9.6 Social Expectations

We have already alluded to the need for general social change. Our concern is moral life which is slowly but steadily eluding the world to the detriment of everyone. Many live in societies characterised by abject poverty amidst plenty. If our economic potential were realised, we would boast of nothing but affluence. Alas the story is what it is. Many parents sell property to take their children to school. We have already discussed the dream of students. This is also the dream of parents and even relatives particularly those crawling in poverty. The issue of mentorship is also relevant. Society knows what a lawyer is and sees this

lawyer in a law student, even long before. The student is aware of all these expectations. This is the student you and I look forward to influencing through teaching ethics. We need to be realistic and read the two sources of influence together. Instead of setting the two influences against each other, as it were. We need to find out ways and means of undermining negative influences and promoting positive ones.

Indigenous civilisations excel in moral uprightness mainly because of social expectations. An abomination is abhorred. The sense of shame is a reality. Shame is not only limited to an individual, but extends to families, relatives, friends, communities, and countries as a whole. It is reminiscent of the original sin committed by only two and suffered by all. Human values are the bottom line in the venture of teaching ethics. Everyone has been negatively affected by replacing these values with material and monetary values. Even the perceived beneficiaries have their own experiences to share. They form a substantial part of the paradigm shift victims. The threat of cut throat capitalism is basically their game. Many live in hiding instead of openly enjoying what they have looted. Having money and property without peace of mind is abnormal enough. Those who have jumped from their own skyscrapers have left big lessons behind. Despite the philosophical problem of ‘knowledge of other minds’, *actus reus* can easily lead observers to *mens rea*. People can interpret body language and related actions.

There is a general misconception that the ‘first world’ or modernised world is far better off the exploited ‘third world’. Technologically, there is no comparison. The question is on values. Affluent societies devoid of human values can be deadly. We have always admired the spirit of women in Congo who are raped and short in the private parts with wrong guns. They bravely shout, ‘they can kill the body but not the soul’. Faith and the holistic approach to life and human values keep the poor and dejected people going. Hope is vital in people’s lives. The world views of modern and traditional societies make a big difference.

While the majority in indigenous societies are focused and very rich in spirit, many in the western civilisation, particularly the youth, are lost and highly psychologically affected. There is a looming danger of creating a new species of people more closely related to robots than human beings.

29.9.7 A Welcome Change

Against this background, one can rightly conclude that the world looks forward to changes for the better. It is due to this dire need that a lot of good results are expected from teaching ethics. The ball, therefore, is in the camp of planners, subsequent teachers, learners and practitioners. But, as mentioned above, teaching alone is not enough. People who behave immorally are not necessarily unaware of their wrong doing. At a recent conference, a brave youth defended her mother. An attack had been labelled against parents accused of not properly playing their duties of guiding their children. Many accused these parents of having little time for their children, as if the attackers lived in the described families. According to the attackers, this explains the rampant misbehaviour, mainly among the youth. The brave girl proved the attackers wrong by stating it categorically that there is nothing her mother did not help her understand. She pointed the accusing finger to the overwhelming situation in society.

Wider references prove the brave girl right. Gender inequalities, for instance, have reduced many upright women to sexual misconduct. Reduction or at least alleviation of poverty is far better than teaching ethics. Even force may not work when poverty strikes. The so-called misbehaviour may be comparable to the tsunami triggered off by an earthquake. When there is a problem, the best approach is to address its root causes. Treating symptoms succeeds only in sustaining the problem. When there is abject poverty, for instance, even cutting off limbs of thieves succeeds only in making the act of stealing a little cumbersome. The welcome change, therefore, goes beyond teaching ethics, legislating

against unwanted activities, using brute force, and other measures. Hardly any measures can succeed if there is no political and economic independence to enable the required development in all ways. This independence is the most fundamental change one can dream of.

29.9.8 People Power

With this type of independence, one can hope for people power. People power must be generated from within. Any society can only survive and succeed if it empowers its people. People power is realised from the development of individual members of society. These may be well trained professionals who can distinguish between national needs and how to achieve them from sheer machinations that could even be destructive to the people and their country. Sheer knowledge without understanding its implications can be dangerous even to the knower. This idea is emphasised because colonialism and imperialism have undermined a lot of indigenous values, institutions, among other means of social structure and maintenance. New values and outlooks on life have been introduced mainly to overlook local ideals and replace them with foreign ideas and practices. Any society with such human resources is only good for exploitation. Knowledge useful only to foreign exploiters can be exemplified by the computer knowledge prevalent in Congo forest among the pygmies who have never seen the world outside their forest. Yet they are equipped with computers that can tell which trees are good for timber due to their age, strength, and other indicators. They are also experts in guiding foreigners anywhere in their forest using the provided gadgets and ensuing specialised knowledge.

This can only be 'people power' since it is neither animals nor robots being made use of. The question of interest is whether these pygmies are any different from lawyers, for instance, who use their impeccable expertise for foreign interests. The law of contract is clear that any issues that arise out of a contract must be addressed where the contract was signed. Many poor countries have been sold by learned friends who

know this law very well and yet are happy to fly out with their ignorant rulers to sign contracts abroad. When issues, as expected, arise, the poor countries originally strategically sponsored to fly for the sake of signing the contracts fail to raise funds to return, let alone hire foreign lawyers to defend them in the foreign lands. This is one of the sure ways in which unsuspecting societies have been tricked and exploited.

‘People power’, therefore, has a special meaning. It is far from the mockery cacophonous ‘people poverty. It is not people force. It is not people riot which is always mistaken for demonstration. The poor and helpless are often garnered from their drinking hideouts and promised free booze whenever they cause commotion. Careful listening exposes this gimmick as some even shout ‘people poor’, ‘our people’, among other uncoordinated phrases. Observers often see total drunkards struggling to keep on their feet. Unable to lift their tongues, some afford to release, ‘Peep pour. Our poop’ - suffering to repeat what they grasped from instructions. This can, at most, be people force. It can be people riot, often confused with people demonstration. Certainly, it is nowhere near people power. Sometimes the acts are not even powerful enough. The question of interest is who sponsors such chaotic activities and why.

The cat comes out of the bag when sophisticated mercenaries are secretly hired but openly airlifted to masquerade as ‘people power’ in broad day light. The orchestrated people power has often succeeded in toppling well organised people elected governments. Fake people power can remove real people power out of power. This is one way of implementing the notorious regime change policy. The violent acts observed do not belong to the purported people. Cameras have often exposed exactly the same faces *chorusing* the same song: ‘people power’ as if in behalf of different peoples, in different nations, and at different times.

The real meaning of people power does not go beyond the empowered citizens or nationals, if we restrict our focus on colonial borders. As mentioned before, individuals in a society are comparable to bricks in a

structure. The stronger the bricks the stronger the structure. This is the real people power. Integrating ethics in teaching, therefore, must aim at building strong individuals and, eventually, people power. These are the individuals that can stand temptations. These are the people who can realise that a bribe that enriches them as individuals destroys the society that could make them and other members of society much better off. With such enlightenment, people power gets another name of nationals. Nationalism is not a mere ism but a realisation that your country is your means of livelihood. Real people power then will defend their country even more than they defend themselves, families, ethnic groups, religious sects, and other divisions that call for unity in diversity. This unity directly leads to true political and economic independence. This is what the colonists and imperialists foresaw when they devised policies of divide and rule, regime change, dependence syndrome, and other forms of weakening the people for exploitation. People power must be in position to fight this menace.

29.10 Conclusion

This paper basically focuses on an individual person without whom society is not possible. An individual person is by nature a moral being, but cannot live morally by himself or herself. Society is not only the platform on which an individual can exercise ethical life, but also cannot survive without an individual and morality. The paper celebrates the individual invincible pillar of society and humanity with a song of praise titled 'Me First Fast'

Me First Fast

I salute you mighty boundless me, the only one I can be

The one who never was, never will be other than me

The unique brave me, comfortable or uncomfortable

In the world where me is neither others nor others me

They you and I equally share ubiquitous unavoidable me

Common denominator eternal trap catching big or small

Unlimited me covers everybody as nobody without me is

Ante and post me exists no one - first things must be first

From the top we mess you up your Highness me

Top belongs where to end bottom where to start

In the subsequent inter-subjectivity games scheme

Where all is the sum of me - I am therefore we are

When me in us is changed us as me transformed

But nether identity absorbed life celebrates meaning

Festina lente song of individualism from abroad

Mistaking selfishness victims treating symptoms

Me in absolute terms - foundation of social structure

Vehicle of transformation - means of rational change

Meaning of philosophy - being human living humanity

Mother of all reliability - cornerstone of sustainability

The new world order ungodly demoting some to promote others

Pleads guilty of behaving unnaturally usurping Almighty powers

Who created unfathomable me equal to attain human maturity

In whose scheme exists little room for discrimination impunity

The paradigm shift from human to material and monetary values

Mother of dignity and rights violation calls for a half somersault

To liberate endangered me derailing greed for power and property

Attaining real people power - just me in a free viable environment

The power in indigenous civilisations where education is edification

Not special and narrow skills for exploitation in modern syphilisation

Where disease ignorance poverty disempower disorganise destroy me

Igniting defiance resistance needing rescue reorganisation restoration

Calculated mobilisation of hungry powerless vulnerable is sheer mockery

Creating to misuse canon powder that needs deserves emancipation more

Where potentiality is freely actualised - creativity working as blind force

The non-myopic fear incapacitating possible life competition teammates

True self-liberation movement - our song of 'altruistic egoism' where self covers all

Common egocentric predicament curiosity questioning answers till psychological oh

The psycho-physical balanced diet provision of more doses of spiritual immunisation

To fulfil the *me* nature - thought work - not quark to replace ethos with
fraud to earn

CHANGING MINDSETS WITH TRANSFORMATIONAL LEADERSHIP

INTEGRATING ETHICS IN DISCIPLINARY CURRICULUM DESIGN AND INSTRUCTIONAL PROCESSES IN HIGHER EDUCATION

Chidiebere R. Onyia

30.1 Abstract

Higher education in developing nations continue to experience challenges that range from basics such as the impact of globalisation, funding, quality of teaching and non-teaching staff, integrating technology into instructional processes, transparent and credible governance to ethical behaviour of the different stakeholders in the learning community⁹⁶⁷. Changing people's fundamental ways of thinking about ethics must go

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along with the organisation's culture. Our higher educational institutions lack the fundamentals of ethical thinking and culture.

This paper reviewed studies on the transformational leadership style and how it can be used to transform the current difficulties experienced because of the mindset of academic, often transactional, who agree that teaching ethics is essential but not willing to integrate it into their courses. The research findings highlight five (5) obstacles identified by academics and administrators that make it difficult for the integration of ethics into the curriculum in their institutions. These obstacles are: the generic nature of the orientation programme that does not include ethics or depict as critical; a lack of policy for ethics integration in the curriculum of most disciplines; the lack of adequate training for the teaching faculty; a lack of alignment in leadership and the process of dealing with unethical issues, and finally; the lack of clear consequences for penalizing academics and leaders that are involved in unethical conduct.

The research findings recommend different ways of overcoming these obstacles key among which are: (i) the adoption of a transformational leadership approach to monitoring unethical issues within the institutions and to ensure that processes leading to consequences are transparent and consistent, (ii) the creation of a structured staff orientation framework and professional development training coordinated through the office of ethics, (iii) implementing consistent policies with an incentive model that encourages a growth mindset and aligned to the staff appointment and promotions framework and, (iv) developing a messaging process for engaging faculty and increasing collaboration opportunities through unstructured or organic mentoring approach and support.

Leading sustainable change requires a transformational mindset and engaged leadership at all levels of the organisation. The diverse unethical issues affecting society in the past decade has brought back the discussion on how ethics within each disciplinary curriculum can help prepare undergraduates to become more ethically conscious in their daily

decision-making process. Transformational leadership as a style for engaging critical stakeholders in the quest to shift the mindset of academic and staff on the need to integrate ethics into the curriculum of all disciplines at all levels remains critical. Integrating ethics into the curriculum is valuable and also vital for starting the process of institutionalizing this thinking. Future research should explore the integration of ethics mitigation models into the institutions of developing nations.

Keywords: Ethics, leadership, transformational leadership, curriculum, Mindset.

30.2 Introduction

Higher education in developing nations continue to experience challenges that range from basics such as the impact of globalisation, funding, quality of teaching and non-teaching staff, integrating technology into instructional processes, transparent and credible governance to ethical behaviour of the different stakeholders in the learning community. Woldegiorgis & Doevenspeck (2015) as cited in Matsilza (2018), assert that African higher education institutions have been marginalised in the knowledge production and dissemination processes by other countries. Scholars have suggested that a reasonable number of higher education institutions in developing nations are experiencing a leadership crisis hence the difficulties in meeting stakeholder expectations and reducing a pervasive unethical culture which has resulted in low performance in the quality of the graduates (CHE 2016). This paper reviewed studies on transformational leadership style and how it can be used to transform the current difficulties experienced because of the mindset of the academic who agree that teaching ethics is important but not through their courses.

According to Matsilza (2018), different scholars have contextualized the transformational leadership style and highlighted the following attributes:

- a) A visionary leader that works with subordinates to identify change, and act as a real model while displaying charismatic personality that influences others (Mohamed, 2016: 50).
- b) A leader serves to be inspirational and motivating others to improve their morale and job performance (Hetland, Hetland, Bakker & Demerouti, 2018).
- c) A role model that makes followers to have stake in the ownership of their work, and understand the strength and the weaknesses of the workers (Ramsey et al., 2017).
- d) An intellectual stimulator that creates values and autonomy among others by involving them in the decision-making process (Li, Richard, Arvey, Zhang & Song, 2012).

Transformational leadership also postulates a focus on the critical human assets, which helps people to become more committed to effectively exert organisational changes (Ghasabeh & Provitera, 2017). It is this thinking that many reforms minded observers in the higher education space feel should start the sustainable process of changing the mindset of some academics with a fixed mindset regarding the integration of ethics with their disciplines. This fixed mindset has been the key challenge affecting higher education academic planning units and regulatory bodies, including this as one of the key measurement indicators for faculty promotion and being tenured. To change this fixed mindset, scholars have suggested integrating the four critical dimensions of transformational leadership style in the process of changing the current ethics curriculum approach by higher education curriculum designers, leadership and regulatory bodies. The four dimensions are:

1. *Idealised influence* which focuses on creating a shared vision and improving and sustaining constructive relationships with fol-

lowers and stakeholders (Avolio, Waldman & Yammarino, 1991; Canty, 2005);

2. *Individualised consideration* focused on identifying the challenges or needs of staff both teaching and non-teaching and providing effective interventions to empower them (Avolio, Waldman, & Yammarino, 1991; Canty, 2005) in building the right culture and learning climate to achieve the expected change at all level of the higher education system (Lowe, Kroeck, & Sivasubramaniam, 1996, Osong, 2006).

3. *Intellectual stimulation* focuses on catalyzing knowledge sharing and management with a goal to eliciting innovative ideas and evidence based solutions to drive the sustainability of the intended change system wide (Canty, 2005). This allows for followers to feel heard and start the process of ownership once they are convinced of the credibility of the process: and

4. *Inspirational motivation* focuses on inspiring institutional human resources to create the critical mass of believers in the intended change process leading to systemwide performance improvement on the identified milestones (Bass & Avolio, 1997; Canty, 2005).

The diverse unethical issues affecting society in the past decade has brought back the discussion on how ethics within each disciplinary curriculum can help prepare undergraduates to become more ethically conscious in their daily decision making process. Higher education institutions historically have been known to focus on learning activities relating to teaching, learning and research, consultancy, technology integration and knowledge transfer. According to Bratianu and Nistoreanu (2008), higher education institutions along these activity lines “behave in general like any other company existent on the market, with the problems influenced by the main object of activity, but also with great re-

sponsibility towards society.” Therefore, ethical thinking should become a vital aspect of the university curriculum framework and integrated into any new faculty or staff orientation and mentoring programmes. The discussion of integrating ethics has been an ongoing issue with strong views stemming from the proponents and protagonists of teaching ethics with each course of study in the higher education system. Using the medical field as an example,

“Ethics as a separate subject in the medical curriculum serves to emphasize the importance of the subject, allows for a comprehensive curriculum to be developed, and is facilitated by people specially trained in the subject. This approach, in isolation, that is, when implemented as separate ethics classes, without integration into the other subjects of the curriculum, has many limitations. It reinforces the notion of medical ethics as an exclusive specialization, the domain of a few, and a punctuated exposure rather than the “lived experience” of every practicing doctor” (Savitha, Manjulika, & Vaz (2017)).

The authors argue as most proponents that with an “integrated” approach to medical ethics, i.e., where teaching of ethics is embedded within the “mainstream,” subjects taught in the traditional curriculum would expose students to a more continuous and enriched experience of the application of ethics in medicine across various disciplines (8, 22). This is the mindset that proponents of integrated ethical curriculum have been hoping that transformational leaders in higher education will communicate effectively and elicit intellectual discourse that will encourage a growth mindset among those that were originally fixed against integrating ethics in their disciplinary curriculum.

30.3 Methodology

As part of the institutional training models led by Globethics.net Geneva which focuses on ethical thinking and responsible leadership in Africa higher education institutions, we conducted small focus groups on the campus of five universities in West, East and South Africa over two years. Although some of these institutions selected ethics professors, a significant number were academics from diverse disciplines ranging from medicine, engineering, education to philosophy. We wanted to use the training sessions which presented curriculum in ethical thinking, transformational and responsible leadership and institutional values as a foundation for the focus group discussions. These breakout sessions allowed groups to answer the questions below:

1. Can Integrating ethics into disciplinary curriculum make students and faculty more ethically minded and hence lead to an ethical culture in the university community?
2. Should integrating ethics into the curriculum across disciplines become an important milestone for the university leadership to measure curriculum quality and junior academic staff recommendation for promotion?
3. What are the common obstacles to integrating curriculum in your courses?
4. What role can transformational leadership play in creating an ethical culture in your university?

The qualitative data gathered during these campus ethics training and focus discussions will be analyzed and presented as building blocks for further leadership consideration and engagement strategy with each institution's stakeholders. Furthermore, each institution leadership will receive results from the survey and a detailed description of the thematic areas that academics felt presented an obstacle in both mindset and be-

haviour as it relates to ethics integration into the curriculum across disciplinary areas and levels.

Globethics.net received the necessary approvals and formal invitation by the leadership of each university in the different countries across Africa. The institutions selected participants in some cases because of their intention to become ethics champions or ambassadors (this was the case in South Africa), randomly reflecting different disciplinary areas (this was the case in Kenya and Nigeria) or because of their knowledge of ethics in the curriculum (this was reflected in all the countries).

Each focus group discussion participants participated in answering each of the four research questions posed above and each group presented an agreed point of view reflecting either a fixed mindset in which case they completely discarded the relevance of ethics integration into curriculum; or a growth mindset in which case they explored transformational interventions for integrating ethics into their curriculum regardless of the course or level of student engagement and the role of leadership, specifically transformational qualities that can play in driving this change agenda. For this study, faculty numbers varied and ranged from $n = 100$ to 1000 (the highest number of participants for both categories were from the University of Nigeria, Nsukka) while administrators ranged from $n = 10$ to 50. In this study, the heads of departments, deans of faculties and principal officers were considered as administrators. The selected phenomenological approach seeks to understand the context and interpretation of these experiences by participants in their institutions and countries. This also revealed the leadership culture and values of these institutions especially during the alignment of views and recommendations by the focus groups. Phenomenology is “the study of structures of consciousness as experienced from the first-person point of view” (Smith, 2003). It is important to note that intentionality is central to the structure of an experience. To that degree the researcher’s team adopted an interview protocol that allowed each group

member to share their experiences and their perspective of the process of integrating ethics into their curriculum within the context of addressing the four (4) research questions.

Focus group facilitators collated data from the focus groups which were read out to the group to capture concepts and ideas thematically for group discussions. By studying the perspectives of multiple participants on these focus groups in the training breakout sessions, the researcher began to make generalisations on what it is like to experience an integration of ethics into the curriculum based on the current realities within their institutions. The collation of the data from these discussion groups uncovered over fifty different examples of obstacles and roles a transformational leadership approach can adapt to address these obstacles. We further analyzed these qualitative data using the research approach adopted in a similar study in North America (Walczak, K et al., 2010) and identified similarities in some of the conclusions reached in their study and other obstacles that were not mentioned in the study. The analysis also highlighted intervention options for each institution.

30.4 Institutional Obstacles to Integrating Ethics into the Curriculum.

During the ethics training session and research interviews, the higher education staff in developing nations highlighted so many institutional constraints that will seem as basic to their contemporaries in the developed nations. Integrating ethics appears to be far down the priority list. However, in evaluating their responses, which range from the lack of accountability, favouritism in the hiring process (nepotism), lack of basic amenities in their learning environment to lack of leadership, all seem to reflect a lack of ethical thinking and culture in these institutions. For instance, one of the female professors in the three higher education institutions in Nigeria responding to the question, “Should integrating ethics into the curriculum across disciplines become an important mile-

stone for the university leadership to measure curriculum quality and junior academic staff recommendation for promotion?”

“I am a strong advocate for creating an ethical culture in our school, but we do not have the critical mass or the political voice to push for this change. Some of my male colleagues with political capacity tend to gloss over the issue of ethics and will always insist that it should be a general studies course for freshmen. The problem with this is that we cannot create a culture with that mindset. Some of us that are advocates feel that this approach will reduce incidents such as sex for grade, sexual harassment among young female academics, examination malpractice, nepotism, and unfair promotion standards among others in our university community.”

Another respondent, who is a junior academic in a university in South Africa said:

“The university’s ethical code must not be a check-off item in the quest to fulfil regulatory requirements. For us to institutionalise ethics integration we have to review some of our hiring and promotion approach. Faculty members who are hired based on nepotism will do everything in their power to sabotage this goal for obvious reasons. Therefore, we need to start at the top to make sure the people in leadership are transformational in their thinking and willing to take the risk of enforcing consequences where there are clear infringements. This is not the current situation so am not sure we can see any credible progress regarding this agenda.”

A respondent who is a senior academic at a Christian University in Kenya said:

“We are already having that discussion in our university, but it is a process. What we have found out is that most people have moved from a fixed mindset about the need to teach ethics as a stand-alone course at any level of the undergraduate process to integrating it within the courses, however, they are slightly hesitant in using this as part of the performance indicators for promotion. The real issue now is whether the university leadership will reflect a transformational approach to pushing this message while providing the necessary curriculum training interventions through the heads of department at all levels and across disciplines.”

The three respondents from African higher education institutions show clearly the need to contextualize the discussion on obstacles to integrating ethics into the curriculum. In an NSF-funded, multi-year study on ethical decisions in colleges of engineering in 18 diverse engineering colleges and universities over three years in the United States of America, the research identified five (5) obstacles identified by academics and administrators that make it difficult for the integration of ethics in the curriculum in their institutions. The perceived obstacles in the order of most frequently to least frequently mentioned are as follows:

1. The curriculum is already full, and there is little room for ethics education,
2. Faculty lack adequate training for teaching ethics,
3. There are too few incentives to incorporate ethics into the curriculum,
4. Policies about academic dishonesty are inconsistent, and
5. Institutional growth is taxing existing resources (Walczak, K et al., 2010).

The authors found out that “both faculty and administrators noted that these obstacles not only provided challenges to teaching ethics, but they also deterred faculty from incorporating ethics into the curriculum.”

Our research however identified five (5) obstacles frequently cited:

1. The new faculty orientation program is generic and does not include ethic as an important area.
2. Universities lack a policy for ethics integration in the curriculum of most disciplines.
3. Faculty lack adequate training for teaching ethics.
4. Leadership lack of alignment in creating a messaging process and transparently dealing with unethical issues.
5. Lack of clear consequences for penalizing academics and leaders that are involved in unethical conduct.

These obstacles the respondents claimed directly or indirectly affected the plan to integrate ethics into their curriculum and affected their perception of leadership commitment to creating an ethical culture in their institutions.

30.4.1 Obstacle 1: The New Faculty Orientation Program is Generic and Does not Include Ethic as an Important Area

The feedback from the focus group breakout sessions and general discussions pointed out that new academics are not made to take ethical considerations seriously or see it’s integration as an intervention to the increasing unethical situations experienced in their universities, thereby making it difficult to have a culture that supports ethics integration into the curriculum and monitored through the department, faculty and academic planning leadership teams at the relevant levels in their universities. One of the focus group members who is also a former dean in the faculty of social sciences in Nigeria stated:

“We don’t have a recruitment process that communicates at the very beginning to new academics that teaching ethics through their courses is important to the university and that these are the ways staff members across the university leadership or administration ensure that it is carried out as a performance indicator for promotion. It is a good thought, but there are simply no structured processes or policies; therefore, it is left for individual interpretations and actions.”

Other respondents advocated for a holistic recruitment process. New staff to the university, especially teaching staff should be required to pass through a structured process which is intentional about ethics integration and behaviour in the university. This will make them understand the value that integrating ethics into the curriculum brings to the thinking of their students and therefore also influence academic and leadership behaviour when it comes to addressing unethical issues or dilemmas within the university community.

30.4.2 Obstacle 2: Universities Lack a Policy for Ethics Integration in the Curriculum of most Disciplines

In addition to a structured recruitment process that is monitored, respondents felt that a clear policy and communication strategy must support any decision to integrate curriculum within the disciplines and encourage the process through creating the right incentives. As one of the focus group respondents stated during the group discussions:

“Most of the interactions we have about integrating ethics are seen by our colleagues with a closed mindset as a ploy to include requirements that are not in the university policy for teaching and learning into their classroom activities. They insist that if the university leadership feels that its application will add value, then they need to ensure that the first step is addressed which in their opinion is having a policy which is strategically communicated and aligned to both the young and older academic continuous professional development framework. They point

to the lack of a functional ethics office with adequate funding and quality human resources to support training programs that increase faculty capacity to learn curriculum design and integration of ethical examples or case studies within their courses as an instructional process.”

Many respondents, especially the leaders expressed concerns that their institutions seem to like the thinking of ethics integration however, they lack the will to create a clear policy and demonstrate that any infractions will be addressed as a deterrent. The policy will also incentivize the expansion of this change process especially with faculties, where opponents seem to have the numbers to push against any “extra work” added to their full cup. However, they admitted that if the existing ethical policies were pushed with transformational ideas, more academics may shift their thinking and agree to explore training sessions that will equip them with the right tools to design their curriculum to reflect ethical discussions or assessment in their disciplines.

30.4.3 Obstacle 3: Faculty Lack Adequate Training for Teaching Ethics

Discussing integration of ethics in the course curriculum and the instructional process requires knowledge, commitment and a monitoring component for it to be sustainable. Like the conclusions mentioned in the study in North America (Walczak, K et al., 2010), most of the non-ethics trained academics stated that “they did not have the expertise in ethics and therefore were reluctant to teach the material within their courses.” As a respondent in our study stated:

“We see ethics as a specialized field and expect the course to be taught within those departments or at best integration should be within the general courses taught in the freshman classes. I know so many of my colleagues who are senior academics that feel that this is another extra burden on us and will make our already full day worse. To make matters worse even if we wanted to give it a try we don’t have an ethics office that can support us through the

curriculum design process with clear examples of how ethical dilemmas can be built into our instructional and assessment sessions of each module.... In essence, I need to be convinced I have the knowledge before I can start the baby steps of integration.”

Many academics expressed this sentiment while most of the administrators point to funding constraints as a major obstacle to creating an ethics office that can provide training for those faculty members who are willing to try this new idea in their classrooms.

30.4.4 Obstacle 4: Leadership Lack of Alignment in Creating a Messaging Process and Transparently Dealing with Unethical Issues

The process of change management requires a leadership team that can create a vision alignment and be able to effectively communicate how this expected change adds value to the institutional performance objectives. The role of leadership is critical to the success of any change management process. The lack of a clear policy, funding gaps for the ethics office, incentivizing the decision to build a critical mass of ethics champions, merit based recruitment and promotion process, political courage to sanction perpetrators of unethical conduct, a clear strategic communication plan and a monitoring and evaluation process are some areas that a transformational leadership team can influence the curriculum integration expectations across the university community. Respondents expressed concerns that some of their leaders have expressed a lukewarm attitude towards ethics related matters and may lack the credibility to push for any ethical related change in a sustainable manner. A few respondents stated that even when the Vice Chancellors were transformational and had excellent ideas to collaborate with critical stakeholders in pushing for ethics integration into teaching and institutional processes, like recruitment, admission, procurement and promotion; members of his or her team often lacked the commitment to support the process for selfish reasons. A respondent stated:

“A transformational and responsible leadership team that will hold themselves and others accountable is non-negotiable if integrating ethics into our curriculum regardless of the course will become the norm in our university. We cannot be told to begin this process when we all see the behaviour of our leaders when it comes to recruitment and handling cases of unethical conduct especially sexual harassment and plagiarism. Therefore, it all starts from the top and if they cannot be the example then the processed change will be circumvented at every step making it difficult for even the advocates to achieve any significant impact in the process.”

Many of the respondents especially the female academics and leaders, shared incidents of sexual harassments by colleagues and the manners the leadership of their schools addressed it. This led to frustration and discouraged female academics or students from reporting unethical conducts for fear of reprisals from individual and their supporters. A few of the respondents point to a culture that suggests that unethical behaviour such as sexual harassment, financial impropriety and nepotism is so huge a challenge for any single leader or administration to tackle within their tenure.

30.4.5 Obstacle 5: Clear Consequences for Penalizing Academics and Leaders that Are Involved in Unethical Conduct

Faculty in the three countries agreed that sexual harassment as reflected in some cases as sex for grade incidents, female academic harassment by their male colleagues, payment for grades, plagiarism, and nepotism are serious obstacles that hinder the creation of an ethical culture that will help in shifting the mindset of academics with a fixed mindset on the need to institutionalize curriculum integration into all courses and all undergraduate levels. For example, one head of department stated:

“As long as some people have differences in opinion when it comes to dealing with unethical conduct, we cannot achieve the performance in any ethical policy adopted by my university. Take for instance, one of the heads of a unit who rigged the results of the interview panel to favour his nephew by intimidating the other panelists who were junior to him in ranking and needed his support for any promotion or training selection. This unethical conduct finally got to the university administration who instead of suspending the process and setting up a new team of equally senior panel, brushed the matter under the table and it was overtaken by more serious administrative matters. Now tell me how we can see any credible change on issues relating to ethics in this department or at the university level as it relates to our recruitment or promotions process?”

In some instances, the respondents mentioned difficulties in reporting their senior male colleagues who were known to have failed students for not accepting their sexual overtures. One of the reasons for this is that leaders continue to treat this big elephant in the room with a lot of caution because they do not want to offend these individuals or their political affiliates. Furthermore, academics that have been caught plagiarizing have ended up getting promoted to professorial levels with no clear consequences as stipulated in the institution’s rules document. As one of the academics pointed out:

“The decision to ignore unethical matters which are reported presents a significant setback to any plans for an ethically minded university. Take for instance, when an incident is reported at the department level and pushed up to the management level who for one reason or the other ignores taking appropriate action, the mindset of stakeholder who were on the fence will be influenced negatively. Students and parents no longer trust us and find it

difficult to find evidence based on our past actions that the university is serious about ethics in whatever process form.”

The respondents said that despite a reasonable number of university staff willing to integrate ethics into the curriculum and administrative processes, they feel that there are no incentives to support any actions they take. Top on the list is the lack of trust that the leadership of their university will protect them against any negative flashbacks that will significantly affect their growth and mental wellbeing. These inconsistencies they say will affect any credible change for integrating ethics into both the teaching and administration of their university.

30.5 Recommendations

Transformation leadership as a style for engaging critical stakeholders in the quest to shift the mindset of academic and staff on the need to integrate ethics into the curriculum of all disciplines at all student and academic levels is critical. For instance, Geeta, Pooja, & Mishra (2016) as cited in Manggai et al. (2019), found that “subordinates see leaders with higher good thinking to be more transformational. Further, transformational administration has been observed to be emphatically identified with seen leader respectability (Evans, Heller Levitt, & Henning, 2012)”. With this in mind and the analysis of the response, the researcher recommends different ways of overcoming these obstacles:

1. Creation of a structured new staff orientation framework and professional development training coordinated through the office of ethics.

Respondents agree that the recruitment process is an important focus area to start the process of changing the mindset of a new addition into the workforce of the university. Therefore, it is crucial that the university administration allows for an orientation curriculum model coordinat-

ed through the ethics office that reflects collaboration between disciplines and delivered through ethics champions within each faculty. This approach will further the ethical training process within the departments leading to sustainability and the creation of a generation of ethical champions.

2. Communicate consistent policies with an incentive model that encourages a growth mindset and aligned to a promotion for both career and political appointment/selection within the university.

Developing a communication strategy that does not assume that a one-off staff handbook is enough to communicate policies. Respondents felt that although new staffs sign an ethical contract they rarely take it seriously because the behaviour observed from the older academics does not align with the objectives of the policy. Also, they feel that if qualifications for promotion or appointments are based on fulfilling ethical expectations, new and older academics will begin to change their mindset on the value of integrating ethics into their curriculum. Academic planning units will also collaborate with the office of ethics to further address any proficiency gaps noticed in a random sample of course curricula submitted as part of each department's oversight functions.

3. Create a messaging process for engaging faculty and increasing collaboration opportunities through unstructured mentoring and support.

As cited in the Walczak, K et al. (2010), respondents reported that "collaborating with academics in order departments (e.g. philosophy, psychology) to create course modules, or guest lectures to address the topic of ethics was a useful approach." In addition, they suggested that Globethics.net provide online training modules through their institutions. The respondents felt that this collaboration provides an opportunity for academics who originally have a fixed mindset to address the key

issues that hinder any personal decision to accept and participate in this change process. The office of Ethics will help facilitate some of these workshops and access to the Globethics.net library and training modules.

4. Adopt a transformational leadership approach to monitoring unethical issues within the institutions and ensure that processes leading to consequences are transparent and consistent.

One way to build trust is to create a transparent process that allows for clarity and transparency in the internal ethics monitoring processes. Consistently applying the rules stipulated in the university faculty and student handbooks as it relates to reported unethical infractions such as examination malpractice, nepotism, or sexual harassment is a motivation for faculty to continue bringing such practices to the attention of the administration.

30.6 Conclusion

All the universities that participated in the Globethics.net higher education ethics training identified obstacles that hinder the integration of ethics into the curriculum. Many respondents in the focus groups agreed that integrating ethics in the curriculum is valuable and that a transformational leadership approach is vital for starting the process of institutionalizing this thinking. Each participating institution in the Globethics.net training sessions identified obstacles within their context and suggested recommendations to overcome them. Future research should explore ethics integration mitigation models adopted by the institutions in developing nations and compare successful models across disciplines. In addition, research should further student perception of institutional ethics integration in its processes using a mixed methodology.

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CONCLUSION

Mainstreaming Ethics in Higher Education is a two volumes publication project focusing, for the current volume, on Education and research ethics *mainstreamed* in following disciplines: Administration, Finance, Education, Environment and Law.

After the three books: 1) *Ethics in Higher Education: Values-driven Leaders for the Future*, based on a conference held in Sun City, South Africa, 2) *Ethics in Higher Education: Foundation for Sustainable Development* and 3) *Ethics in Higher Education: Religions and Traditions in Nigeria* - both related to a training proposed at the University of Nigeria Nsukka, in Western Africa, this fourth volume of the Globethics.net Education Ethics Series features African scholars in the region of Eastern-Africa.

The Catholic University of Eastern Africa, based in Nairobi Kenya, has served as a melting pot for academic communities from the entire East African region spanning 11 countries. CUEA has facilitated the publication project by generously responding to the invitation sent by the trainers during the 2018 Train the Trainers Workshop on “Integrating Ethics in Higher Education”.

Professionals in applied ethics often realize the importance of good ethical behavior in a loosely pragmatic way, as we find, for example, in a recent work focusing on mainstreaming ethics and integrity:

“Ethical dilemmas rarely present themselves as such. They usually pass us by before we know it or develop so gradually that we can only recognize them in retrospection - a little like noticing the snake after you have been bitten. But what are the signs that a

snake might be present? An ethical framework could be likened to the restlessness of animals prior to an imminent quake⁹⁶⁸.”

As a consequence of similar purely retrospective views on values, where problematic behavior is set in a very reductive pragmatic framework, which methodologically refuses to define *ex ante* ethical values, preferring to be confronted to them negatively *ex post*, is not only a poor theoretical foundation of values, but a refined relativism of values:

“[ethical] principles could be considered as landmarks – [...] However, they are NOT absolute rules or values.” Indeed if we follow this line: “They cannot be else than at best “rough measurement where an exact one is not possible.” (Ibid)

This way of showing the importance of a principle by its negation, and the image of the snake, reminds us of Nicander's Hellenistic didactic poem on the tragic life of Greek men and women of knowledge. Nicander says that “female vipers kill their mates during copulation, and are then in turn licked by their babies during childbirth, avenging their father's death⁹⁶⁹”. The revenge of the snake is an allegoric image reminding us that the succession of poets and clerks in ancient times (whose modern counterparts would be the administrative and academic *relève*) was in the Classical Greek period not at all simple or easy, rather it was a tragic and even a violent reproductive cycle.

How should we introduce preventive concrete steps, chances and opportunities that nobody would be left behind in an education system? Is it only possible to avoid that nobody would be left standing unprepared,

⁹⁶⁸ Ethics and Integrity Institute (2012): Module 8 Ethical Dilemma, in: *Mainstreaming Ethics & Integrity Workbook*, Nariobi, Kenya: Hart Publishers, 93.

⁹⁶⁹ Wilson, Kathryn D. Avenging Vipers: Tragedy and Succession in Nicander's Thericaca, *The Classical Journal*, Vol. 113, No.3 (Feb.-Mar. 2018), 257.

in the midday, when the rays of the sun stand hottest, and when snakes are taken out of hibernation?

Ethics is a powerful medicine against suffering in the world; mismanagement and corruption in higher education systems are present as elsewhere, which leaves us with two perspectives.

First, unethical power relations are a consequence of the fact that “we are equally human”, i.e., having the same needs and desires, “but all are not equal as members of society” (Voltaire). It is also certain that no ethical principle and standard can promise a criterion to determine in advance those who, due natural inequality, are entitled in the civil society - the elites - to a higher situation than the rest. But in despite of natural inequalities, we can highlight, secondly, that rules of good practice, human rights and basic principles of justice admit this inequality, but they do it by virtue of ethical virtue and norms, the law and human rights, not only in fact but in principle.

This second perspective, related to ethical norms, is against the optic of leaving ethics as an *ex post* unattended consequence of natural life, against mainly involuntary and unplanned reactions to evil. It is refusing to show human being to be perfect violators of justice and ethical reason. Ethics is built by Globethics.net and applied in higher education by 1) *empowering others* instead of dominating them, 2) *transformation* instead of a passive reactive tendencies across virtues, 3) holistic approaches for ethics as a unifying reduction of the gap between value theory and practice situations; 4) integrity for decision making seriously, but with human compassion and generosity, 5) competence and

6) sustainability for showing the way power relations can be addressed, because we live all in real life not in an ivory tower, in such a way that we reflect on what *ought* to be, i.e. on our essential human qualities shared among each others across continents, and which guaranty sustainability and future-orientated realistic perspectives.

Dr I. Haaz

Globethics.net Managing Editor



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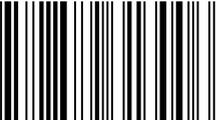
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