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To cite this article: Gedion Onyango (2024) How *Mafia-Like* Bureaucratic Cartels or *Thieves in Suits* Run Corruption Inside the Bureaucracy, or How Government Officials *Swindle* Citizens in Kenya!, *Deviant Behavior*, 45:5, 689-707, DOI: [10.1080/01639625.2023.2263136](https://doi.org/10.1080/01639625.2023.2263136)

To link to this article: <https://doi.org/10.1080/01639625.2023.2263136>



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Published online: 01 Oct 2023.



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# How *Mafia-Like* Bureaucratic Cartels or *Thieves in Suits* Run Corruption Inside the Bureaucracy, or How Government Officials Swindle Citizens in Kenya!

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## ABSTRACT

As typical of many developing contexts, Kenyans know how most civil servants make an *honest living* out of public monies – in other words, there is generally nothing wrong with making a living, legal or otherwise, from where one works. But this situation can be more complex than that. Bureaucratic corruption is more about bureaucratic structure and culture (how things are done here), as well as the bureaucracy's sociopolitical environments. Most importantly, variables relating to bureaucracy's political outliers show that bureaucratic corruption can also be a tool of regime consolidation, a space of elite struggle for rewards and control. The result is that, a mafia-like white-collar corruption syndicate (cartels) and isolated corrupt practices emerge at all levels and sectors to enforce corruption and swindle citizens through unscrupulous bureaucratic processes. These cartels employ an assortment of enforcement tools to achieve their goals, from exercising official investigations to bribery, kickbacks, threats and murder. Using a multi-dimensional administrative rituals approach, this paper is a modest attempt to understand how these factors produce bureaucratic gray areas that rationalize and institutionalizes corruption and cartel activities. While the solution primarily lies with the political leadership, this cannot happen unless a civil society, instead of the opposition parties-led citizen movement, is reinvigorated in Kenya.

## ARTICLE HISTORY

Received 18 August 2023

Accepted 21 September 2023

## Introduction

There was this money in the budget, which looked fishy, and I could not understand. So, I started asking hard questions and demanding clear documentation about who was being paid and what was the purpose of the money, not knowing what I was messing up with. One day, this guy in a nice black suit knocked on my office, closed my door and swigged his coat<sup>1</sup> to uncover his pistol before asking me not to ask more questions and to allow the procurement process to move as intended if I valued my position and life – Interviewee, Nairobi: 11/10/2022.

I know, for example, the people in the procurement space. There was one lady in one of the Roads departments, corrupt to the core. To the extent that she could not be transferred by anybody, even by the minister. Because if she were transferred, she would go to court, buy the court process and make sure she is returned. That is the kind of chronic where corruption has taken us – President Ruto (01<sup>st</sup> August 2023)

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<sup>1</sup>Thieves in Suits was used by some respondents to describe cartel operators' 'accomplished financial status' or corporate outlook, connoting their expensive suits and cars that a civil servant's salary can hardly afford.

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Corruption research is perhaps Africa's most mature and richly studied governance area. Yet, findings still show inconsistencies and sometimes monotony due to a lack of consensus on the overall real impact of corruption and whether we know enough about the geographies and scopes of corruption in public life. Part of this is informed by the secret nature of corrupt behaviors and gaps in the overarching epistemology of corruption, which still conveys a more of good governance frame and its less contextually rigorous macro data or public opinion surveys and reports on scandals. Besides the terrific political corruption headlines or what Olivier de Sardan (1999) terms *the summit of the state* corruption and public opinion data, few studies rigorously display bureaucratic corruption in the way Wade (1982) does among Indian Irrigation officers or Nelson (2023) and Onyango (2022) in the case of drug dealers' negotiation strategies and Police officers in Nigeria and Kenya, respectively. Again, discussions around corruption have often remained conventional, leaning more toward economists' principal-agent and anthropologists' patron-client lenses. The result has produced somewhat and, in most cases, big brush conclusions on the magnitude of corruption while missing out on different characteristics and contexts of corruption. However, reasonable efforts have also been made to divert from this tradition by those like Oliver de Sardan (1999), Smith (2010) and Yeboah-Assiamah, et al. (2016), who extensively expound on the interplay between social norms, complexities around public morality and conflicting logic of public authority.

Overall, adequate information seems to exist, albeit mostly theoretically rather than empirically, on individuals, groups and institutions' roles in corruption (e.g., Mbaku, 2010; Fjeldstad, 2005; Hope, 2014), policy implications on its impact on public service delivery and cross-border trade (e.g., Mbate 2018; Olabiyi 2022, Klopp et al., 2022) and quality of life (e.g., Onyango 2023). Despite the incredible findings of these studies, there is still more room for further research into the multi-layered organization and spaces of bureaucratic corruption in Africa, as elsewhere. Often, conventional studies view bureaucracy as a simple vessel of political actors. Or, as Karl Marx constructed it a century ago, an instrument in the hands of powerful individuals (political elites or bourgeoisies) placed differently in the societal and institutional hierarchies to use for their own or group's interest (see, Jávors and Jancsics', 2013 case of Hungary and Wade 1982 in India). While this view mainly makes sense and suits the conventional definition of corruption as the abuse of public office by those in authority for personal or group interest, it goes further to describe the subject matter of this paper's discussion and focus on how the bureaucracy under a weak regulatory state and unruly politicians can develop and be captured by a criminal syndicate or *mafia-style* operations (opaquely organized informal networks with extensive power and influence within and outside the bureaucracy). These mafia-like operations may greatly influence how the bureaucracy allocates resources, a situation that state-capture literature in Kenya, as elsewhere, has become acquainted with (e.g., Otieno 2019; Hassan, 2018; Khambule, 2021; Maina, 2019; Ndi, 2020).

The bureaucracy under such conditions has been and can be used by corrupt political networks to swindle citizens – through the financing of ghost projects, procurement, and implementation of poor-quality public goods, generating kickbacks and other rent-seeking strategies, etc. These networks evade bureaucratic reforms and accountability systems and are conditioned and promoted by state politics as underpinned by patron-clientelism, weak political opposition, a party system, and the winner-takes-all system of political leadership, as evident in Kenya (see Opalo, 2022; Waiguru, 2006; Ndi, 2020).

The Kenyan political situation and the way the bureaucracy is latched into state-society and public-private sector relations produce what has been referred to as predatory liberal capitalism in some African countries. Andreasson (2006), while dissecting the emergence of predatory capitalism in South Africa under the African National Congress (ANC) leadership, says that predatory capitalism has been shown by the ANC government's "willingness [...] to assert its authority, to marginalize and delegitimise those critical of its abandonment of inclusive governance" (p.303). The political elite's highly entrenched economic interests in the public and private sectors produce and reinvent complex extra-legal and sociopolitical networks within the bureaucracy through "tenderpreneurship" activities

that diminish prospects for broad-based socio-economic transformation (Andreasson 2006). Tenderpreneurship, in this regard, connotes the use of “political contacts to secure government procurement contracts (called ‘tenders’), often as part of reciprocal exchange of favors or benefits” (Piper and Charman 2018, p.1).

Like South Africa, tenderpreneurship has become infamous for describing complex corrupt dealings within Kenyan public procurement processes by well-connected individuals, privately owned companies, state corporations and powers in the political, public, and private sector realms. It would suffice to note that most publicized political wrangles and disagreements between Kenyan elites can be mostly framed as struggles, negotiations and competitions over government contracts (cf. Ndi, 2020, Maina, 2019). Winning elections are negotiated and promoted around the winner, rewarding supporters with government contracts as losers miss out, including losing all their contracts guarded by the previous leadership.

This *do-or-perish* political contest, a weak regulatory state and big-time corruption resulting from this elite competition for resources have produced mafia-like networks within the bureaucracy, a phenomenon that is often understudied or bundled together under the political corruption label and perhaps avoided because of its methodological technicalities when talking about bureaucratic corruption, corporatization of public administration and the political marketplace in Kenya and other contexts. In Kenya, however, bureaucratic capture by mafia-like informal networks or cartels, as commonly referred to, features prominently in public spaces and in social media discussions about corruption, where some actors, including prominent politicians, are boldly mentioned. As this paper’s findings will show, in bureaucratic contexts like Kenya, cartel-manipulated public procurement processes may take all the imaginable and unimaginable amount of funds, scope and forms of unscrupulous purchases ranging from inflated amounts, like adding non-existent items in road design construction by engineers, which would be officially procured, accounted for on paper, but not used or formed part of the constructed road.

As seen in the opening statement above, this paper aims to show how bureaucracies and their processes can operate, reproduce or reinvent themselves into conduits and actors of corruption, not only as spaces or tools by those in authority but also as sources and authorities of corruption themselves. They can be structured and managed in such a way that they become drivers of corruption, wholly diverting from offering and perfecting public service delivery ascribed to them. With time, these structures and corruption norms become normalized, pervading newer reforms meant to address them (see Ashforth and Anand 2003; Pinto et al., 2008; Ngugi, 2022; Onyango, 2022). This reality perturbs the traditional understanding and order of the bureaucracy’s role in society and government-citizen relations. The present discussion takes on an administrative rituals perspective to frame the interplay of socioeconomic, political, legal-rational and institutional cultural factors that legitimize and promote corruption within the bureaucracy. This perspective begins from the view that, in the lifecycle of the bureaucracy, administrative rituals are often initiated and, with time, take a life of their own before evolving into and acquiring institutional characteristics. These rituals take formal or informal imperatives to ensure the safety or control needed to limit chaos and enhance continuity (Merton, 1939; Acar and Aupperle 1984; Olsen, 2009).

Various organizational and bureaucratic theories and studies show that this usually happens even when administrative reforms and other organizational methods like e-government are introduced to address problems of over-bureaucratization and maladministration upon which corrupt practices may emerge and become legitimized (Aguilera and Vadera 2008; Cordella and Tempini, 2015; Adams and Balfour 2016). Administrative rituals can be particularly useful in conceptualizing such administrative behaviours and structures behind bureaucratic outcomes. Administrative rituals in the forms of “toppings” on bureaucratic controls, accumulation of errors, taken-for-granted routines, and norms may promote delinquency and corruption rather than reducing them (Adams and Balfour 2016, Acar and Aupperle 1984). More specifically, Charles Goodsell defines administrative rituals as “repetition, role-playing, stylization, order, staging, and creation of meaning” (Goodsell 1997: 939). Lienard and Boyer (2006) add that rituals in bureaucracy refer to specific processes of “organizing the flow of

action, characterized by stereotypy, rigidity in performance, a feeling of compulsion, and specific themes, in particular the potential danger from contamination, predation and social hazard” (p.814). Administrative rituals may be cross-cutting, ambivalent, and inconsistent with core organizational goals and hierarchy, fostering and constraining organizational performance. Lienard and Boyer (2006) allude to the idea that rituals may define leeway of actions to stabilize organizational identities and behaviors. These may produce degenerative bureaucratization outcomes that lead to corrupt behaviors.

Alternatively, as public sector reform hypes, symbols, myths, rhetoric, metaphors, and ceremonies, administrative rituals have become forces of continuity despite the change in public administration (Olsen, 2009; Christensen and Lægreid, 2003). Christensen and Lægreid (2003) note that although symbols are often fronted as portraying a fresh start, promising new paths that would yield substantial improvement, “they may also create opposition and conflicts and may lead nowhere in an instrumental sense because they are built on sand” (p.4). In short, reforms, including those dealing with bureaucratic integrity and ethics, like anti-corruption reforms and organization mission statements, auditing processes and performance contracting, will likely remain symbolic and may be transformed or succumb to ritualistic behaviors in public administration (Doig, and Norris 2012; Gong, 2003; Onyango, 2022), consequently leading to institutional continuity rather than change.

This paper’s discussion adds critical insights into the current state of corruption in Kenya after a decade of attempts to make the devolved government systems work. Its insights may explain why the scope of corruption has expanded with an expansion of the bureaucracy following the transition to devolution in March 2013. Among other governance challenges, devolution should have resulted in more effective vertical and horizontal public accountability systems to curb the perennial corruption problem in Kenya. In other words, could corrupt bureaucracies or cartels inside Kenyan public administration explain why corruption has been reproduced in a new institutional dispensation, seemingly growing to unexpected heights or becoming *more chronic*, as described by President Ruto in the opening statement above? Did the corrupt rubrics of the bureaucracy remain untouched despite the bureaucratic overhaul that came with the transition to devolved government systems? Even though much debate around the subject in Kenya has produced an extensive understanding of the causes and consequences of corruption, and despite the receding interest in corruption research in the country, judging by a few academic studies since 2013, there is a need for a more clinical and comprehensive examination of the role of cartels in the bureaucracy and their reinvention and reproduction under devolution.

As William Acar and Aupperle (1984) observed some decades ago concerning the United States bureaucratic realities, it seems like some form of bureaucracy in Kenya *is here to stay and would not be wished away*. And like the duo, this article principally deals with “the potential pathologies that might develop, organizationally and socially, as the bureaucracy sets out to remedy its behavioral limitations by overbureaucratizing” (p.159). The next section reviews theoretical foundations and literature on bureaucratic deficiencies or pathological qualities before presenting the three-dimensional administrative rituals perspective. The methods section and empirical discussion and analysis sections follow this before concluding with a brief overview of the issues under discussion.

### **Theorising bureaucratic deficiencies: a review**

Bureaucracy, as a double-faced organizational form of ordering tasks, ensuring certainty and control, has been ably studied for a century now, producing criticisms and applause in equal measures. Despite being the most advanced form of human organization today, the bureaucracy remains a “form of domination, oppression as well as of protection and liberation, and all the ambivalences this dialectic entails” (Bierschenk and Olivier de Sardan, 2019, p.243). While on the one hand, today’s world may more than ever need bureaucracy, on the other hand, bureaucracy has been characterized by horror stories, as Hood (1974) and Caiden (1991) noted long ago concerning the UK and US bureaucracies.

The result is that ritualized practices tend to pervade most government activities, whether in service delivery, security, health, or public integrity (Caiden, 2009; Adams and Balfour 2016).

In whatever form and intentions, bureaucratic processes often succumb to prioritizations of administrative efficiency, representations and political expediencies. But sometimes efficiency, as noted several years ago, may also become overlooked in the pursuit of certainty and order, leading to errors and underperformance (Adams and Balfour 2016; Waddell et al. 2019; Samier 1997; Merton 1939; Simon 1946; Thompson 2017). This is especially true in developing regions like Africa, where the bureaucracy is still developing and undergoing a complex mix of exogenous and homegrown institutional transformations to suit democratic ideals and governing structures (Onyango and Hyden 2021; Mbaku 2010). Put differently, the degree to which bureaucratic pathologies emerge and are experienced is primarily hinged on the political environments of the administration context (Frank Goodnow 1900 attested to this centuries ago concerning the United States). The country's levels of development and its democratization journey particularly matter for administrative processes (see Waldo 1952; Riggs 1962; Mbaku, 2010; Hyden 2021).

The bureaucratic personality and pathological theories of the bureaucracy of the late 1930s to the 1940s provide an elaborate conceptualization of these inherent design-specific bureaucratic deficiencies (Merton, 1940; Simon, 1946; Thompson, 2017; DeHart-Davis, 2007). This scholarship shows that bureaucratization commonly produces pathologies in the forms of dysfunctionalities, rigidities and burdensome responsibilities with equally ambivalent guidelines and constraints (Caiden, 1991; Aguilera and Vadera 2008; Adam, 2011). Relatedly, several organization study theories, like the garbage can model (Cohen et al., 1972) and administrative evil (Adams and Balfour 2016), underscore problems of bureaucratic deficiencies in decision-making and action processes that open the bureaucracy to corrupt dealings (Jávora and Jancsics, 2013). The garbage can model considers organizations as organized anarchies, where decision-making is chaotic or characterized by ill-defined rather than structured organizational preferences, unclear technology, and fluid participation (Cohen et al., 1972).

In the context of organizational corruption, Ashforth and Anand's (2003) work on the normalization of corruption may be used to explain this scenario. The duo attributes corruption to deficits in the organization's decision-making through institutionalization, rationalization, and socialization mechanisms. For example, through institutionalization mechanisms, "an initial corrupt decision or act becomes embedded in structures and processes and thereby routinized; [through] rationalization, self-serving ideologies develop to justify and perhaps even valorize corruption; and [through] socialization, naïve newcomers are induced to view corruption as permissible if not desirable" (p.1). The overall outcome of these processes is a phenomenon described in Pinto et al.'s (2008) two-level organizational corruption – corrupt organizations and organizations of corrupt individuals – where corruption can be organized to benefit an organization or individuals within it. In state-centric terms, we may add how these levels work out, and the tools used may differ according to the actors involved, the scope and the objective – political power or business monopoly. But at either level, introducing administrative reforms to address corruption could prove futile when bureaucratized – institutionalized, routinized and socialized in the procurement and decision-making processes.

Typically, as Gathii (2011) and others have reported in the Kenyan case, bureaucratic processes like the burden of proof, legal lacuna, and institutional overlaps that frustrate anti-corruption efforts in African public administration, as elsewhere (Adewole, 2014; Gobena, 2023; Yeboah-Assiamah et al., 2016; Hope Sr, 2014), have sometimes succumbed to corrupted or unclear decision-making processes. The whistleblowing research has built a strong case for this (e.g., Uys 2022). Onyango (2021a) show that whilst these deficiencies may stem from *developing challenges* or take on contextual variations of a country's level of development, administrative reforms have failed to address bureaucratized deficiencies even in contexts where the bureaucracy seems relatively stable and "works well". For example, Christensen and Lægheid (2003) use this to explain Norway's failure or layering of public sector reforms. Other studies have made similar conclusions concerning the failure of the New Public Management (NPM) reforms in Africa (e.g., Kpessa-Whyte 2022). This may mean that



administrative reforms may play complementary roles in enhancing bureaucratic functions and altering norms of operation rather than replacing the bureaucracy and embedded norms (e.g., Olsen 2009; Brunsson 2002). Thus, newer reforms rarely address “bureaucratic underbellies” that reproduce inefficiencies and corruption.

Another stream of bureaucratic deficiency is administrative evil literature, which looks into ethical interpretations of administrative decisions and actions (Andrews, 2023; Koven, 2023). Whilst discussing ethics in government, Adam (2011) describes organizational situations where administrators unknowingly engage in acts of evil or dehumanization due to the prevailing emphasis on technical rationality and moral inversion. He adds that administrators may view their harmful actions as good as when they enforce regulations and rules even in circumstances where the same regulations defeat the overall purpose and interest of the organization. For instance, the United Nations suspended instead of rewarding Anders Kompass, who blew the whistle on the sexual exploitation and abuse of Children by French United Nations peacekeepers in the Central African Republic. Anders was suspended and faced dismissal for leaking a confidential UN report and breaching protocols (Laville 29<sup>th</sup> April 2015). Many studies have shown how bureaucracy is fraught with this morality *vs.* legality dilemma, where rules and regulations are seen as sleight of hand in promoting administrative evil.

Oliver de Sardan’s (1999) moral economy of Corruption in Africa and other earlier works like Ekeh’s (1975) unpack the social dimensions of these issues more extensively, showing how they produce ethical complexities when they meet bureaucratic deficiencies due to conflicting societal, professional logic, and practical norms. Altogether, these inform communal interpretations and tolerance of corruption in public administration. In other words, organizations’ structures, values, environments, and cultural transmissions do not always produce outcomes that promote an ethical culture and are subject to competing values, authorities, and logic beyond bureaucratization objectives (Bierschenk and Olivier de Sardan, 2019; Onyango, 2018; Yeboah-Assiamah et al., 2016). Because, for example, “the acquisition, storage, and communication of those representations we call ‘cultural’ are crucially affected by general features of human minds that should and can be independently established” (Liénard and Boyer 2006:815).

Furthermore, bureaucratic pathologies can be established in the administrative burden and red tape research. Administrative burdens connote difficulties often devised by policymakers and costs confronted by service-seekers or organizations when dealing with the government (Masood and Nisar, 2021; Bozeman, 2000). These involve overwhelming workloads, costs or responsibilities levied on citizens, time-consuming paperwork, resources and tasks when dealing with bureaucratic processes or accessing public service (Burden et al. 2012). If these rules and costs are poorly understood or too costly to citizens, they can be exploited by bureaucrats to extort or seek bribes. Red tape has created public service intermediaries in public service delivery in most of Africa, as in other developing contexts (e.g., Bhattacharya and Mukherjee, 2020).

Studies further show that developing countries’ citizens often pay bribes to overcome administrative burdens, red tape and imposition of costs in public administration (Rose-Ackerman 2003; Onyango 2022). Both administrative burdens and red tape are ingrained bureaucratic affinities and are outcomes of administrative rituals, whose corruption functions take on internal and external dimensions of the bureaucracy. This implies that to understand bureaucratic realities and how it works, or what some have referred to as the anthropology of bureaucracy (Bierschenk and Olivier de Sardan, 2019), there is a need to go beyond the conventional contours of the bureaucracy and investigate its multi-layered and sometimes conflicting logic of operations within it.

This paper’s administrative ritual framework seeks to achieve this. Undoubtedly, administrative rituals offer an integrative analysis of bureaucratization deficiencies, looking into their cultural, structural, and environmental mixes and complexities and how these produce underlying deficiencies. Taking on the organization approach to public administration imperatives (see Christensen and Lægreid, 2013), administrative rituals dimensions consist of cultural (or institutional), structural (rational or bureaucratic) and myth (environmental) perspectives, as shown below.

### **Universal or rational-bureaucratic rituals of the bureaucracy**

The universal-bureaucratic rituals focus on the prescriptive bureaucratic structure and normative deficits. These relate to institutions, rules, and processes established to enhance control, order tasks and relationships. This dimension underscores compliance with ethical guidelines to control delinquency as a pillar for achieving universal values central to delivering public values, mainly accountability, fairness, professionalism, responsiveness, and impartiality in bureaucratic actions against delinquency. They are enshrined in the organizational mission, value statements, and mottos like “this is a corruption-free zone.” They are articulated in the legal framework, the chain of command and responsibilities, and rationalized in administrative activities. The punitive forms of the bureaucracy reside in legalistic penalties as contained in anti-corruption and other legislation. The organizational *logic of consequences* is underscored. In the logic of consequences, decisions are hinged on legal rationalism, organizational preferences take precedence through complying with existing legislation, rules and regulations (Olsen and March, 2004; March and Olsen, 2009; Christensen and Lægreid, 2013).

However, as described in the garbage can model, these preferences may be loosely defined, overlapping and unclear. Again, organizational loyalty is defined more by employees’ compliance with rules and hierarchy rather than morality upon which public leadership is mostly hinged. But loyalty in terms of compliance with regulations can also be subjectively channeled or enforced in public organizations. For example, it can be more valuable to senior bureaucrats than the performance of the subordinate in contexts where the logic of consequentialism is loosely embedded in bureaucratic structures, as seen in most African public services (Onyango 2022; Onyango, 2017). This result would most likely create opportunities and pressures for and against whistleblowing as commonplace in most bureaucratic contexts (e.g., Vandekerckhove and Lewis, 2012). How legality and morality intersect has remained a bureaucratic conundrum when dealing with corruption and enforcing anti-corruption efforts, primarily anchored on legal-rational parameters. Part of this is that varied legal-rationalistic enforcement and outcomes are mediated by other variables such as organizational culture, political will and institutional leadership, which fall under bureaucratic or environmental dimensions, as explained in the proceeding sections below.

### **Cultural-rituals dimensions of the bureaucracy**

Bureaucratic cultures as administrative rituals underscore the influence of institutional culture as a tool in the hands of administrative executives to drive organizational objectives (Kaptein 2008). Unlike the prescriptive nature of administrative structural rituals, leadership potentially translates or operationalizes bureaucratic structures and formal norms to set the behavioral tone and bureaucratic flow in line with organizational objectives. The corresponding behaviors form part of the bureaucracy’s collective mentality or “software,” becoming the logic of action (Samier, 1997). Cultural systems are “collective rituals in human groups [can be seen from how] sets of actions are selected through cultural transmission as more compelling or “natural” than other possible sets of actions (Liénard and Boyer 2006, p.815). Because the quality and type of public leadership are critical in the prevalence or prevention of bureaucratic corruption, civil society groups, in collaboration with public agencies, have often initiated organizational strategies to change dominant attitudes, perceptions, and norms in African public organizations through training, capacity-upgrading workshops, and the motivation of subordinates (e.g., Manyaka and Sebola, 2013; Den Nieuwenboer and Kaptein 2008).

This administrative-cultural dimension underscores the *logic of appropriateness* in ethical decision-making and behavior. Creating an ethical climate in public administration is consequently founded on the stewardship capacities of bureaucratic managers. Public managers’ primary responsibility is to effectively monitor and supervise employees against delinquency. In this way, they should demonstrate high rationality and ethical standing to create a vertical and horizontal coordinative culture on corruption and public accountability (Christensen and Lægreid, 2013). Bureaucratic culture is



appended mainly to the influences of critical decision-makers whose decisions are cascaded downwards to subordinates or horizontally to other stakeholders. Formal processes become relatively necessary and are primarily directed by the managers' interpretations and the extent of enforcement. However, bureaucratic culture endures and does not change with whoever is in charge of bureaucratic leadership. It often

In short, administrative cultural rituals are fundamental in normalizing corruption (Xiao 2018; Ashforth and Anand 2003). Aguilera and Vadera (2008) argue that the normalization of corruption unveils the genesis of organizational composites of corruption and explains the opportunities, motivations, and justifications for corrupt behaviors. A corruption-prone bureaucratic culture may resist anti-corruption reforms (Kominis and Dudau 2018). Still, the governance environment, like societal norms, determines how bureaucratic culture may institutionalize, rationalize and socialize corruption in public administration, as shown below.

### ***Environmental rituals of the bureaucracy***

The third dimension is administrative environmental rituals. These are operational in situations where universal-bureaucratic components of the bureaucracy described above are generally weak in controlling or regulating parochialistic societal norms, which may create and rationalize maladministration like discrimination based on race or tribe (see Marquette, 2012). However, studies show that bureaucracies' discriminative affinities are more likely in deeply divided societies and may relate to the country's *developing challenges* (Onyango 2021a). When discussing administrative facts of the 17th and 18th-century American public administration, Waldo (1952) mentions how the bureaucracy's institutional underdevelopment conditions promoted corruption-prone features like administrative haphazardness, amateurism, and extreme dishonesty. These conditions may be accompanied by contestations of the bureaucracy's role in society as a resource allocation system. This may explain severe overlaps between formal and informal imperatives of the bureaucracy, as shown in Ekeh (1975) and Oliver de Sardan (1999). The result could witness administrative environmental rituals that may quickly normalize extensive administrative burdens and red tape, leading to slackness, nepotism, favoritism, and bribery (Bozeman, 2000; Carrigan et al., 2020; Takacs and Rašković, 2021; Amukowa, 2013; Mbate, 2018).

For example, using moral schemas variables in studying public procurement corruption in Uganda, Ntayi et al. (2013) found that social identities determined pathways of corrupt practices. The "staffs see themselves as situated in relationships of organizational socio-ethnic groups and networks, which have defined and shaped the procurement officers' job role, meaning, behavior, expectations, competence, and performance" (Ntayi et al. 2013, p.424). Similar conclusions are also common in cultural analysis of whistleblowing or anthropological corruption investigations in the global south (e.g., Kabir et al. 2021 on Bangladesh). Merton's (1938) strain (anomie) theory may particularly view corruption as mirroring societal changes, pressures, and social capital deficits. In other words, socially legitimized goals provide normatively sanctioned self-restraint practices. And some of these may pressure administrators to pursue financial benefits. So, deviance stems from "discrepancies between cultural goals and institutional means available to people for the achievement of these goals make for a weaker commitment to prevailing standards (i.e., anomie or anomic trends) and deviant behavior" (Passas, 1990: 158). Overall, this three-dimensional perspective of administrative rituals complementarily explicates bureaucratic properties of corruption and maladministration in public administration. The next section presents the data sources for this discussion.

## Methods

### Data

Data for this paper relies primarily on qualitative and quantitative data retrieved from studies variously undertaken by the author between 2018 and 2022 and ongoing documentary analysis of secondary data on bureaucratic corruption in Kenya. The retrieved data from the author's research focuses on different dimensions of corruption, like fraud, whistleblowing, and organizational discrimination. The quantitative data is retrieved from a study of management ethics in Kenya collected between June and September 2018 from 104 public sector managers. Respondents were purposively selected based on their position, knowledge, and role in ethics management. The survey questionnaire measured managers' opinions and perceptions about ethics management and investigated various organization practices that determine the propensity to blow the whistle, report fraud, and encourage whistleblowing among colleagues, etc. The second data set involved interviews with 21 public managers between November 2022 and February 2023. Purposive and snowballing sampling techniques were used to identify respondents. Some of these respondents have been known to the researcher for almost a decade, which means there is some level of trust and confidentiality in one another, allowing them to provide additional information that they would normally not give to a one-time researcher. Follow-up interviews were conducted over the phone with selected interviewees between July and August 2023 to get further data clarification. This round of study sought to understand factors affecting ethical behaviors and whistleblowing in Kenyan public sectors. Data used here have been retrieved to explore organized corruption, somewhat normalized and routinized norms, practices, and structures that make corruption *normal* and reporting it or whistleblowing dangerous for bureaucrats who may have otherwise reported such acts. The average age of respondents in both studies was 45, with at least five years of working experience in their organizations. Continuous documentary analysis of administrative data from statutory studies and documents on corruption and public integrity in Kenya, as produced by statutory institutions like the Ethics and Anti-Corruption Commission (EACC), the Commission for Administrative Justice (CAJ or Ombudsman), the Auditor General, and newspaper reports on corruption and cartel operations in Kenya's public procurement.

### Data analysis

The content and discourse analyses of qualitative data were essential to draw out nuances and underlying meanings using administrative ritual frames and bureaucratic corruption. Systematic text condensation, data displays and schematization of data were also essential in data analysis. According to Malterud (2012), "Systematic text condensation is a descriptive and explorative method for thematic cross-case analysis of different types of qualitative data, such as interview studies, observational studies, and analysis of written texts" (p.798). Data condensation involved coding, developing themes, and generating categories (see Miles et al. 2014). Quantitative data were tabulated using the Excel spreadsheet before being analyzed using tables, charts and diagrams using the inbuilt Excel data analysis tool. These were considered in relation to bureaucratic pathologies, routines, and take-for-granted procedures, which included logics in use or collective rationale underpinning moral schemas in the organizations, weak controls, noncompliance, collectivist structures, administrative discretion, institutional deficits, which were used to operationalize different dimensions administrative-rituals.

## Findings and analysis

### ***Rules and regulations are better than ethics, and whistleblowing is dangerous!***

It is essential to begin this discussion by understanding underlying bureaucratic norms and the rationale of corruption to tease out the general ethical parameters of the bureaucracy. Doing so

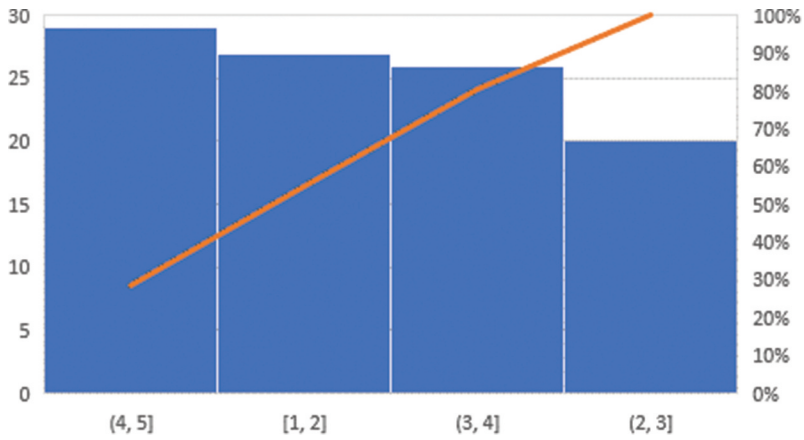


Figure 1. Acceptance of bribes or kickbacks.

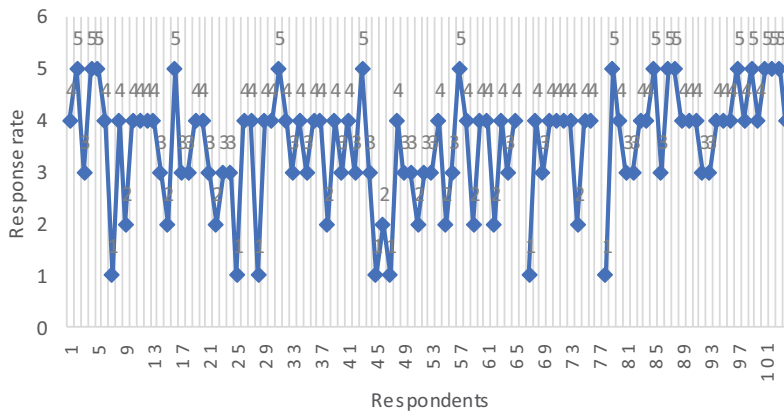


Figure 2. Use of official position for personal benefit.

probed bureaucratic attitudes toward different ethical issues, including corruption. Public managers were asked the following question (the Likert scale ranged as Very Unlikely –1, Somewhat Unlikely-2, Uncertain –3, Somewhat Likely-4, Very Likely-5): if you were to observe the following activities, how likely would you be to report each activity; *accepting bribes or kickbacks* and *the use of official position for personal benefit*. Figures 1 and 2 below show the responses.

Most managers (over 90%) stated that they were somewhat likely and very likely to report colleagues for accepting bribes and kickbacks. However, those who were very unlikely, somewhat unlikely, and uncertain to report cases of bribery and kickbacks were also equally significant. More than half (over 60%) of the latter group may demonstrate moderate tolerance or the existence of a bureaucratic culture that encourages corrupt practices. Again, when public managers were asked how likely they would report colleagues who use their official position for personal benefit, most said (44.55%) they were somewhat likely, 22.77% were uncertain, and 15.84% said they were very likely. From the onset, therefore, Kenyan public managers show a moderate value for and knowledge about public ethics, but this is less than half of the 101 managers who answered these questions. This 22.77% (or almost 30% points) may describe a gray area adequate to perpetuate corruption through withdrawal (organizational silence) or proactive engagement. Suppose the Kenyan public attitudes toward corruption by civil servants is anything to go by, where the majority (51.6%) think that some Kenyan

civil servants are corrupt, against 28.1% who said most of them are corrupt (see Afrobarometer's Round 9 survey). In that case, it can hardly be concluded that the bureaucracy and individuals within it are less corrupt. This could explain why most public managers were hesitant to report corruption. The proceeding sub-sections may further illuminate this scenario.

This study further established that the Kenyan bureaucracy struggles with ensuring the effective investigative capacity of corruption issues, confirming myriad conclusions by legalistic studies of the EACC (e.g., Gathii 2011). Bureaucratic capacity is often considered rational-legal and overlooks the ritualistic nature of bureaucratic control and regulatory mechanisms. When interviewees were asked: what are your opinions about shortcomings when organizations should investigate wrongdoings? One stated that public "organizations lack a proper way to investigate wrongdoings. Some do not view these misbehaviors as those that need urgent action. Other public organizations support this misconduct due to personal interests" (R10. 26/01/2023). Another one said, "The investigator failing to particularize the allegations properly and going beyond making findings of facts and making the conclusion that is not within the scope of the investigation improper evidence collection and analysis poor interviewing" (R10. 02 February 2023). The general view was that bureaucratic rigidities and internal compliance meant that rule-following was better than ethics.

However, bureaucratic culture may stand in the way of strengthening investigative capacity against corrupt practices. A respondent considered "unwillingness to engage, the stereotype about wrongdoing such as, after all, everyone is doing it, negative influence from a higher authority who happens to be at the core of wrongdoing" (R.11 15/01/2023) as some of the factors frustrating and promoting corruption in Kenyan public service. Most interviewees stated that those reporting corruption confronted a moral dilemma and backlash from coworkers and superiors. Corruption culprits were hardly punished. And in cases where that seemed to have happened, either through suspension or transfer, it would only last for a while and remain primarily symbolic in rational-legalistic terms. Hence, as a respondent stated, corrupt behaviors "continue and as a matter of fact, the culprits will not face punishment, and that may hinder the delivery of a given job poor results and regrets in the end [. Some managers fear reporting fraud and corruption because] they might be fired or suffer the same consequences as the offender. If people know it is you who reported someone, you will be hated, and no one will be associated with you because you will be considered as *mtiaji*" (R1. 07/11/2022). Another response boldly stated that "negative conduct doesn't qualify for whistleblowing because it's pure witch-hunting. The aim of whistleblowing is to stop bad behaviour" (R2 07/11/2022).

Relatedly, when asked *what might the consequences be if choosing to report wrongdoings and misconduct?* The following answers were highlighted. "The one reporting risks losing their job if the case is mishandled or misjudged. The enmity between the victim/wrongdoer and the one reporting. (R3. 03/12/2022). A potential follow-up question to this was, *do you consider the potential consequences to be different depending on an individual, the organization or society?* This respondent stated: "Yes, the consequences are different and independent of the specific organization. And again, a question posed in a follow-up to these responses was: *what might the causes be if a person who has decided to blow the whistle later changes their opinion and chooses not to?* Some answers were "the person might have been threatened by the victim/the wrongdoer himself. The person could be threatened with being fired by the employer or could have been manipulated or bribed into not reporting. The person could benefit from the misconduct and decided to be quiet" (R3. 03/12/2022).

This may be used to display the *logic of appropriateness* interpretations around what entails whistleblowing or ethics and its purpose in bureaucratic contexts. For one, whistleblowing may not be clearly defined, practised and promoted in public administration despite the Ethics and Anti-Corruption Commission (EACC), Commission for Administrative Justice (CAJ) and other agencies' efforts to ensure external whistleblowing in the public sector. On June 19, 2021, Maasai Mara University sacked its Chief Finance Officer, Spencer Sankale, after exposing an alleged financial scandal involving the University's Vice-Chancellor. Despite being implicated in the scandal and suspended for a while, the Vice-Chancellor was reinstated by the Employment and Labour Relations Court on January 19, 2023 (Wanjala, 19 May 2023). This may say much about the legal

framework lacuna around whistleblowing, corruption, and institutional interest, which means internal whistleblowing channels only symbolize existing ethical efforts. Despite being reinstated by the court and the Public Service Commission, the University was still adamant about fully obeying the order by sticking to its suspension decision, showing a mismatch in applying ethical laws in the public sector.

### ***The deep state, corrupt stewardship, and bureaucratic resource allocation***

Sometimes, unethical behavior goes unpunished because of the culprits' powerful connections within or outside the bureaucracy and sometimes because county executives like governors or senior civil servants organize and oversee corruption racket. This has created a "rogue" or the "untouchable" cadre of bureaucrats involved in all unethical practices. For instance, respondent R1.07/11/2022 added that "some individual would not do their jobs according to what is expected or will ignore work, knowing they will not be blamed because they are the so-called *deep state*." To illustrate the bureaucratic power dynamics of the above, a study by EACC in Nakuru County a while ago can be used to put this into context. A county administrator stated that bureaucrats in the country's government could be.

[...] afraid to report corruption cases because they are threatened by the County government. They are threatened in many ways, e.g., being denied budgetary allocations such as bursary allocation of 3[Million] per ward. The governor asks for Ksh.200 000 kickback from each ward. [Besides], no one has an idea [of] what the money is for. For example, 4 million shillings for renovations of a sub-county hospital but kickback of Ksh. 400,000 to go back to [the] governor's account (Anonymous). (EACC, 2015:55)

From the above, it can be said that corruption becomes rationalized in the budgetary processes. Development projects are initiated and mapped according to the amounts they can generate in kickbacks and whether bureaucrats who receive funding are willing to give the governor kickbacks instead of whether and how citizens' well-being can be improved. This was not an isolated case because similar corrupt syndicates have also been reproduced in other local governments. For example, the Auditor General's 2019/2020 financial year report captures these administrative environmental ritual components. It was noted that the Management of Kisumu County irregularly purchased a bus contrary to procedures. The report stated that.

The Management entered into a contract with a motor dealer for the purchase and delivery of a twenty-nine (29) sitter bus at a cost of Kshs.4,915,000, which was paid in the year under review. However, a review of the procurement documents indicated that the tender was declared unresponsive by the evaluation committee on April 4, 2019, and recommended for re-tendering. However, Management instead used a contract from the Supplies Branch to purchase the bus against the evaluation committee.<sup>7</sup> The Supplies Branch contract relied on had also expired on January 20, 2019. The notification of award was also dated April 10, 2019, but the supplier accepted the offer on June 20, 2019, two (2) months later (Republic of Kenya 2020b:8).

These cases show how procurement processes are fixed by being legal-rationally or otherwise justified and accounted for, describing an elaborate institutionalized racket of corruption within county governments and the national bureaucracy, as discussed further.

### ***Bureaucracy as a space for organized criminal entities: of cartels, brokers and tenderpreneurs***

As seen in the first opening statement of this paper, respondents consider bureaucratic corruption cartels powerful and dangerous in Kenyan bureaucracy.<sup>2</sup> Cartels are organized or loose informal networks within and outside the bureaucracy with an extensive influence to divert resources and public service for their own benefit. Often, they can employ various enforcement tools ranging from exercising official bureaucratic authority or legal-rational actions like staff transfers, promotions, employment, arrests and investigations, bribery, and kickbacks to threats and murder to achieve

<sup>2</sup>Also see the interview by the Dutch Newspaper on 13 January 2016 of Willy Mitunga, the then Kenya's Chief Justice: *Kenya is run by mafia-style cartels, says chief justice*, <https://www.theguardian.com/world/2016/jan/13/kenya-is-run-by-mafia-style-cartels-says-chief-justice>, retrieved on 7 August 2023

their goals. These cartels are found in all policy sectors, government entities, the private sector, research organizations, and grant allocation. Even the legislative processes are not spared. According to a Member of Parliament,

The killer sugar cartels also include the same characters syndicating in fertilisers, maize, medical suppliers, and narcotics . . . , and investigating them is very difficult . . . . These cartels are dangerous, united and influential. They deal in huge volumes of killer contraband . . . . After I investigated them in 2018, we wrote a report and named suspects who included three cabinet secretaries. The cartels invaded the parliament and unleashed unimaginable influence that led to our reports being shot down in less than 20 minutes.<sup>3</sup>

The respondent in the first opening statement of this paper, for example, was “visited” in his office, meaning threatened by a man who showed him a gun as a warning not to stand in the way of the procurement process, which was designed to siphon much money to individuals, otherwise described as the *deep state* individuals, working as or through *tenderpreneurs*. Sometimes, and in most cases, the bureaucracy in Kenya is the battleground between different cartels over government contracts and bureaucratic power to access, allocate and distribute patronage goods, rewarding supporters and punishing non-supporters. Ethnicity becomes critical in recruiting membership and ascertaining loyalty to cartels. The regime-favored cartels are in the position to destroy or better negotiate with rival cartels, besides sometimes working with the full knowledge and authority of the statehouse. Under such circumstances, anti-corruption remains a political gimmick or myth, as the bureaucracy in the form of EACC and other oversight institutions like the Office of the Director of Public Prosecutions may be deployed to destroy rival cartels or demobilize political opponents.<sup>4</sup>

Following up on President Ruto’s case example in the opening statement, it emerged that the lady referred to was not necessarily a person of interest for being corrupt. Instead, she was a victim of a power struggle between different cartels. Or perhaps a sacrificial lamb, having been exposed following her case against the Assets Recovery Agency after her highly suspicious and unexplained multimillion-dollar investments in real estate in Nairobi’s affluent suburbs and land ownership. A respondent at Kenya National Highways Authority (KNHA) narrated a power struggle between the lady, a public procurement manager at Kenya Rural Roads Authority (KeRRA), and her new director, who was allegedly serving the interest of another cartel. According to the respondent, the purported transfer issue from the Authority to the Ministry of Transport was to open a room for the rival cartel in KeRRA’s procurements. However, the lady’s network or cartel frustrated the process through the court in January 2018 before another legal contest in 2021, when the court finally upheld her deployment.<sup>5</sup> While commenting on the case, the lady alluded to this tug-of-war between cartels, saying that “her deployment was nothing short of a witch-hunt by powers that be as she is being victimized for doing her duties as set out in her appointment letter.”<sup>6</sup>

The above describes how bureaucratic power structures are employed to entrench corruption. Procurement processes are pursued as simple universalized rituals to rationalize and institutionalize corruption. These findings mirror Jávó and Jancsics (2013) analysis of how organizational power and corruption relate and are organized. For example, the fragmentation of bureaucratic discretion and corruption, as fronted by Jávó and Jancsics (2013), is reflected through what has been referred to as devolved corruption in Kenya, where institutional geographies of bureaucratic corruption take on contextual polity features’ politics and power dynamics and how corruption complex is formed. According to Jávó and Jancsics’ (2013), fragmentation typology explains county government and departmental cases of; “(a) isolated corruption at the bottom, (b) the middle level’s corruption, (c)

<sup>3</sup>See, President Ruto says he will lead “ruthless” war against corruption in Kenya <https://nation.africa/kenya/news/president-ruto-says-he-will-lead-ruthless-war-against-corruption-in-kenya-4240580>, retrieved on 11/08/2023

<sup>4</sup>See, e.g., DP Ruto: Uhuru looked the other way as corruption thrived in Jubilee, <https://nation.africa/kenya/news/politics/dp-ruto-uhuru-looked-the-other-way-as-corruption-thrived-in-jubilee-3846678>, retrieved on 11/08/2023

<sup>5</sup>See, Court upholds transfer of Kerra manager in Sh264 million questionable wealth probe <https://nation.africa/kenya/news/court-upholds-transfer-of-kerra-manager-in-sh264-million-questionable-wealth-probe-3813390>, retrieved on 08 August 2023

<sup>6</sup>ibid.



‘technicization’ when middle-level professionals and expert groups are used to legalizing the corruption of the dominant coalition, and (d) ‘turning-off controls’ when organizational elites intentionally deactivate internal and external controls to avoid detection” (p.527). A study by EACC in Nakuru County puts this into context, where an administrator explained that.

There is bid rigging of County tenders, e.g., inroads. Governor’s company, together with the Member of County assembly and ward administrators, are the ones that win. Improving laws to curb corruption is challenging because governors use few Members of the County Assembly to thwart such efforts. The budget is underutilized (surplus), but projects are not undertaken - (Anonymous).

### ***Bureaucratic ‘pyramid’ schemes, cones, and civil servants’ art of feigning ignorance***

Linked to the cartels’ phenomenon above, the Kenyan bureaucracy can be said to host a layer of deep-seated “pyramid scheme-like” operations and has degenerated into swindling citizens. Pyramid schemes involve fraudulent activities meant to scam the public through dubious projects, ghost purchases and financing for financial gains. In handling the pyramid menace, the Central Bank of Kenya (CBK) has elaborated on what these activities entail and how to avoid them (<https://www.centralbank.go.ke/fraud-safety/>), demonstrating the seriousness of the situation in public life. For example, in the case of Kenya Power and Lightening Company (KPLC) below, it emerged that members of the public have been paying inflated and dubious costs for units they never used:

Kenya Power has been inflating electricity bills in what has seen consumers overcharged by up to 20 per cent for the power they did not use, the Auditor-General has revealed. In a shocking revelation before a parliamentary committee, Auditor-General Nancy Gathungu said a forensic review of generation, transmission and distribution of electricity found bills do not match actual consumption while extra charges loaded on the consumers by the utility are not traceable in the billing system. According to the auditor, out of 96 generation plants supplying power to Kenya Power, only 38 had check meters. More shocking is that all 38 meters were off-the-grid power stations. (Owino, 07 August 2023)

Another study by the Ombudsman regarding cartels of brokers and abuse of power in the Ministry of Land in Kilifi County showed that:

[T]he Ministry of Lands office in Kilifi has been infiltrated by brokers operating as agents who defraud unsuspecting members of the public. These agents are known to public officials and sometimes work in cohort with them. According to complainants interviewed, these cartels of brokers operate with public officials in the Ministry of Lands in Kilifi as well as headquarters in Nairobi and purport to process title deeds quicker from the Titling Centre in Nairobi and demand payment of huge sums of money from members of the public. (Republic of Kenya 2017: 13)

The report further noted that.

Most of the respondents interviewed have made frequent visits to the Ministry of Lands, Kilifi, to follow up on their applications for various services. However, they could not receive the services they were seeking for and no appropriate explanation was given in most cases. The respondents were of the view that there was a deliberate attempt by lands officials to frustrate and delay the service they were seeking for in order to solicit for bribes. CAJ could not verify the veracity of these allegations of corruption. However, there is lack of consideration and unfair treatment considering the frequent visits respondents have made to follow up on applications and, at times, travelling for a long distance and incurring expenses. This points to unresponsiveness and dereliction of duty by public officials. (ibid, p.16)

Moreover, in a judgment delivered in August 2020, following a 12-year court battle between the Ol Jorai company and Solai Ruiyobei Farm and Lands Limited, it was stated that:

The Environment and Lands Court in Nakuru [. . .] raised doubts on the ability of officials in the Lands Ministry to keep records safe. In a judgement delivered on Friday, Justice Sila Munyao said Kenyans should worry about their land documents because the custodian cannot be trusted. Mr Munyao said lands officials know very little of what happens within the registry despite being custodians. [He added that] This country should be worried that

people can actually proceed to purport to subdivide other people's land, issue titles and purport to transfer them to other people with the backing of Chief Land Registrar and Director of Surveys"<sup>7</sup>

From these excerpts, sometimes it becomes difficult to distinguish where bureaucratic pathologies stop, and corruption begins under extreme red tape and administrative burdens, haphazardness, extreme disorganization, and dishonesty. This is the case for Kenyan bureaucracy like the Land Ministry and others, where bureaucratic red tape and other administrative burdens like extensive and overlapping regulations and unclear technologies like e-citizen have produced public service intermediaries or brokers who defraud or charge additional fees and often work in collaboration with a few corrupt civil servants, to enable access and timely response. In Kenya, these intermediaries are commonplace in the public sector, especially in the Directorate of Immigration Services and the Ministry of Land, as stated by some respondents.

Further, most corrupt practices are based on a lack of training in anti-corruption legislation and building personnel capacity on existing anti-corruption strategies. This means public integrity consciousness may be blurred by administrative logic based on social identity (also see, for example, Takacs and Rašković, 2021 in the case of *living with corruption* in Central and Eastern Europe). Generally, there is inadequate awareness concerning anti-corruption legislation among frontline or low cadre administrators at the local government level in Kenya. This may mean that administrators can sometimes engage in corrupt activities or other maladministration without necessarily being conscious of how their actions break the law.

Further, a positive relationship exists between a reportedly glaring administrative ignorance and neglect of the rule of law on the legal, due process and corrupt practices. Even though administrators also feign ignorance by switching off control systems. Political and public administrators took cues on ethical matters from norms incompatible with bureaucratic administrative symbols of accountability, integrity, and responsiveness. Somehow, this makes it easy for corrupt executive managers to either initiate corrupt practices or exploit legal deficits and overlapping institutional roles to their advantage. Key procurement processes are carried out without activating control measures against malfeasance (see also reports like Republic of Kenya, 2020a). In most cases, strategies are devised to render the procurement anarchic and corrupt like other administrative processes. Overall, corruption is hoisted in a complex mix of factors bordering on administrative ritual dimensions.

## Conclusive remarks

Institutions have tended to reinvent themselves. The case of corruption, as discussed in this paper, could demonstrate how they may also reemerge even more powerfully after structural political-administrative reforms like devolution (see Republic of Kenya 2020c; EACC 2016; Onyango 2021b; Onyango 2018; Mbate 2018). While such reforms may initially be anarchic during the earlier phases of implementation, they could create a corrupt-riddled bureaucracy, which may once again call for more intentional political leadership and newer institutional reforms to settle and realize initially intended reform objectives. Hopefully, this could be what Kenya's decade-old devolved government structures are going through. Thinking otherwise may mean that the country may need another institutional overhaul that the current state of politics may not comprehend or be able to realize. In exploring how this plays out in the Kenyan bureaucracy, this paper analyzed public sector corruption synergies in a three-dimensional approach to administrative rituals. Based on administrative ritual perspectives, this study demonstrates the processes of bureaucratic-ritualization of corruption in local government institutions. Ritualization functions, however, show underlying bureaucratic complexities that, in the end, enhance the production of processes and behaviors that promote rather than control corruption. These combine a top-down or vertical and horizontal process of corrupt organizations.

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<sup>7</sup>Lands ministry cannot be trusted to secure records, says judge; <https://www.standardmedia.co.ke/article/2001351644/ministry-cannot-be-trusted-to-secure-records-says-judge> retrieved on 07 August 2023

This discussion paints a hopeless situation which cannot be wished away. However, a solution may lie in confronting the problem head-on by civil society-led instead of the opposition parties-led citizen movement, which currently or since 2003, has become very weak in Kenya, if not dead. Perhaps Kenyans' historical resilience against democratic muzzling could be something to count on for the reinvigoration of Civil Society's role in the anti-corruption movement. Undoubtedly, cartels or *thieves in Suits* referred to in this paper are one of the 1971 Ndegwa Report's bureaucratic reforms<sup>8</sup> legacies that allowed civil servants to operate personal companies and the eventual norm of doing business with the state. This shows that bureaucracy's corrupt affinities may have much to do with the country's political system, which allows corrupt organizations and individuals to use bureaucratic and political power to hijack public procurement processes to design and execute corruption within and outside the bureaucracy. Even though the cartel phenomenon has become public knowledge, especially with the growth of social media recently, little is known about how they operate or how powerful they have evolved since 2010. In academia, studies rarely try to put them into perspective using bureaucratic lenses, as done by this paper's administrative rituals. Whereas the Kenyan bureaucracy may have degenerated into a corrupt entity, this has happened over time and could reflect state capture by political elites (see Rothstein 2013's conceptual discussion on this), especially in response to the new governance dispensation following the 2010 constitution. Because of this critical role of political power in either organizing and executing corruption networks or addressing the same remains vital, Kenya's anti-corruption reforms need a more intentional political will.

From this discussion, implications of Kenya's democratic deficits and how these impact the function of bureaucracy can also be drawn. Kenya's corruption cartels through tenderpreneurs exacerbate the already weak bureaucratic capacity and regulatory systems. The arguments and empirical discussions advanced here demonstrate how some African countries' public bureaucracies, as seen in Kenya, are caught between realizing their legal-rational and best-practice organizational capacities and cultures on the one hand while also dealing with challenges that come with balancing these with their socioeconomic, historical, and political structures on the other hand. Its administrative ritual perspectives provide an integrative explanation combining bureaucratic deficiencies and political-structural reasons why corruption has continued despite devolution's structural changes in Kenya. The bureaucracy should transform society by improving people's well-being. However, it is also a powerful player in corruption and under-development, especially when a mismatch between elites' political objectives and citizen welfare prevails. Or where bureaucracy serves political consolidation politics than realizing policy effectiveness.

## Disclosure statement

No potential conflict of interest was reported by the author(s).

## Notes on contributor

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<sup>8</sup>See, How the Ndegwa Report brought riches to public service, <https://nation.africa/kenya/blogs-opinion/blogs/dot9/bankelele/how-the-ndegwa-report-brought-riches-to-public-service-352514> retrieved on 12/08/2023

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