Ethics in Malawi

Edited by
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Introduction

Grivas Muchineripi Kayange & Charles Verharen

This volume reflects on the causes of the decline of moral standards in different areas in Africa, particularly in Malawi. Since 1994 when Malawi officially embraced the free market system, there has been an increase in unethical practices in various sectors and a lack of consensus on the determination of good and bad actions. Immoral practices on the rise include corruption, bribery, money laundering, insider trading, theft, killing of people with albinism and gender-based violence. This decline of moral standards is also witnessed in the apparent loss of some fundamental African traditional communitarian values such as solidarity, honesty, and friendliness, mainly in the urban areas. Unethical practices may decrease donor assistance but increase the poverty of the masses in Malawi as corrupt officials continue to plunder public resources.

Although the decline of moral standards is a worldwide concern, the contributors of this volume reflect on Malawian ethics, politics, and culture focusing on both traditional and modern perspectives. The selected areas of reflection include socio-economic and political systems, education, communication, legal frameworks, *Ubuntu* ideology, the Malawian work ethic, and technology.

Katoto Mtambo critically examines the contribution and/or shortcomings of the Institutional Integrity Committees (IIC) in the control of unethical practices, namely, corruption in Malawi's public sector. In line with this objective, the author firstly conceptualizes the notion of corruption and related terms. This is followed by an assessment of corruption control measures in Malawi.[1] The author also considers the successes, shortcomings, and the implications of the successes and shortcomings of the IICs.

Boniface Tamani investigates the current political debate on federalism and its socio-economic, political and ethical implications in Malawi. The author deplores intentions behind the demand for federalism such as hunger for power and focus on ethnic interest. These intentions promote self-interest at the expense of the community and lead to various unethical practices such as inequality, nepotism and the like. Tamani argues that Malawi should at once continue as a federalized nation while at the same

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[1] The parts on conceptualisation of corruption and corruption control in Malawi are based on the excerpts from Katoto Mtambo's MA thesis in applied ethics, "An Assessment of the Sanctioning Function of the Institutional Integrity Committee: The Case of Northern Region Water Board," presented at the Chancellor College, University of Malawi in 2019.

time promoting more devolution and decentralization. Although devolution and decentralization are characteristic of free-market thinking, Tamani supports a platform of African communitarianism guaranteed by an enlightened federalism. Devolution and decentralization are a necessary counterbalance to a federal government that may dismiss local community interest.

Pascal Mwale reflects on connections between political leadership and ethical transformation in Malawi. He argues that Malawi has suffered from a dearth of transformative leadership since independence (1964). After more than 50 years since independence, ethics is still not a vital issue in the fabric of Malawian society. Mwale suggests that the failure of ethical transformation in Malawi is due to a lack of intrinsic freedom. Following a historical approach, the author examines the correlation between leadership and ethics from 1964 to the present ruling party. He argues that *Afro-pessimism*, a view of Sub-Saharan nations as "failed states," diminishes the correlation between leadership and ethics in Malawi and the other nations. Affirming an *Afro-optimism,* he explores a variety of potential models to connect leadership and ethics.

The chapter by Grivas Muchineripi Kayange and Yamakani Ndausaka reflects on the current loss of moral standards in Malawi, arguing that this may be primarily interpreted as a consequence of embracing the free market socio-economic and political systems. Over-emphasizing freedom and inaugurating market policies that dismiss community responsibility are hallmarks of neoliberal systems. Such systems dismiss traditional African emphasis on the community rather than the individual. The chapter argues that a reformation of this catastrophe requires a reorientation to the virtue of the community.

Edge Fidelis Kanyongolo considers the relationship between law and ethics in Malawi's political system. The conceptual linkages of law and ethics have generated substantial controversy among legal theorists and practitioners for centuries. The polar extremes of this discord are represented by classical natural law theorists, who argue that just laws may only emerge from ethical systems, and legal formalists who separate laws from ethical norms. Kanyongolo locates contemporary Malawian law within that debate while reflecting on its practical implications for legal education and practice. Relying on doctrinal analysis of primary sources of law, Kanyongolo demonstrates that Malawi manifests a contradiction between the rhetoric of legal idealism and the practice of legal realism. He focuses on the criminalization of immorality and the moral gradation of punishment and compensation. The chapter postulates a causal link between legal realism in legal education and practice and the ineffective enforcement of professional ethics among Malawian lawyers.

Macleod Salanjira deploys Foucault's (1972) notion of *genealogy* to investigate the historical trajectory of the teaching of ethics in Malawi's

education system from the time the Christian missionaries introduced formal schooling (1875-1926) to the present. Ethics education denotes the teaching and learning in schools of moral principles or rules of conduct concerning human action and behavior. The chapter starts by describing and discussing ethics education during the period of the Christian missionary control of education. A second section traces the period when education was under British colonial control (1926-1964). The third section considers ethics education in the post-colonial period under one-party rule with Kamuzu Banda as President of Malawi (1964-1994), with emphasis on Banda's "four-corner stones" (unity, loyalty, obedience, and discipline) in schools. The last section explores ethics education during the multiparty system of government from 1994-2016. The notion of genealogy is employed to explain the changes that have taken place in the history of ethics education in Malawi, possible reasons for such changes and the power structures that have shaped the changes.

Grivas Muchineripi Kayange explores *ubuntu/umunthu*[2] virtue ethics proceeding from a consideration of Bantu languages, such as Chewa. He argues that developments in this context misinform the public on *ubuntu* ethics by overemphasizing the role of communitarian virtues and deliberately ignoring African individual-based virtues, which are highly reflected in Bantu languages. This neglect of individual values in African societies has been caused by the desire for political unity, which was a winning strategy in the fight against colonialism. In this post-colonial era, this neglect has had grave consequences in political and other circles, where some key leaders have lacked a minimal understanding and employment of African individual-based virtues in various activities. For example, they have lacked values such as self-control, self-reliance, self-responsibility, transparency, etc. Evidence for this deficiency may be seen in the continuous scandals ranging from mismanagement of public funds to mishandling of what belongs to the individual/self (for example, the issue of corruption in Malawi, Zambia, Zimbabwe, etc.). This chapter argues that the transformation of various African organizations may be possible if, and only if, *ubuntu* virtue ethics is developed in such a way that it reflects (and enhances) both community and individual-based values.

Tawina Chisi and Grivas Muchineripi Kayange conceptualize *ubuntu* as a form of moral capital linked with social capital. Their main argument is that *ubuntu* is a virtue theory that underlines the investment of self-regarding virtues and other-regarding virtues. They argue that *ubuntu* as moral capital is linked with the investment of social capital which is encouraged in most of the African communities. Despite the various benefits from *Ubuntu*, its link with social capital is a root of various ethical problems.

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[2] *Umunthu* is a Chewa word which translates the term *ubuntu*.

Agatha Magombo and Grivas Muchineirpi Kayange provide three interpretations of Malawi's work ethic. In the first interpretation, they discuss Malawi's traditional work ethic and argue that it is characterized by four elements: hard work, diligence, teamwork, and pragmatism. Their second interpretation offers a Blanc-Marxian perspective of the Malawian work ethic. This is the view that the capitalist work ethic is based on a conflict between the owners of capital and laborers. The third interpretation focuses on Malawi's free-market system starting in 1994 which introduced a work ethic grounded in liberty and private property. The system has augmented independence, creativity, and market variety. However, this ethic has detracted from discipline and responsibility in various areas, for example in the civil service, where different scandals such as corruption have been persistent since 1994.

Syned Mthatiwa critiques the assumption that the connection between popular music and ethics is self-evident. Popular music is said to relate to different ethical traditions such as virtue ethics, utilitarianism, and natural law ethics, among others. Mthatiwa considers David Tame's claim that music is a language of languages. Music is fundamental in that it moves and changes consciousness. Music has the power to "express, convey and illicit powerful emotions." However, some scholars have questioned the link between music and ethics and have rejected the claim that music can influence human character.

Using a functionalist approach to oral literature, Mthatiwa seeks to analyze popular songs of selected Malawian musicians to draw out their ethical aspects and discuss their songs' relevance to society. He also interrogates and problematizes the connection between popular music and character in a country bedeviled by social problems rooted in moral decadence. The chapter seeks to answer the following questions: (1) In what ways can Malawian popular music be said to be of use in character development, especially among the youth? (2) How do popular songs of today compare with those of a bygone era, say Kamuza Banda's reign?

Ken Jr. Lipenga addresses Malawi's online journalism ethics and calls for what he terms *Afriethics.* According to Lipenga, one of the offshoots of media freedom and technology in Malawi over the past two decades has been the development of online news outlets. In this chapter, he examines the ethical implications of some practices of journalism in Malawian online news sites. He argues that, in most of the sites, there is a blatant failure to observe basic journalism ethics. Drawing from Francis Kasoma's notion of *Afriethics*, as well as other social responsibility theories of media ethics, Lipenga tests their applicability to online journalism in developing countries. Drawing from a sampling of some of the writing on the news sites such as *Banthu Times*, *Malawi Voice*, *Maravi Post*, and *Nyasa Times*, the author examines practices that raise ethical questions

and concerns in the websites and further interrogates the role of the government legislation and agencies for regulating online reporting.

Sydney F. Kankuzi focuses on journalism ethics in Malawi through practice and professionalism paradigms. He argues that understanding journalism as either a profession or a practice has ethical implications for journalists. According to Kankuzi, Malawi's journalism takes a soft approach to ethics because it subscribes to the profession rather than the practice paradigm of journalism. The chapter begins by highlighting how the communication revolution of nineteenth-century Britain and the United States constituted modern journalism as a profession. Malawian case studies illustrate how the profession paradigm negatively impacts journalism education and practice. Kankuzi then explores the practice paradigm and its potential ethical benefits to journalism in Malawi.

Yamikani Ndasauka considers how the relationship between society and technology affects our understanding of what it is to be human. A comprehensive understanding of the relationship between society and technology demands urgent metaphysical reconsideration of human nature. Ndasauka dismisses Plato's dualistic conception of humanity to better understand the relationship between society and technology. He further explores the ethical implications of technology in Malawi.

Part I
Politics, Economics and Law in Malawi

1.
Institutional Integrity Committees in Malawi: A Success or a Failure in the Corruption Fight?

Katoto Mtambo

Introduction

Corruption is a global phenomenon, with varying degrees of severity from one country to another; and in the last two decades, the phenomenon has attracted considerable attention from academicians and policymakers.[1] Whilst Bayar[2] attributes the increased international awareness on the issue to the growing number of democratic governments in the world as well as increased openness and contacts between countries, there is almost a consensus among scholars and policymakers that corruption is a vice.[3] The preamble of the United Nations Convention Against Corruption (UNCAC), for example, states that corruption threatens the stability and security of societies, it undermines the institutions and values of democracy, ethical values, and justice and it jeopardizes sustainable development and the rule of law.[4] Additionally, it robs citizens, the poor and the vulnerable, of the services that are due to them by the government.

Like many countries in the world, corruption in Malawi is "pervasive and recognized as part of social behavior especially after the transition to multiparty democracy in 1994."[5] In 2008, the Government of Malawi developed the National Anti-Corruption Strategy (NACS) in order "to provide a holistic approach to the fight against corruption."[6] Among several other provisions, the NACS mandated all public institutions to establish Institutional Integrity Committees (IICs) that are tasked to champion anti-

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[1] Lando Victor Okoth Ogwang, "Rethinking Kenya's Anti-Corruption Strategies: Lessons from Botswana" (MA thesis, University of Pretoria, 2007), 1.

[2] Güzin Bayar, "Corruption – A Game – Theoretical Analysis" (PhD diss., Middle East Technical University, 2003), 1.

[3] Erich Gundlach and Martin Paldam, "The Transition of Corruption: From Poverty to Honesty," *Economics Letters* 103, no. 3 (2009): 146-148, https://doi.org/10.1016/j.econlet.2009.03.002.

[4] United Nations Office on Drugs and Crime, *United Nations Convention against Corruption* (Vienna: United Nations, 2004), iii.

[5] Henry Chingaipe, "Malawi," in *Effectiveness of Anti-Corruption Agencies in Southern Africa: A Review by Open Society Initiative for Southern Africa* (Johannesburg: OSISA, 2017), 132-166.

[6] Government of Malawi, *National Anti-Corruption Strategy* (Zomba: Ministry of Justice and Constitutional Affairs, 2008), 5.

corruption efforts within the institution. However, ten years after the launch of the strategy, corruption in Malawi has been worsening. The Transparency International (TI), while ranking 180 countries from the least corrupt to the most corrupt, ranked Malawi as number 122 in 2017 from number 120 in 2016.[7] The 2013 Corruption and Governance Survey also indicates that corruption in Malawi is escalating and is becoming systemic.[8] The massive looting of public funds in 2013 and 2014 dubbed "cashgate"[9] is a clear indication of the escalation of corruption in Malawi.[10] Surprisingly, however, the NACS II, which was launched on December 9, 2019 after the review of the first NACS, has maintained the concept of the IICs and their roles.

This study seeks to critically examine the contribution and/or shortcomings of the IICs in the control of corruption in Malawi's public sector. In line with this objective, it is divided into four main parts, namely conceptualisation of corruption, corruption control in Malawi,[11] successes or shortcomings of IICs, and finally the conclusion which contains the implications of the successes and shortcomings of the IICs.

Conceptualisation of Corruption

Various literature on corruption has focused on elaborating on the semantics or theory of corruption. However, while almost all thinkers agree that corruption is an unethical conduct, there is no universally accepted theory or definition of corruption.[12] The differences in definitions

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[7] "Corruption Perceptions Index 2017," Transparency International, https://www.transparency.org/news/feature/corruption_perceptions_index_2017 (accessed October 15, 2019).

[8] Blessings Chinsinga, Bonface Dulani, Peter Mvula, and Joseph Chunga, *Governance and Corruption Survey 2013* (Zomba: Chancellor College Centre for Social Research, 2014), 13.

[9] Cashgate, described as a "murky tale of shooting and corruption," is the biggest financial scandal in the history of Malawi. The scandal has had far reaching consequences for Malawi and its people. At the center of the scandal was a computer-based financial information storage system which had some loopholes. Using these loopholes, some government officials diverted millions of funds from Government coffers through fraudulent payments to businesspersons for services that were not rendered. For more information, see https://www.bbc.com/news/world-africa-25912652 or P.G. Strasser, "An Anti-Corruption Bureau's Inexorable Endeavor: A Study of Malawi's Cashgate Scandal," *Washington and Lee Law Review Online* 37, no. 1 (2016): 303-337.

[10] Chingaipe, "Malawi," 133.

[11] The parts on conceptualisation of corruption and corruption control in Malawi are based on the excerpts from Katoto Mtambo, "An Assessment of the Sanctioning Function of the Institutional Integrity Committee: The Case of Northern Region Water Board" (MA thesis, University of Malawi, Chancellor College, 2019), 11-25.

[12] Grażyna Czubek, Grażyna Kopińska, Adam Sawicki, and Anna Wojciechowska-Nowak, *How to Fight Corruption? Principles for Developing and Implementing an Anti-Corruption Strategy for Poland* (Warsaw: Stefan Batory Foundation, 2010), 17.

of corruption are as a result of different focuses of scholars and policy-makers that come due to differences in professions and experiences. However, the most commonly cited definition is the one used by the World Bank which defines corruption as "the abuse of public office for private gain."[13] Similar to World Bank's definition is the definition by the United Nations Development Programme (UNDP) which states that "corruption is the misuse of public power, office or authority for private benefit – through bribery, extortion, influence peddling, nepotism, fraud, speedy money or embezzlement."[14]

Although the latter definition seems comprehensive, it leaves some forms of corruption such as abuse of privileged information. Again both definitions limit corruption to the public sphere and leaves the private sector which is also heavily embroiled with corruption.[15] For that reason, the Transparency International (TI) defines corruption as the misuse of entrusted power for private benefit.[16] This definition too has not withstood the test of time because some forms of corruption are so systemic that they transcend the individual level or the private dimension. In order to make the definition more concrete and encompassing, Disch, Vingeland, and Sundet define corruption as "the abuse of entrusted authority for illicit gain."[17] This is the definition that this study adopts because it is comparatively encompassing. Above all, most scholars and practitioners attest to the fact that corruption is a form of unethical behavior.[18] However, the debate on the definition of corruption among scholars still rages on because the phenomenon is quite multifaceted.[19]

Related to the concept of corruption is the concept of integrity. The term "integrity" comes from the Latin word "integritas" which means wholeness or unity.[20] Schöttl further defines this wholeness as consistency

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[13] Bayar, "Corruption – A Game – Theoretical Analysis," 3.

[14] Arne Disch, Endre Vigeland, and Geir Sundet, *Anti-corruption Approaches: A Literature Review* (Oslo: Norad, 2009), 40.

[15] Ibid., 40.

[16] Johann Graf Lambsdorff, "The Transparency International Corruption Perceptions Index 1999 – Framework Document," https://www.transparency.orgfiles/content/tool/1999 CPIFrameworkEN.pdf.

[17] Disch, Vingeland, and Sundet. *Anti-corruption Approaches: A Literature Review*, 40.

[18] Helmut Egesa Wagabi, "Fighting Corruption Successfully," *The TQM Journal* 25, no. 5 (August 2013): 577-579, https://doi.org/10.1108/TQM-09-2012-0071.

[19] Other arguments on corruption have focused on elaborating the forms of corruption. The most notable forms described by various scholars and practitioners are bribery, fraud, extortion, embezzlement, influence peddling, favoritism or nepotism, kickbacks, patronage and elections rigging. See United Nations Office on Drugs and Crime, *United Nations Convention against Corruption* (New York: United Nations, 2004).

[20] L.W.J.C. Huberts, "Integrity: What it is and Why it is Important," *Public Integrity* 20, no. 1 (2018): 18-32, https://doi:10.1080/10999922.2018.1477404.

and coherence of principles and values.[21] In this regard, integrity can be seen as acting consistently and in line with virtues such as wisdom, justice, courage, and temperance, honesty, impartiality, accountability and the like.[22] Therefore, there is a dichotomy between integrity and corruption. Generally, the two terms are viewed as opposite terms, the former being the solution to the later and the latter being the harm of the former.[23] Therefore, the institutional integrity committees aim at countering corruption and promoting integrity.

Corruption Control in Malawi

Of recent, there has been a growing literature on corruption interventions in Malawi. According to Chingaipe, the fight against corruption in Malawi started taking a center stage after multiparty democracy in 1994.[24] Since then, several formal anti-corruption approaches have been initiated to address the problem of corruption. Key among these formal anti-corruption initiatives are the enactment of the Corrupt Practices Act which led to the establishment of the Malawi's Anti-Corruption Bureau (ACB), and the development of the National Anti-Corruption Strategy which mandates the establishment of the IICs as part of the National Integrity System.[25]

The Anti-Corruption Bureau: Section four (4) of the Malawi's Corrupt Practices Act (CPA) creates the ACB, an anti-corruption agency mandated, among other things, to "take necessary measures for the prevention of corruption in public bodies and private bodies"[26] in Malawi. The ACB was established following the enactment of the CPA in 1995. According to Cardona, an Anti-Corruption Agency (ACA) may be defined as an independent institution, located at arm's length from executive government institutions, whose main function is to coordinate all activities geared towards the implementation of a country's anti-corruption strategy and to provide feedback for the redesign and improvement of that

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[21] Lisa Schöttl, "The Concept of Moral Integrity and its Implications for Business," *KICG-Forschungspapiere*, series 9 (2015): 3-18.

[22] Huberts, "Integrity: What it is and Why it is Important," 19.

[23] Italo Pardo, "Corruption vs Integrity: Comparative Insights on the Problematic of Legitimacy," in *Debates on corruption and Integrity*, eds. P. Hardi, P.M. Heywood and D. Torsello (New York: Springer, 2015), 184-212.

[24] Chingaipe, "Malawi," 137.

[25] Susan Phiri, "The Political Economy Analysis of Anti-Corruption Reforms in Malawi: A Case of the National Anti-Corruption Strategy" (MA thesis, University of Malawi, 2018), 36-37.

[26] Government of Malawi, *Laws of Malawi: Corrupt Practices Act No. 17* (Zomba: Government Press, 2004), 8.

strategy.[27] In line with this definition and based on the provisions of the CPA, the ACB established three operational arms: corruption prevention, enforcement (investigations and prosecutions), and public education.[28]

The Transparency International regards an anti-corruption agency as very instrumental in the promotion of transparency and accountability.[29] The first anti-corruption commission was set up in Singapore in 1952; Singapore has been ranked as one of the least corrupt countries in the world.[30] Currently, there are about 150 anti-corruption agencies across the globe.[31] Although the Transparency International regards an anti-corruption agency to be very instrumental in promoting transparency and accountability in some countries such as Singapore and Hong Kong,[32] literature shows that this is not the case with Malawi's Anti-Corruption Bureau (ACB). Since its inception, corruption has been rising at an alarming rate.[33] Chingaipe highlights three factors that impede efficiency in the performance of the ACB, namely, lack of its independence from the state authority, lack of finances, and limited human resources to effectively undertake all its given functions.[34]

Malawi's National Anti-Corruption Strategy: For the subsequent ten years after its establishment, the ACB fought corruption without properly identifying its nature, locus, and extent.[35] For that reason, in 2005, the government through the ACB conducted a Corruption and Governance Baseline Survey to identify the locus and extent of corruption in the country. The survey found that 90% of Malawians perceived that corruption was a problem. The survey also revealed that "fighting corruption was seen as the responsibility of the ACB alone since it is a body which is mandated by the Corrupt Practices Act, Cap.7:04 to spearhead the fight against corruption in the country."[36]

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[27] Francisco Cardona, *Guides to Good Governance No.3: Anti-corruption Policies and Agencies* (Oslo: Center for Integrity in Defence Sector and Agencies, 2015), 4.

[28] Chingaipe, "Malawi," 144.

[29] "Fighting Corruption: The Role of the Anti-Corruption Commission. Politics and Government," Transparency International (Berlin, April 2014), acessed November 12, 2019, https://www.transparency.org/news/feature/fighting_corruption_the_role_of_the_anti_corruption_commission.

[30] Jon S.T. Quah, "Anti-Corruption Agencies in Four Asian Countries: A Comparative Analysis," in *Comparative Governance Reform in Asia: Democracy, Corruption, and Government Trust 17* (Bingley: International Public Management Network, 2008), 85-109.

[31] Phiri, "The Political Economy Analysis of Anti-Corruption Reforms in Malawi," 29.

[32] Transparency International, "Fighting Corruption: The Role of the Anti-Corruption Commission. Politics and Government."

[33] Phiri, "The Political Economy Analysis of Anti-Corruption Reforms in Malawi," 29.

[34] Chingaipe, "Malawi," 144.

[35] Government of Malawi, *National Anti-Corruption Strategy*, 1.

[36] Ibid., viii.

Moved by the results of the Survey, the government developed the National Anti-Corruption Strategy (NACS) in order "to provide a holistic approach to the fight against corruption."[37] There were also external factors that moved the government to develop the strategy. The United Nations Convention Against Corruption (UNCAC), to which Malawi is a signatory, for example, had made it mandatory for member countries to draft "an effective and coordinated anti-corruption policy."[38] The NACS has three specific objectives: to promote integrity, transparency and improve service delivery in all sectors; to promote public involvement in the fight against corruption, and to intensify prevention of corruption and promotion of integrity in all sectors through the establishment of the National Integrity System and creation of institutional integrity committees.

The main thrust of the Strategy is the establishment of a National Integrity System (NIS) that ensures that all sectors participate in the fight against corruption and adhere to democratic principles of accountability, transparency, and effective service delivery. To achieve this, the NIS has eight pillars that recognize the public as a launchpad for spearheading a national anti-corruption drive. "The pillars are the Executive, Legislature, Judiciary, Private Sector, Civil Society, Faith-Based Organizations, Traditional Leaders and the Media" and each is given its roles to play in the eradication of corruption in the country.[39]

The Institutional Integrity Committees: Apart from assigning sectoral responsibilities, the NACS also mandates the establishment and operationalization of Institutional Integrity Committees (IICs) in public and private institutions.[40] According to Phiri, there are over fifty institutional integrity committees across various sectors in Malawi.[41] Kempe notes that integrity committees are members appointed within an institution "to promote the highest standards of ethical conduct; providing a focus for education into ethical issues; a source of support for others; and ensuring compliance with organizational and societal values."[42] Schell-Busey argues that integrity committees are organizational units devoted to ethical issues and are sometimes known as ethics committees, public interest

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[37] Ibid., 5.

[38] Narayan Manandhar, *Anti-Corruption Strategies: Understanding What Works, What Doesn't and Why? Lessons Learned from the Asia-Pacific Region* (Bangkok: UNDP, 2014), 8.

[39] NACS II has added four more pillars, namely, Youth, Women, Local Government and Academia (Government of Malawi, 2019).

[40] Government of Malawi, *National Anti-Corruption Strategy*, 16.

[41] Phiri, "The Political Economy Analysis of Anti-Corruption Reforms in Malawi," 37.

[42] Ronald Hope Kempe, "Controlling Corruption through Integrity Committees: The Case of Zambia," *Public Integrity* 21, no. 3 (June 2018): 1-15, https://doi:10.1080/109999 22.2018.1468203.

committees, social responsibility committees, or corporate responsibility committees.[43]

The history of integrity committees can be roughly traced from 1946 following the unethical experiments that were conducted on humans by Nazi scientists during the Second World War. The conduct led to the formulation of the Nuremberg Code of research ethics and later establishment of review boards or ethics committees.[44] Specific to the fight against corruption, integrity committees might have emerged with the rise of anti-corruption efforts two decades ago.[45]

The use of integrity committees in the promotion of transparency and accountability is not unique to Malawi. In Sub-Saharan Africa, for example, countries such as Zambia, Kenya, and Botswana have adopted the strategy[46] as a means of fighting against corruption. In Zambia, for example, the Zambia's Integrity Committees Program is used as a framework for corruption control and has been very instrumental in reducing corruption since the year 2000.[47]

Successes of Institutional Integrity Committees

Ideally, the success of the IICs should be measured by their impact on the reduction of corruption in an institution or the country at large. However, by and large, corruption in public institutions has not reduced but worsened over the years after the launch of the first NACS.[48] Does this suggest that the concept of the IICs is a total failure? It seems not the case. Although the IICs may not have significantly and directly contributed to the reduction of corruption in institutions and the country at large, their contribution to the corruption fight in terms of the creation of awareness of corruption and decentralization of the responsibility in the fight against corruption cannot be undermined.

Awareness of Corruption: The first success story of the IICs is the increase in knowledge of corruption among public officials. One of the

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[43] Natalie Marie Schell-Busey, "The Deterrent Effects of Ethics Codes for Corporate Crime: A Meta-analysis" (PhD diss., University of Maryland, 2009), 1.

[44] Paul Ndebele, Gabriel Mwaluko, Mariana Kruger, Odile Ouwe, Missi Oukem-Boyer, and Moses Zimba, "History of Research Ethics in Africa," in *Research Ethics in Africa: A Resource for Research Ethics Committees*, eds. Mariana Kruger, Paul Ndebele and Lyn Horn (Stellenbosch: Sun Press, 2014), 3-10.

[45] Ogwang, "Rethinking Kenya's Anti-Corruption Strategies: Lessons from Botswana," 32.

[46] Kempe, "Controlling Corruption through Integrity Committees," 1; Dewah and Porogo, "The Place of Records in Combating Corruption in Southern Africa," 487-499; Ogwang, "Rethinking Kenya's Anti-Corruption Strategies: Lessons from Botswana," 1.

[47] Kempe, "Controlling Corruption through Integrity Committees," 9-11.

[48] Chinsinga et al., *Governance and Corruption Survey 2013*, 13.

terms of references (ToRs) of the IICs, according to NACS, is to organize Integrity or Ethics Training for the IIC, and other members of staff.[49] Most of the IICs have been undertaking this ToR since the launch of the NACS in 2009. Some IICs have gone further to regularly sensitize their clients and stakeholders on issues of corruption and the prevention of the same by the use of awareness campaigns and IEC materials.[50]

The implementation of the TORs by the IICs has been responsible for the increase in knowledge and reports of corruption among public servants. Phiri observes that public servants are becoming more open to reporting corruption using the channels provided for in the anti-corruption policies developed by the IICs.[51] The Corruption and Governance Survey of 2014 also reports that the number of public officials who can report corruption had increased from 27 % in 2010 to 28% in 2013.[52]

Decentralization of Responsibility: Second, the IICs are responsible for the decentralization of the fight against corruption in public institutions. Before the launch of the NACS, fighting corruption was seen as the responsibility of the Anti-Corruption Bureau (ACB) alone since it is a body which is mandated by the Corrupt Practices Act to spearhead the fight against corruption in the country.[53] As such, most public institutions did not take the fight against corruption as their responsibility and corruption was left to thrive in their institutions with no or very minimal restraint. Additionally, the ACB had limited human and financial capacity to reach out to all public institutions.

However, following the launch of the NACS most institutions established the IICs as a corruption management tool.[54] Since then, the IICs have been responsible for championing the fight against corruption in their respective institutions of course with technical support from ACB. The establishment of the IICs in public institutions, therefore, has shifted some burdens of fighting corruption from ACB to public institutions, laying a good foundation for the effective fight against corruption in Malawi.

Shortcomings of Institutional Integrity Committees

The most evident shortcoming of the IICs is their failure to create a corruption-free environment in institutions and society at large. Accord-

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[49] Government of Malawi, *National Anti-corruption Strategy*, 17.
[50] Anti-Corruption Bureau, *2017/18 Financial Report* (Lilongwe: ACB, 2019), 16.
[51] Phiri, "The Political Economy Analysis of Anti-Corruption Reforms in Malawi," 88.
[52] Chinsinga et al., *Governance and Corruption Survey 2013*, 13.
[53] Government of Malawi, *National Anti-Corruption Strategy*, x.
[54] Chingaipe, "Malawi," 162.

ing to the NACS, the IICs are established to promote integrity, transparency, accountability, and improve service delivery.[55] On the contrary, corruption in public institutions has generally worsened. It must be noted, however, that the failure of the IICs to create a corruption-free environment does not mean that the establishment of the IICs is an inappropriate action. The IICs have been very instrumental in the reduction of corruption in Zambia[56] and Botswana.[57] Different from the experiences of these countries, there have been some factors that have rendered the IICs in Malawi ineffective. The key among these factors is the lack of enforcement and inadequacy of funds allocated to the IICs.

Inadequacy of Funds: The NACS did not establish a system for the funding of the IICs. For that reason, after the launch of the NACS in 2009, most IICs had no funds for carrying out their activities until 2014 when the government issued a circular instructing all Government Ministries Departments and Agencies (MDAs) to be allocating 1% of their institutional budget for the operationalization of the IICs. Phiri, however, notes that the 1% allocation to IICs has also not been fully implemented as evidenced by the persistent lack of funds to carry out anti-corruption activities in most MDAs. She argues that "part of the problem is that the 1% is not ring-fenced or protected under a particular budget code, hence controlling officers abuse the allocation by using the funds for other things other than anti-corruption activities."[58] Moreover, most of the MDAs are underfunded. As such, the 1% budget allocation to the IICs often becomes quite insignificant.

Lack of Enforcement: Although the concept of IICs stems from the National Anti-Corruption Strategy, there has been no strong enforcement for its actualization.[59] First, the concept has no legal mandate for it is not recognized by any law in Malawi. This was coupled by the fact that the National Integrity Committee (NIC) which was mandated to oversee and enforce the fight against corruption in all sectors in Malawi has also been ineffective and at times defunct.[60] For that reason, there have been no sanctions for institutions or controlling officers who did not establish IICs or those that left their IICs ineffective or not functional.

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[55] Government of Malawi, *National Anti-Corruption Strategy*, 15.

[56] Kempe, "Controlling Corruption through Integrity Committees," 1.

[57] Peterson Dewah and Keneilwe Margaret Porogo, "The Place of Records in Combating Corruption in Southern Africa: A Study of Botswana and Zimbabwe's Anti-Corruption Commissions," in online *SCECSAl Conference 2018 – Papers*, 487-499, http://www.scecsal.org<publi-cationspapers2018>030dewah2018.

[58] Phiri, "The Political Economy Analysis of Anti-Corruption Reforms in Malawi," 70.

[59] Chingaipe, "Malawi," 162.

[60] Phiri, "The Political Economy Analysis of Anti-Corruption Reforms in Malawi," 37.

Conclusion

In summary, this study has argued that although corruption is generally worsening in Malawi, the IICs are still very instrumental in the corruption fight in the country. First, they are a means for decentralization of the corruption fight to institutions where they operate. Second, they are a good tool for increasing public officers' knowledge and eventual reporting of corruption. To that end, the IICs lay a good foundation for the fight against corruption in the areas of their jurisdiction. The IICs in Malawi, however, fail to go beyond this laid foundation to eradicate corruption because of two main factors namely, lack of enforcement and inadequacy of funds for operationalization of the IICs. Therefore, the effectiveness of the IICs in Malawi can be scaled up by eradicating or minimizing these challenges.

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2.

Whither Malawi? Federal or Unitary? Political and Ethical Issues

Boniface Tamani

Introduction

This study examines the notion of Federalism and its applicability to Malawi. Of late, various thinkers have been calling for the adoption of a federal system of government. The chapter seeks to add value to the ongoing discussion by providing information on what a federal state is. Reasons why people choose to go federal or unitary will also be examined. The study will recommend that Malawi being small and poor should remain a unitary state and should focus on more devolution and decentralization. In so doing, the desired results of inclusion and self-rule that would be achieved through a federal government will still be realized.

Federalism has been a topic for discussion from the time of the famous philosopher Johannes Althusius in 1603 through Charles de Montesquieu, David Hume, John Stuart Mill, Immanuel Kant to our times. It involves proposals to restructure the state to achieve more justice and more fairness in the distribution of resources and the safeguarding of freedoms with emphasis on self-rule and shared rule, hence the ethical aspect of federalism.

In Malawi, the 2014 General Elections triggered intense controversy over federalism. After the General Elections political thinkers began to call for a change of the structural form of the Malawian state from its current unitary formation to a federal one.[1] These calls were made by political parties that had failed to get into power, especially those from the North represented by the People's Party, and the Centre represented by Malawi Congress Party. At a meeting of stakeholders held in Blantyre called by Public Affairs Committee (PAC) to discuss the possibility of a federal state in Malawi, Miss Mia Seppo, the UN representative in Malawi, made the following observation: "…the issue of a federal state formation in Malawi has been recurrent whenever perceptions of social, economic and political exclusion have been expressed publicly, often in a post-electoral environment."[2]

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[1] Public Affairs Committee (PAC), "Report on the Conference on Inclusivity and Federalism in Malawi" (unpublished), (November 25, 2014): 1-19.

[2] Ibid., 6.

Elections in Malawi are very much influenced by ethnicity and regionalism. People tend to vote for a presidential candidate from their tribe or region. When it comes to voting, people assert their identity, interests, and loyalty based on kinship, a common language, and a shared history. The various ethnic groups that make Malawi today came from South Africa, the Democratic Republic of Congo and Mozambique and have lived together in this country since the 1800s. The current ethnic differences go back a long way but were worsened by the tactics of colonial authorities. British colonial authorities took note of the various ethnic groups that were in existence at that time and decided to use them in their government administration through a divide and rule policy.

The use of one ethnic grouping over and against another led to the greater ethnic consciousness that is the situation in Malawi today. The tribes that were seen to be friendly were favored while those that were not were hated and made to suffer. This was the creation of the in-groups and the out-groups, friends, and foes. These divisions were internalized and became the rallying point for the scramble for limited colonial resources. Ethnicity was a weapon in the hands of the colonialists as well as the people being governed to gain advantages in a competitive arena.[3] Ethnicity and regionalism in Malawi today must be understood not just in terms of space but also in terms of boundaries concerning social play and gain.

It is with the same understanding that the creation of the three regional structures after independence in 1964 should be viewed. After independence in 1964, besides having District Councils for local governance, Malawi developed three regional structures, the South, the Centre, and the North. These regional structures were very strong on the party level which operated alongside the government administrative structures. The emphasis on the regional belonging has not died down to this day. Since the first multiparty elections in 1994, the presidents have come from the heavily populated South. Apart from the 2009 elections, all other elections have been on regional lines. Commenting on the 2009 elections, Blessings Chinsinga observed, "DPP's [Democratic Progressive Party's] victory has now broken the old patterns and for the first time a political party with truly national outreach has been born."[4] Talking about previous elections Martin Otti had noted, "Serious concerns have been raised by some authors that 'ethnicity and regionalism are major threats to Malawi's

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[3] M.K. Phiri and K.R. Ross, *Democratization in Malawi: Stocktaking* (Blantyre: Christian Literature Association in Malawi), 54-56.

[4] Blessings Chinsinga, "Malawi's Political Landscape 2004-2009," in *Democracy in Progress: Malawi's 2009 Parliamentary and Presidential Elections*, eds. M. Otti and F.E. Kanyongolo (Balaka: Montfort Media, 2006), 115-152.

new democracy.' The results of 1999 elections seem to confirm that Malawians vote according to regional considerations."[5]

Since 1961, the parties that have come to power have tended to have the majority of cabinet ministers coming from their strongholds. President Hastings Kamuzu Banda had most members of his cabinet from the Central region and survived politically on regional and ethnic divisions. In his development agenda, he favored his home region.

In practice, however, the Banda regime survived on regional and ethnic divisions. Chewa aspirations and interests of the Central region were consolidated or pressed for, at the expense of those of other ethnic groups or regions. Dr. Banda's own home region, the Central part of the country, became the focus of national development and the recipient of massive financial and technical aid, at the expense of the other regions.[6]

The leaders that came after multiparty democracy have tended to do the same though with some control due to the checks and balances that parliament exercises. Bakili Muluzi, Bingu wa Mutharika and Peter Mutharika have had the majority of their cabinets from their stronghold, the South. All governments since independence have been accused of nepotism, tribalism, and regionalism. With four out of the five presidents of Malawi (since Independence) coming from the Southern region, there has been growing dissatisfaction in the hearts of those from the other regions as they feel left out in having the opportunity to ascend to the presidency. Accusations have been made on presidents favoring their home regions as regards the distribution of development projects.

Many in the country have complained of being left out in the sharing of political power and the equitable distribution of development projects. This has led to the cry for the introduction of a federal system of government. PAC claims that "The call was motivated by strong perceptions of political and economic exclusion inspired by the difficulties of electoral management and declaration of results of the 2014 tripartite elections and subsequent dynamics that shaped the configuration of political power in the country."[7] Many proponents of the federal state argue that the unitary government is responsible for extreme poverty in Malawi. The assumption is that with the federal system, there will be a possibility of some tribes accessing the power of influence and that certain resources will be

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[5] Martin Otti, "The Role of the Churches," in *Malawi's Second Democratic Elections: Process, Problems and Prospects*, eds. M. Otti, K.M. Phiri and N. Patel (Blantyre: Christian Literature Association in Malawi, 2000), 134.

[6] Chirwa Wiseman, "Democracy, Ethnicity, and Regionalism: The Malawi Experience, 1992-1996," in *Democratisation in Malawi: Stocktaking*, eds. M.K. Phiri and K.R. Ross (Blantyre: Christian Literature Association in Malawi), 59.

[7] Public Affairs Committee, "Report on the Conference on Inclusivity and Federalism in Malawi," 2.

directly controlled by certain regions to their advantage thereby promoting development in some regions that seem neglected by the central government.

Listening to these arguments on federalism, the question that one may ask is whether most of the people in the country have adequate knowledge about federalism. In 1953 Malawi had a federal system of government under the Federation of Rhodesia and Nyasaland which was short-lived. In that system Malawi (Nyasaland) was left to be the worst loser. That is why the system was fought against and within a short time, Malawi was left to operate on her own after the breaking of the federation then. Even though Malawi has had a very limited experience of federalism, many who are crying for the system to be reintroduced do not understand how federalism works, why people adopt such a system of governance and whether Malawi would solve its problems by embracing it. Hence it is necessary to understand the federal system and its implications so that Malawians can make an informed choice.

Definition of Federalism

For Malawians to understand federalism there is a need to come to grips with the system of government that is operating in the country now. The Malawi system is called a unitary government. It entails a homogenous unitary sovereign power exercising control over the society of individuals. Power is vested in a single national institution.[8] The Constitutional Supremacy is vested with the national government. Malawi has a central government or a national government where the power of governance resides and this power can be delegated to sub-national units. These sub-national units are created by the national government. The subnational units can be given powers at will or by some law to carry out certain activities. The sub-national units being creatures of the national government can be reshaped, reorganised and abolished at will, their powers and responsibilities can be reduced or increased. In principle, they do not have powers of their own which they can cling to as all their powers are delegated. The national government gives powers and can take away such powers as it sees fit from sub-national units like local government units. The relationship between the national government and sub-national units is one of the revocable delegations of power.[9] The national government can decentralize and centralize if it so wishes. Such is the case because the national government alone is sovereign. The central or national government has the ultimate powers to determine everything and makes sure

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[8] Andrew Heywood, *Politics* (London: MacMillan Publishers, 1997), 129.
[9] Eghosa Osaghae, "A Reassessment of Federalism as a Degree of Decentralization," *Publius* 20, no. 1 (Winter 1990): 85.

that everything is run according to its plans. Centralisation is seen as an effective way of running government as there is a powerful central authority from which power flows to sub-national units.

Federalism as a concept was born in America, Philadelphia in 1787. Aseffa Fideha "defined federalism as a constitutionally based division of power between the federal government and the provincial or state government leading to 'shared rule and self-rule' or exclusive and concurrent jurisdictions."[10] Under Constitutional Law, federalism refers to the principle whereby there is spatial separation of powers between the national government and its provincial units or states. Andre Mbata Betukumesu Mangu says, "A federation is a union of state-like bodies in which legislative and executive powers are divided between a central or federal government on the one hand and the governments of the constituent parts on the other."[11] It entails a combination of shared rule (as seen in the powers of the national government which stretch to all sub-national units) and self-rule (as seen in the powers of sub-national units or states whose powers are limited to those states) based on the principles of autonomy, cooperation, subsidiarity, participation and judicial umpire which punishes reneging.[12] The judiciary plays a critical role in settling disputes between national governments (federal) and its sub-national units (states) in determining the respective fields of jurisdiction for each level, determines how federalism should work in practice and to some extent it gets drawn into directing the policy process itself.[13] What is characteristic of federalism is the irrevocable division of power between the national government and the sub-national units or states. The division of power between the national government and its sub-national units is a result of a constitutional arrangement where the national and subnational units agree on how they are to govern themselves and how they are to be governed to their best advantage. The special covenant of a federation is something continuously advantageous to all parties. As Heywood argues, "When all are known to benefit, then each can reasonably rely on the others to keep the agreement. This is enforcement by rational confidence in each other."[14]

Parties agree that no unit whether national or sub-national, acting alone can revoke or amend the arrangement. It is a permanent agreement in which the national government and its subnational units are assured of

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[10] Public Affairs Committee, "Report on the Conference on Inclusivity and Federalism in Malawi," 13.

[11] Andre Mbata Betukumesu Mangu, *Separation of Powers and Federalism in African Constitutionalism: The South African Case* (Johannesburg: University of South Africa, 1998), 8.

[12] William Riker, "Federalism," in *A Companion to Contemporary Political Philosophy*, eds. Robert E. Goodin and Philip Petit (Oxford: Blackwell Publishers, 1995), 508.

[13] Heywood, *Politics*, 127.

[14] Riker, "Federalism," 508.

their existence and retain all the time their assigned duties. In this manner, they retain their identities and unique functions. In the division of powers, some matters lie within the jurisdiction of the national government and those others that solely lie in the hands of the sub-national units. Matters on which subnational units have ultimate authority cannot be determined by a national government and vice versa. The main approach with which federalism can be defined as regards relations between states is non-centralization. In federalism, non-centralization is seen as the most effective way of running a government because power is shared by the central and subnational units in such a way that the authority to participate in exercising that power cannot be taken from either without mutual consent.[15] Federalism is ensured by having a clear division of powers that are specified, limited and entrenched under the constitution so that the national government is clear about its authority and limitations as well as the sub-national units. This happens to be the case because federalism is a system of shared sovereignty between two levels of government, one national and one sub-national, occupying the same geographic region.

The sub-national units possess the properties of a state but in a "federation their sovereign powers are pooled and redistributed among the central state and the federal sub-units according to the rules of the constitution."[16] In a federation, the sub-national units are equal and form a polity under a written constitution which is supreme. The people living in the sub-national units are controlled by two sovereign states, the federal sub-national units (states, provinces) and the national government (central state). Federalism is not an entitlement to a sub-national state to secede. The sub-national unit cannot do so without dissolving the constitution and by doing so it encroaches upon its constitutional rights and the national government has the right to intervene even by force. In federalism, no sub-national unit is given the constitutional right of secession.

Why Choose a Federal System of Government?

As alluded to, the federal system was developed in Philadelphia, the United States of America. The main reason the founding fathers of the Constitution of America had for choosing the federal system was to limit the powers of the national government and to avert totalitarian nationalism by dividing loyalties.

The style of government that would achieve this was federal which was designed to give states unique functions and perpetual guarantees and an independent juristic identity and a role in supplying national offices.

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[15] Osaghae, "A Reassessment of Federalism as a Degree of Decentralization," 84.

[16] Ulrich Preuss, "Federalism in Pluralistic Societies: Between Secession and Centralization," *The Good Society* 7, no. 1 (Winter 1997): 22.

The thinking was that by dividing and spreading power around in this way, the concentration of powers in the hands of the national government as may be the case in a unitary state could be avoided. The main fear was that when power is concentrated in one place, it can lead to despotism and suppression of all forms of liberty.

Federalism was seen by its advocates as having the capacity to allow the participation of minority groups which would otherwise not have any voice. Federalism was seen to promote human fulfillment through the participation of diverse groups. The aim was to achieve political integration and political freedom through a shared rule on some matters and self-rule on others thereby promoting cooperation and autonomy.

Some people advocate for federalism because they feel left out in decision making and development projects. The thinking is that with federalism, they will have their regional leadership which will enable them to have a voice in affairs that affect them. In that way, they will be able to determine their future. Those who fail to get power at the national level will have the opportunity to exercise it at the subnational level thereby allowing minority groups to still have their voice heard. Hence federalism promotes individual freedom. This approach to governance is seen as enhancing development, participation and human fulfillment as groups that would lose nationally are given the chance to win locally. As Patrick Lynch states, "By giving more power to the states where agreement among individuals is more likely, it alleviates some of the problems associated with majority rule in a democratic system."[17]

The advocates for federalism contend that federalism allows individual states to experiment with ideas that are often feared by the national state. Individual states are left to themselves to design their policies which they experiment on and when the ideas are proven to be successful, the national government may adopt them for the whole nation. By allowing minority groups to have a voice and to determine their future, federalism is seen to promote liberty by preventing the national government from having its way in all affairs like the national government prescribing public policy.[18]

One of the main strengths of federalism is that unlike the unitary system it gives national and subnational units a constitutionally guaranteed voice as they enjoy autonomous powers and have some measure of representation in the second chamber of the federal legislature. The second chamber (of senators) fosters cooperation and understanding between the

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[17] Patrick Lynch, "Protecting Individual Rights through a Federal System: James Buchanan's View of Federalism," *Publius* 34, no. 4 (Fall 2004): 156.

[18] Riker, "Federalism," 512.

national government (federal state) and the subnational units (states, provinces, etc.) by representing the interests of the subnational units in the process of central policymaking.

By limiting the powers of the national government through the constitutional arrangement, federalism protects the powers of subnational units. On matters that are constitutionally entrenched, the national government cannot change anything without the cooperation of the sub-national units which have authority in their own right.[19] Thus, federalism promotes the interests of the people who occupy individual states. Since both national and subnational governments enjoy some sovereignty,[20] on some issues, there is no sovereign power that can provide the authoritative last word. In such situations, there are no orders from above but what is sought for is consensus since at that level everything operates based on a relationship among equals. The political actors here operate based on mutual trust and respect and this encourages participation.[21]

The fact that the subnational units can make final decisions on certain matters that affect them without interference has the advantage of employing multiple actors in dealing with social problems from the various levels of government.[22] Handling social problems both on the subnational level and the national level guarantees efficiency and effectiveness.

Other states opt for federalism because there is some objective which they want to achieve, such as fighting a common enemy, but cannot do so individually and so this calls for an alliance, a way of working together and putting resources together to obtain it.[23] Objectives may range from military action, trade, plunder to expansionist motives, etc. This would apply where there are individual states already in existence that would want to get together, form one central government while still maintaining their independence and identity in quite several affairs. Malawi does not fall under this category as there is one state already which would have to break into other smaller states to form a federal government.

Some opt for federalism because they believe that society has a federal nature due to its various elements of diversity which may be in the form of "economic interests, religion, race, nationality, language, separation by great distances, differences in historical backgrounds, previous existence as independent states, and dissimilarity in social and political

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[19] Heywood, *Politics*, 127.
[20] Ibid., 125.
[21] Preuss, "Federalism in Pluralistic Societies: Between Secession and Centralization," 23.
[22] Erwin Chemerinsky, "The Assumptions of Federalism," *Stanford Law Review* 58, no. 6 (April 2006): 1766-1767.
[23] Heywood, *Politics*, 125.

institutions."[24] Many who advocate for federalism value diversity of culture and believe that individuals should not be deprived of their culture otherwise they lose their identity.[25] The belief is that social peace can be attained only if various cultures are kept separate as close contacts would more likely lead to strain and hostility hence the need for federal states.[26]

The United States opted for federalism because of its diversified states. Some states, which are often vast, are quite far from each other.[27] For such states, it is convenient for the sake of efficiency that they go federal to enjoy self-rule on some matters that some interventions can be made there rather than wait for the national government which is very far away. A typical example is in times of emergency. The national government may not immediately appreciate the gravity of a problem and may take time to act as required since it may be too far away. Some states are even difficult to be reached, therefore they desire having their own decision-making on certain matters.

Why Reject Federalism?

The main proponents of federalism argue that the unitary system encourages authoritarianism and totalitarianism as there is too much power in the center ending up with too much control over the subnational units. Some unitary states have ended up this way, but there are equally many unitary states that are models of democracy like the United Kingdom, France, and Holland. On the other hand, there are federal states where the national government has ended up having too much power over the subnational units. Such is the case where there is centralized federalism like India. It is not enough to have a constitution that advocates for shared and self-rule between the national and subnational units. What is important is how the system operates. A federal state does not necessarily guarantee that human freedoms will be protected and promoted.

The advocates for a federal state in Malawi need to bear in mind that establishing a federal system on paper will not automatically translate into a federal system that works and promotes political integration and political freedoms. It will not guarantee that the subnational units will pursue their policies that are quite different from those of the national government. In modern times, national governments in federal states have tended to have more influence on the policies of subnational units through the

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[24] Sharda Rath, "Federalism: A Conceptual Analysis," *The Indian Journal of Political Science* 39, no. 4 (Fall 1978): 577.

[25] Samuel LaSelva, "Federalism as a Way of Life: Reflections on the Canadian Experiment," *Canadian Journal of Political Science* 26, no. 2 (June 1993): 232.

[26] Ibid., 233.

[27] Heywood, *Politics,* 125.

financial grants that are tied to the pursuit of certain policies that are promoted by the national government. A typical example is Nigeria where the national government provides 80% of the state's annual budget and initiates and coordinates the execution of major projects. The result of these financial grants from the national government is that the national government has ended up having great influence and control on state matters.[28] The same applies to the United States which is a good example of federalism. Even there the national government through its aid grants to state governments has tended to have great influence over the economy, welfare, health, transportation and social services which are areas that used to belong to subnational units or states. For example, in the 1980s, to raise the minimum drinking age to twenty-one years, the national government threatened the states with the loss of federal highway construction funds, thus all states cooperated. In a way, for the sake of efficiency and effectiveness, the total separation of powers is not, therefor there is a need for administrative cooperation and political interdependence if things have to happen.[29] The growing dependence between the national and subnational units in commercial and social enterprises has led to mutual administrative dependence. The problem is that since the national government tends to have more resources if a lot of care is not taken, the authoritarianism of the national government can creep in.

Federalism does indeed promote self-rule in the subnational units but self-rule may not always be in the best interest of society as smaller political units sometimes can harbor strong intolerant groups. It is quite possible in such sub-national units to have a single political grouping that dominates all others. In such a situation, racism, regionalism and tribalism may be promoted and this can lead to a segregationist type of politics where federalism will not work to the advantage of all but to that of the predominant tribe. Federalism may end up being a catalyst for ethnic conflicts and tensions by widening the gap between various tribal groups by entrenching in them a wrong sense of belonging. For example, in the southern states of America, federalism was a mechanism for condoning repression of the black slaves, federalism came to mean freedom for the whites to oppress the blacks. W.H. Riker makes the same observation as he says, "In the southern, slaveholding, less populous region, federalism came to mean protection of slaveholders' property rights and the absence of freedom for the black-skinned slaves."[30]

This danger is very likely to raise its ugly head here in Malawi as most of the advocates for federalism do so on regional and ethnic grounds

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[28] Eghosa, "A Reassessment of Federalism as a Degree of Decentralization," 85.
[29] Rath, "Federalism: A Conceptual Analysis," 581-582.
[30] Riker, "Federalism," 513.

due to the ever-growing sense of political belonging. The sense of political belonging is being promoted by the rise of ethnic groupings like Mulhakho wa Alomwe, Ngoni Heritage, Chewa Heritage, Chiwanja cha Ayao, etc., coupled with the political appointment of chiefs and raising them to positions that were not there traditionally. Now more than ever, people are becoming more and more conscious of where they are coming from. Hatred is growing between tribes like the hatred the Tumbukas have for the Lomwe in the South. Tribal hatred has led to the most recent (from May 2019 to February 2020) violent demonstrations where people were killed and property looted, organized by Human Rights Defence Coalition headed by Timothy Mtambo, a Northerner. Demonstrations were very violent and destructive in the Centre and the North except in the South where the current president comes from. The Southerners who have been on the quieter side are now beginning to come out and complain about the Northerners (Tumbukas) who have for many years been accused of offering job opportunities to those of their region (*mwana wakwithu* syndrome).

The Lomwes are being accused of doing the same when it comes to governmental appointments especially cabinet posts since two presidents, Bingu and Peter Mutharika, have come from the Lomwe belt. The problem at hand is that of ethnicity. When a Lomwe is appointed to any major post in government, there is a lot of shouting; when people of other tribes are appointed, all is quiet. Nobody seems to object to the fact that 70% of the judges are from the North and so are the Principal Secretaries. Ethnicity indeed is a big problem. When Kamuzu Banda was in power, most of the cabinet posts were filled with ministers from the Central region which was his stronghold. The United Democratic Front led by Bakili Muluzi took power in 1994 and most cabinet posts went to the South where the party had its stronghold. Since Muluzi was a Muslim, the Muslim community felt uplifted and burnt Churches in Mangochi District where they are in majority. People in the North burnt a few mosques because they were annoyed by the fact that it was a Muslim and a Southerner who was in power. When the People's Party under Joyce Banda came into power, many Northerners were seen packing their bags to take up top government positions on Capitol Hill. The reason was that Joyce Banda was married to a man from the North and her Vice President who oversaw the Civil Service was also a Northerner. In 2019, people from the North chased away all students from the South and the Centre selected to secondary schools in the North while students from the North continued to enjoy their peace in the secondary schools in the Centre and the South. Currently, as the nation goes to the polls on May 19, 2020, the leaders of the opposition parties, Lazarus Chakwera and Saulos Chilima have great support from the Centre and the North respectively as they both come from the Centre and their wives come from the North.

The struggle for resources bordering on ethnicity and regionalism started immediately after independence in 1964. Kanyama Chiume from the North was the first Minister of Education. Under him and those who followed in various positions, the Ministry of Education was flooded with people from his region. When the former president Kamuzu Banda noticed these strong regional tendencies, he established a policy in 1989 which required teachers to go back and teach in their home regions. "Dr. Banda directed that teachers from the country's three regions 'must teach in their respective regions,' He claimed that Northern teachers in schools in the Centre and South deliberately taught poorly so that their students did less well than those from schools in the North."[31] Of course everybody went to their respective regions; those from the South went back to the South, those from the Centre went back to the Centre so did those from the North. Everybody went back to their district of origin, but the Northerners felt that they were the target because they were numerous in the education sector.

The question to ask would be why were they so numerous. Did people in the other regions not go to school to get jobs as teachers because the North is the least populated? This may have been true before Independence and immediately afterward as Northerners were the first to get Western education through the first Scottish missionaries that settled at Livingstonia in 1875. They were educated by the Westerners and so were favored by the British colonialists and consequently dominated the civil service and the private sector. Up until today, although many people from various tribes and regions have received Western education over the years, the Northerners continue to enjoy monopoly over big jobs in companies, non-governmental organizations and government offices. The appreciation of the fact that more and more people from other tribes are getting a good education is causing agitation; some feel their monopoly over good jobs may not last forever. Currently, the Northerners generally have been very vocal against the Lomwes. Unfortunately, other tribal groups have joined precisely because of the mistakes of the reigning presidents from the Lomwe belt. What this does is to foster a sense of belonging amongst the Lomwe which was never there before. Other groups are also becoming tribal conscious. This thinking, if not controlled, will encourage hatred of people of other tribes and will eventually lead to serious tribal conflicts.

The oppression and hatred of the Lomwe tribe started with the British colonialists. The Lomwe tribe was very much hated by the British for their massive support of the Chilembwe uprising in 1915. The Lomwe were harassed by the colonialists. No Lomwe could become a chief under the

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[31] Chirwa, "Democracy, Ethnicity, and Regionalism: The Malawi Experience, 1992-1996," 60.

indirect rule created by the British known as Native Authorities. By design, the British colonialists appointed Yaos and Mang'anjas as chiefs over the Lomwe. The Lomwe were silenced and even laughed at if they spoke their language. What many were not aware of was that the Lomwes were in large numbers in many districts in the South. Two presidents so far have come from the Lomwe belt. With presidents from the Lomwe belt, the profile of the Lomwes has been raised and many are now able to develop a sense of pride despite the ongoing ridicule they suffer.

Tribal hatred can hamper good policies that are meant for the development of the nation. This is because such policies get rejected by those who do not belong to tribes other than those of the reigning presidents. A typical example is late Bingu wa Mutharika who publicly supported the quota system in the university selection which was introduced by Kamuzu Banda in 1987. The advocates for a federal state in Malawi hated Bingu wa Mutharika and blamed him for introducing the policy in the country. Bingu wa Mutharika encouraged the quota system as a way of sharing resources such as education with well-deserving students coming from very poor backgrounds in all regions of the country. The move was meant to correct an anomaly in the university selection system through measures that one would call affirmative action.

For years after independence, students from the Northern region whose population is 12 percent of the whole country contributed 50 percent of the total number of students entering university year after year. 12 percent of the total population of the country contributed 50 percent of the university entrants against the rest, the Centre and the South combined which make up 88 percent of the population. It was an indicator of something that had gone very wrong in the system or our national history. This move to open doors to people of other regions to access university education was seen as a move against the Northerners because they felt their numbers at the university would be reduced[32] and therefore felt threatened that their monopoly over the country's resources would cease. Many have objected to the quota system, using merit as the excuse, but the bottom line is the unwillingness to share the resources the country provides. Government must distribute resources, education is one of the nation's main resources and if people are given opportunities, the country will develop. The advocates for federalism who are generally Northerners have claimed the quota system as one of the reasons. The desire for power and control over resources is driving the whole federal agenda. Federalism will certainly encourage more divisions on tribal lines than the unity of the country, hence the need to treat with caution calls for a federal state.

Another reason why some people are against federalism is that when subnational interests become too powerful they can impede national

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[32] Ibid., 60-62.

plans. This danger is quite real especially in Malawi where projects of national interest are being blocked from being carried out in certain regions. In 2014, opposition members of parliament from the Centre and the North blocked the construction of a cancer hospital and a stadium in the South.[33] The problem is that certain politicians are not interested in the national development but in regional developments and those regions that can gang up and grab important projects for their areas are more than ready to do so without shame.

In a federal state, subnational units enjoy their sovereignty in certain matters. They can make laws that are quite different from each other and sometimes these laws can be direct opposites. For example, in the United States of America, Texas has a death penalty whereas Maryland has abolished it as a legal punishment. Even in some cases, tax regimes can be different. This lack of uniformity in law can lead to huge discrepancies and inconveniences between states when their inhabitants have to do business with each other.

The economic situation of Malawi does not make federalism a viable option. For the federal system to function properly, there is a need for adequate allocation of resources for the government at each level.[34] For federalism to work, and not just be on paper, it means the national and subnational units of governance must be working. The parallel structures created by each level of government should be performing their duties. This means there must be almost double the structures that exist in a unitary government. Currently, Malawi has a unitary government and relies on the donor funding for 40% of its annual national budget. It would be unreasonable to rely on the same donors when opting for a federal system of government. Moreover, Malawi is a tiny country with very few resources. It would be very difficult for every state to be able to raise enough resources locally to run its affairs. Most advocates of federalism in Malawi take the USA as a model but it must bear in mind that most of the states (sub-national units) in the USA are much bigger than Malawi and so they have a wider area from which they can draw resources.

Binah Shaba, Chairperson of the Forum for the Advancement of Federalism and Rural Development in Malawi, holds that the unitary system is the main cause of extreme poverty in Malawi. He forgets that the same unitary system has led some Western States to greater development. While the hope of some economic advantages may justify the desire for a federal state,[35] false hopes should not be entertained by thinking that simply by adopting a federal system Malawi will become a rich nation.

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[33] Johnny Kasalika, "Cancer Centre Location Change Angers Opposition," *The Nation Online*, September 18, 2014, https://mwnation.com_cancer_centre (accessed March 1, 2020).

[34] Rath, "Federalism: A Conceptual Analysis," 575.

[35] Ibid., 579.

Under the British Colonial Rule, Malawi was under the Federation of Rhodesia and Nyasaland and Nyasaland (Malawi) did very badly in its economy. Besides political reasons, there are other reasons why economies of countries perform the way they do like fiscal discipline, financial opportunities, and levels of industrialization. Those reasons will not go away with the adoption of a federal system.

The Honourable Lazarus Chakwera, the Leader of Opposition, believes that federalism will help leadership at various levels of government to put priorities right.[36] It is quite possible that since governments will have various persons in leadership positions in both national and sub-national units, there will be more heads operating at the state level and it may work to the advantage of the individual states on matters that can be managed at that level but certainly matters that are under the national government within individual states may be bound to suffer just like in a unitary government. It is possible to have priorities upside down at both levels of government and therefore there is no guarantee that with a federal-state one never goes wrong on priorities.

Real federalism goes with the desire for union coupled with the desire for independence of sub-national units.[37] "We were of different races…not for the purpose of warring against each other but in order to compete and emulate for the general welfare."[38] People of different races, tribes, cultures and regions should be able to go on with their different ways of life which can flourish together while promoting the good of all united in a common national agenda. "When nationalists and separatists describe their country as their fatherland, they imply that citizens should treat each other as brothers and sisters. The value that nationalists appeal to is fraternity."[39] Fraternity goes beyond race, tribe, culture, and region, it "…looks to those who share a way of life; it looks to those who have adopted alternative ways of life. There is no greater fraternity than the brotherhood and sisterhood of all people."[40]

In Malawi, the advocates for federalism simply have a desire for independence without the desire for union and fraternity. Voices of secession have been raised by such advocates as the United States of Mulanje and the Northern State declaring themselves independent of Malawi. There is no seriousness on the appeal to unity but a vigorous desire to acquire independence. This certainly is not in the true spirit of federalism. It is important to avoid taking federalism as a pathway towards secession.

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[36] Luke Bisani, "Bring Federalism-Chakwera," *The Nation Online*, June 27, 2016, https://mwnation.com (accessed March 1, 2020).

[37] Rath, "Federalism: A Conceptual Analysis," 579.

[38] LaSelva, "Federalism as a Way of Life: Reflections on the Canadian Experiment," 288.

[39] Ibid., 299.

[40] Ibid.

With true federalism, there is a strong desire to work and achieve together as a nation but at the same time, there is a strong desire for the subnational units to maintain their identities by pursuing further their specific interests. It is quite normal for people to have strong ties to their local community, to their tribe or region but what is lacking are equally strong ties to their national community. A closer look at the reality on the ground shows that the desire for federalism in Malawi is fixed on the desire to outdo or to frustrate one another as the advocates have no national agenda at heart except fighting the frustrations that have been caused by people of certain tribes and regions. The plea here is for the advocates of federalism to look at what federalism can actually do to Malawians; whether it can provide the possibility for people to recognize their regional or tribal differences and disparities and at the same time foster mutual dependency and solidarity. In the discussions involved so far, this is a missing and necessary component of federalism and without it, the desire for a federal system remains a nightmare.

The call for federalism is justified "[w]hen a society contains territorial groups so markedly different from one another that they require some instrumentality to protect and express their peculiar qualities…."[41] The call for federalism in Malawi has strong links with ethnicity, regionalism, and tribalism. The cultural groups in Malawi are indeed different. Differences are bound to be there even amongst people of the same ethnic grouping. While there are some differences amongst various tribal groupings, Malawians are not so outstandingly different to the extent that there would be a need for them to create different states for particular tribal groups or regions. Malawians have lived with each other for many years without any huge problems. The pains of exploitation, abuse and nepotism will be there because the human being is by nature selfish regardless of the creation of new states.

Would Decentralization and Devolution Answer the Cries for Federalism?

The advocates for a federal state in Malawi have raised issues of inclusivity and self-determination as key reasons. "Some self-declared proponents of federalism explained to the conference that the problem to be addressed by federalism is political exclusion. It was claimed there is a widespread feeling of exclusion, largely based on ethnicity; and inequitable distribution of resources for development."[42] Those who are against federalism argue that it is possible to address those issues even in a unitary state. Successful unitary states do have people of different cultures and

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[41] Osaghae, "A Reassessment of Federalism as a Degree of Decentralization," 93.
[42] PAC, "Report on the Conference on Inclusivity and Federalism in Malawi," 8.

regions. Many argue that looking at the size of the country and its economic base, federalism may not be a viable solution as of now. Some have therefore proposed decentralization and devolution as instruments that can be used to answer some of the concerns hence the need to look at them. At the PAC Conference on Inclusivity, Milton Kuntengule had this to say, "The real issue to be addressed is not federalism but the unfinished policy of decentralization."[43]

Decentralization is a system of dispersing power legally from the national government to subnational units or other agencies of government. It happens through the transfer of powers and responsibilities away from national government bodies to subnational units or local units that are closer to the people. The transfer of powers aims to expand the local autonomy of the subnational units. Decentralization presupposes the existence of a powerful central authority or national government and entails the flow of power from the powerful center to subunits or lower levels of government.[44] Decentralization protects people's freedoms by dispersing government power thereby creating a network of checks and balances.

The objectives of decentralization relate to the pursuance of democracy and efficiency in the public service. The pursuit of democracy involves the coexistence of people of various interests and ethnic backgrounds with all being able to promote their cultural heritage and at the same time pursuing goals in the national and local interest. This is where the issue of participation comes in, that is, all groupings and regions should be able to participate in governance. The national government in furtherance of democracy vests subnational or local institutions with responsibilities, powers, and resources because they primarily address the needs of the domestic population. By giving powers and responsibilities to local institutions the people in the area concerned can participate and contribute to issues that affect them.

"Devolution is the transfer of power from the central government to subordinate regional institutions (to 'devolve' means to pass powers or duties down from a higher authority to a lower one."[45] Devolution implies a system sanctioned by electoral legality. It entails investing authority and decision-making power in bodies derived from local choice. It presupposes an elected leader of a local jurisdiction with clear geographical boundaries, a legal status, specific functions and clear sources of revenue. Ordinarily, the elected body has a mandate to employ its management team.

Devolution is also known as political decentralization. In its administrative form, regional institutions apply policies decided by the national

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[43] Ibid., 9.

[44] Osaghae, "A Reassessment of Federalism as a Degree of Decentralization," 84.

[45] Heywood, *Politics,* 131.

government whereas, in its legislative form, it involves "…the establishment of elected regional assemblies invested with policy-making responsibilities and a measure of fiscal independence."[46] Devolved assemblies often are created to resolve increasing centrifugal tensions within a state. Devolution facilitates the conciliation of growing regional and nationalist pressures. In its legislative form, devolution establishes the greatest possible decentralization in a unitary system of government. In some jurisdictions like Spain, the regional governments exercise a great measure of self-government. Its elected assemblies are invested with a large measure of control over domestic policy.

In a federal system, devolution is constitutional and guaranteed, whereas in a unitary system, it very much depends on the national government. In a federal system, the devolved bodies (states, provinces, regions) enjoy sovereignty, whereas in a unitary system they do not. Decentralization can be done both in a federal system and in a unitary system. In a federal system, decentralization is best applied to administrative linkages between the central government and the constituent units on matters that are under its jurisdiction. It is possible to speak of decentralization of power to constituent units where there is centralized policymaking. It is in this light that even subnational units (state, provinces, etc.) can decentralize. Likewise, it is possible to talk of devolution in a federal state concerning constituent units where assemblies are created with elected leadership and given powers.

In Malawi the *Government Act* is an instrument of decentralization and devolution. With the Act, there is the devolution of power, functions and resources (especially funds) from the national government (Capitol Hill) to councils and communities to promote efficient public service delivery to the people and sound development administration. "In the case of Malawi, we take the political and legal understanding of decentralization as devolution of broad political powers to local governments which are recognized as autonomous bodies."[47] In local governments there are elected and non-elected (representatives of special interest groups) local leaders. The elected local politicians enjoy some democratic legitimacy as they have voting powers on issues of importance where opinion is divided. Through their local leaders, the people can determine their future through a process of bargaining and negotiation. In this way, people can plan about their area and carry out projects that are funded locally as well as by the national government. By contributing to the formation of their local budget as well as the national budget, they drive their development

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[46] Ibid.

[47] Luckie Sikwese, "The Politics of Decentralization in Malawi: Process, Trends, Status and Challenges," in *From Freedom to Empowerment: Ten Years of Democratisation in Malawi*, eds. Bodo Immink, Samson Lebani, Martin Ott and Christian Peters-Beries (Balaka: Montfort Media, 2003), 136.

agenda. This answers the problem of self-rule and self-determination for a specific people. The local government units like the Village Development Committees, the Area Development Committees, District Development Committees and the District Assemblies are close to the people and therefore remain sensitive to their needs. These promote democratic accountability as they monitor and evaluate activities on the ground, check on staff issues, the budget, and other operational matters. In this way, they enable the government to respond efficiently to the national and specific needs of the people. Decisions made at a local level are owned by the communities themselves other than those made far away at the national government offices. If decisions are owned, people are willing to fight for their implementation. This, in turn, leads to shared development. What is important is to implement to the fullest the *Local Government Act* to address most of the concerns raised by proponents of federalism.

Another suggestion that would help answer the concerns of the advocates for federalism is the change of the electoral system. The current system is the First Past the Post System where the one who gets the highest number of votes takes it all. This applies to the presidential and parliamentary elections. With such a system, the country has been exposed to presidents who have not been voted for by most of the people because from time to time far too many presidential candidates are competing. With voting on regional or ethnic lines, the presidential candidate from the most populous region is bound to win. To address the concerns of minority groups, it may be necessary to change the electoral system to Proportional Representation whereby a formula is used to distribute seats in proportion to the votes cast for each party. In this way, minority groups can be taken on board.

As regards access to resources like jobs, education, infrastructure, a major contributing factor to the cry for federalism may be a need for creating avenues where affirmative action or positive discrimination is exercised towards those persons and places that seem to be left behind.

Having examined the reasons for calling for or rejecting a federal state in Malawi, we conclude that Malawi, small as it is with very limited resources, cannot afford to run a vibrant federal state and therefore there is no need to rush toward it. What is important is to explore the different ways in which decentralization and devolution can be enhanced. It must be clear to all that whether the system goes federal or remains unitary, ethnicity and regionalism are here to stay. What is important is how the tensions between the people are managed and channeled towards development.

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3.

Political Leadership and Ethical Transformation

Pascal N. Mwale

Introduction

Integral to the transformation that Malawi has been seeking since 1964 is the ethics that goes with that transformation. The consensus is that more than 50 years since independence such an ethical transformation of the heart of the nation of Malawi has not happened and is not happening anywhere in the fabric of our society. Ethical transformation can only happen in a condition of freedom – without freedom, both leaders and followers cannot be transformed. A condition of freedom is a condition of capabilities or what individuals can do.[1] If we are failing to transform it is a sign that we are not free. Moreover, it means we are not autonomous, for autonomy[2] is the capacity to self-legislate one's own life. Self-legislation means establishing one's own rules, standards, and laws of conduct and behavior.

Ethical transformation espouses the following values: gratefulness, generosity, giving, sharing, sacrifice, integrity, honesty, loving people, education or thinking, humility, doing what is right, seeking to benefit others, being witness to the truth, taking the right way, making a stand against evil, and so on. As we can see, the lynchpin of ethical transformation is freedom from which we derive independence and autonomy. An important theme to be discussed in this chapter will be that of transformational leadership from 1964 to the present: why has Malawi not experienced visible and sustained transformational leadership at various levels of its institutional life ranging from the village to the state?

The opposite of ethical transformation is conformism whereby leaders and followers subject themselves to prescribed rules and standards just because everybody is doing it that way. Independence is a kind of freedom. If the attainment of independence from the British in 1964 has not resulted in the ethical transformation of the heart of the nation of Malawi, it means that, as Malawians, we have been conforming to our former colonizers and their allies. Some of the signs of conformism in our nation

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[1] The concept of "capability" was coined in the 1980's by and closely associated with Indian economist and philosopher Amartya Sen.

[2] German philosopher Immanuel Kant is well-known for having propounded the concept of "autonomy."

include behavioral characteristics such as greed, selfishness, hoarding, indulgence, self-centeredness, covetousness, using people, idle entertainment, vengefulness, murder, corruption, fraud, revelry, boastfulness, populism, self-seeking, being politically correct, accepting the majority opinion, taking the easy way, going with the flow, and so on.

Unethical leadership means a type of leadership that is dishonest, greedy, un-transparent and unaccountable to its followers. It is a kind of leadership that is self-regarding rather than other-regarding, self-serving rather than sacrificial. It has no integrity. An unethical leader, because s/he is selfish, will get into a position of power (for example, as a president or a legislator or a councilor) solely to serve his or her interests, for example, to amass wealth through corruption and fraud. Unethical leaders are corrupt leaders. In the case of Malawi, there is a widespread perception that some leaders have been and are unethical. Former State President Bakili Muluzi, who is wealthy, is answering a case of corruption in court, allegedly having siphoned K1.7 billion of donor-money into his bank account when he was in power. The late State President Bingu wa Mutharika is alleged to have amassed K62 billion wealth in just 8 years in power. The late Hastings Kamuzu Banda, the first State President of Malawi, in his time (31 years in power) was the wealthiest man in Malawi. All these three leaders are highly suspected of having engaged in unethical behavior when they were in power. In short, they were corrupt.

Electoral democracy provides an effective mechanism for remedying unethical leadership. Every five years, the citizenry has the opportunity to revise or change their leadership: they elect new leaders replacing the unethical ones. To check against unethical leaders, the electorate is advised to listen carefully to and scrutinize campaign messages of their candidates (presidential, parliamentary and councillorship) and ask questions seeking clarity. And for those who are highly literate, they are advised to study the party manifestos where development plans of contesting political parties are outlined. If certain sections or chapters of the manifestos are vague or ambiguous, they should ask the candidates to clarify the issues they are vaguely or ambiguously promising the electorate.

In the interim period between elections, the electorate are advised to be vigilant or watchful of their elected representatives/leaders, checking against any hint of unethical conduct. If the electorate has suspicions of corruption in government, they should protest and take up the matter with relevant authorities to lodge their complaints for redress. The citizenry should lobby the government together with civil society organizations in protest against the unethical conduct of their leaders. Protest action is crucial for making leaders accountable to the people. It puts leaders on their toes, as it were. Multi-party Malawi, since 1994, has had some nationwide demonstrations at the behest of a consortium of civil society organizations and most of them have been successful insofar as they have managed to

petition the government on pertinent or pressing issues of the day. Every year, there is at least one nationwide demonstration in Malawi. Corruption in government – public corruption – has been a repeatedly pertinent issue for the demonstrators/protesters since 1994. Sometimes impeachment of an incumbent state president and recall of a sitting parliamentarian has been the sought remedy in nationwide protests, but an impeachment of the president and recall of an MP are constitutionally almost impossible.

Political Leadership and Ethical Transformation

This chapter will focus on leadership. The importance of quality leadership for development in any nation or organization needs no emphasis. Without quality leaders, a nation or organization cannot develop. In general, Africa appears to lag behind the rest of the world in development because its leaders are not ethically transformed – they generally lack vision. Africa seems not to have taken advantage of its independence from its colonizers. Africa behaves as if it still has the stranglehold of its colonizers, more than fifty years after independence. Little wonder the former colonizers appear to exert some considerable control over Africa through the international financing institutions (the World Bank and the International Monetary Fund) by imposing stringent conditions on the loans they give to Africa. According to Achille Mbembe, the International Financing Institutions (IFIs), together with multinational corporations, become for African nation-states the "private indirect government."[3] Private indirect government is a form of state interventionism by private, non-state actors. These actors step in whenever they spot weak leadership. They cannot intervene in a state that has a strong leader or where the economy is in good health.

Historical Perspective of Political Leadership and Ethical Transformation

Malawi emerged from its colonial status in 1964 to become an independent nation-state led by Hastings Kamuzu Banda with the Malawi Congress Party (MCP) as the winner of the first multi-party general elections. The British colonized Malawi. Malawi was called Nyasaland before it gained independence. Between 1953 and 1963, Nyasaland was part of the Federation of Rhodesia and Nyasaland, whereby "Rhodesia" stood for Zimbabwe (Rhodesia) and Zambia (Northern Rhodesia). Banda had traces of ethical transformational leadership. Early on in his speeches, he em-

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[3] Achille Mbembe, *On the Postcolony* (Berkeley: University of California Press, 2001), 1ff.

phasized the importance of "character" in a person. In his case, he received a good education in the United States and he had a successful medical career in Britain. He had a sense of quality. In 1964, Banda and the MCP banned the other political parties and declared Malawi a one-party state. Banda set himself up as a dictator, ruling Malawians with an iron hand for 30 years. He did not tolerate any voice of dissent or opposition. There were no human rights as espoused by civil society organizations. There were four cornerstones for the MCP (unity, loyalty, obedience, and discipline) and any deviations from any one of the cornerstones meant severe punishment including death. Banda's dictatorship was ruthless and atrocious, as it created many enemies for him, and many had to go into exile, some as far as the United States while others went into hiding in neighboring countries. In June 1993, a national referendum was held to decide whether Malawi should remain a one-party state or revert to a multi-party state (as in 1964 before the ban). The result was that Malawi should embrace multi-party politics. In May 1994, the second multi-party general elections were held. As for the reasons for the demise of the one-party state, Minnis argues:

> The demise of the single party state in Malawi in the early 1990s was not due to internal revolt, mass political resistance or even widespread disaffection with the economy, although these factors played a role. The prime reason was the end of the Cold War.[4]

Eleson Bakili Muluzi and the United Democratic Front (UDF) emerged winners of the 1994 general elections. Malawians voted along regional lines, proving that the UDF was not popular in the North and Centre. Kishindo explains that the election results demonstrated the unpopularity of the UDF regime whereby

> Eleson Bakili Muluzi, a Yao from the South, candidate for the UDF, won 75% of the votes from the Southern Region, as against 23% in the center and 7% in the North. Thus, the UDF government received the lowest number of votes in the North.[5]

Nevertheless, Malawians embraced the change filled with the hope that democracy would lead to an economic paradise. According to Minnis,

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[4] John R. Minnis, "Prospects and Problems for Civil Society in Malawi," in *Democratization in Malawi: A Stocktaking*, eds. Kings M. Phiri and Ken R. Ross (Blantyre: CLAIM), 127-145.
[5] Pascal J. Kishindo, "Politics of Language in Contemporary Malawi," in *Democratisation in Malawi: Stocktaking*, eds. M.K. Phiri and K.R. Ross (Blantyre: Christian Literature Association in Malawi), 264.

this hope was not fulfilled. Due to the peaceful Referendum in 1993 and the subsequent free and fair general elections in 1994

> Malawians entertained high hopes for democracy. Unfortunately, since then progress made on the political front has not been matched by progress on the economic front. The most singular threat to the emergence of civil society is the growing uncertainty and despair about falling living standards.[6]

In sum, Eleson Bakili Muluzi became the first democratic State President of Malawi on May 21, 1994, after 31 years of oppression by the autocrat Hastings Kamuzu Banda. Muluzi stepped into power, replacing a notoriously dictatorial one-party regime. Muluzi carried the democratic promise of justice, equality, freedoms, and rights as well as progress and prosperity for all Malawians regardless of tribe, region, sex, party, or religion. In principle, the Muluzi regime had the constitutional mandate to allow for the emergence and flourishing of a democratic public sphere that would be all-inclusive. Muluzi stood for the democratic promise of no return-to-the-tyranny-of-one-party rule in Malawi, and on this point, his regime can be described as post-repressive. Thus, the Muluzi regime engenders the democratic promise of allowing for the evolution of an all-inclusive post-repressive democratic public sphere. It is this promise that this study aims to examine.

To what extent did the Muluzi regime attempt to fulfill the promise? The promise is similar to a classical social contract between the citizenry and the state leadership. A social contract is a package of (primary) goods and (basic) services citizens get from the state as well as citizens' freedoms and duties. The promise of an all-inclusive democracy entailed that in the new political dispensation, development projects, for example, were going to be a right and not a favor or privilege for all individuals and communities in all regions of the country regardless of their party affiliation. Importantly, the promise of an all-inclusive democratic public sphere entailed the creation of spaces for public deliberation for all kinds of voices on matters of public interest in the new political dispensation.

However, the Muluzi regime was unable to transform Malawi from a zone of promise-making to a zone of promise-fulfillment;[7] an all-inclusive democratic public sphere did not evolve in Malawi in the UDF era (1994-2004). The regime failed to put in place effective and sustainable

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[6] Minnis, "Prospects and Problems for Civil Society in Malawi," 141.

[7] Wiseman Chijere Chirwa talks of multiparty Malawi's failure to move from "regime transition" to "regime transformation." See Chirwa's work "Democracy, Ethnicity, and Regionalism: The Malawi Experience, 1992-1996," in *Democratization in Malawi: A Stocktaking*, eds. P. Kings and K.R. Ross (Blantyre: Christian Literature Association in Malawi, 1998), 52-69.

arrangements for the evolution of an all-inclusive democratic public sphere.

Bingu wa Mutharika became State President in May 2004 on UDF ticket. As soon as he took office, Mutharika ditched the party that gave him power and formed his own, the Democratic Progressive Party (DPP). This resulted in acrimony between him and former President Muluzi; they became embroiled in a war of words. Muluzi clung to the leadership of his party, styling himself as UDF Chair, a thing which President Mutharika must have resented.

The first term of office (2004-2009) of Mutharika was ethically pleasing; there was food security in the country, which was even able to export some maize. Malawi transformed from a net food importer to a net food exporter. However, Mutharika's second term of office was not so successful. First, it was characterized by fuel, forex and sugar shortages. Long queues at filling stations were the order of the day.

Second, the term was cut short by the sudden death of Mutharika of cardiac arrest on April 5, 2012. His Vice President, Mrs. Joyce Banda, completed his term for him and lost miserably in the general elections of May 2014. She left the country soon after the elections and went into a self-imposed exile. Media reports indicate that she feared that her security was not guaranteed since that some "Cashgate"[8] convicts had implicated her in court. In September 2013, it was discovered that about MK23 billion had been stolen from the government by public servants and private companies that had lied about supplying goods and services to the government. The government paid millions of Kwacha for the aforementioned "goods" and "services." Although the public was generally sympathetic to Banda's presidency, the case of the looting and plundering of government coffers in 2013 dented her image in the public imagination.

Ethnicization of Politics in Africa: The Case of Kenya from 1963 to the Post-Election Violence of 2007/2008

Still, in Sub-Saharan Africa, Kenya offers an example of political regionalism or the ethnicization of politics. The ethnicization of politics

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[8] The term "Cashgate" was coined by the news media in September 2013 to refer to the massive plunder and looting of public funds, covering the period April-August 2013 at Capitol Hill, Lilongwe. However, in a more technical sense, it can be regarded as having access to public funds without being entitled to them. The Anti-Corruption Bureau (ACB) is investigating Mrs. Joyce Banda in connection to alleged siphoning of billions from the government treasury through her Mudzi Transformation Trust, a housing project that she initiated in 2013 to construct low-cost houses for the most needy in villages across Malawi. By the end of her term in May 2014, very few houses had been built.

in Kenya – or what Opondo[9] characterizes as "negative ethnicity" – is something whose roots go back to the colonial days. Ngesa[10] argues that "it was the colonial power that initially pitted Luos and Kikuyus, and the sense of fierce tribal competition has never subsided since."[11] Jomo Kenyatta, a Kikuyu himself, the first postcolonial President of politically-independent Kenya, crystallized or consolidated the ethnicization of politics in that country. Opondo explains:

> [I]n Kenya negative ethnicity got a renewed impetus after independence. The Jomo Kenyatta regime began well but after consolidating power in 1964 through constitutional amendments, embarked on Kenyanization of the economy, which turned out to be ethnicization. Since 1966, when Kenya African National Union (KANU) became the most important political party in Kenya, to 1978, when Kenyatta died, ethnicity in Kenya was manifested in myriad ways. This was visible in public appointments and political party formations. In Kenya your name suggested your ethnicity and region. Ethnicity was also seen in resource allocation. The president's region had the best schools, roads and industries. There were ethnic based associations such as New Akamba, Luo Union and Gema, which offered a sense of economic security amidst ethnic competitions. Senior government positions were appropriated on ethnic affiliations rather than merit leading to discontent and ethnic tensions across the country.[12]

In the above-cited quotation, Opondo is tabulating Kenya's early post-independence problems such as ethnicization of the economy, ethnicization of public appointments as well as political party formations, ethnicization of personal identity (where your name suggested your ethnic grouping and region), ethnicisation of resources whereby the Kikuyu areas got the lion's share of the resources, ethnicisation of associations (which were formed along ethnic lines), and the ethnicisation of senior government positions. This "universal" ethnicisation, Opondo argues, led to public discontent and ethnic tensions across Kenya during Jomo Kenyatta's presidency.

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[9] Paul Opondo, "Ethnic Politics and Post-election Violence of 2007/2008 in Kenya," *African Journal of History and Culture* 6, no. 4 (2014): 59-67.

[10] Mildred Ngesa, "The Roots of Kenya's Crisis" (Opinion), *Development and Cooperation*, January 1, 2008, https://www.dandc.eu/en/article/root-causes-kenyas-post-election-crisis.

[11] Ibid.

[12] Opondo, "Ethnic Politics and Post-election Violence of 2007/2008 in Kenya," 62.

Things did not improve in the next regime of President Daniel T. Arap Moi, a Kalenjin himself. Ethnicisation of politics continued unabated. This time around it adversely affected multiparty politics. Political parties were formed along ethnic lines. Politicians aligned themselves with their ethnic groupings to garner support, as Opondo adumbrates:

> From 1990, Kenya underwent a series of profound political changes, culminating in multiparty politics, which resulted in a political struggle between different political leaders. This period was marked by power brokers exploiting their ethnic backgrounds to drum up support to their political advantage.[13]

In the third regime of President Mwai Kibaki, a Kikuyu himself, we reach the anti-climax of the ethnicisation of politics in Kenya. Ethnicisation of politics bred untold violence whereby rival ethnic groupings hacked each other to death with machetes from late 2007 to early 2008. Despite the presence of multiparty politics in Kenya, the real political contest in the 2007 General Elections was between Kibaki's Party of National Unity (PNU) and the Orange Democratic Movement (ODM) led by Raila Odinga, a Luo Kibaki won by a narrow margin of 230,000 votes.[14] The opposition ODM alleged that the elections had been rigged. Ethnic violence ensued.[15] Opondo elucidates:

> Thus after the 27 December 2007 General Elections, ethnic tension turned bitter as the opposition alleged that elections had been rigged by President Kibaki's Party of National Union (PNU). By the end of the Post Election Violence (PEV) more than 1300 Kenyans were dead and more than 300,000 lived as internally displaced peoples (IDP), yet the roots of this ethnic and political conflict can be laid squarely on negative ethnicity, historical injustices and the 1992 and 1997 ethnic wars in the country. The Kibaki regime, like its predecessors, had failed to bring a sense of nationalism and patriotism across the ethnic groups.[16]

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[13] Ibid., 63.

[14] See James Brownsell, "Kenya: What Went Wrong in 2007? Dismissing the violence that followed Kenya's previous election as mere 'tribalism' is too simplistic an explanation," *Al Jazeera*, March 3, 2013, https://www.aljazeera.com/features/2013/3/3/kenya-what-went-wrong-in-2007.

[15] Brownsell argues, "The violence was quickly drawn along tribal lines" in his "Kenya: What Went Wrong in 2007?" Ibid.

[16] Opondo, "Ethnic Politics and Post-election Violence of 2007/2008 in Kenya," 65.

This quotation states that the Kibaki regime, like its predecessors, similarly failed to curb the ethnicisation of politics in Kenya, and the horrendous results of this historical ethnic rivalry were the bloodbaths of late 2007 and early 2008.

One of the solutions to the problem of the ethnicisation of politics in Kenya, Opondo suggests, is as follows: "The politicians, who inflame ethnic passions during political contests, should contain political use of ethnic animosity and the glorification of false ethnic nationalism."[17]

We have seen that in three successive regimes since political independence all the way into the era of multiparty politics the political leadership of Kenya has systematically failed dismally to contain the scourge of the ethnicisation of politics. The problem has become entrenched to date. Ethnic conflict has haunted the country from the colonial times. Kenya offers a relevant case of the ethnicisation of politics in Africa.

Impact of Failed State Ideology on Leadership and Ethical Transformation

Sub-Saharan multiparty democratic practices remain perilously unconceptualized and untheorized to date. This is the case even though multiparty democracy is touted as a welcome wind of political change in the macro-region's former colonies and autocracies, now running into a second decade in most of the region. The region has not taken and, more worrisomely, cannot take stock of its natural, inherent, and received capabilities and potentialities in social networking – social capital – to gauge its strengths and weaknesses in the drive towards the institutionalization of democracy.

The macro-region's popular democracies pay lip-service to the ideal of full and active participation of "the people" in societal decision and policymaking. Many public service providers, as well as the community of service users, tend to favor the easy chair of the customer of the state and government over the sweat and turmoil of full and active participation. Yet, the poverty of public provisioning, absence of good (enough) governance, and the sluggish pace of the institutionalization of democracy in Sub-Saharan Africa are not manifestations of the macro-region's lack of interest in, or indifference to, the democratic ethos but the paucity of conceptual and theoretical frameworks. The region's brainpower, the academia, has hitherto demonstrated no commitment to grappling with and fully grasping basic concepts of the theory of democracy, crucially the concept of democratic governance. And since concepts are the ingredients of a theoretical vision, the region has no clue as to where it is going with its democratic practices.

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[17] Ibid., 66.

Before Malawi embraced multiparty democracy in 1994, standard developmental literature, especially of the 1980s and 1990s, propagated what Thandika Mkandawire has described as a doomsday picture of Africa; that negative literature argued that developmental states were impossible in Africa because of the dependence of African economies and their atypical levels of rent-seeking.[18] Despite the economic success of some African economies such as Botswana and Mauritius during the same period, Afro-pessimism prevailed during that period and, more worrisomely, continues to inform international scholarly opinion to date. Moreover, if we may add, both African and foreign media help to reinforce the negative portrayal of Sub-Saharan Africa (of which Malawi is a member) as a subcontinent of non-developmental states, destroying any glimmer of hope for developmental public administration in this part of the world.

Against the notion of Afro-pessimism discussed above, I contend that since a developmental state is possible on the subcontinent, developmental public administration is, consequently, possible in Malawi. For Mkandawire, an African developmental state is both a historical and a theoretical possibility. He argues that

> Neither Africa's postcolonial history nor the actual practice engaged in by successful 'developmental states' rules out the possibility of African 'developmental states' capable of playing a more dynamic role than hitherto.[19]

Thus, for him, Africa has had developmental states in aspiration and economic performance, and so the failure, on the part of development theorists who paint Africa pitch black, is due to the excessive leveling of the African political-economic landscapes.

I argue that this leveling of Africa, its homogenization, is a result of an invidious comparison of African states in crisis with idealized and tendentiously characterized states elsewhere. In other words, Africa's worstcase scenarios are compared odiously with utopias rather than existing states. Such homogenization has led to the demonization of all African postcolonial states. The analytic tradition, which is the champion of such Afro-pessimism, has in its dubious developmentalist diagnosis "occulted African states, making concrete analysis of their character," for example, as "non-adjusters" in contrast to the "strong-adjusters," the utopias.[20]

The standard definition of the developmental state privileges economy-based performance and economic success, and on this rather narrow

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[18] Thandika Mkandawire, "Thinking about Developmental States in Africa," *Cambridge Journal of Economics* 25, no. 3 (2001): 289.

[19] Ibid.

[20] Ibid., 290.

reading, a strong state is, tautologically, one whose economy is strong. In this circular definition, states are developmental in terms of both ideology and structure. *Qua* ideology, a developmental state has a developmentalist mission which amounts to its ensuring economic development (high rates of economic growth and accumulation and high levels of investment in science and technology and industrialization). On the Gramscian framework,[21] the elite are the bearers, mobilizers and engines of the developmentalist mission since they are the ones that constitute the ideological hegemony, thereby rendering the developmentalist project essentially a hegemonic project. At the behest of the elite hegemony, the basic assumption of the standard developmentalist literature is that a strong state will *mutatis mutandis* be developmental by being autonomous, that is, if the elite hegemony will safeguard it from private, sectional interests (rent-seeking).

Nevertheless, since the state can abuse its autonomy in a predatory manner, this literature has social anchoring to enable the state to gain adhesion of key social actors. Thus, ideologically, a strong and hence developmental state has an agenda of developing the country; it is led by an elite hegemony and is autonomous without being a sole political player because it is socially anchored.[22] *Qua* structure, a developmental state can implement economic policies sagaciously and efficaciously as determined by institutional, technical, administrative and political factors.

Recognition of episodes and possibilities of failure leads us to a definition of a developmental state as one whose ideological underpinnings are developmental and one that seriously attempts to deploy its administrative and political resources to the task of economic development.[23]

Proxies such as tax efforts and public expenditure can be used to measure such seriousness. Africa has had and still has developmental states. Early on at independence, nationalism was both an anti-colonialist and a developmentalist ideology. In other words, for the first crop of African state leaders – at least in the 1960s and 1970s – nationalism was the drive of the developmentalist ideology,[24] as exemplified by Nigeria's Nnamdi Azikiwe's dream of an "African renaissance," which has recently been echoed by South Africa's Thabo Mbeki. In the subsequent decades after independence, the neoliberal agenda delayed, and in most cases derailed, the African states' developmentalist missions. The neoliberal agenda's instrument of the Structural Adjustment Programmes (SAPs) strangled the African economies in the name, not hope, of economic liberalization. The neoliberal agenda's international financing institutions

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[21] Ibid.
[22] Ibid.
[23] Ibid., 291.
[24] Ibid., 295.

(IFIs) – the global financiers – pushed African states into a condition of naïveté of the depoliticized quest for "technocratic" governance.[25]

Under global technocracy, emphasis was placed on market-driven, export-oriented development strategy in African economies. Consequently, the market was de-regulated, state enterprises were privatized, and public expenditure on social services and development projects was substantially reduced. The African state withdrew involuntarily from the market economic sphere, minimized to a night watchman state. Demonized as a "failed" or "dysfunctional" state in the management of larger societal issues, the minimalist view of the state held sway in the standard developmentalist analyses of the African state, especially in the 1980 and 1990s.[26] Concerning the African states during this period, these analyses diagnosed gross market failure, authoritarian rule, dependence, lack of ideology, softness, and proneness of the state to capture by special interest groups, corruption, and lack of technical and analytical capacity, among other failures and weaknesses.

The analyses, which found expression in the idea of Afro-pessimism, and which demonized the African state as a failed state, were similarly demonizing the African public administration, arguing that the African public service had utterly failed and had become irrecoverably dysfunctional. The African public service was characterized negatively, as an irredeemable cesspool of corruption, abuse, waste of resources and gross incompetence – a cancer of the state. Thus, under the regime of the IFIs' SAPs, and at the behest of the western donor community, the African public service underwent downsizing, which translated into massive retrenchment in the name of "capacity building."[27]

Disappointingly, the downsized, or rather capacity-built, African public service did not improve in its performance; the real wages declined; its highly educated and well-trained personnel left for greener pastures, leading to the much-dreaded brain drain. The donor-driven capacity-building efforts to resuscitate the African public service by downsizing flopped. When the hitherto minimalist African state returned to the social scene as a democratic (universally-elected) African state as a champion of good governance, as heralded by the wave of multiparty politics – a shift in the political register that is more marked from the 1990s to the present, the democratic state was faced with an incapacitated public service. Such a public service could not support the state's efforts in service delivery. Poor service delivery dampens the liberation message of democracy and hence the specter of a non-delivering public service.

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[25] Ibid., 292.
[26] Ibid., 294.
[27] Ibid., 309.

Thus, while the idea of good governance marks the return of the African state, a non-delivering public service undermines the democratic promise. For Mkandawire, capacity-building, which entails downsizing the public service and which further entails periodic massive retrenchment of personnel, is not developmental for postcolonial Africa:

> Rather than exclusive focus on capacity-building, focus in Africa should first and foremost be on the valorization of existing capacities through better 'capacity utilization' and retooling of the public service, reversing the brain drain and repairing the main institutions of training that have been starved even as donors set up new ones to produce parochial skills required in their new projects.[28]

The African public service is notorious for underutilizing and misallocating intellectual, leadership and managerial capacities and rare skills. For example, Africa's public universities and similar higher education institutions are increasingly becoming chronically resource starved as universities' host states' commitment to financial and material support diminishes gradually, and as donor fatigue gets worse. Consequently, the idea of a state-owned and state-run university is receding fast into the past. Considering the high prospects of a non-delivering public service in postcolonial Africa, time is coming soon when the state will not be able to provide university education as a public service on the continent. Then, state ideologues will most likely argue that the state can afford to dispense with its universities because university education per se is not an essential social service – public provisioning can dispense with university education. Yet, there is no guarantee that continued downsizing – which will most possibly include continued privatization, further decrease in the human resource contingent, more outsourcing, stricter public expenditure, aggressive tax revenue collection, de-unionization and the freezing of unions' calls for salary increase – will render the public service sector efficient and effective. The wind of democracy blowing on the African public service sector notwithstanding, full democratization (for example, accommodation of critique and voices of protest, transparency, and accountability) of the public service sector need not lead to improved public service delivery. Thus, there is a disjuncture between democracy and public service delivery in Africa today – and the slippage undermines the democratic promise of development for all the people.

Post-Mandela South Africa illustrates clearly how a non-delivering public service undermines the democratic promise. For example, for

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[28] Mkandawire, "Thinking about Developmental States in Africa," 307.

Booysen,[29] between March 2004 and March 2006 there were between 1,500 and 2,000 service delivery protests in various metropolitan areas of South Africa.[30]

Conclusion

Ethical transformation belongs to the broader context of democratic governance and development. Ethical transformation has to do with leadership. Malawi and Kenya show a systematic lack of transformative leadership since independence. South Africa offers a good example of new democracies (such as Malawi's) that aspire to greater development. South Africa's Truth and Reconciliation Commission (TRC) was a huge step towards the ethical transformation of the nation. However, as Booysen[31] indicates, post-apartheid South Africa is beset with serious developmental challenges as shown by the post-TRC nationwide protests which point to ever-growing public discontent about the leadership, especially its failure to deliver on promises of narrowing the gulf between the super-rich and the ultra-poor, leading to the impoverishment of the majority of the populations in the rainbow nation.

Malawi is a perfect example of an African country with a systematic lack of regime transformation mainly due to regionalism, or the ethnicisation of politics, and its attendant evils. Kenya is another example of the ethnicisation of politics in Africa. Admittedly, in 1994 Malawi re-embraced pluralism as multi-party politics. However, the public sphere, as exemplified by the continued partisan reporting by the Malawi Broadcasting Corporation (MBC), is not all-inclusive. A democratic public sphere has not emerged post-1994 in Malawi. Therefore, democratic governance and development remain unfulfilled promises of the moment.

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[29] Susan Booysen, "With the Ballot and the Brick: the Politics of Attaining Service Delivery in South Africa," *Progress in Development Studies* 7, no. 1 (2007): 21-32.
[30] Ibid., 23.
[31] Ibid., 21-32.

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4.
The Free Market Moral Crisis and Virtue Reform

Grivas Muchineripi Kayange & Yamikani Ndasauka

Introduction

This chapter investigates the contribution of the free market system towards the moral decline that is experienced in Malawi, mainly since its official inception in 1994. The consensus is that the free market system has triggered a value-crisis worldwide, which needs to be addressed through the reinforcement of global values such as honesty and respect.[1] At the root of this crisis is the free market's strong orientation towards an individualism that dismisses communal forces that are fundamental to the well-being of the society. For instance, Dubbink[2] compares the community-oriented Corporate Social Responsibility (CSR) with free-market theory, arguing that the latter is individualistic and does not adequately support the community with its various values and needs.

While most of the studies have concentrated on the free market crisis in Europe, Asia, and America, we would like to make a case for the free market crisis in Africa in the Sub-Saharan region. South Africa, Zambia, Zimbabwe, and Malawi have suffered under a free-market philosophy that has generated a loss of fundamental values such as honesty and solidarity and led to massive corruption. Political leaders in these countries abuse their responsibility to public funds through corrupt practice. One of the areas in which one can trace value-crisis is in the political arena. The common trend of political leaders in Zambia, South Africa, Zimbabwe, and Malawi is that they share a pattern of corruption cases and the alleged lack of responsibility towards public funds.

Although a comparative study of these nations would provide a fertile framework for the discussion of the free market value-crisis, this study limits itself to the crisis in Malawi since the free market was introduced in 1994. Malawi has witnessed a constant decline in moral standards, culminating in the 2013 and 2016 catastrophes in the finance and the government.

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[1] H. Küng, "An Ethical Framework for the Global Market Economy," in *An Ethical Framework for the Global Market Economy*, ed. J.H. Dunnings (Oxford: Oxford University Press, 2004), 146-158.
[2] W. Dubbink, "The Fragile Structure of Free-market Society," *Business Ethics Quarterly* 14, no. 1 (2004): 23-46.

To deal with the problem of moral decadence, this chapter will first discuss the link between the free market and the consequent moral crisis. It will be argued that the free market with its emphasis on individual freedom creates a fertile environment for moral decline. The chapter will then propose virtue reform as a possible solution to this moral crisis. We are aware that various systems examine virtue and more especially the virtue of *integrity* in Malawi, including *umunthu/Ubuntu*[3] and Christian ethics. While we derive insights from these approaches, our research primarily relies on Aristotelian virtue theory. We focus on Aristotle's integration of virtue with reason and practice with the aim of initiating reflection on transforming the ethical situation of Malawian citizens.

Free Markets and Moral Crises

Several authors have shown the link between the decline in ethical standards and increasing malpractices in the free market financial sector. It may be argued that change from the traditional highly controlled markets (Keynesian system) to uncontrolled liberalized markets where managers were more powerful led to a lack of accountability in many corporations. This might have led to the decline in moral standards worldwide.

The current financial industry in Malawi is a result of neoliberal reforms that made changes in political and other systems in the 1900s. Numerous countries, including the USA, the UK, Zambia, South Africa, and even Malawi, have gone through a process of reforms in the financial sector based on neoliberal ethics. Commenting on the centrality of the neoliberal system in our daily lives and discourse, Harvey in *A Brief History of Neoliberalism* writes:

> Furthermore, the advocates of the neoliberal way now occupy positions of considerable influence in education (the universities and many 'think tanks'), in the media, in corporate boardrooms and financial institutions, in key state institutions (treasury departments, the central banks), and also in those international institutions such as the International Monetary

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[3] H. Kayuni and R. Tambulasi, "Can African Feet Divorce Western Shoes? The Case of Selected Malawian Organizations," *Nordic Journal of African Studies* 14, no. 2 (2005): 147-161; H. Kayuni and R. Tambulasi, "*Ubuntu* and Corporate Social Responsibility: The Case of Selected Malawi Organizations," *African Journal of Economic and Management Studies* 3, no. 1 (2012): 64-76.

Fund (IMF), the World Bank, and the World Trade Organization (WTO) that regulate global finance and trade. Neoliberalism has, in short, become hegemonic as a mode of discourse.[4]

Etymologically, the term "neoliberal" comes from two Latin words *neo* referring to new and *liber* referring to liberty or freedom, thus, "new freedom." Neoliberalism, therefore, means to promote *freedom* and *responsibility* in different facets of human life. Although freedom and responsibility are fundamental tenets in most cultures in the world, neoliberal ethics provides an interpretation of freedom that puts human beings and the market at the center of all affairs.[5] An individual is regarded as the nucleus of existence and has freedom as an inalienable right that springs from human dignity.

The individual primarily owns the self and then extends this ownership to other things, which he/she calls his/her property. The market becomes fundamental as a place where the exchange of property between free individuals takes place. The marketplace's spontaneous order prohibits interference by authority as infringing individual freedom.[6]

Promoting individual and market freedom required reforming political and economic structures. Then, the dominant economic system in many countries was Keynesian, which was characterized by the strong controlling hand of market forces. Commenting on this system, Harvey writes:

> Fiscal and monetary policies usually dubbed 'Keynesian' were widely deployed to dampen business cycles and to ensure reasonably full employment. A 'class compromise' between capital and labor was generally advocated as the key guarantor of domestic peace and tranquility. States actively intervened in industrial policy and moved to set standards for the social wage by constructing a variety of welfare systems (health care, education, and the like).[7]

Reforming this system and replacing it with a neoliberal or free-market economy required a different conception of the society and its government. Freedom of the individual was stressed in the society and governments were encouraged to restructure and reduce their grip on the market and society/political leadership.

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[4] David Harvey, *A Brief History of Neoliberalism* (Oxford: Oxford University Press, 2008), 19.

[5] Ibid., 63.

[6] Robert Nozick, *Anarchy State and Utopia* (Oxford: Blackwell, 1999), 30-33.

[7] Harvey, *A Brief History of Neoliberalism,* 10-11.

Neoliberal reforms are summarized in principles proposed by the Washington Consensus,[8] some of which include fiscal discipline, public expenditure, tax reform, interest rate, exchange rates, trade liberalization, foreign direct investment, privatization, deregulation, and property rights.[9]

In Malawi, restructuring and adoption of the neoliberal system started taking shape in 1981. Some areas of interest that underwent the early reforms included interest rates and lending rates that were liberalized in 1987 and deposit interest rates and preferential interest rates in 1988. Other notable reforms during this period included the industry and trade liberalization reforms in 1988 under the Industrial and Trade Adjustment Programme.

In 1994 Malawi introduced the Kwacha currency flotation followed by the liberalization of exchange rates.[10] In 1998/99 the government began to modify the Reserve Bank of Malawi (RBM) and Banking Acts. The government revised the acts to give RBM full independence from the government. The RBM then developed monetary policies that reflected market changes and forces as propagated by neoliberal policies without any intervention from the state.[11]

The introduction of neoliberal ethics as market ethics in Malawi introduced a set of values that changed financial markets. However, the reforms did not provide clear mechanisms for promoting the practice of responsibility at both individual and institutional levels in Malawi. For instance, the reforms did not require compliance measures to enhance the practice of responsibility. Intervention would contravene the essence of neoliberal ethics, brilliantly captured by Freedman in *Capitalism and Freedom*:

> Indeed, a major aim of the liberal is to leave the ethical problem for the individual to wrestle with. The "really" important ethical problems are those that face an individual in a free society – what he should do with his freedom. There are thus two sets of values that a liberal will emphasize – the values that are relevant to relations among people, which is the context in which he assigns first

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[8] Steve Forbes and Elizabeth Ames, *How Capitalism Will Save Us* (New York: Crown Business, 2009), 1-14.

[9] John Williamson, *Latin American Adjustment: How Much Has Happened?* (Washington, DC: Institute for International Economics, 1990), chap. 2.

[10] D.H. Ng'ong'ola, *Analysis of Policy Reform and Structural Adjustment Programs in Malawi: With Emphasis on Agriculture and Trade* (Lilongwe: USAID/Bunda College of Agriculture, 1996), 93-98.

[11] E. Chirwa, *Structural Adjustment Programs and the Labor Market in Malawi* (Zomba: University of Malawi, 1999), 1ff.

priority to freedom; and the values that are relevant to the individual in the exercise of his freedom, which is the realm of individual ethics and philosophy.[12]

Although the reforms brought about enthusiasm and initial economic growth in the financial markets, two elements impaired their efficiency.[13] First, neoliberalism did not promote a reform to equip individuals to live responsibly.[14] Second, neoliberalism overemphasized contractual relations in the marketplace. This neoliberal idea was well echoed by Harvey as he argues that neoliberalism values market exchange as an ethic which is capable of acting as a guide to all human action, and substituting for all previously held ethical beliefs. This ethical view emphasizes the significance of contractual relations in the marketplace.[15]

This emphasis resulted in the marginalization of various forces that affect individuals in their performance in society. The reforms did not promote social (such as communitarian solidarity), moral, cultural and spiritual capital. These two factors generated fraud, mishandling of public funds and favoritism.

Although malpractice in the financial industry has proved to be an international problem,[16] local solutions to address and prevent some of these challenges have been advanced by different financial institutions.[17] For example, in 2013, the Financial Market Dealers Association (FIMDA) developed a code of conduct to curb all forms of malpractice and promote best operational practices in a free market society. The 2006 Malawi Business Action against Corruption addresses the problem to this effect. These codes of conduct highlight the importance of ethics and integrity in the financial markets. The Financial Intelligence Unit (FIU) and the Reserve Bank of Malawi (RBM) have regulations addressing malpractice. Despite these efforts, malpractice continues. Ethics and integrity do not play an appropriate role among financial market stakeholders in Malawi.

Improper understanding and implementation of the free market system causes moral corruption in Malawi. The adoption of a free market system in Malawi initiated massive reforms in the political and economic

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[12] Milton Friedman, *Capitalism and Freedom* (London: The University of Chicago Press, 2002), 12.

[13] P. Osmiri, "An Ethical Critique of Neoliberal Development in Africa," *Covenant University Journal of Politics and International Affairs* 1, no. 1 (2013): 62-71.

[14] Bingu wa Mutharika, *African Dream: From Poverty to Prosperity* (Limbe: The Guardian Publications, 2010), 113-138.

[15] See Harvey, *A Brief History of Neoliberalism*.

[16] Johan J. Graafland, *Economics Ethics and Markets* (New York: Routledge, 2007), 127-131.

[17] A. Bhalla, Chinyama Chipeta, Haile Taye, and Mjedo Mkandawire, *Globalization and Sustainable Human Development: Progress and Challenges for Malawi* (Lilongwe: UNCTAD, 2000), 1ff.

systems and encouraged the practice of freedom. However, the reforms failed to inculcate the key element of integrity as a critical element of this system. A fundamental misunderstanding of the freedom-based individual and market reforms, as well as the removal of several regulations, led to a diminished if not complete obliteration of integrity compliance systems.

In 2014, as a response to the moral decay, the government of Malawi instituted the idea of "integrity" as one of its three pillars of development. Besides, the government formulated the Public Service Reforms Commission (PSRC) to promote ethical and integrity reform in the public sector.[18] Since then, numerous forums and media have addressed the issue of integrity reform, including national television stations, newspapers, radio, religious leaders and academicians.

While we recognize the various efforts to deal with malpractices, the continuing presence of corruption in Malawi shows the need to explore other solutions. Malawi requires two critical reforms: (1) an ethically reformed individual that can ably operate in a neoliberal system; and (2) revival of individual and institutional culture of responsibility – a central tenet of the neoliberal system.

Behavior and Integrity Reform Using a Virtue Framework

Shaw in "Sources of Virtue: The Market and the Community" reflected on a correlation between a free-market philosophy and an Aristotelian virtue ethics.[19] Building on the virtue of integrity as a locus for research, we begin with a brief discussion of the concept of integrity. This concept is highly utilized by financial marketing agents and has multiple connotations and meanings in finance ethics. Integrity has two dominant meanings, namely, (i) completeness or wholeness and (ii) soundness of moral principle. Integrity as completeness comes from the etymological conception of this notion, which originates from the Latin word *integer* meaning whole/complete. Integrity as the soundness of moral principle comes from the understanding that a morally principled human subject is ethically complete.

This second understanding is similar to Lynn Sharp Paine's understanding that defines integrity as a moral soundness in self-governance. This second view of integrity is commonly accepted and promoted in modern financial markets. In this study, we are proposing the consideration of integrity as a set of both virtues. This conception of virtue draws close to Robert Solomon's view of integrity as a "super virtue," which

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[18] Malawi Government, *Public Service Reform Commission Report* (Lilongwe: Malawi Government, 2015), 10ff.
[19] Bill Shaw, "Sources of Virtue: The Market and the Community," *Business Ethics Quarterly* 7, no. 1 (1992): 33-50.

"consists not just of individual autonomy and 'togetherness,' but of such company virtues as loyalty and congeniality, cooperation and trustworthiness."[20] A person of integrity must thus be a person who is capable of living a life of virtue.

The concept of "virtue" comes from the Greek term *arête,* translated as excellence emanating from habit.[21] By implication, integrity refers to excellence acquired through practice. This link between excellence and practice suggests that virtue is a state of character, a disposition. Integrity as virtue is excellence, which is a disposition or a state of character completeness. Linking virtue and good life in *the history of virtue ethics,* Russell indicates:

> Virtue ethics has a very long history – longer than any other tradition in moral philosophy – stretching back to the ancient Greek philosophers and, a world away, ancient Chinese philosophers as well. Its central concepts are the excellences of character, such as fairness, courage, and self-control, and it focuses on how such excellences help us live good lives, treat ourselves and others well, and share thriving communities.[22]

For Malawi, integrity as excellence is meant to help us to be efficient and live a good life in the financial markets.

In ethics, the classical theory of virtue recognizes a two-fold understanding of virtue, namely intellectual virtues and moral virtues. Intellectual virtues are mainly connected with reason and its various divisions such as intelligence, technology, knowledge, and practical wisdom. On the other hand, moral virtues are exclusively virtues of character (behavior). We want to adopt this important position and suggest that the practice of integrity in the financial markets should focus on integrity as a virtue of reason (intellect) as well as a virtue of character (moral virtue). For example, integrity understood as trustworthiness may be viewed as a virtue of character which is reflected in a set of virtues such as honesty, dependability, fidelity, responsibility, and accountability. This implies that the behavior of an individual that demonstrates these virtues partly qualifies this individual as a person of integrity. This is further complemented by the excellent quality of the use of reason relative to its various aspects, such as knowledge and practical wisdom (*Phronesis*). For instance, the quality of deliberation and decisions over issues concerning well-being

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[20] Robert C. Solomon, *Ethics and Excellence: Cooperation and Integrity in Business* (New York: Oxford University Press, 1992), 109.

[21] Aristotle, *Nicomachean Ethics*, 129ff.

[22] Russell Daniel, "Virtue Ethics in Modern Moral Philosophy," in *The History of Virtue Ethics*, ed. Daniel Russell (New York: Cambridge University Press, 2013), 1.

show elements of such virtues as credibility, dependability, objectivity, and responsibility.

In our understanding, a person of integrity is a virtuous person whose practice is coordinated by practical wisdom. This is an individual who has mastered the art of living well and knows what is good for his well-being as well as for the whole community. This individual is free from subjective influences; hence he/she can objectively understand and guide others towards the right end. Practical reason in this virtuous person helps in controlling the appetites, which are often a source of vices such as greed, as an individual wants to satisfy personal desires more and more.

Although practical reason guides a virtuous individual in analyzing situations and understanding the right end of human actions, the acquisition of moral virtues requires a continuous practice of virtue. We argue that the practice of integrity as a virtue in the financial markets requires this component. In fact, in the financial sector, an individual cannot assimilate and internalize integrity in his/her behavior without practice. In other words, "*x* is a man of integrity is the case when *x* practices integrity." Integrity, both as an intellectual and moral virtue, functions in any individual, society, and nation through practice. For Malawi to become a nation of integrity, a behavior/habit of *practicing integrity* must be set in motion. In other words, teaching financial markets stakeholders to be moral is not adequate to make them moral. Malawi has had and continues to have numerous structures – cultural and educational – set for the teaching of moral values: initiation, church, school, family, and others.

While we acknowledge the importance of teaching virtue in various forums, we still feel that what makes individuals moral is their *choice* to start practicing moral virtues that is, behaving morally. For instance, for honesty to be deeply rooted in the financial markets, it is important that occasions for practicing this virtue be created. Similarly, no one can become upright without an experience of uprightness. No one can achieve the status of being reliable if there is no occasion offered to demonstrate this virtue.

The idea of practice offers an important forum for discussing and uprooting vices that have become common in Malawi. Our thinking is that, while integrity is a virtue that is mastered through habit, moral vice is also rooted through habit. As a nation, Malawi must address existing conditions that make fertile ground for breeding vices. Numerous established systems within Malawian and institutional culture have, through repetitive practice, allowed vice to be construed as a normal practice and to prevail. For example, the infamous 2013 corruption scandal known as Cash-Gate where civil servants rooted government resources in Lilongwe was indicative of the practice of vices, which created a culture of zero integrity. But how can we address this culture of vice? We believe that by inculcating and practicing integrity, as an intellectual and moral virtue,

the nation will begin to eliminate vice. This, however, does not promise an immediate eradication of vices. Undoing this culture of vicious practice, which is entrenched, rooted, institutionalized and normalized in Malawian communities, is a process, which must nevertheless begin by practicing intellectual and moral virtues.

Lastly, the idea of the practice of integrity is important concerning the promotion of intellectual virtues. Bingu wa Mutharika attempted to introduce the notions of mind-set change and renaissance as a way of practicing intellectual virtues that are linked to integrity.[23] With the notion of practice of virtue, we want to bring back a serious investment in the actualization of innovative and critical thinking through the enhancement of virtues that will lead to integrity. The practice of intellectual virtues through training on mind-set change provides skills to individuals, which are necessary in various areas of decision-making and implementation. The skills are also crucial for transforming financial markets to become a catalyst for innovation and development in Malawi. There is a need for deliberate efforts to continuously train individuals to practice intellectual virtues, such as organizational values that have no moral connotation. Intellectual virtues are important for productive and efficient individuals. Furthermore, a lack of application of intellectual virtues will also lead to a defective practice of moral virtue.

The practice of integrity, as underlined above, cannot occur in a vacuum but in a context and way individuals manage capital, as they transform it into value. It is due to this fact that the framework of capital becomes indispensable. This obliges us to briefly clarify the concept of capital. The notion "capital" is used to refer to different things such as funds, investment, money, wealth, assets, and resources. In academia, there are different definitions of capital. For instance, Bourdieu indicates:

> Capital is accumulated labor (in its materialized form or its 'incorporated,' embodied form), which, when appropriated on a private, i.e., exclusive basis by agents or groups of agents, enables them to appropriate social energy in the form of reified or living labor.[24]

Karl Marx in his socialist doctrine viewed capital as means or forces of production. While recognizing different academic definitions of capital, we define capital as anything that Malawian citizens can transform into value. In the capital of the financial markets includes, stocks, money, bonds, shares, etc.

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[23] Mutharika, *African Dream: From Poverty to Prosperity*, 517-587.
[24] Pierre Bourdieu, "Les rites d'insititution, Actes de la recherché," *Sciences Sociales* 43, no. 1 (2010): 58-63.

How does integrity play a fundamental role in capital management? The idea of integrity starts playing an important role when different forms of capital are being transformed into value. Firstly, the basic idea is that any form of capital is potentially a value. For example, a stick as capital (resource) is potentially firewood, money, walking stick, symbol of power, and so forth. The power and responsibility to determine the value of capital such as a stick into firewood is in the human agent. This is conditioned by his/her needs. In other words, human decision plays an important role in the actualization of things from potency into value. Integrity and its set of intellectual virtues are an important tool in this process since they act as a guide in decision making and related responsibilities. Further, an individual who is managing capital is bound to fulfill the intentions of the owners. Consistency in satisfying the interests of owners of capital requires integrity. Financial market dealers have the responsibility to lead in the transformation of capital into value in the financial markets. Looking at the current increase in a culture of vice, it is clear that at the root of the whole problem is the mismanagement of capital (by financial market stakeholders) as it is being transformed into value.

Conclusion

The chapter has underlined the importance of ethics and integrity practice in the financial sector and has argued that the current proliferation of malpractices requires an immediate intervention. The integrity model presented in this chapter coupled with integrity dialogue, research and training will lay a solid foundation for a culture of integrity in the financial and other sectors in Malawi. This is a key for making the financial market a safe place for the free exchange of capital and value, hence lead the nation towards economic growth in a healthy manner.

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5.

Law and Ethics in Malawi: A Critical View

Edge Fidelis Kanyongolo

Introduction

Developments in Malawi's recent past have intensified public debate on the nature of the relationship between law and morals. The developments have included the apparent failure of the law to provide definitive answers to institutionalized corruption and organized large-scale theft of public resources, increased calls for the legalization of same-sex relations and abortion; and the criminalization of child labor and "harmful cultural practices." The chapter contributes to the introspection about the relationship between law and morals by the following: identifying the different views of that relationship in legal philosophy; describing the manifestation of that relationship in Malawian legal doctrine; and discussing the practical implications of that relationship for the certainty, legitimacy, and effectiveness of the law.

Law and Morality in Legal Philosophy

The relationship between law and ethics is an aspect of the broader debate on the relationship between law and morality, a debate that has produced substantial doctrinal discord among legal theorists and practitioners for centuries. The polar extremes of this discord are represented by, on the one hand, natural law theorists, who posit that true law depends for its validity on some ethical content and, on the other, legal formalists who conceptualize law as an insulated, self-sufficient phenomenon whose validity is independent of its relationship to ethical norms.

The view that morals – which are a particularization of the law of nature – are an integral part of a valid law is the definitive characteristic of the natural law school of legal philosophy. The essence of this view is best summed up in the following words of one of the school's best-known proponents, St Thomas Aquinas, who stated that "…if at any point [*human law]* deflects from the law of nature, it is no longer a law but a perversion of the law."[1] In this view, the normative measure of human law is founded on ethical norms, and any "law" that does not embody ethical

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[1] Thomas Aquinas, *Summa Theologiae*, trans. Fathers of the English Dominican Province (London: Barnes Oates, 1923), pt. II(I), Quest. 95, art. 2.

content is not true law, but a chimera. This view has a long historical pedigree and an enduring survival which resonates in some philosophical justifications of specific legal regimes, such as human rights.[2]

The opposite of this position epitomized by legal theorists who are characterized as analytical positivists, and whose fundamental doctrinal position is that law and ethics are separate. In the words of one of the most influential proponents of this position, John Austin, legal analysis, education, and practice should not import ethical considerations into the determination of the validity of the law.[3]

Between these two extremes lies what has been described as "the third way" championed by, among others, Dworkin and Fuller,[4] who argue that although law and ethics are separate, such separation is not absolute as all human laws necessarily embody a minimum moral content.

Although the doctrinal debate over the nature of the relationship between law and morals had its roots in Greek philosophy and medieval Western European jurisprudence, it continues to affect contemporary Malawian legal thought and practice. The following sections of this chapter investigate the manifestation of the ambivalence in Malawian legal education and practice. This is followed by a section that discusses how that ambivalence, which significantly affects legal education and practice, produces uncertainty in the law, erodes the legitimacy of the law and limits the prospects of its effective enforcement.

Law and Ethics in Malawian Legal Doctrine

Before proceeding to examine the practical manifestation of the philosophical debate of the relationship between law and ethics in Malawi, it is important to define the two terms in the context of Malawian legal theory and practice. Concerning law, the point of departure is the recognition that, in Malawi, the term "law" is not limited to the state-made law, but extends to the customary law which has been broadly defined as, "[t]he traditional law of indigenous peoples, generally oral, sometimes narrative or based on established performative practice (…) rather than in written codes or principles."[5]

In the relation between law and ethics, it is necessary to consider whether it varies depending on whether one is talking about state-made or

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[2] Jerome J. Shestack, "The Philosophic Foundations of Human Rights," *Human Rights Quarterly* 20, no. 2 (May 1998): 206.

[3] John Austin, *The Province of Jurisprudence*, ed. Wilfrid E. Rumble (Cambridge: Cambridge University Press, 1995; first published, 1832), 184.

[4] Ronald Dworkin, *Taking Rights Seriously, 165 and Fuller*, *Positivism and Fidelity to Law: A Reply to Professor Hart* (London: Duckworth, 1977), 645.

[5] "Oxford Reference," Oxford University Press, http://www.oxfordreference.com/view/10.1093/oi/authority.20110803095654898 (accessed December 4, 2017).

customary law. The chapter will argue that in Malawi the conceptual and practical relationships between state-made law and ethics are fundamentally different from those between customary law and ethics.

For purposes of this chapter, the law is broadly defined as the totality of obligatory norms which are enforced directly or indirectly by the state. In the context of Malawi, the following are the recognized forms of law: the Constitution, Acts of Parliament, judicial precedent, customary law, and public international law. All the forms, except for customary law, are generated, and enforced directly, by organs of the state and are largely based on principles and values introduced into the Malawian legal universe as part of the establishment of the colonial state. The relationship between this state-generated law and ethics is discussed separately from that between customary law and ethics.

State-Generated Law

The dominant theory and practice of state-generated law in Malawi is founded on two key tenets of legal liberalism, namely formalism and objectivism. The former entails the strict dichotomization of law and non-legal normative systems, including ethics, while the latter conceptualize law as a morally neutral and objective normative system. These two tenets form the philosophical underpinnings of the regime of state-based law at all levels which is reinforced in provisions of the Constitution, Acts of Parliament and international treaties, as well as pronouncements of legal principles by the courts.

The Constitution affirms formalism in many respects. The dichotomization of law from other normative considerations is affirmed by the Constitution's requirement that courts must make their decisions only on "legally relevant facts and the prescriptions of law."[6] This implicitly excludes non-legal norms from consideration in judicial decisions, a position that is reinforced in numerous pronouncements by the courts which have posited a strict separation between law and non-legal considerations such as politics[7] and the dictates of national policy.[8]

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[6] Constitution of the Republic of Malawi, Section 9.

[7] See the case of *Ajinga v United Democratic Front*, High Court Civil Case No. 2466 of 2008 (unreported), in which the judge stated that "judicial officers are not best placed to decide on matters *inter alia* of politics. The considerations operating in politics are different to those obtaining in the courts…the courts should be slow, very slow in our humble view, to adjudicate on matters that though dressed up as legal are really political disputes."

[8] *The State v The President of the Republic of Malawi, the Ministry of Finance ex-parte SGS Malawi Limited*, Civil Cause Number 40 of 2003, and *The State v The Minister of Finance and the Secretary to the Treasury, ex-parte the Malawi Law Society*, Constitutional Case Number 6 of 2006.

In addition to endorsing formalism, the language of the Constitution also grounds Malawian law in the legal philosophy of objectivism which posits law and legal institutions as impartial and neutral, and not determined by any *a priori* considerations. This philosophical position underpins several key constitutional principles, including that of judicial impartiality, which the Constitution provides for as follows: "The judiciary shall have the responsibility of interpreting, protecting and enforcing this Constitution and all laws and following this Constitution independently and impartially."[9]

The philosophy of objectivism is also evident in some other statutory and judicial discourses whose dominant narrative is that the law and its instrumentalities are neutral and impartial. The law goes beyond asserting neutrality and impartiality and prohibits even the mere appearance of partiality in judicial and quasi-judicial decisions.

The formalistic and objectivistic rhetoric of liberal legalism in state-legal doctrine discussed above is, however, not absolute but co-exists with a counter-narrative which acknowledges, mostly implicitly, that morality, ethics, and other "non-legal" norms are a constitutive element of the law. For example, despite providing that judges must base their decisions only on the law and legally relevant facts, the Constitution also grants courts wide discretionary powers to make judgments based on their subjective assessment of what is "reasonable."[10]

In exercising these powers, courts are guided by the normative standards of the community. This necessarily integrates moral standards into the law, thus countering the formalism that is proclaimed elsewhere in legal doctrine. Similarly, the criminalization of some conduct by the law, such as sexual intercourse between people of the same sex,[11] abortion,[12] living on the earnings of prostitution,[13] incest[14] and bestiality[15] because it is immoral and also acknowledges that some moral norms and standards are integral to the law. Such acknowledgment is also evident in the moral gradation of criminal punishment, with courts correlating the severity or lenience of criminal punishment to the degree of moral blameworthiness of the perpetrator of the crime. This is essentially what courts consider when they weigh mitigating and aggravating factors before passing sentences. The following observation by the High Court exemplifies the approach: "offences of murder do indeed differ and that they will always

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[9] Constitution of the Republic of Malawi, Section 9.
[10] Judges routinely adjudicate on what is "reasonable" in almost all branches of the law.
[11] Malawi Penal Code, Section 153(a).
[12] Ibid., Section 150.
[13] Ibid., Section 145.
[14] Ibid., Sections 157 and 158.
[15] Ibid., Section 153(b).

differ greatly from each other and it is wrong and unjust that they should attract the same penalty or punishment."[16]

The judicial application of the standard of reasonableness, the criminalization of some forms of "immoral" conduct and the moral gradation of criminal punishment run counter to the legal formalist view which dominates state-law doctrine in Malawi and proclaims the separation of law and morals. Similarly, despite its dominance in Malawian state-law doctrine, objectivism is also countered by discourses that acknowledge that the law and its organs are not neutral and impartial, and embody particular moral, political and other preferences. Although the dominant discourse posits judges as neutral arbiters, the law implicitly acknowledges that, as with every human being, judges are prone to be influenced by their own personal ethical, moral and political preferences. This is implicit in the rule of law which prohibits a judge from adjudicating in any case in which he or she has an actual or apparent vested interest, a rule which has been restated by the highest court in the country on numerous occasions.

The upshot of the preceding discussion is that there is no doctrinal consensus in Malawian law on the relationship between law and ethics. On the contrary, constitutional, statutory and judicial discourses reflect the discord between conceptual and practical dichotomization of the two normative universes on the one hand versus integration of ethical norms into the law on the other. The former has its roots in the philosophy of legal positivism and liberal legalism, which promotes legal formalism and objectivism, while the latter is largely inspired by natural law and critical legal theories which regard the separation of law and morals as legal mythology.

The co-existence of the two antithetical doctrinal positions within the same legal system not only undermines the coherence of the system but also means that there is no agreed overarching ethical framework to act as the normative benchmark for lawmakers, law enforcement officials, lawyers, and judges. Instead, in the context of Malawian legal education and practice, "ethics" is confined to the situational ethics. In other words, lawyers do not have a general obligation to act morally in their practice of law. Instead, they are only obliged to comply with a specified list of duties in particular professional contexts. As it states in its introduction, the Malawi Law Society Code of Ethics centers on the relationship of the lawyer and the justice system, competence relationship of a lawyer to the profession, relationship of a lawyer with other lawyers, accessibility and advertising of legal services, clients' property, conflict of interest, confidentiality, the lawyer and business aspects of practice, the lawyer as an advisor,

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[16] *Chimenya vs Republic* Malawi Law Reports 131 quoting the judgment in the Malawi Supreme Court of Appeal case of *Twoboy Jacob vs Republic*, MSCA Criminal Appeal No. 18 of 2006.

the lawyer as an advocate, the lawyer in corporate or government service, fees, withdrawal and dismissal, the lawyer in activities other than the practice of law, law firms and association arrangements on the death of the sole principal.[17]

The statement indicates clearly that, for lawyers in Malawi, "ethics" is not used in the Aristotelian, Platonic and Aquinian sense about goodness and virtue in the broad sense. On the contrary, the dominant doctrine of state law asserts that the law is separate from such ethical judgments conceptually and normatively, and that the goodness or badness, justice or injustice, and morality or immorality of a law or legal practice are irrelevant to their validity in law. Consistent with this approach, the Code of Ethics does not aim at producing lawyers who are ethical in the broad sense. Instead, the responsibilities of a lawyer to the society and the justice system are limited to enjoining him or her to:

> [r]espect and uphold the law…improve the justice system…not act in a manner that weakens public respect for the law or justice (…) make legal services available to all…be courteous and candid in dealing with others (…) [not] to take unfair advantage of any person or situation (…) not to tape record a conversation with anyone, nor enable a third party to hear the conversation without first obtaining the consent of the person to whom the lawyer is speaking (…) to not harass any person or discriminate against any person [and] not to sexually harass any person.[18]

The rest of the Code of Ethics is even more particularistic and narrow in its stipulation of ethical norms and is limited to requiring lawyers to deal with each other "honorably and with integrity," to ensure that the public has information regarding the nature and availability of legal services and access to the legal system, to avoid conflicts of interests which compromise their clients' interests, to keep confidential all information concerning a client's business interests and affairs, to provide informed independent and competent advice and to obtain and implement the client's proper instructions, to adhere to the highest business standards of the community, to advance the client's cause resolutely and to the best of the lawyer's ability, to ensure that fees charged to clients do not exceed a fair and reasonable amount.

Without a general obligation to act ethically, makers, enforcers, and practitioners of law, including lawyers and judges, have no duty to act morally or ethically in the broad sense. More fundamentally, without the obligation to integrate morality or ethical considerations into the law, the

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[17] Malawi Law Society, *Code of Ethics,* 2003.
[18] Ibid.

law itself is not required to reflect or promote morality and ethical conduct and does not penalize human conduct only because it is immoral. Therefore under state law in Malawi, adultery, prostitution, socializing with criminals, drunkenness and other conduct which is considered by many Malawian communities to be immoral or unethical in the broad sense is not punishable by state law.

Customary Law

The doctrinal ambivalence towards the question of whether the validity and bindingness of the law depends on its ethical content is largely absent from traditional customary law whose dominant discourse is unequivocally anti-formalist and relatively anti-objectivist. Unlike the discourse that dominates state-generated law, fundamentally, customary law does not purport to dichotomize law from other "non-legal" norms. In customary law, there is no strict exclusion of ethical, moral, religious considerations from legal norms and decisions. Even more significantly, customary law is underpinned by overarching ethical norms which are absent in state-generated law. There is a significant body of literature that argues that the overarching ethical norm which is common to most African customary normative systems is that of "*Umunthu*" which entails helping and thinking of others in need, empathy and solidarity.[19] Infusing this overarching norm into legal norms and processes involves eschewing legal formalist doctrine and including moral, ethical, economic, social and other non-legal factors in (customary) legal decision-making.

Customary law doctrine is also distinguishable from that of state-generated law which posits the law and its organs as neutral and impartial institutions that have no *a priori* ethical preferences. Customary law doctrine is anti-objectivist in that it requires its institutions and processes to promote specific ethical and moral values and not be neutral. Customary law does not regard its relationship to morality, ethics and other normative regimes as being dichotomous. On the contrary, customary law is argued to be the embodiment of a community's moral and ethical standards.

Implications for Law and Ethics

The ethical ambivalence of state-generated law and the tension between that ambivalence and the centrality of ethics in customary law create three consequences that have significance for the future of law and ethics in Malawi.

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[19] H. Tambulasi and R. Kayuni, "Can African Feet Divorce Western Shoes? The Case Of '*Ubuntu*' and Democratic Good Governance in Malawi," *Nordic Journal of African Studies* 14, no. 2 (2005): 149.

The first of these is uncertainty in the fundamental nature and functions of law. More specifically, uncertainty over whether ethics are an integral part of the law and whether the law ought to enforce any particular ethics as such. Due to the doctrinal ambivalence described above, the position of the law in particular circumstances cannot be predicted with certainty. Members of the public cannot tell in advance whether state-generated law and its mechanisms will adopt a formalist separation of the law from morals or an objectivist approach to the neutrality and impartiality of legal institutions. This lack of certainty violates one of the cardinal requirements of the law that it must be certain.

The second result of the ambivalence that exists in Malawian legal doctrine regarding the relationship between law and ethics is the erosion of the legitimacy of the law. To the extent that state-generated law promotes formalism and objectivism, it runs counter to the dominant public view and understanding of the law, that the law exists to promote a just and good society. The disconnection between the public's understanding of the nature and functions of law, on the one hand, and the official one which underpins state-generated law undermines the legitimacy of the law. A law that does not reflect a society's norms not only has questionable legitimacy but is also difficult to enforce since both its enforcers and the public do not believe in it.

The third implication of the ambivalence is that the law cannot provide an unambiguous normative response to the moral and ethical questions that bedevil contemporary Malawian state and society. Such questions include those about political campaign handouts, same-sex relations, abortion, "harmful cultural practices" and child labor. The inability of state-generated legal doctrine to provide unambiguous answers to these questions reveals the limits of law and brings into question the trust that the Malawian public vests in legal institutions to deliver justice and resolve ethical conflicts.

The Future

Enhancing the capacity of the law to contribute to addressing Malawi's ethical challenges requires a resolution of the doctrinal ambivalence in state-generated law. The orthodox legal doctrine whose claims to formalism and objectivism underlie the country's dominant legal system must be rethought in light of the evidence which increasingly demonstrates the impossibility of divorcing the law from ethics or other "non-legal" normative systems in practice, and of the law and its mechanisms operating with ethical neutrality and impartiality. The proposed re-orientation of legal doctrine towards anti-formalism and anti-objectivism in Malawi is likely to gain traction with policymakers and the public because

the customary law which governs the lives of most Malawians is itself largely anti-formalist and anti-objectivist.

In practical terms, enhancing anti-formalism and anti-objectivism in Malawian legal doctrine entails fundamental changes in state-driven law-making and formal legal education and practice. Such changes will enhance certainty in the law, strengthen its legitimacy and improve the prospects of its effective enforcement through improving doctrinal clarity on the relationship between ethics and the law.

In law-making, the changes require policy and lawmakers to articulate the ethical norms that underpin Malawian society and infuse them into the law. In this regard, it is worth noting that the Constitution defines the responsibility of the executive branch of government to be "the initiation of policies and legislation and for the implementation of all laws which embody *the express wishes of the people of Malawi* and which promote the principles of this Constitution"[20] (my emphasis). On its part, the legislative branch is mandated to enact legislation and to "ensure that its deliberations reflect *the interests of all the people of Malawi*" (my emphasis). The making of state-generated law and its implementation by the legislature and the executive are, therefore, not predicated on moral neutrality and impartiality, but are expressly required to be biased in favor of the wishes and interests of the people of Malawi.

In grounding their law and policymaking on particular ethical values, legislators and the executive must make choices between competing ethical values and principles. A particularly challenging aspect of this process is that the narrative of formalism and objectivism is backed by powerful interest groups, including countries and institutions which provide development assistance to the state and the people of Malawi.

With respect to formal legal education, curricula must be reviewed to include more content and method aimed at improving students' critical knowledge, understanding and skills of the integration of "non-legal" norms, such as ethics, into legal discourses and decision-making. The current dominance of legal education in Malawi by formalist and objectivist theories which perpetuate the myth of the separation between the law and other normative regimes must be replaced by a more balanced discourse which also pays equal, if not more, attention to legal theories which reject the notion that law must be separated from ethics and must be enforced and adjudicated upon by neutral and impartial institutions. Such "realistic" legal theories include natural law, American Realism, Marxist legal theory, feminist legal theory, and critical legal theory.

Enhancing anti-formalism and anti-objectivism in Malawian legal doctrine also requires fundamental changes in legal practice. Policy and lawmakers, lawyers and judges must acknowledge the critical influence

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[20] Constitution of the Republic of Malawi, Section 7.

of ethics and other "non-legal" norms on legal processes and decisions more explicitly and systematically. Instead of maintaining the façade of formalism and objectivism, policy and lawmakers, lawyers and judges in Malawi must openly acknowledge that legal processes and decisions are influenced, to varying degrees, by non-legal factors, as was stated by Justice of the U.S. Supreme Court and scholar, Oliver Wendel Holmes:

> The life of the law has not been logic; it has been experience. The felt necessities of the time, the prevalent moral and political theories, intuitions of public policy, avowed or unconscious, and even the prejudices which judges share with their fellow-men, have had a good deal more to do than syllogism in determining the rules by which men should be governed. The law embodies the story of a nation's development through many centuries, and it cannot be dealt with as if it contained only the axioms and corollaries of a book of mathematics.[21]

The acknowledgment of the limits of the dichotomy between law and ethics and other non-legal norms may be operationalized by the following: including in the selection of judges a systematic public inquiry into their ethical predilections, through nomination hearings as happens in other jurisdictions; narrowing down the scope of the principle of non-justifiability by which judges decline to adjudicate on matters that are perceived to be non-legal; deliberately infusing ethical and moral diversity in the composition of court panels to minimize dominance of particular views; and expanding the scope of admissible evidence and submissions in trials to include that relating to moral, ethical and other "non-legal" norms.

Conclusion

The relationship between law and ethics in Malawi is characterized by doctrinal ambivalence in legal theory and practice. While the dominant view is that law and ethics are conceptually separate and ought not to be conflated in practice, a counter-narrative, evident in critical legal theories and practices, argues that it is neither possible nor desirable to attain total separation between law, on the one hand, and ethics, morality, and other non-legal norms, on the other. The resulting doctrinal ambivalence creates uncertainty in the nature and aims of the law, erodes the legitimacy of the law and limits its contribution to the promotion of ethics. Reversing this situation requires increased anti-formalism and anti-objectivism among

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[21] Holmes Wendell, *The Common Law*, *The Common Law* (Courier Corporation, 1991), 1.

policy and lawmakers and in legal education and practice. This must be done without supplanting the law with a normative system of ethics.

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Part II
African Views on Ethics

6.

Rediscovering Individual-based Values in *Ubuntu* Virtue Ethics

Grivas Muchineripi Kayange

Introduction

This chapter grapples with the problem of the foundation of *ubuntu* ethics to transform corporate entities. It shows that what is obvious in most of the African philosophical writings is that this ethics is founded on the community and its welfare.[1] It is based on this perception that in principle the common understanding of *ubuntu* ethics leads to the view that an action is regarded as right if, and only if, it leads towards the welfare of the community. At the basis of this view is the communitarian ideology which has dominated African philosophy in the post-colonial era[2] and has led to a difficulty in any constructive reflection on individuality or individualism, which is often seen as an anomaly.

Metz indicated that the origins of this form of ethics may be traced back over the past 50 years.[3] Since the independence of some Sub-Saharan African countries in the 1960s (such as Malawi and Zambia in 1964) one might expect African leaders in various corporate entities to live the communitarian values which they promulgated. Surprisingly, this ethics has failed to yield the intended results, as increasing numbers of immoral acts – such as corruption, bribery, and nepotism – have crippled African development in different corporate entities (including businesses, government, and non-governmental organizations). It can be safely said that most Sub-Saharan African countries are undergoing a situation of moral decay in the context of corporate governance in different areas and that *ubuntu* ethics in its current intellectual version is inadequate and ineffective.[4]

In an endeavor to deal with moral decay in African corporate entities, several scholars have developed a version of *ubuntu* corporate ethics that inculcates and advances community virtues in a range of systems. The

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[1] Thaddeus Metz, "Ethics in Africa and in Aristotle: Some Points of Contrast," *Phronimon* 13, no. 2 (2012): 99-117; Fainos Mangena, "Towards a *Hunhu/Ubuntu* Dialogical Moral Theory," *Phronimon* 13, no. 2 (2012): 1-17.

[2] Julius Nyerere, *Ujamaa: Essays in Socialism* (Oxford: Oxford University Press, 1966); Kenneth D. Kaunda, *A Humanist in Africa* (London: Longmans Green, 1966); Léopold Sédar Senghor, *On African Socialism* (London: Pall Mall Press, 1964).

[3] Metz, "Ethics in Africa and in Aristotle: Some Points of Contrast," 99.

[4] See the intellectual version in Section 2 below.

thinking is that community-based values can help in correcting unwanted corporate practices detrimental to the welfare of African society. These values may, among other things, rectify environmental pollution, lack of social responsibility, exploitation of workers and lack of respect for life. This use of *ubuntu* values/virtues in corporate governance implies an acceptance of the validity of this theory as a normative authority in African ethics. Although this has been the current trend, *ubuntu* virtue ethics promoted in intellectual circles is incomplete and is mostly based on a series of biases towards the Western world. Some African philosophers, pushed by anti-Western philosophical developments, have often blamed the Western world for introducing individualism, claiming that it consequently led to irresponsibility, dishonesty, lack of accountability, etc.[5] *Ubuntu* ethics is therefore seen as a better alternative as it is based on African traditional/communal values. This chapter argues that this whole comparison with Western individualism reflects an anomaly in African philosophy which requires rectification.

Building on an investigation of ordinary African languages, this chapter takes the challenge of exploring the anomaly of *ubuntu* ethics constituted in a lack of focus on individual-based *ubuntu* values/virtues. The use of ordinary language as a milieu for this study is influenced by the belief that philosophy is a rational activity constituted in reflection on ordinary language.[6] In exploring individual-based values the argument develops on the assumption that a comprehensive understanding of these values may become a breakthrough in an applied context such as environmental ethics, professional ethics, business ethics, and corporate governance, where such ethics are often utilized.

After rediscovering the individual foundation of ethics and values, this study develops an integrated system of *ubuntu* values (comprised of both individual and community values) that may be utilized in the transformation of corporate entities. The chapter is structured as follows: section 2 discusses *ubuntu* virtue ethics as understood in intellectual circles; section 3 discusses the anomalies in current *ubuntu* ethics; section 4 interrogates the intellectual brand of *ubuntu* ethics by investigating individual elements and values in the African context; section 5 develops an inte-

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[5] Odera Oruka, "The Fundamental Principles in the Question of African Philosophy," *Second Order: An African Journal of Philosophy* 4, no. 1 (1975): 44-55.

[6] Rudolf Carnap, "The Elimination of Metaphysics Through Logical Analysis of Language," in *Logical Positivism*, ed. A.J. Ayer (Glencoe: The Free Press, [1931] 1959), 60-81; John Langshaw Austin, *How To Do Things with Word* (Cambridge: Harvard University Press, 1962); Grivas Muchineripi Kayange, "Understanding the Semantics of Chichewa Proverbs in the Light of Contemporary Philosophy of Language," *Journal of African Cultural Studies* 26, no. 2 (2012): 220-233; Ludwig Wittgenstein, *Philosophical Investigation* (Oxford: Blackwell, 1952).

grated system of *ubuntu* ethics freed from exclusive community or exclusively individual biases. It further suggests a new form of an African traditional system of values/virtues.

Ubuntu Virtue Ethics: A Brand for Intellectuals

African intellectuals such as Metz and Gaia have argued that *ubuntu* is a form of virtue ethics.[7] Traditionally, virtue ethics have been considered in philosophy as one of the main normative ethical theories along with utilitarian and deontological theories.[8] One of the first commonly known virtue theories was forwarded by Plato, who regarded virtues as forms that may be instantiated in an individual, community, etc. Some of the virtues that are listed at the highest level include "goodness" and "justice." Reason plays a fundamental role in the knowledge and practice of virtue. A human being who lives a virtue such as goodness is then regarded as a good person. This suggests that virtues are abstract ethical entities, but they can become real in the world of appearance by being instantiated in human beings. For example, in "Jean is a good person," goodness is manifested in Jean. Any counter-virtue is seen as a vice, hence ethically bad for the human soul. Similarly, Aristotle is well-known for his virtue ethics described in such writings such as the *Nicomachean Ethics* and *Eudemian Ethics*. The greatest good for Aristotle is happiness, which is the self-realization of an individual using reason. Aristotle encourages the practice of several virtues; some of them are individualist in nature (such as temperance and continence), while some are communitarian (such as bravery). In both Plato's and Aristotle's versions of virtue ethics focus on discouraging vices and promoting virtues, which are important for the attainment of a good life (happiness).

Ubuntu virtue ethics could have been expected to follow the same trend of virtue ethics advocated by philosophers such as Plato and Aristotle. Metz in "Ethics in Africa and Aristotle: Some Points of Contrast," compares *ubuntu* virtue ethics with Aristotelian virtue ethics and argues that the former is communitarian and the latter is both individualistic and communitarian. Commenting on this aspect he writes:

> In this article I compare and, especially, contrast Aristotle's conception of virtue with one typical of Sub-Saharan philosophers. I point out that the latter is strictly other-regarding, and specifically communitarian, and contend that the former, while including such elements, also includes some self-regarding or

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[7] Metz, "Ethics in Africa and in Aristotle: Some Points of Contrast," 99 ff.

[8] Utilitarian ethics judge an action as good or bad based on the consequences. Deontological ethics judge an action by the obligation attached to the action itself.

individualist virtues, such as temperance and knowledge. I also argue that Aristotle's conception of human excellence is more attractive than the Sub-Saharan view as a complete account of how to live, but that the African conception is a strong contender for a limited group of the most important virtues related to morality qua rightness.[9]

The dictum that is commonly shared as the basis of *ubuntu* virtue ethics is "I am because we are."[10] This expression was introduced to indicate the ontological basis of *ubuntu* virtue ethics as the "we," which is equivalent to the society/community.[11] This view is meant to underline the difference between the Western focus, which is thought to be individualistic, and the African, which is communitarian as is evident in the above citation. In Western ethics the ontological basis is Descartes' "I think, therefore I am," whereby the "I think" is representative of reasoning activity by an individual (it reflects Aristotle's consideration of man as a rational animal) and the "I am" is representative of individual existence in the world (this is what Heidegger called "*Dasein*"). While Mbiti's expression was designed to represent what is African, Descartes' dictum was expected to represent the Western ontological foundation. It is important to do justice to Descartes' *cogito* by indicating that his whole project was not intended to express a Western cultural essence, but he wanted to develop a neutral epistemological foundation that could not be doubted. I think that if African thinkers focused more on Aristotle's ethics rather than on Descartes' ontology, they would have realized individualistic elements in *ubuntu* virtue ethics.

Like the emphasis put on the community by Mbiti, the famous South African advocate of *ubuntu*, Desmond Tutu, promoted the communitarian virtues in African ethics. In Malawi many works support and advance a communitarian perspective of *ubuntu*/*umunthu* ethics including those of Tambulasi and Kayuni[12] and Mfutso-Bengo.[13]

In *ubuntu* virtue ethics in general, the greatest good (*summum bonum*) that drives individuals is explicated as communal or social harmony. This automatically means that there is an enhancement of all virtues that

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[9] Metz, "Ethics in Africa and in Aristotle: Some Points of Contrast," 99.

[10] John Mbiti, *African Religions and Philosophy* (Oxford: Heinemann, 1969), 108-109.

[11] C. Nze, *Aspects of African Communalism* (Nigeria: Veritas Publishers, 1989).

[12] R. Kayuni and H. Tambulasi, "Can African Feet Divorce Western Shoes? The Case of '*Ubuntu*' and Democratic Good Governance in Malawi," *Nordic Journal of African Studies* 14, no. 2 (2005): 147-161; R. Kayuni and H. Tambulasi, "*Ubuntu* and Corporate Social Responsibility: The Case of Selected Malawian Organizations," *African Journal of Economic and Management Studies* 3, no. 1 (2012): 64-76.

[13] Joseph Matthew Mfutso-Bengo, *Bioethics as Moral Capital in Africa/Malawi* (Saarbrucken: Lambert Academic Publishers, 2016).

lead towards the achievement of this communal harmony. Commenting on the Malawian situation, Schoffeleers[14] and Braugel[15] seem to hold a comprehensive understanding of communal harmony that is not limited to human relations/community, but also affects all other living and non-living creatures, including God and the spirits (wider community). This is evident in their discussion of the creation myth, where African traditional society started its existence in total primordial harmony. All beings were living together peacefully and when trouble came, the spirit of solidarity helped them to continue living in harmony.[16] Harmony is, therefore, a necessary condition for living well in the universe. Metz and Gaia[17] also focus on this aspect of harmony, but they limit their discussion to human relations/community. In these relations, they firstly emphasize harmony understood as solidarity. Secondly, they focus on the element of identity or sense of belonging to the community. Nevertheless, some of the virtues that are indispensable in discussing social harmony include solidarity, cooperation, friendliness, and reciprocal respect.

One of the commonly cited expressions on social harmony as *summum bonum* is Desmond Tutu's:

> We say, 'a person is a person through other people'. It is not 'I think therefore I am'. It says rather: 'I am human because I belong.' I participate, I share…Harmony, friendliness, community are great goods. Social harmony is for us the *summum bonum* the greatest good. Anything that subverts or undermines this sought-after good is to be avoided like the plague.[18]

The mention of social harmony as the greatest good suggests that an individual desires communal happiness in his actions and such happiness consists in communal harmony. A person with *umunthu* or an ethical person is the one who strives to live the communal virtues. Such a person must learn to sacrifice personal interests and values for the sake of the other. He/she must practice a complete sense of belonging to the entire community.

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[14] Matthew Schoffeleers, *Religion and the Dramatization of Life, Spirit, Beliefs and Rituals in Southern and Central Malawi* (Zomba: Kachere, 1997), 22-23.

[15] J. Van Breugel, *Chewa Traditional Religion* (Zomba: Kachere, 2001), 35.

[16] Ibid., 34-35.

[17] T. Metz and J.B. Gaie, "The African Ethic of *Ubuntu*/Botho: Implication for Research on Morality," *The Journal of Moral Education* 39, no. 3 (2010): 273-290.

[18] Desmond Tutu, *No Future without Forgiveness* (New York: Random House, 1999), ix.

Although Tutu[19] and Metz and Gaia[20] focus more on communal harmony concerning human society, I think that a broader view that reflects both physical (human society) and spiritual worlds, which are inseparable, captures well the practice in most African traditional cultures in the Sub-Saharan territory.[21]

Anomalies of the Current Theories of Ubuntu Virtue Ethics

There are some anomalies with *ubuntu* virtue ethics that require special attention. The first set of anomalies in this form of virtue ethics includes: (a) eliminating "reason" and its role in knowing and directing the soul in practicing virtue; (b) ignoring the individual focus of all virtues and a set of individually focused virtues; (c) tying the objective of practicing virtue to the community; and (d) eliminating an understanding of virtues as abstract forms with a potential of being instantiated in both the community and the individual. These anomalies may be explained as a consequence of political propaganda in the colonial and early post-colonial period in Africa. Reason and individualism were attributed to the colonials;[22] therefore they could hardly be introduced in an African version of virtue ethics. Apparently, an African does not use reason, but passively receives customs and virtues from the traditional society and is expected to live according to such dictates. Communitarianism was an attribute of African society and this gave it a privileged position in the explanation of virtues. In other words, the community reasons for the individual. In the colonial period, this was intended to unite Africans in the fight against the same enemy (the colonial powers). In the post-colonial period, it was meant to strengthen African political parties and their ideologies.

In the Sub-Saharan region, Julius Nyerere and Kenneth Kaunda were among the first promoters of *ubuntu/umunthu* values. In the case of Nyerere, the virtues promoted in this theory are unfolded within a political theory (ideology) drawing inspiration from African traditional society, commonly known as *ujaama*.[23] This is based on the idea of family and communal sharing. Similarly, Kaunda focuses on African humanism and underlines the element of community with its values such as unity, collaboration, solidarity, etc. Tutu is one of the thinkers whose version of

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[19] Tutu, *No Future without Forgiveness,* ix.

[20] Metz and Gaie, "The African Ethic of *Ubuntu*/Botho: Implication for Research on Morality," 273-290.

[21] Schoffeleers, *Religion and the Dramatization of Life, Spirit, Beliefs and Rituals in Southern and Central Malawi*; Braugel, *Chewa Traditional Religion*.

[22] Oruka, "The Fundamental Principles in the Question of African Philosophy," 44-55.

[23] Grivas Muchineripi Kayange, "Modern African Nationalistic-Ideological Philosophy: Its Controversial Development in Malawi (1958-2012)," *Journal on African Philosophy* 1, no. 6 (2012): 16-30.

ubuntu ethics aims at promoting political interests, in this case, the promotion of peace and unity. For instance, Tutu writes:

> *Ubuntu* means that in a real sense even the supporters of apartheid were victims of the vicious system which they implemented and which they supported so enthusiastically. Our humanity was intertwined. The humanity of the perpetrator of apartheid's atrocities was caught up and bound up in that of his victim whether he liked it or not. In the process of dehumanizing another, in inflicting untold harm and suffering, the perpetrator was inexorably being dehumanized as well.[24]

This understanding of *ubuntu* was utilized to stop people from inflicting harm on each other during the apartheid years in South Africa. *Ubuntu* ethics developed in this vein is more impartial than a generalized elaboration since it identifies certain traits in the community and reinforces them for the achievement of particular interests.

The second anomaly in *ubuntu* virtue ethics is the deliberate misconception of Western philosophy as exclusively individualistic. In this regard, even the comparison by Metz indicated above apparently builds on a similar misconception.[25] What is surprising is that one can assume that the promoters of *ubuntu* ethics, such as Mangena[26] and Mfutso-Bengo,[27] were well aware of Aristotle's famous expression that a man is a social/political animal by nature.[28] If remembering this was difficult, the communitarian, before distorting Western philosophy, could have remembered the Catholic Church's social teaching, which rebuked different forms of individualism and promoted a form of communitarianism based on Christian values. If all this was impossible, it was important at least to remember the development of Western history that witnessed both orientations (individualist and communalist). In my view, Mbiti is a very good example of this misrepresentation of Western thought.[29] By committing the fallacy of generalization, he convinced many Africans that Western thought was exclusively individualistic. This understanding is partly true

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[24] Tutu, *No Future without Forgiveness,* 32.

[25] Metz and Gaie, "The African Ethic of *Ubuntu*/Botho: Implication for Research on Morality," 275-277.

[26] Mangena, "Towards a *Hunhu/Ubuntu* Dialogical Moral Theory."

[27] Mfutso-Bengo, *Bioethics as Moral Capital in Africa/Malawi*.

[28] Aristotle, "The Eudemian Ethics," in *Aristotle's Selections*, trans. Irwin Terrence and Gail Fine (Indianapolis, IN: Hackett Publishing Company, 1995), 1169b18; Aristotle, "Politics," in *The Politics of Aristotle*, trans. E. Barker (New York: Oxford University Press, 1946), 1253a9.

[29] Mbiti, *African Religions and Philosophy*, 108-109.

when one considers modern Western thought as founded on Descartes.[30] Nevertheless, in various parts of Europe, for example, in Southern Italy, most citizens were and still are community oriented. This has been true in some parts of Spain, France and other nations.

Correcting Ubuntu Virtue Ethics

The first correction is the extension of the communitarian focus through the inclusion of an individual focus. The idea is that virtues or vices may be considered as abstract entities (universals) that are instantiated in both the individual and in the community. In order to make the indicated correction, I will work with the assumption that the investigation of ordinary language is fundamental because it can objectively point at virtues and vices used in a particular context. This is meant to avoid virtues that are already claimed by different scholars in an African context based on communitarian biases.[31] I am well aware that the chains of communitarian thinking put in place by different African scholars are very difficult to unlock, and may be here forever.

Nevertheless, I argue that the inclusion of the individual focus of *ubuntu* virtues and vices may be justified by identifying traits of individualism and individual values in the African traditional context.[32] This identification is partly echoed in Kaphagawani, who indicated in one of his criticisms of Mbiti's communitarianism that:

> [t]o assert African communalism is not in any way to imply the denial of recognition of individual human beings *qua* individuals. African communalism in fact takes cognizance of ontological pluralism; and to assert, as Mbiti does, that *we are,* presumes prior recognition of the individuality of those making up the *we*.…And to claim, 'whatever happens to the individual happens to the whole group,' and vice versa, is no doubt to forget the difference between individuals on the one hand and *sets* of

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[30] René Descartes, "Meditations on First Philosophy," in *The Philosophical Writings of Descartes*, eds. John Cottingham, Robert Stoothoff, and Dugald Murdoch (Cambridge: Cambridge University Press, 1984).

[31] Kayuni and Tambulasi, "Can African Feet Divorce Western Shoes? The Case of '*Ubuntu*' and Democratic Good Governance in Malawi," 147-161; Kayuni and Tambulasi, "*Ubuntu* and Corporate Social Responsibility: The Case of Selected Malawian Organizations," 64-76; Metz, "Ethics in Africa and in Aristotle: Some Points of Contrast," 99 ff.

[32] J. Kisekka, "The Destiny of the Individual in Contemporary Africa," in *Ethics, Human Rights and Development in Africa*, eds. A.T. Dalfovo, James. K. Kigongo, J. Kisekka, G. Tusabe, E. Wamala, R. Munyonyo, A.B. Rukooko, A.B.T. Byaruhanga-Akiiki, and M. Mawa (Washington, DC: Council for Research in Philosophy and Values, 2002), 67-82; Thomas Kochalumchuvattil, "The Crisis of Identity in Africa: A Call for Subjectivity," *Kritke* 4, no. 1 (2010): 108-122.

individuals on the other. For Africans, certainly the Chewa, are aware of this important difference as exemplified by the following expressions: *Chaona mnzako chapita mawa chili paiwe* (What your neighbor has experienced is gone, tomorrow it will be your turn); *mvula ikakuona litsiro siikata* (When the rain has seen that you are dirty, it does not stop pouring); and *Wanthu ndi mchenga saundika* (Human beings are like sand out of which one cannot make a mountain). All these proverbs and expressions reflect the Chewa's cognizance of the individuality of human beings.[33]

Kaphagawani mentions the presence of individuality in the African context by referring to proverbs, hence his focus is the affirmation of the ontological uniqueness of an individual. This is an important observation, as it differentiates Kaphagawani's main concern with epistemological and ontological perspectives on individuality. Nevertheless, the fact that Kaphagawani mentions a number of proverbs that support individuality is suggestive of the type of data that can be utilized in tracing individualism or the notion of the individual in the Bantu context.[34] I therefore embarked on a study of a sample comprising a total of 2,009 proverbs and metaphors used by the Chewa people of Malawi.[35] My contention goes beyond Kaphagawani's work, which discusses the elements of individuality in general, by focusing on a number of specific themes that emphasize the individual. The themes to be discussed below include self-knowledge, self-reliance, self-control and individual ownership.

The first crucial discovery justifying the inclusion of an individual focus among the Chewa proverbs is the presence of the idea of "*self-knowledge*." One such proverb is *Kadziwa mwini mkhuto wa fulu*, translated as "only a tortoise by itself knows whether it has had enough food or not."[36] Interpreting this expression by focusing on "speaker," "hearer"

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[33] Didier N. Kaphagawani, "African Conceptions of Personhood and Intellectual Identities," in *The African Philosophy Reader*, eds. P.H. Coetzee and A.J. Roux (London, New York: Routledge, 1998), 240-244.

[34] This is a method that has been utilized by various scholars such as Austin, *How to do Things with Words*; Wittgenstein, *Philosophical Investigation*; D. Sperber and D. Wilson, "A Deflationary Account of Metaphors," in *Cambridge Handbook of Metaphor and Thought*, ed. R.W. Gibbs (New York: Cambridge University Press, 2008); H.P. Grice, "Meaning," *Philosophical Review* 66, no. 3 (1957): 377-388; Kayange, "Understanding the Semantics of Chichewa Proverbs in the Light of Contemporary Philosophy of Language."

[35] J.C. Chakanza, *Wisdom of the People: 2000 Chinyanja Proverbs* (Zomba: Kachere, 2000).

[36] See Chakanza, *Wisdom of the People: 2000 Chinyanja Proverbs*, 96; S.J. Nthara, *Miyambi (Proverbs) in Chichewa* (Nkhoma: Dutch Reformed Church Mission Press, 1958).

and context in terms of pragmatic theory,[37] the first possible interpretation is that self-knowledge is important because it leads to the value of self-responsibility. The individual can know that it is enough and then takes a decision to stop. The second possible meaning is that you know yourself by carrying out self-examination. Other proverbs similar to the above include: *kadziwa mwini mpeni wamchiuno,* translated as "only the person in question knows that there is a knife hidden in his/her waist"; *Kadziwa mwini msampha wa m'chipeta*, as "only the trap-setter himself knows where the trap lies in the *chipeta* grass." The proverb *Waika phale watama mano*, translated as "he/she who has put the potsherd ready, trusts his/her teeth" suggests that self-knowledge leads to self-trust or self-confidence.

The second discovery that calls for the inclusion of an individual focus in African traditional philosophy is the existence of proverbs regarding "*self-reliance*." One of such expressions is *Khasu liposa mako ndi tate*,[38] translated as "a hoe is more than your mother and father." The meaning of this expression is that self-reliance is important rather than depending on parents or on the entire community.[39] Interestingly, the expression puts the self and his/her economic activities at the center. Investigating further the element of individuality, one encounters the Chewa expression *Kufa saferana* (Chewa) or *Kuwa kwangawelana* (Yao)*,* translated as "you cannot die for the other." This encourages self-reliance by discouraging dependence on others. There are some things that other people cannot do for the individual. It further teaches self-responsibility in life by encouraging individuals to perform their duties.[40] Another important proverb is *kudya kwamzako sungamwere madzi*, literally translated as "when you eat at a friend's/neighbor's home, you cannot accompany the food with water." This indicates that it is not good to rely on others.[41] It shows that dependence makes individuals feel uncomfortable in life.

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[37] Austin, *How to do Things with Words*; Wittgenstein, *Philosophical Investigation*; Sperber, and Wilson, "A Deflationary Account of Metaphors," 84-108; Grice, "Meaning," 377-388; Kayange, "Understanding the Semantics of Chichewa Proverbs in the Light of Contemporary Philosophy of Language."

[38] Chakanza, *Wisdom of the People: 2000 Chinyanja Proverbs*, 114.

[39] Parents are important everywhere, including those places where the individual is emphasized. It is nothing special to say that parents are valued in this community. I still remember that the early days when I was instructed using this expression, I felt like I was being betrayed, given that family and community were for me beyond everything.

[40] In contemporary Chewa language, this figurative expression is often replaced by the literal expression, *uwona kuti uchita bwanji, wakula wantha*, translated as "you will see/know what to do, you are grown up and it's over."

[41] For further study on self-reliance see the proverb *Nyumba yamwini saotchera mbewa,* translated as "you don't roast mice in someone's house" (Stevenson L. Kumakanga, *Nzeru za kale* [Blantyre: Longman, 1975], 21). The story supporting this reads: "A person went to catch mice. When he came back, he started preparing the mice. He saw in somebody's house a pot that was on the fire, and started thinking, 'Let me roast these mice so that,

The third discovery is the presence of the idea of *self-control* (*kudzi-letsa*). One of these expressions is *Chimkonda cha nsikidzi chidanka ndi maliro kumanda*,[42] literally translated as "The bed-bugs' object of affection made them accompany a corpse to the graveyard." This refers to the habit of sucking the blood of human beings; the expression warns individuals to practice self-control over things they do as subjects, such as drinking beer, having sexual relations, eating excessively, etc. The individual is warned to be responsible in avoiding addictions.

Other proverbs include: *Fisi akatola fupa sadyera pomwepo*, translated as "when a hyena gets a bone, it doesn't eat it on the spot."[43] Although a hyena is known in Malawi for gluttony, it controls itself and eats where it is alone. *Galu wofewerera adapita ndi goli* is translated as "a dog with an easy character went with its protective stick."[44] Do not be deceived by the senses by following the good feelings they bring, but practice self-control. *Msipu wobiliwira udapha mbuzi* is translated as "fresh lush grass killed a goat." In this proverb the lack of self-control led a goat to keep on eating up to the point of bursting.[45] This set of proverbs may be summarized as suggesting that the self is the measure of the self. An individual must know when it is enough, even if the activity is still attractive and satisfying.

The fourth idea is that of *individual ownership*. The proverb *chamwini ndi chamwini* is translated as "that which is owned by an individual, is that which is owned by an individual." This clearly shows that what an individual owns is not for the community. Other proverbs showing individual ownership include: *Chinthu chikatayika chimalira mwini*, translated as "when a thing is lost, it cries for the owner"; *Kanthu ndi kako, kamwini nkamwini* is translated as "a thing is what you have, 'that' which is with others is just a 'that'." This alludes to the understanding that an individual must not count on what belongs to others or the community; what one can count on is what one owns. *Kanthu n'kako, waona adakhuta*

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when the Nsima (food from maize floor) is ready, I may use them.'" After roasting his mice, he stayed and waited in vain for a long time for Nsima to come, but there was nothing. He therefore decided to eat his mice without Nsima. The proverb teaches that, "Each and every person must try to stand on their own feet, without trusting/counting on what others have, but they must provide for their own needs." The instruction is that when one gets something, it is important to practice self-control by being prudent. The behavior of a hyena is in this context taken as an example of patience.

[42] Chakanza, *Wisdom of the People: 2000 Chinyanja Proverbs*, 58.

[43] The instruction is that when one gets something, it is important to practice self-control by being prudent. The behavior of a hyena is in this context taken as an example of patience.

[44] Chakanza, *Wisdom of the People: 2000 Chinyanja Proverbs*, 84.

[45] Other instructive and interesting expressions include, *Bongololo sadzolera mafuta pa gulu*, translated as "a millipede does not apply oil to his/her body in the community"; *Wamva ng'oma ndi yake*, translated as "the one who heard the drum is his/hers."

thope is translated as "what you have is yours, and whoever saw it got satisfied with mud"; *Fodya wako ndiye ali pamphuno* as "Your snuff is what you have on your nose."[46]

It is clear from the above that an exclusive focus on the community in studying African philosophy or ethics is surely erroneous. A focus on both the community and the individual provides an important foundation for any development of *ubuntu* ethics. What promoters of communitarian thought in Africa forget is that there are various proverbs that highlight the individual against the community; for example, the proverb *Chuluke ndi wa njuchi umanena iyo yakuluma,* translated as "being many is for bees, you identify the one that stung you." In some versions this figurative expression is written as *Piringupiringu ndi wa njuchi, yoluma ndi immodzi*, translated as "Wandering in large numbers is for bees, it is only one that stings."[47] Apparently this contradicts the famous communitarian proverb cited by Kayuni and Tambulasi which states that *Kalikokha ndi kanyama, ali awiri ndi anthu,* translated as "The one who is alone is an animal, those that are two are humans."[48]

Another proverb that questions the community emphasis is *Anagwirizana malo okumana, koma anagona m'mitengo yosiyanasiyana,* translated as "they agreed on where to meet, but they slept in different trees."[49] Lastly, another powerful proverb questioning communitarianism is *Andiyitana pakalowa njoka, pakalowa mbewa akumba okha*, translated as, "they call me when a snake has entered a hole, but when it is a mouse, they dig it out themselves." It warns the individual against manipulation by the community which wants him/ her when there are problems, as in the case of fighting against colonialism. One wonders why most of the

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[46] Note that the focus on self-knowledge/awareness, self-reliance, self-control and individual ownership connects the African traditional focus to the Western individual focus. For example, the ancient idea that "an unexamined life is not worth living" (attributed to Socrates in Plato's *Apology*, 35a-38b), the Cartesian idea that "I think therefore I am" (Descartes, "Meditations on First Philosophy") and the Hegelian notion of self-consciousness/awareness (Georg Wilhelm Friedrich Hegel, *Phenomenology of Spirit* [Clarendon Press, 1977]), alludes to this aspect of knowing and describing "the self." This has not only been a Western experience, but it is present in contemporary philosophical reflections in the African context, for example, Kwame Gyekye's work, *The Unexamined Life: Philosophy and the African Experience* (Sankofa: Ghana Universities Press, 1996). Similarly, self-control and self-reliance are highly promoted in Western virtue ethics (Aristotle).

[47] Chakanza, *Wisdom of the People: 2000 Chinyanja Proverbs*, 70.

[48] Kayuni and Tambulasi. "Can African Feet Divorce Western Shoes? The Case of Selected Malawian Organizations."

[49] The communal responsibility is reflected on the aspect of agreeing where to meet, but then there is this element of difference that was demonstrated in the behavior of the individual community members. An individual understands from this context that what is said with respect to communal unity is different from the actions of individuals, who are often individualistic in their actions. This suggests that the community is sometimes irresponsible.

African intellectuals have ignored this beautiful balance between individualism and communalism that is present in African culture. *Ubuntu* ethics can restore this missing balance through reformulation of its virtues and vices to reflect individual and communitarian elements.

Reformulation of *Ubuntu* Virtues and Vices

The section provides the reformulation of a system of *ubuntu* virtues or vices taking as point of departure how they are reflected and used in ordinary language in some Bantu communities in Malawi. I argue that corporate entities can be transformed if they start concentrating on the general values sampled below, rather than continue being conditioned by communitarian values only. The virtues and vices below are sampled from the collection of 2,009 proverbs indicated earlier. The focus was on what ordinary people mostly reinforce and what they discourage in Malawi. From a general study of these proverbs, it was discovered that out of 2,009 proverbs, there were 1,093 that indicate virtues and vices. The lists of meanings were suggested by Chakanza.[50] Below are the findings of 40 meanings that had the highest number of proverbs attached to them.

Considering that some meanings above refer to the same values – for example, the vice "dishonesty" on number 8 and the virtue "honesty" on 24 are both meant to promote honesty – a new hierarchy of values/virtues is suggested as follows (I have presented only 10 positions with virtues having the highest number of proverbs).[51] The values that were changed include humility (virtue) and pride (vice), which scored 46 + 29 = 75 (see the above values). The vice of dishonesty is on 31 plus its virtue "honesty" on 22 = 53.

Serial number	Meaning of proverb	Total number of proverbs
1	Patience	55
2	Humility	46
3	Responsibility	39
4	Perseverance	38
5	Foresight	37
6	Respect	37
7	Discretion	34
8	Dishonesty	31
9	Prudence	31
10	Cooperation	30

[50] Chakanza, *Wisdom of the People: 2000 Chinyanja Proverbs*, 449-463.
[51] Note that the purpose is to demonstrate what sorts of values are more famous compared to others.

11	Luck	29
12	Pride	29
13	Self-Control	29
15	Care	27
16	Determination	27
17	Effort	26
18	Friendship	26
19	Reciprocity	26
20	Acceptance	25
21	Hypocrisy	25
22	Cunning	24
23	Selfishness	24
24	Contentment	23
25	Haste	23
24	Honesty	22
25	Courage	22
26	Evil	22
27	Laziness	22
28	Appreciation	21
29	Evidence	21
30	Generosity	21
31	Stubbornness	21
32	Advice	20
33	Satisfaction	20
34	Self-reliance	20
35	Unity	19
36	Delay	1
37	Love	19
38	Preparedness	19
39	Misfortune	18
40	Injustice	17

For the purpose of this chapter, I will not discuss all these values in detail. Just to mention a few ideas, the hierarchy above shows that humility is potentially the most common virtue in Malawi. This can help individuals in corporate entities to become aware of their weaknesses, accept correction, etc. The only possible drawback is that in some circumstances humility can impede creativity and competition in the context of business. Humility may be primarily oriented towards the community and is hence a partly communitarian value. However, humility may also have an individual focus when one uses it as a strategy to avoid embarrassment more especially in situations of failure.

On the second place in the hierarchy is patience, which qualifies both as an individual-focused virtue and a community-focus virtue. It focuses on an individual in those situations where it enables an individual to avoid unnecessary anger and an exaggerated response when some needs are not immediately met. It benefits the community more as it encourages a good attitude in an individual towards others, more especially when their actions waste his/her precious time. It is a very important virtue that promotes harmony in the community, as it enhances mutual understanding and tolerance. Patience is important in most of the corporate entities, because it helps to reduce wasting time on complaints, some of which are quite unnecessary. The fact that this sentiment is commonly found in the proverbs suggests that most Malawians value patience.

In the third place is honesty, which is one of the most important values that is required to be reinforced in corporate entities in Malawi and other Sub-Saharan countries. This is because of the growing corruption in these countries, which is a sign of the absence of honesty. Practicing this virtue at work not only helps towards the avoidance of corruption, but also gives employers and customers proper service, and lead to respecting working hours (doing the work based on the agreed time), etc. Although other aspects such as corporate cultures of competition, impulsive risk taking and disrespect for established norms may boost the economy, the values of responsibility, perseverance, respect, foresight, discretion, prudence and cooperation are appropriate for a genuine and lasting economic transformation of Malawi and the Sub-Saharan countries.[52]

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[52] The late president of Malawi, Kamuzu Banda (1964-1994), encouraged four values: respect, unity, loyalty and obedience as the most important values in Malawi. The current president Peter Mutharika (from 2014) is encouraging integrity, patriotism and loyalty. It was only Bingu wa Mutharika (2004-2012) who tried to promote all the African values by insisting more on doing research on African traditional culture in order to come up with a system of local values. He also criticized the West in most of his writings.

Conclusion: Transformation of Corporate Entities

The old understanding of *ubuntu* virtue ethics and the centrality of the community meant developing a corporate ethics founded on cooperation, solidarity, collaboration, mutual respect, etc. The use of *ubuntu* virtue ethics as claimed by communitarian scholars seems to be a breakthrough in the context of corporate governance and business ethics because of its link with the theme of corporate social responsibility (supported in the stakeholder approach to business). This is a development in African philosophy where communitarianism is viewed as an instrument to defend the stakeholder conception of social responsibility. Unfortunately, Bantu ethics has not yet achieved their desired end in corporate entities. Many corporate entities in Malawi are not yet transformed and they are highly affected by unethical behavior such as corruption.

The study has laid a foundation for the transformation of corporate entities in Malawi and other Sub-Saharan countries. After demonstrating the weaknesses of the current community focus, it has claimed that individual-oriented virtues are an essential feature of *ubuntu* virtue ethics. The following suggestions are fundamental in the continuing process of transformation:

- Corporate entities must develop a corporate ethics founded on both community and individual, as argued above;
- *Ubuntu* ethics must reflect both a communitarian and an individual focus;
- Corporate entities must attempt operating based on a list of selected Bantu codes of values as influenced by their interests and the context.

I conclude by indicating that, although *ubuntu* virtue ethics remains a challenging field, intellectuals should constantly engage with it. This will help them to constructively identify and promote both community and individual virtues that can help Malawi and other African countries to achieve and maintain sustainable economic development pioneered by its corporate entities.

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7.
Ubuntu Moral Capital and Social Capital

Tawina Chisi & Grivas Muchineripi Kayange

Introduction

In this study, we argue that *ubuntu* can be conceptualized further in terms of moral capital, which is strictly linked with social capital. There have been debates on the inadequacy of the current conceptualizations of *ubuntu*. Academics have suggested different positions on this matter. Matolino and Kwindingwi[1] argued that this concept does not reflect the current situation of Africa and proposed that it should be discarded in African philosophy. A reason for supporting this position is the failure of *ubuntu* to eradicate poverty in most of the African communities and to address the individualism associated with neo-capitalism.

A second position is that the conceptualization of *ubuntu* requires reinvention[2] in order to address both individual and communal aspects.[3] A third position is that the current conceptualisation of *ubuntu* is capable of solving African problems.[4] Researchers have applied this understanding of *ubuntu* in areas such as politics, education, and business.[5] While Kayange[6] has promoted alternative interpretations of *ubuntu,* in this chapter we interpret the concept in terms of moral capital linked with the idea of social capital.

Before conceptualizing *ubuntu* in terms of moral capital linked with social capital, we would like to acknowledge that there is lack of a clear meaning of this concept. For example, we are aware that the semantics of

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[1] Bernard Matolino and Wenceslaus Kwindingwi, "The End of *Ubuntu*," *South African Journal of Philosophy* 32, no. 2 (2013): 197-205.

[2] Jonathan O. Chimakonam, "The End of *Ubuntu* or Its Beginning in Matolino-Kwindingwi-Metz Debate: An Exercise in Conversational Philosophy," *South African Journal of Philosophy* vol. 35, no. 2 (2016): 224-234.

[3] Grivas Muchineripi Kayange, "Rediscovering Individual-based Values in *Ubuntu* Virtue Ethics: Transforming Corporate Entities in Post-colonial Africa," in *An African Path to a Global Future*, eds. R. Oelofsen and K. Abimbola (Washington, DC: Council for Research in Values and Philosophy), 107-128.

[4] Thaddeus Metz, "Just the Beginning for *Ubuntu*: Reply to Matolino and Kwindingwi," *South African Journal of Philosophy* 33, no. 1 (2014): 65-72.

[5] J.K. Khomba and F. Vermaak, "Business Ethics and Corporate Governance: An African Socio-Cultural Frame-Work," *African Journal of Business Management* 6, no. 9 (2012): 3510-3518.

[6] Ibid.

this concept suggests a multiplicity of meanings. Gade studied the semantics of this concept,[7] and identified various meanings departing from the past writings (from and before 1950). In this study, Gade provided 32 meanings[8] of the concept *ubuntu*, which may be subsumed under three categories.

The first meaning of *ubuntu* focuses on humanity and the related terms, such as humanness, human kindness, and true humanity. In this category, it is difficult to claim a specific referent of *ubuntu*, because it may denote "human race" (collectively), human quality, state of being human, philanthropy, etc.[9] The second meaning focuses on virtue – mainly the state or disposition of being moral or the qualities of a good person. In this context, *ubuntu* has meanings such as virtue, good moral nature, kindness, politeness, etc. The third category concerns individuality. This is reflected in the meanings of *ubuntu* such as personality, personhood as well as a person's own human nature, etc.[10]

Against these interpretations, we endorse a conception of *ubuntu* as a version of virtue theory including both individual and communal well-being. As Kayange[11] has stipulated, we acknowledge that *ubuntu* specifies becoming a good person in a community by developing self-regarding and other-regarding virtues.

In this study, we interpret further the notion of *ubuntu* as a form of moral capital linked with social capital in the three following sections. The conclusion will indicate some possible threats and solutions related to our conceptualisation of *ubuntu*.

Ubuntu and Moral Capital

We propose that *ubuntu* may be adequately conceptualized as a form of moral capital, which is required in various areas for African development. What is moral capital? The concept "moral capital" has two theoretical concepts, namely, "moral" and "capital." The concept "moral," refers to the quality of human actions (good or bad actions) as determined by moral principles such as virtues. The concept "capital" refers to "value" that has the potential to produce surplus value (profits). This is

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[7] Christian B.N. Gade, "The Historical Development of the Written Discourses on *Ubuntu*," *South African Journal of Philosophy* 30, no. 3 (2011): 303-329. Grivas Muchineripi Kayange, "Restoration of *Ubuntu* as an Autocentric Virtue-*phronesis* Theory," *South African Journal of Philosophy* 39, no. 1 (2020): 1-12.

[8] His study states on page 307 that there are 31 meanings; however, "human nature" appears twice so the actual count is 32.

[9] Gade, "The Historical Development of the Written Discourses on *Ubuntu*," 308.

[10] Grivas Muchineripi Kayange, *Capitalism and Freedom in African Political Philosophy* (New York: Palgrave Macmillan, 2020), 256.

[11] Grivas Muchineripi Kayange, *Meaning and Truth in African Philosophy* (Cham: Springer, 2018), 119-130.

confirmed further by Wang, who defined capital as "a kind of capability which can be invested into production to create social wealth."[12] Similarly, Bourdieu indicates that, "Capital is accumulated labor (in its materialized form or its "incorporated," embodied form) which, when appropriated on a private, i.e., exclusive, basis by agents or groups of agents, enables them to appropriate social energy in the form of reified or living labor."[13] In this regard, surplus value is the wealth, which is a consequence of the invested initial value.

Based on the above clarification of the concepts "moral" and "capital," moral capital presupposes that morality is a form of capital that may be invested. This investment of moral values (good conduct) in a corporate during production is expected to equally create a good work environment. We believe that the invested moral values will transform individuals to act virtuously when undertaking their duties. This environment maximizes the practice of moral virtues, hence guarantees a proper handling of resources. The assumption is that in such an environment, corrupt practices such as bribery and theft have no place to flourish. This becomes a good environment for other forms of capital to translate into surplus value in production, without any obstruction. Briefly, investing moral capital has a function of improving individual and collective conduct and capabilities, hence lead to good performance in production and consequently increase profits.

The concept of moral capital is linked with the notion of "human capital." This is primarily about viewing a human being as a value, hence a fundamental investment in production. We want to acknowledge that a human being has both intrinsic value and instrumental value which calls for the practice of moral virtues. The intrinsic value is the wealth of a person as such, independent of the market value. This has often been the source of human rights, such as the right to life. It has also been the source of moral principles and practice in a particular environment. The instrumental value refers to the fact that human beings have capabilities that transform initial capital into surplus-value. These capabilities may include intellectual, moral and physical capabilities that are perfected towards the maximization of profits. The moral capability perfectly links with the notion of moral capital. Moral values are invested in an individual properly because of having the moral capability. It is believed that this capability will guide or drive an individual to act morally.

Understanding *ubuntu* as a form of moral capital implies that this is a set of self-regarding and other-regarding virtues, which are invested in

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[12] X. Wang, *On Moral Capital* (Beijing: Yilin Press, Ltd. and Berlin, Heidelberg: Springer-Verlag, 2015), https://doi:10.1007/978-3-662-45544-92.

[13] Pierre Bourdieu, "'Les rites d'insititution, Actes de la recherché," *Sciences Sociales* 43, no. 1 (2010): 58.

an individual in view of having moral capability to become a virtuous individual. We acknowledge that the moral capability is vested in individuals in virtue of their possession of practical reason. It is this thinking capability that directs individuals to act morally towards the achievement of their own well-being and that of their communities (common good). The human moral quality is therefore determined by both the self and the community, which together define what it means to be human, and direct individuals towards what is good.

While moral investment in an individual equally targets self- and community well-being, moral capital is critical for achieving the common good. This shared good is a function of human relations. Emphasising this point, Desmond Tutu states that,

> In Africa we have a word, *ubuntu*, which is difficult to render in Western languages. It speaks about the essence of being human: that my humanity is caught up in your humanity because we say a person is a person through other persons.[14]

A possible interpretation of this quotation is that individuals achieve recognition as such only through others. Recognition enhances self-esteem, motivation and the spirit of cooperation, which engender an environment for the creation of surplus-value. Individuals acknowledge this mutual dependence because self-awareness of oneself as a person is made possible only through others. Commenting on this Tutu writes:

> We say, 'a person is a person through other people.' It is not 'I think therefore I am.' It says rather: 'I am human because I belong.' I participate, I share…harmony, friendliness, and community are great goods. Social harmony is for us the *summum bonum* – the greatest good. Anything that subverts or undermines this sought-after good is to be avoided like the plague.[15]

The citation shows that moral perfection regarding human moral quality is made possible when human actions are favorable to the community, which is regarded as the *summum bonum* – The ultimate or greatest good. *Ubuntu* theorists such as Metz argue that *ubuntu* "means humanness, and it often figures into the maxim that a person is a person through

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[14] Desmond Tutu, *No Future without Forgiveness* (New York: Random House, 1999), ix.

[15] Tutu, *No Future without Forgiveness,* ix.

other persons."[16] Metz and Gaia[17] contend that *ubuntu* as moral capital promotes the other-regarding virtues, which are capable of building human moral quality. This is often contrasted with Aristotle's virtue theory, which focuses on moral capital as concerning an investment of both other-regarding and self-regarding virtues. Aristotle's virtue theory also recognizes the centrality of both intellectual and moral virtues.

In Malawi, the idea of *ubuntu* as a form of moral capital is reflected in different scholars such as Tambulasi and Kayuni,[18] Nkhomba[19] and Mfutso-Bengo.[20] They have argued for *ubuntu* as human moral quality that is defined by reliance on other-regarding virtues. The definition and promotion of this moral capital gains support from proverbs such as *Kalikokha n'kanyama ali awiri ndi anthu*: "The one who is alone is an animal but those that are two are human beings." This underscores the idea that the values that build the community are fundamental and therefore must be invested. This calls for an individual to invest in values such as solidarity, faithfulness to the community, obedience and the spirit of sharing. In short, a person who has cultivated moral capital is considerate to and sensitive towards the needs of others, and this individual is critical for the production of surplus-value.

With moral capital focused on the individual apart from the community, the individual cultivates self-regarding virtues such as self-control, responsibility and prudence aimed at the attainment of individual well-being. This practice becomes moral capital that directs actions motivated by self-preservation and happiness. It builds a virtuous individual in the community, who, apart from supporting others, lives an exemplary life that includes moderation in such practices as social drinking and respect for life itself.

Ubuntu and Social Capital

Although the above discussion shows that *ubuntu* is substantially moral capital, it is directly linked with the idea of social capital. In the

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[16] Thaddeus Metz, "Toward an African Moral Theory," *The Journal of Political Philosophy* 15, no. 3 (2007): 321-341.

[17] Thaddeus Metz, "The African Ethic of *Ubuntu*/Botho: Implication for Research on Morality," *The Journal of Moral Education* 39, no. 3 (2010): 273-290

[18] R. Kayuni and H. Tambulasi, "Can African Feet Divorce Western Shoes? The Case of '*Ubuntu*' and Democratic Good Governance in Malawi," *Nordic Journal of African Studies* 14, no. 2 (2005): 147-161; R. Kayuni and H. Tambulasi, "*Ubuntu* and Corporate Social Responsibility: The Case of Selected Malawian Organizations," *African Journal of Economic and Management Studies* 3, no. 1 (2012): 64-76.

[19] Khomba and Vermaak, "Business Ethics and Corporate Governance: An African Socio-Cultural Frame-Work," 3510-3518.

[20] Joseph Matthew Mfutso-Bengo, *Bioethics as Moral Capital in Africa/Malawi* (Saarbrucken: Lambert Academic Publishers, 2016).

African context, a person who is effective in using social capital is generally considered to be a good person. For this reason we propose that understanding a person with *ubuntu* must go together with the investment in social capital. Before clarifying this link, we define the concept of "social capital." The general conception of social capital may be reflected in OECD: "networks together with shared norms, values, and understandings that facilitate cooperation within or among groups." This definition underscores the importance of linkages that are formulated in the society as influenced by various elements. For instance, these linkages may be based on the sharing of the same beliefs relative to the African traditional religions. This creates a sense of belonging to people who adhere to this religion and who consequently support each other and practice various other-regarding virtues such as solidarity and friendliness.

Linkages are centered on the idea of family. However, the concept of family goes beyond the nuclear family to include kinsmen, tribesmen, neighbors, and other individuals. Nyerere summarizes the centrality of relations lived together in the concept *ubuntu*, which is defined as a life "lived by a man and his family – father, mother, children and near relatives."[21] These linkages may sometimes involve people that have different power positions as well as holding various properties. These different networks involve various aspects such as the search and practice of values, exchange of benefits and fulfillment of personal interests. All these aspects are finalized at enhancing the value of cooperation of people, which is also fundamental for building moral capital in a particular context. This centrality of networks may also be seen in the definition of social capital by Bourdieu, who states that,

> The aggregate of the actual or potential resources which are linked to possession of a durable network of more or less institutionalized relationships of mutual acquaintance and recognition…a "credential" which entitles them to credit, in the various senses of the word.[22]

While the definition capitalizes on networks, it indicates the aspect of "potential resources," which explains the goal of the relations. Individuals enter in these networks so that they can benefit from their resources. Social capital, then, may include obligations, and other advantages which are a consequence of the virtue of mutual trust created and demonstrated in the relationships. The connections, obligations, and trust are not givens but the product of investment strategies "consciously or unconsciously"

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[21] Julius Nyerere, *Ujamaa: Essays in Socialism* (Oxford: Oxford University Press, 1966), 77ff.

[22] Bourdieu, "'Les rites d'insitition, Actes de la recherché," 249.

aimed at establishing or reproducing social relationships that are directly usable in the short or long term.[23]

Given the fact that social capital is fundamental in most societies, it may be argued that some important and commonly needed assets are acquired because of these relations. Hanifan's definition states that "those tangible assets count for most in the daily lives of people: namely goodwill, fellowship, sympathy, and social intercourse among the individuals and families who make up a social unit."[24] These assets include the virtues such as solidarity in times of trouble, material needs, favors to do a particular job, etc.

Building on the above definitions and discussion, we believe that social capital encourages other-regarding virtues as building blocks of the community and its operations. In a social setting, it becomes an investment that individuals place in their communities as they relate with others, with the understanding that when they will need support, the community will likewise be ready to return the support they gave. This reciprocity is not necessarily in the same form that one invested, as it could be in a different form. For example, individuals may invest by visiting a neighbor who is sick, but when they have other problems like lack of food, the neighbors will try to assist them as a form of reciprocity.

In the African context, the linkages and the related resources as defining characteristics of social capital are fundamental in the community. In fact, in the discussion of *ubuntu* above, apart from individual well-being Africans target communal well-being. This implies that Africans value social relations, which are a ground for the investment and practice of moral capital. These relations are important because individuals invest in the community what they have in order to get surplus value whenever they require support. For example, at the level of community events such as funeral, social capital becomes fundamental. Every member of the community is obliged to be part of the funeral. Assistance to the deceased family is not only rendered in terms of money and other necessities like food, but also through physical presence. When physical presence is lacking, people normally state that *Sabwera kumaliro tidzaona zikadzamuwonekera*: "These individuals don't attend funerals, we shall see when the same will happen to them." This is a warning and an invitation to practice solidarity. Similarly, when neighbors are sick, other members go to visit them. The understanding is that the sick will one day visit others when they will be in a similar situation.

Another example showing the importance of investing in these relations in the economic context of social capital investment is the idea of

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[23] Ibid.

[24] L.J. Hanifa, "The Rural School of Community Centre," *Annals of the American Academy of Political and Social Sciences* 67 (1916): 130-138.

the *thangata* system.[25] "*Thangata*" is a word deriving from the Chichewa language, which has changed its meaning several times, but all meanings relate to agriculture. Its original, pre-colonial, usage is related to the reciprocal help given in neighbors' fields or freely given agricultural labor as thanks for a benefit. Therefore, *Thangata* was a system where different people were supporting each other through the provision of labor force. The person who helped a neighbor expected to be equally supported by the interested subject. This was common in the context of farming, where several families were coming together to work on one land. They were often given some traditional brews such as *thobwa*/*mahewu* or beer as a sign of gratitude for the work done. This was not a form of payment but a sign of unity. After working in one field they would then go to another field.

In the current Malawian economic setting, many people have started investing their social capital through the organization of "Business Top-Up" ceremonies. In this regard, a person organizes a business top-up so that other members will come and support his business. Members practically attend such ceremonies to invest in social capital. The understanding is that when they will organize theirs, people will also come to visit them. Weddings are also banking on the investment of social capital. During all the wedding preparations, people organize ceremonies where the main interest is to raise funds for the wedding. Members, therefore, go to support those who have organized the wedding, with an understanding that they will also be assisted in the future. Investment is further required during the wedding celebration. If a member in a particular community does not visit others and invest social capital during their wedding, they pay back by not attending his/her wedding.

Analysis of *Ubuntu* Moral Capital and Social Capital

An analysis of *ubuntu* as moral capital linked with social capital introduces various positive and negative elements. On the positive side, *ubuntu* is fundamental given that it is an investment that may guide African individuals and communities towards the achievement of surplus-value. *Ubuntu* may, therefore, be mainly invested in young individuals and corporate entities so that they become good individuals capable of developing their nation. Building social capital will further create a good environment for mutual acquisition and use of moral capital, hence lead to effective production and surplus value. It may further be indicated that social capital promotes other-regarding virtues, which are equally targeted by *ubuntu*. In some circumstances, social capital is valued for individual

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[25] Desmond Dudwa Phiri, *History of Malawi: Form Earliest Times to the Year 1915* (Blantyre: Christian Literature Association in Malawi, 2004), 74-99.

gains, therefore, it is used to promote or safeguard some specific self-regarding virtues. When an individual fails to practice some self-regarding virtues, social capital may be used as a reminder. The community will help the individual to remember the virtues such as self-control and responsibility.

Although in most cases this is effective, we would like to note that there are circumstances when moral capital and the related social capital are manipulated. Therefore, instead of bringing well-being as the intended surplus-value, they become a source of malpractices in the African context. Below is a discussion of some of the malpractices.

In the African context, the application of moral capital and social capital is often distorted when the concept of "community well-being" loses its universal scope of application and starts referring to a small group of individuals. For example, "community well-being" is often interpreted as referring to the well-being of the members of one's extended family or tribe. In this case, one feels obliged to practice moral capital and social capital relative to this community. This implies that one is obliged to practice the virtues such as solidarity, friendliness, and responsibility to members of this community. When the idea of "community" extends beyond one's tribe, then there is discretion in practicing virtues.

Many malpractices are a consequence of this limited application of the community, such as favoritism, tribalism, and bribery. For example, favoritism is the practice of giving preferential treatment or support to someone or one's family/tribe/group at the expense of the rest of the individuals or community. When favoritism is based on the limited conception of "community well-being" as "tribal well-being," the outcome becomes tribalism. A morally good person practices virtues that lead to tribal well-being. Similarly, social networks are established based on how best they benefit a particular tribe. (For example, in Malawi, tribal networks and morality are mainly witnessed in the division of regions of the country.) A good example is in the context of voting patterns during presidential elections. People from the central region, who are predominantly belonging to the Chewa tribe, prefer a candidate from their region. Similarly, those from the southern region prefer a Lomwe or a Yao who are the majority in this area.

While the reduction of community to a tribe may still encourage an individual to practice various other-regarding virtues, in some circumstances, community well-being is reduced to a network that an individual develops based on his/her personal interests/needs. This conceptualization of a community becomes more common in Malawi because of the spread of globalization, wherein some contexts the family, tribe or community are ignored or looked at as a hindrance towards the achievement of personal needs. Generally, in this conceptualization of the community, individual well-being targets the accumulation of capital and surplus value

mainly in the form of money. It further targets individual freedom in this process of the creation of wealth. Social capital is dependent on a network of market relationships, which are designed to assist an individual in accessing the market and services.

In the above conception of the community's well-being centered on the individual, moral capital is more seen in the practice of self-regarding virtues, such as responsibility and self-control. This becomes an important context where practical reason is fundamental in deliberating the actions that can benefit the individual and possibly other individuals. However, the practice of other-regarding virtues is often compromised in this context. The practice of virtues such as solidarity and unity is exercised at one's discretion. In some cases, solidarity becomes a tool for achieving personal interests. The cohabitation of the conception of "community well-being" centered on tribe or region and "community well-being" centered on the individual in Malawi creates an enormous difficulty for practicing moral capital and social capital at a national level.

Conclusion

This work has conceptualized *ubuntu* as a form of moral capital and social capital. It has shown that for *ubuntu* to be effective, it needs to be considered as a virtue theory that accommodates both self-regarding virtues and other-regarding virtues. Practical wisdom is fundamental to the application of *ubuntu* as moral capital. Person with *ubuntu* can contribute to the African development because they recognise virtuous acts and use practical reason to choose the right course of action in different areas. They are driven by what is good for the individual and the community. Such persons are critical in the context of social capital that addresses the well-being of both the individual and community. *Ubuntu* controls malpractices such as favorism and corruption because individuals act on behalf of individual as well as communal good.

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8.
Situating African Work Ethics

Agatha Magombo & Grivas Muchineirpi Kayange

Introduction

The concept of "work ethic" recognizes work as a value encompassing traits of character that lead toward happiness defined as accumulation of wealth that promotes a good life. In modern moral philosophy, this concept has generally captured the attention of different academics because of Max Weber's *The Protestant Work Ethic and the Spirit of Capitalism.*[1] Weber conceptualized work in the capitalist environment as having a religious value or calling from God. To effectively respond to this calling, an individual must acquire character traits such as hard work and diligence, which will in turn lead to the appropriation of wealth and fulfillment of God's desire for humans to be happy.

Although Weber set a foundation for work ethic as a value, Hill[2] argues that the consideration of work as having a positive moral value and an intrinsic value is a new development. Lipset writes from a historical perspective, arguing that it was a relatively recent development for the cultural norm to place a positive moral value on doing a good job because work has an intrinsic value for its own sake.[3] In fact, in both the Judeo-Christian and Greek traditions, work was seen either as a curse from God because of man's disobedience in the Garden of Eden[4] or as a duty to be done by the inferior members of the society. The Judeo-Christian conception in Genesis suggests that work has no value for humans, as they are expected to just enjoy themselves in the garden. After disobeying God, the Bible says, "Man will eat from his sweat."[5] In Ancient Greek philosophy, those individuals who were superior philosophized while the lower-class people (mainly slaves and people of weaker minds) had to work.[6]

A smart life where individuals do not physically work hard to get their needs met but use their reasoning to get others to provide hard labor

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[1] Max Weber, *The Protestant Ethic and the "Spirit" of Capitalism and Other Writings* (London, New York: Methuen, [1930] 2005), 1ff.

[2] Roger B. Hill, "Historical Context of the Work Ethic," http://workethic.coe.uga.edu/history.pdf (accessed May 2, 2019).

[3] Seymour Martin Lipset, "The Work Ethic – Then and Now," *Public Interest*, no. 46 (Winter 1990): 61-69.

[4] The Gideons International, *Bible,* Genesis 2.

[5] Ibid., 3, 17.

[6] A. Garfield Maywood, "Vocational Education and the Work Ethic," *Canadian Vocational Journal* 18, no. 3 (1982): 8.

dominated Western philosophy, up to the revolution brought by Weber in the last century.[7] In the current studies, work is acknowledged as having an intrinsic value and has moral values that are required for work to be good. A notable interest in work ethic was experienced in the 1970s and 1980s, when academics investigated work as a value in relation to other values in different parts of the world. Rodgers discussed work ethic in industrial America,[8] Yankelovich and Immerwahr in *Putting the Work Ethic to Work*[9] promoted this ethic as fundamental for the growth of the society.

In the 1990s, work ethic reflected on the impact of the spread of neo-liberalism and its influence on people's conception and practice of work values. For example, Lipset provides a background for understanding the work ethic based on a historical trajectory.[10] Sheehy offers a critique of the current neoliberal work ethic on work.[11] From 2000 to 2017, work ethic has been an important area of research mainly because of the world-wide moral crisis[12] that came with the adoption of neoliberal ideas. The common tendency in work ethic has been the development of work-related values such as honesty and integrity that respond to moral crises.

Many Africans believe that people in their countries can get ahead by working hard. However, as far as Malawi's work ethic is concerned, there is currently neither a philosophical study that has directly presented this work ethic nor a discussion on the conflicting nature of this ethic. However, this absence of an intellectual discourse on the topic does not necessarily imply its absence in the Malawian context. Our first task is therefore to present a systematic conception of Malawian work ethic.

Building an analytic philosophical framework, we investigate Malawian traditional work ethic, using the study of language as our point of departure. The basic assumption is that a genuine philosophy of a particular people (such as moral philosophy) may be developed through a reflection on language. Philosophy of language considers the meanings of figurative expressions (proverbs and metaphors) and suggests the content of Malawi's traditional work ethic.[13] We have chosen figurative language

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[7] Hill, "Historical Context of the Work Ethic," 4-6.

[8] Daniel T. Rodgers, *The Work Ethic in Industrial America* (Chicago: The University of Chicago Press, 1978), 10 ff.

[9] D. Yankelovich and J. Immerwahr, "Putting the Work Ethic to Work," *Society* 21, no. 2 (1984): 58-76.

[10] Lipset, "The Work Ethic – Then and Now," 61-69.

[11] James W. Sheehy, "New Work Ethic is Frightening," *Personnel Journal* 69, no. 6 (1990): 28-36.

[12] Neoliberal moral crisis was discussed by Grivas Muchineripi Kayange and Yamikani Ndasauka in this book.

[13] Grivas Muchineirpi Kayange, *Meaning and Truth in African Philosophy* (Cham: Springer, 2018), 47-72.

because these expressions are commonly used in Malawi to express and teach a way of doing things in this environment.

After formalizing Malawi's work ethic with the study of language as our point of departure, we will develop a Blanc-Marxian interpretation of Malawi's work ethic. Our focus is on the discussion of the framework of a conflict between classes. This will be followed by a presentation of a liberal interpretation of Malawi's work ethic. In this context, the idea of liberty is seen as a foundation for work ethic.

From Ordinary Language to Malawian Traditional Work Ethic

The President of Malawi between 2014-2019, Peter Mutharika expressed two primary elements of work ethic, hard work and integrity, as the pillars of development for the nation. The centrality of hard work and diligence was earlier underlined by two late presidents of Malawi, Kamuzu Banda (1898-1997) and Bingu wa Mutharika (1934-2012), who developed their ideas in the context of nationalistic ideological philosophy.[14] Although they mentioned elements of work ethic, there is no exclusive theocratic development of this ethics.

While we draw insights from the commonly mentioned aspects of Malawian work ethic, we want to develop this work ethic by focusing on ordinary people's conception of work. To understand this conception, we collect Malawian figurative expressions that are commonly used.[15] In his work, *Wisdom of the People: 2000 Chinyanja Proverbs*, Chakanza collected 2009 figurative expressions from different villages in Malawi. This study also included different works that collected Malawian proverbs before the year 2000.

We choose figurative expressions as a source of developing Malawi's traditional work ethic because of the following reasons:

First, figurative expressions such as proverbs are used as a mode of teaching what is good or bad. They express the central beliefs of the Malawian people. They are authoritative sayings, as they represent the wisdom of the people.

Second, we adhere to the philosophical doctrine which underscores African figurative expressions as a genuine source of African traditional philosophy.[16]

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[14] Grivas Muchineirpi Kayange, "Modern African Nationalistic-Ideological Philosophy: Its Controversial Development in Malawi (1958-2012)," *Journal on African Philosophy* 1, no. 6 (2012): 16-30.

[15] J.C. Chakanza, *Wisdom of the People: 2000 Chichewa Proverbs* (Blantyre: Kachere, 2000).

[16] Kayange, *Meaning and Truth in African Philosophy*, 17-31.

Third, we engage the analytic philosophical method, which envisions philosophical practice as a reflection on language. Most philosophical problems in this view originate from misuse of language.[17]

Below are some selected figurative expressions,[18] which reflect work related values and other central elements of Malawi's work ethic.

Table 1: Proverbs and Meaning[19]

Chewa Proverb	English Translation	Meaning
1. Chikuni chimodzi sichipsetsa mphika.	One piece of firewood does not make the food ready.	For work to be successfully done, there is need to work together.
2. Lende nkukankhana.	A swing requires the need to push (support) each other.	Work requires mutual support.
3. Chenjerechenjere sakupha nsomba, akupha nsomda nkombe.	Clever man does not catch fish, but the one who lowers the net.	Speaking too much at work does not mean that work is being done, what is required is working hard.
4. Kucheza sikudzala mtanga	Chatting does not fill a basket.	It is not good to waste time chatting.
5. Kudandaula sikutha njala koma kusanja.	Complaining does not end famine but stocking food.	Effort must be done for one to get his/her needs
6. Kukutu akudza ndi kumuyendera.	Gnawing follows searching for it.	There is need for hard work and diligence for one to succeed.
7. Kuthyola ndiwo ndikuwerama.	Picking vegetables requires bending.	Work must be done for one to get something.
8. Kwazizira alibe mpani.	Those who are scared of the cold will never have a reward.	Laziness brings hunger.
9. Mphwayi zilibe mtolo.	Procrastination does not bring a big bundle.	Laziness does not lead to any results.
10. Nsalu yobwereka sikutha usiwa.	A borrowed cloth does not end poverty.	It is not good to depend on other people's property.

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[17] Rudolf Carnap, "The Elimination of Metaphysics through Logical Analysis of Language," *Logical Positivism*, A.J. Ayer, ed. (Glencoe: The Free Press, [1931] 1959), 60-81.

[18] Note that our selection criterion was using Chakanza's indication of figurative expressions that are about work.

[19] The meanings belong to the common knowledge of the ordinary people. See also Chakanza 2000.

11. Chiswe chikaboola chukwa, chayambira patali.	When termites bore into a palm-basket (for storing grain), they must have started from a far.	For people to achieve good results they must work hard.
12. Kuyenda mmawa n'kudya nao.	To travel in the morning is to eat together with them.	It is important for one to work hard.
13. Mmene ndalimira ndi msana wanga sindingasiye kudyapo.	As I have hoed with my back, I must eat.	This shows that the one who has contributed by working must also share the harvest.

What type of work ethic can be drawn from the above proverbs? We will respond to this question by discussing the meaning of the above expressions and the related work ethic. Our conception of meaning builds on the pragmatic approach, whereby the speaker, hearer, intention and context determine meaning.[20] We further respond to the question, what are the speakers and hearers of a language doing when they are using the above expressions? This question refers to the ordinary language approach suggested by Austin in his work, *How to Do Things with Words*.[21]

We argue that speakers and hearers in the above figurative expressions underscore the importance of working hard and diligence as part of the Malawian work ethic. For example, when a speaker utters figurative expressions 3-9 and 11-13, the intention is to encourage the community to work hard. When people utter the expression *Chenjerechenjere sakupha nsomba, akupha nsomba nsonda* (A clever man does not catch fish, but the one who lowers the net does), the intention of the speaker is to encourage the spirit of hard work. In another context, this may be uttered to discourage laziness. In yet another context, it may be interpreted as announcing the importance of pragmatism. The hearer decodes the meaning that applies to his/her condition.

The message given by this figurative expression is similar to proverb 4, which indicates that chatting does not lead to building a bundle. Some of the meanings of this proverb include warning that chatting does not lead to productivity.

When a speaker utters the figurative expression 5, *Kudandaula sikutha njala koma kusanja* (Complaining does not end famine but soliciting food does), the hearer may interpret this as an encouragement to work hard or as a warning to stop complaining at the expense of work. For instance, in a context where the hearer is failing to get his/her needs and keeps complaining of his/her poverty, the utterance is ordering the hearer

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[20] D. Sperber and D. Wilson, *Relevance: Communication and Cognition* (Oxford: Blackwell, 1995).

[21] See also Kayange, *Meaning and Truth in African Philosophy*, 17-31.

to stop complaining. Complaint is hereby seen as a vice, which is a hindrance to the achievement of one's needs. The proverb is also used to encourage individuals to be practical by working hard. Individuals are, therefore, encouraged to be diligent and work hard without complaining. It may further be calling for pragmatism at work as a solution to one's problems.

When a speaker utters figurative expression 6 "*Kukutu akudza ndi kumuyendera*" (Gnawing follows searching for it), the intention is to teach the hearer that one gets his/her needs through work. It further incites the hearer to put more effort into what s/he is doing, meaning working hard to achieve the desired goal. The speaker may further intend to indicate to the hearer that in order to have things to eat, it is important to take the initiative to do work. It discourages procrastination, which is indirectly declared as a vice. It may also be interpreted as indicating to the hearer that it is not good just to eat, one must know the source and make a contribution.

Similarly, when the speaker utters 7, "*Kuthyola ndiwo ndikuwerama*" (Picking vegetables requires bending), the intention is to encourage the hearer to work hard. It shows that good things (relish) will only come when work is done. The word "*kuwerama*" has as its literal meaning to "bend," and its figurative meaning is "working." This understanding of work as bending comes from farming, where most Malawians use a hoe.

While the above discussion has focused more on hard work and diligence, the figurative expressions 8 and 9 exclusively focus on discouraging laziness. When a speaker says, *Kwazizira alibe mpani* (Those who are scared of the cold will never have a reward), the intention is to tell or warn the hearer that laziness brings hunger.[22] Similarly, by saying "*Mphwayi zilibe mtolo*" (Procrastination does not bring a big bundle), the speaker is warning the hearer that there is no progress when one is lazy. Both figurative expressions are therefore indicative of the fact that laziness in Malawian traditional work ethic is a vice.

When a speaker utters, *Chikuni chimodzi sichipsyetsa Mphika* (One piece of firewood does not make the food ready), the intention could be telling the hearer that work done by more people is productive. In this context, the speaker further wants to indicate to the hearer that individualism is unproductive. It seems the fear is that work done by an individual will take longer and will not produce the desired results.

The above figurative expression reminds us of the famous Chewa proverb, "*Mutu umodzi siusenza denga*" (one head cannot carry a roof). When this is uttered by a speaker, the intention is to indicate to the hearer

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[22] This reminds us of the biblical expression that, if someone does not want to work, let him/her not eat.

the importance of working together as a community. It further refers to the idea that good results can only be sustained by the community and not by a single person.

Similarly, when figurative 2, "*Lende nkukankhana*" (A swing requires supporting each other), is uttered, the speaker intends to communicate to the hearer that things function properly when members work together. Pragmatism is, therefore, possible in a communitarian setting rather than in an individualist work ethic.

From the above discussion of what people are doing with figurative expressions, we suggest the following simple work ethic model:

Table 2: HDTP Work Ethic Model

INPUT
Hard work
Diligence
Team-work
Pragmatism

→

OUTPUT
Success Efficiency
Productivity
Contentment
Ownership

→

END
Satisfaction of human needs
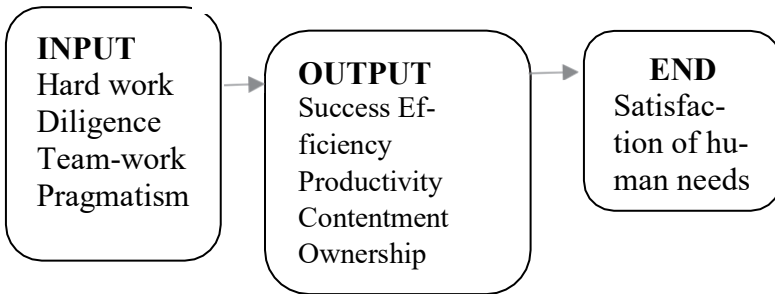
In this model, we propose that the Malawian work ethic is founded on four pillars, namely, hard work, diligence, teamwork and pragmatism (HDTP work ethic model). As indicated earlier, our choice of "hard work" is also in line with the political setting in Malawi since 1964. Diligence is inseparable from hard work, given that in HDTP work ethic model people expect that every member does his/her work properly. Teamwork suggests a communitarian conception of work, whereby people must work together. This is against any form of individualism about work. From 2004 to 2012, pragmatism was encouraged by the late President Bingu wa Mutharika as his guiding principle. This was through his expression, "*Lorani ntchito za manja anga zindichitire umboni*" (Allow the work of my hands to bear me witness).

The Blanc-Marxian Interpretation of Malawi's Capitalist Work Ethic

Malawi's work ethic 1891-2017 may be interpreted through a Blanc-Marxian view. The Blanc-Marxian approach portrays the capitalist work ethic as grounded on a manipulative system that separates society into two conflicting classes. The first class is that of owners of capital, the bourgeoisie, and the second group constitutes the providers of labor force, the

workers or proletarians. The class of the bourgeoisie accumulates surplus value at the expense of the productive labor of the poor proletarians.[23] Using Blanc's words, this is a system that refers to "the appropriation of capital by some to the exclusion of others."[24] This means that the proletariat works hard in the society to get his/her basic needs through paid labor, but cannot go beyond this. The fruits of his/her hardworking spirit are taken by the bourgeoisie.

When Malawi (Nyasaland) became a British Protectorate in 1891, it was based on a capitalist system in which there were different classes. In the early days, there were two main classes, namely the bourgeoisie class which was comprised of the white population, and the proletarians of the black population. The white bourgeoisie owned a substantive part of good land transformed into estates for production. The blacks were mainly providing labor force to the upper class. For instance, the first Land Census of 1904 shows that the whites who were very few owned 3, 618, 000 acres of good land in Malawi, where they were growing different crops such as tea and tobacco.[25] Land was considered an important form of capital, required for the production of surplus-value.

The blacks came from diverse areas, mainly from Mozambique between 1890 and 1915, to provide cheap labor. Thousands of people responded to this call. They were offered a place to stay on the estate and were provided with other basic needs in exchange for providing their labor. The proletariat felt comfortable to provide this cheap labor, which helped the bourgeoisie to accumulate surplus value after selling agricultural products such as tobacco and tea.

When the class of the proletariat started increasing as the newcomers kept flocking to live in the estates, mainly in the southern region of Malawi (for example in Mulanje, Thyolo, Blantyre, and Zomba), the colonizers started demanding unpaid labor from them as a fee. This system was known as *Thangata*. Primarily, this was a traditional practice done by Malawians to help each other and the king. Phiri confirms the reciprocal support by quoting Joseph Bismarck's words:

> In the old days it was a good thing. The chief (i.e., mwinidziko) would kill fowls and goats, make a lot of food and prepare everything ready. And then he would take a small boy and tell him to beat the drum and tell him to say that the chief wants thangata tomorrow. And everyone would turn out to thangata. And when they arrived the chief would offer them beer and say, 'Now

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[23] L. Blanc, *Organisation du Travail* (Paris: Bureau de la Societé del'Industrie Fraternelle, 1947), 237ff.

[24] Ibid., 237.

[25] D.D. Phiri, *History of Malawi: From Earliest Times to the Year 1915* (Blantyre: Christian Literature Association in Malawi, 1995), 1ff.

come to the garden and so give me your labor.' And when they went to the garden and started hoeing, I cannot say for how long.[26]

Although at first the newcomers "were more willing to do *Thangata* (unpaid labor) for the privilege of squatting on estate land,"[27] the bourgeoisie started manipulating them.

As is typical of the Blanc-Marxian model, a conflict that has characterized the history of Malawi from 1904 to 1964 started building between the owners of estates and the proletariat group of workers. The earlier development of the conflict was around land ownership and labor. The bourgeoisie wanted to extend their capital base as well as increase their labor force. This led to more land being claimed by the estate owners at the expense of the original owners (Blacks) before the newcomers. It also led to abuses in terms of labor as many Black Africans were forced to do unpaid labor, maltreated to work for more hours without rest, and so on. Phiri indicates some of the problems that were encountered in the following passage,

> The estate owner also imposed rules on his tenants that the latter found strange and irksome. They were flogged, driven away, or punished in some other way by the landlord for cutting timber on "his" land as firewood or lumber for houses. They were not allowed to hunt game even with traditional weapons like bows and arrows – a traditional means of supplementing their diet…. The state owner's instance on labor rent rather than cash rent was an indirect way of ensuring themselves a steady labor supply. For the same reason they demanded from their tenants that as another condition for their continued stay on the land they must work one month for wages after the *thangata* month.[28]

To solve the problems related to land and labor (as is often the case in capitalism), different commissions were developed to clarify issues of property, right ownership, labor and wealth accumulation. Some of the commissions include the 1920 Jackson's Commission, which was mandated to investigate problems faced by the Africans on the private owned land; and Abraham's Commission of 1946, which also looked at land issues.

A Marxian solution to the problems of capitalist work ethic infuriated several individuals such as John Chilembwe in 1914-15. An uprising was

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[26] Phiri, *History of Malawi: From Earliest Times to the Year 1915,* 41.
[27] Ibid., 41.
[28] Ibid., 41-42.

staged to eliminate the bourgeoisie class, which had both political and economic power. They wanted to introduce a nationalist/socialist system led by the Black natives. This revolt started targeting the estate owners and the government, but it was suppressed by the ruling class, which had more advanced war equipment than the Black persons.

Although the above Blanc-Marxian interpretation has considered work ethic in the relation between two classes, Lwanda[29] suggests that Malawi's capitalism had three classes as shown below.

Table 3: Colonial Class System

Class	Members	
Upper class	British whites	Owners of capital
Middle class	Indians/Asians	Business
Lower class	Black Africans	Labor force

The division of these capitalist groups was based on wealth, education and race. In most cases, these factors depended on each other. Since this is a manipulative model of capitalism, the upper class developed policies that stopped members of the lower class from getting the privileges that were given to the middle and higher classes. For instance, the government did not support a high level of education among the members of the lower class. The members of the lower class were regarded as inferior providers of labor force in Malawi and neighboring countries such as Zambia, Zimbabwe and South Africa. The members of the middle class were respected based on their wealth coming from the businesses they were running. The higher class was respected because of their superior race, wealth (mainly accumulated by manipulating blacks) and business of different farm products.

The first observation is that the structure of the classes above shows that work (labor force) is an instrumental value and is generally done by an inferior group. It is instrumental for the bourgeoisie for the production and accumulation of surplus. It is instrumental to the proletariat for the achievement of basic needs (a place to stay and a place to farm).

In Malawi, from 1964 to 2016, it is difficult to sustain the Blanc-Marxian interpretation of classes. The idea of race as one of the determining factors for characterizing an individual as belonging to a particular class is no longer viable. However, education and wealth have remained as factors that may indicate an individual's class. Although the mentality of most of the Malawian is that education removes one from a lower class to a higher class, the current situation does not guarantee this. Some university graduates are mired in poverty.

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[29] J. Lwanda, *Kamuzu Banda of Malawi* (Zomba: Kachere, 1993), 55.

The second observation is that the conception of the labor force, as belonging to a lower class, has become an integral element of Malawi's work ethic. Malawians who are working in the fields and other jobs that require the use of hard labor are still categorized as belonging to the lower class. What is not clear in the current political setting is how to classify the middle and higher classes.

Thirdly, there is a reinterpretation of the capitalist labor force that was provided to a higher class in the form of *ganyu*. Whiteside considers this labor by indicating that, "The word 'Ganyu' is widely used in Malawi to describe a range of short term rural labor relationships, the most common of which is piecework weeding or ridging on the fields of other smallholders or on agricultural estates."[30] This also provides an instrumental value of labor done by the poor, to carter for their daily needs.

Liberal Interpretation of Malawi's Capitalist Work Ethic

While the above discussion has considered Malawi's work ethic based on class conflict, in this context we offer an elaboration that is based on classical liberalism. Generally, classical liberalism refers to the ideas of eighteenth-century British thinkers such as Smith,[31] Locke and Mill, who underlined the centrality of liberty in their discussion of human life and actions.[32] Their project was revived in the 20th and 21st centuries by neoliberal (free market) academics such as von Mises, Hayek,[33] Friedman[34] and Nozick.[35] The system of the classical liberals is summarized by Gaus in the following passage:

> For classical liberals – sometimes called the "old" liberalism – liberty and private property are intimately related. From the eighteenth century right up to today, classical liberals have insisted that an economic system based on private property is uniquely consistent with individual liberty, allowing each to live her life – including employing her labor and her capital – as she sees fit.[36]

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[30] Martin Whiteside, *Ganyu Labor in Malawi and Its Implications for Livelihood Security Interventions* (Blantyre: Malawi, 1999), 4.

[31] Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations* (Chicago: University of Chicago Press, 1977).

[32] Ludwig Von Mises, *Liberalism* (Auburn, AL: Ludwig von Mises Institute, 2010).

[33] F.A. Hayek, *The Road to Serfdom* (Chicago: University of Chicago Press, 2007).

[34] Milton Friedman, *Capitalism and Freedom* (Chicago: University of Chicago Press, 2009).

[35] See David Harvey, *A Brief History of Neoliberalism* (Oxford: Oxford University Press, 2007).

[36] Gerald F. Gaus, *Justificatory Liberalism: An Essay on Epistemology and Political Theory* (New York: Oxford University Press, 1999).

The quotation has two individual-based notions that characterize a liberal interpretation of work. The first notion is "liberty." This concept refers to living an individual life without constraints from the external world. Mill (1806-1873), discussed individual liberty by contrasting it with the communitarian thinking. Departing from the Greek philosophy, he argued that, "By liberty, was meant protection against the tyranny of the political rulers."[37] According to him, freedom means protection of an individual from the tyranny of the society and its leaders. Mill wrote:

> Protection, therefore, against the tyranny of the magistrate is not enough; there needs protection also against the tyranny of the prevailing opinion and feeling; against the tendency of society to impose, by other means than civil penalties, its own ideas and practices as rules of conduct on those who dissent from them; to fetter the development, and, if possible, prevent the formation, of any individuality not in harmony with its ways, and compel all characters to fashion themselves upon the model of its own.[38]

The centrality of individual liberty will make most of the adherents of neoliberalism underline ideas of work that relate to freedom. This suggests that there is no slave, given that no one can constrain others to provide labor force. Work is, therefore, freely given by an individual as he/she wishes. An individual views work as dependent on independent "value creation."

In classical liberalism, the notion of liberty goes together with the concept of individual rights. The basic natural right of every human being is freedom. In fact, the general conception in classical liberalism is that human beings are born free. However, due to conflict in the exercise of freedom, organizations are made to assure that there is security. This helps that there is no manipulation of those that are naturally weak in the free society.

Lastly, the idea of freedom is based on nature. There is self-regulation of nature,[39] which is a spontaneous activity. Self-regulation happens even in the context of labor, where people do different jobs as directed by nature.

The second notion is "private property." Private property may be the first exercise of individual freedom. The individual is a first property that owns the self.[40] This already suggests the importance of individual being

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[37] J.S. Mill, *On Liberty* (Philadelphia, PA: The Pennsylvania State University, 1998), 3.

[38] Ibid., 7.

[39] Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations* (Oxford: Oxford University Press, 1776), 456.

[40] Robert Nozick, *Anarchy State and Utopia* (Oxford UK and Cambridge US: Blackwell, 1974).

as a form of wealth. This is a first value that is naturally created. Apart from acknowledging an individual as wealth, the idea of property apparently suggests that a human being is a commodity. This does not mean that an individual can interfere with another individual's life, given that "to be" is an alienable right for everyone.

Apart from owning the self as private property, an individual can extend this ownership to other external things. It is in this context that the idea of "free market" exchange starts playing a fundamental role. A free market may be a place where agreements of free subjects are made, and property ownership takes place. The government is not allowed to interfere in what happens in this free market (society). What is needed for the government is just to create a conducive environment for exchange and make sure there is enough security (Night Watchman Government). This is a context where principles such as justice are required to determine the proper conditions in the extension of ownership.

The extension of property in a free market context requires different work tactics and virtues. This is a context where individual creativity in the extension of private property is fundamental. A creative person will easily convince others in the market and get what she/he wants. A competitive spirit is a fundamental requirement given that a free market is a place where people compete and those that merit get what they want. For one to compete well, there is a need for high technological advancement. This is not a place where the poor can compete.

The work ethic of Malawi since 1994 is rooted in most of the above elements. For instance, liberty as an aspect of work is seen in the freedom of choice by Malawians to do any work they want. For instance, in the past (1964-1994) prostitution was a grave offense. The understanding was that no one could sell his/her body. Today, prostitution is protected by different organizations on the ground that individuals are free to do this work. A new term for prostitution is "sex work." There has also been a growing interest in entrepreneurship (self-employment) since the inception of free-market system in 1994.

Liberty as an element of Malawi's modern work ethic can be seen in the removal of restrictions on what smallholder farmers can grow. For example, according to the Special Crops Act of 1972, smallholder farmers were not allowed to grow burley cured tobacco. In this free environment, they are allowed to do so.

The introduction of liberty as an important element of Malawi's work ethic has boosted creativity among the inhabitants. Individuals are busy creating value from anything that they come across. Malawi has reached a situation whereby anything can be turned into value and exchanged (mainly with money).

Although liberty has broadened competition and added value to property owned by different individuals, the current system has introduced

many challenges. For instance, one of the most worrisome aspects is that this has threatened the traditional system of intrinsic value in things and the required protection towards them. For example, in our current work ethic, the environment is an area where individuals can create value without interference from others. This has led to careless cutting of trees as various individuals are trying to create and add value. This has gone beyond cutting trees, some individuals have started creating value on fellow human beings, owning them illegally and exchanging them. This happens in the context of human trafficking, the killing, and selling of people with albinism, etc.

The centrality of liberty has also led to the elimination of discipline in many areas. Generally, discipline was reinforced by the society or the government. The reduction of the power of the government to intervene in the work context has contributed to this lack of discipline. This is seen in different practices, such as going to work late; wasting time with social media at work (Internet; Whatsapp, Facebook), etc. Liberty has also led to various moral crises in Malawi, as different individuals have embraced freedoms without responsibility.

Lastly, the idea of private property and extension of property mechanism has driven work ethic since 1994. This has been encouraged at the government level through the introduction of privatization. In 1996 the Privatization Act dismantled the communitarian work ethic where wealth was for the whole community. This set a ground for privatization of Malawi government property (public property).

Although the extension of the property has assisted in improving the lives of many Malawians, there are various challenges. There is a problem in adding value, given that some members are trying to extend their ownership of property (including money) using crooked ways. There are many examples of these problems, such as fraud, money laundering, and bribery. The problem is worsened by the weakened government whose work is reduced to protecting human liberty.

Conclusion

The chapter has argued that Malawi's traditional work ethic is primarily characterized by four elements, namely, hard work, diligence, team-work, and pragmatism. Based on the understanding that the African traditional context is dominant, communitarian in nature, the community plays a vital role in promoting these elements. Despite the role of the community, the various changes that are affecting Malawi due to globalization have led to destruction of community spirit with an increase in individualism. This has resulted in a new Malawian work ethic that may be considered as strongly tending towards a capitalist model, characterized by a conflict between classes. There is no doubt that the social setting of the

current Malawi confirms the development of classes, the lower class, the middle class and the higher class.

We have further noticed that hard work started getting a negative connotation in the colonial period. The understanding was that work was done by people who were inferior in society (the Black persons). Despite this negative aspect, there was an important element of discipline that was encouraged in the working class. In a new Malawi from 1994, we have realized that there is an introduction to a work ethic that is founded on liberty. The system has improved freedom/independence, creativity and market variety, among others. However, this work ethic has opened gaps in terms of discipline and responsibility in various areas.

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9.

History of Ethics in
Malawi's Education System: 1875-2019

Macloud Salanjira

Introduction

This chapter uses Foucault's[1] notion of *genealogy* to describe a historical trajectory of ethics in Malawi's education system from the time the Christian missionaries introduced formal schooling in 1875 to 2019. The expression *ethics education,* as used here, denotes the teaching and learning in schools of moral principles or rules of conduct with respect to socially acceptable human actions, behaviors, values, and attitudes.[2] In the history of Malawi's education system, *ethics education* has played an important role in developing an obedient and law-abiding citizenry according to the ideological and political posturing of the elite at each given point in time. The argument here is that given the plurality of our contemporary society, the prime concern of ethics education curriculum in schools should be informed, not evangelizing or moralizing, the learners.

The chapter starts with a section on the genealogical analysis of ethics education in Malawi's education system. It explores and traces a system of moral principles, with its justification, that was emphasized when education in Malawi was entirely under the control of Christian missionaries (1875-1926). The second section introduces Gramsci's notion of hegemony and how it played out in Christian ethics education in Malawi under the British colonial control (1926-1964). The section also discusses the reasons for the changes in ethical teaching during that period. The third section discusses ethics education in the post-colonial period under the one-party rule of Kamuzu Banda as the president of Malawi (1964-1994). It links the teaching of ethics in schools to what was termed then as the *four cornerstones* which Malawi's citizens were required to learn and practice in line with the political posturing of the government during that period. Lastly, the chapter explores ethics education in democratic Malawi and changes in ethics education in line with the multiparty system of government from 1994 to the present (2019).

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[1] M. Foucault, *The Archaeology of Knowledge* (London: Routledge, 1972), 1ff.

[2] I.A.J. Nankwenya, *Christian Influences on Education in Malawi up to Independence with Special Reference to the Role of the Catholic Missionaries* (Johannesburg: University of South Africa, 1977), 1ff.

The notion of *genealogy* is used as a framework for explaining the changes that have taken place in the history of ethics education in Malawi, some possible reasons for such changes and the power structures shaping them.

All over the world, at the time when education was entirely under the domain of religion, religious leaders assumed the responsibility for formal education in society within their religious settings.[3] The responsibility included the teaching of moral principles or ethics education aimed at shaping the character of the learners according to each religion in terms of socially acceptable actions, behavior, values, and attitudes towards fellow human beings and the environment. Through formal schooling, learners acquired "valued cultural information, absorbed sacred and secular knowledge, and developed specialized skills, including skills in reading, writing, and thinking."[4]

For the Christian faith-communities, education was a means of promoting their respective faiths and ethical teachings. To that effect, education was a handmaiden of religion, aimed at initiating the learners into a particular faith or strengthening their faith. This was no exception for the Christian missionaries who introduced western formal education in other parts of Africa in general[5] and Malawi in particular.[6] It should be noted here that before the advent of Christianity and Islam in Africa, ethics education was based on African traditional religions and cultural values prevalent in various areas. The advent of Christianity and Islam started changing the fabrics of ethics education by introducing Christian or Islamic ethical teachings in African societies.

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[3] A.A. Gearon and A. Kuusisto, "Researching Religious Authority in Education: Political Theology, Elites' Theory and the Double Nexus," *Power and Education* 10, no. 1 (2018): 3-24; D. Chidester, G. Mitchell, A.R. Omar, and I.A. Phiri, *Religion in Public Education: Options for a New South Africa*, *Religion in Public Education: Options for a New South Africa* (Cape Town: University of Cape Town, 1994), 1ff; J. Hull, "RE, Nature of," in *A Dictionary of Religious Education*, ed. J.M. Sutcliffe (London: SCM Press in association with the Christian Education Movement, 1984), 284-286.

[4] Chidester et al., *Religion in Public Education: Options for a New South Africa*, 51.

[5] C. King, "Africa Eastern," 10-12, D. Nwosu, "Africa: West," 16-18 and O. van Den Berge, "Africa: South," 13-15, in *A Dictionary of Religious Education*, ed. J.M. Sutcliffe (London: SCM Press in association with the Christian Education Movement, 1984).

[6] Nankwenya, *Christian Influences on Education in Malawi*, 1ff.; J. McCracken, *Politics and Christianity in Malawi 1875-1940: The Impact of the Livingstonia Mission in the Northern Province* (Blantyre: Christian Literature Association in Malawi), 1ff.; Kelvin N. Banda, *A Brief History of Education in Malawi* (Blantyre: Dzuka, 1982), 1ff.

Genealogical Analysis of Ethics Education in Malawi's Education System

The major concern of this section of the chapter is to configure a history of ethics education in Malawi as a framework within which to explore the changes in the teaching of moral principles and factors for such changes. The framework resonates with Cary's observation that historically "moves and counter-moves to define curriculum which have occurred within highly contested terrains."[7] In this vein, the chapter locates the curriculum policy changes in ethics education within their historical and socio-political context in Malawi. Thus, borrowing from Foucault's notion of *genealogy*, the chapter discusses a historical trajectory of ethics education in Malawi from the time Christian missionaries introduced formal schooling in the 1870s to 2019.

The Foucauldian notion of *genealogy* is concerned with tracing "the historical process of descent and emergence by which a given thought system or process comes into being and is subsequently transformed."[8] Genealogy "exposes the motives, pressures, and power underlying our supposed rationality"[9] which is a given thought system or process[10] in any field of knowledge. For Foucault, all sciences and disciplines, thought systems or processes, are discursive formations, reflecting particular ways of thinking. The discursive formations "are shown to be congealed sets of pre-conceptual, unrationalized elements which constitute a society's regime of truth."[11]

Furthermore, *genealogy* questions the commonly understood emergence of various philosophical and social beliefs by attempting to account for the scope, breadth or totality of discourse. It extends the possibility of analysis while exposing the accepted regime of truth.[12] The chapter discusses each change in Malawi's ethics education as a discursive formation for each given historic period. It also reflects the power of people whose ethics are taught as knowledge and used as a form of social control through the social institution of education.[13] Employing this understanding of *genealogy,* the chapter describes the trajectory of ethics education

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[7] L.J. Cary, *Curriculum Spaces: A Postmodern Approach to Educational Research*, trans. C. Cannell (Mahwah, NJ: Peter Lang, 2006), xi.

[8] M. Olssen, J. Codd, and O. Neill, *Education Policy: Globalisation, Citizenship and Democracy* (London: Sage Publications, 2004), 45.

[9] A. Vincent, *Modern Political Ideologies* (Oxford: Blackwell, 1995), 187.

[10] Olssen et al., *Education Policy: Globalisation, Citizenship and Democracy*.

[11] Vincent, *Modern Political Ideologies*, 187.

[12] Foucault, *The Archaeology of Knowledge*, 1ff.

[13] M. Foucault, *Power/Knowledge: Selected Interviews and Other Writings* (New York: Pantheon, 1980), 1ff.

in Malawi. The goal is to trace a historical process by which ethics education started and has subsequently changed in Malawi's education system. The value of genealogical analysis lies in explaining the existence of the transformation of elements of theoretical knowledge (*savoir*) by situating them within power structures and by tracing their descent and emergence in the context of history.[14]

The chapter claims that the changes in ethics education in Malawi's education system are, in themselves, a manifestation of deeper historical, structural and ideological changes in the teaching of ethics or moral principles. It recognizes the importance of a historical and socio-political context in the construction of knowledge about any social phenomenon. This recognition resonates with Slattery's observation that the "meaning of events cannot be separated from their context, just as the knower cannot be separated from the known."[15] Similarly, the meaning of ethics education in Malawi cannot be separated from its context under any historical period.

Hegemony of Christian Ethics in Malawi's Education System: 1875-2019

On the concept of *hegemony,* Gramsci argues that the ruling class can maintain its dominance over the masses using various instruments like civil society, media, education system, and interest groups.[16] In this chapter, the notion of hegemony denotes the dominance of one faith-community over other faith-communities or of one group of people over other groups of people in the teaching of ethics in Malawi's education system. The argument is that such dominance has led to ethics education based on one group of people or faith at the exclusion of others. Such exclusion has tended to give a privileged space for the ethical principles and values of one group of people or faith in the ethics education in Malawi. The hegemony of Christian ethics can be detected in the way ethics education has been conceptualized and practiced in schools in Malawi from the 1870s to the present (2019).

Furthermore, using the notion of hegemony, the chapter argues that the interpreting and bracketing of ethics education in Malawi must be directed toward an integrated understanding of the hegemony of Christian ethics in Malawi's formal education system. As Slattery states, "all interpreting and bracketing of events must be directed toward a synthetical,

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[14] M. Olssen, *Education Policy: Globalisation, Citizenship and Democracy* (London: Sage Publications, 2004), 47.

[15] P. Slattery, *Curriculum Development in the Postmodern Era* (New York: Routledge, 2006), 66.

[16] A. Gramsci, *Selections from the Prison Books* (London: Lawrence and Wishart, 1982), 1ff.

integrated understanding."[17] The claim here is that the form and changes of ethics education in Malawi are shaped by and rooted in Malawi's history of education. The legacy of the Christian missionary work in education continues to impact the present character of ethics education in Malawi's education system. As a result, from the 1870s up to the late 1980s, the Christian faith, with its ethics, enjoyed hegemony in ethics education. Such hegemony was reflected in the excluding of other faiths and their ethical values from Malawi's school curriculum. In that way, the basis of ethics education in schools was Christian in nature intending to develop a citizenry espousing the values of the Christian faith.

Ethics Education under Christian Missionary Control: 1875-1926

The roots of western formal education in Malawi predate the colonial rule, which started in 1891 when the British government declared Malawi (formerly known as Nyasaland) a British Protectorate.[18] The first formal schools offering western education in Malawi were mission schools which the Christian missionaries established from the 1870s. The schools mainly served as agents of evangelization.[19] In that sense, religious education and character formation based on Christian ethical teachings and values were important aspects in the enterprise of evangelization. Besides, schools taught the three Rs: reading, writing, and arithmetic and also carpentry with other practical subjects to shape and influence the development of ethics education as a discursive formation in schools based on Christian ethical value systems. The aim was to develop learners into a citizenry that reflected the Christian values regarding what was right or wrong, acceptable or not. The expectation was that citizens' life should reflect Christian values, in their behavior, actions, and interactions as well as in the way they related to their environment.

Although the British colonial rule started in 1891, the colonial government did not become involved in the provision and coordination of formal education until 1926. During that period, many, if not all, Christian missions saw schools as places of spreading the Christian faith and its ethical values. Thus, ethics education was based on the Christian ethical teaching. Ethics education was not a discursive space for promoting ethical teachings of other faiths other than those of Christianity. This was because the goal was to lead the learners to a confession of, and commitment to, the Christian faith and its ethical teachings.

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[17] Slattery, *Curriculum Development in the Postmodern Era,* 66.
[18] McCracken, *Politics and Christianity in Malawi 1875-1940*, 1ff.
[19] Banda, *A Brief History of Education in Malawi*, 1ff; McCracken, *Politics and Christianity in Malawi 1875-1940*, 1ff; Nankwenya, *Christian Influences on Education in Malawi*, 1ff.

In order to achieve the goal of the Christian missionary education, religious education was a compulsory subject in schools. More specifically, the expectation was that learners should become members of the Christian denomination whose school they attended. Ethics education was denominational and Bible-based, with emphasis on the doctrinal and ethical teachings of each denomination.[20] Thus, the conversion of the learners to the denominational belief system, values and rules constituted a fundamental aspect of education in the various mission schools. This was a case of *denominationalism in ethics education.* It was a case of offering ethics education according to the needs of each Christian denomination. As was the case in most parts of the colonial world, the Christian mission schools "aimed at inculcating a Christian life and worldview in the consciousness"[21] of the learners. This view resonates with the claim that ethics education was based on Christian ethical values and teachings during the time of Christian missionary control of education in Malawi.

Another feature of *denominationalism* in Malawi's education system was that the teachers in the Christian mission schools had to be committed and respected church members or converts.[22] Those who failed to live up to the high ethical standards expected of them lost their membership and job. The assumption was that parents who sent their children to the mission schools agreed to the initiation of their children into the Christian faith and ethics or knew that their children would be initiated into the Christian faith or ethics by attending the mission schools.[23] The problem was that those parents who belonged to a different religion or Christian denomination found it difficult to educate their children in schools of another religion or denomination. This harmed access to education for some children.[24] As Chidetster et al. observe, "Many Muslim children…had been alienated from public education because of the presence of Christian instruction and Bible Knowledge in the school curriculum."[25] Thus, Christian ethics education alienated learners who did not belong to Christianity.

Ethics within the General Aims of Christian Mission Education

This section illuminates the shaping of the teaching and learning of ethics in Malawi's education system within the general aims of Christian mission education. The argument here is that from 1875 to 1926, each Christian mission in Malawi defined its aims of education for the Africans

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[20] Nankwenya, *Christian Influences on Education in Malawi*, 1ff.

[21] van Den Berge, "Africa: South," 13.

[22] Banda, *A Brief History of Education in Malawi*, 1ff.

[23] Nankwenya, *Christian Influences on Education in Malawi*, 1ff.

[24] J.C. Chakanza, *Islam Week in Malawi 1998: Sources for the Study of Religion in Malawi* (Zomba, Malawi: Kachere, 2000), 1ff.

[25] Chidester et al., *Religion in Public Education: Options for a New South Africa*, 85.

following its ideals.[26] The missions also defined the principles under which the educational aims were to be achieved. It was common that where the aims and principles coincided among the missions, as was generally the case, emphasis in approach and methods, at least, differed.[27]

Thus, the general aims of the Christian mission schools were almost similar for each mission. Their common aim was to establish missions that were supposed to introduce evangelical and civilizing work among Africans since they came in as civilizers as well as preachers. This meant that they were concerned with the many-sided aspects of African society for the spiritual, industrial, social and political uplift of a person as a whole.[28] Ethics education in Malawi's schools was Christian in character in general but with a Christian denominational orientation.

Nankwenya and Banda observe that it was the general view of all the Christian missions in Malawi that education and Christianity were closely linked. Education was to serve Christianity by educating people who would help in spreading the gospel. To this end, the aims of mission education based on Christian ethics were interpreted within the primary scheme of missionary work whose centerpiece was to uphold the name of Jesus and spreading the Gospel. For instance, the prime objective of the Protestant Christian missionaries was evangelization that entailed teaching people the gospel of Christ and getting them to accept and confess him as their savior.[29] It was also a great tradition of Protestant Christianity that people should learn more of God's will for themselves by reading the Bible. To that effect, the first objective in making people literate was to enable them to read the Bible, especially the Gospels. As was the case in many parts of Africa, this form of literacy among the converts was important because it was felt that those who could read the Bible would be able to expound the scriptures as well as Christian ethics to others.[30]

In terms of education in general, some Christian missionaries felt that their African converts were simple people for whom more sophisticated ways of life and ideas were quite unsuitable and would be disturbing. Such missionaries, therefore, advocated ethics education that would purify the African ways of life but keep the converts simple. Their missionary concern was to make education a means to an evangelical end. The missionary ethical understanding then was that idleness leads to vice. As such, they emphasized practical training and work. Consequently, mission education had two main aspects, namely ethical and practical education. The

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[26] Nankwenya, *Christian Influences on Education in Malawi*, 1ff.

[27] L.J. Lewis, *Phelps-Stokes Commission Reports on Education: Abridged with an Introduction* (Oxford: Oxford University Press, 1962), 1ff; Banda, *A Brief History of Education in Malawi*, 1ff.

[28] Nankwenya, *Christian Influences on Education in Malawi*, 1ff.

[29] Ibid., 1ff.

[30] King, "Africa: Eastern," 10-12; Nwosu, "Africa: West," 15-18.

main aim was to lead the converts to steady and sober ways of living in line with Christian ethics. Character development based on Christian ethical teachings was the coloring of every mission educational activity. Thus, ethics education was justified on evangelical and moral grounds. It was a means of promoting the Christian faith and moral or character development among the learners.

Ethics Education under the Colonial Government Control: 1926-1964

Although Malawi became a British protectorate in 1891, the colonial government did not become actively involved in the provision of education until 1926 when the first Department of Education was established. Firstly, the department came into being partly following the recommendations by the Phelps-Stokes Commission.[31] In the context of Malawi, the commission came in the wake of the Chilembwe uprising of 1915 against the British colonial rule. Among other recommendations, the commission called for government supervision and coordination of education that, up to 1926, had been in the hands of the Christian missionaries for over forty years. Such supervision and coordination would help to curb the development of radical African Christians who would revolt against the colonial government, like John Chilembwe. Chilembwe was one of the early Malawians who got his education under the influence of Joseph Booth and led an uprising against the British colonial rule in 1915 in Malawi, then known as Nyasaland. For a long time, the Christian missions had been left on their own to provide formal schooling without definite guidance from the government. Thus, the newly formed Department of Education was charged with the responsibility of coordinating and supervising formal education including ethics education which was mostly offered by the various Christian faith-communities.

Banda argues that with the coming in of government control and supervision, a new understanding of education arose.[32] Before that, learners had to be taught to convert them to Christianity and also produce teachers among them who would work as agents of evangelization. According to Banda, this view changed and people began to think of education of a person for something wider than only the immediate needs of the Christian missions. Education was now viewed as the total preparation of individuals for their good to live meaningful lives in society.

For one thing, the government wanted a type of ethics education that would produce citizens who were obedient to the government, for easy

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[31] Lewis, *Phelps-Stokes Commission Reports on Education: Abridged with an Introduction*, 1ff.
[32] Banda, *A Brief History of Education in Malawi*, 1ff.

control and governance. The government was in favor of the kind of education that did not prepare the Africans for their simple African life. It did not support education which produced critical minds with the potential to question and disobey the colonial masters, as was reflected in the Chilembwe uprising of 1915.

With the Department of Education in place, denominationalism in education was discouraged. Learners could now attend any Christian mission school without being required to belong to the denomination whose school they attended. Before that learners were expected to convert to the denomination or their parents were supposed to be members of that denomination.[33] For instance, Muslim children could attend schooling in the Christian mission schools without being required to convert to Christianity. Similarly, children of one Christian denomination would attend schools owned by different Christian denominations without being expected to convert to such denominations. Nonetheless, the colonial government continued to allow ethics education to be based on general Christian ethical values and not individual denominational ethical values as well as those of other religions.

One observation here is that even under the control of the Department of Education, ethics education in schools continued to be based on Christianity. Thus, Christian hegemony in ethics education in Malawi's education system can be traced to the time the Christian missionaries started establishing schools in the 1870s. This trend continued throughout the colonial to the post-colonial period. With that hegemony, the Christian faith-communities have tended to maintain the privileged space for ethics education based on the Bible. The argument by the "Christian missions" is that "Churches establish schools to teach the Bible, and therefore, the Bible cannot just be replaced anyhow."[34]

Ethics Education under the Four Corner Stones of the Malawi Congress Party from 1964 to 1994

After Malawi's political independence in 1964, the established Educational Act determined the design and content of education in general and ethics education in particular (Malawi, 1964). Ethics education continued to be based on the Christian ethical teachings. However, the government under the Malawi Congress Party led by Kamuzu Banda introduced its ethical principles as a basis for the character formation of

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[33] Chakanza, *Islam Week in Malawi 1998: Sources for the Study of Religion in Malawi,* 1ff.

[34] Minutes of the first consultative meeting on "Junior Secondary School Religious and Moral Education" held on March 20, 2000 in the Ministry of Education conference room, Lilongwe, Malawi.

Malawian citizenry. They included unity, loyalty, discipline, and obedience. In 1971, Kamuzu was declared *the life president,* meaning that no one would think of becoming Malawi's president as long as Kamuzu was alive. The four cornerstones of *unity, loyalty, discipline,* and *obedience* were emphasized to shape the character formation of the Malawian citizenry while the Christian ethical values emphasize the development of a well-rounded human being who would fit into the society as a Christian.[35] Thus, the education system in Malawi, as well as other spheres of life, was expected to strictly teach these four corner stones as a basis for ethics education and character formation of learners.[36]

The *principle of unity* meant that all Malawians were to be united people irrespective of their tribes, regions, education, social-economic status, and any other differences. It meant that Malawi was to be one integral territory. This is good so long as the goal is to promote the unity of purpose that would build and develop Malawi. It expected citizens from all walks of life to identify and regard themselves as Malawians. Indeed, this principle resonates with the maxim that "united we stand, divided we fall." It can be argued that this cornerstone is relevant for contemporary Malawi because, unless citizens are united, development can be difficult to realize, with people pulling the nation into different directions. In a divided state one would expect vices such as nepotism, tribalism, corruption, segregation, castigation of other's tribes and regions, poverty and civil war to prevail.[37] There is, therefore, a need to embrace unity to avoid the occurrence of vices such as these.

Discipline was another corner stone of Kamuzu Banda. It is a virtue that is required for success in all spheres and stations of life. For instance, discipline is expected in sports, education, marriage, religion, government, party politics, business, at the workplace, just to mention a few. Unless discipline is instituted, nothing can be achieved in any setting. While discipline may mean different things to different people, under Kamuzu it generally meant a trait of being well behaved, hardworking and following the set rules (constitution) of the State. This cornerstone can lead to the development of patriotic citizens who can contribute to national development.

However, the principles of *loyalty* and *obedience*, though in the category of virtues, may not be fully compatible with democratic politics. *Loyalty* may be defined as an act of binding oneself to someone or a course of action. It is also about the feeling of allegiance to someone in authority

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[35] McCracken, *Politics and Christianity in Malawi 1875-1940*, 1ff.

[36] M.K. Phiri and K.R. Ross, "Introduction: From Totalitarianism to Democracy in Malawi," in *Democratisation in Malawi: Stocktaking*, eds. M.K. Phiri and K.R. Ross (Blantyre: Christian Literature Association in Malawi), 59, 1ff.

[37] H.F. Chidam'modzi, "Democracy and Moral Decay in Malawi: Some Personal Reflections," *Bwalo, A Forum for Social Development*, no. 2 (1998): 63-73.

exceeding your rank in society, group or team. On the other hand, *obedience* may be viewed as a trait of being willing to follow someone's orders. It is dutiful or submissive behavior for another person.[38]

For instance, under Kamuzu Banda's government both loyalty and obedience meant living in fear of the government machinery.[39] To uphold obedience and loyalty, people were forced to attend Kamuzu's political rallies, and offer their vehicles to carry people to the rallies without pay. Schools and shops forcefully closed during the rallies, husbands were arrested, detained and beaten up for not allowing their wives (all women were described as *Mbumba za Kamuzu* to buy a party cloth and dance for Kamuzu Banda. People were not allowed to buy a car exceeding that of Kamuzu Banda in value or brand, nor to criticize the government in any way. Others were questioned as to how they had bought a car. All citizens were forced to buy an identity card even for the unborn baby to a pregnant woman. These are just some of the vices or heinous acts that were committed in the name of promoting the virtues of loyalty and obedience under Kamuzu's rule. Thus, the meaning of these two corner stones was misconstrued and abused and manifested the Malawi Congress Party's ruthless and dictatorial leadership. Leadership was regarded as a right instead of a privilege. In general, the four corner stones had the effect of creating fear and submissiveness among citizens.[40] As such vices as corruption and public dissent were not common, the absence of these vices was good for national development.

It can be contended here that by enforcing the four corner stones, the Malawi Congress Party-led government sought to entrench its grip on power over citizens of Malawi but failed to uphold another equally important virtue of *tolerance*. Tolerance is crucial where citizens are critical, not expected to just obey and be loyal without analyzing what is expected of them. During the one-party rule in Malawi, loyalty and obedience as ethical principles were important in developing citizens into uncritical individuals of the political regime of the time. However, tolerance would mean that the Malawi Congress Party government would not force people to obey what they thought was undemocratic. It would also not always expect the peoples' loyalty as if they did not have other alternatives.[41] As such, tolerance was not supported.

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[38] Phiri and Ross, "Introduction: From Totalitarianism to Democracy in Malawi," 1ff.

[39] The Episcopal Conference of Malawi, *Living Our Faith: Pastoral Letter of the Episcopal Conference of Malawi*, 1ff.

[40] Phiri and Ross, "Introduction: From Totalitarianism to Democracy in Malawi," 1ff.

[41] Chidam'modzi, "Democracy and Moral Decay in Malawi: Some Personal Reflections," 63-73.

Ethics Education in Democratic Malawi from 1994

In 1994, Malawi underwent a political change from a one-party dictatorship to a multi-party democracy. That change brought in, among other things, the concepts of respect for human rights and good governance. Consequently, human rights issues affected and penetrated curriculum development work and principles. In turn, the content of the school curriculum, in general, became an issue for debate in a democratic dispensation. The new political dispensation, with its attendant emerging issues, further justified the curriculum change to uphold freedom of conscience, religious belief, thought and academic freedom.[42]

It is important to note that the change from one-party dictatorship to multiparty democracy in Malawi in 1994 brought in some vices as well which were not there during the one-party rule of Kamuzu Banda.[43] The emergence of political pluralism created a space for moral decay which "led to a lot of challenges to the nation in general, and the youth in particular."[44] The emerging moral decay necessitated revising Malawi's mission, vision and objectives to guide its ethics education in particular and education in general.

To address the new education needs for Malawi, a national symposium on education was organized in 1995 which came up with a vision for Malawi's education system appropriate for the democratic era. The agreement was that the new curriculum had to address emerging issues such as moral decay and environmental degradation. The curriculum had to equip learners with skills, values, attitudes, knowledge, and understanding that would enable them to become effective and positive citizens in a multi-faith and pluralistic society. It emphasized addressing moral decay among the youth. Consequently, moral issues were to be highlighted in the new religious education school syllabus.[45] The name of the syllabus was Religious and Moral Education with emphasis on the plurality of religious and moral perspectives. The democratic political dispensation in Malawi led to the change in the conception and practice of religious and ethics education. Many curriculum imperatives influenced and shaped the emergence and descent of ethics education in Malawi.[46] Such imperatives

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[42] Malawi Government, *The Constitution of the Republic of Malawi*, 1ff.

[43] Ministry of Education, *Malawi Junior Secondary School Teaching Syllabus*: *Religious and Moral Education*, 1ff.

[44] Ibid., iv.

[45] Salanjira, *An Assessment of the Introduction and Reception of Religious and Moral Education Syllabus in Malawi Secondary Schools.* 1ff.

[46] Foucault, *The Archaeology of Knowledge*, 1ff.

shape and influence how different people understand ethics education curriculum policy from the point of conception to the point of implementation.[47]

Given the plurality of our contemporary society, the prime concern of the ethics education curriculum should inform learners about various ethical perspectives. Ethics education should be "meaningfully connected to current events, life experiences, and personal autobiographies" of the learners.[48] As such, the religious diversity of our current society should inform any ethics education curriculum. Purple,[49] a curriculum scholar, contends that the moral and spiritual crises in society must be at the forefront of curriculum studies, and postmodern schooling must attend to these important issues.[50] It can be argued that the religious and moral education syllabus in Malawi's dispensation is an attempt to respond to the spiritual and moral realities of contemporary society.

One observation here is that the introduction of religious and moral education in Malawi as part of a general secondary education curriculum review. Its rationale states that previous education curriculum became out of date because of the socio-economic and political changes that have taken place since independence. It was out of tune with the emerging issues such as overpopulation, gender, environmental degradation, HIV and AIDS and other related diseases. As such, there was a need for civic education which would affect the socio-economic development of the country.[51] To successfully address these challenges the religious and moral education syllabus was introduced. It takes a multi-faith approach drawing its content from across the three major religions of Malawi, namely, Christianity, Islam, and African traditional religions.

The curriculum review was partially an attempt to provide ethics education and character development relevant to Malawi's social and political context. It also reflects the political nature of education on which Purpel[52] observes that education must be seen as a political act. To do this, we need to think relationally. That is, understanding education requires that we situate it back into the unequal relations of power in the large society and into the relations of dominance and subordination – and the conflicts to change these things – that are generated by these relations.

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[47] S.J. Ball, *Education Policy and Social Class: The Selected Works of Stephen J. Ball* (London: Routledge, 2006), 1ff.

[48] Slattery, *Curriculum Development in the Postmodern era,* 86.

[49] D.E. Purpel, *The Moral and Spiritual Crisis in Education: A Curriculum for Justice and Compassion in Education* (Zomba: University of Malawi), 1ff.

[50] D.E. Purpel, "Educational Discourse and Spirituality," *Journal of Curriculum and Pedagogy*, 2(2) (2005), 16-21.

[51] Ministry of Education, *Malawi Junior Secondary School Teaching Syllabus*: *Religious and Moral Education*, 1ff.

[52] Purpel, *The Moral and Spiritual Crisis in Education*, 241.

Thus, the rationale for the syllabus is framed within Malawi's socio-political context. It takes into account the social and political changes besetting Malawi.

This chapter argues that the history of ethics education in Malawi reflects the political nature of education. Education is aligned with the political nature of each government. The form and changes in ethics education should be situated in the unequal relations of power as well as relations of dominance and subordination among various actors in Malawi's history. Thus, a genealogy of ethics education in Malawi reflects that such relations have characterized the trajectory of education in Malawi from the time the missionaries introduced formal western education in the 1870s to the present. Changes in ethics education also reflect unequal relations of power and their resultant relations of dominance and subordination to ideologies of stakeholders in Malawi's education.

The religious and moral education syllabus introduced in Malawi's democratic dispensation, as a multi-faith space, seeks to help learners develop ethical values and social and life skills such as cultural literacy and civic tolerance. These are skills essential for citizenship in democratic and pluralistic societies. The syllabus seeks to enable learners to appreciate moral, social, spiritual and cultural values from more than one religion. They should also understand the concepts, skills, values, and attitudes involved in understanding different religions and how these affect the lives of people.[53]

The above justification of ethics reflects an educational response to Malawi's context-specific and global realities regarding ethics education. In essence, the ethics education seeks to help learners develop social and life skills such as "greater understanding of self and others, the clarification of values, cultural literacy, and civil toleration of differences.[54] These skills are crucial for ethics education in a democratic and pluralistic society.

Some of the objectives of the religious and moral education syllabus for Malawi state that learners should develop awareness, understanding, and appreciation of the value of the individual in society, and develop moral, spiritual and ethical values. In addition, learners should know the various cultural practices of Malawi, appreciate Malawi's diverse cultural practices, acquire appropriate socio-cultural skills, and develop an appreciation of and respect for one's culture and other people' cultures. The objectives have the potential to promote ethics education in a pluralistic society like Malawi. Lealman observes that an important part of religious

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[53] Ministry of Education, *Malawi Junior Secondary School Teaching Syllabus*: *Religious and Moral Education*, 1ff.

[54] Chidester et al., *Religion in Public Education: Options for a New South Africa*, 45.

education is the development of attitudes such as tolerance and appreciation of religions and cultures different from one's own; sensitivity to social problems and human needs as well as awareness of human values.[55]

The religious and moral education syllabus in Malawi seeks to develop in learners those citizenship, ethical and socio-cultural skills stipulated in the national goals of education in Malawi. To that extent, ethics education has the potential to contribute to the realization of Malawi's national goals of education in general and ethics education in particular. The syllabus provides a discursive space for learners to engage in a dialogue across their differences based on ethical value systems.

Conclusion

This chapter has framed the historical and socio-political context of ethics education in the Malawi education system from 1875 to 2019. It has discussed a trajectory of Christian hegemony in ethics education from the time the Christian missionaries started establishing western formal education. Genealogical analysis shows that the Christian missionary conception of ethics education was based on religious education and was confessional because schools were agents of evangelization and conversion. With that understanding, Christian ethics education monopolized the curriculum space in schools. The monopoly translated into the hegemony of the Christian ethics in education. Hegemony started when education was under the control of the Christian missionaries and continued throughout education under the control of the colonial and post-colonial governments. In addition to the Christian ethics education, the one-party rule by the Malawi Congress Party under President Kamuzu Banda introduced the four corner stones of unity, loyalty, discipline, and obedience as the ethical basis for political character formation and ethical practice among Malawi's citizenry. The positive effect of the four corner stones was the reduced occurrence of some vices such as corruption and public dissent but with the negative effect of stifling the virtue of tolerance in the public political space. The change from one-party rule to multi-party rule in 1994 brought its challenges on the fabric of ethics education in Malawi. The challenges led some decay of the moral character and ethical practice among some Malawians. Consequently, new forms of vices and virtues have emerged and created a need for a review of Malawi's ethics education curriculum.

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[55] B. Lealman, "Affectivity," in *A Dictionary of Religious Education*, ed. M. Sutcliffe (London: SCM Press Ltd, 1984), 10.

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Part III
Professional Ethics

Popular Music and Ethics in Malawi

Syned Mthatiwa

Introduction

Music in Malawi, like everywhere else in the world, is as old as the people themselves. Music accompanies every activity in Malawi, from work, festivities, healing, initiation, birth, and death. Chirambo rightly observes that "Malawi has a rich heritage of song, poetry, and dance. Considered highly expressive of feelings and opinions, songs accompany almost all major ceremonies and functions whether they involve dance or not."[1] Wiseman Chirwa also mentions that "[i]n Malawi, as in Africa in general, dance and poetic performances are important forms of social discourse."[2] Citing Spiegel and McAllister, he goes on to say

> [a]nthropological and historical accounts show that, in the premodern days, deeds of valor and moments of joy, sorrow and prosperity were expressed through popular performances which included dance, heroic recitations, and storytelling.…In addition to conveying religious, cultural and sociopolitical messages, these performances were "maps" of individual, group and communal experiences.[3]

The idea of performances being "'maps' of individual, group and communal experiences" is clear in the song lyrics of Malawian popular music. By popular music I mean, as John Lwanda puts it,

> that music which is freely or publicly accessible to all participants and audiences without transgressing cultural, religious or other taboos which restrict that music to closed and circumscribed participation and audiences.[4]

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[1] Reuben Makayiko Chirambo, "Protesting Politics of 'Death and Darkness' in Malawi," *Journal of Folklore Research* 38, no. 3 (2001): 204.

[2] Ibid.

[3] Ibid.

[4] John Lwanda, "The History of Popular Music in Malawi, 1891 to 2007: A Preliminary Communication," *The Society of Malawi Journal* 61, no. 1 (2008): 26.

For ages now Malawian popular music has engaged with a range of issues and "mapped" the experiences Malawians have gone through to the present day. Popular musicians have tapped from the readily available resource of traditional music to come up with compositions that deal with contemporary issues. They also compose new songs based on their own experiences in society. The songs serve a variety of purposes, ranging from political patronage, moral censure, the lamentation of suffering and poverty, to entertainment.

The engagement with social and political issues has not been without challenges for Malawian popular musicians. During the dictatorial reign of Hastings Kamuzu Banda, for example, musicians, like writers, operated within an oppressive regime characterized by stiff censorship laws.[5] This necessitated the use of irony, metaphor, and circumspection in engaging with social and political issues. Following the introduction of the Censorship and Control of Entertainments Act in 1968, and the establishment of a National Censorship Board in 1972 with a mandate to declare publications, films, and songs as undesirable,[6] artists found themselves under the heavy arm of censorship which resulted in muted voices that avoided talking explicitly about politics, except when singing praises of the mighty Banda. By August 1979, over 1000 books, 62 periodicals and magazines, 20 films and 43 gramophone records had been banned.[7] This explains the proliferation, during Banda's reign, of praise songs and those touching on safe subjects of love, marital problems, and alcohol abuse, among others, and the scarcity of those critiquing politicians and exposing moral decadence as the musicians sought to avoid bruising the sensibilities of the censors.

The introduction of multiparty politics and a democratic dispensation in Malawi in the early 1990s liberated musicians who felt free to openly sing about social and political problems and to tackle subjects that were considered unacceptable during the First Republic. The disillusionment that followed on the heels of Bakili Muluzi's rise to power in 1994 triggered protesting voices against evils such as hypocrisy, corruption, greed, rising cost of living, dwindling education standards and scarcity of medicine in hospitals, among others. Popular music genres increased, bringing onto the scene genres which were inconceivable during Banda's reign,

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[5] Adewale Maja-Pearce, "Malawi," *Index on Censorship* 21, no. 4 (1992): 52-57; Adewale Maja-Pearce, "In the Land of the Zombies," *Index on Censorship* 20, no. 9 (1991): 9-12.

[6] Francis Moto, *Trends in Malawian Literature* (Zomba: Chancellor College Publications, 2001), 1ff.

[7] Catalogue of Banned Publications, *Cinematograph Pictures and Records: From 1st August, 1968 to 31st August 1979* (Zomba: Government Printer, 1979), 1ff.

such as the teen-loved genre of rap or ragga.[8] With the increase in genres also came the increase in the number of people claiming to be musicians. Some of the musicians began to identify themselves with more defined social roles such as *phungu* (tutor at initiation or counsellor), for example, Joseph Nkasa; or *mulangizi* (advisor/mentor), for example, Lawrence Mbenjere. Lucius Banda preferred to call himself a soldier for the poor. John Lwanda rightly observes that the appropriation of the traditional titles was a form of "self-legitimation for their societal roles" as the chosen personae "harked back to 'griots' (oral historians and communal wisdom carriers), imbongi (the praise singers) and communal counsellors." He goes on to say that "[t]raditionally, these roles, like court jesters, ensure a degree of immunity from rulers," although Malawian popular musicians have not necessarily been immune from the wrath of politicians.[9]

Although the appropriation of traditional titles became popular during the multiparty period in Malawi, there were attempts by popular musicians such as Alan Namoko (to whom many would ascribe the traditional titles of *mulangizi* or *phungu*) to impart moral values on Malawians during the one-party era. Soyinka once said that "[t]he artist has always functioned in African society as the record of the mores and experience of his society and as the voice of vision in his own time."[10] This holds true for a number of Malawian popular musicians. Regarding the utility of popular culture, to which popular music belongs, Chirambo tells us that "[w]hile not denying the entertainment element in popular culture, Barber says that popular art does talk about matters of deep interest and concern to the people who produce and consume them." He agrees with Barber that "while it may not be explicitly a committed art or refined, it is, however, about things that matter to people, speaking about the conditions of their existence, their problems and solutions."[11] For Lake "[p]op culture can reflect cultural mores and suggest to society which behavior is good

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[8] John Chipembere Lwanda, "Edzi ndi Dolo," in *The Culture of AIDS in Africa: Hope and Healing in Music and the Arts*, eds. Gregory Barz and Jodah M. Cohen (Oxford: Oxford University Press), 390.

[9] John Chipembere Lwanda, "Poverty, Prophets," in *Indigenous Language Media, Language Politics and Democracy in Africa*, eds. Abiodun Salawu and Monica B. Chibita (Hampshire: Palgrave Macmillan, 2016), 217.

[10] Wole Soyinka, "The Writer in a Modern African State," in *The Writer in Modern Africa: African-Scandinavian Writers' Conference, Stockholm 1967*, ed. Per Wastberg (Uppsala: The Scandinavian Institute of African Studies, 1968), 21.

[11] Reuben Chirambo, "Contemporary Popular Music and the Political Development of Malawi since 1992: A Case Study of Lucius Banda" (unpublished paper), presented at an international conference on "Historical and Social Science Research in Malawi" held at Chancellor College, University of Malawi, Zomba, June 2001.

and moral, or immoral and unethical."[12] All this, in my view, is true for popular music.

The relationship between music and ethics, as Nanette Nielsen and Marcel Cobussen tell us,

> [i]s one of the oldest topics in philosophical discussions of music, dating at least as far back as Plato, who warned against the morally corrupting power that music could have on the soul while also recognizing that it could engender grace and harmony.[13]

Plato's attitude to music revealed above characterizes the way music has been perceived in relation to ethics or morality over the years. In its narrow definition and historical use, "ethics is the study of ideal human behavior and ideal ways of being."[14] As a discipline of study in philosophy "ethics is a systematic approach to understanding, analyzing, and distinguishing matters of right and wrong, good and bad, and admirable and deplorable and how these matters relate to the well-being of and the relationship among sentient beings."[15] Ethics as a field of study encompasses a range of perspectives, theories and approaches that have been of interest to scholars from the days of the ancient Greeks (Plato and Aristotle) to the present day. The scholars' perspectives, areas of focus, and levels of complexity and detail have been as diverse as their places of origin. When used in philosophical discourse the term ethics is usually contrasted with morals which are "specific beliefs, behaviors, and ways of being derived from doing ethics"[16] or engaging in philosophical thought. However, in scholarly discourse about human conduct and ways of being in society, the word ethics is often used "when referring to a collection of actual beliefs and behaviors, thereby using the terms ethics and morals interchangeably."[17] I make no distinction between the words ethics and morals in line with their literal meanings. For the general purpose of this chapter, I use them loosely and interchangeably in line with their common usage.

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[12] Lake Alison, "Ethics and Morality in Pop Culture," http://peopleofoureverydaylife.com/ethics-morality-pop-culture-5469.html (accessed August 8, 2016).

[13] Marcel Cobussen and Anette Nielsen, *Music and Ethics* (Surry, England and Burlington, USA: Ashgate, 2012), 1.

[14] L. Rich, "Theories," in *Philosophies and Theories for Advanced Nursing Practice*, eds. Janie B. Butts and Karen L. Rich (Sudbury, MA: Jones and Bartlett Learning, 2011), 185-202.

[15] Ibid., 187.

[16] L. Rich, "Introduction to Ethics," in *Nursing Ethics: Across the Curriculum and Into Practice*, eds. Janie B. Butts and Karen L. Rich (Burlington, MA: Jones and Bartlett Learning, 2013), 4.

[17] Ibid., 5; see also Mary Midgley, "The Origin of Ethics," in *A Companion to Ethics*, ed. Peter Singer (Malden, MA: Blackwell Publishing, 2013), 3-13.

The question of the foundational relation between music and ethics is steeped in controversy, as demonstrated by Plato's views referred to earlier. In his article "Music beyond Ethics," Riethmüller[18] engages with thinkers that refute the theory of ethos in music, arguing that if music has anything to do with character then countries that have to produce great musicians such as Germany and Austria would have had many morally upright people, but history has proved that this is not the case. A closer examination of Riethmüller's article, however, shows that his understanding of music ignores lyrics, which is where the obvious and easy-to-grasp messages lie. That lyrics carry messages that relate to morality, whether positive or negative, is well acknowledged by many scholars. Regarding music in general, Tame's view is that "[m]usic is more than a language; it is the language of languages." He goes on to say that "it can be said that of all the arts, there is none other than more powerfully moves and changes the consciousness."[19] This owes to the fact that, as Eaton observes, "music has the power to express, convey and elicit powerful emotions."[20] It is this ability to elicit powerful emotions that gives music, lyrics considered as part of music, the potential to convey messages that may be for society's good or ill.

In their book, *Understanding Society through Popular Music*, Kotarba and Vannini rightly observe that "[i]n general, many moral entrepreneurs have viewed popular music as either a social problem or a major cause of other social problems."[21] In reaction to this perception, Kotarba and Vannini argue that while popular music has "its shortcomings and undesired effects," listening to popular music such as rock and pop "has multiple consequences, many of which are positive in light of the role they play in the socialization process and solidifying family relationships." For the two scholars, music "integrates families and serves as a bridge across generations. This generational bridge allows children, adolescents, and adults to share communication, affect, morality, ethics, and meanings."[22]

Similar to Kotarba and Vannini, Higgins in her book, *The Music of Our Lives*, believes that ethics involves "thought-mediated human behavior" to which music has traditionally been linked in three ways: its physiological or psychological effects can influence behavior, it can develop capacities that assist ethical behavior, and it "makes revelations that are

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[18] Albrecht Riethmüller, "Music beyond Ethics," *Archiv für Musikwissenschaft* 65, no. 3 (2008): 169-176.

[19] Quoted in David Eaton, "Music as a Moral and Ethical Force in Society," presented at the conference on "The God and World Peace: An Exploration of the Significance of God for a World in Crisis" held in Washington, DC, 2002, rep. 2012.

[20] Ibid.

[21] Joseph Kotarba and Phillip Vannini, *Understanding Society through Popular Music* (London: Routledge, 2009), 18.

[22] Ibid.

ethically valuable to us."[23] For Higgins, according to Burton, "music promotes social cohesion in that it develops noncompetitive cooperation, while fostering intimacy and appreciation for others."[24] Music therefore contributes to an ethical sensibility.

Where ethics, as a philosophical discipline, is concerned, popular music relates to different ethical traditions such as virtue ethics, utilitarianism, and natural law ethics, among others.[25] However, Andrew Bowie is right to caution that

> it would be very difficult and, indeed, undesirable to achieve a 'general' relation of ethics to music, due to the fact that philosophy offers such a vast array of ethical theories. Although we may be able to relate music broadly to, for example, Aristotelian ethics and music's relation to the 'good life,' this would not be sufficient if we venture to ask and answer more probing and relevant questions [such as] 'Which music in which ethical context?'[26]

The difficulty in achieving a general relation of ethics to music, therefore, calls for explorations of interconnections between music and ethics within a particular context.

In this chapter I attempt to explore moral/ethical issues that emerge in the popular music from the social, cultural, economic and political context of Malawi for, as Nielsen and Cobussen rightly tell us, music is not "an autonomous art form, functioning independently from social, political, economic, technological and ethical developments."[27] In my discussion I draw inspiration from the claim by Nielsen and Cobussen that,

> Music is not only capable of representing certain ethical and moral values; moreover, in and through music – to the same extent as in written and spoken texts – ethics sets itself to work…. Music is not simply an aural depiction of ethical opinions; music might be capable of opening up the ethical, of confronting us with ethics, with concepts like hospitality and alterity. Better yet, through music (and, of course, not only through music), ethics, hospitality and alterity come into existence and receive (spe-

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[23] Deborah Burton, "Review of the Music of Our Lives by Kathleen Marie Higgins," *The Review of Metaphysics* 65, no. 3 (2012): 426-428.

[24] Cobussen and Nielsen, *Music and Ethics,* 2.

[25] John Mizzoni, "Teaching Moral Philosophy with Popular Music," *Teaching Ethics* 6, no. 2 (2006): 15-28.

[26] Cobussen and Nielsen, *Music and Ethics*, 3.

[27] Ibid., 23.

cific) meaning. Music is not merely a transparent medium exposing these concepts; rather, it is a substantial means of interacting with them, of letting them appear, of making them experienceable, and of transforming them.[28]

For these two scholars, "it is in the act of listening to music that the musical domain becomes able to contribute in a very specific way to certain ideas concerning ethics."[29] In relating popular music to ethics in this chapter, I assume that there is an audience that listens to the songs discussed and benefit from the messages being communicated. In my view, and as the discussion that follows will show, the ethical or moral values that we draw from Malawian popular music fall within ethical theories such as virtue theory, deontological theory, consequentialist theories (especially utilitarianism) and justice as fairness theory.

Virtue ethics, which is associated with philosophers such as Aristotle (c. 384BC-322BC), focuses more on the moral character of the person acting rather than at ethical duties and rules or the consequences as an important indication of the moral value of one's action. Examples of virtues include benevolence, compassion, patience, generosity, fidelity, justice, and compassion. Unlike virtue ethics, deontological theory which mostly associated with Immanuel Kant (1724-1804) is focused on duties and rules. For Kant morality is tied to dutiful actions.

In the consequentialist theory of utilitarianism whose notable proponents include Jeremy Bentham (1748-1832) and John Stuart Mill (1806-1873) an action is considered as moral if it promotes "the greatest good for the greatest number" of people. It is the consequences of an action that determines its usefulness to society. The justice as fairness theory which was developed by John Rawls (1921-2002) is based on the principle that can be presented as: "General primary goods – liberty and opportunity, income and wealth, and the bases of self-respect – are to be distributed equally unless an unequal distribution of any or all of these goods is to the advantage of the least favored."[30] This principle which, according to Tzafestas, has two parts, namely "the liberty principle (each human has an equal right to the widest basic liberty compatible with the liberty of others), and the difference principle (economic and social inequalities must be regulated such as they are reason)[31] is most notable in popular songs where Malawian artists engage the country's political elites.

Popular music in Malawi has been of interest to scholars. However, the focus so far has mostly been on the relation between popular music

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[28] Ibid.

[29] Ibid., 33.

[30] Spyros G. Tzafestas, *Roboethics: A Navigating Overview* (New York: Springer, 2016), 18.

[31] Ibid.

and politics, gender, and HIV/AIDS.[32] Like many other African countries, Malawi is facing the problem of moral decay as acts and behaviors that signal moral lapse and squalor, such as prostitution and promiscuity, dishonesty, corruption, armed robbery, violence, and disrespect for parents and the elderly are very common. Cases of top government officials and civil servants abusing their offices and enriching themselves at the expense of the poor are now becoming the norm. Malawian popular musicians have in one way or the other tackled these moral challenges and other matters in their songs.

Using a Functionalist approach to oral literature this chapter analyses popular song texts by selected Malawian musicians to draw out their ethical aspects and examine the songs' relevance to society. A Functionalist theory of oral literature, which was proposed by Bronislaw Malinowski and Radcliffe Brown, focuses on the utilitarian value of a cultural activity for a particular people.[33] According to this theory, we understand the life and culture of a society by examining and determining the functions or roles of what is practiced within that society. This means, therefore, that by examining the functions and roles of popular music we get to understand the socio-cultural, ethical, and political experiences of Malawians.

Further, in explicating the moral or ethical values in the song lyrics I also refer to Chuwa's understanding of *Ubuntu* philosophy, which according to Broodryk, as quoted by Chuwa, is "a comprehensive ancient African worldview based on the core values of intense humanness, caring, sharing, respect, compassion, and associated values, ensuring a happy and qualitative human community life in a spirit of family."[34] Other core values in *Ubuntu* include respect for human dignity and human life, collectively shared responsibility, obedience, humility, solidarity, hospitality, interdependence, and communalism. The chapter attempts to answer the question, in what ways can Malawian popular music be said to be relevant to ethics and morality? It argues that a careful analysis of some song texts of Malawian popular music shows that the music tackles moral/ethical

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[32] Wiseman Chijere Chirwa, "Dancing towards Dictatorship: Political Songs and Popular Culture in Malawi," *Nordic Journal of African Studies* 10, no. 1 (2001): 1-27; Chirambo, "Contemporary Popular Music and the Political Development of Malawi since 1992: A Case Study of Lucius Banda," 26-28; Chirambo, "Protesting Politics of 'Death and Darkness' in Malawi," 205-227; Lisa Gilman, "Dance, Gender, and Popular Music in Malawi: The Case of Rap and Ragga," *Popular Music* 25, no. 3 (2006): 369-381; Lwanda, "Poverty, Prophets and Politics: 'Marxist' Discourses in Malawi Music, 1994-2012," 211-234; Lwanda, "'Edzi ndi Dolo' ('AIDS is Mighty'), Singing HIV/AIDS in Malawi, 1980-2008," 384-403; Lwanda, "The History of Popular Music in Malawi, 1891 to 2007: A Preliminary Communication," 26-40.

[33] Elizabeth A. Odhiambo, "History, Culture and Orature: A Study of Shimoni Slave Caves," *Research on Humanities and Social Sciences* 3, no. 2 (2013): 73-74.

[34] Leonard Tumaini Chuwa, *African Indigenous Ethics in Global Bioethics: Interpreting Ubuntu* (New York: Springer, 2014), 12.

issues and encourages the adoption of virtuous behavior relevant to the social and economic development of the country. The artists behind the music see themselves as sages who attempt to guide society on the path of morality and good character. In this regard, therefore, a discussion of morality and moral teaching in Malawi should consider popular songs. As Lwanda observes, music in Malawi, as is the case in the rest of Africa, "is integrated with most activities [and I must add experiences] of daily life"[35] and ethical issues, which are the concern of this chapter, manifest themselves in the music.

In my analysis of the song texts I divide them into various thematic areas, namely, sexuality and HIV/AIDS, care for orphans and parents, hard work, unity and solidarity, and fairness and justice. Although these thematic areas are not exhaustive, they serve as a good starting point for this discussion on Malawian popular music and ethics. The relevance of these thematic areas is also underscored by the fact that they do not only evoke the virtues in ethics, in general, but also the virtues and values of traditional African society such as charity, hospitality, generosity, respect for elders, temperance, humanity and justice, peace, decency, and kindness or compassion.[36]

Sexuality and HIV/AIDS

One area where the voices of Malawian popular musicians have been louder, so to speak, in attempting to guide the moral character of society is on the subject of HIV and AIDS, a subject that leans heavily on the issues of sex and sexuality. Malawian musicians have engaged with this subject since the 1980s, sharing messages with the nation on the dangers of the HIV virus, on the need for prevention through avoidance of promiscuity and use of condoms, and the importance of voluntary counselling and testing. At the beginning musicians mostly delivered such messages at the instigation of health organizations and non-governmental organizations whose scripts the musicians adopted, but later they began to compose songs on HIV/AIDS that reflected their experiences with the devastation the AIDS pandemic caused, and continues to cause, in Malawi.[37]

The belief that the message in the songs will reach the intended audience and lead to behavioral change is what motivates the musicians to compose songs on the pandemic. This belief follows the musicians' realization that music can raise consciousness and to propagate the virtues of

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[35] Lwanda, "Edzi ndi Dolo," 384.
[36] B.J. van der Walt, "Morality in Africa: Yesterday and Today – The Reasons for the Contemporary Crisis," *In die Skriflig* 37, no. 1 (2003): 52.
[37] Lwanda, "Edzi ndi Dolo," 1ff.

prudence, caution, temperance, fidelity, self-care, and self-control necessary for the prevention of HIV infection. One can argue that the musicians sing advisory songs out of duty as people who embrace the social roles of counsellors and advisors. In his song "Chapamsanapa" ("On My Back"), Lawrence Mbenjere, the advisor, sings about a young woman who, as a result of obstinacy/stubbornness has fallen victim to AIDS, making her relatives suffer with her. Mbenjere sings:

> *Nthawi zina m'mati nkakhala mutu wangawu kuzungulira ine*
> Sometimes I get confused
> *Kodi a Grace ndi m'mene unalili muja*
> Grace the way you were
> *Udali msungwana iwe wotha sopo m'madzi kusamba*
> You were a clean and smart girl
> *Koma lero kukhwekhweruka ngati chimanga cha zolowa nkhwali*
> But today you stagger like a diseased maize stalk
> *Pakutitu unkhutukumve udamangira nthenje m'mutu mwanumu*
> All because of obstinacy

In these lines Mbenjere distinguishes the appearance of Grace's now diseased body from her healthy one to highlight the toll the HI virus has taken on her. The once beautiful young woman who took good care of her body by constant bathing has now been reduced to a shadow of her former self. Mbenjere underlines Grace's diseased state and thinness by comparing her to a maize stalk attacked by witch weeds and to a mask called Nyolonyo when he says: "*Zingwinjiri m'manja monsemu ngati a nyau a Nyolonyo*" ("Amulets and bangles on wrists like a Nyolonyo mask"). The comparison of Grace to a mask works as a scare tactic to those who scoff at advice like Grace as they might end like her. Mbenjere further says:

> *Zilibe ntchito poti munkati mmafasho*
> No matter since you said it was fun
> *Chomvetsa chisoni nchakuti mutsekula ngati nsomba ya kalupe*
> Sad thing is you purge like a kalupe fish[38]

There is subtle warning here to those who think prostitution is fashionable for they will end up like Grace. The voice of the artist as an advisor comes clearly when he turns his attention to men who lack prudence and temperance on matters to do with sex:

> *Nanu azibambo mutilankhulitse pambali*
> The behavior of you men is deplorable

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[38] Efforts to establish what the sort of fish is and what it is called in English proved futile.

Mukutengeka ndi zilizonse mungoti bola wamahipi
You fall for any woman with big hips
Kale a madazi tinkati ndiwotu a nzeru
One would think the bald-headed are wise
Koma lerolino a zibambo adangosanduka zidzete
But today men have become fools

In a patriarchal society like Malawi, men are supposed to be the decision-makers and the ones to determine the moral direction of a society. In the lines above, however, there is an indication that men have abdicated this duty as they have lost self-control and easily give in to sexual desires. The description of bald men who should otherwise show some sense of responsibility as fools underlines Mbenjere's impatience with their deplorable behavior which makes them fall prey to HIV and AIDS. Here the musician cautions his society against moral decay that comes with lack of temperance and self-control on matters to do we sex.

While "Chapamsanapa" ("On My Back") is characterized by some subtlety, in "Chimwendo Kulemera" ("Heavy Leg"), Mbenjere explicitly warns men against promiscuity:

Dzikoli laipa odala, utuzule maso uwone mapeto ake
Danger out there, take care
Atsikana a masiku ano ngosadalilika angokula ziuno
Girls of today are untrustworthy, despite their big hips
Uwatengere kurumu amatsanzika ndifuna nkataye madzi
Take them to a room they excuse themselves to go and pee
Pobwera uko ataonda mbuyo alibe, chenjera akupatsa Edzi
They come back looking thin, watch out they'll give you AIDS.

He goes on:

Zokoma ndithu sizitha ukutha ndiwe
Sweet things will always be there but not you
Akazi ndi maluwa a dziko
Women are the flowers of the earth
Kunali anthu a chuma anali kunjoya
There were rich people who were having fun
Komatu anaseseleka ali kumanda
But they all died
Matenda opanda mankhwala agwedeza dziko
A disease without a cure has shaken the earth
Palibe akunena mawu
None is any the wiser.

The warning to men here is loud and clear. But what also emerges from the above lines, and from the previous song, is that women are the problem, they are *femme fatales*, luring men to early graves. Men are, therefore, advised to avoid being lured by the tempting hips of women, some of which are not genuine as "Chimwendo Kulemera" ("Heavy Leg") suggests. The message is that women are the ones who pass on the virus to men, the unwitting victims. The fact that both sexes have the potential to infect one another is ignored. Although these songs promote temperance and prudence as virtues, the messages are targeted at men rather than women, some of whom are in fact victims of their husbands' infidelity.

This bias in the delivery of HIV/AIDS messages through song is not unique to Mbenjere, but it is also observable in songs of other Malawian popular musicians. One example is Albert Khoza's "Akunenepa Nako" ("It's Fattening Them") which casts women as the ones responsible for the spread of the HIV. In this song a parent advises a son:

> *Tima sweet sixteen ndi tomwe tikuyambitsa*
> Sweet sixteen year old girls are the cause
> *Ndi tomwe tikuchimwitsa*
> They are the ones who lead men astray
> *Ukapanda kusamala mwana wanga iwe tikakuika*
> If you are not careful my son we'll bury you

The song goes on

> *Usatengeke ndi kunenepako,*
> Don't be attracted by the fatness
> *Usatengeke ndi dibwilidibwiliyo*
> Don't fall for the apparent good health
> *Akaziwa akunenepa koma mkati anavulala*
> These women get fat but they are infected
> *Ndikuuzeko* one secret
> Let me tell you one secret
> *Ma* contraceptives *ndi ma* injection
> It's contraceptives and injections
> *Ndi zomwe akuyuza mwanawangu*
> That they are using my son

Although this song is aimed at imparting advice to a young man to take care and exercise self-control on matters to do with sex, it is misogynistic and retrogressive. The reason for this tendency in the music could be because, as Lwanda observes, Malawian popular musicians are largely a male group that frequently reflects "some of the misogynistic views

found in a male-dominated society such as Malawi."[39] In a paper titled "'Daughters of Eve': Portrayal of the Female Body in Selected HIV/AIDS Songs in Malawi," which focuses on the negative portrayal of women in songs about HIV/AIDS, Ngwira rightly argues that "negative images of women in these songs constitute a troubling subtext that undermines important messages that the songs purport to disseminate."[40]

There are many other songs about HIV and AIDS, however, that take into consideration both genders and can, therefore, be said to be gender sensitive. These songs warn everyone, male or female, about the dangers of the pandemic. Such songs include Nyasa Guruz's "Linda" ("Wait"), Joseph Nkasa's "Tsoka Sasimba" ("Never wish for Misfortune") and "Moyo Sagula" ("No Life for Sale"). In "Linda" ("Wait"), Guruz sings:

> *Ndikunena ndi iwe phukusi la moyo sunga wekha*
> I am talking to you, take care of your life
> *Moyo wa masiku ano ndi wa pachala, kumamvetsetsa*
> Life is short, you should understand
> *Kulekana ndi kuthamanga ndi bwino kumaziletsa*
> Self-control is better than promiscuity
> *Chiwerewere ndi chisembwere si zinthu zokondweretsa*
> Casual sex is morally wrong

The advice here is gender neutral, as the pronoun *iwe* (you) can refer to a female or a male person. In the context of this song, both boys and girls, men and women, need to embrace temperance on sexual matters to protect their lives. The need to take advice is also highlighted by the expression *kumamvetsetsa* (you should understand). Temperance is also highlighted by the word *kumadziletsa* (exercise self-control) in the extract. In his *Tsoka Sasimba* ("Never wish for Misfortune"), Nkasa also offers advice generally, although later he laments the plight of a sister who ignored advice against prostitution but is now struck by the deadly virus. The song goes:

> *Zalowa kuchala lero zafika pamwana wakana phala*
> All hell is loose out there
> *Munthu akasokomola masiku awiri timva wapita*
> A short illness we hear s/he is dead
> *Nkhani zomwe ziri mkamwa ndi za maliro oo*
> All we hear is about funerals
> *Dziko lafika ku malecheleche*

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[39] Lwanda, "Edzi ndi Dolo," 400.

[40] Emmanuel Ngwira, "Daughters of Eve: Portrayal of the Female Body in Selected HIV/AIDS Songs in Malawi," *Journal of Humanities* 25, no. 1 (2017): 94-111.

The end of time is upon us
Kumene kwapsya tonola sudziwa mtima wa motowo
Make hay while the sun shines
Ngati uli nako kanthu dyeratu chire ukhale pansi
Eat what you have while you can
Masikwano imfa yalusa ingofikira kudula moyo
Death comes without warning
Pofera samalambula pewa chiwerewere
Be clever, avoid casual sex

While the first verse highlights the prevalence of death as a result of the HIV/AIDS pandemic, the second suggests eating what one has as a reminiscent of Unoka in Chinua Achebe's *Things Fall Apart*, "whenever he saw a dead man's mouth he saw the folly of not eating what one had in one's lifetime."[41] For Nkasa it is best to eat what one has as one never knows when one will die in these days of the AIDS pandemic. Nkasa's point here is not to counter those who promote the culture of saving but to underscore the fact that death is swiftly sweeping people to the grave as a result of the pandemic. To avert the fate, however, people should exercise self-control and avoid promiscuity. Sexual prudence and temperance is seen here as a solution to the problem that faces humanity – death.

The song, however, takes a surprising twist along the way when it goes against the wisdom that condoms could help minimize infection, championed by PSI (Population Services International, whose advice Nkasa refers to in the song) when it says:

Musamvere zikunenedwazo, makondomu saphula kanthu
Don't listen to what is said condoms are of no use
Ambiri adaziyesa koma onsewo adamwalira
Many tried them but they all died
Zichenjera pochita kanthu usakhale ngati wopanda nzeru
Be smart, don't behave like a fool
Pamene papunthwa mzako iwe podutsa umalumphapo
Learn from the mistakes of others
Amalawi ndikuuzeni muliri wa Edzi waluma mano
Fellow Malawians the AIDS pandemic is no joke
Basopo tisamalire tekatengera psyete tisakazika
If we are not careful we'll all perish

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[41] Chinua Achebe, *Things Fall Apart* (Oxford: Heinemann Educational Publishers, 1958, rep. 2000), 4.

Nkasa's take on condoms is controversial, given that they are the ones offered as an alternative to those who cannot abstain, though abstinence is a sure way of avoiding catching the virus through sex. Condoms also appear in the ABC campaign which embraces three methods: Abstinence, being faithful to one's sexual partner, and using condoms. Nkasa enjoins prudence and advises listeners to learn from the fate of others. One senses frustration in the musician and impatience with people's failure to take advice. This impatience and frustration is clear in "Moyo Sagula" ("No Life for Sale") where we hear:

> *Wakumvayo amve wosamvayo asamve*
> Whoever chooses to take advice should do so
> *Masiku onyengelerana anapita kale*
> The days of persuading one another are long gone
> *Moyo sagula mangani lisanilo*
> There is no life for sale, zip up

Later we hear:

> *Mzipatala ntsikun'tsiku mmene akufera*
> In hospitals people are dying
> *Ngati ku Chikwawa mbalame*
> Like mass death of birds in Chikwawa
> *Kukumwalira azibambo, azimayi ndi makanda a pabere*.
> Men, women and infants are all dying

Nkasa here realizes that gentle advice and subtlety are not working. As such he decides to throw gentleness and persuasiveness to the wind and boldly asserts that his listeners have a choice to take his advice or leave it. He tells men to zip up their trousers and stop promiscuous behavior. He also emphasizes the loss of life as a result of AIDS through the use of an obscure simile, which compares the way people, men, women and children, die in hospitals to the mass death of birds in the southern Malawian district of Chikwawa.

In the songs above it is clear that the musicians regard themselves as the voice of consciousness for the society. They also see themselves as capable of influencing character or behavior in relation to the HIV/AIDS pandemic. These are the advisors of society, the *aphungu*, who seek to put sexual immorality in check. But, as indicated earlier, some of the songs tend to be problematic in terms of gender and adherence to facts of the matter. Women are seen as the ones spreading the virus as they tempt men with their beautiful healthy-looking bodies and big hips, while men are depicted as weak and easily tempted by feminine wiles. Beyond the fact that most musicians are male and, therefore, reflect a patriarchal attitude

in their songs, the negative images of women in relation to HIV/AIDS could be based on the fact that it is women who are highly visible as prostitutes, selling sex to men in pubs and other places, while their customers hide in dark corners and are somewhat invisible.

While some of the songs discussed above could be said to promote virtues or good character, which according to Kwame Gyekye is "the essence of the African moral system, the linchpin of the moral wheel" since African ethics is a character-based ethics,[42] there are other popular songs in Malawi that seem to promote lewdness and obscenity, thereby encouraging sexual licentiousness. Such songs raise doubts about the relevance of music in promoting ethical behavior. Most of these songs have emerged from the rap and ragga genre. Gilman and Fenn tell us:

> The popular music culture surrounding the rap and ragga scene is also heavily masculinized. The foreign artists most known in Malawi are males who embrace and display images of masculinity intercut with themes of aggression, violence, alcohol and drug consumption, sexual explicitness, objectification of females, and vulgarity.[43]

While the males "involved in the scene in Malawi often do not incorporate these themes in their day-to-day lives (…) they performatively embrace such themes in their choices of dress, lyrics, and movement or posturing – options that would be highly marked as deviant for a female participant."[44] An example of a song whose lyrics show sexual explicitness is Limbani Kalilani's (popularly known as Tay Grin or Nyau King) "Kanda" ("Scratch") which features Sonyezo Kandoje (a.k.a. Sonyezo) and Orezi. In the song we hear:

> *Kodi ndi maloza, paliponse pangonyerenyetsa pokha*
> Is it a curse, everywhere I am itching
> *Usiku wonse kulephera kugona*
> Spending a sleepless night
> *Iwe Nabetha ndizivutika iwe utangoshara pamenepo*
> Nabetha, should I suffer while you are there
> *Tabwera, kodi Nabetha kapena undithandiza*,
> Come, perhaps you will assist me
> *Kanda, kanda*

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[42] Kwame Gyekye, "African Ethics," *Online Stanford Encyclopedia of Philosophy*, first published September 9, 2010, https://plato.stanford.edu/entries/african-ethics/ (accessed August 2, 2017).

[43] Gilman and Fenn, "Dance, Gender, and Popular Music in Malawi: The Case of Rap and Ragga," 376.

[44] Ibid.

Scratch, scratch
Apa, apopo, pamenepo, ukoko, ichocho
Here, there, right there, up there, that one
Thupi langa kunyerenyetsa mama, paliponse
My body is itching, everywhere
Kunyerenyetsa mama
Is itching
Ndingofuna ndingo…
I just want to…

The fact that the song is about sexual desire and the need to achieve release through sex is unambiguous in the lyrics. The silent thrusting of the hips by the performers in the video of the song when the singer says the words "*Ndingofuna ndingo…*" ("I just want to…") clearly shows that he wants sex. It is arguably true that songs like these fan the imaginations of the impressionable youths who are at the same time expected to heed the advice of the counsellors and advisors such as Mbenjere and Nkasa. Ironically, the youths of today would rather listen to music by Tay Grin and others with morally questionable songs than to songs by the likes of Nkasa who are considered *matrad* (that is, traditional and backward).

Orphan and Parental Care

Beyond the HIV/AIDS pandemic, popular music also largely deals with care of orphans and parents. Here the virtues of care, fidelity, and justice, and values such as love and compassion are evoked. Commenting on the value of care, Chuwa says:

> According to *Ubuntu* philosophy, care is not only an ethic; it is the conditions for the possibility of genuine ethics. In other words, ethics is based on the human ability and essential characteristic to care. All principles of ethics are based on the fact that human beings are caring creatures. Care is assumed and presupposed in human interactions. All principles of ethics are derived from, and aim at care. In my view, therefore, care is not only one of the many ethics. Care precedes ethics. It is that for which ethics exist.…*Ubuntu* philosophy is about care for humans and the universe.[45]

The problem of orphans has been with humanity since time immemorial. Parents die for one reason or the other leaving their young children needing care from relatives or foster parents to grow. While orphanages

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[45] Chuwa, *African Indigenous Ethics in Global Bioethics: Interpreting Ubuntu*, 89.

and childcare homes were the answer in the western world, in Africa, with its egalitarian way of life, orphaned children were embraced by the extended family, allowing them to grow together with cousins and other relations. This integration of orphans into existing families within a community was not always seamless. In some cases, orphans suffered discrimination and ill-treatment at the hands of their carers. Instances like these are the concerns of musicians who compose songs on behalf of orphans. The HIV/AIDS pandemic has aggravated the situation regarding orphanhood in Malawi, one of the worst hit countries in Sub-Saharan Africa. During the 1990s death from AIDS-related illnesses claimed, and it still does, the lives of young and productive parents at a rate higher than previously known before as they succumbed to the virus leaving young children in need of care. While some of these were integrated into families, in some cases they could not be absorbed. Almost overnight, the country found itself with the problem of orphans to deal with. Orphanages and childcare centers sprang up all over the place to care for those children that could not be absorbed by their communities. Musicians, appropriating the roles of the traditional advisors mentioned earlier in the chapter, composed songs that advised good care of orphans.

Related to the care of orphans is the issue of care for parents. Migration to the city in search of jobs and other means of survival has separated children from their parents who remain in the rural areas to continue with their subsistence livelihood. However, more often than not, it is these same parents who are responsible for educating the children who later migrate to the urban areas in search of greener pastures. When some of the children migrate to the urban areas, they forget about their parents, their poverty and suffering, as they enjoy the luxuries of their jobs which they would not have acquired if their parents did not send them to school. This betrayal and injustice is what prompts musicians to sing about the need to love and take care of (ageing) parents.

One of the musicians who has plaintively sung about the need to care for orphans is Allan Namoko, in songs such as "Ana Osiyidwa" ("The Orphans"), "Mwana wa Masiyeyo" ("The Orphan Child"), and "Kakhwa Miyene" ("When I Die"). In "Ana Osiyidwa" ("The Orphans"), Namoko commends a woman who takes good care of orphans and later emphasizes, for the benefit of his audience, the need not to discriminate against orphans but to take care of them. Namoko sings:

> *Make mwana kukhala ndi choncho*
> Dear mother that is the way to live
> *Make mbwiye kukhala ndi choncho*
> Mother that is how to stay
> *Ana osiyidwawo, ana osiyidwa*
> The orphans

Ana osiyidwawo, opanda amayiwawo
Those motherless children
Zoona kuwalera kwake mmatere
 That is how to raise them
Asamaleni ana amasiye
Take care of the orphans
Musaatemere mmanja ana amasiye
Give orphans enough food

The woman or mother praised here is an exemplary woman, a woman who is morally upright in her behavior. In the last two lines quoted above Namoko emphasizes the need to give orphans enough food, rather than denying them this basic necessity. Here Namoko underscores the virtues/values of care and compassion.

The song, "Mwana wa Masiyeyo" ("The Orphan Child"), is an appeal to community members to take care of an orphaned child. In matrilineal societies such as where Namoko came from in Southern Malawi the loss of a mother is a heavy blow to children. The father is expected to move on and marry another woman while the children remain with their maternal relatives. The child in the song has lost a mother and needs the support of her mother's relatives. In his bluesy and plaintive voice Namoko sings:

Zomvetsa chisoni mwanayi wamasiye x2
It's sad this child is an orphan
Zomvesa chisoni mwanayi wamasiye ee eeee
It's sad this child is an orphan
Anzanga tamulereni mwanayi alibe mayi wake
Take care of this child, he has no mother
Tamulereni mwana alibe mayi wake
Take care of this child, he has no mother
Tamulereni mwana alibe mayi wake ee eeee
Take care of this child, he has no mother
Chonde mwanayi alibe malo
Please this child has no home
Chonde mwana alibe malo ake
Please this child has no home
Chonde mwana alibe malo enieni ee eee
Please this child has no real home

The plight of the orphan is exposed here; s/he has no mother and no place to stay. In his hierarchy of needs that lead to one's self-actualization, Albert Maslow talks of biological needs which include food, drink, shelter, and warmth; safety needs which include protection from the elements,

security, and freedom from fear; and love and belongingness needs, which include friendship, intimacy, trust, acceptance and affiliating or being part of a group. The fact that the orphan in the song has most of these needs cannot be overemphasized. The orphan who is young and has no home needs the love and care of members of the community to grow. Although the song appears to refer to a specific orphan, the message is about care of orphans in general.

Namoko sings the song "Kakhwa Miyene" ("When I Die") in Lomwe, his mother tongue. The song which talks about the loneliness of his peers when he dies also emphasizes that his children should be looked after when he is gone:

> *Kakhwa miyene m'mweteke nani?*
> When I die who will keep you company?
> *Kakhwa miyene mohowa*
> When I die you will suffer
> *Kakhwa miyene m'mweteke nani?*
> When I die who will keep you company?
> *Mwahalha muwalelheke anakalha*
> But do take care of my children

It is clear from Namoko's songs that the care for orphans was a subject that was close to his heart. Whether he had children who needed to be taken care of when he passed away in 1995 is a different matter altogether. The need for care of orphans in Malawi was to be even more urgent after his passing when, like a raging fire, the HIV/AIDS pandemic swept across the country taking parents to the grave in the mid to late 1990s and early 2000s, before anti-retroviral drugs became readily available in Malawi.

Banda joins the voices calling for care of orphans in "Maliro a Mwana wa Masiye" ("The Funeral of an Orphan") where an orphan suffers discrimination and dies miserably, alone. When that orphan is dead, people carry on with their duties and seem unconcerned. In Malawi, the dead are supposed to be accorded respect, which is why the dead body is referred to as *mfumu* (chief). This entails that the respect accorded a chief is the same that is supposed to be accorded a dead body. But in this case, even the chief who is supposed to lead his people in according burial respects to the dead child refuses to take part. Another thing Banda takes issue within this song is the idea of leaving orphans in an orphanage when relatives and friends of the dead parents are still alive. Banda sees life in an orphanage as a form of alienation for orphans. Banda then issues a warning to the promiscuous to be careful since catching the HIV virus might mean that their children will become orphans. In the lyrics of this song we hear the words of the child, the mother – who cries for her child from the grave – and that of the narrator, who laments the plight of the

orphan. The result is a song that exposes the suffering and plight of orphans in the context of the HIV/AIDS pandemic.

The values of parental care are emphasized in Banda's "Iyayaya Lero"[46] ("Not Today") and in Nkasa's "Mwanawe" ("Child"). In "Iyayaya Lero" ("Not Today"), Banda takes to task a son who stopped going to the village claiming that his car cannot get there and leaves his father suffering poverty and hunger. This is the same father who sold everything to ensure that his son goes to school and yet the son seems to have forgotten all this sacrifice. In town, the son is doing well. He builds a house at his wife's home, drives comfortably while his brothers are reduced to minibus touts. In the song the wayward son is advised:

> *Achimwene msamatero anzanu akulira*
> Brother don't behave like that, others are crying
> *Makolo anapita anu muwanyoza*
> Their parents died yet you disrespect yours
> *Anzanu akudandawula amayi wanga*
> Your friends wish their mothers were alive
> *Akanakhala moyo nkanawasamala*
> So they could take good care of them

Nkasa tackles the same theme of care for parents in "Mwanawe" ("Child") where he calls upon children to love their parents. Regarding himself as an offending child he says:

> *A Nkasa pamenapa mwaonjeza kwambiri*
> Nkasa this is too much
> *Amayi wanu akugona panja*
> Your mother has no house
> *Komatu tindalama mumakhala nato*
> Yet you do have a bit of money
> *Tokuti mungakwanitse kuwamangira khumbi*
> with which you could build her one

Here again, the child is advised to be responsible – supporting and loving his parents who need care. That way the child will avert bad luck that would come as a result of the parent's displeasure with his behavior. The biblical undertones in the song are not surprising as most of Nkasa's songs are inspired by the Christian religion and by stories from the Bible and hymn books. The importance of parental care and respect is a matter

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[46] "Iyayaya" is an expression used to denote surprise or sorrow about a particular day. "Iyayaya lero" would thus be equivalent to an expression such as "Look what's happening today!" or "What on earth is happing today?"

emphasized in the value systems of traditional societies in Malawi and its presence in the music emphasizes the role of the musician as the moral compass of the society.

Hard Work

Hard work is a value that is always emphasized in moral teaching and is part of good work ethics. The importance of hard work to success cannot be overemphasized. According to Gelfand, as quoted by van der Walt (2003),[47] hard work is one of the most important virtues among the Shona people, comparable to such virtues as respect, love, compassion, generosity, truth, self-discipline, forgiveness, patience, and courage. There is ample evidence to show that hard work is also a cardinal virtue among Malawians. At various initiation camps, for instance, initiates are advised to work hard if they are to succeed in life.

As a spokesperson of the poor who hopes to inspire them to succeed, Nkasa encourages people to work hard in his music, especially in such songs as "Chikumbutsa Nkhwangwa" ("It's the Cold That Reminds One of an Axe"), "Wosagwira Ntchito Asadye" ("The Lazy Ones Shouldn't Eat") and "Adzakutola Ndani" ("Who Will Take Care of You"). In the music Nkasa emphasizes his self-appointed role of preaching unity, inspiring the poor to work hard, and giving hope to the hopeless. This is clear in the song "Ndadzichotsamo" ("I Have Removed Them") where he reacts to misinterpretation of his messages in the songs. Regarding work in this song, Nkasa declares that one of his objectives in music is to encourage the poor to work hard and succeed because success comes with hard work, and God rewards those who work hard.

The song, "Chikumbutsa Nkhwangwa" ("It's the Cold That Reminds One of an Axe"), encourages the poor to work hard because even the Bible, the book from which Nkasa draws a lot of inspiration, encourages hard work. He sings:

> *Chikumbutsa nkhwangwa chisanu ee*
> It's the cold that reminds one of an axe
> *Anati uzadya thukuta lako*
> It is written you shall eat from your sweat
> *Sikadza kokha kaopa kulaula*
> One needs to work for a good thing
> *Amphawi tilimbike tisangoti nonoro.*
> We the poor let's work hard and not be lazy

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[47] van der Walt, "Morality in Africa: Yesterday and Today – The Reasons for the Contemporary Crisis," 53.

He goes on to give examples of well-to-do people around the country who worked hard and are now enjoying the fruits of their labor. Nkasa also debunks the myth that some people have a bad lack that makes it impossible for them to succeed. He thinks that to believe in such tales is a mark of sheer folly.

"Wosagwira Ntchito Asadye" ("The Lazy Ones Shouldn't Eat"), another song by Nkasa, emphasizes the message of hard work for one to succeed. In this song, Nkasa expresses frustration with a layabout who spends time drinking and is reduced to begging. He declares that such a person should not bother begging from him as he is tired of such behavior. He goes on to advise him that if he spends time drinking alcohol, being jealous of other people's success, and lazing about, he shall remain poor until death. Drunkenness, jealousy, covetousness, and ingratitude are considered vices in traditional morality.[48] In the song Nkasa warns the layabout against some of these vices which will lead to his perpetual poverty:

> *Ukatengera kumwa ma lead*
> If you abuse leads (Type of alcohol)
> *Udzavutika, udzasauka mpaka m'manda*
> You'll suffer, you'll be poor till death
> *Ukatengera kumwa mtonjani*
> If you abuse *Ntonjani* (Type of distilled beer)
> *Udzavutika, udzasauka mpaka m'manda*
> You'll suffer, you'll be poor till death
> *Ukatengera kumwa kachaso*
> If you abuse *kachaso* (Another type of alcohol)
> *Udzavutika, udzasauka mpaka m'manda*
> You'll suffer, you'll be poor till death
> *Ukatengera jelasi*
> If you are jealous
> *Udzavutika, udzasauka mpaka m'manda*
> You'll suffer, you'll be poor till death
> *Ukatengera ulesi*
> If you are lazy
> *Udzavutika, udzasauka mpaka m'manda*
> You'll suffer, you'll be poor till death

"Adzakutola Ndani" ("Who Will Take Care of You") is another warning to a wayward child who abandons school, keeps the company of thieves and murderers, and abuses alcohol and *chamba* (hashish). As a result of his substance abuse, he ruthlessly beats up his parents, sometimes leaving his mother unconscious and his father with missing teeth. In the

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48 Ibid., 53.

song, the father expresses concern over what will happen to his son when the parents die as no one would want to keep a lazy child. The implication here is that the parents keep him out of love. In the song the father wonders:

> *Adzakutola ndani ife tikamwalira*
> Who'll take care of you when we die
> *Udzamva kuwawa umasiye*
> You'll have a very painful orphanhood
> *Udzakhala mwana woyenda ndi dziko*
> You will be a wandering child
> *Bola ukanadziwa ntchito ya manja*
> It would be better if you had a skill
> *Moyo wa ulesi palibe adzakusunge*
> Lazy as you are no one would want to keep you
> *Ngakhale banja lako livuta*
> Even marriage will be a problem for you
> *Zikuphweka lero ife tikali moyo*
> Life might appear easy today while we are alive
> *Tikafa udzaona mikwingwirima*
> When we die you will suffer

It is the laziness and waywardness of this child that will lead to his suffering because, as Nkasa indicates, no one likes a lazy child and therefore he will have no one to look after him when his parents are gone.

Banda also sings about the need for hard work and self-reliance in "Mwandiliritsa" ("You Make Me Cry"). In the song Banda sings against a culture of begging in urban areas, especially by physically capable people. He advises such beggars that if they have no job in town then they should go to the rural areas and work in the field. The persona in the song is a grandfather who feels embarrassed when he hears of the behavior of his grandchildren who spend time begging in town using orphanhood as an excuse while he, the grandfather, is still alive. For the elderly man, his grandchildren's behavior is soiling his name and reputation. He invites them to come home and share what he has managed to eke from the soil through farming. Street beggars are a problem in Malawi. Attempts have been made by the government in the past to remove beggars from the streets but the efforts yielded nothing.

Unity and Solidarity

Another value that Malawian popular musicians, especially Joseph Nkasa, have emphasized is unity. Regarding unity in African culture, Leonard Chuwa says "[h]uman unity is crucial in the comprehension of

existence itself. Unity is of ontological, societal, ethical and religious importance." He goes on to cite Steve Biko who in his exploration of African culture as compared to western culture states that we, Africans, "regard our living together not as an unfortunate mishap warranting endless competition among us but as a deliberate act of God to make us a community of brothers and sisters jointly involved in the quest for a composite answer to the varied problems of life."[49] For Chuwa

> [t]he third major component of the culture of *Ubuntu* emphasizes the role of solidarity (…). This component has three related concepts. First, pursuit of the common good in every human action; Second, inculcation and maintenance of social cohesion; Third, minority empowerment for the sake of the common good as a sign of ethical maturity.[50]

In "Ndazichotsamo" ("I Have Removed Them"), Nkasa emphasizes that as a singer one of his objectives is to promote love, unity, and peace. He states:

> *Mfundo yanga yachiwiri*
> My second objective
> *Kuti a Malawi adziwane,*
> Is that Malawians should understand each other
> *apange umodzi wa fuko limodzi.*
> And be united as one people regardless of tribes
> *Kaya kuli a Chewa, a Yao, a Lomwe*
> Whether they are Chewa, Yao or Lomwe,
> *Asasankhane mitundu.*
> There should be no segregation.
> *Kaya kuli a Sena, apange Malawi m'modzi.*
> Whether they Sena, let them be united.
> *Anthu akondane m'mene Mulungu amafunira*
> Let them love one another as God wishes
> *Kuti anthu akondane.*
> People to love one another
> *Chifukwa pakakhala chikondi*
> Because where there is love
> *Anthu amamvesetsana zikavuta.*
> People understand one another in times of trouble.

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[49] Chuwa, *African Indigenous Ethics in Global Bioethics: Interpreting Ubuntu*, 17-18.
[50] Ibid., 65.

There is no doubt that these sentiments resonate with many peace-loving Malawians. The emphasis on unity among the various tribes was one of Hastings Kamuzu Banda's objectives during his reign. That Nkasa borrows these sentiments from the leader of the First Republic is clear in "Kapolo Sakwiya" ("A Slave Never Protests") where he approves of Banda's four cornerstones of unity, loyalty, obedience, and discipline. To his credit, Nkasa mentions that life was not always good or easy during Banda's reign. He also shows displeasure with political conflicts and calls for unity and understanding amongst all Malawians.

Similar sentiments and the echoes of Banda on unity are also clear in "Ife Ndife a Malawi" ("We Are Malawians"). In the song Nkasa blames multiparty politics for moral squalor and conflicts in the country and seems nostalgic for the MCP era, in spite of its problems that, as he puts it, *"Lero kwachuluka ma ufulu dziko lathu lalowetsedwa mphepo* ("There are so many freedoms today and our country has been corrupted").

In a song calling for unity and solidarity among Malawians across party affiliations titled "Tigwirane Manja" ("Let's Join Hands") Nkasa tells his country men and women that they are one people and should stop political violence. He sings:

> *Mtundu wanga, fuko langa, mumenyaniranji nokhanokha?*
> My people why fight amongst yourselves?
> *Ndiinu anakamodzi, tiyeni tigwirane manja*
> You are one people, let us join hands and be united

Further he calls on Malawians:

> *Tigwirane manja, timange umodzi*
> Let us join hands and form unity
> *Kumwera – tilimbikitse bata ndi mtendere*
> Sothern region, let's encourage peace
> *Pakati – tisalumane ndife anakamodzi*
> Central Malawi, let's not fight we are one
> *Kumpoto – tigonjetse mdani nkhondo, nsanje, njala.*
> Up North, let's fight enemies – war, jealousy and famine

He goes on to say as *phungu* he would not tolerate Malawians fighting because of differences in party affiliations. In calling for unity Nkasa seems to share the culture of *Ubuntu* which "views human society as an organism whose parts are all important for their contribution to the entire organism."[51] For Nkasa, Malawi needs unity among the various tribes from north to south for it to progress.

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[51] Chuwa, *African Indigenous Ethics in Global Bioethics: Interpreting Ubuntu*, 70.

Fairness and Justice

Fairness and justice count as some of the important virtues both in African traditional society and in western society. Malawian musicians have sung about these issues for a long time, especially during the multi-party period, when promises of a good life and prosperity from politicians turned into a nightmare for the poor and powerless, while those with political power and money lived in luxury. One musician who has consistently sung about political injustice and exploitation is Banda. His preferred title of a soldier for the power is a result of his focus on political and social injustices in post-dictatorship Malawi. As a musician and a social critic Banda would like to see justice and fairness prevail in Malawi; to see a Malawi where the poor are not exploited by politicians and the rich and powerful in society. Banda's form of justice is mainly distributive justice that fits into the Rawlsian theory of justice, justice that sees everyone enjoying a fair share of the national cake. For Chuwa,

> Justice is a socio-ethical principle which guides human interaction and relationships. The principle also entails the fact that self-realization happens within the communitarian setting. The starting point of a moral act is "other-oriented." Moral action should not infringe on the rights of others.[52]

He goes on to say that "*Ubuntu* justice is based on the identity of the self which is always inter-subjective, thus contingent to community."[53] It is this inter-subjective identity that the oppressors fail to recognize and acknowledge, leading to behavior that can be described as unfair and unjust.

Among the many songs by Banda that touch on the values of justice and fairness, I will focus on only two songs for this chapter, namely "Mzimu wa Soldier" ("The Soldier's Soul") and "Life." "Mzimu wa Soldier" ("The Soldier's Soul") is Banda's statement of what he stands for as a singer and of how he would like to be remembered. Banda sings:

Mzimu wanga udzakondwa poona kuti
My spirit will rest when
Wodwala athandizidwa mwachangu ndi chikondi
The sick are assisted urgently with love
Ndipo andende aweruzidwe asanamangidwa
Prisoners are sentenced before detention
Ana, amayi amasiye zao alandire

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[52] Ibid., 49.
[53] Ibid.

Orphans and widows must receive what belongs to them
Mzimu wa soldier udzagona
The Soldier's spirit will rest
Ana a amphawi ndi olemera aphunzire zimodzi
When children of the poor and the rich learn from the same syllabus
Ngakhale olemera akalakwa amangidwe
The rich are arrested when they break the law
Olumala ndi akhungu alembedwenso ntchito
The lame and the blind are employed
Abale anga osaukawa mukawaganizira
When you consider the plight of the poor

And turning to how he would like to be remembered at his funeral:

Ngati mdzafune kunena kanthu muzati ndinayesetsa
Should you wish to say something at my funeral say I tried
Kumenya, kumenya nkhondo ya bwino
To fight a good fight
Ndinali soja kwa amphawi
I was a soldier for the poor
Abwenzi anga sanali a chuma, anali olema ndi amphawi,
My friends were not the rich but poor and down trodden
Andende, olila mzipatala, ndi a mayi a masiye.
Prisoners, the sick and widows
Msadzaiwale ndinayesetsa kukonda mtundu wa anthu
Don't forget to say I tried to love humanity

The genuineness of the passionate cry for social justice here can only be supported by the consistency with which Banda has sung such songs. But while Banda wishes to be remembered as a soldier for the poor, one wonders whether the poor feel he is their champion, especially following his dalliance with the very politicians that he criticized when he joined the United Democratic Front Party and won a parliamentary seat on that party's ticket during the 2004 Parliamentary Elections. He later lost the seat in August 2006 following a conviction for forging a Malawi School Certificate of Education, a qualification he used for him to be eligible to contest in the elections. He reclaimed the seat in the 2014 Parliamentary Elections.

In the song "Life," Banda, using a narrative voice, says that Eleanor Roosevelt said if you do not want to be criticized say nothing, do nothing and be nothing. Malawians refuse to be nothing. We shall say something even if it means going to prison. So what, *zikusiyana pati, kundende ndi kunja kuno* (Where is the difference between life in and out of prison?) He goes on: Ruling a country with an iron fist, expecting people to stay

quiet forever is a complete fallacy. People of Africa, including Malawi, have realized that it is their responsibility to speak out and hold their leaders accountable.

In the song, Banda laments the high cost of living, abuse of government institutions, scarcity of medicine and other resources, and corruption that characterized the reign of Bingu wa Mutharika. From songs like the above it is clear that as a musician Banda holds highly the social values of fairness and justice. He believes that we would have a better society if everyone, especially our leaders, treated the people they lead fairly and justly.

Conclusion

The foregoing analysis and discussion of selected song texts from Malawian popular music has demonstrated that the music does have aspects that can be considered relevant to a discussion on ethics and morality in the country. The songs analyzed here deal with virtues and values such as caring, sharing, respect, compassion, solidarity, temperance, prudence, and justice. The chapter has shown that the music tackles moral/ethical issues and encourages the adoption of virtuous behavior relevant to the social and economic development of the country. In engaging with these issues the artists assume traditional roles of counsellors and advisors upon whom rests the responsibility of ensuring ethical and good behavior from members of a society. Like all forms of popular culture and oral literature, popular music has an important place in Malawian society as it raises the conscience of the people in the context of moral squalor, HIV/AIDS and modernity.

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11.

An Afriethical Approach to Malawi's Online Journalism

Ken Jr. Lipenga

Introduction

One of the offshoots of media freedom and technology in Malawi over the past two decades has been the development of online news outlets. This chapter examines the ethical implications of some practices of journalism in Malawian online news sites. The central contention is that, in most of the sites, there is a blatant failure to observe basic journalistic ethics. The discussion primarily draws on Francis Kasoma's notion of Afriethics, to apply a home-grown media ethics perspective to online journalism in Malawi.

Kasoma's Afriethics is based on an African worldview not unlike others of its kind proposed by the likes of John Mbiti.[1] It stems from a philosophy that resists individualism and instead insists on a connection between the journalist and his/her world, which consists of both people – living and dead – and other parts of nature. In this philosophy, the spiritualism of the African world is very much alive, and everything is done for the good of the community. For example, "acts that only serve an individual are not as good as those that serve the whole family and, similarly, acts that only serve the family are less good compared to those that serve the clan and the tribe."[2] Translated into local journalism practice, this viewpoint would imply that the journalist must realize that he/she is part of a collective, and is not a single individual, acting alone. Drawing on a sample of some of the writing on the news sites such as *Banthu Times*, *Malawi Voice*, *Maravi Post*, and *Nyasa Times*, the chapter examines some of the ethically flawed practices exercised by the websites, and further interrogates the role of the country's media regulatory houses and government legislation in regulating online reporting.

The present volume on ethics in Malawi serves as a suitable platform for engaging with some of the journalism practices in Malawian online media at present. A critical examination of the situation in the country's journalism, as a field of knowledge, suggests that there is no existing body

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[1] John Mbiti, *African Religions and Philosophy* (New York: Prager Publishers, 1969), 1ff.

[2] Francis Kasoma, "The Foundations of African Ethics (Afriethics) and the Professional Practice of Journalism: The Case for Society-Centered Media Morality," *Africa Media Review* 10, no. 3 (1996): 104.

that truly, practically acts as a watchdog for journalism practices. This is despite the fact that there is a *Media Council of Malawi Code of Ethics and Professional Conduct.*[3] The practice on the ground and the many accusations levelled against journalists suggest that the code is not strictly followed as a guideline by those working in the media. This is particularly the case in African nations that have made transitions from single-party systems to democratic dispensations. The democratic age came with the freedom of expression, and the argument is that it is this freedom that has been abused and has led to some negative trends in journalism. Indeed, to borrow from Kasoma's description, the African press "has gone to the… extreme of behaving like a watchdog which is always tethered and which upon being let loose goes wild with excitement."[4] The complaints against the press in Africa are not new, and the argument boils down to the fact that, as purported watchdogs of the country, the press are failing in their tasks. The ills that are levelled at the media are quite rich in variety:

> Typical of these accusations are that the media alleges that a party has committed an action but without substantiation or evidence, spreading misinformation, suppression of information, creating half-truths, distortion of information, and manipulation of data sources.[5]

As a starting point, we may consider events leading up to Malawi's 2014 elections, in so far as the media is concerned. During this period, the so-called Malawi's Top Online Publications signed the Malawi Electoral Commission's Media Code of Conduct in readiness for reporting on the elections.[6] There are several assumptions that the reader can make, upon observing the willingness of the media houses to sign such a document. Firstly, the anonymity of the online reporters is not absolute, as it means some individuals can be approached should one wish to contact their publications. Secondly, the signing of such a document hints at the possibility that these publications are signatories to other documents aimed at ensuring the responsible carrying out of their duties.

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[3] *Malawi Media Code of Ethics and Complaints and Disciplinary Procedures* (Lilongwe: Media Council of Malawi (MCM), 2009), https://accountablejournalism.org/ethics-codes/Malawi-Media-Council.

[4] Kasoma, "The Foundations of African Ethics (Afriethics) and the Professional Practice of Journalism," 99.

[5] P. Mhagama and M. Kanyang'wa, "Who Watches the Watchdog? Evaluating the Contributions of the Media Council of Malawi (MCM) to the Quality and Performance of the Media," *Africa Communication Research* 5, no. 2 (2012): 226.

[6] "Historical: Malawi's Top Online Publications Sign MEC's Media Code of Conduct for 2014 Tripartite Polls," *Malawivoice*, October 7, 2013, http://www.malawivoice.com/2013/10/07/historical-malawi-top-online-publications-sign-mecs-media-code-of-conduct-for-2014-tripartite-polls/ (accessed November 5, 2013).

From 1964 to 1994, Malawians were ruled by a dictatorial government. Despite the non-existence of media autonomy during the period, people generally had a high level of respect for the profession of journalism. Indeed, some of the leading figures in the print media were trained during this period. This was back when Malawi had a single print media house, which produced the *Daily Times* and the *Malawi News*. Most people still retain that level of respect for the media, recognizing the educative and informative role that it continues to play, even with the expansion of media freedom in the democratic age, and the diversity of media that characterizes today's digital world. These two – increased media freedom and technological advancement – have done a lot to improve the dissemination of news but are also paradoxically to blame for the deterioration in the quality of reporting.

Ethical Agents: Government or Theory

Online journalism in Malawi started on a very positive note, as journalists took advantage of the relatively new platform of the internet to exercise a previously unimagined degree of media freedom. Online journalists took advantage of the anonymity that the medium afforded, and thus existed as mouthpieces for the public at a time when political dissent was very high. Francis Chikunkhuzeni captures their importance quite well when he writes:

> Born as part of the struggle to dislodge the single-party political regime and the state-managed economy, online journalists were domestic vigilantes, who watched over the implementation of the political and economic liberalization project on behalf of the international community.[7]

This admirable role hardly exists anymore. To be fair, the terrain has also changed. There is more increased legal regulation in the country, specifically with the passing of the Communication Bill and the Electronic Transactions Bill, the latter of which, among other things, reduces the anonymity by stipulating in Section 35 that "An online content provider shall display (…) full name, domicile, telephone number, and email address, of the editor."[8] The passing of the Electronic Transactions Bill in the Malawi Parliament in 2016 was an event that drew attention to the purported role of the media as a watchdog in the country.

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[7] Francis Chikunkhuzeni, "Online Journalism in Malawi: Emergence, Challenges and Prospects," in *Journalism Practice in Malawi: History, Progress, and Prospects*, eds. E. Kondowe, P. Kishindo, and F. Mkandawire (Lilongwe: Malawi National Commission for UNESCO, 2011), 47.

[8] Malawi Government, *Electronic Transactions Bill*. 1ff.

Among the most ardent opponents of the Communications Bill were online news houses, which feared that government authorities would employ the new law to muzzle and control what is arguably the most liberal platform for journalism in the world. However, the law is intended to bring some sanity to a field where both information and misinformation can be disseminated, a domain where cases of slander by anonymous persons are all too common, and a field where there is an urgent need for regulations for ethical conduct. This attempt at government regulation is a legal way of trying to ensure that online media adheres to a certain code of ethics. The hope is that the full disclosure of the author or editor's details shall deter them from writing harmful material.

In reading this ethical dimension, it is helpful to consider what has been touted as perhaps the most essentialist theory of media ethics that specifically targets journalism in Africa. In his preamble to the Afriethics theory, Francis Kasoma attacks the African press, arguing that it

> has increasingly become the accuser, the jury, and the judge all rolled up into one as it pounces on one victim after another in the name of press freedom and democracy. The unbelieving African society watches in awe as the largely incorrigible press literarily maims and murders those it covers to fulfil its not-so-hidden agenda of self-enrichment and self-aggrandizement…[9]

This study adopts Kasoma's position as a uniquely provocative way of questioning current journalism practice on online platforms. Kasoma's approach is a deliberate attempt to advocate for Afrocentric journalism, premised as it is on the observation that most African journalism has been based on practices on the Global North.[10] This point alone gives the theory some value, cognizant as it is of the merit in indigenous knowledge systems. It is with this in mind, perhaps, that Kasoma suggests that "African society, drawing from its humane approach to life, can inspire its recalcitrant journalists to bring some sanity into African journalism and with it redeem the disintegrating world press, and the African press in particular."[11] It advocates for a bottom-up approach, where the practice must be informed by the values of the society in which it exists, instead of espousing imported values of journalism.

The generalizing tone in the attack against journalism in Africa also weakens the theoretical position to some extent, as the critic attempts to

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[9] Kasoma, "The Foundations of African Ethics (Afriethics) and the Professional Practice of Journalism," 95.

[10] Ibid.

[11] Ibid., 96.

place all media-houses on the continent under one roof. However, it provides a wake-up call to the readership of both online and print media. Upon taking a fresh look at some of the journalism practices – especially in online media – we realize Kasoma has a point. The argument that he raises applies not just to journalists working under-recognized media houses, but also to freelance journalists. To this end, the assumption is that most unethical practices in journalism – the bribes, the slander – stem from the absence of such a team spirit, a failure to realize that one's actions can harm the entire profession.

Kasoma's position has met with a lot of criticism from a variety of scholars on the continent. Most of these highlight the essentialism that Afriethics creates, which results in the African journalist assuming a rather limited perspective.

There are not many who have written on online journalism in Malawi. Among the few, two scholars stand out – Francis Chikunkhuzeni and Penelope Kakhobwe. Kakhobwe's is the earlier document, a Master's thesis which focuses specifically on *Nyasa Times* and the *Daily Times*, investigating the impact of the online platform on democracy and press freedom. Chikunkhuzeni's piece, featured as a chapter in *Journalism Practice in Malawi: History, Progress, and Prospects*,[12] is the more recent one.

In his paper, Chikunkhuzeni categorizes online media in Malawi into four different types, basing on the differences in user interaction. The first category is practiced in Malawi by stand-alone online publications and by broadcasting stations and newspaper companies that have an online presence. Such journalism is practiced in content production for websites focusing on disseminating editorial content, which is mostly marked by slight deviations from traditional media journalism in terms of storytelling styles, news values and relationships between journalists and users.[13] This is the category under which most of the sites of interest in this study are located.

According to Chikunkhuzeni, in Malawi, "contemporary online journalism is rife with political advocacy and is characterized by content dominated by political and economic themes."[14] The online platform is where the ethics of the practice tend to be most often ignored. Sometimes, you get the impression that some of the media websites are in a rush to go to press without due consideration of the damage that unfounded reports have on a person's reputation. As Chinyamwaka notes,

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[12] Chikunkhuzeni, "Online journalism in Malawi: Emergence, Challenges and Prospects," 40ff.
[13] Ibid., 42.
[14] Ibid., 51.

> [W]hen media practitioners do their work unprofessionally their products can be potentially harmful to individuals, organizations, societies and the world at large. Harmful media products can incite hatred and violent conflicts, damage people's and organizations' reputations, businesses and disrupt social and economic life in general.[15]

One publication should prove an apt example. On November 26, 2013, the *Maravi Post* carried an article headlined "Get to know Mathews Mughogho, Ruling People's Party's Mercenary IT Expert set to rig 2014 Elections" which appears as a headline purported on fact. However, a reading of the article shows that it is based on hearsay, right from the very start. It commences with the sentence "Freelance journalist investigations shows [sic] that President Joyce Banda, using arrested former Peoples [sic] Party Deputy Director of Sensitization Osward [sic] Lutepo has been financing a young gentleman to labor on IT services for the electoral system in Malawi with an intended purpose of rigging elections."[16] This is flawed in many ways, as an opening sentence. Rigging elections, or even simply attempting to do so, is a serious crime, despite widespread reports of the same on the continent. One would think that if the "freelance journalists" have such evidence, they would forward it to the authorities. The anonymity of such journalists also makes their very existence suspect. If they do exist, the fact of remaining anonymous may be purportedly for their safety, but it could also be that they are aware of their act of character assassination without a sufficient basis. The article goes on to refer to the young man as a mercenary, also a slur on the nature of the man's profession.

People associated with politics are often the target of such breaches of ethics. In 2013, there was a report published online about how, at a conference, Secretary for Education Anjimile Mtila-Oponyo had intensely examined women activists. This item of news was published by the online version of a well-respected newspaper, the *Daily Times*.[17] Both Francis Chikunkhuzeni and Tiyambe Zeleza acknowledge the fact that the internet has increased the reach of local newspapers. However, this has opened a grey area, regarding the authorship of news stories. For example, regarding the story mentioned above, within the same period, another

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[15] Chinyamwaka, "Media Ethics: A Call to Responsible Journalism," 4.

[16] Mathews Mughogho, "Ruling People's Party's Mercenary IT Expert set to Rig 2014 Elections," *Maravi Post*, November 26, 2013, http://www.maravipost.com/national/society/4974-get-to-know-mathews-mughogho-ruling-people%E2%80%99s-party%E2%80%99s-mercenary-it-expert-set-to-rig-2014-elections.html (accessed November 27, 2013).

[17] "President Joyce Banda's Sister Grills Women Activists," *BNL Times*, September 4, 2013, http://timesmediamw.com/president-joyce-bandas-sister-grills-women-activists/ (accessed November 27, 2013).

online source carried the same story, duplicated verbatim, with only the headline changed. In this case, they label Mtila-Oponyo as the president's "attack dog," out for women's activists' blood.[18] This story, shamelessly duplicated from another site, makes a mockery of *Malawi Democrat*'s claim to carry "news you can believe [sic]," but also makes one wonder if the strict newsroom etiquette associated with print media is carried over to their online publications. Later, the *Daily Times* published Mtila-Oponyo's side of the story, which categorically stated the earlier report was wrong. But as can be seen from the duplication of the story elsewhere, the damage had already been done.

Such unfortunate occurrences are common, where the media houses do not express any remorse or offer any apologies, but instead move on like things are normal, despite the glaring fact that they had rushed to publish a one-sided, and therefore uncorroborated, story. One must look at readers' comments on online media sites to see how quickly people are to believe whatever is published there. The main dangerous element derives from the fact that thousands of people depend on these media for information, or – as may be the case in some quarters – misinformation. It is in this light that one sees the sense in the warning voiced by Paul Tiyambe Zeleza, that "[t]he media (…) have the capacity for perpetrating both good and evil, ignorance and awareness, bigotry and fairness, development and destruction."[19]

Duplication in Reportage

This duplication of news stories across several sites is another rather unfortunate trend, making the critical reader wonder about the respect for intellectual property by the news houses. This is partially explained by Chikunkhuzeni, who observes that "[i]n Malawi a few journalists have been and are involved in re-purposing articles distributed through traditional media for secondary re-distribution on the internet."[20] In the academic world, this could be tantamount to the very serious crime of plagiarism, indeed even self-plagiarism. The *Malawi Media Code of Ethics and Complaints and Arbitration Procedures*, published by the Media Council

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[18] "Joyce Banda's Sister Anjimile Turns into an Attack Dog, Bites Women Activists Seodi, Kabwila," *Malawi Democrat*, November 27, 2013, http://www.malawidemocrat.com/jbs-sister-anjimile-turns-into-attack-dog-bites-women-activists-seodi-kabwila/ (accessed November 27, 2013).

[19] P.T. Zeleza, "The Media in Social Development in Contemporary Africa," in *Media and Identity in Africa*, eds. K. Njogu and J. Middleton (Edinburgh: Edinburgh University Press, 2009), 32.

[20] B. Chinyamwaka, "Media Ethics: A Call to Responsible Journalism," presented at the Malawi Electoral Commission "Stringer" Training Course held in Liwonde, July 2008, 36, http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/WPFD2009/pdf/ media-ethics.pdf.

of Malawi, clearly says journalists must avoid plagiarism.[21] Unfortunately, the language in this section does not accord plagiarism the same degree of gravity with which it is treated in academia, in which it can cost one's reputation, or even one's career. For some strange reason, this duplication appears to be the norm with Malawian news sites.

One example is an article reporting on the theft of public funds in the "Cashgate" saga.[22] *The Nation* of November 27, 2013 carried a report, authored by Suzgo Khungwa, entitled "'Cashgate women' plead not guilty."[23] Appallingly, on the same day, *Nyasa Times* carried an article reporting on the same issue but titled differently.[24] The latter is shockingly similar to Khungwa's piece, with some words changed in places, but in some sections, entire paragraphs are copied. Yet another example is the late celebrated journalist Raphael Tenthani's "Muckraking on Sunday" column, which had long been one of the regular features of the *Sunday Times* newspaper in Malawi. However, the column was also occasionally republished on the *Maravi Post*, the *Malawi Democrat*, and sometimes *Nyasa Times* websites.

These are examples of a practice that raises some legal questions since it is unclear if such republications are done with the permission of the author, or the editor of the paper, to whom the copyright purportedly belongs. In the print media, there is usually explicit acknowledgment of news sources elsewhere, such as when the paper reprints a news piece from the BBC, Reuters, or even Mana. This is hardly ever the case with online media, which leaves room for the rampant duplication of which the current trend is a worrying example.

Another case of duplication occurred with an article that *Malawi Voice* titled "Malawi President Greatest Thief in the World, Lets Exercise 'Holy Anger' – Catholic Church," apparently written by Faka Machaka.[25] Unfortunately, the *Malawi Democrat* carried the same article, verbatim,

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[21] *Malawi Media Code of Ethics and Complaints and Disciplinary Procedures,* 12.

[22] The "Cashgate" saga in Malawi refers to the widespread theft of government funds discovered in 2013. Because of the scandal, several countries suspended the donor aid to Malawi.

[23] Suzgo Khungwa, "Cashgate Women's Plead not Guilty," *The Nation*, November 27, 2013, http://mwnation.com/cashgate-women-plead-guilty/ (accessed November 27, 2013).

[24] "No Bail for Malawi 'Cashgate Women' Deny Charges of Money Laundering," *Nyasa Times*, November 27, 2013, http://www.nyasatimes.com/2013/11/27/no-bail-for-malawi-cashgate-women-deny-charges-of-money-laundering/ (accessed November 27, 2013).

[25] Faka Machaka, "Malawi President Greatest Thief in the World, Let's Exercise 'Holy Anger' – Catholic Church," *Malawi Voice*, November 27, 2013, http://www.malawivoice.com/2013/11/27/malawi-president-greatest-thief-in-the-world-lets-exercise-holy-anger-catholic-church/ (accessed November 27, 2013).

without a by-line.[26] Such is the blatant duplication that the two articles both maintain a glaring grammatical error in the final sentence. These are just a few examples. But with a keen eye, one will notice the regular duplication of so many stories online, with hardly any attempt at acknowledgement. It seems that authors are satisfied with the increased visibility of their writing (although their by-lines may be changed along the way).

With these examples, one cannot help but wonder why the authors do not cry foul. I would expect the editors to be aware of what is happening and at least take it up at Media Institute of Southern Africa (MISA) or Malawi Editors Forum (Maef). Otherwise, it appears the major papers have no way of protecting their material. A simple acknowledgment of the original source of the news piece would go a long way towards entrenching the integrity of the journalism practice, and along with the inherent communalism promoted by the Afriethical approach, help to maintain the sense of a single community of journalism in the country, comprising journalists from media houses that differ in the platform.

Other examples abound. One of them, which has little to do with politics, concerns a story about an incident in Mangochi district, in which an individual was attempting to sell pork in the Muslim dominated locale. This move led to an uproar, to the extent that some quarters were reported to have declared Mangochi an Islamic state. Reporting on the event, the online website of *The Nation*, which is one of the two main newspapers in Malawi, carried a story with a picture and a by-line, identifying the reporter.[27] However, the *Maravi Post* also carried a similar story, which duplicated sections of the story from *The Nation* and ascribed the authorship to a "Maravipost correspondent."[28] Again, here one wonders at the legality of such reportage.

Just Plain Bad Writing

As earlier observed, in the 1980s and early 1990s (and possibly before then), many people in Malawi regarded newspaper reports as always containing impeccable English. Secondary school students would visit local libraries not only to read the news and the short stories in the weekend

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[26] "Malawi President Joyce Banda Greatest Thief in the World – Catholic Priest," *Malawi Democrat* (n.d.), http://www.malawidemocrat.com/malawi-president-joyce-banda-greatest-thief-in-the-world-catholic-priest/ (accessed November 27, 2013).

[27] Frank Namangale, "Mam Disowns Mangochi Muslim Group," *The Nation*, December 4, 2013, http://mwnation.com/mam-disowns-mangochi-muslim-group/ (accessed December 4, 2013).

[28] "Lawyer Faults Mangochi Pork Judgment: 'No land in Malawi is ruled by Religious Laws'," *Maravi Post*, December 4, 2013, http://www.maravipost.com/scope/law-and-order/5021-lawyer-faults-mangochi-pork-judgment-%E2%80%98-land-in-malawi-is-ruled-by-religious-laws%E2%80%99.html#jacommentid:6751 (accessed December 4, 2013).

papers but also as a way of familiarizing themselves with the proper ways of writing. Newspaper reports were the models for "Writers' Clubs" at many secondary schools. Students were encouraged to hone their budding journalism skills by reporting on various events happening at their secondary schools, using the newspaper reporters as their examples. In retrospect, this was an age with limited and difficult access to information, with no Google and no smartphones, and very few computers available to students. The student journalist would have to produce his/her report, perhaps on the latest victory of the school's football team, in his/her handwriting. This would then be displayed on the noticeboard for all to see.

Today, the available online news sites, available to many young men or women with smartphones, present models of writing that cannot serve as a good example. For some of the websites, the problem is just bad writing, plain and simple. The authors of articles on these sites seem not to be aware of the need for punctuation or the beauty of simple, short sentences. Again, an example will serve to illustrate this. Among the many sites that do not accord much attention to grammar and punctuation, the most visible culprit is *Banthu Times*, which claims to carry "Malawi's best online news."

The first problem with these sites is the lengthy headlines they often have. The short headlines we often see in the print media are the result of several factors, among them being the editor's awareness of limited space, and the need to capture the content of the story succinctly (sometimes even a single word will suffice). Most online news sites still follow this trend, even though they have more space. *Banthu Times* does not. Consider a headline that reads "USA, Obama, and Britain express satisfaction with Joyce Banda Government's Plans to Fight Corruption and Promise No Aid Cuts."[29] I remember an article writing class I took in college, where our professor warned us that the headline should never threaten to become another article on its own. Keep it short and pithy. That is not the only thing upsetting about this headline. For example, there would have been no problem with omitting "Obama" from the headline, for avoiding repetitiveness and maintaining a semblance of symmetry. Once you delve into the actual article, the enormity of the misspellings and grammar fumbling is upsetting.

The current chapter is not a recommendation for abandoning online journalism, far from it. Instead, this is an appeal for a journalism practice that is based on age-old ethical principles, even though the platform may relatively new. In his article, "Factors affecting Malawian journalism," Levi Zeleza-Manda argues that the online news platform may hold the

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[29] "USA, Obama and Britain Express Satisfaction with Joyce Banda Government's Plans to Fight Corruption and Promise No Aid Cuts," *Banthu Times*, November 27, 2013, http://banthutimes.info/?p=2252 (accessed November 27, 2013).

future of journalism in Malawi, since the readership has realized that the traditional (print) news is often plagued with ethnic polarization, shallow analyses, and poor training of journalists, among other factors. While I agree with him that online media has created "an alternative or oppositional public sphere,"[30] some of the problems observed in traditional journalism practice have also been carried over to the online platform, if not augmented, thanks to the increased anonymity of this domain. This is a point that Chikunkhuzeni also notes, when he writes that, in the early years of democracy in Malawi,

> [o]nline journalism was polarized like traditional journalism. Practice was guided by editorial inclinations in support of the ruling or opposition political party. Pro-establishment online media published openly, while anti-establishment journalists assumed mercenary or guerrilla journalism techniques including disguised author identity.[31]

The Anonymous Scribe

Indeed, the issue of anonymity may be the main factor for most of these ethical problems. It appears online journalists often escape criticism due to their anonymity. Unlike the print media, whose physical locations can be identified, the online media houses exist pretty much in the cloud. If a person feels that he/she has been misrepresented in the print media, there is a specific location to which he/she can go and complain, or even seek a retraction of the news item. This is not necessarily the case with online media.

The anonymity of reporters in the online media permits them a degree of safety from various (usually political) elements that may do them harm, but it also creates a space for irresponsible and unethical journalistic practice. The danger that emanates from such irresponsible reporting rests on the fact that few people are even aware of the error-ridden reporting until it is too late. By then, reputations may be tainted, and, in some specific cases, police investigations may be compromised.

Part of Kasoma's gripe with current journalism practice in Africa is the fact that the press "refuses to be held accountable for the harm it causes to society both individually and collectively."[32] This harm comes in many

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[30] L.Z. Manda, "Factors Affecting the Quality of Malawian Journalism," *African Journalism Studies* 26, no. 1 (2015): 161.

[31] Chikunkhuzeni, "Online Journalism in Malawi: Emergence, Challenges and Prospects," 49.

[32] Kasoma, "The Foundations of African Ethics (Afriethics) and the Professional Practice of Journalism," 95.

fashions – misinformation, slander, inaccuracy. Local and regional jour-
nalism bodies – particularly MISA – ought to cast a reflective eye on their
profession. The country's media is supposed to exercise a form of self-
regulation, a way of "setting minimum standards on ethics so that journal-
ists attain the highest professional standards that enable them to become
responsible."[33] In his presentation, Chinyamwaka acknowledges that the
public often deem media regulatory authorities such as MISA as being
toothless when it comes to meting out punishment to journalists or media
houses that flout its regulations. This is a point that is also made by Ka-
soma, who observes that "[i]t is an indisputable fact that professional jour-
nalists' unions or associations in Africa have always been weak."[34] How-
ever, Chinyamwaka also insists that the punitive element should not be
the core of such self-regulation.

People are supposed to lodge their complaints to the Media Council
of Malawi (MCM). The power that this body holds over journalists in the
country is questionable, at best. Similarly, the Association of Media Own-
ers (AMO) purports to "[ensure] accountability of the media to the public,
including its common goal of protecting the public."[35] It is not clear what
the last part of this objective means exactly, but one can only hope it is to
protect the public from careless journalism. The protective cover contin-
ues with something called the Malawi Editors Forum (Maef), which I re-
ferred to earlier on in this chapter. Again, it is unclear how this grouping
differentiates itself from the others. Among other things, it too apparently
"aims to nurture and deepen media freedom as a democratic value at all
levels of Malawian society." Their *raison d'etre* also mainly seems to be
that of protecting media freedom. They are also on record for "protecting
the welfare on journalists."[36] MISA has been particularly vocal when it
comes to defending journalists who may have their lives threatened be-
cause of their work.

The history of Malawi has shown that journalists have at times oper-
ated under threat to their very lives. This justifies the existence of various
groupings that would serve to look out for the scribes' interests. While
this work is commendable, the media bodies need to rise to the challenge
of analyzing the kind of damage the irresponsible reporting detailed above
does to the broader image of journalists in the country. This is precisely
where an Afriethical approach has its utility. Collectively, journalists

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[33] Chinyamwaka, "Media Ethics: A Call to Responsible Journalism," 2.

[34] Kasoma, "The Foundations of African Ethics (Afriethics) and the Professional Prac-
tice of Journalism," 110.

[35] "Malawi Media Owners Form Body," *The Nation*, August 13, 2012, http://mwnation.
com/malawi-media-owners-form-body/ (accessed November 5, 2013).

[36] Watipaso Mzungu, "Malawi Editors Forum Caution JB on Press Conferences," *The
Nation*, October 11, 2013, http://mwnation.com/malawi-editors-forum-caution-jb-on-pre
ss-conferences/ (accessed November 5, 2013).

should "have an in-built self-correcting mechanism in which [they] will as a 'family' mutually counsel one another and thereby practice the profession more morally."[37] Engaging in such an exercise would go a long way towards convincing Malawians that such bodies exist not only to protect journalists from hostile readership, but also to protect the reading community from bad journalism. After all, if the media as the fourth estate are watchdogs for society, who will watch over the watchdogs?

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[37] Kasoma, "The Foundations of African Ethics (Afriethics) and the Professional Practice of Journalism," 114.

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12.

Reflections on Journalism Ethics: Paradigms for Practice and Professionalism

Sydney F. Kankuzi

Reflections on Journalism Ethics through Practice and Profession Paradigms

Ethics is intrinsic to journalism although sometimes it is taken for granted by journalists and their trainers and educators. This chapter substantiates this assertion within the context of normative media ethics using Malawi as a context. To achieve this task, the relationship between virtue and morality is examined, arguing that Malawi's journalism could fulfill its role better by subscribing to the practice model of journalism as opposed to its professional counterpart.

Ethics is a branch of philosophy that is concerned with "the study of what is good for individuals and societies."[1] Although it is a broad area of study, one can distinguish two broad typologies of ethics, notably meta-ethics and normative ethics. The former is concerned with evaluating ethical theories while the latter specifies what people and institutions ought to do in different situations or how they ought to conduct their lives.[2]

"In every society, there are basic standards or expectations of what constitutes acceptable behavior or proper conduct."[3] Considering that journalism is a social institution, this means that ethics, particularly normative ethics, is internal to journalism. Like all other societal members, journalists are required to conduct themselves by following widely accepted norms, for example, not to lie. In other words, ethics affects journalists and their work both at individual and institution levels. At the institution level journalists are expected to have a code of conduct, which ideally reflects the moral standards of the wider society.[4] This is why while Daniel observes that ethics deals with self-enforced and self-legislated conduct because the responsibility is placed on individual members

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[1] L.M. Oosthuizen, *Media Ethics in the South African Context: An Introduction and Overview* (Lansdowne: Juta and Company, 2002), 10.

[2] Ibid.

[3] Ibid.

[4] Ibid., 15.

of society.[5] He is also able to distinguish between social and personal journalistic ethics.

The relationship between journalism and ethics becomes clearer when viewed in the light of the relationship between morality and virtue.[6] Virtue is "an acquired human quality the possession and exercise of which tends to enable us to achieve those goods which are internal to practice and the lack of which effectively prevents us from achieving any such goods."[7] The most prized aim of any practice is to pursue its internal goods. In the case of journalism, these internal goods are embodied in the need to disseminate useful information to the public so that people can use it to understand issues that may affect their lives or the well-being of society. For example, commenting on a controversial Malawi Revenue Authority's sealing of Times Group offices in Blantyre in January 2017, a Times Group editor challenged the Malawi government to stop thinking that it could successfully use the national tax collector to intimidate the media group to stop reporting about alleged government scandals. Malawi's controversial purchase of maize from Zambia was attracting a lot of public attention after Times Group had uncovered the story. As far as the media house is concerned, it has an obligation to tell Malawians the truth about what is going on in their country, including how they are being governed.

What is more critical, however, is that the pursuit of internal goods must be backed by proper motivation and be achieved through correct means; otherwise it should be regarded as unacceptable. This is where the relationship between virtue and morality comes into the picture. Ethics sets standards that ensure that journalists engage only in morally acceptable actions when pursuing virtue. For example, a journalist who offers money to informants in order to motivate them to provide urgent and important information that can help the public to make an important decision during national elections. Although the journalist's intent may seem correct because society needs the information in question, their conduct may be regarded as immoral because societal values and norms do not condone bribery and corruption.

Similarly, it should be considered immoral for a journalist to receive any form of gift that potentially compromises their objectivity and hence, integrity. A handy example is that of journalists who refused to accept K50,000.00 which Peter Mutharika, Malawi's president, wanted to give them for attending a meeting for journalists organized by him at Sanjika

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[5] S. Daniel, "Some Conflicting Assumptions of Journalistic Ethics," in *Philosophical Issues in Journalism*, ed. Elliot Cohen (New York: Oxford University Press, 1992), 50-58.

[6] Alasdair MacIntyre, *After Virtue: A Study of Moral Theory* (London: Duckworth, 1981), 1ff.

[7] Ibid., 178.

Palace in Malawi's commercial city of Blantyre. Some journalists accepted the gift with gratitude, while others either refused it, or received it and, in turn, donated it to what they considered a worthwhile cause because any personal benefit they would have made from the money would have constituted bribery, which is unethical. Commenting on the incident, Mtonga described the two groups of journalists as "a beacon of hope of ethical journalists, arguing that journalists worthy of their name, those who take journalism as a calling (not a job), should always resist bribes often disguised as gifts."[8] Mtonga's main argument is that receiving gifts of any kind tends to compromise professional standards of journalism such as independence, accuracy, and fairness. However, he is quick to note that his argument may sound bizarre to many journalists, notably those who used personal poverty to justify their acceptance of the presidential cash gift.

The two examples may better be appreciated in the light of Klaidman and Beauchamp's distinction between the general concept of virtue and the concept of moral virtue.[9] Unlike moral virtue, the general virtue is concerned with virtue as an end by ways of emphasizing the motivation or means for pursuing it. In the example, the general virtue school of thought would be justifying the journalist who bribes someone for them to access critical information that contains much needed public good while the moral virtue school of thought would be the one arguing that the journalist was not justified to use an immoral act to achieve a virtuous end. Similarly, in the second example, while, as a general concept, virtue would imply that there is nothing wrong with a country's president giving the journalists a gift after inviting them for a chat at the state residence, moral virtue would question the motive behind the president's gesture like Mtonga does. For example, the school of thought would want to know why the arrangement for the gift had not been disclosed to the journalists during their invitation to the meeting.

Journalists often find themselves in situations where they must choose between conflicting values without having adequate time for prolonged and careful reflection.[10] However, such situations do not render ethics external to journalism. In other words, ethics is closely linked to common sense, especially where common sense is understood not as a product of lower cognition nor the specialization of the lowly of society as often perceived by intellectuals but rather as a neutral attribute of all

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[8] L. Mtonga, "Why Gifts Threaten Journalism," *The Nation*, December 19, 2014, http://mwnation.com/gifts-threaten-journalism/.

[9] S. Klaidman and T. Beauchamp, "The Virtuous Journalist: Morality in Journalism," in *Philosophical Issues in Journalism*, ed. Elliot Cohen (New York: Oxford University Press, 1992), 43.

[10] Ibid., 44.

normal social interaction as advocated by Van Dijk.[11] Thus, what some-
times looks like common sense in journalism simply represents ethics that
journalists have internalized through frequent encounters.

Ironically, journalists are not always prepared to exploit common
sense because they tend to consider common sense too common to guide
them to make ethical decisions. In January 2017, for example, one of
Times Television's outspoken journalists conducted himself unethically
by failing to control his anger when he felt provoked by a controversial
interviewee, Malawi's Minister of Information. What began as a normal
Times Exclusive investigative interview turned out to be a war of words
complemented with finger-pointing and screaming. It was clear that emo-
tions had, to a good extent, overtaken both the interviewer and the inter-
viewee. Although the interviewer was taken by surprise by the inter-
viewee's controversial responses, he was expected to stick to the ethical
code of journalism which prohibits him from taking things personally
when interacting with subjects in the line of duty no matter how provoked
he might be. In other words, journalists must always be on guard against
unethical conduct because ethics is so internal to journalism that it cannot
be set aside by a journalist even for a minute without compromising their
integrity.

Practically, however, ethics often seems external to journalism be-
cause journalists tend to duck normative ethical questions. They engage
in meta-ethics and ask why they should act morally instead of asking what
is moral. Eventually, they put their work or personal needs ahead of eve-
rything else including the universal virtue of doing right for its sake.[12]
Such handling of ethical questions is incorrect because as far as ethics is
concerned an inherently good practice such as journalism cannot produce
bad acts. In the case of the live interview between the Times Television
journalist and the Minister of Information, the former was supposed to ask
himself what was morally right between quarreling with the minister and
downplaying his perceived provocative answers for the sake of maintain-
ing his integrity as a journalist and the integrity of journalism. However,
the way he reacted to the Minister suggests that he did not see any reason
why he needed to act without jeopardizing his moral integrity because he
felt justified to do what he could to try and lash back at the Minister. This
was because the journalist felt provoked when the Minister accused him
of being a journalist harboring deep personal hatred for Malawi's Presi-
dent, Peter Mutharika, and George Chaponda who was Malawi's Minister
of Agriculture during the period of the interview. Times Group had tended

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[11] T.A. Van Dijk, *Ideology: A Multi-Disciplinary Approach* (London: Sage Publications,
1998), 104.
[12] Daniel, "Some Conflicting Assumptions of Journalistic Ethics," 5.

to portray Chaponda as one of the central figures in the said Malawi-Zambia maize purchasing saga.

It makes a huge difference when a journalist can make ethical decisions even when under pressure as exemplified by the conduct of a senior Zodiak Broadcasting Station journalist who in October 2016 was publicly embarrassed by the president of Malawi. This was during a controversial press conference that was conducted at the State House in Lilongwe after the President had returned from a prolonged stay in the USA where he had gone to attend a United Nations General Assembly. The journalist was about to ask the second of her three questions when the President interrupted her and neither answered her first question nor gave her the opportunity to finish the second one. The President decided not to cooperate with the journalist because Zodiak Broadcasting Station had been deliberately misrepresenting rheumatism which had attacked his right hand, causing him to prolong his stay in America after attending a United Nations General Assembly in America. Without responding to the President, a visibly disappointed journalist quietly sat down as television cameras were busy trying to capture her reaction.

From an ethics point of view, the journalist acted in the right manner because she understood that, as a journalist, her role at the press conference was to ask questions and not to engage in a verbal fight with anyone, including the state president. She was aware that the best way to register her disappointment with the way she felt mishandled by the president was to use other avenues where reason, as opposed to emotions, would take prominence. A week down the line she interviewed the President of Media Council of Malawi in a Zodiak Television programme in which she sought the Council's perspective regarding the incident at the presidential press conferences and how best such conferences could be organized.

It is not doubtful that the journalist's negative experience with the President of Malawi touched a personal chord in her and that it would not be surprising if she felt compensated when on November 8, 2016 the Media Council of Malawi, MISA Malawi and nine media houses in the country signed the Mount Soche Declaration, a document that, among other things, officially protested against state interference with the country's media and, in turn, threatened to boycott media coverage of all government and presidential activities and functions. However, it would have been morally unethical if she had personally gone on air to celebrate the compensation.

Ethics is, in some cases, portrayed as external to journalism when moral and business virtues come into conflict. Much as it is a known fact that media institutions primarily exist to disseminate information to the general public, they are also concerned with making profit. Ideally, there is nothing wrong with this profit motive because it is what makes media organizations sustainable. However, problems arise when ethics is pushed

into the peripheral of newsrooms by prioritizing profit-making. For example, "newspersons are often asked to appear chummy, to sell products, and to do other tasks to make their appeal to show business-oriented consumers greater."[13] MacMannus substantiates this conflict of interest when his research findings show that in the United States market-driven journalism is lowering journalistic standards.[14] By the end of the day, it is the public that suffers because it receives inadequate and distorted information, a situation that can best be described as immoral.

In Malawi too, it is not uncommon to see the media conducting itself unethically for the sake of maximizing their profit. The coverage of a fire that gutted the control room of Celtel Malawi in Blantyre in March 2007 offers a classic example of how Malawi's media can compromise ethics for the sake of pleasing advertisers. In their coverage of the fire accident that brought to a complete halt Celtel's business, the country's media houses almost abdicated their journalistic responsibility to provide detailed information about the fire to Malawians as their reports mostly conformed to the Public Relations material from Celtel Malawi because they lacked depth and detail about what had caused the fire, the amount of loss incurred by Celtel Malawi, and the net effect of the fire on the company's subscribers. Instead the media concentrated on giving the general public updates about what Celtel was doing to purchase new equipment and to install it to normalize the situation. It is plausible to argue that it may not be ruled out that Celtel was not keen to provide such information to the media. However, as argued by the propaganda model of journalism and Shoemakers and Vos' gatekeeping model, it cannot be ruled out that the media found it hard to pressurize the company to provide the information because at that time it was one of the biggest advertisers in the local media, with ability to place at least one advert every day in the *Nation* and *Daily Times*, the country's two main dailies.[15]

Malawi's media houses' ethically questionable tendency to use a public relations approach to journalism was also evident in the way the *Daily Times* and *Nation* newspapers initially reported the shooting of Paul Mphwiyo, the country's former Budget Director. The initial reports tended to celebrate Mphwiyo as an Ivy League economist who was capable of helping Malawi's economy Siula.[16] It took *Nyasa Times*, Malawi's controversial online newspaper to start asking difficult questions surrounding the shooting and Mphwiyo's financial situation for the *Nation*

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[13] Daniel, "Some Conflicting Assumptions of Journalistic Ethics," 52.

[14] J.H. McMannus, *Market Driven Journalism: Let the Citizen Beware?* (Thousand Oaks, CA: Sage Publications, 1994), 1ff.

[15] P.I. Shoemaker and T.P. Vos, *Gatekeeping Theory* (New York: Routledge, 2009), 1ff.

[16] R. Siula, "Mphwiyo's Malawi Media Glory…Off the Wall of Rodgers Siula," *Nyasa Times*, January 15, 2016, https://www.nyasatimes.com/mphwiyos-malawi-media-glory-off-the-wall-of-rodgers-siula/.

and *Daily Times* began to write about the shooting more seriously as expected by journalism ethics.

That journalism cannot dispense with ethics is also evident in the fact that "even journalists who are repelled by virtue language would probably agree that the public is better served when journalists perform well because of [virtuous] character than because of sanctions, threats, rules, laws, regulations, and the like."[17] Of course, this does not mean that journalists are expected to conduct themselves like saints or angels. That would be demanding too much of any person. However, the point is that where journalistic conduct demonstrates virtues such as fairness, truthfulness, trustworthiness, self-control, and non-malevolence, which the average person can reach, journalism tends to deliver better results.

In other words, journalism in itself is an ethic. This is contrary to the widely-held assumption that simply possessing the required professional skills makes professional competent, moral qualities are intrinsic to journalistic competence.[18] This is the case because, as Zelizer points out, the idea of journalism "generates an ideological orientation towards the production of journalistic work that is necessary for journalism to maintain its communal boundaries."[19] Those journalists who do not embrace this idea cannot appreciate how ethics is internal to journalism because "knowing why someone does a particular action does not suffice in giving reasons why someone should do it." Only ethics can do this through its relationship with the pursuit of virtue.[20]

This distinction between upholding an ethical code and engaging in morally acceptable behavior is very important because, as Oosthuizen rightly observes, not all professional codes, also known as self-regulation, arise from purely professional reasons.[21] For example, a professional code of journalists in a particular country might arise from legislation that is only meant to promote socio-political goals that have nothing to do with the journalistic goal of pursuing virtue. This is evidenced through the wide variety of ethical codes as stipulated by individual normative media theories. In 1998, for example, the Malawi parliament passed a bill requiring the front page of every newspaper to bear the names of the editors and proprietors in the newspaper to prevent them from writing negative stories about the ruling of the United Democratic Front (UDF). If Bakili Muluzi, as President of Malawi, had assented to the bill the requirement would have become part of Malawi's journalistic ethical code of conduct when

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[17] Klaidman and Beauchamp, "The Virtuous Journalist: Morality in Journalism," 43.

[18] Ibid., 47.

[19] B. Zelizer, "Journalists and Interpretative Communities," in *Social Meanings of News*, ed. Dan Berkowitz (Thousand Oaks, CA: Sage Publications, 1997), 305.

[20] Daniel, "Some Conflicting Assumptions of Journalistic Ethics," 54.

[21] Oosthuizen, *Media Ethics in the South African Context: An Introduction and Overview*, 15.

ideally its motive was to gag the press at the expense of it pursuing the public good.

The fact that ethical codes of conduct may not be virtuous means that all journalists have a personal duty and responsibility to be virtuous and to ensure that they promote the pursuit of virtue among people who they serve.[22] Put differently, journalists who try to defend their immoral acts by saying that they act according to a professional code of conduct can only be called irresponsible. Journalists are, in the first place, human beings obliged to seek the highest good and this obligation does not cease when they are acting as journalists. To push personal ethics to the peripheral of journalism is not only tantamount to choosing not to become a self, a person, while doing journalism but also to not serve the interests of those who journalism is obliged to serve.[23]

Thus, there is no guarantee that journalists will always agree with existing codes of ethics by which they are expected to be guided. Even during the one-party dictatorship of Malawi's first president Hastings Kamuzu Banda, although journalists worked under a strict code of ethics whereby they were compelled to uphold Banda's ideology, some journalists did whatever they could to ensure that they acted ethically when reporting certain stories. For example, some decided to target politically sensitive stories at less popular programmes which were of less interest to programme and content controllers. Similarly, others opted to air sensitive content during late night programmes when it was considered that most controllers would be in bed. If anything, the fact that it was a common practice for controllers to reject certain stories written by reporters testifies that the journalists were recognizing the inseparability of journalism and ethics. As Klaidman and Beauchamp rightly observe, ethics helps journalists to properly interpret rules of conduct that are meant to minimize and/or solve specific professional problems.[24] This is the case because the use of sound judgment in making and applying rules is always as crucial as the rules themselves. It is in this context that Klaidman and Beauchamp argue that virtuous journalists "acknowledge the execution of duties and respect for the rights of others as fundamental matters in moral conduct."[25]

If ethics is indeed so internal to journalism that journalism should best be considered an ethic, then why does journalism appear external to ethics? The problem is that journalists and journalism educators and trainers tend not to understand the distinction between the concepts; journalism as a practice, on the one hand, and activities of journalism on the

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[22] Daniel, "Some Conflicting Assumptions of Journalistic Ethics," 55.
[23] Ibid.
[24] Klaidman and Beauchamp, "The Virtuous Journalist: Morality in Journalism," 40-41.
[25] Ibid., 44.

other. In reality, the concepts practice and activity are so closely related that it is almost impossible to talk about one without mentioning the other. However, this should not suggest that they have the same meaning. Practice is,

> [a]ny coherent and complex form of socially established cooperative human activity through which goods internal to that form of activity are realized in the course of trying to achieve those standards of excellence which are appropriate to, and partially definitive of, that form of activity with the result that human powers to achieve excellence, and human conceptions of the ends and goods involved, are systematically extended.[26]

For example, teaching may be seen as a practice while writing notes on a chalkboard may be seen as one of its activities.

From a philosophical point of view, the basis of the distinction between practice and activity lies in their relationship to the good as implied in the above definition of practice. Put simply, a good means anything positive that motivates someone to engage in something. Goods can either be intrinsically or extrinsically related to the thing that one is engaged in. The former are called goods internal while the latter are called goods external.[27] Goods internal and goods external are associated with practice and activity respectively in specific ways. In the above example about teaching, the pursuit of goods internal may be seen through someone who engages in teaching for its sake, which Mtonga terms a calling.[28] Such a person may be motivated by a desire to understand what it takes to excel in the demands of teaching, for example, helping an illiterate person learn how to read and write. On the other hand, the pursuit of external goods may be seen through someone who engages in preparing lessons and writing notes on the board for the sake of receiving a salary at the month end, for example journalists who accepted the K50,000.00 gifts because they do not earn enough from their job at the end of the month. In other words, the essence of practice lies in its connection with virtue. Activities cannot be understood as practice unless they are done to pursue *virtue*.

The relationship between virtue, practice and activities, as understood within the social sciences, provides an important explanation about our understanding of theory and practice. The concept of virtue embodies a history that gave rise to it. To pursue virtue is to accept that certain features of social and moral life existed before and they provide the basis of

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[26] MacIntyre, *After Virtue: A Study of Moral Theory*, 175.
[27] Ibid., 177.
[28] Mtonga, "Why Gifts Threaten Journalism," 1.

its definition and explanation.[29] In other words, when one talks about practice they are indirectly talking about what at some point used to be seen as individual activities until such a time when people began to look at them as cooperative human activities in their effort to pursue virtue.

In this regard, to theorize about social practices is to understand preexisting social knowledge and activities. Theory is not an antithesis of practice as is the case in natural sciences. Rather it simply extends challenges, upsets, criticizes or replaces pre-existing activities and knowledge that represent common-sense understanding of social issues.[30] Put differently, to engage in practice is to theorize about one's knowledge of certain underlying mechanisms to manipulate more effectively the features of the environment.[31] By doing so, theory promotes "standards of excellence and obedience to rules as well as the achievement of [internal] goods."[32]

Thus, in most countries, including Malawi, where activities of journalism, as professionalism, are emphasized at the expense of the practice dimension, a major challenge surrounding the appreciation of the relationship between practice and activities of journalism lies in the organization and delivery of journalism training. Many journalism schools are good at teaching journalists how to gather and report news without necessarily equipping them with knowledge and skills for making ethical decisions at a personal level. For example, Malawi's journalism curricular is characterized by a tendency to break down journalism into small courses such as sports journalism, news journalism, business journalism, court reporting, and so on, which focus on how to report events without giving journalists a good dose of media theory, which emphasizes sociological, philosophical, and literary aspects of journalism such as the pursuit of virtue. In other words, journalism programmes in Malawi tend to sideline disciplines which could otherwise enrich them with the language of virtue and, in turn, remove their bias towards teaching journalistic production skills.

To appreciate the foregoing point, it must be borne in mind that unlike in the natural sciences, in the human social sciences practical experience is important but it is not a pre-requisite for theorizing social phenomena. There is so much virtuous gain that journalism training could make from disciplines such as philosophy and literature regarding its activities such as newsgathering, editing, and writing reports to promote standards that comprise its practice.[33] McQuail refers to this as the *operational theory* of journalism and argues that researchers who are interested in it need

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[29] MacIntyre, *After Virtue: A Study of Moral Theory*, 174.

[30] Charles Taylor, *Philosophical Papers, Volume 2: Philosophy and the Human Sciences* (New York: Cambridge University Press, 1985), 93-94.

[31] F. Morgan, "What is Journalism?" in *Journalism Theory and Practice*, ed. Myles Breen (Paddington: Macleay Press, 1998), 52-56.

[32] MacIntyre, *After Virtue: A Study of Moral Theory*, 177.

[33] Morgan, "What is Journalism?" 56.

not become practitioners first to understand it. "Like art and music theorists and philosophers of science, they may well be capable of identifying patterns in their work that escape the maker or performer without themselves being artists, musicians or scientists."[34]

Journalism and literature belong to the same camp of humanistic social sciences. As Adam observes, journalism derives a heightened awareness of language and expression and an understanding of narrative form from literature.[35] This is possible because both are products of the imagination. As such, they embrace notions of commentary, judgment, and criticism. Along the same vein, the multi-disciplinary nature of cultural studies that contribute to journalism through the lens of media theory provides useful insights into the practice of journalism by examining it as a social practice with broad implications. This is not necessarily to say that literary theorists, media theorists, and cultural theorists are journalists but rather that they can contribute a great deal to journalism. The problem is that these scholastic groups tend to take journalism for granted to the extent that they think they do not need any training in journalism for them to meaningfully contribute to journalism. Just like nursing cannot contribute to medicine without nurses making a deliberate effort to learn what doctors believe and how they practice medicine, only those that have some form of training in journalism can contribute to it meaningfully. Similarly, just like a nurse that works with doctors does not become a doctor; it would be unethical to expect a literary theorist to become a journalist by merely theorizing some aspect of journalism.

Malawi's journalism ethics problems as related to journalism training are not unique. During the 1990s, Adam pointed out the need to reform curriculums of American schools of journalism because they were far remote from the higher reaches of authorship and different types of thought, which are closely associated with the pursuit of virtue as opposed to mere writing skills, which are the dominant concern of the profession paradigm.[36]

It has to be borne in mind that the concept, profession, has an ideological history that must be understood very well if one is to appreciate that it matters whether one calls journalism a profession or a practice and how this may uphold or compromise ethical obligations of journalism.

The term profession refers to an occupational group which "shows certain combinations of skill, autonomy, training and education, testing of competence, organization, code of conduct, licensing, and service orientation."[37] The impression that one gets here is that of an institutional

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[34] Ibid., 57.

[35] G.S. Adam, *Notes towards a Definition of Journalism: Understanding an Old Craft as an Art form* (Florida: Poynter Institute for Media Studies, 1993), 12.

[36] Adam, *Notes towards a Definition of Journalism,* 7.

[37] Zelizer, "Journalists and Interpretative Communities," 402.

framework through which members of a concerned occupational group conduct their activities to meet clearly defined goals. In this regard, journalism is a profession because journalistic work takes place within a clearly defined institutional framework. "To be accepted as a professional group, journalists (like doctors, lawyers, and academics) must be seen to work to a code of conduct which guarantees their integrity, their trustworthiness and thus their status as reporters of truth."[38]

As can be seen here, this way of looking at journalism "generates an ideological orientation towards the production of journalistic work that is necessary for journalism to maintain its communal boundaries."[39] This relationship between journalism and ideology is very important because it explains why journalism is presented to its audience as a truthful discourse about the real world.[40] In other words, to view journalism as a profession is to take its history and contemporary conditions of existence for granted.

Until the early 19th century journalism was conceived as a literary genre. Journalists were perceived as independent interpreters of events and their main asset was their critical intellectual skill. But the communication revolution that swept Britain and America starting from the early 19th century when the electric telegraph was invented turned things around and made journalism a profession.[41]

The use of the electric telegraph made communication so easy that it led to "the rise of national or mass media communication – media that cut across structural divisions in society, drawing their audiences independent of race, ethnicity, occupation region, or social class."[42]

The diverse nature of this mass audience, in turn, brought about an important demand for the organization of the media industry. The need to sell high numbers of copies across this diverse audience made it necessary for newspapers to publish stories that would have a national appeal so that they would "serve politically heterogeneous audiences without alienating any significant segment of the audience."[43]

This gave rise to professional communicators to ensure that news was presented in ways that appealed to all kinds of readers without reporters putting their thoughts and perceptions into it. In order to meet this need, universities and other institutions developed programmes through which they trained a diverse range of professional communicators (such

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[38] B. MacNair, *The Sociology of Journalism* (London: Bloomsbury Academic, 1998), 65.

[39] Ibid.

[40] Ibid., 65.

[41] J. Carey, "The Communications Revolution and the Professional Communicator," in *James Carey: A Critical Reader*, eds. Eve Munson and Catherine Warren (Minneapolis, MN: University of Minneapolis Press, 1997), 128-43, 1ff.

[42] Carey, "The Communications Revolution and the Professional Communicator," 129.

[43] Ibid., 137.

as public relations officers) each with a code of professional conduct that became its identity concerning other classes of professional communicators.[44] Journalism was reconstituted as one of these classes of professional communicators; therefore, journalists were expected to stop using their intellectual skill of criticism and interpretation so that they could become objective and non-partisan in their reports. In other words, "with the rise of objective reporting in the latter part of the nineteenth century, the journalist went through a process that can be fairly termed as 'a conversion downwards,' a process whereby a role is de-intellectualized and technicalized."[45]

These changes have continued to take place in various forms but can be readily seen through how the media industry mediates symbol systems while claiming to pursue truth. Ettema et al. discuss how the mass-mediated meaning is affected for the most part by economic, industrial, organizational or psychological processes. Materialist and cultural Marxists view journalism as a "means for legitimation and maintenance of socio-economic stratification. The relationship between capitalist ownership of the means of mass communication and day to day practice of journalism is mediated by a journalistic culture of "objectivity."[46] The purely commercial objectives are disguised as a way of achieving fair and balanced reporting believed to be important ideals of liberal capitalism.

In terms of organizational structure of the news media, the work of journalists is constrained by bureaucratic structures through which news is routinely produced. Although journalists are regarded as professionals, they are usually given lower tasks such as gathering, assembling, and selecting news. The decision to publish is left in the hands of the publisher. Therefore Breed argues that it is easy to know the policy of any newspaper simply by looking at its editorial, news columns, and headlines because they reveal the process of news selection.[47]

This means that personal values of journalists cannot easily find a way into the news unless the journalist is allowed to break the code of ethics of the newspaper or if they engage in participant-oriented investigative journalism which requires reporters to justify claims that the story is making.

As can be seen here the circumstances that led to the rise of professionalism amongst journalists and how they have affected the whole outlook of journalism are very questionable. This observation brings into

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[44] Ibid., 133.

[45] Ibid., 137.

[46] J.S. Ettema and D.C. Whitney, "Professional Mass Communicators," in *Social Meanings of News*, ed. Dan Berkowitz (Thousand Oaks, CA: Sage Publications, 1997), 34.

[47] W. Breed, "Social Control in the Newsroom: A Functional Analysis," in *Social Meanings of News*, ed. Dan Berkowitz (Thousand Oaks, CA: Sage Publications, 1997).

light the contradictions that surround what is popularly known as professional journalism. In reality, the term professionalism in journalism serves as a means of concealing the constructed nature of activities of journalism: "the failure to address this common part of a news-work has allowed it to flourish uncritically, creating a need for alternative explanatory frame."[48]

This alternative explanatory frame is found when one views journalism as a practice. To call journalism a practice is to view it as a means of pursuing virtue. The only way of pursuing virtue is by engaging in a critical understanding of the activities of a concerned occupational group. Taking journalism as a practice allows for a broader and more enriching understanding of its activities. Firstly, it acknowledges the fact that journalists are not objective truth-tellers. Rather they are conceived as an interpretative community.[49] This perception helps journalists to understand that journalism is a form of cultural production reflecting and embodying the historical processes which have led to its development and the contemporary social conditions from which it arises. Questions of objectivity and balance are handled with utmost care if they reflect values and ideas of societies in which they emerged.

The practice paradigm also provides insight into how journalists view themselves as a community. The profession paradigm assumes that journalists feel a sense of a community through the institutional framework that governs their work. However, the practice paradigm goes beyond this by critically considering how journalists make sense of their communal life through ways other than those prescribed by the institutional framework.[50] This becomes necessary considering that in general "[interpretative] communities arise less through rigid indicators of training or education…and more through the informal associations that build up around shared interpretations."[51]

In its effort to pursue virtue, therefore, the practice paradigm critically assesses how these informal activities affect journalists as a community. There are some interesting findings to this effect. For example, "sociologists have found that journalists work via a distinct sense of their own collectivity…favoring horizontal over vertical management, and collegial over hierarchical authority."[52] The practice paradigm views journalists as forming a discursive community as they engage in informal networking among themselves. Journalists tend to check with each other's stories and use a common way of interpreting reality although their newspaper policies may not be the same.

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[48] Zelizer, "Journalists and Interpretative Communities," 403.
[49] Carey, "The Communications Revolution and the Professional Communicator," 137.
[50] Zelizer, "Journalists and Interpretative Communities," 403.
[51] Ibid., 405.
[52] Ibid., 403.

Although journalists are a discursive community it does not mean that journalism all around the world would be the same. Journalism tends to get directly affected by the wider social, economic and political environment in which it exists. The fact that the environment varies from place to place and from time to time means that journalism cannot be the same across countries.

When talking about a discursive community of journalism we are, therefore, referring to the common practices of journalists, notably, how they interpret reality, despite different conditions that exist in different societies. Zelizer sums it up when she observes that, "journalists as an interpretative community are united through their collective interpretations of key public events. The shared discourse that they produce is thus a marker of how they see themselves as journalists."[53]

Conclusion

In conclusion, it should be emphasized that it is one thing to call journalism a profession and another to call it a practice. In essence, the practice paradigm is more rewarding because it critically considers all aspects of journalism including those that seem informal in the light of the profession paradigm.

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[53] Ibid., 405.

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13.

Dynamic View of Technology: Implications on Ethics of Social Networking Sites

Yamikani Ndasauka

Introduction

The chapter argues for a dynamic conceptualization of society and technology that encapsulates recent observable developments and trends in technology. Departing from the classical conception of the relation of technology and society as deterministic, through the growth and adoption of social networking sites, the chapter advances the view that technology is, has been, and will continue to be a central and definitive tenet in human existence. To advance this claim, the chapter is divided into four sections. The first section provides the context within which the question of the place of technology in relation to society is discussed. The second section looks at the deterministic view of technology in relation to society. The third section considers the case of the Internet as technology, particularly the advent, adoption, use, and growth of social networking sites. This section will act as a basis for the dynamic view of technology in relation to society that is advanced in the previous section. In the last section, I discuss the implications of the dynamic view on the ethics of technology

Background and Context

Philosophy of technology is arguably a young field of investigation. Although philosophers from time immemorial have sought to understand the relationship between humans and technology, as well as nature in general, philosophy of technology was first recognized as a specialized field of study after the publication of Ernst Kapp's book, *Grundlinien einer Philosophie der Technik*.[1] As a field in the making, there are numerous approaches and styles of doing philosophy of technology. It is hence not characterized by a general agreement among investigators on what the central topics, questions, and aims are, and who the principal authors and positions are. Instead, "philosophy of technology" denotes a considerable variety of philosophical endeavors that all, in some way, reflect on technology.

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[1] Ernst Kapp, *Grundlinien einer Philosophie der Technik* (Braunschweig: Westermann, 1877).

Despite this dissonance, two dominating styles have emerged, drawing much on the philosophy of science. The first style is mostly concerned with the impact of technology on society and culture; it has been called "humanities philosophy of technology"[2] because it is associated with social science and the humanities. The second style, which has appeared more recently, is concerned with technology itself and aims at understanding both the practice of designing and creating artifacts (in a broad sense, including artificial processes and systems) and the nature of things created. This style of philosophy of technology seeks continuity with the philosophy of science and with several other fields in the analytic tradition in modern philosophy, such as the philosophy of action and decision-making, rather than with social science and the humanities.

This study aligns itself with the former style of technology, the humanities philosophy of technology, as it endeavors to critique the impact of social networking sites on society. However, conclusions drawn from this study will also add to the latter branch of philosophy as I propose a re-definition of understanding the nature of the human-technology relationship, which will consequently add to the understanding of the nature of technology itself.

Technological Determinism and Social Constructivism

To understand the nature and impact of technology on humanity, there are two dominant theories that I propose, namely technological determinism and social constructivism. On the one hand, technological determinism is the claim that technology causes or determines the structure of the rest of society and culture. This position is related to and usually discussed along with the concept of autonomous technology, which claims that technology is not under human control; that it develops with a logic of its own. Autonomous technology generally presupposes technological determinism. Thus, if technology determines the rest of the culture, then culture and society cannot affect the direction of technology. Some of the proponents of this position include Jacques Ellul, Martin Heidegger, and the Frankfurt School. For these thinkers, as Feenberg correctly notes:

> Modernity continues to be characterized by a unique form of technical action and thought that threatens nontechnical values as it extends itself ever deeper into social life. They argue that technology is not neutral. The tools we use shape our way of life in modern societies where technique has become all-pervasive.

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[2] C. Mitcham, *Thinking through Technology: The Path between Engineering and Philosophy* (Chicago: University of Chicago Press, 1994).

The results of this process are disastrous: 'the triumph of technological thinking, the domination of nature, and the shattering of community.'[3]

On the other hand, social constructivism claims that artifacts or devices are socially constructed. Thus, the progress and direction of technology is determined by human society. One of the contemporary proponents of social constructivism is Feenberg.[4] Other than providing a linear description of the technology, constructivism deconstructs and disaggregates the question of technology into a complex equation to accommodate the role of society in technology. Feenberg makes a distinction between the dominant and the subordinate subject positions concerning technological systems. Thus, the dominant group consists of technocrats and technology developers whilst the subordinate group consists of ordinary people who encounter technology as a dimension of their lifeworld. For instance, to its builder, a house is *essentially* an aggregate of electricity, communications, heating, plumbing, and, of course, mechanized building technologies. For Feenberg, whilst acknowledging that a house achieves certain technical goals like sheltering us from the weather, a house belongs to the realm of meaning as much as any other technology. Thus, people "domesticate" the technicalized house and make it their own in all sorts of ways that have little or nothing to do with efficiency. For social constructivists, therefore, the essence of technology, whatever that is, ought to encompass this complexity in principle. It ought to have categories under which we can recognize aspects of the house that are not reducible to a means-ends relationship.

Social constructivism of technology is accepted as less controversial than social constructivism of scientific knowledge. This is because technological devices, artefacts, or inventions are physically constructed. Insofar as their construction involves the collaboration of people or even the utilization of techniques, viewpoints, and facts borrowed from others, the construction is social. Further, technology and its theories and models are conceptually constructed. Insofar as concepts of others are utilized, past or contemporary, this construction is social. Besides, because of the active, manipulative nature of technology, techniques, guiding principles, concepts, and theories are embedded in the physical construction of technological artefacts. The interpenetration of socially constructed concepts and socially constructed devices is evident in technology. This is more obvious than in science, given that the tradition of understanding the science is one of purely theoretical knowledge.

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[3] Andrew Feenberg, *Questioning Technology* (London: Routledge, 1999), 183.
[4] Ibid., 183ff.

This discussion of whether technology determines society or society determines technology assumes a dualistic relationship between humanity and technology. Thus, it assumes that humans are apart from technology and technology is apart from humans. This dualism prevents us from comprehending the definitive role technology plays in humanity's life. I contend in this chapter that technology ought to be understood as dynamic and as a condition of existence rather than merely an arbitrary extension of what it is to be human. I demonstrate this by inquiring into the nature and role of social networking in human interaction.

Internet as Technology

The Internet has become an important technology in the world. After its emergence in 1969 and being made public in the 1980s and 1990s, the Internet promised greatly. Since its inception, Internet access and use have expanded tremendously. The increased access to the Internet also implies, among other things, increased connectivity and worldwide networking; easy access to information from around the world; and easiness of cross-border and international trade.

When the Internet was born, some envisioned a world in which cities would be depopulated, as people would retreat to electronic cottages in the woods. Others argued that government would be replaced by continuous electronic plebiscites; intelligent "agents" would learn our preferences and control the mechanical world around us without our having to lift a finger; even sex would be transformed through remote access to virtual partners. Some further argued that the digital divide would exclude the poor while enhancing the powers of the well-to-do. Still, others argued that the Internet would be thoroughly colonized by business to the extent that it would be little more than a vehicle for advertising. Others have argued that the Internet cannot support the human community and have questioned how moral roles would bind us and how real consequences flow from interactions that are no more durable than a flicker on the screen.[5] After two decades of public adoption and use of the Internet, some of these fears and projections have begun to unfold. Recent years have witnessed the growth of technologies that are centrally operationalized by the Internet. These include Google glass, cloud computing, big data, targeted Internet advertising, and self-generating software. The advent of these technologies has brought to light numerous questions on the nature of human and technology interaction. Is technology a threat to humanity? Will technology re-define human existence? Are humans really in control of technology? Is technology value-free? Is technology a political tool?

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[5] Albert Borgmann, "The Moral Significance of the Material Culture," *Inquiry* 35, no. 3-4 (1992): 291-300.

Philosophers grapple with these questions to properly understand the nature of the relationship between human society and technology.

Now, it is thought that all technologies undergo a similar process, thus, from development to hyper-use and fears to stabilization and sometimes replacement by other technologies.[6] In other words, technologies normally stabilize after an initial period during which many differing configurations compete. Once stabilized, their social and political implications finally become clear. But despite decades of development, the Internet remains in a state of flux as innovative usages continue to appear. The nature of the network is still in question. It is not a fully developed technology like the refrigerator or the ballpoint pen. Yet this has not prevented a huge outpouring of literature hyping the Internet or criticizing its impact. Some have pointed to the empowering effects of online activity on recent electoral campaigns in the US and revolts in the Arab world to argue that the Internet is a democratizing force. Others claim that the Internet is just a virtual mall, a final extension of capitalist rationalization into every corner of our lives, a trend supported by an ever-denser web of surveillance technologies threatening individual autonomy and democratic discourse.[7]

This controversy is the best evidence that the Internet is not finished work. The case cannot be closed while the debate continues with such fierce intensity. Amidst this general critique of the Internet, more literature focuses on social networking sites. Showing how they impact on politics, economy, work, privacy, and social life. Within the last two decades, there has been massive opening and connectivity in the whole world. Through the Internet, particularly social networking sites, people from one end of the world are now able to connect with people from the other end of the world.

Internet Technology: A Case for Social Networking

Online social networking has become an integral part of modern human interaction. Widespread growth of Internet technology and Internet-enabled mobile devices have eased access to information and connected people across the globe. Over the past decade, scholars have begun to highlight negative effects or problematic use of social networking sites.[8] These problematic uses include cyberbullying, cyberstalking, using the

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[6] I.C. Jarvie, "The Social Character of Technological Problems: Comments on Skolimowski's Paper," in *To a Philosophy of Technology: Studies in the Structure of Thinking in the Technological Sciences*, ed. F. Rapp (Boston: Reidel Pub., 1974).

[7] Feenberg, *Questioning Technology,* 183ff.

[8] D.J. Kuss and M.D. Griffiths, "Online Social Networking and Addiction: A Review of the Psychological Literature," *International Journal of Environmental Research and Public Health* 8, no. 9 (2011): 3528-3552.

Internet during working hours or in class[9] and addictive use.[10] Some have suggested that excessive and problematic use of online social networking may be particularly problematic for young people.[11] Depending on the methodology and sample used, it is estimated that between 1.6% and 40% of young people have experienced negative psychological and real-life effects due to the use and abuse of social networking sites.[12] The rise of the use of social networking sites is exacerbated by the growth of access to the Internet. Excessive use of the Internet has also been found to lead to addiction[13] and social networking addiction is considered a form of Internet addiction.[14]

Usage patterns of social networking sites from both consumer research and empirical research indicate that, overall, regular social networking sites' use has increased substantially over the last few years. This supports the availability hypothesis that, where there is increased access and opportunity to engage in an activity, there is an increase in the number of people who engage in the activity.[15] Research also indicates that, compared to the general population, teenagers and students make the most use of social networking sites. Recent evidence suggests that individuals may feel compelled to maintain their online social networks in a way that may, in some circumstances, lead to using social networking sites excessively. The maintenance of already established offline networks itself can, therefore, be seen as an attraction factor which, according to Sussman et al.,[16] is related to the etiology of specific addictions. For instance, several addictive behaviors, such as alcoholism and video game addiction, may be

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[9] T. Davies and P. Cranston, "Youth Work and Social Networking. Final Research Report. How can Youth Work Best Support Young People to Navigate the Risks and Make the Most of the Opportunities of Online Social Networking?" (September 2008), supported by National Youth Agency Information and Research, https://www.researchgate.net/publication/233911484_Youth_Work_and_Social_Networking_Final_Research_Report.

[10] Kuss and Griffiths, "Online Social Networking and Addiction: A Review of the Psychological Literature," 3528-3552.

[11] E. Echeburua and P. de Corral, "Addiction to New Technologies and to Online Social Networking in Young People: A New Challenge," *Adicciones* 22, no. 2 (2010): 91-95.

[12] C. Wang, *Gratifications and Loneliness as Predictors of Campus-SNS Websites Addiction and Usage Pattern among Chinese College Students* (MA thesis, Chinese University of Hong Kong, 2010).

[13] K. Young, "Internet Addiction: The Emergence of a New Clinical Disorder," *Cyber Psychology and Behavior* 1, no. 3 (1998): 237-242.

[14] D.J. Kuss, M.D. Griffiths, and Z. Demetrovic, "Social Networking Addiction: An Overview of Preliminary Findings," in *Behavioral Addictions: Criteria, Evidence, and Treatment*, eds. K.P. Rosenberg and L. Curtiss Feder (London: Academic Press), 119-141.

[15] M.D. Griffiths, "Internet Sex Addiction: A Review of Empirical Research," *Addict Res Theory* 20, no. 2 (2012): 111-124.

[16] Steve Sussman and Alan N. Sussman, "Considering the Definition of Addiction," *International Journal of Environmental Research and Public Health* 8, no. 10 (2011): 4025-4038.

maintained and hard to break because of the social ties that the addict has with others that engage in the activity.

One critical question that is raised when investigating the problematic use of social networking sites is "why do people use social networking sites?" Griffiths, Kuss and Demetrovics[17] have suggested that online social networking might have developed along basic evolutionary drives. Humans, as social beings, have always lived in a community throughout evolution. With greater rates of migration to cities, these small, traditional communities declined, and in recent decades a whole new, more individualized way of life has been formed. However, the need for a secure and predictable community life that has evolved over centuries has not changed. For this reason, human beings who have lost their traditional small communities make various attempts to compensate for this loss through, among other things, social networking activities. Social networking sites provide a means of secure and predictable communal space, which is in many aspects similar to the communal spaces of traditional communities (such as modern pubs or bars), where one can meet familiar faces with whom there is a possibility of sharing experiences as well as being a part of the community. Aside from the evolutionary thesis, some studies have investigated specific reasons for using social networking sites including seeking friendship, seeking information, for convenience, seeking social support, and for entertainment[18] – motives that are formulated from the uses and gratification theory. These motives are divided into extrinsic (convenience and seeking information) and intrinsic motives. The extrinsic motives are further divided into social (seeking social support and seeking friendship) and personal motives (entertainment).

Social networking designs are a formation of culture and society; they replicate the cultural phenomenon in pre-internet era. Social networking, in its general form, is as old as the history of society itself. In Malawi for example, communities form the crust of society; people have lived and interacted in society and are thought to be social animals. Now, the continued use of social networking sites helps to fulfil this natural inclination and re-shapes it as well. For instance, it is not uncommon now to see people at a social function taking pictures so that they can share on their online social networking platforms. This shows that we must conceive of technology and its process of influencing human beings as a continuous cycle in which all variables reciprocate each other.

Throughout history, humans have attempted to find means of relating to others, through formation of language and what Stiegler has called

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[17] Griffiths, et al., "Social Networking Addiction: An Overview of Preliminary Findings," 119-141.
[18] Yoojung Kim, Dongyoung Sohn, and SejungMarina Choi, "Cultural Difference in Motivations for Using Social Network Sites: A Comparative Study of American and Korean College Students," *Computers in Human Behavior* 27, no. 1 (2011): 365-372.

grammatization. Further, humans have always expressed themselves through technology and re-discovered themselves through the same technology. This has always been the case. An example is 4w. He talks about the "technical group," because in a small tribe like the Amer-Indian people you have a small group within the larger group, which is the group of technicians. And he writes that the technicians of this group of Indians tend to make connections with other technicians of other groups, to create new techniques together, which then disturb and sometimes even destroy their groups. So they have a problem of disequilibrium. And then the society produces an immune system as a response, in the sense of a countertendency. You tend at the very moment when you have the countertendency, because, as Nietzsche said, you cannot have a force without a counterforce.

The nature of technology like the Internet/Social networking sites is that it is fluid. Rather than considering it as linear, we should view it as a continuum, a condition rather than a state. Thus, the presence of technology in our lives is continuously changing us as we continuously change it. We must think from the very first beginning in terms of a dynamic system, in which you have phases, and what is important – but very difficult – is to describe the relationships between the different instances of the phases.[19] This conception of technology and humanity renders invalid the question of whether technology determines society or society determines technology.

Internet and Social Networking in Malawi

Internet and social media have been a tool that has enabled the youth to transform some cultural and societal values. For instance, respect for elders is diminished with the use of social networking sites. As Chiwoza Banda says, "this is a new culture as people share things that are sensitive more freely than before. For example, when there is an accident, people rush to take pictures instead of lending a helping hand to the victim. In the past, this would not happen."[20] Social networking sites are viewed as a tool for social transformation, which can be either positive or negative.

Social networking sites, like other technologies, undergo different phases and stages. These stages sometimes produce an intriguing cycle; thus technologies are adopted with the expectation that they will ease some ways of doing things and life in general. However, there is also mistrust in new technologies that seem to threaten traditional ways of doing things. It is hence not strange that the history of humankind is replete with

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[19] B. Stiegler, "Pharmacology of Desire: Drive-based Capitalism and Libidinal Diseconomy," *New Formations*, no. 72 (Autumn 2011): 150-161.

[20] A. Nkwanda, "Social Media and Culture," *Malawi Nation Newspaper*, April 29, 2017.

cases of revolutions and anti-revolutions. Some may see technology as a positive step forward while others view technology as a threat to human values and existence as it re-defines the way things are done and, more often than not, questions long-held traditions. A similar trend can be observed with the advent of the Internet in general and social networking sites in particular. And indeed, social networking sites have significantly changed not only social relations but also the value and nature of socialization itself. For instance, social networking sites have been found to improve real-life social interaction skills for some populations whilst they have diminished real-life social skills in others; and have helped to relieve loneliness for some but made others feel lonelier. As Chiwoza cautions, "these people spend more time on social media and are counter-productive. Others are taken up by social media, even at work. Instead of working, they spend their time social networking. If social media is used with discipline, one can learn a lot from it."[21] This is what Stiegler has called the pharmacological nature of technology, thus, technology as both poisonous and curative. At first appearance, technology is poisonous. It becomes curative when you have the second moment of epochality of technics – the process of appropriation of a new technical system by society and the development of new modes of psychic and collective individuation based on this technical system.[22] This process becomes a cycle as the technology progresses and new features and models are developed from it.

Implications on Conceptualization of Technology

From our case study, social networking sites were developed to fulfill the urge of socializing; a revolutionary and natural urge to belong to society. Thus, they were developed for exteriorizing of the self and in deterministic terms, society determined technology (or was it a natural progression of technological development?). Paradoxically, social networking sites have re-defined socialization (socialization is no longer physical) and have exacerbated the cultural shift between individualism and collectivism, thus, technology determining society. These trends reflect the process of individual and collective exteriorization and interiorization of the self and society through technology.

Now, for a human being, to live is to individuate oneself. This process of individuation involves exteriorization.[23] By doing so, one also interiorizes the self. For instance, when one speaks, one at the same time

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[21] Ibid.

[22] B. Stiegler, *Transforming Technology: A Critical Theory Revisited* (Oxford: Oxford University Press, 2002).

[23] Stiegler, *Pharmacology of Desire: Drive-based Capitalism and Libidinal Dis-economy*, 150-161.

listens to what one is saying, thus interiorizing oneself. This process of exteriorization and interiorization may be considered an original process of technical, psychic and social individuation. It is evident that at the beginning of psychic activity, technics are already in existence, that is, technical individuation (technics understood in a very broad and general sense here).

To clarify this point further, Stiegler gives an example of the conceptualization and production of flint stones in the Neolithic period. The process that prehistoric humans underwent in producing flint stones may be equated to the process of speech. Thus, as humans produced stones, they exteriorized themselves but at the same time interiorized themselves by learning what they were doing, which led to modification and improvement of the products and adaptation of their use for numerous functions. Thus, when pre-historic man was producing flint stones, thereby exteriorizing his experience, he was transforming his brain, his psyche. Simondon also describes this process of individuation in his book *Psychic and Collective Individuation*. He says:

> The individuated being is not substance but rather the putting into question of being, being through a problematic, divided, re-united, carried in this problematic, which sets itself up through it and causes it to become. *Becoming is not the becoming of individuated being but the becoming of the individuation of being:* what happens occurs in the form of a putting into question of being, in other words, in the form of the element of an open problematic, which is the individuation of resolved being: the individual is contemporary of its becoming for this becoming is its individuation; time itself is essence, not as development starting from an origin or tendency towards some end but, rather as resolute constitution of being.[24]

This description of the individuation of humans in relation to technology, which I think is a correct description, brings into question the whole notion of technological determinism. Other than technological determinism, this description paves way for a more radical conceptualization of technological conditions. There is a conditional situation in which there is what Stiegler calls *a general organology*. There are always three terms involved in the transformation of the human, which are the psychic, the technical and the social. Simondon furnished the concept of "pre-individual" to capture this general organology. Thus, in the pre-individual, there is no separation between the technical, the psychic and the social (which I call, the *techne, psyche* and *social)*.

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[24] G. Simondon, *L'individuation psychique et collective* (Paris: Aubier, 1989), 224.

This argument that denies a causal relation of being (humanity in this case) also appears in Aristotle. In *De Anima* Aristotle argues that separating form from matter, as Plato, a dialectician, does, is impossible in reality. For Aristotle, there is no matter less form and there is no formless matter. Rather, the two exist together and form the totality of being. In the same vein, he promotes the very same notion, avoiding the dialectic and dualistic conception of man and society, by claiming that since man is by nature a political animal, there is no individual without the *polis*. So, it is an impossible task to try and find the causal origin of society and technology. From the very beginning of conceptualization, it is most probable to think of a dynamic system other than a linear system. Within this dynamic system, we may then begin to understand and describe phases and further the relationship between the different instances of the phases.

This position posits a three-dimensional understanding of humanity in which the technical, the social and psychic are central tenets. This view of humanity places technology at the center of psychic and collective individuation. Thus, we cannot talk about humanity without technology, just like we cannot talk about humanity without society. These three should not be understood as being in a deterministic or causal relation, but rather a dynamic one, hence viewing technology as a condition of human existence.

Implications on Ethics of Technology

What implication does this dynamic view of technology have on the ethics of technology, particularly of social networking sites? The implications are vast but central to understanding these implications is the idea that social networking technologies have not brought any new ethical concerns. What these technologies have done is to heighten the ethical concerns that we have had for generations. For instance, social networking technologies have heightened a sense of urgency and new layers of complexity to the existing debates among philosophers about computers and informational privacy. Standing philosophical debates about whether privacy should be defined in terms of control over information,[25] restricting access to information[26] or contextual integrity[27] must now be re-examined in the light of the privacy practices of Facebook, Twitter and others.

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[25] D. Elgesem, "Privacy, Respect for Persons, and Risk," in *Philosophical Perspectives on Computer-Mediated Communication*, ed. C. Ess (Albany, NY: SUNY Press, 1996), 45-66.

[26] H.T. Tavani, "Philosophical Theories of Privacy: Implications for an Adequate Online Privacy Policy," *Metaphilosophy* 38, no. 1 (2007): 1-22.

[27] H. Nissenbaum, "Privacy as Contextual Integrity," *Washington Law Review* 79, no. 1 (2007): 119-157.

Privacy issues with social networking sites highlight a broader philosophical problem involving the intercultural dimensions of information ethics: Rafael Capurro[28] has noted how narrowly Western conceptions of privacy occlude other legitimate ethical concerns regarding new media practices. For example, he notes that in addition to Western worries about protecting the private domain from public exposure, we must also take care of protecting the public sphere from the excessive intrusion of the private. Intrusion of privacy has been a major issue in western philosophy. What social networking sites have done is to highlight the complexity of the problem of privacy. They have complicated it in a way that restricting privacy without infringing on the rights of the one's posting and the one's viewing the posts almost impossible.

What ethics must we apply to social networking sites? One novel approach commonly employed to analyses social networking sites is Philip Brey's[29] disclosive ethics. This interdisciplinary ethical framework aims to analyses how particular moral values are embedded in specific technologies, allowing for the disclosure of otherwise opaque tendencies of a technology to shape moral practice. Ess has suggested that a new, pluralistic "global information ethics" may be the appropriate context from which to view emerging information technologies.[30] On this, he claims that social networking sites do not reliably confine themselves to national or cultural boundaries, and this creates a particular challenge for applied ethicists. For example, social networking sites practices in different countries must be analyzed against a conceptual background that recognizes and accommodates complex differences in moral norms and cultural practices concerning, for example, privacy.[31] Other scholars, whom I agree with, have suggested that technologies such as social networking

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[28] R. Capurro, "Privacy. An Intercultural Perspective," *Ethics and Information Technology* 7, no. 1 (2005): 37-47.

[29] P. Brey, "Disclosive Computer Ethics," *Computers and Society* 30, no. 4 (2000): 10-16.

[30] C. Ess, "The Political Computer: Democracy, CMC and Habermas," in *Philosophical Perspectives on Computer-Mediated Communication*, ed. C. Ess (Albany, NY: SUNY Press, 1996), 197-230.

[31] S. Hongladarom, "Analysis and Justification of Privacy from a Buddhist Perspective," in *Information Technology Ethics: Cultural Perspectives*, eds. S. Hongladarom and C. Ess (Hershey, PA: Idea Group, 2007), 108-122.

sites invite renewed attention to existing ethical approaches such as pragmatism,[32] virtue ethics,[33] feminist or care ethics[34] coupled with utilitarian and deontological theories that have long been used in applied ethics.

Conclusion

The chapter has argued for a dynamic conceptualization of society and technology. Departing from the classical conception of the relation of technology and society as deterministic, through the growth and adoption of social networking sites, the chapter has advanced the view that technology is, has been and will continue to be a central and definitive tenet in human existence. Finally, the chapter has attempted to discuss the implications of this view on ethics of technology particularly ethics of social networking. It is important to note that emerging information technologies such as social networking sites have in a very short time working themselves into the daily moral fabric of virtually all of our lives, transforming the social landscape and the moral habits and practices with which we navigate it. We must hence hasten to heighten our ethical theories so that they can adequately respond to these ethical challenges. Neither philosophers nor the broader human community can afford the luxury of treating them as just merely "academic" matters.

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[32] Y. van den Eede, "'Conversation of Mankind' or 'Idle Talk'?: A Pragmatist Approach to Social Networking Sites," *Ethics and Information Technology* 12, no. 2 (2010): 195-206.

[33] S. Vallor, "Social Networking Technology and the Virtues," *Ethics and Information Technology* 12, no. 2 (2010): 157-170.

[34] M. Hamington, "Care Ethics, Friendship and Facebook," in *Facebook and Philosophy*, ed. D.E. Wittkower (Chicago: Open Court, 2010), 135-145.

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The Council for Research in Values and Philosophy

Purpose

Today there is urgent need to attend to the nature and dignity of the person, to the quality of human life, to the purpose and goal of the physical transformation of our environment, and to the relation of all this to the development of social and political life. This, in turn, requires philosophic clarification of the base upon which freedom is exercised, that is, of the values which provide stability and guidance to one's decisions.

Such studies must be able to reach deeply into one's culture and that of other parts of the world as mutually reinforcing and enriching in order to uncover the roots of the dignity of persons and of their societies. They must be able to identify the conceptual forms in terms of which modern industrial and technological developments are structured and how these impact upon human self-understanding. Above all, they must be able to bring these elements together in the creative understanding essential for setting our goals and determining our modes of interaction. In the present complex global circumstances this is a condition for growing together with trust and justice, honest dedication and mutual concern.

The Council for Research in Values and Philosophy (RVP) unites scholars who share these concerns and are interested in the application thereto of existing capabilities in the field of philosophy and other disciplines. Its work is to identify areas in which study is needed, the intellectual resources which can be brought to bear thereupon, and the means for publication and interchange of the work from the various regions of the world. In bringing these together its goal is scientific discovery and publication which contributes to the present promotion of humankind.

In sum, our times present both the need and the opportunity for deeper and ever more progressive understanding of the person and of the foundations of social life. The development of such understanding is the goal of the RVP.

Projects

A set of related research efforts is currently in process:

1. *Cultural Heritage and Contemporary Change: Philosophical Foundations for Social Life.* Focused, mutually coordinated research teams in university centers prepare volumes as part of an integrated philosophic search for self-understanding differentiated by culture and civilization. These evolve more adequate understandings of the person in society and look to the cultural heritage of each for the resources to respond to the challenges of its own specific contemporary transformation.

2. *Seminars on Culture and Contemporary Issues*. This series of 10 week cross-cultural and interdisciplinary seminars is coordinated by the RVP in Washington.

3. *Joint-Colloquia* with Institutes of Philosophy of the National Academies of Science, university philosophy departments, and societies. Underway since 1976 in Eastern Europe and, since 1987, in China, these concern the person in contemporary society.

4. *Foundations of Moral Education and Character Development.* A study in values and education which unites philosophers, psychologists, social scientists and scholars in education in the elaboration of ways of enriching the moral content of education and character development. This work has been underway since 1980.

The personnel for these projects consists of established scholars willing to contribute their time and research as part of their professional commitment to life in contemporary society. For resources to implement this work the Council, as 501 C3 a non-profit organization incorporated in the District of Columbia, looks to various private foundations, public programs and enterprises.

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