

# A relational approach to Uganda's state corruption as an organised crime: Decoupling analytical misconceptions on regime consolidation

Ian Karusigarira

Tokyo University of Foreign Studies, Japan

## Abstract

Research has posited profound questions regarding governance in Sub-Saharan Africa, and most of these questions are focused on political practices. Therefore, several research agendas, including that of the current paper, have focused on understanding complex governance phenomenon, such as state corruption. I will address the following research questions: How do we explain the cultural properties inherent in state corruption in African political regimes? What are the complexities within the *rational* 'interest' and the *cultural* 'normativity' while explaining state corruption as an organised crime in African governmentality? Which factors are we failing to understand? In this paper, I engage a relational analytical approach that integrates the notion of motivation (including interest, greed, and grievance) as well as the process of cultural production and reproduction of corrupt practices, particularly in Uganda. First, I seek to explain that the type of politics and environment wherein such politics are manifested define the context and extent of corruption as well as the regime's commitment to its prevention. Second, and most importantly, the rules, experiences, routines, and taken-for-granted practices that characterise the structure of a specific polity produce and reproduce a culturally corrupt system wherein people do not question the authoritative figures and are perpetually ruled over.

**Keywords:** state corruption, interest, culture, organised crime, Uganda



## 1. Introduction

Compliance and non-compliance to state reforms are the major challenges of governance that the Sub-Saharan African (SSA) states have yet to address. Despite the trajectory of political transitions from authoritarianism to imagined democratic governmentality, Uganda continues to be characterised by high levels of corruption, lack of government accountability, poor institutional practices, tight controls over state-spending information, and poor application of jurisprudence. These challenges have facilitated complex state-society relations that may necessitate clear conceptualisation of state corruption. This may serve as the basis for examining significant socio-political concerns, such as authoritarianism, a shrinking political space for dissent, and impracticable African development. This background facilitates knowledge of bureaucratic orientations in complicated corrupt states. This is the primary justification for supporting a strong commitment to research agendas prioritising the corruption-related problems of governance.

The Ugandan presidential anti-corruption walk that was conducted on 4 December 2019<sup>1</sup> in Kampala city, forced intellectuals to ponder the following question: ‘Who is chasing who?’ It may be perceived as a rat chasing its own tail. Therefore, we must rethink the definition of manifestations of corruption and its relationship with the politics of regime consolidation. Why was it considered normal that traffic and free movement within Kampala city was restricted on 4 December 2019 for a presidential walk? Who accounts for the government resources—human or otherwise—that were used on that day? Whose funds were used to buy and print the t-shirts used by those participating in the walk? How accountable is the presidency in itself? To address these simple yet puzzling questions, we must first examine how we analyse and use corruption as a concept in African politics and governance spheres.

In this paper, I explain the intricate ramifications related to corruption as an aid for accessing and consolidating political power. How does state corruption become entangled in the issue of regime continuity in Uganda? Today, while engaging in governance complexities—including regime change and consolidation as well as security—rampant in Uganda and other corruption-ridden nation-states, we mention their association with patronage edifices. Similar to most white-collar crimes, corruption sometimes victimises people indirectly and without the victims’ knowledge (Green and Ward 2004). When corruption becomes a routine issue, non-corruption transforms into defiance, which has notable governmental implications. From the perspectives of the rulers and the ruled, the causes and effects of corruption are ambiguous, trivial, and a way of life in a dysfunctional society. Therefore, the topic of elevating corruption studies to the level of a study field has remained disregarded. Increased attention toward corruption may unlock the potential steps for assessing more significant security phenomena that

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<sup>1</sup> AFP coverage of Uganda’s Museveni leading a Much-derided Walk Against Graft on 4 December 2019. <<https://www.news24.com/Africa/News/ugandas-museveni-leads-much-derided-walk-against-graft-20191204-2/>> Accessed on 10 December 2019>.

are seemingly controlled by its existence in political regime configurations (in connection with other components of political life, such as militarism).

To understand security and political participation in Uganda, attention may be directed toward exogenous determinants (such as regional insecurity spill-overs, the global flow of events, such as international organised crimes, terrorism discourses, and the negative role of international humanitarian interventions), but we ought to turn our focus to the internal factors (the state and regimes). The issues related to state corruption are intertwined with general state bureaucratic and administrative practices as majorly top-bottom constructions. This top-bottom system introduces patriarchy as a point of reference in the complex relationship of the regime with the state. Bose (2012) noted that corruption is as old as the formation of governments; although other commentators may point to the beginning of human nature because they consider all humans to be inherently corrupt. In particular, corruption is nurtured, and the state and regimes are the primary architects constructing the existential magnitude as well as the extent of its prevention. Therefore, it offers the rationale for the consolidation/protection of the regime.

Although the presidential anti-corruption walk conducted on 4 December 2019, may have been planned with good intentions of creating awareness, there is widespread agreement that Ugandans have experienced a state-induced corruption scenario, either as victims or perpetrators, or have at least heard about it in recent days. For example, state bureaucratic corruption (wherein public and civil services are sold to the highest bidder through extortion and bribery [rent-seeking]), and political corruption (wherein politicians buy votes through contributions to weddings, funerals, or even directly provide cash, food, drinks, and clothes to voters to gain or maintain political offices) are considered normal practices and the effects are understood by those living within this context. Once they receive access to power, some politicians solicit kickbacks in the form of bribery and other grafts as compensatory gratification, whereas other politicians are involved in corrupt activities to maintain their power. Similarly, presidential political appointments to patronage cadres as tokens of appreciation for political allegiance is also a suitable example.

*Clientelism* in patrimonial states is another common practice leading to the production of elements of personalised politics that distort the efficacy of bureaucratic practices and may curtail participatory regime change in affected nation-states, such as Uganda. *Clientelism* endures because the masses are excluded from politics; power is the monopoly of a small group in the patron-client circle who will fight tooth and nail to preserve the patron's position in the political spectrum (Hadjor 1993:66). Behind this patron-client façade lies the neo-colonial elements of power usurpation (Haynes 1996:30), which is a form of corruption. Therefore, it is unsurprising because post-colonial Ugandan rulers picked a leaf from colonial methods of power consolidation. For European colonialists, consolidation indicated that all positions of influence remained occupied by the European patrons. Similarly, for Ugandan rulers, survival in politics necessitates a trust network of kinsmen and close cronies.

In terms of causation, the causes of corruption may be exogenous to some extent, but the extent to which endogenous factors inherent in the political systems can better explain the causation and damaging effect of this reality. Is it true that corruption and patrimonial politics cement regimes, thereby curtailing regime change? Although corruption can facilitate regime change through anti-corruption rhetoric and movements, it can also consolidate the regime by strengthening the reciprocal syndicates of the patriarchy. This analysis disregards the external relations that shaped every nation-state. I share the same perspective as that of Tilly regarding the processes of war- and state-making as an organised crime. In his analysis of the European nation-state formation—a situation that seems familiar to African nation-states—Tilly (1985:169) noted:

A portrait of war makers and state makers as coercive and self-seeking entrepreneurs bears a much greater resemblance to the facts than do its chief alternatives: the idea of a social contract, the idea of an open market in which operators of armies and states offer services to willing consumers, the idea of a society whose shared norms and expectations call forth a certain kind of government.

Research has yet to provide an explanation regarding how the creation and sustenance of a strong patron-based regime and a submissive state significantly depends on the holders of power in a political system, wherein corruption is already well knitted by the nation's brutal history and existential difficulties related to human rights abuse. Corruption scholars must also seek to integrate cultural explanations while focusing on state corruption.

## **2. Corruption and regime consolidation**

During a presentation of this paper at the first Japan Society for Afrasian Studies (JSAS) conference that was conducted at Kansai University in 2018, I experienced an academic engagement with Professor Yoichi Mine, an economics professor at Doshisha University Japan, and Dr. Pedro Miguel Amakasu Raposo, an economic researcher at Kansai University in Japan, regarding the issue of the quantification of corruption. This quantification debate is supported by the attempts of governmental policies and civil societies to explain the current state of affairs related to corruption. One such narrative is the government anti-corruption agency of the Inspector General of Government (IGG) in Uganda that categorises corruption cases into two types: grand and petty corruption. According to the IGG, any case of corruption involving a figure beyond the threshold of one billion Uganda shillings is considered high-level corruption and is thus investigated by a special directorate in the IGG's office<sup>2</sup>. Professor Mine

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<sup>2</sup> NBS TV (2017) hosting the deputy IGG, George Bamugemereire. Is the Fight Against Corruption Pure Rhetoric? <<https://www.youtube.com/watch?v=mn8kUF4SY30/> Accessed on 20 September 2019>.

may be satisfied with data indicating the most corrupt country and the reason for this judgement. However, there are two prominent challenges in this ambition. First, the dilemma regarding whether we want to compare states or focus on a specific state. If comparison is necessary, would an intra-state comparison of political regime performance provide the best analytical portrayal? Is it rewarding to categorise corruption as high or low level? How did we create this threshold? Is it easy to have a universally accepted yardstick to objectively measure the variables and the extent of corruption? Although I appreciate their contribution as a mission to increase empiricism for an effective definition and law enforcement, the valuation of corruption and drawing lines to determine the extent of corruption may be a daunting task. This economic approach can lead to the misconception of corruption. First, it may not be easy to attach an economic value to patronage or trust networks. The construction of a patron-based web is sometimes an unconscious process that the parties may be unaware of. Second, even if we wished to quantify them, acts of corruption always remain so clandestine that only the exposed cases are brought to the public eye. Valuation and quantification only serve to make a case clear in terms of legal processes, but may not conclusively assert the concept in itself.

On the other hand, some spectators advance the relativity of the concept of state corruption. For example, an African graduate student from Doshisha University in Japan commented (during the same conference at Kansai University) that we must acknowledge the context of a specific state while discussing corruption. For example, in some countries, corruption acts involving an amount lower than the specific amount cannot be regarded as corruption. He concluded that in the process of defining corruption, similar to that of democracy, we must include adjectives, such as 'most corrupt' and 'least corrupt', based on datasets suggesting the standard statistical measurement. He also expressed irritability regarding the relationship between regime longevity and state corruption because the period of continued political power does not necessarily imply corruption. Such intellectual debates may attempt to decouple corruption from political formations while engaging problematic statistical inferences. They attempt to portray the notion that the state is in control. However, such research ambitions—as explained by Jones (2009:10)—are bound to a development economy. The research project funders, line ministries, and other development partners are the entry points for most statistical research regarding development. The resulting perception is one wherein the state and international society understand and attempt to mitigate excesses of corruption through government policies. This article posits questions regarding such puzzling ambiguities.

In many post-colonial African states wherein the western bureaucratic political order embedded patrimonial legacies, the result was/is the quest to maintain the grip on power and predation of scarce resources. The best examples of such regimes are Seseko Mobutu of former Zaire, Daniel Alap-Moi of Kenya, Milton Obote, and Idi Amin Dada of Uganda, Robert Mugabe of Zimbabwe, and other active regimes in power, some of which pose personal security issues for academic analysts. Kandil (2016)

stated that in a deliberate quest to amass popular support, the masses must be mobilised and organised. Therefore, coup leaders devote themselves to building reliable patron-based political institutions during and in the aftermath of war (Finer 1962:164–65). The most meaningful element of institutions built on this ideology is that they appropriate supporters through a mixture of patronage, clientelistic alliances, and sometimes systematic intimidation (Decalo 1998:48–49, Kandil 2016). Warlord regimes (such as those in Uganda) achieve this mixture by first dismantling the social structures of the previous regimes that were labelled as bad regimes and creating loyal institutions, including trade unions, professional associations, and religious groups. Through such loyal institutions, warlord regimes recruit members in their political networks. The patronage-created networks work parallel to the pre-existing, pre-war system but form an elaborate construction of control apparatus to eliminate threats to the regime (Puddington 1988:1), thus a section of the pre-existing network soon assimilates, whereas a sizeable portion shrinks to non-existence.

To achieve popular support, the regimes must embark on organising a mass movement based on their ideological rhetoric of political business within highly structured patron-state institutions. This mass movement involves the creation of a single-party system that does not starkly differ from the post-1986 war in Uganda and the post-1994 genocide politics in Rwanda. According to Kandil (2016:58), ‘where the locus of power rested with a mass-mobilising ruling party that is charged with directing all aspects of social life’, consolidation thus becomes an obvious outcome. Regimes have employed this model, and it has resulted in an exceptionally effective penetration of after-war hopeless constituents, thereby embedding its endurance in the political life of such unsuspecting constituents (Nordlinger 1977:18). Members of the ruling regime infiltrate crucial state/governmental offices to achieve complete consolidation. This is a tool used to block dissidence or the rise of other opposing political forces (Arendt 1951:419–20). Specific to this type of institutional arrangement, the warlord-based patron military is transformed into an administrative arm of the regime, and as Odom (1978:41–44) stated, ‘not something separate from and competing with it’.

Although Kandil (2016) stated that the organisation of masses around revolutionary patriarchy and the assertion of bureaucratic pressure for their consolidation are two alternative options at the disposal of an authoritarian regime, there is no harm in their concurrent application. Risk-cautious warlord rulers may throw their weight behind the bureaucratic processes, including manipulation of the constitution and constitutionalism. The constitutional process in Uganda since independence from colonial rule has served as an example of a bureaucratic strain on change and in favour of the consolidation of regimes. This powerful force matches the anti-dissidence attitudes and overt political arrogance and/or reluctance among government officials. According to Nordlinger, the regime typically assumes that ‘their control of state institutions is sufficient to accomplish their goals’ (1977:114). To consolidate their survival, regimes join their overwhelming control over the bureaucratic apparatus with a multitude of offices



occupied by their political cronies to increase their political support<sup>3</sup>.

The conceptualisation of corruption as a state crime lies beyond patriarchy. Michalowski and Kramer (2007) characterised it as illegal or a socially injurious action resulting from a mutually reinforcing interaction between the policies and/or practices in pursuit of the goals of parties in institutions of political government. In NTV's mini-documentary regarding the rise and fall of Abdallah Kitatta, a respondent clarified, 'don't you know that power is superior to the law? (adding that) people who have fenced off your land have the power...'<sup>4</sup>. Such phenomena of corruption and their environment can be perceived as concentric circles whose basic forms are located at the centre of power (Blundo and Olivier de Sardan 2006). Such basic forms are integrated into the increasingly complex strategies of actors and the context to create a routinised corrupt practice. Such practices through routine functioning in public or civil service offices become embedded in a series of recurrent socio-political and economic contexts. Accuracy can be achieved through a multidimensional approach because corruption may be perceived through a minimal command of two languages—the languages of official rules and informal practices.

In criminological and economics schools, corruption is typified as a rational action based on the motivation and demotivation of actors. For example, Green and Ward (2004:13–18) defined corruption in different categories, such as corruption as the means, as tolerated, and as an organisational goal. Although state corruption can be characterised as a motivation, such categorisation only answers a part of the corruption question if it ignores the embedded norms accrued in the processes of strategic interaction. Corruption is learned through on-the-job experience, which is a progressive process involving initiation, adaptation, and assimilation into this learning process, starting from the formative years of the colonial African states. The configurations of such 'African social logics' (Haug 2012:36), current patterned life, and the historical context naturally drag the political patriarchy-dominated state into the conceptual clarity of corruption.

### **3. Decentralisation and the predatory nature of regimes**

The decentralisation system introduced soon after Yoweri Museveni's National Resistance Movement/Army (NRM/A) war served in two capacities: First, in agreement with Professor Takeuchi that it was a system intended to extend the patronage down to the grassroots. Second, to create a new system through which public services would be channelled to strengthen the grip on power. Amaza—one of the 1981–86 revolutionaries—explained the same scheme as a political consolidation project,

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<sup>3</sup> In a discussion with Professor Shinichi Takeuchi, decentralisation (increasing the number of districts and county constituencies through which the political allegiance is channeled) was a political card intended to extend the political patronage and was not based on service delivery as the policy claims. It was intended to provide political positions for their cronies and increase the legislative constituents through which legislations can be made in favor of the existing regime's consolidation.

<sup>4</sup> NTV Uganda 2019. 'The rise and fall of Abdallah Kitatta'. NTV Panorama, Updated on 10 February 2019. Video. <<https://www.youtube.com/watch?v=-fdqDIoyguY/> Accessed on 18 November 2020>.

citing the relationship between the National Resistance Council and the NRM/A (Amaza 1998:48–49). Tushabe (2013:152) explained that greed for power and control remains a notorious camouflage of decentralisation in Uganda.

Museveni was not the first Ugandan president to engage in a decentralisation strategy. In 1974, Idi Amin introduced ten provincial governments and increased the number of districts from 19 to 37—a clear example of the *prebendalistic* practices that are particularly common in Africa (Van de Walle 2007). Therefore, granting the district status is a noted feature of Museveni’s rewards to his supporters and a reciprocal promise for political support of his regime. Tushabe deemed this the ‘politics of giving’ (2013: 156) wherein Museveni—the Chairman of High Command—presents himself as a *giving dad* in the revolutionary struggle. Similar to Idi Amin, Museveni’s district creation and the facilitation of five-layered local administrative units, formerly Resistance Councils (RCs) 1–5 and later known as the Local Councils (LCs) 1–5, created patronage opportunities that paid-off in the subsequent elections. Unlike Idi Amin, President Museveni’s government has continued to subdivide districts at regular intervals to 121 districts or more.

The correlation does not always suggest positive outcomes regarding whether this massive subdivision of administrative units translates into effective and localised service delivery. Government officials have claimed that district creation helps to ensure enhanced service delivery in various areas, such as the construction of schools and roads, water, and electrification. However, there is no correlation between the creation of new districts and improved service delivery in Africa. During Museveni’s regime (hereafter NRM’s regime), service delivery must appear as the regimes’ reciprocity to its political strongholds or as a tool to weaken dissenting voices. As indicated by the President of Uganda, newly created districts often suffer inadequate staffing, with human resource levels at an average of approximately 55% of their full capacity and as low as 10% in many districts (Green 2015). Moreover, the effect of the dubious subdivision of local administrative units has subsequently implied that central government funding to districts is spread even thinner, thereby making it impossible to obtain substantial development. These factors are not particularly surprising, because there is strong evidence to prove that district creation has been driven by political and electoral calculations, rather than developmental requirements. Table 1 presents the evolution and chronology of political decentralisation in Uganda from the 1950s to 2017.



Table 1. Evolution of decentralisation of political districts

Year/Date	No. of Districts
1959	16
1962	17
1968	18
1971	19
1974	38
January 1979	40
May 1979	22
August 1980	33
15 March 1991	39
20 March 1997	45
28 November 2000	56
1 July 2005	69
1 July 2006	80
1 July 2009	87
1 July 2010	111
1 July 2016	115
1 July 2017	121

Source: Obtained from the fact sheets of the Ministry of Local Government<sup>5</sup>.

The decentralisation problems in Uganda are the projects intended to systematically extend political patronage through the transmission of the NRM's idea of state capture. To ensure NRM maintains power, no stone must remain unturned.

Government office allocations in such a patrimonial-bureaucratic crisis are deliberately politicised and corruptly administered. The regime deliberately charges different offices with overlapping, and sometimes identical tasks, to facilitate the smooth transfer of power between and among them. For example, each district has an LC5 chairperson elected by the people; however, there are other positions that assume a share of the LC5 chairperson's powers and responsibilities, such as the Chief Administrative Officer (CAO) and the Resident District Commissioner (RDC). The CAO and the RDC are government employees whose actions and tenure can be determined by the appointing authority not very far from the regime elites. In most cases, appointments to such offices are treated as rewards for supporters of the ruling party, particularly the RDCs. Even among the elected local council chain, funding for their districts may be uncertain if their political perspectives oppose that of the regime. Therefore, as Kandil (2016) explained, the regime can easily liquidate the functions of certain government agencies and relegate others to the shadows of bureaucratic performance.

This dilemma exists not only in decentralisation, but also in the central government. The regime asserts pressure to prevent bureaucrats from nurturing stable power bases that are likely to threaten the regime's grip on power (Arendt 1951:401–404). The regime has discretionary power in the selection of

<sup>5</sup> The MOLG facts sheet can be obtained on <<https://molg.go.ug/sites/default/files/MoLG%20-%20%20Fact%20Sheet.pdf>/ Accessed on 10 February 2019>.

institutional bureaucrats; typically, the transfers within and between governmental institutions are largely focused on curtailing dissenting voices. Interestingly, the politics around bureaucratic placements, transfers, and termination start with the regime patron, but over time, the middle managers also widen their network and carry the virtue of the mastermind surviving patron. However, a contradiction has been noted regarding whether the middle managers are instrumentally clustered around the ambitions of the patron or are intend to maximise available crony-opportunities. In the eminent contradictions in the interpretation of the patron-bureaucratic relationship, the regime takes a notable share in their consolidation project.

#### **4. State, state formation, and regime survival**

We must first conceptualise the state in its nature to understand the intricacies of the dubious state enterprise. For example, Skocpol (1979:27) defined the state as an administrative, policing, and military complex controlled by a well-coordinated executive authority—an autonomous political structure—characterised by a structure with logic and interests of its own. Kandil (2016) added to this economic motive-based analysis of the state that cultural assets, such as myths, religious doctrines, ideologies, symbols, values, and norms, eventually find expression in the laws and practices and aid in legitimising the existing political order.

This mechanism noted in Skocpol and Kandil’s explanations also conditions subjects to accept and be mobilised when required for regime consolidation. Although Kandil acknowledged the existence of a cultural element in the consolidation of political order, he showed that regardless of noticeable cultural and economic assets in the ruling blocs, the governments and regimes entirely depend on coercive and political power. Kandil (2016) may have mistaken or perceived differently the processes leading to the consolidation of political power and coercive force, among which cultural components are vital. States, governments, and regimes do not only survive based on coercion and repression. The processes facilitating their consolidation depend on multifaceted dynamics (inclusive of corruption).

The NRM regime, according to Khisa (2019:105), has been partly constructed on the ‘legal and engineering’ or what can be referred to as the ‘rule by the law’, instead of the rule of law. Rather than applying the rule of law, in states with webs of pervasive political corruption, control over the parliament is crucial for ensuring easy preservation of the regime. Khisa (2019) added that this is why consistent, direct financial inducements have been provided to members of parliament to enable legal constitutional manipulation. This constitutional manipulation was noted in 2005, when the constitution was amended to remove the term limits without a referendum to allow President Museveni to contest again for the 3<sup>rd</sup> and several subsequent terms of presidential tenure. Later (and most recently) in 2018, the constitution was successfully raided again for an amendment to scrap the age limit for the presidency. Many observers have perceived the state/government institutions as a centralised and personalised system of

power directly controlled by President Museveni and his immediate cronies.

Tilly (1985) presented the same dimensions that consider states as criminal enterprises. Tilly (1985:169) referred to the state as a form of *protection racket*, similar to organised criminals interested in effective predation. Protection is a term used to connote both the confrontation (the response to non-compliance of the common people) and prevention of damage (violence), which is inspired by the strong arm of the state itself. Tilly stated that this economic observation of the state characterises its formation and consolidation. Other state-based analysts have noted that states provide protection against internal and external violence, and those that complain against the price of protection are deemed anarchists and subversive. However, according to Tilly, a 'racketeer is someone who creates a threat and then charges for its reduction' (1985:171). Although Tilly blinded himself regarding cultural considerations of state formation, he does not blatantly deny the cultural components of state formation and consolidation. Because he is aware of the foundations of the state being perceived as a form of punishment, Tilly must be informed about the state's survival on a string of informal rules, symbols, rituals, and norms that form the major part of Uganda's public culture.

## **5. Literature and continued ignorance**

The noteworthy literature on corruption is inspired by Radcliffe-Brown's (1952) functionalism, as cited by Blundo and Olivier de Sardan (2006:18), which emphasised the study of the institutions and norms contributing to the stability and reproduction of social systems at the cost of analysis of corruption as a socially deviant reality. The *structural functionalist* Radcliffe-Brown emphasised the role of this phenomenon in the maintenance of society, which resonated with the French philosopher Durkheim. Durkheim (1951) showed that once a deviant action, such as corruption, becomes a rule and non-corruption an exception, the practice ceases to be perceived as a disorder and transforms into a norm responsible for perpetuating impunity. This has a negative implication on national security.

Due to the emphasis presented by functionalists, such as Radcliffe-Brown, scholars and practitioners have opted for an easy alternative—the moralisation and acceptance of corruption as a trivial aspect of social inquiry. Corruption continues to affect citizenry in their daily lives, ranging from failure to access justice and rule of law, rampant horizontal and vertical inequalities, and limited access to quality health, education services, and other social and public amenities (Twinoburyo 2015), all of which double the chances of lapsing and/or relapsing to violence. Twinoburyo (2015) argued that in Sub-Saharan Africa, a vicious cycle and endogenous causalities may have created poverty traps, where weak states, predatory political regimes, generalised corruption, commodity-based market structures, and windfall gains reinforce each other. Therefore, corruption is a security hazard and not a functional element of an ideal society. Corruption, as an aid to regime consolidation, is equally damaging.

However, in the Penal Code Act division ii (relating to offences against the administration of lawful

authority) (1950)<sup>6</sup> and the Anti-Corruption Act (2009), especially part ii relating to the ingredients of corruption<sup>7</sup>, the legalities do not address the structural concerns of a state as a culprit. Legal definitions and implications disregard the cultural components of the state as a social being. These two legal frameworks (the Penal Code Act and the Anti-Corruption Act) consider the state as an institution of individuals bound by the laws. They position individuals as the culprits and the state as a victim, which is problematic.

Other works have pointed toward corruption as a clash between the traditional and modern systems of governance. This argument implies that corruption goes hand-in-hand with societies undergoing rapid change, wherein the coexistence of different styles of political action exacerbates the gap between legal norms and pragmatic political action<sup>8</sup>. Bayart (1993:39) demonstrated that corruption typifies the appropriation and re-appropriation of Western models of politics by African states.

Blundo and Olivier de Sardan (2006:22) indicated that the shunning of corruption as a state crime in social inquiry may have been precipitated by its conception as being dangerously flirty with deep ethnocentrism. The analytical process has perceived corruption as a normative dysfunctionality and crisis in African states. According to Terray (1987), terms, such as corruption and nepotism, are verdicts based on the ethnocentric notion, and these terms become problematic only if they lead to inequalities in terms of jobs and wealth. Numerous studies have shown that in places wherein corruption is endemic, a high level of disparity is noted. Green and Ward (2004) concluded that corruption is increasingly pervasive in societies characterised by *clientelism* and patrimonialism, and such societies tend to have notable disparities between the rich few patrons and an impoverished majority. Therefore, the extent and penetration of state-organised crime/deviance depends on the degree of poverty and inequality. For example, in the Transparency international report, Zúñiga (2017) acknowledged the negative impact of corruption on the distribution of income through poor and selective tax policies that favour the rich at the detriment of the poor, tax evasion by the powerful few and *clientelistic* connections to the income access, all of which undermine the government's capacity to ensure an increasingly equitable resource distribution. Regarding the corruption in the Philippines, Azfar and Gurgur (2005) noted that increased inequality caused by corruption exacerbates the position of the poor in society by reducing the resources available for social spending, such as education, food, and health. This equally affects people's potential to make political claims.

Azfar and Gurgur (2005) showed that corruption is responsible for delays in health services and decreasing education standards for the poor. This blends in the worst type of structural inequality. This type of inequality ensures that people become increasingly poor and are thus unable to demand

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<sup>6</sup> Penal Code Act 1950. <<https://ulii.org/ug/legislation/consolidated-act/120/> Accessed on 15 March 2019>.

<sup>7</sup> Anti-Corruption Act 2009. <<https://ulii.org/node/24728/> Accessed on 15 March 2019>.

<sup>8</sup> Simon Ottenberg in his 1967 work on Local Government and the Law in Southern Nigeria.

accountability (Chêne 2014). Therefore, it is unjustifiable to conclude that corruption may not necessarily be an analytical problem (Twinoburyo 2015), and that it can be treated as an organ of a functional whole, as portrayed by functionalism. Kaufmann and Vicente (2011) showed that when there is high inequality (corruption is accountable in part) and the majority is receiving low income, the population may not have the power to threaten the elite with a successful insurrection. Therefore, the elites opt for the cheapest illegal forms of control of the power to ensure that the poor remain poorer. Although many scholars and practitioners have noted that state corruption is normal for the survival of society and a necessary component of life, the negative effects of state corruption are significant in impeding political development. There are numerous reasons to determine that state corruption is highly detrimental to the achievement of regime change. Therefore, corruption must be deemed increasingly problematic.

## **6. From interest to culture in a revolutionary regime**

Until recent times, the issues associated with corruption have been typically legalistic, with total disregard of cultural properties in everyday politics. One notorious critique of the cultural explanation of corruption is cited from the works of Blundo and Olivier de Sardan (2006), who unwittingly cast doubt on the scientific credibility of corruption as an object of anthropological inquiry. Other scholars are focused on understanding the positioning of agency in the theorising process. Is state corruption an individual issue, societal issue, cultural issue, or natural phenomenon that human beings may have no control over? Choices regarding the analysis category among the mentioned placements of the agency may determine the thought process of the researcher. Rather than accepting an economic analytical blindfold, I analysed corruption as a consequence of mechanisms at play in political actions. The state capture by the regimes begins with state instrumentalisation intended to maintain political power and then transform through social networks, thereby embedding such practices and norms of the procedure. For example, when the president hands out money and free t-shirts to voters, it is not corruption but providence in the eyes of the voters. Moral incorrectness is less important because the most corrupt people become the most cherished and respected members of society.

Society considers the corrupt as successful. Within state institutions, if you are not in a corruptible position—otherwise known as wet offices—you may be lacking an outstanding social network. From my personal experiences, while I worked as a police detective at Makerere University, I was transferred from a location that was known to be a dry assignment due to its nature of cases (Makerere) to a location known to have the highest crime incidence (Kawempe). Many fellow officers told me that my new placement was highly lucrative, due to the high criminality, and was thus highly corruptible. I asked them whether high criminality meant high salaries, but they answered: ‘You know that police files mean *sitrep*’. *Sitrep* is an abbreviation for the ‘situational report’ in its obvious usage, but its figurative usage

connotes extortion. This is indicative of the transformation of corruption and the associated negative symbolisation of rules as a way of life.

However, research from the early 1960s until the present day has credited the incentive structure as the driving force for corruption among state-service men. Scholars have contended that low salaries, poor supervision, weak laws, and poor economic situation in the country are the primary areas of focus in the search for answers regarding corruption, its causation, and persistence. Hope (2000) showed that the decade between 1975 and 1985 characterised poor purchasing power for public servants in Kenya, Sudan, Nigeria, and Somalia, among other Sub-Saharan African countries, thereby explaining the rampant corruption in these countries. There is a judicious agreement that Uganda suffers low incentive structures, thereby likely creating a deficit that provides grounds for corruption justifications. However, there are mega scandals involving the government's *big shots*, who are rich enough to engage in corruption activities (risky behaviour). Therefore, the question regarding the factors motivating the Ugandan rich people into corruptibility may be answered by approaching their socialisation and resultant semiotics.

Critiques of cultural schools have inclined to the new institutionalism advanced by North (1990). Although this theory is fairly recent, the conclusions of scholars of law and economics regarding state function resonate well with North's theorisation. Rational choice scholars have noted that institutional structures provide incentives to rational individuals. Their explanations regarding the factors creating institutional change emphasise identifying where actors have achieved an institutional equilibrium. The rational institutional approach remains relevant for analysing police corruption regarding formal rationality and procedural regularity (Gofas and Hay 2010:79). When accessing the choice options for the corrupt, I noted that what the vast majority consider rational is a structure of subconscious elements prevalent in the environments they comfortably cluster, and not only a question of choice. During my tenure as a police detective, I had the choice and the legal instruments to fight corruption, but the system in which I worked demanded the status quo, wherein actions that are foreign to the normal method of doing business would not be tolerated. This situation was unrelated with the incentive structure.

Although there is more evidence to support the incentive structure as stated by rational choice theorists, it is noteworthy that the discrepancy emerges from ignoring the practices within the social realms of state institutions. State officials, similar to people in any other sub-cultural group, do not have a stable set of preferences. Based on these practices and social realms, individuals cease to be passive recipients of the incentive structures but are instead involved in the interpretation of such incentive structures, as well as their social reality, as embedded. We must look beyond only incentive structures while analysing such complex situations as corruption and regime consolidation. Prince 1975, in his sociological research conducted on the Ghanaian public service, showed that even if the bureaucratic classes were considerably highly paid, as compared to the majority of the population, they continued to



perceive their salaries as low, based on the standard of living they aspired for and their societal status. In the questionnaires administered to 434 state employees, 80% acknowledged the challenge of support for poor dependents other than their immediate families. This indicates that a regime whose foundation was focused on recruitment within what Tilly deems the trust networks, will likely employ through *clientelistic* and tribal lines. Employees will also attempt, to employ their relatives to reduce dependency, and unconsciously widen the patronage that becomes a vicious state crime, based on which the state/regime thrives.

My argument is that there is a close relationship between the bureaucratic process and corruption. One of the respondents—a student at Makerere University—laboured to explain the culture of corruption in terms of power. She stated that corruption is focused on consistent access to authority or everyday control over the use of violence. She illustrated her claim by citing a high incidence of corruption in police, court, and less among government teachers. In this situation, people understand who has power over what should be done. Although the research points to deviance as being culturally embedded, few studies have indicated that corruption typifies an African political pathology (Blundo and Olivier de Sardan 2006). The emphasis in this article points to the fact that traditional cultures are not fertile grounds for the incubation of corruption in Africa. Rather, considerable focus is given to studies that understand state corruption as an act of routinised deviance producing practices of officers—which are defined as a way of life. However, the fusion of modern state institutional practice—bureaucracies—with the traditional patriarchies (the daddy—politics) could have invoked the cultural identity influence on the running of neo-patrimonial states in recent times. Bose (2012), in his aspects of bureaucratic corruption, illustrated the strong connection between governmental bureaucracies and corruption. He posited that the accurate analysis of corruption starts with government bureaucracies as the primary culprits. Because state bureaucracies in Uganda are infested by the regime's systemic patron-based networking, the excessive exercise of authority is most likely to be present with overt impunity.

How has a *culturalist* school characterised and explained state corruption? While debating the genealogy of corruption, some scholars have argued that it is a phenomenon in perpetuity or constant continuity. On the other hand, the rupture school has suggested that the emergence of corruption in African states and traditions resulted from a clear historic rupture that coincided with the importation of Western political culture through colonialism. The former lays claim for endogenous character and the latter claims the exogenous character of corruption (Blundo and Olivier de Sardan 2006:27). Earlier *rupturists*, such as McMullan, have considered the pervasiveness of corruption and its construction in African states to be a result of the 'clash of traditional values and customs with the modernising project' (1961:186). He explained that although the customary exchanges of gifts equated to corruption in a modern cash economy in Ghana, the clash between such customs of traditional reciprocity, attitudes,



and patronage, with the new forms of government contributed to the pervasiveness of corruption. Traditional values collided with modern methods, thus exemplifying the notions of reciprocity exhibited in gift exchanges, the prestige of having dependents and servants, social appreciation of generosity, respect for elders, and the preference for personal contact in the spheres of public administration (Werlin 1972).

These traditional values could have translated directly in the modern state function as severe systemic grafts and normalised scandals. However, caution must be exercised when assessing these opposing schools. The line between normal societal customs and the manifestations of corruption is faint. African reciprocal traditions, intermarriages, and power relations existed in almost every society, but have not been emphasised as the cause of corruption. These schools of thought are perceived as having a condescending attitude toward precolonial states. There are some extents of the past histories deep-rooted in kingships' ancestral habits and interactions that at face value may not have translated into bad and selfish intentions amounting to corruption (similar to every human society). For example, the king of Buganda or Ankole assuming that he is only a receiver of peasants' harvests and not a giver in a reciprocal relationship is a shared element of domination among monarchs everywhere.

Finally, I argue that state corruption—which is perceived as thriving in legal-rational institutions—is a social activity, not only regulated and in accordance with complex rules and regulations, but also tightly controlled by tacit codes and norms (Blundo and Olivier de Sardan 2006). However, it is important that although we build fantasies around the literature on corruption both as a cultural object of analysis and organised around incentive structures, we ought to connect it to its role in the political regime consolidation matrix. Future studies must focus on understanding the play of the Weberian bureaucracy in parochial civic culture and how this operates in combination with other aspects of the regime consolidation mechanism.

## **7. Conclusion**

Corruption is a notable factor in African governmentality. Widespread predation and greed serve to express the social struggles surrounding the hegemonic quest for and production of the state in Africa. An understanding of state corruption is inherent in the foundations upon which the state-making process was/is possible in this part of the world. Then, if the state-making process is in itself an organised crime, it may be equally valid that the products of the state reflect its formation. Although (African) nation-state formation was by and large a European instigation, the dynamics inherent in the new states not only adopted the bureaucracy of state administration and associated bottlenecks, but also could not resist the traces of patrimonial politics of dominance that existed earlier. The choice between being and not being corrupt is largely determined by the toleration of opposing views to the regime's existence. The

use of force (state violence) to retain power is a type of corruption that most regimes in the world have refused to confess guilt toward.

When the patrons remain in power for a long period, their cronies build the web of protection around them, which makes it impossible for outsiders to penetrate or dismantle the corrupt institution. It is usually common knowledge that in politics, such as these, opposition to the regime stems from within (other than some exemptions). The executive—president—maintains authority through personal patronage, rather than through constructive ideology or the law; however, some patron–client relationships may be constructed by shared political ideology, such as revolutionary patriotism in Uganda today. The relationships between loyalty and dependency pervade a formal political system. Whether in classic patriarchy—wherein the right to rule is ascribed—or in modern patriarchy—wherein dominance is enforced—the pivotal mindset works to consolidate the patrons' rule over others. The distinction between private and public interests is intentionally blurred. The power to curtail corruption resides in the ability of regimes to exercise self-restraint.

In its relationship with regime consolidation, state corruption cannot be discussed as merely a rational choice. The formation of patriarchs also involves the uniqueness associated with the selection of clients suitable for a trust network. Although it is valid to claim that motivation and incentive structures, such as reciprocal relations, resource allocation, and elite dominance, could best help to understand state corruption or other forms of deviance that include gratification, we must observe the state formation, its predatory characteristics, and the normative tendencies that emanate from the routinisation of state function as the primary supporting explanatory grounds for incentive structures' claims. Why are some nation-states increasingly prone to state corruption? The level of state development processes and the effects of the routines will help us answer that question, although this may require another research agenda. Post-colonial states in Africa are likely to be increasingly prone to corruption, compared with more developed countries in Europe and elsewhere, because of the nation-state maturity variations. However, I consider the incentive structure a puzzle piece in the context of fragile African nation-states, such as Uganda, faced with structural violence. Rationality and its interaction with normative political structures may remain the best explanatory ground for state corruption.

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