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The Nexus Between Weak Social Contracts and Citizen Quiescence in Kenya

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Plunder and mismanagement of public resources is an intractable problem that emasculates public sector service delivery in Kenya. It undermines efforts by the national and county governments to deliver public goods and services. Unfortunately, as the plunder of public resources happens driven by a predatory elite, the citizens tend to remain passive, disinterested, and quiescent in demanding public accountability from their leaders. A social contract exists between citizens and their rulers. Social contractarian theorists such as Thomas Hobbes, Jean-Jacques Rousseau, John Rawls, and John Locke construe social contracts as explicit or implicit agreements between the ruled and rulers, in which case, the governed cede some of their freedoms and liberties in exchange for protection and public goods by the rulers. Ostensibly, social contracts define the moral duties of citizens and the moral duties of rulers. However, a disequilibrium emerges when any party fails to fulfil its moral duties, causing the social contract to weaken. In retrospect, this study aimed to establish the nexus between citizen quiescence in holding leaders accountable and weak social contracts. The researchers conducted a mixed-method survey involving 100 respondents from Nairobi City County to determine the relationship between citizen quiescence and weak social contracts. The findings were $R(98) = 0.764$, $p < 0.05$, $R^2 = .579$, indicating a positive correlation between weak social contracts and citizen quiescence (inaction) in demanding public accountability. Besides, the coefficient of determination R^2 of 0.579 suggests that all factors held constant; weak social contracts could explain 57.9% of citizen quiescence or lethargy in Kenya at a 95% confidence level. Based on these results, it is plausible to conclude that there is a nexus between weak social contracts and citizen inaction (quiescence) in demanding public accountability. However, extensive research is necessary to establish other variables that could explain the variability using a large N sample.

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INTRODUCTION

For far too long, Kenya has continued to experience an existential problem of corruption and unaccountability in public service. The political class enjoys the spoils of power and uses that opportunity to misappropriate public resources untrammelled. Arguably, the Kenyan voters act quiescent, lethargic, and passive in demanding public accountability, which provides the political class with the fodder to squander public resources with minimal checks and balances (Mbithi et al., 2019). In other words, many Kenyan citizens are disinterested in public affairs and lack the impetus to push for more accountability as they do not appreciate their role in the social contract with elected leaders. The objective of this study, therefore, is to establish whether a relationship exists between weak social contracts and citizen quiescence. Social contracts are a form of agreement entered by citizens and their elected leaders, explicitly or implicitly, to promote the public interest, safeguard public resources, and advance civil rights and liberties as stipulated in the Constitution. When such a contract is weak, this research hypothesises that citizens will tend to remain quiescent and participate less in accountability measures for their leaders. Contextually, this study hypothesises that Kenyans are quiescent in demanding public accountability due to three primary social constructs: entrenched ethnicity, a belief that periodic elections do not

seem to transform leadership, and a desire to delegate authority to demand accountability to another entity. In retrospect, the significance of this study is to help policymakers develop better policies to increase citizen participation in governance and improve mechanisms for checks and balances.

Background: Weak Public Accountability Institutions in Kenya

Public institutions in Kenya depict severe deficiencies as evidenced by the massive failure to abide by the law or execute constitutional mandates of the country's key institutions, including the Ethics and Anti-Corruption Commission (EACC), the Directorate of Public Prosecutions (DPP), the Judiciary, the Directorate of Criminal Investigations (DCI), and the Independent Electoral and Boundaries Commission (IEBC). The failure of these institutions is primarily why many Kenyans feel hopeless and disempowered to participate in government accountability drives (Waris, 2015).

The government established an anti-corruption commission in the late 1990s dubbed the Kenya Anti-Corruption Authority (KACA) as part of the renewed efforts to fight graft. The body later morphed into Ethics and Anti-Corruption Commission (EACC) due to institutional failures to serve the original vision. The transformation of KACA to EACC envisioned creating an integrity-driven Kenya by combating corruption through law enforcement, prevention, and public education

(EACC, 2018). Despite the reforms and revamped branding, the institution largely failed to curtail corruption, let alone eradicate it. In the early 2000s, the percentage of people who paid bribery was 30.6%, but it had increased to 62.2% by 2017, more than a decade of EACC operations (EACC, 2018). Injane (2014) also revealed that most of EACC's officers have serious integrity issues, making it difficult for the agency to meet the expectations of Kenyans. An article published by Nyandoro (2019) in the Sunday Standard posited that corruption cartels within EACC sabotage investigations into graft allegations involving their associates. The following statement by Aden Duale, the former National Assembly Majority Leader, summarises the corrupt nature of EACC officials:

"The war on corruption can never succeed if the institutions fighting corruption are corrupt. When the hunter is corrupt, then we are taking the country in circles (Nyandoro, 2019, para 7)."

Another weakness of the EACC is the lack of autonomy necessary to avoid undue influence from senior government officials. Since its inception as KACA in the late 1990s, senior leaders of this agency have always found themselves in trouble with politicians and senior government officials whenever they start investigating influential individuals in the country. In the 1990s, John Harun Mwau, who headed the commission, fell out with the government after he accused senior public officials of engaging in corruption (Aluanga-Delvaux, 2016). Aaron Ringera, who replaced Mwau, found himself in trouble just like Mwau when he took senior government officials to court for abuse of power. In 2000, the courts declared KACA unconstitutional, forcing Ringera out (Aluanga-Delvaux, 2016). The government re-established the commission in 2004 and appointed Professor PLO Lumumba, but he too was forced out of office when the government disbanded KACA and replaced it with EACC in 2011 (Aluanga-Delvaux, 2016). Even after 2011, EACC has never

operated free of undue influence because the executive has sometimes deployed it to sabotage those who oppose the government so much that it is more of a convenience tool than a public accountability agency.

Like EACC, the Directorate of Public Prosecution (DPP) faces undue political influence, which affects its constitutional autonomy to deliver on its mandate. Some Kenyans perceive the DPP as lacking the independence to prosecute corrupt individuals. For instance, during President Uhuru's second term, many disloyal government officials faced corruption cases. However, after the Kenya Kwanza regime came into power, many court cases were dismissed for lacking substantive evidence or withdrawn for political expediency. Although the DPP has made significant strides in prosecuting suspected corrupt officials, it must exercise its constitutional autonomy in prosecuting offenders and build safety nets against political influence. Nonetheless, one of the greatest successes of the ODPP in collaboration with EACC and Assets Recovery Agency (ARA) is that during the COVID pandemic, the ODPP presented the treasury with Kshs. 2 billion Kenya shillings to fight the pandemic, which was funds recovered from illicit funds stashed overseas by corrupt individuals (Basel Institute on Governance, 2020).

The judiciary has, in recent years, demonstrated independence in prosecuting high-profile cases, such as annulling President Kenyatta's victory in the *Odinga v Kenyatta* case regarding the controversial 2017 general election and ruling against the Building Bridges Initiative against the will of the state. Regardless, some people perceive the judiciary as lacking independence from political influence like many other public institutions. Accordingly, the Kenyan judiciary depends on the legislature for budgetary allocations, which leaves it prone to political influence. At the same time, the legislature is not independent as required by the constitution, as most members align with the executive for personal gains or favours in

developmental programs (Mbaku, 2021). It is common for the judiciary to experience budget cuts when they fall out with the executive or legislature. Besides, the political class bastardises the judiciary when it makes rulings that do not favour them (Mbaku, 2021). There are accusations that judges also align politically or ethnically to favour one side based on the composition of the bench, which is likely to affect high-level cases of public interest, such as election disputes and resource distribution matters.

Regarding the Directorate of Criminal Investigations DCI, Natwoli et al. (2021) revealed that the agency had structural and institutional weaknesses hampering it from executing its mandate. Political influence in investigations is a significant setback for the organisation as the executive often uses it to oppress and run-down political opponents. Its officers are sometimes accused of harassing politicians and businesspeople suspected of being against particular government policies. There are also allegations that the organisation suppresses evidence for corrupt but loyal government officials while weaponising its investigation efforts against disloyal leaders. The lack of balance in its investigatory efforts and undue influence of the political class in its affairs dismembers its impartiality and capacity to gain public trust. The public trust in the organisation is low, and some people perceive it as an institution that serves the interests of influential people who can buy convenience and skewed investigation outcomes.

Further, the IEBC is also another public institution failing Kenyans in building accountability mechanisms. The body's primary mandate is to conduct fair and credible elections (BBC News, 2017). However, its lack of a firm standing in clearing corrupt officials to contest elections makes it difficult to stop unaccountability from proliferating. The institution must work with other government agencies to prevent and block those accused of corruption from contesting elections

until the courts clear them. Unfortunately, the body abrogates the duty and blames the responsibility on other agencies, such as EACC and the judiciary, who also blame the others for not taking responsibility. The circus and lack of taking responsibility recycle the corrupt and moneyed in senior public positions as the voters are also irrational in deciding against corrupt officials. Further, the commission is also not independent, especially in conducting and declaring presidential elections. The annulment of the 2017 general elections exposed the divisions in the commission, partiality, and lack of transparency in conducting elections. The process was irregular, and the final tallies had been manipulated to favour one candidate. These institutional weaknesses and interference erode public trust and make it difficult for Kenyans to trust their institutions to deliver services transparently, with accountability, and prudently.

LITERATURE REVIEW

Theoretical Framework

Social Contractarian Theories

As depicted by John Locke (1632—1704), Thomas Hobbes (1588-1679), John Rawls (1921—2002), and Jean Jacques Rousseau (1712—1778), a social contract advances the notion that the citizens and those that govern them enter into a form of agreement, implicitly or explicitly, specifying their rights, freedoms, and liberties. The strict doctrine of the social contract, as proposed by John Locke, was that citizens needed to cede some of their rights and freedoms in exchange for the safety and protection of life and property provided by the state (Locke, 1947). As such, it became the responsibility of governments in a contractarian philosophy to provide the citizens with a society that was better than the state of nature in which chaos, violence, and brutal coexistence was the norm. In retrospect, after citizens ceded some of their powers and donated them to governments, it became the mandate of legitimate governments to organise societies and

create institutions for administering public affairs (Laskar, 2013).

However, social contracts are not as ideal as stipulated by classical philosophers. Contemporary governments, especially fragile states in developing countries and those that suffer the "resource curse," have become less accountable and non-committal to attaining the objects of fiscal social contracts. Ideally, neoclassical proponents of the Lockean philosophy of social contract envisaged that citizens, as the primary contributors to government revenue, would feel a sense of ownership of government projects and demand proactive accountability for representation and reciprocity. And secondly, there was a belief that governments would make concessions in the form of social contracts as incentives for reciprocating tax with better provisions of public goods. However, in Sub-Saharan Africa, there are weak social contracts between governments and the citizens in proportions that appear as if state governments sanction the plunder of public resources. Citizens, on their part, are acquiescent in demanding fiscal accountability for fear of intimidation, coercion, or even utter ignorance of their powers in the social contract.

Rentier State Theory

The Rentier State Hypothesis, as proposed initially by Borge, Parmer, and Torvik (2015), made a case that public finance through oil rents, grants, and natural resources created states with low levels of accountability. Therefore, countries in Africa, where public expenditures were financed through revenues from oil or aid, faced the "resource curse" as there was seemingly no social contract between the citizens and their government. As such, citizens' proclivity to engage in oversight activities was minimalistic. Besides, governments also tended to use coercion to deter citizens and civil societies from questioning the imprudent use of public resources. In any case, citizens lacked incentives to demand accountability as they did not directly

shoulder the burden of public expenditure. Ostensibly, if fiscal social contracts remained as weak as they are in most African democracies, and citizens continued the culture of absence and silence on public affairs, transparency in public expenditure would remain low as the elite plundered the resources. Le, Devarajan, and Raballand (2010) proposed that the elixir to increasing citizens' participation in holding governments accountable, especially in developing countries, required strengthening the fiscal social contracts through increased taxation, creation of strong institutions, and punishing theft of public resources.

Empirical Review

Lenton et al. (2017), in a study conducted in Ghana and Zambia, asked a fundamental question, how can fiscal social contracts work in developing countries? The reason why this question is critical, particularly for this study, is because many African states have a culture of unaccountability, and the citizens show acquiescence in punishing corruption. Inherently, fiscal social contracts require citizens to pay taxes to enable a legitimate government to execute programs that deliver public goods and services. In essence, fiscal social contracts are a derivative of the traditional social contract doctrine emerging from the works of John Locke (1632—1704), Thomas Hobbes (1588-1679), John Rawls (1921—2002), and Jean Jacques Rousseau (1712—1778).

As depicted by the four proponents, a social contract advances the notion that the citizens and those that govern them enter into a form of agreement, implicitly or explicitly, specifying their rights, freedoms, and liberties. The strict doctrine of the social contract, as proposed by John Locke, was that citizens needed to cede some of their rights and freedoms in exchange for the safety and protection of life and property provided by the state (Locke, 1947). As such, it became the responsibility of governments in a contractarian philosophy to provide the citizens with a society that was better than the state of nature in which chaos, violence, and brutal coexistence was the norm. In retrospect, after

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Adam et al. (2014) carried out studies in Zambia and established that governments only strived to become accountable in the usage of public finances when citizens were proactive in demanding accountability from their leaders. Other than those citizens in formal employment, such as civil servants, most citizens in Sub-Saharan Africa were unemployed; therefore, they paid indirect taxes such as VAT. For this reason, they did not perceive themselves as holding any fiscal social contract with the government to get an impetus to demand accountability from public officeholders. Such a situation elucidates the consequences of weak social contracts between citizens and their leaders, as there

is a blatant lack of incentive to demand accountability based on the ignorance of the voters. For this reason, the use of secret ballots and the rising effects of political clientelism have made it difficult for Kenya and many other developing countries to use regular elections and the constitution as an avenue for weaning out corrupt public officers. Presciently, Adam et al. (2014) suggested that the use of broad-based social fiscal contracts could be the panacea to roping more citizens into the tax bracket to motivate them to demand better public goods and accountability.

Various scholars such as Le et al. (2010), Andersen and Ross (2014), Baskaran (2014), and Baskaran and Bigsten (2013) established a relationship between strong fiscal contracts in strengthening the demand for accountability among the citizens. In particular, Andersen and Ross (2014) used historical data from the 1800s to refute the idea that the "resource curse" diminished the proclivity to demand accountability. Instead, these scholars seemed to suggest that weak social contracts between the citizens and their governments were the main hindrance to democratic transition (Andersen & Ross, 2014), especially in African post-colonial regimes. Alternatively, empiricists such as Baskaran (2014) and Baskaran and Bigsten (2011) believed that improvements in tax regimes and a broad-based tax system could strengthen African states' fiscal social contracts and democratisation. In a more progressive aspect, Baskaran (2014) opined that increased direct taxation by one percentage point raised the democratic score by approximately 0.4 points, which speaks to the consciousness of voters regarding their democratic rights and the existence of a social contract with their governments.

Citizens may want to pay direct taxes and hold leaders to account; however, as noted by Umar et al. (2017), the imminent opacity in tax systems and imprudence in the usage of public resources breeds apathy and disinterest among citizens to participate in demanding accountability. In Nigeria, as

established by LeBas and Bodea (2012), citizens in urban centres were more inclined to participate in tax compliance and meet their part of the bargain in the social contract as compared to those in rural areas. The variation in these perspectives resulted from attitudes regarding the essential role of fiscal social contracts. In particular, urban dwellers in Nigeria supported state imposition of taxes if they perceived to obtain concrete benefits from taxation. In the words of Besley (2019), compliance with fiscal social contracts by both governments and citizens depended largely on the civic-mindedness of the citizens. However, the scholar noted that civility, much less subject to legal norms, evolves as societies become civilised, which explains why weak social contracts exist in fragile and developing states.

Some Afrobarometric studies, such as Bratton and Logan (2013), propose that political inefficiencies in Africa are not necessarily taxation problems but rather a lack of vertical and horizontal accountability. Bratton and Logan (2013) ask the question of why multi-party democracies in Kenya, Nigeria, Uganda, and Zambia received low Corruption Perception Indices (CPI). According to these scholars, the answer to this question lay in the way the citizens understood their responsibilities in democratic regimes. The researchers found that Africans did not believe that elections were the most effective way of creating a path to political accountability. Also, when it came to asserting control over elected leaders, some citizens did not believe that they had a role to play. These circumstances weaken social contracts in Africa as citizens opt to exercise delegative democracy by giving power to elected leaders such as the president or other actors to demand accountability on their behalf. Paradoxically, as Bratton and Logan (2013) found, even when Africans prefer delegative democracy, they do not trust that the elected leaders could provide substantive levels of accountability. Several research gaps in the literature emerge from the studies reviewed. Firstly, much of the available literature in Africa evaluates fiscal contracts and

their effects on accountability. There is scanty empirical literature on the effects of social contracts on public accountability. Secondly, many African studies concerning public accountability and social contracts were experimental, conducted in a controlled environment. In this regard, the study subjects are not examined in natural environments, which means the findings could overstate or understate the study objectives. For this reason, this study aims to bridge those research gaps by conducting an empirical survey targeting voters from their natural environments and considering the heterogeneity of voting behaviours.

RESEARCH METHODOLOGY

The researchers used a descriptive research design as it allows the use of both qualitative and quantitative data to answer the questions of why, what, when, who, or where. The survey was conducted in Nairobi City County, targeting three constituencies: Embakasi East, Mathare, and Kibra. The three constituencies have 406,044 voters as per the 2022 general elections (IEBC, 2022). A sample of 100 respondents was computed from the population using Slovin's formula, as shown below.

$$n = \frac{N}{1+N(e)^2}$$

Where N is the target population; n is the sample size; e is the tolerance level or confidence level of 0.1;

Therefore,

$$n = \frac{406,044}{1+406,044(0.1)^2} = 99.97 \approx 100$$

From a sample of 100 respondents, the researchers collected qualitative and quantitative data to examine the effects of weak social contracts in influencing citizen quiescence. The researchers used weak social contracts as a predictor variable to predict citizen quiescence in tax states. The respondents were required to respond to three Likert scale questions and an open-ended question to enable the researchers to estimate, associate, and

determine the causality of the constructs. First, the researchers asked the respondents whether they would rather delegate the responsibility of demanding accountability to someone else, such as the president or a civil society organisation. Secondly, the researchers asked the respondents whether they believed the ethnicity of a leader impeded fighting corruption in government. Finally, the respondents were asked whether they thought elections effectively helped to remove corrupt government leaders. The three Likert scale questions helped the researchers reconstruct weak social contracts through factor reduction as an independent variable for measuring citizen quiescence in Kenya. It was hypothesised that weak social contracts between the ruler and the ruled were responsible for causing citizen quiescence (citizen inaction) in demanding accountability in tax states. The researchers conducted a multivariate regression analysis against the two variables to test the relationship and measure the magnitude of the

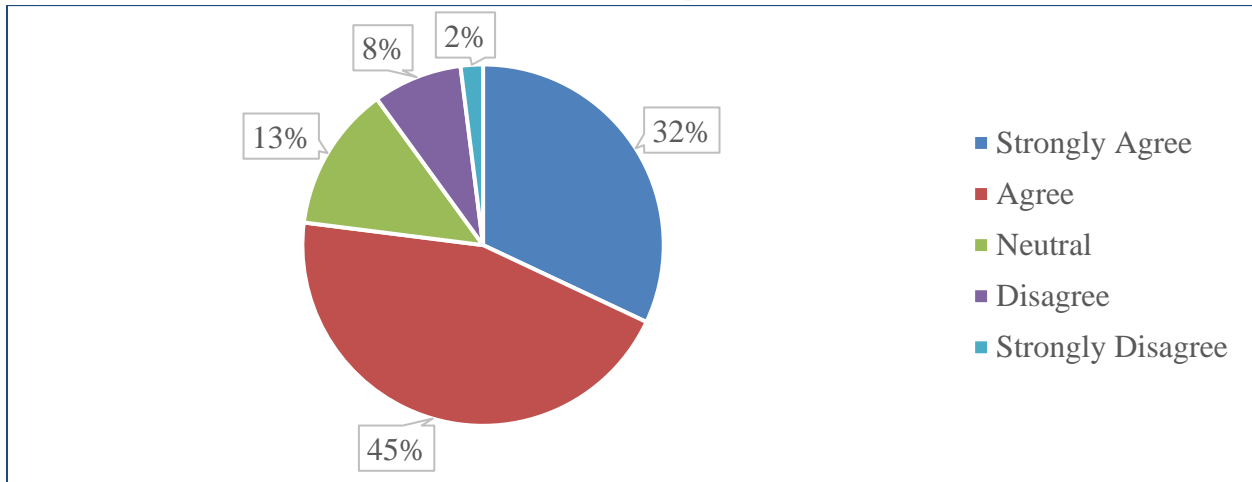
relationship. The descriptive and inferential data analysis was conducted using SPSS, and findings were presented in charts and tables as illustrated in the sections below.

RESEARCH RESULTS AND DISCUSSION

Effect of Delegative Authority on Citizen Quiescence

As per the results, the voters preferred delegating authority to demand accountability to others, such as the president and civil society organisations, to pursue it on their behalf. Voters preferred playing a passive role in accountability measures than being in the forefront demanding leaders to be accountable. The researcher asked the respondents whether they would rather have the president do more in fighting corruption because they felt their direct actions would be futile. The results are summarised in the chart below.

Figure 1: The effect of delegative authority on citizen quiescence



The findings show that 45% and 32% of the respondents agreed or strongly agreed that they preferred passing the responsibility of demanding accountability to another agent as opposed to them taking charge. Respondent 1182 said that,

"This is not a country for you to waste time running around asking leaders to be accountable. We face enough frustrations, and

there is no need to add another. Whistle-blowers here do not have enough protection, and you could get yourself killed. Let the president crack the whip, and everybody will toe the line."

The above statement captures Kenyan's hopelessness and fears of engaging in accountability mechanisms and would prefer transferring the

burden to a "strongman" such as the president. The finding was not far-fetched as many agencies of public accountability, such as DCI, EACC, DPP, and IEBC, had institutional and structural weaknesses due to political influence, lack of public trust, and budgetary constraints to fight unaccountability (KHRC, 2018). Therefore, Kenyans preferred bestowing the power to demand accountability to individual or civil society organisations instead of the constitutional agencies. These findings express Kenyans' despondency regarding their ability to trust government bodies to fight graft. But more importantly, the findings indicate the citizen's lack of understanding of their *moral duties* in the social contract with their leaders to empower them to get involved in governance instead of playing a passive role.

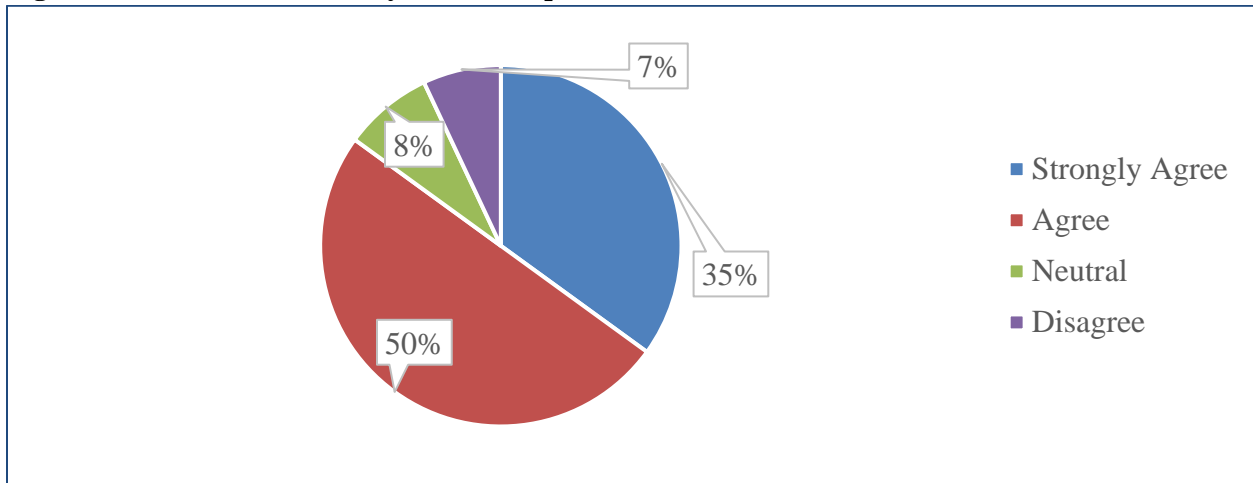
In a journal titled *Delegative Democracy*, O'Donnell, (1994) describes African citizens as "subjects" who are yet to comprehend their political rights as citizens to enable them to demand accountability from elected officials. Realising they enjoy a weak social contract with their leaders, the citizens opt to delegate authority to "strongmen," such as benevolent dictators or presidents, to demand accountability on their behalf. As a result, voters have failed to claim democratic rights and put up with unaccountable leadership. Besley (2019) argues that the solution to the conundrum of weak social contracts lies in intrinsic reciprocity, in which citizens internalise their preferences. Citizen-led reciprocity, as discovered through lab experiments conducted by Fehr and Fischbacher (2003) and Dohmen et al. (2009), established that reciprocity was a duality with positive and negative outcomes. Positive reciprocity meant that state agents and

citizens engaged in activities with mutual benefits, such as citizens paying taxes to enjoy the government's benevolence. On the contrary, negative reciprocity embodied punishing leaders who failed to meet their obligations in a social contract. The ideals of punishing unaccountable leaders are extensively captured in empirical studies.

Empirical findings on punishing leaders for enforcing or strengthening social contracts provide discordant results. Martin (2014) and Martin (2013) opine that punishing non-accountable leaders provides "expressive benefit" to citizens, while Sjursen (2018) established that the desire to punish corrupt leaders through the ballot was low in African democracies. In a lab experiment conducted in Uganda by Martin (2014), only 12% of the citizens were willing to punish intransigent leaders. The finding reinvigorates our finding that African citizens did not comprehend their political rights and *moral duties* in their social contracts with elected leaders.

Effect of Ethnicity on Citizen Quiescence

Ethnicity is one of the pressing problems affecting public accountability in Kenya. It makes citizens eschew corrupt practices for leaders drawn from their ethnic backgrounds. Besides, institutions charged with executing and acting against corrupt officials also discharge their mandate by considering an ethnic angle concerning action or inaction to take against the implicated officials. In the sampled respondents, the researchers asked whether they believed a leader's ethnicity impedes fighting corruption in government—the responses are summarised in the chart below.

Figure 2: The effect of ethnicity on citizen quiescence

These findings indicate biases that Kenyans have regarding their ethnicities and tribe. Notably, 50% of the respondents agreed that ethnicity impeded fighting graft, while 35% strongly agreed. The majority of the respondents, therefore, confirm that ethnicity was such a significant barrier in entrenching accountability in Kenya as either the corrupt officials hid behind their ethnic numbers or government officials responsible for acting shielded those from their ethnicities from public accountability. Respondent 1172 aptly captures this finding by saying,

"I cannot trust people from some communities. They are known for betrayals and always favour their own, especially when job opportunities arise. I would rather stick with those from my tribe no matter what. That is how Kenya is today, and we cannot pretend about it."

These findings were also established in research from other scholars. A mixed-methods study conducted in Machakos County, Kenya, by Oindo et al. (2021) revealed that in-group identity caused nepotism and in-group favouritism in the public sector, creating an apt climate for corrupt behaviours to thrive. Such is because in-group favouritism leads to ethnic cronyism, which refers to the mutual support among people who belong to the same ethnic group (Oindo et al., 2021). Undoubtedly, this study did not focus specifically

on whether people belonging to a particular ethnic group can hold a leader belonging to their group accountable or not. However, after interviewing about 175 participants, the scholar established that the fate of a resident of Machakos County depends largely on their ethnic affiliation. Indeed, 71.4% of the respondents agreed that nepotism was the primary determinant of the delivery of services within this county's public sector.

The in-group preference established by Oindo et al. (2021) not only affects the awarding of employment, promotions, and tenders but also comes into play in matters of public accountability. One of the ways ethnic cronyisms undermine public accountability is by predisposing residents of Machakos County to incline toward a corrupt leader. Another way in which ethnicity might undermine the demand for public accountability is by promoting clientelistic practices. According to Oindo et al. (2021), ethnicity promotes clientelism by enabling political patrons to establish friends and self-serving groups within an ethnic group. The clients in these types of political networks manipulate electorates to perceive a politician positively, which affects their ability to demand accountability.

An experimental study by Waithima and Burns (2014) in Kenya supports Oindo et al. (2021) because it establishes a negative association

between ethnicity and the demand for public accountability. In this investigation, the researchers gathered 498 students from fifteen universities and subjected them to a game testing their probability of offering or accepting a bribe when in the presence of people from their ethnicities and with people from different tribes. Its findings indicate that a Kenyan citizen is 88% likely to offer a bribe when in the presence of a person from their ethnic group (Waithima & Burns, 2014). This probability decreases to 80% when the individual is in the presence of persons from other ethnicities (Waithima & Burns, 2014). This study hypothesised that ethnicity affects a citizen's tolerance of a corrupt leader, which was confirmed as significant. Hence, belonging to the same ethnicity as a leader reduces citizens' likelihood of demanding accountability.

Waithima and Burns (2014) elaborated on the above findings by explaining the concept of in-group reciprocity, which describes the feelings of indebtedness to return favours or treat people belonging to one's group favourably. In other words, the disutility experienced when leaders of a person's ethnic group engage in corruption or other unethical acts is lower than when the leader is of a different group (Waithima & Burns, 2014). Most leaders in Kenya find solace within their ethnic communities whenever they face charges of corruption or abuse of political power, as evidenced by protests whenever such leaders go to jail or are ordered to step aside for investigations.

In addition to Oindo et al. (2021) and Waithima and Burns (2014), LeBas (2010) investigated this hypothesis by conducting surveys in six Nairobi slums in 2009, including Kibera, Kayole, Dandora, Mathare, Kariobangi, and Huruma. The study investigated whether ethnicity influenced citizens' willingness to sanction violent politicians. It is important to note that this study was timely because Kenya had just experienced post-election violence when it commenced. After surveying 600 respondents, LeBas (2010) found that a significant

portion of Kenyans living in slums would tolerate a violent politician from their tribes. For example, 30.3% of the Kikuyu respondents said they would not change their opinion regarding a violent Luo politician (LeBas, 2010). However, the tolerance level increased to 36.3% when the politician was a fellow Kikuyu. On their part, 22.9% of Luo respondents said they would not alter their opinion regarding a violent Kikuyu politician (LeBas, 2010). In contrast, 32.3% of the Luo respondents indicated that they would continue to support a Luo politician even if they received information about their involvement in political violence.

The tolerance of violent politicians or corrupt officials increases based on ethnicity. Kenyans are less adamant about holding politicians accountable if they belong to their ethnic group. Indeed, a sizeable number of ethnic chauvinists win elections in Kenya, despite being implicated in corruption. Therefore, in-group reciprocity, which causes people to feel obliged to treat in-group members favourably, is the cause of ethnic chauvinism and narrow tolerance for corrupt officials.

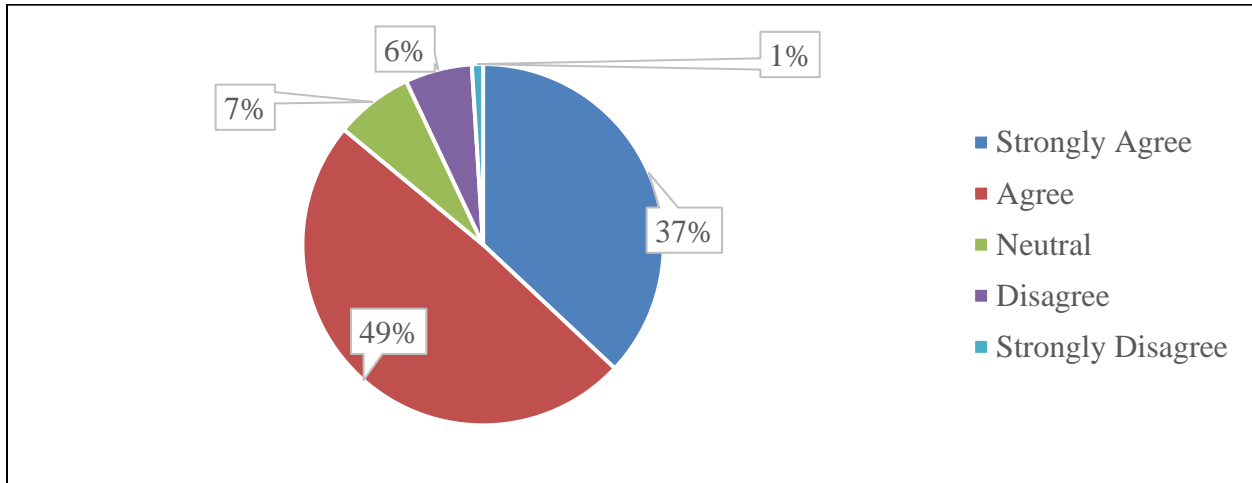
Effect of Periodic Elections on Citizen Quiescence

Kenya holds elections every five years for all elective positions. Elections allow Kenyans to evaluate, renew or discontinue their social contracts with their leaders. However, many Kenyans do not realise the importance of such an opportunity to change unaccountable leaders or punish non-performing ones. Instead, narrow-mindedness, tokenism, and ethnicity become the main precursors for getting a leader elected. Therefore, to establish this perspective, the researcher asked the respondents whether they believed periodic elections did enough to punish corrupt government officials. The findings are summarised in the chart below. In particular, most respondents confirmed that periodic elections did little to remove or punish unaccountable leaders. Notably, 49% agreed, while 37% of the respondents strongly agreed that regular elections in Kenya were not an effective means to

punish unaccountable leaders. Further, 7% were neutral, while 6% disagreed. Only 1% of the respondents strongly disagreed. These findings show that most Kenyans consider regular elections

a formal exercise and do not conceive it as an opportunity to renew their social contract with their leaders.

Figure 3: The effect of periodic elections on citizen quiescence



In theory, elections should be introspective, evaluative, and deterministic moments to help the ruled renew or discontinue social contracts with the rulers. Unfortunately, that is not the case in Kenya and other democracies in the developing world. Other researchers have also established a similar conduit between periodic elections and weak social contracts in Kenya.

An analysis of the general elections in Kenya from 1992 to 2013 by Shulika et al. (2014) indicates that the voting process might not lead to the best leaders because the amount of money one has can influence their success or damnation in these elections. For example, in 1992, Kenyans had the opportunity to reject the oppressive government of President Moi, who often embraced patronage politics to dominate the presidency (Shulika et al., 2014). Unfortunately, despite the return of the multi-party system in the 1992 general election, citizens did not exercise free choices because the administration funneled Ksh. 2 billion into Moi's campaign, giving him an undue edge over other presidential candidates (Shulika et al., 2014). As a consequence, Kenyans did not get the leaders they opted for because money enabled politicians affiliated with the Kenya National

African Union (KANU), including Moi, to secure victories, despite the widespread public resentment regarding his leadership.

The use of enormous funds in campaigns in 1992 significantly affected the demand for accountability. According to Shulika et al. (2014), Moi capitalised on the state resources to buy voters and opposition leaders, which neutralised the potential resistance he would have faced before and after these elections. However, although the resource mobilisation allowed Moi to clinch the presidency, it increased inflation to 20% before and 45% after the elections (Shulika et al., 2014). Therefore, instead of improving governance, the 1992 election compounded the problem since it interfered with the citizens' demand for accountability.

In the 1997 elections, the Moi regime funneled enormous state resources into campaigning for KANU candidates and applied bribery, corruption, and vote buying to ensure victories for its preferred candidates. Indeed, a report by the European Union described this election as "falling short of normal democratic standards" (Shulika et al., 2014, p. 205). Once again, Moi won the presidency despite the

economic turmoil that Kenyans had endured since 1992. The 2002 elections were largely free and fair by the standards of the African democratic process (Shulika et al., 2014). Undoubtedly, Kenyans saw significant economic improvements never experienced since the gaining of self-rule in 1963. However, this progressive step did not last long because the 2007 general elections plunged the country into one of its darkest moments (Shulika et al., 2014). The flawed conduct of this election, especially the tallying of votes, culminated in the post-election violence, where approximately 1,300 Kenyans died. In 2013, Uhuru Kenyatta, a Jubilee candidate, won against Raila Odinga of the Coalition for Reforms and Democracy (CORD), thanks to the massive resources the former deployed.

Shulika et al. (2014) opined that the Jubilee coalition spent approximately Ksh. 40.66 million on media only, which was far higher compared to Ksh. 23.29 million spent by the CORD coalition. Of particular attention in this comparison is that Jubilee candidates, including Uhuru Kenyatta and William Ruto, were facing charges in the International Criminal Court for their involvement in the 2008 post-election violence. Notwithstanding, they won this election due to money power and Kenyans' predisposition to vote along ethnic lines (Shulika et al., 2014). Consequently, mega scandals, such as the National Youth Service, NCPB, and Eurobond, marred President Uhuru's stint. This analysis indicates that periodic elections do not improve governance because the influence of factors such as money, ethnicity, and corruption compromise this country's democratic process. Worse, the clientelistic nature of these elections deprives Kenyans of the power to hold their leaders accountable after the elections.

A survey by Transparency International Kenya (TIK) (2021) further indicates that elections in Kenya may have a high probability of producing unethical leaders because of the negative influence of different variables on the electorates. After

surveying 1004 respondents via telephone, the investigators found that 62.5% of the participants would vote for a corrupt person who bribes them. This finding is consistent with Shulika et al. (2014), who discovered that bribery significantly contravenes voting in Kenya. In addition, TIK (2021) found that 36.3% of the participants would vote for an unethical leader because of ignorance. Other reasons for voting for such a leader, as indicated by the respondents, include the fact that citizens do not consider the history of a leader, weak institutions, being beneficiaries of corruption, and the glorification of corruption and other unethical practices as ways of earning money (TIK, 2021). Thus, Kenyans might not use the opportunity granted by periodic elections to evaluate social contracts with their leaders. Instead, many voters do not seem to vote with their future in mind because there is no apparent reason why people with integrity issues continue to secure victories in subsequent general elections. Unfortunately, Kenyans may be unable to question the practices of such a leader due to the many inhibiting factors reported by TIK (2021), such as ethnicity, being the beneficiary of corrupt practices, and a positive perception of corruption.

Smart and Sturm (2013) discussed the effect of periodic elections on leadership from a different perspective. Specifically, these scholars did not focus on the factors that might hinder citizens from electing effective leaders, like Shulika et al. (2014) and TIK (2021). Instead, they investigated how term limits might interfere with electoral accountability among United States governors. They began the discussion by acknowledging that periodic elections are the primary instrument voters can utilise to hold politicians accountable. However, conducting elections after a certain period, like four or five years, might cause these elections to undermine leadership instead of improving it (Smart & Sturm, 2013). Through an experimental study design, the researchers found that short-term limits influence governors to formulate policies that promote their private interests. In the experiment, Smart and

Sturm (2013) determined that governors tend to perform well in the first term as they seek to be re-elected in the second term. However, in the second term, they may pursue their self-interests as their eligibility to run for re-election elapses. In retrospect, studies done in Brazil show that conducting elections periodically without term limitations might influence leaders to be corrupt as they seek to secure future re-elections. These comparisons generally confirm that periodic elections undermine citizens' demand for accountability, regardless of the term limits. Possibly, a leader might capitalise on political power and resources to establish patronage networks that increase tolerance of unethical practices.

Table 1: Regression Analysis Results

Model	R	R ²	Adjusted R ²	Std. Err of the Estimate	Change Statistics				
					R ² Change	F Change	df1	df2	Sig. F Change
1	.764 ^a	.584	.579	.561	.584	137.421	1	98	.000

a. Predictors: (Constant), Weak Social Contracts

The test results confirmed the hypothesis that a direct and strong relationship exists between weak social contracts and citizen quiescence, as the p-value for the test was less than 0.05 at a 95% confidence level. Again, the Spearman ρ value was 0.764, indicating a strong positive correlation between the two variables. Further, based on the results, $R_{(98)} = 0.764$, $p < 0.05$, $R^2 = .579$, the researchers concluded that weak social contracts could predict 57.9% of citizen quiescence in tax states.

The results $R_{(98)} = 0.764$, $p < 0.05$, $R^2 = .579$ indicated some worrying trends in Kenya. First, the confirmation of the hypothesis implied that the social contracts in Kenya between the ruled and rulers were so weak to trigger massive action against unaccountable leaders. As per the results, the citizen quiescence was not by chance, as weak social contracts could explain 57.9% of it. Moreover, the relationship between the variables was strong and positive, yielding a Spearman ρ

Testing the Hypothesis

The research hypothesis was framed as follows:

H₁: There is a direct relationship between weak social contracts and citizen quiescence in demanding accountability in Kenya

To test the hypothesis, the researchers used the factor reduction method in SPSS to transform the three Likert Scale questions into a measurable unit for estimating weak social contracts. The transformed variable was regressed against citizen quiescence to measure the magnitude, association, and causality of the variables. The results of the findings are summarised in the table below.

value of 0.764. It is critical to note that delegative authority, ethnicity, and periodic elections had a confounding effect on influencing citizen quiescence.

CONCLUSION

The results of the findings $R_{(98)} = 0.764$, $p < 0.05$, $R^2 = .579$ confirmed a direct relationship between weak social contracts and citizen quiescence in demanding accountability. Weak social contracts could explain 57.9% of the variance in predicting citizen quiescence. The implication emerging from the results is that ethnic biases and tribalism are so entrenched in Kenya to the extent that a Kenyan would rather look the other way in case their tribal leader gets implicated in corruption. It is common for Kenyans to create excuses in case a tribal leader faces corruption charge. Besides, periodic elections did not serve the effect of helping Kenyans renew or discontinue social contracts if an official was implicated in corrupt practices. Many Kenyans

engage in elections as a formal practice that comes and goes every five years without internalising its purpose. Consequently, many Kenyans preferred delegating authority to a "strongman" such as the president, tribal lords, or organisations to demand accountability on their behalf instead of being active participants.

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