

JOHN DEWEY'S ETHICS AND CIVIL DISOBEDIENCE

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Abstract – Participation in civil disobedience is common the whole world over. It occurs when people perceive that they are being disenfranchised or mistreated by those in positions of authority. We see civil disobedience as a moral problem that requires analysis using ethical theory. This paper is an attempt at justification or prohibition of the practice using John Dewey's ethical thought.

Keywords: Civil Disobedience, Disobedient, Ethics, Moral, Ethical Theory

INTRODUCTION

CONCEPT AND BACKGROUND TO CIVIL DISOBEDIENCE

Participants of Civil disobedience seek to make their disobedience known to specific members of the community either before or after the fact to demonstrate both the seriousness of their condemnation of a law or policy and their sincere desire for change. The difference in communication between the civil disobedient and the ordinary offender reflects a deeper difference in motivation for breaching the law.¹ The Eastern and Central Africa Region has been home to rampant and never-ending socio-political protests in the form of resistance movements, incessant civil disobedience, active resistances, noncooperation, nonviolent resistances, sit-ins, wade-ins, teach-ins, preach-ins, protest marches and the like. Additionally, the disobedients try to reflect this belief in their actions not only through violence but also insults and verbal expression of hatred that would endanger the chances of future imply a belief that the current behavior of constitutions or a sufficient dispositions to be fair. At times also called active resistance, civil disobedience, is an act of openly defying the dictates of an authority of power without resorting to physical confrontation. It is usually employed to ask for certain privileges or rights from the said authority; Jurgen Habermas defines civil disobedience in the following words:

Civil disobedience is a morally justified protest which may not be founded only on private convictions of individual self interests; it is a public act which, as a rule, is announced in advance and which the police can control as it occurs; it includes the premeditated transgression of legal norms without calling into question obedience to the rule of law as a whole; it demands the readiness to accept the legal consequences of the transgression of those norms; the infraction by which civil disobedience is expressed has an exclusively symbolic character-hence is derived the restriction to nonviolent means of protest.²

Civil disobedience has in the past been and still is today, common among political and social groupings in America, India and later in Africa; the main objective of these groupings then was as now is, to canvas for peace, good industrial relations and human rights among other issues. Civil disobedience is a representative or sample refusal to obey the law rather than a blanket resistance against the entire body of a nations or institutions statutes, rules and regulations on governance. This view of dissent and justified civil disobedience aligns with an increasingly common

¹Kimberly Bownlee, *Conscience and Conviction: The Case for Civil Disobedience*, Oxford :(Oxford University Press, 2012), 13.

²Jurgen Habermas, "Civil Disobedience. Litmus Test "for the Democratic Constitutional State," (Berkeley Journal of Sociology 30):1985, 96-116,100. http://www.web.cemus.se/wp-content/uploads/2019/02/Activism_Celikates_-Rethinking-Civil-Disobedience.Pdf

perception that our responsibilities as citizens go well beyond any obligation to follow the law. Indeed, under certain conditions, our obligations are to resist unjust and unfair schemes and this can include a duty to disobey the law.³

The actor, who may also be referred to as the civil disobedient, usually perceives him or herself as having a higher calling that surpasses the common place and blind adherence to law, This selective rebellion against the law or norm is adopted by the disobedient in the hope that it would only elicit a mild punishment; the reason for this is the fact that a majority, if not all, of acts dubbed as civil disobedience are usually categorized as crimes under most national and international laws. The disobedient, by submitting to legal sanctions and possible public humiliation, does so with the hope that by undergoing such embarrassment he would on the one hand set a moral example for others to emulate, while on the other, succeed in checking governmental or institutional excesses against its citizenry and membership. Thoreau, who carried out civil disobedience in a democracy, had argued that sometimes the constitution of a country or state appears to be the problem, and not the solution. Moreover, resort to legal means may take too long a process.

This in some way leads credence to the expression, “justice delayed is justice denied”. In support of Thoreau, Martin Luther King Jr. who also undertook civil disobedience in a democracy had reminded us to look more closely at the legal channels of change. For him, if the legal mechanisms are open in theory, but closed or unfairly obstructed in practice, then the system is not democratic in the way needed to make civil disobedience unnecessary. For such actions to be moral exemplars and successful, the disobedient propose, they ought to be completely violence free. The Orthodox view begins from the presumption that, in reasonably just societies, there is a *pro tanto* duty to obey the law.⁴

This duty to obey is supposed to extend to laws and policies that are nontrivially flawed (otherwise there would be no point in engaging in civil disobedience to fix anything, or there would be no need to justify civil disobedience against a duty to obey that doesn't exist.)⁵ But why think that there is any duty to obey the laws that are far from perfect-say, laws that impose systematic disadvantages on certain minorities? Many apprehensions have been directed toward the idea and actual practice of civil disobedience. Numerous scholars and commentators have voiced their disagreement with this practice. The most extreme agitation against it has been its apparent acceptance of existing socio-political and systematic status quo, opting instead to only disobey.

Like myself, but only in certain situations and circumstances, others who are against the practice see it as a recipe for chaos because it emboldens and radicalizes the masses to agitate against authorities and to selectively break laws without compunction and at will. Those that actually engage in this form of dissent do however hold different opinions regarding the function and meaning of civil disobedience. While on the school of thought sees it as paradigm that can bring about radical change in the society, others simply view it as an instrument which disobedient bring into play as last resort. More practically, and more importantly, however, the success of any action of civil disobedience largely depends on whether it is pivoted on sound, tried and tested moral theory that enjoys wide social acceptability. According to the Encyclopedia Britannica:

The philosophical roots of civil disobedience lie deep in Western thought: Cicero, Thomas Aquinas, John Locke, Thomas Jefferson, and Henry David Thoreau all sought to justify conduct of virtue of its harmony with some antecedent superhuman moral law. The modern concept of civil disobedience was not clearly formulated and explained by Mohandas Gandhi. Drawing from Eastern and Western thought, Gandhi developed the philosophy of *Satyagraha*, which centers on nonviolent resistance to evil. First in the Transvaal of South Africa in 1906 and later in India, via such actions as the Salt March (1930), Gandhi sought to obtain equal rights and freedom through *Satyagraha*

Campaigns.⁶

³Candice Delmas, ‘Political Resistance: A Matter of Fairness, *Law and Philosophy*, 2014.33(4):465-488.doi:10.1007/s10982-013-9189-y.

⁴John Bordley Rawls, *Theory of Justice*. (Oxford University Press), 1999. Quoted in David Sobel, Peter Vallentyne, Steven Wall, eds. *Oxford Studies in Political Philosophy*, vol. 5, (Oxford: Oxford University Press, 2019), 92.

⁵William Smith, “Civil disobedience and the public sphere”. *Journal of Political Philosophy*, (19, 2, 2011), 145-66.

⁶*Encyclopedia Britannica* accessed September 1, 2019. <https://www.britannica.com/topic/civil-disobedience>.

While American philosopher, Henry Thoreau, initiated the concept of non-violent civil disobedience,⁷ it was Mahatma Gandhi who operationalized it on a massive scale in organizing the anti-colonial struggle against the British imperialism. He called it “*satyagraha*” (holding on to truth) and those who practiced it became known as “*satyagrahis*.” Gandhi prescribed Satyagraha’s operational definition, rules, procedures and methods. American civil rights leader, Martin Luther King Jr., Chief Albert Luthuli,⁸ Cesar Chavez⁹ and many others in the world have implemented the Gandhian methodology of civil disobedience¹⁰.

ETHICS AND MORALITY

Generally, the terms *ethics* and *morality* are used interchangeably, although a few different communities (academic, legal, or religious, for example) will occasionally make a distinction. In fact, one may consider the terms to be the same as moral philosophy. While most ethicists (that is, philosophers who study ethics) consider the terms interchangeable, it is also necessary to highlight a few key distinctions between the two related terms.¹¹

Both morality and ethics loosely have to do with distinguishing the difference between “good and bad” or “right and wrong.” **Many people think of morality as something that’s personal and normative, whereas ethics is the standards of “good and bad” distinguished by a certain community or social setting.** For example, your social grouping may think civil disobedience is immoral, and you personally may agree with that. However, the distinction can be useful if your community has no strong feelings about civil disobedience, but you consider it to be immoral on a personal level. By these definitions of the terms, your *morality* would contradict the *ethics* of your community.¹² In popular discourse, however, we’ll often use the terms *moral* and *immoral* when talking about an issue like civil disobedience or even its suppression by authorities regardless of whether it’s being discussed in a personal or in a community-based situation. As you can see, the distinction can get a bit tricky. Ethicists always have the onus to either use the terms interchangeably or to differentiate the two terms *morality* from *ethics* by offering definitions. This research opted to use morality and ethics interchangeably.¹³

ETHICS AND CIVIL DISOBEDIENCE

This paper mainly concerns itself with ethics or morality as it relates to socio-political civil disobedience in East and Central Africa. It critically analyzes John Dewey’s ethical arguments. Dewey believed that neither traditional moral norms nor traditional philosophical ethics were able to cope with the problems raised by these dramatic transformations. Traditional morality was adapted to conditions that no longer existed. Hidebound and unreflective, it was incapable of changing to address the problems raised by new circumstances. Traditional philosophical ethics sought to discover and justify fixed moral goals and principles by dogmatic methods. Its preoccupation with reducing the diverse sources of moral insight to a single fixed principle subordinated practical service to ordinary people to futile search for certainty, stability and simplicity. In practice, both traditional morality and philosophical ethics served the interests of elites at the expense of most people. To address the problems raised by social change, moral practice needed to acquire this disposition to respond intelligently to new circumstances. Dewey saw his reconstruction of philosophical ethics as a means to affect this practical reconstruction.

Dewey’s ethics replaces the goal of identifying an ultimate end or supreme ethical principle with the goal of identifying a method for improving our value judgements. Dewey argued that ethical inquiry is the use of reflective intelligence to revise our judgments in light of the consequences of acting on them. Value judgments are tools for satisfactorily redirecting conduct with habits fail. As tools, they can be evaluated instrumentally. We test our value judgments by putting them into practice and seeing whether the results are satisfactory, whether they solve our

⁷Henry David Thoreau’s purpose in writing “resistance to civil government” was to explain the need to prioritize one’s conscience over the dictates of laws. In his essay, Thoreau explains that governments are typically more harmful than helpful and therefore

⁸Anti-apartheid leader of South Africa

⁹Leader of the Californian farm workers

¹⁰Muppavarapu Venkaiah Naidu, “Civil Disobedience: What? When? How?” *Peace Research* 37, No.2: 5-10, <http://www.jstor.org/stable/23607764>, 2005.

¹¹Cydney Grannan, What’s the Difference between Morality and Ethics? : *Encyclopædia Britannica*, Last accessed on 22/06/2020 at 4:59 pm.

¹²Cydney Grannan, Last accessed on 22/06/2020 at 4:59 pm.

¹³Cydney Grannan Last accessed on 22/06/2020 at 4:59 pm.

problems with acceptable side-effects, whether they enable successful responses to novel problems, whether living in accordance with alternative value judgments' yields more satisfactory results.¹⁴ Cases in point would be disobedience that led to improvement of civil and voting rights in USA or ones that crushed the apartheid regime in South Africa. In reflecting about and emulating such events, we make moral progress by adopting habits of reflectively revising our value judgments in response to the widest consequences for everyone to follow them. The conditions of warrant for value judgments lie in human conduct, such as God's commands, Platonic Forms, pure reason or nature.

We are of the opinion that Deweyan thought in general and specifically his theory of morality can help make leaders make decisions that will help realize good lives for all. We can see that in Kenya and other countries within East and Central Africa, the myriad socio-political groupings that hold differing worldviews usually make governing an uphill task. With so many competing ideologies and systems of thought, such as those of political parties or even those of trade unions, agreement becomes tedious and time consuming. However, when one looks for what leads to the good life then the pressure is taken off of needing to agree on socio or political agendas. In supporting the Deweyan position, Aquinas' account of human nature and human flourishing also provides a meaningful framework in which to answer life questions. While recognizing that each of us possesses unique talents and shortcomings, he describes a general picture of the flourishing life that proves as provocative, challenging and attractive today as it first did over seven hundred years ago¹⁵and which thus can be relied upon to radically improve the social, political and developmental fabric of east and central African nations. It is regrettable that the ethical thought of so renowned a philosopher as John Dewey should be as little understood as it is, particularly as it occupies such a central position in his philosophy as a whole. It would not be too much to say that his major contributions to philosophy, whether in metaphysics, logic or historical analysis, can only imperfectly be understood apart from his ethical writings¹⁶

This paper adopted John Dewey's constructive moral philosophy which he referred to as moral "method of intelligence"¹⁷as its theoretical framework to provide an understanding of the approach to the analysis of socio-political civil disobedience in the Eastern and Central Africa context. It is hoped that Dewey's ethical theory can help to argue a justification for the strategy of civil disobedience and that it will be applied to advice on how any civil disobedience, employed as a tactic is pragmatic instrument excluded of socio-political turmoil and bloodshed.

Man, through his intelligence will continue to devise ways and means to improve the self and is destined for infinite progress through the knowledge and information. As a democratic socio-political block, East and Central African nations should allow participation in governance of all members in equal terms. The quality of participation and of the subsequent decision on any matter, that is democratically taken, depends almost entirely on the quality of the background knowledge and disposition for action possessed by moral agents. This study adopted John Dewey's pragmatist ethical theory which proceeds from his instrumental account of value judgments by putting them. It is uncontroversial that instrumental judgments are subject to empirical testing and confirmation, since they involve empirical claims about causation.¹⁸

Dewey's ethics is adopted because it replaces the goal of identifying an ultimate end or supreme ethical principle with the goal of identifying a method for improving our value judgments in light of the consequences of acting them. Value judgments are tools for satisfactorily redirecting conduct when habits fail.¹⁹As tools, they can be evaluated instrumentally. We test our value judgments by putting them into practice and seeing whether the results are satisfactorily-whether they solve our problems with acceptable side effects, whether they enable successful responses to novel problems, whether living in accordance with alternative value judgments yields more satisfactory

¹⁴ Elizabeth Anderson,, "Dewey's Moral Philosophy", *The Stanford Encyclopedia of Philosophy* (winter 2019 Edition), Edward N.Zalta (ed), URL = <https://plato.stanford.edu/archives/win2019/entries/Dewey-moral/>.Last accessed on 28/2/2020, 1:43 pm.

¹⁵<https://www3.nd.edu/~undpress/excerpts/P01296-ex.pdf>.2.Accessed on 1/9/2019.4.01 pm.

¹⁶Robert L. Holmes. "John Dewey's Moral Philosophy in Contemporary Perspective". *Philosophy Education Society Inc. The Review of Metaphysics.* (Vol.20, No.1 Sep, 1966),.47-70 Stable URL:<http://www.jstor.org/stable/20124148> Accessed: 28-02-2020 08:19 UTC.

¹⁷Richard Field, *Internet Encyclopedia of Philosophy*-<http://www.iep.utm.edu/Dewey/copyright> internet Encyclopedia of Philosophy and its Authors /ISSN 2161-0002.Last accessed on 28/2/2020. 1:34 pm

¹⁸Elizabeth Anderson,, "Dewey's Moral Philosophy", *The Stanford Encyclopedia of Philosophy* (winter 2019 Edition), Edward N.Zalta (ed), URL = <https://plato.stanford.edu/archives/win2019/entries/Dewey-moral/>.Last accessed on 28/2/2020, 1:43 pm.

¹⁹Elizabeth Anderson, "Dewey's Moral Philosophy ",Last accessed on 28/2/2020,1:43 pm'

results. We make moral progress by adopting habits of reflectively revising our value judgments in response to the widest consequences for everyone of following them. The conditions of warrant for value judgments lie in human conduct, not in any *a priori* fixed reference point outside of conduct, such as Gods commands, Platonic forms, pure reason or nature. Dewey's moral philosophy is a naturalistic metaethic of value judgments²⁰Dewey's moral Philosophy in particular and his pragmatic-instrumental philosophy in general as metaphysical bases that can help to provide an understanding of the approach to the analysis of socio-political civil disobedience in the East and Central African context.²¹

George Floyd's Death and Protests in USA

On 25th May, 2020, many Americans yearned for a normal Memorial Day. This holiday which is normally spent at barbecues with family and friends was on that day spent in muted celebrations at home for many, mindful of the strange new reality that COVID-19 necessitates. However, in Minnesota, an all too familiar occurrence was unfolding. A 46 year-old unarmed black man named George Floyd was killed by police officers on a Minneapolis street outside a local fast food outlet. In the following days, the nation was transfixed by Floyd's death, captured on camera and beamed across phone, computer and television screens worldwide. As officers pinned Floyd to the ground, while one placing his knee on Floyd's neck, he said repeatedly, "I can't breathe". In his agonized final moments, he called out for his mother. Six minutes later, he became unresponsive, and paramedics arrived at the scene, he was pronounced dead.²²

What has followed is a long period of protests that first spread to cities within USA and then around the world. George Floyd's death followed widely publicized incidents that exposed deep racial fissures in American society. The current demonstrations are the result of a series of incidents that were the manifestation of long-simmering, systemic racial inequities. These disparities do not just hurt the black community, but the entire economy. A sustainable, inclusive, prosperous world of the future cannot only be for some, it is the responsibility of everyone to ensure that everyone that all benefit.²³

Such protests have been witnessed in Kenya too. The following section samples some of these.

Kenya; Civil Society Mobilization to Fight Corruption

Several civil society organizations (CSOs) have emerged as prominent anti-corruption watchdogs in Kenya, including Transparency International (TI) –Kenya, the Africa Centre for Open Government, PAWA 254²⁴, and The Institute of Social Accountability (TISA),²⁵ the Centre for Development and Good Governance (CEDGG), and HAKI Africa. A few of these organizations have attempted to mobilize the public to advance transparency and accountability reforms. Four recent examples demonstrate how the trajectory of change in this space is complex, nonlinear and built on incremental outcomes.²⁶ Civil resistance literature underscores the importance of unity and strength in numbers, strategic planning and non-violent discipline for any successful nonviolent campaign.²⁷Notably, these campaigns made positive gains attribute to their adopting diverse and non-violent tactics employing strategic messaging and communications engaging reformist public figures and involving the grass roots. These efforts reveal several challenges, however, including translating the technical nature of corruption into terms

²⁰Elizabeth Anderson

²¹Elizabeth Anderson

²²<https://www.weforum.org/agenda/2020/06/this-is-what-has-led-to-george-floyd-protests-in-the-united-states/>.

Last accessed on 2/7/2020 at 2:02 pm.

²³<https://www.weforum.org/agenda/2020/06/this-is-what-has-led-to-george-floyd-protests-in-the-united-states/>.

Last accessed on 2/7/2020 at 2:02 pm.

²⁴“PAWA” is a Swahili corruption for “power while “254” is Kenya’s international telephone code. Source: pawa254.org, accessed on 30/6/2020 at 10:36am.

²⁵TISA keeps an eye on public funds handled by the Kenyan Government, Its vision is to empower citizens to claim and enjoy their rights, in partnership with effective local governance institutions. Devolutionhub.or.ke. accessed on 30/6/2020 at 10:45am.

²⁶The summaries of the four nonviolent civic initiatives are based, in part, on author Hussein Khalid’s firsthand participation and knowledge.

²⁷Hardy Merriman, “The trifecta of civil resistance: unity, planning, and discipline,” (*Open Democracy*, November 19,2010),www.opendemocracy.net/en/trifecta-of-civil-resistance-unity-planning-discipline.

that matter to the general populace the impact of politicization on efforts to mobilize support and maintain credibility and lack of coordination and partnership across national and county levels.

The KnockoutCorruption Campaign

In 2015, Boniface Mwangi and PAWA 254, a youth artist-activist group in Nairobi, launched the #KnockoutCorruption Campaign with the help of organizations such as Bunge la Mwananchi and HAKI Africa. The campaign sought to mobilize the Kenyan populace to pressure public officials to fight corruption and declare their wealth to increase transparency. Mwangi, the son of street hawker and the campaign gained significant grassroots support across the country. Kenyans from all socioeconomic levels participated in protests and posted on social media in support of the movement's objectives.

Organizers focused their initial efforts on targeting reformists within government to support the initiative. They planned and executed a variety of nonviolent tactics, including street protests, puppet shows, and a petition to the president to demonstrate citizen frustration with consumption in government and demands for action. The petition called for comprehensive policy reforms and implementations measures, including the formation of an independent team of anti-corruption investigators and prosecutors, specialist courts for corruption and economic crime, protection for judges and magistrates undertaking corruption cases and detailing of stolen asset recovery in President Kenyatta's forthcoming 2016 State of the Nation address.

It included positive messaging and support for President Kenyatta's announced "war on corruption" by declaring that "this is one issue where members o all ethnic communities and supporters from across the political divide, should come together and demand zero tolerance of corruption."²⁸Organizers also put boxing gloves on senior government officials as a symbol of "empowering" them to fight corruption in government. One major mobilization in December 2015 included protesters marching to the Supreme Court in Nairobi to place gloves on anti-corruption champion Protesters take part in a #KnockoutCorruption demonstration in downtown Nairobi in December 2015. Chief Justice Willy Mutunga so that he could "knock out corruption" in the judiciary, met with organizers and promised to disclose his wealth.²⁹

The #KnockoutCorruption campaign notched several gains. On march 31 2016 President Kenyatta dedicated several passages of his State of the Nation address to unveiling new asset recovery initiatives and the retrieval of hundreds of millions of shillings. He also announced the formation of the new Anti-Corruption and Economic Crimes Division of the High Court to take on EACC cases.³⁰In April, keeping his word, Chief Justice Mutunga declared his wealth.³¹Several public officials from the coast and Nairobi followed suit. President Kenyatta also dismissed six cabinet ministers for graft.³²

The campaign stalled later that year, however. In part, this may have been due, paradoxically, to the public perception of a lack of significant progress. Another factor complicating sustained mobilization may have been the increased risk associated with demonstrations. The December 2015 peaceful march mentioned earlier ended with beatings and 33 arrests.³³Finally, some activists speculate that Mwangi's entry into politics with the founding of the

²⁸Text from #Knockoutcorruption campaigns signature drive, provided by Hussein Khalid. See also Boniface Mwangi, "Boniface Mwangi," (Facebook, December 1, 2015), www.facebook.com/boniface Mwangi BM/photo/to-your-excellency-the-president-today-worlds-aids-day-we-are-here-onworld-a/1099350300869394.

²⁹Daily Mail, kenya police teargas protest against corruption," (December 1 2015), www.dailymail.co.uk/wires/ap/article-3341338/kenya-tears-gas-protest-against-corruption.html; Benjamin Muriuki "CJ Mutunga reveals his wealth," Kenyans, august 21,2018,www.kenyans.co.ke/news/cj-mutunga-reveals-his-wealth.

³⁰Speech by His Excellency Uhuru Kenyatta, C.G.H., President and the Commander in Chief of Defense Forces of the Republic of Kenya during the State of Nation Address at Parliament Buildings,(Nairobi on 31st March, 2016,"April 12,2019),ww.president.go.ke/2016/03/31-speech-by-his-excellency-hon-uhuru-kenyatta-c-g-h-president-and-commander-in-chief-of-the-defense-forces-of-the-republic-of-kenya-during-the-state-of-nation-address-at-parliament-buildings-na-2.

³¹Richard Kamau "Ksh 80 Million Net Worth: chief justice Willy Mutunga Publicly Declares his wealth," *Nairobi Wire*, April 8,2016,www.nairobiwire.com/2016/04/ksh-80-million-net-worth-chief-justice-willy-mutunga-publicly-declares-his-wealth.html.

³³Tom Odula, "kenya police tear-gas protest against corruption," (*Business Insider*, December 1,2015, www.businessinsider.com/ap.-kenya-police-tears-gas-prtest-against-corruption-2015-12).

Ukweli Party reinforced negative public perceptions about civil society namely, that some people use it as a platform for public office.

Taken together, #KnockoutCorruption tapped into citizen wrath over corruption and constructively harnessed it through nonviolent action and support of integrity champions. That it did not originate from elite-led, Nairobi-based organizations but rather from a network of community focused artists and activists meant that campaigners more easily connected with the grass roots. Over the course of just a few months, the campaign used imaginative tactics to rouse Kenyans across the country and successfully pressure the government to begin addressing their concerns.

The Red Thursday Movement against Corruption

Since 2016, HAKI Africa has organized weekly anti-graft demonstrations in Mombasa as part of its Red Thursday Movement against Corruption.³⁴The movement's goals are to increase citizen awareness of how corruption affects their daily lives and to galvanize Mombasans to address malfeasance within their communities. Every Thursday, Red Thursday organizers call on followers to wear red to raise awareness of local corruption and amplify public demand for accountability. Every other Thursday, activists also visit county government offices in Mombasa to persuade public officials to wear red t-shirts and sign on to the movement's goals. Activists coordinate with local media to cover the visits and encourage more public involvement. This tactic combines social pressure for the integrity with constructive dialogue. The movement has been able to gain the support of key grassroots constituencies in Mombasa as well as some senior local officials. For example, Red Thursday activists met with Mombasa Governor Hassan Ali Joho after patients and families detailed poor services, a lack of medicine and supplies and even patient deaths at Coast Provincial General Hospital (the second largest state facility in the country). They also presented specific cases of extortion of patients by staff at the hospital. As a result, the local government took steps to address the complaints and Mombasa County has seen improvements in health services and the availability of medicine.

Red Thursday supporting participatory budget-making at the county level to ensure that communities are fully involved in determining priority projects for county budgets and county integrated Development Plans. The movement also is involved in training and organizing community members to conduct social audits of government-funded projects to ensure funds dedicated to these projects are being spent appropriately.³⁵ Social audits are a form of monitoring, consisting of multiples steps such as information gathering; training citizens to interpret documents and budgets, monitor expenditures and physically inspect public works; community education and mobilization, public hearings with state officials and follow up. For example, the movement helped *Usawa Na Uhaki* (Swahili language for *Equality* and Justice), a community-based organization engaged in social auditing, report the refusal of the Changanwe Constituency Development Fund (CDF) office to share information about publicly funded projects to their local Ombudsman. The ombudsman wrote to the CDF office, demanded the information to be released, and the office complied.

The Red Thursday initiative has recently begun to link with groups in other counties across the country, including Nairobi and Kisumu. However coalescing into larger movement has proven difficult. Anti-corruption organizations and activists note that it is a challenge for their collective efforts, in part because they have no opportunities to convene to discuss strategy and because most of their current resources and capacity go toward operations. In addition, anti-corruption groups such as HAKI Africa have been targeted by the government for the political implications of their work, leading to any additional resources being spent on legal fees battling for their right to exist.³⁶

³⁴Evelyn Musambi, "activist Boniface Mwangi arrested despite supporting Uhuru's anti-graft push," (*Nairobi News*, December 2, 2015), www.nairobineews.nation.co.ke/news/activist-boniface-mwangi-arrested-despite-support-uhurus-anti-graft-puch.

³⁵Philip Mwakio, "right groups launch weekly anti-graft protest in Mombasa," (*The Standard*, November 11, 2016) www.standardmedia.co.ke/2000223000/right-group-launch-weekly-anti-graft-protest-in-mombasa.

³⁶Federation international pour les droits humains (FIDH), "Kenya: Administrative harassment of Haki Africa, Muslims for Human Rights (MUHURI) and agency for peace and Development (APD)," June 5, 2015, www.fidh.org/en/region/Africa/Kenya-administrative-harrassment-of-haki-africa-muslims-for-human. See also

The Red Card Campaign

At the commencement of the 2017 election cycle, TI-Kenya, the Society for International Development/ Chapter One Kenya, Mzalendo Trust and *Ni Sisi* Trust formed the National Integrity Alliance (NIA) to launch the 90 day Red Card Campaign. The goal was to spotlight electoral candidates who had unsettled ethical infractions. It strategically mapped out actions that targeted key institutions, such as political party leadership, the EACC and the Independent Electoral and Boundaries Commission (IEBC). The campaign called on political parties not to allow candidates with unresolved integrity issues to participate in the nomination process.³⁷ Based on reports from constitutionally mandated oversight bodies, NIA “redcarded” 20 individuals (known as the #RedCard20) who did not meet the leadership and integrity standards indicated in chapter 6 of the Kenyan constitution. They met with the EACC to ensure that these names were included on the commission’s list of candidates unfit for public office. The NIA also engaged Christians, Muslim and Hindu religious leaders of key constituencies to explain the campaign’s goals and objectives applied private pressure to the IEBC to deny nomination certificates to the #RedCard20. It executed a media effort featuring radio, television, social media and print opinion pieces calling on people to take action hold their candidates accountable to higher standards and not vote for those deemed unfit to hold public office.

The campaign achieved several unprecedented outcomes. The NIA stimulated national debate. Despite intimidation tactics for covering elite corruption, political violence and security force abuses, bloggers, journalists, religious leaders, trade union leaders and even some politicians urged citizens to elect legislators fit to hold public office.³⁸ One political party turned down two aspiring nominees based on integrity problems. The EACC published a report on 106 candidates with unresolved integrity issues, including eleven on the #RedCard20 list.³⁹ For the first time, the IEBC prohibited a gubernatorial candidate from running and eight of the #RedCard20 were not elected.⁴⁰ Further, citizens in Bungoma, Vihiga and Murang’a counties formed copycat campaigns via social vetting forums to pressure local officials who refused to step down.⁴¹ In recognition of this landmark effort, the Red Card Campaign received two prestigious Gold SABRE public relations awards.⁴²

Campaign organizers continue to follow up and push for action against the red-carded officials who did win their elections. These include current Kirinyaga Governor and former Cabinet Secretary Anne Waiguru, who has been implicated in the National Youth Service corruption scandal, in which \$7.8 million reportedly was lost.⁴³ The campaign was also able to successfully navigate a particularly tense political environment, in which the government conducted raids of similar anti-corruption organizations for registration and tax issues after they highlighted transparency issues in the preparations for the 2017 elections.⁴⁴ Although the Red Card Campaign did not achieve all of its goals, it demonstrated the power anti-corruption organizations can have when they work together, leverage collective resources and comparative advantages and engage citizens in the effort. However as some activists points out the campaigns advocacy-centric tactics were not complemented by any significant grassroots mobilization.

Human rights Watch,” Kenya: End Harassment of Rights. Groups” (June 10, 2015) www.hrw.org/news/2015/06/10/kenya-end-harrassment-rights-groups.

³⁷TI-Kenya, “The Red Card Campaign,” July 20, 2018, www.tikenya.org/the-red-ard-campaign.

³⁸TI-Kenya, “The Red Card Campaign,” See also Otsieno Namwaya and Audrey Wabwire,” Interview: Crackdown on Media Ahead of Kenya’s Election,” (*Human Rights Watch*, May 30, 2017), www.hrw.org/news/2017/05/30/interview-crackdown-media-ahead-kenyas-2017-vote

³⁹National Integrity Alliance, n.d” The red Card Campaign Update: Mapping out Action on the #Red Card campaign.’

⁴⁰TI-Kenya, “The Red Card Campaign.”

⁴¹TI-Kenya, ‘The National Integrity Alliance Launches the Red Card Campaign, calls for Integrity,’ (October 4, 2017), www.tikenya.org/the-national-intergrity-alliance-launches-the-red-card-campaign-calls-for-Integrity.

⁴²The Red Card Campaign received the Public Relations Society of Kenya 2017 Public Affairs Campaign of the year award and the 2018 Gold SABRE Award for public Relations Campaigns in the geographic category (National Integrity Alliance, press release, May 10, 2018). www.tikenya.org/wp-content/uploads/2018/05/PRESS-RELEASE-SABRE-AWARDS.pdf

⁴³Peter Munaita and John Kamau, “Kenya: Fears NYS Probe May Not Go For High Profile Public,” (*All Africa*, May 29, 2018), www.allafrica.com/stories/201805290108.html.Africa.

⁴⁴TI, “Transparency International Condemns Raids and Harassment of Civil Society in Kenya,” August 17, 2017, www.transparency.org/news/pressrelease/transparency_international_condemns_raids_and_harrassment_of_civil_society_i, see also Katherine Houreld and Humphrey Malalo,” Kenyan government suspends action against rights groups,” Reuters, August 16, 2017, <https://ca.reuters.com/article/topNews/idCAKCNIAWOK1-OCATP>

Although it did inspire Kenyans from counties outside Nairobi such as Bungoma, Vihiga and Murang'a to fight for accountability in their communities, the campaign provided citizens with only a few ways other than digital activism to get involved. Red Card Campaign organizers may not have identified citizen mobilization as a priority tactic. However, this grassroots engagement is critical to maintaining pressure outside of the capital and in between election cycles if the campaign wants to continue to achieve its goals.

Conclusion

Whether in USA, Kenya or elsewhere in the world, it is quite common for people to agitate and demonstrate against perceived injustices or oppression.

Dewey argues that the primary problems for ethics in modern world concerns the ways society ought to be organized in matters concerning civil disobedience, rather than personal decisions of the individual. The problem with Dewey's position however is this, he places a lot of faith in the possibility of persons always having the willingness to reflect and deliberate with others for consensus before engaging in civil disobedience when in reality the nature of many human beings is characterized by pride, a self-centeredness that the ethical egoist advocates and a disposition towards ethical relativism that makes us unable to objectively negotiate and steer off paths of crises and anarchy such as is being witnessed in Syria among other countries today.

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