

Research Article

Gifting and Philanthropy Environment in contemporary Kenya: Agency and structural determinants

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ABSTRACT

Why is giving a ubiquitous human behaviour in Kenya? What shapes Kenyan gifting practices? This paper argues that philanthropic behaviour is a product of multi-directional interactions between individual agency, experiences, and the socio-institutional structures. In Kenya, the socio-institutional structuring results from faith, African philosophical worldviews, the legal environment, and the widespread socioeconomic precariousness. Drawing from existing literature, analysis of legal documents and primary interviews, this paper utilises habitus – durable, transposable dispositions, structured structures and practices – along with Max Weber’s four ideal type rationalities – instrumental, value, affectual and traditional – to explain why the philanthropic landscape in Kenya looks the way it does. It is argued that gifting and philanthropic behaviour is shaped and given form by both individual experiences and the socio-institutional structures within which they emerge.

Keywords: African philanthropy; gifting; Determinants; Agency; Structure; Habitus; Rationality; Environment

INTRODUCTION

Gifting and philanthropy practices in Africa are characterised by a reciprocal obligation dynamic, which initiates a cycle of giving and receiving counter-gifts. However, reciprocity and obligation in gifting practices are often a point of contention in literature because motivations for gift giving are variously theorised. Barman (2017) identifies at least three major theoretical conceptions of a gift. The first is a formulation associated with the works of among others Mauss (1990), Lévi-Strauss (1969), Simmel (1950), and Bourdieu (1977) that see gift-giving as primarily characterised by reciprocity as part of widespread norms of solidarity among social collectives (Barman, 2017).

Informed by the theorisation of embeddedness, reciprocity, and obligation in gifting practices, some studies report positive links between giving of time (Son and Wilson, 2012), money (Smith and Davidson, 2014), and personal returns such as higher levels of happiness, self-satisfaction, and mental or physical well-being (Barman, 2017; EAAG, 2012). Other studies offer a qualifier that such benefits are more likely to accrue to those whose giving practices involve direct and repeated face-to-face contact with recipients of their gifts (Smith and Davidson, 2014). This resonates with much of the gifting practices in Africa, where direct giving happens at community level, involving mutual exchanges by people with similar socioeconomic characteristics giving

to each other; a phenomenon labelled horizontal philanthropy (Wilkinson-Maposa and Fowler, 2009; Mati, 2016).

Premised on economic rational choice theory, a second perspective treats gifting as a purely utilitarian market-based exchange between individuals motivated by giver’s anticipation of a reward (Barman, 2017; Boudon, 1981; Halfpenny, 1999). This view is widely used to explain corporate philanthropy’s instrumentally oriented gifts that curry favour with customers, employees, and local community and improve a company’s bottom line (Barman, 2017). Alternatively, it is part of risk management and “reputational benefit”, as opposed to moral compulsion (Mati, 2017, p. 71).

A third perspective casts doubt on ‘gifts’ given with expectations of a return, arguing that this is the “realm of debt and credit” (Derrida 1992, p. 138). For this school, a gift should be motivated by altruism – behaviour enthused by considerations for the needs of another individual rather than by one’s own rewards (Comte, 1973; Barman, 2017). Altruism, espoused in all religious traditions and considered “good work” (Bornstein, 2009, p. 624), accounts for gifts especially when given anonymously to total strangers (Titmuss, 1971; Laidlaw, 2000). Anthropologists studying

¹*Dan*, also *dāna* or *daana*, is a Sanskrit and Pali word connoting the virtue of generosity, charity or giving of alms in Indian religious philosophies (Findly, 2003).

*dan*¹ giving practices among Indo-religious traditions (Hinduism, Jainism, Buddhism, and Sikhism) have illustrated such altruistic gifting (Bornstein, 2009; Heim, 2004; Laidlaw, 2000; Parry, 1986).

Giving is a way of life for most Kenyans (EAAG, 2012). A recent national household survey of 1 991 participants from the country's 47 counties by Yetu Initiative (hereafter Yetu) revealed that 93% of Kenyans give either directly to other individuals or to charitable causes (Yetu, 2018). 92% give informally to individuals while 64% give to organisations. This giving is directed towards helping fellow citizens overcome challenges related to "health, education, poverty, and economic empowerment" (Yetu, 2018, p. 7). On average, 24% of all giving is directed to each of these causes. Corporate philanthropy has also been on the rise (Yetu, 2018). These findings are consistent with the findings of the 2018 CAF World Giving Index on Kenyans giving behaviour. Additionally, as in other countries, transnational/diaspora philanthropy is increasing (Copeland-Carson, 2007). The picture above is dramatically different from Western portrayals of Africans as "passive objects of charity rather than active contributors to practices of philanthropic giving" (Mottiar and Ngcoya, 2016, p. 2). These findings dispel the myth that *Homo Sapiens Africanus* is less philanthropic.

While efforts of studying and theorising African philanthropy are gaining traction, there are still "major potholes and unevenness" (Fowler, 2017, p. 51). This exploratory study attempts to fill some of the existing potholes in the Kenyan philanthropic environment. Specifically, it focuses a simultaneous gaze on embedded African gifting practices "obscured by the academy's concentration on overly narrow Western conceptions and normative interpretations" (Fowler and Mati, 2019, p. 2) in an attempt to explain why collective and individual Kenyan philanthropic practices manifest as they do. The study applied Bourdieu's habitus along with Weber's rationalities to analyse the ubiquity and manifestations of gifting and philanthropy practices in Kenya.

The paper proceeds as follows: in the first section below, habitus as a theoretical framework employed in this analysis is laid out. The relationship between habitus and Weber's rationalities in defining gifting behaviour is also presented. The theoretical argument here is that Kenyans are historically disposed to act philanthropically by their psychosocial 'location' of a presumed set of Weberian rationalities informing personal and collective agency. Thereafter, the paper lays out the methods utilised for data collection and analysis in this study. This is followed by the methodological application of the theoretical frame in the analysis of the (relative) propensity of Kenya's populations to act 'philanthropically'. The paper concludes that socio-cultural worldviews and faiths have combined with socioeconomic conditions and the legal environment to symbolically 'coerce' and shape philanthropic behavioural practices in Kenya.

HABITUS AND THE RATIONALITIES OF PHILANTHROPIC PRACTICES IN AFRICA

While widely attributed to Bourdieu (1990), habitus as a concept can be traced back to Aristotle's notion of *hexis* i.e. "an acquired yet entrenched state of moral character that orients our feelings and desires, and thence our conduct" (Wacquant, 2016, p. 65). Bourdieu (1990, p. 53) defined habitus as:

Systems of durable, transposable dispositions, structured structures predisposed to function as structuring structures, that is, as principles which generate and organize practices and representations that can be objectively adapted to their outcomes without presupposing a conscious aiming at ends or an express mastery of the operations necessary in order to attain them. Objectively 'regulated' and 'regular' without being in any way the product of obedience to rules, they can be collectively orchestrated without being the product of the organizing action of a conductor.

For Bourdieu habitus mediates the "ways in which the socio-symbolic structures of society become deposited inside persons in the form of lasting dispositions, or trained capacities and patterned propensities to think, feel and act in determinate ways, [within] the constraints and solicitations of their extant milieu" (Wacquant, 2016, p. 65). Habitus involves both the internalisation of external "durable transposable dispositions" and the "externalization of internality" resulting from the experience of relatively homogenous conditions of group existence (Wacquant, 2016, p. 65 Chandler, 2013, p. 471).

Based on homogeneity of historical, cultural, economic, and political conditions, it is suggested that there exists in the Kenyan context, a habitus which shapes relational behaviours and practices. This is not to suggest homogeneity of habitus within the different Kenyan social groups. Indeed, there are class, religious, ethnic, and many other distinctions that result in differences in the type and form of capital available to different social groups. For example, persons with less material wealth may not be able to gift a lot of money, but may give more time. The instrumentally rational giver looking for recognition or other gain (for example having their name imprinted on the gift), such as politicians and high net worth individuals might be inclined to gift publicly and in higher quantities because they have the means.

Distinctions in shared habitus, suggest existence of a plurality of "multi-socialized and multi-determined" actors composed of often heterogeneous schemes and stocks of habits" (Lahire, 2011, p. xviii, cited in Chandler, 2013, p. 474). In other words, while shared historical dispositions (knowledge and experience of relations and social structures that determine responses to situations (Dean, 2016, p. 97S) are the constitutive elements of a complex

Kenyan gifting habitus, a “variety of dimensions, logics and processes are folded in each [individual]” (Lahire, 2011, p. 205 cited in Chandler, 2013, p. 474). As Robbins (2000, cited in Chandler, 2013, p. 474) argued, habitus “productive power derives from its core, a unified amalgam of social, cultural, and economic dispositions”. Following this, it is herein argued that gifting and philanthropic behaviour is shaped and given form by both individual experiences and the socio-institutional structures within which they emerge.

Worth noting is that while social institutions structure and condition human behaviour and interactions, human agency also structures social institutions and behavioural norms and practices. Bourdieu’s habitus subsumes agency in social action as routine, habitual, repetitive, and taken for granted practices (Emirbayer and Mishe, 1998, p. 963). This also subsumes Weberian ideal type of rationalities for gift giving (instrumental, value, affective, and traditional) in the sense that for Bourdieu, giving is purely a means to an end, such as “reinforcing the prestige, influence and economic power of the giver” (Sanghera, 2011, p. 1). However, habitus is criticised by among others, Adloff (2016), who theorises gifting as pragmatic action, or the idea of gifting as enshrined in everyday morality (Sanghera, 2011).

Conceptual criticism of habitus notwithstanding, it is a particularly “influential concept for understanding the relation between structure and agent in the context of practice” (Chandler, 2013, p. 469) and in this study, the different layers of the structures of philanthropic behaviour for a number of reasons. First, habitus allows close attention to be paid to portrayals of philanthropy in the everyday language, as well as the broader socio-cultural, economic and politico-legal dispositions, and institutional arrangements through which it is permitted and incentivised (CAF, 2018; Barman, 2017). Second, habitus aids an understanding of the “social context within which donors² [givers] are embedded” (Barman, 2017, p. 277), and how this structures philanthropic behaviour practice. Even then, as a theory of practice, habitus neither reifies social structure at the expense of the network of historical practices, nor does it lapse into subjectivism that fails to account for social life and its regularities (Chandler, 2013, p. 471). Finally, habitus permits examination of the motivations of givers, be they individuals or organisations, by asking questions on whether they are driven by altruism, self-interest such as economic gain, or psychological wellbeing, among other things.

Habitus as a theory of practice, however, has its limits (Wacquant, 2016; Chandler, 2013). Specifically, “habitus is not a self-sufficient mechanism for the generation of action: like a spring, it needs an external trigger and so it cannot be considered in isolation from the definite social worlds (and eventually fields) within which it operates” (Wacquant,

2016, p. 69). Such triggers can be explained through Weber’s (1978) four ideal-type rationalities: instrumental, value, affectual, and traditional. Value rationality occurs when the act of giving is valued “for its own sake regardless of the possibility of successful outcomes” (Bornstein, 2009, p. 623). Affectual rationality is illustrated in feelings and emotions (Bornstein, 2009). Traditional rationality is a product of habits formed over several generations, shaped by environmental factors such as socioeconomic conditions and obligatory cultures of reciprocity that ensure mutual survival and reproduction (Mauss, 1990). Instrumental rationality ensues in situations where an actor uses “expectations of results as the conditions and means for attaining calculated ends” (Bornstein, 2009, p. 623).

NOTE ON METHODOLOGY

This study applied a qualitative in approach. The specific methods utilised for this analysis included review of existing literature and policy documents, and in-depth interviews. For in-depth interviews, participants were selected based on involvement in philanthropy, either individually or through organisations that they lead, or for which they work. The sample consisted of fifteen participant’s aged 33 to 90 years. Of these, ten were married, four single, and one widowed. Eleven were protestant Christians, three Roman Catholics, and one a Jain. Twelve had post-graduate qualifications, two had bachelor’s degrees, and one a college diploma. All the participants were involved in philanthropy. Table 1, appended to the article, summarises the key sample characteristics.

SOCIO-ECONOMIC DISPOSITIONS AND GIFTING BEHAVIOUR IN KENYA

Kenyans have a brand of impulsive giving, but also institutionalised self-help and mutual aid prosocial behaviour practices, characterised by reciprocity motivated by both altruistic, and self-interest rationality. Such practices are informed by a belief that by giving, one is “sowing for a future and expects to reap some benefit when it is their turn of need”.³ This is largely shaped by widespread precariousness manifesting in high unemployment rates, epidemics, natural or manmade disasters, and low state capacity in delivering welfare services and public goods. In this regard, various waves of Afrobarometer public opinion surveys consistently show Kenyans feel that the government is not doing enough to improve the living standards of the poor.

The philanthropic impulse in these socioeconomic conditions is affectual, driven by emotive desire to assist those in dire need. This is well captured by participants who cited socio-economic realities, socialisation, family background, personal education and training, and the fact that they come from poor backgrounds and have been recipients of other people’s help, as drivers of their giving practices.

²The language used here is in the context of aid. In our context, ‘giver’ is the more appropriate nomenclature.

³Lefeh, interview 15/03/2019.

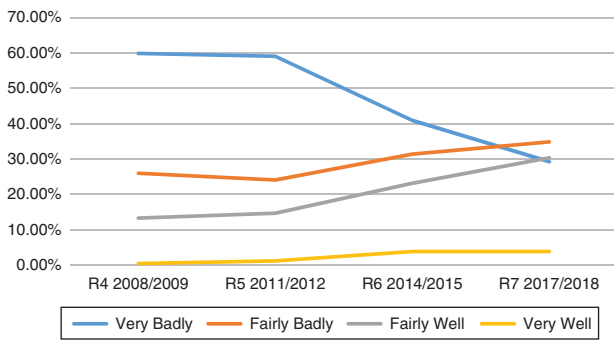


Fig 1: Rating of government performance in improving living standards of the poor (Source: Afrobarometer, various years)

Gichure a professor of philosophy and theology indicated: “Many people helped me in the past and I went to school, I went to the university. I did not see why I should not do the same for others. Those who helped me did not want any return from me, save for me to do the same to others”.⁴ Similar to Gichure, Akumu a communications officer in a global development organisation involved in grant making, as well as Lemedeket, a corporate foundation manager, personally benefited from the support of others. They are therefore involved in philanthropy as a reciprocal giving back to community. The result is a culturally embedded, widespread, individual giving behaviour that has been expressed variously over long periods.⁵

The quotes above suggest that socioeconomic precariousness predisposes Kenyans to practice strong reciprocity as social insurance against adversity. As such, those supported through school, for example are expected to support others in return. The result is a generalised reciprocity that has also strongly influenced emergence and character of institutionalised self-help and mutual aid practices that fill important social economic gaps such as providing education, housing, and medical care for those that would not get help from government. Embedded in the “economy of affection” (Hyden, 1983, p. 8),⁶ the widespread reciprocity helps people to get by, despite their social and economic precarity, and is inscribed in everyday language phrases like *mtu ni watu* (Swahili for an individual’s wellbeing is predicated on the wellbeing of the collective). Among the Maasai, for example, cultural mores dictate that people cannot have food when their neighbours have none. Therefore, a wealthy Maasai (by virtue of owning many cows) is morally obligated to give some cows (perhaps

⁴Gichure, interview 31/05/2019.

⁵Interviews: Akumu, 16/05/2019; Njambi, 29/05/2019.

⁶Hyden (1983: 8–10) conceives economy of affection as a “network of support, communications and interactions among structurally defined groups connected by blood, kin, community or other affinities, for example, religion. It links together in a systematic fashion a variety of discrete economic and social units which in other regards might be autonomous.”

⁷Lemedeket, interview 30/05/2019.

one or two) to a brother/neighbour who has none.⁷ Given these cultural dispositions, people help each other as a “way of life. You never think about it.”⁸ Chandaria, a Kenyan of Indian extraction, indicated similar philosophical world views in his culture, believing that “philanthropic practice is simply a recognition that there is [a] difference that we need to bridge. It might not be the best way, but the minute you start understanding that, then you start having consideration for others.”⁹

Most giving therefore happens between members of the same community, congregation, or locality resulting from both a sense of compassion and responsibility to others. This occurs within local communities, especially due to symbolic coercion from social pressure to help each other, with giving behaviour deeply embedded upon givers and receivers’ ecology and the dynamics of social relationships therein (Barman, 2017; Emirbayer, 1997). Given the moral conventionalist nature where givers’ main loyalty is to their family, friends, and local groups (Sanghera, 2011), formalisation of philanthropy is affected. Specifically, because culturally people have many obligations and always give informally to those close to them, they do not give as much to institutions. A participant indicated: “You are so much engaged in giving to all kinds of people, relatives and whatever ... you won’t want your sister or a nephew to be out of school if you can afford it”¹⁰. In these situations, it is the individual agency that determines when and who to give to, despite agents’ habitual practices in particular social contexts (Chandler, 2013; Emirbayer and Mishe, 1998).

Agency, therefore, accounts for variations in the behaviour of individuals sharing habitus, suggesting the subjectivity of habitus (Chandler, 2013), which in turn yields different conducts in different strategic opportunities (Wacquant, 2016). This agentic, social-psychological dimension of habitus is largely ignored in the original formulation of the theory of habitus. However, it is apparent, for example, in the form of those who engage in only certain forms of philanthropy due to their education and training dispositions, a category Sanghera (2011, p. 2) characterised as moral critics, who “have a highly developed sense of compassion and of their responsibility to others. They are deeply committed to charitable causes, investing time and energy, and are also much more likely to be thoughtful about their charitable donations”. In this regard, several participants cited strong influence of their training in the choice to be involved in philanthropy, and for some, a career in the philanthropy sector. For example, one pointed to a mix of family background, education, and her own faith:

I always wanted to work for a non-profit or civil service because that was how I found a meaningful way to give back and a meaningful way to translate my studies.

⁸Njambi, Op cit.

⁹Chandaria, interview 24/04/2019

¹⁰Mawiyoo, interview 8/05/2019.

I have a background in social sciences: sociology and public administration. I also come from a background where my mum was a social worker for so long. So, it also shaped how I view the world and how I really want to interact with it ... I joined the East Africa philanthropy Network, and it has sort of really integrated with what I really wanted to do.¹¹

Socioeconomic structuring of giving behaviour extends to formal institutional philanthropy. Kanyinga and Mitullah (2007), for example, reported that 80% of non-profit organisations in Kenya work directly on improving the socioeconomic welfare of citizens. Likewise, all the philanthropy institutions whose representatives were interviewed for this study – Kenya Pipeline Foundation, Kengen Foundation, Kenya Community Development Foundation, Chandaria Foundation, Strathmore University Foundation, and Aga Khan Foundation – respond to socioeconomic and environmental pressures. This is consistent with similar findings by EAAG (2012). In this regard, there are, for example, noticeably large numbers of advertisements for education sponsorship by philanthropy institutions to youth entering high school and university at the beginning of each year. An example here is Equity Group Foundation's Wings to Fly programme. Started in 2011, the programme sponsors academically gifted young Kenyans from disadvantaged backgrounds, especially those who have lost one or both parents, or whose parents are living with HIV or chronic illnesses, those whose parents are unable to educate their children, and families affected by disasters (Equity Group, 2015, p. 2).

There is, however, evidence of instrumental rational orientation in some corporate philanthropy programmes even as they respond directly to community needs and improve lives of the community members. Specifically, companies are fundamentally motivated by the need to maintain 'a good image' in the communities where their businesses thrive (EAAG, 2012; Mati, 2017); essentially self-reproduction goals. The Equity Group's Wings to Fly programme, for instance, gives many deserving children an opportunity to obtain better educational outcomes, and improved chances of success in life. At the same time, the programme serves as a staff recruitment channel by targeting sponsored high achievers. This congruence suggests that for corporate entities, philanthropy offers "economy of practices" appropriate for achieving economic gains at the lowest costs (Bourdieu, 1990, p. 50). There are fears that such instrumental, rational, self-reproduction will be further reinforced by tax incentives under the 2013 Public Benefits Organisations (PBO) Act (Republic of Kenya, 2013) as observed in other parts of Africa (see for example various Bench Marks Foundation reports on giving behaviour among mining companies in Southern Africa).¹² Characterising such instrumental

rational givers as moral individualists, Sanghera (2011, p. 2) argued that they "tend to be more calculating in their charitable activities, using them to further their own ends, such as helping their career, or giving to causes of which they either are, or might in future be, the beneficiaries."

Corporate philanthropy in Kenya, as in other parts of the world, has also been used to mask existing inequalities (Fisher, 1983; Hall, 1992; Barman, 2017). Following a well-trodden path set by superwealthy American philanthropists, wealthy Kenyans and corporations have established foundations that reproduce their privilege and dilute the appeal for socialist alternatives by simply distributing part of their private wealth to public goals (Barman, 2017; Mati, 2017). The foresight by the Chandaria family to establish a foundation for the purposes of distributing part of their wealth to causes that help the lesser endowed, is illustrative of this dialectic. "Our idea was that if we create wealth, we needed to form some organization to use that wealth to meet the needs of others who cannot help themselves especially people with disabilities, help in education and higher education as well as health. And so, Chandaria Foundation was born"¹³

Sceptics charge that with the widening gap between the rich and poor despite economic growth, philanthropy is not the solution (Giridharadas, 2019) and "philanthropy will lose its meaning if the reason wealthy people engage in it does not change".¹⁴ Nonetheless, these developments continue to be reinforced by the legal regulatory environment that incentivises institutionalisation of private gifting through foundations. This is especially embedded in the Income Tax Act 2007 (Republic of Kenya, 2007), CAP 470 Laws of Kenya (Republic of Kenya, 2012a), and the Income Tax Regulations for Charitable organisations of 2007 (Republic of Kenya, 2007).

FAITH, RELIGION AND AFRICAN PHILOSOPHICAL WORLDVIEW STRUCTURING OF GIFTING

Kenya has a hybrid of faiths including Christianity and Islam, Judaism, Hinduism, Sikhism, Buddhism, and Jainism. According to 2017/18 Afrobarometer survey, 64.2% of Kenyans belong to a religious group. In addition to prevalent traditional African philosophical worldviews, religious faiths combine in shaping traditional, affective giving behaviour, where impersonal and instrumental rational pursuit of wealth is treated as ethically irrational and often denounced as greed (Bornstein, 2009, p. 623). However, religion has also been abused for instrumental rational goals.

Across the globe, religion is one of the most important predictors of philanthropic behaviour (Barman, 2017, p. 277). Giving to and serving other human beings is a cardinal tenet

¹¹Mwendwa, interview 18/05/2019.

¹²<http://www.bench-marks.org.za/>

¹³Chandaria Op cit.

¹⁴Ringera, interview 17/03/2019.

in all faiths (EAAG, 2012). Faith influences go beyond mere engagement, to the type and focus of individual philanthropy, signifying distinctions between different faiths. For example, a participant indicated that her philanthropic practices are geared towards social justice because she grew up as a Catholic where social justice and action-oriented faith is deeply ingrained in the way she interacts with the world. Additionally, faith plays a role in the reproduction of habitus. Lemedeket, for example, volunteers as a Sunday school teacher in her church, and deliberately inculcates the value of giving to children, with the hope that giving becomes a life-long value in the lives of the young ones.

Faith-induced giving can often be oriented towards giving for its own sake because all faiths decree that those who have should give to those in need. Some individuals therefore, are less influenced by considerations of the effectiveness of the consequences of their action (Bornstein, 2009). Such giving has been reported among adherents of Hinduism and Jainism (Bornstein, 2009). Among Christians, such affective rational giving is captured in responses of a Roman Catholic adherent who runs a private faith-based university foundation (Strathmore University Foundation) indicating: “we believe that by giving, one receives more. We believe that it is right and just to do for other people what we expect them to do for us. That is love.”¹⁵ In another example, a Pentecostal Christian participant in the current study cited Proverbs 19:17 in the Bible as specifically directing Christians to give to other: “when you lend or give to the poor, you are lending to God and God is going to reward you.”¹⁶

These findings confirm that faith is an important factor in giving in Kenya where 82.6% of those who give do so either through the religious congregations they are affiliated to, or are motivated by faith to give directly to the needy (EAAG, 2012, p. 24). A more recent study reported that 57% of those who give to organisations do so as part of religious groups (Yetu, 2018). These findings are consistent with studies in other African countries (Everatt et al, 2005; Habib Maharaj, and Nyar, 2008). The clergy plays a big role in inducing congregants to give to faith organisations in the belief that their gifts are directed to helping individuals confronted with hardships (Habib et al, 2008, p. 28). However, religious institutions have been reluctant to open their books to scrutiny, probably because most donations are absorbed by institutional reproduction goals (Habib et al, 2008) or self-enrichment.¹⁷ Several participants in the current study highlighted the duplicity of pastors who coerce, indoctrinate, or brainwash congregants to give under the gospel of prosperity prominent in contemporary Pentecostalism with promises of material fortunes to those who give.¹⁸ The Muturi Kigano private members Bill in

parliament for debate at the time of completing this article, is a proposed remedy for this situation (Mwere, 2019).

Despite abuse by some clergy, the widespread traditional and affective rational giving with tangible benefits to millions of Kenyans cannot be dismissed. Religious institutions raise between USD350 000 and USD2.4 million per year for philanthropic activities (EAAG, 2012, p. 24). Such resources have given lifelines to communities ravaged by droughts, famines, and floods, for construction of schools, health centres, and churches among others. People give for all occasions in life: weddings, birthdays, funerals, and child birth to mention but a few.¹⁹ This is evidence that religious giving is influenced by what happens in the socio-economic environment, which is not only for coping with life’s challenges, but also to celebrate happy occasions in people’s lives. Resources mobilised through faith-based giving, for example, have been used to establish orphanages for children who would otherwise be in the streets, suggesting socially significant contribution to welfare services and inclusion of marginalised populations.²⁰ They have also enabled poor children to access education, and poor and marginalised communities to access affordable health care (EAAG, 2012). This suggests that religious-based giving is both traditional and affective rational, with motivations closely tied to value rational giving. However, empathy (Bornstein, 2009) coupled with compassion and a desire to improve or transform the lives of the less fortunate (EAAG, 2012) are the distinguishing elements. At play here, is the intersection of faith with socioeconomic precariousness for some members of society in structuring religious-based norms and institutions of giving. This intersectionality is further reinforced by dominant principles and values that underpin African philosophical worldview, which among other things, stresses the interconnectedness of human beings, collective identity, and the value of interpersonal relationships.

Mbiti (1969, p. 106) aptly captures this African philosophical worldview:

Only in terms of other people does the individual become conscious of his own being, his duties, his privileges, and responsibilities towards himself and towards other people. When he suffers, he does not suffer alone but with the corporate group; when he rejoices, he rejoices not alone but with his kinsmen, his neighbours and his relatives whether dead or alive. When he gets married, he is not alone, neither does the wife ‘belong’ to him alone. So also the children belong to the corporate body of kinsmen, even if they bear only their father’s or mother’s name. Whatever happens to the individual happens to the whole group, and whatever happens to the whole group happens to the individual. The individual can only say: ‘I am, because we are; and since we are, therefore I am’.

¹⁵Omondi, interview 07/03/2019.

¹⁶Lefeh, interview 15/03/2019.

¹⁷Omondi, Op cit.

¹⁸Lefeh, Op cit.

¹⁹Omondi, Op cit.

²⁰Kuchio, interview 25/04/2019.

Over several millennia, this worldview has combined with faith in structuring the characteristic mutual aid and reciprocal-oriented giving practices. Consequently, in the highly communally interconnected Kenyan communities, giving is also part of an individual's duty to self and the community. Because reciprocity and obligation are inherently embedded in a gift, it also serves to maintain individuals' standing within the community, risk sharing, and self-reproduction (Aina, 2013; Mati, 2017; Fowler and Mati, 2019). The result is an ontological difficulty in delineating motives for giving into clear and separate constitutive elements of the gifting habitus.

CRISIS, POLITICO-LEGAL ENVIRONMENT AND INSTITUTION BUILDING

Existing philanthropy practices in Kenya are also conditioned by politics and policy. Among others, Fowler and Mati (2019) and Aina (2013) have illustrated the objective customary adaptations in gifting from the colonial to contemporary era political situations in Africa. Such adaptations are in accord with Bourdieu's argument that "habitus tends to adjust to new fields automatically, but gets augmented through infused forms of capital, or vital goods and resources needed for positions of power" or resistance (Chandler, 2013, p. 472). In this regard, Fowler and Mati (2019, p. 2) argue that in conditions of deepening colonial oppression "affection networks and embedded social institutions operating below the view of the authorities" became vehicles for mobilisation of material and human resources for resistance. In post-colonial Kenya, in response to popular expectations for development services beyond what the state could provide, *harambee* evolved and mainstreamed as a form of community-centred mobilisation of development resources (Wanyama, 2002, p. 9; Kanyinga, 2004; Mbithi, 1972; Mbithi and Rasmusson, 1977; Ngau, 1987; Thomas, 1987). More fundamentally, "*harambee* depoliticized development discourse and practice by shifting the responsibility for the provision of basic welfare services from government to local communities through self-help [and mutual aid] initiatives aided by patron elites" (Mati, 2020b, p. 8).

With time, *harambee* has been corrupted and transformed into a vehicle for conveyancing neopatrimonial socioeconomic and political reproduction goals of the ruling elite (Mati, 2017; 2018; Kanyinga, 1995; Ngau, 1987; Thomas, 1987; Odunga, 2014). This suggests moral individualism (Sanghera, 2011) in politicians' instrumental rational orientation in their gifting practices as they appropriate economic capital to ascend to, or maintain, their positions of power and privilege. Consequently, this form of giving is agonistic (Mauss, 1990; Fowler and Mati, 2019) as politicians jostle to use gifts to edge out competitors (Wanyama, 2002), suggesting a distinction in the social position of politicians and the gifts they give. The ethics, morality, and accountability of gifting and philanthropy practices have

therefore been transformed, as gifts of politicians became vital resources for securing power.

Bourdieu warns that "habitus can 'misfire' and have 'critical moments of perplexity and discrepancy' when it is incapable of generating practices conforming to the milieu. In this case, habitus can also constitute a major spring of personal resistance, social innovation, and structural transformation" (Bourdieu, 1997, p. 191, cited in Wacquant, 2016, p. 69). In the Kenyan case, there is currently a swell of interrogation of the integrity of gifts, be they from politicians, other individuals, or donor communities.

There are Kenyans prepared to turn away money that is questionable, that they have branded as dirty. So philanthropy in Kenya is going through an evolution. And the evolution is that of questions such as is this dirty money? What is the source of this philanthropy; is this genuine philanthropy or manipulation?²¹

Such questioning is part of a growing discontent against these forms of gifts, illustrated, for example, in a decree by the Anglican Archbishop in 2019, that his Church would no longer be accepting dirty gifts from politicians. Some social commentators, such as philosopher theologian, Gichure, are of the view that these developments are signs of increasing self-consciousness on the part of Kenyans to issues of dignity, even among the poor. This is part of the "African spirit, as people are very cautious about their reputation and do not want to be looked down on their dignity because of a gift they accepted".²² Reinforcing these sentiments, Guchure indicated: "In future we are going to reject money from donors so that we are not forced to change ideologies of our living."²³

The moralist views of these clergymen are overly optimistic. For example, individuals in different communities continue to accept gifts, especially from corporate foundations, that could be deemed dirty. In this regard, there is a thin line, for example, in corporations like the Kenya Pipeline company's use of corporate gifts to assuage poor villagers in places where the company's pipelines have caused huge environmental degradation due to oil spillage, destroying the livelihoods of thousands of villages.²⁴

²¹Kuchio, Op cit.

²²Gichure, interview 31/05/2019. Phrases in various Kenyan languages validate this claim. Among the Atharaka of Eastern Kenya for example, a poor people man/woman who resists dis-honour of gifts are referred to as "*nkea ing'entu*" (literally an oxymoronic "arrogant poor" who would rather retain their honour and dignity than be dishonoured through a questionable gift). Similar phrases can be found among the Kamba and many other languages.

²³Gichure, *ibid*.

²⁴See for example, Rodgers Tumo, "KPC pays tuition fees for 227 poor students from Kibwezi oil spill area: Kass FM, July 19, 2017, <http://www.kassfm.co.ke/home/2017/07/19/kpc-pays-tuition-fees-for-227-poor-students-from-kibwezi-oil-spill-area/> (accessed May 20, 2019).

POLICY ENVIRONMENT

Several laws define the legal regulatory environment for institutionalised philanthropy in Kenya. The most relevant include, first, the Trustees Act, CAP 167 Laws of Kenya (1982, Revised 2012) (Republic of Kenya, 2012b) and Trustees (Perpetual Succession) Act, CAP 164, Laws of Kenya (1982, Revised 2012) (Republic of Kenya, 2012c). These regulate the incorporation and operations of trusts including, among others, religious, educational, literary, scientific, social, athletic, or charitable purposes. Second, the Societies Act, CAP 108 Laws of Kenya (Revised Edition 2012 [1998]) (Republic of Kenya, 2012d) regulates the registration and operations of societies, including religious organisations and various other forms of voluntary associations. Third, the Registration of Documents Act, 1902 (Revised 1980 and 2012) (Republic of Kenya, 2012e), which is relevant to registration of all immovable assets, including those of foundations, trusts, and other non-profit organisations. Included in the regulatory laws is the Income Tax Act 2007 (Republic of Kenya, 2007) which defines organisations whose contributions by individuals are tax exempt.

Additionally, one law has defined the institutionalised philanthropy environment more than any other in the last three decades: non-governmental organisations (NGO) co-ordination Act (1990, revised 2012) (CAP 134 of the Laws of Kenya) (Republic of Kenya, 2012f) which regulates the registration process, operations, importation of equipment, and tax exemption status for both the organisation's activities and its expatriate staff. This law is applicable to all non-profits registered under the Act. With regard to importation of equipment, further laws regarding import taxation also apply in determining tax exemption requests. A more recent Act meant to replace the NGO Act is the Public Benefit Organisations (PBOs) Act 2013 (Republic of Kenya, 2013). It spells objectives that can be pursued by a PBO. It has been argued that the PBO Act is a double-edged sword, that gives and takes, but nonetheless, "strikes a balance between enablement and regulation in the civil society sector" (Ager, 2018, para. 29).

On the whole, the regulatory environment has historically been characterised by a "co-operation and rebuff" orientation between the state and the non-profit (Ndegwa, 1996, p. 10) where the state favours philanthropic actions that aid hegemonic reproduction, while stifling those challenging such actions (Mati, 2020b). Recent examples include the freezing of accounts of foundations associated with the main opposition coalition, such as NASA operatives in the run-up to the 2017 elections (Kakah, 2017; Thiong'o, 2017; Njagih, 2017; Mati, 2020c). Regulations have also stifled the environment in other ways. A case in point is the so-called War on Terror laws that have made beneficiaries wary of risks of "receiving funds from dirty sources."²⁵ As a result, there is greater scrutiny of the gift: "every gift is first considered suspicious."²⁶ Many organisations, especially

Islamic ones, have witnessed a reduction in levels of funding as a consequence, either because they can no longer justify getting money from Western donors, or donors themselves have cut funding to them (Mati, 2012; 2020a).

Of importance here, is the effect of governmentalities of regulation by the donor/giver on recipients' behaviour. Specifically, the international aid agenda is intimately woven into the motives of reproducing unequal power relations in global geopolitics. Consequently, donors will only support causes that do not threaten any radical transformation (Mati, 2012; 2020a). Previous studies show that Kenyan civil society's addiction to funds dangled by such donors has led to catalepsy of any radical transformative agenda (Maina, 1998). These findings are consistent with those of sociologists of social movements who have concluded that some donors through restrictions, co-optation, or tactical channelling, only "deploy their funding in ways that direct recipients away from radical activities and goals" (Barman, 2017, p. 283). Paradoxically, Kenya's saving grace lies with some of these donors pulling out as the country cements its place as a middle-income country and donor priorities shift to other countries.²⁷

PHILANTHROPY INSTITUTION BUILDING

There are currently talks about incentivising giving, either at personal or corporate level, through institutional regulation. Many in the formal philanthropy environment are eager to engage and build a culture of giving believing that with the right regulatory environment, existing widespread giving among Kenyans can be channelled in a more "systematic manner. If giving is organised and people see the big picture, I am sure it would really motivate many more people to give. There is a potential for growing the sector."²⁸ Consequently, there is also movement towards creation of sector-wide organisations to serve as avenues for philanthropies to voice their opinions in ongoing policy discussions. There is a feeling that by "working together, philanthropies can help bake a bigger pie."²⁹

The impetus for building philanthropy institutions is informed by instrumental rational desire to keep track of the effectiveness of the gift (EAAG, 2012). This also results in new giving cultures and new dilemmas, especially in light of the fact that some emergent regulations will instrumentalise the gift. Specifically, as Bornstein (2009, p. 643) argued, "to coerce the impulse to give into rational accountability is to obliterate its freedom; to render giving into pure impulse is to reinforce social inequality."

Further evidence points to institution building as part of Euro-Americanisation of gifting, especially in the context of welfare capitalism and neoliberalism. At play here

²⁶Lefeh, Op cit; Kuchio, Op cit.

²⁷Omondi, Op cit.

²⁸Mwendwa, Op cit.

²⁹Omondi, Op cit.

²⁵Omondi, Op cit.

is coercive isomorphism (Toepler and Anheier, 2004; Mati, 2020c) derived from the influences of among others, Carnegie's (1889, p. 11) advocacy on the wealthy to institutionalise philanthropy through endowed foundations because every day acts of generosity are mere "charity that produce the very evils which it proposes to mitigate or cure." Such coercive isomorphism has seen a growing number of corporate bodies and wealthy Kenyans establish foundations used to facilitate the distribution of their gifts.

The motives for starting individual, family, or corporate foundations in Kenya vary greatly, and are variously packaged. In general, evidence points to motives of a desire to promote democracy especially among politicians, who often have politically oriented self-gains in mind; a quest for social justice especially among activists; desire to give back to the less fortunate; and personal or family member life experiences (EAAG, 2012). Some of the motives are embedded in altruism and a desire to "develop the country".³⁰ Development towards institution building is also in line with a growing middleclass with some disposable income and a willingness to give large donations, and who are interested in the demonstrable impact of their donations.³¹

CONCLUSION

This study was exploratory and modest in nature; nevertheless, a few useful conclusions can be made. Utilising the concept of habitus, it has been argued that the Kenyan philanthropy environment is characterised by generalised practices of mutual aid and reciprocity, specifically constituted by cultural mores, religious faiths, African social and philosophical worldviews, legal, socioeconomic precarity, and politico-legal conditions, which symbolically coerce Kenyans to give to one another. Second, it is discernible that faith, religious beliefs, and African philosophical worldviews, have objectively regulated gifting behaviour without necessarily forcing formal rules. This is because of the embeddedness of the norms of solidarity and expectations of reciprocity in gifting practices, which cement societal relationships and communities in Kenya. The result, as argued in this paper, is that Kenyans are directed to give by value, affective, traditional, or instrumental rationalities. Third, informal norms and expectations embedded in gifting behaviour have transcended cultural domains to formal institutions including corporate businesses. Fourth, while the study could not rule out affective and traditional rationality as motives for giving behaviour, instrumental rationality seems widespread among corporates. This instrumental rationality push is currently exerting considerable pressure on other forms of rationalities in giving and gifting behaviour. The result is an increase in formalisation and institutionalisation of both individual and organised giving, especially aided by an emergent regulatory environment.

³⁰Ibid.

³¹Ibid.

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SELECT INTERVIEWEES

- Akumu, interview 16/05/2019
 Chandaria, interview 24/04/2019
 Gichure, interview 31/05/2019
 Gitonga, interview 31/05/2019
 Kuchio, interview 25/04/2019
 Lefeh, interview 15/03/2019
 Lemedeket, interview 30/05/2019
 Maiwoo, interview 08/05/2019
 Murige, interview 20/03/2019
 Mutunkei, interview 29/04/2019
 Mwendwa, interview 18/05/2019
 Njambi, interview 29/05/2019
 Nyamasyo, interview 29/04/2019
 Omondi, interview 07/03/2019
 Ringera, interview 17/03/2019

APPENDIX

Table 1: Participants profile.

Note: Data was thematically analysed along what is considered to be the constitutive elements of the Kenyan gifting habitus. The next section presents a discussion of the findings.

| Name | Gender | Age | Marital status | Religion | Education | Occupation |
|-----------|--------|-----|----------------|----------------------|-----------------|---|
| Gichure | Male | 60 | Single | Roman Catholic | Post-graduate | Philosopher/theologian: Professor of Theology and Peace Studies, and Director of Postgraduate studies (Catholic University of Eastern Africa) |
| Kuchio | Male | 46 | Married | Christian-Protestant | Post-graduate | Pastor and Head of Mission (Christ is the Answer Ministries (CITAM)) with big following and a formal philanthropy section catering for needy/destitute children. |
| Mwendwa | Female | 33 | Single | Roman Catholic | Post-graduate | Programme Manager (East Africa Philanthropy Network) |
| Maiwoo | Female | 61 | Widow | Christian-Protestant | Post-graduate | Executive Director (Kenya Community Development Foundation.-Most visible community foundation in Kenya) |
| Lemedeket | Female | 40 | Married | Christian-Protestant | Post-graduate | Manager, Kenya Pipeline Corporation Foundation |
| Njambi | Female | 40 | Married | Christian-Protestant | Post-graduate | Development Consultant |
| Chandaria | Female | 90 | Married | Jain | Post-graduate | High net worth Philanthrocapitalist involved in philanthropy through a family run foundation. Gives to Universities and hospitals. |
| Mutunkei | Female | 51 | Married | Christian-Protestant | Post-graduate | Consultant in Sustainability and Philanthropy |
| Nyamasyo | Male | | Married | Christian-Protestant | Bachelor degree | Communications Officer, Kengen Foundation-corporate foundation involved in in education, environmental conservation, and provision of water and sanitation. |
| Akumu | Male | | Single | Christian-Protestant | Bachelor degree | Communication Officer, Aga Khan Foundation |
| Gitonga | Female | 44 | Married | Christian-Protestant | Post-graduate | Lawyer (Non-profit law consultant) |
| Murige | Male | 39 | Married | Christian-Protestant | College Diploma | Pastor of a small Pentecostal congregation in Ngong, (Great Gospel Visioners International (GGV) Church). Ad-hoc/no formalised/structured giving through the church |
| Ringera | Female | 49 | Single | Christian-Protestant | Post-graduate | Programme Development/Founder (Resilient Woman, -voluntary organisation that mobilises resources used to integrate ex-women prisoners back into society). |
| Lefeh | Female | 41 | Married | Christian-Protestant | Post-graduate | Foundation Administrator (Life Link International Foundation, delivers free medical care to children in Nairobi's slums through medical camps). |
| Omondi | Male | 43 | Married | Roman Catholic | Post-graduate | Leads Strathmore University Fundraising initiatives to sponsor students from poorer backgrounds. |