

PUBLIC INTELLECTUALISM AND SOCIOPOLITICAL INQUIRY

THROUGH METAPHOR AND MUSING

V.2

Kenneth K. Mwenda

PhD, LLD, DSc(Econ)



Kenneth K. Mwenda

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An eclectic and very thought-provoking collection of original perspectives. This book truly reflects Professor Mwenda's global character and intellectual quality. Well worth the read.

Kelvin Arthur Dalrymple

Senior Advisor to the Executive Director for Canada, Ireland and the Caribbean International Monetary Fund, Washington DC, USA.



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VOLUME 2



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Kenneth K. Mwenda

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PUBLIC INTELLECTUALISM AND SOCIOPOLITICAL INQUIRY THROUGH METAPHOR AND MUSING

“Certainly one of the top twenty-five (25) intellectuals from Africa to grace the world stage in the last two decades, Professor Mwenda’s richness of thought is displayed in the depth and breadth of his trend-setting intellectual contributions (ICs). His ICs have largely, but not exclusively, been in the field of contemporary and comparative Law and Africa’s development. The current book, however, is a refreshing reminder that intellectual heavyweights do, in fact, have a lighter side!”

- **Prof. Gerry Nkombo Muuka, PhD**
Associate Dean and Coordinator of
Graduate Programs

Arthur J. Bauernfeind College of Business
Murray State University, Kentucky, USA.

“Professor Mwenda is back again with yet another brilliant piece of work. In this book, he provides thought provoking explorations of socio-political themes using axioms, adages and proverbs. The result is an educational and entertaining piece of work that will appeal to readers from all walks of life – the academics, intellectually inclined as well as the casual reader. This book has something for everyone. It resonates well in all cultural settings and quite frankly it is hard to put the book down once one starts reading it. It is certainly a must read.”

- **Charles Leyeka Lufumpa, PhD**
Director, Statistics Department
African Development Bank Group
Abidjan, Cote D’Ivoire

“Prof. Kenneth Kaoma Mwenda is a renowned thought leader on legal and financial matters. His extensive writings have so far targeted the ‘learned minds’. In his latest book, ‘Public Intellectualism and Socio-political Inquiry through Metaphor and Musing’, he is in an amazing innovation addressing both the initiated as well as the uninitiated. It is an approach all intellectuals should attempt to do if they are to remain relevant to their societies.”

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Former Governor, Bank of Zambia

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Economics (Zambia),
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- **Chibamba Kanyama**

Former Director-General, Zambia National
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“An eclectic and very thought-provoking collection of original perspectives. This book truly reflects Professor Mwenda’s global character and intellectual quality. Well worth the read.”

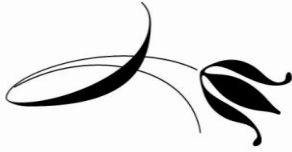
- **Kelvin Arthur Dalrymple**
Senior Advisor to the Executive Director
for Canada, Ireland and the Caribbean

International Monetary Fund (IMF)
Washington DC, USA.

DEDICATION

St Jude;

Pray for Us.



ACKNOWLEDGEMENT

To my many students and former students worldwide at the various international universities where I have taught, thank you for being promising leaders for the next generation. That a number of my former law students have gone on to become notable Supreme Court judges, Constitutional Court judges, Court of Appeal judges and High Court judges, including an eminent Chief Justice, while others continue to serve as law professors, diplomats and ambassadors, as well as judicial clerks and prominent Cabinet Ministers, is only the beginning of the story. For, there are also those that have held or continue to hold senior positions at the World Bank, the African Development Bank, the Common Market for Eastern and Southern Africa, and many other international organizations. I am truly humbled and grateful to God, Jehovah, Almighty, for all these blessings.

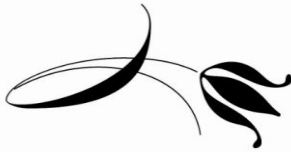
Special thanks also go out to all friends and colleagues (as well as my family members, including my wife and son) who provided comments on the various sayings, musings and metaphors in this book. Their tireless contributions helped to sharpen my views on a number of issues. My other thanks go out to **Africa in Canada Press** for the timely and

efficient publication of the book. **Diamond Books - Canada** is also hereby acknowledged for the design and development of **E-Books**, excellent typesetting work and the preparation of the cover design.



TABLE OF CONTENTS

Foreword	ii
Preface	vi
1. METAPHORS AND MUSINGS	1
2. CASE STUDIES	107
ABOUT THE AUTHOR	124



FOREWORD

While Richard Posner writes that the craft of public intellectualism is declining, Prof. Kenneth K. Mwenda's is on the rise. In March 2001, Zambia's leading private newspaper, *The Post*, headlined a commendation letter written by a prominent Zambian Journalist, Chibamba Kanyama, on a then budding young African legal scholar, Kenneth Mwenda. The author of that commendation letter, Chibamba Kanyama, now serving as Advisor in the Communications Department of the International Monetary Fund (IMF) in Washington DC, was at the time based at the University of Reading in the UK. In his letter, Kanyama described Kenneth Mwenda's unparalleled academic record as "a rare phenomenon".

Prof Kenneth Mwenda is a leading intellectual luminary who, without doubt, ranks amongst the top ten (10) best legal minds that Africa has produced in the twenty-first century. He has taught at some of the best universities in the world, including the University of Warwick in the United Kingdom. He holds a PhD in Law from the said University of Warwick. And who would have imagined that the rare phenomenon referred to by Kanyama in his published letter of 2001 would become rarer with the

conferring of a rare Higher Doctorate degree in law (LLD) on Kenneth Mwenda by Rhodes University of South Africa in 2008! Rhodes University, one of the leading universities in Africa, had never in its entire rich history awarded such a distinguished academic award until Kenneth Mwenda received the same. All in all, there are not more than eight (8) to ten (10) eminent African legal scholars with an earned Higher Doctorate degree in Law.

A Rhodes Scholar, Mwenda graduated from, among other institutions, the prestigious Oxford University. In 1998, he turned down a fully funded fellowship to join Yale University Law School, the best law school in the USA, for another competitive offer from the World Bank. It should be noted that the Higher Doctorate degree conferred on Mwenda by Rhodes University in 2008 is a distinguished and rarely awarded senior doctorate. It was awarded after a thorough examination and in recognition of Mwenda's prodigious output of high quality scholarly publications. The story gets even better. Mwenda achieved the rarest academic status in 2014 when he was conferred upon the second Higher Doctorate degree of Doctor of Science in Economics (DSc(Econ)) by a leading British university, the University of Hull. This honour was in recognition of his continued output of highest quality scholarly works, covering both books and peer reviewed articles in leading journals. Hitherto, Mwenda has

produced about twenty-five (25) leading books and about ninety (90) journal articles on various subjects, including financial institutions, financial regulation, banking, corruption, corporate governance, diplomatic immunities, public and private international law, money laundering, economic development and related and varied other fields.

Prof. Mwenda's rather as yet not known unique quality and a class by himself is that of public intellectualism whereby he observes everyday life which he then distills into pithy and poignant published metaphors and musings. It is dizzyingly pleasing to read a collection of these metaphors in his latest book which you are holding in your hands. When these self-created "thoughts" were initially sent to me, I thought Mwenda was collecting and circulating other people's sayings until I noted that he had actually thought them and collected them himself. In all cultures, similar sayings are a collection of numerous people's thoughts and ideas and they would have been accumulating over very long periods of time. They are a common heritage of humankind. But in this rare case, Mwenda has sculptured them in his mind all by himself. When you start reading *Public Intellectualism and Sociopolitical Inquiry through Metaphor and Musing*, you will be convinced that Mwenda is one of the greatest public intellectuals of our era, in the company of

Henry Louis Gates Jr.; Cornel West; Ali Mazrui; Wole Soyinka and all those studied in Justice Richard Posner's book entitled, *Public Intellectuals*. Mwenda's unique intellectualism is also evident in his other publication entitled, *Anthology in Law and the Social Sciences* in which his commentaries on all conceivable subjects is in full display and a marvel to read. Welcome to a most pleasing roller-coaster ride I have the pleasure of recommending.

Munyonzwe Hamalengwa, PhD
Attorney at Law,

Toronto, Ontario, Canada.
Thursday, April 2, 2015.

PREFACE

While this book does not purport or pretend to have all the answers to the many socio-political challenges that we face in life, it certainly does raise some thought-provoking questions for us to think through. I hasten to add, however, that the book is not a work of fiction. Rather, it is an example of public intellectualism in the Social Sciences. The book distills complex ideas into easily discernible ideas. Such is a cardinal objective of the book – to provoke some critical thinking on topical themes pertaining to socio-political inquiry. This objective is pursued through the use of metaphors and musings. In many cultures, especially those that place much emphasis on oral tradition, knowledge is often handed down to the younger generation through various adages, sayings, metaphors, musings and stories told by the elders to the younger folks around the fire-place. This book attempts to draw from such a tradition, lighting the fire-place and then distilling some untapped wisdom for posterity and the readership.

The writing of the book was prompted by the increasing and growing demand from friends and colleagues for a book that would bring together a collection of some of my notable sayings that I had

shared with them over the years on social media or via electronic mail. So, all the sayings contained in this book are not borrowed material, but originally my own. For the reader who is interested in non-original material lifted from other people, you are reading a wrong book. This book is not meant for you. However, for the reader who is interested in reading novel and refreshingly original ideas, this book is meant for you. And you will find a companion in the book. As noted above, the ideas presented in this book are my own.

As a scholar, I have been influenced at various levels of consciousness by the works of many writers and philosophers as well as by many traditions and cultures. And the ideas presented in this book come from a broad spectrum of meta-paradigmatic thoughts that cut across various disciplines in the social sciences. That said, the sound and heartbeat of my work remains my own. Indeed, creative problem-solving requires us to think outside the box. We cannot succeed by using the same models and approaches that led to the very problems that we are trying to solve. We must evolve and adapt. Every system must adapt. It should not be static because change is, ultimately, inevitable. What matters is how we manage that change.

While the book presents an eclectic taste of musings and metaphors, such that many a reader might find it hard to put the book down once they start reading,

a deliberate effort is made to set the discussion in its proper socio-political and socio-economic contexts. Much of the analyses are made through the prism of the social sciences. In this book, I endeavor to stand back from my notable scholarly work of authoring for an academic and intellectual audience. What I propose to do instead is to seek dialogue with a broader section of society, ranging from the most intellectually sophisticated to the least enlightened person. Very often, as scholars, our ideas tend to be detached from the real world, particularly when we use technical language and jargon or other forms of communication that only our fellow intellectuals can understand or decipher. Take, for example, the case of a PhD economist who is in the habit of using complex mathematical formula to write or report on contemporary economic issues in the media. How useful is such writing and information to the common man on the ground that has little interest in learning about complex mathematical equations?

A notable role of public intellectualism is to stand back from the intimidating language of a technocrat so as to avoid some kind of tunnel-vision where only you, the author, and your fellow technocrats are the ones who can understand what you are talking about. And this is exactly what this book endeavors to do. People from different walks of life will find this book an easy read, whether they are travelling on a train or a long flight. The book will give them a

valuable companion. And even though some of the readers may not be in full agreement with some of the ideas that the author advances, many a readers' thoughts are likely to be provoked to some greater degree. That, really, is what matters most. Indeed, it is that stimulation of debate that lies at the centre of this book.

A public intellectual often transcends the boundaries of academic pedagogy, while avoiding the chasm that divides scientific inquiry and intellectualism from the typical practitioner role of unscientific advocacy. A public intellectual often remains focused on translating complex theoretical and conceptual ideas into easily discernible scientific and objective analyses that even wananchi (i.e. the public citizens) can understand. In doing so, the public intellectual should try to communicate and speak the language of the common man, without stifling debate or intimidating the audience with all manner of intellectual sophistry. To that end, the use of metaphors, adages, and illustrations becomes handy in breaking down certain ideas that would ordinarily be seen as too complex for the common man to understand. This book takes such an approach, breaking down complex ideas into easily discernible ideas.

This is not a book simply about Africa. Neither is it simply about America or Europe. Rather, the book is about the human condition everywhere in the world.

We live in a global vil-lage. And the author has lived, studied and worked on three different continents, namely, North America, Europe and Africa. So, every reader will be able to relate to one or more of the sayings, metaphors and musings presented in this book.

Special thanks go to all friends and col-leagues (as well as my family members, including my wife and son) who provided comments on the various sayings, musings and metaphors. Their tireless contributions helped to sharpen my views on a number of issues. Also, my thanks go out to Africa in Canada Press for the timely and efficient publication of the book. And I would be failing in my duties as the author if I did not record my indebtedness to my good brother, Dr. Munyonzwe Hamalengwa, a leading human rights advocate and an outstanding barrister in Canada, for his inspiring Foreword for the book.

The analyses, arguments, interpretations and conclusions expressed in this book are entirely those of the author. They do not represent the views of any institution, person or body to which the author is affiliated.

Kenneth K. Mwenda

PhD, LL.D, DSc(Econ).

Washington DC, USA.

Thursday, April 2, 2015.

1



METAPHORS AND MUSINGS



“When all is said and done, and the eu-logies have been offered, the world will begin to move on quickly, with fading memories of yesterday. But the indelible footprints of a man or woman are in his or her ideas. That is the greatest asset that posterity can inherit from us. And so, we must not deny the world of great ideas and thoughts. Great men and women are remembered mostly for their thoughts and ideas.”



“The problem with respect is that it will not stay if you keep demanding it with-out earning it.”
“When we begin to lose sense of who we truly

are the only thing that matters is what we want, and not what we de-serve.”



“It’s a race you must run with courage, fortitude and honor. You cannot afford to be distracted by any naysayers or haters. Let them talk while you forge ahead. If you were not making an impact, they would not be talking. They only talk because you get them worried with your thunder.”



“Sometimes, it is not just the number of goals that one has scored that makes him a great soccer player, but also the number of opportunities that he has created for others to score. And that is what true leadership is all about: to make a difference in people’s lives.”



“If I were to take off my clothes, I doubt that you would see my face. It is not that I will be invisible. Rather, you will be busy looking in the wrong place. People often choose to see in us what they want to see, and not who we are.

They are constantly looking for wrong things!”



“People are generally curious. If a picture of your naked self were to come up on social media, it would get the largest number of site visits than one where you are smartly dressed or reading a book in the library. The only issue for the nude picture is that very few people will click the ‘like’ button for fear of being associated with a dirty mind.”



“Sometimes, it is wise just to smile when someone thinks he or she is very clever and has outsmarted you. There are some things that are not worth fighting over. You just have to smile and pretend to be a fool, although you may have seen through the person’s wickedness or crookedness. Dishonesty and opportunism, no matter how veiled, only serve to shut the door on those who think they are playing clever when they are not.”

“You can admire a culture, attach your-self to the edges of it, and even marry from there, but you are most unlikely to become a part of that culture. It is one thing to acquire a British passport, and another thing to be considered English. Being English, like being French, Amer-ican, African or Asian, is a way of life. It is much more than just holding a foreign passport or marrying into a foreign culture.”



“There is nowhere in the world where the Black man has not had to explain himself. Even to his own people, he is often called upon to explain himself.”



“They say nothing good can come out of Africa. Many believe it. Don’t ask me why. But at every step of the way, they will question you, as an African, to see if you are like the other Africans or are different.”



“Some people who come to Africa holding out and pretending to be experts are not really

experts. Rather, they are simply charlatans. You must question them, and scrutinize their credentials, in the same manner that they question you or your people in their own countries. Do not be afraid to demand from them evidence of their educational background and work experience.”



“Sometimes, we treat people differently, depending on how we have been socialized. I have come to understand that being a foreigner in different parts of the world means different things. In some parts of the world, especially in the Western world, a foreigner, say, from Africa, has to work twice or four times as hard as his or her white European or American counterpart in order to make a mark, if ever he or she will be given a chance. In other parts of the world, especially in many parts of sub-Sahara Africa, a foreigner, say, from Europe or North America, just by virtue of being white, often enjoys preferential treatment by some native and indigenous African people not because he or she is any better than them but because of their own inferiority complex, thinking too highly of him or her.”

2



CASE STUDIES



I TOLD HIM THAT HE COULD KEEP HIS MONEY

This evening, as I was picking up some groceries from some local shop, I was taken aback when the cashier told me that the till or register was not working. By then, I had already presented him with three one hundred dollar bills (\$300). So, he owed me some change to the amount of approximately \$60.

With the till down, he proceeded to get some loose change from the groin region of his underwear, claiming that he kept the money there to safeguard it from thieves. I said to myself, “No way!” I declined

to accept or touch the visibly damp notes from his underwear! I was so upset that he could think that I would get the money coming from his underwear. What a jerk! So, I just drove off without getting my change.



★ ABOUT THE AUTHOR ★



Prof. Kenneth K. Mwenda
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<http://www.kennethmwenda.com>

A distinguished thought leader and public intellectual, **Prof. Kenneth K. Mwenda** read law at Oxford as a Rhodes Scholar. He has also taught

law at top universities in the United States of America (US), the United Kingdom (UK) and South Africa. A Fellow of the British Royal Society of Arts (FRSA), Prof Mwenda is a recipient of several international academic awards, including a competitive fellowship from Yale University Law School in the US. Most recently, he gave the 2015 Distinguished Lecture at the University of Nairobi Law School in Kenya, and was appointed as Extraordinary Professor of Law in the Faculty of Law at the University of Pretoria, South Africa. He has also held previously the position of Extraordinary Professor of Law at the Centre for Human Rights, the University of Pretoria. Based in Washington DC, Prof. Mwenda is the Program Manager and Executive Head of the World Bank's Voice Secondment Program, a major capacity-building initiative of the Board of Executive Directors of the World Bank.

Prof. Mwenda has had a stellar academic career as well as an outstanding professional life as a leading international development practitioner, travelling to more than thirty countries worldwide. His is a fine blend of theory and practice, with many years of international experience in both academia and international development. Prof Mwenda has maintained a parallel academic and professional life, publishing academic books and other scholarly work in top journals and law reviews as well as holding various senior academic appointments at leading universities internationally, while serving with the World Bank. A member of the editorial boards of several scholarly journals, including the *Journal of*

International Banking Regulation and the *Africa Finance Journal*, he is also an occasional editor of the *Journal of African Business*, and was until recently the joint Editor-in-Chief of the World Bank's *Law, Justice and Development Book Series*.

With sustained thought leadership in academia, in addition to valuable experience in international development practice, Prof Mwenda is a widely recognized authority in his field of expertise as well as a highly sought-after speaker that has been interviewed and quoted by numerous print and broadcast media, including the *New York Times* (US), the *Voice of America* (VOA, US), *CCTV* (US), the *Times* (UK), the *British Broadcasting Corporation* (BBC, UK), and *Sky TV* (UK). In 2008, after a rigorous and thorough examination of Prof Mwenda's selected scholarly books and peer-refereed journal articles by a distinguished panel of top international legal scholars, Prof Mwenda was admitted by Rhodes University, a leading university in South Africa, to the rarely awarded Higher Doctorate degree of Doctor of Laws (LLD). It was the first time ever in the rich academic history of that university that such an award was being conferred in the Faculty of Law! Six years later, in 2014, after another rigorous and thorough examination of Prof Mwenda's other substantial portfolio of scholarly books and peer-refereed journal articles by a distinguished panel of eminent international scholars, Prof Mwenda was admitted by the University of Hull, a leading British university, to the rarely awarded Higher Doctorate degree of Doctor of Science in Economics (DSc(Econ)). It is

important to stress that in the entire English speaking world, Prof. Mwenda is arguably the only senior legal scholar to have earned two Higher Doctorate degrees in two different disciplines! Higher Doctorates, it should be emphasized, are never the immediate step after a PhD. Rather, they are reserved for those internationally recognized senior scholars that have made exceedingly significant contributions to a science or body of knowledge through exceptionally insightful and distinctive scholarly publications, earning them recognition as international authorities in the field of research that forms the basis of the degree.

Further, Prof. Mwenda holds a PhD in Law from a leading British university, the University of Warwick. At the World Bank, he has served additionally as Senior Legal Counsel in the Legal Vice-Presidency as well as Senior Legal Counsel in the World Bank's Integrity Vice-Presidency. All in all, Prof. Mwenda has written more than twenty-five (25) scholarly books and over ninety (90) articles in leading law reviews and academic journals. Prior to joining the World Bank, he served as an Assistant Professor of Law at the Faculty of Law, the University of Warwick, in the UK. Prof Mwenda has also taught as Adjunct Professor of Law at American University Washington College of Law (WCL) in Washington DC. His scholarly work is cited frequently as authority not only in academia, but also by the courts of law, most recently by the Supreme Court for the Republic of Zambia in the case of *Ventriglia and Ventriglia v. Eastern and Southern Africa Trade and Development Bank and*

Robert Simeza SCZ NO. 13 OF 2010 (Appeal No. 11/2009). His other scholarly work has been seminal in some of the research work and country assessments carried out by the International Monetary Fund (IMF), the World Bank, the Asian Development Bank (ADB) and the Inter-American Development Bank (IADB).

In addition, Prof. Mwenda holds, *inter alia*, the prestigious BCL degree from the University of Oxford (UK) and an MBA degree from the University of Hull (UK), with subsequent executive leadership training from Cornell and Georgetown Universities, respectively. His first professional law degree, a Bachelor of Laws (LLB), is from the University of Zambia where he graduated in 1990 in the top one percent (1%) of his class. He was admitted to the Bar in Zambia in 1991, as the best Bar admission student. Prof. Mwenda is a US Certified Anti-Money Laundering Specialist (CAMS) as well as a Fellow of the British International Compliance Association (FICA). He has served as Visiting Full Professor of Law at a number of leading universities in Europe and South Africa, including the University of Miskolc in Hungary, the University of Cape Town (UCT), the University of Western Cape (UWC) and the University of Zambia. He has also given many lead lectures and presentations at major US universities, including George Washington University, the University of Maryland, Duke University, Temple University, and the University of South Florida.

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