Integrating Ubuntu philosophy in South African legislation for managing public sector ethics

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ABSTRACT

Extant research demonstrates that indigenous ethical systems can significantly shape public administrators' decision-making processes. However, the inclusion of indigenous ethical systems has been limited. The exclusion of indigenous ethical systems like Ubuntu from South Africa's public sector ethics framework has resulted in a lack of cultural relevance, weakening ethical conduct, undermining accountability and trust, and limiting the framework's effectiveness in promoting integrity and combating corruption. This article aims to assess the potential of integrating the Ubuntu philosophy into South African legislation for managing public sector ethics. This article employs a qualitative approach. Thematic analysis was used to analyze the data to examine the frequency with which Ubuntu philosophy is integrated into existing legislation from secondary sources for managing public sector ethics. Findings of the study reveal limited incorporation of Ubuntu philosophy in the existing legislative framework for managing public sector ethics, resulting in lack of ethical governance and accountability in South Africa. To address the lack of incorporation of Ubuntu principles in the above legislation, there is a need for explicit references to the Ubuntu principles. This study contributes to public administration scholarship by critically highlighting the limited integration of the Ubuntu philosophy within South Africa's public sector ethics legislation and offering practical recommendations for embedding indigenous ethical principles to enhance cultural relevance, strengthen ethical conduct, and improve accountability and integrity in public service delivery.

Contribution/Originality: The originality of this article lies in its comprehensive thematic legal analysis of how Ubuntu philosophy is integrated into South African public sector ethics legislation. It uniquely combines postcolonial theory with indigenous ethical values, offering practical recommendations to embed Ubuntu principles in law, thus enhancing culturally relevant, ethical governance and accountability in South Africa.

1. INTRODUCTION

Ethics form the foundation of public administration, guiding the behavior of administrators and influencing the fundamental principles guiding governance and service provision. They play a crucial role in South African public administration by promoting accountability, building trust, ensuring fairness, safeguarding human rights, enhancing efficiency, attracting investment, and strengthening democratic governance. While there are ongoing efforts to strengthen ethics in South Africa's public administration, significant challenges persist. South Africa's public administrators have a number of legislations and codes of ethics guiding their conduct. However, as pointed out

earlier, unethical practices remain rampant. As of January 2024, South Africa ranked 72nd out of 180 countries in the Corruption Perceptions Index, a Transparency International index that ranks countries based on their perceived levels of public sector corruption (Transparency International, 2024). The index shows that, despite the progress made in criminalizing corruption and establishing specialized anti-corruption institutions in South Africa, corruption levels have significantly worsened (Transparency International, 2024). In 2024, South Africa received its worst rating since the index was established in 2012. Mokgolo and Dikotla (2023) acknowledge that while the government of South Africa has created a legislative milieu for public officials to operate, unethical behavior within the public sector continues, reflecting the ineffectiveness of existing legislation.

There has been growing debate on the integration of indigenous African ethical systems (Mlambo & Masuku, 2020). In the context of public sector ethics, decolonization aims to question and into public sector reform ethical frameworks, values, and practices rooted in Eurocentric or Western models of governance, often marginalizing indigenous knowledge systems, cultural practices, and ethical traditions (Svara, 2021). The current marginalization of African ethical systems, principally Ubuntu in South Africa's public sector, has resulted in a lack of cultural relevance, weak ethical conduct, undermining of accountability and trust, and limiting the framework's effectiveness in promoting integrity and combating corruption.

Decolonizing public sector ethics calls for recognition of the plurality of ethical frameworks and challenges the dominance of Western models as the gold standard for governance and ethical practice. Scholars such as Umeh (2018); Udokang (2014) and Kayange (2018) have explored traditional African philosophies and ethical frameworks, such as Ubuntu, to understand their relevance in contemporary contexts and their contributions to public administration. Most research Mulondo (2023); Mahlala, Mpehle, and Netswera (2022) and Modiba (2019) on African ethics, the focus has focused on the ethical responsibilities of political leaders and public administrators. This could involve examining issues such as corruption, accountability, and transparency pointed out by Mlambo and Masuku (2020) as well as exploring strategies for promoting ethical governance and leadership practices highlighted by Mamokhere, Musitha, and Netshidzivhani (2022). However, recent scholarship by Rosenbloom et al. (2022) and Svara (2021) on ethics in public administration has shown that indigenous ethical systems may play an influential role in public administrators' decision-making; hence, it is important for administrators to operate within a legislative framework that reflects their indigenous ethical systems.

However, past research has paid much less attention to how African ethical philosophies can be integrated into public administration legislation in order to improve ethical conduct (Maile & Vyas-Doorgapersad, 2022; Mlambo & Masuku, 2020; Modiba, 2019). To expand on this, our article examines how the African ethical philosophy of *Ubuntu* can align with South African legislation governing ethics in the public sector. We adopt the definition of ethics proposed by Rich (2016), which describes ethics as "a systematic approach to understanding, analyzing, and distinguishing matters of right and wrong, good and bad, and admirable and deplorable as they relate to the well-being of and the relationships among sentient beings".

In this article, we employ postcolonial theory to examine the legacy of colonialism and its impact on governance systems, power dynamics, and knowledge production in South Africa. Given that the research aims to explore the underemphasis on Ubuntu in public administration ethics, a postcolonial theoretical framework helps uncover how colonial legacies continue to shape administrative practices and contribute to the marginalization of indigenous ethical perspectives, resulting in an inefficient public sector ethics framework in contexts such as South Africa. Postcolonial theory provides insights into both the challenges and strategies for decolonizing public administration while promoting greater recognition of African ethical values.

Our article provides an appropriate setting for highlighting the three key components of postcolonial theory: how colonialism disrupted and suppressed traditional African ethical frameworks, critiquing existing administrative practices rooted in colonial legacies that ignore indigenous philosophies such as *Ubuntu*, and ensuring that indigenous African ethical philosophies are not merely tokenized but actively engaged with and represented in legislation guiding

ethics in public administration. All three have not been examined simultaneously in past studies. Our article examines the integration of Ubuntu in South African public administration legislation from the three key components of postcolonial theory mentioned above. This article contributes to future legislative reforms or amendments by examining how perspectives from Ubuntu philosophy can enrich public administration practices, contributing to the broader discourse on ethics in governance and policymaking.

2. ETHICS IN THE PUBLIC SECTOR

Ethics can be defined around the three core concepts of the 'good', the 'self', and the 'other'. Ethics then imply that one is ethical when one does not only consider what is good for oneself but also whether what is 'good' for the 'self' is also good for 'others' (Rossouw & Van Vuuren, 2017). When narrowly defined, ethics is a branch of philosophy that studies ideal human behavior and ideal ways of being. In this article, we adopt the definition of ethics proposed by Rich (2016), which describes ethics as "a systematic approach to understanding, analyzing, and distinguishing matters of right and wrong, good and bad, and admirable and deplorable as they relate to the well-being of and the relationships among sentient beings".

The approaches to ethics and the meanings of related concepts have varied over time among philosophers and ethicists. For example, Aristotle believed that ideal behaviors were practices that lead to the end goal of eudaimonia, which is synonymous with a high level of happiness or well-being; on the other hand, Immanuel Kant, an 18th-century philosopher and ethicist, believed that ideal behavior was acting by one's duty. For Kant (1949) well-being means having the freedom to exercise autonomy (self-determination), not being used as a means to an end, being treated with dignity, and having the capability to think rationally. As a philosophical discipline of study, ethics is a systematic approach to understanding, analyzing, and distinguishing matters of right and wrong, good and evil, and admirable and deplorable as they relate to the well-being of and the relationships among sentient beings (Rich, 2016). Ethical determinations are applied through the use of formal theories, approaches, and a legislative framework for managing ethics in a professional sector.

Ethics is not a static state but an ongoing process, often referred to as 'doing ethics' by ethicists (Metz, 2017). In this practice, individuals must substantiate their beliefs and claims with logical reasoning. Even if ethics is perceived as entirely subjective, it is imperative to justify positions with coherent, theoretically grounded arguments (Billington, 2003). While emotions are natural and integral to human existence, they should complement, not overshadow, sound reasoning in ethical deliberations. Allowing emotions to dominate can undermine the integrity of ethical decision-making. Effective ethical evaluations necessitate a harmonious interplay between emotion and reason. In contrast, morals stem from active engagement in ethical deliberation, representing specific beliefs, behaviors, and modes of conduct. These morals are subject to judgment as either good or bad.

Billington (2003) highlights key aspects of morals and ethics, emphasizing that moral and ethical decisions are unavoidable due to our social interactions. These decisions always involve others, meaning private morality does not exist, as every choice impacts someone else's life, self-esteem, or happiness. Although ethical debates rarely lead to definitive conclusions, moral judgment requires the ability to choose from multiple options, making choice an essential component of sound ethical decision-making.

Legislative frameworks governing public administrators in Africa are mostly based on Roman-Dutch law and Judeo-Christian religious teachings owing to European colonialism (Metz, 2017). In practical terms, African philosophies such as Ubuntu influence employee behavior and decision-making in public administration, serving as the moral compass and guiding principle for ethical behavior. While universal ethical principles undoubtedly overlap between Western Europe and Africa, the emphasis and prioritization of certain values and ethical frameworks often vary. One such example is Aristotelian virtue ethics, which views virtues as habits of character similar to Ubuntu, which emphasizes good character; however, they vary as Aristotle identified courage, temperance, and justice as core

virtues, while Ubuntu encourages values such as compassion, empathy, respect, and solidarity (Rich, 2016). It is important to understand ethics since they have a significant influence on public administration.

Exploring ethics within the context of African moral philosophy makes it evident that the conception of personhood and ethical maturity is deeply intertwined with communal life and the fulfillment of societal obligations. Menkiti (2018) a prominent Nigerian philosopher, elucidates this perspective by emphasizing that personhood is not a static condition but rather something that is attained through active participation in communal responsibilities. This notion underscores the foundational role of communal engagement in shaping ethical sensibilities and fostering moral personhood. Furthermore, an examination of African linguistic traditions reveals a distinct link between language, character, and morality. Despite the absence of direct translations for "ethics" or "morality" in many Sub-Saharan African languages, expressions pertaining to ethical conduct often revolve around the concept of character. In his analysis of ethics and moral personhood in African moral philosophy, Ifeanyi Menkiti, an African philosopher from Nigeria, said:

> The various societies found in traditional Africa routinely accept the fact that personhood is the sort of thing that has to be attained, and is attained in direct proportion as one participates in communal life through the discharge of the various obligations defined by one's station. It is the carrying out of these obligations that transforms one from the it-status of early childhood, marked by an absence of moral function, into the person-status of later years, marked by a widened maturity of ethical sense, an ethical maturity without which personhood is conceived as eluding one (Menkiti, 1984).

Hence, when we discuss ethics in an African context, it is paramount that we make an inquiry into African moral language, specifically searching for the word for 'ethics' in a few African languages. This inquiry provides insight into the basic conception and understanding of ethics or morality in the African context (Gyekye, 2010). It is important to note that a substantial number of Sub-Saharan African languages do not have words that can be said to be *direct* translations of the words 'ethics' or 'morality'. Below are some interesting results of inquiries made by Gyekye (2010) from native speakers of a few African languages and how statements about a person's ethical or moral conduct are expressed in those languages.

1. When a speaker of the Akan language in Ghana wants to say, "He has no morals," or, "He is immoral," or "He is unethical," "His conduct is unethical," he would almost invariably say, "He has no *character*" (*Onni suban*).

2. The statement, "He has no morals," or "He is unethical," is expressed by a speaker of the Ewe language spoken in Ghana and Togo as, *nonomo mele si o* (which means "He has no character").

3. In the Yoruba language, primarily spoken in Nigeria, Benin, and Togo, the word *iwa* means both character and morality.

4. In the Igbo language of Eastern Nigeria, the word *agwa*, meaning character, is used in such a statement as "he has no morals" (*onwe ghi ezi agwa*).

5. In Shona, the language spoken in Zimbabwe, Mozambique, and Botswana, the word *tsika* means 'ethics' or 'morality'. However, when referring to a person who lacks morals or is unethical, the word *hunhu* is often used, which directly translates to 'character'. Therefore, *Haana hunhu* means 'He has no character', 'He is not moral', or 'He is unethical'.

6. In Southern Sotho, a language spoken widely in Lesotho and South Africa, there are no words that are the direct equivalents of 'ethics' or 'morality'. References to the moral or ethical life or behavior are made using words that mean behavior or character. Thus, moral statements such as "he has no morals" or "his action is unethical" will be expressed by words such as *maemo* which means character or behaviour: thus, *maemo a mabe* means "he has a bad character", "his behavior (action) is unethical." When a person behaves (or acts) in ways that are morally right, they would say "he has a good character", using the words *lokileng* or *boitswaro*, both of which mean good character or good behavior.

This linguistic analysis reveals the intrinsic link between character and morality in various African languages. This linguistic insight underscores the foundational role of character in African ethical frameworks. The lack of explicit vocabulary for ethics or morality suggests that ethical behavior is intricately linked to one's character and actions. Even in languages such as Shona and Southern Sotho, where direct equivalents for "ethics" or "morality" are lacking, moral behavior is articulated through terms synonymous with character or behavior. Thus, in African contexts, assessments of moral worth often revolve around the presence or absence of character traits deemed virtuous or ethical. Consequently, cultivating and upholding a strong moral character is integral to individual identity and the fabric of communal life and societal cohesion in African communities.

Ubuntu philosophical discourse elucidates the nature of character as being shaped by habitual actions, as articulated by Mabvurira (2020) work on Ubuntu. Within the framework of Ubuntu, a person's character is understood in relation to their interactions with others and their contributions to the community's collective well-being (Mabvurira, 2020). As highlighted by Chigangaidze (2021), central to Ubuntu is the belief that individuals are fundamentally interconnected and interdependent, and their actions should reflect this interconnectedness. Consistent engagement in specific actions engenders corresponding habits, shaping one's character. Consequently, the sustained practice of actions leading to the acquisition of ethical habits reinforces the development of ethics or good character. Over time, these acquired ethics crystallize into ingrained habits, reflecting the Ubuntu conception of character as evaluated not only based on their individual traits or accomplishments but also on their relationships with others and their adherence to communal values (Chigangaidze, 2021). Hence, ethics or manifestations of excellence in character, as well as vices, are produced through the process of habituation and communal engagement within Ubuntu ethical discourse (Mathebula, 2023).

At its core, Ubuntu suggests that one's identity and well-being are deeply intertwined with those of others and that ethical behavior is rooted in acknowledging and honoring this interconnectedness. Central to Ubuntu ethics is the maxim "Munhu munhu nevanhu," in Shona, or "*Umuntu ngumuntu ngabantu*" in Zulu, which translates to "I am because we are." This notion shows the communal nature of identity and ethics in African communities, suggesting that individuals find fulfilment and meaning through their relationships and contributions to the community. The Ubuntu Philosophy, as explored by Gade (2012) emphasizes the interconnectedness of individuals and the importance of community in shaping one's identity. This perspective on personhood and community is further developed by Eliastam (2015), who argues that it can provide a humanistic foundation for ethical obligations. Metz (2017) suggests that Ubuntu ethics can be explored from the perspectives of the good (virtue ethics), the right (duty ethics), and the wise (situational ethics). Chigangaidze (2021) extends this application to public administration, particularly in social work, proposing that the Ubuntu philosophy is a crucial guiding tool for ethical decision-making in social work among Africans. Futter (2016) argues that the concept of ubuntu is humanistic by nature; however, it is not solely based on communalism or supernaturalism. By re-evaluating core concepts of community from Plato's Republic, Futter (2016) suggests that ubuntu can serve as the basis for understanding obligation to community from a secular humanist perspective. Proponents of postcolonial theory use ubuntu philosophy to emphasize the importance of community and solidarity, advocating for a shift from individualism, which is viewed as 'Western,' to a collective sense of "I am because we are," which is seen as inherent in African cultures, particularly amongst the Bantu people (Chowdhury et al., 2021).

Ethical principles derived from Ubuntu philosophy include (Chowdhury et al., 2021; Magezi & Khlopa, 2021; Van Breda, 2019).

a. Interconnectedness: Ubuntu espouses the notion of interconnectedness, positing that individuals are intricately linked and interdependent. Actions and welfare are intricately interwoven with the community's collective well-being, fostering symbiotic relationships.

b. Human Dignity: Central to the Ubuntu ethos is the reverence for human dignity, affirming every individual's inherent worth and value. Within this paradigm, each person is esteemed and regarded as an integral part of the communal fabric.

c. Communalism: Ubuntu emphasizes the importance of communal cohabitation and cooperative efforts. It advocates for mutual support and solidarity among individuals, promoting the equitable sharing of communal resources for collective advancement.

d. Compassion and Empathy: Ubuntu underscores the cultivation of empathy and compassion towards others, nurturing a profound understanding and resonance with the joys and tribulations of fellow community members. Such empathetic engagement fosters a sense of shared humanity and interconnectedness.

Although there has been research on Ubuntu's moral principles and how they affect individuals' behavior and decision-making in the public sector, there is still very little research on how these principles are or could be formally included in South African law. Most of the research conducted so far has examined either case studies of how the government functions or individual Ubuntu principles in isolation, without systematically mapping how the entire set of interconnected values, such as human dignity, communalism, compassion, and empathy, are integrated into different laws. It is also important to note that there has been limited discussion on comparing various legislative tools to identify specific areas for change or addition. This study addresses these gaps by conducting a thematic legal examination of key public-sector laws and proposing specific amendments, thereby ensuring that Ubuntu's comprehensive ethical framework is effectively integrated into South Africa's public-sector ethics environment.

3. METHODOLOGY

A qualitative approach was adopted to analyze secondary data, combining evidence from various sources such as journal articles, books, policy documents, internet sources, reports, and case studies related to Ubuntu and South African public administration legislation. The selection of sources was guided by specific criteria focusing on relevance to Ubuntu, public administration legislation in South Africa, and insights into the integration of Ubuntu into public administration legislation. By focusing on qualitative document analysis, this article aims to provide in-depth insights into the complex phenomena, allowing for a nuanced understanding of cultural and ethical considerations within governance frameworks (Dubey & Kothari, 2022). The data collected through the desktop review underwent thematic analysis to identify recurring theme patterns and insights related to Ubuntu and public administration legislation in South Africa.

The article examines Constitution of the Republic of South Africa (1996) Promotion of Administrative Justice Act No 3 of 2000 (PAJA), Promotion of Access to Information Act No 2 of 2000 (PAIA), Municipal Financial Management Act No 56 of 2003 (MFMA), Public Service Act, 1994 (Act 103 of 1994), Prevention and Combating of Corrupt Activities Act (2004) and Executive Members' Ethics Act (1998) Public Finance Management Act no 1 of 1999 (PFMA) and Protected Disclosures Act no 26 of 2000. The analysis involves coding the legislation based on key elements of Ubuntu. Given the qualitative nature of the study, sampling was non-probabilistic and based on purposive selection of literature that best represents the subject. The sample included a range of case studies and South African legislation to ensure comprehensive coverage of the topic. While this type of desktop review approach allows for a comprehensive examination of existing literature, it may be limited by the availability and accessibility of relevant documents. Additionally, the article's findings may be influenced by the biases and perspectives of the authors. Efforts were made to mitigate these limitations through careful selection and analysis of the data.

We used a manual coding technique that was both iterative and hybrid (deductive–inductive). We first used deductive reasoning to develop four a priori codes representing the key Ubuntu values of Interconnectedness, Human Dignity, Communal Responsibility, and Compassion/Empathy. This was done by examining the philosophical literature directly (Menkiti, 1984; Metz, 2017). We also compiled all of the annotated parts into a single main

spreadsheet, combining codes that were the same or less important under broader thematic categories. We counted how many times each Ubuntu principle was included in each statute.

To define and apply the themes in practical terms, we first distilled each concept, Interconnectedness, Human Dignity, Communalism, and Compassion/Empathy into a short list of observable indicators, for example, 'shared responsibility' or 'respect for inherent worth,' drawn from Ubuntu texts. We then built a simple codebook in Excel: for each theme, we listed its indicators alongside clear yes/no criteria.

Our thematic analysis followed Braun and Clarke (2006) six-phase framework. First, we immersed ourselves in the data by reading each statute, noting preliminary observations. Next, passages corresponding to our a priori indicators were highlighted, and short memos were recorded; for instance, under Communal Responsibility, any reference to 'collective decision-making' or 'community consultation' was captured. In the third phase, we generated initial codes; for example, Preamble Chapter 3 was coded as Interconnectedness because it stipulates that 'justice must be administered in a manner that fosters social cohesion.' We then collated these codes in the spreadsheet, grouping overlapping indicators; for example, 'collaborative governance' merged under Interconnectedness.

In phase four, we reviewed and refined our themes by examining each code's consistency and fit. As an example of inductive flexibility, when we encountered repeated mentions of 'public servant accountability,' we created a sub-code under Human Dignity, 'dignified treatment through accountability,' even though it was not in our original a priori list. The fifth phase involved defining and naming the themes: each theme entry in the codebook includes a label, definition, list of indicators, and two exemplar quotes from different statutes. Finally, in phase six, we produced our analytic narrative, interpreting how each Ubuntu value manifests in legislation.

4. FINDINGS

This research assessed the integration of Ubuntu philosophy in South African legislation for managing public sector ethics. The study used Ubuntu philosophy principles highlighted by Chowdhury et al. (2021) and Magezi and Khlopa (2021) to achieve this goal. The study examined four Ubuntu principles of interconnectedness, human dignity, communalism, compassion, and empathy to identify if these principles were included in South African legislation for managing public sector ethics. Based on a thorough inspection of nine legislations, this section presents a tabulated summary of Ubuntu principles, presented under the categories of "Interconnectedness," "Human Dignity," "Communalism," and "Compassion and Empathy" Table 1, followed by an analysis of the data in the table. A discussion of the findings follows this section.

Table 1. Tabulated summary of Ubuntu principles.

Legislation	Interconnectedness	Human dignity	Communalism	Compassion and empathy
Constitution of the Republic of South Africa, 1996	Implicit (Preamble Chapter 3)	Absent	Implicit (Preamble, section 9 section 27)	Absent
Promotion of Administrative Justice Act no 3 of 2000 (PAJA)	Absent	Implicit (Section 3 (1), Section 3 (2))	Absent	Absent
Promotion of Access to Information Act no 2 of 2000 (PAIA)	Absent	Implicit (Section 11 (1))	Absent	Implicit (Section 14 (1) section 22)
Municipal Financial Management Act no 56 of 2003 (MFMA)	Implicit (Section 17 (3) section 23 (1))	Absent	Absent	Implicit (Section 12 (2) section 18 (2))
Public Service Act, 1994 (Act 103 of 1994)	Implicit (Section 3(5) section 3A)	Absent	Implicit (Section 3 (3)(b) Section 7 (3)(b))	Absent

Legislation	Interconnectedness	Human dignity	Communalism	Compassion and empathy
Prevention and combating of corrupt activities act 12 of 2004 (PRECCA)	Absent	Implicit (Section 4 section 10)	Absent	Implicit (Section 32 section 26)
Ethics in Public Office Act (1998)	Absent	Implicit (Section 16 section 17)	Absent	Implicit (Section 22)
Public Finance Management Act no 1 of 1999 (PFMA)	Implicit (Section 6 section 36)	Absent	Implicit (Section 38(1)(a))	Absent
Protected Disclosures Act no 26 of 2000	Absent	Implicit (Section 4 section 9)	Absent	Implicit (Section 5 section 8)

The Constitution of the Republic of South Africa (1996) does not explicitly mention Ubuntu principles, although there is a clear reflection of Ubuntu's principle of interconnectedness, particularly in the Preamble and Chapter 3. These sections encourage national unity and working together to govern, to create an environment where people and communities work together for the greater good. This connection fits with Ubuntu's focus on the well-being of everyone in society. Furthermore, the principle of communalism is also alluded to in Sections 9 and 27, which protect equality and ensure access to essential services such as healthcare, housing, and social welfare, but is not explicitly stated. However, the Constitution does not explicitly integrate the principles of human dignity and compassion. Ubuntu stresses the importance of community in African society, but the law doesn't directly address these specific issues, such as sharing resources and building empathy among communities. Instead, it prioritizes individual rights over community duties.

The Promotion of Administrative Justice Act (PAJA) does not directly reference Ubuntu's principles either. Still, Sections 3(1) and 3(2) implicitly reference human dignity in a way that protects people's rights to fair administrative procedures and protects them from unfair government acts. Even if these sections mention Ubuntu directly, they follow the spirit of Ubuntu by making sure that everyone is treated with respect and justice when they deal with governmental authority. However, PAJA does not reference the ideas of interconnectivity, communalism, or compassion. It mainly talks about the rules that regulate how people engage with the government, not about how people relate to each other in general or the ideals of empathy and caring for others.

In contrast, the Promotion of Access to Information Act (PAIA) provides a more nuanced incorporation of Ubuntu principles. While the act does not engage directly with interconnectedness or communalism, Section 11(1) protects human dignity by giving individuals the right to access information held by the state. People need access to information to make informed decisions and hold public officials accountable. This is vital in a democratic society that values human dignity. Sections 14(1) and 22, which ensure that information is shared fairly and openly, can also be seen as examples of the Ubuntu principle of compassion. The law encourages justice and prevents harm to society by ensuring everyone has equal access to information. This aligns with Ubuntu's concern for the well-being of all members of society.

The Municipal Financial Management Act (MFMA) reflects Ubuntu's principle of interconnectedness in Sections 17(3) and 23(1), where transparency and accountability in municipal finances are emphasized. These provisions ensure that municipalities use their resources in a way that benefits the whole community, which encourages a connection between local governments and the people they serve. Even if the act does not explicitly mention communalism or human dignity, Sections 12(2) and 18(2) implicitly mention communalism by stressing the need to handle public funds responsibly and ethically so that resources are used in ways that are beneficial for society.

The Public Service Act (1994) incorporates some Ubuntu principles, particularly in fostering interconnectedness and communalism within the public service. Sections 3(5) and 3(a) encourage public service institutions to collaborate

and coordinate their efforts so that different sectors can work together for the greater good. This exemplifies the Ubuntu principle of interconnection. Meanwhile, Sections 3(3)(b) and 7(3)(b) promote fair hiring practices that uphold the dignity of public service personnel by ensuring they are treated with fairness and respect. However, the act does not explicitly address human dignity and compassion. It focuses more on the organization of public service rather than on shared responsibilities or community living. Although the principle of compassion is not explicitly mentioned, the overall emphasis on justice might be seen as implicitly supporting this virtue.

In the Prevention and Combating of Corrupt Activities Act (PRECCA), the principles of human dignity and compassion are alluded to through provisions that seek to prevent corruption, thereby safeguarding the rights and well-being of citizens. Sections 4 and 10, which focus on openness and responsibility, protect individuals from the harm caused by corruption, thereby defending human dignity. Additionally, Sections 32 and 26 demonstrate compassion, as they address the impact of corruption on society and promote ethical governance. However, the act does not mention interconnection or communalism, as it emphasizes individual duty more than collective obligation. The Ethics in Public Office Act (1998) similarly alludes to Ubuntu's principle of human dignity, particularly in Sections 16 and 17, which promote ethical behavior in public office. The legislation protects the dignity of both individuals and society as a whole, ensuring that public officials are honest. Section 22 focuses on the moral duties of public authorities. This might be seen as an example of the principle of compassion, since ethical governance keeps citizens safe from the consequences of unethical behavior. However, the act does not address interconnection or communalism, as it focuses more on individual ethics than on societal values as a whole.

Finally, the Public Finance Management Act (PFMA) and the Protected Disclosures Act partially incorporate Ubuntu principles. The PFMA highlights interconnectedness in Sections 6 and 36 by promoting accountability and transparency in the management of public finances, ensuring that financial resources are used for the common good. Section 38(1)(a) relates to communalism as it encourages people to use public resources wisely for the benefit of the community. The Protected Disclosures Act reflects compassion and human dignity in Sections 4, 5, and 9, which protect whistleblowers from retaliation and ensure they are treated with respect and fairness. These provisions align with Ubuntu's emphasis on protecting the vulnerable and promoting societal fairness.

5. DISCUSSION

Some parts of South African public administration law reflect Ubuntu principles, although most do not. Some of the important themes that are present are interconnection, human dignity, communalism, compassion, and empathy. The 1996 South African Constitution shows some elements of Ubuntu, especially in the Preamble and Chapter 3 (Co-operative Government), which stress interconnection by calling for a united, democratic society that respects diversity. Section 4 of the Promotion of Administrative Justice Act (PAJA) also shows communalism by stressing the importance of public participation in decision-making processes. This is an important part of Ubuntu's focus on collaborative governance. The Constitution also does a good job of protecting human dignity, which is a key aspect of Ubuntu. Sections 10 and 12, for example, guarantee the right to dignity and freedom. Section 11 of the Promotion of Access to Information Act (PAIA) protects this value by ensuring that people may get information that is important for them to make informed decisions, which protects their dignity.

However, despite these incorporations, several key Ubuntu principles are either insufficiently emphasized or entirely absent in the legislation. Compassion and empathy, foundational to Ubuntu, are notably underrepresented. For instance, PAJA, while outlining procedural fairness in Section 3, does not explicitly incorporate compassion or empathy in its approach to administrative justice. The legislation focuses on procedural correctness but misses an opportunity to incorporate Ubuntu's empathetic approach, which emphasizes caring for individuals and communities beyond mere legal formalities. Likewise, the Municipal Financial Management Act (MFMA) integrates interconnectedness by involving communities in municipal budgeting processes in Sections 17 and 23. Still, it fails to extend this to include Ubuntu's values of human dignity and compassion. Municipal financial decisions, while

technically inclusive, do not always prioritize the well-being of the community as a whole, which is a key Ubuntu principle. The absence of explicit references to Ubuntu means that these processes may fail to reflect the moral obligation of the state to act with care and concern for its citizens' holistic well-being.

Several other pieces of legislation also exhibit gaps where Ubuntu principles should be embedded. The Public Service Act of 1994, for example, emphasizes equity in service delivery and fair treatment in employment, particularly in Section 3(3)(b) and Section 7(3)(b). However, it does not explicitly align with Ubuntu's emphasis on communalism and shared responsibility. Public service delivery should reflect not just fairness in administrative terms but a collective commitment to advancing the well-being of all citizens in a manner that acknowledges their interconnectedness. Moreover, PRECCA (Prevention and Combating of Corrupt Activities Act), while targeting corruption, lacks a strong Ubuntu-based approach to fostering collective responsibility and ethical integrity in public offices. Section 34, which mandates reporting corrupt activities, could be further enhanced by incorporating Ubuntu's emphasis on communal integrity and the shared responsibility to uphold ethical standards across all levels of governance.

To more effectively integrate Ubuntu principles into legislation, amendments should focus on explicitly referencing and operationalizing these values within legal frameworks. For instance, Section 10 of the Constitution, which already enshrines the right to dignity, could be expanded to include an explicit reference to Ubuntu, emphasizing the interdependent nature of human dignity where one's dignity is intertwined with the dignity of others in the community. Similarly, Section 17 of the Public Service Act, which governs employee treatment, could incorporate Ubuntu's focus on communal well-being, ensuring that public servants are treated not only fairly but also with empathy and compassion. In the Municipal Financial Management Act, financial governance should go beyond technical inclusivity to emphasize Ubuntu's communal responsibility, ensuring that all economic decisions are made with the collective interest of the community at heart. Moreover, PRECCA could be revised to reflect Ubuntu's commitment to collective accountability in combating corruption, ensuring that all individuals in positions of authority are seen as stewards of the community's trust.

The recommendations for incorporating Ubuntu principles into South African public administration legislation are outlined in several key areas. First, for the Constitution of the Republic of South Africa, 1996, it is suggested that explicit references to the Ubuntu values of interconnectedness, human dignity, communalism, and compassion be introduced in the Preamble and Chapter 3 (Co-operative Government). This would emphasize the collective nature of governance, shared responsibility in ensuring well-being, and the protection of human dignity through cooperation and solidarity. Ubuntu's values of unity, communal responsibility, and human dignity align with the Constitution's foundational principles of democracy, cooperation, and equality, reinforcing a governance model that prioritizes collective welfare.

For the Promotion of Administrative Justice Act No. 3 of 2000 (PAJA), it is recommended that Section 3 (Procedural Fairness) be amended to incorporate compassion by ensuring administrative decisions account for the socio-economic circumstances of affected individuals, fostering a decision-making system guided by empathy. Additionally, Section 4 (Public Participation) should include communalism, emphasizing collective decision-making processes that reflect shared community responsibility and interconnectedness. These changes are motivated by Ubuntu's focus on community, empathy, and respect for human dignity, which can strengthen fairness in administrative actions and make public participation more inclusive.

In the Promotion of Access to Information Act No. 2 of 2000 (PAIA), Section 9 (Transparency and Accountability) should be revised to reflect interconnectedness by ensuring access to information serves both individual rights and the collective good. Furthermore, human dignity should be emphasized by ensuring that marginalized and disadvantaged communities can access necessary information to fully participate in democratic processes. Ubuntu promotes the idea that access to information should serve communal well-being and protect the dignity of all individuals, particularly the most vulnerable.

For the Municipal Financial Management Act No. 56 of 2003 (MFMA), modifications to Sections 17 and 23 (Community Involvement in Budgeting) are recommended to integrate communalism and interconnectedness by ensuring budget processes involve genuine engagement with all community sectors. The emphasis should be on shared decision-making that considers the needs of the entire community, and compassion should guide financial decisions that actively address inequality and poverty. Ubuntu supports inclusive financial governance based on collective responsibility, ensuring that municipal resources benefit the whole community and that decisions are made with care for vulnerable populations.

In the Public Service Act, 1994 (Act No. 103 of 1994), Section 3 (Service Delivery) should be amended to incorporate compassion and communalism, ensuring that public service delivery prioritizes equitable access and communal well-being over procedural efficiency. Section 17 (Employee Dignity) should emphasize human dignity and respect, ensuring fair treatment, empathy, and support for public servants. Ubuntu's focus on dignity, compassion, and communal responsibility enhances fairness in both service delivery and employee treatment, fostering a more inclusive and humane public service.

For the Prevention and Combating of Corrupt Activities Act No. 12 of 2004 (PRECCA), Section 34 (Duty to Report Corruption) should integrate communal accountability and honesty, emphasizing collective responsibility in fighting corruption and fostering integrity as a communal ethic. Encouraging an interconnected approach would promote a shared obligation to uphold public trust across society. Ubuntu's principles of honesty, integrity, and collective responsibility are vital in preventing corruption, encouraging moral accountability, and maintaining ethical governance.

The Ethics in Public Office Act, 1998, should update Sections 16 (Obligations of Office Holders) and 18 (Declaration of Interests) to reflect communalism and ethical responsibility, ensuring public officials act with transparency and integrity, not only as individuals but also as part of a collective commitment to the public good. Compassion should be incorporated in addressing conflicts of interest to ensure decisions benefit the broader community. Ubuntu's emphasis on ethical behavior, communal trust, and the collective welfare of society aligns with the goals of fostering a transparent and ethical public office.

In the Public Finance Management Act No. 1 of 1999 (PFMA), Section 6 (Functions of National Treasury) and Section 36 (Accounting Officers) should be revised to incorporate interconnectedness, promoting financial management practices that reflect the collective welfare of society. Communalism should be emphasized by ensuring financial resources are allocated equitably across communities, focusing on social cohesion and reducing inequality. Ubuntu's values of interconnectedness and communal responsibility should guide financial governance to benefit all members of society and promote long-term well-being.

For the Protected Disclosures Act No. 26 of 2000, it is recommended to amend Sections 4 (Remedies for Occupational Detriment), 5 (Protection for Employees), and 8 (Disclosure Channels) to incorporate compassion and empathy, ensuring whistleblowers are protected from retaliation and treated with dignity. Disclosures should be handled with care, recognizing the courage and ethical responsibility involved in reporting wrongdoing. Ubuntu's principles of compassion, empathy, and human dignity are essential in protecting whistleblowers, ensuring fair treatment, and viewing the act of reporting unethical behavior as a communal responsibility for the greater good.

This paper has critical policy implications. Integrating Ubuntu and other African ethical values into public administration practices cannot be overstated. Public administration in South Africa, as in many post-colonial states, is still largely influenced by Western ethical frameworks, which often prioritize individualism and procedural correctness. These frameworks may not fully resonate with the lived experiences and values of African communities, where collectivism, interdependence, and communal care are deeply ingrained in the social fabric. By incorporating Ubuntu into legislation, South Africa can develop a more inclusive and culturally relevant governance system that aligns with its diverse societal values. This would not only improve the ethical conduct of public administrators but also foster a deeper sense of trust and legitimacy in governance. Ubuntu's emphasis on compassion, empathy, and

communal responsibility provides a more holistic approach to public service, one that recognizes the interconnected nature of societal well-being. In this way, integrating Ubuntu into legislation can help bridge the gap between formal governance systems and the ethical values of the people they serve, promoting a more ethical, just, and compassionate public administration system that truly reflects South Africa's cultural heritage.

6. CONCLUSION

This paper has critically examined the extent to which Ubuntu philosophy is integrated into South African public administration legislation, particularly regarding ethics management. The findings reveal that while certain laws, such as the Constitution of the Republic of South Africa (1996) and the Promotion of Access to Information Act (PAIA), incorporates elements of Ubuntu principles like human dignity and interconnectedness. Other laws display a more limited or implicit integration of Ubuntu's values of communalism, compassion, and empathy. The emphasis on individual rights and procedural fairness in many legislative frameworks, such as the Promotion of Administrative Justice Act (PAJA) and the Municipal Financial Management Act (MFMA), often overlooks the deeply rooted African ethical philosophy of collective responsibility and care for the community's well-being.

This paper argued that fully integrating Ubuntu into South Africa's public sector ethics legislation would provide a more culturally relevant and holistic framework for governance. Ubuntu's core values of interconnectedness, communalism, and empathy offer a powerful tool for fostering ethical public administration that is inclusive and reflective of the country's diverse cultural heritage. By explicitly incorporating these values into legislation, policymakers can create a system of public service that not only promotes technical efficiency and accountability but also emphasizes relational ethics and collective well-being, essential for building trust, legitimacy, and ethical governance in the South African public sector.

Future reforms should thus aim to amend existing legislation to explicitly reflect Ubuntu principles, promoting a governance model that is not only procedurally just but also morally resonant with the cultural and ethical values of the broader African society. Through this, South Africa can develop a more inclusive, equitable, and ethically grounded public administration system that better serves its people.

These results have broader implications for comparisons outside of South Africa. Countries that are attempting to decolonize can use this method to examine and modify their laws so that indigenous moral systems and restorative values guide government operations.

We conclude with a strong appeal to action: treating Ubuntu as a scholarly idea is no longer enough. Lawmakers, government officials, and members of civil society must work together to turn these ideas into clear legal language.

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