

Cultural Heritage and Contemporary Change
Series II, African Philosophical Studies, Volume 19

An African Path to a Global Future

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The Council for Research in Values and Philosophy

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Washington, D.C. 20064

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Printed in the United States of America

Library of Congress Cataloging-in-Publication

Names: Oelofsen, Rianna, editor.

Title: An African path to a global future / Rianna Oelofsen and Kola
Abimbola (eds.).

Description: first [edition].. | Washington DC : Council for Research in
Values and Philosophy, 2018. | Series: Cultural heritage and contemporary
change. Series II, African philosophical studies ; Volume 22 | Includes
bibliographical references and index.

Identifiers: LCCN 2018022945 | ISBN 9781565183230 (pbk. : alk. paper)

Subjects: LCSH: Africa--Economic policy--21st century. | Africa--Social
policy--21st century. | Philosophy--Africa.

Classification: LCC HC800 .A5684 2018 | DDC 338.96--dc23

LC record available at <https://lcn.loc.gov/2018022945>

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Introduction

RIANNA OELOFSEN

In this book, we have put together a collection of papers which applies African philosophical solutions to problems in areas of ethics, health, education, economics and criminal justice, both in Africa as well as the rest of the world.

Part One consists of papers which apply Western philosophical ideas and frameworks to African issues such as health and political participation. This is in line with the usual ways in which the world has approached African problems for some time. The papers in this section are examples of how philosophical ideas from the West can continue to be useful when applied to local African contexts and issues in order to solve African problems.

While this methodology of applying Western philosophical ideas and frameworks to Africa can be argued to have some merit, there has recently been a call to decolonize the ways we think about Africa, in applying ideas with their roots in Africa to African problems, instead of utilizing Western ideas in order to do so. Therefore, the second and third parts of the book consist of papers which focus on African philosophical ideas, and how they can be applied to both African and global problems.

Africa has long been seen as a problem in our global discourse. Parts Two and Three seek to invert the usual way of looking at Africa as a problem, or as having problems that need to be solved with Western intervention and ideas. Instead, they ask how we might apply some of the wisdom, ideas and philosophies of Africa in order to solve Africa's own, as well as global problems. Different conceptual frameworks rooted in the African context are therefore applied in order to try and find solutions for African, as well as global problems.

Part I. Western Philosophical Ideas Applied to African Problems. As mentioned above, Part One of this book contains papers which apply philosophical ideas and frameworks to the African context in a bid to solve particular problems.

“Oil and Environment in the Niger Delta Region of Nigeria: Nexus between the Conflict and Prospects of a Sustainable Solution”

by J.P. Afam Ifedi focuses on the environmental as well as human health and development challenges which have stemmed from oil production in the Niger Delta region of Nigeria. Ifedi argues that the Nigerian government has provided support and protection to oil companies, and that the government's attempts to minimize harmful effects on local populations and the environment have not provided lasting solutions to the problem faced by the area. This, Ifedi claims, has had the result that there has been continuous violence perpetrated against the government and the oil industries in the area. This has consequently led to numerous social, economic and developmental challenges. Ifedi posits a solution to the problem based on environmental justice, which in turn ought to provide social, economic and political justice.

Grace Umezurike applies John Locke's social contract theory to the Nigerian context in order to show how the application of this theory might improve popular political participation. Umezurike argues that political participation in Nigeria is limited to the few, and that there needs to be an attempt to improve popular political participation. She claims that improved political participation would have positive effects on the polity. Locke's social contract theory, she claims, has a framework of openness to popular political participation and the common good. This theoretical framework, when applied to the Nigerian context, is therefore postulated to be a way to change the nature of political participation in Nigeria.

Part II. African Philosophical Ideas to Solve African problems.

In Part Two, we have a collection of papers which use ideas and frameworks with their roots in the African context, and then these ideas are applied to particular current issues pertinent to the African continent.

M. Zakaria Asmal in his paper, "Deconstruction and Reconstruction: Theory, Praxis and Decoloniality in Steve Biko's Conception of Religion," analyzes Steve Biko's understanding of religion and its potential to play a role in the liberation of black South Africans. The paper seeks to address two central questions. First it seeks to address whether Christianity, despite not being indigenous to Africa, represents an authentic part of South African black people under colonialism and apartheid. The author argues that Biko saw Christianity as

significant and authentic for many black South Africans, despite the religion not being indigenous. Second, as it is argued that Christianity can have an authentic place within the lived reality of blackness, Asmal addresses how it is possible to employ Christianity in the liberation of black South Africans. In answering this question, this paper highlights the links between Biko's practical and contextual theory and the work of two African philosophers, Du Bois and Fanon, thereby transporting his idea of religion into the broader African global diaspora, anti-colonial discourse and African existential philosophy.

"The 'Libertarian Paradigm' of Severino Elias Ngoenha" by Anke Graness explores the concept of the 'libertarian paradigm' in the philosophy of this Portuguese-speaking Mozambican philosopher. It is the intention of this paper to take a first step towards greater inclusion of philosophers and philosophy from Portuguese-speaking Africa in African philosophical debate. The paper gives a short introduction to this African philosopher's work, and starts to explore the potential and limits of his concept of the 'libertarian paradigm', especially focusing on the understanding of responsibility within this paradigm. Graness argues that Ngoenha's concept of the 'libertarian paradigm' differs fundamentally from the Euro-American understanding of libertarianism present in the literature. Ngoenha's libertarian paradigm is characterized by a continued lack of freedom of the African experience of slavery, colonialism and neo-colonialism. He argues that, as freedom is absent from the African experience, African thought is characterized by an anxious quest for freedom. The core of his libertarian paradigm is a particular conception of responsibility.

"Rediscovering individual-based values in *ubuntu* virtue ethics: transforming corporate entities in postcolonial Africa" by Grivas Muchineripi Kayange argues for the need to rediscover individual based virtues in the postcolonial African context. As opposed to philosophical literature on what can be called *ubuntu* virtue ethics which emphasizes communitarian virtues, Kayange argues that *ubuntu* virtue ethics also includes some individual-based virtues. He claims that the neglect of individual values, which has been the result of over-emphasizing communitarian virtues, while effective in the battle against colonialism has resulted in grave problems in the post-colonial African context. In arguing that we ought to restore the importance of individ-

ual-based virtues alongside communitarian virtues in the African context, he claims that various types of African organizations can be transformed.

Part III. African Philosophical Ideas to Solve Global Problems.

In the final part of the book concepts, ideas and theoretical frameworks with their roots in Africa are applied to problems from around the globe.

In this section, T.D. Harper-Shipman applies the philosophy of Wangari Maathai to the World Bank's Contemporary Development Model (CDF). Harper-Shipman argues that the World Bank's Comprehensive Development Framework is too limited, despite the inclusion of some poverty-reduction goals. She argues that the problem lies with the fact that the CDF is still rooted in neoliberal epistemologies, and that this has the result of limiting its ability to identify and address historical and systematic barriers to development. In contrast to the CDF's neoliberal framework, Harper-Shipman argues that Maathai's ideas are able to contextualize development in important ways which results in the sustainable economic, environmental and political progress.

"Afro-communitarianism, Humanization and the Nature of Reconciliation" by Rianna Oelofsen argues that an Afro-communitarian understanding of personhood has important implications for how we understand reconciliation and its cognate concepts. If we understand personhood in a communitarian way, this affects the way in which we conceptualize responsibility, justice, forgiveness and humanization. Once the effects of understanding reconciliation from an Afro-communitarian perspective have been explained, Oelofsen offers some tentative reasons why such a conception of reconciliation and its cognate concepts is desirable.

Laura Roost in her paper reconceptualizes the ways in which we ought to understand transitional justice, with reference to philosophical insights gleaned from the care ethics of Joan Tronto, and the African populism of Claude Ake, Mueni wa Muiu, and Godfrey Mwakikagile. These theoretical approaches require the prioritization of local voices with regards to transitional justice. Roost also includes data collected from interviews in Rwanda and at the International

Criminal Tribunal for Rwanda (ICTR) in Arusha, Tanzania, and argues that these highlight the importance of responsiveness to the local context and people. This stresses the importance of theoretical frameworks which emphasizes local participation and ownership of transitional justice mechanisms.

In the final paper of the book entitled "Evolution in Ethics: Interrogating the Notion of Vengeance in Criminal Justice through the Lens of Ancient Egyptian Legal Codes," Charles Verharen provides an outline of a research program which is aimed at reforming the criminal justice system in the United States. The research program is based on Ancient Egyptian ethics, which prohibits vengeance. This prohibition of vengeance stands in stark contrast to the Ancient Mesopotamian understanding of justice, which is encapsulated in the principle of 'an eye for an eye'. Such retribution is prohibited according to the Egyptian principle of '*maat*' (translated as harmony, order, and justice), which advocates the re-establishment of harmony after individual wrongdoings have disturbed their communities. Crime is understood as a disease which requires healing, as opposed to an action which requires punishment. Verharen then refers to recent research in the neurosciences which he argues may confirm the ancient Egyptian understanding of crime as a disease, as opposed to an act of free will. From this, Verharen therefore argues for the reformation of the criminal justice system in the United States, based on ideas and frameworks based in African ethics.

Part I
Western Philosophical Ideas Applied to
African Problems

1.

Oil and Environment in the Niger Delta Region of Nigeria: Nexus between the Conflict and Prospects of a Sustainable Solution

J.P. AFAM IFEDI

Introduction

The attendant net negative environmental, health and ecological impacts of the oil industry are a global phenomenon. Numerous studies of the environmental and ecological impact of oil sourcing on our planet and important, but unprotected, ecological areas have indicated significantly damaging and irreversible trends. In some regions the quality of water and air has become significantly degraded. There has been a negative impact on renewable natural resources, water purification, soil formation, biodiversity, and ecosystem services (such as climate regulation) in many places around the world where oil is found and extracted, as well as an increase in flooding and erosion. This is the case in the Niger Delta region of Nigeria which is in the throes of increasing agitation and militancy and a lasting solution to the problem has so far eluded the Nigerian state.

This study argues that oil and the associated industries account not only for the ecological problems, but also the heightened level of angst, and the desperate level of poverty experienced by the people of the Niger Delta. Frustration over the limited commitment of resources intended for their social, economic, environmental and physical development, as well as the neglect that has historically been their plight, has led to sustained violence in the region. Thus far, the Nigerian state has proved unable to meet and/or assuage the demands of the people of the area by adequately addressing the issues that undergird the agitation and militancy in the region; instead, some of the proposed attempts to bring about peace have actually exacerbated the problem;

essentially because the Nigerian state has not crafted a sustainable solution for the degraded environmental condition of the Niger Delta.

This article proffers, as its primary purpose, environmental justice as a concept for understanding and explaining the agitation and militancy in the Niger Delta. It outlines the fundamental tenets of the approach and discusses the environmental and ecological damage caused by the oil industry, as well as indicating how the tenets of environmental justice would help to resolve the Niger Delta predicament. It reviews the causes of the agitation and ensuing violence that are the outcome of the environmental, ecological and health issues stemming from the oil enterprise. The study then argues that environmental justice provides a conceptual point of departure for the creation of a new paradigm to formulate policies that can lead to the resolution of the environmental, ecological and health problems, and conflicts in the Niger Delta.

Niger Delta: The Geographical Area and Its People

The Niger Delta region is one of the world's largest wetlands and the most biodiverse region of Nigeria. It is also the area where the largest proportion of Nigeria's oil is found, generating over 80% of the country's revenue. "The Niger Delta region has a population of approximately 21 million people (1991) and covers an area of about 70,000 square kilometers. The people live in a few large cities and over 3,000 small and often remote villages/communities in the mangrove swamps and lowland rainforests."¹ The indigenous peoples of the Delta depend mainly on fishing and farming as self-sustaining economic activities, but indigenes who reside in the urban centers depend mainly on commerce and oil industry-related enterprises. The Delta terrain is extremely difficult and a large swath of the area falls under the "world's fragile ecosystem." Many of the communities are located along the creeks and are accessible only by boats.

¹Omene Oghenovov and James Obaebor, *Towards Peace and Security in the Niger Delta: The Urhobo National Association of North America's Position: 2*, http://www.waado.org/organizations/UNANA/Statements/peace-niger_delta.html.

The Niger Delta consists of a number of ecological zones: "Sandy, coastal ridge barrier, brackish or saline mangroves, fresh water, permanent and seasonal swamps, forest and lowland rain forest. The whole area is traversed and crisscrossed by a large number of rivers, streams, rivulets, creeks and twenty estuaries: Forcados, Escravos, Benin and Ramos on the western flank, and Dodo, Pennington, Digo-toru, Middleton, Koluama, Fishtown, Sangama, Nun, Brass, St. Nicholas, San Barbara, San Bartholomew, New Kalabari, Andoni and Opobo on the east."² These zones are particularly vulnerable to climatic changes, vagaries of the weather, floods, sea encroachments and oil pollution. Furthermore, it is necessary to make clear not only the geographic boundaries but also indicate the ethnographic, political and linguistic areas of the Niger Delta; the long quotation below indicates the outline of the areas:

Essentially, the Niger Delta covers the area supplied with water from the River Niger and the River Benue as they flow together after Lokoja to empty into the sea. These rivers (now joined) break up at Abutor into the Rivers Nun and Forcados. The Niger Delta proper is that landmass and body of water traversed by the Rivers Nun and Forcados and their tributaries. Cartographically speaking, the Niger Delta covers the area located to the north around Aboh, West from the Benin River estuary, East from the Imo River estuary, South to Palm Point, below Akassa and the Nun River estuary. However, prior to the discovery of oil in economically significant and profitable quantities, the Niger Delta was essentially contiguous with the old Ahoada, Degema, Opobo, Ogoni (in today's River State), Brass and Yenagoa (in today's Bayelsa state) and Warri divisions (in present-day Delta State).³

Furthermore, defined in terms of its ethnography, the Niger Delta is comprised principally of the Ijaw people—who are spread to Akwa Ibom, Edo Ondo, and even Lagos states—together with various small-

²*Niger Delta Watch* (3 January, 2008:29), <http://nigerdeltawatching.blogspot.com>.

³*Ibid.*

er ethnic groups—the Itsekiri, the Urhobo, and the Isoko. Identified linguistically by ethnography and culture, the Niger Delta is comprised of a bewildering mix of ethnic and cultural groups. Among these are the Ijaw in the Eastern, Western and Central Niger Delta and the Ogoni, Itsekiri, Urhobo, Isoko, Ikwere in the Eastern areas. Moreover, politically, the people of the Niger Delta broadly defined include the following: Ijaw of Western Division, Ijaw of Brass Division, Ijaw of Degema Division, Ogoni and Eleme of Ogoni Division, Ikwere and other ethnic groups of Port Harcourt Division; then the Etche, Ekpeye, Ogba, Egbema, Egenne, and Abua of Ahoada division; and Obolo and Opobian of Opobo division. This would also include parts of Kwale but Akwa Ibom state could also be included for development purposes because of the similarity of its terrain: limited development and developmental needs, stemming from a long history of neglect by the Nigerian state. Akwa Ibom state is made up mostly of the people of Ikot Abasi, Oron, Mbo, Uguwa-Ibeno, Eket, Ibibio, Anang, Efik, Ijaw.⁴

Theoretical Consideration

The field of environmental and ecological devastation as a cause of conflict is a relatively new field; thus, it essentially has no strong empirical and theoretical basis upon which to gather, anchor, structure and/or integrate knowledge. However, further discussion of this dearth of environmental and ecological theories is beyond the scope of this paper. Rather, the paper concentrates on the nexus between oil, environment, health, ecology and conflict from the perspective of environmental justice. Arguments founded on environmental justice would appeal to the long-term interests of all stake-holders, duty bearers and rights holders. Hence, this study associates the problems of environmental, health and ecological damage driving the conflict in the Niger Delta, with the inability of the Nigerian state and oil majors to ameliorate the problems of environmental degradation and health damage; consequently, local peoples resort to agitation. According to Adeniyi Gbadegesin and Kolawole Owolabi, “it is presently evident

⁴*Niger Delta Watch* (3 January 2008:30), <http://nigerdeltawatching.blogspot.com>.

that the corporate security, economy and indeed the continued survival of Nigeria as a nation-state are being threatened and undermined today by the Niger Delta crisis."⁵ The issue of security is a prominent reason for the interest in the ecological crisis of the country.⁶ A crucial line of argument in this paper, therefore is that the conflict in Nigeria's oil-bearing Niger Delta region is the result, in substantial measure, of the despoliation of the ecological balance and biodiversity of the region, as well as severe environmental damage and health issues; "environmental conflicts are traditional conflicts induced by ecological degradation...[and] they manifest themselves as political, social, economic, ethnic...conflict over resources."⁷ Whenever human rights and environmental justice are ignored, some degree of conflict could ensue. An example of this scenario is the problem of the degradation of the ecology of the Niger Delta area, with the attendant health and agricultural deterioration that engenders disaffection. This paper now turns to a brief explication and conceptualization of the notion of environmental justice.

Environmental Justice

Environmental justice is a conceptual framework that undergirds the environmental movement in general and, of specific relevance to this paper, provides a way to understand the environmentally based agitation and conflict in the Niger Delta in particular. The concept of environmental justice has become well developed and, despite its detractors, largely accepted as an explanatory basis for conflict that can emanate from industrial despoliation of the environment around the world.

The nascent quality of the concept of environmental justice is such that theory formation based on the concept is not yet in place,

⁵Adeniyi Gbadegesin and Kolawole Owolabi, "Oil, Resource Management and Social Justice in Nigeria," *Journal of Development Alternatives and Area Studies*, Vol. 23. No.1 and 2 (March-June 2004), p. 96.

⁶Hjort af Ornas Anders and Sverre Lodgaard (eds.), *The Environment and International Security* (Uppsala: Uppsala University, 1992), p. 5.

⁷George Bacehler, "Why Environmental Transformation Causes Violence," *Environmental Change and Scarcity Report*, Issue 4 (1998), p. 24.

but its full conceptualization could foster the development of theory in due course. Strains of general positions which weld together the environmental movement entail, *inter alia*, emphasis on a link between poverty and environmental degradation, and the view that affirmative social action must be taken by government and industry to ensure that people their source of livelihood is not denied or diminished by government inaction or industrial irresponsibility or both. A review of the concept of environmental justice reveals a broad range of philosophical and ideological positions concerning environmental protection for the sake of a healthy population and on the role of government in keeping the environment healthy for its population by balancing natural ecological systems and necessary human developmental needs. The people of the Niger Delta are not environmentalist per se, but their demands to Nigeria's government and oil companies reflect, essentially, what the environmental movement considers to be the proper duty of every government to holders of rights, so as to meet the requirements of environmental justice. This is supported by the following observation by Nickel that "the right to a good environment requires states [and businesses] to refrain from activities harmful to the environment, and to adopt and enforce policies promoting conservation and improvement of the quality of the environment."⁸

Generally, researchers, commentators, activists, and students of environmental justice view the concept as a logical extension of basic human rights to have clean water, good health care, education, etc. In other words, having a safe and sustainable environment is paramount and all other rights are related to it. Environmental justice proposes that people have an inalienable right to an environment that is not compromised by environmental degradation. It is important that human industry and/or activities of any kind not create environmental conditions that could lead to the debasement of farmland, water, air and other elements upon which sustainable healthy life depends. Furthermore, it posits that responsible stewardship of natural resources and fragile ecosystems by industry is guided by law and supported by the public. It entails the fair treatment and meaningful involvement

⁸Jacob Kiekemann Boesen and Thomas Martin, *Applying a Rights-Based Approach: An Inspirational Guide for Civil Society* (Copenhagen, Denmark: The Danish Institute of Human Rights, 2007), p. 6.

of all peoples in the enforcement of environmental laws, which would be achieved when everyone enjoys the same degree of protection from environmental and health hazards as well as equal access to the decision-making processes meant to develop policy for a healthy environment in which to live and work.

The concept of environmental justice is rooted, more specifically, in the human struggle for an ecologically balanced approach to managing the environment upon which lives and stable health depend. Furthermore, any consideration of environmental justice evokes certain salient basic tenets such as "rights to ethical, balanced and responsible uses of land and renewable resources in the interest of a sustainable planet for humans and other living things...fundamental right to political, economic, cultural and environmental self-determination of all peoples...calls for universal protection from disposal of toxic/hazardous waste and poisons...[and] a fundamental, right to clean air, land, water, and food."⁹ It expects protection of the rights of victims of environmental injustice to receive full compensation for damages perpetrated on their environment, and opposes the destructive operations of transnational oil companies.

Since the 1990s, the scope of studies based on the concept of environmental justice has broadened considerably; it is now viewed as a method of protecting and securing popular rights and justice. In this regard, environmental justice is associated with addressing the political, economic, and distributive concerns of the people of the Niger Delta. It focuses on protection of the "human ecosystem from the destructive effects of economic development, for the benefit of both the present and future generations."¹⁰ According to Griffiths and O'Callaghan, the crucial significance of environmental justice lies in the fact that it poignantly points to the harmful effects of environmental degradation and offers ways to leverage political action in order to correct them.¹¹ This facility rejects the common practice by

⁹*Ibid.*

¹⁰Owolabi Olayiwola and Iwebunor Okwechime, "Oil and Security in Nigeria: The Niger Delta Crisis," *African Development*, Vol. xxxii. No. 1 (2007), p. 1.

¹¹Michael Griffiths and Thomas O'Callaghan, *International Relations: The Key Concepts* (London: Routledge, 2002), p. 23.

transnational companies of exploiting natural resources in developing countries without due attention to the environmental interests of the native peoples. Also, environmental justice takes the position that states are obligated to promote and defend the economic wellbeing of their citizens.

Furthermore, the concept was given shape and form by the United Nations through its 1992 Conference on Environment and Development (UNCED), also known as the Rio Earth Summit; that conference highlighted the value of promoting, popularizing and operationalizing the concept of sustainable development, thereby changing the way the international system looked at the relationship between the environment and development. The linkage between the concept of environmental justice and economic development was articulated by Griffiths and O'Callaghan, who write that "the idea of human life invites us to focus on the individual's need to be safe from ...events that are likely to undermine the normal pattern of everyday existence."¹²

With regard to the issue of human fairness, environmental justice principles offer significant insights into the ways that the activities of a state, which is non-conforming to its rights-bearer responsibilities, can pose direct threats to people.¹³ This threat shows, as Scott Pegg puts it, that the emanation and continuation of environmentally harmful activities on the part of oil companies results from the close relationship between repressive state institutions and transnational companies. Nigeria's brutal actions in the Niger Delta represent the conduct of a state that acts at the behest of transnational oil companies.¹⁴ The concept of environmental justice includes other variants of the framework that may be applied to the analysis of conflict, which suggests that it is a suitable approach for understanding the causes of conflict and resolving them. Essentially, these variants attempt to link

¹²*Ibid.*

¹³Pamela S. Chasek, "The U.N. Commission on Sustainable Development: The First Year," *The Global Environment in the Twenty-First Century: Prospects for International Cooperation* (Tokyo: United Nations University Press, 2000), p. 378.

¹⁴S. Pegg, "The Cost of Doing Business: Transnational Corporations and Violence in Nigeria," *Security Dialogue*, Vol. 30. No. 4 (1999), p. 4.

development and conflict, on the assumption that development can lead to the resolution of conflict. Attempting to understand and analyze the conflict in the Niger Delta is the point of departure of this paper. The flagrant ecological damage affecting the livelihood and subsistence of the inhabitants of the Niger Delta and their posterity is responsible for the prevailing crisis and the consequent insurgency radicalizing the Niger Delta region in particular; and the whole country of Nigeria in general. "In the Nigerian case, the source of the conflict lies in state power over profitable natural resources—oil—which ignores the ecological and social security of local people."¹⁵

In essence, the dialectical interplay of power, culture, economy, etc., explains the prevalence of conflict in human societies. This analysis consequently focuses on the role of political and economic forces in the unfolding violence in the Niger Delta and explores how traditional modes of subsistence are at stake. The concept of environmental justice serves as the framework for realizing the objective of this study.

The Nature of the Problem in the Niger Delta

The root causes of the Niger Delta problem are a profound lack of development and the denial of human rights, in a sense this embodies the concept of rights-based environmental justice. The region is saddled with developmental and environmental challenges which include high levels of poverty, the decline of agricultural production, low levels of industrial activity, severe ecological degradation, and social conflict. Efforts made so far to improve the poor conditions in the Niger Delta have been difficult, expensive and unsustainable—especially because implementers of the developmental efforts appear to have no long-term interest in developing the region. Essentially, discontent and restiveness began and continue in the Niger Delta because the region suffers from underdevelopment and environmental and ecological degradation, despite the fact that the region is the source of crude oil (first discovered in the Niger Delta village of Oloibiri in 1956 and later in many other areas in the region).

¹⁵Michael Griffiths and Thomas O'Callaghan, *International Relations: The Key Concepts* (London: Routledge, 2002), p. 291.

As Osunde and Adeleye observe, “Nigerians have been witnesses to gross ecological catastrophes in the Niger Delta, begetting the destruction of means of survival through fishing and agriculture.... [This is a] crisis of environmental degradation and impoverishment... in the region, which pose a grave danger to economic stability.”¹⁶

Environmental and Ecological Degradation

Environmental health and ecological degradation are critical challenges in the Niger Delta. Several studies of the environmental and ecological impact of the oil industry across the world, and specifically in the Niger Delta, have indicated significant deleterious, unsustainable and sometimes irreversible trends.¹⁷ In some areas the quality of the environment and ecology—flora, fauna, water, land, and air—has become significantly degraded. Moreover, biodiversity, renewable natural resources and ecosystem services such as climate regulation, flood control, soil formation, or water purification have also been deleteriously affected.¹⁸ Ecological and environmental degradation also has serious security implications, which is obvious in the Niger Delta region of Nigeria where a majority of the population rely heavily on subsistence farming, fishing, groundwater, precipitation, and hand-processing of natural resources. The people of the Delta region are part of the overall ecology and they are dependent on products from their natural environment for basic subsistence. Hence, the environmental and ecological degradation occasioned by the oil industry has created conditions for conflict, because ecological damage arising in the process of oil extraction negatively affects the quality

¹⁶Omotimi Osunde and Ayeni Adeleye, “Niger Delta: Collapse of Nigeria’s Oil Hub,” *Sunday Tribune* (17 October, 2008), p. 2, http://www.tribune.coming.sun/05102008/sun_mag.html.

¹⁷See World Wildlife Fund International, et al., *Living Planet Report 2008* (Switzerland: World Wildlife Fund International, 2008); *Millennium Ecological Systems Assessment, Ecosystems and Human Well-Being: Synthesis* (Washington, D.C.: Island Press, 2005).

¹⁸John T. Ackerman, Letter No. 2 to Africom: “Environmental Degradation and Conflict in Africa,” *Air and Space Power Journal (ASPJ)*, Vol. 1, No. 2 (2010), p. 15.

and yield of their farming and fishing as well as their ability to sustain simple agricultural subsistence for their families, in many cases. This tends to extend the scope of the conflict over one economic commodity, such as oil, to the associated difficulties around the production of life-sustaining commodities, such as available land and productive waterways. For instance, oil-driven conflict in the Niger Delta region of Nigeria has had a negative impact on the production of yams, cassava, pumpkin, cocoa and various fruits. Fisheries, inland and shellfish beds, spawning grounds and other living waterways have equally been destroyed or damaged beyond productive use.¹⁹ Moreover, it is evident that environmental degradation that promotes injustice is enabled by a rentier state that benefits from supporting the odious corporate activities of transnational oil companies and their ecology-damaging practices.²⁰

The views of some of the militant organizations challenging the Nigerian government make it evident that they are bent on continuing their attacks on oil company installations in defiance of the military presence in the Niger Delta that is meant to protect oil companies' installations as well as the Nigerian government's oil assets. The militant groups have embarked on violent actions against entities that they feel are allied in their quest to produce oil to the detriment of their group rights and the safety of their region's environment. According to *Sahara Reporters*:

The Niger Delta Greenland Justice Mandate blew up the Afiesere-Ekiugbo delivery line in Ughelli, said to be operated by the NPDC/Shoreline..., while threatening to also target pipelines operated by First Hydrocarbon, NPDC, Seplat, Total E&P, Shell, Agip, Saipem, Mobil and others. In a mocking tone, the group told the Chief of Army Staff, General Tukur Yusuf Buratai, to continue to 'allow his crocodile to smile',

¹⁹ Amnesty International, Nigeria, *Petroleum, Pollution and Poverty in the Niger Delta* (London: Amnesty International Publications, 2009), <http://www-secure.amnesty.org/en/library/info/AFR44/017/2009/en>.

²⁰ Matthew Todd Bradley, "Civil Society and Democratic Progression in Postcolonial Nigeria: The Role of Non-Governmental Organizations," *Journal of Civil Society*, No. 1 (May 2005), p. 62.

warning that his 'time for reckoning' is at hand. To the oil and gas companies: We have observed that you have placed your trust in the guns and fighter jets of the Nigerian armed forces. Our words for you are few: keep at it and wait for your rewards, which have almost come upon you. It is a reflection of your minds towards our people. You obviously do not believe that the people of these parts are undeserving of good lives. You hide behind the guns of the oppressors to pillage our lands and our people, leaving us despoiled and our lands raped. You do all manners of things you will dare not imagine in other parts of the world where you operate. Here you have failed all basic corporate social responsibilities, leaving the people to languish in lack and ruins. Continue with your insolence against our people, but we vow to you today that we shall uproot every asset and facility you think you have secured with soldiers and their guns.²¹

Furthermore, another statement in *Sahara Reporters* makes the point that in opting to use force to attempt to crush the militants of the Niger Delta rather than negotiate with them and/ or grant them their environmental rights, the Nigerian government has sought a military approach against the people of the region and seeks instead to protect the oil companies; hence stoking the growing violence in the region. *Sahara Reporters* notes and it is worth citing the report at length, that:

In response to the Nigerian military's recent activities in the region, a Niger Delta militant group blew up the Ogor-Oteri delivery line....The Niger Delta Greenland Justice Mandate (NDGJM), an Urhobo organization operating in the area, claimed responsibility for the attack in a press release....In its statement, the group claimed that it was fighting for justice for the Niger Delta people....In the statement signed by Aldo Agbalaja, the NDGJM threatened that it would not 'sit quietly' while the Nigerian military continues to bombard the region

²¹"Militants Blow Afiesere-Ekiugbo Delivery Line, Mock Buratai," *Sahara Reporters* (September 19, 2016).

and harm innocent civilians. The group is referring to its defense of the region as 'Operation Crocodile Tears', a response to the Nigerian military's Niger Delta mission, 'Operation Crocodile Smile'. It shall from now on be an eye for an eye; for every military atrocity carried out in the creeks and hinterland of the Niger Delta, the Nigerian armed forces will have the Niger Delta Greenland Justice Mandate to contend with, the statement reads. The group warned all those working in the region to evacuate, emphasizing that it does not want to harm indigenes.²²

Essentially, the Nigerian state is more concerned about the security of oil production and installations than the security and sustenance of the people of the Niger Delta. Hence, the idea of harnessing the powers of the state as duty bearer to provide security to the rights holder lacks meaning in the context of the Niger Delta.

Unfortunately, the linkages between environmental degradation and conflict in the Niger Delta are complex, but it is known that ecological degradation can exacerbate conflict, which causes further ecological degradation, giving rise to a vicious cycle of ecological decline, tense competition for diminishing resources, increased hostility, inter-communal fighting, and ultimately social and political breakdown.²³

The Niger Delta region is situated at the apex of the Gulf of Guinea on the west coast of Africa²⁴ and on Nigeria's South-South geopolitical zone. The Niger Delta, which is home to some 31 million people,²⁵ occupies a total area of about 75,000 km² and makes up 7.5% of Nigeria's land mass. The Niger Delta region consists of 9 oil-producing states (Abia, Akwa Ibom, Bayelsa, Cross River, Delta, Edo,

²²"Militants Blow Up Pipeline in Niger Delta," *Sahara Reporters* (August 30, 2016).

²³United Nations Environmental Program (UNEP), *Africa: Atlas of Our Changing Environment* (Nairobi, Kenya: Division of Early Warning and Assessment, United Nations Environmental Program, 2008), p. 57, http://www.unep.org/dewa/Africa/AfricaAtlas/PDF/en/Africa_Atlas_Full_en.pdf.

²⁴H. Doust, "Petroleum geology of the Niger Delta," *Geological Society, London, Special Publications*, 50:1 (1990), pp. 365-365.

²⁵E.M.M. Young, *Food and Development* (Abingdon, Oxon: Routledge, 2012).

Ondo, Imo and Rivers) and 185 local government areas. This region cuts across over 800 oil-producing communities with an extensive network of over 900 producing oil wells and several petroleum production-related facilities.²⁶ The ecological zones in the Niger Delta region can be broadly grouped into tropical rainforest in the northern part of the Delta and mangrove forest in the warm coastlines of Nigeria. Mangrove forests and swamps, which are characterized by regular salt-water inundation, lie at the centre of a complex and sensitive ecosystem which is vital to the local economy and accommodates important flora and fauna.²⁷ The Niger Delta, which is the largest mangrove forest in Africa and the third largest in the world, is the richest part of Nigeria in terms of petroleum resources and diverse natural ecosystems supportive of numerous species of terrestrial and aquatic fauna. With regards to the Warri trunk line spill,

the aggrieved communities stated that since the spill occurred on August 17, 2016, crude oil has been gushing out from the ruptured point, especially when crude oil is pumped through the trunk line. They stated that the crude oil has spilled into all their communities with their people suffocating from the gas content contained in the crude oil and that if urgent steps are not taken to arrest the situation, their communities may be engulfed by a massive fire outbreak, which could lead to the death of innocent people in their communities. They accused the NNPC/ PPMC owners of the trunk line of deliberately refusing to cooperate with the National Oil Spill Response and Detection Agency (NOSDRA) to carry out a Joint Investigation Visit (JIV) to ascertain the point of rupture and take steps to stop further spillage and damage to their communities. The communities call on Dr. Kachikwu to prevail upon the

²⁶L.C. Osuji and C.M. Onojake, "Trace Heavy Metals Associated with Crude Oil: A Case Study of Ebocha-8 Oil-Spill-Polluted Site in Niger Delta, Nigeria," *Chemistry and Biodiversity*, Vol.1:11 (2004), pp. 1708-1715.

²⁷C.N.C. Ugochukwu and J. Ertel, "Negative Impacts of Oil Exploration on Biodiversity Management in the Niger Delta area of Nigeria," *Impact Assessment and Project Appraisal*, Vol. 26:2 (2008), pp.139-147.

NNPC/PPMC management to take urgent steps to save their communities and people.²⁸

Moreover, many environmental and health problems brought about by gas flaring are aptly explained in the following complaint by Niger Delta communities; their indignation over the Nigerian government's neglect of the environmental damage caused by the oil companies is well worth quoting at length. According to *The Guardian* newspaper in Nigeria:

No fewer than 13 lives have been lost in the last two months to gas flaring in six communities of Warri South West and Ndokwa West councils of Delta State. The communities include Koko, Diagbene, Kwale, Abbe, Utagbe-Uno and Ebede. Warri South West chairman, Mr. Sheriff Mulade, who spoke with newsmen yesterday in Asaba, urged the Federal Government to be tough with multinational oil companies over their refusal to end flaring, insisting that they must be compelled to adhere to best environmental practices. The failure of multinational oil companies to adhere strictly to best environmental practices in the Niger Delta region coupled with the unholy activities of pipeline vandals and those stealing our oil are affecting the environment. They are destroying the ecosystem. Today, as a result of air pollution, our roofs are being destroyed by gas flaring. Life expectancy in the region is now very short all because of unabated release of emissions to the air. 'For too long, we have allowed these multinationals to destroy our environment through unending gas flaring', he lamented. Mulade, who is also the national coordinator Centre for Peace and Environmental Justice (CEPE), added: 'It is amazing that justice is far from environmental offenders in Nigeria. President Muhammadu Buhari should take responsibility by addressing this ugly menace in Nigeria'. In Kwale community and its environs, investigation showed that the area had been under siege of the harmful practice with wanton destruction

²⁸*Sahara Reporters* (New York, September 21, 2016), p. 1.

of crops and aquatic life...the situation is becoming too bad for us. The flaring is killing our people. Our farmlands and crops are being destroyed. Now, we have nothing again.²⁹

Pollutants from pipeline leaks and oil spills, waste dumping and blow outs are exacerbated by insurgent activities, as well as neglect of proper maintenance and management of oil extraction and distribution implements.

Oil Spills and Ecology

As mentioned earlier, the human component of the Delta ecology—namely subsistence farming, fishing, and palm oil processing—has experienced drastic deleterious changes, negatively affecting the lives of the people of the Delta region, as a result of deforestation, air and water pollution, desertification and loss of arable land, which have in turn contributed to the high rates of social disease as well as physical and mental ill-health. There have been over 300 oil spills of a magnitude of the 2010 BP Gulf Coast spill in the Niger Delta since the inception of the activities of the oil industry, with attendant damage to the ecology of the Delta region. There are no consistent figures on the quantity of crude oil spilled in the Niger Delta, but it is widely believed that an estimated 13 million barrels (1.5 million tons) of crude oil have been spilled since 1958 from over 7,000 oil spill incidents—a average of about 240,000 barrels a year,³⁰ though it is believed that the oil industry and government under report the problem of oil spills.

For instance, in June 2001 cleanup of an oil spill in the town of Ogbodo was delayed for at least three months resulting in 15 km of soil along the Calabar River being severely affected. High levels of oil and grease, laden with hydrocarbons, damaged soil, aquatic resources and the biodiversity of the area.³¹ All across the Delta region the water

²⁹*The Guardian* (September 22, 2016), p. 1.

³⁰United Nations Development Program, *Niger Delta Human Development Report* (Abuja, Nigeria: UNDP, 2006).

³¹ERA/FOEN (Environmental Rights Action/Friends of the Earth), *The Shell Report: Continuing Abuses in Nigeria 10 years after Ken Saro-Wiwa* (Benin City: ERA/FOEN, 2005).

and soil have been poisoned with hydrocarbons, heavy metals and other substances.³² Evidently, oil spillage has a major impact on the ecosystem into which it is released. Immense tracts of mangrove forests, which are especially susceptible to oil spills mainly because it is stored in the soil and released annually during inundations, have been destroyed about 5 to 10% of the Delta's mangrove forest ecosystems. The rain forest covering some 7,400 km² of land has disappeared as well.³³ Furthermore, oil spills often reach populated areas where there are agricultural activities, ruining crops and aquaculture, and contaminating groundwater and soil. Bacteria feeding on oil then deplete the land of oxygen, leading to ecological imbalance, rendering the area increasingly uninhabitable. Effectively, oil production has caused a radical imbalance in the ecology of the Niger Delta region, an outcome that is common in oil-producing regions.³⁴ The careless activities of the oil companies have led to ecological pollution occasioned by oil spills, which have caused severe disturbances in the Delta marine ecosystems and biodiversity, affecting all forms of flora and fauna.

Oil Spills and Human Health

Some 45.8 billion Kilowatts of heat are discharged into the atmosphere of the Niger Delta from combustion of 1.8 billion cubic feet of gas daily.³⁵ Soot usually laded with harmful chemicals drifts to the ground, adversely affecting soil fertility and compromising human respiratory health; it also causes such illnesses as cancer, asthma, blurred vision and bronchitis. Associated with gas flaring are ecologically deleterious chemicals: nitrogen dioxide, sulfur dioxide, volatile

³²*Ibid.*

³³*Ibid.*

³⁴"The Niger Delta Environment," *Niger Delta Watch* (3 January, 2008), <http://nigerdeltawatching.blogspot.com>.

³⁵T. Agbajeand and T. Olurin, "Language and Landcover Change in the Niger Delta," *American Journal of Environmental Protection*, Vol. 1:4 (2003), p. 78. Excerpt from the research report presented to the Center for Development and Democracy (2003) in Aniefiok, et al, "Petroleum Production and Exploration: Past and Present Environmental Issues in the Niger Delta."

compounds: benzene, toluene, xylene and hydrogen sulfide, as well as carcinogens: benzopyrene and dioxin. Exposure of persons and the environment to these harmful chemicals is damaging.

Many studies have noted the deleterious effects of oil spills in the Niger Delta on its human inhabitants as well as the fauna and flora. To selectively illustrate the extent of the damaging effects of oil spills and the activities of oil companies, a list of studies cataloguing the effects of dangerous chemicals that damage the ecosystem, and the environment, and create a medical hazard for people, is necessary. The oil spills often result in contamination of surface water with hydrocarbons and trace metals, as measured using atomic spectrometry.³⁶ A study carried out in the mangrove wetland of the region recorded a mean Total Hydrocarbon (THC) concentration of 23.6 ± 4.3 mg/l in the water, a mean concentration of 449.30 ± 55.42 $\mu\text{g/g}$ in *Tympanotonus fuscatus* (Periwinkle) and 278.57 ± 34.57 $\mu\text{g/g}$ in *Periophthalmus papillio* (Mudskipper).³⁷ Another study recorded concentrations of benzo(a)pyrene that ranged from 0 to 2.32 $\mu\text{g/l}$.³⁸ The crude oil of the region contains some naturally occurring radioactive materials (NORM); the decay series of naturally occurring radio-nuclides is headed by (238) U [uranium] and (232) Th. This has mean activity concentrations of 0.80 ± 0.37 Bq kg⁻¹ and 0.17 ± 0.09 Bq kg⁻¹, respectively, in the crude oil blends, while the mean concentration of the non-decay series radionuclide, (40) K is 10.52 ± 0.03 Bq kg⁻¹.³⁹ The radiation level within oil spill sites is often up to 0.016 mRh⁻¹, about 45% higher than the normal background level of 0.011 mRh⁻¹ in the Niger delta com-

³⁶United Nations Development Program, *Niger Delta Human Development Report* (Abuja, Nigeria: UNDP, 2006).

³⁷H.I. Clinton, G.U. Ujagwung and M. Horsfall, "Evaluation of Total Hydrocarbon Levels in Some Aquatic Media in an Oil-polluted Mangrove Wetland in the Niger Delta," *Applied Ecology Environmental Research*, Vol. 7 (2009).

³⁸C. Anyakora, A. Ogbeche, A. Coker, G. Ukpo and C. Ogah, "A Screen for Benzo(a)pyrene, a Carcinogen, on the Water Samples from the Niger Delta, Using GcM," *Nigeria Quarterly Journal of Hospital Medicine*, Vol. 14 (2004).

³⁹T.R. Ajayi, N. Torto, P. Tchokossa and A. Akinlua, "Natural radioactivity and Trace Metals in Crude Oils: Implication for Health," *Environmental and Geochemical Health Journal*, Vol. 31 (2009).

munities,⁴⁰ and the concentrations of the NORM in surface water are often higher than the WHO recommended maximum permissible limit for drinking water. A study of the Imirigin oil field in Bayelsa State recorded an alpha activity of up to 16.95 Bq/l and a beta activity of up to 135.88 Bq/l.⁴¹ The crude oil spills also reduced soil fertility, as well as smothering economically viable trees and food crops, killing them outright or reducing their yield,⁴² causing a 60% reduction in household food security.⁴³ The oil spills also reduced the quality of food crops; the ascorbic acid content of waterleaf was reduced by 36%, while the crude protein content of cassava was reduced by 40%.⁴⁴ The food insecurity and deterioration of the quality of staple food led to a 24% increase in the prevalence of childhood malnutrition in the affected communities. The crude oil spills also resulted in the bio-accumulation of heavy metals in the surviving food crops like cassava and pumpkin.⁴⁵ The concentration of lead and cadmium increased in the leaves of pumpkin by 90% and 94.29%, respectively.

⁴⁰O.E. Agbalagba and R.K. Meindinyo, "Radiological Impact of Oil Spilled Environment: A Case Study of the Eriemu Well 13 and 19 Oil Spillage in Ughelli Region of Delta State, Nigeria," *Indian Journal of Science and Technology*, Vol. 3 (2010).

⁴¹R.K. Meindinyo and E.O. Agbalagba, "Radioactivity Concentration and Heavy Metal Assessment of Soil and Water, in and around Imirigin Oil Field, Bayelsa state, Nigeria," *Journal of Environmental Chemistry and Ecotoxicology*, Vol. 4 (2012).

⁴²N.E. Edema, B.O. Obadoni, H. Erheni and U.E. Osakwuni, "Ecophytochemical Studies of Plants in a Crude Oil Polluted Terrestrial Habitat Located at Iwhrekan, Ughelli North Local Government Area of Delta State," *Natural Science Journal*, Vol. 7 (2009).

⁴³B. Ordinioha and W. Sawyer, "Food Insecurity, Malnutrition and Crude Oil Spillage in a Rural Community in Bayelsa State, South-South Nigeria," *Nigeria Journal of Medicine*, Vol. 17 (2008).

⁴⁴R.N. Nwaoguikpe, "The Effect of Crude Oil Spill on the Ascorbic Acid Content of Some Selected Vegetable Species: Spinach Oleraceae, Solanum Melongena and Talinum Triangulare in Oil-polluted Soil," *Pakistan Journal of Nutrition*, Vol. 10 (2011).

⁴⁵M.U. Osam, M.O. Wegwu and A.A. Uwakwe, "The Omoku Old Pipeline Oil spill: Total Hydrocarbon Content of Affected Soils and the Impact on the

The average concentrations of heavy metals (mg/kg) in the leaves of food crops⁴⁶ show that exposures to the spilled crude oil were associated with significant increases in the period prevalence for diarrhea, sore eyes, itchy skin and occupational injuries.⁴⁷ Shock, acute renal failure, extensive epidermolysis, conjunctivitis, mucositis, esophagitis, and chemical pneumonitis were reported in a 2-year-old treated for febrile convulsion after ingesting...crude oil.⁴⁸ Furthermore, Adesina, Shittu and Omonigbehin and other researchers found in animal studies conducted by feeding rats and other experimental animals with foods contaminated with crude oil that exposure to Nigerian crude oil could result in infertility,⁴⁹ hemotoxicity,⁵⁰ hepatotoxicity,⁵¹ and carcinogenesis (through its effects on chromatin DNA).⁵²

Nutritive Value of Food Crops," *Archives of Applied Science Research*, Vol. 3 (2011).

⁴⁶E.E. Nkwocha and P.O. Duru, "Micro-analytic Study on the Effect of Oil Pollution on Local Plant Species and Food Crops," *Advance Bioresearch Journal*, Vol.1 (2010).

⁴⁷B. Ordinioha and W. Sawyer, "Acute Health Effects of a Crude Oil Spill in a Rural Community in Bayelsa State, Nigeria," *Nigeria Journal of Medicine*, Vol. 19 (2010).

⁴⁸B.E. Otaigbe and A.F. Adesina, "Crude Oil Poisoning in a 2-year-old Nigerian: A Case Report," *Anil Aggrawal's Internet. Journal of Forensic Medical Toxicology*, http://www.anilaggrawal.com/ij/vol_006_no_002/papers/paper004.html (accessed 19 September, 2012).

⁴⁹A.O. Adesanya, L.A. Shittu, E.A. Omonigbehin and A.O. Tayo, "Spermatotoxic Impact of Bonny Light Crude Oil (BLCO) Ingestion on Adult Male Swiss Albino Mice," *International Journal of Physical Science*, Vol. 4 (2009).

⁵⁰E.U. Eyong, I.B. Umoh, P.E. Ebong, M.U. Eteng, A.B. Antai and A.O. Akpa, "Haematoxic Effects Following ingestion of Nigerian Crude Oil and Crude Oil Polluted Shellfish by Rats," *Nigeria Journal of Physiological Science*, Vol. 19 (2004).

⁵¹T.O. Sunmonu and O.B. Oloyede, "Biochemical Assessment of the Effects of Crude Oil Contaminated Catfish (*Clarias Gariepinus*) on the Hepatocytes and Performance of Rats," *African Journal of Biochemical Research*, Vol. 1 (2007).

⁵²I.F. Oruambo and C.A. Peter-Omoghia, "Alterations in Chromatin DNA and Protein Absorbance Ratio in the Liver of Albino Rats (*Rattus Norvegicus*) Treated with Bonny Light Crude Oil," *Journal of Applied Bioscience*, Vol. 54 (2012).

Agitation and Violence

Recently, dissent with this situation, which was formally organized along village, clan, or ethnic group lines, has coalesced into a loose network of aggrieved groups. The once peaceful protests against the Nigerian government for redress of the problems of the area have turned into armed conflict.

A sketch of the history of the problem and conflict follows. Notably, the first prominent attempt at confronting the government was centered on secession of the Niger Delta region from Nigeria; it was led by Major Isaac Jasper Adaka Boro, an Ijaw from Kaiama, in 1966. For almost thirty years after Boro's rebellion, other protest movements occurred and persisted but while most post-Boro agitation was not secessionist in orientation, there were demands for autonomy, a government action plan on environmental protection, government enforcement of oil company's corporate responsibility toward the surrounding communities, and recognition of the need for resource control. This is reminiscent of the Ogoni uprising and peaceful demands, and the violent action by militias such as the Egbesu Boys, the Niger Delta Avengers, the Niger Delta Greenland Justice Mandate, the Chicoco movement, the Ijaw youth-centered Niger Delta Volunteer Force; many of these disparate groups coalesced into an umbrella group, a Movement for the Emancipation of the Niger Delta (MEND), to better coordinate and advance their demands from the Nigerian government.

Another prominent confrontation against the Federal government came from the Ogoni people of the Niger Delta, who, like the Ijaw, are protective of their identity and environment. It occurred in 1990 under the leadership of Ken Saro-Wiwa. Many rich oil fields operate in the approximately 400 square miles of Ogoniland and they have collectively yielded several billion dollars—most estimates put the figure at about \$40 billion—to the national treasury.⁵³ Despite this contribution, Ogoniland remains seriously undeveloped with largely no electricity, clean pipe-borne water, job prospects, or economic

⁵³K. Ogundamisi, "Isaac Adaka Boro Seven Day Revolution," <http://kayodogundamisi.blogspot.co.za/2008/02/issac-adaka-boro-seven-dat-revolution>. (accessed November 1, 2008).

projects. Against this backdrop, in 1990 the Ogoni people made up of Babbe, Gokana, Ken Khana, Nyokhana, Ueme and Tai, numbering about 500 thousand in population, formed the Movement for the Survival of the Ogoni People (MOSOP) under the leadership of Ken Saro-Wiwa, a writer, orator, and businessman.⁵⁴

The organization adopted the motto “Freedom, Peace and Justice.”⁵⁵ It was founded and governed under the principles of non-violence and equality. Ken Saro-Wiwa and MOSOP attracted international attention to the Ogoni cause, which demanded political and economic empowerment based on resource control, ethnic rights and environmental justice. They proclaimed the Ogoni Bill of Rights, while reaffirming their wish to remain a part of the Nigerian polity; the Ogoni demanded some basic guarantees from Nigeria’s ruling military regime at the time under General Sani Abacha. Salient features of the MOSOP demands included “political autonomy to participate in the affairs of Nigeria as a distinct and separate unit, and right to the control and use of a fair proportion of economic resources for Ogoni development.

Furthermore, they argued that the search for oil caused severe land and food shortages in Ogoni. Government-licensed oil-prospecting companies often neglect environmental pollution laws, leading “to the complete degradation of the Ogoni environment...[I]t is intolerable that one of the richest areas of Nigeria should wallow in abject poverty and destitution, that successive Federal administrators have trampled on every minority right enshrined in the Nigerian constitution.”⁵⁶ In January 1993, MOSOP held a rally which was attended by almost half of the entire Ogoni population. MOSOP became increasingly hostile to the violation of their rights—human and environmental—by Shell, a federal government-licensed oil exploration, ex-

⁵⁴K. Ogundamisi, “Isaac Adaka Boro Seven Day Revolution,” <http://kayodeogundamisi.blogspot.co.za/2008/02/issac-adaka-boro-seven-dat-revolution.html> (accessed November 1, 2008).

⁵⁵*Ibid.*

⁵⁶Urhobo Historical Society, “Towards Peace and Security in the Niger Delta: The Urhobo National Association of North America’s Position,” http://www.waado.org/organizations/UNANA/statements/peace_niger_delta.html,

traction and processing company that worked in its territory. Shell extracts about 3 percent of its oil from Ogoni territory. Officially known as Shell Petroleum Development Corporation (SPDC), the company is a joint venture:⁵⁷ 40 percent of the company is owned by Shell, 10 percent is owned by ELF and 5 percent is owned by AGIP. Shell is the operating partner of SPDC, which is the largest component of SCiN (Shell Companies in Nigeria). Although MOSOP's primary target was the Nigerian government, the group has consistently accused Shell of colluding with officials of the Nigerian government to deprive the Ogonis of oil revenue and demanded compensation for environmental damages caused by oil spills and gas flaring. The state oil company, Nigerian National Petroleum Corporation (NNPC), 30 percent of which is owned by Shell, pulled out of Ogoni territory, citing intimidation and hostility towards its staff and operations.

Nigeria's military government, under General Sani Abacha, responded to the outcome of MOSOP's activities with a crackdown; it created the Rivers State internal security task force unit to deal with the Ogoni crisis. Ken Saro-Wiwa and several other Ogoni activists were arrested in May 1994, following the mob killings of four Ogoni leaders from a MOSOP faction that had opposed Saro-Wiwa's tactics and been accused by some of being government collaborators. Sixteen members were tried for the murders and nine, including Saro-Wiwa, were convicted and sentenced to death by a special military tribunal. They were executed on 10 November 1995.⁵⁸ In the years since then many Ogoni activists have been detained and the movement was practically suppressed; MOSOP has experienced internal fragmentation and lost its former cohesion and strength. Nonetheless, MOSOP has continued to press for political and economic reforms.

In the interim, disputes between Niger Delta communities and security troops continue across the Niger Delta. Disputes, especially those involving oil companies, frequently lead to violent confrontations between residents and troops, who frequently use coercion

⁵⁷International Crisis Group, "Interviews by Crisis Group Researcher in a Former Capacity with MOSOP Officials, 2001-2005," *The Swamps of Insurgency: Nigeria's Delta Unrest, Crisis Group Africa*, Report No. 11 (5 August, 2006), p. 5.

⁵⁸*Ibid.*

and extrajudicial killings to suppress dissent. It would be beyond the scope of this article to give a complete account of all such occurrences. However, three such events—in Umuechem, Odi and Odioma—are salient examples of what the now fully developed military outfits cite as provocations contributing to an escalation of tension and radicalization of the Niger Delta struggle.

In October 1990, a peaceful protest by residents of the town of Umuechem, River State, demanding electricity, water, roads, and other necessities turned deadly, leading to a case of severely overzealous military repression. “A contingent of Nigeria’s mobile police attacked the protesters and began shooting indiscriminately. About 80 people were killed and 495 houses were burned down. The soldiers’ action was in response to complaint from Shell that Umuechem oil flow station was ‘invaded by an armed group with guns and machetes and drove our staff away and demanded a number of things including the equivalent in naira of [\$160,000]’.”⁵⁹

A judicial inquiry convened after the incident found no evidence of any threat or wrongdoing by the members of the community; the commission also concluded that the police had displayed a “reckless disregard for lives and property.” After a return to civilian rule some ten years later, another large-scale massacre by security troops occurred.

“In 1999, several young men described as ‘hoodlums’ by community leaders in the Bayelsa state town of Odi kidnapped and killed several Yoruba police officers in alleged retaliation for the earlier deaths of Ijaws in the hands of Yoruba militants in Lagos. Then they took refuge in the town of Odi.”⁶⁰ The Nigerian government gave the community a deadline to hand over the killers. After the deadline lapsed, the security forces responded with extreme brutality and committed atrocities. They made no effort to seek out and apprehend the killers. Instead, they entered the town with tanks and armored vehicles and, as if engaging in scorched earth warfare, razed to the ground nearly all structures, killing many people—estimates range from 23 dead, as reported by the government, to about 2,400 as stated

⁵⁹ International Crisis Group, p. 6.

⁶⁰ *Ibid.*

by local activist groups.⁶¹ Another act of mass brutality occurred in the town of Odioma, Bayelsa state. The military claimed that it had come under fire from militants in the village. In response, the soldiers shot randomly, doused houses with gasoline, before setting them alight, and raped women. At least 17 people were killed. Officials claimed that the raid occurred after a warlord from Odioma was accused of killing a dozen members of a government delegation sent to mediate a dispute between Odioma and the nearby village of Obioku, over ownership of an area that had recently been visited by a survey boat contracted to Shell.⁶²

Against the backdrop of these developments, the Ijaw youths convened a conference in the town of Kaiama in 1998. The Ijaw people, the largest ethnic group in the Niger Delta, announced ten resolutions known as the Kaiama Declaration, and resolved to confront the Nigerian government and the oil companies. The Kaiama Declaration demands and conditions are well known. The salient ones include that "all land and resources within the Ijaw territory belong to Ijaw communities." They advised that "all oil companies" staff and contractors withdraw from Ijaw territory by December 30, 1998 "pending the resolution of the issue of resource ownership and control in the Ijaw area of the Niger Delta." They also asked for a sovereign national conference to restructure the Nigerian federation, and set up the Ijaw Youth Council (IYC) to coordinate the struggle of Ijaw people for self-determination and justice. These demands were not met or even considered seriously, and consequently the situation snowballed into a full armed militant resistance against the government. The second president of the IYC, Mujahid Dokubo Asari, led the establishment of the Niger Delta Peoples Volunteer Force, one of the many militant Ijaw groups engaged in armed confrontation against the government. Asari's arrest in August 2005 in violation of a ceasefire agreement led to the amalgamation of some previously disparate and independent militant groups to form a larger group previously mentioned known as MEND, as well as the formation of other militant groups. Apart from frequent armed confrontations with the federal troops, involving

⁶¹ *Ibid.*

⁶² *Ibid.*, p. 7.

loss of lives on both sides, the militant groups adopted hostage taking, especially of foreigners, as an attention-getting and revenue-raising strategy. Today, the Niger Delta is on the boil, as militant groups engage federal troops in sporadic gun fights, take hostages, kidnap innocent people for ransom, destroy oil facilities and infrastructure, and engage in oil bunkering, taking oil from pipelines illegally for sale on the black market.

Recent Government Policy Changes and Peace Overtures

All efforts to find peace in the Niger Delta have so far been futile. The attempt by the federal government under President Shehu Musa Yar'Adua to convene a stakeholders meeting with leaders of the Niger Delta fell apart because of the Niger Delta leaders' disagreement over the choice of the proposed chairman for the conference, Professor Ibrahim Gambari, a UN under-secretary from Nigeria; he was rejected on the grounds of his support for General Abacha's execution of Ken Saro-Wiwa and other MOSOP leaders in 1990. President Yar'Adua has since established a Ministry for the Niger Delta to coordinate development efforts and ensure that they are carried out, but the Ministry has met with criticism from militant groups and some leaders of the Niger Delta, claiming that it is a merely symbolic gesture and potentially ineffectual in resolving the core issues that undergird and stoke the fires of conflict in the Niger Delta region. Recently, starting in 2016, new disaffected groups have emerged expressing disappointment at the newly elected Buhari government's resolve to renege on the promises and programs put in place by the governments of Yar A'dua and subsequently Goodluck Jonathan to rehabilitate former insurgents under the federal government's amnesty program and award pipeline security contracts to some of their leader. Prominent among these groups is the Niger Delta Avengers (NDA), Ultimate Warriors of the Niger Delta (UWND), the Red Egbesu Water Lions (REWA) and the Joint Niger Delta Liberation Force (JNDLF). These groups make demands ranging from outright secession, to autonomy within Nigeria, to securing the lion's share of the oil block to pipeline protection contracts. In their activism, these groups have successfully targeted oil installations and crude oil extraction pipelines. Their activi-

ties have reduced Nigeria's oil production and exports from about 2.3 million barrels per day to about 1.2 million barrels per day, thereby significantly diminishing Nigeria's revenue flow, exacerbating the country's already fragile economy because of falling global oil prices. In the interim, the violence in the Niger Delta region is continuing unabated. While some of the militant groups—MEND, the NDA—are open to negotiations with the government, others—Niger Delta Greenland Justice Mandate—are determined on outright secession from Nigeria and are prepared to destroy the oil industry in order to deny Nigeria the revenue that accrues from that resource, thereby bringing down the country's economy.

Reframing a Solution to the Problem on the basis of Environmental Justice

It has become obvious that the prevailing policy approaches to the Niger Delta problem have not worked to assuage the passions of the indigenes. The policies have in common a framework of paternalism and altruism. In the interim, it is evident that the core elements of the demands of the Niger Delta communities are human and environmental rights. Therefore, in order to moderate their agitation, it is important that the federal government begin to reframe and locate policies and projects meant to address the demands of the Niger Delta in terms of rights and justice. Adopting policies that are founded on environmental justice would go a long way towards bringing about lasting peace and development in the region. In response to the position of the people of the Delta, a cardinal principle must be recognition of the need to take into account their rights in a development context and the integration of these rights into development policies and programs, "especially, the right to meaningful participation in decisions that directly impact their lives would help to reverse the sense of marginalization."⁶³

Understandably, adopting a rights-based environmental justice approach as framework for addressing the situation in the Niger Delta

⁶³Helen Quane, "The Rights of Indigenous People and the Development Process," *Human Rights Quarterly* 1, Vol. 27: 2 (2005), p. 652.

may be the single most important policy challenge facing Nigeria. The problems of the Niger Delta are essentially a national problem, not that of the people of the area alone, and so it should be resolved by adoption of a framework of environmental rights, as they should accrue to all groups and communities. Reviewing the agitation and causes of the problems as identified by most observers, especially the Niger Delta indigenes, it becomes clear that though state responses may have somewhat moderated the ongoing crisis, they remain inadequate and ineffective. The inadequacy of these responses is not unconnected with structural issues that render them merely cosmetic. Inadequacy is linked to issues of existential wellbeing, environmental justice, self-determination, devolution of power and local control of resources.

This paper has outlined the many environmental and ecological problems caused by oil spills, as well as the attendant health hazards they cause for the human population. The sum total of the deleterious effects of the oil industry is extreme poverty—the land is polluted, people made unhealthy, flora and fauna are destroyed; hence, the popular resort to agitation and violence—especially as the government and oil companies fail to solve the problem. The local Niger Delta communities have no faith that the government is interested in protecting their environment, or is serious about solving their health and economic problems. Hence, resource control and self-determination are central aspects of their agitation. The suppression of the Ogoni people and the various violent attacks by the Nigerian government against the people of Odi, Ogoni, Obioku, Odioma, etc., despite the just nature of their agitation, is reason for distrust of the government, which acts only to protect and advance the interests of the oil companies that bring the government financial earnings. Regardless of the rectitude, imperative nature and clarity of the demands for environmental justice by the Delta communities, the Nigerian government insists on protecting the interests of the oil companies over the interests and environmental rights of the host communities, fueling agitation and conflict in the Niger Delta. Hence, the fundamental cause of the Niger Delta conflict is the refusal of the government to adopt policies that are based on environmental justice. Such policies must rest on the recognition of the basic tenets of environmental

justice—people have a right to a safe environment in which to live; they have a right to clean air, water, and land that is not ruined by industry of any sort; they have a right to decent health expectations and to oil industry practices that respect the need for a renewable, stable and healthy ecology, and to policies that are able to readily address any deleterious health effects of the oil production industry. This paper argues that until the government adopts and formulates policies that are based on the tenets of environmental justice, the violence and agitation in the Niger Delta region of Nigeria are in all likelihood bound to persist.

Conclusion(s)

The various issues associated with deteriorating health and ecological degradation in the Niger Delta, brought about by the oil industry and the difficult living conditions that it has engendered, have led to agitation and violence, threatening the continued corporate existence of Nigeria. Any attempt at finding a solution to the problems in the region must, therefore, be based on policy development on the basis of a new paradigm founded on the principles of environmental justice. The present Nigerian President, Muhammadu Buhari, alluded to this in a recent interview on the Niger Delta problem; he said that “non-cleanup of oil spillages in the Niger Delta, especially Ogoniland, was responsible for the militancy in the region witnessed in the past....[T]he devastation caused by oil spillage has destroyed many lives and livelihoods and is clearly one of the reasons many people in the region lost faith in government and resorted to the many criminal activities we are seeing in the region today.”⁶⁴ President Buhari’s view echoes the central thesis of this paper.

⁶⁴“Niger Delta Militancy Fuelled by Non-cleanup of Ogoniland-Buhari,” *Vanguard* (January 29, 2016).

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Improving Political Participation in Nigeria Using John Locke's Social Contract Theory

GRACE UMEZURIKE

Introduction

This work is premised on the idea that political participation is fundamental to the development and sustenance of democratic culture. This very point has been consistently made by political theorists from Plato to John Rawls. Irrespective of their various points of divergence they ultimately tend to agree that the human person is by nature a social being; and as such can only discover, develop and actualize his/her potentials and lead a happy and healthy life in a society. The implication of this is that the human person is by nature a being with others; hence is naturally inclined to desire fellowship with others. It is thus, and certainly trite knowledge, that human existence and well-being to a large extent depends on the activities of others.

In line with this position, John Locke in his *Two Treatises on Government* anchored the emergence, governance and sustenance of an ideal civil society on political participation. For Locke, a civil society that can protect the fundamental rights of every human being to life, liberty and estates and ensure their common wellbeing must be one that emerged through and is governed by the voluntary decisions of all individuals involved. This is because Locke sees the right of individuals to self-determination as inalienable. Buttressing this point, Locke (1952, 95) in his *Second Treatise on Government* asserts:

The only way whereby anyone divests himself of his natural liberty and puts on the bonds of civil society is by agreeing with other men to join and unite into a community for their comfortable, safe and peaceable living one amongst another, in a secure enjoyment of their properties and a greater security against any that are not of it.

The pivotal point here is that an ideal civil society is produced and governed by the consent of the citizenry. Political participation is therefore the foundation and a necessary propeller of a virile civil society towards its ultimate goal which is the protection of human life and property.

Regrettably in Nigeria, although it claims to be an example of a civil society and as such its goals as enshrined in the constitution (1999, Sect 15-17) claim to ensure 'the maximal protection and promotion of the common good of all Nigerians', the historical, existential and factual experience of its emergence and governance right from the 1914 amalgamation show that Nigeria cannot realistically lay claim to being a civil society where political participation has been protected, promoted and preserved.

Democracy, Political Participation: A Conceptual Clarification: Democracy

The etymology of the word 'democracy' is from the Greek words '*demos*' —the mob, a people, etc. and '*kratein*' to rule; thus a ruling by the people (Demokratic). Democracy in the fifth century BC was used by Herodotus as a rule by the people, which was characterized by equality before the law. This equality emphasized here demonstrates the very character of democracy, which brings it down to the common person. No wonder then why people conceive of democracy as the best system of government since it appears to orchestrate freedom and independence. This was made clearer by St. Augustine, who insisted, according to Mill (1947, 205). "That by Law of nature, man has no right over man seeing that his power stops short at things and animals, men have of themselves logically only the right to command themselves and no human being can of himself impose any authority on others" (Mill, 205). No doubt human beings' dire need for freedom necessitates the desire for democracy; a system where everyone is free to express himself or herself (as long as it does not interfere with the freedom of others) without fear of punishment.

Accordingly, democracy is said to be practiced where political authority is used for the good of the masses in a polity. It was based on this principle that Pericles of Athens explained the Athenian

constitution saying that it is called democracy because power is in the hands not of the minority, but of the whole people...(Hutchins, 216 quoted in Okoye, C.A. 99).

Democracy is characterized by individual empowerment whether economic, political, social or religious; in a sense, the intrinsic freedom governing democracy makes it possible for individuals to participate freely and actively in the developmental process, be it religious, economic, etc. Democracy is expected to lead the people to prosperity and socio-political excellence. Democracy in sum could be said to be best described by Abraham Lincoln as "the government of the people, by the people, and for the people" (www.abrahamlincoln.org/lincoln/speeches/gettysburg.htm).

Political Participation

Political participation refers to the direct or indirect involvement of citizens in the governance of their country. Political participation can be broadly divided into two groups, namely, conventional and unconventional political participation. Conventional political participation is concerned with one's involvement in political campaigning, public hearings, recalls, referendums, running for public office, voting in elections, etc.; while unconventional political participation has to do with one's involvement in activities such as public protests, civil disobedience, political debates, community development and strike action.

Accordingly, O.P. Gauba (2000, 445) gave a lucid clarification of the concept of political participation in *An Introduction to Political Theory* when he explains:

In short, political participation denotes the active involvement of individuals and groups in the governmental processes affecting their lives. In other words, when citizens themselves play an active role in the process of formulation and decisions, their activity is called political participation. Conventional modes of political participation includes voting, standing for office, campaigning for a political party or contributing to the management of a public park, ...interestingly an act of opposi-

tion or public protest also involves political participation. For example, signing a petition, attending a peaceful demonstration, joining a protest march..., etc. come within the preview of participation...[T]hey are the manifestation of a strong awareness of public interest.

Subject to the foregoing analysis and citation, one discovers that political participation is an important paradox and a delicate political theory. The theory obliges individuals to form and support a given government, or the implementation of a given policy, based on certain grounds.

Historical Analysis of Political Participation in Nigeria

Since Nigeria returned to democracy in 1999, Nigerians have not been given the opportunity to participate actively in the governance of their country by their various leaders. From its inception in May 29, 1999, the Obasanjo led federal government made political participation the exclusive reserve of the wealthy. Joe Achuzia observed this when he said: "...power goes to those that can produce the financial wherewithal. It does not matter how they come about the money..." (www.nairaland.com/.../handed0biafra-ov...). The dominance of the sphere of political participation by the wealthy and the attendant forclosure of the vast majority of Nigerian citizens who are not wealthy explains the ills of the Obasanjo-led administration.

The April 2007 general election conducted by the Obasanjo administration was marred by widespread fraud, violence and open ballot rigging. However, Umaru Yar' Adua won a landslide victory on a PDF ticket and was sworn in as the first president to assume power from a previously elected leader through the ballot box. Reacting to the 2007 election Nasir El-Rufia noted:

Yar' Adua came into the presidency through an election which observers within and outside Nigeria have condemned as the worst in our history. For some of us in President Obasanjo's government the elections were disappointing, but the best

candidate won. We elected our first president to have graduated from university... (www.nasirechronicles.com, 2008).

There was no popular political participation in Yar' Adua's administration; rather, what the nation experienced was the recycling of some of the very old hands as key government officials by the Yar' Adua-led administration. In the downstream oil sector, for instance, Alhaji Rilwanu Lukeman, (a 73-year-old) who had been minister of petroleum already three times in this country's history, was reappointed to the same office, and Kingibe; (then 62 years of age), an old-breed politician and Obasanjo's appointee for secretary to the government of the federation and national security adviser, were both retained by Yar' Adua. Nasir noted that since "[a]ll three appointees were older than Yar' Adua..., [and] the promise of generational shift began to lose credence" (5). All these are cases of doing something in a particular and similar way and yet expecting a different result, which is not practically possible.

Due to the lack of popular political participation, the Yar' Adua led administration lacked the political and administrative will to implement his Seven Points Agenda with the zeal it deserves to make the country the largest economy by the year 2020, and consequently, the Yar' Adua's vision 2020 ended up as other catch phrases like "Vision 2010," and "education for all by the year 2000," and a host of others which did not solve the problems necessitated those policy pronouncements. Comparing Obasanjo's administration to Yar' Adua's, Nasir concluded "From Obasanjo to Yar' Adua, Nigeria has changed so much, mostly for the worse, that one wonders whether Obasanjo's successor was handpicked, of the same party and of the highest level of education than any leader has ever had" (www.nasirechronicles.com, 2008).

Yar' Adua's ill health, however, prevented him from fully executing his powers and shortly before his death the national assembly passed a resolution to enable vice president Goodluck Jonathan to act as president. In addition parliamentarians used a common law rule, the "doctrine of necessity" to underline the move which had no precedent and was not explicitly backed by the constitution.

Almost immediately after Yar' Adua's death Jonathan was sworn in as executive president of Nigeria. Against all odds, Jonathan finally became the presidential candidate of the ruling PDP, which since has experienced deepening divisions. Jonathan won the April 2011 presidential election and was sworn in as elected president in May.

Goodluck Jonathan came on board with his Transformation Agenda, which was based and draws its inspiration from vision 20: 2020 and the first National Implementation Plan (NIP). The agenda is based on a set of priority policies and programs which will transform the Nigerian economy to meet the future needs of our people. The cardinal elements of the Transformation Agenda of the Goodluck administration include constitutional and electoral reforms and transformation of the budgeting process. Others will include overcoming the current security challenges through ensuring peaceful co-existence, tolerance, employment generation, poverty alleviation and job creation for Nigerian youths.

In terms of political participation, Jonathan's administration may not have met the standard of popular political participation, but it has done far better than all other general elections, because there was a certain level of political participation. For instance, the ruling PDP primary election was campaigned for and contested competitively. Nobody was compelled to step down for another, in fact the elections in both primaries and general elections were relatively free and fair. Unlike the general election in 2007, which was marred by widespread fraud, intimidation and violence, the 2011 election which brought Jonathan into power was relatively peaceful and well organized. At least people's votes counted to some extent. However, it must be said that there was post-election violence, which in my own view was more religious than political.

Civilian administrations have not improved participation in the electoral process because there has been outright disregard for the rules and regulations that are supposed to guide the process. The electoral process has not been able to create and promote conditions conducive to the holding of free and fair elections by: (1) facilitating an orderly voter registration exercise culminating in the publication of a final voters' register prior to elections; (2) carrying out a program of voter education; (3) providing adequate voting materials, ballot boxes

and screened voting compartments; (4) ensuring an open collation process, and (5) preventing voter intimidation and bribery. All these shortcomings of the electoral process deny the electorates the right to the value of their vote in democracy because the entire process is being hijacked by a few people in the political class, especially the ruling party. It is for these reasons that there is a great need for an enduring and transparent electoral process which will be open, competitive, free and fair. This cannot be achieved if INEC still remains under the presidency that controls its budget and appointments. All in all, elections must be credible, free and fair because that is what will guarantee popular participation and the ejection of those that fail the electorates.

Generally, in almost all cases up to the present administration, elections have not been properly conducted, and, given these severe constraints in the quality of elections, the government cannot be considered fully democratically elected.

Basic Implications of Locke's Theory of Political Participation

Locke's theory of political participation can be argued to have many implications that are relevant to the setting-up and development of a viable, egalitarian political society. In relation to this point, some of the most glaring and significant implications of Locke's theory that have, are and would continue to accelerate peaceful co-existence and sustainable development in different societies include: the need to recognize and respect the sacredness, dignity and inalienable rights of every human being; the rule of law; the sovereignty of the people; majority rule/representation and the right to private possession. These principles are acknowledged principles of liberal democracy. Little wonder Locke is usually hailed as the progenitor, if not the father, of liberal democracy. Let us examine the link between Locke's theory and these principles in more detail.

Indeed, there is a strong link between Locke's theory and the principle of the sacredness of human life, the inalienability of fundamental human rights and the sovereignty of the people. Locke's theory is firmly anchored on the view that all human beings are essentially free, equal and have certain fundamental rights that are inalienable.

Thus, the human person is an end in itself and should be treated as such; and not as a means to other ends.

This therefore implies the idea of sacredness, dignity and inalienability of every human life. Moreover, Locke's political philosophy maintains that human beings decided to form a political society in order to protect their dignity and enhance their common good. The importance of this is that the people are sovereign in Locke's political philosophy. This is supported by the fact that for Locke the aim of the political society is the protection of human rights, dignity and the pursuit of the common good; and any government that digresses from this noble aim can be dissolved by the people. In a very succinct manner, J. I. Omoregbe (1991, 120) in "Politics and Morality," attests:

The main function of government in Locke's philosophy is to enforce morality and protect the fundamental human right of individual citizens. The government is the servant of the people. The people are sovereign and they reserve the right to remove any government that fails to perform its duty properly.

Furthermore, Locke is a strong advocate of the rule of law, which no doubt forms the cornerstone of democracy. Locke's political philosophy reorganizes the supremacy of law over everybody including the legislature itself. For him, as Obioha (2008, 45-54) plausibly observed "the law is no respecter of persons and therefore enjoys total obedience and respect by all including the very operators of the law." Of course, this is evident in the fact that Locke frowns on absolute and arbitrary power. Thus in order to promote transparency, responsibility and adequate accountability Locke bestows the power of legislation, execution and supervision on different persons or groups of persons. Commenting on this point, W.F. Lawhead states:

With brilliant insight, Locke suggested that the government should be divided into separate branches, each serving as a limit on the power of the other units. He called these executive, legislative and federative branches; the latter would supervise the relations between the government and other

foreign nations. He also mentions the judiciary, but it was Montesquieu (1689-1755) writing under the influence of Locke, who made the judiciary the third branch of government (291).

The focus here is that Locke's theory embodies the principles of the rule of law, separation of powers, as well as checks and balances between the various organs of political power. Obioha (2008, 45-54) makes this point more explicit: "Locke's political liberalism is characterized by the legislative, executive and judicial functions of government being kept separate." The importance of this is that the rule of law, separation of powers, and checks and balances are essential ingredients for peaceful co-existence, good governance and the sustainable development of any given political society.

In addition to this, other viable implications of Locke's theory are the need to recognize and respect the right of every individual to personal possessions and the idea of majority rule. Locke's conception of private property as an inalienable right encourages industry, enterprise and diligence. This is because for Locke one only has the right to own the product of his/her labor, yet one is not permitted to own personal possessions beyond his/her needs and in so doing deprive other people of the opportunity to also work, acquire their own property and meet their personal needs. In this regard, the issue of extravagance, exploitation and laziness are eschewed.

Locke argued for majority rule against the practical impossibility of getting all people at all times to participate in decision making. For him, if the consent of the majority is not taken as the act of the whole then that of every individual would be needed. But Locke (1952, 98) acknowledged the impossibility of all always being available as public assembly: "the infirmities of health, and avocations of business will necessarily keep many away from the public assembly." Thus, he argued that the majority could constitute government. This signifies that while civil society is formed by the consent of all, the government which acts as a trustee of the people's right to secure their property is constituted not necessarily by the direct consent of each individual. Rather the consent of the majority suffices.

With the foregoing elucidations, one can now see that there is an inseparable affinity between Locke's theory of political participation and the acknowledged principles of modern democracy: sovereignty of the people, fundamental human rights, majority rule, separation of power, the rule of law, accountability, and the protection of human life and property. Locke's theory necessarily implies these principles and plausibly maintains that any political society that observes, and applies these principles will be fundamentally characterized with social stability, peaceful co-existence, good governance and sustainable development.

Political Participation as a Linch Pin of Democracy

J.S. Mill (1947, 122) insists on the active participation of the common person in major decision making of the state. Public offices must also be made open for the masses to join, to say the least: the people have the authority over their representatives who are servants to them. Many scholars, like Mill, emphasize popular participation for a system to qualify as democratic. The electorate reserves the supremacy of power. This culminates in the respect of rule of law and human rights, which represent a typical tenet of democracy. If we speak of democracy, then we must be ready to accept the fact that the power and even the sovereignty reside in the people. If this is the case the people reserve the right to alter or abolish any government that becomes destructive or that goes against the will of the people, so as to ensure their safety and happiness. This removal can take any form. To be precise, John Locke in his *Treatise of Government* advocated for revolution in a situation where any government begins to act outside the favor of the people. Often, revolutions appear to be the very last resort to the problems created by a particular democratic system.

Some Problems of Political Participation

i. Culture and Religion: Culture and religion are intertwined, hence the need to discuss the two together as one of the problems affecting political participation (e.g. Muslims exhibit a Muslim related culture in everything including politics, likewise in other religions). Some

religions/cultures forbid a certain category of people from political participation and even partaking in other social activities. This prohibition is sometimes based on factors such as sex, age etc. for instance, the Muslim doctrine of the puda system (i.e., the seclusion of women) forbids women from participating in social and political activities.

ii. Violence and Insecurity: Violence is an act against an individual or group with the intent to cause injury or death. The majority of violence that affects political participation is electoral violence, which is very common in Africa.

Electoral violence refers to the use of force by political parties or their supporters to intimidate opponents, which can result in seizures of political power by the use of undemocratic means, such as force. Electoral violence takes us many steps backwards and even beyond the original state of man (i.e., the state of nature) to a state of war because, according to John Locke (1952, 2nd treatise, 19), "force or a declared design of force upon the person of another...is the state of war...." Sometimes, violence is used to intimidate opponents, preventing them from expressing their choice of candidates for political position in a free, open and transparent atmosphere. The effects of electoral violence range from constituting a major threat to national security to instilling fear and causing low participation in elections by eligible voters. The latter casts doubt on the credibility of the purported elected leaders in the eyes of the local and international community. Similarly, it could affect the respect from the governed and this could further affect the general acceptability of the popularity of the government. This amounts to stealing of genuine mandate from the voters, diminishes good governance, dashes the people's hopes and expectations, and, finally, hinders or does away with public accountability by the so-called elected officers.

Delivering a paper on "Nigeria: Electoral Violence and National Security," the onetime Inspector General of Police, Tafa A. Balogun (2003, 15) notes:

Electoral violence could in conjunction with other prevailing factors lead to anarchy and ultimately to political instability. The result has been that political opponents are either inti-

midated or out rightly killed or injured (<http://www.aceproject.org/accessibility-info>. (10/03/2015).

The situation, as indicated above by Balogun, scares people to the extent that they do not even leave their houses during elections, let alone vote or talk of contesting any election, given the risk involved due to violence and insecurity.

iii. Gender Inequality: Attention is always on women whenever gender inequality is considered as a problem in political participation. This is because many factors hinder women from active political participation especially in Africa. These factors include: tradition, marriage, reproductive roles, lack of confidence, financial dependence, and a lack of education. Considering marriage as an example, many husbands restrict their wives from active political participation for fear of losing their wives to other politicians, due to the misconception that most women politicians are wayward. Also other family responsibilities like child birth, child upbringing and other domestic activities hinder women from active political participation.

iv. Political socialization: An endless process; it involves the transmission of a people's, group's or society's political culture from generation to generation. It is a developmental process through which people acquire political orientations and patterns of behavior. Political socialization starts from childhood. Having identified political socialization as the transmission of political culture from one generation to another, if one must investigate the interplay of politics and socialization in political participation, the best place to commence is from the area of political culture which according to Almond and Verba, (1963: 150) "is a people's predominant beliefs, attitudes, values, ideals, sentiments and evaluations about the political system."

One's participation in the political system is conditioned or influenced by the inherent political culture in the system. Some countries, no doubt, have more participatory culture than others, in which case they are more enthusiastic and proud of their institutions, and are more effective in the roles they play.

Political culture per se does not account for political participation, but when this culture is transmitted through the process of socialization it can then affect political participation. For instance, a child

who is socialized in the culture of political thuggery, acrimonious rivalry, political assassinations, and political contest fraught with election rigging and vituperation tends to develop negative attitudes towards politics, or be entirely discouraged from political participation.

Generally, unhealthy political culture discourages political participation. In Nigeria, for instance, the annulment of the June 12, 1993 general election has produced much apathy to political activities in the country. Many people still find it hard to believe in the sincerity of any transition program in Nigeria. This has succeeded in reducing active political participation, including voting in elections.

v. Wealth and Godfatherism: Godfatherism is a form of patron-client relationship in the political setting. It is a social problem. It has resulted in political insecurity and violence that are threatening participatory democracy, peace, political stability and the consolidation of democracy. Former governor Chimaroke Nnamani of Enugu State of Nigeria (2003, 45) defines a political godfather from his own personal experience as "an impervious guardian figure who provided the life line and direction to the godson, perceived [to] a life of total submission, subservience and protection of the oracular personality located in the large, material frame of opulence, affluence and decisiveness, that is if not ruthless...strictly, the godfather is simply a self-seeking individual out there to use the government for his own purpose."

Political godfathers build an array of loyalists around them and use their influence, which is often tied to monetary considerations, to manipulate the rest of society. They use their influence to block the participation of others in politics. The godfathers are political gatekeepers who dictate who participates in politics and under what conditions. The existence of such people is highly injurious to the advancement of popular, participatory democracy.

Improving Political Participation in Nigeria using Locke's Views on Sovereignty

As Locke held, unlimited sovereignty remains with the people who have the normative power to void the authority of their govern-

ment if it exceeds its constitutional limitations. In order to overhaul the radical contradictions which have surreptitiously crept into the Nigerian polity due to lack of popular political participation; there is a need to re-articulate our concept and practice of sovereignty within Nigerian society.

Locke in his political philosophy located sovereignty in the people. Government, according to Locke, is held in trust only in service of the people. But in Nigeria the reverse is the case. Although the constitution recognizes that sovereignty lies in the hands of the people, in practice this is subject to manipulation. Even though the constitution recognizes the people as the source of sovereignty; the government is the actual source and influence behind the political scenario in Nigeria. This means that sovereignty in Nigeria is not located in the people. As such, the masses that are not able to participate in government have little or no hand in governance.

There is a need for change from this situation. The degree of poverty and underdevelopment in Nigeria, the level of marginalization of the various regions of the country and the spate of corruption among the rulers necessitate the need for such a change.

Hence, contextualizing Locke to imply a re-location of sovereignty in the Nigerian people entails the convening of all interested groups of citizens to participate in the formulation of an autochthonous constitution; which would empower the people to judge, monitor and/or replace an erring representative as well as dissolve the entire government if found wanting. This empowerment of the masses to judge or dissolve government makes representation in Locke significantly different from the representation by a few; unquestionable, self-seeking Nigerian politicians.

The Rule of Law

The rule of law is essential in any society where human rights are to be protected. It acts as a safeguard for human rights first by guaranteeing them legally, and second by providing a means for redress when violations occur. The rule of law comprising the principles of equality and due process exists in different forms in each country; it may be contained in the power of judicial review, the separation of

powers, the doctrine of ultra vires (which prevents state organs from proceeding beyond their scope), the principles of equality and in statutory interpretations (Allan, 2001).

Locke according to Surianarayanan (1983, 3) laid down several principles of the rule of law: Firstly, the same law must exist for the favorite in court, and the countryman at the plough. Secondly, Laws should be designed for the good of the people. Thirdly, the state cannot raise property taxes without the consent of the people. Fourthly, the legislative may not transfer law-giving power to any other body.

Theoretically, in Nigeria under civilian rule the function of the rule of law is performed by a supreme constitution which ensures fair hearing of trials in all cases and guarantees the preservation of rights through the subjection of all classes and persons, including government and its agencies, to its provision. But the rule of law in Nigeria seems not to be practically enforced, as government officials are often regarded as sacred cows; and therefore commit crimes and go free without being tried in a court of Law. Moreover, even when tried, these government officials are hardly punished.

However, Nigerian laws are deliberately punctuated with loopholes so as to serve the interest of the successive ruling elite. Social cognitive theory explains the path-ways through which leaders in government perpetrate their guided dictatorship in the name of democracy, as well as why the leadership elite may never surrender to popular democracy as anticipated by Locke's theory of political participation.

The rule of law implies equal subjection of all before the law, including those people who are being detained without court warrants and timely trials for fair hearing. Nigeria is yet to become a democratic egalitarian society where every citizen is equally provided for and protected by the law. Explaining the reason behind this Obi Nwosu (2007, 48) avers "this is because, from the formulation stages, the laws were skewed to favor successive leadership cabals and protect their local and international interests and institutions. These laws were deliberately punctuated with loopholes to enhance easy manipulation and multiple interpretations, so that the same law can acquit a friend and convict a foe." All these problems notwithstanding, the rule of law could still be reappraised in Nigeria, in light of Locke's theory,

against the haphazard observation of the principle in Nigeria. Presently the judiciary in Nigeria might not be validly said to be totally free from executive manipulation.

When the people are truly made to wield political power their fears would be allayed, and the judiciary would become really independent to adjudicate, even between the executive arm of the government and individuals. Appropriate adherence to the rule of law would really make the judiciary, not just the defender of citizens, but the weapon in the hands of the people to checkmate arbitrary powers of the trustee, government. It would further strengthen the people's will as the law of the state; thereby ensuring the trustee (government) respects the law which is the will of its principal, the people. It was in this sense that Oputa (2003, 12), in the case of Governor of Lagos State Vs Ojukwu stated "the law is no respecter of persons, personalities, governments or power and the courts stand between the citizens and the government, alert to see that the state government is bound by law and respects the law." Such enthronement of equality before the law would ensure equal trial and sanction of all members of the society, in both torts and felony, without any immunity for any class. Most corrupt government officials in Nigeria hide under the umbrella of official immunity, committing certain crimes and going free. This, for us, is cheating the people who are the actual possessors of sovereignty. If any immunity were to be given to shield any class of people from the law, it should be to the people and their stewards. Our view is that the enthronement of the rule of law would guarantee a sense of purpose among the elected public office holders and a commitment to the good of all in the state.

Separation of Powers

In the 17th century, the doctrine of separation of powers was developed by John Locke who saw in it a way of freeing mankind from the injustice and oppression which resulted from an absolute system of government. He argued that it would be unwise to give any arm of government the power to do the duties of others, since they might use their powers to exempt themselves from the law they had made for their fellow citizens. Baron de Montesquieu (1989, Chapter ix) con-

tributed immensely to the development of this doctrine; and he did a lot to refine it so as to ensure justice and fairness in the running of the government. In his treatise titled *The Spirit of Law* he said:

Political liberty is to be found only when there is abuse of powers, but constant experience shows us that every man invested with powers, is liable to abuse it and to carry his authority as far as it will go....To prevent this abuse, it is necessary from the nature of things that one power should be a check on another... when the legislative and executive powers are united in the same person or body-there can be no liberty. Again, there is no liberty if the judicial power is not separated from the legislature and executive. There would be an end to everything if the same person or body, whether of the nobles or of the people, were to exercise all these powers (1989, Chapter ix).

The doctrine then explains that it will be foolhardy to give law-makers the power of executing the law, because in the process they might exempt themselves from obedience and suit the law (both in making and executing it) to their individual interest.

Locke saw the need to share government functions among different arms of government, which Omoregbe (1991, 65) interpreted to mean that it would not be proper for the same people to be vested with the legislative and executive powers. For if the same group of people both make and execute laws, self-interest would dictate both the making and the execution of laws.

In order to prevent the executive manipulation of the other arms of government, the influence of political power, if allowed to flow from the people as Locke recommended, would create a conducive atmosphere for the three arms to operate objectively.

Under the 1979, 1989 and 1999 presidential constitutions there were greater separations of powers, in a manner similar to that of the United States of America. Under all these constitutions, section 4 vested legislative powers in the National Assembly, section 5 vested executive powers on the president and governors (and the powers subject to other constitutional provisions or laws made by the Na-

tional Assembly be exercised by them directly or through the vice president, ministers or officers of the public service), and by virtue of section 6 judicial powers were vested in the courts established by the constitution (Mowoe, 24).

Now, the big question is: all these provisions of the constitution, are they being adhered to in practice? The answer is no. Separation of powers in Nigeria could be said to be a misnomer. This is so because there is no actual freedom of the legislature and the judiciary from the executive arm of government. Instances abound where the executive attempted to manipulate the legislature or judiciary. An example was the Obasanjo led government's attempt to manipulate the legislature to approve a third term against the provision of the constitution. Locke saw the need to share government functions among different arms of government, which Omoregbe interpreted to mean:

it would not be proper for the same people to be vested with the legislative and executive powers. For if the same group of people both make and execute laws, self interest would dictate both the making and the execution of laws.

It is my opinion that the separation of powers between the tiers and arms of government in Nigeria should be clearly defined and protected in line with Locke's political theory. These various arms and tiers of government should be made to be accountable to the people instead of the executive arm. This would remove the undue fear and desire for executive gratification which often influences the judiciary either directly or indirectly. When the three arms are made to be accountable only to the people, then the fear of being blacklisted for financial neglect and the desire for better appointments and favours by the executive would be removed. This would enable the legislature to make laws in line with the people's will and desire, as contained in the constitution, for the day-to-day administration of the country. It would also empower the legislature to ratify the executive bill and general functions in line with the people's will without any executive manipulation.

Censorship Right and Impeachment

Government is a contract between the leaders and citizens. Citizens will surrender some liberty to create a government that allows them to overcome the inconveniences of the state of nature. This implies that citizens have the right to abolish governments that do not protect the common good of the citizens. Locke emphasized the citizens' right to judge the performance of government, since the very existence of the state and civil government depends on the consent of the people. Also, "...the natural rights of life liberty and property to the individual limit the power of the community" (Appadorai, 1968, 25). This is because the people merely gave up their right to enforce the law of reason alone, for the preservation of their property.

Since the government power is being held as a trust, the people desire to see government perform what they were entrusted to do. To ensure the effectiveness of government, Locke (1952, 240) maintained that the people shall play the role of censoring their performance. Using his words, "...the people be judge."

Locke by this gave the people a wider scope of political participation even to the extent of censoring the activities of their representatives/government. Locke declared that under natural law all people have the right to life, liberty and estate; government is a social contract, the people could instigate a revolution against the government when it acted against the interest of the citizens and replace it with one that served the interest of citizens. Therefore in some cases, Locke deemed revolution an obligation. The right of revolution, thus, essentially acted as a safeguard against tyranny. For Locke, the people have a right to remove erring representatives or even dissolve a bad government. This is because for Locke, as Omoregbe (1991, 65) rightly observes. The government derives its power from the people, a mandate to carry out the wishes of the people. If the rulers are not fulfilling the wishes of the people then the people reserve the right to remove them from power by rebellion and to elect new rulers who would carry out their wishes.

Locke supposed that the most likely cause of a revolution would be the abuse of power by the government itself. Locke's view is of special relevance to the Nigerian state, because the people's right to

revolt would overcome government's resistance to change. Governments in Nigeria, like other African nations, are most likely to resist the people's attempt to dissolve it. The representatives in government positions are likely to use the security and military outfits against the people's attempt to dissolve any government. But Locke offers a way out through the relocation of sovereignty in the people. If the people are allowed to articulate their constitution, the control of the military would be better exercised by the people through the legislature. In that case, the president would no more remain the Commander-in-Chief of the Armed Forces. Hence, the chances of the executive using the military against the people would be reduced.

Locke's view on revolution would therefore legalize such actions, as the constitution would empower the people to revolt against bad government; dissolve and reconstitute a desirable government without being guilty of treason. Revolutionary movements have resulted in a change of government to leadership the people desire, in countries like Romania, Afghanistan, Cote d'Ivoire, Lybia, and Egypt. Hence, the phenomenon of justifiable revolution in rebellion would equally be of help in Nigeria: legalization of rebellion, resistance, by the bad government would be difficult and unsuccessful. Thus Locke's option for and promotion of the people's right to revolution would greatly enhance the people's place and relevance in the re-organization of Nigerian society; as it would enable Nigerians to put the rule into the hands of those who may secure the ends for which government was first elected.

Revolution or rebellion, in Locke's view, is the final instrument in the hands of the people to safeguard their right to preserve their property. The exercise of rebellion requires some fundamental enlightenment. This calls for a thorough political education of Nigerians on the basics of civil life and rights.

Conclusion

So far, there has been a thorough examination of the extent and exercise of political participation in Nigeria; the conclusion being that participation is mostly determined by a few individuals thereby foreclosing the chance of popular participation. We have also exposed the

adverse consequences of such mode of political participation on the nation and its people. Locke's view on political participation theory has equally been seen to be open to popular participation and the common good; owing to this, it becomes necessary to suggest a change in the mode of political participation and administration in Nigeria using Locke's theory as a theoretical framework. Supporting the imperative of a change in the nature of political participation in Nigeria, Okon Uya wrote:

The Nigerian democratic project must ultimately involve no less than a revolutionary overhaul of our institutions, attitudes and ideas as well as fundamental restructuring of the Nigerian society economically, politically and socially. Democratizing Nigeria will be a complex, slow, time-consuming, expensive and contentious process encouraged only by the certain knowledge that democracy is undoubtedly the best suited and most efficient system in satisfying the expectations of the large majority of our people (2000, 4).

He went on to explain that such change would create room for the consolidation of democracy in Nigeria, which in turn would engender the good of the citizens in general, which is the objective of any democracy. Democracy entails "how to forge a developmental plan process which is simultaneously participatory for individuals citizens, sensitive to and protective of individuals rights, freedom and liberty" (Oyovbaire qtd in Uya 5). By this, Oyovbaire holds that participation in politics should be accommodative of multiple and competing loyalties, generate economic growth and distributive justice. This entails the absence of dictatorship whether of a tyrant ruler or a godfather who uses his influence to determine the political pace of the state at will. It entails a polity of free and equal access to political participation. Locke's theory of political participation offers a chance for such a society by situating the political power of the state in the people: "the natural right of life, liberty and properties reserved to the individuals limits the just power of the communities" (Locke, 1952, 129).

In Locke's theory, the people wield the actual political power. If we should implement that in Nigeria, our political history will change

and our national objectives will be realized. It is obvious that the proper application of certain principles inherent in Locke's theory can help to improve political participation in Nigeria. These principles include: the sovereignty of the people, rule of law, separation of powers, censorship right of the people and right to dissolve a bad government.

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Part II
African Philosophical Ideas to Solve
African Problems

Deconstruction and Reconstruction: Theory, Praxis and Decoloniality in Steve Biko's Conception of Religion

M. ZAKARIA ASMAL

No nation can win a battle without faith, and if our faith in our God is spoilt by our having to see Him through the eyes of the same people we are fighting against, then there obviously begins to be something wrong in that relationship (Biko, 2004, 65).

This paper analyzes the role of religion in the writings of South African Black Consciousness (BC) leader Bantu Stephen Biko. More specifically, it will show how the academically neglected strand of religion in Biko's works is a central thematic concern in his exposition of the Black Consciousness cultural revival project. This paper poses two basic questions. First, considering that Christianity arrived with colonialism but is nonetheless adopted by the majority of black indigenous South Africans, does Christianity as a religion represent a veritable part of the lived reality of blacks in the apartheid and/or colonial condition? Second, if Christianity does have a genuine place within the lived reality of blackness, how can it be made relevant to this reality, and be utilized in the quest for liberation? Answering these questions may shed some light on the practicalities and liberatory potential of religion in the colonial, apartheid and postcolonial situation, despite aspects of South African religio-culture being hybridized with foreign precepts. This paper is premised on the fact that Biko remains one of the great liberation thinkers of the twentieth century whose ideas transcend one's life and context, while remaining relevant in South Africa and other postcolonial/racialized settings still dealing with the structural and socio-psychological repercussions of apartheid/colonialism, and with settings where racial oppression persists.

In answering these questions, this paper promotes a reading of Biko that enables moving from abstract theory to a more comprehensive 'practical theory' sensitive to the apartheid context. This paper argues that Biko's construction of religion merges theory and praxis by promoting Black Theology. This can be explained on the broad level of Africana philosophy. First, Biko's construction of religion is an attempt at resolving the negative socio-psychological aspects associated with W.E.B. Du Bois' "double consciousness" and reconciling the conflicting identities of being both African and Christian, despite colonial Christianity's disdain for African religio-culture. Second, this call for a merging into a positive single religio-cultural consciousness is sensitive to Frantz Fanon's imploration for a decolonized methodology, where epistemologically colonized intellectuals such as Biko's black clergy are urged to rediscover indigenous perspectives in articulating decolonial practical theory. Third, such a method is constitutive of Africana existentialist philosophy's emphasis on the lived experience of blackness in an anti-black world which is premised on its thematic concern with 'ontology' (which poses the question, '*What is our religion?*') and 'teleology' (which poses the questions *How is religion to be liberated?* and/or *How are we to use religion for liberation?*).

Historical Overview

Does religion have a liberatory role in colonial and postcolonial Africa? The genealogy of the term 'religion' in much of Sub-Saharan Africa is indeed a complex one. As Chidester (1996) has shown, the understanding of the term 'religion' by laymen and its conception by scholars have been shaped by European colonists, missionaries, settlers and travelers who applied a Eurocentric and often Protestant framework to categorize African beliefs and culture. This process most often distorted African cultural rituals, norms and mores in order to fit into the *a priori* facets typically understood by Europeans as 'religion' or 'religious'. In Southern Africa, large-scale conversion to Christianity followed the subjugation of the various indigenous tribes, from the Khoisan to the Zulus and the Xhosas. Despite this, most indigenous Africans negotiated between the new religion and

their pre-Christian religio-cultural norms. What resulted from these fusions were syncretic African Independent Churches that amalgamated Christian and African indigenous religio-cultural norms.

Biko was perhaps the foremost ideologue in South Africa's national liberation struggle against apartheid. Unlike the multiracial political organizations with which Nelson Mandela and other African National Congress (ANC) leaders became synonymous, Biko operated in a time of the banning of liberation political organizations. He rose to prominence as a student leader and black grassroots development coordinator. It is for his promotion of Black Consciousness and the reassertion of black selfhood in the South African context that he is most famous. Biko quickly rose to prominence as the undoubted leader of the Black Consciousness Movement (BCM) and *de facto* leader of the liberation struggle in the absence of the senior guard of the ANC, who were either incarcerated or exiled.

Many in the international audience have viewed Biko as the South African liberation equivalent of Frantz Fanon. While Fanon also passed away at a young age, he nonetheless has a body of work that can be accessed. Biko's banning by the apartheid regime, in 1973, at the age of 26 and his premature death in detention, in 1977, at the age of 30 have resulted in our having finite access to his direct thoughts and utterances (Wilson, 2011, 11). The sole surviving primary documentary resource we have of Biko (apart perhaps from court proceedings and a few rare interviews) comes from the short period between 1969 and 1972; it is a collection of his writings and speeches first published in 1978 under the title *I Write what I Like* (Biko, 2004). Following his banning by the apartheid regime in March 1973, Biko could no longer speak or write in public, in addition to being restricted to his hometown of King William's Town (Woods, 1987, x).

Because of the activist audiences being addressed and the sometimes informal nature of much of Biko's speeches and writings, his arguments are articulated coherently, although at times he does not elaborate on these systematically or at length. Most academic focus on Biko has been on the political and cultural aspects of his writings on Black Consciousness. Yet religion plays a central role for Biko in its role as the normative basis of values, its symbiotic link to culture and its potential for asserting Black Consciousness. While scholarly works

have focused on culture, few have identified the role of religion as largely collapsed within culture and as the normative core of the culture Biko refers to. Throughout this article I use the term 'religio-cultural' whenever Biko refers to the nexus between religion, culture, norms and values; although Biko does not use this term himself but alludes to it. For Biko religion is:

[N]othing else but what it is, i.e. a social institution attempting to explain what cannot be scientifically known about the origin and destiny of man....In most cases, religion is intricately intertwined with the rest of [the] cultural traits of society (2004, 59).

In the Africana philosophy tradition, Biko's views on religion provide not only a theoretical framework, but also a blueprint for active resistance in the context of the economic and cultural oppression that colonialism and apartheid imposed. Thus, we may term Biko's discourse on religion 'practical theory' in the quest for a *telos* of 'liberation' in the broadest sense. Barney Pityana, a renowned Black Theologian, a close friend and colleague of Biko, and part of the Black Consciousness leadership, summarizes this point about reflective practical action succinctly:

[B]lack consciousness drew much from the method and pedagogy of the Latin American grassroots development movement....Social analysis leading to *reflection and action* were critical tools of engagement (Pityana, 2008, 4, my emphasis).

How was this pedagogical approach founded on practice applied to religion? It was in the form of Black Theology that Biko attempted to translate theory to praxis in the pursuit of realizing the religio-cultural goals of Black Consciousness. While Biko did not articulate the content of Black Theology, he enunciated the context which made it exigent and the guiding principles that it should be based on. While the Black Consciousness Movement itself was crippled by the death of Biko and the imprisonment of its leadership core, Black Theology flourished and continued, as it still does today.

Du Boisian Problematic of Double Consciousness

Du Bois defines double consciousness as follows:

After the Egyptian and Indian, the Greek and Roman, the Teuton and Mongolian, the Negro is a sort of seventh son, born with a veil, and gifted with second-sight in this American world—a world which yields him no true self-consciousness, but only lets him see himself through the revelation of the other world.

It is a particular sensation, this double consciousness, this sense of always looking at one's self through the eyes of others, of measuring one's soul by the tape of a world that looks on in amused contempt and pity. One ever feels his twoness—an American, a Negro; two souls, two thoughts, two unreconciled strivings; two warring ideals in one dark body, whose dogged strength alone keeps it from being torn asunder (1965, 215).

In Du Bois' idea, African Americans are compelled to view themselves not only from their own unique perspective, but more significantly from the negative external perspectives of white society. The internalization of this anti-black sentiment begins to shape black experience, resulting in a multifaceted conception of self. This forces two antagonistic identities that blacks have to suffer from and negotiate between; who one is and the misrepresentations ascribed on them from the outside (white) world. This twoness of possessing one's own sense of self and the imposed external contempt for an ascribed self is what is double consciousness (Black, 2007, 394). For Du Bois, this condition prevents true self-consciousness. However, double consciousness can be ameliorated by merging and reconciling these two positive identities and cultures (black and American), freeing both from the harmful ascription and contempt imposed by the outside white world:

The history of the American Negro is the history of this strife—this longing to attain self-conscious manhood, to

merge his double self into a better and truer self. In this merging he wishes neither of the older selves to be lost. He would not Africanize America....He would not bleach his Negro soul...He simply wishes to make it possible for a man to be both a Negro and an American, without being cursed and spit upon by his fellow, without having the doors of opportunity closed roughly in his face. This, then, is the end of his striving; to be a co-worker in the kingdom of culture (Du Bois, 1965, 215).

There are ontological, methodological and epistemological significances in the formulation of double consciousness. Ontologically, Du Bois' framing the question of black people subjectively poses the ontologically reflective question that asks, *How is it to be viewed as a problem in society and thus to be black?* This important step acknowledges black selfhood as a quintessentially human mode of being, amidst the residue of colonial dehumanization. Methodologically, Du Bois shows how the study of blacks is not akin to studying other groups, because society presumes blacks to live extraneously to the framework of accepted "peoplehood." Thus, any study of blacks must pierce the imposed veil against their very humanity, where they are viewed as a problem group. Epistemologically, double consciousness shows us that conventional ways to study blacks in most of the Humanities function in a way where white normativity is presumed to be the standard of the real. This implies that studying white society is analogous to studying humanity at large and thus the 'universal', while non-whites are treated as the 'particular'. The fact that non-whites are also human means that they perennially encounter the false universal of their particularization (Gordon, 2008, 75-79).

Fanonian Demand for a Decolonized Methodology

Marc Black (2007) has attempted to link Du Bois' idea of double consciousness with the works of Fanon; although Fanon does not use the term himself, he conceives of something similar. In order to realize a decolonized methodology, the duality of circumstance and consciousness that gives rise to the negative self must be transcended in

order to realize the truer self, and ultimately liberation. In Fanon's (2008, 2) words:

The black is a black man; that is, as the result of a series of aberrations of affect, he is rooted at the core of a universe from which he must be extricated. The problem is important. I propose nothing short of the liberation of the man of color from himself.

For Fanon, two antagonistic viewpoints result from the supplanting of indigenous culture by that of the colonizing culture. This results in an epistemologically colonized methodology where colonized intellectuals educated in, or in the method of, the metropole adopt colonial perspectives unwittingly:

The colonized intellectual, at the very moment when he undertakes a work of art, fails to realize he is using techniques and a language borrowed from the occupier. The colonized intellectual who returns to his people through works of art behaves in fact like a foreigner. (Fanon, 2004: 160)

The colonized intellectual must realize that this double consciousness and alienation that have led him to adopt the culture of the colonizer can only be remedied by employing a decolonized methodology where s/he rediscovers the space where the values and ways of the people s/he has left behind can be found:

[T]he first duty of the colonized poet is to clearly define the people....We cannot go resolutely forward unless we first realize our alienation. We have taken everything from the other side. Yet the other side has given us nothing except to sway us in its direction through a thousand twists, except lure us, seduce us, and imprison us....It is not enough to reunite with the people in a past where they no longer exist. We must rather reunite with them in their recent counter move which will suddenly call everything into question; we must focus on

that zone of hidden fluctuation where the people can be found (Fanon, 2004, 163).

For Fanon, colonized intellectuals or activists cannot hope to liberate their people when they define liberation in the terms, epistemology and methodology of colonial white normativity, all the while thinking and behaving similarly. It is only when they return to the general population of the colony, and once again engage with their forgotten culture and the struggles faced by it that they regain the indigenous perspective. This indigenous decolonized perspective should serve as the foundation to critique the colonized normative perspective. Liberation must therefore obligatorily include appraising the epistemology of one's own colonized perspective through the viewpoint of an indigenous evaluation.

In this it is not necessary that white, European or colonial perspectives must be completely expunged. Rather the focus should be on constraining the epistemological ramifications of colonial cultural dominance and its power to subvert one's consciousness with its negative external perspective. This is similar to Du Bois' merging of strivings, with the colonized intellectual now employing a decolonized methodology where s/he rediscovers a single consciousness that is at ease with both one's sense of self defined by indigenous perspectives, as well as with the Western education received; which although still external, does not now entail white normative assumptions nor impose negativity into one's reading of self and the practical action required for decoloniality.

This epistemological colonization at the methodological level thus demands radical self-reflection, because white normativity has the argumentative power to shift the focus from the actual topic of discussion to influencing the very method the argument itself is based on. If the methods themselves are racialized or colonized, the result of any deliberative exercise would necessarily be simple affirmations of racialism/colonialism. Thus, as Lewis Gordon has argued, Fanon demands the "suspension of methodological claims, of making method itself an object of inquiry whose ontological status must be suspended" (2008, 85).

Africana Philosophy

Both Du Bois and Fanon form part of what has recently been termed "Africana philosophy," of which they must rank as the greatest thinkers, "the international impact of their thought...of near equal weight" (Gordon, 2008, 81). This broad umbrella term coined by Lucius Outlaw (1997, 267) is defined as "a 'gathering' notion under which to situate the articulations [and] traditions [of] Africans and peoples of African descent collectively." The more specific "Africana existentialist philosophy" is a constituent part of Africana philosophy and is defined as:

[T]he philosophy that is enunciated from the lived experience of being black in the anti-black world and to chart a way for liberation,...a tradition [of] philosophical mediations that are concerned with the lived experience of black subjects in the colonial condition, and the manner in which they should militate against such an existential condition (Sithole, 2016, 178).

Due to colonization, slavery and racial oppression, Africana existentialist philosophy deals with black selfhood and suffering in an anti-black world. It "therefore, consists in reflections, rooted in black experience...and the utilization of such reflections to challenges confronting African and African-descended people" (More, 2004, 82). There are two main compacted themes within Africana existentialist philosophy: 'ontology' epitomized by identity, and 'teleology' epitomized by liberation. The first is reflective and asks "*What/who* am I?" and goes to *being* and *essence* to answer "the ontological question about black identify in an anti-black world" (More, 2004, 83). The second is more practically contemplative and asks, "What *ought* we to become?" in the quest for teleological liberation. These two questions reinforce each other: to know what we *ought* to do we should know *who* we are, while to know *who* we are often requires knowing what we *ought* to be doing. This reinforcement converges into a third question, "Who is to be liberated?" where ontology and teleology intersect (More, 2004, 83).

Biko and Religion

For Biko, religion possesses the potential to inform values and ignite Black Consciousness. Since most blacks had accepted various different forms of Christianity in varying degrees, for Black Consciousness to be asserted Christianity requires an epistemological and methodological re-examination. "Christianity," says Biko, has proven to be very adaptable and it "does not seek to supplement existing orders but—like any universal truth—to find application within a particular situation" (Biko, 2004, 103). That is why Black Theology is needed. Biko (2004, 104) says further that he does not want to discuss Black Theology at length, nor articulate it. Rather he attempts to state its aims. It should be to relate God and Christ to the black man and his daily problems and to portray Christ as a fighting God, not a passive one allowing lies to go unchallenged. It should grapple with existential issues without claiming to be a theology of *absolutes*. It should seek "to bring back God to the black man and truth and reality of his situation" (Biko, 2004, 104). This for Biko is a highly significant part of Black Consciousness. Thus, it is the duty of all black priests to adopt the Black Theology approach, "thereby once more uniting the black man with his God" (Biko, 2004, 104).

For Biko, there are two levels at play when analyzing how Christianity has culturally disenfranchised blacks in southern Africa: that of its introduction and that of its interpretation. On the first level, we must understand how Christianity was introduced and spread. It is at this level that the double consciousness seeds of negative ascription of black religio-culture were sown. For Biko, because religion and culture are so intertwined, religion is part of the behavioral pattern of society. Its adherents are therefore bound by religion's limits through their strong identification with the group. If religion is divorced from the cultural make-up of that society, discontent and open rebellion ensue. One can thus claim that most religions are specific, and where there is a lack of specificity, a particular religion "must be sufficiently adaptable to convey [its] relevant messages" (Biko, 2004, 59-60). Despite Christianity's going through myriad cultural adaptations when it spread to other parts of the world, when the missionaries came to southern Africa they painted religion as rigid:

Christianity was made the central point of a culture which brought with it new styles of clothing, new customs, new forms of etiquette....The people amongst whom Christianity was spread had to cast away their indigenous clothing, their customs, their beliefs which were all described as being pagan and barbaric (Biko, 2004, 60).

The missionaries were aware that the way they propagated Christianity was not essential to its central message. However, their methodological aims were interwoven with the colonial project and their "arrogance and their monopoly on truth, beauty and moral judgment led them to despise native customs and traditions and to seek to infuse their own values into these societies" (Biko, 2004, 103-104). Soon a cleavage developed between the converted and the pagans on the small matter of clothing. Such trivial religio-cultural differences were blown out of proportion and internecine warfare followed. This process of cultural dichotomization, for Biko (2004: 60), stripped Africans from "the core of their being" and they "became estranged from each other [and] a playground for colonists." Conversion to this 'colonial-tainted' Christianity was the watershed moment in the struggle of Africans.

This nadir of conversion shows the link between accepting Western religio-culture and destruction of African religio-culture. Biko here alludes to colonialism and the missionary monopoly of truth/beauty as foundational to the epistemology of the harmful ascription of double consciousness. The missionary-imposed external perspective which led to conversion concomitantly resulted in negation of self, derision of indigenous customs, open enmity and cultural dichotomization, because Western values imputed negativity to African religio-culture. This internalization of anti-black sentiment began to shape black experience and created the antagonistic identities which are the base of double consciousness. The converts who acquiesced to the misrepresentations ascribed to indigenous culture imbibed false values from white society and ridiculed the African self.

Biko uses the example of mission schools, where children were taught vague concepts such as good manners under the pretext of hygiene, as though it had some religious significance, and consequently

to despise their mode of upbringing and question African values and customs. Using their new social viewpoint children lost respect for their elders after being taught to disregard family teachings and, subsequently, they dismissed their own cultural background as barbarism. The logic of missionaries being placed at the forefront of the colonization project was that blacks accepted Anglo-Boer concepts and their negative imputations, becoming perpetual students looking to whites for guidance and eternal supervision when subscribing to the standards demarcated by these foreign concepts (Biko, 2004, 104). Black Consciousness, for Biko (2004, 105), must eradicate this form of double consciousness, because colonialism is never satisfied with having people within its grip; it must also distort their culture and history.

Exhorting black ministers and clergy to take up the mantle of Black Theology, Biko decries the way that Christianity was introduced into South Africa and the perpetuating epistemological and methodological legacies of this in the form of the second level of cultural disenfranchisement: that of interpreting Scripture. "In a country teeming with injustice and fanatically committed to the practice of oppression, intolerance and blatant cruelty because of racial bigotry" and when blacks are unable "to relate the present to the future because of a completely engulfing sense of destitution," Biko (2004, 60-61) finds it unbelievable that the church "adds to their insecurity by its inward-directed definition of the concept of sin and its encouragement of the *mea culpa* attitude." While ministers concern themselves with theft, murder and adultery, none attempt "to relate all these vices to poverty, unemployment, overcrowding, lack of schooling and migratory labour" (Biko, 2004, 61).

In a prime illustration of double consciousness, white missionaries quickly established a description of blacks as lazy and as thieves, while associating worth and value with whiteness. On the epistemological and methodological levels, black churches and ministers consequently likewise do not see vices such as theft as manifestations of injustice, but rather as the externally ascribed proof of black savagery (Biko, 2004, 61). In effect the black clergy, much like the early converts, in Du Bois' words, saw black culture and themselves "through the revelation of the other world...always looking at one's self through

the eyes of others, of measuring one's soul by the tape of a world that looks on in amused contempt and pity." Biko summarizes his points about Christianity and its introduction and interpretation in the following words:

Thus if Christianity in its *introduction* was corrupted by the inclusion of aspects which made it the ideal religion for the *colonisation* of people, nowadays in its *interpretation* it is the ideal religion for the maintenance of the *subjugation* of the same people (2004, 61, original emphasis).

Biko (2004, 63) argues that the white clergy, both tacitly and overtly, prevent "the Church from assuming its natural character in the South African context, and therefore [prevents] it from being relevant to the black man's situation." He promotes Black Theology as a form of Fanon's decolonized methodological antidote to this interpretational dilemma that makes the church increasingly less relevant to black people. For Biko, there is indeed truth to the claim that we can interpret things differently from different angles, and he argues that Christianity cannot hope to remain isolated from its context. Black Theology as a methodology is a 'situational interpretation' that relates blacks to God in the context of their present suffering and their attempt to break free from this. It shifts the focus from moral obligations to eschew petty sins such as theft, to being committed to eradicating major sins such as systemic poverty, racism and oppression (Biko, 2004, 64).

Thus, the introduction of Christianity in its colonial form was the negative external ascription of self that led to double consciousness. It led converted Africans to despise their customs and values, and associate worth with whiteness. This double consciousness which was catalyzed by Christianity's introduction was further exacerbated in its epistemological interpretation by the black clergy, who employed a colonized methodology that ignored major systemic issues in their propagation of Christianity and disregarded the anti-black context that blacks found themselves in. The clergy could be likened to the colonized intellectual and artist in Fanon's description, who continue using the perspective and terms of the colonized (for example,

sermons relating to minor sins). By returning to and rediscovering their religio-cultural values such as human-centric communalism, Africans can salvage their indigenous perspectives and reconcile their two identities and 'two warring strivings'. Biko invites the black clergy to be Fanon's colonized intellectual who rediscovers this indigenous perspective, this 'zone of hidden fluctuation where the people can be found', and to apply a decolonized methodology of African religio-cultural principles to contextual factors such as racial and cultural oppression in articulating a new theology. The black clergy, like Fanon's colonized intellectual, should critique religion in its colonial form, as liberation cannot be defined in the terms of colonist missionaries and their white clergy surrogates. This is because, in Biko's words, "our faith in our God is spoilt by our having to see Him through the eyes of the same people we are fighting against" (2004, 65).

In doing this, it is not a requisite that Christianity itself should be completely purged because of its colonial propagation. The problem was not the message of Christianity, but how it was propagated with its accompanying values. At its base, its message like other universal truths has potential for promoting good values. The missionaries promoted a colonized idea of religion where its epistemological, methodological and conceptual values separated it and isolated it from its social significance. Thus, the goal should instead be to constrict the cultural superiority and topical neutrality upon which mainstream Christianity rests, and halt the negative ascriptions it effects on African religio-culture. Thus the negative ascriptions of the external missionary on the black self can be ameliorated with a decolonized theological interpretation that recovers one's own sense of self located in African values. This allows the black person to end his/her striving by merging and reconciling the two positive identities/cultures of African and Christian, and consequently to apply religion as part of Black Consciousness assertion. In Du Bois' words, this would be to "to merge his double self into a better and truer self.... This, then, is the end of his striving: to be a co-worker in the kingdom of culture" (1965, 215).

Thus, Du Bois' themes of double consciousness come to the fore in Biko's conception of religion. Ontologically, Biko acknowledges

that subscribing to Christianity yet still maintaining African religio-cultural precepts is viewed as problematic by the missionaries and black clergy. However, Biko dismisses such colonized perspectives and affirms that retaining African religio-culture is not only positive, but does not contradict the foundational principles of Christianity in any substantial way. Methodologically, Biko shows how indigenous customs are viewed as outside the accepted standards of colonial Christianity. To remedy this, he proposes a theological interpretation that must pierce the imposed veil that suggests African religio-cultural precepts and customs are problematic in a Christian sense. Epistemologically, Biko shows us the erroneous nature of missionary propagation, which functions in a way that presumes white normativity to be the standard of a 'real' and 'universal' Christianity.

Similarly, Fanon's insight into epistemological colonization at the methodological level is especially salient here. Like Fanon, Biko demands radical self-reflection as white normativity has the argumentative power and platform in churches, religious and other cultural settings to shift the focus from the actual basis of Christian precepts of justice to colonized conceptions of Christianity which simply affirm racialism, colonialism and apartheid. Thus, like Fanon, Biko demands the suspension of the methodological claims of mainstream colonial Christianity and makes their theological and cultural methods themselves the objects of inquiry whose ontological status must be suspended.

The method that Biko uses in conceiving of religion is characteristic of African existentialist philosophy. First, it contextually situates itself within the experience of being black in the anti-black colonial and apartheid condition; and second, it proposes practical theory to liberate oneself from this existential condition. Contextually, in search of ontology and identity, Biko's conception reflectively asks 'What is our (current state of) religion?' He shows how the missionary propagation of 'religion' was driven by colonial processes of capital/cultural subjugation. This has led to Du Boisian double consciousness where external religious perspectives impute negativity to African selfhood and where blacks internalize this anti-black sentiment, thereby negatively shaping their religio-cultural experience. This is exacerbated by a colonized methodology where continued biblical

interpretation divorces social issues from church mandate. Despite this, Christianity remains a very real and veritable part of black experience.

Thereafter, in search of teleology and liberation, Biko's conception poses the practically contemplative question, 'What *ought* religion to become?' At the outset, Biko makes a compelling finding: the foundational substance of Christianity is indeed compatible with African religio-culture. Thus, Biko proposes a decolonized methodology where a syncretic Afro-Christian religion must rediscover indigenous perspectives and values in articulating decolonial practical theory. 'What religion *ought* to be' includes values such as the "man-centred [basis of African religio-culture] whose sacred tradition is that of sharing" (Biko, 2004, 106), or imperatives such as relating God/Christ to the black lived experience and the portrayal of Christ as a fighting God in order to make religion relevant to this lived experience (Biko, 2004, 104). The reinforcing of these two steps leads to an intersection of ontology and teleology, and the posing of a further two derivative questions: 'How is religion to be liberated?' and/or 'How are we to *use religion* for liberation?' It is here that Biko attempts to translate theory into praxis by promoting Black Theology as a 'situational interpretation' that contextualizes black suffering and shifts the focus from religious moral obligations to the liberatory *telos* of eradicating major sins such as systemic poverty and racism in the quest for Black Consciousness (Biko, 2004, 64).

This paper has analyzed Steve Biko's analysis of religion and its liberatory potential for black South Africans. It did this by asking two questions. First, despite Christianity being a foreign import, does it represent a veritable part of the lived reality of blacks in the apartheid and/or colonial condition? In answering this, Biko affirms that Christianity does indeed represent a very real and significant part of the black experience.

Second, if Christianity does have a genuine place within the lived reality of blackness, how can it be made relevant to this reality and be utilized in the quest for liberation? In answering this question, this paper highlights the links between Biko's practical and contextual theory and the work of the two foremost Africana philosophers, Du Bois and Fanon, thereby transporting his idea of religion into the

broader African global diaspora, anti-colonial discourse and Africana existential philosophy.

This paper argues that Biko attempted to merge theory and praxis in the articulation of Black Consciousness by advocating Black Theology to resolve the Du Boisian notion of double consciousness emanating from being both African and Christian. It argues that Biko encouraged black theologians to rediscover indigenous perspectives in articulating decolonial practical theory in much the same way as Fanon implored colonized intellectuals to employ a decolonized methodology. Finally, this paper suggests that Biko's conceptual process in conceiving of religion is characteristic of Africana existentialist philosophy's emphasis on the lived experience of blackness in an anti-black world and of the thematic focus of ontology and teleology in *how* religion can be used for Black Consciousness liberation.

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The 'Libertarian Paradigm' of Severino Elias Ngoenha¹

ANKE GRANESS

Introduction

Except for the work of Amílcar Cabral, the philosophy of Portuguese-speaking Africa is seldom studied. Whether this is a result of a language problem or not; Portuguese-speaking Africa is never actually taken into account in either the reconstruction of a pre-colonial heritage or in contemporary philosophical work. However, preliminary research in contemporary philosophical debates in Portuguese-speaking areas of Africa reveals some interesting trends and topics. Philosophy in Portuguese-speaking Africa is grounded in its specific historical, politico-economic, linguistic, and cultural contexts and is thus first and foremost political philosophy dedicated to questions about freedom and responsibility in a postcolonial, post-Marxist, post-civil war situation. Lusophone African philosophy includes discussions of the theoretical and moral legacy of liberation movements; the concept of liberty (Ngoenha 1993, 2004); the concept of modernity (Macamo, 2005); the task, function, and identity of philosophy today (Ngoenha and Castiano, 2011; Castiano, 2010); and the relationship of philosophy and education (Ngoenha et al., 2005; Castiano, 1997).

Severino Elias Ngoenha is currently one of the best-known and most influential philosophers in Portuguese-speaking Africa. He has played an important role in establishing African philosophy institutionally and in the public discourse in Mozambique and is widely recognized today as the initiator of Mozambican philosophy. His major works include a critical analysis of the discourse on philosophy in Africa (Ngoenha, 2004); a critique of contemporary society in Mozambique (Bussotti and Ngoenha, 1994); consideration of ques-

¹ This research was made possible by support from the Austrian Science Fund (FWF) V348 Richter Programme.

tions of educational policy (Ngoenha et al., 2005), ecology, and justice; and contributions to the debate on the South African concept of *ubuntu* (Ngoenha, 2006a, 2008). Born in 1962 in Maputo, Mozambique, Ngoenha graduated with a degree in theology from the Gregorian University in Rome, where he also obtained his doctorate in philosophy. In the 1990s, he was a UNESCO consultant regarding governance in southern Africa. Later, he became Associate Professor of Intercultural Education and the Philosophy of Education in the Department of Anthropology and Sociology of the Faculty of Social and Political Sciences at the University of Lausanne (Switzerland) and used to be regularly invited as Visiting Professor at the Master in Interculturality program of the Department of Philosophy of the University Roma Tre. Since 2010, he has been a member of the Department of Philosophy of the Pedagogical University in Maputo, where he teaches Interculturality, African Philosophy and Anthropology. In addition, he is now Rector of the Technical University of Mozambique (Universidade Técnica de Moçambique) in Maputo. Moreover, he is the author of studies on the foundations of political philosophy and the prospects for democracy in Portuguese-speaking countries (Angola, Cabo Verde, Guinea-Bissau, Mozambique, and São Tomé and Príncipe) (Massoni, 2015, 55).

Mozambique, its history, its social and political situation, its values and norms, and its problems and shortcomings are the starting point and center of his philosophical reflections. Mozambique has had a very peculiar history in comparison with other African countries or, as Ngoenha expresses it in a 2006 article in French, “une particularité plus particulière que d’autre” (Ngoenha, 2006b, 195). Mozambique—like all former Portuguese colonies—achieved independence late in 1975 after a long war of independence that began in 1964. Shortly after independence, the country descended into a severe civil war that lasted from 1977 to 1992. Peace returned to the country in 1992 with the Rome General Peace Accords. By 1993 more than 1.5 million Mozambican refugees who had sought asylum in neighboring countries as a result of war and drought had returned; and in 1994 Mozambique held its first free and democratic elections. Mozambique is a country which has managed to overcome several armed conflicts and to engage in an exemplary progression towards peace and democracy, and

it is a country which experienced two extremely different social systems: Marxism/socialism and neo-liberalism, in a very short period of time.

According to Ngoenha, another peculiarity of Mozambique is the presence of permanent and quasi-legal violence (Ngoenha, 2006a, 195). Even though violence is a feature not only of the colonial but also of the postcolonial period in Africa,² the violence in Mozambique seems to be—according to Ngoenha—peculiar in its intensity, duration, and form. Decades of the institutionalized violence of Portuguese colonialism and its system of forced labor gave way to the violence of a ten-year armed struggle for independence. This struggle was followed by a sixteen-year civil war between the FRELIMO (Mozambique Liberation Front) government and the RENAMO (Resistência Nacional Moçambicana, Mozambican National Resistance) movement, a conflict which victimized countless people and caused the economic ruin of the country.

Already in his book, *Filosofia africana: das independências às liberdades* (*African Philosophy: From Independence to Liberties*, 1993), Ngoenha focuses on a philosophical reading of the contemporary situation in Mozambique after the experience of colonialism, liberation struggle, civil war, and two radically different social systems: socialism (1975-1989) and capitalism in the form of a liberal market economy (since 1990). Over a very short period Mozambican society underwent radical social, political, and economic change from a planned economy to a neo-liberal economy. Whereas Ngoenha clearly criticizes the shortcomings of the socialist orientation (e.g. corruption, lack of democracy and absence of individual freedoms), he also criticizes the shortcomings of the current neo-liberal orientation and its lack of equal access to healthcare and educational systems. He criticizes the fact that the social situation in Mozambique did not reflect its liberal economy, because people lacked the education and information necessary to understand the rules of liberalism. Therefore, they ended up with a kind of social 'dollarisation', a 'dollarocratie' (see e.g. Ngoenha, 2006b, 198) or 'dollarocracy replacing democracy': a wild, uncontrolled accumulation of wealth unregulated by any ethical or juridical

² See the considerations on violence in Mbembe's *On the Postcolony* (2001).

standards (Ngoenha and Castiano, 2011, 17ff.). The present generation faces the difficult task of building a better future in a country dominated by absolute poverty, corruption, and the misuse of public property for the personal enrichment of the powerful. All this has consequences for the production of philosophy, or as Ngoenha states in an interview:

If philosophy 'is its own time raised to the level of thought', as Hegel defines it, and an expression of our historical temporality and circumstances (Ortega y Gasset), then this period of time formed the adventure of Lusophone African philosophy with a very specific character, which I define as Libertarian. It was about the liberation from colonialism, about combatting the racist abuse of our neighbours in Rhodesia and South Africa. It was about the struggle against the neo-colonial and imperialist regimes of the Left and the Right in the North, but in particular, we thought about our local politicians, who were unable to transform independence into concrete freedoms for people and nations in terms of democracy and just social redistribution (Graness, 2015, 28).

The Libertarian Paradigm

One of Ngoenha's most famous concepts is the *libertarian paradigm*. According to José Castiano (2015, 43), Ngoenha started to use the term 'Paradigma Libertário' for the first time in his book *Os tempos da Filosofia* (2004, 74-75) in order to refer to a specific African idea of liberty born out of the African experience of slavery, colonialism, and neo-colonialism. According to Ngoenha, the African experience is characterized primarily by a lack of liberty. Hence, African thought is marked by a desperate pursuit of liberty, a value conspicuous mainly for its absence in the African experience of life. He expresses this in an interview:

My concept of liberty is not an *a priori* formula, but a result of my reflection on the historical preconditions of African philosophy. This liberty first unfolded as a statement against

slavery. After the second half of the twentieth century, its aim was political independence. Since then, its goal has been what Amílcar Cabral has called 'strong thought' (*pensamento forte*), liberty that unfolds within economic development, though it should not be confused with economic growth or Western imitation. It is a liberty which determines political development and assumes political consensus between different actors, a liberty of cultural harmony which implies a continuous dialogue and a synthesis of the different cultural and legal concepts that exist in the historical and social tissue of our country. Finally, it is a social liberty that presupposes a democratic, committed citizen who cares about improving the welfare and the living conditions of the community and the individual (Graness, 2015, 30).

For Ngoenha, the libertarian paradigm is a methodological and practical guide for thinking about Africa. It is an approach to defining an African ideal of liberty that goes beyond the left- or right-wing definitions of Euro-American discourse, an ideal based on a critically analyzed and reconstructed African history.

In fact, Ngoenha's libertarian paradigm differs from the Euro-American understanding of libertarianism. In Euro-American political philosophy, libertarianism is a philosophical tradition with a normative approach intended to maximize individual freedom and rights. Euro-American libertarianism upholds autonomy and freedom of choice; political freedom and the primacy of individual judgment are its principal objectives. Peter Vallentyne and Bas van der Vossen define the concept in their article on "Libertarianism" in the *Stanford Encyclopedia of Philosophy* as a "moral view that agents initially fully own themselves and have certain moral powers to acquire property rights in external things" (Vallentyne and van der Vossen, 2014). However, present-day libertarianism is rather an umbrella term for a wide range of sometimes discordant, even contentious, political concepts. It comprises so-called right-libertarianism, mainly developed in the United States, that advocates laissezfaire capitalism and strong property rights (Robert Nozick, 1974), as well as 'left-libertarianism', which seeks to abolish capitalism and private ownership of

the means of production and encompasses those libertarian beliefs that claim the earth's natural resources belong to everyone in some egalitarian manner, either unowned or owned collectively, as evident in the works of Hillel Steiner and Philippe van Parijs (see Vallentyne and van der Vossen, 2014).

However, Ngoenha's concept of liberty focuses on neither individual freedom and property rights, nor liberalism as individual freedom in an atomized manner. In contrast to the notion of libertarianism in Euro-American political philosophy, the core principles of his concept are responsibility and solidarity.

The Principle of Responsibility

For Ngoenha, to be free means to know that we are unique individuals who nonetheless belong to a whole. He assumes an inseparable entanglement of the individual with the community and vice versa; and concludes that true liberty requires one to remember at every moment that the liberty of the individual depends on the commitment and dedication of all others. At the same time, all the liberty of all others depends on our commitment, our dedication, and our self-denial. Thus, first and foremost, liberty means to be conscious of being responsible for each other and to be ceaselessly compelled to accept the responsibility for our lives and the lives of others (see Massoni, 2015, 60). Thus, Ngoenha's ideal of liberty encompasses both responsibility for oneself and for others in the community. Moreover, his primary characteristic of freedom is responsibility in the sense of working for reconciliation and peace (see Ngoenha, 2006b, 202).

Hence, it is not surprising that Ngoenha shows great sympathy for the South African concept of *ubuntu*, which he regards as one of the first important philosophical contributions of the African continent with global relevance.³ Especially the integrative dimension of *ubuntu* which strongly advocates respect for the dignity and the needs

³ Even though Ngoenha appreciates the concept of *ubuntu* for its relational character and emphasis on social responsibility, he critically points to the theory and practice of *ubuntu* in South Africa and the risk of a new split along lines of economic and social differences—and thus of an economic apartheid. Ngoenha (2006a), p. 2008.

of each person and the group of persons, corresponds to Ngoenha's understanding of responsibility and solidarity. *Ubuntu* is currently one of the most popular African indigenous concepts. A fuller understanding of the concept has benefited from increasing discussion and awareness, even outside the African continent, since the 1990s. As is widely known by now the term *ubuntu* belongs to the Nguni language family in South Africa, but has equivalents in many other African languages, like *utu* in Swahili (for the etymology of *ubuntu* see e.g. Ramose, 1999). However, there is no consensus on precisely what *ubuntu* means. The translations range from "humanity" and "charity" to "common sense" and "generosity." Regarding definitions of the concept of *ubuntu*, we find at least three different approaches: *ubuntu* as a human quality, as an ethics or world view, and as a postcolonial ideology.⁴ However, all different attempts to reconstruct and conceptualize *ubuntu* agree that it is basically a relational concept. Interdependence and interconnectedness are considered to be the main features of this conception of the world. *Ubuntu* emphasizes that every human being is part of a whole, integrated into a comprehensive network of mutual dependencies and that the human self exists only in relationship to its surroundings: these relationships are what constitutes the human self (see Shutte, 2001, 23). On a moral level, *ubuntu* is seen as a basic attitude of mutual respect and recognition of others. Moreover, *ubuntu* stresses the existence of a universal bond that connects all people to each other—as well as to all other types of existence in the universe. In consequence, the *ubuntu* approach advances both the idea of social or 'collective' responsibility for human dignity, the pursuit of a harmonious and peaceful coexistence in the community, and for ecological restoration and sustainability practices.

It is interesting to note that the concept of responsibility, which is not only a central philosophical category but a core value of *ubuntu*, has been rarely addressed in the broad debate on *ubuntu*.⁵ And

⁴ Leonhard Praeg introduces the useful differentiation between *ubuntu* (a traditional worldview and way of life) and *Ubuntu* (a postcolonial concept), Praeg (2014), p. 11.

⁵ Astonishingly a short literature research on *ubuntu* and the concept of responsibility indicated only few articles on *ubuntu* and corporate social responsibility (CSR) as a tool that can be used to build brand loyalty. Thus, a

Ngoenha also does not discuss the concept of responsibility in depth. But, as philosophers, do we not have to explore the meaning of responsibility in a deeper way? In general, responsibility is a state of moral, legal, or mental accountability for certain actions of a human being (including omissions), or decisions and their consequences. Furthermore, responsibility can mean the state of having a duty towards someone: parenthood, for example, includes the duty to care for one's children. The precondition for responsibility is a human being's free thought, behavior, and action: for it is precisely the free will of human beings that makes them accountable for their words or actions and all the consequences. Responsibility is founded therefore in human freedom. Only a person who has the opportunity to determine his or her thinking, behavior and actions can be held accountable.

In philosophical discussion we elaborate the meaning of responsibility by distinguishing its different dimensions. Thus, one may differentiate legal and moral responsibility; individual, collective, or national responsibility; or retrospective and prospective responsibility. In the past few years the debate on principles of global justice and the problem of world poverty has intensified discussion on the meaning of responsibility as well as the scope of individual, collective, or national responsibility for structural problems such as world hunger. The cosmopolitan approach to global justice assumes that justice concerns all human beings, regardless, of their membership in certain groups. This approach is characterized by three criteria: individualism, that each single human being is of moral importance; universalism, that all living people have equal moral importance; and the universal validity of duties, that everyone has duties towards all human beings regardless of one's own membership in a community. Proponents of this approach include Thomas Pogge, Charles Beitz, Martha Nussbaum, and Iris Marion Young. On the other hand, advocates of communitarianism or liberal nationalism consider principles of social justice and positive duties to emanate from a special relationship between citizens of a single state or any other form of community. In this view, while it is generally admitted that we have the humani-

deeper philosophical analysis of the concept of responsibility within the framework of *Ubuntu* is pending.

tarian responsibility to give emergency aid to those hit by disasters, our moral responsibilities towards the members of our own communities are considered more important. Proponents of this argument include David Miller or Thomas Nagel. David Miller argues that we have greater ethical duties to our co-nationals than to nationals of other states. For Miller "nations are ethical communities....The duties we owe to our fellow-nationals are different from, and more extensive than, the duties we owe to humans as such" (Miller, 2000, 27). The role of replicating the social solidarity found in local communities is performed by the nation state at the level of states, in which populations are largely anonymous. Miller argues that global inequality, to some extent, reflects different collective choices by different nations, not holding members of a nation responsible for their nation's bad choices would be unjust: it would mean bringing about equality by making members of other nations bear these burdens. Miller sees only three ways in which citizens of rich nations can have remedial responsibilities to the global poor. The first, involves remedying the past injustices of one's own nation; the second, involves addressing failures to establish fair terms of cooperation between nations; and the third, may arise "from the bare fact of poverty itself, independently of any prior interaction between rich and poor countries" (Miller, 2007, 249).

Thus, liberal nationalism maintains that the nation state plays a crucial role in the definition of responsibility and the scope of responsibilities: in contrast, we find Severino Ngoenha's arguments rather heading in the cosmopolitan direction. He argues not only that it was the logic of the nation state which impaired African independence, but questions liberalism's ability to embody fundamental aspects of planetary justice as such (Ngoenha, 2006a, 2008). The logic of the nation state condemns international relations to a closed political and cultural approach based on nation states, which overlooks the fact that solidarity among human beings precedes the existence of nation states. Thus, the crucial concept for Ngoenha is not the nation but the *We*. Massoni states on behalf of Ngoenha, "three practical horizons are key to an African philosophical reflection on African history and African historicity: the *We-Together* (the foundation of our selfhood), *Our Freedom* (the affirmation of our selfhood)..., and finally, *Our*

Future (the affirmation and the consolidation of our selfhood-freedom)" (Massoni, 2015, 61). Unfortunately, Ngoenha's *We* is not a specified *We*. According to his writings *We* seems to refer to a group of individuals which is based on and interconnected by the solidarity among these individuals, and where on a moral level each individual has a responsibility for the wellbeing of the others and the community.

At this point we have to ask if this encompasses all humankind on a planetary level. Ngoenha does not explore the concept of responsibility nor of solidarity in its different dimensions in a deeper way. What is the scope of solidarity among human beings? And what is the scope of the responsibilities of both the individual and the community? Also, the relation between those different levels of responsibilities (of the individual or the community) is rarely addressed. It is not clear if his concept of responsibility refers to small communities or transcends the narrow borders of smaller groups and nations to include foreign and distant cultures or nations; that is, does it refer to the world community and all its members as such? And if so, is that not a moral challenge to be responsible for every human being in this world? In addition, the time frame—that is, responsibility towards the past, the present and the future—is not explicitly discussed. The whole dynamic of levels of responsibilities—briefly noted, for example, in connection with David Miller above—remains unconsidered.⁶

Federalism and Shared Responsibilities

With respect to the specific situation in Africa, particularly in Mozambique, Ngoenha calls for a renewal of the 'social contract' to make all political actors participants in a common social discourse in which they may be opponents, but never mortal enemies, and in which they may communicate about upcoming issues in the form of extended discussions or dialogue. Elsewhere Ngoenha speaks of a "triple contract" (Ngoenha and Castiano, 2011, 37ff.). The cultural

⁶ For deeper reflections on the dimensions of the concept of responsibility see, among others, Hans Jonas (1984). Even though his *Imperative of Responsibility* centers on social and ethical problems created by technology, Jonas' analysis is helpful in differentiating levels and dimensions of responsibilities.

aspect of this contract encompasses a critical reading of values and institutions, and adapting them to the collective 'imaginaire' and language of the people. It includes a critical reading of history undertaken in order to restore the historical consciousness of the African people. The social aspect of the triple contract concerns justice not only in its political dimension, but also in the dimensions of ethics, religion, history and metaphysics. The political aspect of the triple contract encompasses ways to achieve effective political self-government, which should be founded on a process of dialogue and reconciliation, of 'palabre' that would include all of a country's political and civil movements. Here one has to be aware that individual freedom can be realized only in democratic institutions which at the same time foster the freedom and wellbeing of the community (Ngoenha, 1993, 154ff.). The goal of this kind of multidimensional contractualism is to establish a culture of peace at a continental level. (For further discussion see Mucale [2015].)

On the political level Ngoenha considers the concept of federalism as a 'philosophical way' (in the sense of a reflective, rational way) to define and perform independence. Federalism is, according to Ngoenha, the best way to ensure cooperation and meet shared responsibilities. Moreover, freedom(s) would be exercised from the lowest to the highest levels of social organization. His reference to federalism is interesting for two reasons: (1) the fact that federalism is a core concept of libertarian socialists, and (2) that federal structures and a kind of grassroots democracy were core concepts in the work of Amílcar Cabral. Libertarian socialism (sometimes called social anarchism) rejects the view of socialism as state ownership or command of the means of production. Instead it emphasizes decentralized structures of political government and asserts that a society based on freedom and equality can be achieved through abolishing authoritarian institutions. It favors decentralized means of direct democracy or federal and confederal associations. The ideal is a society based on a structure that has sufficient flexibility to permit the greatest possible autonomy for social life and enough cohesiveness to prevent all disorder.

The proximity to European libertarian socialism is interesting, but it is more likely that this point of Ngoenha's theory is influenced by Amílcar Cabral's and Samora Machel's theories as well as the

politics of FRELIMO during the first years of Mozambican independence.⁷ During the period directly after the country achieved independence, Cabral favored a form of direct democracy (or 'cooperative democracy'⁸) through decentralized regional meetings. He believed village councils should form the basis of society. Primary targets were: the satisfaction of the basic needs of the population; autonomy and independence; and decision-making based on a decentralized democracy of the people. FRELIMO's political ideas went in the same direction. Thus, Samora Machel, the leader of FRELIMO and first president of Mozambique, emphasized:

Our decisions must always be democratic in both content and form. Democratic in content means that they reflect the real interests of the broad masses, democratic in form means that the broad masses must take part in reaching a decision, feeling that it is theirs and not something imposed from above (quoted in Martin, 2012, 82).

It is important to note that the particular historical circumstances of the liberation struggle had a major influence on both Cabral's and Machel's political ideas. In both cases the liberated zones were not governed from the top down. Peasants were encouraged to organize themselves, to elect their own leaders, and to run their own affairs in a kind of direct democracy. After Mozambican independence, the elections of 1977 exemplified grassroots democracy. These elections were not conducted in terms of a secret ballot; instead, nominees for the various levels of administration, from the local to the national, were interviewed in public meetings and then approved or rejected by a show of hands (see Martin, 2012, 82). Unfortunately, this form of political organization was soon dropped. Instead, FRELIMO responded to the country's lack of resources, the civil war with RENAMO, and the circumstances of Cold War politics; by moving into alignment with the Soviet Union and its allies. FRELIMO established

⁷ Moreover, Nguenha's 'libertarian paradigm' and his preference for federalism are influenced by the ideas of Rousseau, Du Bois, and Nkrumah.

⁸ See Cabral in Rudebeck (1974), pp. 146-147 and Rudebeck (2010), pp. 87-96.

a one-party socialist state and quickly received substantial international aid from Cuba and the Eastern bloc nations.

In various places Ngoenha has criticized the fact that the initial participatory orientation of the young Mozambican state quickly ended up in a system based on one-party ideology (see e.g. Ngoenha and Castiano, 2011). Nonetheless, the ideals of participatory democracy and solidarity are still core concepts of Ngoenha's social and political 'imaginaire' for a new Mozambique. He clearly favors a political system where many responsibilities are shared by the levels of government, i.e., where policies and service delivery are, as far as is practical, the responsibility of the level of government closest to the people receiving those services. Moreover, as many citizens as possible should be included in decision-making and the respective responsibilities to counter an indolence that has befallen many Africans today, in face of the seeming inescapability of their living conditions.

According to Ngoenha, the great challenge of philosophy in the liberal and ultra-liberal world we live in today is to reconcile or balance solitude and solidarity through the enrichment of moral character. In this context, it is the task of the African philosopher to turn African philosophy into a pedagogy of freedom.

The Responsibility of the Philosopher: Conceptualizing the Future

Philosophy cannot be satisfied with the status quo; it must critically challenge prevailing norms, values, and institutions. For Ngoenha and his colleague José P. Castiano, philosophy is first of all a form of committed thinking—as is reflected in the title of their 2011 collection of essays, *Pensamento Engajado* (Ngoenha and Castiano, 2011). As such, African philosophy's task is to contribute to the challenges of justice today.

For this reason, the future is another of Ngoenha's key concerns. For Ngoenha, the development of ideas for the future is a task for philosophy first and foremost: to imagine the future enables us to question the validity of the present—one of the primary tasks of philosophy. In this respect, it is important to reflect on and analyze history, and in doing so to open up a new future that is not simply an

extension of the old but works to create a world which satisfies the needs and capabilities of human beings. In this context, Ngoenha takes a critical look at the debate in African philosophy between ethnophilosophy and its critics. He considers ethnophilosophy as being caught in the past, since the ethnological discourse is focused on the past. However, philosophical thinking should be directed towards the future—particularly in Africa. The future has been the center of debate before, but certainly, according to Ngoenha, this is the first time 'we' (and here Ngoenha refers to the first multiparty election in Mozambique in 1994) are called to choose the kind of future we want for ourselves and our children—without ideological constraints.

In his book *Filosofia Africana. Das Independências às Liberdades* Ngoenha introduces three different perspectives on or ways to conceptualize the future: the prophetic way, future as utopia, and the way of futurology. The first form of conceptualizing the future, the prophetic way, is only possible within the framework of religions of revelation, which hold that God makes his will known through a chosen human individual. Marcus Garvey is one example of the prophetic way of conceptualizing the future: "Africa must be restored to the Negro as the haven of refuge when we need maternal shelter" (Garvey, 1919). James Cone also uses the prophetic approach in his *A Black Theology of Liberation* (1970). Cone reinterprets the Christian faith and the entire biblical revelation in the light of African Americans' struggles against oppression and their quest for justice. However, whereas prophets should be guides to the future—and Ngoenha regrets the absence of prophets in the sense of guides who are able to point out the best ways to realize the aims we set out for achieving independence—African theology of hope or of liberation (which Ngoenha criticizes as a kind of ethno-theology) and movements like Négritude were always (paradoxically) concerned about and fixed on a past which no longer existed. Thus, African theology cannot have an impact on essential debates about the future of Africa. However, Ngoenha acknowledges the enormous influence of African churches and the important role they played in processes of peace and reconciliation throughout Africa.

The philosopher is not a prophet. Even though no African philosopher can ignore the prophetic approach in conceptualizing the

future, it is not a philosophical way of conceptualizing the future. A second way, the proper philosophical way to conceptualize the future is, according to Ngoenha, by considering utopian visions of a perfect society. For him the idea of utopia is a fertile force of history. This is because utopian thought considers ways to transform a factual-historical order into an ideal order, and it is therefore not a flower of illusion or an ungrounded way of thinking. On the contrary, utopian thinking requires the ability to anticipate the concrete realities of a more or less distant future. Utopian thought embodies a rational faith in a reality which is not yet in existence, but potentially possible.

While Ngoenha clearly favors utopian thinking as a means to renew African societies, he is also well aware of its dangers. The "evil of utopia," as he calls it (Ngoenha, 1993, 150ff.), lies in making history a story without individuals, where all individuals are absorbed into a *Leviathan*; that is a totalitarian state, or an absolute spirit. For example, Plato's republic is hostile to democratic values; or as Popper concludes, it is opposed to the idea of an open society or it is an "enemy of open society."⁹ A further danger of a utopian society lies in its potential for transforming into a kind of 'utopian orthodoxy', which is in fact what happens when revolutions become oppressive and liberators oppressors.¹⁰

A third way of conceptualizing the future is through futurology, namely studies that postulate possible, probable, or preferable futures and the worldviews and myths that underlie them. The term 'futurology' was coined in 1943 by Ossip K. Flechtheim, who proposed it as a new branch of knowledge that would include a new science of

⁹ See Karl R. Popper, *The Open Society And Its Enemies*. Volume I. "The Spell of Plato" (Routledge, 1945).

¹⁰ Ngoenha does not give examples here, but he might have in mind the French revolution which turned into a Reign of Terror (5 September, 1793-28, July, 1794), or the Russian revolution, which turned into Stalinism, or African examples like Zimbabwean president Robert Mugabe, who turned from being the leader of the Zimbabwean anti-colonial liberation movement and famous for his politics of reconciliation between the former belligerents, including white Zimbabweans and rival political parties, into a dictator. Unfortunately, there are many more examples in Africa; see, for example, José Eduardo dos Santos in Angola.

probability. While Ngoenha clearly appreciates the merits of futurology, he criticizes the fact that the central interest of futurology is almost exclusively technical and scientific progress; not the development of values, norms, and social or political institutions. The future is mainly a normative concept or project. Futurology does not cover the normative dimension (Ngoenha, 1993, 175). Philosophy and ethics focus on normative concepts, and thus the African philosopher has to understand the primacy of the future for his or her work.

Ngoenha asserts that a future of participatory utopian thinking is the solution to the problem of freedom that Africa faces today. The freedom which is needed is not a freedom that feeds futuristic dreams. It is a freedom that translates into development, in the sense of Amartya Sen's capability approach. Thus, creating the future is for Ngoenha an open, participatory project—something that must be discovered and conquered by us. The future, which is always under construction, may become an objective for us, a contribution to others, and an opportunity to create a more solid and valid existence. A precondition for this creation is a critical discourse about our experiences —past experiences and experiences to come (Ngoenha, 1993, 135). For we cannot change the past, but we can choose the kind of future we want.¹¹

Conclusion

A recent example “of an African negotiation of modernity” (Macamo, 2015, 18), the ‘libertarian paradigm’ of the Mozambican philosopher Severino Elias Ngoenha—and the principle of responsibility as its core—is a concept of “social liberty that presupposes a democratic, committed citizen who cares about improving the welfare and the living conditions of the community and the individual” (Graness, 2015, 30), as Ngoenha states. The libertarian paradigm is meant to inspire people to think politically and thus avoid the mental subordination that is the consequence of colonialism and Marxism. It is above all a fundamental condition for the realization and exercise of

¹¹ For further discussion of Ngoenha's concept of the future see Ucuassapi (2013).

any freedom. Ngoenha maintains that people have to realize that democracy is more than just simply participating in elections. Democracy demands participation in all dimensions of life: the economic, the social, the political, and the educational. It is about creating institutions that are able to support democracy and to encourage everyone to participate (Graness, 2015, 30).

Similar to former South African President Thabo Mbeki's call for an *African Renaissance* Ngoenha argues that Africa must face up to its responsibility and take its fate into its own hands. Slavery and colonialism can no longer be an excuse; corruption, war, and economic hardship are not problems that can be solved from outside, but ones that need to be overcome by the efforts of Africans themselves. This is about emancipation, anti-racism, humanism, and social justice. Or as Ngoenha emphasizes at the end of his book *Filosofia Africana*—and here we come back to his concept of responsibility: "As each of us is responsible, nobody can blame policy or others for what happens: each of us is protagonist of his/her own life and own history" (Ngoenha, 1993, 179).

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Rediscovering Individual-based Values in *Ubuntu* Virtue Ethics: Transforming Corporate Entities in Postcolonial Africa

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Introduction

This paper grapples primarily with the problem of the foundation of *ubuntu* ethics with the intention of transforming corporate entities. It shows that what is obvious in most African philosophical writings is that *ubuntu* ethics is founded on the community and its welfare (Metz, 2012; Mangena, 2010; Masolo, 2010, Gyekye, 2010).¹ It is on the basis of this perception that, in principle, the common understanding of *ubuntu* ethics leads to the view that an action is regarded as right if, and only if, it leads towards the welfare of the community. At the basis of this view is the communitarian ideology which has dominated African philosophy in the postcolonial era (Nyerere, 1966, 2000; Kaunda, 1968; Senghor, 1964) and has led to a difficulty in any constructive reflection on individuality or individualism, which is often seen as an anomaly. Metz (2012, 99) indicated that the origins of this form of ethics may be traced back over the past 50 years. Since the independence of some sub-Saharan African countries in 1960s (such as Malawi and Zambia in 1964), one might expect African leaders in various corporate entities to live the communitarian values which they promulgated. Surprisingly, this ethic has failed to yield the intended results, as increasing numbers of immoral acts—such as corruption, bribery and nepotism—have crippled African development in different corporate entities (including businesses, government and non-governmental organizations). It can be safely said that most sub-Saharan African countries are undergoing a situation of moral decay in the context of corporate governance in different areas and that

¹ See also Coetzee (1998), Khoza (1994), Nussbaum (2003), Ramose (1999).

ubuntu ethics in its current intellectual version is inadequate and ineffective.²

In an endeavor to deal with moral decay in African corporate entities, a number of scholars have developed a version of *ubuntu* corporate ethics that inculcates and advances community virtues in a range of systems. The thinking is that community-based values can help in correcting unwanted corporate practices detrimental to the welfare of African society; for instance these values may, among other things, rectify environmental pollution, lack of social responsibility, exploitation of workers, and lack of respect for life. This use of *ubuntu* values/virtues in corporate governance implies an acceptance of the validity of this theory as a normative authority in African ethics. Although this has been the current trend, *ubuntu* virtue ethics promoted in intellectual circles is incomplete and is mostly based on a series of biases towards the Western world. Some African philosophers, pushed by anti-Western philosophical developments, have often blamed the Western world for introducing individualism claiming that it consequently led to irresponsibility, dishonesty, and lack of accountability (see Oruka, 1975). *Ubuntu* ethics is therefore seen as a better alternative as it is based on African traditional/ communal values. This paper argues that this whole comparison with Western individualism reflects an anomaly in African philosophy which requires immediate rectification.

Building on an investigation of ordinary African languages, this paper takes the challenge of exploring the anomaly of *ubuntu* ethics constituted in a lack of focus on individual-based *ubuntu* values/virtues. The use of ordinary language as a milieu for this study is influenced by the belief that philosophy is a rational activity constituted in reflection on ordinary language (see also Carnap, 1932, 1959; Austin, 1962; Wittgenstein, 1953; Kayange, 2014). In exploring individual-based values the argument develops on the assumption that a comprehensive understanding of these values may become a breakthrough in an applied context such as environmental ethics, professional ethics, business ethics, and corporate governance, where such ethics are often utilized. After rediscovering the individual foundation

² See the intellectual version in section 2 below.

of ethics and values, the paper develops an integrated system of *ubuntu* values (comprised of both individual and community values) that may be utilized in the transformation of corporate entities. The paper is structured as follows: in section 2 it discusses *ubuntu* virtue ethics as understood in intellectual circles; in section 3 it discusses the anomalies in current *ubuntu* ethics; in section 4 the paper interrogates the intellectual brand of *ubuntu* ethics by investigating individual elements and values in the African context; and in section 5 it develops an integrated system of *ubuntu* ethics freed from community and individual biases altogether. It further suggests a new form of an African traditional system of values/virtues.

***Ubuntu* Virtue Ethics: A Brand for Intellectuals**

Some African intellectuals such as Metz and Gaia have argued that *ubuntu* is a form of virtue ethics; hence the name *ubuntu* virtue ethics (see a discussion by Metz, 2012). Traditionally, virtue ethics in general have been considered in philosophy as one of the main normative ethical theories along with utilitarian and deontological theories.³ One of the first commonly known virtue theories was forwarded by Plato (see Plato, 1966), who regarded virtues as forms that may be instantiated in an individual, a community. Some of the virtues that are listed at the highest level include 'goodness' and 'justice'. Reason plays a fundamental role in the knowledge and practice of virtue. A human being who lives a virtue such as goodness is then regarded as a good person. This suggests that virtues are abstract ethical entities, but they can become real in the world of appearance by being instantiated in human beings. For example, in 'Jean is a good person', goodness is manifested in Jean. Any counter-virtue is seen as a vice; hence ethically bad for the human soul. Similarly Aristotle is well known for his virtue ethics described in a number of writings such as in his famous works the *Nicomachean Ethics* and the *Eudemian Ethics*. The greatest good for Aristotle is happiness, which is the self-realization of an individual through the

³ Utilitarian ethics judge an action as good or bad based on the consequences. Deontological ethics judge an action by the obligation attached to the action itself.

use of reason. There are several virtues that are encouraged by Aristotle: some of them are individualist in nature (such as temperance and continence), while some are communitarian (such as bravery). In both Plato's and Aristotle's versions of virtue ethics the focus is on discouraging vices and promoting virtues, which are important for the attainment of a good life (happiness).

Ubuntu virtue ethics could have been expected to follow the same trend of virtue ethics advocated by philosophers such as Plato and Aristotle, but on the contrary, the intellectual brand of this ethics is presented as parallel to Western virtue ethics. Thaddeus Metz (2012) in an article "Ethics in Africa and Aristotle: Some Points of Contrast" compares *ubuntu* virtue ethics with Aristotelian virtue ethics and argues that the former is communitarian in nature and the latter is both individualistic and communitarian. Commenting on this aspect he writes:

In this article I compare and, especially, contrast Aristotle's conception of virtue with one typical of sub-Saharan philosophers. I point out that the latter is strictly other-regarding, and specifically communitarian, and contend that the former, while including such elements, also includes some self-regarding or individualist virtues, such as temperance and knowledge. I also argue that Aristotle's conception of human excellence is more attractive than the sub-Saharan view as a complete account of how to live, but that the African conception is a strong contender for a limited group of the most important virtues related to morality qua rightness (Metz, 2012, 99).

The dictum that is commonly shared as the basis of *ubuntu* virtue ethics is 'I am because we are' (see Mbiti, 1969, 108-109). This expression was introduced to indicate the ontological basis of *ubuntu* virtue ethics as the 'we', which is equivalent to the society/community.⁴ It is obvious that this view is meant to underline the difference between the Western focus which is thought to be individualistic; and the

⁴ See also Nze (1989) on communalism.

African which is communitarian, as is evident in the above citation. In Western ethics the ontological basis is Descartes' 'I think, therefore I am', whereby the 'I think' is representative of reasoning activity by an individual (it reflects Aristotle's consideration of man as a rational animal) and the 'I am' is representative of individual existence in the world (this is what Heidegger called '*Dasein*'). While Mbiti's expression was designed to represent what is African, Descartes' dictum was expected to represent the Western ontological foundation. It is important to do justice to Descartes' *cogito* by indicating that his whole project was not intended to express a Western cultural essence, instead he wanted to develop a neutral epistemological foundation that could not be doubted. I think that if African thinkers focused more on Aristotle's ethics rather than on Descartes' ontology as a point of comparison: they would have acknowledged individualistic elements in *ubuntu* virtue ethics.

Similar to the emphasis put on community by Mbiti, the famous South African advocate of *ubuntu* Desmond Tutu (1999) promoted communitarian virtues in African ethics. In Malawi there are also a number of works that support and advance a communitarian perspective of *ubuntu/umunthu* ethics such as Tambulasi and Kayuni (2005, 2012)⁵ and Mfutso-Bengo (2006, 2016).⁶

In *ubuntu* virtue ethics in general, the greatest good (*summum bonum*) that drives individuals is explicated as communal or social harmony. This automatically means that there is enhancement of all virtues that lead towards the achievement of this communal harmony.⁷ Commenting on the Malawian situation, Schoffeleers (1997) and Braugel (2001) seem to hold a comprehensive understanding of communal harmony that is not limited to human relations/com-

⁵ Kayuni and Tambulasi discussed *ubuntu* in a Malawian setting in their works, *Can African Feet Divorce Western Shoes? The Case of 'Ubuntu' and Democratic Good Governance in Malawi* (2005) and *Ubuntu and corporate social responsibility: the case of selected Malawian organization* (2012), but tried in vain to recommend African values in governance.

⁶ Mfutso-Bengo works more in the context of biomedical ethics.

⁷ The idea of harmony as a foundation of the African way of life is common, as is claimed by a number of intellectuals. See Schoffeleers (1997) and Braugel (2001).

munity, but also affects all other living and non-living creatures, including God and the spirits (wider community). This is evident in their discussion of the creation myth, where African traditional society started its existence in total primordial harmony. All beings were living together peacefully and when trouble came, the spirit of solidarity helped them to continue living in harmony (see Braugel, 2001). Harmony is therefore a necessary condition for living well in the universe. Metz and Gaia (2010, 275-277) also focus on this aspect of harmony, but they limit their discussion to human relations/community. In these relations, they firstly emphasize harmony understood as solidarity. Secondly, they focus on the element of identity or sense of belonging to the community. Nevertheless, some of the virtues that are indispensable in discussing social harmony include solidarity, cooperation, friendliness and reciprocal respect. One of the commonly cited expressions on social harmony as *summum bonum* is Desmond Tutu's:

We say, 'a person is a person through other people'. It is not 'I think therefore I am'. It says rather: 'I am human because I belong'. I participate, I share....Harmony, friendliness, community are great goods. Social harmony is for us the *summum bonum*—the greatest good. Anything that subverts or undermines this sought-after good is to be avoided like the plague (1999: 35).

The mention of social harmony as the greatest good suggests that an individual desires communal happiness in his actions and such happiness consists in communal harmony. A person with *umunthu* or an ethical person is the one who strives to live according to communal virtues. Such a person must learn to sacrifice personal interests and values for the sake of the other. He/she must practice a complete sense of belonging to the entire community.

Although Desmond Tutu (1999), and Metz and Gaia (2010) focused more on communal harmony with respect to human society, I think that a broader view that reflects both the physical (human society) and spiritual worlds, which are inseparable, captures well the

practice in most African traditional cultures in the sub-Saharan territory (Schoffeleers, 1997; Braugel, 2001).

Anomalies of the Current Theories of *Ubuntu* Virtue Ethics

There are some anomalies within *ubuntu* virtue ethics that require special attention. The first set of anomalies in this form of virtue ethics includes: (a) the elimination of 'reason' and its role in knowing and directing the soul in practicing virtue; (b) ignoring the individual focus of all virtues and a set of individually focused virtues; (c) tying the objective of practicing virtue to the community; and (d) the elimination of an understanding of virtues as abstract forms with a potential for being instantiated in both the community and the individual. These anomalies may be explained as a consequence of political propaganda in the colonial and early postcolonial period in Africa. Reason and individualism were attributed to the colonials (Oruka, 1992), therefore they could hardly be introduced in an African version of virtue ethics. Apparently an African does not use reason, but passively receives customs and virtues from the traditional society and is expected to live according to such dictates. Communitarianism was an attribute of African society and this gave it a privileged position in the explanation of virtues. In other words, the community reasons for the individual. In the colonial period this was intended to unite Africans in the fight against the same enemy (the colonial powers). In the postcolonial period it is meant to strengthen African political parties and their ideologies.

In the sub-Saharan region, Julius Nyerere (1966) and Kenneth Kaunda were among the first promoters of *ubuntu/umunthu* values. In the case of Julius Nyerere, the virtues promoted in his theory are unfolded within a political theory (ideology) drawing inspiration from African traditional society commonly known as *ujaama* (see also Kayange, 2012, 16 ff.). This is based on the idea of family and communal sharing. Similarly, Kenneth Kaunda focused on African humanism and underlined the element of community with its values such as unity, collaboration, solidarity, etc. Desmond Tutu is one of the thinkers whose version of *ubuntu* ethics aims at promoting

political interests, in this case the promotion of peace and unity. For instance, Tutuwrote:

Ubuntu means that in a real sense even the supporters of apartheid were victims of the vicious system which they implemented and which they supported so enthusiastically. Our humanity was intertwined. The humanity of the perpetrator of apartheid's atrocities was caught up and bound up in that of his victim whether he liked it or not. In the process of dehumanizing another, in inflicting untold harm and suffering, the perpetrator was inexorably being dehumanized as well. (1990, 32)

This understanding of *ubuntu* was utilized to stop people inflicting harm on each other during the apartheid years in South Africa. *Ubuntu* ethics developed in this vein is more impartial than a generalized elaboration, since it identifies certain traits in the community and reinforces them for the achievement of particular interests.

The second anomaly in *ubuntu* virtue ethics is the deliberate misconception of Western philosophy as exclusively individualistic. In this regard, even the comparison by Metz (2012) indicated above apparently builds on a similar misconception. What is surprising is that one can assume that the promoters of *ubuntu* ethics, such as Mangena (2010) and Mfutso-Bengo (2016), were well aware of Aristotle's famous expression that a man is a social/political animal by nature (Aristotle, 1946, *Politics* 1253a9; Aristotle, 1995, *Nicomachean Ethics* 1169b18). If remembering this was quite difficult, the communitarian, before distorting Western philosophy, could have remembered the Catholic Church's social teaching which rebuked different forms of individualism and promoted a form of communitarianism based on Christian values. If all this was impossible, it was important at least to remember the development of Western history that witnessed both orientations (individualist and communalist). In my view Mbiti (1969) is a very good example of this misrepresentation of Western thought. By committing the fallacy of generalization, he convinced many Africans that Western thought was exclusively individualistic. This understanding is partly true when one considers modern Western

thought as founded on Descartes ([1641] 1984).⁸ Nevertheless, in various parts of Europe, for example in Southern Italy, most citizens were/are still community oriented. This was/is also true in some parts of Spain, France and other nations.

Correcting *Ubuntu* Virtue Ethics

The first correction necessary is the extension of the communitarian focus through the inclusion of an individual focus. The idea is that virtues or vices may be considered as abstract entities, universals, that are instantiated in both the individual and in individuals/community. In order to make the indicated correction, I will work with the assumption that the investigation of ordinary language is fundamental, because it can objectively point at virtues and vices used in a particular context. Ordinary language is important because it is not conditioned by communitarian biases that are promoted by different scholars (see Tambulasi and Kayuni, 2005; Metz, 2012, 2007). I am well aware that the chains of communitarian thinking put in place by different African scholars are very difficult to unlock, and may be here to stay forever.

Nevertheless, I argue that the inclusion of the individual focus of *ubuntu* virtues and vices may be argued for by identifying traits of individualism and individual values in the African traditional context (see also Kisekka, 2002; Kochalumchuvatti, 2010). This identification was partly echoed in Kaphagawani (1998, 173), who indicated in one of his criticisms of Mbiti's communitarianism that:

[t]o assert African communalism is not in any way to imply the denial of recognition of individual human beings *qua* individuals. African communalism in fact takes cognizance of ontological pluralism; and to assert, as Mbiti does, that *we are*, presumes prior recognition of the individuality of those making up the *we*....And to claim, 'whatever happens to the individual happens to the whole group', and vice versa, is no doubt to forget the difference between individuals on the one hand and *sets* of individuals on the other. For Africans, cer-

⁸ This work of Descartes was first published in Latin in 1641.

tainly the Chewa, are aware of this important difference as exemplified by the following expressions: *Chaona mnzako chapita mawa chili paiwe* (What your neighbor has experienced is gone, tomorrow it will be your turn); *mvula ikakuona litsiro siikata* (When the rain has seen that you are dirty, it does not stop pouring); and *Wanthu ndi mchenga saundika* (Human beings are like sand out of which one cannot make a mountain). All these proverbs and expressions reflect the Chewa's cognizance of the individuality of human beings.

Kaphagawani mentions the presence of individuality in the African context by referring to proverbs; hence, his main focus is the knowledge and affirmation of the ontological uniqueness of an individual. This is an important observation, as it clearly shows that, while Kaphagawani considers the epistemological and ontological connotation of individuality, this paper exclusively focuses on virtues/ethical perspective. Nevertheless, the fact that Kaphagawani mentions a number of proverbs that support individuality is suggestive of the type of data that can be utilized in tracing individualism or the notion of the individual in the Bantu context.⁹ I therefore embarked on a study of a sample comprising a total of 2,009 proverbs and metaphors used by the Chewa people of Malawi (see Chakanza, 2000). My contention goes beyond Kaphagawani's work (1998), which discussed the elements of individuality in general, by focusing on a number of specific themes that emphasize the individual. The themes to be discussed below include self-knowledge, self-reliance, self-control and individual ownership.

The first crucial discovery justifying the inclusion of an individual focus among the Chewa proverbs is the presence of the idea of 'self-knowledge'. One such proverb is *Kadziwa mwini mkhuto wa fulu*, translated as 'only a tortoise by itself knows whether it has had

⁹ This is a method that has been utilized by various scholars such as Austin (1962), Wittgenstein (1953), Grice (1957), Sperber and Wilson (2008) and Kayange (2014), who underline the importance of ordinary language in a particular context as a source of philosophical investigation.

enough food or not' (see Nthara, 1958; Chakanza, 2000, 96).¹⁰ Interpreting this expression focusing on 'speaker', 'hearer' and context in terms of pragmatic theory (Grice, 1957; Sperber and Wilson, 2008; Kayange, 2014), the first possible interpretation is that self-knowledge is important because it leads to the value of self-responsibility. The individual is capable of knowing that it has had enough and then takes a decision to stop. The second possible meaning is that you know yourself by carrying out self-examination. Other proverbs similar to the above include: *kadziwa mwini mpeni wamchiuno*, translated as 'only the person in question knows that there is a knife hidden in his/her waist'; *Kadziwa mwini msampha wa m'chipeta*, translated as 'only the trap-setter himself knows where the trap lies in the *chipeta* grass'. The proverb *Waika phale watama mano*, translated as 'he/she who has put the potsherd ready, trusts his/her teeth' suggests that self-knowledge leads to self-trust or self-confidence.

The second discovery that calls for the inclusion of an individual focus in African traditional philosophy is the existence of proverbs regarding 'self-reliance'. One of such expressions is *Khasu liposa mako ndi tate* (Chakanza, 2000, 114), translated as 'a hoe is more than your mother and father'. The meaning of this expression is that self-reliance is important rather than depending on parents or on the entire community.¹¹ Interestingly, the expression puts the self and his/her economic activities at the center. Investigating further the element of individuality, one encounters the Chewa expression *Kufa saferana* (Chewa) or *Kuwa kwangawelana* (Yao), translated as 'you cannot die for the other'. This encourages self-reliance by discouraging dependence on others. There are some things that other people cannot do for the

¹⁰ The literal expression '*ndimazidziwa ndekha*', translated as 'I know myself', is sometimes used to achieve the same purpose of self-knowledge. This expression is commonly used in ordinary communication when a subject does not want to get involved in some actions that will lead him/her to destroy the self or others.

¹¹ Parents are important everywhere, including those places where the individual is emphasized. It is nothing special to say that parents are valued in this community. I still remember that in the early days, when I was instructed using this expression, I felt like I was being betrayed, given that family and community were for me beyond everything.

individual. It further teaches self-responsibility in life by encouraging individuals to perform their duties.¹² Another important proverb is *kudya kwamzako sungamwere madzi*, literally translated as ‘when you eat at a friend’s/neighbor’s home, you cannot accompany the food with water’. This indicates that it is not good to rely on others.¹³ It shows that dependence makes individuals feel uncomfortable in life.

The third discovery is the presence of the idea of ‘self-control’ (*kudziletsa*). One of these expressions is *Chimkonda cha nsikidzi chidanka ndi maliro kumanda* (Chakanza, 2000, 58), literally translated as ‘the bed-bugs’ object of affection made them accompany a corpse to the graveyard. This refers to the habit of sucking the blood of human beings; the expression warns individuals to practice self-control over things they do as subjects, such as drinking beer, having sexual relations, and eating excessively. The individual is warned to be responsible by avoiding addictions. Other proverbs include: *Fisi akatola fupa sadyera pomwepo*, translated as ‘when a hyena gets a bone, it does not eat it on the spot’.¹⁴ Although a hyena is known in Malawi for gluttony, it controls itself and eats where it is alone. *Galufowofewerera adapita ndi goli* is translated as ‘a dog with an easy character went with its protective stick’ (Chakanza, 2000, 84). Do not be deceived by the senses, by following the good feelings they bring, but practice self-

¹² In contemporary Chewa language, this figurative expression is often replaced by the literal expression, *uwona kuti uchita bwanji, wakula wantha*, translated as ‘you will see/know what to do, you are grown up and it’s over’.

¹³ For further study on self-reliance see the proverb *Nyumba yamwini saotchera mbewa*, translated as ‘you don’t roast mice in someone’s house’. Kumakanga (1975), p. 21. The story supporting this reads: ‘A person went to catch mice. When he came back, he started preparing the mice. He saw in somebody’s house a pot that was on the fire, and started thinking, ‘Let me roast these mice so that, when the Nsima (food from maize floor) is ready, I may use them’. After roasting his mice, he stayed and waited in vain for a long time for Nsima to come, but there was nothing. He therefore decided to eat his mice without Nsima. The proverb teaches that, ‘Each and every person must try to stand on their own feet, without trusting/counting on what others have, but they must provide for their own needs’.

¹⁴ The instruction is that when one gets something, it is important to practice self-control by being prudent. The behavior of a hyena is in this context taken as an example of patience.

control. *Msipu wobiliwira udapha mbuzi* is translated as 'fresh lush grass killed a goat'. In this proverb the lack of self-control led a goat to keep on eating up to the point of bursting.¹⁵ This set of proverbs may be summarized as suggesting that the self is the measure of the self. An individual must know when it is enough, even if the activity is still attractive and satisfying.

The fourth idea is that of 'individual ownership'. For example, the proverb *chamwini ndi chamwini* is translated as 'that which is owned by an individual, is that which is owned by an individual'. This clearly shows that what an individual owns is not for the community. Other proverbs showing individual ownership include: *Chinthu chikatayika chimalira mwini*, translated as 'when a thing is lost, it cries for the owner'; *Kanthu ndi kako, kamwini nkamwini* is translated as 'a thing is what you have, "that" which is with others is just a "that"'. This alludes to the understanding that an individual must not count on what belongs to others or the community; what one can count on is what one owns. *Kanthu n'kako, waona adakhuta thope* is translated as 'what you have is yours, and whoever saw it got satisfied with mud'; *Fodya wako ndiye ali pamphuno* is translated as 'Your snuff is what you have on your nose'.¹⁶

It is clear from the above that an exclusive focus on the community in studying African philosophy or ethics is surely erroneous. A focus on both the community and the individual provides an

¹⁵ Other instructive and interesting expressions include, *Bongololo sadzolera mafuta pa gulu*, translated as 'a millipede does not apply oil to his/her body in the community'; *Wamvoa ng'oma ndi yake*, translated as 'the one who heard the drum is his/hers'.

¹⁶ Note that the focus on self-knowledge/awareness, self-reliance, self-control and individual ownership connects the African traditional focus to the Western individual focus. For example, the ancient idea that 'an unexamined life is not worth living' (attributed to Socrates in Plato's *Apology* 35a-38b), the Cartesian idea that 'I think therefore I am' (Descartes [1641] 1984) and the Hegelian notion of self-consciousness/awareness (Hegel, 1977), allude to this aspect of knowing and describing 'the self'. This has not only been a Western experience, but it is present in contemporary philosophical reflections in the African context, for example, Gyekye's work, *The Unexamined Life: Philosophy and the African Experience* (1996). Similarly, self-control and self-reliance are highly promoted in Western virtue ethics (Aristotle).

important foundation for any development of *ubuntu* ethics. What promoters of communitarian thought in Africa forget is that there are various proverbs that highlight the individual against the community; for example, the proverb *Chuluke chuluke ndi wa njuchi umanena iyo yakuluma*, translated as 'being many is for bees, you identify the one that stung you'. In some versions this figurative expression is written as *Piringupiringu ndi wa njuchi, yoluma ndi immodzi*, translated as 'Wandering in large numbers is for bees, it is only one that stings' (see Chakanza, 2000, 70). Apparently this contradicts the famous communitarian proverb cited by Kayuni and Tambulasi (2005) which states that *Kalikorha ndi kanyama, ali awiri ndi anthu*, translated as '[t]he one who is alone is an animal, those that are two are humans'. Another proverb that questions the community emphasis is *Anagwirizana malo okumana, koma anagona m'mitengo yosiyanasiyana*, translated as 'they agreed on where to meet, but they slept in different trees'.¹⁷

Lastly, another powerful proverb questioning communitarianism is *Andiyitana pakalowa njoka, pakalowa mbeva akumba okha*, translated as 'they call me when a snake has entered a hole, but when it is a mouse they dig it out themselves'. It warns the individual against manipulation by the community which wants him/her when there are problems, as in the case of fighting against colonialism. One wonders why most African intellectuals have ignored this beautiful balance between individualism and communalism that is present in African culture. *Ubuntu* ethics can restore this missing balance through reformulation of its virtues and vices to reflect individual and communitarian elements.

Reformulation of *Ubuntu* Virtues and Vices

This section provides the reformulation of a system of *ubuntu* virtues or vices taking as point of departure how they are reflected

¹⁷ The communal responsibility is reflected in the aspect of agreeing where to meet, but then there is this element of difference that was demonstrated in the behavior of the individual community members. An individual understands from this context that what is said with respect to communal unity is different from the actions of individuals, who are often individualistic in their actions. This suggests that the community is sometimes irresponsible.

and used in ordinary language in some Bantu communities in Malawi. I argue that corporate entities can be transformed if they start concentrating on the general values sampled below, rather than continue being conditioned by communitarian values only. The virtues and vices below are sampled from the collection of 2,009 proverbs indicated earlier (Chakanza, 2000). The focus was on what ordinary people mostly reinforce and what they discourage in Malawi. From a general study of these proverbs, it was discovered that out of 2,009 proverbs, there were 1,093 meanings that indicate virtues and vices. The lists of meanings were suggested by Chakanza (2000, 449-463). Below are the findings of 40 meanings that had the highest number of proverbs attached to them.

Serial number	Meaning of proverb	Total number of proverbs
1	Patience	55
2	Humility	46
3	Responsibility	39
4	Perseverance	38
5	Foresight	37
6	Respect	37
7	Discretion	34
8	Dishonesty	31
9	Prudence	31
10	Co-operation	30
11	Luck	29
12	Pride	29
13	Self-Control	29
15	Care	27
16	Determination	27
17	Effort	26
18	Friendship	26
19	Reciprocity	26
20	Acceptance	25
21	Hypocrisy	25
22	Cunning	24
23	Selfishness	24
24	Contentment	23
25	Haste	23
24	Honesty	22

25	Courage	22
26	Evil	22
27	Laziness	22
28	Appreciation	21
29	Evidence	21
30	Generosity	21
31	Stubbornness	21
32	Advice	20
33	Satisfaction	20
34	Self-reliance	20
35	Unity	19
36	Delay	19
37	Love	19
38	Preparedness	19
39	Misfortune	18
40	Injustice	17

Considering that some meanings above refer to the same values –for example, the vice ‘dishonesty’ on number 8 and the virtue ‘honesty’ on 24 are both meant to promote honesty—a new hierarchy of values/virtues is suggested as follows (I have presented only 10 positions with virtues having the highest number of proverbs):¹⁸



¹⁸ Note that the purpose is to demonstrate what sorts of values are more famous compared to others.

The values that were changed include humility (virtue) and pride (vice), which scored $46 + 29 = 75$ (see the above values). The vice of dishonesty is on 31 plus its virtue 'honesty' on $22 = 53$.

For the purpose of this paper, I will not discuss all these values in detail. Just to mention a few ideas, the hierarchy above shows that humility is potentially the most widely esteemed virtue in Malawi. This can help individuals in corporate entities to become aware of their weaknesses, accept correction, etc. The only possible drawback is that in some circumstances humility can impede creativity and competition in the context of business. Humility may be seen as primarily oriented towards the community and is hence a partly communitarian value. However, humility may also have an individual focus when one uses it as a strategy to avoid embarrassment more especially in situations of failure. In second place in the hierarchy is patience, which qualifies both as an individual-focused virtue and a community-focus virtue. Patience can be seen to have an individual focus in those situations where it enables an individual to avoid unnecessary anger and an exaggerated response when his or her needs are not immediately met. It benefits the community more as it encourages a good attitude in an individual towards others, especially when the community's actions waste his or her precious time. It is a very important virtue because it promotes harmony in the community; as it enhances mutual understanding and tolerance. Patience is important in most corporate entities, because it helps to reduce the time wasted on complaints, some of which are quite unnecessary. The fact that this sentiment is commonly found in proverbs suggests that most Malawians value patience. In the third place is honesty, which is one of the most important values that needs to be reinforced in corporate entities in Malawi and other sub-Saharan countries. This is because of the growing corruption in these countries, which is a sign of the absence of honesty. Practicing honesty at work not only helps prevent corruption, it also ensures that employers and customers receive proper service, and it leads to employees respecting working hours (doing work based on the agreed time). Although other aspects such as corporate cultures of competition, impulsive risk taking, and disrespect for established norms may, possibly, boost the economy, the values of responsibility, perseverance, respect, foresight, discretion, prudence

and cooperation are appropriate for a genuine and lasting economic transformation of Malawi and the Sub-Saharan countries.¹⁹

Conclusion: Transformation of Corporate Entities

The old understanding of *ubuntu* virtue ethics and the centrality of the community meant developing a corporate ethics founded on cooperation, solidarity, collaboration, mutual respect, etc.²⁰ The use of *ubuntu* virtue ethics, as claimed by communitarian scholars, seems to be a breakthrough in the context of corporate governance and business ethics because of its link with the theme of corporate social responsibility (supported in the stakeholder approach to business). This is a development in African philosophy where communitarianism is viewed as an instrument to defend the stakeholder conception of social responsibility. It is unfortunate that Bantu ethics has not yet achieved their desired end in corporate entities. Many corporate entities in Malawi are not yet transformed and they are highly affected by unethical behavior such as corruption (see Munthali, 2004).

This paper has laid a foundation for the transformation of corporate entities in Malawi and other sub-Saharan countries. After demonstrating the weaknesses of the current community focus, it has

¹⁹ The late president of Malawi, Kamuzu Banda (president from 1966-1994), encouraged four values: respect, unity, loyalty and obedience as the most important values in Malawi. The current president Peter Mutharika (president from 2014) encourages integrity, patriotism and loyalty. It was only Bingu wa Mutharika (president from 2004-2012) who tried to promote all the African values by insisting more on doing research on African traditional culture in order to come up with a system of local values. He also criticized the West in most of his writings. Mutharika (1995; 2011).

²⁰ For example Tambulasi and Kayuni (2012) in their article, "Ubuntu and corporate social responsibility: the Case of selected Malawian Organizations," studied the Malawian context and focused more on communitarian development. Similarly, Khomba and Vermaak (2012) in "Business Ethics and Corporate Governance: An African Socio-cultural Framework," built on a communitarian orientation in a number of countries, such as Malawi, South Africa and Botswana. See also Douglas, F.P. Taylor (2014) in a work entitled "Defining Ubuntu Ethics for Business Ethics: a Deontological Approach," *South African Journal of Philosophy*, Volume 33, No. 3.

made a claim that individual-oriented virtues are an essential feature of *ubuntu* virtue ethics. The following suggestions are fundamental in the continuing process of transformation:

- Firstly corporate entities must develop a corporate ethics founded on both community and individual virtues, as argued above.
- *Ubuntu* ethics must reflect both a communitarian and an individual focus.

I conclude by emphasizing that, although *ubuntu* virtue ethics remains a challenging field, it is advisable that intellectuals should constantly engage with it. This will help them to constructively identify and promote both community and individual virtues that can help Malawi and other African countries to achieve and maintain sustainable economic development pioneered by its corporate entities.

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Part III
African Philosophical Ideas to
Solve Global Problems

Wangari Maathai as a Postcolonial Critique of African Development

T.D. HARPER-SHIPMAN

In 1999, the World Bank and International Monetary Fund (IMF) collaborated on what is now the contemporary development paradigm for foreign aid. These international financial institutions (IFIs) fashioned the Comprehensive Development Framework (CDF) as a response to claims about the failure of their previous peremptory neo-liberal policies. The CDF was thought to mark a break with previous World Bank and IMF development theories of the 1980s and 1990s predicated on a monolithic approach to political and economic progress (Pender, 2000). Subsequently, questions regarding the function and legitimacy of both the World Bank and the IMF began to pervade the international discourse. Claimants maintained that neo-liberal policies yielded ineffective and pernicious consequences for developing countries. The World Bank and IMF contended that, by incorporating a focus on poverty reduction and country context, this new paradigm holistically and comprehensively identifies and mitigates the various socioeconomic and political developmental problematics (Fischer and Wolfensohn, 2000; Wolfensohn, 2005). The underlying assumption; however is that these developmental problematics are all endogenously produced, that they are the consequences of state failure and economic atrophy.

The solution, then, remains entrenched in addressing neoliberal policies. When applied to Africa—the most aid-saturated region in the world—this approach manifests inherent limitations in both its ability to diagnose and treat Africa’s socioeconomic and political difficulties. These shortcomings prove all the more salient when juxtaposed with a postcolonial analysis of Africa’s truncated economic and political ontogenesis. Using the writings and development theory of Wangari Maathai, I attempt to ascertain the extent to which the World Bank’s model is informed by the concerns and aspirations of the context it claims to serve.

Given the general topic addressed in this paper—political and economic development—I use the World Bank as a case study representative of neoliberal development practices without addressing issues related to the International Monetary Fund (IMF). Although the IMF has consolidated poverty reduction principles and the CDF as core institutions, the Bank remains the primary dictator of development policy in the global South. That the international community attributes the creation of the CDF and its principles to former World Bank president James Wolfensohn is indicative of the perceived lead the Bank takes on development issues. It goes without saying that in positioning the Bank as a proponent of neoliberal development, I am referring to the Bank's *realpolitik*. Ideologically, the institution is not so monolithic. Scholars have long conducted institutional ethnographies of the Bank in order to demonstrate the internal ideological struggles that prevail within the institution (Mosley et al., 1991; Miller-Adams, 2002; Woods, 2006). The practical nature of the Bank's interventions; however, is in line with the tenets of neoliberalism (Goldman, 2005; Smith, 2006). The writings and development theories of Wangari Maathai offer a provocative case for juxtaposition. While her development approach lends itself to neocolonial and postcolonial renderings of development, she also acknowledges similar neoliberal impediments to progress such as the World Bank. Therefore, if these neoliberal institutions were to address development using the contextual understandings and aspirations that inform their frame of reference; who better to inform this approach than Maathai? Because of Maathai's status as a Nobel Peace Prize recipient and frequent champion of human, civil, and environmental rights, it would be implausible to argue that her development philosophy does not transcend national borders; hence it is very likely that the World Bank is aware of her perspectives on aid and development.

The argument presented in this paper is two-tiered. The first tier of the argument maintains that the Bank falls short of the overt claims in its new development framework of novelty, country specificity, and comprehensiveness. Instead the Bank continues to offer the same neoliberal approach that guided its failed Structural Adjustment Programs (SAPs) in the 1980s and 1990s. Their CDF is hackneyed and driven by a monolithic approach to development in Africa. In under-

standing how and why the framework is in fact myopic, one need only juxtapose it with the development philosophy of Wangari Maathai and other postcolonial development scholars. Maathai and these scholars lay the foundation for the second tier of the argument. As long as the Bank and other development agencies continue to neglect the historical legacies of colonialism in Africa, require African states to emulate the ersatz development trajectory of the West, and employ neoliberal understandings of the problem and solutions, the continent will continue to look “underdeveloped” through this lens. I demonstrate that although Maathai and the Bank profess congruent development goals, Maathai’s approach (which is rooted in a post-colonial approach to the problem) proves to be more inclusive and grounded in a sincere understanding of Africa than the Bank’s Comprehensive Development Framework, while simultaneously challenging the neoliberal presupposition that Africa’s development problems are autochthonous and exacerbated endogenously.

The methodological process involved in making this claim entails comparative and interpretive analyses of Maathai and the World Bank and postcolonial development theories. I begin by using Maathai’s autobiography and relevant speeches to produce a cogent and coherent rendering of her development theory. I focus extensively on her speech given at the 4th UN World Women’s Conference, “Bottlenecks to Development in Africa” (Maathai, 1995), while using other speeches and texts for elaboration and support. In order to best understand Maathai’s concerns and approaches to development, I engage her positions on development by extracting some of the more substantial themes that are omnipresent in her argument. The bottlenecks that Maathai outlines speak to one or more of the following tropes: contextualization, responsibility, perceptions of Africa, and solutions—all of which echo central themes in postcolonial development literature.

I then examine the World Bank’s development approach as espoused in its Comprehensive Development Framework (CDF). Using this framework, World Development Reports, speeches from previous Bank presidents and chief economists, and other Bank documents, I contend that they continue to operationalize neoliberal renderings of progress. Because Maathai is not traditionally recognized as a post-colonial scholar, I explicate the ways in which her approach reconciles

explicitly with postcolonial literature. This analysis suggests that Wangari Maathai's approach to development invokes two opposing development philosophies: neoliberalism and postcolonialism. While she is able to indicate various development objectives and goals, which coalesce with those proffered by the World Bank in its Comprehensive Development Frameworks, she also situates Africa's developmental problematics within their colonial and postcolonial origins, which allows for a development approach not predicated on foreign aid.

Development as Polysemic Concept

In looking at the World Bank's and Maathai's respective renderings of pathways towards change in Africa, one must situate them within larger debates on defining development. Defining development proves to be a contentious exercise for many scholars (Nederveen-Pieterse, 2001). For some, development is a benevolent activity, wholly lacking in the global South (Sachs, 2005; Kohli, 2004; Collier, 2008). The process, then, becomes one predicated on economic growth, political and social modernization, all realized primarily through a "big push" in the form of aid (Easterly, 2006; Nederveen-Pieterse, 2001). This conceptualization and its associated practices have not gone unchallenged. Critical approaches attempt to grapple not only with the discourses that accompany modern development thinking, but also its ultimate translation into praxis (Escobar, 2011; Gunder Frank, 1979). Scholars contributing to a postcolonial understanding of development begin by acknowledging the development enterprise as a postcolonial phenomenon. The process of purposively intervening in the domestic sociopolitical and economic arrangements of the global South, however, can be said to be an extension of the West's civilizing mission (Fanon, 1961; Said, 1978; Hountondji, 2013). Thus, the discourse on development is the cloaking of the old civilizing rhetoric in talk of markets and governance. Wynter (1996) challenges the putative ontologies of development using insights from V.Y. Mudimbe, Hamidou Kane and Issiaka Laleye. She contends that development, "rather than functioning only as a purely denotative, and therefore transculturally 'true' and objective term, should be

recognized as a *culturally-specific* one" (Wynter, 1996, 299). In questioning the fundamental nature of the term, Wynter is destabilizing its associated epistemologies. In other words, the suggested empirical evidence of development—economic growth and material procurement—should be critically evaluated and interpreted as products of the "local culture" in Europe.

The current epistemological order necessitates a bifurcation of development ontologies relative to their ability to achieve a "supra-ordinate goal of *development*" for the developed and the under-developed (Wynter, 1996, 310). The World Bank and IMF embody and promulgate the goal of "development" by requiring the under-developed states to follow "prescriptive behavioral pathways" that further reify existing ontologies of development. These two IFIs proffer a development telos derived from Western culture. An extension of this logic requires these institutions to act as "hegemonic overseers," ensuring "that the 'underdeveloped' areas of the world continue to *develop* only along the prescribed lines that are needed to enable them to continue as noncompetitive reserve areas of the overall global system" (Wynter, 1996, 307). Thus, Africa's development strategy should be to rupture and escape this epistemic development trap.

Although a number of African leaders and thinkers have proposed alternative development strategies that would ameliorate the gestalt of Africa (Nkrumah, 1965; Nyerere, 1968; Wa Thiong'o, 1994; Nnaemeka, 2009; Eyong and Foy, 2006; Adejumobi and Olukoshi, 2008), Maathai's philosophy moves the continent a step closer to truly rupturing the epistemic development trap. Prior to the promulgation of the New Economic Partnership for Africa's Development (NEPAD) in 2001, African leaders directly challenged the World Bank's neo-liberal prescriptions for Africa. In response to the Bank's and IMF's structural adjustments, African leaders proposed the Lagos Plan of Action for Economic Development in Africa in 1980. The Lagos Plan of Action entailed a series of policy initiatives that would increase the continent's self-sufficiency and identified exogenous factors such as economic shocks and structural factors such as the international trading system as responsible for Africa's stifled development (Lagos Plan of Action 1980). Most notable about the report was the limited responsibility that African leaders assumed for Africa's failure to

progress along the given economic and political telos—this in response to the Bank’s 1981 Berg report, which placed the blame solely on African leaders (Owusu, 2006).

Accordingly the Lagos Plan of Action outlined a restructuring of the international trade system: industrialization, less reliance on raw material exports, and augmenting the amount of foreign aid being channeled to Africa as means through which the continent would develop (Lagos Plan of Action 1980). In 1989, a group of economists elaborated the African Alternative Framework to Structural Adjustment Programs for Socio-Economic Recovery and Transformation (AAF-SAP). Much like the Lagos Plan of Action, AAF-SAP articulated a strategy for increased self-sufficiency across Africa. This framework challenged the applicable scope of neoliberal SAPs and their ability to address structures of the African economy such as environmental degradation, reliance on external trade, uneven development across urban and rural communities, or the shortages in trained personnel and capital that led to a narrow production base in many African countries (AAF-SAP, 1989). With their fixation on financial balances and price structures; orthodox structural adjustments were not capacious enough to move Africa out of poverty and into renaissance. Where the AAF-SAP offers a substitute for the World Bank’s adjustment programs, it is not more holistic than Wangari Maathai’s appraisal and solution for Africa. The AAF-SAP model comes close with its call for an African transformation ethic. Transforming Africa’s social and economic structures requires relegation of the modernizing language often used to measure and analyze economic and social development in Africa. The AAF-SAP argues that the language of modernization does not coalesce with African realities and values. Consequently, the African transformation ethic must incorporate the lived experiences and tenets of Africans. One of the means through which the transformation can occur is through a fundamental change in African consumption: “the present consumption patterns, especially those of the urban areas, are distorted as they are often a derivative of the value systems of developed countries. The outward orientation of consumption has inevitably resulted in a dependence on the products of developed countries, while undermining the development of internally-produceable goods” (AAF-SAP, 1989, 12).

This transformation in the African ethic resembles Maathai's call for an ethical revolution. Both Maathai and the AAF-SAP also give primacy to self-sufficiency in Africa. However, the AAF-SAP succumbs to many of the same limitations as the World Bank.

Postcolonial scholars are also concerned with the ways in which Western powers have mobilized ethnicity for the purposes of exploitation. Alemazung proposes that "[C]olonial masters emphasized the distinctions between the different ethnic groups, thereby strengthening tribal differences and rivalries between these groups and preventing them from forming a united opposition against the colonizers" (Alemazung, 2010, 65). Legacies of ethnic violence become institutionalized as oppressive mechanisms inherited by authoritarian regimes. Consequently, colonial institutions that necessitated this form of ethnic division and oligarchic system of rule gave way to contemporary forms of neo-patrimonialism that plague the continent. "Neo-patrimonial leadership as practiced in many African countries," he states, "is an extension of the kind of autocratic and alien tyrant rule that the colonial masters had initiated" (Alemazung, 2010, 67). Scholars such as Mahmood Mamdani have also demonstrated the ways in which "traditional" African institutions were created under this extortive system that instilled a corrupt sense of authority among the appointed village chiefs. Under a system of decentralized despotism, these local leaders were accountable only to the colonial administration, not to the populations that they represented. Mamdani draws a correlation between these institutions and those that exist on the continent today (1996). Maathai advances these arguments and relationships in her own renderings of Africa's development problems.

Understanding the underlying definitions of, and commitments to, development prove necessary since, as Nederveen-Pieterse notes, "different meanings of development relate to changing relations of power and hegemony" (Nederveen-Pieterse, 2001). Although Maathai does not propound an epistemological shift in development, she does acknowledge and problematize the assumption that Africa's development trajectory should be analogous to that of the West. Her approach finds troubling the presence of the World Bank and IMF in Africa. Furthermore, she is able to situate the various Western contentions about Africa—ethnic divisions, neo-patrimonialism, clientelism, neo-

colonialism, and authoritarianism—within their respective historical contexts. Postcolonial critics consider these to be living legacies of colonialism, which continue to haunt the present by making it impossible to move constructively toward the future. Thus, any attempt to mitigate these tensions must contend with the ways in which they emerged in the colonial past.

The World Bank's Development Model: Past and Present

With the Bank and its supporting economic system in question, the institution moved to propagate an alternative framework concomitant with the international community's new project to reduce world poverty by half, by 2015. Yet, this framework continues to operate under the assumption that the world economic system has been, and remains, the most legitimate and optimal for IFIs and development (Wolfensohn, 2005). The Comprehensive Development Strategy is the cornerstone of this new paradigm. Wolfensohn states that the CDF "brings together many current trends in development thinking and is centered on a long-term vision—prepared by the country through a participatory national consultation process—that balances good macroeconomic and financial management with sound social, structural and human policies" (Fischer and Wolfensohn, 2000, n.p.). The goal, then, is to holistically address problems of underdevelopment using both domestic and international actors. The Bank calls on other IFIs, national governments, civil society and the private sector to work collectively to ameliorate living conditions for the world's poor. The comprehensive aspect also pertains to the move from atomistic approaches to poverty. No longer will projects focus solely on the macroeconomic impediments to development. With the CDF: macroeconomic stability, improved sewerage systems, and governance are equally weighted goals. At its earliest conception, the Bank proposed a three-point strategy: promoting opportunity, facilitating empowerment, and enhancing security for poverty reduction (World Development Report, 1999/2000).

Among the many tropes found in the Bank's CDF, such as governance, investment in human capital, market liberalization and partnerships, the call for sustainable development encapsulates the

gamut of CDF objectives. While the Bank does not offer a coherent definition of the term, it does suggest that sustainable development comes with implicit objectives (World Development Report, 1999/2000). These objectives include raising the standard of living throughout poor populations while increasing per capita income; providing opportunities for accessing health and education; maintaining clean environments; and promoting intergenerational equity (World Development Report, 1999/2000, 13). Furthermore, in striving for sustainable development, the Bank contends that process is tantamount to policies. Thus, sustainable development necessitates institutions for good governance with transparency and participatory mechanisms (World Development Report, 1999/2000, 13). The participatory mechanisms should facilitate input and partnerships among civil society, government, the private sector, and donors. In fact, the Bank indicates that improving governance is one of four necessary tasks for Africa, if the continent is to “claim the 21st century” (Gelb, 2000). The Bank’s demand for sustainable development is part of a larger attempt to incorporate many of the liberal norms emanating from the West: governance, active civil society etc. The assumption is that as African states domesticate these various norms, poverty will decline and development will increase.

The World Bank maintains that “opportunity, empowerment, and security” are key combatants of poverty (World Development Report, 1999/2000). Promoting opportunity for the poor means creating access to “jobs, credit, roads, electricity, markets for their produce, and the schools, water, sanitation,” etc. (World Development Report, 1999/2000, 6). Opportunity refers specifically to material opportunities. The second part of the Bank’s strategy requires an empowerment of the poor. Empowering the poor requires institutions (both state and social) and active collaboration (World Development Report, 1999/2000). The Bank contends that state and social institutions, which influence “access to markets” and “public sector service,” should be “responsive and accountable to poor people” (World Development Report, 1999/2000, 7). Having access to markets is key when facilitating empowerment. One can best access markets, according to the Bank, through active collaboration between different socioeconomic classes. Empowerment, however, comes from “making state and

social institutions more responsive" to the poor (World Development Report, 1999/2000, 3). The final component of this three-pronged strategy for poverty reduction calls for increased security. The process of enhancing security involves a decrease in "economic shocks, natural disasters, ill health, disability, and personal violence" (World Development Report, 2000/2001, 7). In order to decrease the chances of these pernicious phenomena, the poor must have more assets, engage in an array of household activities, and have access to a "range of insurance mechanisms" (World Development Report, 2000/2001, 7). The way that the Bank intends to provide opportunity, empowerment, and security is demonstrative of its continued reliance on markets. Understanding the Bank's prescriptions for combating poverty exposes its underlying commitment to neoliberal approaches.

Since instituting the CDF and the associated poverty-reduction strategy papers (PRSPs), many African countries have remained stagnant and mired in the same problems, giving the continent its title as "hopeless" (Taylor, 2016). With African countries unable to industrialize and transcend their dependence on natural resource exports, foreign aid remains an indispensable dependency in Africa (Taylor, 2016; Morvaridi, 2016). For example, the United States pledged 35 million USD in humanitarian assistance and the European Union 20 million euros in drought relief to Ethiopia and Namibia, respectively. The World Bank and IMF also required the Zimbabwean government to restructure its economy under the Lima Plan to clear 1.8 billion USD in arrears and further access concessional loans (Mtomba, 2016). The latest findings from the World Bank's Country Policy and Institutional Assessment (CPIA) for Sub-Saharan Africa characterizes the region as demonstrating poor performance with respect to policy environment and poverty reduction (World Bank, 2016). Sixteen years after the CDF and more than 60 years after the independence movement, the continent remains unable to meet the international standards for development.

Africa's Bottlenecks According to Maathai and Postcolonial Scholars

According to Maathai, many of Africa's present issues stem from both colonization and the Cold War. She states, "[the Cold War] precipitated some of the most devastating internal wars as African friends and foes of the superpowers fought it out for economic political control" (Maathai, 1995, n.p.). She identifies the warring factions of the Cold War as responsible for installing authoritarian African leaders, who in turn fostered the conditions for insecurity in the war-torn nations that dot the African continent today. "State oppression by dictatorial rulers, especially during the Cold War, precipitated a prevalent culture of fear and silence which gave a semblance of peace in many countries" (Maathai, 1995, n.p.). Proxy wars fought over the ideologies of capitalism vs. communism, and resources in the Global South necessitated the installation of political leaders with despotic proclivities. Despite the Cold War having ended with the fall of the Berlin wall in 1989, many of these regimes remained in power (backed by Western allies) despite their blatant disregard for human, economic, and civil rights. When discussing the "destructive style of political and economic leadership" as an impediment to development, Maathai draws a clear link between authoritarian rule, ethnic division, and colonialism. She contends that African leaders have either created or maintained hindrances to progress. In fact, she contends that these elites are culpable, to some degree, for the plethora of development woes plaguing the continent. Their destructive style of political leadership consistently prevents democratization from taking hold in many countries by aggravating ethnic tensions for the purpose of consolidating political and economic power. "[African leaders] have invented divisive and manipulative tactics reminiscent of the colonial tactics of divide and rule" (Maathai, 1995, n.p.). Maathai is referring specifically to Daniel Arap Moi's authoritarian government in Kenya and its employment of colonial-style means of obstructing unified contestations of power. The notion that "ethnic cleansing in Kenya is a creation of political leadership rather than an age-old animosity over ethnicity and land" coalesces with arguments

advanced by a number of scholars (Posner, 2004; Laitin, 1986; Mamdani, 1995; Robinson, 2014).

Many African nations' contemporary problems with sustained hunger, malnutrition, and poor health are also the result of decisions made during the colonial period. In her autobiography, Maathai recounts the extent to which the British began the process of deforestation, ultimately leading to poor soil quality and food shortage. With the implementation of cash crops (such as tea and coffee), people were forced to eat processed food imported from the global North. These conditions led to increased malnutrition. Maathai states,

In traditional African societies food security was at the family level even though there was also a collective responsibility in the community for food security for all...[but] at the onset of the colonial era in Africa and the introduction of cash crops... all that changed. The traditional farming culture was demeaned, discredited and destroyed along with much of other heritages of Africa. Crop land was commercialized for cash crops, granaries disappeared from the homesteads, and people became dependent on processed food from shops (Maathai, 1995, n.p.).

Scholars such as Walter Rodney have also acknowledged the pernicious consequences that the colonial system has had on food security in Africa (Rodney, 1974). Furthermore, deforestation, which leads to shortage in firewood, translates into a dearth of locally produced food options. The colonial administration "cleared the indigenous forests and replaced them with plantations of exotic trees for the timber industry" (Maathai, 2008, 123). With international requirements that Africa increase its agricultural exports after independence in an effort to enter international trade systems, countries such as Kenya eliminated more forests to produce coffee and tea for exportation to industrialized nations. Currently, many rural populations that depend on firewood are forced to find other means to sustain themselves. "Consequently, women were feeding their families processed foods like white bread, maize flour, and white rice (Maathai, 2008, 123). These foods, imported from outside of Africa,

“are high in carbohydrates but relatively low in vitamins, proteins, and minerals” (Maathai, 2008, 123). The problem of malnutrition is, then, a deceitful one. It is a manifestation of larger flaws in the structure of international trade. It also demonstrates how any attempt to mitigate these tensions must contend with African countries’ colonial past and interdependency.

Perceptions of Africa

Attempts to renegotiate perceptions of Africa are omnipresent in Maathai’s approach. The ways in which the rest of the international community conceives of Africa have material consequences for levels of security, trade negotiations, and international assistance. Malinda Smith intricately explores the inherent problematics of “performing the African tragedy,” which corresponds directly with the way Maathai problematizes the perceptions of Africa. Smith persuasively argues, “[t]he idea of an ‘African tragedy’ is something that is made within and through discourses on both tragedy and development in an era of neoliberal globalisation” (Smith, 2006, 1). These misperceptions and tragedies—detrimental to the continent’s progress—are necessary for the continued exploitation of African resources: for example the Cold War was fueled by a consistent and necessary proliferation of misinformation and misrepresentation of Africa. She argues that this tactically sustains instability on the continent. Maathai clearly indicates how these misperceptions translate into material consequences: “[w]hen Africa is projected as negatively as possible, it makes others elsewhere feel better and overlook the economic and political policies in their own countries,” while “those who are responsible for tragedies in Africa escape blame, which is laid at the feet of the victims” (Maathai, 1995, n.p.).

Misperceptions that promote this derogatory view of the continent also serve to influence trade relations, while evading the issue of trade as a source of underdevelopment. Again, Smith states, “[t]he idea of an ‘African tragedy’ functions to reinforce endogenous explanations for the crisis of development, and to suggest this crisis has more to do with some inherent character flaw or inferiority of African cultures and traditions, rather than, say, the logic of the global eco-

nomy" (Smith, 2006, n.p.). With regard to trade, Maathai problematizes the existing trade structure, which is consistently overlooked as the source of asymmetrical development. Instead, she argues, the international community targets lack of population control and environmental degradation as producers of poverty. Trade, however, has exacerbated Africa's truncated ontogenesis while propelling forward that of the industrialized world. "In 1991, for example, developed countries are said to have received about 1,361 billion US dollars from developing countries in trade transactions and transferred only about 60 billion US dollars in the form of aid and grants" (Maathai 1995, n.p.).

The impact that this tragedy has on empowerment and cultural legitimacy is not lost on Maathai. The tragedy of Africa's uneducated and disempowered are intersubjective legacies of colonialism. The neoliberal agenda to increase primary and secondary education enrollment rates on the continent overlooks the cultural implications of such a goal. Maathai grounds this particular development problematic in the postcolonial origins of African inferiority reified by Africans' ability to read, write, and speak the language of the colonial master. "Literacy," she states, "is an over-valued asset, and education and the ability to read and write has been over-emphasized and equated with extraordinary abilities. Illiterate people over-trust those who can read and write and under-value and underestimate themselves" (Maathai, 1995, n.p.). Maathai grounds this criticism in the scholarship of Ali Mazuri, who argues that "The huge imperial prestige enjoyed by the English language distorted educational priorities, diverted resources from indigenous cultures towards giving English preeminence and diluted the esteem in which indigenous languages were held" (cited in Maathai, 1995, n.p.). What these legacies have left behind is a disempowered population who, she contends, find it "easier or even more acceptable to leave one's life in the hands of third parties (governments, aid agencies, and even God) than to try to alleviate one's circumstances through one's own effort" (Maathai, 2011, n.p.). The consequences of these psychological constraints manifest themselves in the alleged partnership between Africa and the West. "Is it this feeling of inadequacy that led Africa to copy the development paradigm of the West in the mistaken belief that Africa can also

develop and catch up with the West even though Africa has no masses and colonies to exploit and no people to enslave" (Maathai, 1995, n.p.)? This suggests that Africa's continued primordial orientation towards inferiority becomes reinforced through political and economic relations with the West.

Responsible Actors

In the process of outlining and denouncing each developmental obstacle, Maathai identifies the key actors responsible for both creating and exacerbating these obstacles. Maathai contends that political leaders, Western nations, international financial institutions and the international community are culpable for creating many of the impediments that stifle progress on the continent. Again, this observation is not Maathai's alone. Throughout, postcolonial literature is the tacit recognition (and often salient naming) of those who have contributed to the continent's degenerative state.

Africa's problems do not lie solely on the consciences of its political leaders. Western nations have also perpetrated egregious political and economic crimes on the continent. "Africa has been maligned and ridiculed by the same people who have exploited it and underdeveloped it," she states (Maathai, 1995, n.p.). In acknowledging the responsibility of external actors for Africa's underdevelopment, Maathai is challenging the IFIs' response to aid ineffectiveness. Aware of the implicit blame that comes with failed development initiatives, she suggests that these institutions must acknowledge the role they play in contributing to high levels of inherited debt on the continent. "Further indebtedness of African states is making it difficult for the state to protect its citizens from being overwhelmed by international organisations on whose behalf IMF, World Bank and other donors demand liberalisation and free markets" (Maathai, 1995, n.p.). This influence from the West has manifested itself in the policies and philosophy of the World Bank and IMF. Furthermore, Maathai suggests that African leaders "were persuaded to accept the development model of the West, borrow capital from the West and be guided by experts from the same West" (Maathai, 1995, n.p.).

Solutions

Maathai proposes holistic and generative solutions to address the continent's progressive stagnation. Her solution is more comprehensive than the World Bank's CDF in that it attempts to address the relevant metaphysical impediments as well as the material deprivations.

Underlying many of Maathai's observed bottlenecks to development is the prevalence of corruption. It is responsible for the disempowerment of people, stifled processes of democratization, entrenched aid dependency, a fragile state of security and much more. What she views as corruption is not confined to African elites and money laundering; it is also a systematic and pervasive corrupt relationship between African elites and members of the international community geared towards excessive and unregulated extraction of resources from the continent. "The misery [corruption] brings to ordinary Africans and the opportunity it provides to non-Africans to exploit Africa is reminiscent of the exploits of the Slave Trade" (Maathai, 1995, n.p.). Thus, the onus for addressing the prevailing corruption in Africa falls on the international community as well as on African elites. This suggests that the Bank's solution to this problem, i.e., liberal institutions, appears to be ineffective and incompetent, given that these institutions function only to limit the corruption emanating from African states. For the international financial institutions, Maathai proposes that their constituents in the industrialized countries hold them accountable. "Hardly any of the friends of Africa are willing to tackle the political and economic decisions being made in their own countries and which are partly responsible for the same horrible images brought to their living rooms by television" (Maathai, 1995, n.p.). Scholars such as David Booth endorse the need to address development woes in Africa by educating politicians and communities in donor countries (Booth, 2011). Addressing the other side of this nefarious relationship (with African leaders) requires an "ethical revolution" (Maathai, 2011, n.p.).

Maathai's ethical revolution serves to mitigate corruption and disempowerment, and promote accountability *inter alia*. Because African "communities often end up dealing with governments or

companies interested mainly in taking advantage of the vacuum created by the culture of corruption to extract as many resources as possible at as low a price as they can," Africans must engage in an ethical revolution that is both top-down and bottom-up (Maathai, 2011, n.p.). She suggests that presidents and prime ministers can begin by openly, and honestly, acknowledging the pathological nature of corruption. In admitting the insidious consequences that this system has had on society, leaders are actively engaging the public in a dialogue, while accepting their part in exacerbating the problem. The ethical revolution does not end with leaders. This sentiment must percolate through all echelons of society: "Even the poorest and least empowered of Africa's citizens need to work to end a culture that tolerates systemic corruption and inefficiency" (Maathai, 2011, n.p.). Maathai maintains that this step is most critical for the poorest section of the population in that it "ensures that [they] are engaged in their own development, and, by extension, in expanding the democratic space that many African societies desperately need" (Maathai, 2011, n.p.). She provides a list of questions that members of this community must honestly answer during this process, resulting in a renewed and "participatory system of governance" (Maathai, 2011, n.p.). An open admission of the problem by all members of society will allow for an organic and sincere reconciliation. Such an ethical revolution cultivates a renewed relationship between political leaders and their constituents.

Although Maathai's solution may seem quixotic, it is an honest attempt to contend with the most ubiquitous and deleterious problems in Africa. It also demonstrates how empowerment and a delegitimized culture cannot be remedied with foreign aid. Instead, remediation of sociopolitical and economic degradation requires moments of solidarity in the present and reconciliation with the past.

Maathai's Objectives

In examining Maathai's development philosophy, one finds very similar objectives for Africa. Much like the CDF, Maathai envisions civil society as pertinent for "pursuing participatory development, promoting accountable and responsible governance, protecting hu-

man rights and encouraging respect for the rule of law” (Maathai, 1995, n.p.) When discussing the “frustrated democratisation process,” which impedes development in Africa, she contends that “Africans, like all other human beings, want justice, equity, transparency, responsibility, and accountability” (Maathai, 1995, n.p.). Even demands for “mechanisms of governance” are prevalent in her democratic vision for the continent. Maathai outlined her profound conviction about the attainability of these goals during a speech in Gwangju, South Korea. Entitled “Sustained Development, Democracy, and Peace in Africa,” this address served to promote peace, sustained development and democracy as highly achievable and paramount targets (Maathai, 2006). At an abstracted level, both Maathai and the Bank endorse ostensibly similar poverty-reduction strategies.

Although Maathai’s approach does not give primacy to economic growth or markets, she does offer a vision of development that translates into a concrete material reality. Her Greenbelt movement sought to mitigate everyday dilemmas by increasing access to materials, food, water, and finances, indicating her acknowledgement of the need for greater opportunities. Maathai also recognizes a need for empowerment across the continent. In fact, she states, “disempowerment...is perhaps the most unrecognized problem in Africa today” (Maathai, 2006, n.p.). While empowerment is a critical point of congruency for Maathai and the Bank, the causes of, and means for promoting such empowerment advanced by the two are fundamentally different. In her 1995 and 2006 speeches on African development, Maathai explicitly identifies security and its fragile state in Africa as factors inimical to development (Maathai, 1995, 2006). Beyond identifying similar development objectives, the Bank and Maathai suggest divergent methods for moving Africa beyond the chrysalis of underdevelopment.

Same Objectives, Different Solutions

Despite indicating congruent goals for socioeconomic and political development, the ways in which Maathai and the World Bank seek to reach these objectives are markedly different. One can effortlessly differentiate between Maathai’s and the World Bank’s ap-

proaches based on their perceptions of foreign aid. For the Bank, aid is an interminable necessity for the development process: hence the move towards long-term partnerships between donors and recipients (World Development Report, 1999/2000, 2000/2001). Maathai, on the other hand, believed that Africa's dependence on aid perpetuates a vicious cycle of debt. Reliance on aid and the economic and political policies concomitant with aid exacerbate Africa's marginalized standing in the international market. She states, "Further indebtedness of African states make it difficult for the state to protect its citizens from being overwhelmed by international organisations on whose behalf the IMF, World Bank and other donors demand liberalisation and free markets" (Maathai, 1995, n.p.). These externally produced and imposed policies, she contends, cannot generate wealth for Africans or benefit local businesses until African leaders are able to protect their citizens from globalization—a feat they cannot achieve while consuming aid. By identifying external factors such as the international trade architecture and IFI policies, along with internal elements such as African politicians as responsible for the continent's arrested development, Maathai's assessment becomes more holistic than both the Bank's and the African-derived plans such as the Lagos Plan of Action and NEPAD.

Still, the means by which the Bank proposes to secure these development objectives remain rooted in a neoliberal understanding of the problem. One scholar notes: "Despite the shift to neoliberalism with a human face, the heart of neoliberalism—its macroeconomic policies and prescriptions—have not changed" (Smith, 2006, 13). With the Bank suggesting that there is no one policy capable of inducing development; and it remains firmly wedded to the primacy of liberalization and privatization as prerequisites for economic progress, which the Bank contends is necessary for development. The Bank propagates that states must "encourage effective private investment" by creating an appealing business environment (World Development Report, 2000/2001, 8). Governments must also "expand into international markets" with fast-paced "pro-poor" liberalization (World Development Report, 2000/2001, 8). And finally, developing nations must "build the assets of poor people" through increased public spending on the poor, using institutions, guided by good governance, markets

and agents, while allowing the poor to hold government accountable for services (World Development Report, 2000/2001, 8). With regard to Africa specifically, the Bank lauds Africa's progress towards economic reforms such as market and trade liberalization and a growing private sector (Gelb, 2000). Still, the continent struggles with poverty. The solution, they propose, is to produce an African-owned business plan that is coordinated with and supported by donors. This strategy for poverty reduction has been translated into mandatory institutional reform in underdeveloped countries. After examining over five thousand World Bank projects premised on public sector institutional reform, Matt Andrews found that forty-four percent of these projects "aim to foster market-friendly governments through interventions like privatization, deregulation, trade liberalization, and the establishment of government entities needed to promote competitive markets" (Andrews, 2013: 8). These measures were (and arguably still are) the World Bank's unyielding touchstones.

Problems with This Model

Regardless of the Bank's professed paradigmatic shift, its policies and approach remain heavily criticized by scholars both in, and outside of, the postcolonial camp. Despite demands for a reordering of the international financial system and a fundamental questioning of the ability of the Bretton Woods Institutions to assist any country other than those in the Global North, Wolfensohn remained convinced that "with some few changes, including expanded and more transparent financial information, the basic international architecture has served us well" (Wolfensohn, 2005, 132). This sentiment is indicative of two problems. First, Wolfensohn made this statement to the Board of Executive Directors and World Bank staff. Thus, one must ask to whom he is referring when he declares that the system has served "us" well. It is also worthy of analysis, since at the time that the speech was given in 1999, Africa remained crippled by SAPs and global economic crises. Statements such as these lend credence to the skepticism of Maathai and postcolonial commentators about whom the Bank is actually servicing. Second, if only "some few changes" are required to fix the international architecture, to what extent can the "new"

development approach be fundamentally novel? This question is all the more provocative when examining the proclaimed centering of poverty as a novel agenda for the Bank, especially since Robert McNamara—World Bank president from 1968 until 1981—was the first to place poverty reduction on the Bank’s agenda.

Another salient point of contention is the dearth of contextual specificity inherent in the Bank’s approach. Scholars have found that the Bank’s economic and institutional reforms remain uniformly required as conditions for financial disbursement (Rodrik, 2008; Pender, 2000; Andrews, 2013). The Bank’s chief economist for the African region, Shantayanan Devarajan, professed, “If you look at the programmes of the 2000s and compare them to the SAP, they are exactly the same” (Mbom, 2013, n.p.). SAPs, however, were not predicated upon country specificity. The development model was unapologetically top-down. What has changed, Devarajan suggests, is the geographical location that currently produces the neoliberal model. Instead of creating the model on 14th street in Washington, it is ostensibly produced in Bangui. As Pender notes, such an arrangement does not allow for “developing countries to experiment with their own model” (Pender, 2000, 399). Ultimately, these countries end up reproducing the neoliberal model handed down from the Bank, which remains an unproductive approach. Rodrik demonstrates how the most successful countries are those that truly adopt an economic development model that corresponds to their specific needs (Rodrik, 2008). The most notable example of this approach is the Asian tigers: four Asian countries that experienced high growth rates and poverty reduction after omitting some of the key aspects of SAP requirements.

The unwillingness of the Bank to acknowledge the historical nature of obstacles to African development is its final major limitation. In a speech given in Ethiopia, Wolfensohn implores the audience of African men and women to “not look back at what has happened in the past” (Wolfensohn, 2005, 95). This point of criticism is fully explicated in Maathai’s postcolonial appraisals of the Bank’s neoliberal development approach. Historically contextualizing Africa’s bottlenecks that impeded socioeconomic and political advancement allows Maathai not only to conceptualize an alternative approach, but also to

identify an array of critical impediments that the CDF does not target. Thus, her approach is unarguably more capacious than the Bank's.

Conclusion

The World Bank's Comprehensive Development Framework is myopic in scope, despite the inclusion of poverty-reduction goals. Because it remains wedded to neoliberal epistemologies, CDF is limited in its ability to identify and address the historically embedded and systematic barriers impeding Africa's progress. Despite many disagreements over the approach from its critics, the World Bank holds relentlessly to its nostrum of neoliberal development. Such an approach results in a distorted and impercipient development model, particularly when temporal and spatial contexts are willfully elided. I contend that Maathai is able to identify impediments beyond the scope of CDF and challenge the neoliberal assumption that Africa's problems are autochthonous and endogenous because of her willingness to contextualize the problems and trace their origins to colonialism. As a result, Maathai was able to identify the exogenous and international factors that have contributed to Africa's moral, cultural, political and economic depreciation, the dependence concomitant with aid, as well as the limitations of free market capitalism. Consequently, she translated these findings into a generative movement for environmental sustainability and Africa's political and economic advancement. The narrow focus on liberalization and building the assets of the poor is indicative of the Bank's inability to grasp that "to overcome such a historical burden is an enormous task because the battles of five centuries have left Africa weakened economically, not only politically but especially culturally and spiritually" (Maathai, 1995, n.p.). Maathai presents a development challenge that can only be addressed by coming to terms with Africa's past. This challenge attests to the need for more creative, honest, and sincerely context-specific development approaches than the hegemonic neoliberal model offers.

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Afro-communitarianism, Humanization and the Nature of Reconciliation

RIANNA OELOFSEN

Introduction

In this paper I will defend an account of reconciliation based on an Afro-communitarian worldview. The paper firstly gives a brief sketch of what an Afro-communitarian conception of reconciliation entails, and goes on to argue that this conception of reconciliation is able to deal with the issue of identity transformation, which is integral for lasting peace and reconciliation.

Summarizing the effects on our understanding of the concept of reconciliation when adopting Afro-communitarianism as the starting point, the paper then moves on to suggest some tentative reasons why we might want to accept this view of ethics and the person—and thus this view of reconciliation—over a Western individualistic conception. These reasons include the claim that the Afro-communitarian view captures some core empirical evidence about being human.

An Afro-Communitarian Understanding of the Person

First, let me explain that I intend to use the term ‘Afro-communitarianism’ as an umbrella term to include core aspects of various accounts of communitarian personhood put forward by numerous African philosophers. Afro-communitarianism emphasizes the importance of *relationships* between people, their interdependence, and the duty to maintain flourishing relationships of a particular kind.¹

¹ For the kind of relationship that is the focus of Afro-communitarianism, see Thaddeus Metz, “Toward an African Moral Theory.” *Journal of Political Philosophy*, p. 333 (September 2007), Vol. 15, Issue 3, pp. 321-341. Metz claims in this article that the relationship in question is one which is comprised of both shared identity and goodwill. The kind of relationships involved represent the ethic which flows from an Afro-communitarian understanding of personhood. Other examples of the Afro-communitarian understanding of

Recognizing interdependence and the importance of interpersonal relations for the self, this worldview sees the individual as necessarily socially embedded and affected by his or her context in a very deep way. However, it still acknowledges that there *are* individuals, and that these individuals need to be well developed in order for there to be the possibility of healthy relationships.

Afro-communitarianism does not imply that sub-Saharan Africans just are or live this way, as the project is not meant to be essentialist. The Afro-communitarian project does not claim that there is an 'ideal African past' in which this understanding of the person and ethics was always instantiated in all African communities, just as there is no 'ideal European past' in which Kantian ethics were adhered to. With that clarified, let us take a closer look at the Afro-communitarian understanding of personhood.

Desmond Tutu claims that the self has *necessary* relations with others. His exposition of the concept of *ubuntu* in his writing has been the subject of much debate, and provides an entry point into the worldview and assumptions that underpin his account of reconciliation. In explaining the concept of *ubuntu*, he writes that

A person is a person through other persons. None of us comes into the world fully formed. We would not know how to think, or walk, or speak, or behave as human beings unless we learned it from other human beings. We need other human beings in order to be human. I am because other people are (Tutu, 2007, 3).

This view of the self recognizes the essentially communal nature of human beings. A member of *homo sapiens* who bears no relation to community, who is devoid of communal attachments of any kind, is not what is understood as a 'person' according to the Afro-communi-

personhood and ethics, and the importance of relationships for this understanding of personhood, can be found in Ifeanyi Menkiti, "On the Normative Conception of a Person." *A Companion to African Philosophy* (2004) Kwasi Wiredu (ed.), and Michael Onyebuchi Eze, "What is African Communitarianism? Against consensus as regulative ideal," *South African Journal of Philosophy*, Vol. 27, No. 4, p. 386.

tarian worldview. Tutu also expresses this thought when he says that '[m]y humanity is caught up, is inextricably bound up, in [yours]. We belong in a bundle of life' (2000, 34-35) This would seem to imply that, as humans, we cannot disregard that we are not only individuals, but that we are also part of a collective or communal self, and that we cannot accurately describe what a person is without taking this into account. Community comes in all shapes and sizes, however, and it is difficult to conceive of a member of our species who does not belong to a community of some kind.

Instead of continuing with the vocabulary of *ubuntu* that Tutu draws on, I will instead use the terminology of Afro-communitarianism. The language of *ubuntu* has been used in so many contexts and in so many ways that the concept has become too contested to be useful for my current purposes. The concept of Afro-communitarianism is meant to capture a theoretically rigorous account of the person inspired by *ubuntu*, but also similar views of the person articulated by other African writers.²

From an appreciation of this metaphysical account of personhood, the concept of a person in Afro-communitarianism also expresses a moral claim (Metz, 2009, 51; Wiredu, 1992; Menkiti, 2004). To be human and to perceive someone else as being human encapsulates a moral response towards the other, a belief in their equal claim to respectful treatment and protection from harm. This means that this metaphysical conception of the self has inevitable implications for ethical theory. A good relationship between people, which includes mutual respect for human dignity, is seen as a fundamental moral goal.

Tutu's metaphor of the rainbow nation, through an affirmation of difference and celebration of diversity, is a way of understanding the type of community at stake. It is diversity of opinions, cultures and interests which allows development and growth in the community. This celebration of difference requires equal power relations between different parties in order for the diverse views to add to the society's

² For examples see Kwame Gyekye, "Person and Community in African Thought," p. 317, and Kwasi Wiredu, "The Moral Foundations of an African Culture," p. 307, in P.H. Coetzee, and A.P.J. Roux (eds.), *Philosophy from Africa* (Johannesburg: International Thompson Publishing, 1998), 317-336.

development of values. Without the recognition of the other as equal, their views and contributions will not be valued as much as is necessary for the ideal of the rainbow nation. If all parties are recognized as equal in this exchange and dialogue, it is possible to have a continuous conversation about how to reconcile the different opinions, cultural beliefs, and worldviews present in a multi-cultural society in a practical way. This is not meant to lead to the creation of a homogenous society, but rather a society in which the human rights of *all* are respected and allowed to materialize *within* the context of different cultures, perspectives and worldviews.

Within this possibility for ethical interplay between universality and difference we see that 'in advancing the good of the community, the individual's good is concomitantly advanced precisely because the community's and individual's goods are not radically opposed, but interwoven' (Eze, 2008, 388). It remains important to note that it is *relationships* that are deemed to be of moral importance, and that relationships require different parties in the relationship to be distinct in some sense, even though they are related, and even though their relationship constitutes their identity in some way. Thus, moral value can be seen as fundamentally residing in relationships between individuals, rather than in individuals themselves.

If a person sees the 'self' that they aim to realize as being diffused in some ways throughout their community, constituted by others and their relations with others (so that the self becomes a communal self which needs to be realized), then this self-realization or communal self could provide the justification for the need to promote harmony. This communal self need not mean that everyone will be 'the same', as might be suggested or implied by the notion of a common identity—think of the different parts of the body and that it needs different organs and limbs to function.³ In the same way, we can say that a communal self needs to have diversity in order to function well. The focus needs to be on the health of the different organs, as well as a harmonious relationship between the different organs that they function together well.

³ I am indebted to Michael Onyebuchi Eze for this example.

The good which has fundamental moral worth, then, in terms of this communitarian understanding of the self, is the realization of community, and an acknowledgement of the important emphasis on developing moral personhood found throughout the literature on *ubuntu*. It is then not personal fulfilment as an individual aim that is required, but rather the recognition that personal fulfilment as a *communal self* is the ultimate aim. As the individual and the community are seen to be so intricately interrelated, self-realization and flourishing include community realization and flourishing, or, in other words, an individual cannot flourish in a non-flourishing society, and therefore the ultimate goal ought to be a flourishing (and 'self-realized') society. The aim, however, is still self-realization and thus working towards a flourishing self; consequently this ethical theory can still be understood as being at its core a 'virtue ethic' — the difference is that this self is a communal self.

Thus, the Afro-communitarian ethical theory which I will employ when talking about reconciliation will be *communal self-realization through the promotion of harmony* the idea being that it is the collective self (which is the proper object of virtue) which justifies and grounds the importance of harmony. It is my contention that this view holds substantial implications for the concepts of responsibility, justice, forgiveness and humanization and their relation to reconciliation, if this ethical theory forms one's foundation.

An Afro-communitarian Conception of Reconciliation

Reconciliation in the Afro-communitarian view I will be defending is part of promoting and maintaining what is necessary for a flourishing society, the aim of *collective virtue*, and thus constitutive of personal and societal flourishing. Understanding 'being human' as a collective, communal enterprise has implications for how responsibility, justice, forgiveness and humanization are conceptualized. These implications will be summarized below with regard to these cognate concepts and to reconciliation.

An Afro-communitarian conception of the self would lead to a very different conception of responsibilities and to what would be needed, in terms of responsibility, for the reconciliation process.

Responsibility for structural and collective crimes would be expected from individuals as well as from society, and would require recognition of collective or shared responsibility. According to the Afro-communitarian approach to responsibility, agents and their moral responsibilities are necessarily related to the community in which the individuals find themselves. As the community creates the person, the person is dependent on the community. Agency is formed by the community in central ways. According to this understanding of the person and of morality, moral responsibility can therefore not be merely individualistic. In some ways there has to be responsibility for the collective—and this then needs to be shared among the members of the group. The collectively responsible agent is not ‘trans-individual’ but rather ‘relational’.⁴ The agent is a collective agent, not in a strange metaphysical sense, but rather in the sense that all the individuals in the community are related and their relationships constitute this collective agent. Thus, their relationships also constitute its collective virtues or vices. As an Afro-communitarian conception of morality situates moral value in relationships and the consequent communal flourishing of these relationships, and not primarily in individuals, it would necessarily follow that the collective (the community), as well as the individuals who constitute the community, needs to take responsibility for building harmonious relationships. As re-building harmonious relationships after a crime has been committed that affected the community—and thus also individuals within that community—requires accountability for these harms, it is necessary to evaluate what such responsibility entails conceptually. As the person is understood from an Afro-communitarian perspective, this view expects *more* from the individual in terms of taking responsibility for, and acknowledging complicity in, collectively (as well as individually) perpetrated harms than would be expected under an individualistic understanding of personhood. Once it is established that taking collective responsibility is necessary for promoting reconcilia-

⁴ For another account of a relational understanding of the collective moral agent, see Larry May’s *Sharing Responsibility* (Chicago: University of Chicago Press, 1992).

tion in the South African context,⁵ and if the Afro-communitarian worldview is one's starting point, this leads one to ask what that means in terms of justice.

Reconciliation "cannot be achieved without justice to the aggrieved party" (Cunneen, 2001, 97-98), and cannot occur if there is still a general feeling of injustice and non-accountability for violations. Discussions on justice and reconciliation often lead to an appeal to 'restorative justice', and it is generally accepted that the TRC process instantiated this type of justice. Though this paper supports the notion of restorative justice and affirms its links with African personhood as set forth by Desmond Tutu (2000, 51-52), it must be noted that, contra to what people have assumed about Tutu's understanding of justice, his account presupposes that restorative justice is never complete without reparation. This implies that the TRC process did not, in fact, instantiate restorative justice, as there were not proper reparations for crimes. Without reparations proper, no restoration has really occurred, as the society has not been 'restored' to a just society, either economically or otherwise. Part of the failure of restoration has to do centrally with the beneficiaries' failure to admit responsibility. Without the beneficiaries taking responsibility, the people harmed have not yet received the respect they deserve as equals. In other words, part of the 'restoring' in restorative justice is the restoring of human dignity, which needs to be addressed through reparations. Such reparations should include not only economic aspects, but also other social programmes which would allow for all citizens to regain their human dignity and self-esteem (which would exclude the perpetuation of both the inferiority and superiority complexes as set out by Franz Fanon in *Black Skin, White Masks*).

Restorative justice requires responsibility to be taken by the perpetrator and beneficiary groups for the harms which transpired, and so we can see how considerations of justice support my earlier remarks regarding responsibility. Whereas both retributive and rehabilitative justice can transpire without responsibility being assumed on the part of the perpetrators (and/or beneficiaries) of harm, restora-

⁵ See my article "Group Responsibility in the Aftermath of Apartheid," *South African Journal of Philosophy* (2008), 27(4) for an in-depth discussion on race, group responsibility and apartheid.

tive justice *requires* that responsibility be taken by people for their part in, benefiting from, or inheriting gains from injustice and harms, and that the groups involved act on this sense of responsibility.⁶

Collective responsibility is required for justice and reconciliation according to the principles of Afro-communitarianism; this duty explains why many black people feel anger and resentment towards the white population in the present socio-economic context within which such a collective sense of responsibility is largely absent. This is especially the case as forgiveness was conditionally extended to some perpetrators of apartheid crimes.

Afro-communitarianism requires forgiveness from victims, in order to open up the possibility of a relationship with perpetrators and beneficiaries of harm. This relates back to the necessity for acknowledging responsibility, as a recognition of responsibility on the part of perpetrators/beneficiaries is what completes the 'circle of forgiveness'. The concept of forgiveness, when understood within an Afro-communitarian framework, denotes a central mechanism of humanization through opening the possibility to 'become wholly human' after harm has undermined the humanity of both victim and perpetrator. Humanization lies at the core of the Afro-communitarian worldview, and is the common thread and justification behind the understandings of justice, responsibility and forgiveness implied by this view. It requires an act of imagination to attempt to understand the depth of emotions involved in another person's relationships. After all, what makes us human, according to Afro-communitarianism, is our capacity for the meaningful interpersonal relationships we are necessarily entangled in. As such, seeing the other as human requires seeing them in terms of their complex relationships with other humans and with their world.⁷

⁶ For a more substantive discussion on the issues of reconciliation and justice, see my article "Afro-Communitarian Implications for Justice and Reconciliation," in *Theoria* (March 2016).

⁷ For a more substantive discussion on the Afro-communitarian conception of forgiveness, see my article "Afro-communitarian Forgiveness and the Concept of Reconciliation," *South African Journal of Philosophy* (2015), 34(3).

The humanization of self and other⁸ (in the context of the Afro-communitarian understanding of personhood) is required for addressing the 'inferiority' and concurrent 'superiority' complexes as diagnosed by Franz Fanon and Steven Bantu Biko. These complexes reach deeply into individual and collective psyches and identities; hence, political solutions which do not address these deep-seated issues will be inadequate.

The nature of reconciliation from an Afro-communitarian perspective, therefore, provides a model of reconciliation which centrally requires humanization of all the groups involved, and a transformation of their particular identities into a new group identity, which includes the former enemy group. Note that this does not imply the loss of particular ethnic and cultural identities, as long as these ethnic and cultural identities do not have a particular dehumanized understanding of others as a central or ineradicable feature. In fact, differences between individuals and groups need to be fostered and celebrated, as long as they are compatible with the 'becoming human' of all others in society. The 'collective self' needs to expand to include everyone in society, in order for reconciliation to be complete.

Collective Rehumanization and Healing Societal Pathologies

As humanization is centrally about collective and political identities, according to the Afro-communitarian understanding of personhood, this means that humanization is the perfect tool to deal with the pathologies potentially inherent in some of these identities. To say that there is nothing left of the pathologies created by colonialism and apartheid, is to underestimate the psychological impact of both, and there is ample evidence that the scars of colonialism and apartheid have not yet healed in the collective psyches of the groups involved. I explain here how it might be possible, through the humanization process, to deal with, and perhaps even eventually heal, the 'inferiority' and 'superiority' complexes as diagnosed by Franz Fanon.

⁸ For a more substantive discussion on humanization, see my article "De- and Rehumanization in the Wake of Atrocities," *South African Journal of Philosophy* (2009), 28(2).

In order to address these pathologies, I propose Afro-communitarian humanization as a possible avenue for the societal therapy essential to overcoming them and starting the healing process. What makes us human, according to Afro-communitarianism, is our capacity for meaningful interpersonal relationships in which we are necessarily entangled. The capacities of the imagination can, and should, be utilised in order to attempt to understand the depth of emotions involved in the other person's relationships, which are a direct result of the complexity and depth of their inner lives as human beings. The imagination ought to be harnessed, and this should be done in conjunction with a continual critical assessment of our relations and specifically our relationships to each other as members of different races in South Africa.

Only the process of humanization will start to deal with these complexes, and until both inferiority and superiority complexes have been faced and addressed, they will continue to haunt our public and private psyches and relationships. Focusing on the depth of others' ability and capacity for meaningful relationships might allow us to remember that we are all members of the same community and that my flourishing depends on yours; and *vice versa*. The superiority complex can be related to the type of 'arrogant perception' that Isobel Gunnings argues can be overcome by the process of world travelling while the inferiority complex—which could be the result of a type of 'self-effacing perception'—could also be overcome through world travelling—but only in conjunction with starting to see the self and one's own 'world' as equal to that of others. Both of these complexes dehumanize, as the person(s) and group(s) who suffer from them cannot relate to one another on an equal basis. The fact that there is no possibility for establishing equal relations until these pathologies have been dealt with means that relationships will remain superficial, and *ubuntu* relationships (which embody shared identity and goodwill) would remain impossible. As healthy interpersonal relationships are the core of a society with collective virtue, such a failure means that society cannot flourish, which results in none of the individuals in society being able to flourish. In essence, that means there has to be a collective humanization project for racial reconciliation in South Africa. This is, at its core, what Afro-communitarianism would pre-

scribe and hence an Afro-communitarian conception of humanization would be very well suited to deal with these societal pathologies. As Desmond Tutu wrote,

We belong in a bundle of life. We say, 'a person is a person through other people'. It is not 'I think therefore I am'. It says rather: 'I am human because I belong'. I participate, I share. A person with *ubuntu* is open and available to others, does not feel threatened that others are able and good; for he or she has a proper self-assurance that comes from knowing that he or she belongs in a greater whole and is diminished when others are humiliated or diminished, when others are tortured or oppressed, or treated as if they were less than who they are (2000, 35).

The fact that social structures in South Africa at the moment still overwhelmingly benefit white people materially (and a few black people) is not the same as saying that this is good for them. It is not good for the people involved; this is what the humanization from an Afro-communitarian perspective draws attention to. Whites need to recognise that our ill-gained benefits have been bad for us, morally, have made us 'less of a *mensch*', and affect society as a whole. What makes us human is our capacity for love and the interpersonal relationships we are engaged in.

Advantages of Pursuing an Afro-Communitarian Conception of Personhood and Reconciliation

My aim in this paper has not been to argue that we ought to be Afro-communitarians in our moral lives as opposed to, say, Kantians or utilitarians. However, I would like to conclude the paper by highlighting some possible advantages of pursuing the Afro-communitarian view of 'human being' in future research. First, a few reasons why this understanding of reconciliation might be superior to those with a different moral framework are suggested from some empirical evidence in social psychology. Second, I reiterate how projects such as this one might support and work towards the decolonization of the

mind and intellectual landscape, as prescribed by Ngugi wa Thiong'o (1986). Finally, I review the ways in which this project can allow for a productive analysis of some contemporary misunderstandings and complications that still afflict the reconciliation project in South Africa.

African Ethical Theory in Post-Conflict Situations

One of the reasons why an Afro-communitarian framework might prove useful in our projects of trying to reconcile societies in the aftermath of protracted conflict is that it can take into account some of the empirical evidence about the importance of *situation* in identity formation.⁹ This is particularly important in contexts of protracted conflict and warrants further attention. It follows that the Afro-communitarian understanding of reconciliation might be superior to those with a different moral framework in taking into account some empirical evidence in social psychology.

Taking into account empirical evidence which suggests a strong connection between conflict and both individual and group identity, I propose that an Afro-communitarian conception of personhood cannot only take the implications of this into account, but also can offer a coherent explanation for why identities are affected in this way by protracted conflict. Research on identity formation in social psychology supports the claim that identity is formed in response to one's social context, not only in cases of protracted conflict, but in general.¹⁰ As this is accepted as a truism in much social psychology, I will not spend much time defending the plausibility of this claim. One example of how identity is formed in relation to context is the acceptance of, and identification with, specific social roles within a situation of conflict and how the identification with specific social roles creates and sustains (or breaks down) individual and group identities.

⁹ I do not claim that Afro-communitarianism is unique in this regard, merely that it does have this feature in its favour.

¹⁰ See, for example, the *Journal of Adolescence*, Vol. 19, Issue 5, pp. 401-500 (October 1996), for theoretical as well as empirical research on the importance of context for identity formation.

Conflicts affect individuals and their sense of self, their group as well as their collective identities. In conjunction with the empirical research which supports Daniel Bar-Tal's conclusions,¹¹ the landmark Stanford Prison Experiment is a good example of how individuals take on identities in accordance with assigned social roles.¹² In this experiment, university students who volunteered for the experiment were randomly assigned the role of either 'guard' or 'prisoner'. It became clear after only a few days that the assigned roles became integral to the student's identities when they were in the mock prison environment. All parties acted in accordance with their assigned roles, so much so that the experiment had to be prematurely terminated, as the guards were becoming extremely abusive towards prisoners. This is relevant in terms of what seems to be the acceptance of, and total adherence to, the particular ascribed social roles. Setting up social roles in terms of conflict with others means that the agents adopting those roles take the socially prescribed conflict and contrast between self and other as central to their identity in that situation.

It is interesting to note from such research that people who have an overly individualistic understanding of themselves and others ('idiocentrics' as Harry Triandis, 2001) calls them) could be mistaken when citing individualistic reasons for their actions and behaviour. They could be mistaken in what is actually the motivation behind their actions, as they fail to take into account how their social embeddedness affects their choices. In other words, it seems that individualistic cultures and idiocentric people are mistaken about the types of creatures humans actually are. Note that the experiment took place among individuals already embedded in a community with morally problematic enactments of the roles of guards vis-à-vis prisoners, so the students enacting this are simply enacting the communal roles expected of them. This means that the experiment can challenge the narrative of the primacy of the individual in Western societies and

¹¹ Daniel Bar-Tal has done empirical research which supports this claim. See, for example, Bar-Tal et al., "Intergroup Biases in Conflict: Reexamination with Arab Pre-Adolescents and Adolescents," in *International Journal of Behavioural Development* (2007), 31 (5), pp. 423-432.

¹² See Phil Zimbardo, *The Lucifer Effect: Understanding How Good People Turn Evil* (New York: Random House Inc., 2008).

show, instead, that there are many more communal tendencies in our societies than Westerners are willing to admit. As Triandis claims, idiocentrics tend to use character traits and robust internal dispositions in describing others and themselves, while allocentrics (people who have a communitarian understanding of personhood) tend to refer to 'context, situation, and group disposition' (2001, 914). According to social psychology research, the allocentric's perception of reality is closer to how things actually are; we are the types of creatures that respond to context and, for most of us, our behavioural traits are not robust across situations.

This research, which claims to have proven that we do not have a robust character across situations but rather that the situation is extremely relevant in determining our behaviour, seems an incredibly important point to take into account when discussing reconciliation. It seems that when people are given a certain role, they take on this identity as it is ascribed to them and so in conflict their roles as 'enemies' affect (or even determine) the behaviour of the groups towards each other. Specifically, for my purposes, many individuals' identities become dependent on their roles in protracted conflict.¹³ The cause fought for might have become so central in the person's identity that holding on to the conflict stands as a way of not facing the void with which the agent might be left if peace and political reconciliation were to be negotiated, unless their identity is reforged. In other words, for many people in a protracted conflict, the conflict itself becomes so important that they define themselves through the conflict. One might object that, from looking at the implications of The Stanford Prison Experiment and other social psychology experiments, identity formed in conflict can be easily shrugged off, as it seems the 'guards' in the experiment did as soon as they left the mock prison environment and were no longer interacting with the 'prisoners'.

To relate this to the real world of conflict, however, it would be a mistake to conclude that once a peace treaty has been negotiated between the two sides of a conflict, the identities of the groups and their constituent members will become separated from the conflict and the roles they see themselves and others as having played in this conflict.

¹³ This refers back to Daniel Bar-Tal's research mentioned above.

Unlike the experimental environment of the Stanford prison, the people involved in protracted conflict have formed most, if not all, of their social roles and constituent identities in relation to the conflict, and have a long and entrenched background of having done so. The formation of identity and the important role that cultural and group history and collective memories play in the formation of group identity, and the fact that individuals become so absorbed within their groups during protracted conflict, mean that the negotiating of a peace treaty will not change the underlying situation significantly, as a peace treaty leaves the situation mostly intact. This is so since the 'situation' in a protracted conflict includes the historical existence of the conflictive ethos and this can, as history, not change significantly apart from *seeing it as* something else. In the case of the Stanford prison experiment, it was easy to end the experiment, pack away the props and change the situation completely.

In real-life situations of protracted conflict, it is not so easy to 'pack away' the things which have propped up conflict—things such as stereotypes of the other group, and structural and economic disadvantages—as these are structurally embedded within the present situation. People are enmeshed in bias-generating circumstances which partially fuelled the conflict, and a situation would need to change substantially in order for bias to disappear. The fact that there is a certain context and structural features at play means that a certain identity has been created and this identity cannot change until structural features change significantly.

The identities of the next generation of people within a protracted conflict (or in its aftermath) do not escape these prejudice-producing circumstances. They are either similarly entangled in the same (prejudice-producing) social situations, or in a 'new' (new in its instantiations, still the same in its causes) set of prejudice-producing circumstances. Some of the structural features would include the response others have towards people who are perceived to be of a certain group, as well as ways in which the person views and understands her situation in this context, which would include beliefs and collective memories of victimhood.

In accordance with the understanding of how identity is created through our situation, it seems that the very broad categories of con-

text self- and other-evaluation according to preconceived stereotypes and structural features of the social situation would all need to be addressed when reconciliation is sought. This can be linked to the view of an Afro-communitarian ethic, which perceives society as a communal moral agent. According to this view, there needs to be a change in society as a whole, as individuals can only be moral in a basically moral society. Examples of the atrocities that individuals commit under criminal and immoral social orders support this insight.¹⁴ To claim that all that needs to be done in order to achieve reconciliation after the collapse of an oppressive and conflictive social order is its replacement with another and better one is to assume that the mere discontinuing of moral atrocities equals a restoring of the moral balance.

This, however, goes against all our common sense intuitions in our day-to-day lives, which seem to require, at the very least, apologies, forgiveness and/or punishment in order for a moral balance to be restored. It is naïve to think that, once the atrocities have ceased and the immoral social order has collapsed, the situation has returned to, or has turned into, a context in which people are reconciled, or that their current identities would not be informed by the events which have transpired. In other words, to expect that abstract changes to situations (such as the recognition of equality under the law) are enough to rectify all aspects of an unjust racial order or enough to reconcile groups; while inequalities with regards to life expectancy, education and so forth continue is not realistic.

The Afro-communitarian understanding of the person, which postulates a collective personhood and virtue, is able to explain why the context is so important to take into account for virtue, and therefore flourishing, to manifest. If the context is not changed sufficiently, the lingering identities of victim and oppressor could simply keep changing dominant roles, unless there is a true forging of a new collective identity which supersedes the old group identities.

A second good reason for pursuing an Afro-communitarian understanding of personhood is that such projects might support and

¹⁴ I have in mind such atrocities committed by individuals and groups under the command of a criminal state such as in, for example, Nazi Germany and apartheid South Africa.

work towards the decolonization of the mind and intellectual landscape (Ngugi wa Thiong'o, 1986). The Afro-communitarian account of reconciliation is able to focus on and deal with the issue of identity transformation integral to reconciliation, and instantiates philosophy as therapy in the postcolonial African context.

Pedro Tabensky (2008) argues that African philosophy has a distinctive aim, namely the restoration of social and personal health. I believe that this can be related to empowerment through articulating philosophical positions which take the context and cultural particularities of African places into account, and thereby reclaim the intellectual space denied to Africa during the racist project of colonialism. This can also be articulated as a decolonization of the mind.¹⁵ Interestingly, this makes the project of African philosophy, as a whole, reconciliatory.

According to Tabensky, what is usually referred to as 'Western philosophy' has as its primary aim the search for truth. African philosophy likewise also aims at truth, but puts the search for truth to work in its main project of the restoration of social health. It could also be, however, that instead of the thin notion of 'truth' at work in much Western philosophy, truth is about the whole person, the whole community, and the health of both. In other words, it could be argued that the truth sought in African philosophy is a deeper truth about us in our individual, communal, historical and psychological complexity than Western philosophy can permit, and which shows up conventional Western philosophy as overly simplistic.

This paper forms part of a project of African philosophy which has as its aim the restoration of health lost through the colonial heritage of violent oppression and exploitation by way of exploring the truths articulated within the context of Africa with regard to reconciliation. The paper intends to focus on the postcolonial context and to be an instantiation of how philosophy can cast new light on the problems which arise as the effects of the continent having had a rupture with its past when the colonial project so violently, yet indifferently,

¹⁵ This term was coined by Kenyan writer Ngugi Wa Thiong'o and forms a central part of his argument in his book *Decolonising the Mind: the Politics of Language in African literature*.

carved the continent up into pieces of the pie meant for European consumption.

An Afro-communitarian view of the person seems reasonable (as seen from the empirical evidence of social psychology experiments in this paper) and desirable, as it fosters community and harmony, which are good for societal and individual mental and social welfare.

Political analysts and philosophers might object that this project is too idealistic, and that such a maximal understanding of reconciliation as I have endorsed will only serve to make people more cynical about the possibility of practical reconciliation. However, I believe that this account emphasizes exactly how difficult it is for a society to be reconciled after protracted conflict, and yet it offers an account of how this might still be possible. Though many of us do not currently adhere to the Afro-communitarian worldview that underpins this account, it might be possible for us to critically and reflectively learn to do so.

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Everyday Justice: African Populism and Caring Transitional Justice in Rwanda

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In response to genocide in Rwanda, the international community emphasized criminal justice in the form of the International Criminal Tribunal for Rwanda (ICTR) as a fundamental component of post-genocide transitional justice. While the ICTR has created important legal precedents, the question of its impact in Rwanda remains open to debate. In addition to the ICTR, other transitional measures such as national court cases, *gacaca* community court cases, training of conflict mediators, and shared planned communities have been adopted within Rwanda, though much of the research focus is on legalistic mechanisms such as *gacaca*. While talking with victims/survivors in Rwanda, something that was of particular note was the limited discussion of legalistic measures. Individuals who did discuss legal measures tended to be lawyers themselves, or worked in the legal field, and they discussed both the accomplishments of international legal precedents from the ICTR, as well as the limitations of the law. Others, who did not mention legalistic measures, highlighted concerns of everyday life: Can my perpetrator and I interact with each other peacefully? Am I limited in my job prospects because of the nature of my injuries from genocide? Can I provide for those around me who depend on me?

This suggests a gap between the international and local perceptions of the topics, areas, and subjects of transitional justice. Addressing this gap requires that the complex justice claims made by local voices are heard and prioritized, that alternative theories are considered alongside the dominant international preference for Westernized legal justice as the primary response to injustice, and that more holistic conceptualizations are utilized so that space for local responses is encouraged. In this paper I consider the ways that transitional justice is transformed when taking seriously the contributions of alternative philosophical approaches, such as feminist care ethics (exem-

plified by the work of Joan Tronto) and African populism (exemplified by Claude Ake, Mueni wa Muiu, and Godfrey Mwakikagile). In addition to the conceptual discussion of the justice of transitional justice, I also—following the prioritization of local voices demanded by both care ethics and African feminism—include data collected from interviews in Rwanda and at the ICTR in Arusha, Tanzania. These interviews provide some insight into how participants evaluated national and international transitional justice, and what they counted as aspects of transitional justice in daily Rwandan life. Combining ethical theory, populist thought, and practice in this way has highlighted the importance of conceptualizing transitional justice holistically, rather than primarily as legal criminal justice.

Transitional justice refers to mechanisms and processes intended to address past human rights violations after conflict or regime change (Elster, 2004; Hinton, 2010; Kritz, 1995; Teitel, 2003). The ICTR is an example of such a measure, as is the Rwandan use of *gacaca*—a version of community justice revised for genocide cases in which Rwandans would come together as a community and hear testimony from accused perpetrators as well as the victims/survivors of genocide (Clark, 2010; Temple-Raston, 2008). It is based on traditional conflict-resolution mechanisms, but has been revised to apply to genocide cases by including elected judges, who make a ruling following the community discussion. Another potential mechanism of transitional justice is truth commissions, such as the South African Truth and Reconciliation Commission (van der Merwe and Chapman, 2008; Graybill and Lanegran, 2004; Hayner, 2001).

Coverage of these approaches often includes a focus on legalistic aspects, such as whether or not perpetrators who testify will be given amnesty from legal prosecution, and is often framed in contrast to legal trials. With the creation of the International Criminal Court (ICC), the preferred method of the international community seems to be legal prosecution as a primary component of transitional justice. Legal trials at the ICC have created important legal precedents, just as the trials at the ICTR have done. Still, the thought that these cases make a vital impact on local experiences, or local perceptions, of justice is debatable. These trials take place far from the sites of atrocity, and it is difficult to have the time to access all the legal information at

the trials, let alone fully understand the legalistic rules that govern acquittals or reductions in sentences for well-known perpetrators such as Bagosora Théoneste (*Bagosora v. Prosecutor*, ICTR-98-41-A).

Something notable about the interviews in Rwanda¹ was the overall satisfaction with recovery after genocide, despite the pain, injuries, psychological trauma, and economic challenges still experienced by victims/survivors.² Also remarkable was how rarely research participants talked about the ICTR or *gacaca* when discussing justice after genocide. The assumption of international criminal law experts of a correlation between legal cases and local experiences of justice is in need of further questioning. During interviews many more participants described the everyday strategies of living together, and the challenges associated with limited job prospects from economic disadvantage that preceded the genocide, rather than any legal approach. The title of Jennie Burnet's latest book, *Genocide Lives in Us: Women, Memory, and Silence in Rwanda* (2012), highlights this idea. As a woman she interviewed talked about the genocide as "living in us" [victims/survivors] long after the genocide itself stopped. This phrase came up as they discussed another survivor's/victim's experience

¹ Preliminary fieldwork in Rwanda was conducted in June 2009 with the aid of University of Nebraska-Lincoln Department of Political Science Senning Summer Research Fellowship. Subsequent fieldwork was undertaken in Rwanda from October 2011-July 2012 thanks to a Fulbright U.S. Student Grant. Research in Rwanda focused on 119 individual participants associated with 51 organizations, along with observations of NGO and government projects pertinent to the research.

Research in Rwanda conducted under permission No. MINEDUC/S&T/0060/2011. I would like to thank the Department of African Studies of The Pennsylvania State University, allowing me to present an earlier version of this paper, and for the many helpful comments offered on that draft. This paper would not have been the same without such excellent feedback. I would also like to thank the Department of Political Science of The Pennsylvania State University for its support to present this research at the International Society for African Philosophy and Studies 2015 Conference.

² Throughout the paper I will use the phrase victims/survivors to signify the different identities claimed by various victims/survivors. Where I use only one term, it signifies the preferred identity or term used by an individual or organization.

with continued problems with blood pressure and exhaustion (Burnet, 2012, 10).

Based on these sorts of complex justice claims that include more than legal justice alone, I argue that legal transitional justice measures are not sufficient on their own, despite the important work done by the tribunals and *gacaca*. Instead, reconceptualizing transitional justice to address the complex justice claims made by victims/survivors is more appropriate. Doing so can help us better understand what victims/survivors consider successful transitional justice, what victims/survivors experience as the justice of transitional justice, and what work still needs to be done as transitional justice, even when that work is not legal justice. This is because at the heart of this issue is the question of the justice of transitional justice. I argue for a reconceptualization of transitional justice in Rwanda using caring transitional justice philosophically informed by care ethics and African populism.

Basic Tenets of Care Ethics

To understand the theoretical reconceptualization of transitional justice envisioned through this paper, it will be helpful to look at the basic tenets of care ethics as well as the specifics of Tronto's care ethics. This will be followed by an examination of the basic tenets of African populism. When applied to transitional justice, the transformative potential of care ethics and African populism makes it possible to better conceive of holistic responses to past and lingering experiences of atrocity: so that there can be some feeling of justice, since it would be difficult to demand complete justice after genocide, as well as helping us to better understand research participants' responses, which were much more inclusive in their discussions of what counts as transitional justice. After these introductory comments, their impact on reconceptualizing transitional justice will be considered in the case of Rwanda.

Care ethics began as a discussion about a dichotomously paired ethics of justice and ethics of care. Gilligan's (1982) work in child psychological moral development found that more girls spoke about ethics in a different voice, a discovery made when including girls in study samples as opposed to all boy samples traditionally used in

Kohlberg's study of moral development. This has led to the field of care ethics in feminist philosophy and political theory, albeit with a range of varying clarifications. Gilligan noted that girls tended to see a posed moral question from a perspective of relationships to others based on questions of care, whereas boys tended to view the question from the point of view of adherence to rights and rules based on conceptions of legal justice. The rules-based response given by more boys in the study was labeled an ethics of justice by Gilligan. The concept of an ethics of care emerged from the girls' responses, which focused more on relationship and interdependence than did the boys surveyed by Kohlberg. There were, of course, boys who utilized an ethics of care, girls who utilized an ethics of justice, and mixtures of the two ethical approaches utilized by the children to address the problem posed. In later work, Gilligan suggested that this did not mean that women were naturally associated with care ethics, but that both genders can and do display care concerns. Through the development of a care literature responding to internal and external critiques, care came to be seen as an ethical approach to which anyone can adhere, and as either opposed to or in relationship with justice.

Gilligan arrived at her argument about the ethics of care through experiments which put the Heinz dilemma to a mixed sample of children and compared the responses from the mixed gender sample to the responses given by boy-only samples used by Kohlberg. This formed the basis for his stages of moral development which include autonomy and legalized thinking as the ultimate goal of a moral development, said to be universally applicable but which was not replicable in a mixed-gender sample of children. In the Heinz dilemma, children were asked to consider what action to take when faced with a choice between stealing medication needed by a husband to treat his spouse's cancer but which could not be afforded, or finding some other solution. Sample respondents, Jake and Amy, reflected an ethics of justice and an ethics of care, respectively. Jake took the legal rights of individuals involved and balanced them against each other; while Amy took into consideration the impact that various responses to the Heinz dilemma would have on the relationships of those involved. This consideration led Amy to seek discursive, communal responses to the dilemma.

I want to investigate the conceptualization of care in slightly more detail than Gilligan, utilizing the Heinz dilemma and the children's responses as indicative of either an ethic of care or an ethic of justice. When care is placed more centrally as an ethical value, the question of the Heinz dilemma itself changes. The real Jake and Amy problem seems not to be their choice within the dilemma, but the existence of a world in which the Heinz dilemma is a dilemma. To get to such a point means there is, already, a failure of care within society. Care ethics when taken even more seriously, prioritize basic care needs. Care needs: which are required to live should receive priority. The Heinz dilemma, more simply, describes a failure of a community, in which the care needed to live is not politically prioritized. It is instead individualized as a choice between the spouses and the pharmacist, without consideration of larger social and political ethical obligations to care. This interpretation of the dilemma becomes particularly striking when those sampled reside in a country which has the resources to provide such care, and actively chooses not to do so. This is a direction in which Tronto's *Caring Democracy* (2013), along with Tronto's other work which has sought to ungender care and show it as an ethical behavior of humans generally, takes the discussion of care ethics. A just government would care for its citizens. Just citizens would care for each other. This is the transformative potential of care when applied to conceptions of government broadly.

Thinking about justice and care in this way, it is helpful to start with some basic tenets of care ethics. When I talk about care ethics broadly, I favor the broad definition utilized by Fisher and Tronto: "Caring can be viewed as a species activity that includes everything we do to maintain, continue, and repair our 'world' so that we can live in it as well as possible" (1990, 40). Fisher and Tronto discern four kinds of care activities, and Tronto adds a fifth in her latest work (2013): caring about, caring for, care-giving, care-receiving, and caring with. These are motivated by four kinds of ethical concepts: attentiveness, responsibility, competence, and responsiveness.

This definition of care ethics arose as care ethicists and others outside of care ethics have sought to clarify what it means to conceptualize care as an ethical value. Perhaps the largest divide in the literature is whether or not care is associated with women. While some em-

phasize care as a maternal woman's ethical perspective, or at least best modeled through maternal persons, male or female, others view care as an ethical approach available to all. Ruddick (1989), Noddings (1982, 2002), and Held (2006) to varying degrees emphasize mothering and women's care as a model from which to emulate ethical action. This follows an explanation given by Gilligan regarding why more girls tended to use the ethical voice of care: women tend to be in traditional care roles. Critics note that such an approach is problematic when the relegation of women and disadvantaged persons to caring work is indicative of their oppression (Dietz, 1985; Tronto, 1993). Tronto (2013, 10) explains that:

As the historical records shows, if one wishes to exclude some people from participating in democratic life, then the problems of care are easily solved. One assigns the responsibilities for caring to noncitizens: women, slaves, 'workingclass foreigners', or others who are so marked.

It is precisely women's and disadvantaged persons' association with caring that long excluded them from rights conversations, while those associated with rational rights and rules-based ethics were linked directly to political practice. Care ought not to be celebrated as a women's or feminist approach/voice simply because women or subordinated groups do care. There are things to be learned from such experiences in a rules-dominated ethical climate, but focusing on the ethics of care as a gendered alternative to purportedly masculine rules-dominated ethics unnecessarily and dangerously traps the potential of care in essentialist claims surrounding gender. When care is relegated as feminine in this way—as a woman's approach to ethics—it is care done unjustly, and cannot be considered an ethical activity or model for preferred ethical activity. That care is often done by women is not indicative of women's natural caring capacity, but instead indicative of the devaluing of both women and care.

Ungendering care helps us question gender relations. Ungendering care also helps us see care as the fundamental ethical guide that it is. All of us need care, have needed care in the past, and will continue to need care, albeit in ways that fluctuate throughout our lives. When

we experience failures of care, we conceive of such failures as injustice: abandonment, abuses against human dignity, and starvation in a world with a population of 7 billion which produces enough food to feed 10 billion people. Taking care seriously makes it a priority for all. Fisher and Tronto's definition is broad, but it is purposefully so. Human care needs are broad and vary across cases, but the ethical impetus of care remains a helpful way to understand our ethical relationships to each other, based on our shared interdependence. A just society would prioritize care as an ethical guide for social and political behavior: in short, a just society is a caring society. The problematic dichotomization of justice and care has inhibited the vital connection between care and justice. While justice, as rules-adherence, is prioritized over care, even the work of transitional justice becomes dichotomized in ways that neglect the actual care needs (and care demands) of those in whose name transitional justice efforts are undertaken.

This means that the seemingly important work, according to the international community prioritizing a dichotomized ethics of justice, is legal work, while other care needs apart from legal care—for legal work is, itself, a care need—are relegated as development. This relegation compartmentalizes care as something less important than the work of legal justice. When we take African populism into consideration, we will see that Ake (1994, 2000), Muia (2008), and Mwakikagile (2001) point out similar ways that compartmentalization takes place between legal democratization and development work which echo Western interests and are prioritized over approaches that reflect, respond to, and include holistic, non-compartmentalized local interests. Both care ethics and African populism emphasize the interdependence of humans with each other and their community; question Western theoretical compartmentalization between values such as justice and care; and between legal justice and economic/social justice, albeit in different ways and from different conceptual starting points.

The second debate in the literature on care ethics focuses on the relationship between care and justice. The relationship has been argued to be of varying degrees from dichotomously opposed, with care being a completely alternative ethical approach to an ethics of justice, to being interrelated. The two dimensions are framed as con-

tending in Gilligan's work. While Virginia Held has shown a division of care ethical thinking and Kantian ethics, which look like rules-based ethics/ethics of justice, Robinson (1999) seeks to demonstrate that care and justice do not have to be dichotomous. Much of the debate focuses on the perceived individualistic manner in which rules-based ethical decisions are made. Care ethicists emphasize the relationships involved, and stress that the demands of care are legitimate ethical claims which create a responsibility to reasonably provide care. I look at care and justice as deeply connected, and argue that the justice claims of victims of atrocity are not limited to legal concerns about rule-breaking, though legal claims are vital components. The sense of justice expected to be fostered during transitional can only be achieved by taking into account the full range of care needs and care demands of victims/survivors. This includes legal claims as well as non-legal care claims.

I see justice and care as connected ethical principles which have been separated and dichotomously opposed without good reason. In transitional justice this plays out negatively as the focus on the international level tends to be on international criminal tribunals alone, without enough consideration being given to participant care needs and their ability to participate effectively, or to broader community and grassroots care needs. If transitional justice is implemented with care, it could address these concerns better and so get closer to nurturing a sense that reasonable justice has been done.

Key Tenets of African Populism

Three factors of care ethics reflect many of the concerns of African populist thought: the call of care ethics to listen to holistic justice claims which include broad care needs, rather than dichotomizing and prioritizing the former as legal justice alone; the call to focus on power in care; and the call to prioritize local care interests. Yet these two theoretical approaches of care ethics and African populism are not often brought together. Combining them proves conceptually helpful in discussions of transitional justice as experienced locally, as well as determining what can count as transitional justice. African populism, in particular, brings a people-centered focus which requires the pri-

oritization of African voices in addressing African political problems and solutions challenges the prioritization of Western interests—which frequently dichotomize legal concerns and economic concerns; whereas local interests see connections between such concerns—and it emphasizes the importance of local needs. The philosophical emphasis of populism is the populace as the source of legitimate political knowledge and action. Much of the work of African populism has broadly focused on issues of governance or development. This emphasis on African solutions and on African voices guiding such solutions, applies even to transitional justice and refocuses the transitional justice literature on the victims/survivors in whose name such justice is undertaken. It also encourages a conceptual change in the legal language of justice being applied for a population towards a people-centered, caring language of justice as led by, directed and guided by locals making complex justice claims.

A key approach to African populism is outlined in the work of Claude Ake. Ake particularly emphasizes the way that even development, said to be undertaken to help Africans, is really Western-driven and limited to Western definitions of democracy, which are in turn vitally connected to a specific kind of market economy—particularly one that is open to exploitation by the West. In *The Democratization of Disempowerment* (1994), Ake provides a much more distressing explanation of the experience of democratization, as being one in which the African voter:

has to be ‘mobilized’, that is herded through voter registration, possibly placed in protective custody so she is unavailable to other ‘hunters’, and produced later to demonstrate the candidate’s popular standing and, finally, guided through the voting process and then discarded (21).

This description echoes concerns about ICTR witness treatment and regret about not being able to follow up with witnesses after testimony was provided to the tribunal, unless a witness was needed

for another case.³ Victims/survivors need to feel that some form of justice has been done (Zehr, 1990; Urban Walker, 2006), a hard task when they are contacted only to testify without any follow-up or future care for their needs arising from victimization.

Ake helps us see the divisions between local and Western interests, as well as the way these divisions are exported in Western-led development projects. Challenging this approach, Ake argues for a people-centered development which contributes to self-realization, and particularly highlights the dichotomy between democratization and development which, I argue, echoes the similar dichotomy between legal justice and care. This is most clearly seen as Ake explores what people-centered development changes about the people involved:

[T]he dichotomy between democratization and economic development arises only because the economic development had been misconceived and perverted to an exercise in alienation rather than an emancipator experience, and, hence, a democratic project. Development is a process of self-realization, and it is so only in so far as the people are the means and the end of development. The self-development of ordinary people is democratization at its most concrete and most profound (2000, 173).

Similarly, combining this populism and care ethics helps us to see that transitional justice is only able to contribute to local experiences of justice—a feeling that justice has been reasonably done—in so far as the people are the means and end of transitional justice.

Regarding the care critique of traditional Western conceptions of justice as being limited, African populism joins the care critique and highlights the dichotomization dominant in Western thought which brackets select portions of people's lives that cannot be reduced to abstract legal principles or solely rules-based principles without consideration of relational responsibilities and connections between

³ Interview, ICTR (May 2012). Note that interviews with personnel of the ICTR were personal interviews, and do not reflect any official position of the ICTR or the United Nations.

people. If we read Ake's points on the need for law to be relevant to social experience with transitional justice measures in mind, we find additional cause to seek to reconceptualize transitional justice as broader than legal or legalistic justice alone:

Although advocates and scholars of democratization do not seem to be concerned by the formidable problems posed by the received practice of democracy and legal systems that alienate instead of inculcating the reassuring feeling of being secure in freedom and in the consciousness that the social order is predictable and just, ordinary people are acutely aware of this problem because it oppresses them (2000, 178).

This emphasis on law needing to be relevant to social experience is, I think, telling about the problematic dichotomy between legal aims and other goals. It is not the case that there is no desire for law or tribunals. In fact, many victims/survivors do want trials. The question is how trials are conducted, and what else is done to respond to other, non-legal justice claims related to the atrocity to which transitional justice is intended to respond.

The importance of a people-centered approach is highlighted in Ake's work, and the need for such an approach to apply in transitional justice is clear. It is also echoed in Muiu's (2008) research on liberal democracy as problematically applied in South Africa. Muiu argued for local contexts to be prioritized, rather than assuming a one-size-fits-all model of liberal democracy. Specifics of how to apply people-centered development and people-centered approaches are expanded in the work of Muiu and Mwakikagile. Muiu and Martin's *Fundi wa Afrika* highlights ways for local direction to be prioritized, for local needs and interests rather than Western interests to guide political action. In particular, Muiu's work points to local non-governmental organizations as leaders and partners, to women's involvement and development, and to the incorporation of traditional cultural practices that can give social meaning to contemporary political practices. She is particularly interested in retaining elements of indigenous African institutions that are still functioning. Through this, social meaning and local ownership are encouraged.

In addition to Muiu's emphasis on local interests and local institutions, Mwakikagile particularly warns against external interests and non-people focused internal interests. In other words, he is concerned both with Western interests that are not in accord with local interests, and local leaders who are not focused on the people's interests. His work focuses on leaders listening to the people, the people having spaces to engage with leaders, and increasing local financial control as much as possible. Mwakikagile argues that "[n]ational development is fueled from within, not without. Foreign investment should never be considered to be the primary source for Africa's economic growth" (2001, 236). All of these perspectives point to the need for people to be the basis for all interventions: international or national.

Together, these African populist writers seek to prioritize the people of the various African states as the rightful focus of political, economic, and social activities of those states, rather than external Western interests, or leaders focused on their own interests rather than the interests of their people. In short, to the questions of care ethics: who gives care, to whom is care given, and who shares in giving care? Their answer is: the people. Connecting this with transitional justice, we are left with no other suitable response than insisting that caring transitional justice is locally led, locally focused, and responds to complex local justice demands—even when those demands are more expansive and less dichotomized than external actors expect. These African populists' emphasis on African solutions to African problems, and African voices guiding such solutions, applies even in transitional justice. The importance of approaching transitional justice with a reconceptualized understanding of the importance of care and populism is evident when considering the case of Rwanda through this new lens.

African Populism and Caring Transitional Justice in Rwanda

During my first experiences in Rwanda in 2009, I noticed not only how rarely people talked about the ICTR when discussing justice after genocide, but also how often they talked about local experiences as transitional justice, even when these did not include traditional mechanisms such as courts, *gacaca*, or direct conflict mediation initiatives.

On the basis of a focus which prioritizes Westernized legal approaches as the primary response to atrocity, this would seem surprising. Taking the philosophical insights of care ethics and African populism into account, it becomes quite clear why complex local needs beyond exclusively legal needs would be conceptualized as aspects of transitional justice by research participants. Both approaches emphasize the importance of needs. Care ethics does so by highlighting the interdependence that is common to all of us, since many of our needs require others to be fully met—they may in turn require our care to meet their needs or the needs of some other person to whom we can pay our received care forward. African populism highlights needs by demonstrating the importance of community, across various African contexts and rooted in various local traditions, in the development of individuals within the community who, in turn, contribute back to the community that has provided for his or her needs. In care and African populist contexts, responding to atrocity requires a holistic approach that addresses the complex needs associated with the experience in question.

These contexts also highlight the depth of the wrong experienced. It is not in the breaking of the law that the horror of genocide is experienced; it is in the failure to care for the humanity of others, the failure to honor other community members as community members, and in the betrayal of the community—particularly in cases where perpetrators and victims/survivors were closely related before the genocide. Transitional justice in everyday life, then, needs to respond to the laws broken as well as to the needs which arise from injury, and repair the community destroyed during the genocide. Understanding the philosophical contributions of care and African populism towards conceptualizing transitional justice helps us to understand just how complex are the needs of the victims/survivors and the community to be repaired after atrocity. Such understanding also challenges the tendency to dichotomize some of these claims (as development claims or social justice claims that are separate from legal transitional justice claims) when they are, in fact, fundamentally related to the full spectrum of needs at the heart of the justice of transitional justice.

Even when victims/survivors discussed *gacaca*, it was typically in the context of social experiences: (1) healing, for lack of a more

appropriate word, as neither solely healing nor solely recovery really indicates the impacts of atrocity that last even as people continue on with their lives; and (2) job training, along with job opportunities that made it possible for the person in question to feel ready to give testimony in *gacaca*. For example, during that first visit to Rwanda I was part of a group that was able to meet with Rwandan survivors of genocide who worked in an organization aimed at helping women with HIV/AIDS by providing access to medical services and employment opportunities. As I was interested in transitional justice, I was curious what these women thought about various measures in place to advance justice such as the ICTR, the Rwandan national courts dealing with particular genocide cases, and *gacaca*. Their interaction around such measures of transitional justice, particularly *gacaca*, was profoundly telling. Rather than talking about the legal mechanisms, their focus was on the care that made it possible for them to sufficiently address what could qualify as care needs, so they could better participate in *gacaca*, but even more importantly, the care that made it possible for them to live their daily lives. This included the medical aid of the organization; their financial earnings, stemming from their job training, which made it possible to provide financially for their family; and, regarding *gacaca*, the informal counseling received from a member of the *gacaca* courts who accompanied some of the women to select *gacaca*. In many cases, it was the care activities of NGOs, family members, other women in the NGO, or the community that made it possible for them to feel that they could participate.

The impact of activities that provided care and responded more to these women's complex justice claims rather than legal justice alone was vitally important to these women's stories. Similarly, experiences that were people-focused—with the emphasis on their social well-being, their economic ability to contribute to their family, and their capacity to meet the needs of their daily lives—were prominent in their stories of transitional justice. Their experiences were not always the romanticized reconciliations that tend to be highlighted in transitional justice literature. Such experiences are possible, and incredibly meaningful, but cannot be the absolute measure of local experiences of transitional justice. Just as other ideas have been dichotomized, there seems to be a dichotomized view of recovery: as tales of deep

friendships between perpetrator and victim/survivor, and, failing to find such friendships as a sign of failed transitional justice or a purported dichotomy that Meister (2012) criticizes: i.e., the morally undamaged victim and the blameworthy one. In some ways, these views seem to reflect the Western impatience to move forward.

The push to close the ICTR was evident in the years soon after it opened: How much longer will this Tribunal really continue? How long before people move on? This focus on idealized expectations ignores or bypasses alternatives. De-dichotomizing approaches can help us see that sometimes the experience is not ideal, but people are able to live together. This phrase is the theme that came up most often throughout interviews in Rwanda: “we live together.” For example, one victim/survivor described repeatedly asking perpetrators where the bodies of loved ones are, and continuing to live together in a community, even though they are not told where the bodies are, since each side knows the other cannot harm them now (Interview, April 2012). Others mentioned walking in the same village with their perpetrators, or other daily encounters. Surprisingly, many victims/survivors who had ongoing economic concerns related to discrimination before the genocide which left them with few advantages even before psychological trauma, nonetheless noted the shared poverty of their perpetrators—with the exception of the higher-level perpetrators. This idea of living together is, in some ways, central to the African populist approach which requires a focus on the people in the community.

That living together, and the day-to-day justice of living together, are central becomes less surprising when thinking about the ICTR through the lens of transitional justice reconceptualized through care ethics and African populism. The work of Claude Ake and Mweni wa Muiu show why externally introduced, foreign-directed programs will not successfully address the needs they are purportedly created to meet. The limited role of victims/survivors is a concern (Gready, 2005). The Tribunal is held away from the sites in question and can only practically arraign a limited number of the accused. It can also hear from only a limited number of victims/survivors, and is bound to legalistic practices that are not always accessible to the average citizen. Rather than the victims/survivors taking a central role in the activity of transitional justice, instead groups of international transi-

tional justice experts work across different conflicts and may dictate a set of guidelines before victims/survivors voice their justice claims based on expertise, but neglecting the potential and the legitimacy of local voices.

When I visited the ICTR in 2012, the people watching the proceedings were primarily Western legal personnel and researchers like myself. The Rwandans who were there were the family of the accused. This is not surprising, given the financial burden of a visit to Arusha and the dire economic realities many survivors/victims experience. This is, of course, not to say that victims/survivors are opposed to trials. Victims/survivors in many such cases often want legal trials, and this was also the case in Rwanda. The problem is that victim/survivor demands are not limited to only seeking legal justice. Their demands are much more complex, and interconnected. Legal justice is not dichotomized from economic justice, as both are various forms of care needs. In taking into account care needs and people-centered approaches, transitional justice must be able to hear and understand such demands as aspects of transitional justice.

It was the demand for trials that eventually led to the *gacaca* system, even though the process included actions that victims/survivors originally opposed or did not feel like participants in, such as the government's releasing of select prisoners who were awaiting trial in an attempt to address overcrowding in prisons. Despite this problem, through *gacaca* there is an effort to respond to victim/survivor demands for judgment and trial of local-level perpetrators, since only high-level perpetrators would be tried at the ICTR. *Gacaca* is an example of a procedure which follows Muiu's emphasis on retaining working African institutions. *Gacaca* is a traditional Rwandan approach to settling minor disputes among neighbors in a community which included the members of the community in the process of conflict-resolution. Though *gacaca* traditionally dealt with minor disputes, its community focus and ability to go through cases more quickly than legal trials could lead the Rwandan government to review the process so that it could apply to crimes of genocide.

Though there are challenges with the approach, the most meaningful statements that came out of *gacaca* experiences seemed to be a sense of community ownership and community participation. It is

telling that an external researcher of *gacaca* used the title *How Rwanda Judged Its Genocide* for his report summarizing the proceedings (Clark, 2012). This community involvement was connected to people's ability to live together, and participation in it was a part of victim/survivor stories of living together, though not in the way expected. The story expected of the ICTR legal justice model is that the completion of the legal proceedings and handing down the appropriate legal judgment would lead to a sense of justice on the ground. In the stories of those I spoke with, it was being able to feel capable of participating in *gacaca* or other community events that was an important marker. Perhaps this is why Rwandans are more pleased with their progress since genocide than might be expected in such a short time: the justice of daily life and being able to go about daily life is in itself an experience of imperfect, but livable, justice.

This question of living together is key when thinking about Mwakikagile's emphasis on voice and participation. Regarding Rwanda in particular, Mwakikagile (2013) is concerned about the ability of all people to feel included in the government, or feel their voices are being heard by the government. Clark (2012) highlights the impact of *gacaca* as being an expectation that people can participate in government and politics, since they were able to participate in the *gacaca* process, even though decisions were ultimately made by *inyamgamayo*—essentially elected judges. As these questions continue to be researched, what is notable are the many arenas in which there is potential for local voices to discuss their daily experiences of living together. These include *umudugudu* meetings after required monthly community work, or *umuganda*, Women's Councils which meet at various levels from the *umudugudu* level, to the cell, to the sector, and eventually all the way to the national level. These structures are intended to be spaces for discussion between levels of government and the people.

This question of being heard is another item that becomes more important when thinking about a caring and populist transitional justice. In Rwanda, I attended conferences about reconciliation and justice, and one in particular sought to bring reconciliation practices from other post-conflict states to be replicated in Rwanda, without consideration of what Rwanda had done in the area or what Rwanda

still needed to do. This gave the impression of locals being treated as incompetent and in need of outside actors to tell them their own justice needs, rather than locals being treated as competent partners in a participatory process of navigating, prioritizing, and logistically providing for needs.

In response to these kinds of concerns, and to promote local voices, the Rwandan government has emphasized another traditional concept: *agaciro*. It translates roughly as 'self-respect' or 'dignity', and emphasizes Rwandan successes and ability to solve their own problems, particularly in the area of sustainable socio-economic development. The goal is to increase Rwanda's financial autonomy, much in line with African populist arguments about reducing dependency. In 2012, the *Agaciro* campaign was launched, complete with billboards, TV commercials, and songs. Since then, it has continued developing Rwandan-owned approaches as it emphasizes Rwandans as agents of their own change, celebrates Rwandan history, and encourages Rwandans to return.⁴ The *Agaciro* campaign builds on earlier programs which cultivate local ownership of development such SACCO (Savings and Credit Cooperative), which helps to create local sources for economic development, much in line with Mwakikagile's local-led economic development advice.

This leads to the most extensive topic, apart from living together, that victims/survivors discussed: economic justice. Often in Rwanda, interviewees would connect their current economic plight to discrimination prior to the 1994 genocide as well as to the genocide itself. Limited school opportunities, inability to focus in school while still traumatized, and the loss of their family support structure, which was historically a fundamental economic support structure, all contribute in victims'/survivors' minds to create a scenario where they start at a disadvantage and can never catch up. Hence, calls for reparations are not only an example of seeking retribution and acknowledgment of the past violation suffered, they are an acknowledgment that the suffering continues. The after-effects continue for a lifetime. The question is which policies and processes can best meet the needs of the victims/

⁴ For a good summary of the *Agaciro* campaign, view the short documentary on *Agaciro*, https://www.youtube.com/watch?v=1oBN_qmlQMU.

survivors and the needs of the community that is to be created after the atrocity?

This speaks to other justice claims occurring at the same time as legal transitional justice claims. Economic and social justice claims are of vital importance and, if not met, can impede survivor and perpetrator's abilities to address past wrongs. In other words, some of the language of transitional justice suggests that there is a need to address legal concerns first so that people can continue forward with other aspects of their lives; conversely, it is suggested, that economic and social concerns of daily life be prioritized so that people are able to address the wrongs of the past. An alternate view is that both need to be simultaneously addressed, rather than compartmentalized into separate processes of transitional justice and development.

Concerns about development, marginalization, structural violence, corruption and the like can impact on the ability of transitional justice to function, if people cannot see a future different from the one that contributed to the violence in the first place, particularly if economic disparities or threats were a factor (Collier, 2003; Mani, 2008). Speaking with survivors in Rwanda, it became clear that there was disillusionment, disappointment, or reluctant acknowledgment of the limitations of legal transitional justice mechanisms when focusing on the tribunals, national courts, or Rwanda's *gacaca*. The responses instead focused on living together and dealing with economic concerns, with the two often forming a bridge across ethnic identities through the shared experience of poverty.

Victim/survivor research participants in Rwanda connected their current economic status to the discrimination against Tutsis before the genocide and the destruction of the familial support system during the genocide. This means that it was made a transitional justice claim, much as Mani (2008) would expect. This was in reference to being able to carry on with life, but the role of grassroots support as a mechanism of transitional justice, when acting towards meeting transitional justice needs and goals, is seen in other areas as well. Civil society organizations and non-governmental organizations can have an impact on the issues that legal mechanisms such as truth commissions and trials emphasize. They have petitioned for changes in the way that the mechanisms operate. They have offered support to witnesses.

When one considers the care required—both individually and socially—to address the grievances of the past, it may be that non-governmental organizations can help bridge the gap between legal mechanisms of transitional justice and the needs of the local population.

Despite the important work that current transitional justice measures have done to date, they are not sufficient on their own to best attain the stated goals of transitional justice because of this justice gap between legal justice and other forms of caring justice, particularly economic needs. Making implicit goals explicit can help us face the assumptions of transitional justice, by highlighting the inability of a compartmentalized and *ad hoc* approach to transitional justice to attain such goals. The process, scope, and goals of transitional justice will need to be reconceptualized to better reach these goals. Most importantly, taking more seriously the sorts of claims made by survivors and focusing more on the needs of the community that is to be created will lead to a more holistic approach to transitional justice.

Care ethics suggest that care claims be taken seriously; African populism suggests that the claims of the people also need to be taken seriously. The care ethics for which I argue claim that justice demands care, and that when transitional justice mechanisms work to include care providers and care concerns, transitional justice can more effectively fulfill its goals. It also prioritizes local agency, local decisions, and local voices in accordance with the tenets of African populism such as Ake's social democracy, and Mwakikagile's and Muiu's focus on fair economic distribution, the equitable status of women, African self-definition of their own states (and needs to be met by the state), and retaining indigenous African institutions that function effectively and are self-directed.

Thinking about caring populist transitional justice helps us to acknowledge, as a part of transitional justice, the everyday experiences of living together, being heard, and economic justice claims in Rwanda. Applying these theoretical lenses to the case of transitional justice in Rwanda has helped show both what is lacking in a prioritization of legal justice alone, but also what is missing from conceptions of transitional justice if they do not take into account what local voices refer to when discussing their experiences.

Conclusion

The arguments for care ethics and African populism, and the questions they raise for justice in general, have important implications for conceptions of transitional justice. Most importantly, care ethics challenges us to interrogate the nature of justice and African populism requires that attempts at implementing justice be people-centered. Key gaps between the international legal conceptions of transitional justice and local experiences of transitional justice echo gaps that African populists and care ethicists repeatedly note between local conceptions of interests and Western conceptions of interests. These include the distance between internationally conceived principles of legal justice and other demands for care—or more complex justice claims—made by local people. Also notable is the gap between the formal mechanisms of transitional justice and the needs of the local community. Both are experienced and created through transitional justice measures as they are perceived by local populations, including the local population's ability to participate in the processes of transitional justice. The inability of certain formal mechanisms such as the ICTR to connect with the grassroots level, the realistic inability of law to do everything that is demanded of it after an atrocity, and various justice claims of people on the ground suggest that the process, scope, and goals of transitional justice need to be reconceptualized. Applying an ethics of care and African populism shows that transitional justice must be people-centered and caring if it is to address the complex needs and demands of victims/survivors. Transitional justice must be able to apply to the everyday lived justice of transitional justice, just as it applies to legal transitional justice.

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**Evolution in Ethics:
Interrogating the Notion of Vengeance in
Criminal Justice through the Lens of
Ancient Egyptian Legal Codes**

CHARLES VERHAREN

Introduction

The paper's purpose is to outline a research program targeting the reformation of the United States criminal justice system. The foundation of the program rests on the Ancient Egyptian ethical proscription of vengeance. In his *The Better Angels of our Nature: Why Violence Has Declined* (2011), Stephen Pinker claims that the abolition of vengeance through the rule of law is key to establishing stable societies grounded in non-violent principles. The first part of this essay claims that Ancient Egypt was the first culture to interrogate the status of vengeance in writing. Evolutionary theory suggests that vengeance executed by individuals who have unjustly suffered harm is a natural disposition necessary for the stability of early human groups. However, complex societies tend to replace vengeance executed by the offended individual or family with state-controlled vengeance. The second part of the paper briefly examines recent research in neuroscience that appears to undercut the grounds for vengeance. This research supports the Ancient Egyptian principle that collective harmony is a societal responsibility. The third part of the paper considers the consequences of the abolition of vengeance for the United States criminal justice system. Where criminals pose no further threat to the social fabric, they are to be reintegrated into society to the degree that the society's power permits. With the abolition of vengeance, retribution can no longer be a factor in criminal justice. The fourth part of the paper sketches a model for a radiating prison system based on the abolition of vengeance as an instrument of a criminal justice system. The fifth part of the paper underscores the urgency of

the need for reform of the United States criminal justice system. The United States has more prisoners per capita than virtually all other countries. Mandatory sentencing together with privatization of the prison system means that criminals who pose no threat to the social fabric become wards of the state, in inhumane conditions at the expense of taxpayers. The paper argues, in conclusion, that the reform of the United States criminal justice system requires a foundation comprised of research on the full spectrum of African ethics.

Part I

Pinker's (2011) controversial claim is that intra-species violence has declined markedly over the past 10,000 years. The Harvard anthropologist Richard Wrangham (2004) supports Pinker's research. He finds that human intra-species kill rates matched those of wolves and chimpanzees, the other two notorious intra-species killers, during the human hunting-gathering and proto-agricultural periods. Even in the face of two world wars and genocide in the 20th century, Wrangham claims that human intra-species kill rates are far below those of wolves and chimpanzees. It must be remembered that Wrangham is addressing kill rates rather than numbers of individuals killed. Estimates suggest that the human population some 70,000 years ago numbered only approximately 5,000. Not many individuals would have to be killed to achieve high kill rates.

Pinker's (2011) analysis of declining kill rates is based on three factors: the extraordinary increase in human group size from small tribes to nations to empires; an increase in group control of the instruments of survival and flourishing; and the abolition of vengeance as an instrument of social control. For Pinker, societies grounded in honor codes fail to make this transition. Levels of individual violence, particularly gender-based violence, remain high. Nonetheless, state-executed vengeance continues to be a justification for criminal penalties even in contemporary complex societies. Against this ethics of retribution, ancient Egyptian texts denounce vengeance as a legitimate ground of ethical action: "The teaching to guard against retaliation, lest a portion of it reach you" (*Papyrus Insinger*) (Lichtheim and Fischer-Elfert, 2006, 211); "Don't rush to attack your attacker—leave

him to the god" (*Instructions to Any*) (Lichtheim and Manning 2006, 142); "Do not kill, it does not serve you. Punish with beatings, with detention, Thus will the land be well-ordered" (*Instructions to Merikare*) (Lichtheim and Manning 2006, 100).

The *Instructions to Any* relegate vengeance to the precincts of the gods. The other texts proscribing vengeance are unremarkably scarce in the ancient Egyptian texts. The Ancient Egyptian empire was extraordinary in its geographical extent from Nubia (now northern Sudan) through the Levant to the precincts of Babylonia (now Iraq), yet other empires such as the Persian and Hittite continuously threatened its power. Xenophobia and vengeance for attacks are consequently constant themes in Egyptian literary texts. In only two texts, the *Hymns to Aten*, is xenophobia denounced (Hornung, 1999/1995). The likely author of these texts, the Pharaoh Akhenaten, enjoyed a reign free of warfare during the 14th century BCE.

The ancient Egyptian texts against vengeance contrast starkly with the Codes of Hammurabi and Ur-Nammu and other ancient codes grounded in vengeance: 'an eye for an eye'. Like some ancient Egyptian texts, the Old Testament affirms the conviction that vengeance is the Lord's. However, this principle is honored in the breach rather than the observance, as vengeance becomes a matter for state rather than personal or family administration. The reason is the lack of power (in the fullest sense) of the nations professing to embody Judaism, Christianity, and Islam. The power conferred by the development of modern social sciences finally makes possible an analysis of resentment (the emotional vehicle of vengeance) as the expression of a powerless society. Highly technological societies possess sufficient power to eschew vengeance in favor of group solidarity, as Pinker (2011) details in his research. E.O. Wilson's *Social Conquest of Nature* (2010) explores the evolutionary reasons for sacrificing personal gain (the satisfaction that comes from vengeance well executed) to the good of the group. Both Pinker and Wilson illustrate the impossibility of cultures based on vengeance, 'honor cultures', achieving stability. Martha Nussbaum (2015) proposes a scheme of "transitional anger" to bridge the gap between the genetic inclination to seek vengeance for harm and the gradually developing epigenetic inclination to restore the criminal to harmony with society.

Part II

This section briefly examines recent research in neuroscience that appears to undercut the grounds for vengeance. This research supports the Ancient Egyptian principle that collective harmony is a societal responsibility. When group members act against the social fabric, the society's primary responsibility is to restore the errant individual to the collective. This ethical principle follows from four evolutionary propositions. First, other things being equal, groups that expand their numbers have better chances of survival. Second, groups whose members are tightly bonded together have better chances of survival. Restoring group members who violate the social fabric to the community supports this principle. Third, groups have better chances of survival if their members live lives of excellence. Repressing the lives of group members who are no longer a threat to the social fabric negates this principle. Fourth, groups that have the power to encompass genetic, linguistic and cultural diversity have better chances of survival. Redirecting criminal behavior according to principles of social harmony has the potential to increase group diversity. This principle opens an avenue for incorporating civil disobedience into a society's capacity for self-reformation.

The philosophy that abolishes the role of vengeance in criminal justice is based on the conviction that social unity, the society itself, is responsible for crime. Individuals simply act out their roles within that society. Michael Gazzaniga's (2011) research in *Who's in Charge? Free Will and the Science of the Brain*, challenges the dominance of the idea of 'free will' in contemporary society. Gazzaniga's hypothesis is based on abundant research showing that neural activation of muscles takes place before the brain makes a conscious decision for activation. His research is particularly controversial as it challenges the virtually universal conviction that humans are fully responsible for their actions, given the absence of countervailing conditions. But Gazzaniga devotes his last chapter to the proposition that humans must continue to believe in free will for the sake of maintaining the societal fabric. For the sake of cohesion, society must assume that its members are responsible for their actions, with exceptions duly noted in the case of minors or the mentally ill.

Part III

This section considers the consequences of the abolition of the principle of vengeance, for the ethics that ground the United States criminal justice system. The current system is unethical in two major aspects. First, numerous prisoners are subjected to solitary confinement. This practice was introduced in 19th-century prisons, notoriously in Port Arthur in Tasmania and Eastern State Penitentiary in Philadelphia, Pennsylvania. The idea of a penitentiary was rooted in the notion of penitence itself. Prisoners were kept in total isolation. In Port Arthur, attendance at Sunday religious services was mandatory for all inmates, but physical devices prevented them from seeing or interacting with one another. In Philadelphia, guards wore thick woolen socks over their boots so that inmates would never know whether the guards were present. As Charles Dickens pointed out after visiting Eastern State Penitentiary, 'that way madness lies'. The philosophical conviction underpinning this barbaric treatment of prisoners was that reflection on their crimes would lead to their rehabilitation. Solitary confinement in contemporary prisons does not rely on this primitive justification. Rather it is a method of behavior control that has devastating effects on inmates' mental health.

The second miscarriage of justice in the prison system is its tacit acceptance of prisons as methods of exacting vengeance for the harm criminals have done to society. Prisoners are subjected to physical and mental abuse both by guards and other inmates. Prison rape rates and HIV infection are notoriously high. Inmates are not given the means to develop their human capacities to the fullest. The motive for this barbaric treatment of prisoners continues to be the deep-seated human proclivity toward vengeance.

Criminal justice reform demands that where criminals pose no further threat to the social fabric, they are to be reintegrated into society to the degree that the society's power permits. With the abolition of the principle of vengeance, retribution can no longer be a factor in administering criminal justice. If it can be proven that criminal penalties act as a deterrent, then deterrence can be an ethical aspect of criminal justice. However, research on deterrence is inconclusive. Containing criminals who pose a future threat to societal fabric is a

second ethical aspect of criminal justice. Criminals who pose a threat to the community's fabric must be contained. Communities have no other choice.

The third ethical aspect is compensation for harm done to the social fabric. The need for compensation does not align with the neuroscience research finding that free will is a problematic notion. However, both custom and common sense dictate that criminals must do all in their power to restore the social fabric after they have disrupted it. However, I argue that the motive of restitution must be collective for the entire society. The entire society must take responsibility for the crimes committed by its members. This principle follows from the conviction that crime is a mental health problem, rather than the effect of "free will" choices. As advanced technical societies offer universal health care and other instruments of social security, so they must insure their members against the effects of crime. Where possible, criminals must make every effort to effect the restitution that is within their power. Here a regression to the ancient codes of payments for crime can provide a contemporary model. The Code of Hammurabi, for example, is famous for its principle of 'an eye for an eye'. Less well known are the monetary payments for lesser crimes: "If a man of gentle birth has struck the strength of a man of gentle birth who is like himself, he shall pay one mina of silver" (§203).

Part IV

This section sketches a model for a radiating prison system based on the abolition of vengeance as an instrument of a criminal justice system. What my discussion so far has ignored are the brute facts of psychopathy and sociopathy. Researchers have estimated that some small percentage of the human population, either for genetic reasons, blunt force head trauma, or brutal socialization, are unable to live in society without harming their fellows. Given the predisposing genetic or social causes of pathology, those suffering from mental pathologies cannot be held responsible for their actions. In severe cases, those convicted of criminal actions are remanded to mental institutions. However, in other cases, they are committed to prison systems. The causes of the crime are identical, but the effects vary across a wide

spectrum. Mental institutions are not designed to be systems of torture.

However, prisons by their very nature are torture systems. The model recognizes that psychopaths and sociopaths are by and large untreatable with current psychotherapies. The core of the prison for these individuals must be maximum security in line with current models. However, psychopathy and sociopathy are recognized in this model as diseases caused either by genetic malformation, blunt force head trauma, or destructive socialization; hence prisoners in maximum security institutions are to be given the best possible life circumstances consonant with the society's tools of containment.

As prisoners pose decreasing degrees of threat to society, their containment must become less restrictive. Incarceration takes away the earning power of criminals whose earnings can in part be used for restitution. So-called "white-collar" criminals must dedicate a portion of their lives to restitution proportionate to the damage they have caused. Criminals like Bernard Madoff or Michael Robert Millikan, for example, would have to dedicate all of their cunning to advancing social good, unless they suffered from a pathology. In the case of violent psychopaths and sociopaths, incarceration must be our last resort, since we are incapable of restoring the criminal to society because of the current limits of psychology and psychiatry.

To the degree possible, prisoners are to lead normal lives so long as: they are capable of making a contribution to society and do not pose a threat to the social fabric. At the outer core of the prison system, prisoners will lead lives indistinguishable from those of their fellow society members, except for being subject to such monitoring devices that guarantee they pose no threat to the social fabric. In some cases (pedophilia, for example), these devices will be mandatory for life; inasmuch as some criminal tendencies are currently ineradicable.

Part V

The research project proposed in this paper underscores the urgency of the need for reform of the United States criminal justice system. The United States has more prisoners per capita than virtually any other country. Mandatory sentencing together with privatization

of the prison system means that criminals who pose no threat to the social fabric become wards of the state in inhumane conditions at the expense of taxpayers (*New York Times*, July 13, 2015). A year in prison may in some cases cost more than a year at Harvard. Cutting funds for prisoners' continuing education and other instruments of rehabilitation exacerbates recidivism and robs society of prisoners' potential contributions to society. Michelle Alexander (2012) and Angela Davis (2012, 2005) have documented the inequity of the United States criminal justice system for African Americans and other minorities. A society that does not act in every manner possible consonant with the four evolutionary principles to advance ethical behavior, is acting against its own survival.

The history of humanity is at its root a history of liberation, following the four evolutionary principles for survival and flourishing: expand the size of one's group, increase the power of its bonding principles, ensure the excellence of every member of the group, and work toward the maximum genetic, linguistic and cultural diversity of the group. Humanity's capacity to follow these four principles has always been a function of its technological prowess. It is only in recent history that women's capacities to achieve excellence in virtually all fields of endeavor have been recognized. The abolition of slavery in the past two centuries acknowledges the capacities of all humans to achieve excellence. This paper argues for the recognition of criminals' capacities to achieve excellence in their contributions to the social fabric—within the technical constraints of their respective societies.

Conclusion

This project for the reform of the United States criminal justice system requires a foundation comprised of research on the full spectrum of African ethics. African philosophers with PhDs from Euro-American institutions, such as Kwame Gyekye, Kwasi Wiredu, Kwame Appiah and Segun Gbadegesin, have done extensive research on Akan and Yoruba ethical models. Researchers too numerous to mention have published work on other middle and southern African ethical concepts such as *ubuntu* (Gade, 2012, 2011; Eze 2010; Ramose 1999). The ancient African emphasis on harmony is compatible with

the more recent African emphasis on the networks of mutuality expressed across Bantu ethics. An ethical system based on the “ancient African emphasis on harmony” will also profit from African examples of restorative justice in the cases of the truth and reconciliation commissions in South Africa and Rwanda. In the best case, research into African ethics will be complemented with that of African scholars such as Frantz Fanon, Aimé Césaire, W.E.B. Du Bois and Alain Locke. Martin Luther King, Jr., presents perhaps the best intimation of what an ethics for the African Union’s next fifty years should embody: “all mankind is tied together; all life is interrelated, and we are all caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly” (King, 1965).

Finally, Ancient Egyptian ethics might inspire researchers to examine ethical principles through scientific as well as philosophical lenses (Verharen *et al.*, 2013). Ancient Egyptian philosophies found ethics to be inseparable from the structure of the universe. Contemporary psychologists and biologists imagine that our capacity to be ethical is comparable to our capacities to learn languages and to be rational (Verharen *et al.* 2013a, 2013b; Joyce, 2001, 2006; Haidt, 2007; Hauser, 2006).

Virtually every human is born with the capacity to learn any of the approximately 7,000 languages still spoken on the planet. Virtually every human is born with the capacity to be rational. The capacity to exercise ethical, linguistic and rational behaviour is innate, conveyed from our ancestors through our genes. The particular expression of these capacities is a function of the social environments into which we are born. Failure to develop these capacities is not to be explained by ‘falls from grace’ or ‘ill will’ or ‘evil spirit possession’, but rather through variant genetic developments or blunt force head trauma (psychopathy), self-destructive socialization (sociopathy), or bio-geographical constraints.

Humans have been extraordinarily successful in our dramatic rise from a bare handful some 200,000 years ago to over 7 billion strong today. In *The Social Conquest of the Earth*, E.O. Wilson (2010) attributes our advance in part to an altruism that is essential to our biological nature. Humans are “eusocial,” like very few other species

on the planet (Wilson, 2012). This term indicates that in the very best of circumstances we are capable of sacrificing our own self-interest for the sake of our group. In *The Better Angels of our Nature: Why Violence Has Declined*, Stephen Pinker claims that humans have exhibited continual moral progress (2011; see also Wrangham, 2004). Violence has declined dramatically, he argues, as our definitions of 'our group' have grown to include all humans, not simply those to whom we are most closely connected through genes, language and culture.

Ancient African thinkers speculated that 'doing the right thing' is something that comes naturally to humans. And what comes naturally is in turn a gift of nature. Contemporary research efforts to merge ethics with the sciences of nature may give us an extraordinary impetus to reexamine the experience of our African ancestors, in searching for new ways to ensure that we pass the gift of life on to our children's children.

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The Council for Research in Values and Philosophy

Purpose

Today there is urgent need to attend to the nature and dignity of the person, to the quality of human life, to the purpose and goal of the physical transformation of our environment, and to the relation of all this to the development of social and political life. This, in turn, requires philosophic clarification of the base upon which freedom is exercised, that is, of the values which provide stability and guidance to one's decisions.

Such studies must be able to reach deeply into one's culture and that of other parts of the world as mutually reinforcing and enriching in order to uncover the roots of the dignity of persons and of their societies. They must be able to identify the conceptual forms in terms of which modern industrial and technological developments are structured and how these impact upon human self-understanding. Above all, they must be able to bring these elements together in the creative understanding essential for setting our goals and determining our modes of interaction. In the present complex global circumstances this is a condition for growing together with trust and justice, honest dedication and mutual concern.

The Council for Research in Values and Philosophy (RVP) unites scholars who share these concerns and are interested in the application thereto of existing capabilities in the field of philosophy and other disciplines. Its work is to identify areas in which study is needed, the intellectual resources which can be brought to bear thereupon, and the means for publication and interchange of the work from the various regions of the world. In bringing these together its goal is scientific discovery and publication which contributes to the present promotion of humankind.

In sum, our times present both the need and the opportunity for deeper and ever more progressive understanding of the person and of the foundations of social life. The development of such understanding is the goal of the RVP.

Projects

A set of related research efforts is currently in process:

1. Cultural Heritage and Contemporary Change: Philosophical Foundations for Social Life. Focused, mutually coordinated research teams in university centers prepare volumes as part of an integrated philosophic search for self-understanding differentiated by culture and civilization. These evolve more adequate understandings of the person in society and look to the cultural heritage of each for the resources to respond to the challenges of its own specific contemporary transformation.

2. Seminars on Culture and Contemporary Issues. This series of 5 to 10 week cross-cultural and interdisciplinary seminars is coordinated by the RVP in Washington.

3. Joint-Colloquia with Institutes of Philosophy of the National Academies of Science, university philosophy departments, and societies. Underway since 1976 in Eastern Europe and, since 1987, in China, these concern the person in contemporary society.

4. Foundations of Moral Education and Character Development. A study in values and education which unites philosophers, psychologists, social scientists and scholars in education in the elaboration of ways of enriching the moral content of education and character development. This work has been underway since 1980.

The personnel for these projects consists of established scholars willing to contribute their time and research as part of their professional commitment to life in contemporary society. For resources to implement this work the Council, as 501 C3 a non-profit organization incorporated in the District of Columbia, looks to various private foundations, public programs and enterprises.

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