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Ethics and Accountable Governance in Africa's Public Sector, Volume I

Ethical Compliance and Institutional Performance

Edited by
Kemi Ogunyemi
Isaiah Adisa
Robert E. Hinson

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macmillan

Kemi Ogunyemi • Isaiah Adisa
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Editors

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African Ethics and Public Governance: Nepotism, Preferential Hiring, and Other Partiality

Thaddeus Metz

Introduction

Most political and economic philosophy in the English language is grounded on Western moral theories, such as utilitarianism and Kantianism, which presume that the basic aim of a state should be to maximise benefit for its residents and respect their autonomy, respectively (e.g., Kymlicka, 2002). What form might political philosophy take if it appealed instead to an African moral theory different from the West's?

This chapter describes a moral principle informed by characteristically African values and applies it to how a state bureaucrat should distribute resources at a domestic level. It is a normative essay aimed at providing a convincing comprehensive account of how a government official in a post-independence sub-Saharan African country should make decisions about how to allocate goods such as civil service jobs and contracts with private firms. Should such a person refrain from considering any

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particulars about potential recipients, or might it be appropriate to consider, for example, family membership, party affiliation, race, or revolutionary stature as reasons to benefit certain individuals at some cost to the public? Which of these factors should be considered an unjust or corrupt basis on which to allocate state goods and which should not?

As described in more detail below, those called “impartialists” in this chapter answer by saying that officials working for an African state should always act only for the sake of the whole society. When awarding a job or contract, the only consideration is whether it is in the public interest. By contrast, those labelled “partialists” claim that civil servants may act for the sake of certain individuals at some foreseeable cost to the society. From this perspective, it can be right for civil servants to consider certain features of those being awarded the job or contract other than their ability to serve the public, say, the fact of them having suffered historical injustice or perhaps being members of the same political party.

This chapter outlines an attractive moral theory with African content that forbids both impartialism and a strong form of partialism according to which government officials may favour members of their families or political parties. Between these two extremes, a “moderate partialism” is prescribed. This approach permits government agents to favour, at some cost to the public, veterans and victims of state injustices, but not those in their family or party. This chapter seeks to provide a new, unified explanation of why characteristically sub-Saharan African values permit some forms of partiality, such as the preferential hiring of those who suffered from or struggled against colonialism, but forbid other forms such as nepotism, whereby officials use state resources to benefit family members at the expense of the public, and also what is often called “prebendalism,” whereby they benefit members of an ethnic, religious, political, or other group related to them (Joseph, 2013, pp. 263–265).

In so doing, this chapter suggests that African political philosophers and policy makers need not appeal to Western or other foreign moral systems for a principled foundation for good governance in contemporary African states. It draws on a recognisably African morality to offer principled guidance to officials in sub-Saharan African governments about how to allocate resources such as jobs and contracts. Corruption is one (but not the only) major reason why sub-Saharan African societies

have not developed as they might have since independence.¹ Sometimes African values are even invoked to justify behaviour that this chapter deems unjust (as is mentioned in Gyekye, 1997, pp. 196, 252–257; de Sardan, 1999; Ramose, 2003, p. 329). For instance, believing in the African dictum that “charity begins at home,” some officials rig tender processes so that extended family members who are in business win contracts with the state. This chapter argues that an attractive African ethic forbids such strong partialism as corrupt, while permitting other forms of partiality such as affirmative action for veterans.² Although both nepotism and affirmative action would normally involve picking less than the best qualified to serve the public, this chapter contends that certain communal values salient in Africa forbid the former but permit the latter.

This chapter is a work of political philosophy, not political science. It is a strictly normative enterprise, aimed at justifying or, alternately, proscribing certain state practices by drawing out the implications of a principle of right action informed by salient sub-Saharan African values. It is not an empirical project attempting to recount or explain the behaviour of any sub-Saharan African state or its officials. Furthermore, it remains relatively abstract, in the sense of operating at the level of principles and their implications, and not making concrete policy recommendations about how a particular African state should change.³

The chapter begins by defining in more detail the debate between impartialism, strong partialism, and moderate partialism. The following part then describes an attractive African moral theory used to evaluate

¹According to one estimate, if corruption in sub-Saharan Africa were simply on par with the world average, as opposed to much worse than it, GDP could increase 1 or 2 percent each year (Sobrinho & Thakoor, 2019, p. 35).

²To judge certain practices to be morally wrong does not necessarily mean that one should view corruption as a problem centrally to be addressed by, say, improving individual character, as Gyekye (2013), Dudzai (2021), and to some extent Genger (2018) do. It is consistent to hold that the wrongness of corruption is to be rebutted principally through structural reforms of certain kinds, such as those discussed in Dumisa and Amao (2015), Hope (2017), and Olanipekun (2021), and not so much the moral education of individuals.

³Arguing that there is something morally objectionable about nepotism and prebendalism is consistent with questioning the West’s motivations for intervention into African political processes to address corruption as well as its likely outcomes (on which see De Maria, 2007). Explaining precisely why a practice is wrong is one thing, while holding a certain view about who should address it (and how) is another.

these approaches. The preferred philosophical interpretation of African values is communal, placing harmonious or friendly relationships at the heart of right action. The rest of the chapter applies this relational ethic to decisions that sub-Saharan African state officials should make when allocating jobs and contracts. It argues that the ethic forbids officials from favouring people related *to them*, but it permits them to favour people related *to the state* in certain ways. The conclusion gives a summary highlighting key points of use for future normative theorising on African politics.

Impartialism Versus Partialism

Recall the major positions that this essay seeks to evaluate. What this essay dubs “impartialism” is the view that a government official in sub-Saharan Africa should act only for the sake of the public, never for individuals in the light of their characteristics such as being members of a family or a historically disadvantaged group. For the impartialist, when a civil servant needs to award a job or a contract, the only consideration should be the candidates’ qualifications, that is, the extent to which they could help to carry out the state’s duty to serve the public. For instance, qualifications for a job would normally include education, intelligence, experience, and disposition to work hard. These traits are ones that would most promote the public interest.

What is called “partialism” here is the rejection of impartialism, and hence is the view that a government official should sometimes act to benefit some individual or group at some foreseeable cost to the public. For the partialist, when a civil servant needs to award a job or a contract, they should take into account something in addition to qualifications to serve the public and hence be willing to give it to someone who is less than the best qualified (even if minimally or satisfactorily so). For example, strong partialism allows an official to award a job or contract to people at least partly because they are related to him through, say, family or political party. Moderate partialism forbids that but allows (and perhaps even requires) an official to award a job or contract to people at least partly because they are related to the state, such as veterans.

These views are competing answers to the question of whether and, if so, how an official in a sub-Saharan African government may distribute state resources in order to benefit certain individuals living within the state at some cost to the public. Focus on this question means setting aside others. For instance, this chapter does not address the dispute between cosmopolitans, who defend a state that ignores borders in its fundamental distributive policy, and nationalists, who defend one that gives priority to the interests of legal residents (see Tan, 2004). The key issues here are how domestic resources should be utilised, not how big they should be compared with resources directed at foreign policy objectives.

Furthermore, this chapter ignores the debate on whether the state would best serve the public interest by promoting a certain conception of the good life. It does not enquire whether the state should be politically liberal in the sense of refraining from deliberately fostering a certain way of life and thereby letting people choose their own lifestyles (see Zellentin, 2012). Setting aside what counts as the public interest, this chapter instead considers whether state officials may seek to promote it (however it is best conceived) to less than the maximum degree for the sake of certain individuals such as family members or veterans.

In referring to state (or government) officials and resources, this chapter addresses bureaucrats such as the human resources officers who award government jobs and the procurement officers who award contracts to private firms on tender. A broader reading of government officials and resources for allocation might include legislators, who decide how to use taxpayers' money. Although the position developed here probably has implications for such politicians, it does not address them.⁴

The rest of this chapter argues that a plausible African moral theory supports moderate partialism, rejecting both impartialism and strong partialism. It shows that acceptance of affirmative action and rejection of nepotism both follow from a certain philosophical interpretation of sub-Saharan African values.

⁴In the original, longer version of this essay, it is argued that the principles advanced here entail that a legislator ought not to act for the sake of their constituency and instead for the sake of the public as a whole (Metz, 2009, p. 348).

African Moral Theory

In its appeal to African values, this chapter invokes an understanding of them in the form of a moral theory. A moral theory is a fundamental principle that is meant to account for what right actions, as distinct from wrong, have in common. It is a single principle that purports to entail and explain all permissible decisions, as contrasted with those that are not morally permitted. Familiar examples from modern Western philosophy include the principle of utility, that an act or policy is wrong in so far as it fails to improve the average quality of life, and the principle of respect for autonomy, that an act or policy is wrong insofar as it degrades people's ability to act based on their own rational reflection (see Kymlicka, 2002, esp. pp. 10–153).

Now, a moral theory counts as African if it is informed, not so much by Western cultures, but rather by many of the long-standing ethical beliefs and practices of a variety of peoples in the large sub-Saharan African region.⁵ To deem a moral theory African does not therefore imply that all societies on the continent have believed it or, indeed, that any has been aware of it. The following ethical principle is a philosophical construction unifying a wide array of the moral judgements and ways of life found among many of the cultures indigenous to the sub-Saharan African region.

Here is a basic statement of the African moral theory this chapter employs to appraise the debate between impartialism and partialism: an act is right just in so far it is a way of honouring people's capacity to relate harmoniously (or communally), that is, to be party to relationships in which people identify and exhibit solidarity with one another. An action is wrong if and only if it fails to respect people's dignified ability to commune (or harmonise) with others and to be communed (harmonised) with by them.

To begin to unpack this terse statement, consider that many indigenous sub-Saharan Africans would sum up morality with the phrase, "A person is a person through other persons" (Nkulu-N'Sengha, 2009; see

⁵For further articulation and defence of this way of understanding the meaning of "African" and other geographical labels, see Metz (2015).

also Ramose, 2003, p. 385). To the foreign English speaker, this maxim means little, initially suggesting banal ideas about how children are causally dependent on adults to survive. However, what it expresses is best interpreted as including a rich and specific understanding of how people should treat one another. When Africans make this claim they are indicating, in part, that the only way to develop moral personhood, that is, to become a virtuous agent or lead a genuinely human life, is to interact with others in a certain positive way (Nkulu-N'Sengha, 2009).

The relevant way to relate is often characterised in terms of harmony or entering into community, or at least that is prominent among indigenous southern African interpretations of morality, on which this chapter particularly draws. For instance, Archbishop Desmond Tutu, winner of the Nobel Peace Prize (in 1984) and renowned leader of South Africa's Truth and Reconciliation Commission, sums up one major strand of African ethical thinking this way:

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. (Tutu, 1999, p. 35)

Similarly, Yvonne Mokgoro, a former Constitutional Court Justice in South Africa, says that

harmony is achieved through close and sympathetic social relations within the group—thus the notion *umuntu ngumuntu ngabantu* (a person is a person through other persons—ed.) ... which also implies that during one's lifetime, one is constantly challenged by others, practically, to achieve self-fulfilment through ... a morality of co-operation, compassion, communalism. (Mokgoro, 1998, p. 17)

Notice that, for both thinkers, one is to realise oneself or become a genuine human being and to do that by prizing harmonious or communal relationships, ones in which one not only is close to and participates with others, but also shares with others and sympathises with them.

These views are about moral virtue in the first instance and not right action. They are accounts of how to be a good person, and not so much about which public policy would be just. However, it is not a stretch to interpret them in ways that could compete with Western accounts of right and wrong, for example, in terms of what reduces the general welfare in the long run (utilitarianism) or what degrades the autonomy of persons (Kantianism), at least upon adding in the idea that human persons have a dignity that must be treated with respect. This, too, is a salient idea in African moral thought (e.g., Cobbah, 1987; Deng, 2004; Iroegbu, 2005; Gyekye, 2010, sec. 6). A good explanation of why a good person is one who harmonises or communes with other persons is that people have a dignity in virtue of their ability to harmonise and be harmonised with, which demands respectful treatment that normally takes the form of being related to harmoniously.

As Tutu and Mokgoro implicitly suggest, harmonious or communal relationships are not merely those of any stable, peaceful group. A dictator whose subjects do not rebel because they are afraid does not have a harmonious relationship with them in the relevant, morally attractive sense. The harmony to be prized is a way of relating in which people both identify and exhibit solidarity with one another, which a dictator fails to do. Consider these elements in more detail.

To identify with other people consists of two main things. First, it includes being close in the sense of sharing a common sense of self or thinking as a member of a group or part of a relationship. Instead of thinking of oneself as an “I,” distinct from and perhaps even above others, the self becomes part of a “we,” enjoying a sense of togetherness. For example, a person who identifies with colleagues in an academic department speaks of “us,” gladly thinking of himself as part of a group. Second, identifying with others also includes participating with them on even-handed terms. One engages in joint projects in which people cooperate to achieve shared or at least compatible ends. Another facet of academic collegiality, for example, is striving together with other department members to advance teaching and research. Failing to identify with others could take an extreme, divisive form in which one has an attitude of “me versus you” and subordinates other people to achieve one’s ends.

Beyond identifying with others, a harmonious or communal relationship also consists of exhibiting solidarity towards them. This is a matter of being positively oriented towards others' interests or caring for them, in a word. Such behaviour includes helping other people by sharing one's labour and money to meet their needs and, furthermore, doing so for their sake. It also includes acting out of sympathy with others, for instance, choosing in ways consistent with being happy when others flourish and sad when they fail. Failing to exhibit solidarity could take an extreme form of ill-will, involving doing harm to others and acting consequent to taking pleasure in their pain.

Although relationships of identity and solidarity are often found together, they are distinct in principle and sometimes come apart in practice. For example, people might identify with others but not exhibit solidarity with them, as in the relationship between workers and management in many capitalist firms. Furthermore, people might exhibit solidarity towards others without identifying with them, as when making anonymous donations to charity. However, a characteristically African understanding of morality instructs an agent to treat people with respect by, wherever possible (with innocent parties), exhibiting both identity and solidarity, that is, enjoying a sense of togetherness and engaging in cooperative projects as well as helping others and doing so out of sympathy with them.

Wrong actions, by this present ethic, are those that degrade people's capacity to be party to harmonious (communal) relationships and typically take the form of discordant (anti-social) behaviour directed towards those who have not been initially discordant. According to this moral theory, the reason that it is immoral to kidnap, rape, steal, lie, or exploit is that such actions characteristically: treat others as separate and inferior, as opposed to bound up with oneself; subordinate others, instead of coordinate in pursuit of compatible aims; reduce others' quality of life, instead of meeting their needs; and are indifferent, or even hostile, towards others' interests, instead of being consistent with sympathy and altruism. When we fail to harmonise with other innocents, and especially when we act discordantly towards them in the above ways, we are degrading them, treating their capacity to be party to harmonious relationships as either non-existent or unimportant. This account of what makes an act wrong

is a plausible alternative to the ideas that they tend to cause long-term harm as opposed to benefit (utilitarianism) or involve treating people's capacity for autonomy disrespectfully (Kantianism).

This relational interpretation of right and wrong action is informed by salient features of many sub-Saharan African peoples.⁶ For example, they often think society should be akin to family. They tend to believe in the importance of greeting those one encounters, including strangers. They typically refer to people beyond the nuclear family with titles such as "sister" and "father." They frequently believe that ritual and tradition have moral significance. They tend to think there is some obligation to wed and procreate. They usually do not believe that retribution is a proper aim of criminal justice, inclining towards reconciliation. They commonly think there is a strong duty for the rich to aid the poor. Finally, for now, they often value consensus in decision-making, seeking unanimous agreement and not resting content with majority rule. The prescription to respect people's capacity to harmonise and be harmonised with entails living in these ways. Their moral worth is plausibly understood as instances of identity and solidarity.

Some might like to see here a full-blown defence of the Afro-communal principle. They might want reason to think it the best possible articulation of an African perspective on ethics, or even the most attractive conception of morality in general. This chapter lacks the scope for either (see Metz, 2021). Instead, it is merely articulating one *prima facie* attractive moral theory informed by characteristically sub-Saharan African values, which is now applied to the way a civil servant should allocate resources such as government jobs or contracts. A utilitarian would do so in whichever way would best promote the general welfare in the future. A Kantian would do so in a manner that respects people's capacity for autonomous decision-making. These two principles would seemingly rule out nepotism and other corrupt practices as either harmful to, or disrespectful of, the public. What, now, about an African ethic grounded on communal ideals? What does it have to say about when the allocation of resources by a civil servant is unjust?

⁶The following is a brief statement, while a much fuller one is in Metz (2021, pp. 50-60, 123-136), from which the rest of this paragraph tersely draws.

Against Strong Partialism

This chapter aims to establish that the African moral theory articulated above prescribes a moderate partialism, the view that government officials should distribute resources to benefit the public as a whole, except where individuals have had a certain relationship with the state, such as by having made great sacrifices for it (as veterans or freedom fighters) or having been seriously wronged by it (as historically disadvantaged individuals). In this section, it is argued that this African ethic rules out a stronger partialism whereby government officials may act to the benefit of individuals related to them as, say, members of their family, ethnic group, or political party.

To begin, note that there is nothing in the African moral theory to permit government officials to distribute resources to benefit themselves. A demand to honour others in virtue of their dignified capacity for relationships of identity and solidarity clearly forbids procurement officials from awarding a contract to a firm to receive a kickback. Instead, they are obligated to harmonise with other innocent parties, which means fostering other people's ends and advancing their good.

However, even if the African ethic forbids using state resources for private gain, such that "people first" should be the motto of a civil servant,⁷ it is not obvious which other people should come first. As mentioned above, some interpret African morality to allow, and perhaps even require, civil servants to use state resources for the benefit of their family. African values are commonly deemed to presume that family comes first or that charity begins at home, and even those sympathetic to other moral principles will find compelling the general idea that loved ones normally take priority over strangers. Why should an ethic that values communal or harmonious relationships forbid civil servants from showing preferential treatment towards those who are closest to them?

To answer, note first that the African ethic sketched above is comprehensive, intended to provide a standard of moral correctness for

⁷In South Africa, *batho pele*, which means people first, has been a maxim promulgated to guide the behaviour of civil servants (Department of Social Development of the Republic of South Africa, 2021). How well it has been observed is contentious.

individuals and institutions. Thus, this theory can be used to morally appraise the decisions and policies of organisations such as corporations and schools. Applying it to a twenty-first-century African state, what does the ethic entail for the way it ought to allocate public resources?

The straightforward answer is “not in a very partial manner.” A state that is strongly partial would inadequately realise harmony between itself and those living within its territory. It would fail to treat each citizen as having a dignity in virtue of (in part) their ability to be the object of a communal relationship. A state that routinely distributed resources to benefit its officials’ relatives, knowing that this would cost the public, would do a poor job of developing identity and solidarity with each legal resident. Such a state would identify with only a small portion of the public, failing to conceive of itself as part of a “we” with the population as a whole and coercing the mass of citizens into paying taxes that end up benefiting the relatives of a few government officials. In addition, such a state would be exhibiting solidarity towards only a small, select group and acting uncaringly towards the greater population.

Furthermore, in failing to exhibit identity and solidarity with the public, much of the public, in turn, would fail to exhibit identity and solidarity with the state. For example, those who do not benefit from the nepotism would naturally come to view the state as apart from them. They would be inclined to undermine it with protests and other forms of civil unrest. Such behaviour by the state would not encourage citizens to enjoy a common sense of self with the state or to go out of their way to support state projects. South Africa during apartheid, as well as prebendalist behaviour by post-independence political elites, illustrates clearly how a strongly partial state both fails to harmonise with everyone in its territory and also generates discord.

Now, the state can manifest harmony with the public and avoid being strongly partial only if its officials are not strongly partial themselves when they make decisions on the state’s behalf. It follows, therefore, that state officials must not make strongly partial decisions in their public lives. A procurement official who awards a contract to members of his family or political party, without considering whether they are eligible or will otherwise do the requisite job, fails to secure the kind of state required

by an ethic of respect for the dignity of each as capable of being party to harmonious relationships.

However, this section must go further, by explaining why a civil servant's duty not to be strongly partial is stronger than his duty to favour loved ones. Regarding the state as an institution, the African moral theory requires civil servants not to be strongly partial, but at the individual level, this theory might still appear to recommend being strongly partial. For example, one may and should save the life of one's child, rather than a stranger's, when such a situation of forced choice arises. A civil servant might then appear to be in conflict regarding their duties and in need of a clear reason why their duty to the public, by supporting a state that is not strongly partial, should outweigh that to their relatives.

The deep reason for a civil servant not to be strongly partial turns on the proper way to value personal relationships. If necessary, it would be acceptable to save a loved one before a stranger, but note that it would not be acceptable to save a loved one by killing a non-aggressive stranger. Imagine, for instance, that a loved one needed a new liver to survive and that the only way to acquire one were to kidnap an innocent person and forcibly extract one. No dignity-based ethic would permit such drastic action to promote the interests, even the urgent interests, of a loved one. The general principle is that respect for the dignified capacity to be party to harmonious relationships means that even long-standing and intense bonds generally should not be promoted by using a very discordant means towards innocents (Metz, 2021, pp. 113–117).

If that principle is sound, then it remains merely to point out that government officials who acted in a strongly partial, for example, nepotistic, way would be using a very discordant means to help those related to them. Each civil servant has a duty to help ensure that the state's behaviour is not strongly partial and instead identifies with and exhibits solidarity towards each citizen. If a civil servant shirks this duty, they exploit those colleagues and their relatives who have upheld their duties. They also exploit tax-paying citizens who all have a duty to facilitate a state that identifies and exhibits solidarity with each member of the public. Exploitation, or benefiting from others' sacrifice as if they existed merely to serve one's ends, is a discordant or anti-social way of relating to others. (In addition, sometimes state bureaucrats promise to serve the

public or take an oath to do so, which, in that case, means there would be even more discord if they instead directed public resources towards private interests.)

Note that it will not suffice to say that nepotism is wrong simply because it is a matter of stealing; for to characterise it as stealing is merely to say that it is an unjustified taking, which begs the philosophical question of *why* it is unjustified. This chapter has argued that nepotism is unjustified mainly because the state is obligated to identify and exhibit solidarity with the public as a whole, which it could not do if its officials routinely acted nepotically. Any given official who uses public resources to satisfy private interests is therefore acting unfairly; they are exploiting their fellow officials who have not acted in that way, making an exception for themselves and treating themselves and their kin as more important than the others are. They would be promoting communal relationships by using an anti-social means, which the dignity-based principle rules out as disrespectful. Furthermore, if literally all officials happened to act in a similarly nepotistic way, then, although they would not be exploiting one another, they would be taking advantage of taxpayers who have done their duty to provide resources to facilitate a state that should harmonise with every member of the public.

In sum, the Afro-communal ethic forbids not only nepotism, but also any allocation of state resources to those related in some way to human resources or procurement officials, since doing so takes advantage of innocent parties such as fellow officials and taxpayers who have done their part to support a state that treats everyone with respect. However, that is not to conclude that state bureaucrats may never be partial in the way they distribute government jobs and contracts. A different kind of partiality does not threaten harmony and may even respect people's capacity for it, or so the next section argues.

Against Impartialism

The previous section argued that strong partialism is forbidden in the interest of the whole public, which might suggest that impartialism is true, such that state officials should always act in ways they expect to

benefit the whole public. However, this section argues that there is a kind of partialism that is morally appropriate. Basically, it argues that there is a significant moral difference between awarding jobs and contracts to those who are *related in some way to particular government officials*, on the one hand, and to those who are *related to the state* in certain ways, on the other. Here, it is argued that, according to the Afro-communal ethic, people such as veterans and victims of state injustice may, in principle, be given some degree of preference in the awarding of government jobs and contracts, which means that impartialism is an inappropriate way to allocate state resources. Even to those already convinced that African values permit preferential hiring, this section should be of interest since it brings out the unified basis, viz., the ethic of communal relationships, that forbids one kind of favouritism, namely, nepotism and prebendalism, but permits another, namely, affirmative action.

Consider the preferential treatment of veterans, those formally employed by the state to fight on its behalf or, alternatively, those freedom fighters and leaders of the struggle who opposed the state on behalf of the public it was once oppressing. In both cases, individuals risked life, limb, and livelihood to aid the state or the public. Communal relationships include showing gratitude to those who have worked for the benefit of others. A person who is able but not willing to thank someone who has provided above-satisfactory service is not properly recognising the other's dignified capacity to relate in a harmonious way. Ingratitude involves a person discordantly treating others as though they exist to serve them, which a harmonious relationship would, of course, exclude. Respecting people in virtue of their capacity for harmonious/communal relationships therefore requires the state to recognise those who have made great sacrifices for it or the public. That might mean giving some preference to veterans when awarding government contracts and jobs. "Some" is the key word here, for all decisions should still be based *largely*, even if not exclusively, on what would be good for the public in its entirety. This means that those selected for a contract or job must be adequately, even if not superlatively, qualified.

Similarly, the state may rightly give some preference to individuals from whom, in the past, it had demanded unjust sacrifices. Here, the relevant moral category is not gratitude but repentance. In a choice

between making amends to a wronged friend or forgetting that one and, instead, going out to make a new friend, a dignity-based ethic that values communality demands the wrong to be set right first, presuming this were feasible. A person's duty is to mend any discordant relationships before forging new, harmonious ones (supposing both could not be done at the same time). This point applies not merely to individuals, but also to a state obligated to prize people because of their capacity for identity and solidarity. If a state has systematically wronged any of its citizens, such as South Africa under apartheid, respect for their communal nature would require an apology followed by a serious attempt to repair the broken relationship. One way for a state to express contrition and to correct its mistakes (in part) would be to give preference for government jobs and contracts to applicants from the sector it had wronged, even if they are somewhat less qualified and hence doing so would come at some cost to the public.

Space does not permit a complete defence of preferential hiring, but two objections based on the African ethic should be considered. First, it might be argued that it is wrong to make up with those whom one has wronged by wronging others (e.g., Fullinwider, 1980). That is, some might say that, even if preferential hiring of black people who had been discriminated against would express contrition and foster reconciliation, it would be objectionably discordant with respect to white people. Not being considered equally for government jobs and contracts might be viewed as divisive and a manifestation of ill-will by the state.

In reply, suppose that, in adopting preferential hiring, the state would indeed be somewhat discordant regarding those white people who were neither responsible for, nor beneficiaries of, past injustice. Then the degree to which preferential hiring wrongs them must be compared with the degree to which black people would be wronged were preferential hiring not adopted. It would be wrong to fail to apologise to those whom one had wronged, and also wrong not to try to mend a break in a relationship, were one at fault. Hence, the state would probably be doing an injustice, regardless of whether it adopted affirmative action or not, and, if so, then the state should minimise the injustice it does. It seems that to adopt affirmative action would be the lesser injustice, when the number of black people wronged is great and the wrongs done to them were

serious, and when the number of white people is small and the burden on them is comparatively light, say, because they could likely obtain comparable resources elsewhere (cf. van Roojen, 1997).

Second, it might be argued that preferential hiring would foster long-term discord by worsening the public service offered by the state and causing disaffection such as might result from a strongly partial state (discussed in Edigheji, 2007). Were the state much less able to prevent crime and implement welfare programmes because of affirmative action and were it to alienate substantial portions of the public as a result, then it would fail to promote the proper degree of identity and solidarity regarding the public.

In response, it is true that the effects of preferential hiring on the public must be given moral consideration. Despite being against impartialism, this chapter accepts the idea that the primary obligation of state officials is to act for the sake of the public. There could be cases where the long-term consequences of affirmative action policies would be so deleterious to promoting relationships of identity and solidarity that they should not be adopted. The point is that, at the level of principle, the African moral theory allows state officials to take past sacrifice for the state, and past injustice by the state, as reason to act for some individuals or groups, even if it means not benefiting the public to the *maximum* available degree.

Hence, when it comes to service delivery, state officials may sometimes provide somewhat less than the best possible to the public, when doing so means giving advantage to individuals with certain relationships with the state, specifically veterans and historically disadvantaged individuals. By giving these persons only “some” preference for government jobs and contracts, and by requiring them to be adequately qualified, harm to public service would be unlikely to be substantial. On disaffection, the public is not likely to feel alienated from a government that gives preference to veterans, especially those who struggled on behalf of the public. A largely black public in sub-Saharan Africa is, of course, unlikely to feel as divided from a state that adopts affirmative action for black people as it would towards one awarding jobs and contracts to those arbitrarily related to government officials. Furthermore, even if whites felt alienated from a state that gave some preference to blacks, they would be largely

unjustified in the many cases where they had benefited greatly from past injustice and the current imposition upon them were small. The prospect of irrational disaffection does matter morally, for any disaffection means failure to identify with the state, but it does not matter greatly. In friendships, some allowance should be made for the irrationalities of a friend, and conflict grounded on unreasonable expectations or reactions should be avoided, but there is no obligation to indulge.

There are other possible objections to these arguments for preferential hiring or to preferential hiring itself. This chapter has not demonstrated, for example, that a necessary way to express gratitude to veterans, and to express remorse and mend rifts with those wronged during colonialism, would be to adopt preferential hiring. It has at best shown that preferential hiring would be one way to discharge these obligations. However, it is not the aim of this chapter to provide a complete defence of preferential hiring. Instead, it takes a certain interpretation of African ethics for granted and teases out some of its likely implications for how to allocate state resources. It argues that an African ethic prescribing respect for people's communal nature would, in many cases, permit preferential hiring of the sort described and for reasons that should be taken seriously.

Conclusion

This chapter has sought to answer the question of how human resources and procurement officials in a sub-Saharan African state should award government contracts and jobs. It has asked specifically whether they should do so impartially, invariably for the sake of the public as a whole, or whether they may do so partially on occasion and, if so, in what respect. To answer, the chapter has appealed to a moral theory informed by African values that contrasts with utilitarian and Kantian approaches to justice. This moral theory requires respect for people because of their dignified capacity for harmonious relationships, where such relationships are a matter of identifying with others and exhibiting solidarity with them. The chapter has argued that such a moral theory provides a unified and plausible way to account for the various duties binding on officials regarding the use of state resources.

Specifically, the ethic has been shown to forbid state officials from awarding resources to individuals because they are *related to them* through membership in the same family, ethnic group, or political party. Allocating resources in that strongly partial way would be exploitative, and hence degradingly use a discordant means to foster harmony among associates. However, the ethic does not require state officials to award resources on an utterly impartial basis; they may favour individuals with certain *relationships with the state*, specifically, veterans and victims of state injustice, even when it would cost the public something. Honouring people's social nature requires displaying gratitude, expressing remorse, and trying to reconcile with those the state has been wronged, all of which the state could achieve by preferential hiring and without promoting substantial discord in society as a result.

Several of the points made in this chapter should be useful in addressing additional political, legal, economic, and social issues from an African perspective. For instance, it should be of value to understand the following distinctions: between an African moral theory that prizes harmony and a Western one that values welfare or agency; between different facets of harmony, viz., identity and solidarity; between institutions and individuals as objects of moral appraisal; between valuing relationships with an institution and relationships with those within an institution; and between the desirable end of a harmonious (communal) relationship and the impermissible means of a discordant (anti-social) one. These theoretical resources should be useful when applying African values to other domains.

It is hoped that African moral and political philosophy will develop alongside African economies and societies. More strongly, it is hoped that African economies and societies will develop in part because of the development of African moral and political philosophy.⁸

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