

## The Future of the Multi-Ethnic African State: On the Perspective of Ifeanyi A. Menkiti\*

### Preliminaries

Ifeanyi A. Menkiti<sup>1</sup> is fully cognizant of the historical, ethnic, and territorial specificities of the typical post-colonial African state,<sup>2</sup> which arose in the twentieth century as an organism characterized by deep ethno-cultural divisions.<sup>3</sup> Its borders were arbitrarily determined by Europeans, and in consequence the majority of African borders today divide the members of varying peoples<sup>4</sup> into the nominal citizens of different states. On the other hand, many peoples of dissimilar origin and culture live

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<sup>1</sup> Ifeanyi A. Menkiti is Nigerian in origin. He has a doctorate in philosophy from Harvard, where he was a student of John Rawls. A poet and a professor of philosophy at Wellesley College, he is the author of political and social-ethical works.

<sup>2</sup> In this article, I use the word ‘Africa’ to mean Sub-Saharan Africa, and the term ‘Africans’ in reference to the inhabitants of that part of the continent. I use the analogous adjective ‘African’ to describe communities, states, phenomena, processes, etc. connected with Africa south of the Sahara.

<sup>3</sup> Amongst contemporary African states, only Ethiopia and Liberia emerged prior to the 20th century. Multi-ethnicity is not, in turn, a characteristic of such African states as Somalia, Lesotho or Swaziland.

<sup>4</sup> In this article I interchangeably use the terms ‘people’ and ‘group’ to describe separate ethno-cultural communities in Africa, as these terms are the ones most often used for this purpose by Menkiti. His use of the term ‘people’ could be connected with its use by John Rawls (see Rawls, *The Law of Peoples with ‘the Idea of Public Reason Revisited*, Cambridge, MA: Harvard University Press, 1999; V and, more in depth, §2.1 and §2.2, p. 23–27). Menkiti, however, uses the terms ‘people’ and ‘group’ interchangeably with such terms as ‘nation’, ‘ethnic group’, ‘tribe’, ‘tribal group’, ‘tribal community’, and ‘tribal society’. He does not distinguish between the various meanings of such terms as ‘nation’, ‘people’, ‘tribe’, or ‘ethnic group’. He even writes that ‘the so-called tribes are nations’ (Ifeanyi A. Menkiti, “Philosophy and the State in Africa: Some Rawlsian Considerations”, *Philosophia Africana* 5, No. 2, August 2002, p. 41). It is worth emphasizing here that more than one African might consider a differentiation between, for instance, African tribes or ethnic groups and European nations, to be a somewhat artificial proceeding, rather like trying to find

within the boundaries of one state. As a result of the activities of Europeans, Africa is today, as Menkiti puts it, a collection of legal entities imposed from outside.

Officially, African leaders recognize African state borders to be inviolable.<sup>5</sup> Nevertheless, post-colonial Africa has been, is, and doubtless will be in the future torn by conflicts of varying provenance, including separatist conflicts and border conflicts, in which the question of multi-ethnicity plays a significant role. In as much as multi-ethnicity is not in itself the cause for the emergence of African conflicts,<sup>6</sup> it can constitute their sub-strata, particularly when used by the principle actors to achieve certain objectives.

In Menkiti's opinion, the further existence of borders of post-colonial origin is a matter of secondary concern. He seems to see a future for the successful coexistence of various peoples within the framework of an African state above all from the perspective of whether there is justice. In reference to the relation between justice and the continued existence of an African state within its colonial borders, Menkiti writes:

‘although borders may eventually need to be redrawn, we do not have to do so right now. Social justice is still a powerful silent partner in the preservation of state boundaries. If the African state earns the respect of its citizens through the achievement of justice in the public domain, then it may not matter whether Africa remains as is, with its present boundaries, or is adjusted back to its earlier arrangements. What is important is that citizens feel secure in their persons and that they know their life prospects are not being dismantled by the very state that is supposed to be advancing them’.<sup>7</sup>

These words confirm that for Menkiti it is not the integrity of the contemporary African state that is of value, but rather how the life of its members – that is, of the peoples who live within it – are organized. If the manner is equitable, then their coexistence within the colonial borders could be realistic, or a negotiated change in the borders could take place: for instance, by the peaceful division or unification of

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in Africa a difference such as that between beliefs and religion. The above difference could also appear to an African to be a heritage of colonial times, because such terms as ‘tribe’ or ‘ethnic group’ could imply some inferiority connected with Westerners’ treatment of African communities as being less developed. On the subject of a lack of clarity, consistency or exactness in defining terms in political thought, see, e.g., Krzysztof Trzciński, “A Reversal of Perspective: The Subject as Citizen under Absolute Monarchy, or the Ambiguity of Notions”, in: *The State and Development in Africa and Other Regions: Past and Present*, Krzysztof Trzciński (ed.), Warsaw: Aspra-Jr, 2007, 319–332.

<sup>5</sup> This was the official policy of the Organization of African Unity, which is currently the African Union. There have been various departures from this rule, however, both in connection with altering the course of a border (for instance, the case of Bakassi Peninsula) and with the dismemberment of a state (for instance, the separation of Eritrea from Ethiopia).

<sup>6</sup> This is testified to by the fact that in numerous multi-ethnic African states there has never been, from the moment of their foundation, an armed conflict.

<sup>7</sup> Ifeanyi A. Menkiti, “Normative Instability as Source of Africa’s Political Disorder”, in: *Explorations in African Political Thought: Identity, Community, Ethics*, Teodros Kiros (ed.), London: Routledge, 2001, p. 146.

existing states.<sup>8</sup> However, if the fundamental injustices existing in Africa are not eliminated, the continent will continue to suffer from a variety of conflicts. Menkiti prophesies that such a situation could lead to drastic results through the dissolution of multiple state organisms, and adds that ‘the conservation of borders can itself become an exercise in futility, a self-defeating project, if the citizens of the state, for whom the borders are being conserved, find that their very state not only is not able to empower them, but has become instead a killing field, with them as victims’.<sup>9</sup>

Menkiti is aware that more than one Western expert considers that Africa’s chief concern should be economic development,<sup>10</sup> and not the pursuit of justice. But Menkiti is convinced that there is no need to make a choice between the two, because, as he writes, ‘unless Africa has social justice the fruits of economic development cannot be fully enjoyed. For social injustice breeds social resentment, and social resentment is a dangerous thing in the life of nations’.<sup>11</sup> In other words, he assumes that economic development is not possible in a situation where a significant portion of Africans feel themselves to be excluded or persecuted.

To implement the ideal of justice in the sense in which Menkiti understands it requires finding a new manner of agreement<sup>12</sup> amongst the peoples living in an African state. This agreement should be based on mutual respect and equal treatment among the peoples. To achieve this goal, Menkiti proposes a re-conceptualization of the state in Africa: the creation of a morally neutral, minimalist governing state, in which a reduction would take place in the competencies of the central government along with a cession of a large part of these competencies to lower level authorities.

As Menkiti puts it, for ‘the reworking of ideas concerning political association’<sup>13</sup> the ideas of John Rawls could be useful, particularly his idea of a ‘law of peoples’. In anticipation of the accusation that in turning to Rawlsian concepts he fails to perceive the fundamental diversity between Western and African thought, Menkiti explains that although there are naturally differences, they are frequently overblown, and he adds that ‘a fruitful mutual engagement is possible between an ostensibly individualistic liberal philosophy and a communitarian cultural orientation, such as one finds in Africa’.<sup>14</sup>

### **Justice as a group problem**

Justice is one of those ideas whose meaning is easy to understand intuitively, but which is very difficult to define, particularly in a manner that will meet with universal

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<sup>8</sup> Menkiti only remarks in passing on the possible emergence of a regional or continental ‘assemblage of African peoples’. See *ibidem*.

<sup>9</sup> *Ibid.*, p. 145.

<sup>10</sup> This issue has been discussed in depth by, e.g., Claude Ake. See Ake, *Democracy and Development in Africa*, Washington, D.C.: Brookings Institution, 1996.

<sup>11</sup> Menkiti, “Normative Instability...”, p. 137.

<sup>12</sup> Menkiti also uses the term ‘consensus’ in this respect.

<sup>13</sup> Menkiti, “Philosophy and the State in Africa...”, p. 37.

<sup>14</sup> *Ibidem*.

acceptance. For each individual, different situations, actions or institutions could be seen as just or unjust, and the appraisal could vary with the circumstances. However, certain mutually held ideas of social justice,<sup>15</sup> involving the public dimension of life, and therefore society as a whole,<sup>16</sup> can and should be assumed to exist. Menkiti does not try to define social justice exactly, but he writes that it concerns ‘the issue of what is a fair and equitable distribution of the burdens and advantages of social life’.<sup>17</sup> He is convinced that the existence of social justice in an African state requires three basic circumstances: 1. no more than moderate scarcity of goods, and thus a lack of extremes in living conditions within the state; 2. the, at least partial, goodwill of the members of the society towards each other; 3. an approximate equality in strength, that is, a situation in which the excluded or persecuted would be able to successfully harm their oppressors and fight for their rights, should they feel the need.<sup>18</sup>

In the thinking of certain Westerners (for instance, John Rawls), social justice involves a distribution of goods in which particular concern is accorded to the interests of those members of the state who are faring the worst and who have the least chance of improving their lot. Rawls sees social justice in the context of such phenomena as poverty, wealth, or well-being. Other thinkers (for example, Robert Nozick) concentrate on explaining social justice in terms of whether all members of the state have equal opportunities. Social justice is seen, in this sense, from the perspective of the (equal) rights of individuals within the state.<sup>19</sup> Although Menkiti appears to move within the framework of these two ideas of social justice, his thought cannot be ascribed to either. He appears to agree with both, and even to adopt the position that pointing to differences is not, for Africa, the objective. But this is not of much importance.

In general, in Western thought, the idea of social justice refers to the situation of the individual in society, and if it concerns a collective, then rather a social class or a minority. The basic precondition for the existence of social justice would appear to be the existence of democratic citizenship.<sup>20</sup> At the same time, in the inequitable

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<sup>15</sup> The idea of ‘justice’ in this article is used in this sense interchangeably with the term ‘social justice’.

<sup>16</sup> See John Rawls, *A Theory of Justice*, Oxford: Oxford University Press, 1998, §1, p. 5, where the author writes that ‘one may think of a public conception of justice as constituting the fundamental charter of a well-ordered human association’, and although ‘men disagree about which principles should define the basic terms of their associations’, it is still possible to say ‘that they each have a conception of justice. That is, they understand the need for, and they are prepared to affirm, a characteristic set of principles for assigning basic rights and duties and for determining what they take to be the proper distribution of the benefits and burdens of social cooperation.’

<sup>17</sup> Menkiti, “Normative Instability...”, p. 145.

<sup>18</sup> See *ibid.*, p. 138.

<sup>19</sup> See Roger Scruton, “Justice,” in: Scruton, *A Dictionary of Political Thought*, London: Macmillan, 1996, p. 285–286.

<sup>20</sup> Rawls, *A Theory of Justice...*, §1, p. 4, where the author writes that ‘in a just society the liberties of equal citizenship are taken as settled.’

situation of the typical African state, where there is also a continuation of strong group identities, no formation of a single nation, and a lack of real citizens, Menkiti sees the problem of justice chiefly in connection with groups in the sense of ethno-cultural communities (peoples, ethnic groups, tribes). In consequence, he proposes that the African discourse about justice should above all treat peoples as a whole and apportion them firstly an equal and appropriate share of the burdens and benefits connected with their mutual life in the state.

He asks, however: ‘why all this talk about groups and the sense which people have of belonging to them? If individuals matter, and they do, why embed concern about them in a concern about the groups to which they belong?’<sup>21</sup> And he has several answers for the problem thus formulated. The original group, he considers, is unusually important for the individual in terms of defence against the state; the group can provide a sort of buffer or protective barrier for the individual against the state when it becomes pathological. Individuals themselves are simply too weak in such a situation. Thus, in African conditions, weakening the position of the group means lowering the security of its members. Menkiti claims that when weak groups fail, their members fall along with them. In Western thinking, it is rather the state that should ensure protection against the collective: for instance, protection for a religious community. Menkiti assumes the opposite. Such an approach would seem to be the result of the African state’s being seen, in current conditions, as an abstract and enemy entity.

Furthermore, as Menkiti writes, groups ‘need the space to prosper so that they can become for individuals the agent of transformation into full personhood’.<sup>22</sup> The group to which an individual belongs shapes that individual morally. This process occurs within all peoples (ethno-cultural communities) and within smaller communities such as within families, lineages, clans, or villages.<sup>23</sup> These communities instil within their members the norms and beliefs of their own cultures.

Menkiti is convinced that in the traditional thought of many African peoples, the individual gradually acquires his personhood in the eyes of the community by the internalization of group norms and by acting in accordance with these norms in his

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<sup>21</sup> Menkiti, “Philosophy and the State in Africa...”, p. 49.

<sup>22</sup> Ibidem.

<sup>23</sup> To describe smaller collectives existing within the framework of peoples, I use the term ‘community’, after Menkiti. Menkiti does not write, however, whether by ‘community’ he understands the extended family, a lineage, clan, or village (as a territorial, organizational, and social unit). In one of his works he uses, in a similar context, such terms as ‘village society’ or ‘village world’. See Menkiti, “Physical and Metaphysical Understanding: Nature, Agency, and Causation in African Traditional Thought,” in: *African Philosophy: New and Traditional Perspectives*, Lee M. Brown (ed.), Oxford: Oxford University Press, 2004, p. 124, 133. On the notion of *community* in Africa, see Kwame Gyekye, *Tradition and Modernity: Philosophical Reflections on the African Experience*, Oxford: Oxford University Press, 1997, p. 43, where the author writes that ‘the notion of community (...) is a notion of particular social settings and networks’ (...) ‘These social settings and networks are of different forms and shapes: thus, the family (both nuclear and extended), clan, village, tribe, city, neighborhood, nation-state – all these are kinds of community.’

adult life.<sup>24</sup> This moral concept of personhood carries the assumption that without the group there is no possibility of becoming a human being worthy of moral respect. Menkiti writes, in this regard, that ‘left alone to themselves in a sort of disassociated outer region bereft of the moral substance provided by community, they fall short of person-standing’.<sup>25</sup>

The individual in Africa is therefore a deeply communal being. Menkiti expresses reservations about how his ideas on the position of the individual in African culture could fall within the framework of the discourse between communitarians and liberals. And indeed, alongside the very strong communitarian accents and the emphasis on the individual’s belonging to a group, he also presents an intensely liberal view: [we declare each] ‘person regnant within his or her own space, free to articulate an area of private understanding, without interference from others’.<sup>26</sup> What is interesting is that Menkiti considers that this opinion reflects African realities.

Immediately afterwards, however, he emphasizes the importance of the social nature of the individual, the individual’s roots in the collective environment, and opposes supporting a vision of individual freedom in which the role of the group is overlooked. He expresses this in the following words: ‘if one finds others not part of the inner story of one’s own self, or is convinced that there is self sufficiency standing alone, then let this individual draw the appropriate conclusion and move out to start his own country, or nation, or state’.<sup>27</sup> He renounces the idea of individual liberty as the highest value. He describes such liberty as ‘noninstrumental’,<sup>28</sup> while the liberty he prefers is instrumental, assured by the group for itself and its individuals alike.<sup>29</sup>

### **The condition of the state in Africa**

John Rawls claims, in *A Theory of Justice*, that ‘an injustice is tolerable only when it is necessary to avoid an even greater injustice’,<sup>30</sup> and thus when it is to the advantage of those members of the state who are faring the worst. Menkiti, however, is not writing about the existence of such injustice in reference to the condition of states in

<sup>24</sup> On the subject of the traditional African moral concept of a human being (the idea of the gradual acquisition of personhood within the community) see Menkiti, “Person and Community in African Traditional Thought,” in: *African Philosophy: An Introduction*, R.A. Wright (ed.), Lanham: University Press of America, 1984, p. 171–182, and Menkiti, “On the Normative Conception of a Person,” in: *A Companion to African Philosophy*, Kwasi Wiredu (ed.), Oxford: Blackwell, 2004, p. 324–331.

<sup>25</sup> Menkiti, “Philosophy and the State in Africa...”, p. 49.

<sup>26</sup> Ibid., p. 40.

<sup>27</sup> Ibidem.

<sup>28</sup> Ibidem.

<sup>29</sup> Menkiti sees the freedom of the individual entirely differently than does his teacher, John Rawls, who supports the liberal idea of the autonomy of the individual in the state. This does not hinder Menkiti’s interpretation of Rawls’ thought, however, when he writes about the relation between moral personality and justice (Rawls, *A Theory of Justice...*, §77, p. 505–510), to confirm his belief that morality should be recognized by an African as necessary to a sense of humanity. See, more in depth, Menkiti, *Person and Community...*, p. 176–177.

<sup>30</sup> Rawls, *A Theory of Justice...*, §1, p. 4.

Africa. As he indicates, in Africa those who reap benefit from injustice are a class of kleptocrats, defined in ethnic categories. He stresses that most of the cases of abuse by an African state (identified here with the state authorities) towards its members have been connected precisely with an ethnic dimension. Menkiti recalls that, in the typical African order of things, people are not valued according to their work or knowledge, but in terms of which people they belong to and whether that people participates in power. In addition, it has more than once happened that the very life or death of a person rests on his origins. Menkiti simultaneously points out that the greater the harm resulting to persons from their inequitable treatment, the greater may be their anger and actions against the state.

The current African state, as Menkiti understands it, is also a domain for the clash of the identities and feelings of self-worth of varying peoples, possessing recognizable separate histories, cultures and achievements, of which they are proud. The pride of one people is, however, not infrequently offended by having their particular interests overlooked by other peoples, especially by those which hold a dominant position in the state and are thus in power. Menkiti, following Rawls, notes how counterproductive it is for achieving agreement to have the feelings of self-worth of one people slighted by other peoples.

Furthermore, the typical society of an African state has not yet become, as Menkiti puts it, a 'national people'. He writes, in this connection, that if we take into account 'the changed nature of our social situation, the facelessness of secondary society arisen from a more intimate primary one' ... 'such a sense of [national] community cannot now be found'.<sup>31</sup> At the same time, he emphasizes that in the case of Africa, nearly every state is an experimental site involving an attempt to create a model of a 'multinational national society', which, in his opinion, has not proved effective in other parts of the world. He considers that variety within a people is a good thing, but a variety of peoples within the framework of a state is an antinomical undertaking. He adds that 'what makes up a national space is a national people, not many national peoples'.<sup>32</sup> The feeling of forming a nation in common should involve the unity of the nation as a definite political entity. Menkiti writes in this context that 'when, for example, in West Africa large segments of the Yoruba population are included in Nigeria, and significant other segments of the same Yoruba population are included in what is now the Republic of Benin, it does not take a genius to see that something is out of kilter, not quite right'.<sup>33</sup>

One could argue with this view, and point to the satisfactory or good relations between varying nations living in, for example, Switzerland or Great Britain. Menkiti is aware, however, that African multi-ethnicity is far different from the multi-nationalities of Europe. African experience has shown that the level of conflict between peoples living in one state is unusually high. It should be stressed that in the inequitable

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<sup>31</sup> Menkiti, "Philosophy and the State in Africa...", p. 45.

<sup>32</sup> Ibid., p. 41.

<sup>33</sup> Menkiti, "Normative Instability...", p. 144.

African state of today, the picture is one of rivalry between various groups for power and access to resources. There is thus no way to create a happy coexistence for various peoples in a situation where each is trying to appropriate the state at the expense of the others.

There is a hope, however, that justice within the African state could change this situation. A nation-state, as Menkiti says, is not constituted by some sort of proclamation, but is the social life of many generations, slowly creating the chemistry necessary for its being.<sup>34</sup> Perhaps the creation of such a nation, if it is at all possible, must be a historical process, connected with peoples' long-term experience of their mutual, equitable existence.

The problem of nation-states failing to form in African states is connected, in Menkiti's opinion, in large measure with the normative instability that characterizes them. This instability is based on the erosion of traditional African values and the appearance of new, Western norms, which do not harmonize with African cultural realities, and are thus often simply incomprehensible to Africans. Menkiti writes of 'a tragic shifting away from a space of original dignities to a confused space of piddling activity, where role occupiers now enact roles without understanding their true meaning, so that when the rules say "jump", then jump is what all automatically have had to do'.<sup>35</sup>

Above all, the lack of structural continuity between native values and the disappointing political authority, which has been introduced according to foreign patterns, is very significant. Two orders function side by side in an African state: new political institutions devoid of normative effect for the state's members, and traditional values, whose influence is still strong although little supported by traditional political forces, which have been largely disassembled. Menkiti considers the basic source of normative instability to be the Europeans' faulty division of Africa. This division, he thinks, certainly served colonial economic expansion, if only by facilitating the rule of varying, sometimes mutually antagonistic peoples. But one of the most important effects of colonization, in his opinion, was the slowing of the evolutionary tempo of traditional African institutions and political culture.

Furthermore, in African states today there is a sort of home-grown incompatibility of orders: the traditional one, which developed over the centuries, and the contemporary one, which has been imposed. Menkiti writes, however, that 'in the light of the way things are right now in Africa, the continent must contend with the residue of its history, must play the hand it has been dealt, regardless of whether its problems arise from an inability to learn and sustain new values or stem, rather, from the fact that its ancestral value system had been destroyed by Europe's adventure'.<sup>36</sup>

Menkiti, in trying to evoke the scale of difficulties in creating a nation-state in multi-ethnic conditions, refers to the legal system. He considers that it makes sense

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<sup>34</sup> Menkiti, "Philosophy and the State in Africa...", p. 48.

<sup>35</sup> Menkiti, "Normative Instability...", p. 133.

<sup>36</sup> *Ibid.*, p. 137.



for a state to have a single system of law. The introduction of the *sharia* in Nigeria has created, on the other hand, in Menkiti's opinion, a state like a two-headed beast. A situation in which the law does not play an instrumental role in uniting the members of a state cannot further the state's effectiveness.

The problem of normative instability is, however, much more complicated. In a typical contemporary multi-ethnic African state, as many different systems of values function as there are different peoples within the state. In consequence, there are many varying visions or claims concerning the nature of the state political order. And although – or perhaps because – the central authority is ordinarily composed of the members of one or a few peoples, these strive to control the totality of affairs in the state.

### **A conception of the managerial state and devolution**

To achieve justice in the African state, Menkiti postulates the necessity of refusing moral powers to the central authorities. By this he is suggesting that those questions that divide peoples in the state more than influence their mutual understanding should be removed from the sphere of the central authorities. Menkiti writes, after Rawls, that 'the more individuals and communities are kept from forcing their comprehensive views on one another as a consequence of assigning some sort of moral majesty to the state and its organs, the better for the health of the body politic',<sup>37</sup> and he adds that in the context of African political conflicts, it would seem 'that the less we allow the parties to bring to the political table their deeply held ethnic or cultural beliefs as to the right order of things, the better for all'.<sup>38</sup>

This postulate is a direct link to the theory of Rawls, who proposed that 'comprehensive doctrines of truth and right be replaced by an idea of the politically reasonable addressed to citizens as citizens'.<sup>39</sup> However, while Rawls noticed the divergence between the interests of the state on the one side and the individual as a citizen, extrapolated from his social environment,<sup>40</sup> Menkiti stresses once again that in Africa there is above all a clash between the interest of the state and the peoples within it.

For the purpose of preventing the peoples who form or co-form the central authority from imposing their own moral vision on others, Menkiti suggests concentrating on the task of re-conceptualizing the state in Africa at a certain minimum and thus 'separating the parties in conflict'.<sup>41</sup> He writes that 'to deprive the power at the center of its lethality in the event those in power are tempted to direct it unjustly against individuals or groups is, no doubt, an aim worthy of moral approval'.<sup>42</sup> In consequence, he claims

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<sup>37</sup> Menkiti, "Philosophy and the State in Africa...", p. 38.

<sup>38</sup> Ibid., p. 39.

<sup>39</sup> Rawls, "The Idea of Public Reason Revisited," in: Rawls, *The Law of Peoples...*, p. 132 and, more in depth, §6.2, p. 171–172.

<sup>40</sup> See *ibid.*, §6.2, p. 171–172.

<sup>41</sup> Menkiti, "Philosophy and the State in Africa...", p. 47.

<sup>42</sup> Ibid., p. 46.

that instead of struggling with further top-down and mechanical attempts to impose rigid unity, which could make the existing differences even more problematic, the African state should be made into an exclusively managerial one.

Such a state would be reminiscent of the idea of the night watchman state, as it should, in Menkiti's view, fulfil only three basic functions for its citizens: maintain security, ensure infrastructure, and facilitate trade. In this minimalist conception, the role of the state is thus reduced to creating the basics of common existence. The remainder of affairs Menkiti leaves in the hands of the peoples. It is not certain, however, in what manner the peoples of such a minimalist state would resolve between themselves those questions that concern everyone in the state and exceed the boundaries of the state's three functions.

In developing the idea of the managerial state, Menkiti proposes replacing the current model of the African state, which has a strong central authority, by a pluralistic state in which a careful devolution of power would take place. In his opinion, in the case of large impersonal state structures, devolution is necessary because only ceding power to lower levels will create the conditions for a real and proper securing of the interests of peoples and individuals. Care in bringing about this devolution is required both because of the possible reaction of the central authorities, who could feel threatened by, for instance, a sudden loss of a large part of their prerogatives, and because of possible attempts by local elites to separate their regions from the previous state organisms.

Menkiti does not specify, however, the principles for devolution. It is not certain whether devolution would be a simple decentralization of power in the state or some variant of federation, involving giving autonomy to the state's regions. It can be imagined, though, that in the second case the regions would be determined on the basis of ethnic divisions. If this were to happen, would the large, multi-ethnic cities have some separate status? The answer cannot be discovered in Menkiti's writings.

More importantly, the question emerges as to whether the use of the concept of 'devolution' means that, as is the British practice, particular regions inhabited by different peoples would have varying degrees of autonomy within the state, depending, for instance, on their size or simply on the needs articulated by their political elites and the outcome of negotiations with the central authority? And if this were the case, wouldn't it signify an inequality in the status of the peoples within the state? Menkiti omits these questions.

### **A law of peoples**

Menkiti proposes that devolution should be accompanied by relations between peoples within the African state on the basis of Rawls' 'law of peoples'. Rawls wrote that by a 'law of peoples' he understood 'a particular political conception of right and justice that applies to the principles and norms of international law and practice'.<sup>43</sup> In Menkiti's opinion, this law, although suggested by Rawls for international relations, could, in the case of Africa, bring about the realization of the

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<sup>43</sup> Rawls, *The Law of Peoples...*, p. 3 (Introduction).

goal that he describes as the peoples' 'willing participation in the shared life of a common state'.<sup>44</sup> The law of peoples could be treated as a fundamental constitutional principle for a multi-ethnic state and at the same time as a prescription for mutual respect between all the peoples forming such a state.

The following are the eight principles of Rawls' law of peoples:

1. Peoples are free and independent, and their freedom and independence are to be respected by other peoples.
2. Peoples are to observe treaties and undertakings.
3. Peoples are equal and are parties to the agreements that bind them.
4. Peoples are to observe a duty of non-intervention.
5. Peoples have the right of self-defense but no right to instigate war for reasons other than self-defense.
6. Peoples are to honor human rights.
7. Peoples are to observe certain specified restrictions in the conduct of war.
8. Peoples have a duty to assist other peoples living under unfavorable conditions that prevent their having a just or decent political and social regime.<sup>45</sup>

Menkiti believes that these principles could provide the basic level of understanding between peoples in the African state. But this faith cannot be accepted uncritically. In itself, the temptation to find nourishment in Rawls' laws is not surprising. It is therefore worth remembering, once again, that the fundamental dimension of African statehood rests on the fact of its multi-ethnicity. As Menkiti writes, every people has its own primary normative doctrine and may be convinced that its own culture and norms are the best. Furthermore, African states are domains of injustice and lack effective means of peacefully resolving disagreements, which frequently grow into serious conflicts.

But how could the understanding, based on Rawls' law of peoples, come to exist in an African state, since Menkiti acknowledges the most important of the eight principles to be the first, which is to give sense to the rest? This principle postulates the freedom and independence of individual peoples. These are values that should be mutually acknowledged by all the peoples in a state, because, as Menkiti claims, when peoples view each other as free and independent, they require from one another mutual respect for their separate interests. Menkiti also writes that 'perhaps, the less potent the power at the center is rendered, the more attractive the prospects for individuals and communities in regard to their own flourishing', and he adds that he finds this 'a key application of a Rawlsian insistence on the freedom and independence of individuals and of peoples'.<sup>46</sup> However, he stops there and does not weigh what might be the other consequences of such declarations of independence.

The independence proposed in the first rule of Rawls' list concerns international relations, while Menkiti brings it to bear on internal state relations. Perhaps this could be understood as his accentuation of the fact that within the framework of a

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<sup>44</sup> Menkiti, "Philosophy and the State in Africa...", p. 42.

<sup>45</sup> Rawls, *The Law of Peoples...*, §4.1, p. 37.

<sup>46</sup> Menkiti, "Philosophy and the State in Africa...", p. 48.

pluralistic state there is no place for the dependence of one people in regard to another people or other peoples. In short, all people should be equal to one another, as is explicitly formulated in Rawls' third principle, concerning agreements. There is no need thus to understand the independence involved here as state independence. It is not certain, however, whether Menkiti has such an explanation in mind.

If the postulated independence were to be understood precisely in the sense of state independence, this would mean that Menkiti acknowledges the right of African peoples to self-existence, and, in consequence, that he does not rule out activities aimed in this direction. In truth, he indicates that a too far-reaching devolution of power within the state could lead to problems with its integrity, but he simultaneously presupposes the possibility of reconfiguring African borders. His views on this point are so very unclear that it is difficult to accuse him of supporting the decomposition of African states, but, at the same time, such an intention cannot be ruled out. This ambivalence is not the only problem with applying Rawls' law of peoples to internal relations between peoples in an African state.

Menkiti does not devote comments to any other than the first principle of the law of peoples. In this respect it would seem to be important to underline the possibility of a contradiction between, for instance, the eighth principle concerning the obligation to render aid to peoples living in unfavourable conditions and the fourth principle, in accordance with which peoples should observe the prohibition against interference. Such a contradiction could also be pointed out in Rawls' law of peoples in regards to international relations.

The sixth principle, which says that peoples should respect human rights, would seem to be of more importance in considering the internal affairs of a state. For Rawls, these rights were universal in character. And yet Menkiti's assumption that vastly divergent peoples could respect some common catalogue of human rights within the state framework is highly debatable. The very example of Menkiti's native Nigeria with its two official, differing, legal systems (not to mention local models) testifies to the serious problems that could be encountered in implementing principles on the respect of human rights.

What is to be done in a situation, where in the culture of a certain people, a rule forming part of the universal catalogue of human rights does not exist, and where simultaneously some norm that is in contradiction with this rule constitutes part of the identity and feeling of self-worth of this people, or of a broader religious community? How to resolve a situation where, for example, a universal human right prevents the followers of some religion or the members of a people from stoning a woman accused of adultery, when the punishment constitutes in that culture or religious community, to which the accused belongs, an important legal norm? How to make the freedom, independence, and equality of peoples and the principle of non-interference on the one hand accord with respect for human rights on the other? Menkiti does not answer these questions.<sup>47</sup>

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<sup>47</sup> The traditional African moral concept of a human being (the concept of the gradual acquisition of personhood in the community), which is evoked by Menkiti, could potentially also conflict with

## The enpeoplement of Africans

In Menkiti's opinion, introduction of a managerial state and devolution, along with implementation of the principle of the law of peoples, should contribute to creating equitable practices and institutions in the African state, and, in consequence, should give the state's members a sense of the existence of justice, and truly enpeople them. Enpeoplement, in the large sense, could be understood as the formation in the African state of the *demos*, that is, a political people (or a civic nation), feeling a real tie with the state and being loyal towards it. It would be worthwhile, however, to stress again that for Menkiti, the basic entities in states are not individuals but peoples. Individuals are members of peoples, and peoples, together, form the state. In other words, the state is a collection of peoples, which are formed by individuals. The thinker's approach is asymmetrical in nature: aggregating for peoples, but very communitarian in regards to individuals. This means that the territorially described, abstract state could imply simply the sum of the peoples forming it, at least until that time when its members have developed a feeling of loyalty towards it. However, a people, as a collection of persons united by real or mythic ties of blood,<sup>48</sup> a common culture and history, is something more than simply the sum of its individuals.

The idea of Africans' enpeoplement refers, therefore, in the strict sense, primarily to peoples, and only later has a possible application to the individual. The peoples' enpeoplement is to rest on making them equal in rights and thus in their equal treatment within the political state. Individuals are also supposed to be equal within the state, and, as a result, to have political rights. In a managerial state whose competencies are concentrated in three areas only, Menkiti writes, 'citizens can vote their will on these matters, and when they do, and their leaders respect the outcome of their votes, then an era of representative democracy would have arrived on the continent'.<sup>49</sup>

At the same time, however, he demonstrates that the individual cannot be abstracted from the context of his or her belonging to a specific people. And this belonging is significantly more strongly rooted than is membership in the state.

In Menkiti's thinking, two potentially contradictory approaches can be seen: on the one hand, Menkiti does not refuse the individual the right to vote, but on the other, he indicates that the individual is in large measure dependent on the people to which he belongs. Menkiti says, at the same time, that the African self is the opposite of a liberal self, which is, as he bluntly puts it, an isolated 'bundle of appetites'.<sup>50</sup> An

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that principle of the law of peoples concerning respect for human rights. The following question could be asked: would the individual, who did not observe group norms and would not be a 'full' person, be the possessor of human rights or not? And although the question would concern the relations existing among a specific people, it could become a matter of debate in light of the eighth principle of the law of peoples, on the obligation to aid peoples living in unfavourable conditions – those preventing their possession of an equitable or decent social system.

<sup>48</sup> On the subject of mythical ties of blood, see Gyekye, *Tradition and Modernity...*, chapter 3, p. 77–114, particularly p. 78–81.

<sup>49</sup> Menkiti, "Philosophy and the State in Africa...", p. 38.

<sup>50</sup> *Ibid.*, p. 49.

African is a social being, formed by and forming part of a group, and, in short, cannot be an individual or autonomous entity.

But doesn't a contradiction appear in Menkiti's thinking in consequence? The making of a political choice should be the effect of the private opinions of the individual. From Menkiti's views, and also from the essence of the traditional African moral concept of a human being, it follows that the average African cannot be an active agent and individual interpreter of the world in which he or she lives. It is not difficult thus to imagine a situation in which the individual is convinced by the group to support a specific candidate in elections.<sup>51</sup> After all, wouldn't he or she, in the case of individual opposition to the collective opinion of the group, be breaking one of the group's obligatory norms? If this is the case, then it means that the political right of the individual is exercised solely in the name of the group, and therefore, it is de facto a collective and not an individual right.<sup>52</sup>

### **The loyalty of Africans to the state**

Menkiti writes that according to John Rawls, the citizen's loyalty to the state results from the sense of justice that is incidental to the existence of equitable practices and institutions. Menkiti seems to believe that such a state of affairs could also emerge from the conditions of justice in a multi-ethnic African state, whose members have been enpeopled. As he does not describe what, in his understanding, is meant by loyalty to the state, it must be assumed that it is an attitude that links the members' actions with the state's good, with their observation of its laws and discharge of their duties towards it. Loyalty toward the state, which should be understood as a human community above all, implies loyalty towards the state's other members, independently of their group affiliation. Such could be the fundamental premises of the theoretical essence of loyalty.

Doubtless, however, the majority of Africans have not formed a sense of loyalty towards the state, which is an entity quite different from the people to whom they belong. In conditions of state injustice, the state will appear to many of them to be an abstract and foreign structure, and also a symbol of force and compulsory tribute of various kinds. Probably, for most of its nominal members, such a state is not advantageous. State functions in the sphere of education or health care are frequently performed by institutions other than those of the state.<sup>53</sup> Menkiti emphasizes that in the context of the inequity between peoples in African states a tendency appears

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<sup>51</sup> On this subject, on the example of relations prevailing in Senegal, see Claude Ake, *The Feasibility of Democracy in Africa*, Dakar: Codesria, 2000, p. 170–172.

<sup>52</sup> On the subject of the collective appropriation of state offices by a group in Africa, see *ibid.*, p. 182.

<sup>53</sup> See Kwame Anthony Appiah, *In My Father's House: Africa in the Philosophy of Culture*, Oxford: Oxford University Press, 1992, p. 169–170, where the author writes about organizations (the Church, the Rotary Club) that act as substitutes for the state in the areas of education, social welfare, or health care. Appiah points to a typical situation in Africa, where the state, instead of fulfilling its functions, allows other entities to perform them.

‘to turn inwards, seeking in intensified loyalty among members a solidarity deemed necessary for the group to get its share of the scarce resources’.<sup>54</sup> A situation of this kind cannot further the development of loyalty towards the state amongst Africans.<sup>55</sup>

Menkiti shows, however, that during the period of introducing equitable practices and institutions, loyalty towards the group and loyalty towards the state need not be mutually exclusive. In his opinion, ‘once we get beyond the simple case of marital or romantic fidelity, loyalties are not of their nature always mutually preemptive’, and ‘to believe in mutual exclusivity is to indulge in a very adversarial way of looking at the world’.<sup>56</sup> Menkiti does not consider whether the birth within the individual of loyalty towards the state will not be linked with the erosion of loyalty towards his or her own people. He believes that conflicts of loyalty can simply be avoided.

It would seem, however, that even in conditions where justice exists, if a conflict of loyalties were to occur, loyalty towards one’s people would have significantly greater priority. And thus loyalty towards the state could, in certain situations, be sacrificed on behalf of a loyalty of a higher order. Even if, potentially, both loyalties are mutually complementary, they yet have different intensities, which in turn is the result of the different bases on which they rest. Ordinarily, loyalty towards one’s people has a deep emotional or sentimental dimension.<sup>57</sup> It should be remembered that members of a people are bound by ties of blood, a common culture (at the basic level of communication – a language) and history. Together it all forms an unusually strong identity, which is additionally strengthened by a multi-ethnic environment.

In the relations of Africans with their state there are none of the above elements. Of course it can be supposed that loyalty towards the state will develop at a reasonable pace in conditions of justice. Menkiti assumes, however, that in an equitable state, the loyalty of the individual towards the state will primarily be formed by the people from which the individual originates. He writes that ‘the civic spirit needs training in order to be adequately pointed outwards, and tribal society is an invaluable resource toward this end’.<sup>58</sup>

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<sup>54</sup> Menkiti, “Philosophy and the State in Africa...”, p. 41.

<sup>55</sup> On this subject see Damian U. Opat, “The Beautiful Interpreters Are Not Yet Here: The Poverty of Metaphysics of State and Civil Society in Africa”, *Quest* 12, No. 1, June 1998, p. 137–141. See also Appiah, *In My Father’s House...*, p. 167, where the author writes that ‘the states of sub-Saharan Africa have few resources to buy loyalty and few achievements since independence to earn it in symbolic coin.’

<sup>56</sup> Menkiti, “Normative Instability...”, p. 140.

<sup>57</sup> Menkiti use the word ‘affective’ in this respect.

<sup>58</sup> Menkiti, “Normative Instability...”, p. 141. Identical views are presented by Ajume H. Wingo. See Wingo, “Fellowship Associations as a Foundation for Liberal Democracy in Africa,” in: *A Companion to African Philosophy*, Wiredu (ed.)..., p. 450–459; “Good Government is Accountability,” in: *Explorations in African Political Thought*, Kiros (ed.)..., p. 151–170; “Living Legitimacy: A New Approach to Good Government in Africa”, *New England Journal of Public Policy* 16, No. 2, Spring/Summer 2001, p. 49–70. Appiah agrees with Wingo’s views. See Appiah, “Ethnic Identity as a Political Resource”, in: *Explorations in African Political Thought*, Kiros (ed.)..., p. 46.

In general, however, Menkiti does not address himself to the question of the norms of one people being in contradiction with the norms of other peoples. In truth, the minimalist managerial state of the thinker's vision is to be morally neutral, but what would happen in a situation in which a conflict emerged between the norms of different peoples? Would loyalty towards one's own people be greater than towards the state, and thus towards one's fellow citizens? If the individual were to choose, as seems less likely, loyalty towards the state, would he or she be breaking the group norms and would he or she be accused, by other members of the group, of disloyalty, or even be subject to the loss, in their eyes, of moral respect? And furthermore, in accordance with the traditional African moral concept, wouldn't such a choice hamper the individual in acquiring full personhood?

The assumption that, as Menkiti understands it, 'tribal life' is an excellent sphere of preparation for life in the state, gives rise to doubts. What norms will the tribal member acquire during the course of such an education in citizenship? They will be the values recognized by his own people. It should be recalled, once again, that the managerial state is not supposed to create comprehensive doctrines of truth and right. It can be assumed, however, that under state conditions of justice, every people will teach its members to respect other citizens and treat them equally. Behaving in accordance with these values could have its own limits, however, when it comes to a conflict of norms. Menkiti does not undertake to analyze such a situation. Instead he criticizes the general condition of loyalty towards the state – superficial in the best of cases, he thinks – in the Western world. On balance, he lets it be understood that a state can generally get by without the strong loyalty of its members.

Perhaps a state can exist without loyalty based on emotional foundations, but, after all, the functioning of a democratic state and the successful coexistence of its citizens depends on these citizens' observation of the state's laws and the discharge of their obligations towards it, and thus towards their fellow citizens. The very concept of citizenship, with which the enpeoplement of Africans should be linked, implies not only rights but also obligations. Menkiti does not at all touch upon this question. He refers only to the rights and responsibilities of peoples within a state, and to a lesser degree, to the rights which an individual should possess. It is also clear that individuals must fulfil various obligations towards the people of which they are members, as otherwise they might not acquire full personhood. But Menkiti does not write about what obligations the citizen would have towards the state.

### **Final remarks**

Menkiti starts from the logical-sounding assumption that to achieve the happy coexistence of various peoples within a multi-ethnic African state requires some method of obtaining equitable agreement between them. For this purpose he proposes the establishment in Africa of morally neutral, minimalist managerial states. In such states a major part of the central government's competencies would be ceded to lower level authorities, and the relations between peoples would be based on Rawls' law of peoples. As a result, a system of equitable practices and institutions would



arise, which would give Africans the sense of living in a just state, would contribute to their individual and group enpeoplement, and would help in creating loyalty towards the state. This vision is intellectually appealing, but simultaneously counterproductive from the standpoint of the further existence of the multi-ethnic African state.

The point is not that Menkiti does not present any detailed method of introducing devolution or the law of peoples, although the task of finding a way for various people to come to agreement seems unusually complicated at the practical level. In Menkiti's defence, it should be said, in this regard, that political thinkers rarely suggest a definite solution to the issues of which they treat or a method of realizing the visions they present. These tasks they leave rather to the execution of sociologists, politicians, economists, and lawyers. The role of a philosopher would seem rather to be to sketch out general projects, provide deep reflections, and indicate new perspectives. Philosophers ordinarily see reality in a more abstract manner than other intellectuals. They appear to have a broader knowledge of human nature and the conditions for human actions, as well as an ability to make insightful comparisons of different experiences and to draw original conclusions.

But Menkiti's ideas are characterized by ambivalence and a lack of unity. It would seem that at times Menkiti is trying to convince himself that the idea of a multi-ethnic state could succeed, while at the same time assuming it would fail. He points to the need for Africans to develop loyalty towards the state in which they live, but at the same time seems to doubt the likelihood of the emergence of such loyalty. Sometimes he speaks about the necessity of creating an adhesive for the various peoples within the state, but then he refers sceptically to the possibility of building a nation-state of various peoples, which, as he indicates, *de facto* already are nation-states. More than once, openly or between the lines, he stresses that the integrity of African states within their current borders is not a fundamental value.

In this spirit, for instance, he recalls that in the contemporary world 'the old accepted understandings about the inviolability of state boundaries are being increasingly questioned (...). Once-powerful states are breaking up and national/or ethnic identities are reasserting themselves',<sup>59</sup> and he adds that 'if the Europeans acknowledge that their own states need not stay bound together, they can only come across as double-faced and duplicitous if they insist that the African state be kept together regardless of whether or not it has become a killing field'.<sup>60</sup> It is not at all these opinions, however, that are of fundamental importance in evaluating Menkiti's entire body of thought about the future of the state in Africa.

Of most importance are the questions that arise after a consideration of Menkiti's basic premises. Would an understanding between peoples based solely on certain minimal solutions guarantee the formation of a lasting and unified state? Of course, it can be imagined that the long-term, harmonious co-existence of various peoples in a state could produce its members' loyalty and the creation of a national identity. But

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<sup>59</sup> Menkiti, "Normative Instability...", p. 148.

<sup>60</sup> *Ibid.*, p. 149.

to what degree could this process be facilitated by a state in which the comprehensive doctrines of truth and right of the various peoples are not replaced by any common normative system in reference to its citizens? While in Rawls' theory, justice in the state is based on precisely defined principles concerning the establishment of relations between members of the state as citizens,<sup>61</sup> Menkiti disregards this dimension of justice and concentrates on general principles of relations between peoples within a state. At the same time, for the construction of a lasting, unified, and effective state, the existence of common values determining the principles on which the individual is to function within it, would seem to be necessary. Such norms are created by a common legal system. If the legal system is different for the various peoples in a state, and thus for the various members of the state, it is very difficult to imagine the success of a plan to create a single nation. On the one hand, Menkiti complains of the existence of two legal systems in Nigeria, on the other he postulates the managerial state's avoidance of comprehensive doctrines of truth and right.

In consequence, it is unclear which universal norms, for the whole of the citizenry, should constitute the foundation for the legal order of the African state, since it is possible that human rights would be reflected only in a certain part of such a system. Menkiti does not write anything about which of these rights would be common for the various peoples. It is also unclear in what manner the legal order would be formulated and adopted by the state. And perhaps more importantly, if it is acknowledged that justice is based on law and its observation, then without a cohesive axiological system the achievement of justice in a common state would appear impossible. It is striking therefore that Menkiti does not mention, amongst the basic functions of the managerial state, its ensuring the dimension of justice for the body of its citizens.

It is also worth considering questions of an economic nature, which are directly connected with the citizens' sense of justice. Menkiti correctly assumes that in the African state today there is no principle of an equitable distribution of goods, but rather that group whose members are in power profits the most. However, if in Nigeria, for example, the idea were introduced of devolution and the law of peoples, the question could arise over whether those peoples on whose land there is oil should receive more funds from the state budget (since they would certainly be putting more in) or whether the state should help those peoples more whose regions are the poorest, in accordance with the logic of an equitable distribution, which requires concern for those in the state who are least fortunate. In truth, Menkiti proposes the concept of the minimalist managerial state and, therefore, presumably, the right to dispose of the majority of funds would be left to the regional authorities, but even in such a case, the state would, for example, still be responsible for ensuring infrastructure. And at that moment, the above question would become a reality.

Another reflection at once occurs as well: namely, that Menkiti does not at all discuss how to equitably and properly divide between the citizens the burdens and

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<sup>61</sup> See Rawls, *A Theory of Justice...*, §10–§19, p. 54–117, particularly §11, p. 60–65.

advantages of social life in the state, but only how to equalize the position of its peoples. Furthermore, as a just distribution of goods is not at all included within the framework of devolution or the law of peoples, there is no direct connection between either idea and an essential condition of justice, namely, a lack of extremes in the living conditions of the members of the state. In consequence, it can be supposed that after the introduction of devolution, the regional authorities would be entrusted with justice, but only among the members of their own people.

How can a sense of justice be acquired by the members of a minimalist state in such a situation? If, for example, the peoples of a region with natural resources allow the majority of their funds from the extraction and sale of these resources to remain in the control of their leaders, they may become much richer than peoples without raw materials and will these latter feel that justice exists in their state? Will the poorer people consider the practices and institutions of the minimalist state to be equitable in such a situation? Will they feel loyalty to such a state?

A fundamental question, essential for appraising Menkiti's thought, should be remembered here. Why does Menkiti not present the basic principles on which relations between members of the state would rest? Why does he devote so little space to the question of their becoming citizens? Is it only because individuals in Africa are so strongly affiliated with their group? Rather not. It would seem that Menkiti is so interested in peoples rather than citizens, because in his conception the managerial state is to be a temporary plan, and not at all a temporary plan on the road to building an equitable multi-ethnic state. Menkiti is rather seeking some sort of provisional solution for the coexistence of many peoples within one state because he is perfectly aware that in contemporary Africa the system of the majority of states is autocratic. In such a situation there is no easy manner in which to cast off the model of post-colonial, multi-ethnic statehood.

The situation could look different if the peoples in African states were, to use the Menkitian term, enpeopled. Enpeoplement means primarily the *sui generis* democratization of relations between them. This solution, it would appear, would be helpful in achieving such an understanding as would constitute the foundation for negotiating the peaceful reconfiguration of African borders and for building states of separate peoples. In other words, in conditions of enpeoplement, and thus the democratization of relations between people, multi-ethnic states could be peacefully disassembled.

The basic value of Menkiti's thought lies, therefore, in that he produces a reversal in the ordinary perspective on the future of states in Africa. When we think of the successful coexistence of members of such a state, we often acknowledge not only the obvious necessities of economic development and democratization, but also the maintenance of the state's present borders. Menkiti upsets this certainty and indicates that the multi-ethnicity and integrity of African states need not be a supreme value in the future.

He reminds us that over the course of centuries, the borders of countries around the world have changed. States emerge, evolve territorially, and more than once,

have ceased to exist at all. It has often happened that states fell apart or united with others. Their territorial-legal systems have also undergone changes. These are not merely facts from distant history. Although it would seem that in contemporary times, changes in states' borders occur less often than in the past, such processes as the unification of states or, more often, their dismemberment through secession or division, still happen. A political map of the world is out-of-date within a few years. From historical experience it would appear that changes, or attempts at change, in a border ordinarily take the form of armed conflict,<sup>62</sup> but in democratic conditions such violent proceedings should not ensue.<sup>63</sup>

Menkiti shows us, in this context, that the inviolability of current state borders in Africa need not be a certainty. (And who if not a philosopher can better understand that not many things are permanent or final in nature?) Examples such as the separation (recognized by other states) of Eritrea from Ethiopia, or Somaliland from Somalia (deprived of international recognition), or the referendum planned for 2011 on the possible separation of Southern Sudan from Sudan, show that in spite of the official position of African governments, significant transformations of the political map are still taking place. In Africa, alterations have also been made to state borders as a result of the decisions of the International Court of Justice, basing itself in part on agreements dating from colonial times.<sup>64</sup>

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<sup>62</sup> In the case of Africa, it is worth pointing out the two most famous attempts as secession: Katanga (1960–1963) and Biafra (1967–1970). The war in Eritrea (1961–1991) is so far the only African conflict that has ended by the formal establishment of a new state (1993). The two bloody conflicts in Southern Sudan (1961–1972 and 1983–2005) were also separatist in nature. From 1975 until today, Ethiopia has been struggling with armed separatists in the Ogaden. The irredentist idea of forming a Greater Somalia, that is, to unite all the Somalis in one state, lay at the basis of the war in the Ogaden between Ethiopia and Somalia (1977–1978). In 1981 a conflict broke out in northern Somalia, which announced its independence from Somalia as Somaliland (1991). Although this country lacks international recognition, it possesses all the other attributes of a state, in contrast to the Republic of Somalia, which has been in internal disarray for years. These are only a few of the examples – the bloodiest or longest-lasting – of the armed attempts to reconfigure borders within the African continent. Various groups or peoples evoke separatism as a political ideology or negotiating strategy with the central government, for instance, in various regions of Ethiopia (e.g., in the land of the Afars, in Oromia), in Senegal (Casamance), in Equatorial Guinea (Bioko), in Namibia (Caprivi Strip), in Angola (Kabinda), in Tanzania (Zanzibar), and in the so-called Anglophone part of Cameroon, in the Comores (the islands of Ndzwani and Mwali), in Niger and Mali (so-called Tuareg separatism) and in Nigeria (the Niger Delta). Another instance of an attempt to change the existing African borders was the establishment of the Bantustans by the apartheid authorities of the Republic of South Africa.

<sup>63</sup> As in the peaceful separation of Czechoslovakia.

<sup>64</sup> It is worth evoking here, above all, the examples of the region of Aouzou (the dispute between Libya and Niger was resolved in 1994 by the International Court of Justice [ICJ] in favour of Niger), of the Bakassi peninsula (the dispute between Cameroon and Nigeria was resolved by the ICJ in 2002 in favour of Cameroon) and of the island of Lete and the area along the rivers Niger and Mekrou (the dispute between Benin and Niger was resolved in 2005 by the ICJ, predominately in favour of Niger).

Perhaps Menkiti is preparing us for the fact that in the future, changes in borders in Africa will be carried out on a much larger scale than previously,<sup>65</sup> and maybe, as he seems to believe, it can be done in a peaceful manner. The basic condition, however, must be the democratization of relations between peoples in African states – a Menkitian people's enpeoplement.

Menkiti's ideas and the examples of territorial change in Africa teach us that borderlands could be impermanent, and thus that there could be changes in the possession of peripheral territories (as in the alteration of a border), or the interior of a state could become a periphery (as is shown by the dismemberment of Ethiopia or Somalia). In consequence of this second situation, a borderland could arise in a former state interior. It is worth remembering therefore, that processes underway in today's borderlands could be productive of change. For instance, trade contacts in a borderland between members of ethnic groups currently inhabiting several African states could potentially, in the future, form part of these peoples' relations within a common state organism as the result of the unification of their states or parts of their states.

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<sup>65</sup> Just as Emmanuel Todd prophesied territorial changes in both the European and the Asiatic portions of the USSR in Todd, *La chute finale: essai sur la décomposition de la sphère soviétique*, Paris: R. Laffont, 1976; new edition 1990; English edition: *The Final Call: An Essay on the Decomposition of the Soviet Sphere*, trans. John Waggoner, New York: Karz, 1979. Todd's views seemed as absurd in the 1970s as Menkiti's views on the peaceful reconfiguration of African borders may appear today.