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Africa and Global Justice

Ifeanyi A. Menkiti

Abstract: In this paper I explore some ways in which Africa can contribute to the discourse on global justice. I first note the wide range in the circumstances in which judgements of justice continue to be made—from the domestic to the local and national, and from the national to the international. I conclude the paper with a look at the international human rights situation, suggesting areas where African wisdom and criteriology can be brought to bear on discussions of global justice. In doing this, I call attention to John Rawls's important distinction between a people and the state which the people call their own. The state does not constitute the people, but the people may constitute a state.

I trust that the reader will indulge me if I begin this essay by telling a story, a sort of animal story. Since the essay pertains to Africa and aspects of global justice, and since animal stories have been such a storied vehicle of moral instruction within the African world, it seems permissible, perhaps even advisable, to add a modified animal story to scope of this essay.

Imagine that a colony of termites has entered into an agreement with a group of humans. The parties wish to establish a *modus vivendi*. Termites get shelter and a dwelling place, but they cannot chew wood and thereby endanger the structure for everyone. The understanding is that if the termites want to chew wood they have to do so at an abandoned old building around the corner. Otherwise humans retain the right to fumigate and scatter the termite colony.

As the days go by, most of the termites in the colony abide by the rules, but some irresponsible ones ignore the rules, thereby putting the good termites at risk. Wishing to protect themselves, the humans then read the termites a riot act: either you get rid of the non-compliant termites among you, or we will disperse the entire termite colony. But,

unfortunately, termite love prevails, and the compliant termites are not able to bring themselves to disown and evict the bad guys. The humans then do what they have to do which is to fumigate.

Now, could the adjudicator of justice possibly blame the humans for engaging in an unjustified act of collective punishment? Or is an agreement an agreement which must be enforced between the parties lest non-enforcement cause problems elsewhere?¹ Which circumstances are circumstances of justice proper, and which circumstances of crisis control?

Also, regarding justice, should its claims stay put within natural communities of affect and capability so that compliance and non-compliance can be more readily measured because the currency of exchange has been made the same for all who are involved in the transaction in question? We do not have to answer these questions now, but should be in a position to come back to them later on.

So let me proceed to something else, and it is another story. The story is somewhat odd, but I choose to bring it up in order to illustrate an often neglected aspect of the governance of justice, namely, the sheer range of the territory covered by determinations of justice and injustice. It is indeed an interesting fact about justice that judgments of its infringements can to be made over such a wide variety of settings, ranging from the very low and mundane to the abstract and high-minded.

Imagine the following scenario. Two teenage brothers have just been grounded by their parents for constantly fighting with one another and repeatedly disturbing the neighborhood. They are told that their punishment is to wash dishes after dinner for the rest of the week; until they calm down and learn to work collaboratively with each other. The family does not have a dishwashing machine. So Joel, the younger of the

¹ Animal stories in the African world do not suggest a philosophy of animals as such; they simply accept the fact of interaction between entities in the natural world. European philosophy, on the other hand, has often speculated as to whether animals have minds or emotions, and what the mental life of animals might be. A most recent effort can be found in Raimond Gaita, *The Philosopher's Dog* (London: Routledge, 2016).

two brothers, proceeds to take each dirty plate, wash one half of the plate, and leave the other half for his older brother, Joseph, to wash. This way, he figures, there will be an equal distribution of labor between the two of them. He washes one half of a soiled dish, and Joseph, the other brother, washes the remaining half of the very same soiled dish, and this way, perfect judicial symmetry is maintained.

Never mind that under this arrangement it takes each brother more time to wash half a plate than it would take to wash the entire plate. But the push back against the feeling of injustice can run deep; the anxiety about being taken advantage of can often get in one's way. Even families are not immune to the contestations of justice, despite the sharing of blood ties. Of course, the boys will reach full maturity one day and learn to laugh off their 'silliness.' But that this could possibly have happened to them shows us the force of the push back against injustice, and how early in life this push back begins.

Leaving aside this odd, but instructive, example of the two teenage brothers, let me turn, finally, to a more recognizable mainstream example having to do with justice in the economy.

Imagine that the leadership of the manufacturing sector of a given country, X, has been summoned to a national economic convention. There it puts forward the argument that the payment of a minimum living wage to workers in the manufacturing industry is not such a good idea. If, within X, the payment of living wages is enforced, profit margins would shrink; if profit margins shrink, new factories cannot be built; if new factories cannot be built, X's economy would surely go into a tail-spin. Therefore enforcement of the payment of minimum wages is a bad idea. In the interests of the nation's future, current workers should make do with the salary structure they now have, or perhaps with one even lower. It is better for them to earn less now than for future generations of workers not to earn at all.²

2 For a fascinating discussion of the larger issue of wages and justice, see Philippe van Parijs 'Why Surfers Should Be Fed: the Federal Case for an Unconditional Basic Income' in *Philosophy and Public Affairs*, vol. 20, no 2 (Spring 1991) pp. 101-131.

In all of these examples above, at least two questions arise, namely: 1) what is the relationship between the sense of injustice and the sense of justice? are they different names for the same thing, or are they two names for two different things? and 2) how does one define the boundaries of the units seen as eligible players in this reciprocal game of justice? Are adjudications of justice made between individuals and individuals only? between generations of individuals? between tribal groups? between national states, or national political peoples? And what about environmental justice and the rights of the animal world, including even termites? Who are the appropriate agents of justice, and on what types of entities can the benefits of justice be said to fall?

These are important questions and they need to be answered, at least partially. We need to make clear to ourselves and to others what sorts of entities are fit players in our various games, or calculations, relating to this thing called justice.

Corporations sue each other all the time, demanding justice. And there is, as well, the question, already mentioned, pertaining to the issue of justice between generations. Nations also demand to be treated fairly by other nations, complaining if they are not. And women repeatedly make claims against men, demanding to be treated equally in the work place and at home. And so on and on, the story of justice unfolds.

My point in all of this is that it is not always clear what makes justice apply in these different situations, and whether when it applies, it does so in the very same way to all of them, without further modification. There is the collective versus individual zones of application, and perhaps this itself bears a special investigation. What is right for the nation may not necessarily be what is right for the individual; what is right for one generation may not necessarily be what is right for the next.

For example, there is the sense in place, for many of us, that Africa is a space of collective assertions; that there is in Africa a belief to the effect that salvation belongs not just to the individual but to the group as well. Thus, in regard to the Truth and Reconciliation Commission of South Africa, one has to look beyond the immediate situation of the victims of

state terror to the kind of future the nation desired. Why exact corrective justice now by hanging all the convicted racist killers of the earlier regime thereby vindicating the slain individual victims, but then, at the same time, inflicting an even greater wound on a nation in need of healing? The justice that is rendered in this situation remains paralyzed, the reasoning goes, because the space has been shattered where that justice may have had standing.

Ubuntu, it is believed, has its way of going about justice, its eyes firmly focused not only on the alignment of interests between individuals, but also on the alignment of interests between generations of individuals—those that are gone, those now alive, and those yet to be born. The whole, it is understood, is more than the sum of the parts. To play in history as if this were not the case is to render one's self and one's generation a victim of history, not to empower one's self and one's generation with what it takes to be an effective agent molding history.

The South African example illustrates an important difference between the story of the state and the story of the nation. The story of the state and the story of the nation are often bundled together, but sometimes they have to be forced to go their separate ways. When they do, the nation is assigned to a zone of permanent interests and related ceremonial continuities, while the state is assigned to stand in clinical isolation from the permanencies of national history, a hard-edged instrument for the breaking of bread, so that the people eat and not riot on the streets.

The idea here is that if we have a Constitution and have a legal system, and also a standing army to protect the Constitution and the Laws, then the state's story is assumed to be fairly fully told. Of course, other considerations could also be added, such as those having to do with an economy and with the issues of liquidity in the currency, so that government bills are paid on time.

But for the nation, one reasons that it functions on another level, the level of normative history, of symbolic presence, of usable identity. The nation is not coterminous with the State, and the expression 'nation-

state' bridges the gap only so far. For example, in the United States of America, a very strong state, we still find the expression '*e pluribus unum*,' indicating for one and for all that America's business of nation-making is still in the making.

In calling attention to all of these larger issues of collective history, I do not mean to dismiss, the central importance placed on the small scale, the individual, by liberal political theory. The individual counts and is ultimately the bearer of intrinsic value. Theorists need to be reminded of this fact, I concur, so that the structures they set up do not wind up sacrificing the individual in the pursuit of abstractions.³

But Liberalism must also take on a fully human face, involving spiritual, though not necessarily religious, dimensions. Otherwise its mission will be deemed to have failed in so far as personal fulfillment is concerned, since there is more to the citizen than calculated apportionments of rational interests, each by each. The rationality of abstract calculations may or may not yield the reasonableness required for the human project to carry itself forward, the rational and the reasonable being two different things.

And, as to religion which some now claim we ought to abandon because it contains irrational superstitions, all mixed up with the talk of spirits and ghostly entities which cannot be seen, let me note that the problem with religion is not the hawking of spirits, but the fanatical latching on to convictions by religionists, a latching on which has the effect of destroying reasonableness when we need reasonableness the most.

The felt sense that religion is hopelessly embedded in mysteries, which are neither here nor there, is not the issue, but rather the fact that religions can get to subvert the moral order when religionists start arguing with each other, and with others not so religiously minded, and there is no way to stop the fight as people wave their sacred books one against the other.

³ See in this regard John R. Danley, 'Liberalism, Aboriginal Rights, and Cultural Minorities,' *Philosophy and Public Affairs* vol. 20, no 2 (Spring 1991) pp.168-185.

I claim that the moral order is subverted when there is no way to guarantee that practitioners of religion remain consistent in their interpretations of their own sacred books. The same preacher who today elevates the face of the God of mercy, will tomorrow elevate the face of the God of divine power, the God whose ways are not our ways, so that if the command is given that we slay our neighbor then there goes our neighbor.

The consequences of this sort of bifurcation are not pleasant to contemplate. What organized religion would call the face of the God of mercy, I myself would like to call the human face of God, with the suggestion added that all talk about the divine power of God should continue to be modulated in the light of that face, which face is the attribute most accessible to each and every one of us. Religion brings hope when it is good religion.

When religionists call Jesus a friend of sinners, the friendship in question is the right kind. It is different from the friendship which a city official has with his drinking buddy, now indicted for criminal mischief, for fraudulently billing the municipality. The one friendship has to do with the soul's salvation, always needed, but the other has to do with the sheltering of undeserved wealth; and opens up a debate as to the justifiable uses of power.

But Jesus's friendship with sinners aside, is it possible that there is a connection between the professing of religion with its exclusions and the professing of citizenship with its restrictions? Do citizens form a national tribe in the same way that co-religionists form a holy tribe? For the moral philosopher there should continue to be an awareness that the citizen does not exhaust the person, an awareness that there is a zone where persons reside, and citizens may, or may not, reside; but if they do reside may have to make do with a space of parallel occupancy.

Since with persons one assumes a unified moral territory, but with citizens there are certain rules of the game, some of them noticeably in tension with morality, a complication can arise as to which territory is to be seen as occupied by which entity. Citizenship stretches itself to a zone of residency separated from an earlier zone occupied by the person

before he or she became citizen. Moral philosophers should do well to pay attention to this fact. Important implications flow from it, since the obligations of the person, *qua* person, do not all of a sudden cease because one has now become citizen. What governments demand of their citizens, through legislation, cannot remain in a state of deep or permanent tension with what the citizen already feels, or understands, given the fact that he or she was person before he or she became citizen. In this matter, as in others, seniorities go in a certain direction.

I bring up this issue of the conceptual divide between citizen and person, not for any particular metaphysical reason, but instead to highlight the issue of justice, especially the question: who is owed what and for what reasons when just distributions are at stake? Some duties of justice we owe to persons because they are persons, and some we owe to them because they are fellow citizens. It gets tricky, however, when the duty is said to be owed them for reasons of cultural or civilizational identity.⁴

In the United States, for example, we have Italians with an Italian identity, Poles with a Polish, and various other peoples of Spanish, French, German, or Scandinavian descent, all claiming distinct identities even while being governed by one and the same American law. But here we also hear long-settled Americans of English descent ask of new comers: why don't you forget your ethnic loyalties, get into the mix, and become simply 'Americans'? To which the later arrivals reply, not surprisingly: our problem would also have been your problem had you yourself arrived as we did; you settled before us, and the country named America was already 'yours' before we, as ethnics, arrived.

But suppose we turned attention to Europe and imagined instead the Germans, French, Scandinavians, and English, deciding to form one government, one single European state. Here, each of these four European peoples, being senior to the entity constituted by the new state, would have to ask their erstwhile citizens to abandon familiar

4 A discussion of group beneficence, judging from a utilitarian point of view, occurs in Michael Otsuka, 'The Paradox of Group Beneficence', in *Philosophy and Public Affairs* vol. 20, no 2 (Spring 1991) pp. 132-149.

loyalties in favor of loyalty to a new entity whose contours they are unsure of, and whose history is untested. This is so because for this new European State, there will not be in place a unified emotional language, nor a tangible physical language, with which governance is to be conducted. This, I believe, is also one of the problems with Africa today—well formed national (tribal) peoples, but ill-formed ‘modern’ states, wobbly at the periphery, as well as at the center; neither fish nor fowl, but a fish-fowl, if there be such a thing.

And here the issue is not hybridity as such, nor blending as such, but the maintenance of serviceable function. Any entity, however it came about, must be able to serve the function which it claims to be serving. Otherwise it disqualifies itself, not on account of being hybrid, but on account of the failure of function.

What, then, are the proper circumstances in which judgments of individual as well as international justice can, or must, be made; and in what ways are these circumstances connected, or not connected, to other circumstances which happen to also shape the life prospects of individuals and of groups? Justice, one acknowledges, is not the only concern of the moral life. Other moral concerns often crop up, and some of these however close they lie to the zone of justice are not concerns of justice proper. As a result of these adjacency difficulties cropping up in deliberations of justice, it is often unclear, for instance, where justice leaves off and mercy begins. There may be no clear cut-off point between justice concerns and these other concerns of the moral life; and the moral philosopher has to make a decision in which basket to put which deliberation.

In his book, *A Theory of Justice*,⁵ Rawls argued for the universal validity of his two principles of justice. He did this against the frame of the designated theoretical universe which *Theory* had embraced. But with the arrival of *The Law of Peoples*,⁶ the boundaries of the relevant universe of

⁵ John Rawls, *A Theory of Justice* (Oxford: Oxford University Press 1971).

⁶ John Rawls *The Law of Peoples* (Cambridge, Ma: Harvard University Press, 1999).

discourse had to expand in interesting new ways. A new type of claimant named ‘people’ entered the picture, and individuals no longer held center stage. With this sort of shifting content, a new architecture was called for where certain things became more prominent and other things less so. The subject matter of the new kind of justice now facing claimants had to shape, of necessity, the design of the vehicle with which one explored the new territory.

Regarding *The Law of Peoples*, many of Rawls’s admirers within the liberal philosophical camp have shown some reluctance in going along with its methodological shifts *vis-à-vis* the provenance of justice within the international sphere. Why not, they argue, go straight into a global original position delivering justice directly to individuals, and not through the intermediary agency of claimants named ‘peoples’.

But between the book they wish Rawls had written and the book Rawls actually did write, I believe that there is a reason for the methodological shift. The shift is worth noting and discussing because it will be found that Rawls had very good reasons for writing the book that he actually did write, and not the one that his liberal supporters, now turned critic, wish that he had written.

Deliberation is from within the frame of a settled community, a collectivity bounded by language and culture, with rules sufficient unto the task at hand. The terms of the activities in which the parties are engaged must have acceptance so that ‘stop’ means stop, and ‘go’ means go. The larger world community, though something to be highly morally desired, does not, at the present time, have what it takes to provide needed fixity in the matter of coordinated norms. Political morality deals with what is practicable and so has to be seen as maintaining a certain independence from the demands of general morality, a general morality where good will and compassion might be seen as enough, with enforcement a secondary concern, perhaps so secondary that it does not have to alter the terms of the original discourse.

But the situation might actually be more complicated than this, given the fact that it is not just a question of our having clarity as to what is to

be done, if only one had the means of bringing it about, but also the question that the failure of the provision of enforcement, *ab initio*, could change the meaning of what it is we have understood as needing to be done. The tentative or absent nature of the enforcement clause, in other words, does not just lead to the reasonable assumption that the desired material or social goods might not be there, but leads, most interestingly, to the denial of certain meanings, certain content to the political terms with which we first began.

And it is here that African wisdom and criteriology might come into play to help us get a usable handle on some of these problems of our modern world, problems that we have been discussing so far. Africa can be of help not in the sense of complicated technical arguments, but in the sense of an ordering perspective with which we can approach the problems of justice.

I begin by calling attention to a certain attitude among the Igbo people of Nigeria, an attitude which, I believe, is also shared by various other African peoples. This attitude is captured by the Igbo-African expression: ‘Ebele umu uwa,’ a phrase which I translate, roughly, as ‘pity for the children of the world’—the children of the world, among whom include one’s self. It is this attitude that makes possible the practice of reconciliation on an ongoing basis; makes possible also the acknowledgments that all of us need and can use, so as not to come down too heavily on ourselves at moments of personal error, personal failure, or professional defeat.

For only from the point of view of a larger kind of ordering pity, the kind of pity captured by the ‘Ebele umu uwa’ expression can a permanent reconciliation proceed and be sustained. And it is not just a matter of forgiveness either. Forgiveness and letting go are two different things, are not one and the same thing. For one can let go in a situation where one is not willing or able to forgive. Or even aware that forgiveness is an issue.

‘Ebele umu uwa’ is one of those expressions which lend themselves only to a partial translation. Its full meaning resides in the language in

which it was first given. Outside of its original source, it is possible that the reverberations and assurances pertaining to the phrase might only yield around the edges. Even for native speakers ‘ebele umu uwa’ might get to be elusive unless the speaker happens also to be philosophically inclined. For although ‘ebele umu uwa’ points decidedly to a place of affective wisdom, within the heart’s own ordering activity, the full weight of its meaning can only be grasped at, but perhaps not fully described. It is normative instruction and descriptive statement all bundled into one. The discernment contained in its advisory call for ‘pity for the children of the world,’ among whom include one’s self, will continually need to be unpacked so that its power does not get lost as just another piece of a vanished tribal past. The psychology is sound, the moral wisdom plainly there, and the relevance to international relations even more pressing.

In my mind, ‘ebele umu uwa’ points to an efficient moment in the moral history of an African people. The ‘pity’ or the ‘mercy’ that is called for is not called for so that one can assuage one’s soul, or broker a moral elevation for one’s self, but is called for so that one can better position one’s self to uphold the perspective of human dignity, even as failures and breakages occur all around one.

Because one starts off acknowledging that each of us is already swimming in the Big Muddy (everyone including one’s self, and that this is the nature of our situation, a situation calling for fundamental pity), one is therefore able to take certain failures in stride—the failures of others as they hurt us, and our own failures as we hurt these others. Above all, with this sort of attitude, one is able to hold at bay damaging losses to self esteem, to one’s fundamental sense of self. Theologians have talked about human broken-ness. But ‘ebele umu uwa’ is not meant to remind us of the theologian’s labor; it is other than that. ‘Ebele umu uwa’ is practical wisdom here on earth, not theology on the high end. In the expression one has the sense that human dignity is hard-won; it is precarious and constant effort is needed to uphold it.

And I suspect that the ‘ebele umu uwa’ idea may also contain within itself something else which is trace-able to this other important

expression that one finds among the Ihiala villages of Igboland. The expression, really a name, goes like this: ‘Azuawusiefe’, literally, that one’s backside not be devoid of the clothing which gives it shelter, which adorns it. But the power of the ‘Azuawusiefe’ name lies not in this literal rendering, but in something larger; something pertaining to the requirements of organized collective life through the perpetuation of lineages. For without lineages, the name suggests, collectivities come to a stop. ‘Azuawusiefe’ is then the affirmation, the hope, that the last born child not be the last; that its successor space not be empty—empty like the backside of a man bereft of the clothing which should be sheltering and adorning it. Here, name-use and philosophy go hand in hand; the practical and the abstract caught in a common dance.

Leaving these African expressions aside and returning once more to the global philosophical stage, let me turn attention to some specific Rawlsian provisos pertaining to transnational justice in the affairs of the world’s peoples, African people included. Doing this would be a good way to prepare our discussion for coming to a close. Africa being part of the larger world, African philosophy has a date to keep, conversations to make, with the larger philosophical community.

For if it is understood that at the base of the idea of justice is the key notion of a fair and equitable distribution of the burdens and advantages of collective social life, then African peoples have to be able to weigh in as they encounter others. They should be able to bring to the table their own wisdom and criteriology. Rawls tells us in *The Law of Peoples*, that in their bargainings, people choose from a list which can be seen as relevant given the facts of international life.

Of the eight principles⁷ which he sees as reasonable components in defining the international order, I think that three bear focusing on, given our purposes in this essay. I will put down the three in somewhat of a reverse order from the order articulated by Rawls, making, for instance, three, one; one, two; and two, three. The list then reads:

⁷ Rawls, *The Law of Peoples*, p. 37.

1. Peoples are equal and are parties to the agreements that bind them.
2. Peoples are free and independent, and their freedom and independence are to be respected by other peoples.
3. Peoples are to observe treaties and undertakings.

And, additionally, we may include one more item in the list:

4. People are to honor human rights.

I believe that these principles would make clear and acceptable sense to African peoples (not African states) in their dealings with one another, and in their dealings with the rest of the world's peoples. By including item number four we prepare African peoples to embrace, as necessary, the evolving debate on universal human rights, a debate which they are not at liberty to ignore.

Rawls tells us that the world's peoples (not the world's states) have basic interests that define them and which they strive to protect:

They strive to protect their political independence and their free culture with its civil liberties, to guarantee their security, territory, and the well being of their citizens. Yet a further interest is also significant: applied to peoples, it falls under what Rousseau calls *amour-propre*. This interest is a people's proper self respect of themselves as a people resting on their common awareness of their trials during their history and of their culture with its accomplishments.⁸

What Rawls has noted here to the effect that a people's interest regarding its self respect is distinct from its interest regarding the protection of its security or its territory, is exactly as it should be. For it is significant that with self-respect we enter an area of mutuality in which a people begins to see other peoples with eyes guided by reciprocity. Rawls writes, 'What distinguishes peoples from states—and this is crucial—is that just peoples are fully prepared to grant the very same proper respect and recognition to other peoples as equals'.⁹

⁸ Rawls, *The Law of Peoples*, p. 34.

⁹ Rawls, *The Law of Peoples*, p. 35.

This factor of mutuality is obviously very important in the area of human rights where the world's peoples are understood as united in a moral vision of their oneness, but also understood as non-politically organized. And because they share a moral vision of their oneness, given a common humanity, they are allowed to have moral input, at least from a distance, regarding the political constitution of the various national peoples.

But how does one go from the assertion of a vision of a morally undivided world to articulating a vision of some sort of political overlap for a politically divided world? How might one go about strengthening a unified moral and aesthetic sensibility that makes the placement of human rights possible, daring to deploy it so that it imposes some limitations, however limited, on the internal governance of national states?

For that the governing lens of human rights be primarily moral does not mean that a political mileage cannot also be squeezed out of it. Lassa Oppenheim has written:

When a state renders itself guilty of cruelties against and persecution of its nationals in such a way as to deny their fundamental rights and to shock the conscience of mankind, intervention in the interests of humanity is legally permissible.¹⁰

Likewise, Michael Walzer writes, 'Humanitarian intervention is justified when it is a response (with reasonable expectations of success) to acts that shock the moral conscience of mankind. The old fashioned language seems to be exactly right ...'¹¹

In the passages just quoted from Oppenheim and Walzer regarding the justifiability of the talk of human rights, we find in their statements an emphasis on the attitude of mutuality, the attitude of sympathetic human identification. We react in an instantaneous physical fashion when a stranger we do not even know is hit by a car, or accidentally falls off a cliff.

10 L. Oppenheim, *International Law*, vol. 1 (New York: Longmans, Green and Co., 1948) p. 279.

11 Michael Walzer, *Just and Unjust Wars* (New York: Penguin, 1980) p. 107.

In the particular context of Africa, we find many of the sources of the attitude of mutuality expressed in the imperatives of daily life—‘Aka nni kwo aka ekpe, aka ekpe kwo aka nni’ the Igbo proverb says—‘the right hand washes the left, the left hand washes the right,’ so that together both are clean. Imagine yourself in the morning trying to get ready for work, intent on speeding things up by having the left hand hold up the morning newspaper while the right hand is desperately trying to keep itself clean, all by itself. Under this scenario neither right hand nor left hand will ever get washed.

The point of this mention is that there is much we can learn, by way of moral instruction, from the many innocuous rituals of daily life. We take our small habits for granted, but we should also think of them as important reminders of certain aspects of the moral life, in particular the importance of mutuality and reciprocity. And what goes for the undivided individual goes also for that individual *vis-à-vis* others within his national community and, beyond that, *vis-à-vis* others within the international community.

It seems to me that the global perspective on human rights can only be to the advantage of citizens contending everywhere with the miscreance of their national states. We were all persons before we became citizens. Citizenship is a product of modernity, and it is infinitely malleable. The citizen is infinitely malleable and can be bent every which way by the codes governing him or her. And since one is dealing with citizen not person, the codes can come to be counterproductive to the well-being of persons. There are the well known cases of torture, but even in smaller matters there could still be a problem.

For example, the code of the United States Internal Revenue Service gets to stretch itself to be more than fifty thousand pages long without any hint of absurdity on the part of those making the code. Once one is not dealing with the person, but with the citizen, these absurdities are bound to arise. With persons there is likely to be a push back as individuals resist the complexities being forced on them by thousands and thousands of pages defining a single code, many of the pages not at

ease with other pages, and some of them plainly in contradiction with what went before them. The law maker does not have to think seriously about these matters because he is dealing with a manufactured entity called the citizen, not with the person.

My point in all this is that these absurdities are attempted in the first place because the code is being addressed to derivative entities. We call these entities citizens but they are basically understood to be nothing more than receptor points in the complex machinery of state organization. The citizen being more of a manufactured part than a person could ever be, there is a freer hand in dealing with him or her as citizen, than in dealing with him or her as person.

In other words, let citizens carry through the algorithm of taxation in whatever way presents itself, but, failing to meet the specified commands, the rules will have to be applied; the confusion borne of fifty thousand pages of inconsistent parts notwithstanding.

Persons want to know what is going on, and are not readily resigned to the distortions of high authority. They are not willing to look the other way and simply obey just because there happens to be a need to avoid punishment. For the citizen, however, compliance is written much larger on the forehead than it is written on the forehead of the person.

But on this matter of the relationship between citizen and person, let me note that I do not wish to be understood as waging some kind of isolated war against the advances of high modernity—for the critic is likely to say: citizenship is here to stay and so likewise modernity which made it possible. I am not against either one of these, but want us to be clear about our situation. There are advances, and there are advances. As the old saying goes: all that glitters is not gold. The gold in modernity, I believe, generally has to do with means.

We have with us today an acceptable modernity of means, but not necessarily of values. For in regard to values, the situation often looks suspect. We definitely have an improvement in the material conditions of life, but in regard to regulative values, the improvement curve may or may not be there. And even where an improvement curve might be

noted, it is not always clear that the progress should be traced to the ethical advancements of modernity, pure and simple.

Take, for example, the case of food production or the durability of building materials. If there is now enough food for the population to eat because of genetically modified corn, and chicken can be made full grown in five days, so that fights no longer break out in the food line then that is good, one reasons. As to the building materials, if they are now so lightweight but strong, that the walls, the doors, the locks, are much more durable than before with the result that neighbors no longer succeed in breaking into each other's houses, then that is also a good thing. But then the question arises: is the social peace issuing from these material and scientific advances to be credited to the advancement of moral sense, an advancement which modernity is assumed to have brought along, or is it due to stasis, a sort of default outcome which we are nonetheless pleased to accept? It seems to me that no one single individual can take moral credit for the situation, nor any group claim that it was its collective civilizational efforts that led to the moral outcome in question.

I suppose that ultimately it does not really matter if good behavior is due to the improvements in material culture, or is due to the internalized civilizational disposition of those who act, so long as 'good' behavior is forthcoming, and there is an avoidance of conflict. But as philosophers we do try to figure out the reason why people do what they do. It matters to us that they do the right thing for the right reasons. One can well imagine the boss of the Mafia in Italy trying to bribe the Pope, so he could be entered into the registry of Saints when he dies. That the Pope does not do these kinds of things has not entered the boss's head; and, in any case, it is a curiosity that the boss should care about the reputation of his soul after he dies, but not while he was alive. In this sort of situation, the Mafia boss would be aiming for sainthood not for the right reasons but for entirely wrong ones. His accreditation would be an accreditation only in name; a paper glorification, nothing more.

One other issue related to the above-mentioned issue to the effect that we see to it that things claimed to have been done can only have

been done if done for the right reasons, is the point that in philosophy we try, as much as possible, to stay focused on the specific question under deliberation at any one time, not on other things nearby such as offering a comparative statement when what one was asking for was a straightforward non-comparative statement.

One can imagine this exchange between a speaker and an interlocutor: 'Do you believe in God?' went the question. 'No, I do not believe in God nor do I believe in the devil' came back the answer, with the responder, no doubt, expecting to be congratulated because he has shown himself an equal opportunity employer, believing neither in God nor the devil, allowing neither an ascendancy over the other. But that was not the point of the original question. The point of the question was whether one had belief in the existence of God, not belief in the parity which God may, or may not, have had with the devil or with any other existent.

This sort of reprimand would not, in other circumstances, have been necessary, except that given the spill-over tendencies of high modernity, things are not always what they seem. Adjacencies repeatedly arise to confound each other, and words get detached from their original placements, given the constant noise around the peripheries.

Not to belabor the point, but I believe that right now we have a difficult situation on our hands in the arena of international justice. Ideas of contract are drowning out ideas of natural justice, the question of the dignity of peoples side-tracked by calculations having to do with the clinical self interests of nation states. And nations in nation-states—as the term itself indicates—in carrying forward the burdens of state-hood, carry forward also the curse that will not go away, namely the curse of the tunnel vision which comes from the single minded pursuit of national self interests. Often these pursuits are carried out to the detriment of other states.

As Rawls reminds us, states are not necessarily moral actors. Unlike peoples, they are not accorded a moral personality. This is what makes the advancement of justice between peoples difficult, because for peoples

to act they have to act through the intermediary agency of states, and that agency of state is a flawed vehicle. For Africans, the choice then remains to join the debate on the peoples' side of things, not on the states' side. As peoples, Africans have already attained standing, but as states their grounding is precarious, the battles they are supposed to be fighting ethically suspect.

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