

The State in Africa and the African State

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I. The State in Africa

1. State Failure and Statist Ideals

It is a commonplace to say that the state has generally failed in post-colonial Africa, or at least to speak of endemic state fragility. Some African states are said to be less fragile than others – Ghana is said to be less fragile than the DRC. Some states are also sometimes said to be more ‘independent’ than others, at least formally so: former British colonies generally have fewer formal political and economic ties to their former colonial power than do former French colonies. The latter’s abiding ties to their former colonial power may in turn give the impression of greater political stability in Francophone states: contrast Senegal and Nigeria. By and large, however, differences of these kinds are a matter of degree. Even if some states are more and others are less fragile, in general, statehood has not been a success story in Africa.

Numerous explanations have been offered by way of accounting for continental state failure or fragility. Perhaps the most common one explains state failure in Africa as the outcome of the conjunction of weak institutional structures and corrupt elites and leaders. Were institutions less weak or leaders less corrupt, so the suggestion, post-independent statehood would succeed better than it has done.¹ However, weak institutions are surely defining of weak statehood, and weak institutions all but *require* leaders to operate outside the realm of institutional accountability – in which case one might as well say that the state has failed because the state has failed. A different type of explanation blames political culture: incessant ethnic loyalties and attendant divisions work against the emergence of a civil society capable of acting as a fulcrum of shared civic interests that would in turn consolidate relations between citizens and state, rendering the latter more accountable to the former. Here the background assumption is the purported Weberian clash between

¹ Robert Bates, *How Things Fell Apart. State Failure in Late Century Africa* (Cambridge: Cambridge University Press 2008).

‘tradition’ and ‘modernity’: in the fulness of teleological time, the post-colonial state will transform tribalists into citizens and, with them, failing into functioning states. Yet this explanation begs the question as to why, short of buying into Weberian teleology, anyone *should* have an interest in statehood and attendant civic culture. Pace Weber, statehood is not the natural destiny of mankind – other forms of political association are in principle available. A third explanation points to the contrast between declaratory and constitutional sovereignty: unlike the state building processes in Europe, African states are weak internally because African leaders inherited colonially established state boundaries and were never required to demonstrate sovereign territorial control internally.² This may be true – but why does it not simply show that states in Africa differ from – hence are not comparable to – states in Europe?

The above types of explanation tend to evaluate the failures and prospects of African statehood through the implicitly assumed lens of European history of state-building. An alternative explanatory framework emphasizes the distinctiveness of the colonial state as relevant precursor to the post-colonial state. More specifically, the colonial state is said to have been *structurally* distinct in that it lacked sovereign authority – the colonial state was an extension of and subservient to the colonizing power to which it owed its existence.³ The colonial state was also *institutionally* distinct in that it was based on the system of indirect rule, with the bifurcated functions between so-called ‘traditional’ sources of political organization and so-called ‘modern’ state bureaucracies.⁴ This set relevant pathways to the post-independence emergence of the ‘dual publics’ famously identified and analyzed by Peter Ekeh in ‘Colonialism and the Two Publics’.⁵ Finally, the colonial state was *normatively* distinctive in that the colonial powers saw no need to legitimize its existence to those subject to its coercive control. As Crawford Young has shown, the colonial state was experienced by colonial subjects as a ‘crusher of stones’ – an all-destroying machinery. This

² Jeffrey Herbst, *States and Power in Africa. Comparative Lessons in Authority and Control* (Princeton: Princeton University Press 2000).

³ Crawford Young, *The African Colonial State in Comparative Perspective* (New Haven: Yale University Press 1994)

⁴ Mamood Mamdani, *Citizen and Subject. Contemporary Africa and the Legacy of Late Colonialism* (Princeton: Princeton University Press 1996).

⁵ Peter Ekeh, ‘Colonialism and the Two Publics in Africa: A Theoretical Statement’, *Comparative Studies in Society and History* 17, 1975, pp.91-112.

differs from Hobbes' *Leviathan* as that great mortal God which, whilst it keeps all in awe, nonetheless also crucially appeals to subjects' rational consent in this regard.⁶

Those who emphasize the distinctiveness of the post-colonial state when compared to the European state-model might be hard-pressed to say whether or not the state in Africa has failed. As indicated, state failure is usually measured with reference to features and capacities that pertain to an implicitly assumed European ideal. If one takes the post-colonial state to be an altogether different kind of animal, assessing its failures and successes by standards relevant to European statehood makes little sense. Again, insofar as European statehood is assumed to set the standards for successful statehood in general, the post-colonial African state as successor to *colonial* statehood effectively emerged into independence stillborn: measured by European standards, the African post-colonial state was never a proper state in the first place. In short, anyone who accepts the structural and normative distinctiveness of the post-colonial state compared to the European model should measure the success or failure of the post-colonial state with reference to criteria relevant to the post-colonial norm. The trouble is, there is no such norm: the colonial state was at best a degenerative version of the European ideal. As successor to the colonial state, the modern post-colonial state is a successor not to an ideal-type but to the ideal type's degenerative version.⁷ There is currently no theorized post-colonial ideal that supplies criteria of success or failure with reference to which actual post-colonial states could measure their performance.

In sum, the situation appears to be as follows: the very idea of state failure or success implies a relevant ideal against which actual states' performance is assessed. Current assessments of state failure and success implicitly assume a European ideal of statehood. If one accepts the distinctiveness of the post-colonial state, it is inappropriate to assess the African post-colonial state by criteria gleaned from the European ideal. One should instead assess actual post-colonial states with reference to a relevantly theorized post-colonial

⁶ Thomas Hobbes, *Leviathan*, chps 13-16 (Oxford: Oxford University Press 1996 (1651 original publication)).

⁷ For the classic statement of ideal constitutional models and their degenerate versions, see Aristotle, *The Politics* Bk VI (Harmondsworth: Penguin Classics 1985). Aristotle did not of course distinguish between the European state and the colonial state as its degenerate version.

ideal. However, there is no ideal for degenerative state forms. We thus seem to lack relevant criteria by which to assess the success or failure of actual African post-colonial states. This in turn implies that we cannot in fact say whether African states have either failed or succeeded. Perhaps, by the standards of the colonial state as ‘crusher of stones’ the DRC as post-colonial successor to the Belgian Congo must count as a success story!

2. States’ Interests and Citizens’ Interests

Should we worry about African states’ failure or success? When the relevant agencies measure state failure, what are the concerns and objectives that drive their measurements? Ostensibly, the concern is not with states as artificial agents in their own right but rather with the state as an institution designed to promote the well-being of its citizens. On this view, we should be concerned with state failure because we are concerned with the well-being of those who live within states. But what does well-being amount to here? The US-based think tank, The Fund for Peace, measures state failure and citizen well-being by criteria that include security measures, economic development, governmental legitimacy, abidance by international human rights laws.⁸ States that perform well on these dimensions are deemed to provide well for their citizens and are therefore said to be stable or non-fragile. Their criteria are gleaned, as noted, from the European normative ideal of statehood. In respect of post-colonial states, they arguably measure nothing at all either way.

Given the lack of interest in the structural specificity of post-colonial statehood, there is reason to suspect that the stated concern with citizens’ well-being is no more than part of the story. It is very comforting to think of the state as first servant of the people – and it is of course a large part of states’ legitimation narratives. But do states solely or even only primarily exist for the good of their citizenry? If that were so, the case for abolishing the state in Africa would surely be overwhelming, given its persistent failure in delivering the political goods enumerated by the Peace Fund. Yet there are no calls for abolishing states that persistently fail their citizens by the standards of the Fragile States Index. To the contrary, the point of the Index is to alert the international community to the necessity of

⁸ Cf. <https://fragilestatesindex.org/>

averting state collapse. Too many Somalias would undermine the system of states. The stability of the international community of states would appear to be at least as large a factor, in concerns about state fragility, as citizens' well-being. Nor is concern with international stability *prima facie* unwarranted. *Prima facie*, it seems like a reasonable concern. Still, the interests of citizen well-being on the one hand and that of international stability on the other hand may end up conflicting. When they do, questions about prioritization of legitimate interests should arise. Where states persistently fail their citizens, should they continue to be propped up for the sake of international security?

One may deny the possibility of conflicting interests – one may claim that citizen well-being and international stability go hand in hand. It is better for citizens of disparate countries to live in an internationally stable environment: one in which there are fewer wars, more international co-operation, better economic prospects, co-ordinated security, work, and social policies. There is, on this picture, no possible conflict between citizens' well-being and international stability – at least not in the long term; at least not all things considered; at least not if all states behaved as they should.

I am not so sure. Consider: a fairly sizable number of states are considered to be persistently failing or fragile, very many of them in Africa, though by no means exclusively so. According to the failed / fragile State Index, state fragility translates into reduced citizen well-being. As noted, however, the recommendation is not to disband fragile states but rather to strengthen them. The presumption appears to be that state strengthening is more like to increase citizen well-being than state-dissolution. This presumption would possess more plausibility if alternatives to statehood had ever been given serious consideration or, more minimally, if suggested remedies to state fragility were adequate to the post-colonial state form in questions. As noted, however, the fragile state index recognizes only one state form, the classic European model, and proposes the administration to fragile post-colonial states of treatments tailored to the needs of a European-type state. This is akin to treating a cancer patient by way of sending her to the dentist. It raises the suspicion that citizen well-being may not be the only issue at stake – perhaps not even the most important one: a greater concern may be to preserve the overall state system by not allowing fragile states to fail. Conflicts of interest thus *are* possible between the citizenry of a fragile state and the

international community. Current international practice suggests that the international community generally prioritizes international stability over citizen well-being.

3. Theorizing the Post-Colonial State

There is a strong Hobbesian presumption in Western political theory (and I suspect also in political science), that living in a state is better than not living in one. This is of course a theoretical construction and, again, part of the European normative ideal. According to Hobbes, life outside the state is 'poor, nasty, brutish, and short'. On Hobbes' account, state entrance is evidently better than the (only other proffered) alternative. And yet, according to Crawford Young, living inside the post-colonial state can often be a bit like living in the Hobbesian state of nature: here, the inherited state form is the problem, not the solution. One should guard against characterizing the failed or fragile post-colonial state as a *de facto* state of nature. After all, there are *no* state institutions in the state of nature; yet there are plenty of them in the post-colonial state, albeit dysfunctional ones (it would be a mistake to assume that dysfunctional institutions have no impact on citizens' lives). Nonetheless, if life in the fragile post-colonial state is as bad as or worse than life in the Hobbesian state of nature, would it not be rational to exit the post-colonial state? Many citizens of such states have in fact exited it: short of emigration (which many do in fact pursue) they have ceased to expect or hope for public services and provisions and are instead relying on non-statist forms of mutual protection and support.⁹ Empirically, speaking such internal exit or exile from the state is difficult to register given that, short of emigration, the withdrawal does not manifest itself as physical removal from official state territory. Many citizens of fragile post-colonial state thus withdraw from engagement with the state even whilst continuing to live within its territorial borders.¹⁰

I suggested that the hope of reforming the fragile post-colonial state by way of remedies that apply to the European state model is a futile enterprise. I also suggested that the international community has a strong interest in preserving the system of states. Given the

⁹ James Scott, *Seeing Like a State*

¹⁰ Patrick Chabal, *Africa. The Politics of Suffering and Smiling*. The phenomenon of state withdrawal is not confined to non-European states. For a highly instructive analysis of the phenomenon within contemporary Britain, see Insa Koch, *Personalizing the State*

non-applicability of European-style reform on the one hand and the non-availability of state disbanding on the other hand, the most plausible alternative would seem to lie in an explicit acknowledgement of the existence of the post-colonial state as a distinctive state form. Once its *de facto* existence were explicitly and generally acknowledged, one might begin the task of theorizing a possible post-colonial ideal. One might then be able to begin to specify relevant criteria of evaluation by which to measure actual post-colonial state performance as well as propose adequate institutional remedies to state fragility or failure. All of this may seem like a modest and even sensible proposal: however, it has some radical implications which, once considered, may help account for the general reluctance among state theorists and practitioners alike to acknowledge anything but a universal state norm (i.e., the European norm universalised). If it were explicitly acknowledged that the European state is but one possible form of statehood, the international community of states would have to begin to think of itself along the lines of a multi-cultural society characterized by non-negligible compositional differences among individual members states. This would have considerable impact on international law and global policy making.¹¹ These implications are highly inconvenient from the perspective of the international community. Even though not excusable, it is understandable that the question of compositional differences in modern statehood is rarely explicitly broached. Once again, the question is whether the inconveniences to the international community of states are sufficiently weighty to allow for the continuation of the current status quo in which many citizens of fragile states find themselves in an existential limbo – unsure as to whether they live in- or outside the state or somewhere in-between. From here on I shall assume, if only for the sake of argument, that the interests of those citizens should take priority over those of the international community. Given my argument so far, this implies that we ought to try to theorise a post-colonial norm against which actual post-colonial performance can be realistically assessed.

II. The African State

¹¹A modest beginning in this direction can in fact be found in John Rawls, *The Law of Peoples* (Cambridge, Mass.: Harvard University Press).

1. Post-Colonial Statehood and the Limits of Western Political Thought

I have suggested that despite international concern over state fragility in Africa and elsewhere, there is generally little appetite for acknowledging the structural distinctiveness of the colonially inherited state form on the continent. The tendency is instead to treat the European form as universal norm and to measure post-colonial state performance by criteria gleaned from the European ideal. There are at least two reasons for the reluctance to depart from the assumption of a universal norm. One is political, and I have mentioned it already: acknowledging structural and normative diversity within the community of states would render international law- and policy-making an ever more complicated undertaking; no doubt it would also affect the power-advantage enjoyed by those states that approximate the European norm most closely. The second reason is theoretical and, indeed, philosophical. It is fair to say that the impact of Hobbes' *Leviathan* on the philosophical imagination of political theorists in Europe (and US) has been overwhelming. European thinkers find it extremely hard to think politically *absent* the idea of the state. Our entire political vocabulary – from the idea of a state of nature to that of rights, liberties, and distributive justice – is state-based, i.e., it assumes the state as relevant background institution. The relative failure of European or 'Western' political theorists to think beyond the state is reflected in the ill-fated global justice debate which blossomed during the 1980 and 90s and into the 2000's before withering away on grounds of its failure plausibly to advance terms of debate beyond inherited Western, state-centric concepts and conceptions. Significantly, the global justice debate also demonstrates that the failure to rethink basic forms of political organization and institutionalization was not for want of trying: for a long time the aspiration was, after all, to think beyond and in that sense without the state.¹² At the same time, Western global theorists expended remarkably little effort even to inform themselves about different historical conditions – let alone different theoretical frameworks – beyond the narrow remit offered by Western – indeed, Anglo-American political theory and practice. It seems relatively clear, moreover, that this failure in philosophical imagination feeds back into political practice. To return once more to the failed/fragile State Index: its conceptualization of relevant ideal criteria of assessment is

¹² Two classic references in this debate include Charles Beitz, *Political Theory and International Relations* (Princeton: Princeton University Press 1979) and Thomas Pogge, *Realizing Rawls* (Ithaca: Cornell University Press 1989).

informed by a state-centric philosophical tradition. The criteria – security, development, human rights – are taken on trust largely because they are treated as beyond theoretical reconsideration. The thought that states *should* secure citizens' well-being translates almost seamlessly into the expectation that, in principle, all states *could* do so: in that sense, the failure among theorists explicitly to acknowledge and to theorize the heterogeneity of post-colonial state forms might be seen as a failure in political responsibility. Still, and even if one acknowledges the need to do so: given the hold on our philosophical imagination of the Hobbesian territorial all-powerful state, how can one begin to rethink or move beyond the European political ideal?

2. The Idea of the State in African Philosophical Thinking

Western political theorists have found it hard to think without or beyond the state; but what about African theorists? There is remarkably little sustained discussion of the statist idea in contemporary African philosophy. Indeed, once one begins to think about it, the contrast between Western theorists who cannot but think in statist terms, and African theorists, who seem reluctant to think in those terms, is striking. What one finds in the African philosophical literature are deeply engaged discourses on personhood and community.¹³ A community is decidedly not a European state: a community lacks most of the features commonly deemed constitutive of the European state, including territoriality, a settled subject population, a monopoly of coercive authority and control internally, and the acknowledgement of sovereign status externally. The European state is conceived as an artificial agent which as such exists independently of its subject population, and which interacts with other states on the basis of state-specific interests that are in principle separable from the interests of its subject populations (hence, of course, possible conflicts between citizens and state interests). A community, by contrast, is typically conceived as an organically evolved political-cum-cultural association whose members collectively constitute it such that there is no division, in principle, between community and its constitutive membership. Nor is a community typically defined by its territorial extension, though it will of course typically have a habitat it calls its own. And whilst there will be institutionalized

¹³ One example among many is Dismas Masolo, *Self and Community in a Changing World* (Bloomington: Indian University Press 2010).

forms of accountability and control, the idea is anathema of a community as pursuing interests that are in principle separable from the collective interests of its constituent members (which is not to say that individual and collective interests cannot diverge).

Similarly, and as Ifeanyi Menkiti has recently reminded us, personhood and citizenship are not synonymous.¹⁴ Although all citizens are persons, one can be a person without being a citizen. For Menkiti, personhood is ontologically and normatively prior to citizenship. At the same time, Menkiti believes that citizenship has come to occlude personhood; it has become normatively more important that one be a citizen than that one be a person (witness the treatment of non-citizens, such as immigrants or refugees). Insofar as citizenship in general is an attribute of modern statehood, Menkiti's position may reduce to the claim that modern statehood occludes personhood: citizenship is a state-based modification of personhood, and since for Menkiti personhood is ontologically and normatively prior to personhood, the modification amounts to a reduction in the richness of what it is to be a person. Menkiti does not go on to say similarly comparable things about state and community; I think, however, that Menkiti is likely to favour community over statehood precisely because he associates reductive citizenship with statehood and normatively rich personhood with community.

Arguably, Menkiti's preference for community / personhood over state/ citizenship generalizes: the preferred strategy among post-independent African philosophers has been to ask whether aspects of political organizations and governance historically found at community level might not be scaled up to post-colonial state level. Among the most influential of these latter attempts has been Kwasi Wiredu's idea of 'consensual democracy'.¹⁵ According to Wiredu, the governmental style among the traditional Akan of present-day Ghana was consensus based. Given the prevalence of the traditional African notion of 'palaver', Wiredu conjectures that consensus-based governance may have been the basic model of many other African communities and nations. Applied to the post-

¹⁴ Ifeanyi Menkiti, 'The Concept of a Person and the Concept of a Citizen', unpublished keynote paper, University of Chicago, 17 April 2017.

¹⁵ Kwasi Wiredu, 'Democracy and Consensus: A Plea for a Non-Party Polity' in E. C. Eze (ed.), *Postcolonial African Philosophy: A Critical Reader* (Oxford: Basil Blackwell 1997), 303-12.

colonial state context, Wiredu takes consensual democracy to envisage a participatory but non-adversarial and therefore non-partisan mode of political consultation and decision-making. In fact, in calling it a 'no-party' model of democracy, Wiredu delimits consensual democracy from Soviet style one-party systems and Western-style multi-party systems alike. Consensual democracy is thus not to be confused with the one-party systems established by early post-independence socialist leaders, such as Nkrumah or Nyeyere. Under Wiredu's consensual scheme, 'governments are not formed by parties but by the consensus of elected representatives. Government becomes a kind of coalition of citizens.'¹⁶

The immediate impetus to Wiredu's plea for consensual democracy were the ethnic conflicts that often erupted under systems of multi-party rule, in which members of different ethnic groups aligned themselves with ethnically defined parties. However, Wiredu's wider philosophical and political ambition may have been to 'indigenize' the post-colonial state by way of re-introducing elements from traditional forms of rule and governance. A similar strategy is pursued by Ajume Wingo who in a series of innovative articles seeks to reintroduce elements of traditional rule into modern state structures, ranging from non-party based systems of public participation and accountability to a reminder of the significance of ancestral participation in the political life of communities.¹⁷

Wiredu's and others' attempts to integrate elements of traditional rule into post-colonial state structures have been criticized – especially by younger generations of philosophers. Emmanuel Chukwudi Eze, for example, doubts whether Wiredu's vision of consensual democracy 'is workable in the now largely secular states and, certainly, religiously pluralistic African Countries'.¹⁸ Similarly, in his recent book-length analysis of Wiredu's proposal Bernard Matolino queries the superiority of consensual over majoritarian forms of democratic government.¹⁹ Both Eze and Matolino in effect throw doubt on the adequacy of

¹⁶ Kwasi Wiredu, *Cultural Universals and Particulars. An African Perspective* (Bloomington: Indiana University Press 1996), 189.

¹⁷ Ajume Wingo, 'Good Government is Accountability' in T. Kiros (ed.), *Explorations in African Political Thought* (Routledge and Kegan Paul, 2001); Ajume Wingo, 'Living Legitimacy: A New Approach to Good Government in Africa', *New England Journal of Public Policy* 16 (2001), pp.49-71; Ajume Wingo, "The Immortals in our Midst: Why Democracies in Africa Need Them," *Journal of Ethics*, Vol. 19, Issue. 3, Dec. 2015.

¹⁸ Emmanuel Chukwudi Eze, 'Democracy or Consensus? A Response to Wiredu' in Eze (ed.) *Postcolonial African Philosophy: A Critical Reader* (Oxford: Basil Blackwell 1997), 313-24, at 317.

¹⁹ Bernard Matolino, *Consensus as Democracy in Africa* (Grahamstown: AHP Publications 2014).

community-based forms of political organization and participation in relation to state-based governance: again, however, neither thematizes the post-colonial state directly.

Is this general failure among African philosophers to bring the post-colonial state into direct philosophical purview a reflection of their reluctance to accept the political reality of statehood in Africa? Or, alternatively, is it simply not clear, as Uchenna Okeja has suggested, whether African philosophers possess the conceptual resources necessary to think the post-colonial state at a sufficiently abstract level? Taking the generational shift into consideration, it certainly seems as if philosophers of the period immediately following independence might have harboured the hope that the post-colonial state could be reformed from within by drawing on traditional forms of rule. By contrast, second-generation African philosophers appear more sceptical about the feasibility of this strategy. At the same time, they seem undecided as to available theoretical alternatives. Thus, in his forthcoming monograph on the state of politics in post-independence Africa, Okeja emphasizes the philosophical importance of acknowledging political failure.²⁰ Post-independence generations, Okeja argues, have had to live with systematic and enduring political failure. Okeja's diagnoses goes a significant step beyond the writings of thinkers like Eze and Matolino, who express scepticism over the adequacy of a 'return' to traditional values in the face of modern statehood yet who retain some degree of confidence in the salvageability of the post-colonial state. By contrast, Okeja's comes as close as possible to a *philosophical* statement of state failure. This is not insignificant. To diagnose state failure at the philosophical level is different from diagnosing state failure or fragility empirically. The latter failures will always remain contingent – always explicable in terms of these or those causal factors; as such, empirical failures always remain reversible. If the Nigerian state has failed empirically speaking, then it has failed to live up to its own possibility – but there is as yet every chance that it can do better in the future. To diagnose political failure at the philosophical level, by contrast, is not to make a conditional claim; it is to make an unconditional claim. Okeja might be proposing that the very idea of the state has failed in Africa. In that case, the Nigerian state has not failed to live up to its own possibility; rather, and at least as it stands now, the Nigerian state is itself an impossibility.

²⁰ Uchenna Okeja, *Deliberative Agency* (forthcoming)

Okeja does not in fact go quite so far as to say that the state in Africa is an impossibility – at least he does not say so outright. He speaks of *political* failure, and he does intend this as a philosophical claim: the failure is non-contingent, which is to say that it was, in a sense, predictable. Nonetheless, to speak philosophically of *political* failure falls short of speaking of *state* failure. Okeja may be continuing the above-noted philosophical practice of *avoiding* direct engagement with the very idea of the state. This leaves his position somewhat ambiguous. On the one hand, when Okeja says that post-independence generations have had to live with political failure, he is issuing a remarkable if depressing claim. He is saying, “let us stop pretending that the current political situation in Africa is salvageable via appeal to traditional values and concepts”. On the other hand, when he develops his positive proposal in favour of thinking about politics in terms of deliberative agency, he is focused on the moral and political responsibilities of individual human agents whom he urges to take a conscientiously acknowledged attitude towards political failure. For Okeja, it is crucial that citizens in Africa acknowledge the fact that they are living with political failure – only once this is explicitly thematized, and only once it becomes a central feature in agents’ political deliberations can possible remedies to political failure emerge. This is certainly an important dimension of overcoming political failure: but where, in all this, is the role of the state?

3. Conceiving the Post-Colonial State

Western theorists struggle to think politically without the state; African philosophers seem to find it equally difficult to think politically in statist terms. The reluctance may be both normative as well as conceptual: community may be preferred intrinsically, and even if it isn’t, the available stock of concepts is communal more than statist. And yet, it seems unlikely that the wider international community would countenance a departure from some statist norm. (Here it is perhaps worth noting, even if only in parenthesis, that state fragility / failure is far more widespread than is generally acknowledged. Even if Africa is generally deemed to top the list of fragile states, the list is long and includes states in Southern America, in Eastern Europe, in Asia, in the Middle East. In many ways, the European state is the exception, not the norm – and yet we firmly continue to think of the latter as the normative ideal). But how does one even begin to get a grip on the post-colonial state? There is a large literature on post-coloniality: on otherness, othering, and hybridity. Much of

it casts itself in terms that are self-consciously confrontational vis-à-vis 'mainstream' political analysis and theory. Indeed, often it is not clear what the target is: critique of Western thinking or concern to identify the distinctiveness of the post-colonial state. Within African philosophical and political thinking, post-modern and deconstructivist approaches appear to be less widespread than they are in recent European (and possibly Asian) writings on the post-colony.²¹ I shall therefore not engage that literature here.

To my mind, within African theorizing, Peter Ekeh's by now classic contribution to post-colonial statehood continues to stand out.²² Ekeh, recall, diagnosed the emergence of 'two publics' in the post-independence African state. In so doing Ekeh, was insistent upon conceptualizing this as a modern phenomenon: he explicitly distanced his analysis from the standard Weberian approach that expects the gradual displacement of 'traditional' structures by 'modern' ones. Ekeh's claim was not that a traditional public continued to co-exist alongside a 'modern' one. To the contrary, the point of the article was to show that the two publics are a creation of the colonial state with its system of 'indirect rule', so are a modern phenomenon, rather than signifying a clash between tradition and modernity. Ekeh further argued that the existence of the two publics gave state institutions a function fundamentally different to that from European state institutions: in the African post-colonial state, the latter is a resource-base for *modern* communal politics.

My aim here is not to set out or to evaluate Ekeh's substantive position in any great detail; my sense is, however, that part of what makes Ekeh's contribution so enduring is precisely his ability to rise above the merely descriptive level to making a *conceptual* point. Ekeh saw something about the emergent structure of the African post-colonial state in general that seems to me not to have been captured with such analytic clarity since: he saw that there are *two* publics in the post-colonial state, and he saw that this is fundamentally at odds with European thinking about the state, in which there can only ever be *one* public. Of course, Ekeh did not give a complete account of the post-colonial state – he only gave a slither of it;

²¹ But see Achille Mbembe, *On the Postcolony* (Berkeley and Los Angeles: University of California Press 2001) and to some extent V.Y. Mudimbe, *The Invention of Africa. Gnosis, Philosophy, and the Order of Knowledge* (Bloomington: Indiana University Press 1988).

²² Ekeh, 'The two Publics', op. cit.

and given that the article in question is no nearly 50 years old, much has obviously happened since then. Nonetheless, it seems to me that Ekeh's analysis contained acute conceptual insight – and one question is whether current African philosophical thinking might be able to build on Ekeh's analysis.

There is another text that sticks in my mind, notwithstanding its somewhat unfortunate title. This is Patrick Chabal's micro-economic analysis of the modern African state in *The Politics of Suffering and Smiling*.²³ Much of Chabal's analysis is based on close observation of the daily actions and interactions of African citizens with their states and state officials. Chabal's analysis thus differs from that of Ekeh in that he focuses not on the 'political elites' who succeed in attaining to political office but on ordinary citizens who have learned to live with what Okeja calls 'political failure'. In often graphic detail, Chabal describes how citizens have developed strategies for coping with, responding to, or circumventing state structures and authorities. Take African states' colonially fixed territorial borders, for example, which not only bi-furcated long-established communities but also cut across established trade routes, effectively curtailing intra-African, non-colonial economic activity and development. Cross-border communal trade and contact nonetheless continues, albeit with the additional obstacle of state borders that have to be negotiated as an inconvenience. In consequence, new opportunities for economic and revenue have developed. According to Chabal,

'The cost of negotiating borders, which is wholly a product of their presence, leads to the establishment of both formal and informal markets. The former is in the hand of the authorities, who can choose to tax the movement of people and goods as they see fit (...). The informal market arises either as a result of the subversion of the law – where, for instance, import/export restrictions are violated – or simply because it is cheaper to bribe the gatekeepers than to pay the official tax on trade'.²⁴

Chabal's point here is to demonstrate *agency* on the part of African traders who negotiate pointless state borders in ingenious ways in order to pursue sensible even if non-state based

²³ Patrick Chabal, *Africa. The Politics of Suffering and Smiling* (London and New York: ZED Books 2009)

²⁴ *Ibid.*, p.135/6.

economic activities. Chabal does not take the view that, if only the state were able to quash such informal markets, formal markets would perform more efficiently. To the contrary: it is the informal markets that perform efficiently despite the obstructions imposed by arbitrarily established political borders. Chabal thus inverts the formal/informal dichotomy, diagnosing the former, not the latter, as regressive and inefficient.

Chabal's analysis of the 'subject-client-citizen' triad offers another striking insight into ordinary African's daily negotiation of the post-colonial state. Whilst, in Europe, there was a historical development from subject to citizen, indirect colonial rule in Africa established subject – citizen dichotomy as a dual system. Natives were subjects, colonial official and settlers were citizens. Although independence resulted in the formal accession of natives to citizenship, path-dependent post-colonial institutions often continue to treat citizens as subjects. Frequently, official business can be successfully concluded only by way of citizens' appealing to clientilistic networks in order to avoid subjugating treatment by relevant state officials. According to Chabal,

Africans (as others elsewhere in the world) are at one and the same time subject, client, and citizen. Not only do they inhabit all three political spheres but the very specificity of their contemporary condition is that the three interact in ways that it is important to conceptualise if one is to understand post-colonial politics on the continent.'²⁵

Again, as with Ekeh, it is not my intention here to consider Chabal's analysis in any great detail: my point is that the distinctiveness of Chabal's methodological approach – his micro-economic focus on persons' agency within and around post-colonial state structures – yields conceptual insights into the structure of modern African statehood that more mainstream, macro-level analysis fail to capture. The overall picture that emerges from Chabal's analysis is of the possibility of everyday agential transformation of institutional structures. These go largely unnoticed because the attention of mainstream theory and analysis stubbornly remains at the macro-economic level. It is possible, then, that African agents are

²⁵ Ibid., p. 96/7.

transforming the structures of the post-colonial state under the eyes of political scientists and political theorists who are, as it were, asleep at their posts.

II. Conclusion

Where do these somewhat meandering reflections leave us with respect to thinking about the African state, or indeed, about the state in general? I am not too sure – at any rate, my conclusions are negative more than positive. By this, I mean that I have a better sense of what we should *not* continue to do than I have an idea of what we should do instead. I think what we should not continue to do is to perpetuate the pretense that the European norm can serve as ideal for all of today's states. Indeed, the more one thinks about it, it seems unlikely that the European norm can serve as ideal to more than a handful of states. In a sense, the African post-colonial state may be less of an outlier, when it comes to the reality of statehood, than the European norm is. I noted in parenthesis, above, that although African states are usually assumed to top the list of failed state indices, there are many more regions in which statehood is fragile at best. Indeed, one needn't even look far beyond Northern Europe: the new states of the former Soviet Union spring to mind though, interestingly, these regions appear to be less frequently thematized under the failed state paradigm. Be this as it may, it seems to me clear that the European ideal of statehood has failed the African context both theoretically and practically speaking. Rather than asking why actual African states fail to live up to the European ideal, we should ask why the European idea continues to be preferred as the only available – or only acceptable – model of statehood. As indicated above, the reasons for this are likely to be political as well as conceptual. Politically, a community of structurally different states may be difficult to negotiate; conceptually, it simply requires an act of extraordinary philosophical imagination to overcome as dominant a paradigm as the Hobbesian state. But this then may be a reason for leaving the European model to one side, as it were, and for looking more directly at African statehood itself, avoiding, so far as is possible, any particular preconceptions about what it should look like. In one sense, I think that Okeja is right to thematise the fact of political failure in post-independent Africa: it is time to draw a line under hopes for eventual European statehood in Africa. In another sense, I wonder whether what appears to us like

failure one guise could also be seen as a condition for the possible emergence of something very different under another guise. That is one reason why Chabal's analysis to ordinary people's active responses to state failure strikes me as a promising line of future inquiry.²⁶

It is often assumed, especially among Western political scientists and theorists that bad though the colonial days no doubt were independence wiped the slate clean. The post-WWII constitutional transfer of powers is frequently depicted as marking the moment at which former African colonies were welcomed as political equals into the newly founded international community of nations. Normative theorists sometimes cast the general post-war dismantling of empires as the moral triumph of state-based self-determination: post-war decolonization is seen as the third and final phase of a progressive historical movement that stretched from the American Declaration of Independence, through the French Revolution to the Universal Declaration of Human Rights. From this perspective, post-independence state failure in Africa looks like a golden opportunity recklessly squandered. And yet the thought of a slate wiped clean and of a new beginning is politically and normatively naïve in the extreme.

Here is another thought. When we say that state failure is widespread on the African continent, we are continuing with the well-established myth of African exceptionalism. We assume that statehood works tolerably well everywhere but in Africa. Indeed, the small Asian Tiger states of Hong-Kong, Singapore, Taiwan, and South Korea – have at times been upheld as independence success stories compared to which the failures of Nigeria, say, or of the Democratic Republic of Congo stand out all the more markedly. Asia managed to modernize – why not Africa?! And yet: is Afghanistan a well-functioning state? Well, we might say, that situation is different. In fact, the entire Middle East is different insofar as there is the complicating factor of Islam. But are Moldova, North Macedonia, Uzbekistan? Well, we might say, those societies are still in the throes of emergence and consolidation after Soviet rule: not really comparable? Is China as state? Well, China is China – another special case. But what about Greece, then, or Italy – could either function well as sovereign agents outside the EU framework?

²⁶ I would like to thank Martin Ajei, Caesar Atuire, Rowan Cruft, Uchenna Okeja, Eghosa Osaghae, Anthony O. Owoye, Paula Romero, Stephanie Wanga, Ajume Wingo, and all the MSc students on my course, 'Modern African Political Philosophy' for many fruitful hours of discussion on the topic of the Africa state.

Which truly are the well-functioning states – and, assuming there are any, is it not they that are in the minority rather than the not-so-well-functioning, ailing states?