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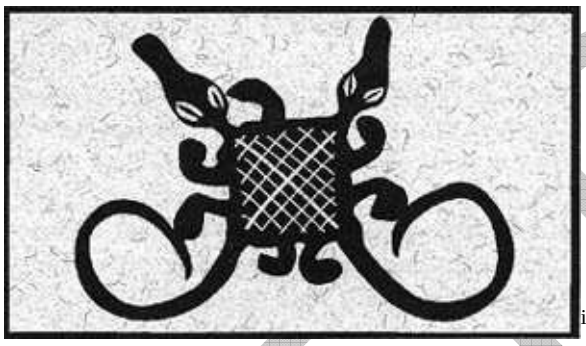
Ubuntu, Zimbabwe and the ethics of intervention

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UBUNTU, ZIMBABWE AND THE ETHICS OF INTERVENTION

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by
PETA DE JAGER

research report
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Supervised by Dr. Brian Penrose

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UBUNTU, ZIMBABWE AND THE ETHICS OF INTERVENTION

by
Peta de Jager

WitsETD

A research report submitted to the Faculty of Humanities,
University of the Witwatersrand, Johannesburg,
in partial fulfilment for the degree of
Master of Arts (by coursework and research report)
Johannesburg, 2010

DECLARATION

I declare that this dissertation is my own unaided work. It is submitted for the degree of Master of the Arts (by coursework and research report) in the University of the Witwatersrand, Johannesburg. It has not been submitted before for any other degree or examination in any other university.

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Peta de Jager

On this 15th day of February 2010

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DEDICATION

Dedicated to Marianus, Cole and Sinĕad

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UBUNTU, ZIMBABWE AND THE ETHICS OF INTERVENTION

> A recent development in the psychological war is the campaign to convince us that we cannot govern ourselves, that we are unworthy of genuine independence, and that foreign tutelage is the only remedy for our wild, warlike and primitive ways. Imperialism has done its utmost to brainwash Africans into thinking that they need the strait-jackets of colonialism and neo-colonialism if they are to be saved from their retrogressive instincts. Such is the age-old racialist justification for the economic exploitation of our continent.
>
> And now, the recent military coups engineered throughout Africa by foreign reactionaries are also being used to corroborate imperialism's pet theory that the Africans have shamelessly squandered the golden opportunities of independence, and that they have plunged their political kingdoms into blood and barbarism. Therefore the imperialist mission: we must save them anew; and they hail the western-trained and western-bought army puppets as saviours. The press, films and radio are last spreading the myth of post-independence violence and chaos. (Nkrumah)

INTRODUCTION

It seems that media predictions of the past ten years about Zimbabwe's economic collapse have indeed come to pass. With supermarket shelves across the country devoid of even basic goods, chronic inflation, extensive unemployment and mass emigration, it is not difficult to see that our neighbour is suffering.

Dispossession of property rights, controversial election proceedings, unlawful arrests, curtailment of freedom of speech, government-legislated price cuts and a string of other issues have been widely portrayed as incompetent governance, undermining free market systems and violating human rights. Zimbabwe's very democratic status and government legitimacy have been called into question.

Criticism of Zimbabwean policies and actions has been met by protests of betrayal and theories that they are a part of a conspiracy to oust the ruling party (Sachikonye 584 and others).

But whilst the media in South Africa (as elsewhere) has been quite vociferous in its indignation and condemnation, the South African government has adopted a policy of 'quiet diplomacy', and

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stood more-or-less passively and patiently watching the wheels grind slowly to a halt. It has absorbed at least its fair share of economic and political refugees – many illegally. Considerable xenophobia and resentment have been sparked in South Africa, where influx of foreign nationals is often associated (rightly or wrongly) with undermining labour markets and increasing crime rates. The whole Southern African Development Community (SADC) region has witnessed decreased flows of tourists and investment[1]. In these ways (and more), domestic policy and governance in Zimbabwe is having a profound impact on the whole region.

At various times through this unfolding crisis, and by various organisations, the South African government has been called on to intervene in the situation.[2] Surely South Africa – perhaps uniquely South Africa – with its proximity and its relative economic and political clout has the capacity through its actions to 'improve' the fate of Zimbabwe or at least assert effective influence on its course of action.

Responses from Harare to the international outcry to its predicament allude to the notion that interference by outsiders may be an unconscionable evil, and after the notorious history of colonisation in Africa, exemplified in the Nkrumah opening quote for this paper, such a stance carries considerably weight. [3]

Zimbabwe's neighbours – including South Africa – have so far failed to react to the situation with anything approaching the definition of intervention offered below.[4] Insofar as it has employed a policy of 'quiet diplomacy', and non-intervention, the South African government can be seen to then share an outlook that sovereignty is inviolable, or at least be sympathetic to it. However, this could be perceived as inconsistent, since the African National Congress (ANC) welcomed foreign interference of various kinds during the apartheid era. And, such a view stands in contrast to a different view that intervention can be morally permissible, or even required, say, in the case of human rights violation. South Africa – and for that matter Zimbabwe – claim to hold human rights as dear too.

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[1] *The Observer* estimated that the economies of SADC may have lost over US$36 Billion by 2001 (Sachikonye 572) – 30 September 2001.

[2] For example Desmond Tutu called for sanctions in "Tutu slams South Africa's stand on Zimbabwe" *ABC News* 16 December (http://www.abc.net.au/news/stories); Tony Blair called for political action *BBC News* 31 May 2007 (http://news.bbc.co.za/2/hi/uk_news/politics); Robert Rotberg recommended that South Africa conduct the Zimbabwean election in "Saving Zimbabwe: Only Intervention by the Country's Neighbours Can Prevent Catastrophe in the Forthcoming Elections." *Financial Times*, 18 January 2002; and Pius Ncube, the Catholic archbishop of Bulawayo, called on South Africa to invade Zimbabwe and topple President Robert Mugabe in "Should Great Britain Invade Zimbabwe*?" TNR Online* 17 July 2007 (http://www.tnr.com/). Also see opening quote.

[3] One example amongst many "There is a Western, and especially Anglo-American, plot to destroy Zanu-PF and evict it from power because it was a liberation movement. If this plot succeeded in Zimbabwe, it would then be applied successfully against all other ruling liberation movements in Southern Africa…" (Johnson qtd. in Sachikonye 574).

[4] Except perhaps for publicly unacknowledged intervention - if it exists. c/f Mandy Rossouw "SA arms flow in to Zimbabwe" *Mail & Guardian Online* 27 June 2008 (http://www..mg.co.za/article/2008-06-27-59-arms-flow-to-zimbabwe) accessed 12 February 2010 which alleges that "South Africa has been supplying Zimbabwe with weapons of war, including helicopters, revolvers and cartridges – despite the mounting human rights atrocities in that country".

Given the profound and extensive nature of difficulties in Zimbabwe, there arises a legitimate moral dilemma as to whether South Africa should intervene in some way.

INTENTION

Normative theoretical justifications for intervention and non-intervention alike abound in literature on ethics.[5] Two generic polar or 'extreme positions' on the sovereignty *vs*. intervention debate are commonly used. Realists are inclined to claim that sovereignty and the right to political self-determination are practically inviolable. A state[6], under this framework, has the right to do whatever it wishes internally, and, as long as it does not harm another state, it enjoys impunity. On the other hand, human rights based ethical frameworks do not recognise the moral standing of states in the same way realists do. The basic bearer of moral value, as far as the friend of human rights is concerned, is the individual. If the individual is degraded under any particular political system, then any claims – if there are such claims – to sovereignty or self-determination of the state either are forfeited or may be overridden.

The compelling attraction of the 'extreme positions' posited by realists and human rights supporters is that they provide a fairly straightforward guide to action. If sovereignty is inviolable, then external intervention is simply never permitted. If human rights are inviolable then, once human rights have been defined (agreed upon) and transgressed, then intervention is indicated.

Empirical studies (the evidence of our actual behaviour) support a more moderated view than either of the 'extreme' normative theories, or generic positions. Much of the prevailing literature is dedicated to establishing the supremacy of either one view (human rights or sovereignty) and then constraining the obligations and rights flowing from them by establishing exceptions and limitations. In essence, the subject is widely addressed by proposing a code of rules or a normative framework which attempts to reconcile divergent intuitions. Very few theorists attempt to defend either the stance that intervention is never permitted, or that it is always permitted. The extent to which theory tends to either 'extreme' fluctuates and is contested. Currently, arguably, this discourse tends to moderated (rather than 'extreme') views.

[5] The terms 'moral' and 'ethical' have been used interchangeably through the text though some scholars distinguish between them.

[6] For the purposes of this paper, the words 'nation' and 'state' and 'nation state' are used synonymously and to denote recognised political domains or countries. Distinctions made by scholars - Wellman (267) and others - between these terms on the basis that nations are cultural groups that share some common characteristics and identify with one another without necessarily having a neatly corresponding territory; that nation states are commonly multi-national and so on, are apt.

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The question then arises: is there a plausible 'middle ground' theory to address the sovereignty *vs.* intervention dilemma?

This paper argues that there may well be and, furthermore, that such a 'middle ground' account may be consistent with at least one version of *ubuntu*, an indigenous sub-Saharan African philosophy. This project is attractive on two counts. The first is that, if a 'middle ground' theory can be found, then the inelegance of adopting an 'extreme position' and then working out the exceptions and limitations might be avoided. The second is that in appealing to an 'African' philosophy it may gain traction as an appropriate and relevant response to addressing the dilemma whilst avoiding the charge presented in the opening quote by Nkrumah that intervention would represent a morally unconscionable imposition of foreign paradigms.

What (if anything) does *ubuntu* have to say about the right (or perhaps even the obligation) of the South African government to intervene in Zimbabwean affairs? Does it provide vindication for its failure to intervene? This project, whilst not providing a decisive answer to the question of whether intervention in Zimbabwe by South Africa may be legitimate on this African world-view, might provide a promising framework for weighing up the variables that apply to the situation.

OVERVIEW

In order to address the question, section one will provide a brief sketch of empirical evidence on the one hand and normative ethical theory on the other. Normative ethical theory will be discussed as a function of two identified 'extreme positions', noting that, traditionally, the sovereignty *vs.* intervention debate is centred on the nature of nation states, their validity, their legitimacy and their authority. In section two a possible candidate for a 'middle ground' theory, Deane-Peter Baker's theory for rights of nations to self-defence, will be introduced and discussed in some detail. Like the traditional debates mentioned above, Baker proceeds by firstly establishing the validity of nation states *per se*. However, Baker argues for a rejection of what he terms the 'primacy of rights thesis' and instead argues for a justification for state validity based neither on the common life (though this is what he calls it) nor the individual life but on the interdependence of the two. Baker proposes that the right of states to fight defensive wars be understood as deriving from the basic role that states play in sustaining an enabling environment for development of their citizens as full moral beings.

As an extension to this argument – the corollary of Baker's theory (265), which will be called 'Bakerian' to distinguish the justification for national defence (proposed by Baker) from the derived version invoked as a justification for limited state sovereignty – it will be argued that a

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state has the duty to provide its citizens with an enabling environment which allows for the developmental opportunities, to satisfy a set of common goods. Failure to provide conditions conducive to flourishing in this sense undermines state legitimacy and diminishes the jurisdiction of the state. When a state cannot or will not provide these necessary conditions, then the state abrogates responsibility and forfeits rights to sovereignty, which is to say the liberty of freedom, autonomy and self-determination.

Drawing on the philosophy of Taylor and Nussbaum, Baker then develops his account that our full moral capacities and 'humanness' can only be realised within communities constituted in a limited number of ways – to lend some content to the kinds of goods states must enable.

Having completed a fairly detailed account of Baker's theory, the subject of *ubuntu*, the indigenous sub-Saharan African philosophy, will be introduced in section three. Before detailing some competing theories, it will be argued that some accounts of *ubuntu*, and some aspects of *ubuntu*, ought to be set aside for the purposes of this paper. Following this, the writing of Tutu, Metz, Eze, Gyekye, Shutte, Ramose, Louw and Verhoef & Michel will be introduced and discussed. In section four the case will be made that, whilst differing in detail, several key features of the Bakerian theory are entailed in some accounts of *ubuntu*. But, it will be argued, whilst the theory so far supports a plausible defence of the right (or more accurately the liberty) to intervene, it seems far more problematic to sustain an argument for an obligation to do so.

The implication will be drawn that, thus argued, *ubuntu* may well provide a theoretical justification for South Africa if it had chosen to intervene (in a limited set of ways), fail to convincingly ground an obligation to intervene and vindicate its failure to intervene. This normative conclusion squares with the evidence of our actual response.

In conclusion Rodin and Little will be invoked to support the claim that whilst empirical and normative discourse are conventionally separated, there may be great value to be gained in cross-pollination between the disciplines of political scientists and moral philosophers – to prevent ethical discourse from becoming overly theoretical – by taking an interest in practical issues of institutional design, politics and policy.

SECTION ONE

This section will provide an overview of empirical evidence on the one hand and a brief sketch normative ethical theory on the other. Normative ethical theory will be discussed as a function of two identified 'extreme positions', noting that, traditionally, the sovereignty *vs*. intervention debate is centred on the nature of nation states, their validity and their authority.

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According to Little (14-21) empirical research – an extensive study of the historical record on state intervention - indicates that there is a prevailing norm in international relations of non-intervention. By intervention, for the purposes of this document, I have adapted a definition from Richard Little as follows:

> An action providing a sharp break with an established pattern of behaviour between the intervening and target states, consciously designed to change (or preserve) the structure of the political authority in the target state [without its consent]. (Little 15)

In contemporary international law, states are proscribed from intervening in the affairs of another state. The principle of non-intervention is articulated in the Charter of the United Nations, and the General Assembly Resolution 2625 of 1970, which was unanimously passed by all member nations including the 'old' South Africa and the infant Zimbabwe. But whilst intervention is the exception, there are numerous examples where it has been called for and several instances that the call has been heeded, with mixed success. The report of the International Commission on Intervention and State Sovereignty (ICISS), *The Responsibility to Protect*, notes that the empirical record shows that support for intervention and respect for sovereignty fluctuates wildly.

In the past sixty years the human right based arguments have gained traction through being widely articulated and accepted. This has seen the doctrine inspire successful, though contested, intervention into Kosova, Sierra Leone and East Timor (Rodin 242). By contrast, intervention on humanitarian grounds in Somalia has failed, and failure to intervene in Bosnia, Rwanda and Darfur has, according to the document, had catastrophic consequences (ICISS 1-2). Calls and the heeds to calls for intervention in the international arena on humanitarian grounds are practically and notoriously inconsistent.

Richard Little (25) sets up the issue of the sovereignty *vs.* intervention debate thus: if intervention is prescribed to secure human rights, then the door is open to intervention which may well result in extensive and serious threat to world order and stability. On the other hand, if intervention is forbidden – even in the face of dire human rights atrocities (massacres, genocides, enslavement, torture and the like) – then the principle leads to a morally intolerable position.

Normative theoretical justifications for intervention and non-intervention alike abound in literature on ethics: realists are inclined to claim that sovereignty and the right to political self-determination are inviolable. A state, under this framework, has the right to do whatever it wishes internally, and, as long as it does not harm another state, it enjoys impunity. The basic idea

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behind realist theory is that a threat to the independence of one state represents a threat to independence of all states. A strict norm of intervention is the only way to ensure international order is kept and must be respected. Sometimes this argument is extended further to claim that intervention serves to disproportionately undermine already fragile states (such as developing ones) and so reinforce inequalities in international power balance (Forbes & Hoffman 3). It seems likely that the Zimbabwean government would support a view along these lines.

What we think about the sovereignty *vs.* intervention debate depends, in part, on our conception of the moral status or 'validity' of the nation state. If the departure point is that a world of separate states is an arrangement which has binding force, then it may imbue these entities with some moral status. The legitimacy (regularity, lawfulness or properness) of each particular state may then be called into question but 'nation states' *per se* are accepted. On the other hand, it might be regarded that there is a primordial corporation of humankind[7] and that the nation configuration is merely a contingent (if useful) arrangement. The Pan-Africanist departure point (embodied in the opening quote) is essentially the latter one. African boundaries are a vestige of arbitrarily assigned divisions and colonial imposition.[8]

If nations are accorded some moral standing, that is nation states *per se* are deemed valid, then there may be reason to grant these recognised entities some right to sovereignty, that is, some (perhaps limited) right to be left alone. If nations are not accorded moral standing, then either the primordial corporation of humankind or individual human beings may be viewed as the sole bearers of moral value. If recognition of moral standing of nation states *per se* is rejected, then the basis to claims to rights to sovereignty appears absent.

The reality is – even with the Pan-African dream of regional unity – that nation state structures have persisted relatively unchanged throughout Africa and that the individual constituent states have both explicitly and implicitly perpetuated the arrangement. If recognition of individual political communities is rejected in favour of a community of humankind, then surely this would extend to encompass all of humankind? Yet, in the contemporary international system there is no international society. Supranational communities are elusive dreams. It could be argued that these empirical aspects (persistence of nations) should not be conflated with the normative, what ought to be.

Little (26-28) has called into question the positivist distinction between the work of social scientists who study empirical aspects, that is to say, the facts, of international relations, (without

[7] A viewpoint which would be persuasive if the primordial corporation always and everywhere had the nature of a fraternity.
[8] Universally, it is a frequent occurrence that borders are not aligned well with politically or socially like-minded persons.

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moralising about them) and moral philosophers, who study and develop normative theory, that is to say, the value systems underpinning international relations. This separation of discourse, he argues, leads to a distortion of both reality and morality. Social scientists are not neutral observers, but are embedded in the process they study. Likewise, moral philosophers are not removed from the world which they provide abstract theoretical models for, but are immersed in it. Little argues for an enhanced interdisciplinary approach:

> Central to this approach is the recognition that it is not possible to make abstract pronouncements about intervention and non-intervention. Any moral posture has to be formed in the light of the consequences of the policy adopted. Any assessment of the consequences of intervention and non-intervention must be premised by an understanding of what has happened in the past. Far from operating on different planes, as the positivists have traditionally alleged, social scientists and moral philosophers are locked in a complex and symbiotic relationship. (Little 28)

Adopting Little's approach, this paper will concede that, whilst it is arguable that nation states *per se* should be accorded moral standing, due to the [empirical] fact of such standing being historically conferred on states, the superficial observation that the plausible alternate is [absent/impossible] (that a supranational entity should be the ultimate bearer of moral value) and the persistence of the arrangement, the assumption is hereafter made that nations *per se* do have moral standing. Acknowledging that this claim may be challenged, the matter shall be set aside for the purposes of the paper, and six models for attributing sovereignty rights to states will be very briefly outlined (the first two based on the individual and the final four on the common life).

The first model presented to support state sovereignty is based on primacy of the individual. Wolff and Vattel *et al* have created an analogy between individuals and states: individuals have the right to behave independently and without interference, hence states have a similar right (Little 22-24). This is problematic. Human rights supporters (such as Fernando Teśon), and others argue, the notion of autonomy is a human quality which cannot be directly applied to the concept of the state (Little 25). States are not persons – though they are comprised of persons – and their moral rights qua governments are not grounded in any mystical quality of the state but in the consent of their subjects (Navari 41).

The second way in which it has been proposed that individual theory can be applied to states is the claim presented by Rodin that the state has a right to a collective form of individual rights *en masse* (Baker 260). However, this model is not satisfactory, since the common good is not

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reducible to an aggregation of individual good. Both these individual justifications for nation state validity are routinely rejected.[9]

A model which grounds state sovereignty on some account of the common life may be required if individual justifications are untenable. Rodin's account in Baker (261) is useful.[10] It is proposed that a conception of the moral grounding for nations may be analogous to the individual right to self-defence but in which the principle object is not defence of the individual citizens but of the 'common life' of the community. Rodin identifies and rejects four interpretations of the 'common life' as the potential end of national defence.

The first interpretation of the common life is that it is a source of value independent of its value for individual persons. Rodin rejects this because "moral explanations must derive their legitimacy from their contribution to individual human life" (261).

The second proposition for the common life is that state legitimacy arises out of its ability to provide order in the affairs of its citizens. However, Rodin notes, this opens up the permissibility of attack from any quarter so long as it is able to retain or restore order (261). Unprovoked *coup d'état* would be perfectly acceptable. Therefore, he argues, moral justification to defend the common life should not encompass *any* common life but the unique character of a *particular* community's common life.

The third proposition is then advanced that the state's role is fundamentally to protect and foster the unique character of the common life, as well as to embed the values and commitment of the community and its structures. In turn this is rejected because it "fails to reach the level of objectivity required to support a universal right to national-defence" (261). This proposition could support a claim to a right (and duty) to non-interference and state sovereignty grounded on normative moral relativism because, it could be argued, it is wrong to pass judgement on other cultures which have substantially different values or to try to make them conform to one's own values (Wong 442). But normative moral relativism is philosophically incoherent[11] and repulsive because it will always be possible to identify *some* moral framework that will justify a proposed action or omission.

In the fourth and final proposition of the common life Rodin advances the claim that "what is needed is a value that is both objective and particular – it must be objective and recognisable as

[9] Rodin (qtd. in Baker 261), Baker (261) and Little (22) and others.
[10] Though conceived in pursuance of a justification for national defence, it may be applied as the basis of moral standing for nation states.
[11] "If I pass judgement on those who pass judgement, I must condemn myself. I am trying to impose a value of tolerance on everyone when not everyone has that value…" (Wong 447).

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valid across cultures, yet still provide a reason for defending a particular state or community" (261). Freedom, autonomy and self-determination are identified as goods that satisfy these criteria, and as only being sustainable if sovereignty is respected. However, Rodin argues, if we accept this, then it entails either limiting sovereign status to democratic states only (which seems counter-intuitive and overly limited), or subverting the notion of self-determination, (to include non-democratic states we feel we ought to attribute sovereignty to) to a point of meaninglessness.

Following the analysis described above, Rodin comes to the conclusion that there is no legitimate justification for state sovereignty on these bases, and proceeds to argue for an overarching universal state (Baker 259). Rodin's pursuit will not be traced here, but if successful, it is not obvious how such an account might resolve the sovereignty *vs*. intervention debate. However, the difficulty in providing a plausible foundation for state sovereignty has been provided for several reasons. The first is that it provides background about Baker's approach which is developed in the following section. The second is that if either of these 'extreme positions' could be adequately substantiated, then a guide to right action might logically follow. Alas, the normative theory is not easy to ground, and furthermore empirical studies indicate that in practice a more moderated view than either of the 'extreme' normative theories, or generic positions is implemented.

Hereafter, the paper will address nation state legitimacy in terms of whether the particular instance of state has a credible claim to authority and sovereignty through regularity, lawfulness or properness of constitution, conduct etc.

In normative ethical theory the legitimacy of states and claims to sovereignty have traditionally been achieved through defining what the *raison d'être* or essential nature of the nation state is, and, flowing from this, determining what lends it authority, and so defining its jurisdiction. In realist political theory the state is variously conceived as the condition of civil society (Hobbes); or the state enhances and secures social co-operation and coexistence (Locke); or the state transcends human particularity and egoism through civil society (Hegel); or the state is itself an expression of relations of dominance within society (Marx) (McCarthy, 76). These bases deny the existence of international society. States co-exist in mutually recognised independence or potentially interdependence, according to common and binding rules with some degree of shared moral and cultural understanding.

On general realist interpretation, there is no supranational community; states are "like men in Hobbes' state of nature" (McCarthy, 76) who, without an overarching authority cannot be expected to behave justly towards one another. International law and the appeal to reciprocity is

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then simply a pragmatic framework which has binding force only to the extent that the signatories to the particular treaties and conventions which compose it choose to submit.

The realist holds the state to be the principal, and in some accounts the unique, constituency of human justice. For Hobbes, for example, justice only has meaning where a sovereign authority has been established. For Keynes the state is the sole vehicle for human progress (McCarthy, 76). A state, arising from its *raison d'être* (as unique convener of justice, as sole vehicle for progress etc) has the right to do whatever it wishes internally, and, as long as it does not harm another state, it enjoys impunity. The primacy of the state in securing just domestic conditions in realist theory is thus generally accompanied by a primacy of order as a value in international relations. The balance of power and the omnipresent threat of war are mechanisms which protect independence of states in general. Non-intervention as a norm is the mechanism which prevents stronger states from interfering in the affairs of weaker ones, harming them or absorbing them. The paradox here is that although sovereignty is held prime, because international law and the appeal to reciprocity has no binding force, the threat of intervention is necessary. But, whilst intervention may be justified in instances where another state is adversely affected, domestic affairs are 'its own business' and intervention becomes difficult to justify simply on the basis that the citizens are suffering, where the suffering has little or no effect on other sovereigns. It is hard to argue that human rights abuses in a domestic situation are a 'threat' to world order in the relevantly meaningful way– though of course they may be in extreme situations.

Realists, then hold that states have an inherent right to self-determination and a strong claim to sovereignty, with a norm of non-intervention. Most however, concede that non-intervention must, on occasion, be forfeited to preserve an international system which maintains the sovereign state. In order to justify intervention where there is misery and suffering which remains within a state's borders, however, realist theory may be inadequate. Instead human rights theories may be invoked.

As has been noted earlier, controversy between theorists in arguing for the 'extreme' positions of supremacy for either human rights or state sovereignty partly revolves around a question of whether rights are inherent in individuals or states. But whereas realist conceptions assert the state prime bearer of moral value and recognise sovereignty and a norm of non-intervention, acceptance of the intervention principle typically rests on primacy of individuals[12] and a claim to human rights.

[12] It may well be possible to construct a coherent account of human rights which is not founded on the primacy of individuals, but the author is not aware of any.

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Broadly speaking, human rights based ethical frameworks do not recognise the moral standing of states in the same way realists do. The basic bearer of moral value, as far as the friend of human rights is concerned, is the individual. If the individual is degraded under any particular political system, then any claims – if there are such claims – to sovereignty or self-determination of the state either are forfeited or may be overridden. Human rights supporters presuppose that there is something universal about individual human beings which transcend racial, ethnic, cultural, and circumstantial contingencies. To ground a human rights theory, a characteristically human, universal and morally relevant feature must be identified (Plant, 106).

There are several candidate notions for this. For example what makes human life distinctly worthwhile and hence worthy of protection is the capacity for individual human agency or individual consciousness. Or, the fact of human need and an assertion that irrespective of culture or context, human beings have certain basic needs to survive or thrive. Alternatively, rights may be goods in terms of the kinds of arrangements that would have been arrived at in a hypothetical contractual situation between free and equal individuals (Plant, 106).

Human rights based theories posit that our common humanity resting on some universal human traits (such as those above) may give rise to corresponding rights. These rights also may generate claims on others, such as a duty not to harm. However, there is considerable interpretative latitude on the extent to which this gives rise to both positive and negative rights. For example, does a right to freedom from harm produce (in addition to the negative imperative to refrain from harming others) a positive duty to intervene where others' rights are being violated?

The negative rights example – refraining from harming others – does not, according to Plant, have a practical limitation. But, for practical purposes it may not be possible, because of competition for and scarcity of certain resources to always and immediately satisfy claims to food, health services or education, for example. It is thus problematic to make absolute claims to positive rights even though they may be universally needed or desired, morally relevant and agreed. Plant and others consequently argue that the only plausible human rights are to the negative resources not to be killed and not to be interfered with (Plant, 108).

However, there are many human rights advocates who support the positive right to goods and the corresponding duty to aid others. The next relevant issue to address is the question of who has the corresponding duty. An answer may be that the state has the duty of forbearance (if negative human rights are accepted) or the duty of forbearance and providing resources if both positive and negative human rights are accepted. However, as the claims to human rights are laid on features which are universal, and transcendental, which are neither dependent on the state, nor

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bound by it, it seems that the claim that the state has such obligations is weak. So, the human rights theorist may argue, intervention transcends territorial boundaries, which may be morally irrelevant.

It has been argued that on a rights-based political theory, the justification of the state is the protection of human rights. If some fundamental rights, like the right to life, or the rights to means of life, are not being secured by the state, then the state can be regarded as losing its legitimacy, and intervention is permitted. This stance recognises that the state has some moral standing and moves away from the 'extreme' human rights view.

According to the 'extreme' human rights position, then, intervention in states where human rights violations exist may be allowed or even required, though precisely who should intervene and how they may go about doing it then needs to be given content.[13] Walzer (53) (qtd. in Little 25) notes that it would be unlikely to find a state in which no human rights transgressions have taken place. Taken to its logical conclusion then, intervention on grounds of human rights protection could really be justified anywhere. In order to avoid this, Walzer concludes intervention can only be justified in extreme cases (under conditions of massacre, genocide, torture, enslavement for example). Moreover, he argues, intervention may only be ethical if it will be effective, where less drastic measures have been exhausted, where the costs are proportional to the benefits, and in cases in which there is no compromise to international stability. The intervention principle, based on a claim to universal human rights is therefore not entirely satisfactory.

Zimbabwe is a signatory to the Human Rights Declaration, having voluntarily incurred the obligation to follow the code of conduct, an action which provides strong reason to believe that it holds human rights dear. However this does not simply resolve the dilemma, because, it will be submitted that Zimbabwe (as South Africa), in ratifying the Charter of the United Nations, and the General Assembly Resolution 2625 of 1970, has voluntarily incurred the obligation to respect sovereignty, an action which provides strong reason to believe that it holds the non-intervention principle dear, too.

In section one the sovereignty *vs.* intervention dilemma has been introduced. Two 'extreme' (the realist and human rights based) positions were crudely sketched.

The realist position takes as it founding paradigm that the best (rarely, only) condition of the moral life is the state and that this gives rise to a strong claim to sovereignty. However, it is

[13] As in determining principles of just cause, proportionality, etc.

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problematic to identify a satisfactory argument to justify that states should be conferred moral status.

The human rights position takes as its founding paradigm that the primary (rarely, only) bearer of moral value is the human individual and that this renders political boundaries meaningless at least when it comes to human rights violations. Claims to political sovereignty are weak. However, whilst it is easy to assert rights, it is far more problematic to ground duties – particularly positive duties such as a duty to intervene.

It has been noted that in both the 'extreme' positions theory tends to move to a more sustainable 'middle ground' in which the realist concedes that there are exceptions to the non-intervention norms (for example to maintain world order) and the human rights theorist concedes that the state may well have some (if limited) moral standing and rights to non-interference.

The question then arises: is there a plausible 'middle ground' theory to address the sovereignty *vs*. intervention dilemma?

SECTION TWO

In his paper on national-defence Deane-Peter Baker provides a vision for the common life to ground rights of states to national-defence. In it, the author claims to have identified a fifth conception of the 'common life' which Rodin overlooked as he rejected the four versions described briefly above. Baker's paper is neither intended as an account of *ubuntu*, nor as discourse on intervention, but on both counts the author notes the potential of the theory to be extended to include these. In this section Deane-Peter Baker's theory for rights of nations to self-defence will be introduced and discussed in some detail as a promising candidate for a 'middle ground' theory. Like the traditional debates mentioned above, Baker proceeds by firstly establishing the validity of nation states *per se*. However, Baker argues for a rejection of what he terms the 'primacy of rights thesis' which is based on a Cartesian conception of persons. Instead he argues for a justification for the legitimacy of state sovereignty based neither on the common life (though this is what he calls it) nor the individual life but in the interdependence of the two. Baker proposes that the right of states to fight defensive wars be understood as deriving from the basic role that states play in sustaining an enabling environment for development of their citizens as full moral beings.

Baker concurs with Charles Taylor in rejecting what they call the 'primacy of rights thesis' in which individual rights are seen to be normatively fundamental and to have coherence independent of social structures:

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> Theories which assert the primacy of rights are those which take as the fundamental or at least a fundamental, principle of their political theory the ascription of certain rights to individuals, and which deny the same status to a principle of belonging or obligation, that is a principle which states our obligation as men to belong to or sustain a society, or a society of a certain type. Primacy of right theories in other words accept a principle ascribing rights to men as binding unconditionally, binding that is on men as such. But they do not accept as similarly unconditional a principle of belonging or obligation. Rather our obligation to belong to or sustain a society or to obey its authorities is seen as derivative, as laid on us conditionally, through our consent, or through its being to our advantage.
>
> (Taylor 72 – 73 qtd. in Baker 263)

Baker, whose rejection of the primacy of rights thesis is based on an ontological conception of human persons as essentially and necessarily social, proposes an alternate view of the 'common life'.

He proposes that the right of states to fight defensive wars be understood as deriving from the basic role that states play in sustaining the identity of their citizens as full moral beings. He proposes that:

> At its foundation is the claim that there are specific and non-contingent features of the identity of humans that are essential to true humanness, and that these features are not always already there but rather can and must be developed and worked out. But this process can only take place within a social context. For that reason full-blown human development is dependent on the existence of a specified range of societies (for not all societies will be conducive to the development of the relevant features of humanness), which in turn will usually require the existence and support of specific sorts of institutions such as (or pragmatically) states (for not all regimes will be conducive to the support of the relevant sorts of societies). On this view humans will often be dependent on institutions such as states both for attaining and for maintaining their fundamental humanness. Because of their fundamental nature, the attributes of full humanness are such that they can legitimately be defended with lethal force under the right of (individual) self-defence. Furthermore under the right of self-defence the right to defend x extends to the right to defend the necessary conditions of x. Thus because the state (or similar institution) is a necessary condition for the achievement and maintenance of full-humanness, persons

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> have the right to defend their state (or similar institution) with lethal force. On the other hand states that fail to adequately nurture, or which actively undermine, the conditions necessary for their citizens or the citizens of another state to achieve true humanness, have no such right to national defence.
>
> (Baker 264)

As an extension to this argument – the corollary of Baker's theory (265) which will be called Bakerian to distinguish the justification for national defence (proposed by Baker) from the derived version invoked as a justification for limited state sovereignty – it will be argued that a state has the duty to provide its citizens with an enabling environment which allows for the developmental opportunities, to satisfy a set of common goods: failure to provide conditions conducive to flourishing in this sense undermines state legitimacy and diminishes the jurisdiction of the state. When a state cannot or will not provide these necessary conditions, then the state abrogates responsibility and forfeits rights to sovereignty, which is to say the liberty of freedom, autonomy and self-determination. Developing on his argument Baker posits that, in the absence of the legitimacy lent by providing conditions for flourishing, other nation states, or the international community, may have "a duty to intervene in a proportionally appropriate way in order to see those conditions set in place" (Baker 264). Baker's project is conceived as a defence for national defence, so he does not go on to develop this account of the duty to intervene but he does pose it as a possibility. Interestingly, he does not express this as a *right* to intervene but as a *duty* to intervene. This point will be returned to.

The significance of the rejection of the primacy of rights thesis is that it reflects the view that the Cartesian paradigm is fundamentally flawed. Accepting this basis for a theory of the legitimacy of sovereignty amounts to supporting a partisan view which may only provide substantiation for democratically structured political states. This lends credence to the Nkrumah-like argument that it represents ideological chauvinism and tyranny. We can at least imagine that it would be possible to have a flourishing community which is not democratic (the benign dictatorship is the commonly cited example). Here, the friend of either of the 'extreme' views, both of which are commonly grounded on 'primacy of rights' theories, note that the described polarisation is to a large extent merely theoretical: contemporary Western democracies built on liberal theories and charged with having methodological individualist[14] foundations nevertheless accord community a good deal of significance and respect. To evoke examples immediately to hand are the tradition of acknowledging sources in academic writings and submitting papers for peer review, neither of which are intelligible processes if the community context was irrelevant. Moreover, an

[14] Methodological individualism according to Jon Elster, (22) is the doctrine that all social phenomena, including their structure and change, are in principle explicable only in terms of individuals, their properties goals and beliefs.

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interlocutor may continue: "So what if the primacy of the individual is mythical? The kinds of community that are built on these Cartesian paradigms are empirically most successful in delivering the enabling environment." And here an interlocutor might provide as evidence in support of her claim the United Nations sponsored *Human Development Report* which ranks countries according to several objective criteria (264). [15]

What Baker is hoping to achieve through this argument is to provide a plausible theory of the common life which strikes a balance between the objective and the particular, to yield a moral framework which, though recognisable as valid across cultures, still provides reason for defending a particular state or community. On the one hand, the theory allows us to assign sovereignty to some non-democratic states (monarchies, benign dictatorships and so on) as long as the enabling environment is somehow adequate. This aligns with observed behaviour, in that we are inclined to routinely confer sovereignty on states that are not democratic.[16] On the other hand, the account, through establishing some framework of the 'common life', is attempting to yield a morally and politically viable justification for national defence that is sufficiently (but not overly) inclusive, and not vulnerable to the charge of normative relativism.

Baker identifies his theory as coming to the defence of the 'common life'. However, it may be a fair characterisation that in effect he is arguing for the defence of the interdependence between individuals and the community and that the use of the term is confusing as it has been used to support the four versions rejected in the previous section and in Baker's account.

In order to lend some content to the kinds of goods states must enable to facilitate actualisation of our full moral capacities and 'humanness', Baker (265-268) adopts an account of indicators for the enabled environment which is based on the 'capabilities approach' theory of Martha (Nussbaum qtd. in Baker 78 – 80). Her theory is an attempt, on the one hand, to define functions which are indicative of human life, and on the other hand, show that there is something distinctively and identifiably 'human' about these functions. These have been quoted in full as they provide an interesting answer to the questions posed later: "what kind of community are we?" and "what is a meaningful common life?" We might also consider this a candidate for a characterisation of indicators of an enabling environment:

> 1. Life. Being able to live to the end of a human life of normal length; not dying prematurely or before one's life is so reduced as to be not worth living.

[15] The criteria are: life expectancy at birth, adult literacy rate, enrolment ratios in schools and gross domestic product per capita.
[16] Baker (270), ICISS (51).

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2. Bodily Health. Being able to have good health…to be adequately nourished; to have adequate shelter.

3. Bodily Integrity. Being able to move freely from place to place; having one's bodily boundaries treated as sovereign...

4. Senses, Imagination and Thought. Being able to use the senses, to imagine, think and reason – and to do these things in a 'truly human' way, a way informed and cultivated by an adequate education ... Being able to use one's mind in ways protected by guarantees of freedom of expression with respect to both political and artistic speech, and freedom of religious exercise. Being able to search for the ultimate meaning of life in one's own way…

5. Emotions. Being able to have attachments to people and things outside ourselves... Not having one's emotional development blighted by overwhelming fear and anxiety or by traumatic events of abuse or neglect …

6. Practical Reason. Being able to form a conception of the good and to engage in critical reflection about the planning of one's life …

7. Affiliation.

> A. To be able to live with and towards others; to recognise and show concern for other human beings; to engage in various forms of social interaction.

… (Protecting this capability means protecting institutions that constitute and nourish such forms of affiliation, and also protecting the freedom of assembly and political speech.)

> B. Having the social bases of self-respect and non-humiliation; being able to be treated as a dignified being whose worth is equal to that of others …

8. Other Species. Being able to live with concern for and in relation to animals, plants and the world of nature.

9. Play. Being able to laugh, to play, to enjoy recreational activities.

10. Control over one's environment.

> A. Political. Being able to participate effectively in political choices that govern one's life; having the right of political participation, protections of free speech and association.
>
> B. Material. Being able to hold property … having the right to seek employment on an equal basis with others; having the freedom from unwarranted search and seizure. (Nussbaum qtd. in Baker 265-266)

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The question is: if we accept this list, then could we use it as a framework against which to evaluate whether states (like Zimbabwe) are providing an enabling environment conducive to flourishing?

To recapitulate: Baker's work provides a justification for state sovereignty based on an obligation to ensure that conditions for human flourishing, an enabling environment (such as sketched by Nussbaum, perhaps). This sovereignty principle reaches only so far as these developmental conditions are somehow provided within their territorial boundaries. When states fail to do so, then their claim to sovereignty is forfeited.

This is very reminiscent in structure of the principles enshrined in the ICISS *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty*, as summarised by Hamilton, which states that:

> each state has a responsibility to protect its citizens; if a state is unable or unwilling to carry out that function, the state abrogates its sovereignty, at which point both the right and the responsibility to remedy the situation falls to the international community… (Hamilton 1)

This rival account (the ICISS account) of intervention is attractive because it provides a plausible 'middle ground' theory of intervention. The Bakerian account sketches a range of goods that a state should enable (Nussbaum) which is more broad and 'whole' than merely that of protection. In addition, Baker's theory is appealing in that it does not insist that the state authorities provide these goods, but merely that they provide the conditions for them, which leaves open a world of possible arrangements.

Crucially the Bakerian account goes beyond the realist strong claim to sovereignty because in realist theory it seems that whilst intervention may be permitted in instances where another state is harmed, but domestic affairs are 'its own business' and intervention except under threat to world order becomes difficult to justify.

The Bakerian argument parts company with much of human rights theory, too. Whereas the latter typically locates the primary or sole bearer of moral value in the individual, Baker recognises the state moral standing of states to the extent that they support conditions for individual development. 'Extreme' rights stances may have the weakness of being intrinsically overly permissive in subverting state authority and permit intervention with minor justification. But whilst the Bakerian model may be more robust, requiring flourishing in a more general sense, it

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may also mean that if a minority of people were being unjustly victimised it may be difficult to justify intervention because generally enabling conditions may be provided.

At this point, the discussion on Baker will temporarily be set aside, and *ubuntu* will be introduced.

SECTION THREE

uBuntu is consistently generally understood to be a moral[17] philosophy which is common to and applied throughout much of the sub-Saharan African region.[18] What is far from clear is what the theory requires one to do.[19] Much of the work of explaining the ethic is communicated through a pervasive oral tradition across many local communities in the form of phrases or slogans[20], rather than through Western-style written discourse. Some candidate concepts have been proposed: socialism, humanism, communitarianism, collectivism and African humanism. However, the subject remains sorely contested. Indeed, some scholars have denied the translatability of the term into Western language and advanced claims that attempts to do so are at best misrepresentative or incomplete, and at worst subversive or sinister.[21]

We know that *ubuntu* is meant to be understood as an ethic concerned with the relationships between moral agents as described by the phrase *umuntu ngumuntu ngabantu.*[22] This Zulu phrase, commonly translated as "a person is a person through (other) persons", is arguably the slogan most commonly invoked to epitomise *ubuntu*, and is thus depicted with an emphasis on harmoniousness in human relationships. More apt, may be Dzobo's translation of *umuntu ngumuntu ngabantu* as "we are, therefore I am and since I am, therefore we are." (Dzobo quoted in Eze 2008: 388)

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[17] Most scholars agree that *ubuntu* is fundamentally – if not entirely - an ethical discourse. Shutte (21-24) advances the claim that it is also spiritual or at least founded on a particular spiritualist worldview. Eze, in line with Mbigi and Maree calls *ubuntu* "both a social and a spiritual heritage" (2006: 139). Dirk Louw (17) posits that *ubuntu* and religion are inseparable. For the purposes of this paper ethical attributes have been isolated for discussion. It is conceded that stripping *ubuntu* of its spiritual and political dimensions is a simplification but I offer that this does not compromise the validity of the argument.

[18] It is not the only communitarian world-view.

[19] Praeg (371) provides a useful insight to the diversity of definitions provide for *ubuntu* by scholars in his paper "An Answer to the Question: What is *ubuntu?*" *uBuntu*, according to the author, is invoked as a cultural cornerstone of the political project for post colonial self-determination (or independence and sovereignty) on the one hand, and on the other hand as a statement of our common humanity (interdependence and globalisation). In the former mode it is meant to be understood as enigmatic, ancient, African, *ours* – this is its political manifestation. In the second mode it is meant to be understood as universal, transcendental, common – this is its ethical manifestation. The claim of untranslatability of *ubuntu* is 'performatively significant', argues the author, as it denotes the culturally embedded claim to independence and shrugging off of colonial oppression. Understood this way, as a doctrine required to simultaneously satisfy at least two divergent objectives, one politico-propagandistic, one ethical, it is clear why the meaning of the term seems to defy consensus. Several scholars have attempted to develop *ubuntu* as a systematic ethical discourse, rejecting – as this author is inclined to do – the untranslatability claim.

[20] "A person is a person through persons"; "I am because we are"; "If reconciliation means that I forgive so that we can all recover our humanity"; " freedom is invisible" etc. Praeg (372), and others.

[21] Tutu (34) suggests that it is "difficult to render in Western language"; Louw (15).

[22] Or *motho ke motho ka batho* which is the Sotho version of the phrase; *munhu munhu nekuda kwevanhu* which is the Shona version of the phrase; or an Akan version *onipa nnye abe na ne ho ahyia ne ho* which translates to " a person is not a palm tree that he or she should be self-complete or self sufficient "(Gyekye 320).

According to Archbishop Desmond Tutu:

> One of the sayings in our country is *ubuntu* – the essence of being human. *uBuntu* speaks particularly about the fact that you can't exist as a human being in isolation. It speaks about our interconnectedness. You can't be human all by yourself, and when you have this quality – *ubuntu* you are known for your generosity … We think of ourselves far too frequently as just individuals, separated form one another, whereas you are connected and what you do affects the whole world. When you do well, it spreads out; it is for the whole of humanity. (source unknown)

And Tutu explains:

> *uBuntu* … speaks to the very essence of being human. When we want to give high praise to someone we say "*Yu, u nobuntu*": "Hey, he or she has *ubuntu*." This means they are generous, hospitable, friendly, caring and compassionate. They share what they have. It also means my humanity is caught up, is inextricably bound up in theirs. We belong in a bundle of life. We say, "a person is a person through other people". It is not I think therefore I am. It rather says: "I am human because I belong," I participate, I share. A person with *ubuntu* is open and available to others, affirming of others, does not feel threatened that others are able and good; for he or she has proper self-assurance that comes from knowing that he or she belongs in a greater whole and is diminished when others are humiliated or diminished, when others are tortured or oppressed or treated as if they were less than who they are. (34-35)

This theme of human interconnectedness is commonly cited as pivotal throughout *ubuntu* literature. Frequently the idea is not limited to human interconnection. Shutte (21-25), Mbiti and others note that on an African worldview everything – God, ancestors, humans, animals, plants, and even inanimate objects are inextricably interconnected.

Thaddeus Metz's has produced an account of *ubuntu*, which provides a fairly classically familiar formulation for right action:

> An act is right just insofar as it produces harmony and reduces discord; where harmony is constituted by shared identity (a 'we' engaged in co-ordination) and solidarity (pro-attitudes towards another's wellbeing) and discord is a matter of division (an 'us' and them seeking subordination) and ill-will (con attitudes towards another's wellbeing). (1)

This account is attractive because it provides a straightforward guide to action and entails many of the central tenets of *ubuntu* such as human interconnectedness, and arguably the imperative to engage in ethical encounters. It is unlike theories discussed below which have the form of a virtue

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ethic in attempting to define what sort of person (or community) to strive to be (as Tutu's above and below does), and it lacks the explicit developmental or actualisation imperatives articulated in some *ubuntu* accounts below.

Metz's formula squarely addresses the injunction of *ubuntu* to recognise interconnectedness and harmoniousness. Furthermore, the formula provides some answer to the question, "what ought we to do?" and does not *prima facie* confer primordial moral value to either the community or the individual; it establishes an open relationship between them. Agency is vague and could conceivably apply interchangeably to individuals or collectives.

However it falls short of some other theories which insist that lives are viewed as instrumental in constructing or developing both individual identity and a common humanity. If an act is right just insofar as it produces harmony and reduces discord then to coin a thought experiment, it may be morally acceptable to render entire communities harmonious with euphoria-inducing hormones without their consent. The good of maximum harmony may not be a sufficient or satisfactory end, and there may be merit in the developmental and actualisation aspect which is articulated in some texts. Metz's theory does not preclude such an aspect. It could be argued that during the forging of the harmonious relationships (providing we are not taking chemical shortcuts) there will inevitably be ethical encounter and mutual development. However the theory does not directly entail, as most other *ubuntu* texts do, an injunction to participate, to share, to engage.

There is some debate amongst *ubuntu* scholars on the locus of moral value. A minority of African writers make sense of interconnectedness by appealing to a primacy of the community[23]: Mentiki for example says that "…as far as Africans are concerned, the reality of the communal world takes precedence over the individual life histories, whatever these may be..." (Mentiki qtd. in Wright 171). However this view of the primacy of community is not widespread and is rejected explicitly in some writings. Ndaba evokes the awful vision based on primacy of community (Ndaba qtd. in Louw 26) in which the "African subject wallows in a formless, shapeless or rudimentary collectivity [sic]."

According to Michael Onyebuchi Eze:

> Many African writers have projected a peculiar understanding of African Communitarianism which advances the priority of the community over the individual … I do not debunk the role of communities in facilitating the good of the individual, the community in my view, is not prior to the individual and

[23] Kenyatta, Senghor, Mentiki, Gyekye.

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> the latter does not pre-exist the community. The individual and the community are not radically opposed in the sense of priority, but engaged in a contemporaneous formation. (2008: 386)

Eze, like Louw and Shutte (26) insists that neither community nor individual enjoy primacy. *uBuntu* is not to be understood predominantly as each person is a person through other *individuals,* but rather that communities are constituted through individual interaction with other individuals and that individuals are likewise constituted through exposure to societal structures, institutions and individuals. This is an iterative and mutually constitutive process.

A passage extracted from Gyekye amplifies this:

> It is evidently true that in the social context, in terms of functioning or flourishing in a human community the individual person is not self sufficient; his/her capacities, talents and dispositions are not adequate for the realisation of his/her potential and basic needs. What accrues to a person's natural sociality – and hence natural rationality – provides the buttress indispensible to the actualisation of his/ her possibilities … The community alone provides the context, the social or cultural space, in which the actualisation of the possibilities of the individual person can take place, providing the individual person with the opportunity to express his/her individuality, to acquire and develop personality, and to become the kind of person he/she wants to be i.e. to attain status, goals, expectations, etc. (320-321)

So, emerging in the literature we have a common overarching theme of interconnectedness, which renders significance to the community as a (perhaps even *the*) pivotal locus of moral life. The significance of community, however (except in minority accounts) is not to deprive individuals of their human agency and autonomy, but to provide a context for actualisation of its individual human subjects.

Gyekye (322) defends this position which he terms moderate communitarianism – to distinguish it from Mentiki's 'radical' view – in which he asserts the capacity of human beings to act as independent, rational moral agents, capable of evaluation and choice, but necessarily immersed in a community. Accordingly persons are not 'absorbed' by the community but are able to critically review its values, its practices and its goals. Persons have the capacity for self-assertion and autonomous action; if they find aspects which are "inelegant, undignifying [sic] or unenlightening", they are at liberty to refine, amend or completely reject them (Gyekye 322).

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Tutu contends that the ethical involves being "open and available to others" (35). So, too, Louw (22) notes that the process of ethical encounter - "when an agent's self-understanding and his [her] desire to impose his [her] self-understanding on the world are called into question by another" - is a key to gaining both understanding of oneself and of the other. Such ethical encounters in sub-Saharan African culture are frequently actively sought; protracted discussion ensues in which each party is heard with the aim of reaching consensus[24] and group cohesion (Louw 19).

Louw recognises that this mechanism can give rise to the so-called dark-side of *ubuntu*: because harmony is so highly prized, *ubuntu* has an almost infinite capacity for the pursuit of unanimity, consensus, and reconciliation or in the absence of these, suspension of disagreement. A pursuit of consensus, argues Sono (qtd. in Louw 19-20) can prompt an oppressive demand to conform to the group and to demonstrate solidarity. But, argues Louw, *umuntu ngumuntu ngabantu* should be understood as meaning "to be human is to affirm one's humanity by recognising the humanity of others in its infinite variety of content and form." (23) If part of the reason that we are engaging in ethical encounters, rather than applying rules is because it is accepted and expected that the other's view is not reducible to our own, then part of what is being expected, preserved and respected is the uniqueness of the other.

Eze (2008: 393) proposes that instead of consensus as the objective of discussion, we adopt what he calls 'realist perspectivism' using the principle of humanity which takes into account our fallibility, our errors in judgement and perception. The intention is to "… encounter another's viewpoint not with the intention of arriving at unanimity, consensus of conformity, but with the intention of experiencing, judging and understanding the other …"

uBuntu scholars[25] broadly defend the position that development (or rather actualisation) of human potential, 'humanity' or 'identity' is central to the *ubuntu* project. Being human is seen to unavoidably entail that persons are continuously involved in the construction (or destruction) of their 'identities' and 'humanity' (and that of those around them) through communal interaction (whether they are conscious of the process or not). The notion of 'developing' in this instance need not have teleological connotations.[26] Developing in this sense is not toward some final perfect state but to transform from a rudimentary, latent or immature state to a greater degree of sophistication, wisdom and completeness. It is recognised that persons are constantly developing, changing and adapting. The process of mutual constitution and actualisation continues through

[24] For Shutte (28) the goal of the discussion is consensus.
[25] Shutte, (24), Eze (2006:12), Ramose (49-54), Gyekye (325) and others.
[26] It could be consistent with a Darwinian outlook where communities are functions of adaptive behaviour fashioned by natural selection.

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time, and in many versions of the sub-Saharan African worldview, this time extends beyond individual human life-times both to the past (in respect of ancestors) and into the future (legacies).

Both Eze (2008: 388) and Gyekye (324) have rejected the account proposed by Menkiti that personhood is not something endowed at birth but something to be acquired; something which may be failed at. Shutte (quoted below) (30) like Ramose, argues that:

> The moral life is seen as a process of personal growth … Our deepest moral obligation is to become more fully human. And this means entering more and more deeply into community with others. So although the goal is personal fulfilment, selfishness is excluded. (Ramose 52)

uBuntu – in accounts so far communicated – enjoins us to become aware of this interdependence and (Metz excepted) to make it our central life-project to develop and actualise our humanity and that of those around us. The questions central to *ubuntu* ethics according to these accounts are posed as "what kind of community are we?" and "what is a meaningful common life?" The virtuous *ubuntu* life is a life of emotional commitment to those around us, participation in activities consistent with our ongoing actualisation, and in which individual good connects to a larger project which may include either or both the pursuit of the common good and intergenerational goods. A meaningful life is borne out of belonging to a moral tradition which allows for a narrative order of individual lives which sustain the prospering of human societies.

The kind of language that is adopted in many of the accounts of *ubuntu* tabled thus far is indicative of virtue theory. Gyekye (324) points out that normatively "he is a person" means 'he has good character', 'he is peaceful', 'he is kind', 'he has respect for others', 'he is humble'." Shutte (32) notes that the most fundamental virtues are reverence, respect and sympathy and out of these "grow other virtues such as loyalty, courtesy, tolerance, patience, generosity, hospitality and readiness to co-operate" (see also Tutu, above). Almost all accounts[27] considered in the literature deify the virtues of generosity, hospitality, friendliness, caring and compassion as exemplary of humanity and *ubuntu*. For Tutu "harmony is paramount" (35). Solidarity, cooperation, reciprocity and empathy are consistently named as virtues. Respect, sensitivity and humility would be logical features of being in a state of openness, one might argue, and these, too are venerated as virtuous in much of the literature on *ubuntu*.

[27] Tutu (134-35), Louw (15).

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Rationality, a quality which is frequently regarded as quintessentially human and which is widely a central feature of Western ethics discourse is curiously absent from much discourse on *ubuntu*. In some texts it seems imbedded or referred to obliquely (Louw and Eze), and is briefly but directly addressed in Gyekye. One explanation may be that there seems to be a sense in which *ubuntu* is seen to foster a more holistic view of humanity.

For example Louw submits that it is not clear at all that the ethical encounter should be limited to rational discourse. He suspects it might not be (22). Therefore in one's judgement of a situation, consideration may extend beyond the rational argument being presented, but also to, say, the fact that the arguer was crying at the time [my example]. In this sense it seems to be at least possible if not probable that the aspects of 'humanity' and 'identity' under consideration should represent multiple facets of human attributes.

For Tutu (212 – 214) and Shutte (29) *ubuntu* is infinitely extendable to all human beings. Not so for other scholars. Ramose, in his primarily etymological analysis of the ethic, seems to be inclined to delimit its use to kinsfolk following a conception that it arises within a cohesive group, and so should remain within that group:[28]

> … [A] persuasive philosophical argument can be made that there is a 'family atmosphere', that is a kind of philosophical affinity and kinship among and between the indigenous people of Africa. No doubt there will be variations within this broad philosophical 'family atmosphere'. But the blood circulating through 'family' members is the same in its basics. In this sense *ubuntu* is the basis of African philosophy. (Ramose 49)

According to Eze:

> …. personhood in the African worldview is a social formation achieved through an inclusive social process of transformation that embodies an individual's proactive engagement with the community. And if the self is a social being, a being-in-community or a person-in-relation-to-others, a person becomes a person only after incorporation into a specific community. A person is constituted by a processual [sic] framework determined by constitutive social engagements. (13)

[28] This excerpt might be construed to be a descriptive rather than a normative account of *ubuntu*.

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Mbiti (qtd. in Ramose 88) takes this even further (perhaps making explicit what Eze had in mind) suggesting that the initiations through circumcision and clitoridectomy are required ritual entry points into a given community.

From these accounts it is apparent that there is very little agreement between scholars on how far *ubuntu* extends. For Tutu and Shutte it could be global, for Ramose limited to indigenous sub-Saharan Africa and for Eze and Mbiti focused on a specific community.

One final aspect to be drawn from the *ubuntu* texts is the concern for contextual thinking as conveyed in a formulation of *ubuntu* by Heidi Verhoef & Claudine Michel: central to an African ethos, according to these scholars, is that the ethics of a situation is adjudicated by looking, in a collective manner, at a host of variables which pertain to that particular case (389-407). Moral transgression in sub-Saharan African society does not transcend social circumstance but is bound by it; some rules apply in one circumstance, but not in another, at one time but not at another. For Verhoef & Michel a defining feature of *ubuntu* ethics is that moral decision making itself is seen as a community task to be undertaken in a collective manner, and that the process of decision making is an opportunity to promote or restore human relationships and harmony.

From the preceding discussion, it can be seen that a literature survey produces a wide-ranging and disparate set of theories about *ubuntu.* Several themes were fairly consistently identified as being – not merely characteristic of – but defining of the ethos, but distilling the key points into a single version remains problematic. This author has presented a crude working account of *ubuntu [U]* which cobbles together some common themes from *uBuntu* as follows:

1. Interconnectedness of humans, (and on some accounts all things (including community structures, institutions, states)).
2. An unavoidable mutually constitutive and reciprocal process which human individuals play on each other and on their communities and vice versa (which undermines both primacy of rights and primacy of community theories): [29]
    a. The development and enrichment of each depends on the development and enrichment of all
    b. Choices are made in light of anticipations of other's choices
    c. The choice of each depends on the choice of all and
    d. Through the process of participation and sharing in the community, both individuals and the community itself are gradually transformed.
3. Human development and identity is broadly and holistically defined.

[29] Adapted from game theory (Elster 22-40).

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4. Identity and human development is fostered both actively and passively in the 'ethical encounter' in which critically the uniqueness in 'the other' is respected and sought to be understood.
5. Individuality, choice and autonomy is valued (but in the context of the foregoing) and therefore not for its own sake.

In section four, it will be argued that *ubuntu [U]* conceived in this way would be consistent with Bakerian theory. It is acknowledged that this vision of *ubuntu* is not systematically present in all theories studied (as noted, Metz has not explicitly addressed 2, for example), and furthermore that not all attributes defining *ubuntu* are represented here.

SECTION FOUR

There may be some *prima facie* congruence and divergence between Bakerian theory and the preceding version of *ubuntu [U]*. From Bakerian theory – that a state has the duty to provide its citizens with an enabling environment which allows for the developmental opportunities to satisfy a set of common goods - failure to provide conditions conducive to flourishing in this sense undermines state legitimacy and diminishes the jurisdiction of the state. When a state cannot or will not provide these necessary conditions, then the state abrogates responsibility and forfeits rights to sovereignty, which is to say the liberty of freedom, autonomy and self-determination. In the absence of the legitimacy lent by providing conditions for flourishing, other nation states, or the international community, may have "a duty to intervene in a proportionally appropriate way in order to see those conditions set in place" (Baker 264). It is conceded that there may well be parties other than South Africa, including regional bodies, other neighbours or the UN who may be both able and willing and have a stronger or weaker claim to intervene, however this point will be set aside for the purposes of this paper.

Bakerian theory: (a.) supports a rejection of the primacy of individuals thesis based on an ontological conception of the human as an essentially social animal; (b.) recognises a complex interdependence between individuals, the state and the community; (c.) forwards a claim that the state of systems, including nation states or enabling environment has a crucial role to play in the development of a common humanity and human identity; and (d.) forwards a claim that all the foregoing may give rise to rights and duties in others, specifically the negative duties to refrain from interference and respect sovereignty if the conditions for human flourishing are in place and the positive right to invention if human beings are being degraded to a sufficient extent.

The rejection of the primacy of individuals thesis which is central and explicit to the Bakerian account is central to *[U]* in as much as the actors may interchangeably be either the singular or

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the collective. The development and enrichment of each depends on the development and enrichment of all. Choices are made in light of anticipations of others' (singular or collective) choices. The choice of each depends on the choice of all. This is of significance because, it will be recalled, primacy of the individual provides the conventional theoretical underpinnings for state sovereignty (on the two individual accounts rejected by Rodin in section one) as well as the substantiation for intervention for human rights protection. Instead, the Bakerian idea appeals to recognition of a complex interdependence between individuals, the state, and the community. This is not, according to Baker, akin to the four common-life justifications for sovereignty rejected by Rodin.

Rodin is inclined to reject arguments appealing to the common life to justify sovereignty because his most basic concern about Baker's theory is whether an account which views the moral status of persons as fundamentally dependent on their relationship to a political community[30] can provide an adequate account of human rights, many of which explicitly function to protect individual interests against those of the broader political community. Rodin suspects that it cannot, and that giving up on a robust account of human rights is too high a price to pay for "rescuing the just war theory's conception of defensive war" and hence, one interpolates, for grounding a theory of intervention (Rodin 245).

There may be some congruence between the Bakerian framework for the sovereignty and *[U]* in their mutual recognition of the complex interdependence between individuals and community:

1. Persons are conceived as interdependent and are necessarily and unavoidably in community with others:
    a. Their communities allow for the actualisation of human individuals and realisation of their potential.
    b. Participation in and identity with community manifests in the very community itself (institutions, structures) – providing an enabling environment for 1. (a.)
2. The 'humanising' process is achieved through the ethical encounter during which virtues are actively and passively cultivated, which can only take place in an enabling environment.

Rodin challenges the argument proposed by Baker (and hence *[U]*) that persons are only 'fully human' within the web of relationships constituted by a particular community. He raises the objection that it seems true "that persons can lose their political community (as citizens of failed

[30] It is understood that Baker is not arguing that moral status is fundamentally dependant on the political community, but rather that moral status is fundamentally dependant upon community in various manifestations, one of which is political.

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states do) or change their community (as immigrants do) without ceasing to be fully human" (Rodin 246). Baker and friends of *ubuntu* insist that the particular social framework provided by our community is 'inescapable' and 'essentially defines' our identity (295). But can this really be true? If our identity, once acquired – asks Rodin – is really inescapable, then it is unclear how aggression against the community could threaten our personal identity in the relevant way, or how military defence of the community could be effective in preserving it.

Persons who emigrate trade one societal context for another and frequently at high psychic cost.[31] Persons who lose their political community retain some other social and cultural goods though likely suffering loss and diminishing flourishing.

An adaptation of Rodin's critique would expose that, because it locates the grounds of intervention in goods associated with the community, these accounts are vulnerable to the problem that rights of sovereignty are normally attributed to states, but communities, even national communities, may not be well aligned with the borders of states (Rodin 244-245). Instead they cross and interpenetrate states in numerous complex ways. Rodin identifies two difficulties here (244-245). The first is how to ensure that the right to sovereignty can be properly attributed to existing states, which might not be co-extensive with a unitary national community. The second is how to ensure that the right to collective sovereignty does not proliferate wildly to a multiplicity of non-state communities.

The next area where congruence may be sought between the Bakerian theory and *[U]* is that both consider the development of humanity and identity to be a key ethical task. In reflecting on this issue, it is worth noting that Nussbaum's framework presented in section two entails a fairly broad account of human flourishing which, superficially at least, parallels the scope and breadth of human traits that seem to adequately address *ubuntu* priorities, conceptions of humanity and wholeness. Rival accounts in addressing narrowly political objectives tend to be far more limited in scope (recognising freedom, autonomy and self-determination or rationality) rather than a multiplicity of features recognised here.

The next area to examine in our comparison between Bakerian and *[U]* is in the injunction to act. Baker's theory that the right to national defence entails responsibility may well be accepted. The move from claiming a right to an enabling environment to the conclusion that it confers a duty on others to intervene has been made too swiftly. It is one thing to say the forfeiture of sovereignty

[31] Emigration is not generally undertaken lightly, and is relatively rare; when it happens it is more commonly to a place where there is some commonality between the new and old 'home' (language etc). Emigrants frequently take their immediate family, emigrants keep ties and retain memories with their former community (write, maintain traditions and so on) at least until new bonds are formed – though frequently beyond that.

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permits intervention, and another to say it *requires* intervention (Baker refers to this, as noted previously, as a duty).

Duties and rights are commonly bound together and we are inclined to couple them together in logical pairs. For example: X has a right to freedom from harm and, therefore, Y has the duty to refrain from harming X. H.L.A Hart and others dispute this. Hart contends that this is not an automatic correlation (179) and instead argues for a distinction between rights and liberties. In the harming example there seems to be an acceptable correlation between rights and duties. However, Hart introduces the example that if two people were to simultaneously spot an unattended bank note in a public road, then either has a 'right' to take it, though there is no corresponding duty (of the other) not to take it. Distinction could then be made between a right (where there is a correlative duty) and a liberty (where there is none). By this reasoning, failure of states to provide enabling conditions precipitates the liberty of other states to intervene.

The counterargument by the friend of *ubuntu* might run something like this: in the unattended bank note example neither spotter may be entitled to make a dash for it and compete for it, as Hart suggests. They may be required to discuss what to do with it and reach a mutually acceptable solution based on the specifics of the situation. So, it might be split equally between them, or given to the poorer of the two, or donated to charity and so forth. If what we think about bank notes can be applied to the intervention debate, then at best it might be construed as a liberty, but even this is cast into doubt.

Acceptance of the intervention-as-duty (rather than as liberty) principle invokes the problem of identifying who precisely the injunction was aimed at. (Or does it, rather implausibly, entail that all states have this obligation.) Acceptance of the intervention-as-liberty principle – which we have reason to doubt – raises the question of who may intervene. It seems that a friend of *ubuntu* might claim that when we are children we are socialised into understanding the 'finders-keepers' principle for unattended bank notes and that when we say we are at liberty to take it, it is a function of the system, that is the social context in which that behaviour is generally understood and accepted.

Gyeke makes an attractive, though questionable, claim that rights and duties may arise in unique way in a communitarian ethic:

> Duties to the community as a whole or to some members of the community would not derive from a social contract between individuals. The contract theory is a contrivance for voluntary, not natural membership of the community, regarded by some people as a mere association of individuals. In a

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> communitarian framework, there would be no place for the contract theory to set forth the duties and rights of individuals who are to inhabit a society that is being contemplated…It seems to me that communitarian ethics will rightly obliterate the distinction between duties and so-called supererogatory acts or acts of charity, and consider all of them our moral duties. If I carry out a duty to help someone in distress, I would not be doing so because I think that person has a right against me, a right I should help fulfil. I would be carrying out that duty because I consider that person as worthy of some moral consideration as someone to whose plight I ought to be morally sensitive. (Gyekye 331-333)

If this is true, then Fletcher is correct that "the morality of an act is a function of the system at the time it is performed" (qtd. in Hardin 1246). A sketch of an ethical response to the sovereignty *vs*. intervention debate which arises out of *ubuntu* would turn on the many variables that are applicable to the particular situation.

A feature of Bakerian theory may merit attention. The proposition (derived from Baker's theory) that there is "a duty to intervene in a proportionally appropriate way in order to see those conditions set in place" (Baker 264) has (if it is accepted as a principle) the implication of limiting intervention in two ways: first by limiting the force with which such action is permissible (proportionally appropriate) and second that such action is directed at correcting the conditions. Motivation for intervention would presumably then be limited through these mechanisms to altruistic ones.

In this section it has been argued that, Baker has provided the means to establish a plausible 'middle ground' theory to address the sovereignty *vs*. intervention dilemma. Accordingly, derived from an ontological notion of humans as essentially social creatures, state legitimacy (and therefore claims to forbearance) is only due to the extent that a state has provided its citizens with an enabling environment which allows for the developmental opportunities to satisfy a set of common goods. Furthermore it was argued that such a view may be consistent with the *ubuntu* ethical framework if this were conceived as per *[U]* above. It is acknowledged that this version of *ubuntu* is not rigorously derived from the literature, but is a chimerical construct which may be tested against other ethical imperatives and developed, perhaps.

Thus conceived, *ubuntu* may provide moral justification for a state (such as South Africa) to intervene in the affairs of another (such as Zimbabwe) if that state is not flourishing.

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SECTION FIVE

To return to Zimbabwe:

Baker has invoked Nussbaum's capability theory to flesh out the kinds of goods that would be indicative of a flourishing community (which could plausibly be adopted in the Bakerian account) and therefore of a legitimate state (Nussbaum qtd. in Baker 265-266) If the situation in Zimbabwe is as it has been sketched in the introduction, then it falls well short of satisfying many of the 'basic goods' described in the framework. Life expectancy in Zimbabwe has verifiably decreased since a decade ago. The public health service have been undermined through net loss of healthcare professionals, and underfunding. There is a growing child mortality rate. Operation Murambatsvina[32] saw widespread destruction of homes which rendered scores of citizens homeless. It undermined the principle of being able to hold property. Hyperinflation saw access to food, particularly variety in diet diminished, particularly in the most economically exposed and vulnerable population groups. News exposés have documented appalling conditions in prisons. [33] Journalists (and others) are not free to move around from place to place and severe media restrictions have thwarted freedom of expression with respect to both political and artistic speech.

Perhaps in part due to extreme authoritarian measures, crime levels (political crime aside) are reportedly down. This must reduce the blight of overwhelming fear and anxiety and traumatic events of abuse or neglect.

Several of the features in Nussbaum's framework are undoubtedly present in contemporary Zimbabwe, despite suboptimal conditions. Having emotions and being able to have attachments to people and things outside ourselves, as well as Practical Reason and the ability to form a conception of the good and to engage in critical reflection about the planning of one's life, and the ability to laugh, to play, and to enjoy recreational activities are difficult to obliterate even in very trying circumstances.

Nussbaum's framework is attractive because it provides a list of things which recognises the multi-dimensional aspect of humanity. It does not suffice as a checklist because, even in dire situations, many of these attributes are present in human communities. Neither will the absence of one or even a few of the criteria indicate a sufficient condition for declaring a failure to flourish.

[32] Operation Murambatsvina (English: Operation Drive Out Trash or Restore Order), was an official Zimbabwean government campaign starting in 2005 to forcibly clear slum areas across the country. According to United Nations estimates at least 2.4 million people have been affected. The government officials characterize the operation as a crackdown against illegal housing and commercial activities, and as an effort to reduce the risk of the spread of infectious disease in these areas. (Wikipedia)

[33] Donna Bryson "Rare Look into Zimbabwean Prison Shows Starving Inmates" *Associated Press* 1 April 2009 (http://www.thestar.com/News/World/article/611922)

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Consider an example in which there is a sudden loss in life-expectancy in a population due to an epidemic. It would not seem just to intervene in the situation as it is an extraordinary occurrence.

However a superficial analysis of the Zimbabwe situation may show that there is a sustained absence of many of the goods. Without an intervention, that is an action providing a sharp break with an established pattern of behaviour between the intervening and target states, consciously designed to change (or preserve) the structure of the political authority in the target state without its consent, it might well be that the fabric of society frays to such an extent that it becomes irreversible. Though social systems may be robust and deterioration may be self-limiting, it is possible to imagine a Zimbabwe in which only the weak and vulnerable remain, where health services and education cannot be sustained because of a lack of critical mass.

The framework presented cannot replace the discretion that would be required to determine the point (if at all) at which intervention may avert this disintegration, but it may provide a useful framework for giving consideration to the many variables which pertain to the situation.

CONCLUSION

As noted earlier the compelling attraction of the 'extreme positions' posited by realists and human rights supporters is that they provide a fairly straightforward guide to action. However, empirical studies (the evidence of our actual behaviour) show that in practice neither sovereignty, nor human rights is considered absolute. In our normative theoretical frameworks, neither the realist proscription of intervention nor the human rights prescription of it is sustainable. Arising from this dissonance between the empirical and the normative, the question was posed as to whether there might be a plausible 'middle ground' theory to address the sovereignty *vs.* intervention dilemma, to provide a more direct (elegant) solution than the contorted process of establishing the supremacy of either one view (human rights or sovereignty) and then constraining the obligations and rights flowing from them by establishing exceptions and limitations.

This paper has argued that there may well be and, furthermore, that such a 'middle ground' account may be consistent with at least one version of *ubuntu*, an indigenous sub-Saharan African philosophy. The hope is that, in appealing to an 'African' philosophy it may gain traction as an appropriate and relevant response to addressing the dilemma whilst avoiding the charge presented in the opening quote by Nkrumah that intervention would represent a morally unconscionable imposition of foreign paradigms. Part of the requirements of our 'middle-ground' intervention theory has been that it is sufficiently robust and universal to be recognisable as valid across cultures, whilst nevertheless providing allowance for the particularities of the situation at hand.

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It has been argued that Baker's justification of nations to engage in self-defence based on a paradigm that human identity is crucially bound up with society may plausibly be extended to provide a promising Bakerian basis for just such a middle ground justification for nations (under certain conditions) to intervene in the affairs of another state. Furthermore such a view seems to be remarkably congruent both with the African ethic of *ubuntu* as defined by some scholars and with empirical studies.

This project, whilst not providing a decisive answer to the question of whether intervention in Zimbabwe by South Africa may be legitimate on this African world-view, might provide a promising framework for weighing up the variables that apply to the situation. If this line of argument is accepted, it may well provide theoretical justification for South Africa should it have chosen to intervene (in a limited set of ways), fail to ground an obligation to intervene and vindicate its failure to have intervened, in Zimbabwean affairs. What is called for is a valuation of the relevant variables that pertain to the specific situation. The idea here is that it "is not possible to make abstract pronouncements about intervention and non-intervention. Any moral posture has to be formed in the light of the consequences of the policy adopted. Any assessment of the consequences of intervention and non-intervention must be premised by an understanding of what has happened in the past" (Little 28).

In this way, the positivist distinction between the work of political scientists and moral philosophers, is challenged (Little 28). In sentiments that echo this approach, Rodin notes that philosophers are increasingly engaged with questions of institutional design and legal reform relating to the ethics of war and by extension presumably intervention. Rodin notes a move toward and endorses a cultivation of "sensitivity to institutional design" that renders philosophy relevant and prevents it from becoming "too theoretical and otherworldly" (246): philosophers in close collaboration with other disciplines (most obviously law and international relations) have a critical role to play in the active engagement with the worlds of policy and politics. If Rodin is right that the "most intractable moral problems of war and conflict can only be addressed by making structural changes to legal and international political institutions" (246), then perhaps the approach taken in this paper of departing from strictly normative theoretical matters is apt.

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[i] FRONTISPIECE: Akan gold weight from "African Voices" depicting the Ghanaian allegory of the two crocodiles who share a stomach, but still fight over food.
SOURCE: African Voices (Mason)