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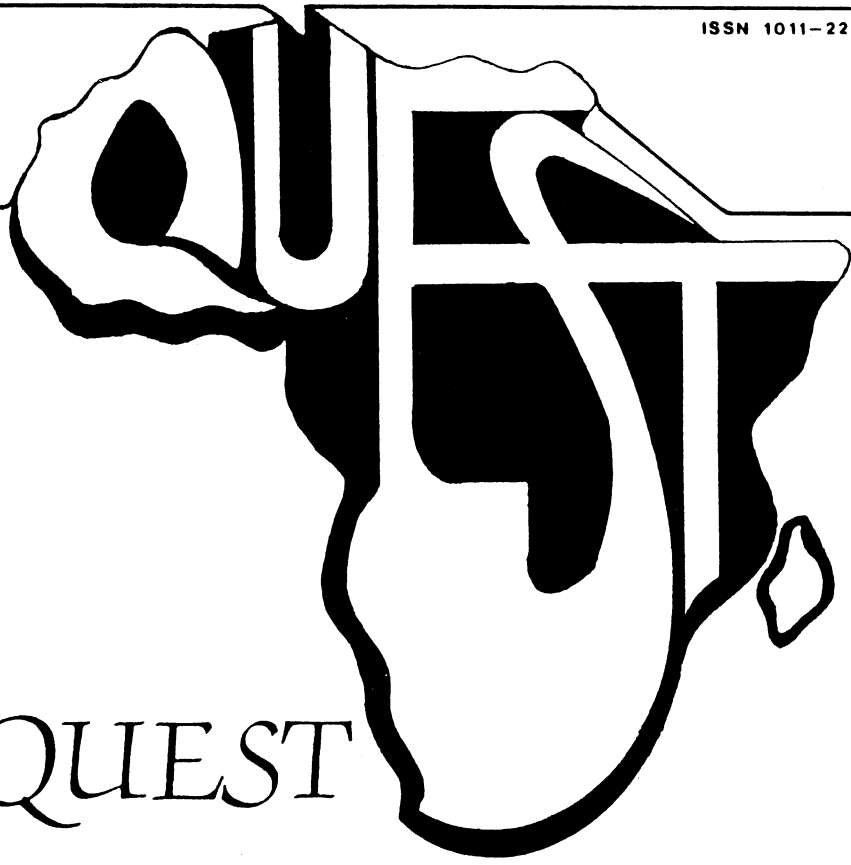

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QUEST: Philosophical Discussions is an African Journal of Philosophy. It intends to act as a channel of expression for thinkers in Africa, and to stimulate philosophical discussion on problems that arise out of the radical transformations Africa and Africans are undergoing.

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Résumé

Dans le monde actuel il y a une relation manifeste entre développement économique et technique et les recherches dans les différentes disciplines scientifiques. L'importance des recherches scientifique dans le développement économique et technique au Japon et en USSR preuve cela par excellance.

C'est pourquoi on doit prêter, en Afrique, une attention spéciale aux structures existentes dans les recherches.

L'auteur révèle que la structure des disciplines scientifique aux universités africaines est problématique, vu l'héritage de la période coloniale aliénante.

Ce text ci étudie la situation actuel des disciplines scientifique en Afrique et fait des suggestions concernant la manière de les adapter au contexte sociale et économique de l'Afrique.

RESEARCH DISCIPLINES IN THE AFRICAN CONTEXT A REVISED PARADIGM

Lansana Keita

Given that technologically more advanced societies rely much on the technical skills of their citizens for maintaining their dominance in world affairs, they regard it as necessary that these technical skills be properly transmitted over time by way of their centers of training, i.e. schools, polytechnics, universities etc. This is the practice of Western societies such as the United States, West-Germany, Britain, Japan, and the Eastern bloc countries such as the Soviet Union, East-Germany and Hungary. This point is greatly underscored by the case of Japan, a society which invests most heavily in its human capital given that that nation is not fortunate in terms of natural resources. The striking result is that Japanese society is perhaps the most productive society in the world today, principally because of the level of technological expertise of its citizens. Thus it appears that the proper investments in human capital (contrary to the emphasis in orthodox development theory) contributes a necessary condition for genuine capital formation and economic growth.

It is noteworthy in this connection that although all the above mentioned societies stress the acquisition of technical skills appropriate for the functioning of modern industrial society, their centers of training are not uniformly structured. Each society has evolved systems of training which would seem to reflect particular sociological histories. There is also the assumption that each society has developed those pedagogical structures that are most appropriate for it. In fact this is most evident in the recent pedagogical histories of the Soviet Union and China. Perhaps the main reason for the revolutions in both societies is that some of its leaders recognised that their societies would fall under the influence of the more industrialized nations unless drastic steps were taken to acquire the technological and industrial skills of these societies. In this respect the pedagogical structures of both the Soviet Union and China reflect these considerations. But in conjunction with imparting technical skills, the pedagogical structures of the industrialized societies also impart in-

formation whose function is to serve as a sociological justification for the particular societal complex in question. This information is filtered into society through disciplines like history, political theory, economics, religion, sociology and literary history.Thus in France, for example, the study of mathematics and engineering is accompanied by the study of Charlemagne in political history and Descartes in the history of ideas. Similarly the ideas of Lenin and Mao assume importance in the pedagogical structures of the Soviet Union and China, although much stress is placed on technical education in both societies.

In the case of African societies one discovers that the mode of transmission of technological knowledge and its accompanying phenomenology is not quite tailored for local requirements. The purpose of this paper, therefore, is to examine the possibilities of establishing a proper structure for the imparting of technical and non-technical knowledge, so necessary for social transformation. In this regard, I shall examine the possibilities for novel orientations for the major research areas especially in the scientific and social scientific areas. I wish to point out too that although there has been much research on the education and manpower training needs of African society, such research is generally descriptive (stressing nevertheless the negative aspects of the contemporary situation) and when prescriptive, appeal is invariably made to the necessary and charitable role of international donor agencies.[1]

In most African societies existing pedagogical structures are modeled predominantly on those of the ex-colonial societies. Thus in the Francophone African countries the pedagogical structures are almost identical with those of France; similar considerations apply in their Anglophone and Lusophone counterparts. Some it is assumed that one of the marks of the autonomy of a society is its independence in intellectual matters, it is imperative that the existing pedagogical structures in African societies be examined as to their viability to the actual sociological conditions. It is also imperative that these evaluations take place within the framework of general inter-regional conferences so that structures could eventually be made uniform. Initially two or three models could be formulated and tested on a regional base over an adequate period of time. Eventually, results would be evaluated to determine which models seem to produce the

most encouraging results. And finally, the most efficient model would be implemented at the continental level. The rationale for this approach is empirical: the successes of the Soviet or Japanese systems of pedagogy, for example, do not derive from mere imitations of European or American systems; furthermore, despite their large populations and geographical extent the pedagogical structures of China, the Soviet Union and the United States are uniform from region to region.

Thus a few considerations concerning the actual situation in African societies are fitting. In Western societies it is not compulsory that university students receive substantial training in technical and mathematical disciplines; and, of course, similar requirements hold for African universities. Students are allowed to graduate without receiving at least three years training in mathematics and a technical discipline. But given the importance of modern technical knowledge for social transformation, I believe that each university student should be trained in the following areas beyond his area of specialization: instruction in mathematics for three years, instruction in two scientific disciplines for at least three years and two years of training in a technical area.[2]

But training in technical subjects, though necessary, is not sufficient. The student must also be exposed to at least three years of history and political economy. Modern Africa would be poorly served by students who were technically sound but ignorant of the sociological and historical contexts in which their technical knowledge should be applied. At this point in time it would appear that the ideal graduate from an African university should be a generalist rather that a specialist in orientation. This is not the situation at the moment, given the specialist programmes inherited from Europe. The point is that specialization in some areas should be dictated by social needs. In the following sections there will be discussions on possible orientations of those research disciplines necessary for the training of technical cadres. The areas to be discussed are the natural sciences, technological sciences, the social sciences, and literary and linguistic studies, and the theory of scientific analysis.

I should want to add though, that the prescriptions recommended in the following discussion would be more effective were the spirit of meaningful pedagogical instruction generalized throughout society. In other words,

one would expect pre-university pedagogical structures, such as primary and secondary schools, to tailor their curriculum to fit local needs. An obvious goal of pre-university education would be one hundred percent literacy and maximum competence in basic technology. The latter prescription would mean that a precondition for secondary school graduation would be demonstration of competence in financial accounting and a skill relevant to the needs of a nascent manufacturing and industrial society. For example, one might consider skills in the electronic and mechanical fields.

The Natural and Technological Sciences

Given the great practical need for technological development at the moment, it would seem that instruction and research in the natural sciences should be geared especially towards practical applications. In the field of chemistry, for example, instruction and research should be undertaken with an eye to possible implementation in the low cost manufacture of items such as dyes, soaps and fabrics. One would hope that university instruction and research in the sciences should constitute the research and development components of fledging industries. In this regard, students who specialize in the sciences would be guaranteed continuing research, hence employment in the industrial or research development sectors.

Given the elitist nature of European university structures, divorced as they are from industry and practical application of knowledge,this model of instruction can hardly be implemented with success in African societies given the urgent need to create technologically oriented societies. One can add further that no student in a modern African university should graduate without turning in a project emphasizing the possible utilization of scientific knowledge in the manufacture of low cost items.

A similar approach should be undertaken in the areas of physics and biology. The abundant sunlight available in local environments can serve as an impetus for the formulation of instruction geared towards the exploitation of solar energy. In the area of biological research easily implementable principles of genetic engineering should be taught at the most elementary levels so that the students who eventually enter professions

such as farming would be equipped to do so efficiently. It should also be impressed on young students that there is much prestige to be gained from embarking on a farming career and that urban office employment does not really add to the developing nation's gross national product. An other area of research that requires a novel orientation is that of biological research relevant to the medical and health areas. Concern should be raised about the fact that research and training in based almost completely on the Euro-American model without consideration given to the needs of local populations. One might consider the novel orientations in this regard adopted by the Chinese government in recent years. Quite obviously, differences in ecology, levels of industrialization etc. between the nations of Europe and America suggest different research orientations. Given the constant threat of such diseases like malaria, cholera and typhoid in most African nations research combining both preventive and curative aspects of these diseases should be granted primary emphasis. Yet paradoxically the major research centers on tropical medicine are not located on the African continent. One reason for this state of affairs is the financial constraints engendered by the weak capital bases of Africa's ministates. There is no reason why regional cooperation could not lead to the establishment of major research centers focussing on these critical areas. Initially joint ventures involving a number of universities should be implemented.

Similar considerations apply for the technological disciplines in the areas of engineering. Again it should be stressed that there should be a close working relation between infant industries and engineering research programmes in the universities. Thus, for example, industries could market low cost products such as air-conditioning and refrigeration appliances developed in electrical and mechanical engineering departments. It is to be expected too that industry, working in consort with university research centers, would be a major supplier of the instruments and appliances needed in experimental work. There is no reason why basic research equipment like test tubes, thermometers, weighing scales etc. should continue to be imported. Again regional cooperation should be stressed in order to generate an adequate technological expertise for this end.

The Social Sciences

The pedagogy and research in the social sciences is important from the point of view that it are these disciplines that determine the intellectual orientations and social structures according to which technological knowledge is applied. An improperly oriented social science could lead to forms of alienation that might retard economic development and social transformation. As proof of this claim consider the hybrid social scientific field of African Studies developed in the west for purposes of synthesizing theories in anthropology, history, economics and politics as they relate to African societies. Obviously research in this area was conducted principally from the European standpoint. Given the above it would be erroneous for African universities to retain such research programmes in their present forms. I believe that research institutes of African or Asian studies would be more fitting for African universities at this juncture. The function of such institutes would be to engage in research geared towards not only the interpretation of the political, economic and military strategies of the Western and Asiatic powers, but also to the formulation of counter strategies advantageous to the African world. I consider too the fact that the majority of Africa's decision makers in the area of economics and finance, although trained in modern techniques, have been unable to formulate relevant theories of economic growth and development. One would have expected that after more than twenty five years of political independence that regional groupings such as ECOWAS would have already implemented programmes of currency uniformity and integrated infrastructures. With the exception of the naira (petroleum supported) and the CFO (franc supported) the other currencies of the ECOWAS are viewed as practically worthless by central bank authorities outside the national boundaries. Again, one notes that the communication by road between member countries of ECOWAS is quite inadequate.

A plausible reason is that the modern African social scientist is so imbued with western paradigms of analysis that his views on economic development and social transformation tend to coincide with those of the so-called Western "expert". But the West's views on African economic development are formulated principally to establish and support Western rather than African interests.

Research Disciplines in the African Context

Economics

The most important of the social sciences is undoubtedly economics-for it is through economic transactions that individuals and nations are able to obtain the wherewithal of survival. In fact economics is such an important discipline that the world today is riven along political lines determined by particular economic ideologies: on the one side there are the communist type economic systems of the Soviet bloc and China, on the other there are the liberal economies of the Western world and their ex-colonial dependents.

The practical result of this divide in economic orientation is that the economic activities of the communist bloc countries are insulated from the surveillance of such Western institutions as the International Monetary Fund and the World Bank. African economies, given their continuing incorporation into the general economy of the West, are constantly monitored by the above institutions. In this context the Western economies enjoy the enviable role of importing raw materials from African nations at prices set by the former. These materials are then transformed into finished and sold back to African nations, again at prices set by the seller. The ongoing result of this has been economic crisis in Africa: the problematic of debt servicing, currency devaluations, increasing unemployment etc. One might note too the ensnaring role played here by the EEC (European Economic Community) engendered ACP (African, Caribbean, Pacific) organization and its accompanying SYSMIN (System for assisting countries with high dependence on mining products) regulations. Of course it should be recognised that the role of the neocolonial bourgeoisie in the formations of an apartheid-like structure such as ACP (note that the North African and Asiatic nations are not included) is not exactly passive. One could more amply explain this ongoing phenomenon by appeal to the dependency theory already adapted by Samir Amin to contemporary Africa.[3]

In short, the economic theories taught and researched in Western society are geared to the perpetuation of Western economic control and influence in those areas of the world open to Western economic penetration. It should be noted that in this context the currencies of the Western nations are all assumed to be "strong" and easily exchanged. On the

other hand the currencies of African nations are viewed as "weak" and lacking in foreign exchange value. Two interesting results follow from this: regardless of the productivity of the African worker his renumeration in local currencies has an exchange value that is usually much less than the unemployed worker receiving unemployment benefits in Western Europe or the United States. The relative minimal exchange value of local currencies forces African nations to gear their exports to the demands of the industrialized nations in order to obtain foreign exchange. The Western nations have mandated that only foreign exchange is acceptable as payment for imports. African nations in need of capital goods are forced thereby to comply with this mandate. One recalls here the tax and tribute ruses employed by the colonizing powers during colonial times to generate forced African labour.

The important point of all this, however, is that the student of economics in most African Universities is exposed to theories of economic decision making more appropriate for the economic life of the technologically advanced Western nations. The student is lead to believe that the ends of economic decision making are nothing more than the short term maximization of profits and utility. He is also taught that only the market economy is capable of generating the supply and demands of goods and services, that labour is a factor of production, that the international economic system operates best under the principle of comparative advantage, and that the currencies of the Western nations are the only real currencies.

Yet the highly successful Japanese interpretation of the market economy demonstrates that the short term maximization of profits and the objectivization of labour are not necessary for the efficient working of a decentralized economy. The curious student must also wonder why the renumeration for such basic labour intensive task in an African country generates much less exchange value than a similar task performed in Europe. Quite obviously the question of "value" must be rethought in the context of countries that trade with each other in a so-called free-trade environment. In sum, the discipline of economics must be reformulated in order to satisfy the economic life of societies whose economic structures do not conform to those of the industrialized Western nations. The issue

here is of crucial importance given the situation common to most African nations. Such nations need to import capital in order to establish a viable capital infrastructure, yet in order to import capital they must obtain foreign exchange. But as was mentioned above, this vital foreign exchange is controlled by a small group of nations headed by the United States.[4] One useful approach would be to stress the importance of world economic geography and the dynamics of international economics in any revised curriculum for the teaching of economics.

As proof of the great influence exercised by Western economic doctrine on those non-Westerners who have been exposed to it, consider the decision making procedures of the organization of petroleum exporting nations, known as OPEC. The precipitous rise of the price of petroleum in the early seventies afforded this organization an excellent opportunity to gain some economic advantage over the West. But this opportunity was completely wasted in the sense that OPEC immediately returned to Western bank revenues, determined in dollars, obtained from the sale of its petroleum. A possible non-western alternative could have been to create an OPEC currency, supported by the assets of the member nations of that organization. OPEC in turn would then have demanded that payments for OPEC petroleum would have been made in OPEC currency. Furthermore, payments for OPEC petroleum would have been deposited in banks located in member OPEC countries. As is well known, the so-called petrodollars deposited in Western banks were squandered in loans to financially profligate governments and business elements, especially in Latin America.

Were an autonomous OPEC economic policy followed, loans from its sales could have been made at reasonable rates of interest to African, Asian and Latin American nations in need of development funds. Instead the petrodollars lent by the Western banks were subject to the vagaries of the interest rates prevailing in the industrialized world. Consider the huge debts incurred by countries like Brazil, Mexico and Argentina, all economically close to the United States. The Western-oriented mentality of OPEC as again demonstrated by the fact that this organization has chosen to locate its headquarters in Austria, despite the fact that no European country is a member of OPEC. By way of contrast it is unthinkable that the Western industrialized nations would situate the headquar-

ters of its major industries in Africa or Asia.

An other example of the intellectual paralysis of the Western trained economic decision makers in contemporary Africa is the fact that they seem powerless to deal with the situation in which African nations do not control the prices of the raw materials they produce for the markets of the industrialized West. Yet it would seem a very elementary idea in economic theory that those African nations which produce a sizable portion of the world output of agricultural produce and minerals could form cartels which, according to the principle of monopoly, would be in a strengthened position to control prices. This principle states that those who monopolize the supply of some commodity are in a position to influence its price. And it is a fact that some African nations are already among the world's leading producers of cocoa, coffee, copper and bauxite.

Further aspects of this approach to economic decision making could mean that African producers could request for their produce in African currencies. Of course the present status of African currencies leaves much to be desired: serious consideration should be given to the creation of regional currencies to replace those now in existence. Such currencies are indeed problematic given that they are rarely exchanged among neighbors on an official basis. Yet much inter-country trade is conducted through smuggling and its attendant corruption. Regional currencies exchanged in an atmosphere of free trade would do much to answer the incessant complaint that African nations trade little among themselves.

I believe that the constant appeals by African decision makers to the West for better terms of trade is best viewed as a set of conditioned reflexes derived principally from their being trained within the matrix of Western civilization. It is this kind of training that leads Africa's decision makers to believe that the so-called North - South dialogue is not fundamentally a zero-sum game in which the industrialized nations would be the constant gainers. It is on the basis of this one sided game that radical theorists like Samir Amin prescribe the delinking of independent African states from the world capitalist system.[5]

As a final though important note on the research status of economics, let us recognize that theories of economic decision making divorced from political and sociological considerations, as is the practice in most Wes-

tern institutions, lead only to empty tautological formulations. The Western research habit of specialization works best, perhaps, in the natural sciences (though there is a tendency to overdo it). But the sciences of man, the orthodox research distinctions of sociology, politics, economics etc. lead to results that are highly artificial and unrealistic. A revised theory of the social sciences would instead choose to view the behaviour of man as being multidimensional yet ultimately coordinated. It would seem that emphasis on multidimensional analysis would tend to yield less than complete understanding of human behaviour.

History

One of the evident paradigm shifts in post-colonial times has been the reorientation of the historiography of the African continent. Imperialist history has been replaced with an approach which is not only more balanced, but also attempts to present an integrated history of Africa. Thus one has witnessed a transition from the colonial histories of Olivier, Fage and Crowdet to the more balanced histories of Ki-Zerbo and Diop. One of the constraints surrounding the works of these two latter historians is that their works are better known in the so-called Francophone countries. The continuing influence of neocolonial educational structures results in the fact that "Francophone" African historians are better known in France than the neighbouring "Anglophone" countries even three decades after independence.

The point is that there is still much to be done in African historiography. Colonial history tended to present a view from an assumed sober and objective point of view. Quite obviously this approach was taken to mask the grossly crass and exploitative nature of the European presence in Africa. The new African historiography would not be flouting any acceptable methodology of historical research were normative considerations employed in the evaluation of events. One would tend to think that historical writing, if done properly, can be both instructional and teleological. For example, it might be pointed out that the European colonization of Africa was a purely contingent event undertaken for military and economic gain. Since African autonomy was reduced to a minimum in the process of this historical event, there are good grounds for arguing that

the quasi-national structures erected by the Europeans do not reflect an African will and should be superseded as soon as convenient. In short the teleological component of African history should be understood within a context of economic development, modernization and macrostatehood.

Anthropology and Sociology

The discipline of anthropology can perhaps be viewed as one of those disciplines specifically created for the sociological study of non-Western peoples. Implicit in these anthropological theories was the assumption that the relatively advanced technology of Western European society was due to the genetic superiority of the members of that society. A specialized vocabulary was formulated to describe the sociological structures of non-Western people in general, which included highly value-judgmental terms like 'tribe' (used indiscriminately for all types of social structures), 'primitive' (also used without any scientific rigour), 'animistic', etc. It should be noted that these terms have their more acceptable synonyms in the European context. Thus terms like 'tribe' and 'primitive' are metamorphosed respectively into 'ethnic group' and 'pre-modern'.

One of the key components of colonial anthropology as formulated by the theorists was the assumption of the biological specificity of non-Western peoples which was expressed in most extreme form vis-a-vis the societies of Africa. Thus in the analysis of Western societies it was the biology of their inhabitants which constituted the major explanatory concept. In this regard the sociological, political and economic analysis of relevant phenomena was always predicated on the racial background of the group in question. A significant result of this racially based methodology is that the concepts such as "black Africa" and "Africa South of the Sahara" assumed a spurious importance. Anthropology is decidedly such a major tool for colonial and post-colonial interests that its importance in African pedagogy is limited. One might consider the long pseudoscientific tradition of European theorists like Blumenbach, Hegel, Gobineau, Lévy-Bruhl et.al. From an African point of view it would seem, therefore, that whatever empirical concerns the discipline preoccupies itself with could be easily examined within the context of sociology.

Sociology in the Western context has had a history of a set of explana-

tory paradigms. Consider structuralism, functionalism, positivism, Marxist sociology, etc. Such theoretical approaches are indeed useful for consideration but it would appear that sociology in an African context should assume a predominantly pragmatic approach. This discipline should serve the function of gathering data specifically for national planning. In this regard emphasis would be placed on demography, statistical reports obtained from interviews, etc. The rationale in this approach would be for purpose of the optimization of such social necessities as health care and education, etc. For example, given modifications in national birth rates as evidenced by sociological data, governments could more efficiently plan for the construction of new schools, housing and hospitals.

Political Science

While the function of sociology as a research discipline in an African context ought to be viewed primarily as an empirical discipline, political science, on the other hand, should be concerned more with theoretical issues. The reason for this orientation is that in the present post-colonial era there is yet no clear consensus on what kinds of political systems or arrangements could best serve the newly independent states. Clearly the political systems of the erst-while colonial states cannot be adopted without modification given that they were developed in different sociological and historical environments.

Much credit will certainly be due to those theoreticians who could develop political systems appropriate for the present empirical realities in the independent African nations. The present crop of one-party and military dictatorships cannot augur well for the future development of the continent. Much theoretical discussion at the research level should seek to examine the causes and possible remedies for the present regimes. The discussion of the new political structures, it would seem, must necessarily take seriously into consideration the ideas of regional or continental unions previously urged by Kwame Nkrumah and Cheikh Anta Diop. Clearly, and is only from the point of view of economies of scale, a substantial number of Africa's ministates would face a brighter future were they members of federated unions. It is difficult to imagine how accidental and whimsically conceived political units like Togo, Liberia, Guinea Bissau,

Malawi, etc. could ever be economically viable in a world dominated by industrialized megastates. Of course, the West would like to see these feeble political structures maintained; and preferably ruled by petty dictators. The point is that every African nation of less than ten million inhabitants is viewed as nothing more than a target or opportunity for raw material exploitation.

Let us note too that a major accompanying problem in the theoretical debate is the fact that the colonial political structures and those inherited from Eastern bloc countries, as a result of material and ideological support granted during the wars of independence, are either now deeply entrenched or in the process of so becoming. But hope for change is offered by the fact that the majority of post-colonial African states are characterized by much instability thereby offering a potential role for theorists of novel political ideas.

Literary and Linguistic Research

Much will not be said about the state of contemporary literary research since its practioners have done much in the area of novel orientations in African literature. There is one major problem though, which is being vigorously debated: the question of literary expression in African languages. There are those who believe that literature expressed in languages alien to a particular cultural setting is essentially incompatible with it.

The solution of this problem lies with African linguists who must embark on a rational, efficient and disinterested plan to determine how Africa's linguistic problematic may be solved. Once one language or a minimal number (two or three) of regional languages are agreed upon, the next step would be the logical one of imparting it (them) in schools and universities. Ideal candidates would be languages which are already widely spoken such as Swahili and Hausa, or politically neutral, in the sense of being practically a national lingua franca of some nation, such as Wolof. An other solution could be the forging of a new language out of elements of chosen languages: this alternative would, of course, require the efforts of a creative team of linguists. One should recall in this connection that this has been done before in the case of the language Esperanto. Furthermore, let us note that most major languages derive from a multipli-

city of linguistic roots, as is the case with, say, English and French.

Quite obviously the problem is not a simple one given the petty politics and intellectual inertia that surrounds the issue. Some elements, as an ironic tribute to the efficacy of European colonialism, would rather see the colonial language entrenched indefinitely than have the language of a national ethnic group elevated to the status of regional or continental language. Yet before the issue could be resolved it is necessary that the pedagogy of chosen African languages should be embarked on at all instruction levels. In this context, one would hope that departments of modern languages at African universities should offer not only modern European languages as courses of instructions, but also modern African languages. It is unfortunate that such courses are relegated to such incongruous research areas as "Institutes of African Studies".

As a final observation on this topic let us note that while most non-African nations formerly colonized by the European powers have reverted to their indigenous languages for official purposes, in Africa this is not the case except in North Africa - one recognizes of course the efforts in this regard made by Tanzania and Kenya. In Indo-China the French linguistic influence no longer exists and the Asian subcontinent (India and Pakistan) is cognizant of the fact that alternatives to English must be sought. In fact, the extent of Africa's linguistic problematic is evidenced by the fact that the terms "Francophone" and "Anglophone" refer almost exclusively to the nations of Africa.

The Theory of Science

The above discussions have focused on possible orientations of the research disciplines within an African context. The essential point about the discussion on the orientations of such disciplines is that they should be structured according to the dictates of African developmental needs. Yet, given the rapid growth of knowledge internationally, determined essentially by novel theoretical analysis, African universities would do well to conduct purely theoretical research relevant to all scientific disciplines with the aim of exploring the possibilities of novel and original forms of knowledge.

In this connection research in the theory of science would entail epis-

temological analysis of theories in the sciences (natural and social) and mathematics. It is in the context of epistemological analysis of the different modes of knowledge that new insights into the nature of phenomena could arise. It is assumed that researchers in the theory of science would have acquired substantial amounts of training in specific areas of scientific research. In terms of the actual physical structuring of such areas of research one could envisage the coordination of several research units set aside especially for this kind of enterprise. Thus theoretical questions concerning the sciences could be analyzed and researched by interested members from all research units. The practical importance of research in the theory of science is that it affords the conditions for original and creative work in all scientific areas - a necessity for technological and economic development.

Conclusion

In the above discussion we have critically evaluated the actual pedagogical structures of the contemporary African university and research centers. Recommendations were made as to how they should be modified for present needs. This issue is one of much importance given the pressing need for social transformation of African society. The Western world today is dominant mainly because it was able to effect social transformations that established the foundations for industrial society. These social transformations were directed by theoreticians of knowledge who expressed and developed their novel ideas independently within university and research centers.

And the social transformation of Africa is necessary because of its material and metaphysical pay-offs. The industrial and technological development of African nations would serve as a deterrent to their ongoing economic exploitation and political manipulation by the industrialized nations. It would also actualize the sense of political liberation and autonomy promised at independence. I have attempted to make a case for the role of the research discipline in this venture.

Notes:

1. See, for example, David Court and K. Kinyanjui, 'African Education: Problems in a High-Growth Sector" and Kenneth King, 'Manpower, Technology, and Employment in Africa: Internal and External Policy Agenda's' in Strategies for African Development, R.Berg & J Whitaker (eds.) (Berkeley: Univ. of California Press, 1986) pp.361-392 and pp.422-450 respectively.

2. By "technical" I mean areas as automotive engineering, electronics, basic agricultural skills, etc. I assume though, that the student would have had prior exposure to the above skills in his pre-university training.

3. See Samir Amin, Imperialism and Underdevelopment, (New York: Monthly Review Press,1977).

4. Note in this regard Celso Furtado's trenchant comments thereon: "That the United states should hold almost exclusively the privilege of creating international liquidity constitutes one of the most damnable aspects of the present economic order. There is no doubt that the resource transfer resulting from the exercise of this privilege occur mainly among the rich countries whose central banks accumulate large reserves in dollars". See Celso Furtado, 'An Age of Global Reconstruction' in K.P.Jameson and C.K.Wilber (eds.) Directions in Economic Development (Notre Dame: Univ. of Notre Dame Press, 1979), p.178.

5. Samir Amin, The Future of Maoism (New York: Monthly Review Press, 1982), pp. 107-146.

Résumé

La présente discussion est, en général, une contribution à la compréhension de la problématique et de la nature de la "philosophie africaine" et, en particulier, une tentative de fixer son origine.

L'auteur prétend qu'il existe une "philosophie générale" qui peut se distinguer d'autres moyens de recherche, surtout par une méthodologie particulière qui lui est unique.

Parmi ces genres universelles in y a cependant des genres spécifiques comme les philosophies indienne, grecque, chinoise et, en effet, africaine, qui adaptent la méthodologie propre à la philosophie (universelle ou général), aux buts du traitement et de interprétation de l'être-au-monde de peuples particuliers.

L'auteur prétend que la réflexion philosophique est née d'un sentiment d'"étonnement". Dans le cas particulier de la philosophie africaine, le sentiment général d'étonnement (non-philosophique) qui a donné lieu à la réflexion philosophique des peuples africains, doit être ramené aux fait existentiels et historique de l'esclavage et du colonialisme.

De plus, on prétend dans la présente discussion que le genre de la "philosophie africaine" est toujours dans son stade initial et que son histoire ne date que des cas où la lecture et l'écriture étaient introduites sur le continent africain à l'arrivée des différents agent du colonialisme.

'WONDER' AS A PATH TO AFRICAN PHILOSOPHY

Chukwudum B. Okolo

This paper does not purport to reopen the long debated issue on whether or not there is such a thing as African philosophy. The simple answer to those who have dismissed the idea completely is to remind them that courses are given in African philosophy in many universities in and outside the continent. It is therefore their burden to prove that African philosophy is non-existent.

What holds some fascination to many philosophers today is the rather startling statement of Plato concerning the beginning of all philosophy, irrespective of type. He plainly asserts that "the sense of wonder is the mark of the philosopher. Philosophy indeed has no other origin".[1] Perhaps under the influence of Plato, another massive philosopher, Heidegger, writes even more insistently: "The pathos of astonishment thus does not simply stand at the beginning of philosophy as, for example, the washing of his hands precedes the surgeon's operation. Astonishment carries and pervades philosophy".[2]

If wonder is the root or origin of all philosophy, it would mean that some 'wonder' stands at the root of African philosophy and is its cause too. What is this 'wonder'? This is the main question in this inquiry.

Three parts are envisaged. First of all, we examine briefly what African Philosophy is all about. Secondly, we investigate the nature of 'wonder' which has given rise to it. Thirdly and finally, we look into what can be regarded as "the spirit of African Philosophy", that is to say, its outstanding character.

African Philosophy

We might well start this first part on the nature of African Philosophy by determining briefly what philosophy is in the first place. It is a known fact among professionals in philosophy that academic pens have often clashed in confusion over the nature and definition of philosophy such

that there is really no one definition universally agreed upon.

Philosophers, it is often said, must after all disagree if for no other reason than for the fact that they are philosophers. For as being-in-the-world, every philosopher has lived his own mode of life, has had his own experiences, certain convictions, leading inevitably to his particular world-view. He starts off philosophising well-fortified with prejudices and a priori assumptions, which influence his own conception and definition. It all means that philosophy is inseparable from one's world-view. Its definition is consequently inseparable from how one looks at and conceives reality as a whole.

However, a working definition is endorsed by many philosophers today and it certainly suffices for our purpose in this paper. Philosophy can be briefly defined as a reasoned or critical reflection on the universe and man's place in it. As a rational quest, philosophy in its general task attempts to give a coherent, systematic account of the multiple-faceted universe, what man experiences and what this experience entails for him in real life. Immanuel Kant reduces this general task of philosophy to four fundamental questions, namely, "what can I know?"; "what ought I do?"; "what can I hope for?"; and "what is man?". Philosophy therefore is the fruit of trained reflection about the universe and man's experience of it.

We now can take up the notion of African philosophy which, like its Indian, Chinese or Hindu counterparts, is a system of philosophy in its own right.

General philosophy, we have seen, opens up a path, so to speak, to a systematic and coherent discovery of the universe and man himself but, as it were, in a universal, abstract manner. It raises questions on the principles of being (what does it mean 'to be') and discusses, among other things, what it means 'to know' (principles and nature of knowledge).

Whereas different systems of philosophy more or less raise the same basic questions of general philosophy in their concrete forms such that Indian, Chinese and African philosophies, for example, the focus is not just man in the abstract but man and his world in the concrete. Hence the philosophic discussions are centered on the Indian, the Chinese and the African. It all means therefore that when we speak about a world-view of a people and their philosophy, we are generally speaking of the

people themselves. In this sense, as Wittgenstein writes, "what brings the self into philosophy is the fact that the world is my world".

African philosophy therefore speaks about the African and his world. It opens up the path to his discovery and how he experiences and interprets his world. As a rational reflection, it attempts to articulate systematically, the world-view of the African, what the African is, as a being-in-the-world, that is, in the African environment, his role, and place in it. African philosophy, like general philosophy, of course, has different tasks as well.

In passing we mention here and, indeed, emphasize that what makes African philosophy philosophy is not just that its central focus is 'the African' (for African sociologists and anthropologists deal with the African), but that the language and method of investigation are equally philosophical. Philosophical method is logical, consistent and coherent, to use trained reflection, not emotion. Also the language and the end-products of its inquiries, as opposed to sociological or anthropological ones, are equally philosophical.

The Nature of "Wonder"

As a trained, literate exercise, African philosophy is only recently developing in the African continent. If this is so, and "wonder" is the beginning of all philosophy, the purpose of this second part of the essay is to reconstruct as much as possible the "wonder" that has given rise to it.

The dictionary meaning of "wonder" is "surprise combined with admiration"[3] Simply, it means a surprise, a sudden realisation for instance that things are no longer the way they used to be. Speaking about the "wonder" which gave rise to Greek philosophy, Aristotle calls our minds to the switch that the early Greeks made from myth to philosophy, from largely emotional, uncritical attitude towards the events of their everyday world, to rational, critical reaction to the same events. He writes:

> "They (early Greek philosophers) wondered originally at the obvious difficulties, then advanced little by little and stated difficulties about the greater matters, e.g. about the phenomena of the moon and those

of the sun and of the stars and about the genesis of the universe."[4]

The Greeks were struck by "cosmological wonder", that is to say, wonder about the world. They wanted to understand the truth of their experiences since they realised that things were not always what they appeared to be. History records them as the first to make a systematic attempt to find out the original "stuff" of the universe, the ultimate principles of what we see around us. Hence the early Greeks are known today as the world's first philosophers as far, of course, as western philosophy is concerned.

They did not set out to 'create' another universe but to understand, clarify, articulate and systematize their experiences and the meaning it has for man. What made them philosophers is the awakening from the world of myths and poetic expressions of Hesiod and Homer, for example, to that of critical thinking. Also their attempt to explain known and familiar things through their unseen constituents. They sought knowledge for its own sake and not for "any utilitarian end".[5] They therefore experienced "cosmological wonder" at the starting point of their philosophic inquiries.

But what about the Africans and African Philosophy? First of all, this writer takes the beginning of African Philosophy in the sense we have explained, that is, an explicit, systematic effort to interpret the African and his experiences of his world, to coincide with the dawn of literacy and, hence, of written tradition. For philosophy is not something 'out there', like apples on a tree, not something already made, but a creative enterprise of a reflecting people who have attained a certain level of literacy.

Surely every people, every cultural group have their own philosophy, defined widely here as a system of beliefs around which their daily lives revolve. It would be impossible for a group of people to live without some ideas, consistent or otherwise, of the universe, -God, man and nature for instance. For preliterate, 'primitive', non-philosophical minds, however, these ideas are often expressed in their works of art, rites, ceremonies, myths, stories etc.. The language is often poetic, full of riddles and the people basically emotional and religious in their expressions and reactions to their world and the events around them.

'Wonder' as a path to African Philosophy

Philosophy in the strict sense as explained above, is a creative purposeful action with its own language and mode of expression which is manifest through concepts or ideas, no longer through images. In this sense, philosophy has a history, record and tradition. It is something essentially in process, never finalised.

In this meaning of philosophy, our preliterate African forefathers had no philosophy and there was no "African Philosophy". There was of course "African Philosophy", again, in the sense explained above. It is my view that African philosophy strictly speaking has become possible and does exist now in its rather fluid form; for there are modern scholars, Africans and non-Africans, who have made and are making conscious, creative efforts to formulate and articulate the "philosophy of philosophies" of our forebears into academic "African philosophy or philosophies". Hence "African philosophy" exists, but is in its young stage. Hence, it can neither boast of a long history, nor of established authors nor of a definition that is universally agreed upon, a common characteristic with general philosophy.[6]

Having cleared the deck, so to speak, let us come back to the "wonder" of African philosophy. The question is, if wonder is the origin of philosophy and African philosophy is indeed philosophy strictly so called, what "wonder" gave rise to it? The wonder is to be located in the same "general wonder" that made the modern African seek the status of a subject and concentrate on the various modes of self-realisation in his African environment since his independence from the colonial masters. In other words, whatever made the African, particularly since the early sixties, seek political freedom, social progress, Pan-Africanism, education, Negritude, African personality etc., made him also turn to formal philosophy as a way of self-definition and establishing his authentic beliefs and world-view.

What is important therefore is to establish briefly, first, the "general wonder" that made the modern African an existential thinker in the sense of being preoccupied first and foremost with concrete modes of self-survival and self-enrichment in the self-controlled universe since independence. Then, we shall discuss the "wonder" behind this philosophic turn which is ultimately rooted in this "general wonder".

The sources of general but non-philosophic "wonder" which made the modern African look for freedom, independence, and the full status of a subject are, of course, colonialism and slavery. With these two tragedies, the African realised he was wholly an "object", that his continent was partitioned and his treasures lost. The colonial masters held him to ransom in his own continent. He never spoke but was only spoken to. He was conceived of as being less than human. G.C.M. Mutiso puts it rather poignantly:

> The attributes of the Africans were that he was animal-like in that he smelled, he could be trusted as one trusts a faithful dog and at the best he was childlike i.e. he functioned at total dependence on the mother and father who was the coloniser.[7]

This is in short the characterisation of colonial existence. It was for the African a slave existence, an unauthentic existence.

With the power of literal education and its concomitant experience, the African woke up from his cultural slumber, dogmatic and unreflective existence and demanded political independence as his first step on the road to self-recovery and authentic existence. "Seek ye first the political kingdom", Nkrumah said, "and everything else will be added unto you".

This quest for true self-world in a self-controlled universe naturally took the form of independence struggles, development projects, self-help programmes for economic and educational consolidation, scientific and technological take-off etc.. Thus the African paid attention to the first things first, namely, material and intellectual developments, since man (as Marx rightly holds) must be in a position to live in order to be able to make history - or philosophy for that matter.

Philosophic "Wonder"

Philosophy, even in advanced nations, enjoys less popularity than other professions. In Africa, it is even less popular, since the race of the African has been for occupations of immediate material returns, particularly since his independence from colonial masters. His exposure to Western philosophy also woke him up from cultural slumber. He was aroused by the spirit of searching inquiry to know himself and his world and to articulate his findings in philosophical categories rather than through

history, literature, anthropology etc.. To do this is to engage in African Philosophy, the point we are at this point in time. Hence African philosophy is at its developing stage.

The point of emphasis here is that the "wonder" which has now given rise to African philosophy is indeed rooted in the "general wonder" that made the pioneers of African freedom demand political independence; made Nyerere pursue "education for self-reliance"; made Leopold Sedar Senghor advocate the doctrine of "negritude" for Africans; and finally, caused Chinua Achebe to realise in literature that things have really "fallen apart", namely, the discovery on the part of these people that their world, Africa, has become "untrue", due to the effects of colonialism and slavery. This can be called the "ontological wonder", that is to say, the realisation on the part of the African that his self-image, hence, his being was unreal under the colonial system and, hence, that colonised existence was indeed a slave existence.

The African is therefore at the age of self-discovery and recovery for the sole purpose of restoring his true dignity and establishing his authentic personality. Nkrumah, at the First Conference of Independent African States in Accra in 1958, put this task in no unfamiliar terms: "In the last century the Europeans discovered Africa. In the next century, the African will rediscover Africa". Every African scholar carries out this process of rediscovery according to his own profession and studies.

A "caveat" seems appropriate here. It does not at all mean that the African philosophized only because he came, by chance or design, into contact with the white man; and that without the white man, he could not have philosophized or developed a critical spirit. This is far from the truth. For the tendency to philosophize is in-born in all humans since man by nature is a rational, curious, and, hence, questioning animal. All men, even illiterate people have the capacity to philosophize. The actual degree and quality of philosophizing vary among different peoples but the innate capacity is there all the same. Paul Radin writes:

> "There can be little doubt that every human group, no matter how small, has, from time immemorial, contained individuals who were constrained by their individual temperaments and interests to occupy themselves with the basic problems of what we customarily term philosophy".[8]

Every culture, every age does indeed have its own people, few as they may be, who are skilled in speculative thinking, and who are drawn by mere curiosity to investigate and explain the world about them. But for preliterate peoples versed in oral education and tradition, their fruitful reflections and inquiries are often lost and hence their "philosophies" are lost as well due to illiteracy.

The whole point of this section is that African philosophy also owes its appearance on the African scene (in African universities) at the time it did, to the impact of Western education and the critical attitude it aroused in the African himself, the exact factor responsible for his quest for political independence after the Second World War, in the late fifties to early sixties. If Africa had not been colonised by the white man and the African inherited literacy from him as a result, African philosophy would have arisen whenever literacy and critical thinking arose and this could have been earlier or later than the period it first appeared in Father Tempels' Bantu Philosophy[9] or in an African university.

The Spirit of African Philosophy

The "ontological wonder" as we have explained, has given rise to African philosophy as a literary pursuit. What is or should be its abiding spirit? A brief reflection on this point concludes this essay.

It might not be universally agreed that there is such a thing as "African Philosophy" among African scholars and foreign nationals as well, depending ultimately on their conception and definition of philosophy in general and African philosophy in particular. This writer, however, has no doubt that African philosophy in the academic sense has come into being. For since philosophy is essentially an activity, there are in fact some Africans, philosophers by profession, who try to "rediscover" the African and his world-view and try to articulate their findings in philosophical categories. This is to engage in African philosophy and there are many universities with departments of philosophy engaged in this type of speculative inquiry.

Consequently, those engaged in this specialised exercise should bear basic facts in mind which might well be called "the spirit of African

philosophy" which is indeed the spirit of those engaged in the work itself.

First of all, the researchers in African philosophy should be animated by the spirit of philosophy itself, the spirit of love for wisdom or truth. In the Republic Bk. V , Plato describes the philosopher as "a lover of Wisdom and Truth". Indeed, according to him, "True philosophers are lovers of Wisdom and Truth". The African philosopher, in the sense of someone who carries out research in African Philosophy, should be animated by the desire to know the truth of his world, the African world. For the quest for truth in African philosophy is not just the truth of the whole universe, but the truth about the world-view and ethical values, for instance, of the African and their implications for him in his socio-political order.

The Greek meaning of truth, aletheia ("unconcealment"), should be significant to the African philosopher who wants to discover and recover the African long "concealed" by many years of colonial gamble of his continent. The sordid distortion of Africa and Africans in Western movies, books, television etc., is quite familiar to modern African scholars. The colonial image of the African personality was and, to a significant degree is, "untrue", "concealed" and "falsified". Now the modern African wishes to rescue himself from this "concealment" in order to assert the truth of his world. This is again to "rediscover" the African, to use the prophetic term of Nkrumah. The African philosopher carries out this rediscovery through African philosophy. The spirit that should animate him is therefore to desire to discover the truth about himself and his world. For there is indeed an obligation for him as for Socrates to know himself and, likewise, his environment.

There is another spirit important for African philosophers, as for all philosophers, namely, the spirit of sacrifice and self-discipline. Those familiar with the profession know that thinking is a difficult enterprise, particularly thinking in a specialised way called "philosophizing", which ought to be logical and systematic, to say the least. This type of thinking is not easy. It demands self-discipline and sacrifice and, more so, in an African environment where the culture seems to negate thinking in a systematic form.

Another hazard often associated with philosophy as a profession is that it does not, ordinarily, if ever, pay immediate dividends, particularly material ones. The philosophers, in the conception of Plato, are not supposed to be "lovers of fame" and "gain", but rather to spurn them.

It might be too much to ask for this type of sacrifice from the African philosopher, again, especially in a culture that worships cheap fame and material gain and in which a system called "extended family system"- makes imperial financial demands on all professions. Yet nothing short of real patience and financial sacrifice would do for a thorough profession in philosophy, more so in African philosophy, largely untested by both African and foreign philosophers.

Finally the spirit of African philosophy should also be the spirit of openness and dialogue. There should be no final word in African philosophy as in general philosophy. The unproved assumptions and dogmatism block the road to inquiry and thus progress. Philosophy, it is often said, starts in wonder, grows in wonder and ends in wonder as well. Thus there is no question of finality on issues. This spirit should charaterise discussion on African philosophy. Fear of criticism or of taking new directions in African philosophy should be abhorred as this, too, stifles progress, since an uninquiring mind is a dead one.

Notes:

1.Theaetetus 155d in (The Collected Dialogues of Plato Including the Letters, Edith Hamilton and Huntington Crains (eds.) Bollingen series LXXI, (New Jersey, Princeton U.P., 1961). Likewise Aristotle was certain that it is due to wonder "that men now begin and at first began to philosophize" (Metaphysics 982b 12-13).

2.What is Philosophy transl. William Kluback and Jean T. Wild. (New Haven, Conn. College and Univ. Press), p 61.

3.Oxford Advanced Learner's Dictionary of Current English, Third impression, 1975.

4.Metaphysics 982b 13-17. The Basic Works of Aristotle, McKeon (ed.) (New York: Random House, 1941), p 692.

5.Ibid 982b 22.

6.The point strongly advanced here is that literacy and conscious effort to systematize one's beliefs about God, the universe and the role and place of man in it, are necessary for philosophy to exist. In this sense there can be no philosophy without a philosopher or philosophers. Socrates, for instance, who never wrote down anything, nevertheless established his full credentials as a creative thinker and systematiser through the skillful penmanship of Plato. The genius and treasures of Socrates would have been lost to the Greek and Western philosophy (as those of our forefathers are now lost or almost lost to African philosophy) if they had not been redeemed by Plato. Someone has to do the thinking and make this thinking known as such to qualify as philosophy.

7."African Perceptions of The Ideas of Freedom and Revolution" in Thought and Practice, the Journal of the Philosophical Association of Kenya, Vol 3 No 2, 1976, p 164.

8.Radin, Paul: Primitive Man as Philosopher (New York: Dover Publ.,1957),xxi.

9.Placide Tempels,Bantu Philosophy (Paris:Presence Africaine, 1949). This work is perhaps the earliest recognised attempt at writing African philosophy but by a non-African, a Belgian missionary. Since his work, many fruitful attempts have been made by Africans. Some of these include W.E.Abraham The Mind of Africa (Chicago: Univ. of Chicago Press,1962); Alexis Kagame La Philosophie Bantu-Rwandaisse de l'Etre (Bruxelles,1956); Kwame Gyekye, "The Akan Concept of a Person" in International Philosophical Quarterly Vol.XVIII, no 3 1978; K.C.Anyanwu and E.A.Ruch, African Philosophy (Rome: Catholic Book Agency,1981) and many more.

Résumé

Cet article étudie le rôle des sophismes dans le système juridique britannique.

L'auteur révèle qu'on trouve fréquemment un certaine type de sophisme non-formel - le sophisme génétique- dans l'analyse des témoignages et il donne des examples des 'argumentum ad hominem', 'argumentum ad verecundiam' et 'argumentum ad populum'.

Cette pratique juridique permet des conclusions incertaines, qui ne repose pas sur une analyse des témoignages, mais sur le crédit et sur le caractère des témoins.

L'auteur insiste que les anciennes colonies britannique doivent critiquer et éliminer cet aspect du système juridique britannique pour le rendre juste.

LOGIC, FALLACY AND LAW OF EVIDENCE

Victor Ocaya

An Englisch lawyer, for a long time immersed in the Englisch legal arena where incessant condemnation of .'unfair trial' and persistent calls for 'fair trial' as being necessary to justice are the order of the day, eventually stopped to reflect and subsequently lamented:

> Unfortunately, the standard procedure of English criminal trials is, in itself,unfair to the defence.
> Let us look at it. The procedure in form is not investigatory, but accusatory. Not the ascertainment of 'the truth, the whole truth" about the affair but the justification of the indictment is the aim. That aim, and that aim alone, is steadfastly pursued from first to last. In a word, the trial is a man-hunt or a woman-hunt as the case may be.[1]

Mr. Du Cann in this book which he himself describes as "a sacrilegious and blasphemous brawler in that holy of holies, the Temple of Justice", "...."questions, inter alia, the allotted roles of the advocates, the judge, and the jury,the accusatory, instead of an inquisitory, procedure; the utility of the dock and the oath in modern times; the efficacy of the single-judge system; in short the whole set-up". "To date", he goes on to point out, "such ancientry has been accepted as though ordained by the Deity as a sacrament and so exempt from all criticism".[2] And adeptly Du Cann proceeds to point a hard and accusing finger at those areas where by acts of omission or commission miscarriage of justice occurs or is likely to occur.

In this short article I contend that part of the trouble lies in the fact that British legal system gives room for fallacious reasoning. And countries that belonged to the defunct British empire have inherited the system together with those principles embodying defective reasoning. This is a serious weakness and I argue that the fault must be rectified if we are

to maintain sanity and rationality. To make what I intend to put across easier to see we have to take a brief excursion into the province of logic.

II

It is generally agreed that the principal aim of logic is the study of the conditions under which an argument is valid or invalid, sound or unsound. Logicians usually make a distinction between validity and soundness of arguments. An argument is said to be valid if its conclusion follows from the premise of premises. If the premises and the conclusion are true as well, then the argument is said to be sound. Logicians have also discovered that the validity of an argument depends on this form, that is, the shape, pattern or structure the constituent propositions take. Accordingly, logicians have isolated a series of some of these structures which are meant to act as guiding principles in determining whether or not a piece of reasoning is consistent. The aim of logicians is always to see whether or not premises offer satisfactory grounds for accepting the conclusion.

III

In accordance with these rules an argument will commit a 'formal' fallacy if it does not follow a related pattern. A fallacy, simply put, is a mistake in reasoning. Two formal fallacies are famous: the fallacy of affirming the consequent and the fallacy of denying the antecedent. The fallacy of affirming the consequent states that if one is given a conditional proposition and the consequent of that proposition as premises, he cannot draw the antecedent of that proposition as a conclusion. One example may suffice:

If anything is Zambian, then it is African.
Lusaka is African.
Therefore Lusaka is Zambian.

A Professor and Doctor of Philosophy once confronted with this argument argued with animation that the above reasoning was acceptable because all the statements involved are true. But the argument affirms the consequent and it is not valid. In any case a simple reflection shows that not everything African is Zambian.

However, consider the following:

If anything is Zambian, then it is African.
Lusaka is Zambian.
Therefore Lusaka is African.

The above is a correct type of reasoning known from the middle ages as modus ponendo ponens. Freely translated the phrase means 'affirmative mood'. According to this rule, given a conditional statement and the antecedent of the statement as premises, one can validly draw the consequent of the conditional statement as a conclusion. The only difference between the two arguments given above is that they vary in their structure.

The fallacy of denying the antecedent on the other hand has it that you cannot conclude the negation of the consequent from a conditional statement and the negation of its antecedent:

If anything is Zambian, then it is African.
Lusaka is not Zambian.
Therefore Lusaka is not African.

The above is a case of denying the antecedent. The reasoning is fallacious. Nairobi is, for example, African but it is not Zambian.

However, the negation of the antecedent is properly entailed by a conditional proposition and the negation of its consequent:

If anything is Zambian, then it is African.
Lusaka is not African.
Therefore Lusaka is not Zambian.

Odd as the argument may sound, it is still valid. Once you accept the premises, there is no way you can reject the conclusion. The medieval logicians named this bit of reflection modus tollendo tollens. We may loosely call it 'negative mood'.

IV

We have briefly expounded and illustrated two examples of 'formal' fallacies giving also their counterparts of correct reasoning. But a large number of mistakes in arguments has nothing to do with the forms of the arguments in question. Such fallacies are known in logic as 'informal' fallacies. To argue that

Zambia is a rich country.
So Mr. Banda, the Zambian, is a rich man.

is to reason fallaciously. But if we ask ourselves why this way of thinking is wrong, we shall have to look for an explanation not in the pattern of the argument but somewhere else. Hence the fallacy involved is 'informal'. In general one can say that there are as many formal fallacies as there are formal rules governing the formation of arguments. Informal fallacies on the other hand are there by the hundreds of thousands. And there is no universally agreed way of classifying them. De Morgan succinctly put it, "There is no such thing as a classification of the ways in which men may arrive at an error; it is much to be doubted whether there can be".[3]

V

A number of informal fallacies have been given names. In this article my interest is confined to what is known as 'genetic' fallacies. A genetic fallacy sets aside the question at issue and attacks instead the source. It ignores what has been produced by the source. If for example a prisoner

working quietly in his cell discovers a cure for the Acquired Immune Deficiency Syndrome (AIDS) disease and if doctors, instead of being relieved and grateful, reject the find on the grounds that it was made by a convicted criminal, they commit a genetic fallacy. It is an invalid kind of reasoning. If it were valid, we would be binding ourselves to the uncomfortable position of never taking anything whatsoever from anyone less privileged than ourselves!

The commonest manifestation of the genetic fallacy is the argumentum ad hominem, a Latin phrase meaning the argument directed against the man. This argument attacks the character of the person rather than the person's argument. In such a situation, instead of trying to disprove the truth of what is asserted, one attacks the person who has made the assertion. He attempts to undercut the person's claim. In a case like this, as it is in the case of all fallacious reasonings, there is no connection between the conclusion and its premises. My position is that an argument of such kinds has got to be dismissed at all times. A person's background should not be made to bear on the arguments he advances. It ought not to matter whether he is studious or lazy, rich or poor, black or white, God-fearing or an atheist. His argument must stand or fail on its own merits.

Some logicians make exception to this rule (Barker and Weddle e.g.)[4]. They say certain aspects of a person's character have to be considered so as to ascertain his credibility as a witness. the case of a chronic liar or of a convicted perjurer is frequently given as an example. It is held that it is prudent to have reservations about whether he is now telling the truth. Voicing such doubts under such circumstances is not considered to be an ad hominem attack. Clearly, a reservation of this kind is reasonable and acceptable so long as it is only a question of prudence. Prudence should lead to further investigation and reassessment of an argument. But to jettison evidence from such a person outright on the grounds that he often told lies in the past is to be guilty of an ad hominem assault. And it is to reason incorrectly. It is a fallacy because the premise does not really establish the conclusion at all. We should resist this temptation at all times and at all costs. A liar is not always a liar; he may sometimes tell the truth.

The fact that someone is stupid, mad or maladjusted increases the probability that his views, say, on economic theory, may be unsound. Certainly, this information about his personality will help us to be extra careful in examining whether or not his views are correct. This holds true only up to a point. Ind the final analysis we have to scrutinize those very views themselves and satisfy ourselves that they have no supporting points and facts.

Not long ago, a man, dirty and clad in rags and insane as far as anyone could tell, was shouting at the top of his voice denouncing some work that was being carried out in the area. At one point he said, "I don't agree. It is all wrong", and with greater emphasis he added, "I affirm the negation!" I have taught logic at universities for well over 12 years. None of my students was convinced that one can 'affirm the negation of a proposition! They took it during lectures and flung it back at me at the examinations. But none of them gave me the impression that it really sank in. But here it was, coming from a mad person!

Conversely, a person may be known to have always been sincere. It does not necessarily follow that he is now telling the truth. We will be well advised to reflect over everything we read or hear. Even an expert in his area of expertise must back his opinions with facts. If he does not do so, then it is legitimate and prudent to examine those opinions closely. The point I am trying to make is: to accept uncritically the judgement of an expert merely because he is an expert is to commit yet another fallacy historically known as argumentum ad verecundiam. Such an argument literally appeals to, or has respect for, authority. We have to listen carefully to what an expert or consultant tells us. But we have to throw out the view even of an expert or consultant if it is blatantly mistaken.

On the evening of Monday, 4th April, 1983, a medical doctor insisted that the nurse in attendance should administer a drug to a child involved in a road accident. The nurse pointed out that the amount of the medicine prescribed was an overdose for a child of six. But the doctor arrogantly ordered the nurse to do as she was told since he was the doctor! The nurse refused and asked the doctor to give the injection himself. Much to my relief, he did not. Any piece of information, if there is a way of ascertaining, must be received or rejected on its own merits.

VI

Genetic fallacies are frequently committed in daily life. But let us confine our attention to what happens to laws of evidence as practiced in courts of law. Genetic fallacy is committed especially in connection with the cross-examination of witnesses. The following quotation gives us a clear example:

> The object of cross-examination is to test the accuracy of the witness's evidence, to destroy it, to gain evidence which will assist to opposing party or to show that a witness is unreliable, by attacking either his credibility or his credit. His credibility may be shaken if it can be shown that he has been telling such an unlikely story that no reasonable man could believe, although the witness himself may sincerely believe in its truth. His credit may be destroyed by an attack on his character to show that he is a person who should not be believed even when giving evidence on oath.[5]

This is one of the legacies bequeathed by Britain, the former colonial power, to members of the former British empire. The extract is representative of what goes on in British courts and in the courts of former British-governed territories. I do not therefore need any more illustrations. Let us proceed to discuss it.

This principle in law clearly allows and encourages fallacies in reasoning, much to the detriment of justice! The advocate cross-examining a witness is permitted by law not only to confine himself to the testimony of the witness; He is also legally empowered to turn his searchlight at the character of the witness with the end-goal of discrediting his testimony. This is an ad hominem reasoning and ought not to be permitted. The lawyer in this instance instead of presenting pertinent reasons against the testimony of the witness, tries to bring about the rejection of the testimony by directing his remarks at the personality of the witness himself! Generally, lawyers in court are apt to reason in the following manner:

A says that p is true
But A is defective in such and such a way
Therefore p is false.

Clearly, the conclusion of the above argument does not follow from the premises. Let us consider another example. Suppose a witness testifies that he saw the accused fire a shot at the deceased. This evidence should not be dismissed simply because the witness was convicted of perjury a month earlier. Effort must be made to ascertain the truth or falsehood of the testimony of the witness by asking relevant questions and satisfactorily answering them. Was the witness actually present at the scene of the murder and at the time the crime was committed? Did the witness see the deceased being shot? Had the witness good eyesight? Can the witness properly identify the accused? Answers to these and to such other questions are the sort of facts that are relevant and which will help to determine whether the evidence of the witness should be admitted or rejected.

VII

Again laws of evidence of Britain and those of former British colonies state that the fact that an accused person is of good character is admissible in court or to put it in another way, the fact that the accused has a bad character is, in general, inadmissible. This, again, is to reason incorrectly. The argument follows this structure:

A says that P is true
But A is of good character
Therefore P is true.

The above reasoning does not argue immediately for the conclusion. It concentrates its attention on the good reputation of the person who makes the conclusion. The argument commits the genetic fallacy and it cannot be accepted. So a lawyer who desires the court to accept the testimony of his client takes the testimony as his conclusion and assembles the client's good reputation as the premises. But this cannot be

allowed as the premises have no relationship with the conclusion. So whenever an advocate does not listen to someone's argument solely because the arguer is a convicted felon, a liar or whatever, he has not addressed the argument and has reasoned falsely. And he still reasons incorrectly even when he accepts someone's points just because he is known to be of impeccable character.

VIII

In the laws of evidence of the countries under discussion 'character means general reputation and not the witness's personal opinion. It is concerned with what a person really does or is generally believed to do (Brown and Allen, 1968, p. 66). There is a flaw in this reasoning too and may frequently lead to a miscarriage of justice. It goes something like this:

The neighborhood agrees that p is of good character.
Therefore p is of good character.

The conclusion does not follow. Not infrequently there were individuals who were highly regarded by the people among whom they lived; but in their secret world they were persons of monstrous habits. And merely to go by what people say and believe is to commit the fallacy of argumentum ad populum, another fallacy which means appealing to the masses. A logician always insists that an argument should stand or fall on its merits. And this should apply especially in courts of law where the well-being of a human individual may be at stake.

IX

In conclusion we have to ask ourselves an honest question and give ourselves an honest answer. For how long shall we tolerate a system which entertains and allows fallacious reasoning at the expense of justice? We should not allow such a principle and we ought to see to it that that principle is banished form our statute books. Witnesses should not be

cross-examined as to credit or as to character in order to determine the truth of their testimonies. Information regarding credit or character may be considered before passing sentence; but that is another issue altogether. A cross-examination, however, should be limited to the issue at hand. If this is done, then we shall be a step closer to the realization of justice which may be defined as the establishment of right between men, whether as individuals or in association. And any legal mechanism should aim at and strive to realize this goal alone. If it does not stand up to the test, it ought to be discarded. Nor should we commit the fallacy of ad verecundiam by appealing to any long-standing tradition in support of any existing laws. A legal set-up should not be kept just because of the idea that it is sanctioned by tradition. We have to ask ourselves whether or not the principle serves its purpose: the realization of justice. Things change; concepts and ideas are modified; morality alters with time and place. Indeed experience seems to tell us that we are often called upon to take fresh look at ourselves and our environment. Let us do it with laws of evidence. And when we come face to face with irrationality, shall we not do well by acting promptly to save rationality?

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Résumé

Cette contribution donne une analyse de la conception des droits humaines et de leur pratique, surtout en Afrique.

Elle étudie l'évolution de la conception du 'droit naturel' dans la tradition libérale et choisit une aproche marxiste, en établissant le rapport entre les conceptions des droits humaines et le contexte social et économique et les classes sociale qui dominent l'Etat.

L'auteur propose que le cas de l'Afrique montre clairement que le droit est toujours instrument de la classe sociale dominante, par example le droit de démonstration et de voyager ne sont que des faveurs de l'état.

La situation courante du "chef de l'Etat qui est la personification de la lois", fait en outre de chaque " disloyauté" à l'égard du chef d'Etat, une "dislotauté" à l'égard de l'Etat.

HUMAN RIGHTS IN AFRICA

E. Oyugi

Human Rights is the twentieth-century name for the rise of individualism in the theory and practice of modern western societies, as informed by the calvinist and protestant spirit. Like all such catch-phrases, it is very political-theory-laden and refers to a historically situated problematic. It implies a general view of man in relation to society, of individuality (in the sense of the claim of a particular part against the whole), politics and government in relation to particular social formations.

Its study, therefore, presupposes an insightful acquaintance with the characters of the principle categories around which gravitate the various strands of civil society. Three main categories obtrude upon us. They are: social classes as they view for the hegemonic control of the political-economic life of a given class society; the state and its tendentious deployment as an instrument of oppression of one class (or an alliance of cognate classes) by an other; and the character of the prevailing class-dictatorship as it helps sustain the rule of one class over the others.

In this article, I intend to trace the development of the idea of human rights back to its historical taproots. This is necessary due to its protean character as revealed in the fact that it undergoes continuous changes, both in content and social function. Its internal complexities will be discussed with a view to gaining insight into the 'theoretical climate' which has provided a moral framework for tendentious 'ideological gaming' with it. I shall prioritize its post-colonial african manifestations for a much more closer analysis. The goal: a dialectical-materialist examination and evaluation of the prominent features of human rights theory and practice in Africa today. The result: hypostazation of the human rights concept within the relative context of a political world divided into ideological units and sub-units and, thereby, unpacking the erroneous assumption underlying the contention that human rights have a universal character, and therefore, suspended above the reach of the convulsive effects of historical changes that occur in response to class struggles in post-colonial Africa.

The discussion of the nature and history of human rights permits intermittent reflection of a large and overarching question: -is the notion of human rights an intellectual product of the enlightenment or not? For sure, history teaches us that it is much more ancient than we are prone to believe. We know that certain Greek cities accorded their citizens such rights as IOGORIA (equal freedom of speech) and ISONOMIA (equality before the law); both of which constitute prominent features of rights claimed in the modern world. In the Hellenistic period which sequelled the breakdown of the Greek city-states, the stoic philosophers formulated the doctrine of natural rights. These, they argued, belonged to all men at all times. Such natural rights, were conceived as though they didn't constitute particular privileges of citizens of particular cities. Every human being was entitled to these rights, by virtue of the simple fact of sharing humanity and rationality with everyone else.

Much later, the name of John Locke became closely associated with the classical formulation of the seminal ideas on the subject. The intellectual seeds of the Bill of Rights which was enacted in the English parliament after the 'Glorious Revolution' in 1689, can be traced to Locke's publication on the theory of government. These ideas find a faithful echo in the Declaration of Independence issued by the American states in july 1776. It reads as follows:

> "We hold these truths to be self-evident, that all men are created equal; that they are endowed by their creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness...."[1].

The French Declaration of the Rights of man and citizen, issued by the constituent Assembly followed closely the English and American models. Not long after, the French Declaration Sweden and Holland (1809 and 1815) followed the English model and accordingly incorporated the concept of natural rights into the constitutional framework of their respective monarchies; leaving other nations to copy the American republic model.

It did not take long before the theory of natural rights spiraled out of national appeal into the etherial layers of international concern. This took place as the United Nations was being created after the Second

World War; when, as Winston Churchill put it: the most important task assigned to the newly created family of nations was "the enthronement of human dignity".[2]

But although designed to confer universal validity upon an immensely complex phenomenon, the Universal Declaration of Human Rights hardly fostered unmitigated consensus. In essence, it betrayed a surreptitious shift from natural law to natural rights. This happened to be at variance with the time-honored liberal traditions which had acted as a firm intellectual anchor to the vagrant European political philosophies. Among the mandarins of this intellectual discipline were: Hume, Bentham, Austin and most of the Hegelian idealists of the twentieth century. While some admitted a general concept of rights, the majority argued that rights belonged not to individuals but to societies or communities. The subsequent condemnation of the shift from natural law to natural rights, later found an eloquent expression in Leo Strauss' sentiments. He thought of it as an egoistic doctrine, which deserved to be sharply contrasted with the classical doctrine of natural law, the focus of which was on the law of a society, justice, duty and public interests.[3]

Germany, then the scion (and later the bastion) of idealist philosophy proclaimed a Declaration of Rights (by the nationalist German liberals in 1848) which veered tangentially from the antecedent individualistic cast of the Universal Declaration of Human Rights *. Whereas the American and French one asserted the right of Man, the German manifesto placed the emphasis on the realm of individualistic Vertrag and placing it on the collective interest and will of the corporate Gesamtakt.[4]

Space and thematic priority do not allow that this aspect of the problematic be dealt with in large. However, a few tentative remarks and observations are quite in order. An overarching question poses itself: can there be a discussion on rights which will shy away from touching on the social character of human life in the context of which the question of human rights is problematized? The answer is an out-right no. All rights on which an individual member of a given society can lay any legitimate or illegitimate claim

> "are social at the very least in the sense that they imply the existence of society and that their function relates to society".[5]

These radical ideas find a profound articulation and elaboration in the writings of Marx who regarded the notion of the rights of man a bourgeois will-of-the-wisp, the attainment of which would require a dialectical detour through its own dialectical negation. This unmitigated hostility to the individualistic undertows of the wave of natural rights ideas hitting the shores of 18th century liberalism, derived its cogency from the axiom and belief (in humanity) that man is a species being and that humanity could be realized only when men ceased to think of themselves in bourgeois individualistic terms as individuals invariably bestowed with inalienable rights.

Human rights, we should be able to say by now, are "claims on the part of the individual against one, some or all members of a society".[6] It is a moral concept, the meaning and social function of which have a place only in a particular system of social organization. It derives from society, from its historical and structural needs. Collaterally, they also derive from man's needs, his powers, his powerlessness and the requirements of his self-fulfillment. In the final analysis, the notty issues we have been trying to unskein and outline above, boil down to a few outstanding questions, behind which lark the controversy over the nature of man vis-a-vis society. I shall, therefore, attempt in the next section to look a little more 'closely at' the nature of class societies in their contextual relation to human rights.

Social Classes and the Contest for their relative Civil Rights.

The most comprehensive and profound conceptualization of classes is found in the celebrated works of Lenin. In his book The Great Beginning, Lenin wrote: "Classes are large groups of people differing from each other by the place they occupy in a historically determined system of social production, by their relation (in most cases fixed and formulated in law) to the means of production, by their role in the social organization of labour and consequently by the dimensions of the share of social wealth of which they dispose and the mode of acquiring it. Classes are groups of people one of which can appropriate the labour owing to the different places they occupy in a definite system of social economy".[7]

Lenin's definition of classes is of great theoretical significance to a

correct understanding of modern capitalist society in that,apart from articulating its fundamental features, it furnishes the guide and key to the class structure of modern social-economic formations. It also provides a reliable clue to the way social-power is distributed and consequently used in the maintenance of class rule.

The process by which classes profiled themselves out of rudimentary social formations is too long a story to be told in a paper with such a limited thematic scope. It should, however, suffice to mention that with the gradual increase in economic inequalities communities joined into relatively larger groupings, occasioning the forward match of the division of labour. As the productive forces increased, extra labour was required. For some time, neither the individual community nor the larger society could provide it. War became the only possible source of the desiderative extra labour. The prisoners of war were spared death so they could be made to produce surplus products. With time, however, community-leaders who, by virtue of their one-up-manship in the management of the communities' social affairs, had found it advantageous to lay unilateral claim upon the control of surplus products, began to enslave their fellow-tribesmen by both 'legal and extra-legal' means which they devised.

Since the disintegration of the primitive-communal systems the history of class societies has been characterized by the ding-dong struggle between the antagonistic classes: freeman and slave, patrician and plebeian, nobleman and serf, capitalist and workman. Common to all these struggles is the antagonism between the oppressor and the oppressed; waging an incessant struggle - today secretly and tomorrow openly.

In the course of such struggles, each class reserves no effort to defend and extend the range of civil liberties and human rights - going to all lengths to multiply them (where they are inadequate), wrest them from the ruling classes (where they have been alienated) and consolidate them (where their legitimacy is in question). As Klenner correctly observes, such rights

> "are neither eternal truths nor supreme values... They are not valid everywhere nor for an unlimited time. They are rooted neither in the conscience of the individual, nor in God's plan of creation. They are of earthly origin...a comparatively late product of the history of human society

> and their implementation does not lie in everybody's interest. In their essentials, man's interests are not the same everywhere and they cannot even be the same in any particular country".[8]

Human rights, even in their eighteenth century Jeffersonian formulation - as rights of liberty and equality - are a battle cry for social change, vociferated by those members of a society who are socially disadvantaged in as far as the distribution of social powers concerned. They were invoked by the French revolutionaries to bring down the ancient regime, just as they helped usher in the Soviet Union of the Bolsheviks. A scientific conception of human freedom in general and human rights in particular can only be achieved once both are actualized and concretized in the relative context of social formations and class interests. Thus, the demand for rights in the seventeenth and eighteenth centuries was a demand (by the then socially disadvantaged groups) against the existing state and authorities, against despotism and political disfranchisement of those who held different opinions. Bourgeois conception of human rights, for instance illegitimately abstracts the individual from society, casts him adrift from the necessary moorings of history and social practice and place the tendentious authority upon the impartial pretensions of a state suspended above the group or class interests, in the defence of which it is established.

It follows from the above contention that all human rights are political. Their legitimacy is a function of the hegemonical authority of the social group in whose interest they are promulgated by a given state. It is the state with all its instruments of power, throwing itself in the fray on the side of the ruling classes that can observe or protect them, or become delinquent, depending on the immediate and pressing protective or offensive needs of the ruling classes.

The State as the tendentious regulator of Human Rights.

The classical relationship between power and democracy hinges on the nature of state. At the root of it stands the ideo of power and subjugation of those who should not have any share in its deployment in particularizing or privatizing social gains.

History teaches us that the state has a long history of variegated forms. We encounter different forms of state in almost every epoch. At the time of monarchy, republic, aristocracy and "democracy" there appeared corresponding states. Take, or instance, the history of the slave-owning societies, we see that for all their different forms of governments, common to them all was power and subjugation. The slaves were therefore not considered citizens enjoying civil rights and duties. Anyone whose private life was devoid of political status was a slave. In such societies, a special machinery was required to safeguard the privileges of the slave-owning class. It gave special powers and rights to the slave-owners so that they could exploit the slaves with impunity. Human rights was therefore, the preserve of the slave-owning classes.

Under feudalism, the feudal state acted as the nobilities' organ for oppressing serfs and villains. Accordingly, the alignment of political power was in strict conformity with the amount of land owned. The peasants, despite their numerical superiority, were bound to the soil. Only lords and gentlemen enjoyed certain civil rights. The peasant had none at all. In fact their position was little different from that of the slaves- their counterparts in the preceding era. Under, the modern republican democracies, the state, despite its neutral pretenses, remained the instrument of exploitation of wage labour by capital.

A preliminary question, poses itself and enjoins upon us the need to answer the following: What are the characteristics of the state and its attendant institutions which have become an essential appurtenance of Western civilization. The experience of the West includes a great many forms of constitutional regimes. No doubt, not all of them were inspired by the same principles or gave reflection to the same set of social values and goals which the historically determined institution of the state was meant to achieve. Ordinarily, the above question should have called for an in depth tracing of the evolution of those principles and doctrines which informed the development of the state to its present forms, but space and thematic priority are conjointly not in favour of an elaborate pursuance of such an important, albeit (for now) irrelevant undertaking. A few remarks are, however, necessary.

Aristotle, elaborating and extending the range of Plato's theoretical

accounts of the relationship between power and liberty, formulated classical distinctions between various forms and types of state and government and between different forms of constitutions. Such distinctions, however, fell short of addressing the modern constitutional problem of the division of powers intended to provide restraints in the exercise of power. Subtending both the Platonic and Aristotelian philosophy of the state was the idea of natural law which was deemed to be independent of the state. Aristotle's philosophical point of departure was the inequality of human nature. This was in direct opposition to the axiomatic contention by Seneca and Cicero who, remaining faithful to the fundamental ideas of the stoics argued for the natural equality of human nature. The difference between these two outlooks was a direct reflection of the differing social situations obtaining for both Aristotle and the Stoics.

Later on, Hegel, inspired by the German liberal tradition, tried to construct the state as an entity abstracted from the social and historical forces which, as we now know, create and condition it in empirical reality of social life. He did this by depicting civil society as the class of the social forces, to be transcended by the putative universality of the state.

The separation between civil society and the state proved fallacious when Karl Marx, basing his refutation on dialectical and historical materialism, argued that the objective arrangements of the state are just so many particular interests parading under the false banner of the general and the universal. Accordingly, every political institution, despite their specious claim to universal generality, only mask the particularistic, tendentious and egoistic interest of civil society.

Marx and Engels maintained that the state is primarily an instrument of oppression. Its most prominent institution is "public forces", comprised of armed men, prisons, intelligence service, the police and the various constitutional appendages of oppression. Its function, therefore, is to ensure peace and public order, so as to permit the class or an alliance of classes in whose powerful interest it was fashioned, to exercise unquestionable hegemonical control over the others.

Having examined the concrete facts bearing on the state's development through the ages, we have been able to draw some tentative conclusions. In the first place, we have seen that the state arises with the appearan-

ces of stratification of society into antagonistic classes. Secondly, the state has, with historical invariability, always expressed the hegemonical will and aspirations of the ruling classes. The nature, scope and stage of class struggle defines, to the minutest details, who enjoys what kind of civil or human rights and even how their (human rights) class-struggle-inspired violations can be legitimized or justified. Every epoch, every generation and every historical situation gives rise to a class and a corresponding state machinery which aspires to assume the role of the subject society's general consciousness. For a time such a class will represent the RES PUBLICA, but after a while, with changes in the distribution of social forces, this claim for universality no longer accords with the interests of society as a whole.

Around the core advantage of the class in whose service the state has been fashioned, cluster claims, liberties, powers and immunities, the unified existence which preclude the same for the oppressed sections of society. By this very token, human rights are rendered relativistic and can only be claimed or denied in strict accordance with the varying degree of human social agency as determined by the dynamics of class-societies.

Class Dictatorship and Human Rights

We have seen from the above that the state bureaucracy represents the practical illusion of the universality of modern political life and that by the same token it degenerates into an "institutional licence for sectorial interests".[9] Rights in general and socio-economic rights in particular usually involve the conception of human society as a productive system. They constitute and reflect the demands and denials about the allocation of what is socially produced. The essence of the above argument is best captured in the illuminating remarks by Alexis de Toqueville in his MEMOIR ON PAUPERISM:

> " There is nothing which, generally speaking, elevates and sustains the human spirit more than the idea of rights. There is something great and virile in the idea of right which removes from any request its suppliant character and places the one who claims it at the same level as the one

> who grants it. But the right of the poor to obtain society's help is unique in that, instead of elevating the heart of the man who exercises it, it lowers him.[10]

Outside the framework of positive law, with its legal and paralegal instruments which by nature, should come to the general citizenry not in muted parcels but in bold chiaroscuros, what individual rights should there be other that those that are devoid of positive recognition? The twilight character of human right ideology is far from being a fortuity. Beclouded by innumerable meta-juridical politics and factors which convert its jurisprudential character into juridical politics and consequently cut it free from its moorings in legal positivism, human rights is "a ship adrift on the sea of political rhetoric at the mercy of this or that ideological ."[11]

The legal terrain from which it comes, is itself a tendentious instrument under the monopoly of the ruling social interests.

In the name of the "Preservation of Public Security" the state, on behalf of the ruling classes abridge, at will and to every extent, all the political as well as civil rights of those whose social interests are at variance t\with the official state of affairs. The right to peaceful demonstration is, for instance, almost all over Africa, granted (if at all) not on the basis of positive legal provisions, but rather on condition that it does not, in any way appear to offend the political-economic interests of the ruling elements. Even though, the post-colonial constitutional provisions bestow upon every individual the right to travel, the majority of African states still reserve the right of asserting positive authority to control the citizens' movements. This is done by considering the provisions of travelling documents a privilege and not a right of citizens. Like a victorian duenna, the state, dictating on behalf of the ruling forces in society, does not only suppress things, it forestalls them: it knows, in advance, what is bad for the children and will not admit in the nursery of national life anything that might offend the political sensibilities of the ruling classes.

The clash between personal liberties and the putative requirements of national security constitutes a challenge of and reaction to the class dictatorship of the ruling interests; occasioning the severe trenching upon

the civil liberties and rights of those who bear the stigma of revolutionary politics. These rights are always not surrendered willingly on the alter of national security. In the majority of the cases, those to whom our people have entrusted the power to govern, infringe upon the rights with the overt mission of maintaining the prevailing authority and the corresponding social one-up-manship.

The social scheme that produces civil society cannot perpetuate itself if it does not try to "harmonize" the antagonistic interests of which it is made up. This minimum of harmony and cohesion, however, cannot be achieved except by trenching upon the right of those whose social interests are seen to antagonize prevailing interests of the ruling classes. The coercive characteristics of the over-developed state in post-colonial Africa are far from acquiring the subtle features, just as the classes it represents are still trying to profile themselves as self-confident classes-in-themselves. Most of the institutional instruments of the state's coercive authority are personalized beyond the parameters of the social schemes. The heads of states are personalized laws in themselves. And since their personal involvement in the social schemes transcended the positively given laws of the land, the urge to preserve the prevailing systems impels them to hypostatize the state and its crude instruments of coercion as a supra-human domain, situated above and even opposed to the rights of individuals. In most cases, the ambiguity of the heads of state's position as both Head of State and Head of Government is exploited by the ruling interests in such a way as to represent all opposition to the government as disloyalty to the state. Colin Leys illustrated this in the example of a district officer at Maseno, near Kisumu in 1972, who had the following to say with regard to the freedom of worship:

> "Freedom of worship is guaranteed within the constitution, but this could be curtailed at any time when the government deemed it necessary."[12]

Behind such a statement larks the functionalist theory of bureaucratic rule, the principle objective orientation of which is the execution of pragmatic measures in order to sustain the favourable features of the status quo. Of extremely less importance, for such a functional dictatorship, is the shaping of political decisions necessary for the formulation and deployment of institutional instruments duly informed by popular

governance policies; hence the recent proliferation of 'Massnahmestaten',[13] i.e. states or governments in which ordinances and administrative measures readily supplant the regulative legislative procedures. The interim result: even the legal-positivistically protected rights lose their immunity to the extra-legal 'Massnahmen'. The end result: blatant violation of human rights.

However, the personalities of the political leadership is in addition undoubtedly a decisive factor in the maintenance of the functional character of the dictatorship. If such human-rights-violating leaders, in whom all power is vested, concede more validity to autocratic, military considerations or if they chose to show no appreciation of broad democratic constitutional procedures, it is to be expected that when their civil leaderships are challenged, they will usually abolish those rules which derive their legitimacy from the constitution; particularly when these appear bothersome to them. This has been, with metronomic regularity, repeatedly demonstrated in African countries where the joint interests of the military and the bureaucracy is devoid of constitutional morality.

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13. Daily Nation, 15 jạn. 1972

Résumé

Il est fréquemment suggéré que la développement démocratique en Europe est en effet une développement nécessaire et forme le but universelle de tous les pays. L'article montre que cette idée n'est pas du tout justifiée du point de vue historique. Après une exposée brève des circonstances qui ont conduit à la formation des théories politiques du 17ième siècle (des luttes réligieuses, l'enforcement du pouvoir royale, et la manque d'une ordre légitime), quatre formes de pensée politique sont analysées, notamment la théorie du droit divin, du convenant, de la loi naturelle selon l'Ecole de Salamanca et enfin la théorie du contrat social. En analysant les avantages et problèmes des solutions théoretiques particulières, il est démontré que le succès de la théorie du contrat social doit être attribué aux circonstances specifiques et contingentes (notamment le pluralisme idéologique). A mesure que cette circonstance se présente aujourd'hui aux pays du tiers-monde, on pourrait analyser les avantages de cette théorie, ce qui n'implique pas qu'il faudrait imiter tous les méchanismes démocratiques, développés en Europe afin d'implementer les principes du contrat social.

THE EUROPEAN EXAMPLE
A CONTINGENT PATH TOWARDS DEMOCRACY

Pauline Westerman

I.

When Elspeth Huxley described her travels in West-Africa during the first half of the fifties, she ventured her doubts about the decolonization to come in a manner characteristic of the period:

> "The instinct to revere authority, and the sacred element in chieftainship lies deep in the [African] heart, and I doubt if any amount of imported democracy will obliterate it."[1]

As we now know more about the fate of 'imported democracy' and its decline (in most countries) into one-party systems, bureaucratic corruption or tribal supremacy, it is all too easy to give the keen observations of Mrs.Huxley their due and to acknowledge their truth. Yet, her vocabulary is no longer viable. African hearts and instincts are no longer conceived as elements of a valid explanation. Western commentators, confronted with the question why democracy in the western sense of the word doesn't work in African states, have to seek elsewhere for an enlightening answer.

The usual answer is that it is all a matter of development. It is argued that since it took Europe at least three centuries to develop democratic institutions, one can hardly expect Africans to accomplish all in little more than a decade. Where political institutions are concerned it is impossible to take a short cut.

At first sight this type of answer is less racist than the 'hearts and instincts' alternative. Yet, its underlying suppositions do not radically differ from those of Huxley's compassionate account of the African heart. The prevailing assumption is that 'democracy' is like an organism, capable of growth. The talk about the 'roots' of liberalism, its 'matureness' and its 'growth' all betray that democracy is conceived of as a tree, which

needs fertile ground and daily a splash of water in order to grow. The skeptics assert that both fertile ground and water are absent on African soil, and will always be; the nicer kind of commentators cling to the view that these requisites can be found everywhere, and that democracy is the automatic and necessary result of the daily watering of the little plant.

It is in this latter, nicer answer that one runs up against the exact duplicate of the old 'African heart'-theory. It is not the soul of Africans but their political institutions which are a little backward in the welthistorischer time-table.

The view that democracy is the ultimate goal to be achieved has rightly been attacked by a number of African thinkers as well as Western commentators and their criticism has resulted in a debate concerning the question to what extent an independent and autonomous development can be achieved in an IMF-dominated world. It is not my objective here to intervene in the debate as to whether an own path for Africa is possible or desirable. Rather I would like to investigate the claim that as far as **Western Europe** is concerned, the development of democratic institutions was a necessary one, and could not have been otherwise. I will argue that this is not the case; the formulation of the principles, which gave rise to the modern liberal state can be understood more adequately as the outcome of a number of contingencies. In the next section I will roughly sketch some important historical events in the 16th and 17th century in Western Europe, which led to the formulation of different political theories (section II); these theories will be shortly summarized in section III, IV, and V, after which I will try to answer the question why the liberal answer can only post hoc be regarded as the most successful solution for the specific problems of that period, but not as a necessary outcome (section VI).

II.

The most passionate debates in Europe concerning the true end and nature of political society can be found in the period from the late 16th till the beginning of the 18th century. In this respect the 17th century is not only the most 'rational' and 'orderly' of all ages in Europe, but certainly

also the most political. To have an opinion about these vital questions was required of any ordinary student in law. Theses and dissertations about such questions as 'which is the best form of government' or 'the advantages of monarchy' were abundant.

The question arises how this sudden upswing of political thought can be accounted for. In order to understand how political theory, hitherto an academic topic, suddenly turned into a hotly debated public issue, it is worthwhile to keep two things in mind: 1) the increased power of the king and 2) the ongoing dissent between the various contesting religious groups in the Western European countries of the time.

Ad 1) During the early Middle Ages the power of kings and princes usually didn't surpass the realm of their own private dominions. Compared with the other nobles, the king's privileges stretched no further than his power (and above all the duty) to administer justice and to maintain law, such as it is. In order to fulfill the role of the 'fountain of justice',the king couldn't act on his own accord: in important matters he had to invoke the judgement and help ('consilium et auxilium') of the nobles. Whenever he chose to engage in war, the king could only rely upon the rather limited means which his own private dominions provided.

Things changed at the time of the crusades. These enormous enterprises couldn't possibly be organized by one single king and financed by only his private income. The battle for a Holy Jerusalem was therefore proclaimed as an affair of public interest, to which the nobles had to contribute their share. More and more, the king acquired a public role. When he fought a battle, he proclaimed it was not merely for the sake of his private interest, but of public importance. As a consequence the bureaucratic apparatus, created in order to collect taxes, increased.[2]

As financial and legal specialists in the service of the king started to meddle more and more with the private domains of the nobles, the latter tried to reduce the position of the king to its former status. In some countries the nobles succeeded: in England the king was forced to sign the Magna Carta (1215) in which cities, church and nobles were granted their former rights. In Russia however the prince succeeded in his endeavour to proclaim large territories as his own dominion, thereby reducing the nobles to little more than vassals, who were obliged to serve in

the king's army. The institution of parliaments, rikstage and cortés was not meant as a revolutionary act: the main objective was to **restore** the former situation in which the king was primus inter pares. This is adequately expressed in the oath of the Aragones to their king:

> "We, who are worth as much as you, make you our king and lord provided that you guard for us our fueros and liberties, and if not, not."[3]

The limitation of royal power by treaties, promises and parliaments was not only disadvantageous to the king: the very fact that nobles were entitled to oppose the royal court as soon as they felt the need to do so, served at the same time as **legitimation** for royal power. It was wise to obey the king as long as he ruled by tacit consent of nobles, church and cities.

Yet, in spite of the advantages for both parties, the accumulation of power into royal hands could not be called to a halt. In the 16th century the kings of western Europe were offered great opportunities to enlarge their influence: the Reformation and the discovery of America. In England and Sweden the kings proclaimed themselves head of the church, thereby providing themselves with extensive funds; in Spain the king could rely upon vast richesses, drawn from the colonies in Latin America. This financial independence meant that from now on the king could act on his own behalf: consent of parliament was no longer needed.

Of course, this development affected the role of the king as maintainer of justice as well. In the political theory of Bodin the sovereign no longer serves as **preserver** of the law but as its **creator.** The place for the newly styled monarch was **above** the law.

Although European monarchs had now reached the pinnacle of their power, they soon felt its drawbacks. Royal authority could no longer be defended in the traditional manner: when people chose to obey king's orders, they did so out of fear; not respect. Especially Spain and England had to cope with numerous uprisings of lords and cities. And although the king had the financial means to strike them down, this proved to be a rather expensive way of ruling.

Ad 2) The increasing royal power and the ensuing loss of legitimation were accompanied by an ongoing religious strife. Especially in the 16th century Europe was severely damaged by religious wars. Chaos reigned, economical as well as ideological. Devastated roads, resistance of religious minorities and international disorder impeded commerce, which led to impoverishment. The need to oppress religious groups, such as the Huguenots in France, drew on the king's financial means even further, and aggravated the loss of legitimation.

One has to keep this situation in mind in order to understand the political theories, which were designed in the 17th century. Unsurprisingly these theories are marked by an overriding concern for **order**. Order, not 'democracy', was needed in order to re-establish commerce. At the same time experience learnt that order could not be firmly established by means of weapons and armies. Not power, but only authority could achieve permanent order. As kings had enough power, but insufficient authority, the leading question of the day was how to endow royal power with such authority, that it could be acknowledged by all. The concern of the 17th century is best captured by Michel de l'Hopital, the chancellor of the French king who, a century before and in the turmoil of the Huguenot-wars, had remarked: "The issue is not which of all religions is the true one, but how one can live together".[4]

III.

All theories, developed in the 16th and 17th century in order to meet with the pressing questions of the period, are marked by their search for 'higher' principles to which even the sovereign is subjected. Since royal power was no longer effectively checked from 'below', by the nobles and cities, the legitimation had to come from 'above'. Used as we now are to all kinds of legitimations from so-called 'higher' principles, we tend to forget that the idea of a higher order is in fact an unusual one, certainly in comparison with political ideas in other cultures.[5]

The idea that actual political power had to be supported by a higher transcending moral order is typical for Western Europe and cannot be seen apart from the specific influence of the Roman catholic church. When the conflict between pope and secular powers was at its height

(1057-1133), the church tried to gain supremacy by a division of labor: whereas in former times both pope and king were conceived as servants of God, now the church saw it as exclusively her task to define the moral standards to be achieved and to take care of the spiritual life, while the business of worldly politicians was reduced to a purely technical one. The result was a conceptual division between on the one hand morality as a set of higher aims, defined by the church, and on the other hand politics as the domain of technical means. This development is reflected in the arts: whereas in former times Christ was depicted as king, the mourning Maria, the Pietá, gradually replaced him as the dominant symbol of spiritual piety.
Ideas lead a longer life than their bearers: even when the power and influence of the church declined, the idea of a higher moral order to which sovereigns are subjected, persisted.

A global look at the wide variety of political theories which were developed in order to create a higher moral order that could serve as legitimation for royal power, shows that in general they can be distinguished in those who try to restore the old order, and those who take at heart the warning words of Michael de l'Hopital. The following sketch of four theoretical mainstreams is of course not meant as a catalogue of political thought. My main intention is to give a rough idea of the variety of answers and to show that the liberal answer was not at all a necessary reaction, let alone an automatic result of an ongoing process of liberalization.

The first theory, which tried to restore the old order, is the well-known theory of the droit divin, the idea that kings rule by divine consent. The idea was not exactly new. In the early Middle-Ages, the king had been conceived as a sacred figure, a civil servant of God. As I have shown above, the sovereign had gradually lost his halo, and had acquired a worldly and more technical role. The defenders of the droit divin attributed the loss of legitimate authority to this process of secularization and they thought that by restoring the idea of a sacred mission, the monarch would regain his authority.
The sovereign had to take up once again the role of pater familias, the shepherd who cared for his subjects.[6]

Undesirable as the theory now may sound to modern ears, the theorists were in fact not altogether wrong in asserting that the king could regain authority by proclaiming himself as sacred. In a time which was dominated by religious passions, the droit divin was a powerful argument. On the other hand, one may conclude with hindsight that in a way they did miss the point: the figure of the king as father and shepherd didn't match the new and often very complex relations, brought about by overseas-trade and the creation of vast colonies. Finally, the theory of droit divin was not capable of coping with religious strife: in the eyes of a calvinist a catholic king practiced idolatry: God certainly hadn't invested him with His power. The droit divin-theory could not provide for a universally acknowledged basis for legitimation, valid to all religious groups.

A second and more complicated theory which tried to restore the old order and to regain royal authority, referred to the concept of a covenant, such as is central to the Old Testament. Unlike the droit divin, which is a relation only between God and the king, the covenant is a duplex foedus, an agreement between God, the king and the people. In the Old Testament, kings were not only anointed as sign of God's consent; they needed also the general acclamation and consent of the people.

The practical implications of this option are obvious: resistance was allowed against those sovereigns who transgressed the moral order God had ordained, whereas a devout and god-fearing monarch had to be obeyed. This theory of the duplex foedus was particularly en vogue among the Huguenots in France, the Dutch Calvinists in their battle against the Spanish king Philipp II and among the dissenters in Catholic Scotland.

Although Calvinists were generally law-abiding and skeptic towards any rebellion against the state, the Huguenots in France rapidly radicalized after the tremendous massacre of the Huguenots in 1572. The king who had ordered the massacre was certainly not the rex christianissimus he claimed himself to be. The anonymous pamphlet Vindiciae contra tyrannos, which was published two years later, calls for resistance on the basis of the duplex foedus-theory.

As the policy of the French king Henry IV grew milder towards the Huguenots, and Holland was liberated from the Spanish yoke, the theory gradually lost its radical overtones. Only in Scotland radicalism of this type survived and was brought to America when many Scots immigrated.

The American ideal of being God's chosen people might be traced back to this old doctrine.

With hindsight, one can see that the theory of duplex foedus was no more an adequate answer to the urgencies of those days than the droit divin. In the context of 17th century Europe, consisting of a multitude of minorities, which each held a different view of the true and only God, the theory could not provide for a universal standard, acceptable to all. It legitimated resistance; not order.

IV.

The above-mentioned theories make clear that it took a long time to recognize that the old views were no longer capable of providing a solid basis for secular rule. Apparently it was rather difficult to abandon the idea that higher morality was ordained and willed by God.

Ironically enough the first step towards a more universal political theory was taken by Spanish Jesuits and Dominicans.[7] In Spain there were higher interests at stake than only the propagation of the Catholic faith. Spain had become an imperium, and its subjects in Latin-America were of an until then quite unusual type: they were pagans. To them the same applied as to the non-catholic groups in Spain: one could repress any subversive movement, but that remained a costly affair. So, apart from the huge massacres among the native people in the new colonies, there were efforts as well to convince the natives of the legitimate authority of the Spanish king.

It is clear that this task could not be conducted in the familiar style, by referring to the Bible as the basis for sound judgement. Instead, the starting-point for the new theory was found in the old tradition of natural law, which by means of Augustine and Aquinas, had become part of the Catholic doctrine.

The inherent problem of both the droit divin and the duplex foedus had been, that these theories presupposed a certain **decision** on the part of God. It was God who decided to anoint a certain king or to make a covenant. The difficulty was that one could disagree about exactly **which** decision God had taken.

The Spanish theory of natural law avoided this difficulty by claiming

that God had decided only one thing: the manner in which mankind was created. The only true and important divine decision was to endow mankind with reason. By means of his rational faculties, every man could discover the fundamental laws of morality, even if he was unacquainted with the laws of Moses. Pagans, Catholics and Quakers alike had equally access to the higher laws of morality, which served as a legitimation for the existing laws. Like the scientific laws of nature these moral laws of nature were eternal and invariable. Even God could not change them: by such act He would render superfluous his own creation of human rationality and it was generally supposed that God could not will such a thing.

In a sense, the Spanish Jesuits limited God's freedom. But he didn't disappear from the scene. For what is a law when it is not accompanied by rewards and punishments? The task to **sanction** the transgressors of the laws of nature remained in God's hands.

It hardly needs explanation that the new theory had tremendous advantages. For the first time the argument for a higher moral order was independent of a specific image of God: to believe that there was a Creator was enough. This is probably the reason why the Spanish theory of natural law was rapidly disseminated, even in Protestant quarters,[8] and one might wonder if the theory of e.g. John Locke could have been designed without the deep influence of the School of Salamanca.

Yet, there are three difficulties. The first is its implausibility. In a time of violent religious and social conflicts it was rather hard to believe in the invariably rational and social nature of men. How could it be explained that so many people could have knowledge of natural law, whereas only a few actually followed it?

The second difficulty concerns the obligatory character of natural law: this remained wholly dependent upon the idea of a punishing God. Finally the theory provided no guarantee against corruption and abuse of power here and now. The transgressors of natural law would be punished in the after-life. In this respect the Spanish theory of natural law formed the exact counter-part of the duplex foedus. Whereas the latter had legitimated resistance, but not order, the Spanish theory legitimated order, but not resistance. However, in order to arrive at a legitimate order, both elements were needed.

V.

The fourth theoretical mainstream, to be discerned, contract-theory, meets exactly the three above-mentioned difficulties. Like the droit divin, the duplex foedus and Spanish natural law theory, contract-theory consists of course in different versions. I will only sketch its global characteristics.

One of the problems of Spanish natural law was its optimism concerning the rational and social nature of human beings. As is well-known Thomas Hobbes put a definite end to this illusion. The human condition and the permanent urge for self-preservation inherent in human nature were depicted in the darkest colors. And although his successors tried to cling to the sunny ideal of rational and social man, Hobbes' theory couldn't be ignored. Baruch de Spinoza and John Locke incorporated Hobbes' view into their own theories and claimed the urge for self-preservation to be the most fundamental law of nature. Needless to say that this type of 'natural law' is quite different from the elegant and objective type of natural law, as developed by the Spanish Jesuits.

Hobbes however not only had shown that people, living in the state of nature, actually acted from self-preservation: he had also asserted that people had the **natural right** to preserve themselves. As soon as mankind decided to enter into the body politic, these natural rights were transferred to the government.

Spinoza,[9] who took over the concept of self-preservation, asserted that the urge for self-preservation shouldn't be regarded as something 'evil' or 'selfish', but as the natural right with which God had endowed every living being. The urge for self-preservation is an expression of the divine right.

But since this natural right was given by God, Spinoza could not allow it to be forfeited by mankind at the institution of a body politic. He argued that these God-given rights were unalienable: they could only **temporarily** be invested in the state. The state, instituted in order to protect these natural rights, had to be resisted as soon as it acted contrary to its purpose.

By claiming human rights to be unalienable, Spinoza solved the second problem, which had been inherent in the Spanish version of natural law:

the idea that rewards and punishments ought to be distributed by God. This can clearly be seen in the theory of Locke.[10] Like Spinoza Locke argued that mankind had the natural right to preserve itself. And he added, that this **implied** that every man had the right to punish those who violated these rights. Therefore people had the right to reclaim their natural rights as soon as the government acted contrary to the interests of the subjects. The sanctions of natural law are no longer in God's hands, but have become a human affair. The objective laws and truths of the Spanish theory are replaced by subjective rights.[11]

In this sense contract-theory solves both the problems of the duplex foedus and the difficulties pertaining to the Spanish version of natural law. The problem of duplex foedus had been its dependence on an arbitrary decision of God: anybody could claim that it was not 'his' God, by whom the king was elected. The theory sanctioned resistance, but could not achieve a legitimate order. Contract-theory avoided this arbitrariness by pointing at the **universal** characteristics of mankind. Like the Spanish theory, it asserted that there was only one divine decision: to create mankind such as it is. On the other hand contract-theory succeeded in avoiding the pitfall of Spanish theory (that it could only account for order), by referring to the duplex foedus theory. The latter is being changed thoroughly: in contract-theory the duplex foedus is replaced by a "simplex" foedus: there are now not three but only two parties involved: king and people. In contract-theory God still figures on the scene, but in idleness. He has lost his place in politics.

VI.

The theoretical and practical advantages of these different theories can only be discerned by hindsight. To a 17th century philosopher the terrain was not so neatly arranged. He didn't perceive the pitfalls of the several theories and since he couldn't foretell the future he didn't know which solution was to be the most successful one. That contract-theory provided for a rational solution to the problems of a world which was divided by ideological conflicts, can only be asserted post hoc. Neither were these theories as distinct from each other as is suggested in the outline above: most political theories contained elements of several of the above-men-

tioned mainstreams. Finally, the rationality we can now discern was certainly not intended. Had Locke been told that the outcome of his theories would consist in the entire removal of God from the political scene, he would have been severely shocked, for Locke was a very pious man.

From the viewpoint of a 20th century observer it is easy to reconstruct the historical process as a rational one and it is therefore tempting to suppose that the outcome was also necessary. That this supposition can not be sustained, might be clear from the foregoing analysis. The combination of a) the position of the king, b) religious strife c) the exploration of new colonies, d) the presence of a natural law tradition, handed over by Aquinas, and e) the need for centralized power, is no more than a contingent set of events, which happened to occur simultaneously. It could have been otherwise.

A defense of democracy on the basis of the argument from necessity is historically speaking unjustified. Apart from that, such a defense obscures the advantages of democracy. The idea of unalienable rights, inherent in any man, be he black, white, catholic or quaker, was designed for a pluralistic world. In Western Europe it proved to be the only way to achieve a legitimate order. And centralized power, so the 17th century kings found out, could in the long run only survive when it was considered legitimate. One might argue that the democratic solution ought at least be considered in all those parts of the world which feel the need for order and have to cope with a multitude of different social groups and ideologies.

To consider however the option of a form of contract-theory does not imply that the theory ought to be implemented in exactly the same way as in Europe during the 18th and 19th century. Issues as a division of powers, the institution of a representative parliament and the like have been designed in order to implement the principles of contract-theory, but are no more 'necessary' than contract-theory itself. Principles as well as implementations ought to be developed in view of the particular exigencies of the time.

Notes:

1. Huxley, Elspeth. Four guineas; a journey through West Africa, (London, 1954)

2. See Shennan,J.H. (1974), The Origins of the Modern European State 1450-1725, London.

3. Gresley, R.E. (1968) If not, not. The oath of the Aragonese and the Legendary Laws of Sorbrarbe, Princeton.

4. Cited in Böckenförde, E.W. (1967) "Die Entstehung des Staates als Vorgang der Säkularisation." in: Säkularisation und Utopie, Ebracher Studien, Ernst Forsthoff zum 65. Geburtstag, Stuttgart.

5. Eisenstadt, S.N. (1973) Tradition, Change and Modernity. New York.

6. See for this paternalistic version of the droit divin, Sir Robert Filmer (1680) Patriarcha in: Patriarcha and Other Political Works of Sir Robert Filmer, ed. P.Laslett, Oxford, 1949.

7. To the so-called 'School of Salamanca' belong Victoria, Molina and Suárez. The clearest expression of this tradition can be found in: Suárez, Francisco (1612) De Legibus, ac Deo Legislatore ed. G.A.Williams et al. Oxford, 1944.

8. In the work of Johannes Althusius one can find a version of Spanish natural law theory together with the old protestant theory of covenant. See Althusius, J. (1614) Politica methodice digesta, atque exemplis sacris et profanis illustrata, transl. by Frederick S. Carney, London, 1964.

9. Spinoza, B.de (1677) Tractatus Politicus in: The Political Works, ed. by A.G.Wernham, Oxford, 1958.

10. Elsewhere I have argued that Locke was deeply influenced by Spinoza, rather than by Hobbes, as is generally assumed.

11. Locke, J. (1690) Two Treatises of government ed. by P. Laslett, Cambridge, 1970.

Résumé

Cet article étudie les différentes manières dont le philosophe John Dewey et le sociologue Robert Merton voient un rapport étroit entre la démocratie et la science.

Selon Dewey la science et la démocratie ont les mêmes idéaux et font partie d'une même "way of life".

Merton envisage un rapport plus empirique: les valeurs qui, en fait, dirigent la pratique scientifique, dirigent également la pratique démocratique.

Il est remarquable qu'au cours de l'évolution le rôle de la conception de la démocratie a profondément changé dans la sociologie américaine. Si la conception de la démocratie dans les publications de la première période de Merton était une expression d'un repérage politique de la sociologie vis-à-vis les dangers du totalitarisme et du fascisme et pour la démocratie, la conception de la démocratie pendant les années 1950-1960, a obtenu le rôle de justifier la neutralité politique et la "value-freedom".

DEWEY AND MERTON ON SCIENCE AND DEMOCRACY

Sjaak Koenis

Part of the common stock of ideas of most American sociologists and scientists is the faith that science and democracy are on the same side. Already Tocqueville commented on the fact that in the United States science and democracy are perceived as bound up in a single cultural mode and it won't be easy to find American sociologists seriously rejecting democracy, while at the same time proclaiming their support for (social) science (the other way around, politicians of democratic persuasion rejecting science, is less uncommon though).

Although science and democracy have usually been considered as allies, the nature of this alliance has not always been clearly defined. In this paper I will discuss two distinct conceptions of the relation between science and democracy. One of these - fairly popular in the period between the world wars, the 'Progressive Era' - can be found in the works of the philosopher John Dewey. The sociologist Robert Merton I take as one of the first representatives of a different conception of the relation under discussion. His early pioneering articles on the sociology of science invoked a major shift in the discourse on science and democracy. I will analyze the steps that were involved in this shift, focussing in particular on the conceptual changes that took place.

For Dewey democracy is not in the first place a set of institutions and formal procedures, no more than science was for him primarily an set of methodological rules and institutional arrangements. Even though 'the scientific method' was one of his favorite subjects, Dewey did not primarily think of formal decision procedures that would guarantee the progress of science. Democracy and science are two aspects of one and the same 'way of life':

> Democracy as compared with other ways of life is the sole way of living which believes wholeheartedly in the process

> of experience as end and as means; as that which is capable of generating the science which is the sole dependable authority for the direction of further experience (..).(cited in (1),p.261)

In other words: no science without democracy. But the reverse did also hold: no democracy without science. Dewey saw it as one of the most important tasks of social science, its 'raison d'etre' so to speak, to supply the community with common 'definitions of the situation'. Only in this way the community would be able to solve its problems and to secure public action. That could only work out on the condition that social science would focus its attention on the general public, without sacrificing science to popularization:

> A genuine social science would manifest its reality in the daily press, while learned books and articles supply and polish tools of inquiry. (2,p.180)

Dewey always stressed the importance of not raising thick walls between science and society. A key-conception in his work is that of 'the public'. And it is this public, for him almost coterminous with 'the democratic public', that played the role of a pivot between science and society. Scientists should direct their efforts towards the public and at the same time this public supplied science with space to breathe.

Merton is a sociologist, not a philosopher. His discussion of the ways in which science and democracy are interrelated is part of a more ambitious project to investigate the character of the reciprocal influences between science and society. In a retrospect written in 1979 he clarifies his perspective:

> No matter how the environing culture and society affects the development of scientific knowledge and, to take the more familiar problem, no matter how scientific knowledge ultimately affects culture and society, these influences are mediated by the changing institutional and organizational structure of science itself. (..),it was therefore essential to enlarge my earlier effort to find a methodical way of thin-

> king about science as institutionalized ethos (its normative aspect) and science as social organization (its pattern of interaction among scientists). Only then, would there be an adequate basis for instituting and investigating new problems of social and cognitive interactions in science. (8,p.22)

This way of tackling the problem did yield considerable sociological profit. Instead of the usual tributes to the 'elective affinities' between science and democracy on the level of ideals, like in Dewey's work, Merton designed a sociological framework to investigate this matter on an empirical level. With his famous article on 'The ethos of science' playing the role of a Kuhnian 'exemplar', Merton's work invoked a flourishing research tradition in the field of the sociology of science.

I will first focus on the role democracy, or to adopt Merton's vocabulary, 'democratic values' played in Merton's early articles. Then I will point out how these views changed in the subsequent development of the sociology of science.

The first version of Merton's article on the ethos of science was titled: A Note on Science and Democracy, published in 1942 (reprinted in (7)). In 1937 he read a paper at the American Sociological Society Conference on 'Science and the social order' (Also reproduced in (7)) , anticipating most of the points he made in his 1942 article. At that time Merton was also working on his dissertation on science and technology in 17th century England and through this project he came across Weber's work on capitalism and the protestant ethos. Weber provided Merton with a model to conceptualize the influence of religious values on institutional arrangements. Whereas in the case of Weber it was the influence of calvinism on the development of capitalism, in Merton's case it was the influence of puritanism on that of science and technology. In both cases no necessary causal connection between the religious values and the institutional arrangements was implied (Note: there was capitalism and science before Luther appeared on the stage), but, to quote Merton in his 1970-preface of his dissertation:

> It (puritanism), rather than conceivable functional alternatives, happened to advance the institutionalization of

science by providing a substantial basis for its legitimacy.-(6,p.xviii)

In his article on the relation between democracy and science, Merton used the same line of argument, democratic values taking the place of puritanism: democratic values now supplying the legitimacy for the institutionalization of science. In 1942 he wrote that there was some evidence for "the provisional assumption that science is afforded opportunity for development in a democratic order which is integrated with the ethos of science" .(7,p.552) That didn't mean that the pursuit of science was confined to democracies, but 'the democratic ethos', as Merton called it, was an important cultural condition for the development of science.

Democratic values were institutionalized in science as a social undertaking in the form of Merton's well known 'cudos values' (communism, universalism, disinterestedness and organized skepticism) and they provided a substantial basis for the legitimacy of science.

In the rather abundant sociological literature on 'the ethos of science' most of Merton's findings have been questioned for good reasons. But here I'm not interested in the sociological question whether science floats on the corks of the 'cudos' values, but in the - I am inclined to say: typically Mertonian - question what were the unintended and unforeseen consequences of Merton's line of argument for the interpretation of the relation between science and democracy.

Two consequences are important here. Merton himself pointed at one of these, namely that influences coming from the social structure as distinct from the normative structure of science were neglected. Political, economical and cultural influences other than those related to the cudos values did not enter into the discussion.

Another effect was that in subsequent discussions of the ethos of science the link with democracy was blurred. In his early articles Merton emphasized the democratic nature of the values that found their institutional expression in the ethos of science ("the ethos of democracy includes universalism as a dominant guiding principle"). In the dominant ideology of most of the postwar social scientists the values that together

constitute the ethos of science were conceived as more or less inherent to the scientific venture.

Both effects amount to the same result: between science and society a kind of one-way-screen is drawn up. Scientists are in a position to gaze at the world around them, but from the outside they remain perhaps not invisible, but certainly completely autonomous and unassailable, sheltered by a normative structure that surrounds them like a protection belt.

This meant, first of all, that the political context, in which Merton wrote his early articles, disappeared out of sight. In those days American intellectuals used to organize anti-fascism meetings to protect both science and democracy from outside threads coming from totalitarian systems, like Nazi-Germany. "On the ideological front", Merton wrote in 1937, "totalitarianism entails a conflict with the traditional assumptions of modern science". (7,p.542) David Hollinger has indicated that we can trace the disappearance of this political context in the subsequent titles of Merton's article on science and democracy: in later reprints the original references to democracy were removed (4).

After the war the protective belt of cudos values obtained a different role. Not that of protecting science and democracy from outside threats coming from totalitarian arbitrariness, but from inside threats coming from critics who did not accept the self-confinement of science as an article of faith. The external relations between science and society were now perceived in terms of neutrality in the fields of politics and ethics, and this was legitimated by the 'cudos values' that, according to Merton, together constitute 'the ethos of science'. These external relations were then internalized by scientists through the notion of value-freedom.

And as far as the relation between science and democracy was concerned: democracy did not any longer play a role in the perception of the relations between the community of scientists on the one hand, and the community at large on the other hand. So, what was lost in the process, that was the Deweyan idea that democracy could only work with an informed public and with a public debate that was constantly supplied with new ideas and new interpretations and that social science had to be one of the suppliers of these ideas and interpretations. Dewey's public as a two-way screen between science and society had, with Merton, made way

for the self-appointed professional as a mediator between science and its clients.

This new perception of the role of the social scientist was not an isolated phenomenon. In what Macpherson has called 'the life and times of liberal democracy', the forties mark the period when a new conception of democracy came to the fore. The image of a 'developmental democracy', propagated by Dewey in the twenties, made way for the notion of a pluralistic equilibrium democracy. Whereas in the first Deweyan image, democracy is a system of popular participation, in this new interpretation, democracy is no longer a device to secure participation of the public, but a device to regulate the institutionalized conflict between competing groups of elites. And this is the point where the new conceptions of science as well as democracy meet: scientific as well as political professionals play a leading role at the expense of the public whose members have become their clients.

To conclude: the common faith that science and democracy are allies obscures the fact that the nature of this alliance has been subject to considerable change. Taking Dewey and Merton as examples, J have tried to outline two quite distinct conceptions of the relation between science and democracy. They have played a paradigmatic role in the debates on the place and role of science in society, and they still do today. To differentiate between these is, I think, important for historical reasons, but also for an understanding of the contemporary debates on the role of science.

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AFTER PHILOSOPHY
A REVIEW

Lansana Keita

After Philosophy -- End or Transformation. Edited by Kenneth Baynes, James Bohman, and Thomas McCarthy.
Cambridge, Massachusetts: The MIT Press, 1987. pp. 488.

Despite ongoing attempts to carve out a particular niche for itself, philosophy in contemporary Africa (as would physics, biology, economics, etc.) cannot afford to ignore intellectual trends elsewhere. Of course, the identity of philosophical research in Africa would ultimately depend on its capacity to interpret the world from a specific vantage point, yet its significance as an aspect of human intellectual effort can be appreciated only in terms of how its own particular interpretations constitute responses to estions of universal scope.

For example, within the context of contemporary European philosophy there are obvious differences between, say, Anglo-American philosophy and French philosophy: both schools of thought are said to represent different styles of doing philosophy. Yet these two approaches to philosophical thinking seek to interpret and elucidate intellectual concerns proper to the human condition: the question of ethical choice, questions on the structure of empirical reality, and general metaphysical questions concerning the limits of the human cognitive enterprise. Thus although philosophy in contemporary Africa may choose to be particularistic in its style of responding to the above concerns it cannot avoid them. The same principle applies to the natural ande social sciences: the African researcher in these areas cannot afford to ignore research trends and findings elswhere, regardless of local research orientations and emphases.

So given that contemporary philosophical inquiry in Africa is still concerned with questions of orientation it should be instructive to comment on similar trends elsewhere. It is for this reason that After Philosophy-- End or Transformation is of particular significance. The editors of this text have put together a set of articles which gives the reader good insights into present trends in European philosophy, both of the Anglo-American analytic tradition and the continental phenomenological approach. Interestingly enough, when one speaks of European philosophy reference is made almost exclusively to the research done by anglo-American, French and German philosophers. No doubt, this research monopoly derives from the long post-Renaissance tradition of the philosophical work done by French, German and British theorists. Yet in this connection, but parenthetically, the reflective student of European thought should wonder why contemporaray Spanish, Italian or Greek philosophical writings do not enjoy the popularity of philosophy written in English, French or German. It is for this reason that readers of After Philosophy would encounter in the same collection the research efforts of Gadamer, Habermas, Apel, Blumberg (German); Derrida, Foucault, Lyotard and Ricoeur (French); and Davidson, Dummett, MacIntyre, Putnam, Rorty and Taylor (Anglo-American) - - all important figures of contemporary European thought.

The editors of the text have conveniently divided it into three sections subtitled (1) The End of Philosophy, (2) The Transformation of Philosophy: Systematic proposals, and (3) The Transformation of Philosophuy: Hermeneutics, Rhetoric, Narrative.

In the first section there are articles by Rorty, Lyotard, Foucault and Derrida. One witnesses in this section a sample of Rorty's neopragmatism which seeks to replace philosophy in the classical sense with its search for absolutes like "the truth" with philosophy as an enterprise limited to the expression of nothing more than the epistemologically convenient. In Rorty's scheme the "uestion of what propositions to do assert, which pictures to look at, what narratives to listen to and comment on and retell, are all questions about what will help us get what we want (or about what we should want)". (p. 61). A similar deflationary approach to philosophical discourse is assumed by Lyotard in his essay "The Postmo-

dern Condition", where in a manner similar to that of Rorty's, philosophy is seen as being unfit for "Metanarrative" or grand metaphysical designs. His explanation of this is that "the progress of science has led to a crisis of metaphysical philosophy and of the university institution that in the past relied on it". The selection on Foucault completes the editors' selections on what they term as "the end of philosophy" discourse. Foucault in his rejection of the post-Enlightement subject chooses to replace philosophy with "genealogy" - - a discipline which would seek to demonstrate the necessary relationship between knowledge and power. Foucault's views on the "end of philosophy" are expressed in interview form with a group of historians. Here he elaborates on the notion that ideas of truth and falsity are historiclly bound up with the ideas of social control and power. The final piece in, perhaps, the most interesting section of this text is the essay "Ends of Man" by Jacques Derrida, the major theorist of the deconstruction school. Derrida's programme for deflating philosophy is to show that in the process of deconstructing philosophical thought the goals of discovering or formulating absolutes are shown to be unattainable. In this piece one also notes Derida's idosyncratic interpretation of Hegel, Husserl, Heidegger and Nietzsche.

The section on the transformation of philosophy also make interesting reading with useful pieces from the Anglo-American tradition: Davidson, Dummett and Putnam; and from contemporary Germany, Apel and Habermas. These authors all attempt to make something out of a post-modern philosophy. Consider Davidson's attempt in 'The Method of Truth in Metaphysics" to anchor philosophy on the concept of truth, with his critique of an epistemological relativism made popular by theorists like Quine and Kuhn. For the old metaphysical questions Davidson seeks novel answers which could prove firm against the critical analyses of the end of philosopher theorists. Similar attempts to reconstruct and ground philosophy are evident from Dummett's "Can Analytic Philosophy be Systematic" and Putnam's "Why Reason Can't be Naturalized".

In the case of Apel one discerns a movement away from the constructive formalism of Davidson et al. to a more pragmatic approach to philosophy. This incipient pragmatism comes to full effect in Habermas' Philosophy as Stand-In and Interpreter". Habermas is a prominent continental philosopher and his approach to philosophy is one which could be of

interest to those who expect more from philosophy than mere theorising. In response to "those who advocate a cut-and-dried division of labor, (and for whom) research traditions representing a blend of philosophy and science have always been particularly offensive", (p. 309) Habermas argues that the historically seminal theories of Durkheim, Weber, Marx and Freud "each inserted a genuinely philosophical idea like a detonator into a particular context of research". (Ibid.) Thus philosophy shorn of its historical usher role since the demise of its maître penseurs, instead of being satisfied with a very reduced role (this is the programme of Rorty et al.) should now assume the role of Platzhalter (place holder) for empirical theories with pretensions to universality. I believe that Habermas has a strong point here given the surreptitious ideologizing that the human sciences and other human interest theories are prone to engage in. It is on these grounds that I want to claim that Habermas' theoretical analyses are of much contemporary significance given his recognition that for thought to be meaningful in the human sense, it should have an evident potential in practice. In this respect Habermas continues the noteworthy tradition of Marx.

The third section of the text contains other attempts at the transformation of philosophy in its essays on Hermeneutics, Rhetorics and Narrative. Note the essays by Gadamer on the methodology of hermeneutics - the neo-paradigm of interpretation. But according to Gadamer, Hermeneutics constitutes a kind of propaedeutic to practical philosophy-given its "theoretical attitude towards the practice of interpretation". While the essays by Ricoeur are in a similar vein, those by MacIntyre, Blumberg and Taylor are respectively about questions of epistemological relativism, metaphor and myth, and the specificity of man, the consciously knowing and sensing subject in the general objective scheme of things.

As a collection of the most current philosophical trends in European thought this text is to be recommended - especially to those interested in comparative philosophical thought. The succint introductory comments on each of the authors should also be noted. However the text's virtues derive from its emphasis on the notion that what is most vital about philosophical thought is when it questions itself as it seeks to break new

ground. And philosophy's questioning of itself in the post-modern world is an intellectual phenomenon of much interest. For the fundamental question is: is the age of philosophy as a vital intellectual activity over, given its historical role in the formulating and maturation of the special sciences? For after all, in the European world research in the natural and social sciences is viewed as being of more pragmatic importance that research in philosophy. In this regard it is natural science that serves the technological base of the West while social science research offers its ideological support. I add too that it is the ideological support offered by the social sciences that afford the relativisticaly optimal usage of technology for European society. Consider, for example, the ideological arguments employed to defend expenditures on armaments, one of the important applications of modern technology.

Perhaps philosophical analysis structured as it is on epistemology would prove to disequilibrating for the reified ideologies of the social sciences -hence the claim that the end of philosophy has arrived. But it is this potential for distinguishing superficial appearances from more genuine states of affairs, for demonstrating the linkages between ideologies, beliefs and sociological structures, that vindicates philosophy. The point is that those who argue for the end of philosophy are themselves making an ideological statement.

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The Philosophy of Alain Locke

Harlem Renaissance and Beyond

Edited by Leonard Harris

This collection of essays by American philosopher Alain Locke (1885–1954) makes readily available for the first time his important writings on cultural pluralism, value relativism, and critical relativism. As a black philosopher early in this century, Locke was a pioneer: having earned both undergraduate and doctoral degrees at Harvard, he was a Rhodes scholar at Oxford, studied at the University of Berlin, and chaired the Philosophy Department at Howard University for almost four decades. He was perhaps best known as a leading figure in the Harlem Renaissance.

Locke's works in philosophy—many previously unpublished—conceptually frame the Harlem Renaissance and New Negro movement and provide an Afro-American critique of pragmatism and value absolutism, and also offer a view of identity, communicative competency, and contextualism. In addition, his major works on the nature of race, race relations, and the role of race-conscious literature are presented to demonstrate the application of his philosophy. Locke's commentaries on the major philosophers of his day, including James, Royce, Santayana, Perry, and Ehrenfels help tell the story of his relationship to his former teachers and his theoretical affinities.

In his substantial Introduction and interpretive concluding chapter, Leonard Harris describes Locke's life, evalu-

ates his role as an American philosopher and theoretician of the Harlem Renaissance, situates him in the pragmatist tradition, and outlines his affinities with modern deconstructionist ideas. A chronology of the philosopher's life and bibliography of his works are also provided. Although much has been written about Alain Locke, this is the first book to focus on his philosophical contributions.

"There is absolutely no doubt that this book is a very useful addition to the corpus of work in Afro-American—indeed, in American—philosophy. Locke's unpublished work on the question of value reveals a good deal about the ways in which American philosophers approached questions of value in the mid-century, before logical positivism had had its major impact on American thought; and his contributions to the issue of cultural pluralism are historically important and still influential." – *Anthony Appiah, Cornell University*

Leonard Harris is Assistant Professor of Philosophy at Morgan State University.

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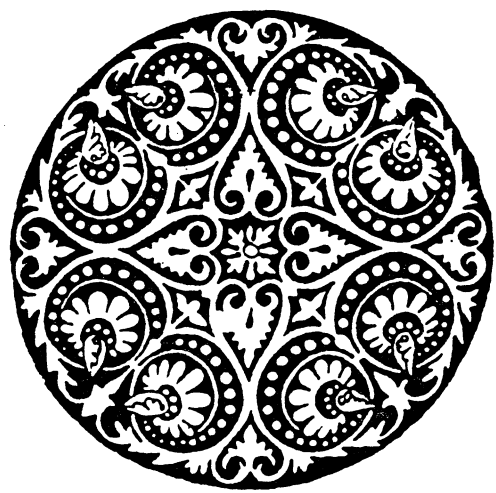

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