Odera Oruka in the Twenty-first Century

Kenyan Philosophical Studies, II

Edited by

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To all those African and Africanist scholars committed to the intellectual, cultural, social, political and economic liberation of our continent

Acknowledgements

Introduction

REGINALD M.J. ODUOR, ORIARE NYARWATH & FRANCIS E.A. OWAKAH

Earlier versions of the papers in this volume were originally presented at the H. Odera Oruka International Symposium held in Nairobi, Kenya, from Tuesday 19th to Thursday 21st November, 2013. The symposium reflected on the immense contribution of Professor H. Odera Oruka (1944-1995) to the growth of contemporary African philosophy, as well as on the way in which he helped to locate African philosophy within the global philosophical discourse. His work in areas such as normative and applied ethics, political philosophy, epistemology, and, most notably, philosophic sagacity, continues to play a pivotal role in the current discourse on African philosophy. He was also one of the founders of *Thought and Practice: A Journal of the Philosophical Association of Kenya*, whose New Series is currently an online, open access, bi-annual peer-reviewed publication found at http://ajol.info/index.php/tp/index , and its December 2012 issue was dedicated to his memory.

The idea behind the Symposium was spawned by Profs. Aloo Osotsi Mojola of St. Paul's University, Limuru, Kenya, and James Ogude of the University of Praetoria, South Africa. They were concerned about the fact that many young academics in Kenya and beyond are unaware of the robust scholarly contribution of the late Professor Oruka. Mr. Eliphas Nyamogo of the Goethe Institute in Nairobi, who was in the company of the two professors, indicated that the Institute would be happy to support such a venture. A Symposium Organising Committee was then formed comprising of Mr. Eliphas Nyamogo, Profs. A.O. Mojola, James Ogude, D.A. Masolo, Drs. Oriare Nyarwath, Francis Owakah and Reginald Oduor. The Committee envisaged a Symposium that was easily accessible to young scholars and members of the public at large. Towards this end, it resolved to identify an easily accessible venue free from the aura of elite academic gatherings in prestigious hotels with prohibitive conference fees. Consequently, it chose the Goethe Institute Nairobi Auditorium. The Committee also resolved to convene the gathering to coincide with UNESCO's World Philosophy Day scheduled annually for the third Thursday of November.

It was a great pleasure to have presentations by scholars based in Kenya, as well as papers by a number of academics based in other countries, namely, Tanzania, Finland, Austria, and the USA (see "About the Contributers"). It was also wonderful to have some members of Professor Oruka's family at the Symposium, and to have one of his sons, Mr. Peter Oruka Odera, present a paper.

One of the highlights of the Symposium was the re-launch of Professor Oruka's *Sage Philosophy: Indigenous Thinkers and the Modern Debate on African Philosophy* originally published by the African Centre for Technology Studies (ACTS) in 1991. It was re-issued by the Philosophical Association of Kenya at the Symposium through a generous grant from the Goethe Institute. During the re-launch, there was a discussion of the book ably guided by three panelists, namely, Professors D.A. Masolo and Gail Presbey and Dr. Oriare Nyarwath.

The papers in this collection have been divided into three broad categories:

1. Life, Works, and Philosophic Orientation.
2. Sage Philosophy.
3. Moral, Social and Political Philosophy.

However, the classification of papers into (2) and (3) above is imprecise because there is no distinct body of knowledge that is exclusive to philosophic sagacity. Instead, the philosophic sages address issues that fall into specific fields of philosophic inquiry such as metaphysics, ethics and political philosophy, so that their thoughts can be categorised accordingly. Indeed, Oruka's own vision was of an African philosophy that inquires into various fields of philosophy by drawing from the insights of the African philosophic sages as well as from non-African philosophic traditions.

One issue of considerable philosophical import that frequently arose in the course of editing this volume was the confusion between the phrases "should be" and "ought to be." While the former is ambivalent, the latter is avowedly prescriptive. Nevertheless, a number of authors frequently use "should be" where they mean "ought to be," even in contexts in which they themselves use the term "normative." It is therefore high time we insisted on keeping the clear distinction between these two phrases firmly in view, and we have

sought, as far as possible, to do this in our editing of the papers in this volume.

Similarly, the important distinction between "prove" on the one hand, and "argue" or "illustrate" on the other, is becoming blurred in our time. While those in the legal profession sometimes loosely use the term "prove" to refer to the act of seeking to convince a judge or jury that their clients' cases are strong, it has been a useful tradition in philosophy to reserve the term "proof" for sound arguments - those whose premises are true, and whose conclusions necessarily follow from those premises. However, most of our philosophical discourses do not present such arguments, so that it is more accurate to say of them that they are "arguing for a position," or "seeking to illustrate the cogency of a position."

Another issue that we had to contend with in the course of editing the papers in this volume was how to refer to Professor H. Odera Oruka in scholarly writing. Some of the authors insist on referring to him as "Odera Oruka," while others are happy to refer to him simply as "Oruka." This divergence of opinion reminds us that the advent of colonialism distorted many aspects of African life, not least the mode of naming. This is an important issue, considering that one way in which we human beings gain control of our environment is through the names that we give to people, places and other things around us. Similarly, we develop our own identities through names given to us, as well as those that we might give to ourselves. Thus the colonialists got greater control over the Africans when they (the Africans) took on European names and modes of naming. Note that the colonialists rarely reciprocated the Africans' receptiveness to their names.

Colleagues teaching in Africa are aware of the confusion around "main names/family names/surnames." There is the additional problem occasioned by the entry of names in data bases, requiring that the main name be given first followed by the first name/s. Sadly, many African authors now use this same format in their everyday lives, so that one often sees names such as "Otieno Gerald" instead of "Gerald Otieno." In the 1970's and 1980's, it was "trendy" for Kenyan students to re-arrange their names thus in the belief that mentioning their African names first conferred more dignity on those names: perhaps it did, but it was also a function of confusing the format of database presentation with everyday formats.

Furthermore, the discussion on how to refer to H. Odera Oruka in scholarly writing often revolves around the idea of a surname, with some asserting that he had a two-name surname ("Odera Oruka,") while others are emphatic that his surname was "Oruka." Yet the very idea of a surname is foreign to many, if not all, African cultures, and certainly alien to his Luo culture. In an indigenous Luo setting, he would have been "Odera wuod Oruka" ("Odera son of Oruka"), abbreviated as "Odera k'Oruka" (literally "Odera of Oruka"). Thus in an indigenous Luo setting, his name is simply "Odera," and *neither* "Odera Oruka," *nor* "Oruka," because Oruka was his father's name, *not* his own.

The Luo give names in accordance with the time of day or the season in which a child is born, memorable events that occur around the time a child is born, or in honour of a departed kin. They sometimes also give an individual further names in the course of his or her life. Thus the late popular Kenyan Luo Musician, Ochieng' Kabaselleh, in his "*Apuoyo Obago Miel* (The Hare has Called a Dance Party")"), highlighted two of the criteria by which his community chooses additional names for its members in the course of their lives when he sang: "*Wan jokochung' tir: wanyaloga miyo ng'ato nying kaluwore kod timne kata gichuech mamare* (We are steadfast people: we can give someone a name in accordance with his/her behaviour or physical appearance.)" While Westerners may be tempted to regard names acquired this way as "nicknames," some of them actually assume a formal status and are passed on to members of subsequent generations, *not* as surnames, but in honour of specific departed members of the family. Whatever the criteria used, in Luo thought a name is meant to serve much more than the function of a label. Yet this is lost when a Luo receives a foreign name such as McDonald or McGregory, or adopts the idea of a surname.

With the advent of British colonialism, indigenous Africans in the so-called Anglophone Africa adopted the British system, with its heavily feudalistic flavor, and that is when it was assumed that a person's Father's name was his/her surname. This practice has come with a number of challenges. For example, in Kenya today, a man often uses his father's name throughout school and college; but let him get married, and he suddenly takes up his own name which most of his peers and acquaintances had never heard of simply because his wife will under no circumstances accept her father-in-law's name as

her "surname!" It would therefore be expedient to encourage such men to decide early which name to use to save us unnecessary confusion, as it often sounds as though one man, known by a certain name throughout school, college and early career life , is living with another man's wife!

The issue of surnames in Africa brings to mind Kihumbu Thairu's *The African Civilization* (Nairobi: Kenya Literature Bureau, 1975). In a section titled "Breeding Codes, Pedigrees and Social Stratification," he wrote:

> For people with a feudal mentality like the British, a surname system is very important. From the surname you can trace the pedigree or breeding of a person the way you trace the breeding purity of a champion bull or a champion dog. If you are a Briton bearing the surname of Churchill, for example, all other people will know that you are no commoner, while if your surname is Jones or Smith you might as well be called Grassroots because all know that you are as common as grass. People of European extraction found our naming system complicated and therefore called it *primitive*. They preferred to impose on us their feudal breeding codes which they call family names or surnames (Thairu 1975, 170).

Thairu is emphatic that surnames are antithetical to the creation of egalitarian societies, and concludes:

> As in education and housing we should…avoid creating in Africa a separate class of Africans to replace the colonialists. We should encourage the dignity of all people and the providing of equal opportunities for Each generation to prove itself or fail without the handicap or the unfair advantage inherited from the foregoing generation in the shape of a label, a family name (Thairu 1975, 171).

In the light of the foregoing considerations, we resolved to give authors latitude to use whichever address they preferred in the course of their writing ("Odera Oruka" or "Oruka,") but, in view of the need for consistency in the format of citations throughout the volume, to

use "Oruka" as his main name in the bracketed intext references and in the list of references at the end of each paper.

Finally, there is the question of how to treat Oruka's views. As with other influential philosophers, there are those who handle his work with an inappropriate reverence that suggests that we ought not to question his ideas. Nevertheless, Oruka was a philosopher, *not* the leader of a personality cult. As such, the only way to keep his legacy alive is to engage frequently in a thoroughgoing interrogation of his positions in the light of the philosophical trends and socio-political realities that he confronted, as well as the new and old ones that we encounter. As we do this, we must endeavour to avoid the three main ways of mishandling text - mis-quotation, mis-interpretation, and mis-application. We hope that this volume will contribute towards the attainment of this noble goal.

Part I
Life, Works and Philosophical Orientation

Henry Odera Oruka: A Bio-bibliography

HUDSON AHMED LIYAI, ORIARE NYARWATH & FRANCIS E.A. OWAKAH

Introduction

Our aim in this contribution is to present the life and works of Professor Henry Odera Oruka (1944-1995). This bio-bibliography is divided into two main parts: Part I carries Oruka's biographical sketch, while Part II contains a bibliography of his own works, critiques of his works by other scholars, and bio-bibliographical sources. Efforts have been made to provide full bibliographic details.

The Bibliography is further divided into six sections according to the form of the works rather than according to their content. Section 1 lists books and monographs, singly or co-authored, as well as edited volumes. Section 2 lists chapters and contributions in publications, including introductions, forewords and short commentaries. In-depth indexing is availed for collected and edited volumes to document contributions that could easily be lost under the general titles of the volumes. Section 3 carries published articles, including review articles, editorials, commentaries and rejoinders. Section 4 contains Oruka's unpublished theses, an unpublished report and an unpublished poem. The theses were later developed into publications. Section 5 contains critiques of Oruka's works. These include major critiques, as well as commentaries and reviews of his publications. Finally, section 6 has bio-bibliographical sources on Odera Oruka. Under each heading, the works are listed in alphabetical order by the main entry, that is, author or title.

Odera Oruka's publications and those of his critics are scattered in diverse outlets. Besides English, a number of his publications have been translated and published in several languages. This contribution can therefore hardly claim to be complete. Moreover, as Oruka's ideas continue to stimulate further intellectual exchange, the body of literature will continue to grow. Indeed, the continuing appearance of published proceedings of Oruka's memorial symposia and *festschrifts* attests to this observation.

Finally, a bio-bibliography can never be comprehensive without the compilers' access to the subject's personal documents, including unpublished manuscripts and other research and academic paraphernalia. However, we reserve documenting those for another occasion. Nevertheless, it is our hope that this contribution will serve as a guide to the wide range and depth of scholarly output that Odera Oruka fostered during his illustrious academic career. It should be useful to scholars in their ongoing intellectual exchange on Odera Oruka's ideas.

I. Biographical Sketch

Henry Odera Oruka was born on 1st June, 1944 in Ugenya, in the Western part of Kenya. After attending a local primary school, he proceeded to St. Mary's School, Yala, and thereafter joined Kenyatta High School, now Kenyatta University, for his 'O' and 'A' level studies respectively.

After high school, Oruka went to Uppsala University in Sweden, where he registered for a Bachelor of Science (B.Sc.) programme in the Faculty of Mathematics and Natural Science. He studied Meteorology, Geography and Geodesy, but on his own initiative and interest, added Philosophy as an optional course. He graduated in Science and Philosophy one year well ahead of his class, at which point he elected to drop science and continue with philosophy, a choice that cost him his scholarship (Oruka 1997, 281).

From Sweden, Oruka accompanied his professor of philosophy, Ingemar Hedenius, to Wayne State University in the U.S.A., where he enrolled for his Master of Arts (M.A.) degree. In 1969, Professor Hedenius, who had influenced Oruka's shift to philosophy, supervised his M.A. Dissertation on the concept of punishment (Oruka 1997, 171). The work was later refined and published under the title *Punishment and Terrorism in Africa* (1976).

After completing his Master of Arts degree in a year at Wayne State University, Oruka went back to Uppsala University, where he got admission for his Doctor of Philosophy (Ph.D.) degree in philosophy. He graduated with the Ph.D. in 1970. His doctoral thesis was on the concept of freedom. This has since been developed and published as *The Philosophy of Liberty: An Essay on Political Philosophy* (1991).

In October 1970, Oruka joined the Department of Philosophy and Religious Studies at the University of Nairobi, where he taught until his death on 9th December 1995. He was promoted to the position of Senior Lecturer in 1974, Associate Professor in 1980, and finally to Full Professor in 1987. As a scholar of international repute, he taught in many universities around the world as a visiting scholar, among them the University of Ibadan, Nigeria (1976-1977) and Haverford College, Philadelphia, U.S.A. (1983-1984).

When the Department of Philosophy and Religious Studies was launched in 1969, most of the teaching staff there were priests and lay theologians who had little time for African Philosophy (Oruka 1990, 126). They did not believe that Africans had the ability to think logically and rationally. After nine years of a sustained struggle spearheaded by Odera Oruka, the discipline of Philosophy finally separated from Religious Studies in July 1980 - a feat that allowed Philosophy to diversify and flourish. Odera Oruka was appointed the founder Chairman of the new department, a position he held until 1987 (Oruka 1990a, 126- 127; 1997, 233; Masolo 1997, 233). On 4th June 1993, Odera Oruka was honored by his *alma mater*, Uppsala University, by being awarded an Honorary Doctorate degree, *Fil. Dr. Honoris Causa*.

During the 1990s and the first decade of the new millennium, the department of Philosophy at the University of Nairobi witnessed trying times. The 1990/91 academic year saw the dramatic exit of Professor D.A. Masolo. DR Gerald J Wanjohi, the then Chairman, also left under controversial circumstances. In December 1995, Professor H. Odera Oruka died, soon after the department had hosted a World Futures Studies Federation (WFSF) conference under the theme "Futures beyond Poverty." In 2001, Prof Fred Ochieng-Odhiambo left the department. Soon after, there was the death of Dr Walter M. Nabakwe in 2003. These events resulted in the decline of the department in its international profile as a centre of robust philosophical debates, especially in African philosophy.

In 2005, the Department of Philosophy was once again merged with the Department of Religious Studies to form the Department of Philosophy and Religious Studies (Nyarwath 2009, 18). Nevertheless, it is important to point out that the merger was largely administrative rather than disciplinary, as the two disciplines continue to run their programs independently. This was however a low point in the life of

a department that Odera Oruka founded, and went against the very vision that led to its establishment in the first place. One reason for the frequent confusion about the distinct natures of the two disciplines, and which may have given rise to the regrettable merger, is that trained theologians often claim to be accomplished philosophers, contrary to the facts.

During his illustrious academic career, Oruka authored several books and edited a number of others. He also wrote numerous journal articles and book chapters. In addition, he collaborated with many of his peers in research and writing. A comprehensive list of his publications is contained in the bibliographical part of this paper. Oruka also mentored many upcoming scholars through supervision of masters and doctoral theses. Many were inspired by his thoughts, and have disseminated them through their own published works.

Besides teaching, research and publishing, Oruka engaged in outreach and professional activities, and held several positions in various academic and professional societies. These included, among others, Founder President, the Philosophical Association of Kenya (PAK); Founder Director, the International Institute of Environmental Studies (IIES); Member, Kenya National Academy of Sciences (KNAS); Secretary-General, African Futures Studies Association (AFSA); Secretary-General, Afro-Asian Philosophical Association (AAPA); Vice-President, Inter-African Council of Philosophy (IACP); Member, Steering Committee, *Federatio Internationale des Societies de Philosophie* (FISP); Member, Steering Committee, World Futures Studies Federation.

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Elements of Uniqueness in Odera Oruka's Four Trends

CRISPINOUS ITEYO

Introduction

The controversy about African philosophy that has raged for several decades is centered on two issues: the 'philosophical-ness' and the 'African-ness' of African philosophy. For example, if there is African ethics, African epistemology or African metaphysics, the question would be how philosophical those philosophies are. In addition, if there is an African philosophy, understanding philosophy as an individual enterprise, the question is: what makes that philosophy African? The term 'African philosophy' therefore becomes problematic because it can attract varied interpretations. One possible interpretation is that the philosophy at hand is uniquely African. The assumption of this interpretation, as H. Odera Oruka puts it, "would be that there is a way of thinking or conceptualization that is peculiar to Africa" (Oruka 1990, 71). This possible interpretation would point to some uniqueness in the nature, methodology and scope of African philosophy.

Commentators on the four trends in contemporary African philosophy enunciated by Oruka (1990) frequently focus on the merits and demerits of ethno- philosophy, most of them opining that it is unique. As such, few attempts are made to spot elements of uniqueness in each of the other trends, namely, nationalist/ideological philosophy, sage philosophy and professional philosophy. Consequently, this paper advances the view that there are elements of uniqueness in the nature of what is presented as African philosophy, the methodology distinctive to African philosophy, and the scope of that philosophy. The paper achieves this objective by offering a critical appraisal of Oruka's four trends. This attempt is justifiable despite the contention of Makinde (2007), and perhaps others, that the controversy regarding African philosophy is over. The debate may appear to be over, but the outstanding questions still remain

unresolved. In any case, no debate in philosophy can be said to be over; instead, it goes into a lull, then, for various reasons, resurfaces, sometimes with more vigor than before. Furthermore, questions such as whether or not we also have African logic, epistemology, ethics or metaphysics are still asked, indicating that the outstanding issue of the 'African-ness' and 'philosophical-ness' of African philosophy is either not yet resolved, or, if resolved, how it was done is not well understood and/or not embraced by all.

Background to the Four Trends

What did Oruka mean by 'Africa' when he enunciated the four trends? The questions regarding what 'Africa' is and who is 'African' are difficult to answer. Nevertheless, it is discernible that by 'Africa' Oruka meant that geographical area south of the Sahara, popularly known as 'Black Africa'; and Africans are the inhabitants of this area, who are considered as people of the black race. In a way, this is discriminatory against Arab Africa and Arab Africans. This is not to say that to him they were not 'true Africans': their omission in the scope of Africa may have been founded on the premise that the two issues - 'African-ness' and 'Philosophical-ness' of African philosophy - have surrounded black Africa and black Africans. Why so? Africa, the term that has its origin in the Greek *aphrike* ("without cold") and Latin *aprica* ("sunny"), is a geographical area divisible today in to two - Arab Africa, also called the Maghreb, and black Africa. This divide assumes homogeneity in terms of culture within the two 'Africas', an assumption of which Kwame Anthony Appiah (1992) and others warn us to be careful.

The charge that African people were not capable of a philosophy was *ipso facto* a charge against black Africans, alleged to possess "innate genetic inferiority" (Oruka 1997, 167). The charge therefore had racist undertones directed at black Africans. For example, in denying that there was philosophy in Africa, Hegel (1956) had in mind black Africa, which he called "Africa proper." He divided the remaining portion of Africa into two - "European Africa" (the territory north of the Sahara), and Egypt (the territory connected to Asia). The two parts that he said did not share in the spirit of "Africa proper" were spared the ignominy occasioned by the charge. Egypt was spared perhaps because, as George James (1976) has illustrated, its

contribution to world civilization is immense. So-called "European Africa" escaped Hegel's dismissal probably because one of the top notch philosophers of the medieval period, St. Augustine of Hippo, hailed from there. Black Africa had, according to Hegel, no role in world history, but was simply populated by people who were wild and in an untamable state, as their consciousness was allegedly not fully attained.

Where in the history of African philosophy can the four trends be situated? African philosophy can broadly be divided into ancient and contemporary categories. Ancient African philosophy is found in the writings of Africans such as St. Augustine, Anthony Amo, Zara Yacob, Walda Haywat, and those of the ancient Egyptian thinkers whose works were either destroyed or stolen when Egypt was subjugated by the Macedonian empire builder commonly referred to as Alexander the Great (Ochieng- Odhiambo & Iteyo 2012). Contemporary African philosophy begins with Placide Tempels' *La Philosophie Bantoue* (Tempels 1945), whose English translation *Bantu Philosophy* was published in 1959 - a book that generated much debate. Thus the four trends are situated within contemporary African philosophy.

Contemporary African philosophy has largely been a reaction to the charge by European anthropologists, and, more relevantly, by European philosophers such as Immanuel Kant (1724-1804), Georg Wilhelm Friedrich Hegel (1770-1831) and Lucien Levy-Bruhl (1857-1939), that Africans had no philosophy. To a large extent, the charge set the agenda of contemporary African philosophy in the sense that its goal has mostly been to illustrate that there was and is African philosophy, and hence the four trends in contemporary African philosophy identified by Oruka, and upon which we next undertake critical reflection.

Ethno-philosophy

Oruka's identification of ethno-philosophy as a trend in contemporary African philosophy was a pointer to an emerging way of doing philosophy in Africa. According to Hallen & Du Bois (2010), ethno-philosophy, as it is widely understood, is a term that was coined by Paulin Hountondji in 1970 in an essay titled "Comments on Contemporary African Philosophy," to refer to the philosophy that Placide Tempels, John Mbiti, and Alexis Kagame, among others, were

"discovering" in Africa. To Hountondji, the philosophy was "ethno," because it was being discovered in the cultures of the different peoples of Sub-Saharan Africa, and the method of discovering it was that used by ethnologists. The philosophy was a product of ethnology and philosophy in the sense that the ethnological method was employed, and then the findings were dressed in philosophical jargon such as 'ontology', 'cosmology' and 'epistemology'. Tempels seems to have been admitting this when he said:

> We do not claim that Bantus are capable of presenting us with a philosophical treatise complete with an adequate vocabulary. It is our own intellectual training that enables us to effect its systematic development. It is up to us to provide them with an accurate account of their conception of entities…(Tempels 1959, 24).

To Tempels, therefore, there was philosophy in the Bantu culture he was examining, but the people themselves were not conscious of it, and hence could not articulate it. To the critics of this trend, this was a unique way of doing philosophy, as it amounted to seeing African Philosophy as being embedded in the cultural beliefs and practices of a people, waiting for someone with "intellectual training" to bring it to the fore. To Bodunrin, for example, "the sources of ethno-philosophy are African folklore, tales, myths, proverbs, religious beliefs and practices, and African culture at large" (Bodunrin 1991, 169). In a way, therefore, to get African philosophy requires penetrating and digesting the culture - language, songs, proverbs, dances, beliefs, myths, etc. - of black people, after which one can talk of the ontology, ethics, epistemology or logic of the community under examination.

In *African Philosophy: Myth and Reality* (1983), Hountondji argues that the import of turning to sources such as fork lore and beliefs for philosophy in Africa is that no single individual can lay claim to this thought, since it is not identifiable with any single individual but rather with the community as a whole. As such, the philosophy has the characteristic of people practically identifying with it. It is unquestionable, and hence a closed system. In short, it is collective truth with a collective expectation, the collective expectation being that it is lived, and therefore common and obvious to all members of

a given community. As a lived philosophy, it is stored in people's memory rather than in writing.

Criticism against ethno-philosophy has tended to point to its uniqueness in terms of nature, methodology and scope. To begin with, this kind of philosophy is to be found in tales, myths, legends and cultural beliefs, instead of it spearheading the critical examination of, and perhaps the escape from, the strangling effects of these aspects of culture. As far as the method is concerned, it would be unique for a philosophy to be devoid of critical analysis and rational inquiry, both of which are key features of philosophy. In addition, it is presented as a Philosophy common and obvious to the members of a culture, contrary to Bodunrin's thinking that "the study of philosophy is the study of the thoughts of individuals" (Bodunrin 1991, 170), making unique the collective thought of a people bandied about as philosophy.

Philosophic Sagacity

Philosophic Sagacity as a trend in contemporary African philosophy is associated with Odera Oruka, who conducted research from 1974 onward in Kenya on the subject "Thought of Traditional Kenyan Sages," aiming to "invalidate the claim that traditional African peoples were innocent of logical and critical thinking" (Oruka 1991, 17). The question he sought to answer was whether or not there are independent thinkers in traditional Africa who guide their thoughts and judgments by the power of reason and inborn insight rather than by the authority of communal consensus. If there are, are they capable of taking a problem, such as the existence of God, and offering a rigorous philosophical analysis of it? The findings of the research were that, at least in Kenya, there were philosophic sages with a critical and dialectical frame of mind, in contrast to folk sages who accepted their communities' cultural beliefs and practices without subjecting them to rational scrutiny. If the findings are to be believed, then two things are accomplished: *first*, the view that "Africa proper" was devoid of philosophers is invalidated, and, *second*, it erases the ethno-philosophical "myth" that African philosophy can only be found in popular wisdom understood by all members of the community.

Thus, in advocating philosophic sagacity, Oruka has a two-fold contention, namely, that African philosophy in its pure traditional form does not begin and end with folk thought and consensus, and that Africans, even without outside influence, are not innocent of logical, dialectical and critical inquiry. To him, philosophy can be found in traditional Africa without resorting to ethno-philosophy because there are rigorous indigenous thinkers - the philosophic sages - who, without the benefit of modern education, exhibit critical and reflective thought through their discourses.

Does philosophic sagacity as a trend in contemporary African philosophy exhibit elements of uniqueness? If so, what are they? Philosophic sagacity focuses on the reflections of individuals rather than on communal wisdom, and, to this extent, there is nothing unique about it, given that philosophy is widely understood to be an individual enterprise. However, when it comes to its methodology, an element of uniqueness becomes evident. If the method in this trend is that of sampling people to first identify sages, followed by a further sampling of sages to identify the philosophic ones, after which the philosophic sages are interviewed to extract their philosophical ideas, then one can argue that it would be unique in contrast to the known method of identifying philosophers. In this regard, Bodunrin may have been correct in his observation:

The product of the joint inquiry of the traditional sage and the trained philosopher is a new phenomenon. Both inevitably enter the dialogue with certain presuppositions. What they come out with is a new creation out of their reflections on the beliefs previously held by them. But, and this is the important point to remember, the philosopher and the sage are "doing their own thing." They are doing African philosophy only because the participants are Africans or are working in Africa, and are interested in a philosophical problem (albeit universal) from an African point of view (Bodunrin 1991, 168).

The issue, according to Bodunrin's views above, is not simply about the methodology associated with the trend, but also the issue of whose philosophy it is, in the light of the fact that the trained philosopher directs the proceedings and hence makes a contribution to the resulting philosophy. Similarly, for Masolo (2008), the question is whether philosophic sagacity is the property of the professional philosopher or of the sage. If it is a joint enterprise, then the question

would be whether or not we are still getting a collective philosophy despite being promised an individual one.

Nationalist/Ideological Philosophy

According to Oruka, nationalist/ideological philosophy in Africa is to be found in, among others, Kwame Nkrumah's *Consciencism: Philosophy and Ideology for De-Colonisation* (1970) and Julius Nyerere's *Ujamaa: Essays on Socialism* (1977). It is a philosophy basically concerned with the issue of the emancipation of African states from the adverse effects of colonialism. It searches for an ideology of and strategy for emancipation. Issues addressed in this philosophy include the political, ideological and cultural conditions of Africans in the pre-colonial, colonial and post-colonial eras. In general, it makes a plea for a socio-political theory that embraces communalism as one of its basic tenets because communalism, humanism, and egalitarianism are the cardinal principles of traditional Africa. It is some kind of a reconstruction of the past for the benefit of not only today (the today that is in shambles), but also the uncertainties of tomorrow.

It can be argued that this trend is fundamentally different from ethno-philosophy and philosophic sagacity. It differs from ethno-philosophy in the sense that where as it is an individual thinker's philosophy and hence reflective and articulate, ethno-philosophy is founded on uncritical beliefs and practices of a community, that is, a people's worldview. It also differs from philosophic sagacity in that it does not aim at illustrating the 'philosophical-ness' of Africans by sampling sages to identify the critical ones, but, as already indicated, searches for a socio-political theory for the emancipation of Africans from the impact of imperialism.

Although this philosophy has most of the features of the kind of socio-political philosophy that one would find in classical Western political theorists such as Plato, Aristotle, Locke and Hobbes, there is one aspect of it that seems to make it unique: the philosophers in this trend think that the traditional African way of life holds the key to solving the problems that afflict Africa today, and hence, in a way, romanticize the past. However, one could object that philosophical prescriptions ought not to be the mere recommendation to retrieve Africa's entire uncritical past. Instead, they ought to offer solutions resulting from deep reflection that takes cognisance of the present

without forgetting the past. In addition, such prescriptions ought not to be devoid of the element of universality because human beings share an essential nature, only being differentiated by culture. Put differently, socio-political philosophers, like other philosophers, ought to refrain from limiting themselves to issues stemming from their cultures and environments.

One would argue that what socio-political philosophers prescribe ought not to be only morally desirable and culturally acceptable, but also have the element of wider desirability and acceptability. Whereas, for example, Plato lived within the ancient Greek culture, his socio-political philosophy prescribes "the ideal state" for every society. Similarly, the social contract theorists do not merely postulate an occurrence relevant to their culture, but one which, in their view, is universally applicable. Yet the reflections in nationalist/ideological African philosophy are limited to prescribing an emancipating theory or ideology not in the universal sense, but one relevant only to Africa and Africans. As such, it is uniquely African, and perhaps even irrelevant outside Africa, because it is only concerned with African problems.

Professional Philosophers and Field Research in Africa

Professional philosophers in Africa, that is, those who have received formal training in philosophy in Western or Western-type institutions of higher learning, carry out research and write books and journal articles. Barry Hallen and John Sodipo used field research like Oruka, although their target was not the philosophic sages, but rather the *onisegun*, who are people highly conversant with Yoruba thought. The thought that Hallen and Sodipo discover and expose is not that of individuals, but of the community. The result of their endeavor is their books, *An African Epistemology: The Knowledge-Belief Distinction and Yoruba Thought* (1981), and *Knowledge, Belief and Witchcraft: Analytic Experiments in African Philosophy* (1986). The result of their endeavor falls between sage philosophy and ethno-philosophy: unlike sage philosophy, it does not attribute the thoughts to the individual sage but to the community, and, unlike ethno-philosophy, it is acquired from a single person with an immense power of memory. There are many studies by other philosophers that take this approach, with titles such as "The Yoruba concept of…," "The Akan concept of…," or "The

Kikuyu concept of…." For example, Kwame Gyekye examines Akan religious language, attitudes and practices in search of insights into their conception of reality (Gyekye 1987). His conclusion is that the language of the religious rite of libation reveals the entities that are considered to be real in 'Akan metaphysics' (Gyekye 1987, 68).

Differing slightly from Hallen and Sodipo's approach is the one that makes documented mystic wisdom the basis for philosophical treatises. The example of this is the treating of the Yoruba *Ifa* divination literature as a body of knowledge upon which to philosophize. Akin Makinde, Dipo Irele and many others subscribe to this. Makinde (2007), for example, looks at *Ifa* as a "repository of knowledge" in which is to be found concepts of 'human personality', 'human destiny' and 'the immortality of the soul', among others. Dipo Irele analyzes the image of women as portrayed in *Ifa* "literary corpus" (Irele 2007). To some extent, this is a new and hence unique way of 'doing philosophy' because it is a philosophy stemming from the 'knowledge' of a diviner, the understanding being that the diviner is an embodiment of knowledge acquired by virtue of his privileged position.

Conclusion

Arguably, one of Odera Oruka's main contributions to the debate on African philosophy was his identification of the trends that were emerging in the course of the controversy. In an attempt to answer the question of the 'African-ness' and 'Philosophical-ness' of African philosophy, various trends were bound to arise, given that scholars were dealing with mainly orate (as opposed to "literate") societies. From the foregoing reflections, we may infer that although by and large it is ethno-philosophy that was seen as unique, there are elements of uniqueness in each of the four trends. Besides, uniqueness is not necessarily a weakness: paradigm shifts are underpinned by peculiar ways of seeing and doing things. Consequently, the unique elements in the trends do not necessarily mean that their ways of 'doing philosophy' are inferior.

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Part II
Sage Philosophy

3.

Reviving Sage Philosophy?

KAI KRESSE

Introduction

Oruka's approach of sage philosophy, when it was introduced, presented not only a major new pathway for research on African thinkers and philosophical traditions, but also has general and ongoing appeal for the project of researching contemporary non-Western philosophy around the world. Yet despite its (relatively) high measure of international recognition, sage philosophy's full potential has remained far from realized. Moreover, after Oruka's untimely death, active research along these lines, involving fieldwork and original interviews, has hardly been pursued further (with very few notable exceptions). For Kenya, where sage philosophy was developed and nurtured, as well as for many other regions where our understanding of endogenous knowledge, local intellectuals, and regional philosophical traditions is wanting, this constitutes a research gap that can and should be addressed.

I wish to advocate for a revival of sage philosophy research in Kenya and beyond, as this approach, borne out of the discussion about African philosophy and mediating between mutually opposed positions, continues to be useful and productive. My paper seeks to engage in dialogue with both practitioners and critics of sage philosophy, in order to carve out features and criteria that would be useful in guiding attempts to revive sage philosophy at conceptual, methodological and practical levels.

Sage Philosophy's Appeal

Sage philosophy had much to offer when Oruka brought it to the scene of discussion in African Philosophy, beginning with research ideas in the 1970s and culminating in the publication of *Sage Philosophy*

in 1990/1991 (Leiden/Nairobi). [1] It gained a reasonable amount of international attention - though arguably not as much as it deserved - among philosophers interested in non-Western and particularly African philosophical traditions (e.g. Wimmer 1988; van Hook 1995; see also commentaries in original Oruka 1990/91, and descriptions and discussion in Masolo 2006; Graness and Kresse 1997; and, most thoroughly, Presbey 2015). Besides, Oruka managed to gather a group of serious and gifted students around him to undertake focused research projects in this field at M.A. and Ph.D. levels under his guidance (among them, those of F. Ochieng'-Odhiambo, P.M. Dikirr, and Oriare Nyarwath), thus establishing a 'school of sage philosophy' based in the Department of Philosophy at the University of Nairobi. This school included not only Kenyans, but, remarkably, also competent Africans from other countries, such as Anthony Oseghare with his Ph.D. thesis (Oseghare 1985; see also 1992). This happened at a productive time when related themes in African philosophy were also being actively pursued in the same department by scholars such as Wafula Muyila and Francis Owakah.

The stimulating appeal of sage philosophy, both for those African students who decided to dedicate their research to this field, mostly with a keen interest in their own societies and cultures (and their thinkers and/or conceptual key terms) on the one hand, and for external observers such as myself, with a keen interest in the documentation of specific African thinkers and their particular arguments and reflexive discourses, on the other, has not completely receded. Neither has the major task of documenting and reconstructing the intellectual history, or histories, of Africa been accomplished. Besides, the related task of outlining and ultimately working through the contemporary African scenario(s) of schools of thought, networks of knowledge, individual thinkers and their relationship to society, as well as the intellectual and reflexive practices that matter in social discourse when reflecting upon human life, values and society (at empirical and conceptual levels) is still

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[1] This is a slightly edited version of a text that was written for oral presentation at the H. Odera Oruka International Symposium held in Nairobi, Kenya, in November 2013. A more developed substantial discussion on revised forms and practices of sage philosophy, also and especially *vis-à-vis* related research in African Studies (particularly in Anthropology, History and Literature) that is only pointed to here, should follow up in due course on this programmatic sketch.

largely to be done, despite some good work that has contributed to it (by philosophers, anthropologists, historians and others). Finally, as sage philosophy works with local languages (in direct dialogue or translation), the project also responds to recent reiterations of calls to explore the potential contributions of Afrophone thinkers (Thiong'o 2013), and 'non-European intellectuals' more generally (Kane 2012), to world philosophy.

Thus, I would like to provoke us to think about how to best revive or stimulate original research activity in (new and revised forms of) sage philosophy, as a research practice combining fieldwork (travelling, interviewing and contextualizing) with conceptual and theoretical work. We still need more accounts and original portrayals of as diverse and as many individual African thinkers as possible, in their social and cultural contexts, to be added to the overall reservoir of knowledge about African thinkers that we have thus far. They will enrich the larger picture of a wider intellectual history of Africa, including the histories of endogenous[2] knowledge practices and discourses of philosophy on the African continent that is yet to be written. Sage philosophy, as one among several - and sometimes overlapping - methodological approaches in different disciplines, provides a particular pattern of contribution, and, while this can and should be further debated and refined, the substance of the reflexive conversations and philosophical texts that sage philosophy provides is already valuable and significant overall.

Five Theses

There are many different ways in which we could start a paper on sage philosophy, its importance, the ongoing need for it, and, thus, also the ongoing need to engage with it actively as researchers or critics. One way would be to say that with the death of Henry Odera Oruka in December 1995, sage philosophy as an active research practice has largely come to a standstill. Of course, we have, as an

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[2] I follow Paulin Hountondji's use of 'endogenous knowledge' (instead of 'indigenous knowledge') as marking flexible traditions of knowledge internal to society. Hountondji's book of the same title (1997) shows a productive perspective for research, complementary to his stark critique of ethnophilosophy. Sage philosophy, I would argue, can be conceptualized within this research perspective.

exception, the rich and broad studies by the American philosopher Gail Presbey, employing the sage philosophy approach to a wide range of questions while interrogating female and male sages in South Africa, Ghana and Ethiopia, in addition to Kenya (see e.g. Presbey 2000; 2002a; 2002b; 2012). Furthermore, in a way, Presbey's work not only attests to the adaptability and merit of the sage philosophy approach in very diverse African settings and environments, but it also extends its scope in a number of ways, thematically and methodologically. Yet, while we are looking forward to her monograph on sage philosophy (drawing from many papers and articles), there is, if I am correct, an almost complete lack of recent active research on and with sage philosophy by Kenyan or African researchers.

I am not so much interested here in continuing the critical discussion of sage philosophy as conceptualized (or not) by Oruka, a critique of method, underlying theory, or practical intent that the deceased inventor of sage philosophy may have had at different stages of the project. This has been dominating the more recent - and indeed much of the earlier - publications on sage philosophy (see Azenabor 2009; Presbey 2007; Ochieng'-Odhiambo 2006; Kalumba 2004; Ochieng'-Odhiambo 2002; earlier: see Janz 1999; Ochieng'-Odhiambo 1997; Oluwole 1997). Rather, I would like, based on the assumption and, indeed, my own conviction of the great value of this project, to entertain the thought of what could be envisaged and gained through the planning and conducting of more, new or renewed, and well-coordinated research projects on sage philosophy in Kenya, other parts of Africa, and the wider world.

If Oruka's and others' point at the time was to prove the existence of intellectual and philosophical traditions that were continued and perpetuated by individual thinkers in Africa, and to provide evidence and more thorough documentation in terms of contents, positions, and discursive materials illustrating this, then this is not a point that has become moot or irrelevant. Here, however, I am less interested in the idea of proving the existence of African intellectual ideas against a history of prejudice, and more in the growth of our archives of documentation of intellectual arguments and exchange.

What I think can hardly be valued highly enough is research on specific African social environments, cultural contexts, languages, and of course individuals, in terms of work that can contribute to the wider

project of the (re)construction of Africa's intellectual history/histories. In addition, with a view to the present, a growing body of scholarship has started to illustrate and reflect on the meaning, the vivid dynamics, the practical and moral dimensions of intellectual practice in Africa expressed in written or oral discourse, or both, and conceptualized in 'traditional' frameworks or in engagement with 'modern' thinkers and contexts (from Africa or elsewhere). We can see this in the works of anthropologists and historians such as Steven Feiermann (1990), Karin Barber (2007), Wyatt MacGaffey (2000), John Janzen (1992), and Scott Reese (2004), among others. Thus, my fundamental starting-point here is the ongoing potential contribution of sage philosophy to the wider project of documenting Africa's intellectual history and its contemporary intellectual practice.

This is a research field where much needs to be done - for Africa and other regions of the world - and the knowledge to be acquired here should be mediated and presented to a wider general public, in Africa and the West, so that more reliable guidance and reference-points may be established. Africans and people around the world, not only academics, deserve better access to information about African thinkers (as sources of wisdom and/or resources for debate) and key concepts in African societies, and about the ways in which intellectual orientation and fundamental reflection on what it means to be human (or just, good, or beautiful) work: this is what we commonly call philosophizing. On this basis, we can observe and analyze how these may compare or interact with other African or non-African traditions, on the continent and beyond, through space and time.

So what I would like to do here - irrespective of scholarly disagreements about phases and sub-differentiations of the sage philosophy project, or about the degrees of soundness and reliability of its method - is to present and contextualize five theses below about sage philosophy as a still valid and much needed research project. My comments take interest particularly in practical issues concerning relevance, practicability, overlap and stimulation.

Sage philosophy, as an established and successful[3] approach, developed by Africans on African soil, responding to the evident and ongoing need for the documentation of individual thinkers (men and women) in African societies, should be revived and continued.

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[3] 'Successful' because it generated substantial scholarly debate.

As a research practice, sage philosophy inherently connects academics with traditional scholars, and facilitates exchange between these two categories of contemporary intellectuals in a fruitful way that would otherwise not come about. The practice of such conversations can lead to intellectual enrichment and innovation on both sides, and, potentially, to a new and rewarding synthesis of thinking, locally and in the academy. Indeed, Oruka himself picked up on some sages' arguments for making wider original points.

Similarly, through translation processes that are an inherent part of the dialogical practice of fieldwork, sage philosophy linguistically interconnects, or at least brings into conversation and mutual reflection, different discourses of knowledge that are grounded or rooted in different histories or categories. These may overlap, yet also contrast in significant ways. It brings reflexive and conceptual thinking in African languages into exchange with those Anglophone or Europhone traditions in which the researchers were trained, and thus explores the wealth of Afrophone thinking further.

As a related point, sage philosophy does much more than linking up philosophy and experience through making the philosopher face and reflect upon the social and cultural specifics in which the sages whom he or she encounters are embedded. By its design, it also provokes and facilitates reflection between and/or among the disciplines that are explicitly engaged in it and/or implicitly involved: philosophy, history, religion and anthropology, each of them in different sub-branches and schools.

Finally, sage philosophy, which has proved to be successful in African (largely, but not exclusively, Kenyan) contexts thus far, has a wider global appeal as a research method, and should also be applied elsewhere in the world where similar interests and demands of documentation are felt. I, for instance, have had stimulating and rich discussions with students and academics in countries as diverse as Germany and the Philippines where people were very interested in this kind of unearthing of wisdom and its potential intellectual contributions to their own societies, partly for very different and partly for overlapping reasons.

All of these five points feed into and underpin a call for the revival, continuation, and possible adaptation and/or transformation of sage philosophy as an important research practice that has the inherent character of linking up different regional and linguistic types

of knowledge and intellectual cultures, and bringing them into mutual engagement and exchange, as well as encouraging fruitful co-operation among diverse disciplines and scholarly perspectives. My appeal is to scholars to explore all these five points as strands for the continuation and further development of sage philosophy, preferably within research teams of interdisciplinary constitution. It should be rewarding to observe and reflect upon the ways in which sage philosophy's approach, method, contents and representation may develop (be augmented, adapted and changed) during dynamic and open-ended processes of documentation, contextualization and analysis in such research teams. The specific pathways and outcomes of such developments cannot be predicted. Yet what we can say is that setting off, bringing into play and reflecting upon these processes as part of renewed sage philosophy research practice will provide rich documentary material as well as fascinating intellectual discussions among individuals, disciplines and regions as a result.

Outlook

Of course, enhancement may follow revival, or go along with it. With that, I want to repeat that I do not think that the sage philosophy method that Oruka created is optimal, has already been optimized, or provides us with the best possible approach to empirical fieldwork on philosophical thinkers. There are many ways in which it can be improved, and through my own research (e.g. Kresse 2007, 2008, 2011) I have made some suggestions as to how this can be done (e.g. with a view to the collection of longer, more condensed and more socially contextualized texts to be interpreted, and with more extensive biographical portrayals of thinkers).

However, I am convinced that the initiation of a cycle of practical research activities following the rough scheme of sage philosophy guidelines will lead to a creative dynamic exchange between the scholars involved, including corrective interaction about the improvement of methods, approach and grounding. The most important thing, it seems to me, is to get that dynamic process of active research engagement going, involving as many scholars as possible, each slightly differently qualified and specialized, in relation to as many social and cultural contexts as possible in which reflexive discourse and intellectual practice are played out. A corrective process

of fine-tuning, critique and improvement will naturally result as part of such a process of research activity, based on specific issues and experiences in the field, and in response to them. These cannot be hypothesized beforehand, which is another reason for getting such research activity going, and indeed, running.

Ideally, it seems to me, the project would include interested and conceptually flexible specialists from related disciplinary fields to sage philosophy, such as linguists, anthropologists, historians, and students of folklore and religious studies. Together, and in interaction with the academic philosophers active as researchers as well as the respective sages portrayed, a practical and even pragmatically oriented reflexive discourse on specific aspects of research will ensue, leading to improvements of different points, during various stages of the research process. Such discussion will also lead to further conceptual consolidation of the approach itself.

With all of this in mind, based as we are here today, in Nairobi and in memory of Odera Oruka, we should give ourselves and each other a push toward more research practice in sage philosophy and related overlapping fields. Academic and social expectations for more, specialized and general, knowledge on African thinkers and intellectual history is still high, and so is the promise of a rich intellectual harvest to be gained from it.

To conclude, picking up on the title of my talk, I would like to replace the question mark at the end of it with a resounding exclamation mark, and thus to endorse the idea of reviving sage philosophy. I now pass the question mark on to you for your valued comments and qualified opinions.

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4.
Inter-cultural Wisdom Research[1]

ANKE GRANESS

Introduction

The concept of 'wisdom' is indeed omnipresent. It is a 'common-sense' concept that we use in everyday discourse, but it is also a basic concept in various sciences, such as philosophy and theology. Recently, the term has begun to play a role in business ethics[2], neurobiology and intelligence research, as well as in education and medical ethics - as an attempt to make wisdom relevant to solving everyday problems. This recent research interest follows the increasing importance of higher life expectancy and related demographic changes in the social structure. On the other hand, the contemporary search for wisdom is now associated with an increasing lack of orientation in a complex and confusing world, where traditional institutions such as family, religion and philosophy do not provide guidance and security anymore. A message on the website wisdomresearch.org reads: "Times have changed. So has the study of wisdom. Philosophers, make room for the scientists!"[3]

Given such statements, we philosophers should ask ourselves the urgent question: is philosophy about to lose its basic and core concept? It should be observed that the studies on wisdomresearch.org and in similar sources are not fundamentally concerned with wisdom in a philosophical sense. On the contrary, it is possible to find undisguised marketing intentions. However, philosophers should be attentive and clear about whether they really want to allow such an (ab)use of the concept of wisdom to go unchallenged. On the other hand, an intercultural and interdisciplinary approach might have the potential

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[2] See examples in Mick, D.G. *et. Al*. 2012.

[3] See http://wisdomresearch.org/blogs/news/archive/2013/02/27/a-word-to-the-wise-part-1.aspx#sthash.ayIy1ywC.dpuf.

to reclaim the concept of wisdom for philosophy and to make it fruitful in contemporary life.

The argument of this paper is that wisdom is a kind of knowledge and a way of life which is able to transcend linguistic, cultural, religious and other boundaries despite its contextual constraints. This makes it possible to apply approaches and methods from different disciplines and regions for our respective wisdom research projects. In this paper, Odera Oruka's sage philosophy project is confronted with the empirical approach of modern wisdom research in psychology (the Berlin Wisdom Paradigm), and overlapping issues in the two projects are examined. Furthermore, the paper discusses the relation between philosophy and wisdom, and how both can regain a social and practical influence. In sum, I suggest that an interdisciplinary and intercultural approach to the concept of wisdom is a worthwhile challenge for contemporary philosophy to make philosophy sagacious.

The paper is divided into three main sections: the first deals with literature on wisdom and the understanding of the concept in a general sense. The second introduces the Berlin Wisdom Paradigm - a psychological wisdom research project. The third is dedicated to the sage philosophy project of Henry Odera Oruka, where I try to outline how the sage philosophy project might be improved by taking some aspects of psychological wisdom research into account. I conclude by arguing that a fruitful interdisciplinary and intercultural approach to wisdom is necessary if we are to reintegrate wisdom research into philosophy.

What Is Wisdom?

To determine the core meaning of wisdom is not an easy task. However, it seems relatively easy to identify a statement or a person as wise.[4] In everyday interpretation, the term is linked to a variety of associations including life experience, knowledge, understanding, the ability to be a good listener and/or adviser, or to social skills such as tolerance, or the ability to pass on one's knowledge or to influence the community. The *Oxford Dictionary of English Language* (1933, 191f.)

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[4] See Paul B. Baltes: "Wisdom, though difficult to achieve and to specify, is easily recognized when manifested" (Baltes 2004, 17).

defines wisdom as "...capacity of judging rightly in matters relating to life and conduct...." Wisdom is habitually associated with age. Sometimes it is understood as a historical phenomenon.

Thus, who are the "ancient wise men or women" and what makes them different from other people?

"The Instruction of Ptahhotep," Vizier under Egyptian King Isesi (Fifth Dynasty, 2388-2356 BCE), and author of 37 wisdom maxims, is regarded as the oldest complete doctrine of wisdom.[5] An example from the text will illustrate our point:

> If you are an excellent man,
> Who sits in the council of his lord,
> Concentrate on excellence!
> You should be quiet! This is better than a potent herb.
> You should speak when you know that you understand:
> Only the skilled artist speaks in the council.
>
> Speaking is harder than any craft:
>
> Only the man who understands it puts it to work for him.
> (Parkinson 1997, 258)

The core of the instructions of Ptahhotep (as well as other wisdom doctrines from ancient Egypt such as the "Instructions of Merikare," 1990 B.C., or the "Instructions of Ke'gemni," 2613-2589 B.C.) is concerned with rules of morally desirable conduct (duties toward superiors, duties toward equals, and duties toward inferiors) and the respect for *Ma'at* as the unity of the cosmos and society, order and justice. *Ma'at* is a constant challenge to establish political order, social justice and harmony between the gods and the human world, and to keep the world in motion.

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[5] The original text has not survived, but several transcripts, that differ significantly, do exist. The earliest manuscripts are from the Middle Kingdom, 12th Dynasty. It is possible that the Teachings were composed in the Middle Kingdom, but set some four centuries earlier in the Old Kingdom, which was considered a golden age by people of the Middle Kingdom (Parkinson 1997, 246). However, the Teachings can, of course, also be transcripts of an older text. The only complete, best known, and frequently quoted one exists on the so-called Papyrus Prisse (Bibliothéque Nationale, Paris).

Interestingly, the Teachings start with epistemological reflections. The first maxim states:

> And he spoke before his son, 'Do not be proud because you are wise!' Consult with the ignorant as with the wise! The limits of art are unattainable; no artist is fully equipped with his mastery. Perfect speech is more hidden than malachite, yet it is found with the maidservants at the millstones (Parkinson 1997, 251).

Doubts on the certainty of our own knowledge are a motif resumed by the so called "Seven Sages of Greece"[6] and, later, are a central idea of the famous Socrates. One of the Seven Sages is Thales of Miletus, often called "the Father of European Philosophy." Besides his search for the originating principle of nature and his achievements in mathematics, some of his wisdom aphorisms are handed down to us by Demetrius of Phaleron, aphorisms that aim at good social conduct, for example "a pledge, and ruin is near." Maybe the most famous aphorisms are: "Moderation is the best thing" or "Be moderate" and the remarkable phrase: "know thyself" - a wisdom maxim attributed to Chilon of Sparta, as well as to Thales, Solon or Bias.

Shifting this discourse to another region or cultural horizon reveals that the imperative to know oneself is a core component of the concept of wisdom. Thus, self-knowledge is a core component of the Japanese sage Dōgen Zenji (1200-1253), who is considered to be the founder of Zen Buddhism in Japan. However, self-knowledge is for Dōgen not primarily based on theoretical reflection, but rather in the praxis of meditation. The goal of meditation is illumination in the sense of an awakening to the true human nature that transcends the dualism of mind and body, subject and object by an act of self-awareness. It is an experience beyond words and concepts. For Dōgen, the core of this experience is the realization that life and illumination,

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[6] The title "Seven Sages" was given to seven early 6th century BC philosophers, statesmen and law-givers renowned for their wisdom. Who actually belongs to them is under dispute, but Thales of Miletus is certainly among them. The writer who first explicitly speaks of "the Seven Sages" is Plato in his dialogue *Protagoras*. He mentions Thales of Miletus, Pittacus of Mytilene, Bias of Priene, Solon of Athens, Cleobulus of Lindos, Myson of Chenai and Chilo of Sparta.

everyday action and meditation, are a unit. Our everyday life, our being here and now, our full concentration on what we are doing in such everyday tasks as cooking, eating, folding the prayer robe, dealing with others - these are the practical tests of illumination and wisdom (Dōgen 2006).

Certainly, if we compare available concepts of wisdom throughout times and regions, there are differences in content and methods. But what is it that unites all these approaches in order to constitute a body of literature on wisdom?

A study of wisdom literature reveals some unifying characteristics including, but not limited to a link to a certain kind of knowledge that leads to good social conduct; knowledge about the limits of one's own knowledge; the need to work on oneself; knowledge about the inconsistency of the world. However, wisdom is a virtue, too, reflected in leading a virtuous life expressed by one's commitment to one's community in order to make a useful contribution to its betterment. This obviously is the educational function of wisdom. In antiquity, doctrines of wisdom and wisdom literature were mainly oriented towards the education of people. Thus, it was assumed that wisdom could be taught and practiced; and this is a conclusion drawn from contemporary wisdom research in psychology as well, which will be explored below.

While reflections on wisdom and its function in society characterized the beginnings of Western philosophy, today the analysis of the concept no longer has a central position in philosophy. It is not only the scepticism of post-enlightenment thinking that discredits the concept of wisdom today. If wisdom is understood as an attainment of genuine knowledge of the good, an ascertainment of "the truth about life" and how we truly ought to lead our lives, then we certainly face the challenge of enlightenment thinkers such as Hobbes, Hume or Kant who rejected any undying and objective truth about life, but claimed instead that there is no meaning of life to be discovered, so that life has exactly the meaning we assign to it. Does this not mean that wisdom seeks nothing more than metaphysical incoherencies and an impossible objectivity and certainty? (Nielsen 1993, 13).

A survey of the recent philosophical literature on 'wisdom' reveals that reflections on the concept of wisdom apparently come and

go in waves, but do not take a central place in scholarly debates.[7] If there are debates on wisdom in philosophy, they focus on the question as to whether wisdom is a virtue (as in the case of Plato) or a certain kind of knowledge or state of mind. Wisdom seems to be a puzzling, suspect and unclear notion (see e.g. Nielsen 1993). It is puzzling because it does not simply consist of the acquisition or systematization of knowledge, although it must rest on knowledge. However, one can accumulate a lot of knowledge without acquiring wisdom. The question therefore recurs: what, then, is wisdom? What is it that philosophers are seeking when they claim to search for wisdom?

Before addressing these questions, I would like to introduce the psychological wisdom research project.

Psychological Wisdom Research

During the 1990s, psychological research projects started as an effort to find out what constitutes wisdom and the psychological structure of wise people.[8] Perhaps their results can help to bring some clarity into the conceptual confusion.

I want to focus here on the Berlin Wisdom Paradigm by Paul Baltes and Ursula Staudinger. The German Psychologist and Gerontologist Paul Baltes (1939-2006) defines wisdom as the "Orchestration of Mind and Virtue" (Baltes 2004). How does he arrive at this definition? Baltes and his colleagues at the Berlin Max Planck Institute for Human Development designed an empirical research paradigm to study wisdom. The research program focused primarily on manifestations of wisdom in individual minds by asking people to respond to various problems of life, so called "wisdom problems." The sample population represented different ages and sexes. They were placed under standardized conditions with difficult life problems of fictitious people. The participants in the study were asked to reflect loudly on the presented dilemmas. The responses were recorded on tape and transcribed (Baltes and Staudinger 2000, 126). Here are three examples of "wisdom problems":

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[7] For example, an article which sparked off a controversy at the beginning of the 1990s was Stanley Godlovitch's "On Wisdom" (published in 1981).

[8] The most influential projects are "The Berlin Wisdom Paradigm," Robert Sternberg's "Balance Theory of Wisdom," and the "Three-Dimensional Wisdom Scale" developed by Monika Ardelt.

Someone receives a telephone call from a good friend who says that s/he cannot "go on like this," and has decided to commit suicide. What might one take into consideration in deciding what to do in such a life management situation?

A 14-year-old girl wants to move out of home immediately. What should she consider in this life planning situation?

In reflecting on their lives, people sometimes realize that they have not achieved what they had once planned to achieve. What should one do and consider in this life review situation?

A select panel of judges evaluated the protocols of the respondents in the light of five wisdom-related criteria that enabled them (the panelists) to measure the quality of the answers in relation to wisdom. The five criteria for assessing the quality of wisdom-related performances were mainly based on seven properties of wisdom identified by Paul Baltes on the basis of a cultural-historical analysis. This included ancient wisdom literature from Mesopotamia and Egypt, Confucius and Buddha, the wisdom of the Old Testament, and European philosophy from ancient Greek thought to American pragmatism (Baltes and Staudinger 2000, 124-125).

The seven properties of wisdom identified by Paul Baltes were:

Wisdom addresses important and difficult questions and strategies about the meaning of life and appropriate conduct.

Wisdom includes awareness of the limits of knowledge and the uncertainties in the world.

Wisdom refers to a high level of knowledge, judgment and advice.

Wisdom constitutes knowledge with extraordinary scope, depth, and balance.

Wisdom involves a perfect synergy of mind and character, a kind of orchestration of knowledge and virtues.

Wisdom is knowledge used for the good of oneself and that of others.

Though wisdom is difficult to achieve and to specify, it is easily recognized when manifested (Baltes 2004, 17).

It was the explicit concern of the authors of this study to find criteria on a meta-level to allow for a definition of wisdom that is as

independent as possible of specific issues and areas of life, and also of cultural and historical contexts (Baltes and Staudinger 1996, 60).

The five criteria for assessing the quality of wisdom-related performances were:

Rich factual and declarative knowledge about the fundamental pragmatics of life.[9] This is knowledge about human nature, life-long development, variations in developmental processes and outcomes, interpersonal relations, social norms, critical events in life and their possible constellations, and knowledge about the coordination of the well-being of oneself and that of others.

Rich procedural knowledge about the fundamental pragmatics of life, i.e. strategies and heuristics for dealing with the meaning and conduct of life (such as heuristics for giving advice, for the structuring and weighing of life goals, ways to handle life conflicts and life decisions, and knowledge about back-up strategies to be deployed if development were not to proceed as expected).

Relativism of values and life priorities that include acknowledgement of and tolerance for value differences and the relativity of values held by individuals and society.

Lifespan contextualism, that is, knowledge that considers the many themes and contexts of life - including, but not limited to, education, family, work, friends, leisure, and the public good - in terms of their interrelations and cultural variations, and incorporates a lifetime temporal perspective of the past, the present and the future.

Recognition and management of uncertainty, that is, an awareness that (a) the validity of human information processing itself is essentially limited or constrained, (b) individuals have access only to select parts of reality, and (c) the future cannot be fully known in advance. Wisdom-related knowledge and judgment are expected to offer ways and means to deal with such uncertainties about human insight and the conditions of the world, individually and collectively (see Baltes and Staudinger 2000, 122-136).

The study considered a "wise" protocol only if it received a high rating in all five criteria, in this case a rating greater than five for each on a seven-point scale.

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[9] "With fundamental pragmatics, we mean knowledge and judgement about the essence of the human condition and the ways and means of planning, managing, and understanding a good life" (Baltes and Staudinger 2000, 124).

The study yielded some interesting results, among them the fact that the major period of acquisition of wisdom-related knowledge is classified as between 15 and 25 years. From about 25 to 75 years of age, the age gradient is zero, and beyond the age of around 75, one observes a more broadly-based decline in cognitive status. Age and wisdom are therefore not as closely linked as is generally assumed. Furthermore, the attainment of wisdom is based on the complex interplay of different factors, including personal characteristics, experiential contexts, and macro-structural contexts linked to wisdom-related experiences, among others.

The question then remains: who can gain wisdom? According to the results of the study, everybody and anybody is capable of gaining wisdom. However, it is not true that everyone will make use of their wisdom facilities in equal measure, just as it is not the case that in every human being the various factors that are necessary for obtaining sapiential thought meet in an optimal way. According to Baltes and Staudinger (2000, 125), among the factors that affect the attainment of wisdom are general and social intelligence, creativity, openness to experience, motivation, interest, and life experience. This is in addition to biographical factors such as advanced age, parenthood, and the undertaking of mentoring roles and helping professions. Of particular importance to the development of wisdom are the interactive discussions that include interpersonal exchange and exploration of experiences. At this point, we are back to the factor of age, because interpersonal experience depends on the number of interpersonal dialogues and controversies that, in turn, increase with age. On this score, older persons performed better than the youth.

In summary, wisdom is "...expertise in the fundamental pragmatics of life and operationalized as high-level knowledge and judgment with regard to difficult problems of life planning, life management and life review" (Baltes and Staudinger 1996, 58). It includes a balanced tolerance for diversity, knowledge of constraints, and a sovereign handling of uncertainties.

As a result of their empirical research on wisdom, Baltes and Staudinger proposed that wisdom has to function as "...a meta-heuristic, that organizes, at a high level of aggregation, the pool of bodies of knowledge and commensurate, more specific heuristics that are available to individuals in planning, managing and evaluating issues surrounding the fundamental pragmatics of life" (Baltes and

Staudinger 2000, 132). Wisdom acts as a cognitive-emotional and motivational heuristic that orchestrates the interaction of mind and virtue. It is the ability to deal with complex problems in a successful manner, so that spirit and values, thought and action, are brought to a high degree of compliance. Wise people act as points of reference to the rest in society because they can provide guidance in unusual situations. Now, how important are the results of psychological wisdom research to philosophy? And is it possible to apply methods and criteria of psychological wisdom research on an intercultural or global level?

Henry Odera Oruka and Sage Philosophy in Africa

Stephen M'Mukindia Kithanje was born in 1922 in Meru, Kenya. In his youth, he was a shepherd and went to school for only six months. Nevertheless, he was regarded throughout his area as a sage and an authority on traditions and customs (Oruka 1990, 128ff.). According to Bruce Janz, Kithanje provides us with "...an entire theory of wisdom, which accounts for why some are wise and others are not, where wisdom comes from, and how one might recognize a wise person" (Janz 2009, 106). Let us consider Kithanje's reflections on the concept of wisdom:

> In society, everyone is born wise or with the capacity to be wise. But, due to some limiting factors most people do not develop this gift. These factors are both external...and internal....The external factors I will call hungers. There are three major hungers: one is disease, which may cause so much suffering to a person and impair his time for serious thought and cultivation of wisdom. The other is the hunger of the ears and eyes. This type of hunger sways a person from the pursuit of what is true into the world of mere hearsay and appearances. Then there is the real hunger, the hunger of the stomach. This may rise from poverty or from greed. All these hungers always act against the pursuit of wisdom...The internal factors are, in fact, fears born on the person's mind. These fears sound something like this:

i) People might regard my knowledge as hearsay and persecute me for it.

ii) People might not listen to what I tell them, and so I fear to tell them.

iii) If I abandon professional employment in the free pursuit of wisdom, how would I meet my daily needs, viz: food, shelter, clothing? (Oruka 1990, 129-130).

Thus, many people do not actualize their potential to be wise: only a few of them overcome these hungers and fears. Wisdom is, according to Kithanje, expressed by three major concerns:

i) Where were we? (Past)
ii) Where are we? (Present)
iii) Where are we going? (Future) (Oruka 1990, 130).

While those who are not wise are mainly concerned with "where are we," a wise person's mind connects a given event with what would possibly happen:

A wise man then is one who sees the implication of life-experience by combining the past, present and the concern for the future. The unwise person usually ignores the past and even the future and becomes sensually and deeply involved only in the appetite for the present (Oruka 1990, 130).

It is obvious that, in some essential points, the conception of wisdom in both Stephen Kithanje and Paul Baltes are quite close. Thus, wisdom seems, despite all contextual constraints - and precisely the contextuality of wisdom makes wisdom a strong tool to cope with the complexity of life (or "Cultural memory is the mother of wisdom" (Baltes and Staudinger 2000, 123) - to be a kind of knowledge and a way of life which is able to transcend linguistic, cultural and religious boundaries. Although it happens in a unique context, it is a kind of knowledge which is both linked to a certain location and able to give global or universal answers to questions that confront humankind.

It was to the credit of the Kenyan philosopher Henry Odera Oruka (1944-1995) that Stephen Kithanje's statements were recorded,

translated into English and published. His sage philosophy is one of the most popular, though controversially discussed, philosophical projects in Africa. It has made him known way beyond the borders of Africa, and is mentioned today in relevant philosophical works such as the *Stanford Encyclopaedia of Philosophy* or *Internet Encyclopedia of Philosophy*.[10]

The Sage Philosophy project started in 1974. Its intention was set against ethno-philosophical attempts to systematize folk beliefs and to present them as philosophies. The sage philosophy project undertook to identify individual philosophers in traditional African communities. Academically trained philosophers went into rural communities to carry out interviews on philosophical topics such as truth, God, the good life, wisdom, and death with people identified as sages by their own communities. The men and women selected by Odera Oruka and his team came from different ethnic groups and were mostly illiterate, although illiteracy was not an overriding factor. Interviews with them were conducted in their own languages to take care of the local contexts within which language operates. Odera Oruka and his colleagues took the Socratic dialogues as a model for their conversations with the sages. Thus, it depended mainly on the skills of each interviewer to conduct the dialogue in such a way that the sage was challenged to justify their judgements. The interviews were recorded, transcribed and translated into English, and, later, analyzed by a trained philosopher (Oruka 1990). Thanks to these efforts, the wisdom of some Kenyan sages, which was hitherto passed down locally and orally, is now available to the larger philosophical community.

According to Odera Oruka, a person can be said to be wise when s/he is familiar with the cultural beliefs, norms and myths of her or his community, and if s/he is respected in this regard by the members of the said community. These are individuals from whom members of the community constantly seek advice. Furthermore, a wise person, for Odera Oruka, employs "...an abstract reasoning for the understanding and solution of the basic questions of human life and nature" (Oruka 1990, 36). A further key feature of wisdom, according to Odera Oruka, is the ability to apply one's knowledge for the well-

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[10] http://plato.stanford.edu/entries/african-sage/ and http://www.iep.utm.edu/afr-sage/.

being and betterment of one's community. He holds that a sage "…aims at the ethical betterment of the community that he lives in" (Oruka in an interview with Kai Kresse in Graness and Kresse eds. 1997, 254). This implies that for Odera Oruka, sagacity defies traditional or historical boundaries. Thus, to have wisdom or to be recognized as a sage in the sage philosophy project did not require that one be restricted to traditional rural areas. Similarly, age, gender and levels of literacy were not to be considered as hindrances to the quest for persons with individualized indigenous wisdom. [11] The search for wisdom and wise people was, for Odera Oruka, not only the fulfilment of a historical responsibility, but also a contribution to addressing the challenges facing Africa then and now.[12]

Moreover, Odera Oruka emphasizes that wisdom is contextually bound. He asserts that what is considered as wisdom in one culture may not be regarded as such in another: "Much depends on the beliefs and dominant activities of the culture in consideration. For example, people who do not eat fish and never engage in fishing may not really appreciate wisdom that explains the art of fishing" (Oruka 1990, 53). He, however, recognizes that wisdom can also have an intercultural dimension. He refers several times to the pre-Socratics as examples of sage philosophers outside of Africa, and makes several references to Socrates and his conception of wisdom (Oruka 1990, 1-11). The implication here is that wisdom correctly interpreted is both a cultural as well as a universal phenomenon.

In the sage philosophy project, Odera Oruka makes a distinction between folk sages and philosophical sages with regard to how they appropriate wisdom. Folk sages uncritically transfer the knowledge of the ancestors. On the other hand, philosophical sages are characterized by the fact that they do not stop at simply passing on the knowledge of the community from generation to generation, but that they are able to evaluate this heritage critically, with a view to formulating their own reasonable positions. In this way, the philosophical sage may accept, modify, or even reject traditional principles, depending on the concerns of the moment and the challenges posed by life. Philosophical sages are able to devise new

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[11] See the interview with Oginga Odinga, Kenya's first vice-president and later opposition leader, and certainly not a traditional sage.

[12] Gail Presbey draws this conclusion in her article "Who counts as a sage?" (1997), and I follow her conclusions in this point.

rules and standards and to justify them, or to propose alternatives to common beliefs and practices (Oruka 1990, 31-32).

Today, Sage philosophy has prominent critics as well as articulate supporters. It is encouraging that the Sage Philosophy Project is not only intensely and critically discussed in Africa, but that it has developed into a body of knowledge that has attracted the attention of scholars in other parts of the world. This is a significant contribution to the discourse on wisdom. However, two issues stand out in Odera Oruka's Sage Philosophy project: the method of conducting the interviews, and the attempt at distinguishing between folk and philosophic sages. The two points are interlinked. In my assessment, the following four points are central in any critique of Sage philosophy:

Odera Oruka and his colleagues ignored basic principles and techniques of interviewing. It was left to the discretion and ingenuity of the interviewer to develop questions and to involve the sage in a philosophical discourse.

The project did not reflect on the manner, the reasons, and the amount of attention to be given to the various questions and issues used to test the level of wisdom. Thus, before conducting the interviews, due consideration was not given to how much each question or the cycle of questions and answers might shape the responses. These are essentially issues of anthropological or philosophical field work, the impact of which Odera Oruka's project did not anticipate adequately.[13]

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[13] Wim van Binsbergen criticizes the technique of conducting the interviews: "Because of this much wider, non-verbal basis, firmly rooted in participation, the knowledge acquired in fieldwork derives from experience [...] in ways that have scarcely parallels in the procedures of intercultural knowledge production so far pioneered by intercultural philosophers - unless the latter do fieldwork among 'sages', but then their techniques of elicitation and recording are often hopelessly defective" (Van Binsbergen 2003, 497). Similarly, the critique of Bruce Janz, who points out the imbalance between the professionally trained philosopher who is asking the questions and the rather unprepared sage who gives his answers: "[...] the sage may not have thought about some issues until the interviewer raises them [...] the questioner is dictating the categories and the kinds of questions that are legitimately 'philosophical,' while the respondent is still trying to work out an articulation of a position" (Janz 2009, 111). Furthermore, Janz draws attention to the fact that a question and answer interview presupposes an unequal power relationship, and is not a Socratic dialogue (p.113), And he concludes: "The

The interviewers did not follow a consistent line for their conversation with the sages. Although some questions are similar in each interview, each conversation tends to take on its own character, which makes it difficult to compare the responses from the sages. Each interview is a unique talk, taking on a character different from any other, and this can hardly be used for comparative conclusions concerning the wisdom value among the responses. Consequently, the distinction between philosophical and folk sages stands on a shaky ground.

The interviews mainly contain question and answer sessions on specific topics such as "What is religion? What is God? What is the truth?" In this way, they do not engage in a real Socratic dialogue as we know it in philosophy.

I propose that one possible way out of the shortcomings mentioned above is to apply the method of the Berlin Wisdom Paradigm to philosophical fields. The method of bringing up "wisdom problems" to be solved by the sages themselves might be more appropriate and effective for gaining insights both into traditional and contemporary ethical issues, as well as for shedding light on ontological and epistemological principles, than it is as the means of a simple presentation of questions. This paradigm allows the respondents to clearly illustrate how sagacious reasoning works. In addition, it allows the respondents to engage with issues without too much interference into their thinking processes, and also allows them sufficient room to unfold their ideas and knowledge without shaping the responses by certain categorizations introduced through the interjections by the interviewer. It is only then that we can engage the respective responses and underlying thought processes to be compared. The distinction between philosophical and folk sages might then stand on more solid ground.

In practice, however, the aforementioned "wisdom problems" can stay almost unchanged or only marginally modified, since the circumstances that they describe seem to have an essentially intercultural and even timeless applicability: situations of despair; preconditions to lead an independent life; the meaning of life; life planning, management and review skills. It is worth noting that the

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problem remains [...] that the method employed does not uncover what really matters in the thought of the sages" (p.112). Moreover, see the problems discussed by Gail Presbey (1997).

evaluation method of the Berlin Wisdom Model offers a basis for distinguishing wisdom from a way of thinking that does not fulfil these criteria. Such distinctions are not trivial and do not have a purely theoretical significance, but also have practical implications. In contemporary Africa, there is a constant challenge to decide which of the indigenous traditions are worth keeping and which are not, such as the challenge to mediate between the rights of cultural communities and the individual right to a self-determined lifestyle, including the rights of women and children. However, these challenges also include the right to mediate and secure the survival of cultural and linguistic communities in the face of national economic and political interests. The fundamental question is: on which rational grounds should one associate with, modify, or reject the customs and traditions of one's people? This and many similar questions have relevance, for example, to the position of women in societies in Africa. The Nigerian philosopher Nkiru Nzegwu, in her book, *Family Matters* (2006), interrogates the instrumentalization of "traditional values" in a manner that restricts the rights of women. In legal practice, one finds several of such cases.[14] In her critique of traditions, Nkiru Nzegwu observes that "traditions" are frequently interpretations or constructions carried out by missionaries and colonialists who redefined the role of women in Africa in accordance with binary European ideas. What is sold as African traditions today might not reflect Africa's pre-colonial history. Hence, the following questions have to be asked: Who has the decision-making power concerning cultural practices to be preserved or to be rejected? Why and how are women's rights so easily overridden by cultural rights? These are important issues that require political and legal responses. Philosophical wisdom, unlike

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[14] Odera Oruka was an advisor in a now famous conflict of this kind in front of the Kenyan High Court between December 1986 and May 1987, namely, the legal dispute over the burial place of Mister S.M. Otieno. His widow Wambui Otieno (a member of the Kikuyu people) fought a legal battle for the right to bury her husband against his Luo kinsmen. In this specific case, Odera Oruka seemed to defend the traditional Luo belief in spirits. See the following chapter in Odera Oruka 1990: "The S.M. Otieno Burial Saga: A Debate on the Application of Sage-Philosophy," pp.65-82. See for the gender aspect of the debate Patricia Stamp: "Burying Otieno: The Politics of Gender and Ethnicity in Kenya," *Signs: Journal of Women in Culture and Society*, 1991, Vol.16 No.4, pp.808-845. The article analyzes the place of customary vs. common law, the primacy of ethnicity vs. national identity, and the power of patriarchy over women's rights in Kenya.

folk wisdom, which is directed at the preservation and promotion of unquestioned traditions, might be helpful in resolving such problems through philosophy's ability to understand individual and collective views, cultural and traditional claims, as well as the challenges of modern life, including the contradictions and difficulties in conventional views of the community.

Conclusion

Is wisdom a kind of 'traditional' thinking, but philosophy 'modern' or scientific thinking? Is wisdom outdated? Do we as philosophers have to abandon the search for wisdom and go for scientific, analytical knowledge only?

Let us go back and reflect on the relation between philosophy and wisdom on the one hand, and between a philosopher and a sage on the other. The relationship between philosophy and wisdom has to be reconsidered, not only because the word "philosophy" itself means, in its etymological origin, "love of wisdom," but because the rediscovery of the dimension of wisdom might improve the relevance of our philosophical work today. There is, on the one hand, a widespread view that there is a contradiction between wisdom and modern philosophy, between the way of thinking represented by a sage and by thinkers of modernity such as Hume or Kant. As Barry Hallen and Olu Sodipo concluded, the terms "philosophy" and "sage" are not compatible:

> The connotation of "sage" is that of a wise man, but wise in the archaic or "traditional"? sense. This is the sense of being knowledgeable about his people's beliefs, and not particularly or deliberately critical of them. If the philosopher's task is to analyze and criticize, there is then an element of inconsistency in conjoining the two (Hallen and Sodipo 1986, 123).

On the other hand, there is the call "Philosophers, make room for the scientists!" - a call challenging us to take our hands off wisdom research and leave it to other sciences. What is the way forward?

According to Socrates, both understanding virtue and living a virtuous life ought to be the goals of the philosopher. However,

modern philosophy departed from that tradition. The majority of philosophical works today have little or nothing to do with practical life or the betterment of society. How will philosophy fulfil its critical social role while being confined to an analytical study of concepts, an attempt to articulate underlying presuppositions, instead of searching for solutions to the challenges humankind faces today? The abdication of the search for wisdom leads to an increasing inability and incompetence on the part of philosophers to influence both public affairs and private lives. Today, one rarely finds a philosopher among the members of advisory councils of governments. In private situations of despair, people search for the help of therapists and psychologists, not philosophers.

For Odera Oruka, the solution is "Philosophy must be made sagacious!"[15] "Sagacity" here means that philosophy has to be, first and foremost, practically relevant. The dimension of wisdom signifies that philosophy has a local side - a side of being culturally and socially connected to a certain place or region. In order to have practical relevance, cultural norms, meanings and values have to be taken into consideration. In Odera Oruka's understanding, philosophy is "both culturally determined and a universal mode of thought" (cited in Kresse in Graness and Kresse eds. 1997, 15). These two sides of the conjunction must be integrated into our philosophical research.[16] One major deficit of contemporary knowledge systems and philosophy is the fragmentation and lack of goal or outcome-oriented collaboration. An example is the theoretical discussion on Global Justice which seems to lose sight of the most important goal, namely, to eliminate the problem of world hunger. Wisdom counteracts such fragmentation of bodies of knowledge. To unfold its capacity, wisdom

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[15] Kai Kresse expresses Odera Oruka's intention as follows: "[…] one can say with Odera Oruka's approach, it was compulsory that 'philosophy must be made sagacious' on the one hand, and that on the other sagacity would have to be philosophical, i.e. usable sagacity for current practical problems would have to be philosophical (well-founded, clear and flexible)" (Graness and Kresse 1997, 16).

[16] "Philosophy is an art of reasoning and provides a critical intellectual weapon and methodology for analysing and synthesising the basic problems of man, society and nature. […] The main function of moral and social philosophy is to apply rigorous analytic and synthetic reason to the basic moral and social problems and help to explain or define moral good, moral evil and the requirements of a humanist social order" (Oruka: "Philosophy and Humanism in Africa" in Oruka 1997, 140).

research has to be re-integrated into academic philosophy, including philosophical fieldwork or empirical studies. [17] In a similar way, philosophy has to be integrated into the wisdom research of other disciplines.

It is my considered opinion that psychological wisdom research provides an interesting approach that can be enriched by more philosophical aspects, especially those concerning the underlying presuppositions of the approach and other ethical questions. As mentioned above, it might improve the Sage Philosophy project, which is not confined to the African context. To ask where the contemporary sages in Europe or in other parts of the world are is as interesting as it is relevant. The results of the psychological wisdom research show that wisdom is not a traditional or historical kind of knowledge. Instead, it is a specific link between mind and virtue, between knowledge and the application of knowledge, a link which has enormous importance for solving fundamental problems of life, both for the individual and for society.

Thus, wisdom research needs to be conducted interculturally and in an interdisciplinary manner, including anthropology, psychology, philosophy and all the related disciplines - a research that works against the fragmentation of the world knowledge system.

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[17] See the criticism of van Binsberg (2003, 497): "Therefore, whatever may be theoretically wrong with fieldwork as a method for the production of intercultural knowledge, it appears to be in principle far superior to the forms of intercultural knowledge of philosophers, who tend to rely on texts, and usually on translated texts from foreign languages at that; I say 'in principle', because below I shall argue that this empirical advantage is largely forfeited by the epistemological naïvety of anthropologists as compared to professional philosophers."

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5.

The Sage and the *Shèngrén* 圣人: Confucianism and Henry Odera Oruka's Sage Philosophy

JAMES GARRISON

Introduction

The Problematic

Henry Odera Oruka's work in *Sage Philosophy* springs from a concern that vexes philosophers in Africa and beyond, which is the need to clarify and defend the philosophical content of traditional bodies of thought having little to do with Euro-American models of institutional academia. China serves as an interesting point of comparison here, and not simply because of the intriguing geopolitical convergence between the People's Republic and African nations currently taking place, but also because the charge persists that what passes for local varieties of sage wisdom in each respective realm falls well short of whatever standards were set by 'philosophy proper' in the post-Hellenic sphere. This makes an investigation of China's most influential indigenous philosophical tradition, Confucianism, especially appealing, as it addresses sagely wisdom, using a family of terms to express distinct aspects of sagacity in much the same way as Oruka does in his search for overlap with philosophy.

Oruka looks at two types of sages, the folk sage and the philosophic sage, who deal, respectively, with popular wisdom and didactic wisdom (Oruka 1990, 28 & 44). He describes the two: "mak[ing] a distinction between 'philosophical sagacity' on the one hand and 'culture philosophy' (a philosophy of a culture) on the other. Philosophical sagacity is a reflection of a person who is (1) a sage, and (2) a thinker" (Oruka 1990, 44). For Oruka, the task is proving the existence of the second-order philosophical sage, for that would throw the claim of there being no philosophy in Africa into doubt (Oruka 1990, 29). This means looking for sages who are neither "simply

moralists and the disciplined die-hard faithfuls to a tradition" nor "merely historians and good interpreters of the history and customs of their people" (Oruka 1990, 44). Thus, Oruka documents representatives from primarily oral traditions looking for something surpassing customary folk wisdom with advanced critical reasoning and genuine self-scrutiny, but of a kind different from that found in the ivory tower of Euro-American academia. As Oruka observes, "Between the folk philosophy and the written critical discourse, sage philosophy comes as the third alternative: it demonstrates the fact that traditional Africa had both the folk-wisdom and critical personalized philosophical discourse" (Oruka 1990, 38).

Though the situation is not entirely the same, Confucianism may represent another alternative in the field between folk philosophy and written critical discourse, falling as it does only uncomfortably and partially between these two poles. It might be asked in what ways Confucianism might relate to Oruka's *Sage Philosophy* project, whether the former falls within the latter, geographic disconnection aside. However, Oruka indicates another path, as he states his desire to avoid a search for philosophy *in* sagacity, in favor of speaking of a search for overlap (Oruka 1990, 36). On this score, philosophy is not an object that falls neatly into the concept of sagacity, and thinking in these terms will lead to folly. Likewise, given the different settings, it would be ill-advised to make Confucianism "fit" into sage philosophy, and much more worthwhile to look at fruitful overlaps. Even with this said and the more practical goal clarified, qualifications still remain to be made before declaring that there are actually overlaps.

True, Confucianism does not spring from the same context as the traditions of immediate concern to Oruka: there is distance; there is anachronism; but there need not be incommensurability. The key thesis of this paper is that Confucianism can address sagacity on very similar, overlapping terms, and that it can do so on three distinct, yet interrelated, ways that structure this paper:

Through consideration of Confucian sagacity on a theoretical, conceptual level.

Through examining the historical development of the Confucian tradition itself, and, most intriguingly,

Through looking at the lived, performed example of sagacity of Confucius himself as documented in the tradition.

Looking at Confucian sagacity on these three levels helps in reaching the goal of connecting to Oruka's *Sage Philosophy* and posing serious, discussion-provoking, questions about philosophical sagacity generally.

Background to Confucianism

Although Chinese philosophy does not appear as a major concern in Oruka's work, he does make the following remark about it:

> …what we know as the "Chinese philosophy" is no more than Confucianism from Confucius (551-479 B.C.), Taoism from Lao-tzu, Maoism [SIC - "Mohism"] from Mo-Ti and Maoism from Chairman Mao-Tse-tung. We must note that these philosophies are not harmonious with each other. We call them "Chinese philosophy" only because they are composed by Chinese thinkers or philosophers (Oruka 1997, 31).

In addition, although other philosophical schools exist and indeed co-exist in China, Confucianism's unique influence on the broader culture extends past the academic-bureaucratic realm, deeply affecting much of the basic moral language of society, family, and self in the East Asian sphere. Though it undoubtedly has a textual canon as well as a long tradition of written commentary, Confucianism is a deeply oral and performative tradition, where Confucianism or *rújiā* 儒家, is not based around Confucius himself, but rather on advisors or *rú* 儒, and where the major text, *The Analects* or *Lúnyǔ* 论语, refers to the discourses of Confucius. As will be shown later, even these titles, and the modest role played by Confucius in what we, somewhat misleadingly, call Confucianism sets a particularly high standard for distinguishing between what Oruka might identify as folk and sage wisdom.

However, before we look at the arrival of Confucianism on the Chinese scene (circa 500 B.C.E.), it is worth exploring how some of the earliest Chinese texts develop the notion of the sage, defining sagacity superlatively in terms of insight, intellectual curiosity, and intellectual commentary in ways that link up at the outset to Oruka's distinction between philosophical sagacity and folk sagacity, and anticipate

Confucianism's more comprehensive approach to the topic. For example, the major canonical commentary to the major Chinese ur-text the *Book of Changes* (*Yìjīng* 易经 or *I Ching*) relates the following discussion, reflecting early views on sagacity:

> 子曰。書不盡言。言不盡意。然則聖人之意。其不可見乎。
> 子曰。聖人立象以盡意。設卦以盡情偽。繫辭焉以盡其言。

> He said, "What is written does not give the fullness of what is/was said (*yen*); what is/was said does not give the fullness of the concept in the mind (*yi**)."

> "If this is so, then does it mean that the concepts in the minds of the Sages cannot be perceived?"

> He said, "The Sages established the Images (*hsiang**) [of the *Book of Changes*] to give the fullness of the concepts in their minds, and they set up the hexagrams to give the fullness of what is true and false in a situation (*ch'ing**); to these they appended statements (*tz'u**) to give the fullness of what was said…" (Owen 1992, 30-31).

Now, this passage and its view, while traditionally and apocryphally ascribed to Confucius, does not necessarily belong to any one philosophical school within China. Though the tradition springing from the *Book of Changes* and its rumination on change of dark and light elements à la the *yīn-yáng* symbol might ultimately find its fullest philosophical expression in Daoism, especially in its textual form, its basic vocabulary is integral to Chinese thought broadly speaking and to all of the well-defined schools of philosophy that would come later. Moreover, as concerns the topic here, this link between sagacity and creative wisdom described by early Chinese texts highlights two characteristics of sagacity, namely, the difficulty of using language to capture sagely thoughts, and the need for sages to be inventive, both of which find further expression in Confucianism.

Stemming from what Karl Jaspers calls the "axial age" (Jaspers 1949, 19-21), the approximate period during which Plato, Aristotle, and Buddha were also active, Confucianism set the stage for ensuing

East Asian philosophical traditions, furnishing much of the basic vocabulary, with its notions of role-based ethics, ritual, and family proving particularly influential in the long run. In China, this axial age was a period of strife, known as the "Warring States Period," where the core of China as we now know it, centered between the Yellow River in the North and the Yangtze in the South, was a loose collection of small fiefdoms controlled by warlord kings. In his day, Confucius (Kǒng Zǐ 孔子) was little more than a roaming mid-level advisor, giving his brand of counsel to various courts of the day in the hope, not to be realized during his own lifetime, of this chaos giving way to a type of social harmony, modeled on the golden age brought about by mytho-historical sage kings such as Yáo 尧 and Shùn 舜, whom legendary accounts like the *Book of Changes* and its commentary tradition say invented the use of language, ritual, and music for the purpose of harmonizing the human world on earth and the heavens in the way described above.

However, Confucianism is not simply about the ur-history of ages on the limits of cultural memory. Today, Confucian precepts permeate everyday social conduct in Mainland China as well as in what preeminent Confucian scholar Tu Wei-Ming calls the four mini-dragons - Hong Kong, Singapore, South Korea, and Taiwan - in addition to Japan (Tu 1996, 1). Being so widespread and long-lasting, subsequent epochs have seen Confucianism reinterpreted in light of Daoist, Buddhist, and now Marxist influences and critiques, such that rather than being a philosophical antique, Confucianism is a living tradition taking on ever greater importance as East Asia continues to rise. This is important because, as will be shown, there seems to be a historical dimension to identifying who counts as a genuine sage in Confucian terms, where invention and influence are determining criteria that can only be apprehended somewhat contingently with the passage of time.

Thus, looking first at the inventions of Confucian sages conceptually allows their influence to be then tracked historically, which ends up helping in thinking through sagacity *as an ideal* in the personal example of Confucius. This means starting with the particular creative insight offered by *rú* advisors such as Confucius - the social employment of ritual propriety to enact wisdom and cultivate elevated conduct, if not sagacity itself.

Confucian Sagacity on a Theoretical Level

Lǐ 礼 (Ritual Propriety)

For Confucian thinkers, the ancient sages were so because of their invention and creative employment of *lǐ* 礼, a word that stymies concise translation. In its grander aspect, *lǐ* refers to ceremony, particularly in the mode of ritual sacrifice, which indeed is indicated by the traditional form of the character depicting an altar and vase - 禮. However, *lǐ* also refers much more subtly not just to etiquette, but also to comportment, in daily life.

Moreover, *lǐ* is often mentioned alongside cultural products, especially music, as something that gives one bearing, or, as *Analects* 8.8, 16.13, and 20.3 playfully puts it ,"knowledge of where to stand [*lì* 立]." Perhaps more illustrative of the Confucian view of ritual's subtle ubiquity are the words of the later classical Confucian thinker Xún Zǐ 荀子, who declares in his eponymous work's chapter on self-cultivation (修身):

[修身] 宜于时通，利以处穷，礼信是也…由礼则治通，不由礼则勃乱提僈；食饮，衣服、居处、动静，由礼则和节…容貌、态度、进退、趋行，由礼则雅…故人无礼则不生，事无礼则不成，国家无礼则不宁。

[(that self-cultivation) suits living in times of success and is beneficial when living in poverty. This is ritual and being trustworthy...That which arises through ritual thus runs through governance. If not arising through ritual, then it will be disordered and promote negligence...) If food and drink, garments and clothing, home and hearth, action and rest arise through ritual, then they will be harmonious and ordered...If one's countenance, bearing, sense of propriety, and hurried steps arise through ritual, then they will be refined. Thus, a man without ritual will not live; an effort without ritual will not succeed, a nation without ritual will not be peaceful] (Xún Zǐ 1999, §2.2).

Accordingly, *lǐ* is difficult to nail down with a one-word translation, since it addresses how things large and small arise (Confucius 1998, §1.2). Even Confucius acknowledges the difficulty in general of speaking about *lǐ* (and music) where he asks, "in talking about *li*, how could I just be talking about gifts of jade and silk? In referring to *yue* how could I just be talking about bells and drums? In referring time and again to observing ritual propriety (*li* 禮), how could I just be talking about gifts of jade and silk? And in referring time and again to making music (*yue* 樂), how could I just be talking about bells and drums?" (Confucius 1998, §17.11). Similarly, exaggerating *lǐ* and focusing on its grandiose elements by simply calling it ritual without qualification greatly misses the role of *lǐ* in everyday contexts.

To understand *lǐ* as encompassing a variety of ritual phenomena, from the subtle to the grand, it is necessary to look at the complimentary notion of *yuè*, or music. Performance, especially of musical and dance works, is key to understanding this idea, since performance focuses on and distills the subtle everyday gestures which belong to *lǐ*. And so it is that descriptions of *lǐ* by Confucian thinkers often accompany remarks on music (*yuè*). While *lǐ* orients one in ordinary contexts, participation in music or dance performance emphasizes ritual gestures and provides a novel context for learning where to stand. Confucius puts these terms together, playing with the identical Chinese characters used to render enjoyment and music in the phrase "*lè jié lǐ yuè* 乐节礼乐," in stating that enjoyment of music and ritual is a basis for self-improvement (Confucius 1998, §16.5); and this fleshes out part of the meaning behind *shèng*, the term for sage. Consider the following quasi-etymology given later on during the Tang Dynasty:

聖者，聲也。通也。言其聞聲知情，通於天地，條暢萬物也。

[A sage (*shèng*) is one who sounds (*shēng*) and who communicates. This means hearing sounds and knowing circumstances, communicating with the heavens and the earth, and apprehending the myriad of things] (Ōuyáng 1982, 358).

Thus sages are so because of sounds, because of the sounds they hear most intimately near and cosmically afar, as well as because of

their ability to address things most broadly. Conventional language is but a part of this, and sages attend to it carefully, but ultimately the case can be made that music, lyric poetry, and ritual 'speak' more directly to the cultivation of sagacity in a Confucian context; and it is here, particularly in the tradition's wisdom concerning ritual and music, that a clear relationship between folk sagacity and philosophical sagacity can be seen within a Confucian context - in the invention of ritual artistry for the purpose of social harmony. As leading contemporary Confucian/Kantian/Marxian theorist Li Zéhòu 李泽厚 observes,

> Chinese sages transformed and rationalized the power of the shamans into rites and rituals and interpreted these powers as manifested in music and poetry to be constructive. Western scholars considered the powers of the muses attractive and powerful, but whimsical, and a threat to humans' most treasured faculty: reason (Li & Cauvel 2006, 26).

Here we see a clear connection between Confucianism and Oruka's *Sage Philosophy*, at a structural level, in the differentiation between sages and shamans on the basis of transformative rationality, which is to say that sagacity lived actively and creatively rather than passively and on the basis of received wisdom, corresponding to Oruka's distinction between philosophical and folk sagacity. Here, wisdom is not taken to be the cognitive as set off from the affective, in the way that post-Hellenic philosophy might have it. Rather, Confucian wisdom sees a merger of ethical and aesthetic virtues in the cultivation of the self through ritual *lǐ*.

In sum, *lǐ* means ritual propriety (Ames & Rosemont 1998, 51), broadly connoting everything from the subtly ritual-habitual to grandiose formalities. *Lǐ* is social grammar (Ames & Rosemont 1998, 51). *Lǐ* provides knowledge of where to stand (Confucius 1998, §8.8, §16.3 & §20.3). *Lǐ* coordinates the where and when of social comings and goings. *Lǐ* attends to gesture and comportment. *Lǐ* describes how the players and the audience each take their various places, and act just so at just the right time. *Lǐ* forms a pair with *yuè* 乐/樂, music, or more precisely musical theatre, with connections to all arts (Confucius 1998, §16.5, & §17.11; Ames 2011, 74). *Lǐ* is both a social grammar and

a social choreography (Mencius 1974, §7B79). *Lǐ* encompasses ethics and aesthetics. *Lǐ* speaks to how language stands in society. *Lǐ* connects the regulation of cultural expression and of society. *Lǐ* expresses how the discursive climate defines how people live up - or down - to social archetypes (Confucius 1998, §13.3). *Lǐ* provides knowledge of when to make a stand. *Lǐ* conditions social relations. *Lǐ* establishes bounds and bi-directional demands between ruler and advisor, parent and child. *Lǐ* refers to a sense of appropriateness, including the knowledge of when and how to call out inappropriate failure to fulfill a name or role (Confucius 1998, §12.11 & §16.5; Xún Zǐ 1999, §13.5, 19.3 & §19.9). *Lǐ* helps in knowing when and how to stand up to a king not being a king, and a father not being a father (Confucius 1998, §12.11).

Shèngrén 圣人 *(Sages) and Jūnzǐ* 君子 *(Authoritative Persons)*

The role of family indicates how ritual *lǐ* as the framework for social coordination underpins the particularly Confucian variety of sage wisdom. *The Classic of Family Reverence* (*Xiàojīng* 孝经) presents a conversation between Confucius and his disciple, Master Zeng, drawing attention to a clear link between sagacity and ritual, with sages discovering and creatively using *lǐ* to engender familial love as the basis for a more widely reaching affection and enduring social harmony:

> Master Zeng said, "May I presume to ask if there is anything in the excellence (*de*) of the sages that surpasses family reverence?"

> The Master [Confucius] replied, "Of all the creatures in the world, the human being is the most noble. In human conduct there is nothing more important than family reverence; in family reverence there is nothing more important than venerating one's father; in venerating one's father there is nothing more important than placing him on a par with tian [the heavens]. And the Duke of Zhou was able to do this."
> …Affectionate feeling for parents begins at their knee, and as children take proper care of their fathers and mothers this veneration increases with the passing of each day. The sages

build upon this veneration in their teachings about respect, and build upon this affection in their teachings about love. In these teachings proffered by the sages they are able to be effective without being severe, and in their governing they are able to achieve proper order without being harsh because what they have built upon lies at the very root.

The proper way (*dao*) between father and son is a natural propensity that by extension becomes the appropriate relationship (*yi*) between ruler and minister. There is no bond more important than the father and mother giving life to their progeny, and there is no generosity more profound than the care and concern this progeny receives from their ruler and parents.

…Exemplary persons (*junzi*)] are concerned that what they say be credible, and what they do be a source of enjoyment (*le*). Their excellence (*de*) and sense of appropriateness (*yi*) is to be esteemed and they are to be emulated (*fa*) in what they do. In their bearing and deportment they are to be looked up to, and in their undertakings they are to be taken as a standard. It is in this way that they care for their people. This is why the people, holding them in awe, love them, and taking them as their model, emulate them. Therefore they are able to succeed in their moral education (*dejiao*) and produce effective governmental policies.

The *Book of Songs* says, 'This good man, this exemplary person, his deportment is beyond reproach' (Rosemont & Ames 2009, §9).

Now, while there is much to unpack about sagacity here as regards family, statecraft and the like, perhaps the most noteworthy thing about this passage is a subtle shift in terminology that occurs as the topic of being a sage, a *shèngrén* 圣人/聖人, gives way to that of being an exemplary person, a *jūnzǐ* 君子. This is a crucial distinction, and indeed central to the task of connecting to Oruka's *Sage Philosophy*. The sage, the *shèngrén*, is the paramount figure, but the less superlative exemplary person is the immediate model. Why?

In the first place, this question can be addressed quantitatively. *The Analects* is the key tome for Confucianism, and it mentions exemplary persons in every chapter, in more than eighty passages, compared to a paltry six references to sages, despite the chapters bearing evidence of having been compiled and codified at different times. The reason for this disparity is simple - the rarity of sages. Confucius himself laments, "I will never get to meet a sage (*sheng ren* 聖人) - I would be content to meet an exemplary person (*jūnzǐ* 君子)...I will never get to meet a truly efficacious person (*shanren* 善人) - I would be content to meet someone who is constant. It is difficult indeed for persons to be constant in a world where nothing is taken to be something, emptiness is taken to be fullness, and poverty is taken to be comfort" (Confucius 1998, §7.26). Being concerned with practicality over onto-metaphysical speculation by his own admission (Confucius 1998, §5.13), the nature of sages in connection to the Way of the Heavens, the *Dào* 道 of *Tiān* 天, is not of interest to him so much as what is feasible in the here and now, and this means cultivating oneself through optimizing one's relationships with ritual-mindedness for the purpose of becoming an exemplary person.

Though not explicitly mentioning the exemplary person or *jūnzǐ*, a passage from the second-most important figure in Confucianism, Mencius or Mèng Zǐ 孟子, also bears out the difficulty of becoming a sage in hierarchical terms in his 4th century B.C.E. account:

可欲之謂善，有諸己之謂信。充實之謂美，充實而有光輝之謂大，大而化之之謂聖，聖而不可知之之謂神。樂正子，二之中，四之下也。

[A person we like is called a good, adept person. A person having this for themselves is called genuine. A person who is replete is called beautiful. A person who is replete and radiant is called great. A great person affecting change is called a sage. A sage who cannot be known is called spirit. Master Yue Zheng is between the first two and below the last four] (Mencius 1974, §7B71).

Furthermore, although Mencius' own catalog of four virtues gets most of the attention in mainstream Confucianism (Mencius 1974, §2A6), the roughly contemporaneous *Wǔxíngpiān* 五行篇 adds

sagacity to the list as a kind of culminating virtue, with the implication that the exemplary person attains the prior four before perhaps, just maybe, embodying the final fifth virtue of sagacity. In one of the leading English-language texts on the *Wŭxíngpiān*, Mark Csikszent-mihalyi provides the following analysis:

> As an adjective in the *Wuxing*, the word *sheng* connotes a kind of action that is the culmination of the actions associated with the four virtues of benevolence, righteousness, ritual propriety, and wisdom. As a noun, sheng has two related meanings. First, it means sagacity, the nominalization of behaving in a sage way. It also refers [to] "the sage," the ideal of moral and political perfection, whose ability to apply the virtues and the legacy of past sages in a timely way, and to inspire others makes him a breed apart. In the *Wuxing*, the linkage between the sage and the natural Way was the basis for the argument that the sage had an ability to act virtuously in a way that was appropriate to new times and situations. In the *Meno*, Socrates states that what unites the virtues is knowledge (*epistêmê*). The culminating virtue of the *Wuxing*, sagacity, is tied much more closely to perception (Csikszentmihalyi 2004, 168-169).

However, Confucius does not have any such culminating sagacity in mind for himself personally, no matter how much current descriptions of him would emphasize his keen perception and his "ability to apply the virtues and the legacy of past sages in a timely way, and to inspire others" (*ibid*.). Confucius makes it clear his goals have little to do with sagely innovation and more to do with practical living within a traditional framework in a manner that links the Confucian notion of the exemplary person to the concept of the folk sage as understood by Oruka.

One motivation for Confucius setting his sights on some manner of exemplary personhood or folk sagacity comes from the already-mentioned scarcity of the inventive, ingenious, and transformative wisdom of the sage. Roger Ames and Henry Rosemont shed some light on the reason for this as they explain the graph for sage or *shèng* in Ancient Chinese (聖), which for them

…suggests that the sages have the 'ears' (*er* 耳) to hear what is valuable to hear, and on that basis communicate or 'manifest' (*cheng* 呈) their vision of what will be. Their effectiveness is measured by their success in drawing the hands and hearts of the people together to realize a shared project that shapes what it means to be human. The sage as virtuoso sings the songs that enchant the world. *Shengren* have risen above the level of *jūnzǐ*, who themselves stand in awe of the words of the *shengren* [see Analects 16.8] (Ames & Rosemont 2009, 84).

Thus, although there is a general consensus, even in the dispute between the two most important sages after Confucius, Mencius and Xún Zǐ, that sages are not different in kind from the rest of humanity (Mencius 1974, §6A15; Xún Zǐ 1999, §23.14), this kind of imagery shows how sagacity, at least when understood in the grandiose terms of the ethical-aesthetic virtuoso, is exceedingly rare in the Confucian view.

However, it should be noted that the view exists, put forth by Chén Nìng 陈宁 contra Ames and Rosemont, that this notion of sagacity is idiosyncratic to Confucianism, where earlier it was a non-superlative word of praise applied to intelligent or capable persons in general beyond ancient sage kings, and that the use of *shèng* in terms of "manifesting" what has been heard from without is a particularly Confucian phenomenon, not stemming from earlier times. However, even by Chen's own view, Confucius' use of the word sage or *shèng* "has furnished the scaffolding for all discussions of self-cultivation and of rulership by later Confucians" (Chen 2000, 415-416), and so this objection only really applies to Confucianism backwards - in retrospect rather than in prospect, not in terms of how the tradition might move forward and overlap with other notions of philosophical sagacity.

In any case, the bar being set so high for sagacity has interesting implications as concerns Confucius himself. In his own self-assessment, Confucius shies away from any ascription of sagacity, offering that, "[f]ollowing the proper way, I do not forge new paths; with confidence I cherish the ancients" (Confucius 1998, §7.1), defining his activity in opposition to the verb *zuò* 作, which both Roger Ames and Henry Rosemont, in the notes to their *Analects* translation, as well as

John Cikoski, in his thoroughgoing *Notes for a Lexicon of Classical Chinese*, see as having a specific connotation of sagely invention (Confucius 1998, 241n104; Cikoski 2008, 248). Confucius' implicit denial of self-ascribed sagacity becomes explicit where he asks his disciple Gongxi Hua, "How would I dare to consider myself a sage or an authoritative person (*ren*)? What can be said about me is simply that I continue my studies without respite and instruct others without growing weary" (Confucius 1998, §7.34).

Thus deeming himself to be neither a sage nor anything remotely close, Confucius sets out on the more attainable goal of living the life of exemplary person. He makes several definitive remarks concerning what this entails, even though he claims, with perhaps excessive modesty, that he has accomplished very little even in this less ambitious regard (Confucius 1998, §7.33). How does the exemplary person live, then?

The exemplary person focuses on the root (Confucius 1998, §1.2), takes fondness for study past the academic (Confucius 1998, §1.14), is slow to speak and quick to act (Confucius 1998, §2.13 & 4.24), is open and not partisan (Confucius 1998, §2.14), is not competitive (Confucius 1998, §3.7), cherishes personal excellence (4.11), is generous (Confucius 1998, §5.16 & 6.4), is calm and unperturbed (Confucius 1998, §7.37), is trustworthy (Confucius 1998, §8.6), brings refinement any- and everywhere (Confucius 1998, §9.14), scrupulously maintains dress and appearance within proper bounds (Confucius 1998, §10.6), is earnest (Confucius 1998, §11.21), brings out the best in others (Confucius 1998, §12.16), is never careless toward what is said (Confucius 1998, §13.3 & 19.25), seeks harmony but not sameness (Confucius 1998, §13.23), is wise and courageous (Confucius 1998, §14.28), cares about ability, not recognition (Confucius 1998, §15.19), is conscientious (Confucius 1998, §16.10), gives priority to and works to bring about appropriate conduct (Confucius 1998, §17.23 & 18.7), is constantly authoritative in that conduct (Confucius 1998, §19.21), and understands the propensity of circumstance (Confucius 1998, §20.3).

This is all well and good, but this paragon of Confucian virtue, the exemplary person, falls short of genius and the kind of novelty that might expand the Confucian *rù* tradition. The *jūnzǐ* might indeed do all of the admirable things listed above, but this person, however exemplary, does not know how to fashion the mechanisms for

cultivating one's self and for optimizing one's relationships. *Jūnzǐ* fall short of inventing frameworks for ritual and music, for *lǐ* and *yuè*, coming to them only after the common folk (Confucius 1998, §11.1). The invention and creative use of these mechanisms, of *lǐ*, is left for the sage. However, Confucius says that he is not a sage, which, in Oruka's terms, is to say that he is not a philosophical sage, while subsequent history suggests otherwise; and this tension raises intriguing questions for the project of *Sage Philosophy* on a general level going beyond the Confucian idiom.

Confucian Sagacity on a Historical Level

Most, but not all, of the citations above come from Confucius, and demonstrate the general conceptual stakes for sagacity within Confucianism. On this score, Confucius is supposed to be less than a sage. True, in his own lifetime he never had a great deal of power or influence, but, in later times, he became the bulwark of state orthodoxy in Imperial China and profoundly influential in a number of East Asian cultures. It is in these later times that Confucius attained recognition as an inventive, philosophical sage well beyond what he professed to aim at in his own lifetime. Consequently, the history of Confucianism can help in broaching some interesting questions that overlap well with Oruka's *Sage Philosophy*, particularly as regards the role of time in differentiating between folk and philosophical sagacity.

Even though he falls well within the classical Confucian period and is not all that far off from Confucius time-wise, the way in which Mencius appropriates one of Confucius' remarks on sagacity shows a certain tension in the recognition of Confucius as a sage amidst his own explicit denials. When asked about his own possible sagacity, Mencius denies and deflects, invoking Confucius' own rejection of the label of sage, similarly identifying his activity as appetitive learning and untiring teaching. However, at the end of this discussion, famous for its description of Mencius' vast, flowing bodily energy or *qì* 气, things become somewhat different, and some 150 years after Confucius, Mencius identifies him as *the sage par excellence*, giving Confucius decidedly unsought praise in claiming that "未有盛于孔子也。[never has there been one so complete as Confucius]" (Mencius 1974, §2A2; cf. Confucius 1998, §7.34). This was still during the Warring States period, well before the core of what we now know as

China would unify in the golden age of the Han Dynasty and the subsequent entrenchment of Confucianism in imperial orthodoxy. The hagiography surrounding Confucius would only grow, as a major Han Dynasty commentary, the *Lùnhéng* 论衡 from 80 CE, confirms what had then become the mainstream view that Confucius was "孔子、不王之聖也。[the sage who was not king]" (Wáng 1925, 117). Mencius had once held that a sage was a teacher of one hundred generations (Mencius 1974, §7B61), but this came to pass a bit earlier in 1530, as Confucius officially received the Chinese honorific of "Most Sagely First Teacher 至聖先師" (Gao 2005, 545).

However, the high watermark of Confucius' standing during the Song & Ming Dynasties' Neo-Confucian revival would come and go, with the official "Most Sagely First Teacher" honorific coming amidst the beginning of China's modern period and the first large-scale interaction between Confucian and Western traditions. This period saw China humiliated again and again in the Opium Wars and a general diminishment of power, culminating in the extraterritorial presence of the Western Powers on the Chinese coast (vestiges of which can be seen in Shanghai's Bund and French Concession districts, as well as in what was Britain's Hong Kong and Portugal's Macau). Though many factors were involved, the corrupt Chinese court and what had become its massively bloated neo-Confucian organs of bureaucratic statecraft took the blame for being hopelessly backward, having been stifled for so long by intractable hierarchy and suffocating ritual formality, as the millennia-old Chinese Empire came to a whimpering end.

Thus, the persistence of Confucian philosophical sagacity and resource for alternative discourse becomes all the more remarkable upon considering the violent rejection of Confucianism within the People's Republic of China. Confucian sage wisdom was once officially denounced as backwards and feudal by Communist Party revolutionaries. The ills caused by the distorted version of Confucianism used by the old Qing Dynasty mandarins to inculcate obedience gave fuel to the paramilitary Red Guard of Máo Zédōng 毛泽东, giving them reason to be a menace to those suspected of affection for the vestiges of feudal China's Confucianism. However, now, after the market reforms introduced by Dèng Xiǎopíng 邓小平 from the late 1970s, China's growing middle class increasingly finds itself looking

back to its Confucian roots, as a creeping feeling of spiritual emptiness and historical disconnection has accompanied economic success. As a result, Confucianism has seen a revival in Mainland China, one which has taken many forms. Most visibly, there are epic, pseudo-historical movies like 2010's *Confucius* and pop-philosophy books such as *Confucius from the Heart* by Yú Dān 于丹, something of a would-be "*Wonton Soup for the Soul*," while there are also more academic efforts at re-reading Confucianism being written by scholars at Chinese universities. There are physical tokens of this Confucian revival as well: a statue of Confucius has returned to Tiananmen Square, and Confucius Institutes now serve as the official educational/diplomatic face of the People's Republic to the world. All of this goes to show the resilience of this approach to philosophical sagacity and its ability to act as a counterweight to the post-colonial, rhetorically Marxist, state-managed capitalist discourse dominating its native soil.

This lasting influence also sees Confucianism popping up more and more in European and American settings. It takes the form of loosely Confucian popular literature such as Amy Chua's controversial parenting book *Battle Hymn of the Tiger Mother* increasingly becoming part of the mainstream, as well as that of academic movements such as Boston Confucianism and Hawai'i Confucianism (of which I am a part). Consider too how Alasdair McIntyre, the prominent Scottish virtue ethicist, has addressed the distinct contribution of Confucianism to the tradition over which he looms large (MacIntyre 2004, 203-218). This can occur because Confucianism has enough historical bulwark and entanglement with Chinese statecraft to protect its vocabulary and insights from dissipating under pressure of, or being wholly co-opted by, external forces, thus allowing Confucianism to form a genuine alternative discourse to those dominating the Euro-American sphere.

But, more importantly, this history, though complex in its span across centuries and continents, draws attention to contextual issues in identifying sagacity, and this overlaps with Oruka's own *Sage Philosophy* project in interesting ways. Confucianism and Confucius himself now form the enduring root of the Chinese notion of sagacity, but Confucius never saw widespread recognition while he lived. It would be easy to dismiss this with the cliché of the genius being unappreciated in his or her own time, but there is more going on here; and the presentation of Confucius in the *Analects* as a person,

particularly in his preference for actions over words *over* onto-metaphysical speculation, highlights the difficulties in identifying him as a *jūnzǐ* or as a *shèngrén*, in ways that overlap with Oruka's efforts to tell folk sages from philosophical sages.

Confucian Sagacity on a Personal Level

In looking at the lived example of Confucius vis-à-vis the subsequent history of his being labeled a sage, it becomes clear that the very nature of Confucian sagacity might make it difficult to make an Oruka-like distinction between a folk and philosophical sage, at least within the span of the candidate sage's own lifetime.

First, there is Confucius' general reticence to talk, as seen in the following exchange:

> The Master said, "I think I will leave off speaking."
>
> "If you do not speak," Zigong replied, "how will we your followers find the proper way?"
>
> The Master responded, "Does *tian* 天 [do the heavens] speak? And yet the four seasons turn and the myriad things are born and grow within it. Does *tian* speak?" (Confucius 1998, §17.19).

This reflects well the general view from the Analects that decisive action is worth more than talk, but it goes further in showing a philosophical commitment to silence, beyond Confucius simply being taciturn because of his own peculiar character. In and of itself, this tendency toward silence is not problematic, but it does imperil the task of discerning the nature of Confucius' sagacity through conversation, as well described in the *Analects* passage depicting Zigong deferring to his master and refuting the claim that he might be better than Confucius, by drawing the following comparison:

> My wall is shoulder high, so one can catch a glimpse of the charm of the buildings inside. The Master's wall, on the other hand, is massive, rising some twenty or thirty feet in the air. Without gaining entry through the gate, one cannot

see the magnificence of the ancestral temple or the lavishness of the estate inside. Since those who gain entry are few, is it surprising that the minister speaks as he does? (Confucius 1998, §19.23).

The problematic goes to a second level upon taking note of the various matters about which Confucius refuses to speak, namely, strange happenings, the use of power, disorder, spirits, the heavens, and inborn human nature (Confucius 1998, §5.13 & §7.21). These topics clearly are what many would consider philosophical, and expounding on them would seem to be the province of the philosophical sage in Oruka's model, though such discussions would be "non-starters" for the Confucian sage. An interviewer or *agent provocateur* would meet with little success in trying to develop a conversation that would reach the goal of engaging in what Oruka terms "*sagacious didactics*" where the interview would "go on endlessly through…twists and turns" with a real back-and-forth of proposal and counter-proposal (Oruka 1990, 30). If, however, fruitful sagacious didactics are possible with Confucius, then it seems as though the requirements for reaching this stage are rather high, for the interlocutor/interviewer must have not just a thirst for knowledge, but one that is clearly evident, and even then the conversation may be curt, as shown in Confucius' statement:

> I do not open the way for students who are not driven with eagerness; I do not supply a vocabulary for students who are not trying desperately to find the language for their ideas. If on showing students one corner they do not come back to me with the other three, I will not repeat myself (Confucius 1998, §7.8).

On this score it seems as though Confucius might not fare well with an Oruka-like interviewer, for as Oruka himself notes, "The role of the interviewer is to act as the provocateur to the sage…Some sages, however, may be annoyed with the persistent provocations" (Oruka 1990, 31).

Such annoyance highlights a third factor complicating evaluation of Confucius' own personal sagacity, and that is Confucius' tendency to respond to people not just with speech, but with speech acts. So,

while the Confucian sage par excellence, the *shèngren* 聖人, is undoubtedly discursive, the didactic quality that marks Odera Oruka's differentiation of philosophical from folk sagacity may be lacking, perhaps being better characterized by what Xiāo Yáng 萧阳 identifies as the hermeneutic/pragmatic side of Confucianism:

> Confucius emphasizes the importance of intention and purpose in his own communicative and hermeneutic practice in the *Analects* and…commentators from the Han to the Song dynasty adopted a similar approach in reading the *Analects*. The basic assumption of this "pragmatic approach" is that whenever one utters a sentence, this utterance is always an action, or what we call a "speech act." Therefore, one has to pay attention not only to the literal meaning of the sentence but also to the intentions of the speaker, as well as the other pragmatic aspects of the utterance (Xiāo 2007, 497).

Sometimes these speech acts serve as a means of shutting down any future interaction, as happens in the following anecdote from the *Analects*:

> Ru Bei sought a meeting with Confucius, but Confucius declined to entertain him, feigning illness. Just as the envoy carrying the message was about to depart, Confucius got out his lute and sang, making sure that the messenger heard him (Confucius 1998, §17.20).

This is not necessarily an attempt at evasion or concealment. Instead, such speech acts spring from Confucius' genuinely held belief that performance which includes speech is better than *just* speech. Rather than a spoken example of life, sagacious or not, Confucius aims at a lived example. This is why he says to the disciples for whom he *does* have affection, "My young friends, you think that I have something hidden away, but I do not. There is nothing I do that I do not share with you - this is the person I am" (Confucius 1998, §7.24).

"This is the person I am" is a response in the form of a speech act, not speech itself - a sworn statement validated and consecrated in the everyday. As such, given Confucius' speech-active silence, any hypothetical interlocutor or interviewer, no matter how sympathetic

to Confucius' enterprise, would probably run into difficulties in trying to provoke sagacious didactics, and would probably have problems in trying to determine the type and nature of sagacity on display. Instead, the Confucian model uses practical results as the litmus test for determining whether the sage has contributed any novel product borne of personal genius, and such evaluation seems to require time on a generational scale. Thus, Confucius' personal example makes for intriguing overlap with Oruka's *Sage Philosophy*, especially as the former's reticence, hesitance to speculate, and tendency to respond non-verbally all point to potential difficulties for the task of determining what type of sage Confucius might be. All of this becomes even more complex upon considering how his lack of conversational accessibility is bound with a preference for action as evaluated over a long stretch of time and the Chinese tradition's own later labeling of Confucius as the acme of sagacity, despite his protestations that he was no sage at all.

Conclusion

Working through Confucian sagacity on the three levels - (I) the theoretical dichotomy between the traditional wisdom of the *jūnzǐ* and the creative wisdom of the *shèngrén* concerning ritualized self-cultivation, (II) Confucius' historical avoidance of calling himself a sage and the subsequent tradition's fondness of doing so, and (III) the personal example of Confucius being more concerned with actions proving fruitful in the long-term than demonstrating sagacity through speculative talk - goes to show that the Confucian variety of sagacity might function like a regulative ideal not to be reached in one's own lifetime, while also demonstrating the roles that time and hindsight play as factors in evaluating candidate sages and their bodies of wisdom.

These may be wrinkles for the task that Oruka sets out to accomplish in *Sage Philosophy*, irregularities that call for a smoothing out in future work, but they are not conversation stoppers. Confucianism's unique bearing and its particular consideration of sagacity still overlap with Oruka's work in ways that can contribute to the furtherance of his project by provoking new questions, by allowing for a metaphorical conversation between these schools of thought to generate the kind of sagacious didactics that might have unfolded had

Confucius and Henry Odera Oruka actually been able to speak with each other, and by showing how contemporary Confucians and followers of *Sage Philosophy* might join each other in philosophical conversation.

Thus, the foregoing reflections show that there is no incompatibility between what Chinese thought has to say about being a sage and Oruka's conception of *Sage Philosophy* as such. Rather, it is best to think of Confucianism as bumping up in its own particular way and with its own particular results against some of the limits that Oruka himself pointed out in his method for identifying philosophical sages. It is entirely possible for a sincerely held philosophical view of language, like that of Confucianism, to preclude, because of its precepts, a would-be philosophical sage from disclosing reflected upon wisdom in a fully didactic encounter. The manner in which adherents of Confucianism pay a great deal of conscious attention to intentionality in speech acts presents a special challenge when it comes to identifying genuine philosophical sages, as they might have philosophical commitments to silence, curtness, or obliqueness, all of which Confucius' own recorded evasiveness demonstrates.

This hesitancy concerning direct and explicit speech exists because the *shéngrèn*, in the process of traversing the hermeneutical circle by reading and responding to *Dào*, philosophically reflects upon how non-verbal enterprises such as poetry, dance, music, as well as ritual gesture work with everyday speech in the verbal realm to mutually refine and regulate each other. As a result, interviewing and learning from a true Confucian, whether they see themselves as a sage or not, may not be confined to the verbal realm. Confucian sagacity opens the question of whether or not a free play of ideas in sagacious didactics as described by Oruka can take place through the speech acts of one's lived, ritually-honed example.

Another issue, connected insofar as there is concerted emphasis given to practical deeds in Confucianism, is that of sagacity being established well after the fact, where inventiveness and time-tested influence are the key criteria. Though there are no hard and fast rules stating when a properly Confucian judgment as to sagacity might be made, it nonetheless seems clear that it is at least a generational matter, if not an epochal issue. This draws attention to the temporal aspect of the issue identified by Oruka of wisdom not existing in a vacuum, and the consequence that the perception of wisdom may

depend on context (Oruka 1990, 30). This, indeed, is an issue at play in the varying levels of esteem given to Confucius as a sage across history, as his status wends and winds from obscurity in his own time, to adulation in the Imperial Age, to harsh scorn in the Republican and Maoist periods, and finally to rehabilitation today. Nonetheless, the clear wisdom behind Confucius' statements, evident both in his ability to justify them in dialogue as well as in his persistence at the root of Chinese culture, fleshes out the temporal side of Oruka's belief that "there must be some sayings which are able to transcend their given cultural spheres and appeal as wisdom in all cultures" (Oruka 1990, 30).

It is therefore apparent that there is more than enough overlap between Confucian sagacity and Oruka's *Sage Philosophy* to have a philosophically worthwhile conversation between the two. Conse-quently, while Confucius is several centuries removed from our contemporary world, he can still speak out of time quite well to those who now take up the project of Oruka's *Sage Philosophy*, in implicitly bidding us to engage in philosophical conversation with any and all, be they folk sage or philosophical sage, be they Chinese or African, be they distant voices speaking figuratively from times gone by or those who can actually speak to us here and now, as he advises in what is here given as a parting thought:

> To fail to speak with someone who can be engaged is to let that person go to waste; to speak with someone who cannot be engaged is to waste your words. The wise (*zhi* 知) do not let people go to waste, but they do not waste their words either (Confucius 1998, §15.8).

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Odera Oruka on Culture Philosophy and Its Role in the S.M. Otieno Burial Trial

Gail M. Presbey

Introduction

This paper focuses on evaluating Odera Oruka's role as an expert witness in customary law for the Luo community during the Nairobi, Kenya-based trial in 1987, to decide on the place of the burial of S.M. Otieno. During the trial, he described the Luo practices and defended them against misunderstanding and stereotype. The paper seeks to address the following questions:

How does Odera Oruka's role as an expert on Luo customs fit in with his sage philosophy project?

In his testimony at the trial and subsequent public addresses and published work, does he accomplish two important goals, namely, defending African traditions against prejudice and anti-African bias, and championing the reform of traditions when reform is needed?

Can Odera Oruka's participation in the famous trial avoid appearing to be an instance of ethnic chauvinism and marginalization of women?

My conclusion is that Odera Oruka was basically successful in the first stated goal, but some problems remain regarding the achievement of the other goals. While he often asserted the need to evaluate traditions and to jettison those that have become unhelpful, in this context he emphasized traditions so strongly that the need for evaluation and possible change was muted.

What is the Sage Philosophy Project, and How is it Related to Odera Oruka's Testimony at the S.M. Otieno Burial Trial?

The book that Odera Oruka edited, *Sage Philosophy: Indigenous Thinkers and Modern Debate on African Philosophy* (1991), contains three distinct parts. As he explains, part one contains his own expositions which, as he says, "give the rationale for treating sage philosophy as

a fully fledged trend in the development of African philosophy" (Oruka, ed. 1991, Preface). The second part contains interviews with sages, while the third contains papers about the sage philosophy project written by other scholars. However, one will note that in part one of the book, there is a section that is unlike all the others. While there are four articles authored by Odera Oruka, there is also a chapter 5, which contains a record of the testimony that Odera Oruka gave at the S.M. Otieno burial trial. Although there is a brief preface to the excerpts, there is little mention by Odera Oruka of how his testimony at the trial is related to sage philosophy. Is it an example of sage philosophy? Is it an application of the fruits of wisdom gleaned from sage philosophy? Is Odera Oruka a sage, being questioned, not by a philosophical interviewer but by a lawyer? The latter seems not to be the case, for it is not included in Part Two of the book containing interviews with sages, and, in any case, none of the sages are interviewed by lawyers. While Odera Oruka does not come out and directly state his purpose for including the trial in the book, let me suggest that the answer is the second ventured answer above, that is, he intends it as an application of the fruits of wisdom gained by sage philosophy.

Nevertheless, a question arises: how is being an expert witness on Luo customs, and telling a judge all about the longstanding, rarely changing values, customs and practices of a particular ethnic group related to the project of finding individual critical thinkers interested in philosophical topics among elders of multiple ethnic groups of Kenya? The latter description is what sage philosophy is most known for, as Odera Oruka championed the abilities of rural elders to be sagacious evaluators and critics of their own groups' beliefs. Focus on named individuals as sages was intended to be an alternative to both ethnophilosophy and anthropological methods that anonymized African philosophical views, attributing them to a group rather than to an individual. Odera Oruka also envisioned the project as one that would help build national culture, as Kenyans of various ethnic backgrounds learned from the wisdom of sages from their own as well as other ethnic groups (Presbey 2013, 5). This aspect of the project is illustrated in part two of the book, since it contains interviews of sages from a variety of ethnic groups.

The answer to the question of how the testimony fits in to the sage philosophy project is found in a series of subtle clues throughout the

early parts of the book. First of all, we learn that sage philosophy as a project was begun by both Odera Oruka and his colleague Joseph Donders in 1974 (Oruka 1975, 54, endnote 6; 1991, 17-18). They received grant money from the Dean's Committee to interview sages who were identified as such by their students (Donders 1977, 11, endnote 16). Thus, the earliest set of interviews were done in the mid-1970s. Based on these beginnings Odera Oruka wrote an article explaining the project and its method, and how it was part of the field of African philosophy. This article, first published in *International Philosophical Quarterly* in 1983, serves as chapter 3 of this 1991 book. The next set of interviews, as Odera Oruka mentions in chapter 4, were financed by being part of a project sponsored by the Institute of African Studies. The goal of the IAS project was to study "socio-cultural factors in change and development" (Oruka 1991, 60). Odera Oruka argued that the best way to understand ethnic cultures was not to survey people in general, as he presumed anthropologists did, but rather to seek out the wisest and most reflective individuals, who could both recount what the widespread beliefs of their communities were, as well as evaluate them. This description of widely held beliefs and longstanding practices he calls "culture philosophy." He then insists that the "culture philosophy" he has learned from these wise individuals is more reliable and insightful than accounts of group views attained by other means (Oruka 1991, 58-60).

Odera Oruka goes on to explain that due to his sage philosophy project, he was able to construct a description of the Luo belief system and philosophies of life. (He does not mention whether the project led to similar constructions of other ethnic groups' beliefs or philosophies of life). The I.A.S. was interested in these findings insofar as they could help them to discern how to better approach topics such as development in a culturally sensitive way. Odera Oruka explains that the I.A.S. was most interested in the communal viewpoint, and so, for their purposes, Odera Oruka highlighted the commonalities and downplayed the differences (Oruka 1991, 60). He also explains, in a related footnote 4 (Oruka 1991, 65), that some sages did not want their names associated with the study, and so only the summary report is given rather than individual interviews. He specifically notes that in this way his study was similar to that of Barry Hallen and J.O. Sodipo's, because, there, the sages consulted were also left anony-mous. In the earlier 1983 article, included in the 1991 book on p. 50,

Odera Oruka clarifies that the Hallen-Sodipo project is not philosophy in the second order sense, that is, strict philosophy, but it is only culture philosophy. So, certainly, Odera Oruka's own report of Luo beliefs and philosophies of life given on pp. 60-63 are also an example of culture philosophy. However, this culture philosophy is one of the "fruits," that is, results, of the sage philosophy project.

So, is "culture philosophy" actually philosophy? In *Sage Philosophy* (1991, 48-49), Odera Oruka explains that culture philosophy is philosophy in the broad or loose sense of the term, since "first order" philosophy, which he calls the "mythos" of a culture, is full of prejudices, dominated by communal conformity and anachronism, and is absolutist and ideological. In contrast, second order philosophy, which he calls "philosophy proper," is tentative and ratiocinative. While every individual in a culture is familiar with its mythos, sages are experts in their society's mythos (Oruka 1991, 48). From the way he describes it here, one senses that he might not himself be very interested in the mythos, since his interest seems to be directed toward the second order analysis of first order culture philosophy.

As it turns out, in the Kenyan context there may have been even more interest in this culture philosophy than there was in the rarer "philosophic sagacity." While the international philosophy scene may have been more impressed by the existence of individually named philosophical sages, Odera Oruka was in demand in Kenya because he had completed this study of Luo beliefs, customs, and philosophies of life. As he explains, due to this report, he was asked to be an expert witness at the S.M. Otieno trial. He asserts that his account was more authoritative than the other elder women and men who were witnesses at the trial, because the others were only "folk sages," whereas his testimony was based on the account of "philosophical sages," that is, intellectuals and experts of the Luo community. He thought that the other witnesses became mired in "contradictions," while his testimony contained no contradictions (Oruka 1991, 43, end note 2). This assertion is an interesting one, since Cohen and Atieno-Odhiambo in their in-depth analysis of the S.M. Otieno burial trial noted that Odera Oruka's testimony was met with skepticism due to his young age, while the words of the elders who testified were more easily believed due to their age (Cohen and Atieno-Odhiambo 1992, 49-51).

Odera Oruka also explains in *Sage Philosophy* that due to his role as expert witness at the trial, he was invited by various Provincial Commissioners to give a series of seminars to District Officers and District Commissioners, explaining to them the beliefs and philosophies of life of the Luo people, and he did so extensively in 1987-88. He includes a summary of what he told these government officers in the book (pp.60-65; see his explanation on p.65, end note 1). He mentions that he discussed with them topics such as witchcraft, religion, health, burial and related customs, and the impact of modernization and development (Oruka 1991, 58). It is interesting to note that while he did share with them his insights into group-held beliefs, he also shared with them the other aspect of his study, that is, the study of wise individuals and their uniquely held beliefs and rational arguments in defense of their positions. For example, he explains that traditionally many Luos believed in witchcraft and thought they needed the help of experts to protect themselves from "evils and devils," but he puts that in historical context and explains that it is easier these days to find some Luos who appear to be "indifferent" to witchcraft (Oruka 1991, 61). Still he claims that "a large number" of Luos in Siaya are "extremely superstitious" (Oruka 1991, 62). After this description, he follows up with a reference to Njeru wa Kanyenje from Central Embu, who regarded witchcraft as a "deceit" or "bluff" and said that witchdoctors were "clever manipulators of the weakness of human minds…" (Oruka 1991, 65). While the emphasis in Luo society is upon marriage and robust procreating (Oruka 1991, 62), Odera Oruka references a sage named Mbote Koria from East Ugenya in Siaya who notes that past practices of warring with neighbors to seize their lands are no longer practical, and given this change, parents should attempt to control the size of their families to the ability of their land to support such families (Oruka 1991, 65).[1]

Given these examples, does Odera Oruka value the traditions he has learned so much about? Here above are two examples of deeply and widely held beliefs and values among the Luo, that is, a superstitious belief in witchcraft, and loyalty to procreation as a very important goal in life. In both cases Odera Oruka follows up with a sage, perhaps a philosophic sage, who criticizes and/or problematizes

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[1] Neither of these sages are included in section two of the book, which is one of several clues that Odera Oruka engaged in many interviews that have not to this day been published.

these views. In other words, he can show that there is already a critique of these practices from within their respective societies. Rural areas are NOT only places of unquestioning, unthinking allegiance to past values; they are also the birthplace of critical thinkers. As Odera Oruka travels among Kenyan institutions, he educates people not only on the traditions, but also on their contemporary critique.

Soon after the trial, and around the same time he was speaking to District Officers, he received funds from USAID to participate in a study organized by the National Council for Population and Development, which involved studying the beliefs and attitudes of rural Kenyans regarding family planning. Odera Oruka oversaw sage interviews in five districts in five provinces (Siaya, Bungoma, Nyeri, Nandi and Machakos). Again, he relied on his method of finding wise sages who could shed light on beliefs and attitudes in their own communities that could be overlooked by usual demographic methods. For example, there is emphasis on having a male heir in a patriarchal society; one must preserve the names of the dead by naming the living after them, so one must have children to name; one must have many children to ward against witchcraft practices such as "footprint picking"; and taboos against counting children make family planning difficult. Dorothy Munyakho wrote that she warned Odera Oruka "that he was likely to be torn apart by demographers" who may not appreciate his unique approach to his study (Munyakho 1990, 21). The study shows that Odera Oruka still has confidence that his sages can do a better job at analyzing their own society than can outside observers. In addition, the fact that this study involves five provinces shows that it has the same inter-ethnic character as does his sage philosophy project for I.A.S. several years earlier.

Odera Oruka's account of Luo practices in *Sage Philosophy* also includes ways in which traditions have been eroded, sometimes due to foreign influence. Not all change is good. He complains that foreign influence on Luo society has led to the promiscuity of wives and young, unmarried people (pp.62-63). He also complains that colonialism, which had been ignorant of African cultures, marginalized the wisdom of the Kenyan elders (p.63). He appreciates that the Kenyan government of his time is trying to rectify some of the past Eurocentrism by handing over land cases to be decided by local elders (p.63). Basically, in Odera Oruka's work over the years, one can find him expressing a tension: many times he is advocating for anachro-

nistic practices of Kenyans to be set aside in favor of progressive change; but as often, he is championing neglected traditions and hoping that Kenyans abandon recent developments. In an article that Odera Oruka wrote in which he reflected on the deeper philosophical meanings of the S.M. Otieno burial trial, he explained that in contemporary times, one must avoid the twin evils of attempting to continue everything traditional on the one hand, and advocating the adoption of everything new and/or foreign on the other (Oruka 1989, 85). Given his stated position on these twin evils, this paper would like to follow up by asking whether, in the context of the trial, he defends African traditions when they suffer due to anti-African bias and prejudice. On the other hand, does he champion reform of traditions when reform is needed? We will answer these questions by looking at his testimony during the S.M. Otieno burial trial, as well as articles that he wrote on related topics within the next few years after the trial.

Traditions and Customary Law: Harmful to Women?

In many places throughout Africa, and certainly in Kenya during Odera Oruka's lifetime, the legal system had what Kenyan feminists consider a double standard: the Constitution said there can be no gender discrimination, but there are limitations to protection against gender discrimination, because the Constitution also recognized local customary law. Customary law could make decisions regarding marriage and divorce, inheritance, burial, and other family matters that could greatly affect women's lives. Feminists argued that much of customary law curtailed women's legal rights, and Kenyan women lawyers had been organizing in attempts to get the customary law clauses out of the constitution. Muna Ndulo explains that in the current Kenyan constitution promulgated in 2010, while customary law is still mentioned there, and while many people in Kenya continue to follow it regarding their life decisions, there is more protection for women because upholding equal human rights trumps any customary law that contradicts that goal. The Kenyan Constitution of 2010, article 159(3) says "[t]raditional dispute resolution mechanisms shall not be used in a way that: (a) contravenes the Bill of Rights; (b) is repugnant to justice and morality or results in outcomes that are repugnant to justice or morality…" (cited in Ndulo 2011, 98). Ndulo also argues that insofar as the Kenyan Constitution says it upholds

international law, any international laws that protect women from discrimination would also apply to Kenya (Ndulo 2011, 99).

Similarly, Celestine Nyamu Musembi, a Senior Lecturer at the University of Nairobi's School of Law, states that personal law exemption clauses were used in the past in Kenya and other countries to ensure that customary law could still be followed while being "exempt" from following non-discrimination guidelines. Kenya, along with Ghana, Uganda and Malawi recently adopted constitutions that disallow the application of customary law if it results in discrimination against women. Musembi argues that customary law as it had been practiced in Kenya made it impossible for those who had a grievance of discrimination to get any legal redress. In effect, by leaving issues such as marriage, divorce and inheritance in customary or "personal" law, the former constitutions of those countries exposed women to injustice, since customary laws and norms could be interpreted by powerful persons in a way that discriminated against women, and women could not rely on legal challenges since these personal laws were "supra-constitutional" (Musembi 2013, 199-200).

Odera Oruka lived under the former Kenyan constitution, when customary law was often found to be in contradiction with women's equal rights. He had been requested by the Umira-Kager clan's lawyer, Richard Otieno Kwach, and the clan's spokesman, Omolo Siranga, to be an expert witness in cases dealing with customary law (see Odera Oruka 1991, 68). Since customary law is often unwritten, experts must come and give oral testimony so that the laws which may apply will be known. Insistence that customary law was still binding was, at its best, one way to respect pre-colonial traditions in Kenya, and ensured that the specificity of values and practices among Kenyan commu-nities would not get crushed in a big push for homogeneity.

While Odera Oruka played the role of an expert on customary law in the courtroom (Oruka 1991, 67-84, drawn from Nation newspapers and tape recorded court proceedings), that does not mean he unthinkingly upheld tradition. He wanted to champion the good parts of his tradition, and to more fully understand their implications before daring to have them jettisoned. He did not want to protect the past in a bubble; rather, he wanted to prod it toward better, more humane ideals.

It is interesting to look at Odera Oruka's own statements on the role of women in Luo society in the light of his dedication to the fight

for women's equality to men. In the famous S.M. Otieno burial trial in 1987, the widow of Otieno and members of his clan went to court to decide who had the rights to Otieno's body for burial. Many feminists supported the widow, Virginia Edith Wambui Otieno, believing the customary laws of the Luo to be oppressive to women. Maria Nzomo, a colleague of Odera Oruka's at the University of Nairobi, stated that the S.M. Otieno case "presented a good opportunity that Kenyan women could have seized to insist on the harmonization of Kenyan laws, into one set of laws, to avoid future manipulation of the now contradictory customary and common laws that are conveniently used to victimize women" (Nzomo 1994, 203-217; see also Musembi 2013, 200-201, note 61).

Odera Oruka's description of Luo customs during his testimony to the court included the following remarks:

> A woman is knowledgeable on matters involving the house. A man runs the home...Daughters are not expected as permanent residents of the home...A girl belongs to where she is married" (Oruka 1991, 70). He also explained that although customs do change with time, some Luo customs have been around for a long time, and will not change easily. For example, "in marriage, the husband is the head of the family, and home and also among the Luos, a man needs to have a son to build a home, and before marriage, dowry is paid (Oruka 1991, 78).

Now in the bulk of his testimony, Odera Oruka was not necessarily stating what his own beliefs were, although he himself was also a Luo. Rather, he was recounting the traditional beliefs of his community. So one could argue that although the Luo practices mentioned could be seen as based on the notion of women's inferiority, or having the result of disadvantaging women, it was not necessarily Odera Oruka's own view. If the courtroom was not the proper venue to describe his personal views, then we would expect him to clarify his position outside of the courtroom. The introduction to the excerpts of his testimony which he included in *Sage Philosophy* explains that he did not mean to appear as a supporter of the clan, but since he was ridiculed by the lawyer on the widow's side, he got defensive, and in the end his testimony was used by the clan to help

win their case. It is not made clear in *Sage Philosophy* as to who is the author of this introductory text (Oruka 1991, 68). We can wonder if Odera Oruka himself, being a Luo man, and having been invited by the clan's defense team, meant that in some way he had, perhaps, a pre-disposition to side with the clan rather than to be completely neutral regarding the outcome of the trial. Odera Oruka never wrote anything autobiographical enough to comment on the trial's subject matter in relation to his own identity, and, in fact, he clearly takes offense when the widow's lawyer, Khaminwa, wants to personalize the issues at stake by drawing attention to Odera Oruka's own status as an educated Luo man; but no doubt the first affront was at the very beginning of Khaminwa's cross-examination, when Khaminwa suggested that the issues at hand were regarding religion, while Odera Oruka's field of specialization was philosophy, not religion (Oruka 1991, 72).

However, there is one place, early in his testimony, where Odera Oruka clearly takes sides with the clan and against the widow. He states that he rejects the argument that S.M. Otieno, having moved to Nairobi and having embraced other modern customs, was exempt from the duty to carry out Luo customs. In Odera Oruka's words, "We have no rationale to show that the man had a religion or an explicit philosophy of conscience which justifiably exempts him from being subjected to the Luo customs" (Oruka 1991, 74). This is clearly a response to the earlier *ex parte* order given by Justice Shields to the widow, Wambui Otieno, allowing her to bury her husband's body in Karen (a suburb of Nairobi), on the grounds that S.M. Otieno was a metropolitan lawyer who had opted out of customary law (Twining 2010, 491). The Court of Appeal that heard the trial thought that it was not possible for individuals to opt out of Luo customs, as they explained: "At present there is no way in which an African citizen of Kenya can divest himself of the association with the tribe of his father if those customs are patrilineal" (cited in Wanjala 1989, 111; Nation Newspapers, 1986, p.1).

In other words, this would mean that according to Odera Oruka and those who share his view, every Luo individual has the right and the liberty to opt out of following Luo customs if he or she can demonstrate to the community that his or her request for release is due to a carefully thought out and clearly articulated principled position. Here, the stipulation would be that S.M. Otieno's problem

was that he did not clarify the extent of his divergence from their beliefs and practices, or his reasons for his wishes of noncompliance. It may be that he presumed he had the liberty to depart without such formalities or express opinions. Sometimes, people, in an attempt to avoid conflict, are indirect about their disagreements. He may have thought that his actions (or his omissions) spoke louder than words. But, in the ensuing controversy, the widow's legal team argued that his lifestyle and actions spoke clearly about his values and wishes, while the clan's position was basically that actions are ambiguous, open to multiple interpretations, and without the required explicit request for exemption, the issue of S.M. Otieno's exemption would be decided negatively. We must keep in mind that with this added wrinkle of not knowing S. M. Otieno's intentions with certainty, we would need other sources to know whether Odera Oruka's siding with the clan would be due to his agreeing that S.M. Otieno's intentions were not clear, or whether he thought S.M. Otieno would have been wrong to explicitly choose to exempt himself from the burial customs.

Is it possible to divest oneself of traditional ethnic customs? Many Kenyans joined in this debate. In a collection of articles published after the trial, S.C. Wanjala asserted that while it is true that one cannot shed one's ethnic identity, one can and does nevertheless "divest himself of the customary laws of his ethnic group" (Wanjala 1989, 111). For example, a Luo man may marry under the Marriage Act in a civil, Christian, or Muslim marriage. In such circumstances, the man does not have to provide his ethnic group with an explanation as to why he cannot in good conscience follow the marriage traditions of his ethnic group. However, Wanjala thinks that simply because a Luo person marries in a way other than the traditional way does not mean that the other customs are not still in force (Wanjala 1989, 112).

However, as the testimony stands, while Odera Oruka conceded that customs do change, he said there was no ground for being "flexible" in the S.M. Otieno case, for "while they [customs] are in force, it would be absurd to suggest that we should not follow them" (Oruka 1991, 82). With these words, Odera Oruka is seen to embrace the argument of the clan, and the verdict of the court, that "there is no way in which an African citizen of Kenya can divest himself of the association with the tribe of his father" (Nation Newspapers 1986, 1). This position is considered unrealistic by M.D. Okech-Owiti, who says

that the preceding claim of the court is an "unsustainable assertion," since it suggests that a person cannot show by his or her actions, conduct, or lifestyle that he or she rejects certain customs. Okech-Owiti said that S.M. Otieno showed multiple serious signs of abandonment of customs: for example, he did not build a customary ancestral home, he did not socialize himself and his family with the clan, and he shared property titles with a woman - his wife. Nevertheless, beyond these particulars about S.M. Otieno, Okech-Owiti thinks that a rigid understanding of custom goes against the idea and practice of custom, since customs of necessity are always adapting to practical situations. Rather than choose to repeat past customs no matter what, he thinks that people should ask themselves whether the customs in question are still useful in the current context, and, if they are no longer relevant, they should be ignored or discarded (Okech-Owiti, 1989, 20-23) - a position quite close to what Odera Oruka said in other contexts about traditions in general. So why does Odera Oruka not emphasize his own flexible notions of following customs when he is on the witness stand?

In fact, when Odera Oruka is in the witness stand, Khaminwa, Wambui Otieno's lawyer, asks him whether in traditional society there may be people opposed to customs - people who want to depart from those customs and do things their own way. Odera Oruka explains to Khaminwa that "in a traditional communal society there were very few rebels" (Nation, Feb 6, 1987, 4). However, Odera Oruka does not add how, in his sage philosophy project, he especially likes the rebels - those who do not conform to customs. He does not mention that he and other philosophers such as Kwame Gyekye, or earlier anthropologists such as Paul Radin, insisted that there were always individual free thinkers in "traditional," that is, rural and unschooled African contexts. Neither does he say that while there are few rebels in "traditional" societies, those who are rebels are special, and should be lauded and appreciated by their communities and known by all Kenyans, sharing the title of philosophical sage (rather than folk sage). He does tell Khaminwa that during his study of sages, he found there to be two types of sages, those who were flexible and recommended changes, and those who were rigid (Nation, Feb 6, 1987, 4). Nevertheless, he does not say that his study thought that the flexible sages were great role models. In fact, those who heard his testimony were worried that he was repeating (what they thought

were) outdated Luo practices as if they were timeless and unchanging. As Judge Cotran explained, customary law should always be revised often based on new oral evidence of experts (Cotran 1989, 155).

It had been a strategy of Wambui's lawyer, John Khaminwa, to draw Odera Oruka into discussion of himself as a modern Luo man. The lawyer decided to cross-examine Odera Oruka, not only on the topic of Luo customs and tradition, but about himself, as an example of a modern professional Luo who lived in Nairobi (and hence might be a rough parallel to S.M. Otieno). Khaminwa asked Odera Oruka directly whether or not he was a traditional Luo, and Odera Oruka replied: "I am a Luo, although I organize my life according to values some of which are not traditional Luo" (Oruka 1991, 75).

From a philosophical point of view, the conversation between Odera Oruka and Khaminwa becomes interesting, because Odera Oruka was drawn into a discussion where he astounded the lawyer by suggesting that no matter how "modern" of a "professor" he was, he still thought that Luo customs should be followed (Oruka 1991, 74, 78). He admitted to having ingested a *manyasi* (elixir) created by an herbal specialist. In a passage that needs close scrutiny, it sounds as if Odera Oruka said he believed in many of the Luo traditional ideas such as spirits. However, if one looks more closely, he was only expressing a more nuanced position that claimed one could not definitively prove that spirits did not exist. Odera Oruka did not say he believed in spirits, but rather, he turned each question around, answering a question with another question, asking the widow's lawyer John Khaminwa about his own criteria for proving there were no spirits (Oruka 1991, 77-78). It seems that he was attempting to defend indigenous culture from a modernist view which was ready to dismiss it wholesale as backward and primitive.

If the reader will remember, Odera Oruka had, in the chapter in *Sage Philosophy* preceding this testimony, claimed that most Luos were superstitious, and he had, in the context of discussing how to recognize wise assertions, quoted a sage who claimed that witchcraft was bluff and deception (Oruka 1991, 65). However, earlier in his description of Luo beliefs and practices, Odera Oruka had said, when referring to witchdoctors (or "medicinemen" called *ajuoke* in Dholuo), that some of them were "bogus; others are genuine and seem to have power of fulfilling their mission" (Oruka 1991, 62). What would it mean to say some of these *ajuoke* are genuine? Odera Oruka does not

explain exactly what he means. Does that mean that some succeed in driving away evil spirits? This would imply that there actually were such spirits. Odera Oruka had explained that such persons use two methods: some use a combination of herbs and psychological drama; others use only drama. When he says they are able to help people, does that mean that, from a pragmatic perspective, they help their clients by making them feel better? If he actually believes there are such spirits, and that some medicine men successfully drive away evil spirits from their clients, he has been a bit indirect in making this claim. Odera Oruka does not have a chance during the trial to explain under what circumstances in his own life he ingested the *manyasi* (elixir). Did he do it as an experiment? Did he do it because he was being haunted and hoped the elixir would help him? Is his assertion in *Sage Philosophy* that some medicine men are efficacious based on his first-hand experience, or on his research findings? We do not know.

Odera Oruka also explains in chapter 4 of *Sage Philosophy* that Luos are careful and respectful regarding how they bury their dead because they believe the dead are intermediators between themselves and God, and that the dead are in a special position to help them (Oruka 1991, 62). During his testimony at the trial, he explained that many Luos think that if they do not follow the burial customs correctly, they will be haunted by the spirits of the dead (Oruka 1991, 80-81). He does not himself comment on whether he thinks this is true or not.

Wambui Waiyaki Otieno described her own reaction to Odera Oruka's testimony. In her memoirs, she reflects upon how Odera Oruka described a father and his son deciding where to build the son's house on the family compound by observing the behavior of a cock: "Surely the business of being shown where to build a home by a cock cannot be anything else but primitive! I could not envisage that our modern courts and judges could hail such a custom" (Otieno 1998, 188-189). Odera Oruka no doubt considered Wambui a Christian who indulged in wholesale condemnation of African religious traditions without taking time to try to understand them.

A few years after the trial and burial, Odera Oruka published a chapter in a book devoted to discussing the S.M. Otieno trial. His chapter was titled "Traditionalism and Modernisation in Kenya: Customs, Spirits and Christianity," in which he revisited some of the themes above (Oruka 1989). He again reiterated his point that

"modern" should not be equated with "Western," and Kenyan traditions should not be equated with backwardness, since there may be some customs that are more humane and helpful than imported Western traditions. To presume the above erroneous dichotomy is to engage in racism, be it conscious or unconscious (Oruka 1989, 84). He emphasized a popular theme at the time of the S.M. Otieno burial, that is, the claim that African traditional ideas of spirits and Christian ideas of spirits are not that different from each other, and so one should not be put down as "backward" while the other is lauded as "progressive" (Oruka 1989, 82-83; see also Stamp 1991, 834-835).

Odera Oruka insists that his goal is not to fend off all foreign influence, but to evaluate and choose selectively from both foreign influence and African traditions. He says he knows of different people who err too much in one direction or another, either championing all African traditions and attributing all harmful trends to foreign influence, or, on the other hand, worshipping everything foreign. He explains that his own approach is a careful middle road that "utilizes the best of their traditions and harmonises them with the liberating values borrowed from contact with foreigners" (Oruka 1989, 85). He suggests that before borrowing the practices of others, one should subject the practices to careful evaluation. He then quotes himself in his book *Punishment and Terrorism in Africa* (Oruka 1st ed. 1976/ 2nd ed. 1985), where he had written, "When something traditional is negative and stagnating to Africa, it cannot be reasonable for Africa to adopt it simply because it happens to be traditional" (Oruka 1989, 85, quoting 2nd ed. p.54).

While this part of Odera Oruka's 1989 article emphasizes that traditions should not be held rigidly and be regarded as sacrosanct, Odera Oruka ends this article emphasizing the caution from the other end of the continuum, that is, he warns against too eager a rush to "modernization." He says, "We must season our modernization by seriously cleansing its evils and sins with the *manyasi* of traditions" (Oruka 1989, 87). "Manyasi" refers to the medicine one must take to ward off the effects of *chira*, that is, (according to Odera Oruka's testimony in court), "a misfortune which befalls someone because of a bad action done in the past…you must be cleansed by experts with *manyasi*" (Daily Nation, Feb. 6, 1987, p.4). While his use of *manyasi* here can only be as a metaphor, his use of the traditional metaphors could be taken as a demonstration that he does not want to distance himself

from the ideas of *chira* and *manyasi* by indulging in prejudices against such thinking and practices (when, for example, Christians may have practices of prayers, asking for the intervention of saints, or going to confession to accomplish a similar cleansing). In other words, Odera Oruka is suggesting that only by deep reflection and by holding onto the valuable aspects of traditions can we safely and confidently open ourselves up to new ways.

Conclusion

If Odera Oruka were able to explain his own view as a more nuanced version of acceptance as well as rejection of various aspects of Luo tradition, his expert witness testimony would not have seemed so clearly to side with the clan against the widow. I consider this one of Odera Oruka's missed opportunities to support women's equality in Kenya. Without his clearly stating his position during the trial that women in Kenya need equal rights with men, the clan could argue that the status quo was justified, and a famous precedent-setting case, supported by feminists, in which a Kenyan woman tried to assert her rights, was lost. The ability to discern what was best for Wambui in her situation, and for Kenyan women more generally, was caught up and then swept aside in the focus on the issue of defending traditions against callous disregard.

The funeral service in the Anglican cathedral in Kisumu and the burial in Siaya attracted large crowds, and gave occasion for many in attendance to express Luo nationalism. Men were warned to think twice before trying to marry a woman from another ethnic group. An irony to Odera Oruka's testimony helping the clan and hurting the widow's case is that a man he greatly admired, Oginga Odinga, was busy speaking at funerals in the Siaya District, speaking out against the parochialism of the Umira-Kager clan, and promoting inter-ethnic marriage and Luo-Kikuyu alliances (Stamp 1991, 839-840).[2] The irony

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[2] John Murungi argues against Stamp's account, saying that S.M. Otieno and Wambui married for individual, private reasons, and not as a political act to bring Kikuyu and Luo tribes together (Murungi 2013, 177-178). Be that as it may, Oginga Odinga was clearly concerned that a subtext of the trial was Kikuyu-Luo tension, and he wanted to address that tension. Considering he would launch a new political party in 1990 that would attempt to create an alliance of Kikuyu, Luo, and Luhya citizens to be able to win the presidency away from KANU, one can

is that Odera Oruka had envisaged the sage philosophy project as one that interviewed sages from a multiplicity of ethnic groups, and heralded their wisdom as the common heritage of Kenyans at a national level. This goal of national unity was sidelined. Instead, the emphasis on Luo customs and the service of that knowledge of customs for the clan's case can be seen as an instance when the project of building national culture and intercultural harmony is temporarily neglected.

Odera Oruka's own position was that universal, equal human dignity and worth was important for all, including the African context. However, as a caution against its possible misuse and co-optation by Eurocentric notions, a careful analysis of African practices regarding men and women should be undertaken, with care to ensure that there are no presumptions that the African practices are backward. Only after careful and fair scrutiny should African practices that are found to disadvantage women be discarded (Oruka 1990, 107-108).

Thus, we see now how having an accurate "culture philosophy" is an important preliminary step in the project of evaluating traditions, so that we can fairly and with sensitivity decide which aspects of past beliefs and practices should continue as before. Odera Oruka asserted that the philosophical sages were keen evaluators of these traditions, as well as innovators. Being someone who learned from them, he also engages in this process of evaluation. Furthermore, he sought out social roles - such as expert witness in customary law cases - where he could put what he learned from the philosophical sages to good use. In this way, his project parallels that of Kwame Gyekye of Ghana, who argues, in his book *Tradition and Modernity* (1997), that we need to practice a critical Sankofaism, which means looking back to learn from traditions, but always in a critical spirit of discernment (Lamptey 2015). As Gyekye explains, "A realistic normative assessment of the cultural past or cultural traditions of a people must proceed by examining the experiences of the practice of specific aspects or areas of the tradition" (Gyekye 1997, 241). Which values of the past should be embraced by the present and future?

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see why, in 1987, Oginga Odinga would have been concerned about the subtext of ethnic animosity during the burial trial. For an overview of the background of Luo-Kikuyu tension, see Dickovick 2012, 214-218.

Women need to enjoy their legal rights on an equal basis with men. Which of the customs will be compatible with such equality? Odera Oruka argues that this needs to be determined case by case. As the years went on, he participated in several debates involving issues of women's rights and traditions, but discussion of the nuances of these debates will have to be saved for future articles or books. Let us hope that, if Odera Oruka is true to his conviction that egalitarianism is an important value, through careful and self-critical thought and reflection, both sexism and Eurocentrism can be rooted out of our processes of moral discernment.

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The Semantics of Sagacity and its Implications for Odera Oruka's Sage Philosophy

OKOTH OKOMBO

We have created an illusion and we have come to believe in it - namely, that only those with sophisticated techniques can create knowledge (B. Hall, A. Gillette and R. Tandon eds. 1982, 24).

Introduction

Defending his treatment of the sage in a non-literate (traditional African) society as a philosopher, H. Odera Oruka says:

A society in which most people think libraries, books and museums are real sources of what they need to know, will feel it has less need for a living sage than a society which lacks the advantage of numerous libraries, books and museums (Oruka 1991, 3).

The sense in which libraries, books and museums are 'sources' of knowledge is that they are *stores* of existing knowledge, in whose generation (production) they usually have no role.

In the language of cognitive semantics (cf. Croft and Cruse 2004), Oruka may be said to have metaphorically framed the sage as such a *store*. Evidently, Oruka is not intellectually committed to this framing of the sage. Before he articulates his framing metaphor, Oruka (1991, 3) says:

A person is a sage in the philosophic sense only to the extent that he is consistently concerned with the fundamental ethical and empirical issues and questions relevant to the

society and his ability to offer insightful solutions to some of those issues.

In the quotation above, Oruka frames the sage as an *actor* in the intellectual generation of knowledge. As we further examine his elaborations and illustrations regarding his thinking and research agenda on sage philosophy, it becomes adequately clear that Oruka's (1991, 3) intellectual loyalty and commitment is to the *actor* framing of the sage.

This (ACTOR) framing of the sage in a non-literate society has many challenges which are generally ignored by Oruka, not least among them, the challenge of verifying the originality of the ideas attributed to the recognized sages. For example, when one of the sages, Ker Paul Mbuya Akoko (Oruka 1991, 134-146), who had grown up as a Christian and later served as a top administrator in the South Nyanza District administration of colonial Kenya, and who attended the coronation of Queen Elizabeth in the 1950s, talks about religion, it is extremely difficult to determine what may be regarded as his own ideas, and what he might have internalized from his learning experiences, both formal and informal, as a Christian and a highly Westernized Luo man, who is known to have spoken his mother tongue (Dholuo) with a European accent, according to my late father, Okombo Owuato's testimony.

The example of Ker Paul Mbuya Akoko also points to another challenge inadequately addressed by Oruka, namely, the distinction between the so called folk sages (Oruka 1991, 87-108) and philosophic sages (Oruka 1991, 109-160). Most of what this particular philosophic sage says is common knowledge in the Luo community, even if he may articulate it in a manner that is above average in clarity (ignoring translation and editorial interventions). In the language of cognitive semantics already used above, it is the folk sages who are properly in the *store* frame, while the philosophic ones are in the *actor* frame.

This paper ignores Oruka's distinction, and pursues the insight behind the *store* framing of the traditional African sage, attempting to place sage philosophy in the broad agenda of indigenous knowledge systems by relating it to the principles of cognitive semantics.

The Semantics of Sagacity

In linguistics, the business of semantics is to examine the nature of 'meaning' as a property of language, and to make theoretical proposals regarding how it may be accounted for in a scientific (objective and systematic) manner. Popularly, semantics is viewed as an examination of meanings of specific words treated especially as concepts. This view is close to the task of semantics that involves specifying meanings of individual words in the dictionary component of a speaker's linguistic competence (tacit knowledge). It is this view of semantics that I want to start with in this section, before delving into the slightly more technical matters of cognitive semantics and its implications for Oruka's sage philosophy.

Some Insights from Word-Books

Disregarding its gender insensitivity, the third updated edition of the Collins English Dictionary (1994) has one of the most insightful definitions of the word 'sage', namely: (noun) "a man revered for his profound wisdom." The gender element in this definition is eliminated by Chambers 21st Century Dictionary (Revised Edition, 1999), which defines 'sage' as: "someone of great wisdom and knowledge, especially an ancient philosopher." The issue of whether the term applies in a special way to ancient philosophers (amidst some related concerns) is adequately addressed by Oruka (1991, 1-31).

The more intriguing question is what constitutes especially "great wisdom." I find the most informative indications of what could be involved in 'The Complete English Language Companion' (Geddes and Grosset 2007), which lists the various meanings of the adjectival reading of 'sage' as follows:

acute	- sagacious	- shrewd	- discerning
intelligent	- sapient	- wise	- serious
prudent	- sensible	- judicious	

Definitely, these meanings of 'sage' may be treated as synonyms only with the understanding that they, like most synonyms, are not mutually interchangeable in all contexts of their usage. What they suggest in common is a mental property that entails some degree of

exceptional ability to apply one's mind to a particular concern. For lack of a better term, I will refer to this mental ability as being *exceptionally perceptive*, and think of a sage as someone who possesses and characteristically displays it in different situations. Here is Oruka's prescriptive conception of the word:

> A person is a sage in the philosophic sense only to the extent that he is consistently concerned with the fundamental ethical and empirical issues and questions relevant to the society and his ability to offer insightful solutions to some of those issues. (Oruka 1991, 3).

What evidence is available to show that a particular member of a given community qualifies to be called a sage on the basis of such definitions or, in our terms, to be categorized as exceptionally perceptive? Going by Oruka's examples, the evidence is in their utterances. In other words, the essential evidence of sagacity is contained in linguistic expressions. It is by what one says that we can judge their sagacity and, accordingly, place on them the label of 'sage'. In literate societies, this evidence, as Oruka (1991, 3) acknowledges, is usually stored, obviously in the form of written texts, in "libraries, books and museums."

We may, therefore, ask: Where is the evidence of sagacity stored in non-literate (such as traditional African) societies? An obvious answer is that we would expect such evidence, usually in the form of oral texts, to be preserved in the oral tales, proverbs, and sayings of a community. Oruka (e.g. 1991, 33-37) is clearly aware of this, but he prefers to deal with what his chosen sages say in response to his research questions, even though most of the responses do not contain evidence that a particular interviewee is in any serious sense exceptionally perceptive. The following excerpt from an interview with one of the sages, Ali Mwitani Masero, should illustrate the ordinariness of perceptions associated with at least some of Oruka's sages (1991, 93):

Q: What brings about differences in culture? How is a Scot, Chinese or Luo different from a Luhyia?
A: With the Scots and Chinese tribes, their skin is different. With the Luos, we have the same skin, but the tongue (*lulimi*) is the

difference. Actually, it is the *lulimi* (language) that makes certain people different from others.

The ideas expressed in this interview, as in many others by Oruka's various sages, are important, but there is nothing exceptionally perceptive about them. The sage in question seems to be of Luhyia origin, but it is hard to think of him as a particularly wise Luhyia or generally African man. We usually see clearer evidence of sagacity in the relationships between different objects, events, or situations that we often find expressed in African metaphorical expressions that are normally preserved as part and parcel of a community's oral culture used in day-to-day social discourse. For example, in a recent M.A. dissertation on linguistics, Adoyo (2013) has identified and discussed a number of such metaphors in Dholuo, including the following:

Box 1: Dholuo metaphors (Adoyo 2013).

- *Wach en lweny* 'word (argument) is war'
- *Ngima en wuoth* 'life is a journey'
- *Ngima en mwandu* 'life is wealth'
- *Paro en chiemo* 'an idea (thought) is food'

Such expressions capture a perception of life and the human condition in a way that shapes the thinking of the people whose language contains them. In a sense, they represent a philosophy of life, a point which Lakoff and Johnson (1980) have dealt with extensively in their famous book *Metaphors We Live By*. They point out:

> …metaphor is pervasive in everyday life, not just in language but in thought and action. Our ordinary conceptual system, in terms of which we both think and act, is fundamentally metaphorical in nature (Lakoff and Johnson 1980, 3)

People who are regarded as wise in the community characteristically use metaphors to guide thought and action in various situations. However, they do not claim authorship of them. The wisdom of the user is seen in the appropriateness of their usage, the

ability to remember the right expression when needed, and the explanation of the significance of the expression in the situation under consideration.

How do we understand the existence of such insight in the language of a community, and in the appreciation of the abilities of the individuals who remember and use them appropriately, when a community needs them to throw light on the intricacies of a situation? To address this question, we now turn our attention to the fundamentals of cognitive linguistics and, especially, the semantic component of it.

Some More Insight from Cognitive Semantics

The position in cognitive semantics and cognitive linguistics in general is a fundamental negation of the Chomskyan view (see, e.g. Chomsky 1975) that knowledge of language, or linguistic competence, is an independent domain of knowledge, separate from other cognitive structures. It regards linguistic competence as an integral component of human cognitive structures. Croft and Cruse (2004) state this observation more explicitly:

> The first hypothesis [of cognitive linguistics] is that language is not an autonomous cognitive faculty. The basic corollaries of this hypothesis is that the representation of linguistic knowledge is essentially the same as the representation of other conceptual structures, and that the processes in which that knowledge is used are not fundamentally different from cognitive abilities that human beings use outside the domain of language (Croft and Cruse 2004, 2).

As we can see in the following illustration by Larson and Segal (1998, 23), cognitive linguistics places semantics at the centre of all our cognitive processes:
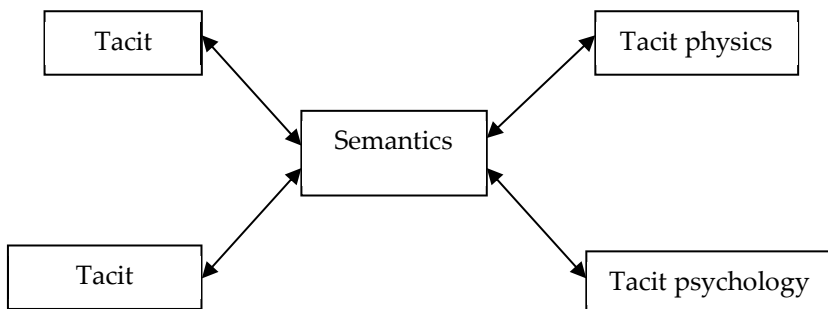
The place of semantics in the larger cognitive domain

In this view, semantics is inherently:

…connected to a module containing knowledge of infer-
ential principles (tacit logic), and to the modules containing
our implicit theories of objects and forces (tacit physics), of
creatures and their goals (tacit biology), and of people's
cognitive states and their actions (tacit psychology) (Larson
and Segal 1998, 22-23).

In other words, human beings have forms of knowledge that
largely remain tacit or subconscious, but are inherently connected to
their mental processes determining the interpretation of linguistic
expressions in their various languages. No doubt, just as language is
cultural, the other forms of tacit knowledge are also cultural.
Consider, for example, the tacit knowledge of physics that enables us
to mentally work out the speed of an on-coming vehicle relative to our
own walking speed. This element of tacit physics saves our lives on
highways, as most of us are able to avoid being hit. As we realize from
the events on our highways, dogs and other animals seem to have
much less of it. The cultural element in it is seen when rural people try
to cross busy urban roads, revealing much less tacit (knowledge of)
physics than we see in regular urbanites.

In principle, human minds are capable of developing, within a
cultural framework, elaborate forms of knowledge that remain largely
subconscious (tacit) but strong enough to guide behavior and
decision-making in practical day-to-day situations. Language use
remains the best example of this human ability. Our native languages
have complex grammars and pronunciation rules that we are not
actively aware of, yet we normally use them correctly in conversation
and other types of social discourse. For example, a technical
description of the noun-class systems in Bantu languages (e.g.
Kiswahili) and how the noun-class markers, usually prefixes, are
spread to noun-modifiers and verbs in sentences, such as (1) - (3)
below, sounds so complex that one wonders how the illiterate
speakers of the languages ever get them right.

Box 2: Kiswahili sentences

(1) Kitabu changu kikubwa kimepotea
book mine big is-lost
'My big book is lost'

(2) Mtoto wangu mkubwa amepotea
child mine big is-lost
'My big child is lost'

(3) Chungwa langu kubwa limepotea
orange mine big is-lost
'My big orange is lost'

In sentences (1) - (3) above, the Kiswahili equivalent of mine/my is realized in three different forms, as 'changu', 'wangu', and 'langu'. This could go on for about sixteen different word-forms if we exhausted the full inventory of Kiswahili word-classes, including the plural forms.

That, without any formal instruction, native speakers of Kiswahili can master such complex rules of grammar, and display evidence of such mastery in language use without the ability to explicitly state the rule, is the ultimate necessary testimony of the human mental capacity to have tacit knowledge and to use it in practical situations. The professional linguist conducts research to discover the nature of the tacit linguistic knowledge which native speakers display but cannot explicitly state without special training in linguistics. There is no reason to assume that this human capacity to have tacit knowledge exists only for language. The assumption that it exists for other forms of knowledge as well, including physics, is what informs the Larson and Segal cognitive structure diagram we have seen above.

It is our contention in this paper that within the framework of its culture, every human community has a tacit body of philosophical knowledge, touching on a wide range of what Oruka (1991, 57) calls "the totality of the basic truths and explanations that underlie the beliefs and practices of a people in a given culture."

The question that must now be addressed is: What is the place of the sage in all of this? This is the question to which we turn our attention in the rest of this paper.

The Role of the Sage in a Traditional Society

We adopt Oruka's term 'traditional,' and use it interchangeably with 'non-literate,' to describe a society that does not rely on libraries, books and museums for its knowledge.

Oruka gives us indications of how we may view the sage in such a society in the following words:

> Sagacity may be taken to mean wisdom of some named individual(s) or of a community of persons. There are, therefore, two interesting types of sagacity: first is sagacity as *popular wisdom*. This consists of maxims, aphorisms and wise sayings associated with no particular persons, yet they are popularly known and generally employed in oral literature of the community. Secondly, there is sagacity as *didactic wisdom*, an expounded and well-reasoned thought of some individuals in a given culture (Oruka 1991, 57e).

Oruka presents no evidence of any philosophical system of thought developed by any one of his philosophic sages in the second way outside the context of a research interview, where the researcher characteristically plays the Socratic role - creating a degree of confusion as to who, between the sage and the researcher, is playing the philosopher's role. In the absence of such evidence, I am inclined to recognize only Oruka's first type of sagacity, which he calls "popular wisdom." In a non-literate society, it stands to reason that only the major conclusions of community reasoning are captured in short statements as "maxims, aphorisms and wise-sayings associated with no particular persons…"

It is unfortunate that the capturing of such statements by oral literature scholars leads Oruka to say that they are "generally employed in the oral literature of the community" (Oruka 1991, 57).

The fact of the matter is that such expressions are used as axioms in arguments and other contexts of reasoning by members of the relevant communities. They serve to show that a speaker's thinking

and articulations are consistent with the acknowledged wisdom of the community. This point is to a large extent consistent with the view expressed by Graness and Kresse (1999) when they say that:

> …to determine what 'practical wisdom, is (why it is 'wisdom' and how it becomes 'practical'), one cannot but *take into account the cultural contexts of meaning* and the internal norms valid (Graness and Kresse 1999, 15; emphasis mine).

Thus, a Luo elder advising a fellow villager to treat his wife with dignity says: "Dhako e pacho" - i.e. "a woman [wife] is the homestead." By speaking in that manner, the elder displays sagacity, albeit not in an original manner. If an elder consistently guides thinking and behavior in a particular community using ideas that are based on the axioms of wisdom established by the community, he or she becomes associated with wisdom, and may be mentioned to a researcher looking for sages in the community.

It is in this sense that one may understand Oruka's (1991, 57) explanation of who may be referred to as a sage:

> …to refer to a person as a sage in a given community is to mean that such a person is wise and is capable of understanding and explaining the basic truths, values and logic that guide the beliefs and practices of the people of that community.

A study of the wisdom of such people is in principle a study of the collective wisdom of their individual communities. It is, in my view, a study not of the sagacity of the interviewed individuals, but of the indigenous sagacity of their communities as articulated by them.

Summary and Conclusion

The fundamental argument presented in this paper is that, based on the principles of cognitive semantics regarding cognitive structures, it is reasonable to conclude that what is called 'sagacity' in Oruka's research may be conceptualized as the tacit philosophy of a particular community - constituting part of the community's system of largely unconscious wisdom, imparted culturally to individual

members of the community through language and other communicative forms of social discourse, verbal and non-verbal.

By viewing sagacity as part of the intellectual wealth of a community, we have to view the sage as the exemplary individual who best displays the community's tacit philosophy in action and, more importantly, in verbal expression. The sage, viewed in this manner, is not so much an innovator in the world of ideas as an exceptionally perceptive articulator and, to some extent, reflector on his/her community's tacit philosophy.

By implication, the paper demonstrates the significance of sage philosophy research in investigating the intellectual richness of a non-literate/traditional community, and the role of the sage philosopher as an exceptionally perceptive member of the community who digests, summarizes, articulates, and, from time to time, comments on the fundamental assumptions and conceptions of his/her community regarding various aspects of life. Such a study constitutes a significant component of the broader agenda of the study of indigenous knowledge systems (cf. Hall *et. al.* 1982). In this regard, it sounds reasonable to say that Oruka's major contribution is more in his ability to capture the wisdom of a community as articulated by an exceptionally perceptive member of the community than in documenting the philosophy of any individual member of a given community.

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8.

Philosophic Sagacity:
A Re-colonizing De-colonization?

PATRICK MAISON DIKIRR

Introduction

The discourse deployed in the service of liberating the mind of colonized Africans from what the late Professor Ali A. Mazrui referred to as "the commanding presence of a triumphant alien civilization" is still alive today, as it has always been, since the early 1950s. This is partly, if not mainly, because Africa's 'political independence' notwithstanding, the old European colonial mentality of creating hierarchies of rank, domination, exclusion, and exploitative relations, originally used to keep Africans 'in line' (but which simultaneously stoked the fires of territorial liberation movements in the 1950s into the 1970s and beyond), are still ominously alive and even rapidly intensifying. Thus, in spite of the now clearly fascinating discourse on globalization,[1] Africa's institutions of higher learning, along with her political priorities and socio-economic development, continue to be macro-managed - directly, circuitously, or both - by Euro-Western political and economic elites to the present day.[2] Indeed, Euro-Western influence on Africa is unmistakably felt in virtually all sectors of human endeavor - from knowledge production to entertainment media, from spiritual matters to healthcare delivery systems, from

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[1] The discourse on globalization focuses on understanding the benefits and dangers of living as we now do in a world that is rapidly 'shrinking' and increasingly becoming borderless.

[2] Elites from especially North America and Western Europe have continuously used, directly and sometimes authoritatively, the United Nations, Media Conglomerates, their Diplomatic Missions abroad, and their respective intelligence-gathering agencies to meddle in Africa's political and socioeconomic priorities. They have also indirectly used the Bretton Wood Institutions - the World Bank and the International Monetary Fund - as well as Transnational Corporations, Philanthropic Foundations, and Non-governmental Organizations to mobilize support for plans and programs that largely serve their economic interests and geo-political calculations.

information communication technology to the extraction of natural resources, and from banking to environmental revitalization, and more.

Operating sometimes in the open and sometimes clandestinely, but, of course, with the explicit, if occasionally coaxed, approval of Africa's ruling elites, economically influential stakeholders and policy practitioners from industrialized countries of the North have consistently designed, influenced, directed, and, at the very worst, policed Africa's political agenda, socio-economic priorities, and other crucial sectors. The vast majority of Africans, especially those whose lives and aspirations are mainly dictated by the struggle for survival, have therefore been deprived of the freedom to follow whatever path their own potentials direct. When combined with the long-standing Euro-Western appetite for Africa's natural resources and the insatiable cravings of the privileged African political elite, this Euro-Western paternalistic attitude has made it extremely difficult for ordinary Africans - women, peasants, and the urban poor in particular - to improve their economic conditions.

Even more surprising, and this is central to this paper, is the fact that the drawn-out struggle to liberate the mind of the colonized Africans from the disinheriting Euro-Western ideas, values and practices have yielded little, if any, benefits thus far. Not even the very promising project of rehabilitating what is often touted as the genius of indigenous African communal heritage, generally construed, and of discarding some of its deleterious elements - those that are consi-dered as oppressive, exclusionary, and therefore incompatible with the vision and spirit of Western modernity - has ushered in a truly liberating outcome. This obviously laudable goal, of seeking to recover and to then put into use the heretofore neglected genius of indigenous African village lore, has lamentably been as colonizing as the very Euro-Western intellectual traditions which some African intellectuals have been trying, unsuccessfully, to de-center and ultimately dethrone. Regrettably, this state of affairs has persisted principally due to the mind-arresting influence of Euro-Western paternalism. For this reason, in Africa, as elsewhere in the Third World, a more flexible, in step with the times regeneration of minds, souls and structures has spectacularly failed to blossom.

The question, then, which this paper seeks to interrogate, is whether in fact there could ever be a discourse of mental de-coloniza-

tion that is itself not colonized and, ultimately, colonizing. If, indeed, the possibilities of accessing such a discourse are as remote as I am inclined to believe, and I will shortly explain my reasons for being this skeptical, then the following further related questions must also be addressed:

How is the discourse, intended to liberate the mind of the colonized Africans from the ethnocentricity of Euro-Westernism, itself colonized and ultimately colonizing?

How precisely might a thorough-going de-colonization of the mind, particularly of the mind of the colonized Africans, be effectively undertaken without concurrently reproducing bodies of knowledge that are themselves colonized and, in the end, colonizing?

Could a project of this nature and magnitude be carried out without also falling into the recurrent trap of marketing an equally colonizing way of thinking - a way of thinking that repetitively calls for a return to the unmistakably diminishing influence and authority of indigenous African communal heritage to help in, for example, defining, re-defining, and explaining the contemporary confusions facing Africa and its peoples?

Last, but not least, beyond the seemingly never ending call by some Africans to actively return to Africa's roots with the singular aim of reclaiming the genius of Africa's village lore, what alternative routes of escape would help Africa in her noble task of reconstituting a more flexible, in step with the times regenerating of minds, souls and structures?

In this paper, I respond to these and kindred questions in three main stages.

In part I, I offer a brief explanation of what, in my thinking, it means to be mentally colonized. I then focus on the literature dealing with how, in Africa, the transplanted, but every so often reviewed, Euro-Western system of education has helped to produce graduates who are incapable of transcending what Professor Micere Mugo calls "the *Kasuku* (Parrot) syndrome" (Mugo 2012, 280).[3] By that, Professor Mugo is referring, I believe, to African graduates who, while

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[3] Before her retirement, Professor Micere Mugo - a specialist in African Orature - was teaching at Syracuse University in the United States of America.

obviously at ease identifying with, and even embracing as their own, Euro-Western ideas and practices, are, for the most part, ambivalent or indifferent towards their own local, indigenous traditions - customs, beliefs, histories, languages and folklore.

In the second part of the paper, I shift my focus onto mental de-colonization. First, I explicate what it entails. I then move onto the philosophic sagacity narrative that supports it. Founded by the late Professor Henry Odera Oruka, that narrative mainly focuses on a proactive 'Back to Africa's roots' venture, but with a different twist. Unlike its precursor, ethno-philosophy, which has for a long time treated Africa's village lore as if it were a communally founded wisdom heritage without specific individuals associated with it, philosophic sagacity puts names to the sagacious insights and flashes on identified and researched-upon themes.

In the third part of the paper, I highlight the ways in which this discourse of philosophic sagacity, whose primary intention was to liberate the mind of the colonized Africans from the vastly proliferating Euro-Western ideas and institutions of knowledge production, is (a) itself colonized and (b) gradually colonizing the minds of younger students and scholars of African philosophy, and particularly those whose research is attentive to the sage philosophy methodology.

In the fourth and final part of the paper, I briefly elucidate other equally discussed routes of escape that may help Africa in her noble task of reconstituting what I earlier referred to as a more flexible, in step with the times regeneration of minds, souls and structures.

Mental Colonization

In my view, to colonize someone mentally is to establish in his or her mind territories of occupation and settlement, of pervasively suffocating and exploitative presence, of incarcerated imaginative options, and of interlocking micro-orthodoxies of domination. Viewed as such, a mentally colonized person is one whose thoughts, ways of knowing, vision of the future, and sense of identity are perpetually locked up in an alien and therefore alienating world-view(s). The late Ugandan poet and social critic Okot p'Bitek is perhaps more succinct on this matter. Using sexual metaphors to express his frustration with the manner in which the transplanted

Euro-Western system of education has, in Africa, continuously helped to groom graduates who, according to Ali Mazrui, become "future custodians of Western academic cemeteries, or Western in their very genes" (Mazrui 1980, 23), p'Bitek grieves:

> For all our young men
> Were finished in the forest
> Their manhood was finished
> In the class-rooms
> Their testicles
> Were smashed
> With large books! (p'Bitek 1972, 117).

Living then, as it were, in what Krishna Chandra Bhattacharya (2008, 41-50) calls "the shadow mind [in the realm of borrowed ideas and thoughts]," a mentally colonized person is insufficiently equipped to explore the world of ideas without falling back on an "alien reference group for ideas and analytical guidelines" (Mazrui 1978, 368). For example, in Africa, particularly, Euro-Western intellectual traditions - and here we are talking about Euro-Western ideas, pedagogies and research methodologies, to mention but a few - continue to inform, nourish, influence, poison, repulse, and even incarcerate Africa's systems of knowledge production. Scholars of the African condition, and especially proponents of Africa's mental de-colonization, have ostensibly continuously sucked from the 'intellectual breast' of Euro-Western systems of knowledge pro-duction, and with no signs of abatement. They seem contented to continue 'singing the old songs - however slightly but non-essentially re-arranged'. To borrow the figurative words of the Indonesian writer Pramodya Ananta Toer (1990, 15), proponents of Africa's mental de-colonization appear to be at ease being slaves, but only this time round living in the emperor's palace.

To elaborate on why this sorry state of affairs continues to persist, I shall now turn to the literature on the devastating impact of the transplanted Euro-Western system of education in Africa. I particularly highlight the extent to which this system of education has pulled a majority of formally educated Africans away from their ancestral traditions - values, customs, history, collective memory, among others.

One of the most enduring ways in which European colonial educators, and some Christian missionaries, used to distort Africa's indigenous knowledge systems that had served Africans well in many ways for centuries, is through introducing the sons, and occasionally daughters, of Africa to an alien and alienating system of education. This arguably damaging project began immediately after the Berlin Conference of 1884, which led to the partitioning of the continent of Africa into respective spheres of direct European control. From that point onwards, European colonial "educators," and some Christian missionaries, launched incessant campaigns to induce sweeping changes to what they regarded - of course from their ethnocentric perspective - as 'inappropriate African customs, values, practices and ways of life.'

African youth were thus introduced to a system of education that, to the present day, has sought to systematically undermine their pride in their ancestral heritage. Molding a quasi-African bourgeoisie, a socioeconomic class that would in the future identify with, and embrace as their own, Euro-Western history, lifestyles, worldviews, values and intellectual tradition - even while, strangely enough, expediently disassociating themselves from their ancestral heritage - was one of their primary goals. Franz Fanon's observation concerning the havoc wreaked by Euro-Western education on promising African youth is even more articulate:

> [Harboring an attitude bordering on imperialistic arrogance] European colonial elites, interested in 'manufacturing' a native petite bourgeoisie, picked promising adolescents and branded them…with principles of Western culture and stuffed their mouths full with high-sounding phrases, grand glutinous words that stuck to the teeth (Cited in Bayart 2000, 265).

Transplanted from the comfort of their "ancestral womb," and consequently inserted into the acidic belly of Euro-Western world-views, African youth were "taught more about the history and geography of the Western world than their own, even though their European instructors were not utterly ignorant of the history and geography of Africa" (Mwakikagile 2000, p.xiii). Reflecting little or no knowledge whatsoever of the mega-diversity of the African continent,

the transplanted Euro-Western curricula tended, as a premeditated course, to glorify Western achievements whilst disparaging indigenous African values, worldviews and traditions (Mwakikagile 2000, p.xiii). That, with hindsight, European colonial educators were able to therefore set in motion a debilitating infrastructure which has continuously incarcerated the conceptual universes of even some of the most erudite Africans, need not be belabored here. Jettisoning traditional African ways of life as exotic and "primitive," African youth were mentally programmed to believe that they had no history, no valuable stories to tell, and no significant civilization of which to be proud. In similar fashion, African religions were branded as "primitive," as were African dances that were declared to be "excessively erotic." Furthermore, Africa's indigenous knowledge systems were vilified as a hallmark of "backwardness."

With their single-minded focus on cultivating an African bourgeoisie, an intelligentsia that they could at that time and even later use as conduits for pillaging Africa's resources, European colonialists introduced sons and daughters of Africa to a quasi-aristocratic perspective of education. In Anglophone Africa, for example, students enrolled in the arts and humanities were drilled in the skills of memorizing European historical facts, meticulously reciting the works of Western poets and philosophers, and speaking and writing impeccably in the Queen's English - in what the celebrated Kenyan writer, Ngugi wa Thiong'o, calls "the measure of one's readiness for election into the band of the elect" (Thiong'o 1993, 32). In Francophone Africa, African youth were also literally socialized into eventually becoming French in almost all aspects - from mental outlook to linguistic nuances, from dress to dietetic habits, and so forth. The Portuguese and Belgians, in turn, adopted a similar pedagogical approach.

It is therefore not surprising that the transplanted Euro-Western system of education has interminably produced an intelligentsia that is simultaneously bent on despising its own ancestry and struggling, whether successfully or not, to blindly emulate everything and anything emanating from the West. The doyen of African history and African politics, the late Ali Al'Amin Mazrui is even more candid in his observation regarding this matter. In his paper "Africa and the Legacy of the Second World War: Political, Economic and Cultural Aspects," he candidly points out how, partly because of the Western

system of education, a whole generation of African graduates has grown up despising its own ancestry and scrambling to imitate others. These young men and women, he goes on to argue, who often are "fascinated by the West's cultural mirror have remained as intellectual imitators and disciples of the West" (Mazrui 1980, 23). Okot p'Bitek's context specific rendition of the corrosive impact of the European presence in Africa is even more articulate. In his African Language poem (*Song of Lawino*, and its Euro-phone response *Song of Ocol* (1972), p'Bitek describes how the transplanted Euro-Western system of education has been unrelentingly instrumental in churning out graduates who are unduly tied to the West, and who therefore often look down upon their cultural roots. This group of African elite, as Ngugi wa Thiong'o aptly observes, "fancies itself as dwelling in some kind of celestial paradise somewhat disconnected with the real world of ordinary struggle" in which millions of materially deprived Africans live in "the shadows of poverty, ignorance, and disease - even though they have done everything they could possibly do to alleviate their lot." Thiong'o continues:

> African peasants and workers have always done all they could to send their sons and daughters to schools and universities at home and abroad in order to scout for knowledge and skills, which could relieve the community of these burdens. But lo and behold, upon returning to their motherland they often speak in tongues - in obscure, inaccessible foreign language (Thiong'o 1996, 5).

Ocol, Lawino's's husband, who is the main protagonist in Okot p'Bitek's *Song of Lawino and Song of Ocol* (p'Bitek 1972), is a good example of the effects of this mental colonization: "By virtue of his knowledge of the master's language and culture," as Ngugi wa Thiongo' (1996, 6) would say, Ocol, like most formally educated Africans, looks down on his ancestral traditions. With unparalleled tenacity, Ocol struggles, successfully or otherwise, to emulate Western values and lifestyle; and, like most formally educated Africans, Ocol has a minimal taste for African cuisine - food made from millet, cassava, arrowroots, sweet potatoes, bananas, yams, leafy vegetables and pumpkins. He also habitually ridicules his wife Lawino and his parents for being "old fashioned." Besides, like most other formally

educated Africans, Ocol has become what the late Edward Said, in a different context, calls the "prosecution witness for the West" (cited in Sengupta 2008, 1). One of the passages in p'Bitek's seminal work suffices to illustrate the extent to which Ocol has changed for the worse. In that passage, Lawino laments:

> My husband treats me roughly…
> He says my mother is a witch,
> That my clansmen are fools
> Because they eat rats,
> He says we are *kaffirs*,
> We do not know the ways of God
> We sit in deep darkness
> And do not know the gospel,
> He says my mother hides her charms
> In her necklace
> And that we are all sorcerers (p'Bitek 1972, 13).

Lost "in the labyrinth of a foreign path," to use Ngugi wa Thiong'o's words (Thiong'o 1996, 6), Ocol no longer respects his ancestral traditions, which Okot p'Bitek eulogizes in his work, precisely because of their central role in fostering kinship networks of solidarity in the traditional African systems of governance, commerce, education, and family structure. Ocol does not listen with respect to the many voices - absent, yet unmistakably here - of the earthlings that surround him. He also does not pay attention to the songs of the seasons, the language of the wind, rain, trees, and insects. More inexcusably, he denigrates African myths, legends, folklore, and poetry. Like most formally educated Africans, he is so enamored by the West that he has conveniently lost contact with his own ancestral heritage.

Indicating some of the potent ways in which a peoples' confidence in their culture and traditions can be eroded, and their minds effectively colonized, the founder director of the International Center of Insect Physiology and Ecology, the late Professor Thomas Odhiambo, writes:

> A brutal way to conquer a community or nation or continent
> is to defeat them in war. Such a conquest is [however]

temporary and will inevitably be overcome as soon as the conquered can regroup and finally recapture their lost territory.…[But] another way to accomplish a more lasting conquest of a people, society and civilization is to destroy their self-image of accomplishment, well-being, enterprise and innovativeness, and their capacity to dream and to invent their own self-constructed future. Myths, legends… and the search for utopia are the essential tissues that fuel a people's will to survive and to prosper as well as the spirit of heroism and invincibility, which have a knack of becoming reality in a people who are true to their long running perceived destination (Odhiambo 1997, 157).

Nevertheless, as Ngugi wa Thiong'o notes, every phenomenon in nature tends to generate its opposite. Thus, the transplanted Euro-Western system of education has also simultaneously stimulated other contradictory impulses and practices. Amidst the "tsunami" it has unleashed and still spews, notes Ngugi wa Thiong'o, a few audacious African intellectuals have tirelessly sought to challenge "the conditions of their confinement in the colonial 'caves'." In African philosophical circles, for instance, assuming the role of "double agents," some Africans, such as the late Professor Henry Odera Oruka, have not only "whispered conspiracies in their own languages," but also diligently worked to free themselves and their fellow Africans from the "colonial chains" (Thiong'o 1996, 6). In other words, they have flatly refused, as Ngugi wa Thiong'o correctly points out, to "carry the mind of their colonizers - to be recruited as it were as conveyors of messages from the West…" Employing "counter-espionage tactics in crying out for the light of the sun which has been denied to them and their fellow Africans by European colonialists, these gallant sons and daughters of Africa have managed to turn around and warn their people of what to expect and how to deal with the [old] and the new [European-Western] invasion" (Thiong'o 1996, 6). As I have already indicated, the late Professor Odera Oruka, for example, passionately challenged this longstanding Euro-Western intellectual dominance in Africa's philosophical sensibilities. Never-theless, to be sure, he did not begin from a point of *tabula rasa*. Before him, there were such thinkers as Julius Kambarage Nyerere of Tanzania and Leopold Senghor of Senegal, on whose works he built;

and like these gallant pioneers of African philosophy, Oruka was determined to free his own colonized mind, and those of his compatriots, from the "colonial cave." Let me elaborate by examining what mental de-colonization entails.

Mental De-colonization

In Africa, as is the practice in other parts of the world - including the affluent parts of the world with significant minority populations - mental de-colonization has come to mean, among other initiatives, unraveling, challenging, and eventually shaking off intolerable ideas, those "tattooed in the sanctuaries of one's mind" (Naipul 2001, 15), whose calculated end is to rob the victim(s) of what their ancestors used to love, honor, cherish, and in which they used to take pride. Mental de-colonization efforts have, in that respect, then, been directed towards revealing and, consequently, smashing the basket of induced mental burdens and disabilities, including the deep silent shame about one's heritage, the feeling of helplessness in overcoming life challenges, and the readiness, or near readiness, of some people to allow others to influence, determine and shape the direction of their lives. The late Edward Said puts this even more poignantly, insisting that an indispensable goal of mental de-colonization is "interrogating the right of the colonial establishment and its agents to narrate the experience of the colonized - whether in the context of historical record or in the terrain of imaginative writing" (Said 1993, 34). Efforts at mental de-colonization, one might then argue, are directed towards the goal of scouting for an exit route, away from the countless relationships that promote mental enslavement - whether it be internally and/or externally induced.

Lenny Strobel offers a forceful, perhaps more convincing explanation of what mental de-colonization really entails. Strobel points out that the ultimate goal of mental de-colonization is to "terminate and [from that point forward] to rename that part of one's mind which has been occupied, colonized and penetrated by the adversary" (Strobel 2001, 87). De-colonization of the mind then requires, as Strobel insists, learning, and eventually knowing, how to name one's experiences, to open the doors to the cultural and ethnic memory that has been suppressed under the pressure to assimilate, and to frame that new consciousness within the context of one's

historical past as well as today's political context (Strobel 2001, 87). Daily Mary seems to concur with this viewpoint, although her efforts are focused on fighting patriarchal values, institutions and the unequal power relations on which patriarchy is based. In her book, *Gyn/Ecology: The Meta-ethics of Radical Feminism* (1978), she writes:

> By unraveling their deception, we name our truth; by defying their methods, we discover our own wisdom; by escaping their possession, we find our own enspiriting self; by overcoming their aggression, we uncover our creative anger and brilliant bravery; by demystifying/demythifying their obsession, we remember our love; by refining their assimilation, we experience our autonomy and strength; by avoiding their elimination, we find our original way, and by mending their imposed fragmentation, we spin our original integrity (Mary 1978, 265).

One might ask: precisely how has this project of mental de-colonization proceeded in the African context particularly?

Beginning with Edward Blyden all the way to Franz Fanon, Sekou Toure, Amilca Cabra, Leopold Senghor, Aimé Césaire, Julius Nyerere, Ngugi wa Thiong'o, V.Y. Mudimbe, Henry Odera Oruka, and dozens more, the message has been predictably the same, and somewhat infectious; and that message, when correctly deciphered, is that for the African continent to truly reclaim its torpedoed future(s), African academics - and particularly those who claim to speak for Africa, or on behalf of underrepresented interests, and plot Africa's futures - must fully commit themselves to the goal of going back to Africa's roots, to the moral and cognitive resources of Africa's pre-colonial heritage. In other words, these garland sons of Africa argue that a conscious return to the "Garden of Eden," to the simple paradise that Africa was before European colonization, will help catalyze and consummate Africa's total liberation. For them, a move in this direction will inevitably help free Africa from the supposedly "suffocating" Euro-Western hegemony. Thus, according to this view, Africa's true independence will only materialize when her Euro-Western trained intellectuals begin to enthusiastically embrace in their thinking and action the hitherto unrecognized genius of Africa's village lore. Put yet another way, they assert that an effective antidote

to Africa's contemporary status as a satellite of Euro-Westernism lies precisely in a radical departure from the totalizing reach of the logic and spirit of colonial domination to more grassroots-focused, locally-informed interventions.

Although somewhat unrelated, the Brundtland report, "Our Common Future" (WCED 1987), and the follow-up recommendations of the Rio-Earth summit of world leaders held in 1992, give more weight to this line of thinking. Since the Brundtland report was publicized, a consensus has been increasingly coalesced around the notion of including in envisioned programs and projects the diversity of competing voices, skills, resources, insights, interests, and experiences of particularly historically underrepresented and/or disenfranchised populations. Paul Sillitoe puts this even more forcefully:

> …it is now recognized that research in less developed countries is not just a question of coming up with technical fixes to others' problems, of passing along scientifically validated information for them to adopt. It is now acknowledged…that other people have their knowledge and management systems…which must be effectively interfaced with externally generated development interventions (Sillitoe 1998, 223).

That message, in short, highlights the realization - however belatedly - that Africa's futures lie not simply in emulating the Euro-Western vision of modernity, but also in utilizing, whenever necessary, the resources, ideas and experiences of Africa's less privileged segments of the population - individuals and groups that the formally educated have somewhat bypassed. Exponents of this way of thinking are optimistic that moving in this direction will assuredly help Africa in at least two fundamental ways: *first*, in circumventing Euro-Western economic exploitation, political manipulation, social disenfranchisement, and ideological domination; and *second*, in providing Africans living in Africa an unparalleled opportunity to repair their broken lives, to reclaim their vanquished hopes and torpedoed aspirations.

One of the vocal exponents of this way of thinking is the late Professor William Ochieng[4]. Ochieng insists that "...once Africans begin to embrace home grown models as the Chinese, Japanese and Malaysians did before they eventually succumbed to America's *McDonaldization* of the world, Africa's problems (which are for the most part engendered by an over reliance on borrowed ideas and practices) will then come to pass" (Cited in Dikirr 2008, 82). Short of rehabilitating the collective, cumulative genius of indigenous African moral and cognitive resources, Ochieng is persuaded, Africans will interminably remain under the condescending tutelage of Euro-Western political, economic, and bureaucratic elites (Cited in Dikirr 2008, 82). The illustrious Nigerian novelist, the late Professor Chinua Achebe, held a similar view. He is on record as having argued that "...if alternative histories must be written, and the need is more apparent now than ever before, they must be written by insiders and not by 'intimate' outsiders. Africans must [begin to] narrate themselves in their own context, in their own voices, and not be mere stagehands in a ventriloquists' show" (Cited in Dikirr 2008, 82).

Franz Fanon, another leading critic of Euro-centric imperialism, vigorously put forward a related argument. Pleading with students and scholars of Third World countries not to give into the temptation to realign Third World discourse to the parameters of the Western vision of modernity, he prophetically warned against the dangers of paying tribute to Europe by creating states, institutions and societies which draw their inspiration from her:

> Humanity is wanting for something other from us than such an imitation, which would be almost an obscene caricature. If we want to turn Africa into a new Europe...then we must leave the destiny of our countries to Europeans. They will know how to do it better than the most gifted among us. But if we want humanity to advance a step further, if we want to bring it up to a different level than that which Europe has shown it, then we must invent and we must make discoveries. If we wish to live up to our peoples' expectations, we must seek the response elsewhere than in Europe. Moreover,

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[4] The late William Ochieng was a Professor of History at Maseno University, Kenya.

if we wish to reply to the expectations of the people of Europe, it is no good sending them back a reflection, even an ideal reflection, of their society and their thought with which from time to time they feel immeasurably sickened. For Europe, for ourselves, and for humanity…we must turn over a new leaf, we must work out new concepts (cited in Mwakikagile 2000, 206).

Fanon's message is clear and cogent: Africans ought to become captains of their own chosen destinies by, first and foremost, "learning how to think on their own, trust their own cognitive powers, develop their own concepts, modes of explanation and overarching theories" (Cited in Mwakikagile 2000, 206), even as they simultaneously seek to expose the dark underbelly of the ubiquitous Western European intellectual ethnocentrism.

The acclaimed professor of African philosophy who founded the sage philosophy project, the late Henry Odera Oruka, provides a more nuanced intervention in this regard. He is critical of the longstanding ethnocentric approach to laying bare the communal mind of the African, of recovering what is believed to be an African pre-colonial communally authenticated heritage (Oruka 1997, 28). Indeed, he is uncomfortable with the very notion of recovering a supposedly mummified, imperishable truth for everyone. Instead of retracing that travelled path, of unearthing Africa's heritage through the prism of folk thought and consensus, he seeks to attach names to the rationalization of diverse matters on Africa's so-called established communal judgement (Oruka 2002, 121-122). Such matters include the logic, the philosophy, the reasoning enveloping, among others, (a) the distinctively indigenous African ways of knowing and of relating to the world; (b) Africa's time-tested civility of everyday life; (c) Africa's extensive kinship loyalties; (d) Africa's conception of the self as an integral instrument for the attainment of communal ends; (e) Africa's strong spiritual undercurrents and ecumenical tolerance; (f) Africa's reverence for the elders, and, finally, (g) what Ali Mazrui calls Africa's short memory (bank) of hate (Cited in Zegeye & Vamba 2009, 1). But what do Oruka's critics say?

Playing African Drums in a Euro-Western Military Band

According to V.Y Mudimbe, modern African thought, including philosophic sagacity, is heavily dependent on, and enslaved to, colonial/imperialist categories, languages, ideological maps, episte-mological filiations, and, not least, pedagogical considerations:

> Modern African thought seems somewhat to be essentially a product of the west. What's more, since most African leaders and thinkers have received a Western education, their thought is at the crossroads of Western epistemological filiation and African ethnocentrism…Many concepts and categories underpinning their ethnocentrism are inventions of the west (Mudimbe 1988, 185).

Clearly, Mudimbe is reminding us of the enormous influence exerted by the intellectual heritage of the Western academy on knowledge production in Africa. What passes as African philosophy and knowledge of Africa, for example, Mudimbe argues, is essentially a product of the Western episteme. This is because, in confronting, combating, and debunking prevailing Euro-Western assertions regarding the deficit of Africans in the philosophic enterprise - at least as practiced in the West - students and scholars of African philosophy often rely heavily on the very Western language, logic and methodo-logy they seem to loathe. The problem of textual appropriation and its institutional reception is also yet to be resolved. What is more, in their efforts to unearth what they consider to be a distinctively African philosophic mind, students and scholars of African philosophy borrow the tools for their trade from Western epistemology, which privileges reason and rationality, hence considering other sources of knowledge such as instinct, intuition, and revelation to be inferior. As has often been noted, in Western epistemology, reason reigns supreme in terms of finding and framing the missing voices and perspectives, in data gathering and testing hypothesis, in evaluating the quality of evidence, in judging the strength of argument, and in exposing one's contribution to the criticism of peers. In a nutshell, what we witness in philosophic sagacity and similar movements are intellectual practices of obedience to the driving force of the Western episteme. Put mildly, philosophic sagacity is stamped by and

validated through the logic and methodological apparatus of Western epistemology. That philosophic sagacity is made possible through Western tools of epistemology, and therefore approved by, and made part of, the West, by extension speaks volumes about Africa's mental de-colonization efforts. I therefore boldly proclaim that philosophic sagacity, far from being authentically African, is itself colonized! That granted, the other issue that we now need to establish is the extent to which Oruka's project of philosophic sagacity has increasingly become colonizing.

Philosophic sagacity has, since Oruka went public about it, attracted the interest and attention of young students and scholars of African philosophy, including the author of the present paper. This project, which began initially as a protest against the violence of an imperial Euro-Western episteme, has been variously packaged and repackaged, but without breaking new ground. In a different sense, it seems to vindicate Edmond Burke's proclamation: "neither entirely nor at once depart from antiquity" (Cited in Ostergard, Laremont & Kalouche 2004, 55). Any discerning mind cannot fail to notice the somewhat near-to-sedentary mindset, intellectual habit, not just limited to this discourse, of recycling ideas while pretending to be excavating and putting names to the multiple layers of indigenous African wisdom. Perhaps a better way to rephrase this is to say that the discourse on philosophic sagacity has been caught up in a wheel that spins continuously on the same axis, but never moves. Speaking of incarcerated intellectual imagination would be an even more appropriate characterization of the project.

If one were to accept the proposition in the foregoing paragraph, it would seem fair to indict exponents of philosophic sagacity for perpetuating a narrative that has increasingly become colonizing. Personally, I am willing to concede, unless convinced otherwise, that contrary to the redemptive impulses and purposes of liberating the mind of Africans from Euro-Western ideologizing programs, younger students and scholars attracted to philosophic sagacity have been perpetuating, deliberately or inadvertently, a narrative which is itself colonizing. What other options, one might ask, are available?

Alternative Narratives

Between Africanizing Euro-Western Modernity and Modernizing Africa's Dated Ethos

Ali A. Mazrui (1978), Akwah B. Assensoh (2005) and N'dri Assie Lumumba (2006) have all attempted, in their respective scholarship, to provide what they believe is a more fitting alternative discourse to the back-to-Africa's-roots macro-narrative. They, in their respective ways, advocate for a two pronged agenda, namely, Africanizing Euro-Western modernity, and modernizing dated African indigenous traditions and values. Not only are they mindful of the multiple ways in which globalization is having an impact on the continent's fortunes, but they also try - whether successfully or not - to link and fuse local narratives, local experiences and perspectives with mainstream Western ideas, skills and practices. Hesitant to turn a blind eye to the notoriously omnipresent Euro-Western discursive practices, they insist primarily on learning how to "play the game [in town]" by its rules - even while also making concerted efforts to insert the voice of historically disenfranchised Africans into the mainstream, dominant Euro-Western intellectual tradition.

A.B. Assensoh aptly represents, I believe, the core position of this way of thinking. In his 2004 presidential address to the African Studies Association Conference, he called upon students and scholars of Africa not to shy away from framing their research questions in ways that would connect with on-going debates in the mainstream areas of their disciplines. As Assensoh pointed out, "we cannot expect mainstream scholars to knock down our doors in search of our research. We must [instead] conduct at least some of our research in ways that connect with the broader on-going arguments in our respective disciplines" (Assensoh 2005). By that assertion, I understand Assensoh to be urging his audience to not only strive to rediscover the moral and cognitive resources of indigenous Africa, but also, in most instances, to seek to creatively fuse the recovered ethos of Africa with borrowed or transplanted Euro-Western theories, concepts, beliefs and models. That might serve as one way of reconstituting a more flexible, in step with the times regeneration of minds, souls and structures in Africa.

Macro-narrative of Hybridity of Ideas and Identities

Another strategy is to follow the path prescribed by scholars of post-coloniality. Apparently, they are attentive to the inevitability of the fact that we are today living in a world of increasingly globalizing cultures. Because of that realization, they "treat cultural contacts not necessarily as alienation or conflict, but as sites of social renewal…" (Mwangi 2007, 4). "Not only do they appeal to the need for coexistence between diverse cultures, but also advocate for mutual fusion of practices and knowledge…in instances when cultures meet, intersect, blend and transform each other to produce an in-between, a third space between the merging poles" (Mwangi 2007, 4).

The late Edward Said, a renowned scholar and critic of post-coloniality, is even more eloquent in this respect:

> We have been as aware as we now are of how oddly hybrid historical and cultural experiences are, of how they partake of many often contradictory experiences and domains, cross national boundaries, defy the *police* action of simple dogma and loud patriotism. Far from being unitary or monolithic or autonomous things, cultures actually assume more "foreign" elements, alterities, differences, than they consciously exclude (Said 1993, 15).

Listen to one of Susan N. Kiguli's poems, "The Swing," which, according to Evan Mwangi, majestically "accepts the precariousness of an inevitable experience…of physical and intellectual mobility, as opposed to the sedentary philosophizing and closure of a secure home, a monoculture" (Mwangi 2007, 6):

> There is security
> In not being static
> So I may move each day
> Traversing spaces
> Exploring planets
> Discovering surprises
> Accommodating shock (Kiguli 1998, 60).

Clearly, for this way of thinking to practically take root and not simply remain at the level of rhetoric, a new vision has to be nurtured; and that vision should, in contradistinction to contemporary ways of thinking and living, allow for the majority of the worlds' people to henceforth respond with unparalleled philanthropy to the interests, needs, and aspirations of those with whom they neither share a history, cultural memory, language, religion, skin color, neighbor-hood, or nation. Friedrich Schlegel's counsel is worthy of recapitulating here: "Whoever hasn't yet arrived at the clear realization that there might be a greatness existing entirely outside his own sphere and for which he might have absolutely no feeling; whoever hasn't at least felt obscure intimations concerning the approximate location of this greatness in the geography of the human spirit: that person either has no genius in his own sphere, or else he hasn't been educated yet to the niveau of the classic" (Friedrich Schlegel, *Critical Fragment* 36).

Conclusion

In this paper, I have sought to illustrate how colonized and colonizing the discourse on mental de-colonization in Africa is. I have also proposed alternative routes of escape by realigning our thinking within the context of (a) simultaneously Africanizing Euro-Western and modernizing dated indigenous African customs and values, and (b) the post-colonial discourse of hybridity. Moving from reflections on the alien and alienating system of education to one of the most discussed intellectual battlegrounds of de-colonization - the back-to-Africa's-roots discourse and its forking strands - we have made, I hope, one resounding proclamation; and that proclamation, an imagery directly borrowed from Ludwig Wittgenstein, goes as follows: "we are intellectually at sea. [Therefore] if we want to reconstruct our ship, we cannot take it apart to rebuild it without drowning ourselves. [The most prudent thing to do then] is to restructure while making piecemeal adjustments" (Cited in van Hensbroek 1998, 188). Our historical ties of interdependencies are extensive: to think or imagine otherwise is to live in the realm of make-believe.

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The Methodological Similarities between Odera Oruka's Sage Philosophy Project and the Socratic Dialectic

PATRICK O. NYABUL

Introduction

At one point, the late Professor Oruka, the founder of the Department of Philosophy at the University of Nairobi, which has since been merged with the former departments of Religious Studies at the Main Campus and the Department of Philosophy and Religious Studies at the Kikuyu Campus to form the current Department of Philosophy and Religious Studies, asked me to take up the position of Research Assistant in his Sage Philosophy project. Consequently, I interviewed a number of sages and gave him my report. I have also transcribed and translated some philosophical works of some sages in field research conducted by Professor Gail Presbey. Thus when I write about sages and their philosophical ideas, I do so not only on the basis of the writings of academic philosophers on this subject, but also from my experience as an interviewer, translator and researcher on the sage philosophy project.

One of the reasons for the rise of Oruka's idea of sage philosophy was a reaction to Placide Tempels' and J.S. Mbiti's ethnophilosophy (Tempels 1969; Mbiti 1969). The other reason was a response to attempts to discredit the African-ness of professional philosophy. Oruka said that sage philosophy is "derived from the thinking or the thought of wise persons. In its historical sense, it means the thought of the wise person who lives mostly in rural areas, and our research has tended to concentrate more on those people who did not have the benefit of modern education. And, to this extent, some people have tended to associate sage philosophy with 'illiteracy', but using the term 'illiteracy' in a very narrow sense. A sage can also be a person with a Ph.D. degree, or he can be a person living in a rural area who has never seen the door of a school" (Oruka 1997, 181). He further

asserted that there are two types of sages, namely, the folk sage and the philosophic sage. The former is well versed in the wisdom, customs, and traditions of his or her culture, while the latter transcends such knowledge by undertaking critical reflection upon it. Thus, for Oruka, philosophic sagacity is a second order activity (Oruka 1991, 34).

However, in this paper, I argue that although Oruka's sage philosophy is considered to be a novel idea, it is methodologically and conceptually similar to the philosophy of Socrates. As such, it is not a new way of philosophizing, but a new name for an old way of thinking. I am only concerned here about sage philosophy as an aspect of the philosophy of Professor Oruka, who, along with Profs. D.A. Masolo and F. Ochieng-Odhiambo, introduced me to the study of philosophy in the then Department of Philosophy at the University of Nairobi, where I studied African Philosophy along with other courses.

Sample Critiques of Sage Philosophy

Sage philosophy has had its share of criticism from several philosophers, among them Lansana Keita (1985), F. Ochieng'-Odhiambo (1994), D.A. Masolo (1995, 233-246) and P.O. Bodunrin (1981). Oruka himself seems to engage in some kind of self-criticism when he says that "before the publication of the book *Sage Philosophy* (1991), few people had a notion of the concept. But was it a new concept?" (Oruka 1997, 181). He wonders whether sage philosophy was a novel idea, before concluding that there have been sages (and, by extension, sage philosophy) since time immemorial: "there were sages before I was born, long before many of us were born, but the way it has been put today, especially in African philosophy, it is something new" (Oruka 1997, 181).

Sage philosophy was intended to correct Levy-Bruhl's erroneous claim that Africans were pre-logical (Levy-Bruhl 1923) and Tempels' anthropological conception of African philosophy as a collectivist philosophy (of the *vital force*) (Tempels 1969, 49). In contrast to ethnophilosophy, sage philosophy set out to show that there were Africans who were capable of independent philosophical thinking just like Western philosophers, since rationality is a natural human endowment and not a preserve of some people. Concerning this, Oruka stated: "My inspiration in delving into sage philosophy was an

attempt to try to establish whether or not Africans were capable of philosophy" (Oruka 1997, 182). It is now common knowledge that the sage philosophy research project confirmed its hypothesis, namely, that there were Africans who were capable of philosophising. However, how was the hypothesis tested before its confirmation, and what were the parameters for testing it?

According to Bodunrin, "It is one thing to show that there are men capable of philosophical dialogue in Africa and another to show that there are African philosophers in the sense of those who have engaged in organized systematic reflections on the thoughts, beliefs and practices of their people. Even if writing cannot be a precondition for philosophy, nevertheless, the role of writing in the creation of a philosophical tradition cannot be underrated" (Bodunrin 1991, 74). Thus, the fact that sage philosophy has illustrated that certain individuals within indigenous African communities are able to philosophize does not mean that even earlier sages, without the necessary provocation of a prompter, did in fact philosophize. If they did so, we should have some evidence to support this hypothesis. It is possible that they philosophized; but how can we be certain about this? We cannot justifiably use the present evidence to support claims about past sages. Sage philosophy seems to argue from the premise that present sages are capable of philosophical reflection to the conclusion that sages of previous ages were equally philosophically reflective, thereby raising the problem of inductive reasoning.

Nevertheless, there is a sense in which sage philosophy can be said to be the joint product of the sages and their interlocutors, as well as a different sense of sage philosophy as a brain child of Oruka the philosopher. In the second sense, it is the philosophy of none other than Oruka himself, not only as an enlightened sage, but also as a professional philosopher. Oruka testified in court on behalf of the Umira-Kager clan in the S.M. Otieno burial case (Oruka 1991, 67-83). Illiteracy is not a necessary and sufficient condition for sagacity: a sage, Oruka has observed, may either be an illiterate or a highly educated person such as a professor. It is in the latter sense, besides being a trained professional Philosopher, that Oruka exemplified the qualities of a philosophic sage.

Like a social science fieldwork researcher with tools in hand, the sage philosophy researcher sets out to interview certain people who are perceived to be wise so as to counter the claim of some people that

Africans are incapable of philosophical thinking. Sage philosophy then seems to be a joint product of both the sage and researcher without whom the former probably would not express his or her thoughts. According to Bodunrin, "the product of the joint enquiry of the traditional sage and the trained philosopher is a new phenomenon…this 'going out quite literally into the market place'…is not to be understood as being the same as what Socrates and his contemporaries did in the Athenian *Agora*" (Bodunrin 1991, 72). Similarly, Fayemi reiterates that sage philosophy has been criticized in the sense that "the sages could not be given full credit for their sophisticated philosophical utterances, as these depended at least as much on the lead questions of the professional philosopher, which enhanced the sages' personal sagaciousness'…sage philosophy is at best a joint product of the sage and the interviewer" (Fayemi 2012, 197).

In defense of sage philosophy against the criticism above, it has been argued that the professional philosopher merely provokes the sage to explicate what are already his or her implicit philosophical views, much the same way virtually every professional philosopher we credit with original views is provoked to explicate his or her philosophy by some other philosopher. Viewed thus, the role of the professional philosopher can be likened to that of a midwife who helps the sage give birth to his or her philosophy (Fayemi 2012, 198). Therefore, with hindsight, we can say that there could not have been sage philosophy in Africa before the advent of sage philosophy as a philosophical approach to African philosophy besides ethnophilosophy, Professional philosophy, Nationalist-ideological philosophy, and literary and hermeneutic philosophies. This is because there were no researchers to interview the sages with a view to illustrating that they were capable of philosophizing. Thus sage philosophy was a protest philosophy like the Negritude movement. In the words of Oruka, the project of sage philosophy "started as a reaction to a position Europeans had adopted about Africa that Africans are not capable of philosophy" (Oruka 1997, 181). Oruka then set on a mission to disprove this perception of Africans. As he puts it, "…so, in sage philosophy we have tried to see the extent to which we could counter this kind of belief because even some Africans tend to believe that Africans themselves are incapable of rigid, serious mental thinking. And this was one of the main motivations behind the research we

carried out on sage philosophy" (Oruka 1997, 181-182). However, "sage philosophy goes beyond this to show that reason is human and not a monopoly of any one culture or race" (Oruka 1997, 183). I think that, as one trend in African philosophy, sage philosophy can be globalized, because sages are not only found in Africa, but they exist all over the world: every culture has its share of both folk and philosophic sages. It is a worldwide phenomenon, a legacy of Oruka whose memory will forever live in the psyche of his followers and critics alike.

Sage Philosophy and the Socratic Dialectic: Comparison and Contrast

As Graness correctly observes, Oruka "situates himself in the Socratic tradition of philosophy…philosophy is not a science in the ivory tower, but has to contribute to the betterment of the life of the people - it has to be made practical. Philosophers have to deploy the results of their thinking to the well-being of their communities. This is what he considers, following Socrates, the sagacious dimension of philosophy" (Graness 2012, 2). Oruka can be compared to Socrates, and the method of his sage philosophy project to the dialectical method of Socrates. The sage philosophy researcher is the modern day Socratic gadfly acting as a midwife in aiding the sage to bring forth ideas which, in the prompter's considered opinion, are philosophical in nature. Ochieng-Odhiambo notes that "after identifying the sages, the general method of sage philosophy was employed. Questions (and responses) were formulated in such a manner that lee-way was left for open and free discussion. The interviewer (the trained philosopher) played a secondary role, of a provocateur. He was not assertive and never played the domineering role. He played a passive role and let the sage take the initiative during the encounter" (Ochieng'-Odhiambo 1994, 224). Furthermore, Fayemi (2012) observes:

> The method of philosophic sagacity is akin to that of Hallen and Sodipo, but quite distinct from it in the sense that while Oruka (…) published translations of the discussions together with the names and even pictures of the concerned sages he interviewed, the duo of Hallen and Sodipo (…) kept anonymous the identities of the traditional colleagues they

worked with. This difference notwithstanding, both Oruka's method and that of Hallen and Sodipo necessarily involve empirical field work consisting of interviews, dialogues, recording, transcription and translation of the ideas of the indigenous resource persons (Fayemi 2012, 193).

According to Oruka, in using philosophic sagacity as an approach to African philosophy, the methods of interview, discussion, and dialogue are essential (Oruka 1991, 30). For Godwin Azenabor, "In this method, African philosophy is conceived as a joint venture and product of both the ancient (traditional), as well as modern African philosophers" (Azenabor 2009, 73). Thus there is some sort of symbiotic relationship between the sage and the interviewer. I agree with Fayemi when he states that "the task of the professional philosopher is to first identify a philosophic sage (as opposed to folk sage). These sages are quite few in every traditional community but they possess the philosophic inclination to make a critical assessment of their culture and its underlying beliefs" (Fayemi 2012, 193). He goes on to describe the method used in sage philosophy as follows:

> Having identified such individuals, the task of the professional philosopher is to consult and have philosophic dialogue and discussions with them on any philosophic theme. The method of philosophic sagacity therefore allows that the trained philosopher gives the form, style and taxonomy, while the sage gives the content…The content of the reflection of a philosophic sage, when documented by the professional philosopher, will serve as a product of authentic indigenous African philosophy, and as a foundation for more fruitful contemporary African philosophical reflections. Thus the essential role of the professional philosopher is that of an interlocutor in the process of prompting the latent ideas in the sages (Fayemi 2012, 193).

It is this midwifery that sage philosophy shares with the Socratic dialectic. Both of them use the conversational method to conduct their inquiries. Socrates talked to people who were perceived to be knowledgeable just as the researcher in sage philosophy converses with sages in order to elicit their thoughts and approaches to

philosophical issues. In both cases, Socrates and the professional philosopher in the role of interviewer of the sages are the ones who select such topics as virtue, courage, goodness, happiness, or God for discussion. They lead their interlocutors into expressing themselves, and therefore get to know what and how they think. However, while Socrates is portrayed as the winner of the conversations in Plato's dialogues, in which he features as the hero or main character, in sage philosophy it is the interviewee who is portrayed as the wise person, because the aim of philosophic sagacity in general, and the aim of the conversation in particular, is to show that there were wise people in indigenous African communities who were capable of philosophical reflection.

Another similarity between sage philosophy and the Socratic method is the fieldwork approach to the study of philosophy. This is a practical approach to philosophy which is quite different from the individualized speculative tradition. Oruka, accompanied by his assistants, conducted research in the rural areas of Kenya. They interviewed people who were acknowledged by their communities as wise, engaging them in philosophical discourses in their mother tongues. The interviewers would challenge the wisdom of the sages in order to make a clear distinction between the folk sages who could not rise above popular wisdom and the philosophic sages who could give reasoned responses when challenged to clarify and justify their ideas. In this way, philosophy was distinguished from the narration of popular wisdom. Similarly, in ancient Athens, Socrates went about interviewing people who were perceived to be knowledgeable in order to interrogate the quality of their insights.

However, sage philosophy differs from Socratic philosophy to the extent that in the former case, it is the interviewee rather than the interviewer who is regarded as a philosophic sage, whereas in the latter, it is the provocateur, that is, Socrates acting as a gadfly, who is recognized to be the philosopher. Furthermore, in sage philosophy, the sages are presumed to be innocent of the influence of modern education, while in Socratic philosophy the interviewees were enlightened people.

Nevertheless, on the whole, sage philosophy is a new name for an old way of thinking. From time immemorial there have been people who are recognized by their respective communities as sages even though their thoughts may not have been documented. As

Oruka pointed out, the thought of such individuals was no less philosophical than the reflections of the ancient Greek pre-Socratics:

> …with the emergence of projects like sage philosophy, some people have realised that indeed, 'here is an example of a typical African contribution to philosophy' And when they actually go into the content of it, some find that what is contained in this philosophy is no less philosophical, no less rational, no less deep than what they had taken earlier on as philosophy in classical Europe (Oruka 1997, 182).

He further observed that sage philosophy was "part of a worldwide movement concentrating on indigenous people, their thinking and their ideas" (Oruka 1997, 182).

Conclusion

The idea that there are wise men and women in indigenous African communities just as there are in societies in other parts of the world is a matter of common sense. However, the observation that some of these African individuals were well versed in the knowledge of their people's beliefs, customs, and mores (folk sages), while others were capable of rising above this level and engaging in philosophical reflection (philosophic sages) was Oruka's own observation. To this extent, sage philosophy appears to be an innovative idea.

However, despite the differences outlined in the penultimate paragraph of the previous section, there is a striking similarity between the sage philosophy project and the dialectical method of Socrates. As such, Oruka may have partly been influenced by Socrates in so far as the use of this method is concerned. In asking the sages to respond to philosophical questions, he and other researchers were playing the role of Socrates as exemplified in the Platonic dialogues, with a view to provoking the sages to articulate their philosophic insights.

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<center>10.</center>

Philosophic Sagacity:
Its Relevance to the Task of Addressing
Twenty-First Century World Crises

<center>PETER ORUKA ODERA</center>

Introduction

Odera Oruka's research on sage philosophy focused on trade-tional Kenya - a country in which life was dominated by beliefs and practices that were not guided by records preserved in writing and advanced technology. However, sage philosophy was a concept that was intended to grow with time, and so a broader look at how it can be used in the contemporary global society is imperative. In my view, sage philosophy should not limit itself to examining individuals of African descent. Instead, it should accommodate views of indivi-duals from various ethnic and racial backgrounds. This is one way of making it appealing to different societies.

Consequently, this paper examines the role of philosophic sagacity in addressing some of the crises in the contemporary global society, with a view to extending the discourse on sage philosophy to a whole new realm. It sets out with a brief discussion of rationality as a way of life, before reflecting on the role of philosophic sagacity in addressing twenty-first century crises.

Rationality as a Way of Life

Rationality entails analyzing issues with an open and objective mind. However, not all persons guide their lives through reason, and many find themselves unknowingly involved in errors such as sycophancy, gossip, and pride. This may be the result of socialization.

Both faith and science have a legitimate claim to knowledge. Concerning this Odera Oruka writes:

Legitimacy is used from the point of view that both faith and
science can be tested by rational scrutiny. In faith, it is
claimed that knowledge is derived from belief: if I believe
therefore I know. When this is changed into a formal
religious statement it becomes "I have faith in the God,
therefore I know he exists." The basic position of science is
contrary to this claim, for it asserts that from knowledge one
derives belief and not the other way round: "I know
therefore I believe." When it comes to scientific inquiry, this
would be stated as "I have objective evidence for the idea,
therefore I know the idea is valid." However, sometimes
'science' is used in too broad a sense, including both
empirical and non-empirical rational inquiry. Suffice it to say
that rationality is not the possession of any given race or
gender: anyone is potentially capable of going from a pre-
logical mindset to a logical one. The role of philosophy in the
future development of knowledge alongside science as an
empirical inquiry would be the critical reevaluation of its
(science's) fundamentals and the logical clarification and
systematisation of the numerous concepts deployed in
science (Oruka 1997, 71).

For one to lead a morally upright life, it is imperative that one
engage in introspection. Such introspection makes one realize that one
ought to be conscious of whatever is happening around one. Further-
more, humankind exists in an environment in which they find
themselves as the ultimate authority. They are increasingly aware of
their environment, but they may not be cognizant of their role as
rational and moral agents. Oruka himself suggested that the purpose
of philosophy is to apply rigorous analytic and synthetic reasoning to
basic moral and social problems (Oruka 1997, 140). This then raises the
questions of how moral knowledge can be used to change the world,
and, more fundamentally, how morality and rationality are related.

In traditional African societies, there were ways of life that
worked for their members. Some societies in Africa today have tried
to hold on to some of these 'moral traditions,' but continue to
experience pseudo-development or underdevelopment. What is
more, it is evident that moral ignorance abounds in the world. Yet one
may ask: is it useful to possess moral knowledge, given that there are

other countries that are led, apparently successfully, by morally ignorant people? Does humankind then discard morality?

Philosophic Sagacity and Twenty-first Century World Crises

Unlike ethnophilosophy, philosophic sagacity involves didactic wisdom. Such wisdom is possessed by a minority of humanity. Odera Oruka classified common beliefs and prevailing wisdom as folk philosophy or culture philosophy, and thought that transcends communal wisdom through incisive reflection (philosophy as second order inquiry) as philosophic sagacity. The latter is able to come up with alternatives to the widely accepted communal beliefs (Oruka 1990, 28). Thus, in today's world, most people get concerned about the burning issues of the day, but only a few undertake indepth inquiry into how to address them.

Does philosophic sagacity then make one an iconoclast of sorts? My answer is that it improves on the already existing communal wisdom and beliefs by offering alternative interpretations of the aspects of reality that gave rise to them. This assertion is founded on the view that to philosophize is to seek to understand the fundamental principles underlying nature and human life. Nevertheless, philosophy, unlike religion, does not claim to understand transcendent truths.

One of the most notable challenges in recent times was the American invasion of Iraq after the September 11, 2001 attacks in the US. George Bush's reaction, mainly based on emotion, showed that he was indeed a folk sage rather than a philosophic one. He was a folk sage in the sense that he simply did what most heads of state commanding such power would have done; for when wisdom in leadership was required of him, he only ended up killing innocent civilians in Iraq.

On the other hand, Barack Obama managed to transcend the traditional way in which people view, say, race and religion. By virtue of his own background, one could say it was almost impossible for him to convince Americans to unite to achieve a certain goal. The sage Oruka Rang'inya, when talking about *fuyanga* or *thuolo* (Luo words for "freedom"), stated that when one liked people, worked hard, and was able to help feed others, one was free (cited in Oruka, ed. 1990, 121). By getting the US economy back in shape, Obama empowered people

by enabling them to feed themselves. Viewed this way, he is free. Perhaps then it could be said that Obama employed philosophic sagacity to address some of the challenges in the US.

Terrorism is one of the major global challenges today. In Africa, it has left many families bereft of their loved ones. Yet terrorists usually claim to have a good reason for acting in the way that they do. Would it, for instance, be morally justifiable to use terror to eliminate a small group of billionaires who reserved the resources in a particular area for themselves while the majority died of hunger? This presents an ethical dilemma: some would argue that human life ought to be respected regardless of whether or not the people in question were inhumane.

In the 1970s, the remaining white minority regimes in Africa referred to leaders and members of the guerilla movements who were trying to liberate indigenous Africans from their domination as 'terrorists'. Yet while it is true that terrorists use violence to annihilate others, they need not be lawless: Adolf Hitler used law to manipulate and terrorize people, just as minority white regimes in Africa used law to coerce their subjects (Oruka 1985, 46).

In contemporary global society, those who carry out terrorist attacks normally claim that they are acting in the name of God. At the same time, other adherents of religion claim that God does not condone acts of violence. It would then follow that the god of those who choose the path of violence is different from the god of those who claim that God does not condone violence. This, however, cannot be the case, for as the sage Paul Mbuya Akoko pointed out, "nature is uniform," which indicates that it has one creator (cited in Oruka, ed. 1990, 137). Religion needs to be examined from a rational standpoint, for, as Chaungo Barasa says, philosophy is a means by which to reexamine knowledge and belief (cited in Oruka, ed. 1990, 152).

On the question of religion offering comfort in times of tragedy, we should also be careful; for, as Eunice Kamaara (2013) observes, while religion is used to advocate for moral virtues, some very serious human rights abuses have been committed in its name globally. What is more, while in some instances religion has catalyzed economic, socio-cultural, and political revolutions, it has impeded desired development in others. For instance, this double-edged nature of religion has caused much tension in Kenya between African indigenous religions and Christianity for over a century. Besides,

during the colonial period, religion was actually used as a colonizing agent. Thus, the Gikuyu of Kenya would say "*gutiri muthungu na mubea* (there is no difference between the European colonialist and the [European] priest.)."

Not so long ago, communication was extremely limited: there were no cellphones, social media, or even the internet itself. However, over the past few decades, several revolutionary inventions have come up. For instance, Mark Zuckerberg, while a student at Havard, in collaboration with a few college roommates, came up with Facebook. Facebook has completely transformed communication: one can communicate with friends and family at any time and anywhere, and in a less formal manner than email. We enjoy similar efficiency through Twitter and Skype, with the latter enabling one to make a video call to a friend or family member who may be miles away in real time, and face to face!

One would classify the founder of Facebook, Mark Zuckerberg, as a philosophic sage rather than a folk sage, because he realized that there was a gap in communication and did something about it: he transcended communal wisdom by exercising didactic wisdom, thereby completely transforming communication through social media in the twenty-first century. The same can be said of the late Steve Jobs - the founder, chairman and CEO of Apple Inc., who is known as the pioneer of the personal computer revolution. As the new C.E.O. of the company, Jobs oversaw the development of the iMac, iTunes, iPod, iPhone, and iPad, and, on the services side, the company's Apple Retail Stores, iTunes Store, and the App Store. Thus, both Mark Zuckerberg and Steve Jobs would qualify as sages who reached the status of philosophic sagacity: they exercized their rational capabilities to come up with inventions for the betterment of the global society.

Immanuel Kant presented two views of philosophy, namely, the "worldly" and "scholarly" views. The former focuses on the capability of every human being to undertake reflection and come up with scientific innovations, while the latter concentrates on philosophy in the professional sense (Kant 1978, 13-15). Kant's "worldly" view of philosophy can help us reexamine the scientific innovations of the twenty-first century. We must bear in mind that innovative ideas are not necessarily initiated from within the scholarly realm. This is due to the fact that unlike scholarly knowledge which is theoretical, one

cannot really teach the practice of creative thinking that culminates in innovation. While traditional or symbolic logic help to develop abstract and critical thinking, innovative thinking is best learned through practice. To be sure, it is important for any individual to be rational in asking fundamental questions in the process of creative thinking. This makes philosophizing principally open to all.

Kwame Gyekye talks about the role of the philosophical enterprise in developing human culture. He contends that Africans ought to undertake a critical assessment of their cultures and determine ways to preserve them and share them with the world (Gyekye 1997, 24). In line with Gyekye's call, whether consciously or unconsciously, South Africa has popularized the sub-genre of Afrohouse music throughout the continent. This is a blend between indigenous African beats and contemporary sound. Through this, we are witnessing the transformation and preservation of African culture; for just as the west has techno and house music as contemporary genres, Africa has Afrohouse music or *kwaito*. What is more, the influence of the African diaspora is one of the most effective ways of ensuring that African intellectual ideas are spread all over the world. The jet set group could actually be a blessing instead of a curse (because of the brain drain) by ensuring that knowledge about the African heritage is shared with the rest of the world.

Indigenous African jurisprudence, whose rationale the philosophic sages are able to articulate, could also be deployed to the task of addressing the political corruption which has afflicted every post-colonial African state, where those in power loot public resources with impunity, resulting in a huge economic gap between the ruling elite and the masses. For instance, the ethnographer A.B.C. Ocholla-Ayayo noted that the Luo had *chike* or "uncodified rules" which were used for social control. Furthermore, disputes were resolved in a *bura* (meeting of elders). The head of the meeting was referred to as *jang'adbura* (adjudicator). Thus, the Luo had an effective legal system that addressed matters of compensation and the resolution of conflicts (Ochola-Ayayo 1976, 97). Perhaps we should employ such strategies to address world crises in the twenty-first century. However, this proposal does not imply that contemporary legal systems do not work, but rather that traditional and modern justice systems could be used to compliment one another, as was the case with the indigenous

gacaca courts and the Western-type judicial processes in Rwanda after the 1994 genocide.

Conclusion

The foregoing reflections lead to the conclusion that philosophic sagacity is even more relevant now than at any other point in history; for as the sage Chaungo Barasa said, the essence of the human person is "mind": he or she is capable of perceiving nature and trying to defend himself or herself against the challenges that it presents, such as famine and disease (cited in Oruka, ed. 1990, 152). As such, we should ensure that there is a link between academic philosophy and the village as a way of honoring and preserving Odera Oruka's legacy; for while Oruka was a professional philosopher, he also went to the villages to interview sages and document their ideas. Moreover, it is the responsibility of humankind to end the turmoil in the world today, since they have initiated it, and sage philosophy can contribute significantly towards this effort.

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Part III
Moral, Social and Political Philosophy

Oruka on the Role of Philosophy: An Interpretation

D.A. MASOLO

Background

My intention in this paper is to claim, and to show, that Odera Oruka's philosophical thinking generally, and not just the concept of "philosophic sagacity" for which he is best known, was driven by a deep belief that despite their different stations in life, all human beings of good mental or cognitive health should bear similar capacities for critical thinking. On average, a person can be assumed to be of good mental or cognitive health if she or he can do at least two among several things: she or he should be able to recognize and discern, by description or definition, the different things that make up the world with which she or he is familiar by abode and culture; she or he should also be able to satisfactorily accomplish tasks of minimum critical thinking by means of conceptual association and inference as are appropriate to her or his age. Persons of conventional adult age, who in addition are of good mental or cognitive health, will be assumed to be able to discern true from false statements or propositions, and to be able to recognize right from wrong, or good from bad, in social conditions or human conduct, respectively.

It can be expected that when given the chance and appropriate opportunity to reflect on the issues of average and everyday human experience, or of ordinary human aspirations and ideals, every person of these standards has the humanly reasonable means to be able to hold their own as far as critical thinking goes, whether in terms of a descriptive account of what there is, or in terms of the normative ideals for the best possible and most desirable social condition or human conduct. This average person might not desire to go to the moon, or even know that some humans have been able to go there, but she or he is likely to make reasonable calculations or judgment of what it might take to travel to the next city to visit a relative, and whether such conditions are within her or his reach. Barring

deplorable levels of laziness of mind and body to which some people are sometimes susceptible, to be able to do these things, or to be able to manage the general affairs of everyday life lies within the powers of every person of average general good health.

Odera Oruka's discernment of two broad intellectual orientations in respect to depths of critical thinking assumed the above sense of health as a primary condition satisfied by all those whom he considered with respect to the two categories of sages. According to Odera Oruka, neither similarities in age nor in the enjoyment of good health endows humans with a similar ability in or inclination toward depths of critical thinking beyond those required for leading the satisfactory average levels of human life for general understanding and responsibility. In fact, according to him, this is where people differ, namely, in their intellectual orientations judged by the degree of their inclination toward critical thinking: one group usually may be content only to know and be able to explain how and why the world is the way it is. Regardless of how their views are judged, this group can be referred to generally as the population of sages.

The other group, made up of people who take nothing at face value, but rather will take greater risks in making proposals for conditions that are different from those in which they or other people abide, is the group, usually small relative to the former, that does not mind stirring up controversy, usually by calling for a shift from the familiar, so long as they believe that their new proposals are of superior rational standards. Though they may be sages like their comrades, they are philosophically-oriented by virtue of believing in reason rather than in custom or tradition. In other words, to this usually small but courageous group of individuals, the propriety of a practice or belief ought not to lie in its status as a group belief, but rather should hinge on its rational appeal alone.

Odera Oruka believed that because all humans are classifiable into either one of these two broad categories of intellectual orientation, everybody should matter, which is why scholarship, being an enterprise for the creation, development, and preservation of knowledge, should be as inclusive as possible. Beyond the enterprise of knowledge-creation, the importance of everybody should be shown more broadly in the expansion of the practice of democracy, that the creation of the best possible world should be done in such a manner that takes into serious consideration the ideas and contribution of

every willing human agent. As a result of this basic belief, Odera Oruka was driven, in both his philosophical thinking and his daily relations with people, by a deep concern for the promotion of the general dignity of the human person. He believed that every human person had the right to those goods that served as means to the enjoyment of their dignity. Among these goods, autonomy and freedom topped the list as conditions for original, honest, and creative thinking, but he believed that no person enjoys autonomy and freedom, or honesty in their thinking, unless they have the basic economic means to lead a life that is consistent with our expectations for the human condition - conditions that are commensurate with what it should mean for any mode of existence or being to be called human.

What are these expectations? We desire for ourselves a life that gives us the opportunity to acquire decent alimentary needs without being subjected to shame in order to fulfill this basic need; we expect of ourselves to enjoy a socially acceptable degree of freedom to go about our business, and to conduct our lives free of harm - that is, in a manner that gives us satisfaction without suffering injury by others to ourselves or to our interests, and likewise without being blamed or punished for transgressions to other persons or to their interests, as blame and other factors that may be determined to accompany blame are likely to cause unhappiness or dissatisfaction with oneself; we desire to acquire and to grow our knowledge of the world around us in a manner that increases and improves our capacity to perform the activities described above, as well as the capacity to continually improve the general quality of our lives. We desire these goods because we are humans rather than something else.

On that account, then, we express the belief that they are the same goods that other persons ought to desire for themselves just like we do for ourselves on account of being human, and independently of other demands we may make on account of other factors, such as social status or position in society (like, or including, our claimed rights in relation to others in the family or clan). Thus, the goods above are human needs, which is why we often invoke or express our indignation at those cases or conditions which, in our view, violate these expectations for ourselves or for other persons. We frequently exclaim, "*En bee en mana dhano, yawa!* (surely, he/she too is a human being just like others are)," or, in Kiswahili, "*Si yeye pia ni bin-Adamu*

tu kama wengine? (Isn't he/she a human being just like others are?),"
when we see a person being subjected to treatment that we consider
to be below these expectations, meaning that the person is being
treated as if she or he were less than human, or in a manner "below
what any human being deserves by virtue of being human."

I propose and wish to defend the view that concerns for and the
promotion of the general human dignity and well-being lie at the
center of Odera Oruka's social-moral stand and philosophical
deliberations. By doing this, I continue and advance the attempt
which I first introduced in the brief essay, "Decentering the
Academy," to understand the work and thought of Henry Odera
Oruka (Masolo 1997, 233-40) as grounded in a quest and passion to
transform social values and attitudes toward a social framework in
which the contributions of ordinary folk to the making of the world
we all inhabit are not only recognized, but also integrated into a
community-grounded world in which caring about everyone's well-
being is made a moral duty and object of social and political action to
ensure that everyone in society has what is required to live a life
worthy of human dignity. Odera Oruka referred to this requirement
as "the ethical minimum" (see Oruka 1997), and saw it as the pivotal
guiding principle for moral and political action at inter-personal,
national, and global levels.

I contend that a reading of Odera Oruka's work reveals a belief
by him that either as individuals or through the institutions of society
that we have created, we bear the duty to promote not just our own
well-being, but also the well-being or welfare of all humans.
Admittedly, our duty to others may not be of equal measure to that
toward ourselves, but I claim that he believed that we have the
obligation - not just a supererogatory urging - to aid or protect the
humanity of others, so their conditions of life and general dignity do
not descend below what is acceptable as commensurate with human
life. In my own estimation, Odera Oruka believed and argued that this
care toward others is a basic moral obligation that transcends all
conventional - political and cultural - divides and boundaries that we
have created, such as ethnicities, races, gender, and nations. In view
of our basic humanity, or human dignity, these divides are not only
artificial, they are, as functions of universal but often skewed political

discourse, also frequently used as a hindrance to the deserved global collaboration and human progress.[1]

Similar views about Odera Oruka's concerns about global ethical norms have been made by my colleagues such as Oriare Nyarwath, Gail Presbey, Anke Graness, and Kai Kresse, all who, unlike myself, are Oruka experts and have read Odera Oruka's work more closely than I have, so I will not get to those issues in detail here: I respectfully defer to them on the details of Odera Oruka's philosophical positions on specific subjects, including his position on the idea of "the ethical minimum" as a norm for global political engagement. In this paper, I wish only to make the case that if it is true that Odera Oruka believed in a global ethics of care, then, by inference, his work proposes that the worth of institutions ought to be predicated on whether or not, and to what degree, they endeavor to promote a social order without the authoritarian claims that confer unquestioned power upon those who occupy institutional offices at the expense of the masses outside of them. In the earlier essay (Masolo 1997) to which I referred, I limited myself to discussing what I continue to see, in the idea and project of "sage philosophy," as Odera Oruka's critique of the concept of "the ivory tower" as it relates to the divide between, on the one hand, the place and agents of knowledge creation, and, on the other, those who are either mere consumers of knowledge, or, from the viewpoint of the ivory tower itself, do not matter at all as far as the substance of knowledge is understood.

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[1] If true, this position would place Odera Oruka in the company of the philosophers who launched the debate on the concept and merits of cosmopolitanism as a moral principle for international co-operation and conflict resolution based on universal or shared ethical norms. This debate is contained in a widely discussed book, *For Love of Country: Debating the Limits of Patriotism, Martha C. Nussbaum with Respondents* ed. Joshua Cohen, Boston: Beacon Press, 1996. The second edition carries a slightly modified title, *For Love of Country? Martha C. Nussbaum in a New Democracy Forum on the Limits of Patriotism*, Boston, Beacon Press, 2002. Debated between Nussbaum and, among others, Kwame Anthony Appiah, Michael Walzer, Immanuel Wallerstein, Charles Taylor, Sissela Bok, and Hilary Putnam, the central point of the debate was whether or not cosmopolitanism and patriotism were incompatible in terms of how we view our relations with and care for others with whom we do not share a belonging, and whether our allegiance to or identification with a particular place or culture robs us of the needed capacity and sense of duty to intervene in the suffering of others.

We all know from the discussions of his categorization of sages that although Odera Oruka's discussion may have been focused on the creation and creators of philosophical knowledge, the general theoretical gist of his concern spreads over knowledge in general. The goal in my earlier essay was to argue that a more complete understanding and appreciation of both the idea and the aim of the project of "sage philosophy" had to take into consideration the historical context or socio-cultural circumstances and experiences of the academic personnel within the Department of Philosophy and Religious Studies at the University of Nairobi, and how these people's self-claimed status and role in society - including their self-definition as philosophers - dictated how they related to the discourses on knowledge production more broadly within the university, and to the idea of Africans and philosophy more restrictedly by discipline.

Odera Oruka used the dynamics of the politics of knowledge in the department and university in Nairobi as a lens for looking at and assessing similar dynamics elsewhere in the continent and even beyond. In other words, it disappointed Odera Oruka that the University of Nairobi seemed to be insular to the post-colonial discourse raging everywhere else about the production of knowledge, and he was concerned about how these discourses translated into the tensions among colleagues within his own department even more specifically. In his view, Nairobi still reflected the colonial hierarchization of knowledge in terms of who created it and who did not. Specific to philosophy, Odera Oruka had been hired by individuals who believed that Africans, those in the academy included, were incapable of the demanding rigors of strictly logical and critical thinking such as was the domain of philosophy. In this regard, Sjef (Joseph) Donders (1929-2013) was remarkably different from Stephen Neill, although both had come to Kenya in the wake of the birth of the university as an autonomous national institution. As an act of reconciliation in the fight over the denominational leadership of the department (of Philosophy and Religious Studies) at Nairobi, Neill and Donders were the founding and leading scholars, one a retired British Anglican bishop and theologian, and the other a Dutch Catholic philosopher of the Order of the White Fathers, respectively. In a fashion worse only than that of Lucien Lévy-Bruhl, Neill believed that Africans were alogical - as opposed to Lévy-Bruhl's "pre-carnets" belief in the prelogical mind of the so-called primitives - and so could

not cope with the demands of philosophy, let alone with technicalities of formal logic. Donders may have been less dismissively conservative, but certainly believed that Africans could not handle technical philosophizing, and that humor, or sometimes allegorical language, served them better.

The Academy, Knowledge, and Power

Since the start of their fascination with Jacques Derrida's idea of deconstruction as a strategy for critique, folks in literature have long written about power plays in the enterprise of knowledge production. In addition to, and by extending Derrida's own original commentary on and critique of Heidegger, recent literary critics have created their own lexicon that relates power and knowledge by rhetorically pointing to the etymological roots of such terms as "author-ship" or author-ization" as related to the idea and practice of "author-ity." To grasp their argument, think, for example, of the claims of Bishop Neill and Father Donders above in relation to their social and historical identities as extensions of the colonial empire: only they were qualified to be founders of the Department of Philosophy and Religious Studies at a university in an independent African nation. And, even more, only they knew what the discipline of philosophy was, and what Africans could or could not cope with in terms of their mental and intellectual capabilities. More generally, think about how our education system, during and after the colonial presence, was dictated out of the Universities of Cambridge and London.

All content of school education, and judgments of how we either successfully or unsuccessfully comprehended it, were determined at those institutions that were mandated by the colonial administration to manage our learning and to judge us as capable or incapable managers of our own affairs. Long after Neill and Donders, and still longer after their own colonist ancestors, many of us are still caught up in the hangover of that colonial dictation of what they intended for their subjects to believe or not to believe. In literary criticism, the core of which was an extension of Derrida, the relation of knowledge to the exercise of power was indicative of the tendencies to personalize the power that comes with positions in related institutions.

When applied to assessing our experience in and reverence for the institutions of formal education, especially at the tertiary level, the

critical literary view - which is another way of saying "Derrida's deconstructive practice" - enables us to see how usurpation of the powers of any institution may lead to the creation and practice of tyranny by institutional scholars, something we are all guilty of to different degrees. For Derrida, the critique of metaphysics *à la* Heidegger had the task of exposing the problematic nature of all "centered" discourses, those which depend on such concepts as truth, presence, and origin. Put another way, he was in opposition to the so-called humanist approaches to understanding the nature of knowledge by removing it from the theological focus that, as applied by Heidegger's concept of *Sein*, gives humans, especially in the author-centered sense, power over what is or ought to be the case about meaning in the world. Rather, he argued, meaning is not restricted, hence it must be freed from the grip of those who think that they alone have access to it. The character of meaning is that it wanders, hence it needs to be sought in all human experiences and uses of language - networks of terms - that impose no boundaries between centers and margins.

In academic terms, at least as far as we are able to discern from the idea of sage philosophy in general, Odera Oruka believed that academic philosophy may be, and indeed is, different in its adherence to the defined professional structures to which the discipline is subjected, but academic philosophy does not possess a monopoly over meaning, not even over the meaning of philosophy as an intellectual practice, much less over meaning as that which is sought with language or speech in general. My take on this is that the project of sage philosophy largely supports the view that the search for meaning is not a preserve of the language of the so-called specialist.

To that extent, then, one could say that even if Odera Oruka did not explicitly call for collaboration between the practitioners within the different trends of philosophy that he identified (professional, philosophical-sage, ethno-philosophical, and ideologico-philosophical), he appears to have been advocating a greater recognition, on the part of professional philosophers especially, of the significance to philosophy of the wise folk whose critical and carefully considered ideas stand apart from those of the everyday average population. He called them philosophical sages. My view of Odera Oruka's intention tries to avoid watering down the philosophical character of the thought of the philosophical sages by broadening, not the idea of

philosophy, but that of the place and formalism of its production, which, in my view, is what makes the comparison of his sage philosophers with Socrates the Athenian interesting. This is the view that I have sustained in my essay, "African Sage Philosophy," published as an entry in the *Stanford Encyclopedia of Philosophy* (Masolo 2014).

Odera Oruka's concern with other aspects of tyranny dealt with the more obvious political episodes of misuse and abuse of power, whether under the cover of law or in blatant violation of it.[2] As such, then, his other concern with tyranny, perhaps best known from his brief but immensely significant exchange with Attorney John Khaminwa during the latter's cross-examination of him as a witness during the now-noted and trend-setting legal litigation over the burial of S.M. Otieno in 1987, was with the structure and epistemic powers of political institutions for which, again, ordinary folk and their knowledge are disparaged in favor of institutionalized knowledge. Not only do the former go unrecognized, but they also have their dignity and interests frequently trashed as irrelevant or unimportant in contrast to the dignity, status, and interest of the professionals.

This social and epistemic schism identifies ordinary people only as individuals and groups who are falsely viewed by holders of political power as either objects of study, or mere consumers of the services and products of the formal institutions of society. The encounter with High Court Counsel Khaminwa re-affirmed Odera Oruka's perception of the attempts by those who speak from the Cathedras of professional offices and power to vaporize the "ordinary" person in the court of modern institutions, as much as it reinvigorated his resolve to advocate for and defend the "ordinary" person's dignity that was under threat from the institutional character of philosophy, law, and government. The cross-examination in the Witness box brought into play all three of these aspects of modern institutions at the same time.

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[2] Odera Oruka distinguishes between legal and illegal tyranny, or terrorism as he preferred to call it. He believed, as I mention later, that it is hard and nearly impossible to justify retributive and deterrent theories of punishment and, in agreement with such influential writers on the subject as the French philosopher Michel Foucault, that any punishment that was aimed at the body of an offender was indefensible. The use of such forms of punishment, especially in their extreme forms such as torture and the death penalty, are acts of terrorism and are therefore unjustifiable.

The Necessary Pitfalls of Interpretation

It is a common flaw in most scholarly assumptions - especially those that are built around the exposition or interpretation of the work and thought of other writers, like much of doing philosophy is - that the work and thought of great thinkers is or ought to be driven by or organized around one or just a few cardinal threads that run through the entire corpus of their work. In other words, an interpreter often assumes that there is some single vision or concern that exists and informs both variety and turns and twists in the work of thinkers who have influenced a specific understanding of an aspect of the world, or of human experience however large such work may collectively be. But while it is not unreasonable to expect the ideas of a systematic thinker to be organized around some kind of unity, I sometimes wonder if this assumption has any foundation at all. Yet, at the same time, that is just the nature of reading as a variety of the general nature of conversation with and about other writers' thought as expressed in their work.

This is what hermeneuticians such as the German philosopher Hans-Georg Gadamer[3] had in mind when they talked of readers - or any person who interacts in any manner with the world external to their own consciousness - bringing with them to the new encounters the cultural world (as is found in their consciousness) that has molded them into who they are as active subjects or agents of thought. Their view was that even when we carry out comparative exercises, we act only on the basis of the cultural world whose boundaries and separations may be well known to us in the manner we have traversed them. As a result of this hermeneutical subjectivity, of which the folk in literature made abundant use, there will always be as many readings of a text - any text - as there are readers. Each reader plunges into the act of reading from their respective worlds as hedgehogs do from their folds to interact with their surroundings.

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[3] See Hans-Georg Gadamer, *Truth and Method*, English transl. Garret Barden and William G. Doerpel, New York: Seabury, 1975. Pivotal to Gadamer's work is his critique of Kant's aesthetic theory, and generally the theory of truth, that seeks a transcendental and hence universalizable consciousness at which such concepts, by letting themselves be restricted to a scientific theory of truth, "lift away" - abstract - from the experience of art and of historical tradition.

Without implying that every reading (of a text) will always be correct on the basis of this irremediable subjectivity that is involved, Gadamer insisted that every text is historical, or a product of a whole social world which has created the subjectivity of the reader, by which he meant that a text is written by someone in a given time and in a specific language, factors which suggest that every writer, as an agent, is himself or herself always a construct(ion) of cultural factors. Thus, the historicity of a text is an integral and essential part of it that always needs to be taken into account when considering it. This implies further that a text always resists a reader's easy adaptation of it to his or her own circumstances, thus making the engagement between reader and text an experience of tension. Gadamer's resolution of this tension is pretty Heideggerian - especially in relation to the latter's idea of *Dasein* as a world-creating agent/subject - and I am not sure that such a pursuit would resonate with Odera Oruka's kind of philosophy.

Furthermore, the emphasis on the individuality of interpretation would evoke Odera Oruka's rather strong skepticism about emphasis on the individual, or individual experience as a path to truth. We already saw this in Odera Oruka's interesting debate with Kwasi Wiredu on the latter's view that "truth is nothing but opinion" - a discussion that I am eager to see Francis Owakah delve into, as he has promised to do. As regards Gadamer's recourse to Heidegger, however, it would be instructive to recall Heidegger's analysis of *Dasein* as a bridge to Being. For Gadamer, in his or her act of reading, the reader fuses his or her purpose with the rendering of the text in order to create meaning - a new meaning, a new expression. It would seem, then, that despite its problematicity, interpretation is an unavoidable evil that lies at the very basis of our humanity as beings with a complex kind of consciousness, and I am emboldened by the facticity of this evil that, with hindsight, now appears to have been a precursor to contemporary "reality shows."

The related dangers and risks notwithstanding, interpretation brings a text into a network with other existing or resonating discourses based on thematic similarities coalesced by time. There are no thinkers who practice their trade in isolation. In fact, isolating a thinker from similar discourses of their time is one effective way of killing them by making them disconnected from, and irrelevant to, their readers - which takes us right back to Gadamer's counsel.

Indeed, Immanuel's deontological philosophy, sometimes also called "transcendental idealism," was an attempt to lift human agents from their social worlds and to see them, instead, as intrinsically built to interact with the external world as autonomous systems whose experiential outcomes could be considered independently of "influences" as we understand the term.

But whether the possibility of reflecting on theory abstractly is proof that the social world of human agency does not matter at all is, of course, a completely different matter. For my limited purposes here, it can be inferred that Odera Oruka may have been opposed to Kant's transcendentalism for slightly different reasons, among them that knowledge is fundamentally for the transformation of the social world, and that, perhaps, there is little in knowledge that is "good for its own sake." Knowledge, especially the brand with social bearings, should be assessed based on whether it adheres to the best ethical maxims, meaning those that serve the highest human good, and not in a vacuum. As I will argue later, for example, Odera Oruka's disagreements with now-Supreme Court Justice Jackton B. Ojwang' (see Oruka, Mugambi and Ojwang' eds. 1989) over whether law ought to be obeyed "just because it is law" cannot be adequately understood without being related, as a critique, to the contractarian theory of sovereignty as the origin and ultimate or absolute seat of law and political authority. In this respect, it can be said that Odera Oruka was critical of Justice Ojwang''s general legalist view on this matter.

In fact, the legalist stand, as expressed by Justice Ojwang', that the sovereign is the absolute state authority is pretty contrary to the idea of the social contract which bestows powers on the sovereign only by consent of the contracting citizens, powers which they reserve the right to withdraw if and when the sovereign acts against the terms of the contract. Against the absolutist views of the unrestricted powers of the sovereign as preferred by Justice Ojwang', especially in regard to origination of the law, Odera Oruka held the view that the law, just like all other powers of the state, should originate from and reside with the people, and that the best laws ought to be those that guard against the sovereign's possession of excessive powers. In the formerly colonial world, of which Kenya was part, sovereignty was imported, and the colonized had no recourse for addressing matters of an errant sovereignty.

Modern societies, including the one under the monarchical system from which much of former colonial Africa drew its legal history, consider absolute powers of the sovereign an archaic relic of the pre-democratic world, yet one which has become the basis of the abuse of power - in the form of "legalized terrorism" - by many modern despots, especially in Africa. I draw attention to these broader theoretical connections to Odera Oruka's work because I often worry that as the world focuses so much and almost solely on the idea of "sage philosophy" - an undeniably powerful idea and uniquely coined by him - other and probably more important issues that Odera Oruka's work raises or addresses might be lost in the fog. Yet I also worry about the legitimacy of these connections to which I lay claim. My refuge is to defer to those whom I have identified as better qualified to comment on Odera Oruka's work - Gail Presbey, Anke Graness, Kai Kresse, and Oriare Nyarwath, among others - the worry of finding an answer for me, and I say this in a positive and supportive sense, in recognition of their leading role in researching and trying to reconstruct a thorough and coherent understanding of Odera Oruka's work. My conviction is that Odera Oruka was a good and well-read philosopher, especially in the areas of ethics and social and political philosophy.

Returning to the Goethe Institute Forty-One Years Later

Viewed from my could-be-flawed search for a unifying factor, the beginnings of Odera Oruka's thought may be problematic unless clearly explained. The brief description of his intellectual biography given by the organizers of this Symposium correctly portrays him as one of Africa's greatest philosophers, whether recently passed or living, and one of the best noted exponents of an aspect of African philosophy that is now widely regarded as his brand, namely "African sage philosophy." Yet, as many readers will or might recall, Odera Oruka's first published essay on African philosophy, "Mythologies as African Philosophy" (Oruka 1972, 5-11), originally delivered as a talk at the Goethe Institute of Nairobi on June 22, 1972, was seen by many at the time as a surprising opposition to what was then widely viewed as a great movement in the wake of the growing influence of Placide Tempels's book, *La philosophie bantoue* (*Bantu Philosophy*, 1959). Tempels had proclaimed the existence of philosophy woven into the

traditions of African indigenous thought. We all know, or should know, how that debate grew and, I assume, finally dissipated nearly five decades later.

It should be clear, however, that Odera Oruka's problem, in his seminal essay and later works on the subject, was not with culturally autonomous approaches to philosophizing, nor to philosophizing in Africa specifically. Rather, like the Caribbean giants Aimé Césaire and Frantz Fanon earlier, his concern was with a severely flawed representation in some segments of scholarship in the 1950's and 1960's of the content of such autonomy. Again, like Césaire and Fanon, Odera Oruka thought that Tempels's and the emerging general trend of Euro-American scholars' apparent embrace of African traditions as significantly philosophical was deceptive. In his view, most scholars of that epoch, especially African scholars yearning for false recognition, had been misled into unwittingly keeping the same pernicious tendency of regarding as "uniquely normal" for Africa that which would be out of step with the norms of philosophical thought anywhere else. In that essay, Odera Oruka, like Césaire, Fanon, Franz Crahay, and Paulin Hountondji famously later, decried the celebration of African myths and other popular beliefs as philosophy, just because they were out of Africa. For him and other members of this group of critics of the school suddenly founded by Temepls, embracing Tempels's proposals for the "location" of African philosophy was, for example, similar to celebrating the biblical book of "Genesis" as Jewish philosophy.

"Mythologies as African Philosophy" was a brief but very strong critique of particular African scholars who played to this unwarranted marginalization of Africans' intellectual abilities. With echoes of the Sartrean in-himself/for-himself distinction, Odera Oruka urged African writers and artists of the time to be promoters of a dialectical awareness of experience in which the unalterable past did not determine the future. The subjects of this critique are not hard to identify.

Declining to deny the existence of African philosophy, but denying that it was interlocked with popular myths, Odera Oruka proposed, from early on as shown in that seminal essay, that individual philosophers can be found in any community if the ordinary person is given a chance to express his or her personal thoughts on a variety of issues which they have experienced and on

which they have critically reflected. Examples can help. How, for example, would, say, anyone not formally trained in philosophy discuss polygamy from a variety of (social, psychological, legal, economic, and moral) considerations in a manner that compares both past and current beliefs and practices? And, in other examples, what would such a person say about other matters such as the value of education, or the moral plausibility of female circumcision, or even the good or harm to individuals of the manner of practicing parentally arranged marriages, or the basis of their beliefs regarding gender equality?

Or just ask them what morality is, what its source is, and why people need it. The idea is to think of philosophy in a fairly natural sense. In other words, although professional philosophers grapple with these questions in an analytically complex and detailed manner, the questions or problems themselves are matters with which everyone lives, everywhere. They are also questions and problems for which most normal and grown people are likely to have some kind of response. As professionals, philosophers do not create the human experiences which the questions address. Rather, philosophers are part of that general populace whose experiences and general assumptions and answers to the questions are the very basis of philosophers' desire and decision to dedicate training aimed at confronting them both analytically and more vigorously, and this is an undertaking that requires preparation in intellectual virtues of rational deliberation.

Odera Oruka thought of philosophy as primarily a product of the exercise of intellectual freedom in which individuals expose and critically analyze their communities' values or value systems that regulate their experiences as communities. While allowing some overlap, he saw the discipline of philosophy as split into two trajectories of practice: theoretical and historical. While theoreticians often work with historical awareness as the backdrop for the expositions or analyses of their ideas, historians engage principally in exposing the relations and development of such ideas.

Expectedly, each trajectory is underlined by disagreements, some minor, while others are so great that they lead to the formation of opposing schools. He believed that together, however, the two trajectories form the foundation of the freedom and creativity of

thought that the mythologization of the traditions of African thought was fast eroding in favor of the exoticism of unanimity.

The essay of 1972 marked the beginning of Odera Oruka's own critique of the then-popular representation of African philosophy as the corpus of the collectively shared but anonymously "created" beliefs or belief systems as philosophy - already first termed "ethnophilosophy" by E. Possoz in a "Preface" to the 1944 first Dutch edition of Tempels' book, *Bantoe filosofie*[4] and later named the same, more famously but pejoratively, by Hountondji[5]. By this time Odera Oruka already was in conversation with other players in this critique, especially those who were stationed at the then- Zaïrean schools of Philosophy and Catholic Theology at Kinshasa (Limete) and Lubumbashi, where the proponents and critics of ethnophilosophy had locked horns since the early 1960s. These critical debates were

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[4] The circulated Dutch version of 1945 was a revision of this first version; then there was the French translation, *La Philosophie Bantoue*, by A. Rubbens, in 1945, which was revised from the Dutch. The English translation, *Bantu Philosophy* (1959) by Colin King from the French version, was itself a further revision. In fact, the English translation underwent such thorough revision that it is usually considered a re-writing of the book, done from considerations of both the original Dutch versions and the French translation. Massive overhauls of texts in the course of translations is not unusual. Hountondji's own *African Philosophy: Myth and Reality* (1983, 2nd. ed., 1996) is a translated re-writing of the French original, *Sur la "philosophie africaine." Critique de l'ethnophilosophie* (1977).

[5] For a full account of the evolution of Tempels' thinking toward *La philosophie bantoue*, see A. J. Smet, "Le Père Placide Tempels et son Oeuvre Publiée." *Revue Africaine de Théologie*, t.1, no. 1 (1977): 77-128; "L'Oeuvre Inédite du Père Placide Tempels." *Revue Africaine de Théologie*, t.1, no. 2 (1977): 219- 233; and *Philosophie africaine: Textes choisis et Bibliographie sélective*, Kinshasa, 1975. As said in the note above, the 1959 English translation by Colin King was a complete re-write of the 1945 French version (translated by A, Rubbens), itself a thoroughly revised version of the original Dutch text. Curiously, there is an interesting similarity between the title, and to some degree also content, of Odera Oruka's essay, "Mythologies as African Philosophy" and Hountondji's "Le mythe de la philosophie spontanée" (*Cahiers Philosophiques Africaines- African Philosophical Journal*, No. 1, 1972: 107-142). A French translation of this essay was published in *Consequence: Journal du Conseil Inter-Africaine du Philosophie*, No. 1, Université de Cotonou, 1974, possibly facilitated by Hountondji. But Odera Oruka does not share much with Hountondji beyond their common opposition to "the myth of shared beliefs as African philosophy." What is evident in this coincidental similarity is that young African and African-Caribbean philosophers with no clergy affiliations shared a deep suspicion of the intentions of the European-led missionary Church.

centered around the work of Tempels and its broader implications, including specifically, among a variety of issues, a re-consideration of what, exactly, philosophy was. By the mid-1960s, the notable protagonists in this debate in the then-Zaïre included scholars such as V.Y. Mudimbe, Isiacca Prosper Laleye, A.J. Smet, Franz Crahay, Tshiamalenga Ntumba, Nkombe Oleko, and P.J. Hountondji himself, among others. Of these, understandably, Odera Oruka made reference only to selected texts by Tempels and Hountondji which already existed in English translation.

By the time Odera Oruka joined the University of Nairobi in 1971, John S. Mbiti had become a celebrity in the English-speaking school of Tempels, hence his work was very much part of the literature under philosophical scrutiny at the time, and this could have been the foundation of Odera Oruka's engagement with the critique of ethnophilosophy, although earlier engagements with the implications or influence of Tempels' work, even in specific relation to concepts in the worldview of Luo-speaking peoples, already existed in the discussions of the concept of "*Jok/Juok*" by B.A. Ogot and Okot p'Bitek.[6]

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[6] See Bethwell A. Ogot, "The Concept of Jok." *African Studies*, Vol. 20 no. 2, (1961), pp. 123-130; Okot p'Bitek, "The Concept of Jok among the Acholi and Lango." *Uganda Journal*, Vol. 27 No. 1 (1963), pp. 15-29; "Fr. Tempels' Bantu Philosophy." *Transition*, 13 (1964), pp. 15-17; *African Religions in Western Scholarship*. Nairobi: Kenya Literature Bureau, 1970; and *Religion of the Central Luo*. Nairobi: Kenya Literature Bureau, 1971. It is curious that Odera Oruka neither discusses nor even mentions these works in the 1972 essay. Instead, by relying on Ogot's essay, "Men of the People and the Second Independence in Africa," *East Africa Journal*, Vol. 8 No. 6, 1971, pp. 14-17, and Okot p'Bitek's Seminar paper, "Myths and Nation Building" (Department of History, University of Nairobi, February 1972), he directed his emphasis at another trajectory of this critique, namely, the African disciples of Tempels, such as Mbiti, who, apparently unknowingly, became the acolytes of the European agenda - to expose African thought as entirely mythical. While Aimé Césaire had called Tempels' *Bantu Philosophy* one of the most dangerous works ever written about Africans, Odera Oruka appeared to group Tempels' African followers, such as Mbiti, with the kind of leaders that Frantz Fanon called the "Lumpen proletariats," effectively "mediums" of the European agenda. For a more comprehensive coverage of these critiques of Tempels, see D. A. Masolo, *African Philosophy in Search of Identity* (Bloomington, Indiana University Press, Nairobi, East African Educational Publishers, and Edinburgh, Edinburgh University Press, 1994).

At the time, p'Bitek was the only other known East African critic of the philosophical and theological extravaganzas evolved from Tempels. The exception here was, as I discussed in *Self and Community*, B.A. Ogot. Not only is he trained as a historian - an excellent and world-renowned one at that - he also has an admirable liking for philosophical thought, and held positions regarding some concepts in African beliefs, such as in his 1961 exposition of the Luo concept of *Jok/Juok*, in apparent agreement with most African scholars of religion at the time, that Tempels's book had a positive and cleansing impact on previously biased Western scholars of African modes of thought. Despite this, however, Odera Oruka did not address Ogot in the 1972 critique of "ethnophilosophy."

In a brief autobiographical account titled "My Strange Way to Philosophy," published as part of a project on "Philosophers on their own Works," Odera Oruka identifies "social-economic deprivation" as one of the three key obstacles to philosophizing, exposing thereby the old Latin saying, *prima manducare, deinde philosophare* (literally, "eat first , then philosophize later"), a rendition of the principle that no one can engage in abstract thinking for its own sake on an empty stomach, at least not in the strong and non-debased sense in which he understood philosophy as it applies broadly to the historical highs and lows in the life-span of human thought over the history of civilizations.

The gist of the argument in the relation of social-economic standing and proper and serious philosophizing is that human progress - understood as improvement in quality of life and general well-being - happens only when there are no hindrances to what and how people should think. It is not only in African cultures where the grip of tradition creates these hindrances; rather, it is the path of history. When we think back, we all are able to remember, or may have heard how, through what could appropriately be called the "Anti-Mwakenya Onslaught"[7] - an ironic clash of two deeply flawed

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[7] Despite its poor theoretical quality and similar smearing campaign against those whose views its proponents did not like, "Mwakenya" was an anti-Moi movement whose proponents self-identified as Marxist nationalists - if there is any conceptual sense rendered by the two words together - who spread their ideas through an informal and underground publication by the same name. To Moi's government, "Mwakenya," both as a movement and as a publication, was a seditious organization that gave him the excuse to crush any form of opposition

visions of Kenyan nationalism - Moi's unrelenting dictatorship killed intellectual life in Kenya. During this period that started in August 1982 and lasted more than ten years, intellectuals either fled into exile, or were thrown into the underground pits of torture at "Nyayo House" in Nairobi, or were forced to transform themselves into political sycophants in exchange for personal safety and handouts.[8]

Much of the rest of Africa did not fare any better, as was evident in South Africa under the apartheid system, the then-Zaïre of Mobutu, the Uganda of Idi Amin, the Ethiopia of Mengistu Haile Mariam, the Somalia since Siad Barre, the Arab-ruled Sudan, the Guinea of Sékou Touré, Equatorial Guinea under Obiang Nguema, and the count goes on and on, including the Central African Republic under self-proclaimed Emperor Jean-Bédel Bokassa. With varying degrees of severity, all of these leaders stifled intellectual growth by proscribing freedom of thought and speech other than when they were in praise of their reign of despotism. These were Africa's political - and, by implication, also cultural - dark ages, for, everywhere, by stifling

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to his dictatorial rule. Academians and young politicians with ideas for a democratic society were particularly targeted. It was enough for one to be charged, usually falsely, with membership to the "Mwakenya" organization, or with possession of the publication, for one to be given long prison terms or be thrown into detention without trial if no grounds for a trial could be found. It is this background that makes it ironic that those who managed the "Mwakenya" ideology would be so intolerant toward those who did not ascribe verbatim to their views.

[8] After dwarfing the once-promising economy and reducing the compensation of workers in the public sector to rates below the poverty line, Moi used much of the state finances to bribe individuals, selected by region of origin and professional department, but regarded by him as visible enough in their respective communities, with unaccountable cash and parcels of land and other materials in exchange for their public pronouncements of support for him and his brand of politics, and to condemn his perceived opponents. These bribes were usually distributed during organized visits to his private home and farm on the outskirts of the town of Nakuru. Odera Oruka and myself were present at one of those visits - dubbed "Intellectuals from Nyanza" - where the majority of the nearly 200 people in attendance received at least Kenya Shillings 10,000.00 (ten thousand) each. Also, it was at this meeting that the idea of starting Maseno University College, later Maseno University, was announced by Moi as "a gift to the people of Luo Nyanza," and not, as was indeed the case, because Kenya's education needed expansion at the tertiary level and Maseno already had an existing and appropriate infrastructure to absorb such expansion.

democracy, dictatorship stunted human progress and the very humanity of the oppressed.

As I have also said in *Self and Community*, we must never forget that cultural traditions too can be just as stifling of intellectual creativity and other cultural and personal freedoms, as severely as the political dark rooms of our history that I have mentioned. Odera Oruka's early worry was, to borrow a phrase from Ogot's 1971 essay which Odera Oruka referenced in the 1972 essay, the impact that the so-called "Men of the People," namely those, like Mbiti, and whom Tempels had earlier referred to as the "*évolués*" (see Tempels 1969, 17-18), would have on the knowledge of Africa generally, and on the knowledge of African philosophy in particular.

In Odera Oruka's view, these false "representatives of the people," the self-styled *Vox populi*, were the reason African thought continued to stagnate despite the existence of critically-minded women and men in African communities. Their contraries, on the other hand, then as now, but with the same effect, were/are those who would/will not even pay attention to the term "philosophy" with the description "African" before it. To them, the term "African philosophy" must be vacuous and retrograde. For them, putting the two words together is an oxymoron because, in their eyes, philosophy already exists in European texts with no additions or alterations needed from anywhere else, and Africa must heed the light that shines from Europe or out of the remnants of apartheid in South Africa. To his credit, Odera Oruka's resolve to resist the impact of such cultural washouts was part of the motivation for his push to heave the Department of Philosophy from that of Religious Studies at the University of Nairobi.

It was Odera Oruka's view that while it was the case that oppression stifles good and creative thinking, self-deprecation is, on the other hand, a voluntary form of self-suppression that produces the same results. The German philosopher Friedrich Nietzsche identified them as cultural slaves; they have no reason to have thoughts of their own if the master already thinks for them too.

In Search of Happiness

Assuming, as I said at the beginning of this essay, that it is not enough for humans just to live, but to live lives that are qualitatively

commensurate with the expectation that human life is and ought to be infinitely better than that of a cow or a lizard, it becomes the foundation of the imperative moral law that this expectation should firmly claim that certain goods ought to obtain for a life to be definable as indeed human. It is in this regard that such goods as honor, pleasure, respect, companionship, happiness, freedom, knowledge and proper use of reason, good health, and perhaps others, are considered to be goods both in themselves, and also to be ends that belong to humans because they are in service of our conception and expectation of what makes human life different from other forms of life.

Philosophers have called happiness the supreme good in service of which all other things we do become either good or bad. In this sense, happiness is conceived generally as that state that is commensurate with what we conceptualize to be the ideal condition of human life. We assume further that although we neither choose to be born, nor are in control of all or most of the circumstances of our lives, we still have a clear sense of what kind of conditions we desire to define our lives, and that we live for the purpose of being able to attain this general state.

We may not be right about many of these perceptions, but even when our perceptions are wrong, they still indicate that there is a desirable state that we would like to understand well, and to attain, but which we may have misidentified or confused with something merely contingent or passing. For example, when we were children, a variety of reasons led many of us to feel and think that going to school could only have been the idea of an evil person whose intention definitely was to rob us of happiness, where happiness in this case was thought of by us as that which could be identified as gratification or pleasure.

School, especially when we were expected to stay there all day, felt like an unwarranted whole-day's torture- field where we were not only bombarded with words and ideas designed for us not to understand, but also where teachers beat us like our bodies were their private punching bags for boxing practice sessions, or for venting their night-running hypes. It did not help that this kind of school had been brought by twisted-minded white colonialists who often slapped and kicked our folks working at their administrative centers. Their friends at the Church centers insulted and beat up old folk and us too, for not

remembering and being able to repeat their teachings that we did not even comprehend. To date, I swear that I do not understand those teachings, but I ceased to blame myself: I do not believe Africans do or will ever comprehend them.

Against this background, the traditional environment of teenage life without predictable 'torture' in the form of reading books seemed like bliss. Many of us know now, however, or so I hope, that not only is happiness such a complex idea, we are also often wrong about the things we associate with, or dissociate from, it. Our idea of it changes frequently, as we reflect more succinctly about our life conditions and our pursuits herein. In this respect, regardless of whether we abide in our respective traditional cultural ambients or in those contexts and socio-economic conditions or states circumscribed by vastly eclectic values, not even virtues are pursuable exclusively for their own sake, but rather as ingredient conditions for happiness - that these, such as taking good care of our family cattle or reading many books in our different fields of abstract curiosity, just like many other specific goods, are some of the things that ought to be done or pursued as partial means to attain and sustain happiness. It follows, then, that besides what we identify as the conditionals toward our goals or ends, there are also certain things that are a hindrance to the attainment or sustaining of happiness, and these are the things that we ought to avoid, in view of both our specific goals or ends, and our general end.

Steeped in preoccupations with the former as the objectives of everyday life, we are often, deeply yet reasonably, distracted from thinking or worrying about general happiness. We are, for obviously good reasons, shielded from it by the clarity and immediacy of our everyday beliefs. Hence, it should be neither surprising nor disappointing that the majority of humankind neither knows about, understands, nor would be interested in caring about general happiness. Yet this should hardly be ground for arguing that Odera Oruka, either in his own philosophical reflections or in his conversations with sages, did not address or was not exactly interested in general happiness.

Among indigenous African thinkers who have thought openly about the desirable qualities of persons was Shaaban Robert. Among these qualities, he ranked righteousness (*Adili*) or justice (*haki*) highest - not because they are the most important, but because they are the highest regulators of the social world. Others for him were modera-

tion (*kipimo*), courage (*shujaa*), kindness (*hisani*), peace (*amani*), trust or faith (*imani*), learning (*elimu*) and intelligence (*akili*) (see Robert 1969, 17-19). To be virtuous (*Kuwa mwadilifu*) is to be someone who not only applies his or her best reason to understanding what is presented to him or her for counsel, but also to be someone who acts with moderation, practices courage and kindness, and keeps the peace and their faith as well. Thus, the inevitable theme of *Adili na Nduguze* (Robert 2010) is the search for this balance both within oneself and in society generally.

According to Shaaban Robert, these dispositions are among the things that make human life desirable, and, when they are absent, beastly and repulsive. But we must know what virtues are, and also know what their worth to human life is before we can consciously strive to inculcate them as consistent principles of conduct or habits in order for them to become the ideals which, when practiced consistently, separate us from lesser beings. Now, it may be hard, especially in our current world, to come by people who have all or most of these dispositions as the quality of their conduct all the time. But it is not impossible for someone to have and apply them all, all the time, as different practical occasions may require.

Such a person would have what Shaaban Robert called *Utu bora*[9] (ideal personhood), or what the Greek philosopher Aristotle called *Eudaimonia* (happiness). Aristotle did not use this term in respect of lizards, as we cannot imagine that the lives of lizards are governed by the intellectual and moral light that our awareness of the human ideal gives to our expectations and striving. In the cited passage, Shaaban Robert argues that lack of these dispositions would be a mark of fundamental human poverty, meaning that lacking the dispositions is likely to make our lives far less human as far as our expectations define it. In addition, besides the listed virtues, there will be other, more specific dispositions that spell out the kind of virtues that are required for every domain (such as leadership, teaching, thinking, farming, parenting, citizenship, etc.) of our practices or performances as members of society.

But, to go back to Shaaban Robert, virtue is not merely a habit such as one that we are able to develop by following a rule, or the habit

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[9] This became the title of another work of Shaaban bin Robert, *Utubora Mkulima* (London: Evans Brothers Limited), 1968a.

of doing something the same way all the time. Rather, a virtue is a quality of right moral judgement that lies within us, an uncompromisable or unreproachable conviction that doing the right thing, or acting on the right principles, is the only way to live in a properly human manner. But what if I believed that treating people differently based on race, gender, age, or sexual orientation was the right principle for action?

Well ahead of his time, Shaaban Robert believed that righteousness does not serve people discriminately based on their race, age, or any other (meta)physical attribute such as beauty or sex, or on their socially assigned stations such as class or gender, or even on their cultural choices such as their religious affiliation. This, he believed, does not mean that some members of society do not require, and deserve, more attention than most others in society based on their physical or mental abilities. Children, the sick, persons with diverse disabilities, and the elderly, all deserve and should enjoy such favorable attention, even while we guard against the temptation to make their situation of dependency a cause for abuse or other forms of undignified treatment by those on whom they come to depend.

At the same time, he wrote, exaggerated and unwarranted use of one's attributes, abilities, and gifts or fortunes - whether it is wealth, physical strength, intelligence, one's race or descent, fame, and power of all forms - on or toward those who are different is a form of drunkenness whose effects or results may be no less harmful than the effects of conventional drunkenness from alcohol (Robert 1969, 62-63). Similarly, those people with conditions that require their dependence on those better endowed should not use their disabilities as means of unwarranted gain. In *Kusadikika* (roughly translatable into English as "In the Mind Alone," but which I have translated as "In Pursuit of Utopia" as the title in my on-going annotated English translation), Shaaban Robert indicates from the beginning of the book that neither physical attributes, nor race, nor class, nor social status give us virtue. According to this view, one would still be empty if one had these attributes but lacked righteousness both as an ethical commitment and in practice. To him, then, no form of status, whether it is a positive or disabling one, should be used for exploitative ends.

In *Siku ya Watenzi Wote* (Robert 1968b), Shaaban Robert, always casting the mental picture of a world of all possibilities for a positive and happy social condition, describes a world in which everyone

would engage in activities that augment the ideal qualities of their personhood (*utu*). Such achievements, according to him, are possible only in collaboration with others, and in relationships guided by love - thus suggesting that we examine carefully and deeply the real nature of this disposition. He calls love "the preservative salt of personhood (*chumvi ya hifadhi ya utu*)" (Robert 1968b, p.ix). Hatred, on the other hand, causes personhood to rot.

Odera Oruka on the Limitations of Liberalism

How are Shaaban Robert's ideas relevant to, or even connected with, those of Odera Oruka? The historical and social circumstances in which Shaaban Robert thought and wrote were a hindrance to the pursuit of happiness by everyone endowed with basic human abilities. Put simply, the political condition of colonial domination, and its effects on social stratification based on the colonial economy, made living an arduous task for the majority of the folk he knew and with whom he associated. He did not believe that living under domination by another agent could entail what it takes to lead a life that enables the pursuit of true happiness. Not for a person, and definitely not for a nation. Driven by his rejection of these circum-stances, Shaaban Robert wrote about change, about equality, about human rights and, above all, about justice and freedom.

Like Shaaban Robert - whom he probably did not read in any significant manner, if at all - Odera Oruka believed that happiness is not the privilege of a few. Rather, it is a common good, one that is so fundamental to living a *specifically* human life that we collectively owe it to each other to enable its possibility and promotion by cultivating and putting in place those conditions that enable its pursuit and, where possible, attainment by all. Put negatively, he argued that we ought to restrain from doing those things that are likely to derail others' pursuit of happiness. I intentionally qualify this call to mutual restraint as a negative approach to the pursuit of happiness because I consider it to be the center of the contrast between Odera Oruka and the celebrated American social philosopher John Rawls (Rawls 1973).

It is clear, from the essay in which he critically reviews Rawls' *A Theory of Justice* (Oruka 1978, 77-88), that Odera Oruka believed strongly that the pursuit of happiness cannot be the prerogative of a few, and that it is not enough, as Rawls argues, that the only time one

can be culpable in the course of pursuing her or his happiness is when their actions in that pursuit directly result in worsening circumstances for the least advantaged which would otherwise not happen if the culpable agent had not engaged in the actions that caused such worsening of circumstances for the least advantaged. Rawls's theory would therefore be opposed to the idea of "collectively owing to each other the promotion of the pursuit of happiness by all by cultivating and putting in place those conditions that enable its attainment by all," as this might imply that individuals comply with certain regulatory measures which would likely require them to act in the interests of others rather than their own, thus limiting their own liberty and self-promotion. In casting the conditions for his theory, Rawls envisaged what he called the "original position."

Metaphorically comparable to the biblical "beginning," Rawls imagined a state in which all individuals are placed at the same original position, where they are all equal and have an equal beginning, also called equal opportunity, where no-one has any externally induced advantages or disadvantages. All that everyone would have would be their own capacities and the equal freedom to do according to their natural capacities, which are neither acquired through any undue advantage, nor known to them beforehand as constituting any advantage over any other person or persons.

As in the biblical metaphor, one would prosper or fall based purely on the equal freedom and her or his own abilities while abiding by the same rules of action which are laid down the same way for everyone. This picture, for Rawls, portrays the image of a state of fairness. Thus the cardinal rule for fairness in judging not only how people have performed, but also, and more importantly, what they have deservedly attained by so performing, is that no one has, by their actions, knowingly or otherwise, caused anyone else to fail to attain the best results that they would otherwise have attained if they had exercised their capacities to the fullest without any hindrance or interference from anyone else.

Why do I compare the setting of Rawls's theory of justice to the biblical context? Because the "original position" that he sets at the beginning of his theory can be thought of only in the abstract, in the imaginary setting such as occurs in the biblical myth. Real societies, on the other hand, come with interests because real humans always bear them. The political world he aims to address is driven precisely

by political interests, and by endeavors to tame them, and that is the interest of Odera Oruka viz., to tame human interests such that we can give attention to the protection of the fundamental human dignity that everyone deserves as a right.

Furthermore, on the strength of the same abstractness, Rawls thought that his sense of fairness could work only if all players chose to enter society knowing what the rules of the game are, armed with nothing other than a "veil of ignorance," having neither any advance or secret knowledge of the advantages to success that they might possess, nor any idea or sense of what anyone's circumstances, including their own, would emerge to be in the future. Unfortunately, people do not choose to enter society, nor do they choose the socio-economic type or level of society in which to settle for the purpose of reaping the greatest advantages it offers, just like no one chooses socio-economic disadvantages as the ideal conditions in which to live.

Although unaware of their socio-economic status at birth, children are born into existing conditions of socio-economic differences that already exist and are, for the majority of them, the key to where they are likely to tread in the pursuit of their respective goals. From time to time, there are exceptions to these deterministic likelihoods, such as we often indicate with phrases such as "from rags to riches," or, in my vernacular, "*romo gi Omoro* (striking unusual luck)." While the first case sometimes indicates unusual diligence or hard work by individuals that propels them to beat odds in circumstances of hopelessness, the second one usually indicates pure luck in an individual's attainment of goods or status under extremely rare conditions.

Rawls himself must have been aware that in cities such as Baltimore, Detroit, Los Angeles, Washington D.C. or Chicago, it is more likely for children born and brought up in the ghettos to end up in the streets dealing drugs and "doing time" (in prison) for crime, or dying at a chillingly young age than they are to become Dean of the Harvard Business School or to be successful in most other professional fields that require significant monetary investment in preparatory processes like education. Things might be slightly different in African circumstances, but the pattern of correlation between socio-economic conditions of individuals and their chances to ascend to the highest offices and other positions in society on purely and equal competitive grounds is closely similar. For example, while success in life continues

to be linked to where one went to school, schools whose alumni dominate high positions in society are expensive, and the children who attend them tend to be predominantly from already successful family backgrounds.

Where a socio-economically-based or, as it is sometimes called, rural-urban, or regionally distributed quarter system is used for placement of children in these schools, their costs, whether core or contingent, are usually still too high for children from poor backgrounds, and so their places still end up in the hands of privileged children. On the whole, while it helps a small but significant number of underprivileged persons and groups, the practice of quarter-based distribution of places at institutions is a recognition of the starkly anti-Rawlsian reality, namely, that there is no equal beginning in real societies. A Harvard scholarship for the needy may benefit a handful, but will still leave the real problem of inequality unaddressed and unresolved.

On the other hand, it is possible, and reasonable, to see why disparity might cause the underprivileged to call for a fresh "beginning" where no one enjoys the advantage of *a priori* conditions, particularly when said disparity is both excessive and invariably favorable to the same selective segment of society by the strength of such a group's unfair control of institutions of the whole society. This kind of scenario is what pertained in colonial systems, and, most recently, in the apartheid system in South Africa prior to its *de jure* demise in 1994, leaving the de facto conditions very much unchanged. These may be the extremes of disparity, especially when one considers the fact that political and legal institutions were created to establish and fiercely defend them.

Yet, they, just like the incidental ones, if there are indeed any such conditions that merely come about incidentally by themselves, are blemishes of human history. But, since Rawls's idea of the "original position" is one that has already been there - in the beginning - rather than one that we have to re-imagine, his theory is therefore that any disparity that results from self-application, just like the moral uprightness of a virtuous agent, is justifiable and ought to be defended and protected by institutions of society, and that such defense and protection of the virtuous, each one individually in their way of life, ought to be the primary duty of the institutions of society.

As you all may already know, at least from Odera Oruka's critique of Rawls, Rawls' conception of justice as fairness is built on two cardinal principles:

1. [that] the liberty principle, also called the "*First Principle*," which states that "Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all," and

2. [that] the socio-economic principle, also called the "difference principle" or "*Second Principle*" which states that "Social and economic inequalities are to be arranged so that they are both,

(a) to the greatest benefit of the least advantaged, consistent with the just savings principle, and,

(b) attached to offices and positions open to all under conditions of fair equality of opportunity" (Rawls 1973, 302).

Together, Odera Oruka sums up, "the two realms of human endeavor [which] constitute critical inquiry."[10]

Like Rawls, and, incidentally also like Shaaban Robert, Odera Oruka recognizes that people differ greatly in natural endowments, which, to Rawls, should be regarded as the basis of the exercise of fairness, so long as there is no obviously unfair access to such differences. In the absence of unfair access to factors of advantage, everything else is fair game. Blaming or punishing people for achieving what they have by virtue of their superior abilities is like claiming that ugly people should demand compensation because potential suitors have unfairly neglected them in favor of the beautiful ones. Should beauty be shared out equally so no one suffers the injury and discomfort resulting from being shunned due to their ugliness?[11]

Precisely because they are inalienable claims that we have rights to as human beings, civic and intellectual liberties, like beauty, also must be considered fundamental and superior to economic liberty and social welfare. When exercised diligently and without undue advantage, they are also the basis of differences in attainment among members of society, and both Rawls and Odera Oruka consider this as fair. Otherwise, as in our analogical example above, ugly people

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[10] *A Theory of Justice*, 302. Also "Rawls' Ideological Affinity," 78.

[11] There is a saying in my vernacular that "beauty is not an asset we can borrow for a day from those who possess it (*ber ok kwa ka ji dhi wuoth*)."

would be justified in starting to clamor for a share of the beauty borne by their better "molded" contemporaries. Difference, including difference in what people conceptualize as goals and how they attain them, is part of how nature is made and works.

At least one of the objectives of Rawls's theory is to show that because liberty is the primary and inalienable right of all individuals, any claims that negate it, either directly or by postulating needs that are attainable only through its negation, must be unfair, wrong, and therefore unjust. Egalitarianism is, for him, therefore not only impossible - except, maybe, at what he conceptualizes as "the original position" - it is also against justice to demand it as a policy of general socio-political organization, as it constricts the liberty of consenting participants.

For clarity, however, what obtains at "the original position" is, according to Rawls's theory, "fundamental equality," a state at which everyone starts at the same point, equipped only with their individuality (which comprises, or is constituted by, differences in natural endowments). He argues that egalitarianism, by contrast, is neither a derivative, nor an end, nor is it a claim about social equality that can reasonably be assumed to be justifiable by other attributes of human nature. According to Rawls, then, egalitarianism is impossible because it is not derivable from anything.

Rawls may have been driven in this regard by the desire to be a contemporary vehicle for the political theory that stretched back to John Locke, especially in the latter's defense of the position - against Hobbes - that the reality of social and economic inequalities is compatible with the premise of fundamental equality, as no predictions can be made about individuals' later lives based on that premise. In the context of our times, the framing of Rawls's theory suggested that it was directed at socialist egalitarianism, the largest twentieth-century ideological antithesis to the liberal democracy defended by Rawls. Drafted and revised several times during the period when America was sharpening its political opposition to the rising influence of socialist ideology as an alternative social, economic, political, and cultural worldview in the 1960s, Rawls' *A Theory of Justice* was viewed as the free world's rival Manifesto to Karl Marx and Friedrich Engels's popular and influential work, *The Communist Manifesto* (1848).

To Odera Oruka, however, and in respect only to the socio-economic issue, the question of "fundamental equality" is not the issue, and may even be irrelevant to tackling the problems of the human condition.[12] Hence, in Odera Oruka's view, the cure, which is a mere shift in socio-political ideology, is to reverse Rawls' order of the principles of justice: to make the first become second, and vice versa (Oruka 1978, 87). His position is that Rawls' idea of liberty is merely prima facie. In practice, beneath the statements of the law, only the rich and the powerful are really free. Although the poor may have the right to liberty in the wording of the law, they do not have to have it.

What, then, would be the value of liberty where, at least in Africa - but likely also in many other parts of the world - facts about human society indicate that more than 90% of many countries' populations are, by virtue of the denigrating conditions of poverty (and I view "poverty" here in the broad sense articulated by the Swahili poet Shaaban Robert as including many material and moral shortcomings of humans) deprived of this liberty, which often includes civic freedom (the freedom or right to vote and to stand for office) which is regarded to be so fundamental by the principles of liberal democracy. In many African nations, South Africa included, just about 1% of the populations control more than 90% of their countries' total wealth, and the figures are not much different in other countries around the world. Also invariable among African countries and around the world is the fact that not even a significant proportion of these controlling minorities has earned its wealth in a clean and fair way *à la* Rawls.

As I just said above, I do not, by any stretch of good will, expect Odera Oruka to have been substantively acquainted with Shaaban Robert's work, but the two certainly concur about the prevalent constraining effect of material poverty on the other conditions for a decent human life and experience. Poverty robs humans of their mental power and abilities to practice intellectual virtues. In addition, poverty may not be an excuse or justification for inclinations toward criminal or unethical conduct, but it makes it hard for people to

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[12] One cannot conceivably think of Odera Oruka not believing that the premise of "fundamental equality" was pivotally significant and necessary for anchoring other, no less important social issues such as gender, racial, ethnic, religious, or sexual equality of all humans, for which it is the foundation and justifying premise.

consistently exercise moral virtues when their primary worry is to keep themselves alive.

The saying I referred to earlier (*prima manducare, deinde philosophare*, that is, "eat first , then philosophize later") is not only physiologically sensible; rather, as the common adage goes, it is also observed that a hungry person is often more likely to be angry than measured in his or her thinking, an observation that resonates with Odera Oruka's view that socio-economic deprivation compromises measured thinking as is required of the practice of serious intellectual virtues such as philosophizing.

According to the 17th century British philosopher John Locke, though liberty be fundamental to all humans in equal measure, liberty does not mean license, and no human is at liberty to destroy him-or herself, or to destroy others. By the law of nature, all humans are not only at liberty to exercise only those powers within their capacity for the attainment of the goods that promote self-preservation and the preservation of those around them; they are also under obligation to do so. As he puts it, humans have liberty, and they also must be free from the absolute and arbitrary power of others, including the state.[13] Hence, I infer that if the right to life belongs to all humans equally, and that all humans are obliged to preserve it, of what value would human life be if we not only let, but indeed forced humans to live like lizards or cockroaches do?

On the contrary, human life ought to be a life whose quality, barring any physiological incapacitations of any individual himself or herself, and for which neither himself or herself, nor others by calculation would be held responsible, ought to be commensurate with universal expectations for all persons who are well developed in body and mind (I have added the qualification to exclude racist and other intentional practices aimed at making sections of society less competitive in a truly liberal-democratic society such as those of which Locke himself was an advocate).[14]

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[13] On the obligation to self-preservation and the preservation of others, see John Locke, *Two Treatises of Government*, Peter Laslett, ed., Cambridge, UK, Cambridge University Press, Student edition, 1988 (1960): 269-285.

[14] For analysis of the racism of the European Enlightenment philosophers, including Locke, see Emmanuel Eze, ed., *Race and the Enlightenment: A Reader*, Oxford, UK, and Cambridge, MA, Blackwell Publishers, 1997.

Odera Oruka believed that in a truly democratic order, all individuals should have a right to what he called a human minimum, by which he meant the degree or quality of human life that will enable every person to exercise basic human capacities, such as to pursue goals in a reasonable and culturally informed manner, to think, and to exercise their civic rights. After all, the right to self-preservation conferred to nation-states by social philosophers was an extension of that right as recognized in respect of human beings (Oruka 1997, 81-93).

Every person, he further believed, as can be inferred from the questions he asked in conversation with some of the sages, needs to be free of degrading conditions of life, especially if these conditions deprive them of the human minimum required to sustain their human dignity, such as preventing them from developing and freely expressing their thoughts, which is an exercise of a basic human right (Oruka 1997, 83-90). For this to happen, he proposed a three-tier order by which people would take care of each other as part of the obligation to preserve for all a level of life commensurate with human dignity. The first tier of this system works at the local level, between family members or friends, as he appears to extract out of Paul Mbuya Akoko's discussion of communalism (Oruka, ed. 1991, 140-142). The second level, one would assume, would be a welfare system run by governments.

The third level, which he discussed extensively, [15] concerns international relations and redistribution of world resources. The driving idea in all these discussions is that the pursuit of happiness which can be enjoyed in a re-organized world whose resources are protected and more fairly shared among nations is the right of all humans. The realization of happiness for all, at least to an ethical minimum necessary for human dignity, requires that people have at least the minimum that allows them to make meaningful choices in their lives, not just on an everyday basis in the practice of carrying out specific daily tasks, but also long-term in the sense of self-determination and the ability to make choices out of the exercise of proper understanding and conviction, itself a feat that is attainable only under intellectual liberty.

[15] In addition to the essay on Rawls, see also different chapters in *Practical Philosophy: In Search of an Ethical Minimum* (Nairobi, East African Educational Publishers: 1997).

That Odera Oruka would address socio-economic deprivation as an encumberment on the freedom and expression of thought is both interesting and important, particularly in the African context. As I have just said, freedom of thought is a fundamental human right, especially when we consider the view that the ability to think and the act of thinking are what make us fundamentally and distinctly human. In this regard, freedom of thought ought to be viewed as part of the ethical minimum to be required for a genuinely human quality of life - anyone to whom it is denied would be reduced to a sub-human condition, and her/his situation would invoke the alarm we noted earlier: "*en be en mana dhano, yawa*! (Surely, he/she too is a human being just like others are)."

Like the right not to be tortured, freedom of thought is an application of the right to personal integrity and the right to freedom of association - dialogical association in this case. Its denial is no less an act of terror than the act of torturing people or other forms of punishment that are incommensurate with the related offenses, meaning that they exceed the purpose of punishment - to maintain or maximize social security (Oruka 1985, 26-30).

Law and Power

The idea of the limitations of procedural justice as an institutional tool that protects those advantaged by political and economic power lies at the foundation of Odera Oruka's critique of positive law as is evident from his first televised and later published debate on this matter with the now-Justice of the Supreme Court of Kenya, Professor Jackton Boma Ojwang', and Professor Jesse Mugambi.[16] A passionate discussion occurred around the idea of the relation between morality and law, and whether considerations in legal procedures ought to take account of society's moral concerns as they may relate to justice and fairness.

The discussants concurred that there is a jurisprudential distinction between positivist and naturalist conceptions of law, and concurred further that although the idea of natural justice in law claims that "it is unjust, [and] it is immoral, to treat people in an

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[16] This debate which first occurred as a televised public debate was subsequently published as *The Rational Path: A Dialogue on Philosophy, Law and Religion*, eds. H. Odera Oruka, Jesse Mugambi, and Jackton B. Ojwang' (Nairobi, AMREF, 1989).

oppressive, harassing or disrespectful manner"[17] (Oruka, Mugambi and Ojwang' eds. 1989, 14-15) as a principle inherited from medieval times, recent legal renditions of this principle have pushed it away from its original objective and towards a technical application of certain rules only to how cases are determined. This distinction in law between technical legal arguments and social utility is similar to the one in ethics that separates focus on the theoretical principles of ethical arguments from the agent-driven focus that takes into consideration the social circumstances of agents that cause or drive the conception of values (what makes a particular form of conduct good or desirable, or, conversely, bad or undesirable). Technical ethicists insist, by way of a certain interpretation of Kantian ethics, that the latter should not apply to pure ethical arguments.

The argument is about whether or not there are criteria by which legal norms can be compared and sometimes found wanting, and if so, what these criteria are. These standards are generally described as "a (the) higher law," but Ojwang' and Odera Oruka disagree sharply about what constitutes "higher law." Ojwang' argues for the separation of morality from law, but maintains, on the one hand, that not everything properly enacted as law is binding morally and, on the other, that the law, as law, does have moral weight.

Obviously, Ojwang' takes the contractarian stance regarding the idea of a "higher law," such as we see in John Locke's political theory, where a "higher law" - that which makes a law naturally applicable to all humans alike - is attributed to the Divine, "the law of God" or, again in his own words, "the law of Providence" (Oruka, Mugambi and Ojwang' eds. 1989, 12). On the other hand, we have seen, through his critique of Rawls, that Odera Oruka had issues with the contractarian social theory, at least the parts of it that relate to justice and fairness.

The specific and crucial issue at the center of contention between Ojwang' and Odera Oruka is the contractarian view that gives the sovereign such overwhelming authority and power, including the idea that the sovereign can make laws, except in those cases where her or his action would be in conflict with natural justice, a caveat that takes into consideration whether or not a given law treats a subject in

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[17] The elaborate discussion occurs between Professor Ojwang' and Professor Odera Oruka.

a manner commensurate with the expectations of reason as required for all human beings without exception. This, Odera Oruka correctly points out, and Ojwang' agrees, crosses over to the moral or ethical domain. Odera Oruka's position, then, is that both the making and use of law by the sovereign becomes a legitimate philosophical subject. In his view, the idea of "higher law" opens up avenues to the sovereign's claim to absolute power, and to the legitimacy of his or her "need" to make new laws to protect the powers that he or she might already have.

In other words, the sovereign can make and use laws for their own interests rather than for the interests of the citizens, and thus even be able to use the laws against their subjects. In John Locke's theory, citizens bear the right, by virtue of the reasonable expectations of the contract, to depose the sovereign who fails in exercising powers only as given to them by the citizens. We know, from recent African history of dictatorships, both civilian and military, that it is hard to draw the line of limitations on the sovereigns' use of power.

Going by what Odera Oruka argues in *Punishment and Terrorism in Africa*, one would correctly say that his apparently botched argument toward the end of the exchange with Ojwang' in *The Rational Path*[18] (Oruka, Mugambi and Ojwang' eds. 1989, 14) really was intended to highlight misuse or abuse of law at the hands of Africa's recent leaders. Judging by the years of the debate - 1984 and 1986 - it is reasonable to suggest that Odera Oruka might have been reluctant (he was always very aware and careful of possible political monitoring) to give an example on a live television show from the many cases during the Moi regime when many lawyers, including those on the bench, either brought charges or made judgments against persons that they knew well to have been innocent, making their acts to be such flagrant miscarriages of justice. But the prosecutors, then

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[18] When asked by the moderator of the program, Professor Ahmed I. Salim, he avoids giving an example of a case in which a lawyer's position fails to reconcile the demand of natural justice with the expectations of a moral principle or law. All four of the participants in this debate knew well that there were plenty of examples which Odera Oruka could have cited. The period from August 1982 to the formal collapse of Moi's despotic dictatorship in 1992, were the years of the witch-hunt trials, and convictions, and detentions without trial in which a section of university lecturers were particularly targeted. Salim's question could have been a trap, even unknowingly to Salim himself.

led by the government's chief prosecutor Bernard Chunga, preferred the charges, and court judges and magistrates convicted anyway, in order to please a dictator who had killed all the relevant institutions through which citizens could seek redress against injustice.[19]

More broadly, the political actions of African dictators generally, and those of Moi in particular, and Odera Oruka's criticism of them, reflected what the twentieth century French philosopher Michel Foucault is famous for criticizing in his book, *Discipline and Punish: The Birth of the Prison* (see Foucault 1995). We already saw Odera Oruka's criticism of two of the alleged ends of punishment. He rejected one, the retributive theory of punishment, on the grounds that it is hard to determine what kind or amount of punishment is rightly proportional to or fits the offenses for which they are given.

The second, namely, the deterrence goal of punishment, is generally viewed as faulty, as it suggests that offenders are likely not to get the kind or amount of punishment they deserve, as what is required for an effective level of deterrence may well be more or less than what offenders actually deserve. In other words, there is no moral justification for the deterrence goal of punishment, as people should not be punished more than they deserve even if the punishment they get may have considerable deterrent effect.

The history of these two views or theories of punishment goes far back, at least to Plato. In his *The Last Days of Socrates*, we see them raised by Socrates' friends, and his rejection of their suggestion that he should flee from the punishment that he had been handed. In other words, his friends' suggestion of an escape raises the hope of his reform, but he rejects such an idea on the grounds that it would contravene justice if, indeed, death was the deserved or just punishment for the charge which his accusers had brought against him.

What makes Odera Oruka's criticism of punishment akin to the general position of Foucault is not only these possible mismatches between punishment and the offences, usually referred to as the "externalist theories of punishment," but also his consideration of the alleged psychological goals of punishment, namely, the envisaged behavioral transformation of the offender and others in society who

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[19] Despite lacking required academic qualifications, Chunga would later be rewarded with an appointment to the rank of Chief Justice for his service in misusing the courts to help Moi suppress freedom of thought and speech.

may desist from committing the same or similar offenses in fear of the related punishment, which is the point that elicits the question of just deserts in punishment. These considerations were often hardly part of the reasons for the actions of repressive governments in Africa. Instead, African dictators, like others elsewhere, aimed at killing their victims, and they believed that the deterrent effects of their actions lay in both the numbers of victims and the grossly disproportionate relation of the severity of the punishment to the alleged offences, often unproven by fair trial as required by just law.

The torture and killing of victims, usually in full view or within earshot of those awaiting their turn in similar treatment, was a widespread practice of dictators - an act that dehumanizes both the actual and the waiting victims. The alleged major aim of these practices varied between being retributive and deterrent. Defenders of punishment argue that the deterrent effect of punishment is to "transform" the psychology of the victim into a conformer to societal standards while, by the same "transformative" mechanism believed to be the power of punishment, deterring others in society in general from committing the same offense. In other words, punishment and discipline are inextricably connected. Short of these objectives, Foucault argues, punishment of whatever kind and degree would be pure sadism.

As an institution of society, the prison is an instrument of state violence on citizens, and its existence and use are morally unjustifiable, and hence unacceptable, which is why Odera Oruka, arguing on these moral grounds, referred to state-instituted forms of punishment as acts of terrorism. According to Foucault, the prison had long been in use prior to its connection to the penal system in the eighteenth and nineteenth centuries. He explains that it had already been part of the system:

> …for distributing individuals, of fixing them in space, classifying them, extracting from them the maximum in time and forces, training their bodies, coding their continuous behaviour, maintaining them in perfect visibility, forming around them an apparatus of observation, registration and recording, constituting on them a body of knowledge that is accumulated and centralized. The general form of an apparatus intended to render individuals docile and useful,

by means of precise work upon their bodies, indicated the prison institution, before the law ever defined it as the penalty *par excellence*...[besides being a moment in the history of penal justice] it is also an important moment in the history of those disciplinary mechanisms that the new class power was developing: that in which they colonized the legal institution. At the turn of the [nineteenth] century, a new legislation defined the power to punish as a general function of society that was exercised in the same manner over all its members, and in which each individual was equally represented: but in making detention the penalty *par excellence*, it introduced procedures of domination characteristic of a particular type of power (Foucault 1995, 231).

Odera Oruka may have had in his mind far more than Foucault did. Foucault had in mind the refinement of the concept of the prison in Enlightenment-driven Europe when the evolution of the idea of punishment went, assumedly, hand-in-hand with the evolution in the moral understanding of personhood and the rights accordable to her or him. Historically, this evolution in moral understanding of human worth and dignity has led, increasingly but not conclusively, to viewing punishment as a reformative rather than an eliminative act. This is why there is a general decrease in the use of capital punishment, and, where it continues to exist, a trend towards a more humane way of carrying it out.

In Africa, by contrast, absolute power of the state as vested in the offices of state leaders continues to direct attempts to justify punishment on the perceived threats to the powers of the sovereign. Use of the military and other state forces for raids on opponents, or the execution of political opponents based upon mere disagreement over state policies, detentions without trial, or manipulation of the law to favor the interests of political leaders are just some of the moral, legal, and political abuses of the rights of persons. They are just some of the incidences Odera Oruka had in mind as defining the jungle of African politics. Inherited from the unlawful systems of colonial rule, these abuses, as seen in the policies and laws of the recently-overthrown apartheid system of white minority dictatorship in South Africa, became the style of governance in many African nations.

Foucault goes on to describe the character of the prison as a penal and corrective mechanism, and agrees with its role - which he calls a necessary evil - as justifying the deprivation of liberty that the prison imposes on the incarcerated individual. He argues that although the modern prison is an evil institution that modern civil societies need and have to live with, and although the prison still needs significant reforms, it is, in his view, a huge improvement upon the age of torture and other cruder forms of punishment. Should one look any farther than Joseph Conrad's account of the barbarism of the Belgian colonial administrators in the Congo? (See Conrad 1971).

While torture and other forms of corporal punishment target the body, the prison targets the soul, because its principal aim remains rehabilitation of convicts by putting them in confinement for a period that is rightly or wrongly determined by legal systems to be commensurate with the offense committed. Foucault argues that there should be a way to quantify loss of liberty to match the offense. The prison breaks down the soul of the individual by isolating him or her, thus subjecting him or her to near-total silence, only occasionally giving him or her glimpses of what he or she misses under these conditions by letting him or her have visits by technocrats such as chaplains and other functionaries appointed by the system.

Evidently, Foucault's reference is Western civil society as built on the principles of the contractarian theorists, and so he assumes that there are clearly-laid down legal procedures that define and identify the types and amounts or degrees of punishment as just or justified practices to sustain civility in society. He also agrees, in regard to the reformative function of the prison, that the convicts gain from their prison time not only in terms of their moral enlightenment, because, in his questionable view, the liberty lost during confinement leads to moral improvement, but also in terms of the skills they acquire and their productive usefulness to society in economic terms (Foucault 1995, 232-256).

Clearly, harsh and absolutely inhuman prison conditions such as those to which South African freedom fighters such as Robert Sobukwe, Nelson Mandela, Oliver Tambo and Walter Sisulu, -- and others too many to list -- were subjected for decades under the South African apartheid system were not yet known to the world. They were not intended to rehabilitate the inmates, as neither the labor nor other conditions they lived under provided skills for rehabilitation. Sobuk-

we later died as a result of what is widely believed to have been the effects of the inhumane isolation he was subjected to during formal imprisonment and in exiled existence later. It is hard to separate some instances of isolation from torture.

As regards prison labor and acquisition of skills, we have seen in recent years a global opposition to such views, especially in relation to the production of goods that profit the global capitalist network. The production of sweatshirts and other sports-merchandise by prisoners across the developing or economically disadvantaged world for the capitalist economies of Europe and America have led to this campaign against the exploitation of prisoners globally at both national and international market levels. Surprisingly, these are the techno-economic aspects of the prison that Foucault seemed to agree with as tolerable fallouts from the evil institution.

We have seen, however, that Odera Oruka disagrees strongly with many of these views, especially with the alleged quantitative correlation between offense and punishment, and also with the ideas of the deterrent effects of punishment (Oruka 1985, 78-86). More importantly, however, his problem with the punitive measures of society was with regard particularly to the illegal uses of these institutions by leaders, thus raising the question about the location of the line between punishment and terrorism.

Rehabilitating the Powerless

Like Foucault, Odera Oruka paints a picture of a society in which there is a crushing yet intimate contrast and opposition between the individual and the state power that is exercized over him or her. To him, this power is not limited to the institution of law enforcement: we find it in the academy as well. While torture and excessively harsh prison conditions continue to target the bodies and souls of many people under illegal actions of law enforcement agencies across Africa and the world at large, other institutions continue to marginalize ordinary people, no less effectively crushing their souls. As I already said above, the academy as an institution of society, and its personnel as the agents of its attitude and exercise of power, terrorize non-academic folk in an incessant battle for control of the production and preservation of knowledge.

In Odera Oruka's view, it appears, this attitude is a case of hypocrisy on the part of (African) scholars, as the folk knowledge which they shun is to be found in most things that they, as scientists and philosophers, also know or believe. As humans, their knowledge, beliefs, and general consciousness of the world are an inextricable part of the indigenous systems they share with ordinary folk (Oruka 1997, 269). The second case is the Western world's failure - or, in the general politics of foreign aid, unwillingness - to act to alleviate those conditions in the developing world or global South that enhance dependency and self-deprecating attitudes of inferiority.[20]

One does not need to stretch their imagination to see how this kind of attitude mitigates against the development of home-grown philosophical thought and practice. Although they are not the conventional acts of terrorism, the attitude of power and the attitude of surrender that it generates in the weak together create a formidable obstacle to broader participation by members of society in creating knowledge and building the conditions required for social harmony at local, national and global levels.

Odera Oruka's opposition to structures of power and inequality is partly to be found in his critique of liberal theories of knowledge (which I take to be the basis of his idea of including sages in the new philosophical framework), of justice, of law, and of human rights as formulated in the following conclusion of his critique of Rawls, but applicable also to his ideas about law and punishment:

Our society is to be an egalitarian or authentically socialist oriented social order. It would therefore be absurd to grant those whose tendency is for a different [capitalist or liberal] social order equal opportunity as those for the egalitarian system [as this might give the great capitalist sharks and tycoons a chance to dominate the market and tread on the less fortunate. This allowance would jeopardize the requirement in (a), [namely that "social and economic inequalities to be arranged so that they are to the greatest benefit of the least advantaged, consistent with the just savings principle"]. So if

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[20] Why, for example, should an African student studying philosophy in an African institution specialize in David Hume, or Aristotle, unless they referred to or cited them merely as examples, or in critique while writing fundamentally from an African standpoint? Or why should we sing from *The Book of Psalms* when celebrating African wisdom with our village or community folk?

the ethics of (a) is to be fulfilled it is only logical and moral that fair equality of opportunity be confined to egalitarianism (Oruka 1978, 88).

Despite its aphoristic nature, this conclusion is important in at least one major respect: it builds on the recognition that the idea of justice, although crucial to all procedural conditions of a peaceful and united society, is always under the threat of its own circumstances. In other words, Odera Oruka realizes that there are no equal beginnings: different circumstances of life for individuals and communities disadvantage some relative to the circumstances of others.

We know, for example, that from a purely psycho-physical view, a child who lacks consistent and sufficient supply of proteins will lack the brain function level required for effective learning because he or she will suffer from attention deficiency due to lack of strong cell functions in the brain which are boosted by supply of sufficient protein in the body. Such a child will go to the national examination event already deprived of the physical state required for fair competition for the best high schools and the possibility of a just or fair advancement in society. Children from disadvantaged conditions still manage generally to perform modestly, and a few even excel, but those who do are often the exception rather than the expectation.

Yet, in line with the politics of misplaced priorities, the Jubilee government in my native Kenya, as it assumed power in 2013, announced a huge expenditure to buy a laptop computer for every child at the elementary school level in the country - a populist political ploy that, if implemented, promises to be more disastrous in terms of widening the already existing gaps between people in different socio-economic brackets of society.

To be sure, the problem is neither the undesirability of the computers, nor the idea that a poor person is unlikely to see the many doors that good technology-based knowledge is likely to open, but rather whether computer literacy is likely to be more useful to, say, a Turkana, a Samburu, or a Rendille child [21] than a basic feeding program or a more reliable infrastructure system that is friendlier to a sedentary lifestyle, where acquisition of computer skills may have better correlation with a different set of life problems. In fact, as access to resources becomes more intensely competitive, it is often a no

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[21] These are three of the intensely nomadic communities in Kenya, and their circumstances can be likened to other communities with similar lifestyles across the continent.

brainer for these people to choose to invest in guns to protect their pastoral territories rather than in many years of school, especially for girls.

More fundamentally, the central problem is about whether these children of perennially nomadic communities can be considered to be positioned at an equal "original position" for a just and fair competetion with their urbanized counterparts and others in infrastructurally computer-ready settings across the country. Only time will reveal what the electronic future portends for the 70%-90% of the children whose struggle today is not how to master Windows 7 or 8, much less Windows 10, 12, 14 and those versions yet to come, or even to type at all, but, first and foremost, to be safe, and then to get regular access to the basic supplies of life, and then to read, write, and reckon or calculate at the level of the grades in which they sit to learn.

Differences of circumstances for individuals and communities within national boundaries, and between nations, make the idea of justice a mere mirage for many millions of people, as the "original position" as a common platform on which the just society is assumedly to be built is only a myth in the lives of real people. Odera Oruka's point, then, is that since there is no equality in beginnings as the basis of fairness, focus should be put on pursuit of less economically polarized, more egalitarian societies, in his language.

Let us assume that good reason should make us accept the fundamental principles of justice as the only noble path to justice, namely, that in the long run, a process of generalization will enable us to realize that the primacy of liberty enables us all, for example, to stand together at the starting line of a marathon race, and that due to the fact that we are ultimately free to choose to run the race or not to participate at all, we should consider ourselves fairly pitted to compete with the Kenyan or Ethiopian or Eritrean marathoners for the $ 1 million New York marathon prize.

So it may seem; but circumstances of real life tell a different story. Living and training conditions (geo-altitude, climatic conditions at the time of the race, personal health and bodily conditioning, among other factors) drastically cut down the winning odds for some, usually a small number, even with officers standing by to ensure people do not spike each other in sinister moves that would unfairly limit the chances of others.

But that is a marathon race, one that we could easily choose to avoid. There are only peripheral and poor similarities between a marathon race and the everyday societal life. We neither choose to live in society, nor can anyone demand that everyone abandons any advantages they may have in order for all to have a clean and fair start. In addition to the realities of living in society, the correlation between politics and sectarian interests is one that has proved - by historical fact - hard to disengage from. It is possible that the weight of these and other problems with Rawls' theory of justice may have driven Odera Oruka to suggest the reversal of the order of Rawls' principles of justice by giving priority to general welfare rather than to liberty.

Conclusion of a Non-Conclusive Interpretation

In sum, Odera Oruka's contention in the flow of the debate is that the idea of loading power into the hands of one or just a few individuals in society in matters of law-making opens up avenues toward the unnecessary privileging of these people, and makes them the ultimate determinants of the fate of others, usually the majority, in society. The debate, as you will now see, runs directly into Odera Oruka's critique of political and legal power and authority as a flawed way of thinking of community-building. It gives institutional offices - and the individuals that oversee them at any given time - the unrestrained power to terrorize citizens under the protection of the law (see Oruka 1985, Part 2).

The questioning of the contractarian view of authority and its institutionalized mechanisms of socio-political control is fundamental, as we have also seen with reference to the work of the French philosopher Michel Foucault, especially his *Discipline and Punish*, where he traces the history of the prison as a modern institution that, like torture and other forms of punishment before it, constitutes criminals, in their physical existence, as objects and targets of power in the form of disciplinary knowledge and practice. Those in control know and apply those methods they believe will "bend" their victims toward conformity to lay down desirable conduct - that they abide by the norms of society as enforced by those in power.

It is Odera Oruka's view that in Africa, as is the case in most societies currently or once ruled by dictators and despots, society's surrender of the mechanisms of implementing its will to political

authority paves the way for the blurred separation of the will of the people from that of the overreaching political officers. As you can see, the questioning of the conceptual appeal of the liberal brand of European modernity and its applicability to the African context is not just about the origin of norms; it is also about the ramifications of the European brand of modernity for societies of different socio-cultural or historical circumstances. By expressing these doubts, Odera Oruka suggests a move toward a redefinition of socio-political goals in a manner that should engender the practice of stronger democracy, which, as Odera Oruka indicates in his discussions with the late Jaramogi Oginga Odinga, should never make little of the intelligence of the people (see Odinga and Oruka 1992).

What this amounts to, among other things, is, in the spirit of an intellectual movement that regards "the world" as a network of perspectives that emerge from the experiences and interests of people in different communities, that understanding those experiences ought to be a collective enterprise that takes every disciplinary contribution as seriously as it does every cultural expression. This ought to be the foundation of a new democratic approach to the creation of knowledge for a social order that bridges the formal with the informal, the institution with everyday life.

In lieu of a conclusion, therefore, I infer, from my understanding and interpretation of both what I knew directly of and from my friend Henry Odera Oruka, and of his published work, that his love for philosophy was driven by the desire to see critical thinking, especially the type that occurs in philosophy, recognize and suggest remedies for the missteps of injustice around the world. Philosophy, he believed deeply, needs to go beyond mere theorizing, even as it continues and strengthens its focus on conceptual analysis and clarification. Philosophy is uniquely placed to identify the nature and sources of pitfalls, and to suggest alternative and better ideas and values for building societies where all will have the authentic opportunity to freely express their thoughts and to pursue happiness. In other words, philosophy ought to adopt an activist stance, at least at times, as that is the goal of ethics which, in his view, is the first discipline of philosophy.

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The Relevance of the Political Thought of Odera Oruka to Early Twenty-First Century Kenya

Reginald M.J. Oduor

Critical attention is needed in all fields. It is not good to say that we should be restricted to one area. However, as an immediate concern, we need some African philosophers to be very good thinkers in the areas of epistemology, and logic without apology that these are European matters. Many of our upcoming students tend to go into the areas of African philosophy of culture, which gives the impression that African philosophy comprises cultural philosophy, whereas one could also do epistemology - the theory of knowledge - and logic and apply them to Africa. Many dissertations being submitted to our universities tend to go in for works like 'sage philosophy'. (I have had as many as ten theses in this country alone written in this area.) Whereas this is appropriate, it should not appear as the only area. Africa is in need of a lot of social, economic and political philosophy, for example, the areas of social and legal philosophy, which could create something that could help get Africa out of its turmoil. Part of our problem is not only economic, but also the fact of not having qualitative thinking to help people get out of their quagmire. (H. Odera Oruka 1997, 214)

Introduction

In this paper, I am partly responding to H. Odera Oruka's earnest plea for diversity of research on African philosophy. More specifically, I reflect on the relevance of Oruka's own political thought to early twenty-first century Kenya. In the Special Issue of *Thought and Practice* in honor of Professor Oruka, I critically examined his account of the foundations of human rights (Oduor 2012a). Consequently, it would

be superfluous to re-state my position on that aspect of his political philosophy here. I will therefore proceed to critically examine four other themes in his political philosophy, namely, the relationship between freedom and development, the distinction between global justice and international justice, the nexus between humanity and humanism, and, last but not least, the nature of authentic democracy. My exposition will be based on Oruka's articulation of these themes in *Practical Philosophy: In Search of an Ethical Minimum* (Oruka 1997), which, most students of Oruka would agree, presents his political thought in its most coherent and comprehensive form.

I set out by presenting my own conceptualization of political philosophy. Next, I offer an exposition of Oruka's treatment of the four themes listed above. This is followed by a critique of his political thought, with specific reference to its relevance to early twenty-first century Kenya, before drawing some conclusions.

Conceptualizing "Political Philosophy"

It is crucial to bear in mind that the present paper is a work in political philosophy, operating within the framework of the conceptual tools available to this particular sub-discipline. In sharp contrast to the empirical approach of political science, political philosophy is mainly characterized by reflection in search of clarity in the meaning of concepts, the truth of claims, and the logical relationships between or among the various claims in a single system of thought on how to manage coercive power for the benefit of members of a society. I emphasize this orientation at the outset partly because after the 19th century, the empirical methodology of the natural sciences began to be increasingly applied to other scholarly domains, and gradually became dominant in academia. Consequently, the almost hegemonic view was that the study of political issues must be dependent on facts, not on value judgments, let alone metaphysical analysis. Thus, from the 1850s to the 1970s, the study of politics experienced a transition from what the political historians called "traditionalism" to "behaviorism," thereby plunging political philosophy into a crisis of knowledge legitimacy (Chen *et. Al.* 2006, 507). In fact, in the 1950s, in Britain and America, political philosophy was declared to be dead (de Crespigny and Minogue 1976, p.x).

While political philosophy experienced a revival of credibility through John Rawls' *A Theory of Justice* (1971), it continues to be vigorously attacked by social scientists. One of its most articulate challengers is Favell (1998), who questions the approach of the renowned Canadian political philosopher, Will Kymlicka, to the issue of minority rights. While Favell acknowledges that Kymlicka's *Multicultural Citizenship* (1995) represents an extraordinary attempt to put applied political philosophy to work in the empirical context of contemporary political debates about immigration and ethnic minorities in Western societies, he contends that there are methodological and interpretative difficulties of combining normative and empirical goals as Kymlicka does. Yet, historically, political theory has been closely associated with philosophy, as is evident in the work of scholars such as Plato (1945), Aristotle (2000, 2009), Augustine (1887, 1955), Locke (1960) and Mill (1972, 1999).

Despite the emphasis of political science on the primacy of facts over values, it actually presupposes values, and the critical study of values falls squarely within axiology which is a key component of philosophy. As Oruka (1997, 222) points out, political science deals with politics, and politics, like law, is an extension or application of ethics, much as this is not always clear to everyone. For example, says Oruka, to discuss the normative (as opposed to the descriptive) meaning of democracy is to pass from politics to ethics; in other words, it is to treat politics ethically or philosophically. Here, the political questions are reduced to ethical questions, and the political scientist appeals to philosophy, specifically through the subject of political philosophy (Oruka 1997, 223). Oruka goes on to assert: "Political philosophy is fundamental or primary in the whole system of political science. Every distinct political system is based on some kind of political philosophy; and a change in the political philosophy causes a change in the political system itself" (Oruka 1997, 223).

Oruka's observations above allude to the close relationship between political philosophy and moral philosophy. Indeed, political philosophers through the centuries have presupposed moral values such as freedom, responsibility, and justice. Thus, for both Plato (1945) and Rawls (1971), the goal of political organization is the facilitation of justice. As Pocock (1962, 190) correctly observes, although their prescriptions have varied, political philosophers have shared the conviction that their task is to distinguish between what is and what

ought to be, that is, between existing political institutions and potentially more humane ones. Furthermore, on the nexus between political philosophy and ethics, Isaiah Berlin (1962, 7-8) points out that when we ask what is perhaps the most fundamental of all political questions, namely, "Why should anyone obey anyone else?," we ask not "Why do men obey" - something that empirical psychology, anthropology, and sociology might be able to answer; nor yet "Who obeys who, when and where, and determined by what causes?," which could perhaps be answered on the basis of evidence drawn from these and similar fields. For Berlin, when we ask why a person ought to obey, we are asking for the explanation of what is normative in such notions as authority, sovereignty, liberty, and the justification of their validity in political arguments.

Will Kymlicka (2002) has also highlighted the link between political philosophy and ethics:

> …political philosophy, as I understand it, is a matter of moral argument, and moral argument is a matter of appeal to our considered convictions. In saying this, I am drawing on what I take to be the everyday view of moral and political argument; that is, we all have moral beliefs, these beliefs can be right or wrong, we have reasons for thinking they are either right or wrong, and these reasons and beliefs can be organized into systematic moral principles and theories of justice. A central aim of political philosophy, therefore, is to evaluate competing theories of justice to assess the strength and coherence of their arguments for the rightness of their views (Kymlicka 2002, 6).

Pocock (1962) focuses on the distinction between political philosophy and history, but his insight is broadly applicable to the distinction between, on the one hand, philosophy (political philosophy included), and, on the other, the social sciences. He asserts that the philosopher is interested in the political thought produced in so far as it can be explained in strict rationality, and in establishing the limits within which this can be done. On the other hand, the historian is as interested in people thinking about politics as he is interested in them fighting or farming or doing anything else, namely as individuals behaving in a society, whose recorded behaviour can be

studied, by the method of historical reconstruction, in order to show what manner of world they lived in and why they behaved in it as they did (Pocock 1962, 190).

De Crespigny and Minogue (1976) point out that political philosophy is the natural product of a society in which people relate to each other, not as kinsmen, fellow-subjects or comrades, but as citizens. For them, political philosophy is needed in communities whose cohesion depends upon the recognition of officers (such as king, prime minister, *strategos*, consul) possessing defined authority. Such a community is sustained by a continuous activity of accommodation which we call (following the Greeks, and particularly Aristotle) "politics" (de Crespigny and Minogue 1976, p.vii).

According to Miller (2003, 14-15), the essential nature of the task of political philosophers is to take what is known about human societies and the ways in which they are governed, and then to ask what the best form of government would be in light of the aims and values that they believe their audience will share. The assumption is that the said audience is one which is able and willing to engage in incisive philosophical reflection. For Miller (2003, 3-4), among the questions that political philosophy asks are the following:

Does it really make a difference to our lives what kind of government we have?

Do we have any choice in the matter, or is the form of our government something over which we have no control?

Can we know what makes one form of government better than another?

Moreover, the Analytical Philosophy movement, founded by Frege and Russell and articulated by Wittgenstein and others, with its focus on the nature and function of language, has left its mark on contemporary political philosophers, who have considered the definition and use of such characteristic political terms as "freedom," "liberty," "authority," "power," "rights," "obligation," "consent," "democracy" and "justice" (Urmson 1956, 163 ff.; Feinberg 1973, 2). We in Africa must do more work in this area, drawing insights not only from the great linguistic philosophers of the West, but primarily, as Wiredu (1998) encourages us to do, from our rich linguistic heritages.

It is my considered view that the role of normative reflection such as is carried out in political philosophy remains pertinent, because the distinctive conception of values embedded in the cultural elements of a body politic inform, and even restrict, its specific policies and laws. We therefore not only need to undertake an empirical study of the policies and laws actually implemented in a political community (as is done by political scientists and other social scientists), but also, as is done by political philosophers, engage in an incisive normative inquiry into the value criteria from which these policies and laws are derived (Chen *et*. *Al*. 2006, 511-512; see also Oduor 2010, 106-108).

Exposition of the Political Thought of Odera Oruka

In one sense, Oruka's political philosophy is a reaction to John Rawls' seminal work, *A Theory of Justice* (1971), in which Rawls proposed two principles of justice, namely, the principle of equal liberty (with the only basis for limitation of liberty being the equal liberty of others) and the principle of difference (based on the consideration of the welfare of the least advantaged in society). For Rawls, the first of the two principles is not only ordinal but cardinal, that is, it ought never to be put aside in favor of the second. Partly in response to Rawls' theory, Oruka (1997, 115 ff.) contends that it is difficult to formulate a universal theory of social justice, which, to be relevant, needs to take into account the level of economic advancement, historical traditions and experience, and ideological realities of the societies for which it is meant. For Oruka, it is precisely these factors that would dictate what the people regard, or ought to treat as, primary goods and fundamental rights in any society, which they must want to have whatever else they may want.

Furthermore, Oruka's political philosophy is an effort at post-colonial reconstruction - an endeavour not only to rebuild what colonialism destroyed in African cultures, but also to transcend the original achievements of those cultures by utilizing conceptual and technological innovations of the increasingly globalizing twentieth century human society. Towards this end, he addresses several themes, among which are the relationship between freedom and development, The distinction between global justice and international justice, the nexus between humanity and humanism, and, last but not least, the nature of authentic democracy. In this section, I present an

exposition of Oruka's treatment of these four themes, before offering my critique of his thought on them in the next section.

Freedom and Development

Perhaps the most salient aspect of Oruka's political thought is his view of the relationship between "freedom" and "development," elucidated in his *Philosophy of Liberty* (1991) and *Practical Philosophy* (1997). I focus here on the presentation of his views on the relationship between these two concepts in the latter publication, as it is the more coherent and comprehensive articulation of his thought in this regard. Oruka asserts that in their struggles for independence, most African nationalists did not adequately define the type of society they wanted to see after the departure of the colonial regimes, and this was due to two main reasons:

(i) They feared to provoke the so-called "constitutional" nature of the move to independence, and

(ii) By then, it seems, they had not made much progress in their "consciousness of freedom" (Oruka 1997, 106).

For Oruka, "...to be fully conscious of freedom is to be conscious of all those factors that hinder freedom" (Oruka 1997, 106). He goes on to assert that in the political context, to be fully conscious of freedom is for the subject to be acutely aware of all that gives the authority the power it has. The subject is not fully conscious of freedom if he or she is ignorant of, or has an illusion about, the nature of the power to which he or she is subjected, that is, about the essential conditions that create and sustain this power (Oruka 1997, 106). He further avers that freedom, as the need to fulfil needs, is the first condition for the enjoyment of all other rights (economic, political, religious, sexual, among others) (Oruka 1997, 107). For him, a freedom is either primary or secondary depending on whether or not it is the freedom to meet a primary or a secondary need. He asserts that a primary freedom is the freedom to maintain life, dignity, and culture, while a secondary freedom is the freedom to enrich life, dignity, and culture. On this basis, he faults those African agitators for political independence who considered freedom to enrich life, dignity, and culture to be more basic than economic freedom (Oruka 1997, 107).

Oruka is aware of the impact of language on the discourse about decolonization. This is evident when he points out that while African agitators for political independence blamed colonialism for poverty and lack of freedom, the colonialists subverted that discourse by maintaining that Africans were poor and without freedom because of underdevelopment:

> In the heat of the struggle for independence, some nationalists were preaching to the African masses that they were unfree and poor because of colonialism. The colonial powers rushed to change this "dangerous" proposition, this seed of consciousness. To the colonial powers, African people were what they were - unfree and poor - not because of colonialism, but because of underdevelopment. Thus the term "underdevelopment" removes the guilt of colonization and justifies the fact that colonial powers established regimes in Africa; the colonialists came to help Africa develop. Africa's underdevelopment, they preached, is not due to colonization - Africa was underdeveloped long before its colonization (Oruka 1997, 107).

Furthermore, Oruka observes that instead of talking about "developed" and "underdeveloped" countries, it is more accurate to talk about the "economically free" and the "economically unfree" countries, because the former terms suppress national consciousness (Oruka 1997, 108 ff.). He insists that countries deemed to be underdeveloped do not necessarily have a standard of living lower than those considered to be developed, and lists Italy, Spain and Portugal as examples of countries not considered to be underdeveloped, but whose populations have a standard of living comparable to that in some African countries. From this, he concludes that "development" has to do with income per capita rather than standard of living (Oruka 1997, 110). Indeed, he goes as far as to assert that "the term 'underdevelopment' is meant to create an excuse, in the second half of the twentieth century, for the European powers and the United States to establish themselves as economic missionaries in the Third world" (Oruka 1997, 111).

Oruka is emphatic that the term "underdeveloped" must be exposed for what it is: "A clearer understanding of the notion of

underdevelopment can be gained when the term is analyzed not simply on the basis of economic differences between nations, but rather on the basis of economic and all the socio-cultural needs and institutions that characterize a nation or a state" (Oruka 1997, 112). He goes on to note that in biology, "the undeveloped is physiologically unfree," meaning that it has no ability to meet its needs. Similarly, in the economic and socio-cultural spheres, "the undeveloped must be that which lacks the ability or opportunity (i.e., lacks the freedom) to fulfil for itself its economic and socio-cultural needs. The under-developed must be that which has only a limited degree of freedom to fulfil these needs. And the developed must be that which possesses full freedom to satisfy these needs" (Oruka 1997, 112). In similar fashion, his conception of political development places a high premium on freedom: "...a nation is politically developed only if there is political freedom in such a nation, and here political freedom entails the fulfilment of such political rights as the right of expression, the right of assembly, the right to vote and to hold different political opinions and to aspire to be a leader among others" (Oruka 1997, 113).

Based on the foregoing considerations, Oruka proposes new definitions of "development" and "underdevelopment":

> If N is a nation, the concept "N is developed" means that in N the people have their economic and socio-cultural needs fully satisfied - i.e., in N one has all the social freedoms such as economic, political, cultural, intellectual, religious and sexual freedoms.
> ……
> If N is a nation, the concept "N is underdeveloped" means that in N the people have their economic and socio-cultural needs inadequately satisfied, - i.e., in N the people do not sufficiently have all the social freedoms such as economic, political, cultural, intellectual, religious and sexual freedoms (Oruka 1997, 113).

From the foregoing reflections, Oruka infers that "there is no nation or country in the world that is fully developed." Instead, "All countries will have to detect the degrees of their development or underdevelopment by finding out what degree of social freedoms they have. And these freedoms depend on the extent to which the

economic and socio-cultural needs of a people are satisfied" (Oruka 1997, 113). It follows that "no country is, as yet, developed, and hence the phrase 'developed and underdeveloped nations' is nonsensical verbiage. The right phrase would be 'the economically advantaged and the economically disadvantaged nations'" (Oruka 1997, 114).

Global Justice and International Justice

Oruka makes a distinction between "global justice" and "international justice." According to him, egalitarianism would be more in line with global justice than with international justice. Global justice requires equal distribution of the world's wealth among its population regardless of the national, racial, technological, or geographical differences, which is to say that it requires the total eradication of inequality in the world. International justice, on the other hand, requires an internationally recognized law that would ensure that everyone has a right to a minimum standard of living: it is, at best, for the elimination of abject poverty. Thus, international justice is open to large inequality as long as everyone has a right to a minimum standard of living (Oruka 1997, 118). Rawls' exaltation of the Liberty Principle above the Difference Principle, Oruka tells us, would allow for a Society of Unbalanced or Wild Justice (SUWJ), in which, for example, it would be acceptable for a few wealthy members to live three times longer than their poor compatriots, as long as the poor compatriots had access to the basic requirements of life (Oruka 1997, 118 ff.).

For Oruka, assuming the ethics of egalitarian fairness, SUWJ can be shown to be unjust for two main reasons:

> First, great inequality in wealth and income, even in services and benefits derived from these items, is in conflict with the nature of equality required by egalitarian social existence. Part of the aim of egalitarian fairness is to suppress and eradicate, as a matter of cardinal ethical principle, any development toward inequality in wealth and liberty. Equality in egalitarian terms is an end in itself and inequality an evil to be eliminated, even at a high price. Second, the possibility for some people (a minority) in one society to acquire the means for such a good life while others (the

majority) cannot afford such means, would ensure serious disharmony, envy and distrust in the society. Yet a just society, in communitarian terms, must be free of such problems; social harmony and mutual trust and understanding between the fortunate and the unfortunate must be a condition of justice treated as fairness (Oruka 1997, 120).

Oruka insists that SUWJ is not a figment of the imagination, as Feudalism, colonialism, and the South African racist regime (apartheid) are parallels to it (Oruka 1997, 120-121). He goes on to insist that the poor masses "long for economic equality, not for the materially valueless political democracy" (Oruka 1997, 123). To those who would find this assertion unconvincing, he explains: "That economic needs are always more primary than political needs is generally true for all people. However, when the fulfillment of one's economic needs is beyond reproach, one may perhaps mistake political needs as being more basic than the economic ones" (Oruka 1997, 123).

Oruka's re-structured two principles of justice, adapted from Rawls' two original principles, are:

(1) Social and economic differences are to be arranged so that they are both (a) to the greatest benefit of the least advantaged, consistent with the just savings principle, and (b) attached to offices and positions open to those whose ethical inclination is to advance the requirement in (a).

(2) Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all (Oruka 1997, 123-124).

Humanity and Humanism

Another important concept in Oruka's political thought is "humanity," which he discusses in "Philosophy and Humanity Today" (Oruka 1997, 126 ff.). The aim of that essay is to assess the conditions of human life in his time and to evaluate the role philosophy plays, or can play, in helping to improve such conditions. He limits himself to (1) those conditions that create factors that threaten the very existence of human life on earth and (2) those

conditions that create factors that limit the freedom or enrichment of human life. Within the first group, he stresses nuclear threat and the threat of mass starvation as the most terrible and fatal dangers to humankind. Within the second group he emphasizes fear, irrational pride, and racism as the immediate dangers to human freedom today (Oruka 1997, 127 ff.). Oruka is convinced that the principle of national supererogation (which states that a state has no obligation to assist another state, so that if it does assist, it is an act of magnanimity for which it is owed gratitude) in the modern world can be overriden by the principle of "the right to a human minimum." He tells us that the principle of national supererogation is borne out of the confusion between the principles of "territorial sovereignty" and "national sovereignty," of which the former is relative and the latter absolute (Oruka 1997, 131-132). He explicates his understanding of "humanity" as follows:

> Humanity is the totality of human existence. It is an abstract expression of man and his existence. And although humanity is a part of nature, it is not itself a necessary part of nature. Nature can go on and has gone on without man. Man can totally destroy himself, but he cannot totally destroy nature. Nuclear threat, for example, is a threat against humanity on earth. And although nuclear power can totally destroy man and a significant part of the planet earth, it will still leave most of nature intact. And suppose it comes when some people have started life on other planets. Those people would survive it (Oruka 1997, 126).

According to Oruka, the world needs to be humanized. This humanization requires not simply the eradication of abject poverty but also rational plans and action for the abolition of human degradation and injustice, not merely between the rich and the poor countries, but also among the rich themselves and among the poor as a group (Oruka 1997, 132). To elucidate this position, he offers "Parental Earth Ethics" (Oruka 1997, 146 ff.), where he proposes that all the countries on earth jointly constitute a family, and, as such, all of them will ultimately be disadvantaged if the materially better endowed among them neglect to assist those less endowed. In his own words, "the earth, or the world, is a kind of family unit in which the

members have a kith and kin relationship with one another and the earth is a commonwealth to all humanity" (Oruka 1997, 150). For him, Parental Earth Ethics "is a basic ethics for both a global environmental concern and for global redistribution - i.e., aid" (Oruka 1997, 150).

Oruka's prescription for the prevention of a nuclear holocaust and world hunger is a one-world government:

> A permanent security for mankind calls for a government of mankind - i.e., only a world government with the legitimacy and ability to override, if need be, the wills and interests of the given nations of the world can ensure permanent security for mankind. It is not difficult to foresee that given the current state of the world, the rate of the arms race and moral decay, man is lucky if he survives another fifty years.

Philosophers and other theoreticians should now begin to take the question of conceiving and formulating principles and values seriously, which would persuade the nations of the world to form a world government. Already there is a step in this direction in the United Nations General Assembly. What is needed is a philosophy that would help strengthen the right of the assembly to take precedence over the will of any one nation, however great and wealthy she may be (Oruka 1997, 133).

A related central theme in Oruka's political thought is "humanism," which he articulates in "Philosophy and Humanism in Africa" (Oruka 1997, 138 ff.). He tells us that "the ultimate or most basic standard of moral good is or should be humanism, which in this context means the quality and security of human life." He goes on to equate humanism with a philosophy, stating that the politically and ethically undesirable state of many African countries is due to "the absence of a philosophy or humanism that would help point out the minimum requirement of moral or human good that cannot be contravened without making human life a mockery and a tragedy" (Oruka 1997, 138). He refers to a typical one-party or military autocratic African state of the 1970's and 1980's as an "African Republic of Inhumanity and Death" (ARID) (Oruka 1997, 142). Of such a state he writes:

The value of human life in ARID is below the minimum demanded by humanity, and intolerable to any normal human conscience. Life is hard and godless; it is "brutish, nasty and short." Thus ARID is completely arid when the question of humanism is raised. There is no single humanist ideal in it. And worse still, there is no philosophy or ideology coming to it either from within or without that would help liberate the people (Oruka 1997, 143).

The role of philosophy in ARID is to "contribute to the ideals of humanism and moral good in Africa by postulating alternative and negating systems of thought to combat the current prevailing and dehumanizing ethics of political might. Such a system may offer a weapon and inspiration for liberating and avoiding any social order of the ARID type"; and this will entail delinking philosophy from ethnological or religious beliefs (Oruka 1997, 144). Nevertheless, Oruka is careful to point out that philosophy alone cannot overthrow an ARID regime; what it can do is to encourage a culture of critical thinking in the citizenry that will hopefully catalyze the process of liberation (Oruka 1997, 145).

The Nature of Authentic Democracy

Oruka views democracy as a system of government which makes it possible for *all* the citizens to meaningfully participate in determining the legal and policy direction of their country. He asserts that contrary to the claims of professional politicians in both capitalist and socialist countries, there is very little democracy in the contemporary world, since almost nowhere do the vast majority of people really influence decision-making on essential matters. The lack of such participation is a lack of freedom, and the threats to human freedom, even though not as immediately serious as the threats to human survival, make human life extremely frustrating: "They make man's life very little different from the life of a caged animal" (Oruka 1997, 133).

According to Oruka, there are two kinds of threats to human freedom: the threats from nature and the threats from fellow human beings. Instances of the former are hurricanes, storms, floods, and drought, while those of the latter include fear, greed, and irrational

pride (Oruka 1997, 133). He is of the view that fear is the main obstacle to democracy:

> The fear among citizens within nations themselves is the factor which, more than anything else, explains civil wars such as those of Nigeria (Biafra) and Uganda in Africa, Nicaragua and Ensyluado in South America, Ireland and Spain in Europe. Fear among citizens is also responsible for observed facts that some leaders in some countries tend to stay in power til death. They have the fear, which in many cases may be right, that their successors will not be nice to them. It also explains, therefore, why there is very little democracy in many countries of the world (Oruka 1997, 134).

After bemoaning the regress to autocracy in many parts of the world in the 1970's and 1980's, Oruka declares, in his conclusion to "Philosophy and Humanity Today," that "it is now a moral duty for philosophers and the scholars of humanity the world over to study the state of the world and suggest how a new and sustaining global democratic spirit can be born" (Oruka 1997, 136).

Critique of Oruka's Political Thought

Oruka contributed significantly to the development of contemporary political philosophy within the African context. Below, I present what, in my view, are some of the achievements and shortcomings of his political thought, with specific reference to its relevance to early twenty-first century Kenya. The reflections below do not isolate the themes as outlined in the foregoing section. Instead, they treat Oruka's political thought as an integral system.

Analysis of Key Terms

Oruka deserves high commendation for his awareness of the power of language to influence any discourse and action, but particularly political discourse and action. His grasp of this insight is perhaps most evident in his discussion of freedom and underdevelopment outlined above, but it is certainly not the only place in

which it is evident. For example, concerning the discourse on mass starvation and nuclear threat he writes:

> One of the theoretical tasks at stake is for the theoreticians to analyze the prevailing terminologies and the dominating concepts in the ongoing debates concerning the questions of nuclear threat and world hunger. In so doing, they are likely to suggest possible alternative conceptions and vocabularies (*sic*) on these questions. Put into practice, these new concept-tions and vocabularies (*sic*) should create ideas and language that are better equipped to serve the need for humanization, the need for a better world for mankind than the world of nuclear threat and mass starvation (Oruka 1997, 132-133).

Oruka has reminded us that the careful choice of terminology in political discourse is crucial. As Parmar (2000) correctly observed, philosophy is not contented to operate with old categories; rather, it recognizes the need to throw new life into key words. In the context of political philosophy, this is partly due to the realization that dominance is exercized today through categories that are embedded in systems of knowledge (Parmar 2000). In his celebrated essay, "Politics and the English Language," George Orwell (1946) observed that "political language has to consist largely of euphemism, question-begging and sheer cloudy vagueness." He added:

> Political language - and with variations this is true of all political parties, from Conservatives to Anarchists - is designed to make lies sound truthful and murder respect-able, and to give an appearance of solidity to pure wind (Orwell 1946).

In this sub-section, I seek to illustrate that in pointing to the potential of language to pervert political discourse, Oruka contributed significantly towards a scholarly reorientation of public debate on pertinent issues, with a view to removing mental bottlenecks to addressing the problems of a typical post-colonial African country such as Kenya. However, I go on to show that in continuing to use some of the terms whose appropriateness he had questioned, and in

using terms inconsistently in other ways, he did not always adhere to his own prescription.

Underdevelopment

Oruka's analysis of the post-colonial predicament, with specific reference to the false dichotomy between "developed" and "under-developed" countries, appropriately provokes us to re-examine the meaning of terms that we often use without due reflection. The use of such terms clouds our thinking on pertinent issues. Claude Ake (2011) would agree with Oruka that the Western-dominated theory of political development, with its persistent distinction between "developed" and "underdeveloped" countries, encourages depend-ence and inculcates a sense of inferiority in the inhabitants of economically disadvantaged post-colonial countries:

> The [Western-dominated] theory of political development hinges on the popular distinction between 'developed' and 'underdeveloped' countries. 'Developed' countries have achieved the desired state of being. All sorts of positive characteristics are associated with that achievement. They are more democratic, more responsive to the needs of their citizens, more stable, more able to command the loyalty of their people, more resilient, etc. 'Underdeveloped' political systems, for whom the desired state of being is still only a possibility, have all sorts of liabilities: their solidarity is mechanical; they lack resiliency; they lack the conditions for democracy; they are unstable; they have very limited ability to respond to the needs of their citizens, to regulate behaviour and to elicit loyalty. Insofar as Third World social scientists and students accept theories such as this model of political development - and it is quite clear that many of them do - and phrase their political history in terms of this theory, in effect they acknowledge their own inferiority and the superiority of the West. Their drive for development becomes a manifestation of their belief in their own inferiority and reinforces this belief. By extension, this drive will also involve looking up to the West since it occupies the superior and enviable position of having attained the 'good'

state of being. With such dispositions, the will to assert oneself is undermined, the tendency to be dependent on the West is reinforced, and people become all the more available for domination and exploitation (Ake 2011, 11-12).

However, it is disappointing to see Oruka using the very term he has discredited in his discussion of Rawls' egalitarian justice, where Oruka talks of his own revised Rawlsian theory as being "suitable and attractive for the realization of justice in a modern *underdeveloped* country" (Oruka 1997, 115; see also p123; emphasis mine).

People, Nation, Nation-state and Country

Perhaps the greatest inadequacy in Oruka's use of terms is with regard to the terms "people," "nation," "nation-state," and "country." In some places, he writes as though "nation" and "state" are synonyms (see for example Oruka 1997, 113). In his discussion of the principle of "national sovereignty," and what for him is the corollary principle of "national supererogation," he misuses the terms "nation" and "nation-state." Concerning the principle of "national supererogation," he writes: "This principle arises as a corollary of the well-known principle of territorial sovereignty, a principle that consists of the claim that a people organized into a nation-state with a given geographical region has the absolute right to the territory and the resources in it" (Oruka 1997, 130-131). Here he talks of "a people organized as a nation-state." Nevertheless, the terms "people" and "nation-state" are themselves largely inapplicable to post-colonial African states, forcefully constituted as they were by the Western imperial powers that arbitrarily lumped conglomerations of ethnic groups with irreconcilable aspirations into single polities. Thus, while the Germans, French, Italians, Yoruba, Akan or Luo could each be correctly considered as a "people," and could therefore be organized into a "nation-state," the more than forty-two ethnic groups in Kenya can only be organized into a multi-ethnic or multi-national state, *not* a nation-state. Indeed, the term nation-state is traceable to some of the great European nationalists of the 19th century, such as Otto von Bismarck and Giuseppe Mazzini, who sought to organize their ethnic groups (Germans and Italians respectively) into autonomous political

entities that would serve as vehicles for the pursuit of their collective aspirations.

Oruka's indeterminate use of the term "nation" in reference to post-colonial states inside and outside of Africa is again seen when he writes that "the fear among citizens within nations themselves is the factor which, more than anything else, explains civil wars such as those of Nigeria (Biafra) and Uganda in Africa, Nicaragua and Ensyluado in South America, Ireland and Spain in Europe. Fear among citizens is also responsible for observed facts that some leaders in some countries tend to stay in power till death. They have the fear, which in many cases may be right, that their successors will not be nice to them. It also explains, therefore, why there is very little democracy in many countries of the world" (Oruka 1997, 134). Note that, here, he writes as if "nation" and "country" are synonyms, contrary to the facts: a "nation" is a group of people with shared cultural and political aspirations, whereas a "country" is simply a territory governed by a particular political authority. Furthermore, the persons he refers to as "citizens" in specific post-colonial African states often pledge their first allegiance to their ethnic groups, rather than to the colonial outfits such as Kenya or Nigeria.

In addition, the term "people" is one whose meaning is problematic in political discourse. Quite often, it simply refers to "individuals," and, in such contexts, its use is clearly non-contro-versial and apolitical. However, at other times it is used as a synonym of "nation," in which case it is only correctly applicable to a polity based on a shared culture and shared aspirations, as is the case with the German, Italian, or Portuguese polities in Europe. However, the United Nations, with its heavily Western liberal leaning that seeks to downplay cultural diversity inside individual polities, incorrectly uses this term in reference to the subjects of post-colonial states. Thus, the U.N. Security Council frequently refers to the subjects of Kenya as the "people" of Kenya, despite the fact that Kenya, like most post-colonial African states, is *not* a nation, but a multi-ethnic state. Indeed, critics contend that the concept of "peoplehood," central to the post World War I Wilsonian idea of self-determination, is a fuzzy one, as there is no consensus on what kind of group comprises a people (Bartkus 1999, 112-113). In this regard, Ivor Jennings (1963, 56) famously commented, "on the surface it seem[s] (*sic*) reasonable: let the people decide. It [is] in fact ridiculous because the people cannot

decide until somebody decides who the people are." Oruka does not seem to be adequately aware of this fact, as is evident in his use of the term "people" in his illustration, earlier cited, of what a "developed" and an "underdeveloped" country would be.

It is noteworthy that John Stuart Mill, the renowned Western proponent of liberal democracy, assumed that in each country (territory) there would be only one "nation" (a people with a shared history and culture), and that this "nation" would wish to form itself into a political entity, thereby becoming a "nation-state" (Mill 1890, 285). This framework is totally inadequate for the African context, where the states we have are the direct result of colonialism.

Failure to have the distinctions above clearly in mind contorts public discourse in many African countries today, as it has done for more than half a century now. For example, it is saddening to note that those of us in a certain East African colonial creation are now being encouraged to disown our ethnic identities, and to regard ourselves first and foremost as belonging to a "nation" called Kenya. How can we be forced to consider an identity imposed on us to take precedence over our ethnic identities that go back several centuries? While the Kenyan national anthem speaks of Kenya as a "land and nation," Kenya is certainly a land - a landmass - but it is *not* a nation. The concept "Kenya" is not even a century old. The formal inauguration of the Imperial British East Africa Company rule occurred in 1888, followed, more officially, by the declaration of British East African Protectorate on 1st July, 1895 (Kihoro 2005, 8). An 1886 Anglo-German agreement had delineated the sovereignty of the Sultan of Zanzibar from the country's coastline to ten miles into the interior (Brennan 2008, 838). In 1895, the Sultan of Zanzibar leased the administration of the strip to the British. These events set in motion the process of placing different ethnic communities (nations), with their diverse systems of government, within one large and new area of central administration (Olumwullah 1990, 88; Jonyo 2002, 90). The territory beyond the ten-mile coastal strip was declared to be "Kenya Colony" in 1920 (Omolo 2002, 213). Thus, while the ten-mile coastal strip continued to be referred to as a Protectorate, the rest of the country was henceforth referred to as the Kenya Colony (Brennan 2008, 831). Nevertheless, the British administered the Protectorate and the Colony as a two-in-one unit out of expediency (Hassan 2002). No wonder Kenya has not managed to adequately address the factors that

sustain secessionist aspirations in various parts of the country (see Oduor 2012b, 82 ff.).

In Kenya, one manifestation of the serious disconnect between the state and its subjects is to be found in the Turkana homeland in the north-west of the country, an area neglected by successive Kenyan governments, with the previous government and the present one taking a keen interest in it only because of the discovery of substantial fossil oil and water resources there. When a Turkana is travelling to Nairobi, the country's capital, his or her kinsmen say that he or she is "going to Kenya," indicating that as far as they are concerned, they do not live in Kenya, and are therefore not Kenyans.

Similarly, the Luo *nyatiti*[1] minstrel, Ogwang' Lelo, once sang about the well known 1986 civil suit between members of the Umira-Kager Clan (one of the Luo clans) and Wambui Otieno, the Kikuyu widow of the prominent criminal law advocate, S.M. Otieno, who was a member of the clan. The controversy was around the issue of where to bury S.M. Otieno, with the Umira-Kager clan insisting that he was a Luo, and had to be buried in his ancestral land, while Wambui firmly held that her late husband had to be buried in the home he had built in Upper Matasia, Ngong, in the outskirts of Nairobi. Her position was based on the view that since Otieno was a Kenyan, he could be buried anywhere in the country, not least on his own acquired property away from the ancestral land. It will be recalled that the court sought the views of the late Professor H. Odera Oruka on the matter. Below is an exerpt from the narration by Ogwang' of that epic court battle:

> *Gimajony Othieno kaduogo Kenya, oyudo nyako nyar jo Narobi;*
> *To Othieno kendo b'Othieno odak kodo.*
> *Othieno odak gi nya'ni mwaka mang'eny, ginywolo jo mang'eny.*
>
> *Ae bang'e to Othieno to tho nego - Othieno yamo kao.*
> *To Kager Umira towacho n'Othieno Ja Umira - nyaka duok Umira idok iko Umira;*
>
> *….*
> *Jaod Othieno toramo n'Othieno ja Kenya - iiko kata Kenya;*

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[1] The *nyatiti* is an eight-stringed lyre found among the Luo of Kenya, mainly in Siaya County. It serves as background music to vocal performances that comment on a variety of social and political issues.

Jo Umira to odhierre n'Othieno ja Umira - ja Umira, ja Kager Umira to ok ik Narobi:

Waduoko dhi Umira - iduoko Nyalgunga.

Ja od Othieno to bende odhierre n'Othieno to ja Kenya - oiko Kenya, n'iko kata Ngong'u, Othieno iiko Lang'ata.

(What landed Othieno[2] in trouble is that when he returned to Kenya he met a girl, a daughter of the people of Nairobi:

Othieno married her and lived with her;

He lived with this woman for many years, and they had many children.

Later Othieno died;

Then Kager Umira said that Othieno is a man of Umira, so he must be taken back to Umira - he must be taken back for burial in Umira;

….

However, Othieno's wife insisted that Othieno is a Kenyan - he can even be buried in Kenya;

But the people of Umira were adamant that "Othieno is a man from Umira - a man from Umira, and a member of the Kager clan from Umira cannot be buried in Nairobi:

"We are taking him back to Umira, we are taking him back to Nyalgunga."

But Othieno's wife was equally adamant that "Othieino is a Kenyan - he can be buried in Kenya, he can even be buried in Ngong, Othieno will be buried in Lang'ata").

Note that Ogwang' made a distinction between Nyalgunga (the homeland of members of the Umira-Kager Clan, the late S.M. Otieno included) on the one hand, and "Nairobi," "Kenya," "Ngong," and "Lang'ata" on the other, all of which he viewed as representing that alien identity and territory separated from the Umira-Kager homeland both by distance and worldview.

It is also noteworthy that while the Luo of Kenya often feel like total strangers in non-Luo parts of the country, they and the Luo of

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[2] The Luo of Siaya County from where the famous advocate hailed frequently pronounce the name as "Othieno" rather than "Otieno."

Tanzania have a strong mutual affinity, as they are really one ethnic group. Indeed, the border between Kenya's largely Luo Migori County and the North Mara region, where the Luo of Tanzania live, is the result of the arbitrary partitioning of Africa by the greedy European imperial powers during the 1884/85 and 1890 Berlin Conferences. Thus, the late popular Luo musician, Daniel Owino Misiani, who hailed from Shirati in the North Mara Region of Tanzania, was very comfortable among the Luo of Kenya, and spent a sizeable portion of his life among them.[3] Indeed, my acquaintance with Kenya's Luoland and its clans and sub-clans is a pale shadow of his. Furthermore, his incisive analysis of the Kenyan Luo politics of his day is solid evidence of his close and cordial interaction with the Luo of Kenya.

The case of another late popular Luo musician, Ochieng' Kabaselleh, sheds further light on the Luo conception of identity that drove the Umira-Kager Clan to so passionately execute the epic court battle referred to above. During most of his lifetime, Kabaselleh believed that he belonged to the people of Ujimbe in Gem, now also part of Siaya County. He even composed a famous song, "*Malit Osiko Ujimbe Dala* (Painful things are Constantly Happening in My Home in Ujimbe)," in which he mourned the deaths of so many of his kinsmen and kinswomen in Ujimbe, powerfully describing the unique contributions that each of them made to his life. However, towards the end of his life, he was told that his biological father was not from Ujimbe after all, but rather from Kokise in Asembo, another area in present day Siaya County. He immediately set about 'reconnecting' with his kin in Kokise, and even composed the song "*Wuora Ogola Adoyo* (My Father Ogola Adoyo)," in which he declared "*A JaAsembo Kokise* (I am a man from Kokise in Asembo)," imploring his kin in Kokise for forgiveness for having been lost in "*piny moro* (another land)," and deeply mourning that his biological father, Ogola Adoyo, had died before he (Kabaselleh) had come back home. If a Luo can feel that he or she is a stranger in a part of Luoland, regardless of how long he or she has lived there, simply because it is not his or her ancestral land, how much more of a stranger does he or she feel in any other part of Kenya?

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[3] I am indebted to my colleague, Humphrey Ojwang', for an accurate rendering of the facts about the Luo of Tanzania.

Early twenty-first century Kenya, like many other African countries, is heaving under the weight of a public discourse that conflates 'nationhood' and 'statehood' with politicians meticulously working out their political arithmetic in terms of ethnic loyalties, all the while hypocritically admonishing the masses to shun 'tribalism,' and to think of themselves first and foremost as belonging to the "Kenyan nation." The result is the obscuring of the urgent need for a candid public debate on ways to equitably share the country's resources among its various ethnic groups, and thereby to secure its stability by enhancing its legitimacy. Thus, just as Oruka made a distinction between nations and races (Oruka 1997, 133), he ought to have made distinctions among "people," "nation," "nation-state," and "country." Consequently, African and Africanist political theorists, both from the humanities and social sciences, have much work to do in proposing ways of managing the reality of diverse and even conflicting ethnic interests in post-colonial African states such as Kenya.

Humanism

Oruka's explication of the term "humanism" is also inadequate. At one point, he indicates that he uses "humanism" to refer to "quality and security of human life." However, on the very same page, he equates humanism with a particular philosophy (Oruka 1997, 138). Yet the quality of life *cannot* be a philosophy, although prescriptions about what quality of life to work towards can.

Half-hearted Rejection of Liberal Democracy

It will be recalled that in Oruka's view, in order for Rawls' theory of justice to be suitable for a typical post-colonial country ravished by rampant poverty, it ought to be revised so as to have the first principle as the second and vice-versa (Oruka 1997, 123). He tells us that the purpose of this reorganization is to salvage the egalitarian element in Rawls' theory, and to make it serve the aims of ensuring a communitarian social order (Oruka 1997, 124). He correctly sees the nexus between capitalism and liberal democracy when he writes that "The main characteristics of capitalism as supported by the liberal political

philosophy are private property, individual formal (not substantive) liberty and political (not economic) democracy" (Oruka 1997, 121).

I concur with Oruka's prescription on the need for the pre-eminence of social justice over formal individual liberty, on the basis that the liberal democratic order which Kenya set out to build with the attainment of political independence has failed due to the country's socio-political realities, that are markedly different from those in the countries in which liberal democracy was spawned. Whereas the preoccupation of the middle-class Western designers of liberal demo-cracy was the so-called civil liberties (such as freedom of assembly and freedom of movement), that of most post-colonial societies is the quest for ways of eliminating rampant abject poverty with its multifarious degrading effects. Indeed, the vote-buying so common in African countries is only possible because of the desperate material conditions of the vast majority of the electorate. Oruka correctly opined that under these conditions, it is meaningless to give the promotion of civil liberties pre-eminence over the quest for social justice.

Nevertheless, Oruka's rejection of liberal democracy is *not* thoroughgoing. This is evident in the way he uses terms from classical liberal democratic discourse in his discussion of global politics. We have already pointed out his muddled use of the terms "people," "nation," and "Nation-state" after the manner of the United Nations with its heavily Western liberal democratic leaning. What we did not make sufficiently clear in that discussion is the fact that Oruka does not question liberal democracy's vision of an ethnically-blind society in which the individual is guided by his or her own personal interests rather than those of the society. As such, he or she is assumed to vote to promote his or her personal interests without consideration for the interests of others. As Ake (2011, 7-8) has correctly noted, this view of human nature, central to liberal democracy, is not universally applicable, but, rather, is a product of the capitalist Western society. In sharp contrast to that individualistic vision, many Africans are loyal to their ethnic groups, and their voting patterns are determined by this very loyalty. Therefore, there is need for African political philosophers to inquire into viable models of democracy that take this fact into account, instead of vilifying the African masses for it. I will be saying more on this below.

Another instance of the failure of Oruka to adequately think beyond the Western liberal democratic model has to do with his

discussion of the democratization of Africa, where he seems to equate this with an attainment of the typical liberal democratic indicators of a successful democracy, usually referred to in the West as "civil liberties." This is evident when he writes that "…a nation is politically developed only if there is political freedom in such a nation, and here political freedom entails the fulfilment of such political rights as the right of expression, the right of assembly, the right to vote and to hold different political opinions and to aspire to be a leader among others" (Oruka 1997, 113). Yet his own revision of Rawls' theory prioritizes social justice above the so-called civil liberties. All this suggests that he had not fully worked out a clear conception on what democratization essentially entails, namely, the meaningful and maximal participation of *all* citizens in the governance of their polity.

Post-colonial African states, most of which emerged in the late 1950's and early 1960's, were established on liberal democratic constitutions that were soon put aside through military take-overs, or subverted by civilian governments that, in many cases, established one-party dictatorships in their place. The continent-wide agitation for constitutional reforms, which gained momentum in the late 1980's, is evidence that the imposition of constitutions based on Western liberal democracy resulted in disfunctional states.

Of even greater concern is the fact that the re-introduction of multi-party systems of governance in several African countries, from the early 1990's onwards, met with challenges very similar to the ones experienced at the dawn of independence. This is largely due to the fact that even the so-called second-generation constitutions that began to emerge in the continent in the 1990's have largely been grounded on a liberal democratic theoretical orientation. Thus, in the 1990's, newly elected governments were overthrown either through military coups (Sierra Leone, Burundi and Corte d'ivoire), or at the hands of armed guerrilla movements (Congo-Brazzaville). In other cases, adulterated multiparty elections resulted in the retention and legitimization of the continent's longstanding authoritarian civilian regimes (Burkina Faso, Cameroon and Kenya). Even where there was a successful change of guard through credible multi-party elections, new, ostensibly democratic regimes quickly assumed an authoritarian character typical of their predecessors (Zambia and Malawi). A few others remained aloof to these democratization initiatives (Sudan and Ethiopia) (Chweya 2002, 1-2). The scenario in early twenty-first

century Africa remains largely unchanged, with political instability occasioned by adulterated elections and military coups. Consequently, African political theorists must now go beyond Oruka's vision, with a view to proposing models of democracy that are not beholden to liberal democracy, and that address the peculiar socio-political realities of their countries.

Democracy Incorrectly Equated to Majoritarianism

Oruka seems to see a close relationship between democracy and majoritarianism. True, he acknowledges that a person with a democratic frame of mind is willing to listen to opinions that are contrary to his or her own, but goes on to assume that the only way we can have a democracy is to make decisions on the basis of majority opinion:

> …democracy is the form or practice of government in which the opinion of the majority should reign, only that, in a situation where no truth-claim is certain, it is morally and practically advisable to accept the verdict of the majority and this is often the case in political practice (Oruka 1997, 135).

Nevertheless, Oruka's assumption that there is a close association between democracy and majoritarianism ought to be re-examined. Literature abounds on various ways of conceptualizing democracy, and David Held's *Models of Democracy* (1996) deserves special mention in this regard. The upshot of the discussion in this literature is that since the essence of democracy is meaningful and maximal participation by *all* citizens, democracy can no longer be equated with majoritarianism. This is why there is now talk of proportional democracy, participatory democracy, deliberative democracy, decisions-by-consensus, federalism, and consociationism, among others.

A majoritarian view of democracy assumes that a vote of 51% to 49% justifies the putting aside of the views of the 49% - an error which is now acknowledged even by many liberal democratic theorists whose predecessors championed majoritarianism. For example, Wollheim (1962) pointed out that it is not always clear which legislation should be enacted in a democracy given the choices of the individual citizens, if all we take into account are the first choices of

the citizens. Yet in a purely majoritarian system, a candidate can be declared the winner with 30% of the votes if the remaining 70% of the votes are fragmented. Indeed, even as early as the nineteenth century, John Stuart Mill had already distinguished between true democracy, in which all are represented, and false democracy, in which only the majority is represented (Mill 1890, 126).

Inadequate Attention to Ethnicity in Africa's Democratization

While Oruka spoke about the need for democratization in Africa, it is difficult to find his comments on how to address the challenges of the multi-ethnic nature of many African states. Lentz (1995, 303) correctly predicted that, in the years to come, ethnicity, in whatever concrete forms and under whatever name, would be so important a political resource and an idiom for creating community, that social scientists and anthropologists had no choice but to confront it. In my view, this imperative equally applies to political philosophers.

During the era of single party rule, African states combined the free trade policies of Western countries with the centralist political framework of the former communist countries to produce an oppressive monstrocity that perpetuated the subjugation of those ethnic groups that did not have a grasp of state power: this is what Hellsten (2009) refers to as "Afro-libertarianism." By the time multiparty politics was re-introduced in the early 1990's, many ethnic groups were so economically and politically disadvantaged that it was relatively easy for the single-party rulers to retain power. The win-lose nature of multiparty competition continues to act as an important element in reducing the willingness of those in power to concede electoral defeat to the opposition (Hameso 2002). This is reason enough for African political theorists to invest their efforts in identifying strategies for promoting social cohesion through the constitutional recognition and protection of ethnic identities and interests in multi-ethnic societies such as Kenya's (Oduor 2012b). This will certainly entail jettisoning the narrow conception of democracy as Western liberal democracy.

Furthermore, what is called "common citizenship" in a Western-type liberal democratic multi-ethnic state, where the citizens' ethnicity is officially ignored, in fact involves supporting the culture of the majority ethnic groups (Taylor 1994, 43; Kymlicka 1995, 110-111). For

example, in Western countries, the languages of the majorities become the official languages of the schools, courts and legislatures. While, in the context of the Constitution of Kenya, the official languages (English, Kiswahili and Kenyan sign language) are not the languages of majority ethnic groups, the government's policies on other cultural elements such as economic activity (hunting and gathering, pastoralism, or agriculture) has a direct negative impact on the country's ethnic minorities (see Oduor 2012b Chapters 2 and 3). Such policies constitute a significant inequality which, if not addressed, becomes a serious injustice (Kymlicka 1995, 109, 183).

When ethnic consciousness is ignored or castigated in the name of "nation-building," resentment develops among those who value their ethnic identities. In this regard, Narang (2002) has written:

> People invariably retain an attachment to their own ethnic group and the community in which they were brought up. There is an interdependence between the individual and collective processes of identity formation. Thus individuals expect to recognize themselves in public institutions. They expect some consistency between their private identities and the symbolic contents upheld by public authorities, embedded in the social institutions, and celebrated in public events. Otherwise, individuals feel like social strangers, they feel that the society is not their society (Narang 2002, 2696).

Moreover, Aristotle correctly noted that a state is a community of interests based on the family (Aristotle 2009). Among the Kenyan masses, the deep sense of kinship, with all it implies, is one of the strongest forces governing social life. As Mbiti (1969, 104) put it, "almost all the concepts connected with human relationship can be understood and interpreted through the kinship system. This it is which largely governs the behavior, thinking and whole life of the individual in the society of which he is a member." Consequently, it is inconsistent for the Kenyan state to profess to support marriage and the family, while castigating loyalty to ethnic groups which are seen by the vast proportion of its population as constituting their extended families. Just as it is necessary for one to accept and to have a degree of pride in one's ancestors, so it is desirable to draw strength from association with an ethnic group whose traditions enrich one's life

(Okondo 1964, 37; Hunt and Walker 1974, 442). Thus, while many view ethnic consciousness as being antithetical to Africa's democratization, it can actually catalyze it by complementing other forms of representation in multi-ethnic African states (Hameso 2002). Yet, while Oruka acknowledged Kenya's ethnic diversity, proposing to use it to build a "national culture" through his sage philosophy project (Oruka, ed. 1991), he seemed to have been too preoccupied with the quest for philosophic sages among the various ethnic groups in Kenya to address the competing interests of those ethnic groups.

It is noteworthy that a number of countries have factored their ethnic diversity into their governance structures, yet they have not faired worse than countries such as Kenya which have not. For example, the Lebanese constitution predetermines the ethnic composition of the entire parliament, and of key positions such as the president and the prime minister (Reilly and Reynolds 1999). Indeed, in some multi-ethnic societies in which ethnic groups are recognized as legitimate, as is the case in Mauritius and Botswana, ethnic politics has been shown to be compatible with democracy. This is due to the fact that the recognition of group political rights reassures ethnic minorities about their liberties and security, reducing the incentive for civil war, secession, and the defense of co-ethnics across their borders (Rothchild 2000, 6; Talbott 2000, 160). Thus, while I concur with the argument of Amartya Sen (2006) for a rational awareness of our multiple identities in combination with policies promoting such awareness to mitigate ethnic hatred, Sen's position does not necessarily imply an ethnically blind public policy. Indeed, it is because human beings frequently choose to highlight one of their identities above others that politicized ethnicity has thrived in many countries, Kenya included. Simply preaching against negative ethnic consciousness while allowing the flourishing of ethnically based politics, as the Jomo Kenyatta, Daniel Moi and Mwai Kibaki regimes consistently did, did not avert the near cataclysm that was the post-2007 elections crisis - it actually led to it.

In view of the foregoing observations, I concur with Ake (1993) that Africa's problem is *not* ethnicity, but rather socio-political conditions conducive to its being abused:

> …ethnicity supposedly epitomizes backwardness and constrains the development of Africa. This presupposition is

misleading, however, for it is development rather than the people and their culture which has to be problematized. Development has to begin by taking people and their culture as they are, not as they might be, and proceeding from there to define the problems and strategies for development. Otherwise, the problematic of development becomes a tautology. The people are not and cannot be a problem just by being what they are, even if part of what they are is ethnic consciousness. Our treatment of ethnicity and ethnic consciousness reflects this tendency to problematize the people and their culture, an error that continues to push Africa deeper into confusion.....The point of course is not to romanticize the past and be captive to it but to recognize what is on the ground and strive to engineer a more efficient, less traumatic, and less self-destructive social transformation (Ake 1993).

Ake (1993) goes on to warn that the usual easy judgments against ethnic consciousness are a dangerous luxury at a time when long-established states are decomposing under pressure from ethnic and nationalist assertiveness, and when the international community is shrugging off their demise. For him, the enormous implications of this for Africa, where hundreds of ethnic groups are squeezed chaotically and oppressively into approximately 50 states, are easy enough to imagine.

Call for a One-World Government

Oruka's call for a one-world government, with the U.N. General Assembly as part of it, raises a number of questions which he did not address.

First, can the current dominant world powers, and even smaller states, be convinced by moral arguments to cede their sovereignty to a world government? Having gained their sovereignty through constitutional or military struggle, based on some form of ideology of liberation, how would they be convinced to repudiate their gain for an imperial type of government, albeit one which claims to promote democracy?

Second, on which cultural orientation would the world government be based? What criteria would be used to choose one particular orientation above all others?

Third, the practice of democracy in the various states of the world continues to be a formidable challenge: would this challenge not increase exponentially with the establishment of a single global polity?

Fourth, and perhaps most importantly, what will ensure that those who control the one-world government do not sink into dictatorship? Totalitarianism is a perennial problem in many parts of the world. What is more, the dominant Western powers continue to impose their wills on vulnerable countries to the economic and political discomfiture of the latter. How do we ensure that the elite of the economically and militarily advantaged countries do not, through the one-world government, get an even firmer grip on global power and use it to further subjugate economically disadvantaged populations?

Conclusion

All in all, Oruka's political thought remains considerably relevant to early twenty-first century Kenya. While he is best known for his trail-blazing work in sage philosophy, he also contributed significantly to the growth of political philosophy within the African context. His rejection of the patronizing dichotomy between "developed" and "underdeveloped" countries, his distinction between global justice and international justice, his reflections on humanity and humanism, and his thoughts on the nature of authentic democracy all point to a man who sought to deploy the conceptual tools of philosophic reflection to the good of his country, and to the good of humankind as a whole. Nevertheless, his imprecise and/or inconsistent conception of some important terms in post-colonial political discourse, his half-hearted rejection of liberal democracy, his erroneous equating of democracy with majoritarianism, his apparent lack of appreciation of the seriousness of competing ethnic interests in most post-colonial African states, and his prescription of a one-world government without addressing the grim dangers of such a polity ought never to be glossed over.

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13.

Oruka's Right to a Human Minimum as a Principle of Global Justice

ORIARE NYARWATH

Introduction

H. Odera Oruka argues that the right to a human minimum is fundamental and inalienable. For him, this is a composite entitlement comprising the right to life, subsistence, health, and physical security. The main objective of the present paper is to situate Odera Oruka's argument for the right to a human minimum as a basic entitlement within the discourse on global justice. Towards this end, it examines the concept of global justice with a view to identifying its fundamental principles, and then attempts to explain why the right to a human minimum is indeed, or ought to be, one of those principles.

The paper is divided into three main parts. The first explores the concept of global justice and the issues it raises. The second presents arguments for the right to a human minimum, while the third illustrates the nexus between the concept of global justice and the argument for the right to a human minimum.

Global Justice

Though the concept of global justice may be said to still be in its formative stage (Oruka 1997, 84), it has generated and continues to generate substantial debate and literature. The issue of global justice confronts two apparently opposed positions. On one hand, there is the prevalent view that distributive justice can legitimately be discussed only within the institutions of states or nations; on the other, there is the demand for the practice of justice to extend beyond the borders of states or nations. Correspondingly, scholars have been drawn to either statism/nationalism or cosmopolitanism respectively. Statism or nationalism is the view that it is the state or the nation which is the center of moral concern, and hence justice. A state or nation is therefore considered to be the sole beneficiary of natural resources

within her territory (Barry 1999, 27-32; Satz 1999, 68-69). On the other hand, cosmopolitanism is the position that it is the individual human being who is the center of moral concern, with implications on justice. The cosmopolitan view holds that one is first a human being before being a member of a nation or state, so that the individual, rather than the state or nation, is the appropriate subject of justice. Cosmopolitans tend to view natural resources primarily as a common possession of humankind that ought to justly be redistributed among humankind at least for the self-preservation of every individual human being. Individual human beings are recognized to have equal moral value regardless of membership to various categories. Cosmopolitanism, therefore, would approve external interventions in states or nations where basic human rights are under threat (Barry 1999, 27, 35-37; Satz 1999, 67-68, 71-74, 82; Appiah 2006, pp.xii-xv).

The concept of global justice is controversial: while cosmopolitans are convinced of its existence, statists or nationalists deny its existence (Jones 1999, 125-170). This is partly due to the difficulty in conceptualizing and defining justice in general and global justice in particular. There is no consensus on the principles of global justice, but there is some progress towards identifying some of them. Justice may be understood to refer simply to what is morally right to do in a social arrangement, or, more specifically, how societies ought to function, as well as how persons ought to relate to one another within society (Solomon & Green 1999, 465). It therefore deals with both how persons ought to behave towards one another and how society arranges and legitimizes its basic social institutions for the distribution of rights and duties (Moehler 2009, 196-197).

With regard to global justice, Gillian Brock states that essential to it is the requirement that all people "are adequately positioned to enjoy prospects for a decent life." She outlines some of the principles she considers basic to the concept of global justice. The following are four of the seven principles of global justice that she discusses:

1) Enabling need satisfaction.
2) Protecting basic freedom.
3) Ensuring fair terms of cooperation in collective endeavours.
4) Social and political arrangements that can underwrite the important goods in 1-3 above (Brock 2009, 270).

If justice is fundamentally an issue of fairness, we may be able to see how some of Oruka's works address it. A fundamental question that may be asked is: is it fair to marginalize the illiterate, the poor, and the already disadvantaged?

Our societies have increasingly marginalized the illiterate. One of the objectives of Oruka's sage philosophy project was to illustrate that illiteracy is not necessarily a handicap to making valuable practical contributions to society (Oruka 1990, 9). Moreover, the aim of sage philosophy was not only to debunk the Western racial-cultural prejudice against African culture, but also to illustrate that Africa had and continues to have philosophy in the strict sense of the term by which she interprets and guides the everyday life of her people (Graness 2012, 8-13). Sage philosophy emphasizes the moral basis of society: "a sage has at least two abilities, insight and ethical inspiration. So, a sage is wise; he has insight, but he employs this for the ethical betterment of the community" (Oruka 1991, 9). Nevertheless, if the world were rich in wisdom, the relationship between the people who are advantaged and disadvantaged in various aspects would be different and better. Sage philosophy therefore extends the value and privilege of philosophy beyond the academy to the "solid thinkers of the traditions" (Masolo 1997, 237). According to Oruka, one of the primary factors that divide people into the disadvantaged and advantaged is the socio-economic conditions - the material and social privileges. For instance, most of the so-called criminals who end up being punished are victims of adverse socio-economic conditions (Oruka 1985, 7-19).

When some people are so poor that they die from avoidable deprivations, our humanness and moral quality has to be questioned, especially for those people who could have helped avoid such situations. Philosophy has several roles in society, but the primary one, according to Oruka, is its normative role, which has to do with the search for, and articulation of, possibilities of moral principles and values that would make human life and relations better (Oruka 1997, 99-102). Therefore, the concern with the concept and practice of global justice falls within this role of philosophy. The requirement for justice or fairness cannot, and ought not, to be confined to nations or states, as some theorists of justice claim (Miller 2009, 253-255). The relevance and demands of morality, and hence justice, are not limited by territorial boundaries (Oruka 1997, 84; Jones 1999, 252-259). From the

viewpoint of moral philosophy, justice requires taking care of the interests of others, especially the seriously disadvantaged. As both Masolo and Graness observe, Oruka elevated human care to the level of a moral principle (Masolo 2012, 25; Graness 2012, 18).

In my view, global justice has at least two basic requirements for its practice. *First*, it requires normative principles that would impose the obligation on rich nations or individuals to care for the poor or disadvantaged. *Second*, it requires some kind of structure or institution to enforce the obligations. It is towards the fulfilment of the former requirement of global justice that Oruka's argument for a human minimum is directed.

The right to a human minimum ought not to be seen merely as enabling people, especially the disadvantaged, to stay alive and operate as human persons, but to enjoy a high quality of life in line with the concept of human dignity. To Oruka, the right to life is a composite right entailing the right to subsistence, health, and physical security (Oruka 1997, 85-88). However, as Nussbaum would say, there are some other people who may never live to function as rational persons due to various disabilities, but for whom fairness demands that their right to a dignified life be guaranteed. The materially poor, the socially underprivileged, and people with various disabilities have the same fundamental interests as other humans, such as the desire to remain alive and to actualize their potential, to be recognized as human beings having worth, and to engage in the pursuit of their happiness (Nussbaum 2006, 70-81).

Oruka, in agreement with cosmopolitanism (Appiah 2006, p.xv), sees the world as a family. However, for the world to practice global justice, it requires some new forms of social structures that would safeguard the right to life. Some theorists of global justice have proposed the establishment of a World Government (Pojman 2006) or a Global Fund (Steiner 1999) as possible institutions through which some of the wealth of the rich can be transferred to the most disadvantaged, and also through which some other basic interests of the citizens of the world can be secured. Though Oruka never referred to himself as a cosmopolitan, his ideas on global justice are in line with the strand of 'weak' cosmopolitanism (Miller 2009, 255) or what Appiah calls 'partial' cosmopolitanism (Appiah 2006, p.xvii). Weak cosmopolitanism, as opposed to strong cosmopolitanism which demands global distributive equality and tends to dismiss loyalty to

one's state or nation, requires as a principle of social justice only minimum conditions that are universally necessary for human beings to lead decent lives, while also recognizing the significance of a state or nation to its citizens. Oruka's view of human liberty and rights which inform his argument for the ordering of human rights into primary and secondary ones is opposed to John Rawls' ordering of his (Rawls') two principles (see Rawls 1971, 60-62). Therefore, from Oruka's perspective, the right to a human minimum can only be secured in the world if Rawls' ordering of the liberties is reversed (Oruka 1997, 115-125).

The Right to a Human Minimum and Parental Earth Ethics

When Oruka articulates the principle of the right to a human minimum, he is not only proposing an ethics of distributing resources among the citizens of the globe, but also prescribing a principle of global justice which would guarantee, at least, the fundamental universal human right for all the citizens of the world. He argues that a human minimum is the right that every moral agent can reasonably demand from the world in order to live with dignity as a human being, and also in order to recognize and respect the rights of other human beings (Oruka 1997, 87-88; Oruka 1996, 115-121).

The right to a human minimum refers to the minimum that a human being requires in order to exist, to live, and to function as a human being. It therefore refers to the meeting of the basic needs without which a human being cannot live as a human being with dignity and function as a human person. Being a person entails being a moral agent. As a moral agent, a human being has the capacity to reflect and make choices for which he or she is morally responsible. However, a choice exclusively between life and death is not a moral one. In other words, one cannot morally be expected to choose an action that leads to one's death because in death or after death there cannot possibly be anything morally desirable. For instance, people who die in the struggle for some ideals in life do not choose to die for those ideals: they accidentally die for the very ideals for which they otherwise would want to live. Another example would be whether a person at the verge of death from starvation would be morally obligated to refrain from stealing food in order to survive. In fact,

stealing food in such a situation would be morally justified. Moral responsibility therefore deals with choices in life.

As a human person, one has duties and rights - duties to recognize and respect other people's rights, and rights which one can demand from other people and which it is the duty of other people to recognize and respect. To recognize and respect a right, morally speaking, goes beyond formal or abstract recognition, because it implies ensuring that the substance of the right is enjoyed. Therefore, as a right, the human minimum is also the minimum that one can demand, by virtue of being human, from fellow human beings; but this is also the minimum that others have a duty to guarantee a fellow human being. It should not escape notice that to talk about the 'minimum' is to set the lower limit rather than the upper one.

Ideally, at both individual and societal levels, the fulfilment of basic human needs ought to take precedence over that of the gratification of the desire for luxuries. It would be morally disconcerting to see some people enjoy abundant luxuries while others struggle to have their basic needs fulfilled, or without the opportunity at all to have them fulfilled. A situation in which some people are enjoying abundance while others are suffering and waiting to die any time from the lack of the fulfilment of basic needs should prick our moral sensibilities and challenge the fundamental principles and beliefs that direct our moral practice: it would definitely demand a rational and moral explanation.

The right to life is therefore analytically equivalent to what Oruka refers to as "the right to a human minimum," and what Henry Shue calls "the right to a moral minimum." Being basic, this right is therefore universal and absolute. It is universal because it is the right of every human being and ought to be recognized by every human being. It spells out a global ethical obligation to humanity, and is thus a principle of global justice. Consequently, the right to a human minimum is not subject to geographical, racial, national, religious, cultural or any other limitation - it is an absolute right.

Furthermore, being absolute, the right to a human minimum cannot be limited or overridden by any other right, value or consideration (Oruka 1997, 88; Savci 1980, 61). There can never be anything more basic to a human being than self-preservation. It is therefore the most fundamental human right. Being absolute also implies that it is an inherent necessity for the enjoyment of other

rights. The enjoyment of any other right presupposes this right to life (Shue 1980, 26-27). The right to life comprises what can be referred to as "inherent rights of persons" (Oruka 1997, 85-87). The right to a human minimum, which is analytically equivalent to the right to life, is therefore a complex entitlement comprising the rights to health, physical security, and subsistence. However, if we grant that the right to life entails the right to the means to sustain life, then "the right to life" suffices.

Moreover, the right to a human minimum not only enables a human being to function as a person, but is essential for the very definition of a human person. It is only when the right to a human minimum is secured that a person is able to exercise rationality and live as a moral agent. When this right is severely threatened or insufficiently enjoyed, then the human being in question would be reduced to relying on mere instinct to survive, and as a consequence would be reduced to the level of non-human beings. Such a being would not be able to live as a moral agent, and hence would not strictly be defined as a human person (Oruka 1997, 86). Therefore, any condition or attempt to limit, compromise, or override one's right to life to a level below the human minimum is a threat to one's health or sanity, and therefore a threat to one's life. If this happened, one would be unable to exercise one's reason and conduct oneself as a moral agent (human person). Such a person would not be reasonably and morally expected to respect any right of any other person (Oruka 1997, 86-87, 147).

Thus, for Oruka, the right to a human minimum is the basis for a justified demand by anybody that the world (not just his or her society) ensures that he or she is not denied a chance to live a basically healthy life. Should he or she find himself or herself in a situation denying him or her this right, he or she will be unable to act as a moral agent, and the world will have no adequate moral ground for expecting him or her to respect anybody else's right to anything, including even those rights that are protected by the principles of territorial sovereignty and national supererogation (Oruka 1997, 88). In other words, since other rights depend on the right to life or human minimum, if one's right to life is threatened, one may be forced to consider the rights of others, including their right to life, as of secondary importance. Such an individual would have fallen below the minimum necessary for the definition of a decent human being

(Oruka 1997, 86-87; Singer 1991, 94); and such a situation is a condition of inhumanity. As such, the right to a human minimum, being universal, imposes obligations that transcend territorial, national, racial, or religious boundaries (Oruka 1997, 87; Starba 1991, 108). As Shue aptly puts it, "basic rights,…are everyone's minimum reasonable demands upon the rest of humanity. They are the rational basis for justified demands the denial of which no self-respecting person can reasonably be expected to accept" (Shue 1980, 19).

The universal obligation to ensure the enjoyment of the right to a human minimum is supported by Peter Singer's moral argument for assisting the absolutely poor (Singer 1991, 94). In appealing to this argument, we would be assuming that abject poverty is, as conceptualized by Singer, analytically equivalent to a human life below the human minimum, unless there is evidence to the contrary. Singer's argument runs as follows:

> If one can prevent something bad without sacrificing anything of comparable significance, one ought to do it.
> Absolute poverty is a bad thing, and there is some absolute poverty that the rich can prevent without sacrificing anything of comparable moral significance.
> Therefore the rich ought to prevent absolute poverty (Singer 1991, 93-95).

Singer argues that when the rich allow the poor to suffer and die, they actually engage in reckless homicide; but reckless homicide is not morally defensible because it is morally unacceptable to allow a human being to die undeservedly if the death can be prevented. Moreover, to help a person in need is a universally recognized moral principle, and therefore a duty on any person who has the means to assist such a person. Therefore, failure to discharge this duty is universally morally wrong.

According to Oruka, the right to a human minimum not only applies to individual human beings, but also to states or nations. He argues that for the existence of a nation-state, the principle of national sovereignty is an absolute right and the minimum necessary for its self-preservation and dignity; but this is not so with regard to territorial sovereignty. The principle of national sovereignty states that a nation-state has a right to self-determination, that is, to exist and

to be sovereignly governed by its members, and to be recognized and treated as being morally and politically equal to other sovereign nation-states (Oruka 1997, 89-90). Since the principle of self-determination gives a people their identity and dignity, it constitutes the substance of the right to national sovereignty. National sovereignty is based on the fact that for a human being to exist as human, he or she must exist in a community, and therefore has a right to live and identify with at least some community. To deny a group of people the right to national sovereignty is to incapacitate it to exist as sovereign and deny it self-identity. As such, it would be unable to exist as a sovereign nation-state. The principle of national sovereignty is therefore an absolute right for the self-preservation of a nation-state (Oruka 1997, 88-90).

However, Oruka explains that though the principle of national sovereignty has a relationship with the principle of territorial sovereignty, the two should not be confused. The principle of territorial sovereignty states that a people organized into a sovereign nation-state has a right over the resources within its territory. This latter principle is a property right which presupposes the right to national sovereignty. In other words, a nation-state must exist first before it can claim control of the resources within the territory it controls. This implies that the right to self-preservation and existence is prior to and more fundamental than the right to territorial sovereignty. The right to territorial sovereignty is not an inherent right of a nation-state. Therefore, it is not a basic right for a nation-state. Consequently, it cannot be an absolute right of a nation-state. For instance, at one time Israel existed as a nation enjoying the right to national sovereignty without the right to territorial sovereignty because it was not recognized then to have a right over a certain territory (Oruka 1997, 89). This means that a people may lack territorial sovereignty without losing their right to national sovereignty. As such, the right to territorial sovereignty cannot justifiably be used to override a basic right such as national sovereignty or human minimum.

In "Parental Earth Ethics"[1], Oruka responds to an article by Garrett Hardin titled "Lifeboat Ethics: The Case against Helping the

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[1] "Parental Earth Ethics" was first published in 1993 in the journal *Quest* (Vol. VIII No.1), and later published as a chapter in the revised edition of his book *The Philosophy of Liberty* (1996) and *Practical Philosophy: In Search of an Ethical Minimum* (1997).

Poor."[2] Oruka acknowledges that when he wrote his 1989 paper "The Philosophy of Foreign Aid: A Question of the Right to a Human Minimum," he was not aware of Garrett Hardin's article. Thus, after reading Hardin's article, he had to update his argument. So "Parental Earth Ethics" was a development of the earlier argument for the right to a human minimum and a response to Hardin's argument. More importantly, Oruka realized that his earlier argument for the right to a human minimum would be more convincing if it was based on solid evidence that there are indeed relationships and common wealth between the rich and the poor - common wealth for all human beings. Consequently, the obligation of the rich to help the poor would be well grounded.

How did the poor and the rich find themselves in their respective positions, and what are some of the possible relationships between them, historical or current? Hardin neither asks nor addresses these questions. Though Hardin argues against the rich helping the poor, he fails to explain the relationship between rich and poor countries - a relationship which has partly contributed to the riches of the rich and the poverty of the poor. Oruka aptly points out this shortcoming of Hardin's argument. The former colonial powers have maintained an exploitative relationship with their former colonies, contributing to the disparity in wealth between the former colonialists and the former colonies.

Oruka therefore points out that Hardin's argument is based on some questionable fundamental assumptions (Oruka 1996, 116). *First*, Hardin assumes incorrectly that there is only one rich country (lifeboat) towards which all the poor are swarming. Instead, there are several lifeboats - many rich countries from which the poor ought to get help. This fact is important because it makes Hardin's argument, that any attempt to admit any person onto the lifeboat would threaten the life of all on board, appear to be a slippery slope argument, and so unacceptable. If there are many rich countries, that makes it easier for any rich country to help the poor without endangering its own survival.

The *second* incorrect assumption Hardin makes is that there is neither relationship nor debt owed between the rich and the poor.

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[2] This was first published in 1974 in the journal *Bioscience* Vol.24 No.10. In this paper I refer to the version reproduced in *Taking Sides: Issues in Biomedical Ethics*, 4th Edition, edited by Stephen Satris (Hardin 1994, 350-357).

According to Oruka, there have always been relationships and debts owed between the rich and the poor. For instance, apart from the exploitative colonial history, the rich countries have created and maintained trade relations with the poor that are skewed to the greater benefit of the rich, which is unjust. Consequently, there has to be an apportioning of responsibility in such a relationship. Indeed, at the beginning all boats were poor; then a number of the sailors of the now rich boats sailed to the now poor boats and, by all means possible, plundered the wealth of many of those boats and used the gain to cause economic and safety disparity between the boats (Oruka 1997, 148).

Furthermore, Oruka argues that there are not only pipes connecting the rich and poor boats, but the pipes transferring resources from the poor boats to the rich ones are wider than the pipes transferring resources from the rich boats to the poor ones, manifesting in the unfair trade relations between rich countries and poor countries. Thus, the rich and the poor are not only mutually dependent for their survival, but the rich have an obligation to help the poor since they contribute to their poverty. It is today a truth that can be empirically verified that, given the economic exchanges between the nations, the poor nations are getting poorer and the rich 'luckily' richer, which is to say that the tap that sends wealth from the poor to the rich is much bigger than the return tap to the poor (Oruka 1997, 130). Indeed, those in the affluent boats have pipes connecting their boats with a large number of the poor boats. Consequently, part of the little wealth and the safety gadgets that are in the poor boats do find their way out for use in the rich boats (Oruka 1997, 147-148). It is an indisputable fact of history that some of the rich countries of the world owe their wealth to colonialism through which they plundered the resources of the colonized countries, most of which are still poor. For example, the case of Africa has been well explained by Walter Rodney in *How Europe Underdeveloped Africa* (Rodney 1989).

The *third* incorrect assumption that Hardin makes is that there is no common wealth between the people in his lifeboat and the numerous poor people swarming around it looking for help. There is indeed common wealth. The earth and the resources therein are common wealth for all human beings. This should not be difficult to understand. The history of humanity is characterized by migrations. This in itself should suffice as a testimony that the earth is a common

wealth. If this were not so, the immigrants would not find any justifiable reason to live and claim rights over the use of the resources of the lands into which they migrate (Oruka 1997, 150).

Even if it were granted that people have a justifiable claim over the use of the resources of the land into which they are born, that in itself assumes and confirms that the earth is a common wealth. Otherwise, I can only see one possible reason, though an unjustifiable one, which can be used to refute the claim that the earth is a common wealth. One can feebly argue, explicitly or implicitly, that the right of the first occupant is an absolute one. If that were so, one could claim absolute or exclusive right over the use of the resources within the area one occupies or controls. However, if this argument were to be granted, there has to be some other adequate answer to the question of what gives the first occupant of an area an absolute right over the resources in the area: is it simply by the fact that the occupant was there before others? If that were to be the case, that would seem too arbitrary to make logical sense. Yet again, if that be granted for the sake of argument, it would mean that even those to be born later in the area would have no right over the resources in the lands in which they are born, because they would be 'late arrivals.' However, if those born later have any rights over the use of the resources in the lands in which they are born, then it seems to me that the same right should hold for those migrating from other lands, and non-compatriots (noncitizens). That refutes any claim of absolute right over the resources of the earth. Consequently, territorial sovereignty is not an absolute right that cannot be overridden by any consideration of greater moral significance from outside the territory (Oruka 1997, 90).

One may counter the argument above by contending that only natural resources may be held in common and even claimed by non-citizens, but not the wealth that has been created by the citizens of a country. However, it should be noted that the wealth of any country is not necessarily created exclusively by her citizens, at least not in our time. Many non-citizens contribute in various ways to the wealth of a country. At the same time, not all citizens contribute to the wealth of their country. The argument that non-citizens should not claim any right over the resources created by citizens of a particular country should equally apply to citizens who have made no contribution towards the creation of wealth in their country. Thus, the argument

that only citizens should have a right to their country's resources is weak or untenable (Jones 1999, 140-143).

However, if the earth is a common wealth, there are, or there ought to be, rights and obligations that obtain among the inhabitants of the earth in relation to the use and distribution of its resources. Such rights and obligations ought to be such that they ensure the preservation of human life as a fundamental right, as well as further the enrichment of human life. To illustrate that there is indeed some common wealth and that Hardin is mistaken, Oruka uses the analogy of "parental earth ethics," where the earth is equivalent to a parent. Just like children of the same parent have the parent in common, so the inhabitants of the earth have the earth in common. Thus, in "Parental Earth Ethics" Oruka argues that the earth is a common wealth, so that every human being has a right to share in its resources (Oruka 1997, 148-149).

For Oruka, the reasons for the differences in the wealth of the children have to do partly with the family history, partly with personal luck, and partly with individual talents. The children have certain things in common, while they also have their own completely separate individual possessions. The most basic factors they have in common are the parents (whether alive or dead), i.e. they have a common origin. The other factor they have in common is that each one of them has his or her status and achievements based on the tutelage which the family as a whole provided. Some made good use of that training while others may have squandered it (Oruka 1996, 116-117).

Oruka argues that human beings, both rich and poor, have a shared history with its attendant tutelage. Those who made good use of this common historical tutelage became rich, while those who failed to do so did not. Thus, there are several inventions that individuals make that become part of the common historical pool from which some individuals draw to become rich, while some do not draw from them and become or remain poor. Yet common history can also make some poor: some people born in either rich countries or families get opportunities to be rich, while others born in poor countries or families lack opportunities to be rich. Parents may be forced by limited resources to decide who among their children to give priority in the use of the family resources, say, to get formal education or training. Such decisions, emanating from common history (having the same parents with limited resources), may explain the disparity between

the children in terms of their wealth. Similarly, children born earlier may have the opportunity to benefit from the family resources more than those born later (Oruka 1997, 149-150).

The parental earth also analogously signifies common humanity: the rich and the poor share in this humanity, and this fact should have a bearing on their values and wellbeing. Each one, regardless of his or her wealth status, ought to be concerned about the wellbeing of others. Indeed, the wellbeing of humankind is so inextricably bound up that their survival and safety are mutually dependent. The rich boats owe part of their current self-preservation to the gains brought to them by the *inter-boat pipes*. If indeed all the poor boats were to sink, the rich ones would also sink. It is known, for example, that up to a quarter of jobs in the USA would disappear if that country divested from the Third World (Oruka 1997, 148).

In "Parental Earth Ethics," Oruka's analogy is that of a family with six children, two of whom are relatively rich while four are generally poor. Of the rich, one is very rich, while of the poor three are very poor. Yet from time immemorial this family finds itself guided by two main unwritten principles, namely, the parental debt principle, and the individual luck principle.

The parental debt (bound) principle is comprised of four related rules:

The family security rule.
The kinship shame rule.
The parental debt rule.
The individual and family survival rule.

According to the parental debt (bound) principle, every member of the family has an obligation to be concerned with the survival and wellbeing of other members. It allows the disadvantaged to demand assistance from the affluent, but it also allows the creative and hardworking members of the family to repossess undeveloped possessions of the idle relatives and develop them for use by posterity (Oruka 1997, 149).

It should not be lost to us that Oruka's argument in "Parental Earth Ethics" compliments his arguments for the right to a human minimum. As such, the parental debt (bound) principle should be understood in that context. The poor or disadvantaged can only

demand assistance from the affluent when the assistance is necessary for individual or group survival. This principle does not justify the idle joy-riding on the back of the creative and hardworking. That is why Oruka talks about the right of the poor to demand assistance from the rich, as well as that of the creative and hardworking to repossess the undeveloped resources from lazy relatives under "the individual and family survival rule." The repossessing of the undeveloped resources is only morally justified if it is intended for the common good. It ought not to be done simply for the individual to become richer and enjoy more comfort.

The individual luck principle has three constituent rules:

The personal achievement rule.
The personal supererogation rule.
The public law rule.

The individual luck principle deals with the individual's right to personal property. This makes it a secondary right. We have already explained why, for Oruka, a property right is not a fundamental right, because it presupposes the right to self-preservation, and it is based on the right of the first occupation. This means that there are some other values or considerations of greater moral significance that may override it. For instance, the right to life is prior to it and is of greater moral significance. Therefore, when one's right to life is in conflict with another person's right to property, the right to life ought to take precedence.

Thus, as Oruka explains, the parental debt (bound) principle is more fundamental and prior to the individual luck principle because it deals with issues of self-preservation and common interest. Consequently, when the two principles are in conflict, the parental debt (bound) principle takes precedence over the individual luck principle. Common sense ethics shows that when in any given community matters of common wealth (good) and security conflict with matters of personal possession, luck, or achievement, the former must prevail over the latter (Masolo 2012,41). Oruka observes that there is no country in which, for example, one would accept a wish or a will from one of its citizens which stipulates that upon death all his achievements, however dear to the country, should be exterminated or kept from use by anybody. The reason for such a will would be that

those achievements are personal, and hence the personal super-erogation rule applies. The objection to the will can only be supported by invoking issues of common origin, common security, and common wealth (Oruka 1997, 149-150). The point which Oruka is reinforcing is that the right to a human minimum cannot be overridden by the right to property on considerations such as the right of prior occupation, or a claim to territorial sovereignty. For Oruka, the right to property ought not to be treated as giving one an exclusive right over the resources in one's possession.

The Right to a Human Minimum as a Principle of Global Justice

Oruka's search for a principle of global justice was necessitated by the limitation of the current conception and practice of international justice. After examining the three possible rationales for the practice of foreign aid (international trade, rectification of historical injustices, and the practice of charity), Oruka dismisses them as morally inadequate for the justification of the practice of foreign aid, because they cannot be a basis for the obligation to guarantee a human minimum for all citizens of the globe. In essence, this means that the right to a human minimum cannot be guaranteed by the current practice of international justice (Oruka 1997, 82-83).

Experts agree that the world produces sufficient goods and resources to meet the cost of satisfying a human minimum for every existing person in his or her respective society (Starba 1991, 114; Singer 1991, 90). According to Starba, "…it has been projected that if all the arable lands were optimally utilized a population of between 38 and 48 billion people could be supported" (Starba 1991, 115). For Singer, "…the poor nations themselves could produce far more if they made use of improved agricultural techniques" (Singer 1991, 90). Of course, if this is granted, the argument by Garrett Hardin that assisting the poor by the rich is a threat to the very survival of humanity as a whole cannot hold (cf. Hardin 1994, 351; Oruka 1997, 146-147). Hardin believes that the poor are too many to be helped by the rich without threatening the very survival of the rich. Partly in response to this, Oruka points out that much of the world's wealth is concentrated among a quarter of humanity, while three quarters of humankind are living in abject poverty (Oruka 1996, 113-114).

If there are more than enough resources to end abject poverty throughout the world, what are the obstacles towards such a realization? Singer correctly observes that the fundamental problem is that of distribution of the wealth. There is need to transfer some wealth from the rich (affluent nations and individuals) to the poor (Singer 1990, 90). If this were to happen, there would also be a transfer of improved technologies to the poor nations, and then they would also be able to more optimally utilize their resources. Oruka agrees with this observation. Referring to the UNDP Human Development Report of 1992 which indicated that the gap between the rich and the poor was widening at an alarming rate, Oruka writes:

> The report states that although the South has 80 per cent of the world population, it has only 5 per cent of the world's computers and conducts only 4 per cent of global research. The growing technological gaps between North and South are self-reinforcing, according to the report. The concentration of knowledge in the North means that further advance will occur there. This gives the North a productivity advantage and consequently much higher returns on capital labours. And the higher profit rates in the industrial countries enable them to attract more and more capital, even from the South (Oruka 1996, 115).

Oruka argues that the current practice of international justice based on the principles of territorial sovereignty and national supererogation hinders the realization of a human minimum as a basic universal right. The principle of territorial sovereignty states that a sovereign state has an absolute right over its territory, and therefore gives a sovereign state the absolute power and legitimacy over the resources within its borders, and consequently obligates other sovereign states and people to recognize and respect that right and independence. Therefore, by this principle, a sovereign state has the right to resist, protect, and expel, if possible, any external interference with its borders, resources, and internal affairs (Oruka 1997, 82). The principle of national supererogation, which for Oruka is a corollary of the principle of territorial sovereignty, states that a sovereign state has a right to use the resources within its territory as it wishes, with no obligation to assist anybody beyond its border. Thus, this principle

exonerates a state from any moral blame if "it remains indifferent to the needs of those outside its borders, however needy and starving such people may be" (Oruka 1997, 82). Thus, for Oruka, the two principles fail to recognize the priority of the right to a human minimum over the right to territorial sovereignty, thereby placing the right to property over the right to life. As such, the current practice of international justice militates against the realization of the right to a human minimum, and consequently cannot safeguard the most fundamental right for all human beings. Yet national supererogation being a corollary of the principle of territorial sovereignty cannot also be an absolute right (Oruka 1997, 90).

What is more, contends Oruka, though territorial sovereignty and national supererogation are *prima facie* rights, they are not absolute on at least four counts. First, there are some other values or considerations of greater moral significance such as the right to life, the right to live in dignity, and considerations of common interest. Such values or considerations ought to override the right to property. *Second*, since a people cannot rightly claim 100 percent legitimacy in the acquisition of territory, they cannot claim an absolute right over the use of the resources within it. *Third*, national supererogation would accord an absolute right over the resources within a sovereign territory only if the right of the first occupation were absolute; but it is not. *Fourth*, national supererogation would only be recognized and respected if the people living beyond the national borders were moral agents, that is, if they were living in a condition that allows them to exercise their rationality and live in dignity as human persons. Yet, if their own self-preservation is under threat, nobody can reasonably expect them to recognize and respect the rights of other persons - not even their rights to territorial sovereignty and national supererogation (Oruka 1997, 87-90).

Thus, Oruka's argument is that the right to a human minimum, being an absolute one, must override the right to territorial sovereignty and national supererogation. This in itself does not negate the principles and practice of international justice: it only implies that the right to a human minimum is more fundamental than the rights to territorial sovereignty and national supererogation, such that if they conflict, the right to a human minimum ought to prevail. As such, the demands of international justice still hold, but as secondary rights rather than as absolute ones. Yet it also implies that the demands of

global justice ought to be given priority over those of international justice. The principle of non-interference with the internal affairs of a sovereign state, which is also a corollary of the principle of territorial sovereignty, must also be overridden by the demands of the right to a human minimum. A sovereign state cannot demand a right to non-interference in its internal affairs if it threatens the life of its subjects or fails to respect the right to a human minimum for its citizens. The right to a human minimum obligates any sovereign state to interfere in the internal affairs of another state in order to safeguard the right to a human minimum for the citizens of that state. Besides, when one's right to a human minimum is threatened, one cannot be held morally responsible for interfering with either the property right of another human being or the territorial sovereignty of another state. People running away from war or famine which threaten their own existence cannot morally be prevented from entering another country in their attempt to survive. In such a case, entry restrictions into another country that are requirements under the right to territorial sovereignty must be overridden by the need for survival of foreigners seeking refuge in the country on the basis of the right to a human minimum.

Apart from considering the right to a human minimum as a fundamental principle of global justice, Oruka also believes that social justice demands the reduction of the disparity between the rich and the poor. The envy, frustration, and consequent disharmony that the wide disparity between the rich and poor creates are antithetical to the demands of social justice. It is partly from this belief that Oruka disagrees with John Rawls' theory of justice (Oruka 1997, 115-125) which he sees as capable of creating unmitigated disparity between the rich and the poor (Oruka 1997, 120).

In his *A Theory of Justice* (1971), Rawls articulates a theory of social justice as egalitarian fairness which, for him, ought to reflect the basic structure of society. This fairness has to be applied in the distribution of social goods such as rights and liberties, opportunities and powers, as well as income and wealth. The distribution has to be done in accordance with two principles which Rawls lists in the order of priority (Rawls 1971, 302). Rawls' first principle stipulates that each person ought to have an equal right to the most extensive scheme of equal basic liberties compatible with a similar scheme of liberties for others. His second principle states that social and economic

inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone's advantage, but to the greatest benefit of the least advantaged; and (b) attached to positions and offices open to all. According to Rawls, the first principle is prior to the second. This means that the demands of the first principle cannot be overridden by the imperatives of the second. The first principle, namely, the liberty principle, includes the right to vote and to hold public office, freedom of speech and assembly, freedom of thought and conscience, and the right to hold personal property. The second principle, which Rawls refers to as "the difference principle" and Oruka calls "the socio-economic principle" (Oruka 1997, 116), concerns the distribution of wealth and income. Rawls argues that the inequalities in wealth and income should be such that they are to the highest benefit of the least advantaged members of the society in such a way that they benefit more than they would by their effort.

Oruka disagrees with Rawls' theory of justice on two main grounds.

First, Oruka believes that the order of Rawls' principles ought to be reversed so that the second is prior to the first. Most of the rights that comprise Rawls' first principle are political entitlements, while his second principle concerns economic rights. In contrast to Rawls, Oruka believes that economic rights are more fundamental than political rights; and this belief seems to be consistent with Oruka's assertion that the right to a human minimum is absolute and universal. According to Oruka, the fact that economic needs are more primary than political ones is generally true for all people. However, when the fulfilment of one's economic needs is secure, one may mistake political needs to be more basic than economic ones (Oruka 1997, 123). Oruka holds that Rawls' theory may be relevant to people in affluent countries whose economic needs are already adequately secured, but it is not relevant to the poor countries where the masses are more conscious and concerned with the worth or substance of liberty, but not with formal liberty. Oruka therefore believes that the reversal of the order of Rawls's principles of justice would make his theory relevant to countries whose citizens are mostly still poor.

Second, Oruka contends that despite the fact that Rawls's theory of justice may be made more appealing to poor countries or people through a reversal of the order of its principles, it still has a serious

shortcoming which makes it impossible for it to be an egalitarian theory as Rawls claims it to be. It allows for an infinite socio-economic disparity between the rich and the poor which, according to Oruka, is part of the very meaning of unjust distribution of wealth. A theory that allows such a disparity can neither be egalitarian nor just (Oruka 1997, 117-118). Oruka argues that allowing the unmitigated gap between the rich and the poor, as Rawls' second principle does, can logically undermine Rawls' own first principle, which, according to Rawls, is universal and absolute, and therefore inviolable.

To illustrate his claim that Rawls' theory of justice can neither be egalitarian nor just, Oruka presents a hypothetical society which he calls the Society of Unbalanced or Wild Justice (SUWJ). In this society, because of a great disparity in wealth and income between the rich and the poor, a few members have become extremely rich while the majority are extremely poor. The few rich can afford not only a high standard of living, but also a technology that can prolong their life ten-fold. According to Oruka, the SUWJ manifests inequality not only in income and wealth, but also in the actualization of the Rawlsian fundamental principle of liberty which manifests in the exercise of the right to vote, the right to stand for a public office, and the right to acquire and hold personal property (Oruka 1997, 118-120).

Oruka's hypothetical society mirrors reality. It is evident that one can hardly exercise the rights covered under the Rawlsian liberty principle if one is socio-economically disadvantaged. Many people in the world in general, and in Africa in particular, are so poor that they cannot afford education, so they are illiterate, which makes it impossible for them to effectively exercise the right to vote. Frequently, such people are swayed to vote in a particular way by the rich: some of them sell their voter cards, and thus their voting right, in order to meet basic needs such as food; some of them may be living far away from polling stations, with no means to pay for transport to get to such stations; some have to opt to go and look for food instead of going to vote, for it makes no sense for the hungry to go and cast the vote only to come back home to an empty kitchen. It seems difficult to see any reason that would cause a person who does not even have the hope of living into the next day to go and vote. A person living in abject poverty does not have the luxury of choice. Such a person has only one preoccupation - where to get food or medicine.

Consequently, such a person, if he or she does vote, is most likely to vote for a candidate, however wrong, who can provide food or medicine, or even give a false hope of getting him or her out of abject poverty. In short, extreme poverty debases, and a debased person hardly makes right choices presupposed in the exercise of voting.

What is more, people who are socio-economically disadvantaged find it even harder to acquire personal property or hold public offices. Such people hardly have the credentials necessary for accessing a public office, or the means to buy their way into such positions in countries where corruption is entrenched, as is the case in virtually all African countries, and many other countries of the world. Most poor people are trapped in the vicious cycle of poverty: they cannot get education, and as a result cannot get the training necessary for jobs; they cannot get jobs or bribe their way into jobs; so they cannot get out of poverty. Thus, as Oruka argues, and I believe correctly, the unrestricted gap in the access to socio-economic goods allowed by Rawls's second principle is capable of undermining his first principle, which he considered the more fundamental of the two.

Oruka is emphatic that Rawls' theory of justice cannot be based on egalitarian fairness as Rawls claims, because inequality is inconsistent with egalitarianism. According to Oruka, for egalitarianism equality is an end in itself, while inequality is an evil which should be eliminated. In Oruka's view, the possibility that a minority in society can afford an extremely good life while the majority cannot afford the basics of life, as illustrated by the Society of Unbalanced or Wild Justice (SUWJ), is a source of envy, distrust and disharmony which are antithetical to a just society (Oruka 1997, 120).

Indeed, Oruka believes that Rawls' theory of justice can logically lead to the institutionalization and justification of social injustice (Oruka 1997, 121). Earlier, He had written a critique of Rawls' theory of justice which he titled "John Rawls' A Theory of Justice for the Defence of Injustice" (Oruka 1978). However, although Oruka believes that the unmitigated disparity in incomes and wealth in society is a manifestation of social injustice, and this is one of the grounds on which he criticizes Rawls' theory of justice, he does not attempt to articulate a principle by which to mitigate such a disparity. It would seem that he considers the right to a human minimum and the requirement that the gap between the rich and the poor be tempered as necessary for the theory and practice of social justice.

Unfortunately, he does not propose means by which to put into practice the said social justice. Nevertheless, it is clear that for him, the primary condition for justice is the preservation of human life. So whatever principle of justice may be required to regulate the socio-economic gap between the rich and the poor would be secondary to the right to a human minimum. Maybe if he lived longer he would have attempted to formulate such a principle. Nevertheless, Oruka was also aware that to formulate an efficient theory of global social justice that would apply universally, one must encounter difficulties, especially in the light of the diversity of human societies in terms of cultures, historical traditions and ideologies (Oruka 1997, 115). Under the circumstances, it is perhaps wiser to formulate a minimalist principle of social justice such as Oruka's right to a human minimum.

However, Oruka prescribed the establishment of a sort of world government that would ensure that the right to a human minimum is guaranteed in every country (Oruka 1997, 133). Any action by such a body to enforce the right to a human minimum morally overrides the principle of territorial sovereignty. Although Oruka considers the United Nations General Assembly to be a step in this direction, he is of the view that it is not strong enough to override the claims to territorial sovereignty made by some of the powerful nations of the world (Oruka 1997, 130-133).

Conclusion

It is evident that Oruka does not extensively address the concept of global justice. This is due to the fact that the satisfaction of the basic needs alone, for which he often advocates, cannot adequately anchor justice in society. Indeed, in criticizing Rawls' second principle for allowing the possibility of creating an unmitigated wide gap in wealth in society, Oruka himself recognizes that justice requires more than the adequate fulfillment of basic needs. He contends that such a society is unjust, but does not propose a way out of it. A state or a world which only guarantees the right to a human minimum is still open to an unmitigated wide gap in wealth between rich and poor citizens. Despite this shortcoming, Oruka is correct in recognizing that the preservation of human life is a requisite first step towards the realization of justice in the world, and that interest in the preservation of one's own life is universal and deserves equal consideration as a

matter of justice. As such, the recognition and enforcement of the right to life ought not to be limited by any appeal to territorial sovereignty.

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Punishment, Legal Terrorism, and Impunity in Africa Reconsidered: Why is Oruka's Account Still Relevant to Present Day African Politics?

SIRKKU K. HELLSTEN

Introduction

One of the biggest obstacles to functional democracy and 'development as social justice' in Africa today has been impunity. The culture of impunity permits bad governance and various forms of political manipulation and intimidation. In the end, this creates weak states that are easily captured by political and economic elites. Impunity facilitates corruption, nepotism, and cronyism, leaving leaders unaccountable to their people, the majority of whom still live in poverty while the political and economic elites loot public resources, thereby accumulating massive personal wealth. Impunity allows crime to flourish in society. The law is not the same for all: criminals who have enough resources to pay for a lawyer or to 'buy a judge' will walk free, while someone who might have stolen a chicken to alleviate his or her hunger may be thrown in a prison. The police arrest and prosecute so-called ordinary citizens whether or not they have broken the law, but pretend not to see serious crimes for a small 'token,' and often even work with gangsters. Mob justice issues instant death sentences to the culprits caught red-handed, while the law enforcement is busy harassing smokers around the corner. Political elites arrange for arrests and 'punishment' of those who call for better governance and more transparency. Those whose reports inconvenience the top ranks are punished "for their irresponsible work." Legislators, on their part, make sure that there are draconian laws which can be used to muffle the voices of those they see as 'enemies of the state.'

Against this grim picture of impunity and what I call 'reverse ethics' in Africa today, Odera Oruka's argument for the abolition of

the practice of punishment may appear illogical at first glance, giving a counterproductive normative recommendation. In fact, Oruka's line of reasoning can also be used by the leaders to rationalize the culture of impunity in Africa.[1]

In this paper, however, I claim that Oruka's argument presents an insightful analysis that can help us to better understand the African response to the issues of law, delinquency, and punishment in a wider political context. His practical examples provide an interesting and wide-ranging account of African traditional and current political practices in relation to law, punitive action, and penal institutions. He also reminds us as citizens of various countries to keep our eyes open, as even legal punishment can easily be turned into state terrorism, thus losing its legitimacy. This is an important observation, because quite often both studies on punishment and studies on terrorism tend to ignore the terror that is often practiced by states for political purposes, but in the guise of punishment.[2]

Nevertheless, while I am most sympathetic to Oruka's argument, my purpose here is not to support its normative conclusion that the practice of punishment ought to be altogether abolished. Instead, I want to argue for a (liberal utilitarian) view that holds that punishment is needed in order to prevent the 'greater evil' from happening, and when properly enforced institutionally, it also guarantees citizens their rights by enhancing accountability at all levels of society. The fact that the practice of punishment may be - and indeed is - misused at times, does not provide a strong argument to abolish the whole institution.

Oruka also suggests that we ought to replace punishment with treatment. In contrast, I contend that these two do not have to be seen as mutually exclusive options. Oruka's call for 'society treatment' in the sense of a comprehensive ethical, legal, and political reform

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[1] Unless we want to take Oruka's arguments with 'a grain of salt' and believe that his purpose was to present a satirical account of an African approach to the rule of law in general.

[2] Jackson (2008), for example, has noted that terrorism studies tend to consistently ignore the concept of state terrorism, sometimes claiming that it is a contradiction in terms. The result of this unwillingness to admit the widespread existence of state terrorism leads to a situation in which atrocities and human rights violations by states are easily ignored, or perhaps are even seen as justified 'punishment.' Oruka's close linking of punishment and state terrorism is an important contribution towards filling this gap.

should go hand in hand with ethics and civic education that helps individuals to better understand how they can use their 'free will' and reverse the 'reverse ethics' of many African political systems. I argue that a proper punishment - or the threat of punishment - indeed plays a role in learning the moral rules of the society. As Ghanaian philosopher Kwame Gyekye has noted, for Africa to fight against corruption, nepotism, tribalism, and other forms of political vice, we need to recognize these as moral rather than merely institutional problems.[3] The fact that we still have a long way to go in order to have virtuous leadership to enforce the principles of contractarian justice in practice does not mean that our efforts to promote social harmony should be deemed to be futile.

Oruka's Argumentation against the Rationale and Institution of Punishment

In this paper, I do not undertake a detailed conceptual analysis such as the one given by Oruka and other theorists on the concept and justification of punishment. Instead, I set out straight away to scrutinize Oruka's argumentation on the issue.[4] I note that, for the abolition of the practice of punishment in Africa, Oruka presents at least three different, though clearly overlapping arguments.

First, Oruka argues:
(All) crime is evil.
Punishment should be used (only) to deter/prevent evil/crime.
No punishment can ever succeed in/has ever succeeded in preventing crime (rather, crime is increasing despite the harsh punishments).

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[3] See Gyekye 1997.

[4] Several critiques of Oruka's line of argumentation against punishment have discussed his theory from different perspectives, one of the more recent of them being Jacinta Maweu (2012). However, these critiques tend to oversimplify Oruka's very complex argumentation that ties the practice of punishment to the practice of terrorism, and more precisely to that of 'state terrorism' and 'legal terrorism.' For a more comprehensive argumentation on the justification of punishment, see Bentham 1970, Bilz and Darley 2004, Boonin 2008, Häyry 1992, Morris 1968.

(Punishment has not fulfilled its purpose). Therefore punishment should be abolished.

Second, he argues:

Punishment is morally justified only if a person engaging in crime has 'free will.'

People (particularly in Africa) are victims of societal circumstances and criminal forces. Thus, they don't have free will.

Therefore there is no moral justification for punishing them.

Third, he argues:

For punishment to be legitimate, there has to be minimum ethical consent between the parties (the punisher and the one to be punished).

In the hands of many (colonial and post-colonial African) leaders, punishment turns (easily) into terrorism.

Terrorism (by its very definition) is never morally justified (because punishment turns into terrorism when there is *no minimum ethical consent/legitimate authority* between the parties).

Therefore, the practice of punishment ought to be abolished (as it does not have moral justification).

All three main arguments lead to the further conclusion that punishment ought to be replaced by *treatment*. Oruka compares criminality to sickness, and sees treatment as a better option as it aims to cure individuals as well as the whole society. In fact, what he calls 'society treatment' is of primary importance, while treating individuals is secondary. Society treatment entails "a comprehensive and radical societal reform that includes political ideologies, constitution, moral and ethical outlooks, economic structures and basic economic needs." The end state is a Utopian model for a just society with human security based on social harmony (Oruka 1985, 89-90).

Logically, all three arguments against punishment are valid, but the truth of their premises in all cases can be - and has been - questioned: whether we can really have empirical evidence that punishment does not have (enough) deterring impact; whether we can agree with the determinist view that there is no 'free will' (in Africa); and whether the fact that indeed punishment may easily turn into *state terrorism* in the hands of self-interested and authoritarian leaders can really give support to the normative conclusion that the practice of

punishment ought to be abolished. After all, we are talking about two very different concepts and practices: punishment, which can be morally justified, and terrorism, which can never be morally justified.

All in all, Oruka's argumentation for the abolition of punishment is a complex endeavor, and should be seen as such. Its normative conclusion draws its support from comprehensive empirical, historical, and social analysis of African legal, penal, and political systems and practices since the advent of colonial rule. If Oruka's logical argument is plucked from its social context, it falls for a naturalistic fallacy, that is, it deduces an 'ought' from an 'is.'[5] If it is seen merely as an empirical description of African realities, it can be easily used as a rationalization for the culture of impunity. In fact, it is somewhat ironic that the African Union (AU) and its leaders are currently making claims that are very close to Oruka's third syllogism against punishment in defense of their non-cooperation with the International Criminal Court (ICC). The AU leaders claim that they are 'victims' of biased legal and penal practice; this practice targets them unfairly, pursuing neo-colonial goals and violating state sovereignty in a patronizing manner; Western powers do not have authority to punish African leaders, and thus there is no (longer) minimum ethical consent between the former colonial powers funding the ICC and the victimized African states (read, "the leaders [who have been trapped in the power games of the 'international powers' and their interests]"). However, the same leaders abuse their own powers 'to punish' those they deem as the 'enemies of the state.'

Surely Oruka did not want to promote impunity and see his argument playing into the hands of some of the post-colonial African leaders who indeed may have terrorized their people and made a mockery of the justice and security institutions in their own countries. Thus, we need to study his argumentation in more detail.

Why not Punishment?

The first of Oruka's three arguments is related to traditional philosophical arguments of the theory of punishment, as well as to empirical evidence. In his argument, Oruka notes that there are two

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[5] In a sense, it is difficult to determine whether Oruka's argumentation is inductive or deductive, because it uses deductive syllogism, but draws its support from inductive empirical evidence.

philosophical views on punishment: the retributive view that holds that punishment is itself a reward, compensation, or a kind of annulment of a crime in a manner that maintains social equilibrium, and, on the other hand, the utilitarian (consequentialist) view, which holds that punishment is in itself undesirable and ought never to be inflicted for its own sake, or just because a crime has been committed; instead, it should only be administered if it promises to prevent some greater evil, that is, if it leads to beneficial consequences to both the criminal and society - for example in reforming criminals and/or deterring future crime from happening (Oruka 1985, 5-6; see also Bentham 1970; Häyry 1992, 129-147; Maweu 2012, 100-101; Morris 1968).[6]

Oruka discredits both the utilitarian and the retributive approaches to punishment. The retributive view he sees as a form of revenge that, in the end, will not succeed in achieving a genuine social balance after a crime. While it can be used to enforce 'law and order,' it does not succeed in bringing about social harmony and social justice in the egalitarian sense. The utilitarian approach has more potential from Oruka's point of view, but it is also faulty because, *in practice*, there is no clear evidence that punishment reforms criminals and/or prevents crime in the future: he stresses that available empirical evidence shows the opposite - the growing trend of criminality and insecurity in African states (Oruka 1985, p.xi, 75-78).[7]

Thus, Oruka argues that (the practice of) punishment is unwarranted and ought to be abolished because we cannot eliminate an evil (crime) by another evil (the inflicting of pain which is inherent in punishment). Since punishment cannot reform criminals or prevent crime, it ought to be abolished. Because criminality is for the most part a consequence of 'criminal forces and factors,' that is, unfortunate circumstances and social environment, *treatment* is a more appropriate method of dealing with this problem (Oruka 1985, 18, 78-80).

The rationale for treatment is related to the need for a comprehensive change in society, and in individuals' mindsets. Oruka

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[6] For the original utilitarian view, see Bentham 1970; for various criticisms of utilitarianism, as well as for a formulation of liberal utilitarianism, see Häyry 1972. For the retributive theory of punishment, see Morris 1968.

[7] It is interesting that Oruka does not seem to be concerned about one of the main criticisms against the utilitarian approach to punishment: namely, that it sometimes demands that we punish the innocent.

emphasises that whether one defends the retributive or utilitarian view, the problem is that the general aim of punishment is the promotion of *social security*, and that means the strict - and sometimes ruthless - enforcement of 'law and order.' This, however, does not guarantee social harmony or the enhancement of social justice. Only by building a society in which one group is not made to feel too superior or too inferior to their counterparts can there be genuine social harmony. In other words, when there is social harmony, the citizens can trust their society to be free of tensions. In these circumstances, (human) security is brought about by reason, and not by force (Oruka 1985, 29).

In the light of the current problems in Africa, Oruka's call for social harmony is pertinent: despite the reforms in institutional structures, the culture of impunity persists. On the one hand, the global and local neo-liberal competition for power and resources by all means available continues. On the other hand, the (often political) enforcement of communitarian identities and sub-national loyalties stoaks inter-ethnic tensions and rivalries. Punishment in these circumstances does not appear to have much effect. As Oruka noted, the level of crime has escalated in many African countries despite the harsh punishments. At the same time, the elites of these countries have set themselves above the law, or are using the law to advance their personal interests. Nevertheless, the question remains: if there was no punishment at all, would the statistics change, and if so, in which direction? Would there really be social harmony, or would there be complete chaos and a return to the Hobbesian 'state of nature?' We have no empirical evidence concerning these questions, so we cannot directly counter-argue Oruka's position, but we can cast serious doubt on its soundness.

No 'Free Will?'

The call for social harmony that guarantees conditions in which crime is no longer 'necessary' relates to Oruka's second, rather determinist and maybe most controversial, argument from the lack of 'free will.' For Oruka, treatment of criminals and society is important, because, in many African post-colonial states, criminality and criminal activity is a consequence of circumstances. Rather radically, Oruka

claims that people do not act out of 'free will,' but, rather, are driven to break the law due to criminal forces and desperate circumstances.

Oruka's second argument concludes that because punishment can only enforce order but not social harmony, treatment, and particularly 'society treatment' is a better way to cure social ills, bad conditions, or the obstacles to decent existence inherent in society. The treatment needed is a holistic change of circumstances, where free will becomes possible. In these circumstances, hunger does not force people to steal or kill, and social harmony has overcome racial, ethnic, religious and other disputes (Oruka 1985, 86-88). According to Oruka, in such an ideal society, people could develop their ethical reasoning and moral autonomy: individuals would have an opportunity to make genuine decisions about 'right' and 'wrong,' and choose their actions accordingly. The core philosophical question, however, is whether, in a society in which conditions for crime are abolished and punishment is no longer needed, there really is room - or need - for ethical choices and the exercise of free will.

If we take a closer look at the concept of 'free will' in the African context, we can grasp the line of Oruka's argument better. Most of us probably tend to agree with the reasoning that people who live in abject poverty and have few options for survival are, in their desperation, more likely to resort to crime. Similarly, there is the line of thought that the idle youth who have no employment opportunities, but recognize that much of the excessive wealth around them has been acquired by illegal and unethical means by the ruling classes, may be tempted to 'follow the example' and get their 'fair share' by means that are outside the law, whether there is punishment for this or not. However, for many of us, it is harder to accept that the political and economic elites who have set themselves above the law are also victims of circumstances without 'free will.' Maybe they have lost their 'free will' to make moral judgments, and maybe their ideas of good and bad are blurred or distorted; maybe they have resorted to the reverse ethics so thoroughly that they no longer see anything wrong in the way they are behaving. Nevertheless, to get to this state of moral indifference or moral incapacity, they have made many choices in their lives, and have not been mere victims of 'criminal forces or factors.'

Of course, if we want to be a little sarcastic, we can keep on digging to find evidence to support the applicability of Oruka's claim

for the lack of 'free will' to the self-serving African elite as well. We only have to look at an example from Kenya, where, in the midst of the Anglo-Leasing and other grand corruption scandals, [8] former president Mwai Kibaki declared a National Prayer Day during which all citizens were asked to pray for better governance and against corruption. This clearly indicated that the leaders were incapable of making the necessary changes themselves, and had to call on supernatural powers for help. What other conclusion would a *mwananchi* (Kiswahili for "ordinary citizen") make here but that the leaders did not have the capacity to act on their 'free will,' and needed the changes made for them by the higher powers?

Treatment is also needed to infuse the leadership with 'free will' and 'moral agency', and to prevent the institutionalization of 'reverse ethics'. However, what undermines Oruka's advocacy for pure treatment is that during the last few decades, development partners have introduced various forms of treatment, from civic education to institutional reforms, to address Africa's 'ills.' Through development cooperation, comprehensive social reform programs have been imposed. In Oruka's homeland Kenya alone, we can remember the Governance, Justice, Law and Order Sector (GJLOS) program, as well as the Public Sector Reform (PSR) and the Gender and Governance Program (GGP). Besides these, there have been a number of civic education programs, training programs on professional ethics, professionalism, anti-corruption, and good governance. Kenya even promulgated a new constitution in 2010. Nevertheless, impunity has continued, the security situation may be even worse than before, and ethnic tensions persist. The society remains fragmented, while the gap between the rich and the poor continues to widen. Indeed, Kenya is very far from social justice and social harmony, despite the treatments given to its society. Again, the core question remains: if there were no

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[8] In 2004-2005, the Kenyan government, led by president Kibaki, suffered a credibility blow when several of the President's closest advisors were implicated in a 777 million USD corruption scandal known as the Anglo-Leasing scandal. The fallout of this scandal resulted in the gradual sidelining and eventual exile in the UK (in January 2005) of John Githongo after threats to his life. Githongo, who was formerly the Executive Director of the Kenyan Chapter of Transparency International, had earlier been appointed as the Permanent Secretary for Governance and Ethics, to serve as the President's personal advisor on Anti-Corruption and Good Governance.

penalties or punishment for wrong-doing, would these reforms have succeeded better? Yet again, we do not have indisputable empirical evidence to indicate what the answer is.

From Punishment to Terrorism: Two Sides of the Same Coin?

Finally, I want to examine Oruka's third argument against the practice of punishment - an argument that asserts that there is a close link between *punishment* and *terrorism*. In our insecure world, in which both radical terrorism and state terrorism flourish, this line of argument is definitely worth serious consideration.

Here, Oruka argues for the abolition of the practice of punishment because, in his view, in Africa *punishment* can easily turn - and has often turned - into state terrorism in the hands of unethical leaders. While Oruka admits that punishment and terrorism are not one and the same, he notes that what is often paraded as punishment in contemporary Africa is actually terrorism. The leaders terrorize their own people in the name of punishment, and most recently, quite ironically, also in the name of *anti-terrorism*. In Kenya today, anti-terrorism often turns into state terrorism.

Terrorism, for Oruka, is the "intentional infliction of suffering or loss on one party by another party which has no authority or legitimacy to do so, or which appears to have authority and legitimacy but has in fact deprived the sufferer of the minimum ethical consent necessary to recognize such authority and legitimacy" (Oruka 1985, 47). Thus terrorism starts where punishment cannot legitimately be recognized or tolerated as punishment. It also starts where punishment has been stressed or executed beyond a reasonable maximum, particularly in cruel and often also random manner. When the leaders use excessive and random punishment against opposition or internal rebellion, to curtail freedom of opinion and access to 'sensitive' information, this is the practice of state terrorism.

Oruka's conceptualization of *terrorism* follows the same basic moral argument that Primoratz (2004, p.x-xii) and other theorists on terrorism have used. From the point of view of moral philosophy and ethics, two things are clear: terrorism is a type of violence, and it is a morally bad and always unacceptable action. However, in the current philosophical discussion on the topic, acts of terrorism are usually understood to be undertaken by insurgents, and not by states.

According to some theorists, the term 'state terrorism' is even regarded as a contradiction in terms, as the state is there to protect its citizens, not to terrorize them. Oruka, however, focuses on an often less discussed form of terrorism, that is, state terrorism.[9] He further distinguishes wider state terrorism from its sub-category of 'legal terrorism,' and illustrates with vivid examples how both of these have been continuously practiced by state actors throughout the world.

In addition, for Oruka, one person's terrorist is another person's freedom fighter, such that the most important issue is the loss of legitimacy of authority and minimum ethical consent. In one of his examples, he observes that during colonial times, white minority regimes referred to liberation forces as 'terrorists,' as they did not consider those forces to have any authority or legitimacy to inflict punishment on the members of the minority regimes. Similarly reversed, the liberation forces could refer to the actions of the minority regimes as 'terrorism' because they did not consider the minority regimes to have any legitimacy to inflict punishment upon them.

Oruka makes a strong case for the proscription against the evils of state terrorism. It is easy to agree that in order to control their reluctant subjects as well as to fight against liberation movements, the white minority regimes used means that can be termed as state terrorism. Similarly, and most regretably, many post-colonial African leaders continue to terrorize their own people. In particular, they target those individuals and ethnic communities who stand up for their rights, for better governance, and for equality and transparency. It is ironic that these are the same people for whose freedom the leaders had fought, and whom they had liberated from 'the state terror' of the minority colonial regimes. Thus, the cycle of state terrorism continues (See Oruka 1985, 46-119).

However, what should interest us the most here are the questions: when exactly does punishment turn into terrorism? When precisely are the legitimacy of authority and minimum ethical consent lost? These are important questions that we all should seek to answer in relation to the governance of our countries. In a sense, we could use Oruka's argument as a test for the legitimacy of the state: how much unethical practice should we tolerate from the state before we demand change? Why do we tolerate it? Because we are afraid to be punished;

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[9] See Jackson 2008 on the neglected issues in terrorism studies.

and if so, would this not indicate that 'state terrorism' and/or punishment works as a deterrent? Or do we tolerate it because we also believe that we are victims of circumstances due to the fact that criminal forces have taken over and we no longer have the free will to change the situation? An affirmative answer to the latter question would prove Oruka right; but, then, who can initiate the radical treatment and change Oruka was calling for, if the citizens themselves lack the power of the will?[10]

As Oruka himself comes from Kenya, I have taken the liberty to use Kenya as my case study of 'reverse ethics' that had turned the use of 'punishment' upside down. For example, during the so-called Anglo-Leasing and other grand corruption scandals, those who exposed misconduct, potential illegalities, and unethical practices, and demanded more transparency and better governance were the ones who ended up been punished. Many of us remember how John Githongo had to flee the country due to threats on his life after exposing the Anglo-Leasing fraud. Many also remember the Standard Media house being punished in 2006, evidently by the police on the orders of the state, for allegedly publishing unfavorable stories about the then first family. Often, those who dare to blow the whistle to expose wrongdoing are punished for their 'disloyalty' to the state - or to their superiors.

Finally, after the tragic West-gate terrorist strike in September 2013, journalists were punished for 'irresponsible reporting' when they revealed looting by 'the rescuers,' while the Kenya National Defense Forces and police were let off with very minor consequences.[11] These are certainly excellent examples of 'reverse ethics' that have turned moral values and principles around in a way that

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[10] The recently released Transparency International (TI) East African Bribery Index reported that, in different East African countries, the citizens' motivations to give bribes vary depending on the overall situation: in Tanzania and Kenya, bribes were given to hasten services; in Burundi, they were given because that is what is expected; in Rwanda, people gave bribes to access services that they did not legally deserve; and, in Uganda, bribes were given because they were the only way to access services at all. http://www.tikenya.org/index.php/the-east-african-bribery-index

[11] Of course, we can also find current examples elsewhere, such as the US government's widespread monitoring and spying, or the extortion by one political party of the other that resulted in the shutting down of the U.S. government, causing far-reaching damage and 'punishment' to ordinary people.

punishes those who break the trust between 'partners in crime,' and rewards those who are loyal to their 'old boys' network.' Loyalty and trust, while good moral values in general, in a setting of 'reverse ethics,' can result in a culture of impunity in a society in which many with power and influence have dirtied their hands up to the elbows, and thus share the same interests to remain above the rule of law. In such situations, ordinary citizens, for their part, tend to lose faith in these values, as they mistrust government and see no need to be loyal to the state institutions or to governance processes (for more on the dirty hands problem and reverse ethics, see Hellsten 2006).

As Oruka notes, when a person gets the same punishment for the right and for the wrong action, or rather, in this case, gets punished in various ways by those who are supposed to protect him or her (government, police, soldiers), this does not encourage loyal citizenship or public trust that are essential to any working democracy and legitimate social contract (Oruka 1985, 42-45).

Does a state in which these kinds of activities take place still have the minimum ethical consent between 'the contracting parties?' When is enough enough? When are we victims of state terrorism, and when are we merely suffering from a dysfunctional legal and security system? Are we still recognizing the institution of punishment as legitimate, even when we can see that it is being used for political purposes and not to fight impunity, when it is being used to control people rather than to build a secure society? How long do we tolerate these actions as legitimate punishment?

Whatever our views on the issues above, the core questions remain: if the practice of punishment is misused by the state actors, does it make punishment futile? If punishment does not work effectively, should it be abolished? Even Oruka himself wanted to make a distinction between the concept and the practice of punishment (Oruka 1985, p.xi). Should we try to find a way to make the practice of punishment work properly rather than disregard it altogether?

Conclusion

I suggest that instead of abolishing punishment altogether, we need to reverse the reverse ethics. Earlier, I noted that institutional reforms alone did not bring about the social change for which Oruka

was calling. The challenge is in changing the mindsets, attitudes, and ethical standards of the individuals working in/for these institutions. For this, we need an even more comprehensive 'society treatment' that draws from moral education, as well as the threat of *proper* punishment. We have overcome the situation in which people can get the same punishment for wrong actions as well as for right actions, as Oruka notes. After all, even in authority relationships other than the state and its citizens - such as between a parent and a child - we accept both punishment and moral guidance. We do not say that the child does not have a free will just because he or she is a child; instead, the parents try to teach their children usually with both 'the stick and the carrot,' so that they learn to make individual choices between right and wrong. If we can see injustice, we do not want to allow it to continue, and thus we try to correct the situation.

In Oruka's terms, we see that in the state and citizen relationship, the state is the punishing authority. The legitimacy, however, should be based on mutual 'minimal ethical consent.' Citizens could take the lead and 'punish' their errant leaders by voting them out of office, and by collectively piling pressure on them to take responsibility for their actions instead of letting individuals struggle to do this alone. Mass action against impunity can be taken in various ways if the goal is to build a strong value framework which does not give room to manipulation of moral principles merely to promote one's personal interests.

In conclusion, even if punishment may change into state terrorism in the hands of self-interested or incompetent leaders, that is not a strong enough reason to abandon the practice altogether as Oruka suggests. Instead, there is a need to 'reform the institution of punishment,' and practice civil action as a form of punishment administered by citizens on the leaders for their bad governance.

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15.

The Relevance of Odera Oruka's Parental Earth Ethics as an Eco-Philosophy

Jacinta Mwende Maweu

Introduction

This theoretical paper seeks to assess Odera Oruka's contribution to Eco-philosophy through his "Parental Earth Ethics," and to identify ways in which his insights can provide practical solutions to the current environmental crisis. In an article titled "Eco-Philosophy and the Parental Earth Ethics (On the Complex Web of Being)," Odera Oruka and Calestous Juma (1994) argued against the Judeo-Christian view of nature, which they saw as promoting a form of possessive individualism that disrupts the complex web of being of which humans are a part. They contended that it is this Judeo-Christian Anthropocentric advocacy for the supremacy of human beings that has led to the wanton global destruction of the environment to gratify selfish human interests. They therefore advocated for an Eco-philosophy that recognizes "the totality of (spatial, temporal, spiritual and other) interlinkages in nature" (Oruka and Juma 1994, 115): this is what Oruka (1993) had called a "Parental Earth Ethics."

Oruka uses the two principles of Parental Earth Ethics, namely, the Parental- debt (or bound) Principle (PP) and the Individual luck principle (IP) to show the folly of human beings relating with the environment as if it exists only to meet their needs without any reciprocal role on their part. The present paper seeks to show how the underlying principles of Oruka's Parental Earth Ethics are still as relevant to the task of resolving the current global environmental crisis as they were when Oruka envisioned them two decades ago. More specifically, the paper seeks to answer the following three questions:

1. What Are the Main Tenets of Oruka's Eco-Philosophy?

2. How can Eco-philosophy provide a practical basis upon which to formulate a new environmental ethics that takes into account the complexity and totality of nature?

3. Are human beings part of the complexity of the environment, or are they superior to it and in control of it?

The paper is divided into five sections. After this introductory section, the second section looks at the origins, general principles and main tenets of eco-philosophy. Section three looks at the main debates that underlie Anthropocentrism against which Oruka argued, as well as the practicality of Ecocentrism. Section four outlines and explains the main principles of Oruka's Parental Earth Ethics and their relevance to current environmental debates. Section five has the concluding remarks.

Ecology and Philosophy

Our home, the planet, is in crisis. Life, including human life, is severely threatened, and there is an urgent need to take some radical measures if human beings are to save this planet from the crisis into which they have plunged it. Most of the blame for the current global environmental crisis has been heaped on the anthropocentric attitude which human beings have had towards their relationship with nature. It is evident that such an attitude, manifested in our modern cultures and advancement in science and technology, threaten the integrity, stability, beauty, and life of planet Earth. Insatiable human desire for maximum 'development' has led to population increase, and escalated the exploitation and degradation of the environment. There is therefore need to search for an ethics that is adequate to tame the present arrogance of humans by which they treat the rest of nature as a means to their ends. We need an Ecocentric ethics that is holistic, one that regards the planet earth as an ecological organic whole, in which human beings are only a part. Such an ethics must serve to find a model fit for humans in the larger community of fauna and flora (Rolston 1996, 162). Des Jardins (2006) correctly observes:

Largely through human activity, life on earth faces the greatest mass extinctions since the end of the dinosaur age 65 million years ago. Some estimates suggest that more than

one hundred species a day is [*sic*] becoming extinct and that this rate could double or triple within the next few decades. The natural resources that sustain life on this planet - air, water, and soil - are being polluted or depleted at alarming rates. The tendency in our culture is to treat such issues as simply scientific, technological, or political problems. But they are much more than this. These environmental and ecological controversies raise fundamental questions about what we as human beings value, about the kind of lives we should live, our place in nature, and the kind of world in which we might flourish. In short, environmental problems raise fundamental questions of ethics and philosophy- about the ends we pursue (Des Jardins 2006, 5-7).

Since Philosophy in general calls us to consciously step back from our own lives to reflect on what type of life we should live, how we should act, and what kind of people we should be (Des Jardins 2006, 6), it can provide practical solutions to the ongoing ecological crisis. As members of a species, we must ultimately be guided by what is needed if the species is to survive. We must recognize that amidst the millions of species present on planet Earth, human beings are the only moral agents. Consequently, "we must understand that the future of planet earth depends upon our present decisions and that neither as individuals nor as a society can we escape responsibility for them" (Strong and Rosenfield 1993, 5).

The term Ecology is derived from two Greek words, namely, *oikos*, meaning "household" or "home," and *logos*, meaning "the study of." Hence, "ecology" literally means the science that studies living organisms in their home or environment. Ecology emphasizes such wholes as species, biotic diversity, ecological communities, ecosystem, biological, chemical and geological cycles" (Des Jardins 2006, 162; 127). Eco-philosophy can therefore be regarded as the totality of the philosophy of nature, and, hence, it is conceived to be broader than subjects such as environmental studies or environmental ethics (Oruka and Juma 1994, 119). Eco-philosophy is 'ecological' in the broadest sense: it sees humanity as one with nature, as an integral part of the process of evolution which carries the universe onward from matter to life, to consciousness, and ultimately to the divine. The central concept of eco-philosophy is "The World as Sanctuary." This

is offered as an alternative to the Newtonian/Cartesian vision of "World as a Machine" (Skolimowski 1990).

Eco-philosophy cautions against any quick fix technological solutions to environmental problems. Skolimowski (1990) observes that western technology has failed us, not because it has become ecologically devastating, but mainly because it has forgotten its basic function, namely that all technologies are, in the last resort, the tactics for living. Eco-philosophy cautions that we must be careful in the way we handle nature: because nature is an organic whole, it seems that everything in it has value not simply for itself, but for the reality of the survival of the rest (Oruka and Juma 1994, 118). We have to see the human being as part of a larger scheme of things: of Nature and Cosmos (Skolimowski 1990). Eco-philosophy may therefore be perceived as a new philosophy for action - one that wishes to build a human world in which the uniqueness of humankind is nevertheless perceived in terms of symbiosis with Nature, rather than the contrasts with the natural world that are found to be present (Piatek 2008).

Anthropocentrism and Ecocentrism

Most environmental ethicists blame the Judeo-Christian ethical teachings for the current environmental crisis. Western philosophical and religious traditions are accused of encouraging the view that humans are superior to nature, and therefore justified in dominating it (Des Jardin 2006, 99). The critics further argue that current ethical views only regard humankind's exploitative activities on the environment as evil in as far as such acts endanger the life and property of humankind, and not the rest of nature. The idea of a human-centered nature (anthropocentrism) therefore explicitly states that humans are the sole bearers of intrinsic value, and that all other living things are there to sustain humanity's existence (MacKinnon 2007, 331). Anthropocentrism is blamed for a wide range of environ-mental crises, ranging from global warming to ozone depletion, drought, famine, reduced water levels, and the loss of biological diversity. Lynn White, one of the main critics of anthropocentricism, argues that the Christian teaching that nature exists apart from people and was created for their use has encouraged the unchecked develop-ment of science and technology at the expense of the environment, and that as long as Western society maintains its basic Christian

values, including the Christian axiom that nature has no reason for existence save to serve humankind, we shall suffer a worsening ecological crisis. Although White has been criticized for over emphasizing the role of religion in the environmental crisis, he maintains that the crisis can be best understood through an analysis of our individual beliefs about who we are, where we are going, and how we ought to behave towards nature and our fellow men (White cited in Shrader- Frechette 1993, 6).

Most debates on the role of humans in the present ecological crisis center on the ways in which humankind treats particular populations of other species globally and locally. The human being is therefore at the center of the ecological crisis, threatened by it because of threatening it, and hence, humankind are the source of their own problem (Dalfovo 1994, 245). Deep Ecologists and Eco-philosophers such as Arne Naess, Bill Devall, and George Sessions maintain that the current environmental crisis results from Western humanity's anthropocentric attitude of "placing environment apart from nature, a factor that has contributed to global environmental degradation. There is therefore need for a shift from this anthropocentric attitude to a deep ecological attitude that places the environment in a complex and systematic totality of nature" (Oruka and Juma 1994, 115).

When we say that human activity degrades the environment, we mean that human beings disrespect the intrinsic value of nature. For instance, in traditional Western ethical theories, the thoughts of Aristotle are cited as evidence of advocating for such an anthropocentric view. He asserted:

> Plants exist for the sake of animals…all other animals exist for the sake of man, tame animals for the use he can make of them as well as for the food they provide; and as for wild animals, most though not all of these can be used for food and are useful in other ways; clothing and tools can be made out of them. If then we are right in believing that nature makes nothing without some end in view, nothing to no purpose, it must be that nature has made all things specifically for the sake of man (Aristotle 1941, 1256b).

The words of Thomas Aquinas are also frequently cited to support the claim that traditional Western ethical teaching and Judeo-Christian traditions have enhanced anthropocentrism:

> We refute the error of those who claim that it is a sin for man to kill brute animals: For animals are ordered to man's use in the natural course of things, according to Divine providence. Consequently man uses them without any injustice, either by killing them or employing them in any other way. For this reason, God said to Noah: As the green herbs I have delivered all flesh to you (Aquinas 1924).

In his *Lecture on Ethics*, Immanuel Kant also observed that our duties regarding nature are indirect because they are duties to other humans. Critics of Anthropocentrism such as Lynn White (1974) also note that the holy scriptures such as the book of Genesis in the bible, which portrays humankind as superior creatures who were "created in the image and likeness of God," ascribing to them a moral and metaphysical uniqueness. Such scriptures portray humankind as separate from and transcending nature, with God-given authority to subdue and dominate the rest of nature.

The fact that traditional Western Ethics and the Judeo-Christian tradition regarded humankind as the only beings with a moral standing is seen as having exempted them from any direct ethical responsibility to the natural world, hence their indiscriminate exploitative tendencies. The fact that ordinarily the focus of ethical theories has been human well being and the relationships among humans has also contributed to anthropocentrism. It is on this basis that Philosophers, especially eco-philosophers, have been calling for a paradigm shift - for a new ethics that stretches ethical responsibilities of human beings beyond human beings, to include the rest of nature. Human beings have a moral responsibility to respect and care for nature not only for its instrumental value to serve human needs, but also for its intrinsic value. This is because "an environmental ethics that is based on the instrumental value of the environment may prove unstable because as human interests and needs change, so too will human uses for the environment" (Des Jardins 2006, 130).

There has therefore been a shift from anthropocentric, or human-centered, ethics to Bio-centric, or life-centered, ethics to Ecocentric

Ethics, that is, a holistic ethics focusing on the ecosystem. Eco-centric ethics, which in this paper is regarded as the alternative ethics ideal for breaking the stalemate in the current ecological crisis, focuses on the systematic interactions and dependencies in the ecological system - how living and nonliving things interact in mutually beneficial ways in the ecosystem (Des Jardins 2006). Eco-centrism recognizes a nature-centered system of values, and extends inherent worth to all living things regardless of their usefulness to humans (MacKinnon 2007, 336). Eco-centric ethics is therefore a holistic rather than an individualistic ethics.

One of the earliest forms of Ecocentric ethics is Aldo Leopold's "Land Ethics." Aldo Leopold (1887-1947) was distressed at the degradation of the environment, and argued that we must begin to realize our symbiotic relationship to Earth so that we value "the land," or biotic community, for its own sake. We must come to see ourselves not as conquerors of the land, but rather as plain members and citizens of the biotic community. According to Eco-centrism, humans have responsibilities to all forms of life on Earth because, apart from being the most consuming species of all, they are capable of thinking and perceiving Earth as a whole. Due to their unique rational capacities, humans are the only beings who can be regarded as moral agents, and hence can be held responsible for their actions.

The Relevance of Odera Oruka's Parental Earth Ethics Today

In his contribution to Eco-philosophy, Odera Oruka argued that there is need to come up with a new ethics that would take into account the complexity and totality of nature. Towards this end, he formulated his famous Parental Earth Ethics which he also used to offer his critique of Garret Hardin's "Life Boat Ethics" (cited in Oruka 1997, 146). Hardin had argued against charitable aid from wealthy to poor nations. Oruka contended that a parental earth ethics is not simply a product of intellectual enquiry, but rather the ground upon which different cultures around the world anchor their environmental perceptions. Such ethics can be presented in the form of principles and rules (Oruka and Juma 1994; Oruka 1997). To explain the principles of their ethics, the authors use the analogy of the Family. They ask us to imagine a family with six children, two of them rich, while the other four are generally poor. Among the rich, one is extremely rich,

whereas among the poor, three are very poor. The differences in wealth can partly be attributed to family history and/or personal luck, and partly to individual talent (Oruka and Juma 1994; Oruka 1997). However, they observe that although the children have their own completely separate individual possessions, they have certain things in common. The most basic of the common factors are their parents - they have a common origin. The other common factor is that each child owes his or her own status and achievement to the tutelage that the family as a whole provided. Some made better use of that tutelage, while others may have squandered it. The children therefore find that, their life and relationships are guided by unwritten ethical laws which can be best summarized under two principles:

The parental debt (or bound) principle (PP).
The individual luck principle (IP).

Oruka (1997) argues that the Parental debt principle consists of inter-related shared assumptions that can be formulated as rules. The first rule is the *Family Security Rule*, which states that the fate and security of each of the members is ultimately bound up with the existential reality of the family as a whole. This means that any of the six children may, for instance, arrogantly think that they are self sufficient and independent from the rest, but, sooner or later, they themselves, their own children, or their grandchildren will experience a turn which will most certainly make them to be desperately in need of protection from the family tree. Oruka's "family" symbolizes the planet earth or the ecosystem. The six children symbolize the global human community. Although Oruka developed Parental Earth Ethics in response to Garret Hardin's "Lifeboat Ethics" (cited in Oruka 1997, 146), in which Hardin argues against the affluent countries helping the poor countries, it can also be used as an Eco-philosophical theory (Oruka 1997, 150). The arrogance of the rich children can be viewed as representing the anthropocentric attitude that human beings have towards the rest of nature, exploiting it as if they do not need it in return for their survival. Oruka, through his family rule principle, cautions that both human beings and the rest of the ecological system have a common origin, so that it is foolish for human beings to behave as if the rest of nature exists to satisfy their selfish desires. If the attitude of humans towards their relation with nature does not

change, there will certainly be a negative turn of events (the turn has already happened - climate change and its subsequent negative effects) that will cause human beings to be in desperate need of cushioning from nature, their allegorical family tree.

Using the *Parental debt Principle*, Oruka explains that there is an organic relationship and debt between the family members: whichever member of the family is affluent or destitute owes his or her fortune or misfortune to the parental and historical factors inherent in the development of the family. Therefore, within the family, one is fully responsible neither for his affluence nor for his misfortune. We can use this principle to warn human beings that the fact that they are the only rational beings with the capacity to exploit and use nature's resources for their advancement does not make them superior beings: they are part of nature, *not* separate from and superior to nature. Their ontological status in nature is merely a historical factor inherent in the existence of the ecosystem. Human beings should therefore respect and care for nature, not because such care has a positive impact on their well being, but because of the inherent relationship between their existence and that of other species. If they do not heed this advice, they will, sooner or later, realize that they need nature for their own survival despite their apparently superior status.

Oruka therefore observes that the inhabitants of the earth, human and non-human, are a kind of family unit, that is, the members of the unit have kith and kin relationships with one another. No one family member can claim sovereignty over the planet earth. This in effect means that the second principle, namely, the Individual luck Principle, which advocates for the individual to do whatever he or she wishes with her possessions without any regard for historical experiences, is overruled by the Parental Debt Principle which advocates for the common origin of all family members. Oruka observes that the ethics of common sense shows that in any given family or community, when matters of common wealth or security are in conflict with matters of personal possession, luck, or achievement, the former must prevail over the latter. Since humankind's selfish, exploitative actions on nature are posing a common security threat to both human and non-human members of the family earth, common sense ethics calls on humankind to halt its actions. The need for the promotion of common security therefore overrules humankind's

selfish search for advancement at the expense of the rest of the family members.

From an eco-philosophical point of view, Oruka and Juma therefore argue that nature is a web of complex relations, and that no particular species can exist independently of that web. Given the organic unity of nature, it is evident that the pollution and degradation of parts of the earth is threatening the survival of life on earth, including humankind's life. Oruka and Juma conclude their reflections on Eco-philosophy by observing that "all sentient beings have an intrinsic value, and…human life on earth is doomed to perish if we destroy biodiversity. We therefore propose parental earth ethics as a basic ethics that would offer a motivation for both global environmental concerns" (Oruka and Juma 1994, 128).

Conclusion

This paper has attempted to show the relevance of Odera Oruka's parental earth ethics as a form of eco-philosophy and how it can be applied to address the current environmental global crisis. The paper has reflected on the reason why anthropocentrism ought to be shunned in favor of eco-centrism if nature, humans included, is to be saved from the looming danger into which humans have exposed it. As Oruka and other eco-philosophers such as Aldo Leopold, Lynn White, and Arne Naess observe, humankind ought to see themselves as part and parcel of nature and not superior to or separate from it. As the only rational occupants of the ecosystem, human beings should know better than to treat nature as if it existed only to meet their insatiable needs. Each and every one of us has a moral responsibility to protect the ecosystem for the simple reason that human life is part and parcel of the larger life of the ecosystem. Being only a part of an organic whole with a common origin and destiny with the rest of nature - what Oruka calls the "family" - it is only out of sheer ignorance and foolishness that human beings continue to destroy the very "family unit" without which they will eventually become extinct.

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Trends in Africa's Backwardness, Poverty and Development: The Myth-Reality Dichotomy

GILBERT E.M. OGUTU

Introduction: The Agenda and Context

This paper is an historical prolegomena to the roots and concerns of the 21st century African Renaissance and Africa 2.0. The "African Renaissance*:* The New Struggle" crystallized at the *African Renaissance Conference* of 1998 that brought together close to 470 people to build bridges and linkages among Africans with a view to devising strategies to ensure the prosperity of the continent in the new millennium, among other things. The point was driven home by Guinness Ohazuruike, a participant, who said:

> For long, our people have suffered untold hardships. For long our collective destiny has been compromised by selfish rulers…we want practical solutions to our problems. This is our chance (cited in Mbeki 1999, p. xiii).

The dynamic young men and women who founded and/or initiated Africa 2.0 intimated: "there is no point complaining about what is wrong with Africa and doing nothing about it. The people of Africa are longing for action (not mere talk) that triggers positive change." By these sentiments, African Renaissance and Africa 2.0 are on the same mission along the same path, but the actors differ in age, attitude, and approach. Moreover, in Thabo Mbeki's words at the conference, "it is a matter of great inspiration to see the intelligentsia of our continent come together" (see Mbeki 1999, p.xiii). What if Henry Odera Oruka was alive and among the Renaissance Conference delegates, undertaking a forensic philosophical examination of Trends in Africa's Backwardness, Poverty and Development? Would

he decipher and/or give an historical prolegomena to the *Myth-Reality dichotomy*?

My desire in this paper is to intuitively visit the malignant trends in Africa's backwardness, poverty, and development within the contemporary context of African Renaissance and Africa 2.0. To be meaningful and relevant, both African Renaissance and Africa 2.0 must revisit the PAST to understand the PRESENT in order to fruitfully project into the FUTURE. This is our chance to act and to trigger meaningful change.

The late Professor Henry Odera Oruka (1944-1995) was a trends philosopher who sought to understand and articulate the dynamics of continuity and change in various aspects of human endeavor within the intricate parameters of the evolution of human culture in space and time. This paper also seeks to highlight the thinking behind the 14th Conference of the World Futures Studies Federation held in Nairobi in July 1995, with Oruka in attendance a few months before his demise, and whose proceedings have been published under the title *Futures Beyond Poverty: Ways and Means out of the current stalemate* (Malaska and Ogutu,6 eds. 1997).

In an address to the Philosophical Association of Kenya in 1973, Paulin J. Hountondji asserted that when we talk about myth and reality, we are not asking ourselves whether the idea in question is a myth or a reality, whether the concept exists or not, but rather attempting to show that it could be either a myth, or a reality, or both; that is, the concept could, on certain conditions and only on those conditions, be meaningful and therefore a legitimate concept, but on any other conditions and any other contexts, be unthinkable and properly mythological (Hountondji 1974). In line with this insight, Odera Oruka asserts: "The importance of myths is that their ultimate justification is the wishful dreams they created [*sic*] in their adherents. Converts fly away once the emotional appeal appears bogus" (Oruka 1990, 2).

In a rather hypothetical way, I am tempted to recall the famous dialectics of Georg Wilhelm Friedrich Hegel (1770-1833), when he stated that "a concept may be said to generate its opposite or contradictory; the concept and its opposite together give rise to a further idea which represents what is essential to both" (Hegel 1902). From this Hegelian observation, it could be inferred that Africa's elusive progress could have been generated by its opposite, which is

backwardness - a conceptual label that was composed and pegged on Africa by the West. Such an inference naturally reminds us of Giambattista Vico (1668-1744), who mused that "to know the nature of something, it was necessary to have made it" (Vico 2002 [1744]). The composers of the label 'backwardness' as a fitting description of Africa must have been aware of Vico. We would not be off the mark, therefore, to claim that Europe identified Africa with a mythical concept that she (Europe) had created, and which she knew best. A little more evidence should make this clearer.

European Imperialism

The eighteenth and nineteenth centuries saw Africa catch the attention of Europe. Resources of European science and philanthropy were hurriedly pooled together to bear upon the exploration and "amelioration" of Africa. The resultant scramble was so intense that by the second half of the nineteenth century, there was hardly any important city in Europe where there was not an organization connected with the "Dark Continent," *viz*. The International African Association founded in Brussels in 1876; The Italian National Association for the Exploration and Civilization of Africa, in Rome; *Association Espanola para le Esploration del Africa* in Madrid; The German Society for the Exploration of Africa founded in Berlin in 1872; The National Swiss Committee for the Exploration of Central Africa, in Geneva; African Association of Rotterdam; and, of course, the notorious Royal Geographical Society in London.

This curious European anxiety to penetrate the mysteries of Africa, this European readiness to turn from the subtleties of renaissance philosophy and the fascination of science in order to better deal with the great physical fact of an unexplored continent, appears to have had more to it than immediately meets the eye. True, it is unnecessary for us in Africa, particularly those of us who have been schooled in the West, to add any more to our mountain of lamentations. It might be too late for us who were once imperialized to weep on the shoulders of those who have brought about our oppression. Nevertheless, our mission as scholars and social analysts dictates that we reflect on the thinking that lay behind our past defeats if we want to avoid the deadly shocks our future seems to be holding in ambush for us. To meaningfully do this, it is imperative that we

revise our understanding of the history of which we are products. Oruka states:

When we talk of the "Scramble for Africa" and we wish to be academically strict, we imply that Africa is an object up for grabs and that some people or parties stand outside this object grouping to grab and confiscate it. This implication then entails that the parties to the scramble are outsiders longing to swallow or divide up the continent as a newly noticed or discovered valuable foreign body. It then cannot mean, strictly speaking, that Africans themselves are party to the scramble, unless they are Africans only in name and appearance but foreigners in all their spirit and existence. Ontologically, an object cannot scramble for itself; it can at best only grumble about itself and struggle to escape from its scramblers (Oruka 1997, 255).

Review of Scholarly Reflections on Underdevelopment

With Oruka at the back of our minds, we now turn to reflections on our paradigmatic titles.

In the opening chapter of our first title, *The West and the Rest of us*, Chinweizu sends shock waves into our psyche when he laments:

For nearly six centuries now, Europe and its diasporas have been disturbing the peace of the world. Enlightened through their Renaissance, by the learning of the ancient Mediterranean; armed with the gun, the making of whose powder they had learnt from Chinese fireworks; equipping their ships with lateen sails, astrolabes and nautical campuses, all invented by the Chinese and transmitted to them by the Arabs; fortified in aggressive spirit by an arrogant, messianic Christianity of both the popish and Protestant varieties; and motivated by the lure of enriching plunder, white hordes have sallied forth from their western European homelands to explore, assault, loot, occupy, rule and exploit the rest of the world. And even now, the fury of their expansionist assault upon the rest of us has not abated (Chinweizu 1975, 3).

In what logical sense would the argument hold that Europe and her diasporas underdeveloped Africa? In this high-handed exploita-

tive scenario, what do we want to understand underdevelopment to mean?

Underdevelopment makes sense only as a means of comparing levels of development. It is very much tied to the fact that human social development has been uneven and, from a strictly economic viewpoint, some human beings have advanced further by producing more and becoming wealthier than the rest. For Africa's development debate, John Stuart Mill (1806-1873) could, after all, have been correct when, in advancing his Utilitarian theory, he argued that social development can only be understood historically, as proceeding through different stages of civilization and cultural advancement. Mill further contended that human beings have, to some extent, the power to mold their own character and hence to alter their disposition to react in particular ways to external and internal stimuli (Mill 1963). For Europe and her Diaspora, the stimuli were external ("out there in Africa") as well as internal ("…home is best").

The author of our second paradigmatic title, *How Europe Under-developed Africa*, the late Dr. Walter Rodney, gives us some further insight into the nagging problem:

> The moment that one group appears to be wealthier than others, some enquiry is bound to take place as to the reason for the difference. After Britain had begun to move ahead of the rest of Europe in the 18th century, the famous British economist Adam Smith felt it necessary to look into the causes of the "*Wealth of Nations.*" Today, our main pre-occupation is in the differences in wealth between, on the one hand, Europe and North America, and on the other hand Africa, Asia and Latin America. In comparison the second group can be said to be backward and underdeveloped (Rodney 1973).

Meanwhile, as Chinweizu reminds us, "when we consider that Africa began the sixteenth century with genuine independence and with little disparity in power when compared to Europe and that four centuries later she was unable to prevent Europe's devastating conquest, we must wonder why" (Chinweizu 1975, 30). Could the secret lie with the famous Oxford historian, Arnold Joseph Toynbee (1889-1975), who, in advancing his much criticized theory of civiliza-

tion, argued that the basic unit in historical analysis is civilization, and that all civilizations have passed through similar stages of growth, breakdown, and dissolution? (Toynbee 1948).

Walter Rodney diagnoses the puzzle in a different way:

A second and even more indispensable component of modern underdevelopment is that it expresses a particular relationship of exploitation: namely, the exploitation of one country by another. All of the countries named as under-developed in the world are exploited by others; and the underdevelopment with which the world is now preoccu-pied is a product of capitalist, imperialist and colonialist exploitation. African and Asian societies were developing independently until they were taken over directly or indirectly by the capitalist powers. When that happened, exploitation increased. That is an integral part of under-development in the contemporary sense (Rodny 1973).

Auguste Comte (1798- 1857) saw the progress of Europe as the outworking of the law of three stages - theological, metaphysical, and scientific. These hypothetical argumentations did not appeal to the German Hegelian philosopher Karl Heinrick Marx (1818-1883), who dismissed them in a sentence, saying, "What matters is not metaphy-sical conceptions but the hard and concrete facts of life and experience" (cited in Minogue and Molloy eds., 1974).

Thinkers emerge in time and space; so did Henry Odera Oruka. As we usher ourselves into the bizzarre maze of the attitudes and aims of the African leaders and intellectuals, and given that their writings and speeches assembled in this discourse were composed in the 1960s and/or earlier, it might be worth our while to bring to mind the giant Kenyan political philosopher, thinker, and social analyst, Ali A. Mazrui. In his reflections on how to create a humane society, he postulates: "I think there are positive attributes that we should preserve and upon which we should build. One is what I call Africa's short memory of hate. Sometimes we forget too readily, but it is a very important democratic recourse…we forgive our oppressors very fast" (Mazrui 1994, 4 ff.).

Mazrui was indeed thinking of the often-exploited benign, forgiving aptitude of African leaders, who, according to Minogue and

Molloy, "may be seen as self-seeking charlatans, as dignified guardians of their peoples, as flawed visionaries, or as men struggling to control the social forces beyond mere manipulation, or people with several of these elements in their make-up" (Minogue and Molloy eds. 1974, 13). Minogue and Molloy further reiterate that "whatever the labels we attach to them, and however we try to interpret them, we cannot avoid the necessity of examining their own statements of belief and intention" (Minogue and Molloy 1974, 13).

Later, concerning Odera Oruka, Kwasi Wiredu would muse: "Henry Odera Oruka was so full of life that it is difficult to think of him as dead.…Moreover, the importance of his contributions to African philosophy will see to it that his intellectual presence will be felt in our discipline forever" (Graness and Kresse eds. 1997, 139). The history of contemporary African Philosophy, and more specifically, the theory of Sage Philosophy, is, in a sense, the biography of Oruka after all.

Oruka's pointer begins with a quotation of Ahmed Sekou Toure's famous statement "We prefer poverty in liberty to riches in slavery." To this he adds Herbert Marcuse's thesis that "Progress in freedom demands progress in the consciousness of freedom." Drawing his inspiration from Julius Nyerere's acknowledgement that at independence Tanzanians had not defined their ideology very well, Oruka brings us to the crux of the matter:

> In discussing freedom, we must also discuss the need for the fulfillment for which people seek freedom. Although freedom itself may be regarded (rightly) as a need, it is itself more than a need; it is a need to fulfill needs. As a need to fulfill needs, freedom is a right - people usually demand a right because they have some needs that they cannot fulfill without the supporting right. But freedom is not a mere ordinary right inasmuch as it is also the right to have rights. We cannot talk of economic rights, political rights, religious rights, sexual rights or intellectual rights without the presupposition of freedom as a first condition (Oruka 1997, 106-107).

For African nationalist leaders, decolonization was merely a beginning. They were now to be fully responsible for their new nation-

states, for the operation of the economies short of both capital and human resources, for the welfare and well-being of societies characterized by poverty, ignorance, and disease, and for the direction of political entities lacking natural cohesion (Minogue and Molloy, eds. 1974, 63). The challenge was to instill confidence and facilitate new thinking in their backward, poor, and underdeveloped masses. However, for Oruka, an underdeveloped organism or political organization is characterized by want:

> [it] lacks the ability to fulfill its needs by itself and, in order to satisfy its needs, it requires the services or the help of a developed or a more developed one. To the extent that the underdeveloped breed lacks the freedom to fulfill its needs by its own unaided effort, it follows that it lacks the freedom to fulfill its needs (Oruka 1997, 112).

Thus, Oginga Odinga could also have been correct in claiming that it is "Not Yet *Uhuru* [Freedom]." The new states of the Third World were conveniently branded 'developing' or 'underdeveloped' nations - on the way to development, as a people going through a 'civilizing rite of passage' (Chinweizu 1975, 461). We are confronted with a complex social, political, and economic situation - that is responsible for Africa's chronically bleak future. Do we give up?

From the foregoing accounts and illustrations, we can deduce that the European invasion and conquest of our continent is responsible for all the attendant alienations and humiliation, resulting in the shattering of our self-confidence and sense of dignity whose pains still hang upon our faces and ache in our psyches. However, as Antoine-Nicolas de Condorcet (1743-1794) had occasion to argue, history is a continuous movement towards ideals which testify to the foresight and generosity of the mind which envisaged them, and this, he asserts, is instantiated in the progress towards goals such as universal suffrage and education, freedom of expression and thought, legal equality, and redistribution of wealth (de Condorcet 1933).

The Key to Africa's Development

According to Walter Rodney, the means through which Western imperialism underdeveloped Africa included slave trade, technolo-

gical stagnation, and distortion of the African economy (Rodney 1973, 103-161). Contemporary history points to the fact that Africa's independence struggle has indeed returned some measure of autonomy into African hands. However, the winning of that autonomy left still unaccomplished the total liberation of Africa from the western political, economic, and cultural hegemony. Therefore, being aware that the need to be totally liberated is a task imposed on us by our conquest and colonization, the construction of an independent African power base becomes a task African thinkers must speedily ponder if we hope to avoid another loss of sovereignty with the onset of the Second Scramble for Africa. It is against the background of the requirements of these tasks that our post-*Uhuru* (independence) societies must be judged, and judging is a noble task which scholars must undertake in their humble but challenging roles as the conscience of their societies. This task of judging is no light undertaking. Ali Mazrui stated:

> Never was a whole continent so swiftly subjugated, and then so rapidly emancipated. Europe's pursuit of production in the Industrial Revolution had resulted in the colonization of Africa. Europe's pursuit of destruction in the Second World War had reversed the process and helped to initiate Africa's decolonization. The west is no longer interested in African territory, but it continues to be interested in Africa's resources (Mazrui 1986, 161).

The big question is: does Africa have the will and the capacity to rid herself of Western subjugation? Africa's development will largely depend on how wisely she uses her natural and human resources. The weakness or absence of the processing and manufacturing sector, which transforms raw materials into consumer products, results in a situation analogous to a body without a stomach and without intestines (see Chinweizu 1975, 284). Caught in this kind of predicament, African thinkers need to revisit and apply the "Secret Plan" of Immanuel Kant (1724-1804). Kant held that if the course of human history is to make sense, we must assume the working of some secret plan, or teleological principle (nature), which has planted certain capacities in human beings that they may be developed (Kant 1914).

Henry Odera Oruka, like Jean-Jacques Rousseau (1712-78) before him, was aware that human beings are social in nature. Social life is a resource that creates power and increases the total assets and goods, so that each of the members of the group can benefit. Yet Europe and North America have, regretably, bequeathed to Africa the suicidal culture of individualism and the attendant nuclear family system that have led to great social and economic inequalities. The Euro-American emphasis on the principle of economies of scale and the acquisition and accumulation of wealth by whatever means necessary has become a yardstick for successful leadership in Africa. If Rousseau had shifted the foundations of morality, first from God to nature, and then to society itself as his critics would claim, then the West has created in Africa a disturbingly strange elitist class that prefers personal wealth and comfort to the general good of society - the forerunners of the devilish corruption and corrupt practices in our society. In this kind of situation, a diagnosis of the whole phenomenon of decolonization becomes a nightmare, and the way forward becomes elusive. Consequently, as Frantz Fanon reiterated, "in de-colonization there is the need for a complete calling in question of the colonial situation. If we wish to describe it precisely, we might find it in the well-known words: the last shall be first and the first last" (cited in Minogue and Molloy eds. 1974, 55).

If Fanon's assertion is puzzling, Oruka's could be reassuring when he observes that "a country can be backward and progressing i.e., it is backward only because others are ahead of it, but it is not stagnated. Progressive modernization offers the spirit that pulls a community from backwardness and stagnation to development. And the most basic ingredient of progressive modernization is welfare rationalism" (Oruka 1997, 256).

Myths and Mythology

What was inimical to Africa's well-being was the myth of Africa's backwardness. The Greek word *mythos* crept into English with the publication of Thomas Keightley and Leonhard Schmitz's *Mythology of Ancient Greece and Italy* in 1831. They asserted that "the mythology of a people consists of the various popular traditions and legendary tales, current among a people, and objects of general belief" (Keightley and Schmitz 2010 [1831]). This rendering was later to be modified by

Keightley in the second edition of the book to read, "Mythology is the science which treats of the *mythos*, or various popular traditions and legendary tales, current among a people and objects of general belief." Branislaw Malinowski refined the definition when he wrote:

> Myths are the assertion of an original, greater and more important reality through which the present life, fate and work of humanity are governed, and the knowledge of which provides men, on the one hand with motives for ritual and moral acts, on the other, with the direction for their performance (Malinowski 1926).

The pooling together of the resources of European science and philanthropy had to have some motive and direction for performance. It is here that the creation of the myth of a dark, backward continent needing the European light of religion, politics, and societal progress became handy. A myth had to be composed, and so it indeed was. The alleged backwardness of Africa was an invented precept that propelled the European missionary, philanthropist, and colonizer into action. Whatever the magnitude of the propelling force it acquired, it remained a myth. Henry Odera Oruka, in closely examining the mythical trend in Africa, concluded:

> …the African past is not all that glorious, the present is disappointing and we are under the obligation, we are commanded, to make the future glorious. This should be the first principle of African artists. Colonization had highly degraded African culture and made the African turn English, French or Portuguese. We have to change this (Graness and Kresse, eds. 1997, 33).

Salim Ahmed Salim adds:

> Africa is as committed to modernity as it is to the cultural heritage and values. It can therefore ill-afford to replace its own cultural values by some so-called world culture to whose elaboration Africa was not given opportunity to contribute. Is it wise or indeed advisable for the world to share one and the same culture? Would a uniform culture

not stifle creativity and genius and hinder human progress? Rather I choose to believe that it is possible to aim at a world within which common values can be shared while specific cultures develop and in which the specific and the universal can merge and be mutually strengthening and enriching (cited in Serageldin & Toboroff, eds. 1994, 12).

The Culture of Poverty, Aid and Dependency

The Indian philosopher Suresh Sharma has argued that any culture which refuses the universalistic claim of the dominant industrial civilization can only survive as a marginalized, insignificant culture, at best tolerated as an archaic survival (Quoted by Ulrich Lolke in Graness and Kresse, eds. 1997, 220). Furthermore, we must think beyond Africa's decolonization, to the period when 'backwards' became synonymous with "Poverty," "Third World," and "Developing." This is the period beyond 1957 when Ghana attained her independence from Britain. It is the period that saw the growth of a critical tension in International Relations, particularly between the Marxist Eastern Sino-Soviet and the capitalist Western Euro-American blocks. The US took the lead in the West's ideological confrontation with the Eastern Block. The Second World War had catapulted her to a position of unique, if inherently transient, pre-eminence. Germany, Italy, and Japan had been defeated. For Africa, 'backwardness' lingered on. The period therefore ushers us into a consideration of the culture of poverty, aid, and dependency to which we must briefly turn, as it was another of Odera Oruka's darling subjects and themes.

Poverty is a multi-layered, fragmented, and diffused phenomenon manifesting in social, cultural, and material deprivation. The frontiers of these deprivations, like those of backwardness, are known to constantly shift, as divergent images and concepts are created by different 'agencies,' often for predetermined reasons (Oruka 1997, Part II, pp. 81-154; see also Graness and Kresse, eds. 1997, 47-59). Most African countries are poor and dependent on aid from the wealthier countries, mostly in Europe and North America, who, according to Ali Mazrui, are no longer interested in Africa's territory, but continue to be interested in her resources. To get our bearing and to identify, understand, and articulate the daunting scenario created by the colonial presence in Africa, we recall that in 1974, Sir Joseph Hutchin-

son delivered the Eddington Memorial Lectures at Cambridge University under the theme: "The Challenge of the Third World." In his very first lecture, Hutchinson draws our attention to the fact that:

> The European economic system was established in the Third World by the introduction of money economy linked to the European monetary system. This was a necessary step if any kind of development was to take place under the imperial colonial powers. In most of Africa this was quite new (cited in Ravallion 1992).

The recommendations that Hutchinson made, by alluding to John Keynes' description of Economics as a normative or regulative science, fall under the purview of what Henry Odera Oruka refers to as normative or welfare economics. In contradistinction to Economics as a positive empirical science, normative economics utilizes the former to recommend ethically appropriate actions and the rational reorganization and redistribution of resources (Graness and Kresse, eds. 1997, 4). I want to draw my readers' attention to the development aid paradigms from Canada, Denmark, the Netherlands, Norway and Sweden (see Stokke, ed. 1989). Their African Aid schemes remain, to use Winston Churchill's famous diction, "a riddle enshrined in mystery and rapped in an enigma." The donor-recipient relationship is, to my mind, a bizarre continuation of opposite qualities that hardly lend themselves to any relationally planeside interpretation. Our quest is for the philosophy behind the enigmatic philanthropy. Their framework of humane internationalism uses a principle that citizens of the industrial nations have moral obligations towards peoples and events beyond their borders - a sensitivity to cosmopolitan values, an obligation to refrain from the use of force in pursuit of national interests, and respect for human rights (Stokke, ed. 1989, 9-31). The primary objective of humane internationalism is the acceptance of the obligation to alleviate global poverty and to promote social and economic development in the Third World. The reality, to which Henry Odera Oruka frequently drew our attention, is that the situation in Africa is unsatisfactory: economic growth is slow where it is not negative.

The question we are left to ask ourselves is: how do we in Africa wish to get out of the backwardness trap? What Africa needs is

attitudinal *perestroika* (reform). We need a new social paradigm - a new set of assumptions, standards, values, and habits appropriate to our time - to usher in a new era in the history of our continent. Perhaps we can learn a lesson or two from the Chinese experience. Looking at the Sino-Soviet threat to the Western block during the post-World War II era, the Third Plenum of the Chinese Communist Party marked a watershed in the history of the country's economic modernization. It began the open challenge and eventual rejection of the Maoist economic principles and introduced economic reforms that ushered in changes in China's economic system, economic policies, development strategies, and even societal values and behavior. The fact that the Chinese have encountered obstacles, some created by the reforms themselves, cannot be cited as proof of their failure.

Conclusion

I want to end by dismissing Africa's backwardness as a myth. Africa could only be trailing Europe and North America in material sophistication, but not culturally. I want to insist that Africa is well endowed with natural and human resources, so that all she needs is to recover her pride by rediscovering her sovereignty. By now, it ought to be plain that the fundamental conflict between the West and the rest of us is not over ideology, but rather over the control and use of resources. As such, it is in our interest to demythologize the conflict, pierce through all that ideological propaganda of backwardness, and focus on the politics of equitable and sustainable resource use (Chinweizu 1975, 481). We have to show that we are capable of enterprise and development. It is no good railing at accusations of our inferiority (Minogue and Molloy eds. 1974, 38).

My considered opinion is that we ought to revisit the Past to inform the Present, and then project into the Future. Nobody is going to 'develop us for us.' To preserve the people's social and moral values, Singapore had to reinforce its people's cultural assets, including their sense of right and wrong. This measure was informed by the awareness of the fact that sound values, if inculcated early in life, could later resist contrary influences and pressures. Singapore's vision was to be modern, confident and responsible. In less than 50 years, she moved from a poor state to a prosperous one. It requires sustained efforts to administer a country well and to change the

backward habits of the people: a certain amount of administrative pressure is necessary at the beginning, but what is most important is Education. Better education and wider global exposure will result in a people who are knowledgeable about the world, and this will in turn lead to high standards of living coupled with individual freedoms - aspirations that constitute a powerful force that the leaders must cultivate to drive their nations forward. Nevertheless, some reforms require time: when dealing with old habits and traditions, it is wise not to expect swift changes.

We cannot afford to let the future take care of itself. We dare not simply prepare for the eventualities of the future: the Tigers of Asia were not created so. Instead, we must tame the future by planning for it. We must demythologize the myth and remember that failing to plan is planning to fail. With our natural resource endowment, we could be the giants of the twenty-first century.

Finally, this Henry Odera Oruka memorial discourse would not be complete without reference to the Burnt-down Libraries of Africa. On Thursday 27th March, 1997, I visited Oruka's *alma mater*, namely, the Department of Philosophy at Uppsala University in Sweden. For that auspicious occasion, I prepared a paper titled "Wisdom from the Burnt-down Libraries of Africa: An Anecdote of Henry Odera Oruka and Sage Philosophy" (Ogutu 1997). That paper started with a quotation from Amadou Hampâté Bâ, who, at a 1960 UNESCO meeting, said: "*En Afrique, quand un vieillard meurt, c'est une bibliothèque qui brûle,*" that is, "In Africa, when an old man dies, it's a library burning." Although this quotation is immediately applicable to many of the sages that Oruka interviewed rather than to him, it is evident that he had much more to offer the academic world by way of publications, which the cruel hand of death has ensured will never see the light of day. Nevertheless, he has left us a lot to ponder, and this symposium has enabled us to make significant strides on this journey.

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The Council for Research in Values and Philosophy

Purpose

Today there is urgent need to attend to the nature and dignity of the person, to the quality of human life, to the purpose and goal of the physical transformation of our environment, and to the relation of all this to the development of social and political life. This, in turn, requires philosophic clarification of the base upon which freedom is exercised, that is, of the values which provide stability and guidance to one's decisions.

Such studies must be able to reach deeply into one's culture and that of other parts of the world as mutually reinforcing and enriching in order to uncover the roots of the dignity of persons and of their societies. They must be able to identify the conceptual forms in terms of which modern industrial and technological developments are structured and how these impact upon human self-understanding. Above all, they must be able to bring these elements together in the creative understanding essential for setting our goals and determining our modes of interaction. In the present complex global circumstances this is a condition for growing together with trust and justice, honest dedication and mutual concern.

The Council for Research in Values and Philosophy (RVP) unites scholars who share these concerns and are interested in the application thereto of existing capabilities in the field of philosophy and other disciplines. Its work is to identify areas in which study is needed, the intellectual resources which can be brought to bear thereupon, and the means for publication and interchange of the work from the various regions of the world. In bringing these together its goal is scientific discovery and publication which contributes to the present promotion of humankind.

In sum, our times present both the need and the opportunity for deeper and ever more progressive understanding of the person and of the foundations of social life. The development of such understanding is the goal of the RVP.

Projects

A set of related research efforts is currently in process:

1. *Cultural Heritage and Contemporary Change: Philosophical Foundations for Social Life.* Focused, mutually coordinated research teams in university centers prepare volumes as part of an integrated philosophic search for self-understanding differentiated by culture and civilization. These evolve more adequate understandings of the person in society and look to the cultural heritage of each for the resources to respond to the challenges of its own specific contemporary transformation.

2. *Seminars on Culture and Contemporary Issues*. This series of 10 week crosscultural and interdisciplinary seminars is coordinated by the RVP in Washington.

3. *Joint-Colloquia* with Institutes of Philosophy of the National Academies of Science, university philosophy departments, and societies. Underway since 1976 in Eastern Europe and, since 1987, in China, these concern the person in contemporary society.

4. *Foundations of Moral Education and Character Development.* A study in values and education which unites philosophers, psychologists, social scientists and scholars in education in the elaboration of ways of enriching the moral content of education and character development. This work has been underway since 1980.

The personnel for these projects consists of established scholars willing to contribute their time and research as part of their professional commitment to life in contemporary society. For resources to implement this work the Council, as 501 C3 a non-profit organization incorporated in the District of Columbia, looks to various private foundations, public programs and enterprises.

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