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Review

Imaginary nature of political power in Africa: The sovereignty of orality

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The reflections we present in this article are a fundamental philosophical contribution to African politics and governance. We propose a political thought, based on the imaginary power of the African peoples, coupled with the principles of modern power from Western Europe; and analyzed sovereignty, both national and popular, based on speech or oral expression. We thus suggest an ethics of the constitution, based on the principle of the respect for the given word. Our relation to a constitutional text is listening to the unspoken, which signals in the singular of every article of the constitution, capable of signifying more than it says. In relation to the text which concretizes the condition of the human being, a being-speaking, listens by saying words as if they were read in his own condition. The modality of the constitutional text is a letter before the narration, a letter which collects the word of being together in text, and which thus lays the sovereignty of the word in the trace of its path. The letter, which as such, contains what, overflows it, because the words it express, point to another meaning, as a human signature.

Key words: Sovereignty, imaginary, political power, orality, constitution.

INTRODUCTION

African countries, since their accession to political sovereignty in the 1960s, are experiencing endemic institutional instability. The concept of sovereignty, in such a context, calls for a reflection that analyses the imaginary of Africans, which is marked by the valorization of the oral tradition and the forgetting of the texts. The central place of orality in African traditions shows that sovereignty or absolute power is in a certain "talk" of the one who is the origin and the legitimate holder of political power. Sovereignty is examined from the perspective of the political imaginary, far from the journalistic reporting on the facts of power in Africa.

The imaginary power questions the relationships that bind the African peoples, consciously and unconsciously, to the sovereign or political authority. These reports are based on an emotional reception, by the Africans, of the orality of the authorities, without a conscious taking into account of their political action and the results of their governance.

In a symbolic way, the attachment to the word, expression of the mouth that speaks, translates an oral phase in the development of the collective imaginary, whereas the importance given to the written texts, the work of a hand corresponds to an imaginary inhabited by

the sense of manual work. The development of such an imaginary no doubt comes from the brutal insertion of Africa into the politics of the contemporary world. Formally, the colonized peoples of Africa have regained their sovereignty for more than half a century (Katundu and Kumburu, 2015). They are autonomous subjects of international law.

But a careful look at the current functioning of African states shows that ready-to-wear sovereignty, coming from the modern West, is not up to the size of the African peoples. Without rooting in the soil of history and African cultures, the reins of democratic sovereignty are held by a minority of the eleven-hour pushy leaders, who are now in the middle of the economic pressures of the past. It is therefore necessary to think about sovereignty in Africa, with a view to making it present to itself, in an attention in the sense that it expresses in the peculiarities of the state powers and their relations with the African peoples.

The sense of sovereignty in Africa appears in places where the African peoples organize social life, according to the resources specific to their situations. Historically constrained by colonization, by the rejection of the sense of one's own sovereignty, by the prohibition of the organization of political and social life according to one's worldview, Africa must henceforth make a sense out of itself of power, able to bring it back to what is posed as the universal of all humans, namely the *word*: talk brings people together in the One. But in the political field, the *word*, as an electoral promise, is evaluated each time by the balance sheet of a political action, political action which is a social and historical inscription of the collective ideal of living together. We defend the idea that primacy of orality in Africa is very close to the theory of representation developed by Thomas Hobbes in the 17th century (Hobbes, 1651).

Seize in the essence of the *word* proclaimed by the civil authority is a potential language of democratic sovereignty (Vardoulakis, 2013); to recognize in the discussion of the subjects of the social body with the delegated sovereign an expression which constitutes the foundation of social peace (Geenens and Sottiaux, 2015); to think of this peace, the daughter of freedom's expression, as a saying which structures the foundation of the existence of civil society; to derive from this first structure the other dimensions of social life, these are the objectives pursued by this study .The following reflections attempt to assume this inquiry, by answering the traditional question of democratic sovereignty: to whom should the sovereign power be entrusted?

The answer to this question comes to light through a hermeneutical method, which consists of interpreting the social consciousness and the collective imagination, perceptible through places of confiscation or suffocation of popular speech in the political sphere. In a first moment, we will analyze the contours of Western-style democratic sovereignty, in order to cross it to the principles of political power coming from pre-colonial Africa. Such an analysis will undoubtedly enable us to show that orality is at the foundation of all political power in the West and in Africa, beyond time and place. In a second moment, we will attempt an interpretation of the sovereignty of orality, as a matrix of the political imagination in Africa. Thirdly, we will propose some elements to take into account in the management of power in Africa.

THE CHALLENGE OF THE CONSTITUTION

In contemporary states, the nature and contours of sovereignty are defined by the constitution, a text drafted according to the principles of positive law (Murphy and Stoica, 2015, p. 219). A question arises when it comes to determining the relationship of one to the other: between the sovereign and the text of the constitution, what is first? This issue shows that the sovereign cannot be a reality established once and for all, and his power is in each state in a fundamental text. It should be stressed that "in the evolution from absolute to popular, the question of modern sovereignty remains largely the same. It is still a problem about how the means of power justify its ends. Power is still understood as actively created through human agency. At the same time, the question is posed in a slightly, yet significantly, altered form: How and under what conditions can *sovereignty* maintain its power?" (Vardoulakis, 2013, p. 110).

Empirically, whether the sovereign is an individual or a people, his power can only be provisional and contingent, so that such a power must not set up the permanent title of sovereign. Sovereignty is an idea whose function is to regulate the political domain. As such, it is not a reality constituted and posed in the sedimentary reality of texts; it is in process of evolution, according to the circumstances of time and place, traversed by the peoples. There must be a word or a word that precedes the constitutional text, which gives it its purpose; we need a speech that is beyond the constitution to judge its obsolescence in order to update it. Sovereignty is a horizon of speech, always in action and power of self, in the desire of peoples to live together, and this desire is a collective word without sound expression, the existential foreword of the constitutional text. "Yet this question remains highly relevant, not least because issues of internal and external sovereignty are often intertwined. Any position in the debate over the competence to devolve or transfer (sovereign) powers to substate or supranational entities requires a clear conception of domestic sovereignty."(Geenens and Sottiaux, 2015, p. 293)

It is commonly accepted today that the people must be regarded as the primary sovereign. Such a consideration, indeed, sounds hollow, insofar as this primacy does not appear in democratic states until the rulers decide to consult the people by referendum. And in situations of

revolt against an established power, it is often a question of a part of the people, even the majority, who revolts. From then on, the primacy of the people should be of the causal order: the people are not sovereign, but by the delegation of the power that it makes to certain citizens to represent it, it sets up the sovereign, so that the sovereignty is in the act of delegating as such, and it does not settle in sediment in the dictatorial desire to remain in perpetuity in the element of power. Thus, Grimm points out that "there is no sovereignty in a constitutional state, but only powers. Sovereignty withdraws into the constituent power and expresses itself only in the act of constitution making" (Grimm, 2015: p. 71).

The concept of sovereignty comes to the idea in the form of an abstract principle of the supreme right to control, in the political realm. Sovereign is the political power that holds and contains an absolute and inalienable character. The sovereignty of a political power is made necessary by the urgency of solving the problem of the conciliation between social order and individual liberty; so that individual obedience to the law of the city is conditioned by the ability of state power to ensure the safety of everyone. This is, in a condensed manner, the legal and political sense of sovereignty.

The constitutional texts of African states mention, in a very general way, a part of culture as a source of constitutional law, without a precision on the cultural elements to be promoted. The preamble of the Ivorian constitution (2016) claims: "*The Ivorian people (...) Convinced that unity with respect for diversity will ensure economic progress and social well-being; Deeply attached to constitutional legality and democratic institutions, to the dignity of the human person, to cultural and spiritual values ...*"For its part, the preamble of the Constitution of the Republic of Congo (2002) states that: "*... Also, anxious to work for the enrichment of the universal heritage common to all democratic societies around the world and based on the socio-cultural values of our country ... *" The question is: on which precise point Congo enriches the common heritage of all democratic societies ? Are there cultural values specific to a country? If so, what are they?

In the context of contemporary Africa, thinking about sovereignty should not be limited to the legal aspects of the legitimization of power, but it also calls for consideration of the question of the exercise of power (Katundu and Kumburu, 2015: p.116). Is the political action of African rulers the carnation of national and popular sovereignty? If so, on what cultural and imaginary bases does it base itself?

The answer to this question, from a philosophical point of view, must take into account the actuality of the sovereignty or the political power in Africa, a reality which, since 2010, is marked by the unacknowledged intention or the attempt of the policies of to reform, change or modify the fundamental law, with a view to

postponing their departure from public affairs. Such actuality invites the philosopher to think about sovereignty in Africa, by leading it back to its true ground of credibility, from where it arose and where it can arise in serenity, away from the rustling of the media, far from political actors with uncertain ambitions, in search of political opportunities. To think about sovereignty from a philosophical point of view is not to analyze the empirical situation of a particular sovereign state. A philosophical analysis of sovereignty is intended to bring to comprehension, the general twinkling of its meaning. In a word, it is a matter of theoretically establishing the necessary existence of sovereign power in a pacified social community.

We know that Constitutional reform occurs when a significant set of amendments is formally adopted by which the text of the constitution is explicitly amended. But constitutional change alters the meaning and effect of constitutional norms without changing the letter. More specifically, any change, to the extent that it significantly modifies the basic law of a state, raises the question of its legitimacy: on what grounds is its acceptance by the citizens justified? What principle of legitimacy is it based on? Referendum and parliamentary approval refer to the principle of democratic legitimacy, which is defined in terms of popular consent, expressed directly or indirectly. It is always possible to question the truly informed and informed nature of this consent, its real purpose and the quality of the debate that preceded it, based on the normative principles of democracy.

To avoid being dragged by the river course of the ambient agitation or, positively, to help the drifting societal ship, philosophy in Africa must gather and enter into a colloquium with herself, in order to remain in her a proper element, namely wisdom or the right knowledge of things, that is, their meaning, direction, and purpose. And recollection suggests the idea of seeking consent with oneself, a consensual dialogue of the philosopher with himself, if thinking is to agree with oneself in a dialogue between the subjective consciousness and the word that comes to the idea.

Here we find the meaning of the Platonic dialectic. Plato, in his writings, puts in dialogue several interlocutors around a theme. Such a dialogue, as a work constructed by the philosopher, is a conversation of the philosopher with himself, within himself. Reflection is a return to oneself, in view of a colloquy with oneself. Plato shows us that philosophical thinking is possible only in an inner march, in which the philosopher tries to confront all the arguments that come to him in order to choose the most judicious.

And the concept of speech is to be understood in the sense of saying a situation, a thing or a problem. Indeed, in the African languages south of the Sahara, we often use the same word to designate the statement and what is in business, in a similarity between the saying and the thing that is said. To say in African languages, consists in

expressing an event producing historical facts. To say, in African traditions, is to make come to the oral expression, which arises and unfolds in the world as fact and thing. *Ko* in Bambara, *ijambo* in Kinyarwanda, *dò* in Fon, *likambo* in Lingala, *diambu* in Kikongo, *to say it* in the African oral traditions is like a vocal advent of the fact, the thing or the affair.

If language is only constructed from the worldview of its speakers, such a conception of the word in Africa calls for a philosophical reflection in order to elucidate the idea of sovereignty that runs through backstory, the Negro-African imaginary. To think about sovereignty, in the African context, is to analyze the *problem* of sovereignty as such, as a *word / problem* that arises and to oppose consciousness, the word as the other of consciousness, always and already housed in the sphere of the imaginary, that is to say in what escapes the control and the control; speech as a problem, as an obstacle to overcome.

The current relationship of the African to the spoken word is, in itself, a problem. It is therefore urgent to analyze what, in the orality, is problematic in the political field, with a view to proposing another type of relation to speech, which assumes and integrates the centrality of the orality still alive in the imagination of the African peoples, and the principles of representative democracy, coming from Western modernity. The concept of sovereignty, celebrated by the forgetful memory of the democratic states of today, is the fruit of the reflection of the lawyers and philosophers of modern times in the West, in their search for the bases of a modern political power. Three centuries later, the concept of sovereignty, coming from another time and place, requires fresh thought in Africa, so that African societies do not lock themselves into lazy contentment and fanatical naivety, which would consist in putting on the boots of another society, boots wide enough to cover the feet, the legs and the face, and obstruct the look, making it impossible to walk to the brighter tomorrow.

However, it is necessary to think about sovereignty in Africa which is not intended to *Africanize*, in a vicious circle of identity, a truth now recognized as the common heritage of humanity. It is a question of proposing another understanding of sovereignty, concerned with integrating the central dimension of Word, in societies where orality remains the source of all normativity. While the constitution, in its modern sense, refers to a set of fundamental texts that determine the form of the government of a country, it should be recognized that the collective imagination of African societies is still marked by orality.

This assumption implies the following statement: basic texts adopted by African states are more at the convenience of the international community. The sovereignty of states itself does not seem to correspond to the current times of globalization, with the progressive reduction of the power of nation-states to the benefit of international organizations. But, fundamentally, it is more a question of the displacement of the sense of sovereignty than of its dissolution. From now on, the sovereignty of States is defined and evaluated according to international standards. In this perspective, it is urgent to clarify the relationship between the sovereignty and normativity of oral speech, in a context of democracy in contemporary Africa. In other words, it is a question of defining the outlines of a democratic sovereignty in Africa, with a verbal aim.

We agree with Carl Schmitt's idea that sovereignty must be defined from the existential supremacy of normativity (Schmitt, 1932). It is a matter of recognizing that it is the sovereignty of the word, present as lover and downstream of the drafting of fundamental texts that must make the norms exist in fact. The norm finds its origin in an existential decision which, as far as we are concerned, consists of the taking into account of a certain form of communication between social subjects.

In the beginning, there is the will of a people, who gives themselves a law; any standard should proceed from the general will of those who are subject to this law and who speak to each other. In this context, democracy is linked to the verbal power to decide collectively. Deciding collectively means, transferring sovereignty, for a limited time, to those who solicit the votes of the people and the nation, on the basis of a given word, written in the form of a societal project, on the one hand, and the presentation of the balance sheet of the temporary exercise of sovereignty, according to the promises made in the form of expectations in the same societal project, on the other hand. In the case of the African peoples, it would be urgent to ask a preliminary: do the African peoples exist as organic unity, able to make a collective decision without manipulation? If so, what would be the theoretical and apodictic element that would justify this possibility?

Since the seventeenth century, the lawyer Jean-Jacques Burlamaqui established that a people cannot give a sovereign right to do him harm, as the sovereign power is limited by nature. The collective imagination of a people, who, consciously or unconsciously, attributes power to a sovereign, is always marked by a desire for community well-being. In any case, *"absolute power does not give the Sovereign the right to mistreat his subjects* (Burlamaqui, 1984, p. 70). The aim of good is the principle of the establishment of the sovereignty. At all times and in all places, men establish a sovereign power to live in safety, without being oppressed each time. As a result, sovereignty is not an end in itself, but an instrument at the service of individuals. Its purpose is to enable individuals to pursue their interests outside of violence. Political power must therefore be understood as a forum for conflict prevention through the law; so that political acts are disappointed with legal acts because they are aimed at the global good of the community.

But the question arises: Who is to take political action and ultimately judge what does or does not contribute to

the good of the community? The answer to this question goes beyond the simple fact of truth and concerns a broader opinion. The act of judging is at the heart of all political action. The law itself is preceded by a judgment, which determines the orientation and choice of the legislator. And this one aims or should aim, in its laws, the good of the community. Rationality manifests itself here through general rules.

All these questions show the complexity of the problem of original sovereignty which, together with his delegation, constitutes the major problem of modern political thought. In truth, an original ruler has never existed in the facts. It is the body that exercises sovereign power, whose main task is to bring into the social reality a sovereign power, constantly posing as the guarantor of peace and public security. By welcoming sovereign power as a guarantor of peace, the community makes it legitimate - revolt or popular uprising being the ultimate means of rejecting the sovereignty of a power.

Political power is not conferred to enable politicians to achieve their social project, but because of the emotional influence they have on the people - human contact with adequate words is the surest way to win the votes of the people. In the same sense, "it is more than a mere hypothetical presupposition explaining a particular constitution's validity. The people's constitution-making power is truly the source of a constitution's legitimacy, not only in the hour of birth of a political entity but from there onwards. This constitution-making power also has the authority to abolish the constitution's normative claim to validity" (Böckenförde, 2017, p. 169). Such a vision makes it difficult to distinguish between possession and the exercise of sovereign power. The sovereignty of the nation is, to a certain extent, integrated into the executive, and that of the people does not exist. The executive exercises its power in an implicit absolutism on the nation and the people. It is an absolutism of fact, which comes from no clearly expressed will to oppress the people, but from a fetishization of being in power. There is, therefore, a difference to be established between the benefit of the holder of power and the common good.

The limit of such absolutism must be associated with the limitation of the means it uses to exercise power. The problem becomes more and more complex when we take into account the plurality of ethnic groups and the colonial past of Africa: how to integrate the truths coming from modern power theorists in the West - in particular that of the limitation of implicit absolute power of the executive - in the multi-ethnic African states, whose political sovereignty does not come from a contract between individuals aware of the idea of a nation, but of the colonizer? The grouping of African countries did not take into account ethnic specificities; and geographic clustering does not guarantee the truth of a nation. To conclude this analysis, we contend that theories of constitutional legitimacy grounded in popular sovereignty and constituent

power are not normative grounds for an assessment of whether any particular constitution is or is not legitimate.

It can thus be seen that the existence of institutions is not sufficient to prevent the sovereign power from sliding towards tyranny. The nation must still watch over the fate of the institutions. It is also of utmost importance to carry out an anthropological inquiry into the character and motivation of those who live under the institutions and who act within them. This idea has been the basis of modern democracy in the West.

THE THEORY OF REPRESENTATION

The concept of democratic sovereignty was developed by jurisconsults in the West in the 16th century, to found a modern political power, which should put an end to the rule of the absolutist emperors of divine right. It was a question of moving from imperial sovereignty to national or popular sovereignty. The theory of representation, developed by Bodin and Hobbes favors a form of sovereignty of word. In this sense, this theory illuminates in a particular way what we call the sovereignty of orality. We should demonstrate this by analyzing the thinking of Bodin, Hobbes and Locke.

After observing the causes of the religious wars in France and the civil war in England, Jean Bodin (Bodin, 1992) and Thomas Hobbes introduced the notion of indivisible and absolute sovereign power, to guarantee peace and public security. Such power must be concentrated around an organ, be it an individual or an assembly. To say that power is absolute is the person posed as free from all submission to a law coming from outside, so that he is accountable only to himself.

The sovereign power thus thought, is first and must be perpetual, and not limited in time. Consequently, it is the sovereign power that is perpetual, and the mortal physical person who holds it cannot identify with that perpetuity because it is limited in time. In other words, the *exercise* of power is limited in time. In legal language, it is a question of distinguishing the legal person from the physical person of the sovereign.

The sovereign power is then absolute, that is to say, it disposes of the goods, the persons, as well as the whole of the state, and can leave them to whomever it wishes. However, this absolute power is not arbitrary, because the one who has received it must guarantee order, security and justice within the community. The sovereign must make the law prevail, insofar as it is made to compel men to help one another, without doing any harm. It is in this perspective that the subjects submit to the sovereign only to the extent that it shows the capacity to guarantee their protection. For Hobbes, the sovereign organizes social life by the general law, to which he is himself subject, so that absolute sovereignty is limited by law.

In his book *Leviathan*, Hobbes develops a theory of

political representation which, in many ways, gives an important place to speech, understood as an instance of delegation of sovereignty. In the first place, he presents a legal theory, the purpose of which is to define the notions of *natural person* and *artificial person*, to determine the mode of constitution, and to specify the conditions of validity of the acts of an artificial person. The legal structure thus posed makes it possible to interpret the transfer of rights over people and shares.

Secondly, Hobbes shows that the theory of representation is the foundation of all forms of legal conventions, because it guarantees the validity of the execution of contracts between subjects within the State. In this way, the law offers the elements of its own foundation, creating the conditions for its own legal validity and its own effectiveness. In a nutshell, the social convention must be such that it is not disputed in fact or in law. It is only on these conditions that it constitutes a right of the State not subject to the judgment of the particular subjects and a power likely to make it respect.

But Hobbes, for the problematic of the relation sovereignty/speech which concerns us, appears an unheard-of relevance, when he writes in Chapter XVI of *Leviathan* "A person is he whose words or actions are considered, either as his own, or as representing the words or actions of another man, or of any other thing to whom they are attributed, whether truly or by fiction." (Hobbes, 1651, p. 98). This idea is very close to the primacy of orality in Africa.

The person, in his Latin sense of *persona* or "theater mask", refers to a conscious and free human subject, capable of playing a social role and, in doing so, it is likely to become part of civil society. It is at the level of the social role that one can understand the advent of the social subject according to the legal relation of the individual with the actions and the words. When the words or actions are attributed to the individual who speaks and acts, it is a question of a natural person.

When there are two individuals, one of whom speaks and acts in the name of the other, he is the one represented and that one is the representative or artificial person. The artificial person acts, speaks and plays the role of another. And the represented is the author, while the representative is actor. The author/actor relationship has a double dimension to the spoken word. On the one hand, the actor expresses himself in words that transcribe into verbal images of his wishes; on the other hand, the actor becomes nobody, when he welcomes the said of the actor, and expresses it through social works.

To the extent that political representation is an element of legal representation, the sovereign who assumes the person of the social community (artificial person), will be a representative or an actor who acts, speaks and plays the role of another, the people/ author. The sovereign assumes a civil person coming from the social convention and, by this fact; he becomes the unity of the individuals, allowing them to be a body politic or a civil person. The authority that the sovereign receives from the subjects is not a simple transfer of rights, because the people do not lose their rights by authorizing the actions of the sovereign. Basically, the sovereign receives a right to use the rights of the people, for the category of actions that the convention stipulates. In other words, civil law does not suppress natural law, but it is based on it, because the convention is a mandate.

With Bodin and Hobbes, it appears a first notion of sovereignty of European modernity, which is summed up in the fact that it is limited normatively, but institutionally unlimited. The sovereign power ultimately decides, but it is subject to the judgment of God as a norm. This presupposes the existence of a universal order commanded by God and ordered according to human reason, of a human reason which naturally knows the laws of God. And the human sovereign being rational, should use his reason to act according to the divine laws, provided he is a believer.

In the opposite case, the urgency of a human authority, capable of regulating the power of the sovereign becomes necessary. It is for this reason that the constitutionalists justify their option. The drafting of a constitution will therefore have the primary purpose of posing an objective instance, capable of giving limits to the acts of the sovereign, and of judging them. The urgency of the constitution is made necessary by the secularization of civil space in the West, with the separation of ecclesiastical power from state power. John Locke is the pioneer of this reflection.

In the history of political ideas, it is probably John Locke who inaugurated the concept of *trust (confidence),* which consists of the initial trust that the people made the Prince, entrusting to him the sovereign power, so that he may be the representative (Locke, 1997). It is the nation or the people as a whole which is the true and perpetual sovereign, while the government is only the temporary sovereign. In the event that he does not wish to leave the exercise of sovereignty at the end of his mandate, Locke advocates that the people should remove him from office by force, by exercising his right to the revolution. That a sovereign is removed from office shows that the sovereign is not genetic, that it does not come from clan succession, but that it comes from an act of popular donation, on the foundation of trust. As a result, the most important question is no longer who is the ruler? But "what are the limits of the exercise of sovereignty?"

It is to determine the limits of the exercise of sovereignty that the constitutions are to be written, first in the form of fundamental laws of the kingdom, then in the form of the constitution proper. It was not until the late eighteenth century that the first constitution will appear to specify the separation of powers (legislative, executive, judicial), and the promotion of individual natural rights.

In such a context, the legislature, to the extent that it makes laws, is considered the central power. And priority is given to the resolution of the question of individual liberty, which must at all costs be guaranteed by law, to the point where the constitution, which is the fundamental

law, ends up becoming a sovereign. Law, by its objectivity and positivity, becomes the expressed and sealed synthesis of the subjective wills of a collectivity. Put to the outside of individuals, the text of the law becomes the instance that recalls, organizes and orients the reasons for living together. We can already observe, following the historical evolution of the context in which these philosophical propositions are given, that the conflicts which oppose the established political powers and the populations, are at the origin of the drafting of the constitutions. The basic written law is preceded by a social crisis, so that it appears first and foremost as a solution to the socio-political crisis.

In order not to fall into an unlimited search of the norms of the constitution, and in order to make reflection possible, we posit the constitution as an already existing reality of positive law. This postulate of the prior existence of the constitution calls for another axiom, capable of grounding the argumentation that follows. The constitution is not sovereign, but it is the soil of progressive and unlimited germination of the sovereign. The constitution defines the content and contours of sovereignty, but it is not the civil authority, which must govern society, considered as a totality constituted by free human subjects. At the beginning and at the end, there are human subjects who, by wanting to give a specific identity and a physiognomy to their being-together, elaborate a constitution, which specifies the legal character of the sovereignty.

The being-together, by provoking the problems of the living-together, leads the human subjects to elaborate a fundamental law, which defines the way of governing. It must be emphasized that these are human subjects because, in truth, not all human beings assume the identity of subjects within a society. Subjects are those who do not let themselves be shut up by any outside power, and work to maintain this status of free men. These are the subjects that make up civil society. But where does it come from in a civil society?

From the history of political thought, it should be noted that the reflection on civil society begins with the notion of a just society. The latter, in Greek antiquity, is based on the notion of just (polite) city, because the Greeks do not have a proper term to say society. Such a lack of vocabulary is undoubtedly linked to a vision of the world, based on the objective understanding of the truth. It is because the truth, according to Aristotle in particular, corresponds to what is, in the permanence of existence, that the city appears as the summit of human creativity, in the order of what can be observed, after the family and the village. Aristotle observes, objectively, that the city is what man can build big. Those who live in the city are therefore considered as carriers of civilization, and able to constantly invent the life of the city, through their participation in the public debate. But the ancient Greek city is not the gathering of different craft corporations, which would give the idea of society.

From the Middle Ages, truth is increasingly presented as an activity or operation of the human mind, so that man has primacy in the act of knowing. In modern times, with the metaphysics of subjectivity (*cogito* of Descartes) and the categories of Kant's understanding, the human subject is definitively the center of truth. This metaphysical and epistemological orientation of truth, coupled with the hierarchical structure of empires in the West, has consequences for modern political thought, which now can conceive of society as the work of free human subjects capable of a contract.

The contract theory of modern philosophers aims to show how men came out of the independence of a state of nature where they were not subject to any political authority, to another form of freedom conceived as submission to a power of human establishment, that men give themselves. Thomas Hobbes is the one of the first philosophers to introduce the hypothesis of a *state of nature.* He opposes the Aristotelian tradition that man is a naturally social animal. For Hobbes, man is sociable not by nature, but by accident. In the state of nature, men are governed by the only instinct of preservation, which Hobbes calls *conatus* or desire.

To leave the misery of the state of nature, which is only losers, Hobbes thinks that men have advocated the passage from fear to coercion, establishing a strong power that no longer allows this war of everyone against all, a power of the state that monopolizes all the violence that involves singular individuals.

The Hobbesian model of the contract emphasizes the fact that everyone contracts with everyone, to lead to the divestment of power. Each gives his power to a third party, the State, not party to the contract. In this way, the State being bound by no contractual obligation will be free to perform the pacifying mission entrusted to it. The essential role of the State, in this perspective, would therefore be to ensure security. But it is possible to think of another model of social contract, based on the notion of social justice. Justice is the closeness between humans, sharing the same vital space, which is measured by itself. The commitment of others to the third party calls for control, the pursuit of justice, society and the state, comparison and having, thinking and science, to commerce and philosophy and, outside anarchy, in search of a principle called sovereign. The search for justice gives rise to the state and to the constitution, that is to say the political system.

This openness to politics results in the first appearance of the "citizen", named by name. It is because everyone is counted among the others, like the others, because there is a common ground between them, that subjectivity can be said, without violence or usurpation, in terms of "citizen". It is this openness that gives access to all the architecture of the duties and rights measured and measurable around a sovereign balanced or balanced by the contribution of the duties and the competition of the rights. Society, the daughter of justice, is therefore understood as this space where the just in the form of reciprocity ensures the cohesion of men between them.

To put free men at the origins of society is to recognize that at the beginning of every human life in community there is an implicit or explicit social contract. The contract is an abridgment of individual liberty, before being a convention with a character of obligation, affixed in the finiteness and contours of writing. But to limit one's freedom is, at least, to engage in a contradiction (*contract-dicere,* to say the contract?) with others and the third, in order to constitute a new identity with them. And this new identity (to three) is the advent of society and the law that rules this society. The contract expresses itself in the fact of being together, the gathering of at least three different people, with the will to live together. It is the expression of the free will, called autonomy, that is to say the fact of giving oneself a law; the law of being with others, coming from the imperative of being-with.

It is important to emphasize here being-with. The question of the constitution and origin of sovereignty must be analyzed in an ontological (to be) perspective. It is a question of describing the event of being of the human subject. The social contract is the work of the subjects who are beginning to be, and the beginning implies an essential separation in which each subject is distinguished from the totality of the anonymous being, by becoming master of his being.

The world is already there before the arrival of the subject, and the world is the domain of being or ontology: things are, and they are what they are, obscure, indifferent, neutral, devoid the sense of freedom and morality, delivered to their functional necessity. But the subject to exist must reorganize this world by his conscience, so that he feels at home in the world, as in his native land, with others. This reorganization is precisely the mastery of the anonymous being, and the constitution of the subject.

Thus, to think of the subject from his lack is to foresee a situation where he is rendered incapable of any initiative, delivered to the pervasive obsession of an indefinite, indefinite existence. It is the very anonymity of being, which is not attached to an object that is.

The subject indeed, is characterized by self-awareness, as that which is more essential to the man. What makes the subject is the unity of self-awareness. But anonymous existence tears the conscience by rendering it inoperative. In this sense, there is a disappearance of the subject, as long as there is no self-awareness and sense of belonging to a human community and a territory. This dissolution is still real in the societies of today, for men who do not participate in the life of the city.

Humans can live together without forming a society, when everyone is content with his being, whenever the human being finds his identity drowned in the anonymity of everyday life. The daily is thus the movement by which man holds back, in a surreptitious way, in human anonymity. In the anonymity of everyday life, we have no social determination. It only appears when we recognize our being with others.

Human rights, natural rights son, now accepted as a goal of political power in democratic societies, have a policy, the radicalization of the uniqueness of the individual and its acquisition of social anonymity. This is because every human being is unique, and we can recognize the rights inherent in his person, before the advent of society. But individual uniqueness can be seen in society through the explanation of the figure of others. The human individual can be posited as the center of human rights only insofar as it is grasped under the figure of others.

Others are not me and others are not a thing. The relations maintained with the thing by a person can in no way apply to others, and set one up as social beings. It can neither be owned nor defined. We cannot define others by their history, by their social situation, by any physical or psychological characteristic, by an image, by their character or by this or that aptitude. Another is not an individual in a genre; he does not enter under a concept. Not only does another escape the determinations of the thing, but he is not me. Let's go to the end of this idea.

Another is not an *alter ego*, another me, a like, but he is the one I am not. It cannot be approached from any similarity. We cannot properly describe this relationship, but we can give the idea, even if, to this idea, does not match an image. The relation to others is the social relation. This report consists of addressing an absolutely external being.

Positively, others express themselves by expressing themselves, and the relation where others are met is the social relation. But this social relation is established between three terms (or persons) structurally different. There can be no social relation between me, the other and the third only in the non-reciprocity of the intersubjective relation, in the impossibility of exchanging the terms of a relation. The relation of Me to Other is of a different nature from the Other to Me. The relation of Others to Me escapes me in its origin.

Beside others, there is another neighbor, the Third. Other is never alone with Me: social relationship, absolutely native, does not absorb in it that comes after it, namely the entry of the third. The coming of the third man forces me to compare the instances of the other in front of me and the requests of the third against the other, to thus enter a determined tone, destined to take charge of the modalities of the comparison. There can indeed be political inscription only in the *symmetrical* dimension of all the reports. True society begins with the production of equality, the reciprocity of rights and duties, the reversibility of places and functions.

HISTORICAL AWARENESS AND THE ADVENT OF THE NATION-STATE IN AFRICA

In the last point of this article, we propose a speculative reflection on the sovereignty of orality in Africa, according to a hermeneutical method. It is about analyzing our

conscience as an African, to find the meaning of the history that started before and continues with us. Such reflection must be understood as prolegomena to a reflection on the sovereign based on oral traditions.

To place oneself beyond the anonymous course of history, to give it a political and social content is to recognize that political and social liberation does not in itself carry an ethical value, but it receives it from human subjectivity aware of the event that constitutes the inaugural morning of his people, as a nation-state. There is no real nation except that which is born of an original constitutive event, whether this event is internal or imposed from the outside. What matters is a collective consciousness that judges history, instead of being judged by it, consciousness positively experienced as a gathering in a collective ideal as a nation. In this perspective, any man who refuses to make the course of history the criterion of the judgment of the real is a craftsman of a nation, with the others, in the present. Where can we find, in the heart of African history, such a subjectivity of the nation?

The terrible tragedies of contemporary history make it difficult to sustain the idea that the global history of the world is evolving towards a better future, and this better would remain to be determined. Without wishing to seek refuge in the nostalgic ideas of an ancestral paradise that has always been lost, or to let human beings get bogged down in such a political history of the world, it is urgent to indicate another way of being, look for failures or crises in history as such, in the reversal of desire colonizer men to want to return to their selfish me the wealth of nations in a centrality navel.

The original history of the nation-state is opposed to the universal history of states, based on features that define the sovereignty of each state, enclosing it in the calculating game of contractual texts and written laws. The human is certainly eclipsed in such a political game. This is why it is necessary to look for it in the breaks of the policy, because this one is reduced more and more to an administrative management of people and goods. The human is the fruit of an anachronistic attitude towards politics.

The imaginary of a subject who is completely turned towards the founding event of his people, would never be locked in the current of politics, because of his anxiety by this anteriority received as memory. What precedes the beginning of one's own individual life in a place and in a historical time draws and reveals the space where the human can exist in truth as an opening to a value that transcends it and connects it to a human collectivity called a nation.

It is thus necessary to recognize that the memory of the origins of the nation structures the human imagination in that of a citizen. Such an idea makes it possible to escape the negativist conceptions of history without, however, locking oneself into an evasive quietism. In this historical perspective, in which the one, who assumes

this memory in the present, appears as an ethical work whose object, is the quest for the meaning to be given to human existence, the place where one reads and transcribe the ideas of a balanced nationalism, such nationalism makes possible the retention of spaces that allow the human being to self-determine and freely enter into a creative and just relationship with others.

It is this understanding of the imaginary that should be posited as the foundation of the sovereignty of speech in Africa, in search of identity originality. It is about the imaginary of historical consciousness, which is moving away from an identity claim without content. Historical consciousness is woven with the fibers of the history of the origins of the nation, which is different from the universal history of decolonization and globalization. Historical consciousness has as its central element the past, but a past that has not been the individual's present, a past that comes to the idea under the species of memory and narrative of the origins of the nation.

Consciousness, in this sense, would not only be the actualization of the new, but also the narration of the past that carries it and orders it. For the multi-ethnic and colonized African states, independence is, without a doubt, the founding past of the nation, which must be recounted as the story of the origins and foundation of the nation. The evocation of this exit from colonial time, where freedom was given to a people, the drafting of a fundamental law through which this freedom ended in law, would constitute a privileged past and as the very figure of the past of nations postcolonial Africans.

However, the decolonization of Africa is often presented as a moment of triumph of the African peoples over the colonizers. There would be "Fathers of Independence ", who are elevated to the rank of the heroism of the great warriors of African legends of time immemorial. Such a presentation has the effect of privileging a memory of struggle for liberation, of fighting against an undoubtedly dreamlike enemy with unreal contours. This is probably why the generations born after independence do not feel concerned by this memory of struggle, because they have not fought for independence, and their struggle today is against some of these " fathers" Independence, still alive, now clothed with the cloak of the hegemony of dictatorial powers. The new generations thus welcome the struggle for independence by distancing themselves from it by oblivion, like a pilgrim without luggage from the past, who walks by erasing the footprints of his footsteps.

The memory of struggle, celebrating the relationship to the other, in the past, as war against an enemy, cannot give the reasons for being a nation in the present. At most, it tends to lock up the other (the West) in the immutable role of cause of all current evils in Africa. This memory of struggle engendered forms of blind and infertile nationalism, which are limited to the incantatory slogan: «Africa to Africans ". Africanism and pan-Africanism, with their nationalist derivatives, have led

some Africans to elevate ideologies to the source of happiness forever inaccessible, because it intends to be acquired by opposing the other, to the other continent. To tell the other European to leave Africa because it is not Africa, without worrying about the endogenous elements to promote the construction of a nation open to the universal, is to devote random probabilists and the organized game of collective failure.

It is therefore urgent to think of another memory of African independence, based on the grouping of ethnic groups into one nation. Beyond the atrocities experienced during the colonial period, it is true that the gathering of African states into sovereign nations corresponds to their accession to national sovereignty, called "political independence". Formerly, of dependent dependents without having chosen it and without struggle, the African peoples and their elites learned the notion of "free nation" during colonization itself; whereas they lived under the clannish mode of ethnicity, politically unstructured, without armed forces, without notion of borders to defend against the foreign invader. The exercise of the power of the leaders, in such a context, is limited to what goes in the direction of the protection of the subjects, the subsistence and the survival: there is no project of society of the clannish power, because the societal concept here has the sole horizon, village life. And the dependence inflicted by the colonizer corresponds, paradoxically, to a regrouping of the ethnic groups, with a view to their collective submission, according to the territories drawn for reasons of exploitation of the soil and the subsoil.

Initially, there are no African nations that would then be colonized. In this sense, the quest for independence by colonized peoples was an entry into the political realm of nations, thought and lived in the colonizing West of Africa. Before colonization, Africans do not have a national past. And during colonization, they are informed of the possibility of existing as a nation, with the colonial school. A fundamental question arises: was independence sought in order to constitute a nation or, simply, to put an end to the various kinds of abuse imposed by the colonizer?

Whatever the reason for claiming territorial sovereignty in post-colonial Africa, there is a twofold movement here: national liberation and the bringing together of ethnic groups into one nation. It is therefore this gathering of ethnicities in nations that is the founding event of African nations, an event that is structured in memory to actualize in the present, in the form of a historical awareness of the origins of the nation.

Consciousness, here, before being a perception of the present field, is an updating of the founding past, of a past that allows the search for the meaning of being together in the present time, in order to move towards a collective ideal recognized by each and every one as a reason to be together. The past event is understood as what directs the meaning of collective life in the present,

in a social community. The historical event is the meeting place between the memory of the past and the moment that institutes the community or the nation-state. In this way, independence represents all past and historical events of African nations, as it is their historical consciousness in general.

The condition of the ex-colonized brought Africans together, as former victims of the same servitude. Beyond the victimization and the jeremiads, the memory of this servitude brings together African humanity. The memory of colonization should orient African societies towards social justice.

Moreover, the founding event of a nation (or of any society) is irreducible to its history, even if its effect must necessarily be actualized in this history. The founding event opens a destiny and produces a story, that of justice. The past must not be considered as a path already given, it is as open as the future, suspended like its possible decisions of the present. This shows that the founding event comes into tension with the course constituted by history as with the reality of change, because it is its meaning that illuminates history in its dimension of reserve of possibilities, and transforms it into collective becoming.

Gathered from a historical awareness of political independence as a founding event of the nation, Africans are now called to revisit the primary meaning of the word that founds any society with a democratic purpose. Living with others and the third person in society presupposes, at least, the absence of murder and, by extension, the liberation of the social space for all. In this sense, war and social confrontation are caused by the absence of speech. The war is the vacancy of a word which is inserted in the thickness of discontinuous time to interrupt the greed of being the sole owner of space and public goods. The war is the removal of a word that should apply to those who make the laws and who hold the power in society to make their memory of the lives that they forget, park that stunned the primed power for power, and the desire for selfish satisfaction for the basic needs of life. The departure of the original word thus corresponds, in the present, to the popular uprising, to the revolt of the people.

Before presenting a discourse on this or that, the word at the heart of society is essentially the consideration of the right of everyone to live freely and to progress towards self-fulfillment. It is not a question here of the speech as a forum for the settlement of already existing conflicts, but one which makes so that there is no conflict, speech as a social expression of the individual rights. Such a word is not social dialogue, based on the game of the grievances of those who feel oppressed by the power in power, and the reaction of this power, according to the limits that would not lead to its own downfall. Social dialogue is born of a malaise called social malaise, when individuals lose their power to access goods and services in society: loss of purchasing power, incapacity to

educate oneself and to treat oneself properly, as well as impossibility of exercising one's civil rights. But there is an older word, which founds and recasts the very fact of living together in society.

Ethics, in the first sense, is the social relation or the fear for the other man and for his death. The social relation consists in the fact that everyone, existing for others, exists otherwise than by existing for himself. In this sense, others would be more to hear than to see or to consider. It is therefore appropriate to say that to see others in society is to hear what is constantly happening as a word that asks me to let him live, and to benefit from his fundamental rights.

Faced with others, the self no longer poses as the center of the living space. Others come to me, from themselves, as coming from elsewhere, from an elsewhere centered and concentrated, always in retreat from my attempt to seize. To constantly arise under the species of others is not to fix irreparably. As a result, the societal face-to-face is not reduced to the attitude of two equal and upright men. The face-to-face is, to a certain extent, the plate where everything that I can hear can be understood to live together, and understood as acceptance of what is different.

There is in the State more than the State, there is in the history a surplus which makes it possible to judge the course of events, when each citizen assumes his identity by opening it to others. A citizen is one who opens the space of the city to the one who is different, to the one who is strange because he is foreign to the exclusive posture of a conquering self of all the available living space.

The irruption of others is originally external to the sphere of the *ego*. This irruption opens the perspective of another collective history, that which happens, that of the event in the formal sense of what is happening, which leads to the place of the third and of social justice. The event of others and their reception by the self, are overcome in the advent of the third as justice. It is possible to dig under the history of violence and civil wars in Africa, to release an unexhausted historical potentiality, an excess of the origin in relation to the effort to persevere in being, excess which allows one to think of the state differently, in which the rights inherent in the human person trace the purpose of political power.

It will be understood, therefore, that it is not a question of describing the "best political regime", like the theorists of modern times in the West. This question, which is by no means illegitimate, can only be derived from external criteria. It is the ethical origin of political governance, the ethical origin of all political significance that will allow the examination of the question of good governance, from its eccentricity, to go beyond the possibility of an autonomous constitution of the field of political philosophy. It is necessary to think about the historical reality of the States by taking full note of the experiences of "total state", the violence of the good functioning of the

order of *the universal reason*, dead without burial and the lengthening of the tombs produced by the reasonable regimes. We must think of the advent of ethics in politics, starting the advent of others as original words.

At the heart of the dramas of history, there are moments of reversal of the desire of men to want to go before the other, moments when the man becomes home to the other man. These moments can be considered as elements that open the history to an ethical surplus. The content of these moments is neither definitively negative nor determinate, but, on the contrary, open to the unfinished, to a future, and it demands unceasingly a philosophical rereading. In this way, governing the city amounts to updating ethics in the form of political actions geared to the well-being of citizens.

Starting from the idea that the constitution gives the contours of sovereignty, we suppose that in its exercise, sovereignty manifests itself as a set of works or constitutional productions. Political work, understood as governance, in so far as it designates both working for the national community and the product of political activity, is, in civil society, an expression of the potentialities and constitutional provisions. These are updated and unfolded in the ordinary course of the social life of a people, structured as an index of good political governance. Thus, through the constitution, the people concretize their will in the way of life and stay, which gives space to the unity of their national existence, in a territory.

In the effort to draft a constitution, the people or their representatives should tear themselves away from the immediacy of their particularity, in a perpetual surpassing of oneself, starting from oneself, passing from the experience of life already experienced in writing as a signpost of the rules of living together. The constitution is, as such, the index of the intersection of interiority and externality of the Fulani ruler, making it out of itself, voluntarily, as a donation to the outside, and that brings back to itself, in so far as it extends it outwards, through acts of governance, always precarious, because it is limited by its time and space.

The drafting of a fundamental law suggests the idea of returning to the foundation, to what brings together in unity, the diversity of particular laws. And the foundation of the plural being is in the unit itself: it is the unity which, by traversing itself, is particularized, so that the particular is only in relation to unity. The quest for the fundamental law is the effort to turn to the immemorial background which weaves the conditions of possibility of legal and legitimate, before they come to show off the surface, in the diversity of different laws.

To show the appearance of the "fundamental law" is to go beyond a theoretical intentionality. A phenomenology of the "fundamental law" goes backwards, to speech as living together, because it discovers the inadequacies of the theoretic and of what makes it possible: the word is before the law, *more* fundamental than the law, and it

allows itself to be seen in the emphasis of the legal and the legitimate.

Indeed, the legal and legitimate, to the extent it binds in a text to be transmitted, have a connection with this than the present. To have a link with the present means, at least, to follow the logic of what begins. And the beginning always supposes a past which, without being the present of what begins conditions and determines it. The word, in the horizon of representativeness and the presence of citizens, is the immemorial past of the legal and the legitimate, and the legal is legal from the latency of speech. To think of the legal as emanation from the contractual word of living together is to welcome the event of the word as uniqueness originating in the significance and, as such, as what is fundamental.

The event of speech makes any law possible. And the constitution, as a gathering of the legal and the legitimate in the text, resonates in this uniqueness of the societal word; as such, the uniqueness of the word is the mother of all who can put on the boots of the citizen, because societal speech is the demand and the measure of political legitimacy. The question of a fundamental law, in Africa, must be examined in its foundations to unfold, at new expense, the possibilities it contains. It must be re-posited, giving it another, more fundamental orientation, so that it may be recognized as *a law that depends* only on itself, endowed with a problematic proper to the beginning.

By an irredeemable intrinsic necessity, the constitution would precede all other laws in society and should assume its legitimate and legal foundation. The gateway, the beginning of the constitution itself, would henceforth be the beginning of every law in general. The drafting of the constitution is certainly of a theoretical character, but it is above all a *propaedeutic*, insofar as it is necessary to *begin* by laying the foundations of the fundamental law itself which could serve as a foundation for other laws. The fundamental law therefore has a beginning, that is to say, a moment and a place where it comes to light, it passes into the element of its writing and of its own object and, by this passage, it inaugurates all the law, in the manner of a source which, while remaining its own source, is the source and starting point of the streams it allows to flow beyond it. To speak of a beginning presupposes, at least, that the constitution has not always been, that it does not go without saying, that it differs from what it is not, by qualities that are peculiar to it and that allow it to decline its identity in truth.

The constitution is the work of the people who exercise their national and popular sovereignty, as that which helps them externally, even if, in the form of a text, it is detached from the people after its production, and can be manipulated by politics. Understood in this way, does the constitution not follow the very movement of the life of the social body?

The life of a people is the activity of an organism, structured around the laws which limit possible overflows of individual liberties. But there must be a fundamental law, which is mother of itself and mother of other laws. To live for the sovereign people is to fulfill the constitution as such. In this sense, to be a nation is to be at work, subject and craftsman of legality always in process of self in a human community.

But what remains after the production of the constitution and which characterizes it in its own right is its permanence in the activities of the rulers. The sovereign clearly appears in the governor, when he receives his texture of social dynamics, when he is the incarnation of the constitution, tears it from the immediacy of the dead letter, to deliver it to the visible of the political actions, so the governor is or should be the other of the constitution. Indeed, after the production of a constitution, the people become another sovereign. The actualization of possibilities is the advent of what was not yet real: the real is the other of the possible. In so far as the constitution is detached from the one who produces it, it bears an otherness, it is the other. The constitution thus traces the movement of the sovereign *being made other*, by supporting its own actualization. To assume the identity of politics is to suspend life for oneself in order to live for the well-being of the people.

Consequently, before being a product of the people, which the rulers can *produce* as the foundation of their legitimacy, the constitution is first of all an existential expression, a voluntary act of existing, act which *constitutes* a people in nation, with a common ideal of good life. The constitution thus corresponds to the intrinsic orientation of the people to act to give themselves a world in which they feel at home, as in their native land. Certainly, from an ontological point of view, the world precedes us, always already there, without us and before us, so that our birth is qualified as coming into the world. But to fully assume its place in the extent of being, the human subject organizes space and time, to afford a world, one that fulfills its existence.

Such a work is the constitution, as an absolute orientation towards an alterity which is realized within the immanent sphere of the sovereign, because the production of the constitution is fundamentally, the conquest of the space which distances us from ourselves, the same, in a sort of departure towards individual liberty posed in the depths of complementarity between the citizens who constitute the same social body. In this way, the drafting of the constitution is an act of production of the other from itself; the constitution is other than the sovereign who produces it, separation and outward departure, and sociality. Sociality, as such, is an exit from oneself towards the other.

It is undoubtedly this "production" of an alterity within the sovereign that makes possible, on a second level, the externalization of the effects of good governance, as a departure from the governor to others, as a societal service. When the institution is directed towards the well-being of the individual, it is the end of the orientation and

the primary meaning of all society.

To interpret the constitution in terms of speech and departure without return, of departure towards the other society and not in the void, is intended to show that the one who produces the constitution offers himself, without always wanting to offer. In this sense, the constitution is closely related to the gift, a site of gratuitousness, a place favorable to those who offer themselves and suffer for the community, under the term of politics.

The gift, in its primary meaning, participates in the destiny of the one who gives, so that any gift of something is always, to a certain extent, a gift of oneself. To assume the stature of a politician, in truth, is to accept the identity of the gift. The gift, in the dynamics of the good governance of the policy, designates the action for a world of the other, the fact of working in the present, not for the present only, but for the time of the other, the time that is coming, and the future of the nation.

Thought as a gift, the action of politics takes on a historical dimension, as a dedication to the world that comes after him. Good governance refers to work. Nothing is accessible; nothing is shown without being determined by the intervention of the labor of man, work producing the passage of matter and the first form to matter and to the second form. In this perspective, the governor acquires subjectivity in political work. He thus weaves, from the point of view of meaning, the web of reality and of social life in community.

Conclusion

This study investigates the questions: how to articulate the positive reception of a colonial political legacy and emotional attachment to oral speech? Should not the gaze be turned to what politicians receive from the people as a share of sovereignty? Should not their electoral promises be linked to their mandate record, in terms of good governance?

Some political practices existing in Africa will understand that link with the colonial past and residues poorly assimilated traditions in this consciousness, recovered in the collective imaginary field. The analysis of the origin, management and finality of political sovereignty in Africa shows the persistence of the emotional weight of colonial influence on the political organization of Africa. However, Africa must not suffer this past as an irreversible destiny, but it must integrate it, positively, as a memory, coupled with its ancestral past. It is called the consciousness of the past, as a background of the imaginary of what has taken place, and which must be actualized in the dynamic flexibility of articulated moments.

In the same way, traditional past must go beyond the status of absolute reference and normative, to open up to the creative future of history. The realm of current politics in the world is thought in terms of the dialectical process of social and inter-state forces. But the political instability of African countries makes one wonder whether politics or democratic sovereignty can be reduced to the great movements of faceless globalization.

It is therefore urgent to promote democratic sovereignty in Africa under the concept of a word between the unique individuals, when everyone makes a name for themselves, in the resonance of the human person understood as a person, that is to say, a set of commitment to history and society. The human being is inseparable from his presence who says so, he is in the word as societal act, and he says himself by his actions in society, in a dedication to the other before any verbal word.

In this perspective of pre-original language, the interpersonal presence in society and their social commitment are constitutional text, understood as a support for a writing of the living-together before any form of writing, where the human says his nuptial link with the text. In this sense, human beings are the text before the texts, the original constitution.

It follows that our relation to a constitutional text is listening to the unspoken, which signals in the singular of every article of the constitution, capable of signifying more than it says. In relation to the text which concretizes the condition of the human being, a being-speaking, listens by saying words as if they were read in his own condition. The modality of the constitutional text is a letter before the narration, a letter which collects the saying of being together in text, and which thus lays the sovereignty of the word in the trace of its path. The letter, which, as such, contains what, overflows it, because the words it express, point to another meaning, as a human signature.

This hermeneutics of the (drafted) constitutional text calls for its interpretation otherwise than in an apology for the shortcut of the constitutionalist, insofar as it (the text) requires respect on the part of each reader, taken individually. The constitutional text requires individual obedience, while it derives its existence from the social community. And the constitutional text is divided into an article, as if to keep each fragment in the context of the whole, thus making the harmonics of all the others resonate from one. In this way, he proposes to the subjectivity of the reader, the concern for the common good, beyond indifferent neutrality. Beyond the constitutional article is an opening to thought, in which the transcendence of sociality is individual interiority, in the respect of a text.

The individual respect of a text, called a constitution, far from being a fetishistic celebration of a thing (the text is a thing), must be the place where the normative and evaluative word of all the forms of governance in society. The point is to recognize that primary and secondary sovereigns do not exist in the ontological rigidity of a solid body. The sovereign is neither a thing nor a set of people called people or rulers. The sovereign power is in the act

by which the people delegate political power to the rulers for a limited time. And the text of the constitution, posited between the people and the rulers with a view to keeping them in the original co-presence of sociality, and solicits these in the form of a reminder of good governance. The importance of orality in Africa requires, from the political point of view, the assumption of Ethics of the Constitution, so that his speeches are the oral translation of the constitutional text, and his actions, the deployment of the constitution index of social works, for the benefit of the individual welfare of each citizen.

CONFLICT OF INTERESTS

The author has not declared any conflict of interests.

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Dictatorship, bad governance and their impact on public need and social development: A comparative public administration (CPA) study on the evidence of Togo

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This study aimed to investigate the major challenges facing Togolese State government in public administration, and to provide some policy recommendation that can be applied to overcome these threats. In order to look into Togolese government managerial capacity in the implementation of national development initiatives and deliver the necessary public services efficiently and effectively, comparative public administration studies was applied. Togolese administrative management framework was designed following the French system, its ancient master of colonization. The temporal dimension of the Togolese administrative management is often decisive, not only with respect to inherited constructions and other "sunk costs", but also in the form of laws, inherited political relations, legacy management systems and inherited cultural attitudes and other norms. (Pollitt, 2008: xiii). In addition, the "equilibrium thesis" is not relevant because bureaucracy in the urban and rural institution is weak, lacks resources, technical expertise and professional development. The autocratic rule in Togo State has led to "boss-dominated" bureaucracies, where senior bureaucratic positions are occupied by supporters and friends of autocratic political leaders; thus limiting competition for power. At the lower level of professional development, the bureaucracy is gradually transformed into a collaborator, who shares the largesse of power and wealth, even if it is relegated to the status of appendage of political authority. Togo State public administration needs to be transformed and revitalized in order to improve the administrative capacity to implement the policy and to deliver public services; conditions that are essential for good governance.

Key words: Public administration, comparative public administration, public management, public needs, developing countries, Togo.

INTRODUCTION

Comparative Public Administration (CPA) is a learning and discovery method that uses benchmark to advance administrative knowledge in the government and societies as well. The comparative study of administrative

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structures, functions and behaviors across organizational and cultural boundaries helps to improve the reliability and applicability of public administration knowledge. As Bannister (2007: 171) points out, "human will to compare one's results with that of others and it is an integral part of our psychological constitution". Comparative studies have existed for centuries since Aristotle's Politics, and have produced many important and interdisciplinary generalizations (Deutsch, 1987: 7).

This paper aims to define the fundamental principles and concepts of CPA and to assess their consequences for governance in Togo, mainly after the Togolese State Independence in 1960. In general, CPA has evolved to become the culmination of several mutually influencing goals. A number of factors have helped advance and sustain the movement of comparative administration in the United States and abroad, before universities begin to offer courses and specializations in this area. At the end of the colonial period, the dramatic rise in the number of independent states, from about 45 at the end of the Second World War to more than 190 today, has increased interest in comparative administration. Many of these states are in Africa. The emergence of so many independent states has reinforced the urgency of the need for public administration to address a range of societies and administrative systems, particularly in view of the growing tension surrounding the governance mainly in Africa and Togo in particular. One of the consequences of the African governance is dictatorship, which is a type of governance where absolute sovereignty is allocated to an individual or a small clique.

It is not on common sense to affirm that CPA is designed as central point to both practical and academic aspects of public administration. A study aimed at public administration practice can be adjudged, as scientific research if it lacks of a comparative dimension. Furthermore, CPA study has not been dynamic in terms of consistency. Looking into related fields, CPA lack focus and is disjointed, as several researches on comparative administration studies grounded their analysis on state administrative processes, its systems, and its institutions. Otenyo and Nancy (2015) argued that there are substantial problems creating value comparisons, such as how efficient or effective is an administrative system X in comparison to system Y? Researchers used to shape their study more on a leaf from the sociological functionalist approaches and comparison was rely on functional equivalency of the different administrative appliances and processes. Since these are not the central issues of CPA studies, this paper aims to analyze the factors cited earlier the capacity and limitations in administrative action and behavior on CPA with the evidence of Togolese State.

Extensive reviews of the development of comparative administration

The review of previous literature in the development of

comparative administrative research gives us a brief understanding of other nations and cultures. This process has made it possible to better define the conditions conducive for efficient and/or less efficient administrations. Several studies that were designed as comparative studies have been used to express different administrative trends and to identify anomalies that affect administrative efficiency. The CPA has also evolved in parallel with the processes of globalization and the growing interdependence of nations, phenomena that have intensified with the improvement of information and communication technologies. The proliferation of transnational interactions has created new demands and challenges for traditional governance concepts and practices.

Haroon (2008) defined the CPA as a quest for searching patterns and regularities in administrative behavior and action as well as to characterize them in present day states. Researchers on CPA have drawn their papers, focusing on Public Administration as a field of study. CPA studies gained the attention of public administration scholars interested in evaluation capacity building, and the institutionalization of a culture of evaluation (Pattyn 2014). This brings useful knowledge to the study of policy making by relating it to various dimensions of policy capacity needed for the formulation, implementation and evaluation of policies. However, CPA study lacks intellectual approach that a researcher engaged in CPA can follow. Steven and Marleen (2018) argued that unlike disciplines such as international economics or political science, the discipline of CPA cannot benefit from an abundant availability of established authoritative datasets.

METHODS

As argued earlier, the scientific method of systematic analytical capacity in research is not the prime focus of CPA study yet comparative understanding thereof, will do well to turn to studies that explain and describe the nature of public administration training in high school program (Pal and Clark, 2016). In all researches, such datasets are important for researchers to draw the comparison, yet it continues to suffer validity and reliability issues (Van de Walle, 2006; Brans and Pattyns, 2017). In recent years, many researchers have taken the initiative to collect the data (Verhoest et al., 2017). Example of the dataset are the COBRA survey on agencies (Verhoest et al., 2016), the COBRA survey on top public executive survey (Hammerschmid et al., 2016) or various datasets by quality of government institution (Teorell et al., 2017). Therefore, since this study was aimed at CPA, being the prime investigation of the phenomenon of Togo, exploratory research design was used. The data used in this study was based on stand-alone academic data collection and datasets compiled by international organizations and NGOs. The analysis was framed on the

comparative framework of the functional approach of CPA.

Comparative public administration and development

The CPA has always sought to strengthen managerial capacity through the implementation of national development initiatives and to deliver the necessary public services efficiently and effectively. Interest in development management has evolved into a separate and specialized area of study called the "Development Administration". In the early 1960s, many CPA followers, including, Riggs (1964), expressed the basic characteristics of this question. Their contributions produced a considerable number of publications, which defined and advocated possible reform strategies for countries embarking on modernization missions. At the operational level, development administration refers to government activities that promote economic growth, build human and organizational capacity, and promote equality among citizens in the distribution of opportunities, income, and power (Esman, 1991, 1974: 3).

Evaluation of comparative administration and development

The usefulness of administrative theories and generalizations for national development, policy and administration after the African countries including Togo independence, is a standpoint research area. Administrative change in all societies is largely evolutionary. As a result, the historical context is important to explain the current situation (Jabbra and Jreisat, 2009: 114). Pollitt (2008: 2) points out, "the pace of change in modern societies has accelerated"; taking into account time and the past has become more important. Togolese administrative management framework was designed following the French system, its ancient master for colonization.

Contributions on comparative administration and development had a mix of functional and futile consequences. There is no doubt that early studies in comparative of Togolese administration and development have raised awareness of the Togolese government on developing society to stimulated research on these issues, enriched education systems, and provided constant and functional information to practitioners. These contributions, however, fell short of the immense needs of the time. Several researchers on the CPA concerned set down some criticisms among the following factors:

1. Lack of consensus on what development and modernization mean for developing countries. As Heady (2001: 111) points out, the main concepts and variables most often used in the literature are derived from concepts and administrative practices employed in Western societies. The implementation of these concepts and practices in developing countries faces distinct obstacles.

2. The African experience, as Montgomery (1974: 399) explains, emphasizes the fact that French legalism, British pragmatic elitism and Soviet rigidity have had little influence on the developing world during the last century. The modern versions of American public administration, Montgomery (1974: 399), say, "deserve less criticism than the more systematic, more universalize, more pretentious principles developed in the United States during the first third of the twentieth century.

3. "While control and rule of law practices, a secure and stable political base and a viable private sector characterized by entrepreneurial initiatives, have made a significant contribution to improving the standard of living in the West, they were not present or not achievable in most emerging nations, let alone in the African states, especially in Togo. On the other hand, the study of the administration for development has become an essential element of the comparative approach, "the factors that triggered the administrative transformations, the passage of classical bureaucracies, focused on theirs and the "modern" modes of government organization in which the ideals of "efficiency" and "effectiveness" can become guiding principles" (Riggs, 1964: 3).

The CPA literature, therefore, lacked a framework that responded to relevance and utility testing or synthetic ability (Jreisat, 1975). Togo, though independent since 1960, is still under the ruling of a dictatorial regime RPT/UNIR with a political orientation, which is not in line with the culture in practice. The lack of uniformity in culture and political orientation also exacerbated the difficulties (Otenyo and Lind, 2006: 2). Morgan (1974: xxiii) also underscored this vital need for relevance and integration of administrative knowledge, which indicated that the profusion of practical experience and case studies focusing on Asia and Africa was of no use in the absence of organizational attempts to extract from experience a set of generalize problems lending itself to theoretical and practical solutions".

The keen interest in administrative reform requires careful assessment and verification of CPA research observations and knowledge. This is in order to identify best practices and the most desirable organizational structures and processes; even though new information technologies, training, formal education and the dissemination of literature have ensured the constancy and abundance of the flow of information on administrative successes and failures, adaptation and implementation. Change in the new environments did not materialize as expected: "Looking at systemic change in public management, policy can also determine the 'what works' issue at the most systemic level" (Barzelay, 1997: 2).

The CPA approach emphasized the analysis of open systems, which does not assume that the public administration environment is a basic datum as stipulated by conventional management schools in particular, the bureaucratic model (Jreisat, 1997; Baum, 1996: 79). The public administration environment includes a whole series of external links and constraints, which influence the administrative efficiency: political, legal, economic, historical, cultural, etc., constraints. A systematic comparison of the administrative systems of different countries, with varying contexts and levels of development, would certainly improve the reliability of the conclusions and facilitate the evaluation of the hypotheses. In reality, however, comparative empirical research has often failed to overcome some practical obstacles, such as feasibility, language, cultural barriers, cost, and lack of existing data. As a result, many of the generalizations were extrapolations from unique case studies or eclectic abstractions based on incomplete information.

A study aimed at national comparative studies invariably attempts to determine how much variation of managerial attitudes and behaviors is due to attributes of national culture (Hofstede, 1980). The problem is that, if the nation and the culture are to be placed on equal footing, a certain cultural homogeneity is necessary. The fact is that, state boundaries have been arbitrarily suppressed by colonial regimes in many developing countries such as Togo and Ghana, without really taking into account cultural balance or harmony, but rather for political reasons or as a result of a military conquest. This debatable demarcation of national boundaries is most evident today in Africa and the Middle East. Another problem with over-reliance on cultural variables in benchmarking which has become apparent that there is no reliable method for measuring cultural influence on organization and management. Some argue that culture determines managerial practices because culture is "the collective programming of the mind that distinguishes members of one human group from members of another" (Hofstede, 1980: 25). This cultural determinism actually reduces human choice and breed stereotypes, and does not explain why the same person behaves differently in different environments. Others present culture as a fluid and changing behavior, which varies according to the instruction and the global interactions.

Togo is a country where the situation of administrative knowledge evolved, from a relatively confined situation to an unprecedented openness and consideration of their context. This is especially true for many African countries, during and after the colonial period, when administrative and political structures were deeply shaped by institutional attributes and experiences, such as politics, economics, social interactions and colonialism. Comparative research has taken public administration out of its narrow ethnocentric and provincial mode to open it to a broader global horizon that transcends cultural boundaries without ignoring features that emanate from a given context. Despite its weaknesses, comparative administration is at the forefront of the social sciences when it comes to examining and analyzing governance issues and practices in developing societies. With regard to Togo, awareness, knowledge of administration, and development problems have not made it possible to transform abstractions and generalizations into effective reform strategies and operational skills.

GOVERNANCE AND ADMINISTRATIVE CONSTITUTION

The analysis of public administration in Togo reveals many difficult situations, as well as various conceptual and practical challenges. Togo today is composed of about 21 ethnic groups with different culture and social background. Togo State population vary in terms of culture, size, and economic resources. Considering these divisions can be misleading because the differences are often obvious, even remarkable. Yet, "by the time Togo State gained independence, these 21 ethnic groups had many things in common" (Tordoff, 2002: 1). Togolese State had been subjected to the authority of one or the other colonial power: Great Britain and French. Public administration in Togo State is an essential element of governance as it administrative practices are essentially defined during colonial rule (Agbese and Kieh, 2007; Fonge, 1997; Mamdani, 1996; Adu, 1965). This reality complicates the analysis of the Togolese public administration, where the general tendency in literature is to adopt sometimes a Eurocentric perspective, sometimes an Africanist perspective (Mamdani, 1996; Adu, 1965). The Eurocentric administrative tradition has not always been consistent or compatible in practice. The division of Togo into French and British administrative zones systems in 1916 illustrates this, since they only managed to conclude that there were fragile compromises for the experiment to work (Fonge, 1997: 11). Given the profound influence of colonialism on Togolese mainland governance, the colonial and post-colonial periods should be considered separately in the analysis of administrative issues.

Legacy of the colonial rule

The colonial regime has not implemented effective human resource development policy in Togo State and they did not propose any positive or political initiative to create indigenous civil service systems, adapted to the needs of the population (Adu, 1965: 11). It is not surprising that "the Togolese country's human resources have been, and are still, under-exploited or poorly managed" (Fonge, 1997: 2). The basic functions of the civil service were entrusted to local residents (Europeans and Asians in East and West Africa included). In some countries, where the British

were their colonial master, the policy were dictated on the basis of which the Colonial Office and Crown agents managed recruitment policies, including the staffing of all administrative positions at "senior, professional, and technical levels" supervision (Adu, 1965: 11). Since senior positions were generally reserved for Europeans, future African states lacked qualified and trained managers and leaders who could effectively manage new states as they gained independence.

Until recently, the literature on Togo's development problems has had little interest in public services. "Yet, in Togo nations, the public service remains the pillar of the state" (Fonge, 1997: 5). The country Zaire was officially called Zaire since 1971. Gould (1980: xiii) concludes that the analyses carried out by different sources during the crisis in Zaire in 70s and the institutional reform proposals that followed pointed to "mismanagement as one of the main causes of the crisis".

The work of Togo's leaders, at the national and local levels, was particularly important for the successful completion of the reform projects advocated with the advent of independence. The building of the nation and the promotion of development in the state required political and administrative leaders with essential attributes: competence, integrity, vision and the ability to put in place public policies that respond to the needs and circumstances of this country. At the dawn of independence, this type of leadership was a rare. In the absence of competent and ethical leadership, as well as public administrative institutions with the capacity to implement public policy, Gould (1980: xiii) concludes that national socioeconomic development initiatives in Togo were condemned to fail. For many states, independence has not produced the expected result of prosperity and effective, stable and constitutionally defined governance systems. Faced with this inability to take steps to develop the necessary human resources, and the sudden exodus of expatriate agents, the new states found themselves with a void difficult to fill by African managers (Adu, 1965: 19).

Togo leaders of pro-independence movements have, with few exceptions, not emphasized or given priority to reconstruction and development policies after the collapse of the colonial order (Adu, 1965: 22). The task of reforming public institutions, that were in a sorry state when the colonial leaders left, proved to be problematic in a number of ways. "The Westernized African elite saw independence simply as a means of gaining access to positions formerly reserved for Europeans, and the desire to belong to this privileged class has grown stronger over time" (Fonge, 1997: 5) . As Gould (1980: xiii) writes about Zaire "The ruling class in Zaire has indeed" privatized "the public bureaucracy and turned it into a tool of personal enrichment." Many of these elites continued to blindly identify with their former colonizers and saw themselves more as Francophone or Anglophone than as Africans representing the African people (Fonge, 1997: 6). In

addition, towards the end of the colonial period, Togolese bureaucracies still radically subordinated to politics, so much in some cases the public service can be seen as an instrument of the ruling political party" (Fonge, 1997: 6).

Between the 1950s and the 1980s, the literature on comparative administration showed high levels of awareness and knowledge of the problems faced in Togo (Morgan, 1974; Gould, 1980). Clearly, the comparative perspective highlighted the administrative evolution and the general contextual consequences for institutions and structures under development to facilitate administrative functions (Riggs, 1964; Esman, 1974; Waldo, 1974). Again, the CPA has never looked like a road map to navigate the political, economic and social terrain of Togo before or after independence.

The Togolese reform strategies did not advocate accountability and democratization as one of their objectives. This criticism is based on what has been called "the anti-democratic tradition of development theories, especially the administration for development, and the enormous problems faced by the public administration in new or reconstructed democracies of Togo "(Baaklini, 2001: 57). The principle mentioned here is that the operating environment of newly independent systems has not developed the necessary legislation and institutions to make public administration accountable. Reform strategies in Togo today recommend that greater priority be given to developing institutional capacity in a system with constitutional weaknesses, defined through a process involving multiple consultations with citizens (Agbese and Kieh, 2007: 282).

The complex relationship between bureaucracy and political authority has long attracted interest and debate among advocates of comparative studies. As Heady (2001: 192) points out, when "the bureaucracy and its rival institutions in the political system develop more or less simultaneously over a long period of time," then political growth is more likely to be balanced. In case of imbalance, bureaucracy is likely to have the advantage among all political institutions in developing countries due to its size, technical expertise, continuity and access to information. As a result, Riggs emphasizes the imposition of effective positive strategic control over bureaucracy, which the country leader sees as a "necessary condition for ensuring positive political development" (Heady, 2001: 192; Riggs, 2001).

Overall, the colonial administration built a public service at the service of imperial policies in Togo. The public service was primarily focused on revenue collection and policing, which lacked institutional structure or tradition of professional competence. Despite their so-called bene-volence, the applications of Eurocentric administrative notions to the Togolese scene were globally despotic, discriminatory and abusive (Adu, 1965; Mamdani, 1996; Fonge, 1997). Faced with their new responsibilities for national development, ruling leaders in Togo State are unprepared or under-qualified. They have often been

suddenly propelled into a complex and tumultuous phase in the history of the country, for instance Faure Gnassingbé who is currently on his third mandate has succeeded his father, Gnassingbé Eyadéma, who ruled the Togolese country for 38 years under the dictatorial regime of RPT/UNIR party.

THE STATE OF PUBLIC MANAGEMENT

Although, Togo is an independent state, she is still a victim of a governance crisis that raises many dilemmas (such as dictatorship, legitimacy of governance, institutional competence, and ethics of leadership and management). Observers of the Togo scene often make a black picture of the situation. "The colossal human tragedies unfolded in Rwanda, Somalia, Sudan, Liberia, Angola and other countries make a mockery of more than thirty years of flag independence," as stated by UN (2007: 11). In the same Vein, Agbese and Kieh (2007: xi) described the dilemmas facing Togo in the following way.

Everyone recognizes that the postcolonial state, Togo, has failed to meet the needs and aspirations of the citizens. As a result, the Togolese State has become obsolete and has moved away from its own citizens. In reality, the Togolese masses are so tired of the postcolonial state failure that they try to avoid it, to dodge it and to betray it at every opportunity.

There is no single explanation for the dysfunction of the Togolese State even though, since the 1992s, "a remarkable movement to reform public management has swept the globe" (Kettl, 2005: 1). Many indicators illustrate the state's inability to serve citizens and institutionalize legitimate governance processes. International transparency indicates that in Togo, "poverty has increased in the last 25 years, and half of the country's population, 4 million people, live on less than US $ 1 a day. In addition to corruption and protracted armed conflict, the country is experiencing declining terms of trade for its non-mineral primary products accordingly. Moreover, as Gibson (2008: 6) points out, while Togo "is among countries with the fastest urbanization on the planet, it also has the sad privilege of presenting the highest share of urban population living in huts (56%)". The situation is not improving with regard to democratization. "Freedom declined in 2015".

According to Fonge (1997: 3): "Togo is bleeding; the citizens are dying of hunger; they is on the verge of self-destruction." The reason given for this pessimism is not so much the existence of a shortage of human and natural resources, but rather the mismanagement of these resources. Strengthening institutional capacity involves basic education and training, as well as the ability to adapt in a given environment. Many African states today realize that they have neither invested sufficiently in administrative education and training nor empirically studied and diagnosed their governance problems and experiences. The idea that there is common knowledge and administrative skills that can be imported and installed, as would be done with new machines in a factory, is fundamentally flawed. Practices in Togo have confirmed the lingering doubt about the consequences of the unconditional transfers proposed in the Togolese context. Mavima and Chackerian (2002: 91) took the case of the 1991 civil service reforms adopted by the Government of Zimbabwe and conclude that "the adoption and implementation of these standards and global rules have been hampered by local institutions that are associated with the unpublished history of the country". They point out that conceptually, their "observations challenge the simplistic notions of global integration and transcendence in public administration". They stress that "reform measures are needed to achieve synergy between international rules and standards as well as local institutions (Mavima and Chackerian, 2002: 91).

The Togolese State has admittedly introduced a greater complexity in the field of public policy management, calling into question conventional ideas and prescriptions in the literature on administration for development. Nevertheless, there is a continuous search for explanatory factors and evaluative opinions on the products and results of current Togolese governance systems. Most indicators lead to the following key factors.

First, the issue of power succession has destructive consequences on Togo governance, such as the power continues to be assured by autocratic leaders regardless of their outcome, the lack of trust of citizens or the growing political opposition. Currently, Togo is the only African country where the power is on the dynasty of one family who has been ruling the country since 1967. This situation creates not only political instability, but also complicates management and development, widens the gap between leaders and citizens and destroys any claim for democratic representation.

Secondly, the problem of corruption is endemic and has incalculable harmful consequences. Corruption breeds mistrust of government, fosters many negative institutional characteristics, wastes resources and intensifies the deterioration of public services. Corruption and underdevelopment seem to be happening again. In his description of Zaire, Gould (1980) discusses the devastating consequences of corruption in the postcolonial period. "Zaire is potentially the richest country in Africa, but ended with a poor development strategy" (Gould, 1980: xi). In addition to poor results and the lack of consideration of the needs of the population, bureaucrats had perfected fraud, bribes and theft in public finances (Gould, 1980: xiv). Those who occupy the upper echelons seem to have institutionalized corruption and locked up their subordinates in these practices.

In Togo context, diagnostic data on corruption and governance are essential to facilitate in-depth analysis and inform policy formulation. Clustered indicators, such as those from Transparency International or the World

Bank's governance indicators, are used to compare and rank countries and have proven to be valuable advocacy tools. Their ability to inform policy processes, however, is limited since they are not designed to identify areas for reform or to recommend strategies for improvement. Tools for measuring governance and corruption facilitate the assessment of progress or lack thereof. These initiatives however would be more valuable if they were developed to produce operational recommendations on how to produce attributes that lead to sustainable development, poverty reduction, and improved accountability and accountability of equity.

Third, the complexity of the Togo context poses a problem for CPA researchers. The disorder of Togolese governance in the postcolonial period has often been described and analyzed in case studies. The conclusions of these studies were often stifled, generalized or rationalized. Issues of reform, freedom, democratization or the fight against corruption lead to the political regime and political philosophy of the country.

The colonial regime brought authoritarian and despotic institutions to Togolese societies. The following attributes characterize the postcolonial state: priority given to nation building by hegemonic elite, rivalry within the elite for state domination as a source of wealth and power, exclusion and marginalization of certain social groups, interests of Togolese elites linked to those of regional and international powers, and formation of authoritarian political systems (Grawert, 2008: 596).

Fourth, the simultaneous need to manage development and deliver public services in Togo State has proven particularly difficult. In the face of growing economic difficulties and debt problems, Togo governments "have been forced by international financial institutions and Western bilateral agencies to redefine the role of the state in the economy" (Tordoff, 2002: 153). This has led to more entrenchment than to public enterprise reform. In reality, the transition to "democratic and market reform" was not a deliberate choice, but a condition "imposed by the dominant players" in the context of global governance (UN, 2007: 1). Reform in Togo has resulted in deregulation, privatization and commercialization. The direct consequences for public administration were downsizing and sale of public enterprises.

The management of this policy has some common points, even ironies, as stated by UN (2007). (1) This policy has been imposed by local politicians and external economic actors, without taking into account the preferences of citizens. (2) Policies and downsizing measures were adopted without recognizing the limitations of privatization and without knowing the best practices of economic governance. (3) The privatization cases "eventually provoked objections and resistance, even among early supporters, who felt that privatization created serious risks in certain contexts" (UN, 2007: 2). (4) The state, however, remained responsible for essential services such as taxes collection for the use of road construction, policing, education, and health care.

Confronted with a public policy being privatized in Togo, the development administration was caught off guard, unprepared for being relegated to a smaller emergency. Autocratic government downsizing policies, at a time of growing demand for public services, strong population growth and an underdeveloped and poorly regulated private sector, have only strengthened mistrust of governments and, as a result, instability and violence in some cities.

The "New Public Management" (NPM) attempted in some developed countries, such as Australia, New Zealand and the UK, "has resulted in the creation of a bewildering number of new autonomous or semi-autonomous public bodies in place of relatively homogeneous and integrated ones"(Manning and Parison, 2004: 27-28). The principles and claims of the NPM are numerous they include issues and themes such as governance, outsourcing, markets, transparency, performance management and accountability (Kaboulian, 1998; Kettl, 1997). In many African countries including Togo, the overall context and limited experience with some elements of the NPM, such as transparency, accountability and results-based management, have made the NMP approach inoperable.

CURRENT TRENDS IN COMPARATIVE ANALYSIS

This analysis focuses on the contributions of the early supporters of comparative analysis and the recommendations they made or failed to make regarding the development of the Togolese State during the early years of independence. In general, contemporary scholars paint a grim picture of development and governance in Togo. Similar situations are, however, found in many developing countries. In fact, the cases of successful development in Togo less known than the examples of failure.

At present, the comparative administration and development is completely reviewing its priorities to meet the challenge of change. The CPA must produce evidence-based, empirical and objective knowledge of the real situation in Togo, while overcoming some conceptual and practical obstacles. The administrative knowledge produced in intercultural studies, particularly with regard to the civil service and the management of national development, needs to consider more and better understand the operational dimension of management. In order to respond to the growing importance of what Ryan (1994) called "the anti-parochial, anti-ethnocentric factor," the CPA must build reliable models of application and administrative practices, derived from global comparisons. The various comparative perspectives therefore compete for relevance and seek flexibility. Three illustrations were chose to emphasize the adaptability of the comparative approach and the constant search for valid explanatory and prescriptive generalizations. These perspectives do

not claim to "reinvent" comparative administration and they do not represent all the approaches of this type, but they try to reorient and animate the analysis.

The first perspective seeks to advance administrative knowledge through a comparative analysis closely related to the attributes of the immediate state context. In a comparative study of management reform in twelve developed countries (Australia, Belgium, Canada, Finland, France, Germany, Italy, Netherlands, New Zealand, Sweden, UK and US), Pollitt and Bouckaert (2004: 39) "underlined the characteristics of existing political and administrative systems with regard to their influence on change management processes". These systems, they say, constitute "the existing terrain, the topography that the reformers have to go through. Different countries have different topographical characteristics, and therefore different problems for those who wish to implement a reform".

Similarly, Manning and Parison (2004: xiii - xiv) analyzed the cases of public administrative reform in fourteen countries, in view of their desire to reduce public expenditure, improve the flexibility of policies, improve the state as an employer and improve service delivery. Many of these countries also appear on the Pollitt and Bouckaert country list. By the way, Togo was not on any of the lists. The reform model applied by Pollitt and Bouckaert (2004: 40) relies on comparative literature to define the "main characteristics" of their model:

(1) The structure of the state, including the constitution.
(2) The nature of the central executive government, including the type of political system.
(3) Functional elements, including relations between political leaders and senior officials.
(4) The dominant administrative culture.
(5) The diverse ways in which ideas come to stimulate public management reform.

The second perspective can be described as "globalist" or "internationalist". This perspective encourages the CPA to take into account the growing global needs and the inten-sification of international imperatives. The globalization of our planet, says Riggs (1991, 473), "forces us to rethink the context of what we call Public Administration." Ongoing globalization processes have significantly reduced geographical distance and deepened economic interdependence; the public administration cannot be spared indefinitely. Despite the contributions of old-world comparative administration, development administration, and NPM, the future of public administration, Klingner (2009) concluded that "computational international practice." in the service of what he calls the "millennium goals". This public administration is essentially driven by purpose, data-driven, performance-based and partisan of smart practices (Klingner, 2009: 8). The global link is so accentuated in this perspective that the professionalization of public administration is seen as a   response   to   the

challenges of globalization (Farazmand, 1999).

CONCLUSION AND KEYS RECOMMENDATION

In a world characterized by growing interdependence between the economic regions, the Togolese State is under pressure to strengthen her administrative capacity and improve her overall governance. The following studies are important for future actions.

Inclusive and relevant

The development of comparative research and the expansion of its mission are essential, not only to enrich intellectual capital, but also to enhance its relevance and to provide a foundation for the so-called universality of administrative generalizations in Togo. This development is also necessary because of the intensification of relations between public organizations and a whole series of other governance structures. This proposed enlargement involves decentralization and modernization of modes of interaction within and outside Togolese State. Public organizations have regular relationships with a series of complex networks and deal with autonomous actors, such as political groups, local institutions and private organizations. Appropriate knowledge about the internal or operational aspect of Togo public organizations is rare or inaccessible. As a result, it is not easy to check the level of administrative accountability in the absence of performance information. An in-depth analysis of the operational sphere could enlighten those who participate in the system and others about how technical, behavioral, financial, cultural, and global realities interact and converge in defining the decision-making process.

Respect the values of fairness and justice

Comparative administrative research must invest in the discovery of knowledge about the issues of equity and justice of public policy actions in society. In Togo State, it is still difficult to identify those who benefit from different public policies.

The recruitment of public servant is mainly grounded on political connection, bureaucrats and family connection. As a result, declining productivity, increasing poverty, and a growing sense of social injustice have led to greater resentment of the regime. Comparative analysis in such cases can elevate the debate by examining recruitment policy objectively and comparatively, and making observations that can inform future actions.

Comparative administrative research must therefore redefine links with the political order and determine the conditions and variables that determine relationships through empirical evidence. Political authority determines

the boundaries of administrative change and defines bureaucratic attitudes towards citizens. Conversely, the political distortion of relationship between citizens and their governments undermines conventional notions of "public service" and encourages actions to limit the role of the public administration and to promote policies of downsizing and privatization.

Fight against corruption

The literature constantly evokes the delaying effects of corruption on development and society (Cremer, 2008). However, there are two aspects of reform strategies that need to be emphasized. First, education and training are ways for Togolese society to recognize that the impact of unethical and criminal practices in the public sector is unjustifiable and leads to a loss of trust in public institutions and a weakening of the rule of law itself (UNDP, 2001: 1). In addition, continuous action is essential, such as the use of measurement and comparison tools to inform and educate the public about the seriousness of corruption and its consequences, in order to identify effective measures in the fight against corruption. Second, the prevention and policing reform policies need to be highlighted. CAP can be useful at both levels, determining what worked or not and why. Empirical knowledge of how to fight corruption could also influence bilateral and multilateral aid agreements for Togo State on the path to change.

Focus on local and community contexts

The CPA is primarily interested in national political and administrative institutions. The enormous potential influence of local authorities and communities on national development must now be taken into account. In Togo, Aloki (1989: 430) concludes "family structures, village groups, ethnic groups and spontaneous associations are the only authentic, experiential and generally accepted institutions. To stimulate economic development, public authorities as well as administrative research must look at these communities and local authorities and consider them as essential structures in the development of countries. Dynamic comparative administrations need to boost their quest for knowledge development at the global and local levels.

In general, even though "improved governance and conflict resolution are seen as key prerequisites for sustainable development" (UNDP, 2001: 1), Togo State management remains a major issue. For the relevance and adaptability of modern administrative concepts and practices, only an empirical, experiential and case-based approach can enable the human capital of public administration to develop the capacity to make its theory and practice more relevant and useful. This requires a

conceptual and methodological reorientation of priorities (Jreisat, 2005). Comparative public administration may be essential for a reorientation of objectives that allows for the integration of new perspectives, new experiences and new knowledge at the global level. Comparative research methods should be based more on empirical interdisciplinary analysis and case studies that focus on multiple cases rather than single examples. It is also essential that local institutions and the needs and preferences of the community be a primary consideration in the design, definition and implementation of change strategies.

CONFLICT OF INTERESTS

The authors have not declared any conflict of interests.

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