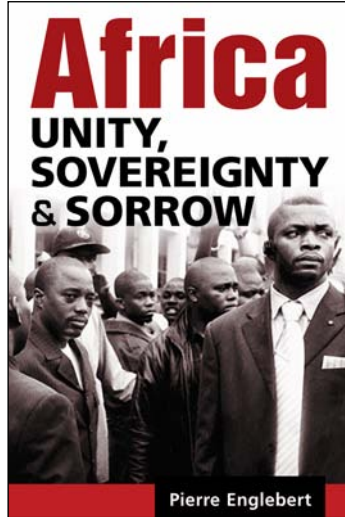


EXCERPTED FROM

**Africa:  
Unity,  
Sovereignty,  
and Sorrow**

Pierre Englebert

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ISBNs: 978-1-58826-646-0 hc  
978-1-58826-623-1 pb



LYNNE RIENNER PUBLISHERS

1800 30th Street, Ste. 314  
Boulder, CO 80301  
USA  
telephone 303.444.6684  
fax 303.444.0824

This excerpt was downloaded from the  
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# 1

## The Resilience of the African State

**By and large, the states of sub-Saharan Africa are failures. Of course,** not all of them are failed states where disorder and violence are rampant. And, of course, there is variation among them, with some showing greater concern for their citizens' welfare than others. Most of them, however, have not brought about or facilitated much economic or human development for their populations since independence. Often, they have caused their people much havoc, misery, uncertainty, and fear. With some exceptions, African states have been, mildly or acutely, the enemies of Africans. Parasitic or predatory, they suck resources out of their societies. At the same time, weak and dysfunctional, many of them are unable or unwilling to sustainably provide the rule of law, safety, and basic property rights that have, since Hobbes, justified the very existence of states in the modern world.

This condition of failure-cum-predation is now well established, and there is little to add to the voluminous and informative literature on this subject.<sup>1</sup> Yet, there is a paradoxical feature of Africa's weak states that has received much less attention: they will not go away. For all their catastrophic failures, weak African states are still around. With the partial exception of Somalia, state collapse has yet to lead to state disintegration on the continent. There have been almost no changes to African boundaries since 1960. Dictators and democratic governments have come and gone, as have countries' names and their international alliances. Some states have received more and more aid, others have sunk to levels of unthinkable destitution. But all of them are implausibly still there, by and large as they were at the dusk of colonial times.

This is not to say there have not been significant changes in Africa since the 1960s. For one, the relative political openness—if not always democratic nature—of some regimes stands in sharp contrast to the dictatorships and military juntas of the postindependence decades. If nothing else, freedom of expression has expanded nearly everywhere despite continual challenges. There

have also been instances of protest and grassroots mobilization against incompetent and repressive regimes, and a rich associative life has developed since the late 1980s, which testifies to creative strategies of adaptation and resistance. On a more somber note, the violence that has prevailed in many countries since the 1990s has also swept clean some preexisting social and political configurations. Finally, many governments have committed to aid-sponsored programs to improve governance, reduce corruption, and promote human welfare. A 2008 World Bank report, for example, highlighted the continent's recent economic growth and suggested some causal links to improved governance.<sup>2</sup>

Yet, the scale of political and economic change in Africa is easily overstated. More often than not, elections have not brought about alternations in power. More often than not, they have not been free and fair. More often than not, democratically elected elites have failed to implement meaningful change and have returned to the clientelistic and authoritarian politics of yore.<sup>3</sup> Not surprisingly, therefore, surveys of African public opinion show a rise in disenchantment with democracy, and electoral participation has seen declines everywhere.<sup>4</sup> Similarly, the vibrancy of associative life has not usually translated into substantive reforms of the state. Instead, nonstate actors of different hues have often ended up contributing one way or another to the reproduction of weak African states. Moreover, in striking contrast with the historical consolidation of states in Western Europe, the violent conflicts that have ravaged so many regions of Africa since the early 1990s have rarely triggered significant political progress.<sup>5</sup> In fact, it is usually hard to identify the stakes of these conflicts beyond factional struggles and control of natural resources.<sup>6</sup> In most cases, they have been settled, through international oversight, in power-sharing agreements that have brought rebels and the corrupt leaders they were fighting together in broad dysfunctional and predatory coalitions.<sup>7</sup> It would also be hard to argue that the one significant social change that has come at the hands of these conflicts—the transformation of some alienated youth into a new class of warlords and militiamen—has represented a form of political progress or contributes to improved governance. Finally, most packages of economic and civil service reforms, most anticorruption programs, and most poverty-reduction strategies have met at best with partial implementation, and have left Africans by and large as deprived, if not more so, as they were at the dawn of their independence.<sup>8</sup> A closer look at the data behind the 2008 World Bank report indicates that inflated oil prices account for recent growth more than any other factor, and that there has been no significant average improvement in the quality of governance across the continent over the past ten years.<sup>9</sup>

Thus, while postcolonial Africa has not lacked upheaval, I argue that it is in fact characterized by structural inertia. Apparent transformations and prevailing volatility have contributed little progress, little systemic change, and little substantive improvement across the board. Territorial delimitations have remained frozen, and modes of governance based on personal rule, ethnic al-

liances, factionalism, and plundering have remained dominant. Most important, many African states have continued to fail their citizens, depriving them of development, of sufficient opportunities for education and health care, and sometimes of dignity. Increasingly, the survival and welfare of the residents of Africa's weakest states have depended upon the presence and programs of international organizations, nongovernmental organizations (NGOs), and other voluntary groups.

Although decline and failure take place in all sorts of organizations, what is puzzling about Africa is the lack of sanction for failure. How can African states get away with their lousy performance? Why do they endure? How can these oppressive and exploitative, yet otherwise decrepit structures remain broadly unchallenged in their territories or their fundamental existence as states? How can they simultaneously display decay and stability, weakness and resilience? These are the paradoxes this book addresses.

The question of African state resilience is not new, but the conditions under which states now reproduce make it more paradoxical than before and shed doubts on the enduring validity of previous explanations.<sup>10</sup> For the first two or three decades of African independent rule, the question of state survival was not asked so much with respect to the state's own failings. Rather, it was the state's capacity to endure despite the heterogeneity and alternative allegiances of African societies that was seen as analytically puzzling (though not usually to be lamented). It was then often perspicaciously argued that African states avoided challenges to their existence from the multiplicity of heterogeneous groups they harbored by co-opting the leaders of different constituencies in a great redistributive game predicated upon the resources of the state, not least among which was foreign aid. Theories of patron-client relationships, neopatrimonialism, or "prebendalism" articulate the mechanisms of this appropriation and redistribution of state resources for political support.<sup>11</sup> These practices resulted in the generation of compliance with the postcolonial state through the "fusion" or "reciprocal assimilation" of elites representing different groups in society with the potential to challenge the state.<sup>12</sup>

The subsequent prevailing attitude of "territorial nationalism" made sense in the developmental phase of African nation-building throughout the 1960s and 1970s, when the state was a credible instrument of redistribution, but it is harder to fathom since the economic crisis that began in the late 1970s and has yet to abate.<sup>13</sup> African states continue to extract significant resources from their populations, yet no longer have much to return to them. Recent literature has highlighted the extent to which bankrupt, weak state institutions can continue to benefit the holders of state power by magnifying opportunities for predation and private appropriation, and even facilitating criminal activities from which state elites can acquire and redistribute resources. It may therefore still be rational for some groups, at the core of the postcolonial "fusion of elites," to reproduce the state from which their elites disproportionately benefit. From

this perspective, weak states endure because their very weakness benefits state elites, who face no significant incentive toward capacity-building, good governance, or development. A system that once lived in the shadow of the formal state thrives now as the formal state has itself become a mere shadow of what it once was.<sup>14</sup>

Yet, the bankruptcy of the state (which largely results from such policies) reduces the number of groups participating in redistribution, as budget-constrained governments increasingly focus on their immediate supporters, at the cost of political instability and social polarization. If anything, the use by such cash-strapped governments of restrictive notions of autochthony, citizenship, and nationality in order to exclude certain groups from the benefits of statehood could be expected to promote territorial challenges to the state by the marginalized groups.<sup>15</sup> This model does not explain, therefore, the compliance of the apparent victims of the weak African state.

An alternative model, highlighting the resistance against challenges that states derive from their international recognition, runs into the same problem. Asking in 1982 “Why Africa’s Weak States Persist,” Robert Jackson and Carl Rosberg focused on international dynamics, suggesting that the granting of “juridical statehood” by the international community to former colonial entities allowed their reproduction despite their empirical shortcomings, because it froze African states in their inherited colonial jurisdictions and impeded self-determination movements.<sup>16</sup> Their argument was about the resistance of the African juridical state, thanks to its international legitimacy, against domestic challenges. What they did not explain (or identify), however, was the relative lack of such challenges to the state. For it must be stressed that African state resilience appears to be not so much a question of resistance or reconfiguration by state actors than a puzzle of acquiescence by those outside core state power. How do international norms of recognition of sovereignty translate into the daily lives of Africans, especially those excluded from power? How do they generate apparent attachment to the state among its victims?

More recently, William Reno has come close to addressing this question, as he discussed the rationality of “local barons” in failed states to stay loyal to the sovereign state and capitalize on their access to its sovereignty. Reno suggests that regional elites and warlords, who are potential contenders to the central state, find benefits in maintaining their connection with it in order to engage in international transactions with foreign firms who prefer sovereign counterparts. These elites benefit then from the weak environment to engage in “shadow” transactions, mostly for their own profit, but do so under the juridical cover of the sovereign state.<sup>17</sup> Reno’s argument, however, deals mainly with one subset of regional actors: local warlords in zones of conflict that contain natural (essentially mineral) resources. For useful as it is in this context, his theory does not give us the tools to make sense of the behavior of elites in more peripheral and impoverished regions and in nonviolent settings. Neither

does it account for the allegiance of the lower tiers of regional elites, much less that of grassroots Africans.

While these theories provide insightful explanations for the behavior of the ruling elites of failed states and for the lack of impetus for reform from within, they do not tell us why outsiders to these systems, which produce significant amounts of inequality, discrimination, and violence, do not more forcefully challenge these states.<sup>18</sup> Why do the leaders of groups or regions that are kept at the margin of the state or are oppressed by it, such as provincial and local authorities, chiefs, civil society organizations, rebel groups, insurgencies, warlords (who challenge the government but not the state), and even commoners too, not initiate secessions, revolutions, or radical political change with greater frequency? With weak states being such wonderful private resources, why do not more local elites decide to embark upon the state-creation adventure (and derive their own private benefits from it)?

\* \* \*

My answer to this puzzle echoes Jackson, Rosberg, and Reno's invocation of sovereignty. Yet, while they focus on the benefits of international sovereignty realized by African state actors in the *international* sphere, I investigate the extent to which *domestic* dimensions of international sovereignty produce compliance with the state in Africa, particularly among peripheral and nonstate actors. The concept of sovereignty I use here is one commonly used by international relations scholars. It refers to the diplomatic and juridical recognition of a state as sovereign, irrespective of its effective capacity to control its populations and territory and to fend off challenges from other states. Stephen Krasner refers to this sovereignty as "international legal sovereignty" as opposed to both "domestic sovereignty" and "Westphalian sovereignty" (the capacity to exclude other states from domestic affairs).<sup>19</sup> It is the same as Jackson and Rosberg's "juridical" sovereignty.

In contrast to these scholars, however, I establish a causal linkage between international legal sovereignty and domestic authority. I argue that international recognition endows African state actors with a domestic power of command. By command, I mean the capacity to order people around. Because it comes from international legal recognition, the essence of this power is legal. Sovereign authorities rule by making laws or other forms of legally enforceable rules. Legal command is a unique monopoly of the sovereign.

Of course, legal command exists in all sovereign states. Yet, there are crucial differences in its nature and effects as a function of its origins in Africa. In countries where sovereignty derives first and foremost from domestic relations of power, rather than from international recognition, the exercise of legal command is frequently curtailed by mechanisms of accountability and institutional restraints developed in a bargaining process over time. In most African countries, in contrast, the exogenous nature of sovereignty largely places the



exercise of legal command away from domestic popular accountability. Because African sovereign power is exogenous to African societies and supported by continued international recognition, those in positions of legal command face few domestic constraints in their exercise of it. Particularly, they are able to use their legal authority to extract resources from others. This is what I call the exchange value of legal command.

Contrary to financial resources, which get depleted or diverted as states fail, legal command has the remarkable property of being immune to state weakness and failure. Because it is legal rather than “real,” and because it originates outside the state through the act of recognition, it endures even when the capacity of the state to implement any significant policy has disappeared. Thus states may be completely unable to provide any service or promote any collective action, yet they continue to produce legal command, such as decrees, directives, and regulations, which those with a sovereign connection continue in turn to exploit.

The bankrupt government of a failed state, unable to distribute financial resources to peripheral clients, can still share legal command with them, by providing them with public office, for example. These clients can use their legal command to extract resources from people locally or maximize their own local domination. This domestic distribution of international sovereignty obviously applies to regional elites such as governors, administrators, or state-appointed chiefs. But it also spreads to the lowest levels of statehood, including civil servants, policemen, public school teachers, court clerks, and so on. Everyone associated with a parcel of juridical sovereignty has the opportunity to use it in order to extract resources from others.

Moreover, in exerting legal command, state agents typically produce arbitrariness. While creating victims, this arbitrariness also promotes opportunities for mediation of the state-citizen relation, which nonstate actors, including the victims themselves, can exploit. A class of intermediaries, facilitators, and other “protocols” arises with an interest in maintaining the dysfunctional state. As a result, the rents from legal command are widely dispersed throughout society. In Africa’s climate of relative scarcity and state-controlled economies, these rents often dwarf alternative avenues for personal advancement and accumulation. Even though people may live in regions or belong to minorities that are neglected or repressed by their government, many of them have a vested interest in maintaining the state so as to preserve their own sovereign connection, and the resources and power they derive from it. They exchange national submission for local sovereign domination or exploitation.

It is worth stressing that the benefits of legal command are not simply those of weak statehood based on corruption and other manifestations of the privatization of the state.<sup>20</sup> My argument, while germane and broadly consistent, is different. I do not argue that disorder and institutional weakness are

being instrumentalized. On the contrary, it is the last remnant of public order in weak and failed states—sovereignty—that Africans instrumentalize.

The essential building blocks of my argument are thus that (1) legal command is the domestic expression of international legal sovereignty; (2) the exercise of legal command is widely distributed within countries wherever appendages of the state are present; (3) because of the exogenous nature of African sovereignty, African legal command resists the erosion of state capacity that plagues weak and failed states; (4) as a result, its exchange value in terms of extraction and domination endures in times of failure and promotes continued societal attachment to dysfunctional state institutions. Taken altogether, these elements conspire to create a structure of acquiescence to the state. Because of the benefits of legal command relative to the few nonstate opportunities for advancement and accumulation, African political elites, regional leaders, and other communal contenders face compelling incentives to surrender subnational particularistic claims and compete instead for access to the sovereign state, irrespective of the latter's history of violence toward them. The voicing of cultural grievances may be used in mobilizing local support for their strategies, but the resolution of these grievances is rarely on these elites' agenda.

\* \* \*

One could reasonably ask why it matters that African states are unlikely to face deep societal challenges like separatism and other forms of collective political "exit."<sup>21</sup> Isn't this after all good news? Isn't it one fewer problem to worry about for the continent? Should we somehow wish for African countries to fall apart? It is not the point of this book to advocate for such outcome or to problematize attachment to postcolonial states per se. Yet, the lack of relationship in Africa between state failure and state dissolution is informative by its apparent deviation from worldwide patterns, as illustrated in Chapter 2. If we can understand why there is no institutional sanction to state failure, repression, and underdevelopment in Africa, we will have reached a better understanding of the nature of African statehood and of its developmental failure. This is an analytical issue. We may not wish for separatist conflicts, but we can still ask why Africa's subnational communities do not challenge their states more often. Separatism is not per se good or evil—yet it is the manifestation of a communal wish to exit from the state, which is, in the end, a mode of accountability. Given, among other things, the prevailing failures of African states, the contending cultural allegiances of their populations, the prevalence of conflict, and the relative absence of credible options for "voice," it is surprising that Africans refrain from exit to such a degree. It is this book's contention that an understanding of the attachment of African societies to African states can shed light on the prevailing structures that constrain and condition political and economic action on the continent and help us come to a better understanding of the nature

of politics in Africa and the roots of the continent's broad failure to sustainably bring about welfare to its populations.

This last statement brings us back to this chapter's opening sentence, where I labeled the majority of African states as failures. Some will see this as harsh judgment and might suggest that this book's argument is more about the basket cases of African states—countries such as the Democratic Republic of Congo (DRC), Liberia, Sierra Leone, Chad, the Central African Republic, Sudan, Somalia, or Burundi—than about the majority of the continent. They will call our attention to the more successful performers—like Botswana, Mauritius, or South Africa—and those whose treatment of their population has been more benign—like Benin, Ghana, Mali, Mozambique, Uganda, or Tanzania. They will also single out the large majority of somewhat functioning states, which may not be developmental successes, but are not either catastrophic failures. Quite a few African countries appear indeed as hybrids, with some dysfunctional aspects but also part of their institutional apparatus operating by Weberian norms.

These people might well be right. I do not deny that there are significant variations in political and economic performance across the region.<sup>22</sup> In fact, in a previous project, I tried to account for the causes of such variations.<sup>23</sup> Botswana and Mauritius are indeed truly exceptional, and South Africa is sufficiently unique to warrant separate discussion. This book's argument is not about these countries. It is, indeed, first and foremost, about Africa's weakest states. Yet, its argument might also be relevant to most other African states, even those that have not reached the depths of utter failure. Consider indeed that, apart from Botswana, Mauritius, and South Africa, no African country has so far managed to successfully develop. Some fifty years after gaining their independence, most of them still rely on the export of a few primary commodities as the engine of their economy. Even a country like Senegal, often perceived as exemplary, remains overwhelmingly dependent on exports of fish and peanuts. Elsewhere it is cotton, coffee, pineapples, tea, or cocoa. In others, it is oil, gold, copper, or diamonds. The point is that the majority of African states may not be failed, but they have failed at establishing any sustainable foundation for economic growth beyond their colonial legacy of raw-material extraction.<sup>24</sup> In fact, the majority of African states can hardly afford their own existence. One often hears the argument that they should not be partitioned because smaller states would not be viable. But existing African states already are not usually viable. About half of them receive at least 10 percent of their gross domestic product (GDP) in foreign aid, and eleven receive more than 20 percent.<sup>25</sup> Aid is usually their main source of government revenue. Even the budgets of relatively successful countries like Ghana and Uganda are more than 50 percent dependent on foreign aid.<sup>26</sup>

Although my argument, which centrally features predation, will no doubt be better suited to the worst failures than to the continent as a whole, it also

hopes to shed light on the well-documented and widespread corruption and abuses by state authorities in places like Angola, Nigeria, Cameroon, Congo-Brazzaville, or Equatorial Guinea. These may not be considered failed states but they certainly are largely privatized enterprises of predation and extraction that have done very little for their populations. The ease with which alleged African success stories can collapse should also caution us against making too much of existing variations in performance. Côte d'Ivoire was a model in development circles until the early 1990s. And Zimbabwe once augured well of the possibilities for African development.

My premise is that African states may not all be failed, but many of them have failed in significant parts at their essential mission of providing security, basic welfare, and development. One can thus think of African states in general as weak. Although there are gradations in the actual extent of their weakness at any one time—with some completely collapsed and others functioning better—these are differences in performance that may result from a host of factors but are not necessarily differences in the nature of the states themselves. It is my contention that most African states are vulnerable to failure and reproduction along the logic I describe in this book. Variations among them in this respect may be more a matter of degree (and time) than of intrinsic quality. This being said, the weaker the state, the more paradoxical its reproduction and the more relevant this book's argument. At the very least, therefore, I hope to help make sense of the resilience of Africa's most failed states.

\* \* \*

The book begins, in Part 1, with the question of unity, describing the empirical trends it seeks to explain. Chapter 2 documents the unusual territorial resilience of Africa's weak states and shows that, according to patterns in other regions, Africa should have two to five times its actual level of secessionist conflict. Chapter 3 then illustrates how, despite a certain vibrancy of associative life across the continent, dysfunctional state institutions tend to endure and maintain a surprising degree of authority. Often, local elites, civil society groups, and even rebels contribute to their reproduction.

Part 2 sets out to account for this paradoxical resilience by developing a theory of state reproduction based on legal command. Chapter 4 contains the core theoretical argument. It discusses the external origins of African sovereignty, articulates the manner in which it translates into domestic legal command, and shows the mechanisms by which legal command is exchanged for resources and political domination. Chapter 5 offers four illustrations of the resulting compliance of African peripheral elites with the postcolonial state project. They are Barotseland in Zambia; Anglophone Cameroon; the Kivu provinces of the DRC; and the Delta and Biafra regions of Nigeria. Chapter 6 confronts the argument to the reality of existing African separatist movements. If legal command is such a resource to Africans, why are there secession attempts at all on the continent?

Through the examination of several case studies—Casamance, Eritrea, Ethiopia, Somaliland, Southern Sudan, and the Tuaregs—it identifies variations in time and space in the nature of African sovereignty and in opportunities for its domestic distribution, which fine-tune the argument.

The sovereign reproduction of Africa's weak states comes at a price, for it also alters their nature. Part 3 addresses the consequences of the legal command-based reproduction of African states. In Chapter 7, I show that the sovereign structuration of African social life gives rise to a particularly harmful form of nationalist discourse characterized by its tendency to alienate, divide, and exclude more than it unites. In Chapter 8, I highlight the negative effects of the sovereignty regime on democracy, governance, and the economy. In conclusion, Chapter 9 asks what is to be done. It makes some arguably eccentric suggestions, which I call policy fantasies. All of them are based on the claim that, if sovereignty is at the root of African state dysfunctionality, its effects must somehow be deflated. Their goal is to suggest policy mechanisms that would make the self-serving incentives of African elites compatible with the promotion of the welfare of their citizens. One way to do this is to revoke the unconditional international recognition of Africa's postcolonies and promote the conditions for the rise of domestic sovereignty or empirical statehood in Africa. Another, which I borrow from Jeffrey Herbst, is to link international recognition to the provision of services to citizens, whether by existing states or by other public or nonstate actors.<sup>27</sup> A final approach is to shed sovereignty of its dichotomous nature and dilute it among multiple actors in order to promote institutional competition—and, hence, quality—among them.

## Notes

1. See, among many others, Rotberg, *State Failure*; Rotberg, *When States Fail*; Ellis, "How to Rebuild"; Addison, *From Conflict to Recovery*; Zartman, *Collapsed States*; Herbst and Mills, "Africa's Big Dysfunctional States"; and Chabal and Daloz, *Africa Works*.

2. World Bank, *Africa Development Indicators 2007*.

3. Van de Walle, "Presidentialism and Clientelism."

4. Afrobarometer, "Citizens and the State"; Soudan, "Pourquoi les Africains."

5. For a classical statement on the role of violence in European state formation, see Tilly, *Coercion*. For the lack of political "productivity" of African conflicts, see Reno, "Shadow States."

6. Gleditsch et al., "Armed Conflict."

7. Tull and Mehler, "The Hidden Costs."

8. Van de Walle, *African Economies*.

9. See Chapter 8.

10. Hyden, "Problems and Prospects."

11. See, for some of the best examples, Médard, "The Underdeveloped State"; Sandbrook, "Patrons, Clients, and Factions"; Jackson and Rosberg, "Personal Rule"; Joseph, *Democracy*; and van de Walle, "Neopatrimonialism and Democracy."

12. The concept of “fusion of elites” was introduced by Sklar, *Nigerian Political Parties*, to explain social class formation in Nigeria and, more generally, tropical Africa. The similar concept of “reciprocal assimilation of elites” was coined by Bayart, *L’Etat au Cameroun* (elaborated upon later in *The State in Africa*) to describe how African states became embedded in society and how they reproduce.

13. Young, “Nationalism and Ethnicity”; Boone, “Open-Economy State Building.”

14. See Reno, *Warlord Politics*; Chabal and Daloz, *Africa Works*; Bayart, Ellis and Hibou, *Criminalization of the State*; and Roitman, *Fiscal Disobedience*.

15. On autochthony, see *African Studies Review*, “Special Issue: Autochthony.” On predictions of such challenges, see Forrest, “State Inversion,” 45–56.

16. Jackson and Rosberg, “Why Africa’s Weak States Persist.”

17. Reno, “How Sovereignty Matters.”

18. On the historically unusual production of inequality by the postcolonial African state, see Bayart, *The State in Africa*, particularly Chapter 2.

19. Krasner, *Sovereignty*, 10–20.

20. Chabal and Daloz, *Africa Works*; Mbembe, *On the Postcolony*.

21. Hirschman, *Exit, Voice and Loyalty*.

22. It is also true that many African states saw a period of relative consolidation in the 1960s and early 1970s, which recorded social and institutional progress (see Cooper, *Africa Since 1940*, 100–130).

23. Englebert, *State Legitimacy*.

24. The policies of developed countries and the structure of international trade account in part for this failure.

25. World Bank, *African Development Indicators* (data for 2003).

26. Ayodele et al., “African Perspectives on Aid.”

27. Herbst, *States and Power*; Herbst, “Let Them Fail.”