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**Africa's Political Justice Problem
and the Politics of Justice in the
Development Architecture**

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INTRODUCING AFRICA'S PROBLEM OF POLITICAL JUSTICE AND THE POLITICS OF JUSTICE IN THE DEVELOPMENT ARCHITECTURE

Whereas the fundamental problem of development in Africa had been construed in terms of strategies and principles locally designed or internationally imposed, yet the seeming failures of these concepts cannot be separated from their abilities to answer the critical question of justice in their formulation and practice. Hence the problem of the endemic susceptibility of African social and political life to injustices and perversions has affected the development architecture of Nigeria in particular, and many Africa nations generally. Evidently, certain technological, economic and political strategies of development that have worked elsewhere simply fail to positively impact on the lives of peoples, institutions and structures for social change in most of Africa in the light of ethnicity, corruption, bad leadership and insecurity. This paper examines the critical impacts of the justice shortfall on the developmental processes in Africa, insisting that the challenge necessitates a re-interrogation of the role of the human person in the singular task of development.

Many institutions and societies have collapsed owing to the inability to negotiate the problem of justice. The substance of the problem of justice remains not just the search for community; how wo/men and institutions can achieve co-operation for the common good in the society, but even more significantly, an examination of how the question of how rights, duties and responsibilities can be properly and effectively maintained among the members (wo/men and institutions) of society so that development can be assured via the establishment of a just system of enduring social relationships that can ensure human survival and well being. Hence, the papers will highlight possible ways of enhancing the capacity of the dominant social institutions and society as development instruments for ameliorating the seemingly endless material poverty and moral regression in the society that has led to the exhibition of an unprecedented level of corruption, disparities in wealth, instability and antagonisms. The paper offers important insights into national development and political morality, by appropriating the creative inputs of a conception of justice that can provide a new theoretical basis for the understanding of the problematic of development.

PROBLEMATISING AFRICA'S PROBLEM OF POLITICAL JUSTICE AND THE POLITICS OF JUSTICE IN THE DEVELOPMENT ARCHITECTURE

The problem of justice in development requires further examination because 'decades of preoccupation with development in Africa have yielded meager returns' (Ake 2001:1). The issue as we understand it is that the endemic susceptibility of African social and political life to injustices and perversions has affected the capacity of many African nations generally to benefit more significantly from the international development architecture. This crisis seems to be the outcome of putatively defective values and value systems, which elicit the cultural and cosmological factors in the debate on the rough justice triggered by traditionalism, modernisation and dependency. Given the cultural implications of the establishment of just relations within and outside Africa, we surmise that values 'lie at the core of our problems' (Menkiti 2001:136). If 'the essence of development is social change' (Jacoby 1974:63) then development, properly understood as 'the upward movement of the

entire social system' (ASUU 2002:34) seems difficult in Africa, due to the problem of a proper idea of justice that can underwrite the ideological fashioning of viable nation-states (political justice) and the implications of inequalities and domination in the international social-political dynamics (politics of justice) that have had consequential impacts on the developmental processes in Africa. This dual challenge has compelled the re-interrogation of the role of the human person in the singular task of development. At the heart of development in Africa ought to be the human person and how justice can be redefined for a better mastering and transformation of the 'crisis of individual and group identity, deepening social inequality/ fragmentation, weakened administrative and policy apparatuses of the state,' (Laakso and Olukoshi 1996:7). As Cooper (2002) says, development in Africa must be defined in terms of its simplest meanings; potable water supply, efficient schools and hospitals, enhanced agriculture and industrialization and a better quality of life (Cooper 2002:91). At least the African situation must reckon with the problem of just claims and distributions whether of internally or externally derived resources. Thus the whole question of justice implies a call for a different way of conceptualization of resources, and in turn impinges on human relations. Thus 'when people change the way they use resources, they change their relations with each other' (Leftwich 1993:607). The justice problem in the African political systems is connected to the dual issues of an improved power management and wealth distribution within an ethnic context (Ndulu and O'Connell 1999:49).

Received conceptions of development see it in terms of the technological, economical or political, yet all of these are determined by the idea of justice that is prevailing in human existence. Justice in development has triggered concerns about the international and local contexts of the desire; capability and power of the state to eradicate poverty, corruption, ineptness, authoritarianism, abuse of human rights, tribalistic exclusiveness (Samatar and Samatar 2002:4) dictatorship, poor public service delivery, unreliable courts, unreliable transport and power, inefficient education, health (Collier and Gunning 1999:10-11); and the imperative of conceptualizing and sustaining a society where justice will be a reality for all. Undoubtedly, the study of justice in development has much to contribute to contemporary Africa which is presently faced with such problems as wars, economic stagnation, low quality of life, ethnic conflicts, oppressive and tyrannical political structures, leadership and poor infrastructures. Viewed this way, development does not lie in erecting modern structures and improving the economy of a nation alone, but more than that, the cultivation of just principles and humane values must constitute the underpinning of development in Africa. How can these be generated from within or outside?

Given that Dalfovo (1999) has noted that 'the vision of development has differentiated humanity into two camps, one allegedly prosperous and the other indigent' (Dalfovo 1999:38), we clearly need to break loose from internally and externally unjust structures. We may repudiate certain grants or loans to developing nations only on account of currency devaluation and related pre-conditions that are overall inimical to growth. We should be able to criticize our national governments that have continued in the material exploitation of Africa and the suppression of the poor amongst us. Many societies in Africa are faced with the challenge of providing basic frameworks

for defining and articulating mutual experiences on the basis of dialogue and compromise. They are confronted by the problems of establishing appropriate just values and institutions for the mitigations of mutual mistrust, conflict and instability. A genuine theory of development must appeal to social justice, and the promotion of human rights at the local and global levels to define a new idea of human society.

The present problem of justice in the development crisis in Africa has been occasioned by two main factors: The factors of external injustice (aid, impositions, dependency, debt peonage) summarily seen as biased products of western ideas and value-judgments 'retaining a heavy structural and cultural dependency' (Forge 1984:124). Secondly, there is the factor of internal injustice (dictatorship, political and cultural inefficiency) occasioning 'a strong disillusionment with the performance of the state' (Platteau and Abraham 2002:104) within Africa. Thence, the justice factor as a core defect of development strategies in Africa is illuminated by the normative and foundational 'dissatisfaction with economic development policies' (van Nieuwenhuijze 1988:515). We can put it simply, that 'due to the backwardness inherited from the past, and the relations of subordination and exploitation prevailing in the world capitalist economy' most African nations continue to suffer developmental shortfalls (Osipov and Cherkasov 1991: 271). The problem of justice is linked to the crisis and context of traditional Africa. The fundamental cause and expression of the crisis of justice in indigenous Africa was the problem of inequality and social ordering that ensured systematic consolidation of the dominant trends of ontological closure and traditionalistic anachronism. As Davidson observes 'the ancient inequalities of African societies were severe. Women provided the chief source of exploitable labour power' (Davidson 1978:54). This stricture in the realm of justice provided an impetus for cultural dislocation and developmental suffocation in many African environments. The traditional African society was further based on a gerontocratic notion of justice that made access to fair treatment, inclusion, rights and privileges, a matter of chronological or physical superiority in age. Thus evidence of this is seen in the point that 'each community or society has its form of restitution and punishment. It is generally the elders who deal with disputes and breaches. Traditional chiefs have the duty of keeping law and order, and executing justice.' (Mbiti 1969:211). Internally, the defeat of Africa is seen in the crisis of justice and social order and its spectral consequences on every facet of human existence. This generates a process of marginality and the repercussions of these as seen in widespread violence, arbitrary hierarchies and avoidable deprivation.

Therefore, the concrete context of an African idea of justice was to be drawn in contradistinction to the core western variants of justice, which as we shall show also failed woefully to provide the core concrete and conceptual impetus for development in Africa. Externally, the justice issue is seen in the consequential aftermath of Africa's contact with the Euro-American world. There was slave trade with its dehumanization of the African, direct colonization and all its contradictions. This was succeeded by neo-colonialism with its weakening of the African states. The concrete existential predicaments and problems facing the Africans did not go away despite the replacement of their cosmologies with a foreign one. It becomes clear then that 'through

individualism, liberalism made some people rich, but did not wipe out insecurity and poverty' (Beland 2000:144). This inverted and contradictory context was inadvertently the fate of both Africa and the western world. The inability to resolve the justice problem remained an individual experience as well as a cross-cultural reality such that the features of the old, transferred, and new ideology did not remove the fundamental problems of justice that plagued these worldviews. The justice problem became a subject for intra-national and international considerations, in the light of dominant ideological conflicts and reconfigurations of the global hemispheres.

Most of these African societies have actually failed to create or establish the norms and opportunities that can facilitate the fullest development of human personal and social life. A survey of the diverse experiences of African nation-states shows that there is apparently an absence of a genuine commitment to the values of trust and dialogue among the different interest groups in these societies. Indeed, the values of trust and dialogue have been undermined by poverty, ignorance, ethnic biases, and religious extremism, amongst others. This has led to the demands for institutional arrangements for the rectification of injustices and marginalization in most of these societies.

METHODOLOGY

This work adopts the methods of fieldwork, archival research, interviews and conceptual analysis in achieving its goal. The specific research methodologies employed are in-depth interviews, content analysis, archival research, key informants and group discussions. By using these methods the work seeks to provide a sharper definition of the problem, to compel a more careful theoretical analysis of the associated concepts and to highlight the conditions of social reconstruction, via theoretical redefinitions. It adopts the multi-disciplinary approach and argues that the conscious return to, and applications of justice as the foundation of life will enhance the rectification of the development problem.

CONTRADICTIONS IN THE TRADITIONAL IDEAS OF JUSTICE AND ITS PERPETUATION IN THE ERA OF MODERNITY

The fundamental cause and expression of the crisis of justice in indigenous Africa was the problem of inequality and social ordering that ensured systematic consolidation of the dominant trends of ontological closure and traditionalistic anachronism. As Davidson observes 'the ancient inequalities of African societies were severe. Women provided the chief source of exploitable labour power' (Davidson 1978:54). This stricture in the realm of justice provided an impetus for cultural dislocation and developmental suffocation in many African environments. The traditional African society was further based on a gerontocratic notion of justice that made access to fair treatment, inclusion, rights and privileges, a matter of chronological or physical superiority in age. Thus evidence of this is seen in the point that 'each

community or society has its form of restitution and punishment. It is generally the elders who deal with disputes and breaches. Traditional chiefs have the duty of keeping law and order, and executing justice' (Mbiti 1969:211). Internally, the defeat of Africa is seen in the crisis of justice and social order and its spectral consequences on every facet of human existence. This generates a process of marginality and the repercussions of these as seen in widespread violence, arbitrary hierarchies and avoidable deprivation.

The problem of justice is not one, but manifold. But with reference to the context of many traditional African societies, three strands are crucial as undeniable points of entry: the predominance of African supernaturalism, authoritarianism and communalism. But two things are crucial in the analysis of these realities, discerning the normative and operational capacities of the principles in question. According to Emmet we must define 'the criterion by which we may judge the rule which determines what rights and claims are to be asserted and the impersonal and impartial application of the rule, whatever it be' (Emmet 1939:48). This point is important because we shall try to show that traditional justice conceptualisation in Africa is weak at these two levels vis-a-vis development. How does it define the source of its inspiration as it concerns the legitimacy and sustenance of the scope of just rights and claims? It rather fails to decipher the adverse consequences of its peculiar idiosyncratic and parochial approaches to justice. And more so, it cannot be convincingly asserted that even this view of parochial justice prevailing in Africa was the perfect model of operational precise execution.

We are faced with another kind of problem, which is more epistemological in nature. The fundamental cause and expression of the crisis of justice in indigenous Africa was the problem of inequality and social ordering that ensured systematic consolidation of the dominant trends of ontological closure and traditionalistic anachronism. As Davidson observes 'the ancient inequalities of African societies were severe. Women provided the chief source of exploitable labour power' (Davidson 1978:54). More than that, there was in our view also the problem of justice, understood as opportunity, voice and choice for the young or less privileged people, such as slaves. This is a significant point in a hierarchical, inward-looking community that exemplified a system that basically practiced full-blooded authoritarianism and gerontocracy. This stricture in the realm of justice provided an impetus for cultural dislocation and developmental suffocation in many African environments.

The African traditional notion of justice operates on a presupposition that has been well outlined. This insinuates the fact that 'social hierarchies can be just if they correspond to natural superiorities, since domination may then be justified. Superiorities need not be natural, however, in order to provide such justification' (Simpson 1980:491). In the case of African justice and community, these superiorities were justified by extant appeals to ontology and cosmogony that bred all manners of contradictions and control that convoluted the justice agenda. In most African cultures, it is common for a person to be asked to overlook or forgive an injustice done him or her either, because the offender is older, more powerful or due to familial or kinship ties. Due to the communalistic and gerontocratic proclivities of most African societies, the balance in a justice situation often tilted in favour of the privileged or elderly person. Even in the case of reprimand, non-public remonstrations or recriminations of senior offenders were common, due to the endemic hierarchy and status preserving nature of these societies. Dispensation of justice thus

depended necessarily on the stature or status of the offender, as patriarchal or elderly or just privileged. These approaches were operational in most traditional African societies and were upheld in the definition and application of justice. Such ambivalence and the negative feelings that went with them inevitably ushered in a regime of social and psychological tension and turbulence. Therefore, it must be emphasized that 'within this tightly knit corporate society where personal relationships are so intense and so wide, one finds paradoxically the heart of security and insecurity, of building and destroying the individual and community' (Mbiti 1969:209). Security, distribution and other constructive tasks are inextricably tied to matters of justice.

Matters of justice in much of traditional Africa also operated in the dual realms of 'this-worldly' and 'other-worldly' involvements. According to theoreticians of African ontology, most traditional cosmologies can be understood in terms of certain elements that eventually impact on justice. The idea of justice in Africa can be reviewed in terms of the ontology, cosmogony and especially, the cosmology of these peoples. Nwala holds that 'in traditional society the universe is basically structured into two main inter-related parts, there are two realms of existence the spiritual world or supernatural order, the human world or visible order'(Nwala 1985:27-30). This implies that the African conception of justice is operational at two levels, the bipartite temporal and the transcendental realms. In Africa, this dual justice connection is tilted in favour of the supernatural, which exerts greater control over the physical realm. It draws upon the strengths of ontologism, which defines and sustains a hierarchy of beings and postulates a stratified and hegemonic inter relation between the beings – above and the beings-below. It is instructive that man is placed somewhere in the middle of the hierarchy of beings. Thus we establish the hegemonic form of the justice principle in Africa, wherein physical and non-physical forces can be called upon to adjudicate and dispense rectitude.

Still on the nexus between the transcendent and the temporal in the African idea of justice in the cosmological perspective: Ejizu holds that 'traditional cosmology postulates a fundamental moral vision as it charts the place of man in the universe. Man depends on the spiritual beings for his life, his welfare. Man's moral behaviour and cordial relationship with the spirits and fellow humans are crucial in the maintenance of order in the universe' (Ejizu 1987:6). To maintain the cosmic order and harmony of forces in the universe, and thence the security of the categories of existence, the African wo/man must keep and abide by the culture of the people. According to Ezekwugo culture is defined as 'a type of civilization, which a people have practiced over time' (Ezekwugo 1991:4-5). Thus the justice practiced by the Africans is to be seen in their age-long activities that depended on a robust sense of social or ethnic identity. It is therefore clear that the core western conceptions of the justice idea may not have easily fitted into the African cosmological models. The question of whether these ways were right or effective is another matter. This point that culture is age long practice, is reinforced by Nwala (1985:58-59) who says that *omenala* custom and tradition means 'that which obtains in the land or community, according to the custom and social tradition of the community.' This insinuates that social practices embody justice, and that these are done according to ways of our fore fathers. This immediately raises the question of the defense of a model of justice based on the rule of antiquated traditions that usher in a distinctive wave of anachronism and closure to new ideas.

Apart from cosmology and its effect on justice in traditional Africa, there are other elements which impact on justice in traditional Africa. Two of these elements are authoritarianism and communalism. Let us analyze the linkage between justice and authoritarianism. Authoritarianism must be understood broadly in terms of the concrete manifestation of hegemonic power that certified dominance and subjugation either by singular monarchy, elitist oligarchy or a messianic theocracy. Seen in either of these ways, there is a limitation of traditional culture and its capacity for justice as seen in its authoritarian orientation, manifested in the demand and legitimating of unquestioning obedience by people to the authorities of elders. Because traditional society was essentially authoritatively communitarian, not much room could be made for deviant ideas or social practices. This point is significant, given the serious communal religious preoccupations with strengthening the moral-cultural bonds for collective survival in a physically and psychologically hostile environment. Such a situation and the desperate circumstances surrounding it ensured that little premium, if any, was placed on 'intellectual qualities such as curiosity or independence of thought'(Oladipo 1996:47). The imperative of community survival, the real life threatening consequences of any putative social deviance and the near impossibility of eliciting specific and subordinate justice claims from the restrictive collectivistic countenance, made the negotiation of non-ontological justice a mirage. Thus the processes and instruments of justice cut across the temporal and transcendental capacities and imputations.

As such, there was also the problem of justice via supernaturalism defined as 'the recognition on the part of man of some higher unseen power as having control over his destiny.'(Sogolo 1993:57). The ancestral ontological configuration of the traditional African societies made this approach to justice inevitable. It must be restated that 'the majority of Africans believe that God punishes in this life'(Mbiti 1969:210). Also, metaphysically operative principles such as oath taking, curses are also instruments for the pursuit of justice in traditional Africa. Oath taking is a form of ritual treaty designed to ensure transparency in dealings. Whatever else this procedure of justice signified, 'it was a means of establishing truth and guilt and discouraging other evils in the community' (Nwala 1985:58-59). Olisa (1989) supports this point about metaphysicalism and physicalism in the justice machinery. He insists that in the attainment of justice in traditional systems there is the full participation of the deities and the appropriation of fetishism, magic and rituals (Olisa 1989:238). Other devices that were employed in the pursuit of justice in traditional Africa include 'divination through the oracle, the influence of the supernatural and secret societies'(Olaoba 1997:27). Such dispositions to life ensured a more systematic philosophy of justice could not emerge from Africa owing to the critical shortfalls of these qualities. It is clear then that the traditional African notion of justice differed from the western vision in the emphasis on a dual temporal- transcendental approach that retained intensely immanent propensities.

In essence therefore, the traditionalist African notion of justice fails to offer viable development trajectory because it is defeated by supernaturalism that ensures the rise of a philosophy of justice, based, if it must be put harshly, on a network of hierarchical collusion, social conspiracy and utter surrender to

anachronism. These proclivities crystallize to truncate the spirit of revolution or rebellion. They also fundamentally, run counter or contrary to the principle of positive change. According to the philosopher Albert Camus, we face the fundamental problem of human life as the problem of the absurd. Thence, he recommends that we respond to our predicament by uniting as human beings, to transform life into a positive incentive to live and create. It is on this platform that he introduced the idea of 'rebellion', which he used interchangeably with 'revolt'. The attitude of rebellion is a refusal to remain passive in the face of evil, injustice, oppression, etc. it is the determination to fight against absurdity, against evil, against injustice, etc, with all the means at one's disposal in a whole length of a life, it restores its majesty to that life. (Camus in Murchland 1962: 61). But then, we face a dual challenge from the crisis of justice in traditional African contexts that play on the fluidity and countervailing powers of aggregated authoritarianism, supernaturalism and communalism that together usher in an ossified anachronism. But the greater danger is the erection of an invidious threatening subordinating tendency as a directing principle. The real fact is that in a repressing environment, rebellion must take the form of utter chaos and violence. But a more salient fact that decrees the failure of traditional society is that "neither submission nor rebellion generates development. Submission leaves a society without innovators, and rebellion diverts energies away from the constructive effort toward resistance, throwing up obstacles and destruction (Grondona 2000:48).

In the context of traditional Africa, this endemic inability to rebel, revolt or reform and thence, to achieve endogenous transformation or change in the vital realm of values is called anachronism. Trenchant supernaturalism places and legitimates all quests for justice at the altar of the divine, and denies men the ability to seek their own redress by human generated physical instrumentalities. The problem therefore is that supernaturalism essentially ensures a kind of transcendentalism that in turn occasions esotericism. These features ensure inimical closure of the epistemic, methodological and moral spaces of the traditional African practices of justice. This is easy, because the supernaturalistic countenance of the traditional African society was further based on a gerontocratic notion of justice that made access to fair treatment, inclusion, rights and privileges, a matter of chronological or physical superiority in age. Thus evidence of this is seen in the point that "each community or society has its form of restitution and punishment. It is generally the elders who deal with disputes and breaches. Traditional chiefs have the duty of keeping law and order, and executing justice. (Mbiti 1969:211).

This tendency to preferential justice bred an alternate form of authoritarianism in social control and made the possibility of social change remote. Authoritarian justice, understood as subordination to hegemony, at best served to maintain order in the society at the cost of respect for individuality and openness to change and progress. The problem of justice in traditional Africa was also defined in terms of the problem of representation and responsiveness. Authoritarianism was a major factor that generated the crisis of representation, understood as how power could be used to serve the interests of all or the needy members of society. In so far as the authoritarian perspective in a dispute or issue was taken as the dominant and representative decree, it became clear that the singular ethical or nominal

opinion of a person or faction in the dispute or under the ordinance of the authoritarian patriarch was likely to be overruled or disregarded. The point is simple, in an environment such as this, the possibilities of dissent were quite remote and far between.

Another dimension to the crisis of juridical representation in traditional Africa can be understood in terms of the intricacies and workings of communalistic visions in the realm of justice. Let us note that the corporate nature of African communities is defined by the fact that "they are knit together by a web of kinship relations and other social structures" (Mbiti 1969:208). This insinuates that the problematising of justice in traditional Africa starts from the ontology of community. Davidson puts it that 'it was conceived in Africa as a problem of a consciousness of community. In the beginning, there had been the founding ancestors sent from God. These had led their people to a homeland, explained by application to God just how their people should live and work. Each living person was thus clasped within a community which identified itself by its own unique "charter" of belief and behaviour'(Davidson 1978:44). The question before us is to determine the extent to which the norms and precepts of supernaturalistic communalism were conducive for justice? The communalistic proclivity of traditional Africa ensured that justice was seen as a matter of communal determination, adjudication, sanctioning, execution, etc. this was done directly by the community or by its representatives, determined by status or age, both qualifications inherently favoured some and disfavoured others. This is because in Africa, status and age went together in the course of social development. The question of the possibility of communal transgression made it the case that an entire society could atone for a sin, crime or injustice by one or more of its members. A society could pay for its leader's deeds or misdeeds. In terms of intra-communal justice, the corollary of that was that an entire family or group could be sanctioned for the offence of one of their members. All of these created room for the aggravation of resentment, strictures, and potential to destructive tendencies in traditional Africa, thus pushing to the fore the contradictions embedded in the African notion of justice.

The point then is that supernaturalism, esotericism and the authoritarian closure that went with them, were significantly tied with the issue of monopoly and supremacy of rights, claims, privileges and knowledge, transformed within the ambits of survivalist social inclinations. Rules were made in consideration of the awesome physical and psychological threats from a hostile geo-cultural space and an overbearing religiously motivated control process. The outcome of the monopoly of particular knowledge is the reinforcement of authoritarian high-handedness associated with unregulated power and exclusivist control of machineries of free expression and allocation of entitlements. The mere fact that the acquisition of the relevant knowledge of the extant principles of socio-cultural existence in traditional Africa were based on biological age insinuated an inherent deprecation and diminishing of the chances of the younger ones to get actual justice, and be seen to get justice. These trends are still prevalent in modern Africa, howbeit with rather unfortunate repercussions. But within the cultural constant, authoritarianism had other far-reaching repercussions. Mainly, it paved the way for the loss of human and moral

support, closure of outlets of information, betrayal and alienation. With authoritarianism in place, it was difficult to seek alternatives or to purify existing options in knowledge.

It is worth noting that the authoritarian entrenchment of dogmatism, patrimonialism and hegemony, paved the way for the demise of creativity, ability, vision and wider participation of persons in the justice strategy of African traditionalism. The ontological vertical movement of power and justice ensured a stricture of the social framework of horizontal or spectral dispersal of ideas, claims and power. This combination of authoritarianism and supernaturalism led to anachronism and the lack of openness to new and better or different ideas or ways of doing things. Anachronism made sure that the wrong things were done almost persistently. The same old customary methods were given a divinity and cult follower-ship of unquestioning obedience thus leading to the first tier of the fracturing of the African societies along the justice ordinance. Our point, which forms the critical basis of our divorce from these core elements of traditional contexts is therefore is simple; that 'there is no room for bias or favoritism in the process of doing justice'(Carr 1981:223) whether such be ontologically, social-traditionally or prudentially motivated as in the case of the organization of traditional African realities.

The reality of paternalistic justice and the definitive contexts of its peculiar African manifestation only served to ensure that the wider cosmological and transitional processes that could attain its continuation were not to be ensured. Therefore, the concrete context of an African idea of justice was to be drawn in contradistinction to the core western variants of justice, which as we shall show also failed woefully to provide the core concrete and conceptual impetus for development in Africa.

The point must be made that the demise of African values especially the conceptions of justice as operative within a closed knitted community based on religious- moral control, cannot be separated from the colonial ordinance and its peculiar brand of discrimination, coercive and exploitative justice. It is known that 'the colonial powers brought their values, norms and rules to Africa applying them on Africans with whom they came in contact'(Munker 1998:81). Central to the injection of the core European principles of justice was the creation of an ideological basis for the installation of metropolitan values such as individualism, secularism, and equality. Individualism was brought in to replace communalism in African social life. This symbolized a phenomenological transformation howbeit, a forced one that occasioned a new systematic reconfiguration of African geo-cultural realities in the justice arena. Thence, the communal or kinship perception of justice was overthrown by a more personalized individual account of justice and sanctions, that placed premium on the actions of antagonistic juridical relations or conflict based systems of the courts, police, etc. Also, secularism was brought in to the African cosmology to vitiate the hitherto existing, but truncated construction of social life on a closed moral-religious basis. The idea of equality was injected through educational and political mechanisms to displace a highly ontologically and genealogically stratified African society that had demarcated its proportions for efficient but not necessarily just and fair

operations.

Thus it is true that traditional African religiously ordained communalism could not erode the critical poverty of justice. It could not assure Africans of some cultural security from the immanent collapse of values, and the expropriation of the African lands and peoples. Yet, it is equally true that the takeover of the African value systems by colonialism and its ideologies only replaced a suffocating but stable space with an exploitative, turbulent and discriminative one. This grossly dilemmatic situation has led to the fundamental crisis of the philosophical and ideological basis of justice facing the modern Africans. Using the ideological platform of the western world, and the twists and intricacies that these brought into the global intercultural dynamics, the real tragedy of the African experience in this dynamics was that their situation did not alter significantly.

To put it directly, the concrete existential predicaments and problems facing the Africans did not go away despite the replacement of their cosmologies with a foreign one. It becomes clear then that “through individualism, liberalism made some people rich, but did not wipe out insecurity and poverty’(Beland 2000:144). This inverted and contradictory context was inadvertently both the fate of both Africa and the western world. The inability to resolve the justice problem remained an individual experience as well as a cross-cultural reality such that the features of the old, transferred and new ideology did not remove the fundamental problems of justice that plagued these worldviews. The justice problem became a subject for intra-national and international considerations, in the light of dominant ideological conflicts and reconfigurations of the global hemispheres. Hence, our aim in the next section is to situate the core elements of the western conception(s) of justice as decree their manifest inability to impact fruitfully on the dual African traditional and modern situations for positive reconstruction of viable philosophies of justice for genuine development

THE LIMITS OF WESTERN IDEOLOGICAL AND PHILOSOPHICAL IDEAS OF JUSTICE FOR AFRICA

Therefore, the concrete context of an African idea of justice was to be drawn in contradistinction to the core western variants of justice, which as we shall show also failed woefully to provide the core concrete and conceptual impetus for development in Africa. The justice problem became a subject for intra-national and international considerations, in the light of dominant ideological conflicts and reconfigurations of the global hemispheres. One major defect of the western contractarian view of justice, is the conflict between the priority that it gives to liberty and its tolerance of inequalities, as seen in the basically worrisome assumption that the free exercise of genius will occasion more talent and productivity and thence, that everyone will be better off at the end. Another problem is its applicability to other worlds as a gift or formula to attain the messianic vision. Taken normatively, this poses a critical difficulty for managing the issue of justice and negotiating its application to other worlds. The discussion of the western idea of justice cannot be divorced from the liberal vision of reality. The liberal conception of

justice of the western world is a dominant ideology or set of beliefs about how to attain the good society. Its major exponents include Hobbes, Kant and Rawls. The essence of this liberal view of justice is that it 'favours atomistic metaphors and voluntary relations, e.g., the contract; it is conventionalistic, arguing that justice and political society are artifacts deliberately and rationally constructed; it is legalistic, emphasizing formal and procedural justice; it employs market notions of distributive justice' (Manicas 1981:280-281). According to Amin (2000:28) 'triumphant liberal ideology reduced society to a collection of individuals and, through this reduction asserted that the equilibrium produced by the market both constitutes the social optimum and guarantees, by the same token, stability and democracy.' Moreover, the consequential personal and institutional exploitation, differentiation, oppression and hegemony will inevitably breed anarchic injustice, acrimony, and a miasma of uncertainty. Nielsen (1988) has put it correctly that 'we need to be concerned with the kinds of social structures, including modes of production, that place some in positions of dominance and control and place others in positions of submission and powerlessness'(Nielsen 1988:30).

The intrinsic failure of erstwhile Western conceptualizations (DeMarco and Richmond 1977:86) of the philosophy of justice is centered on a tripartite analysis of the social contract model of Thomas Hobbes (1963, 1968, 1991), the utilitarian model of J.S. Mill (1962, 1975, 1990, 1991) and impartiality or respect model of Immanuel Kant (1965,1990, 1991, 1996). These three models among others, have failed to challenge and overcome the peculiar African crisis of justice and development. Whereas the social contract model of justice assumed that there would be justice when people acting as rational agents accepted basic practices of society that would assure their mutual advantage in the long run, this has not really worked in African development practice, due to the nullifying effects of kleptocracy, patrimonialism, institutional decay, antinomies and apathy, precipitation of primordial ethno-cultural enclaves. The utilitarian philosophy of justice, seen as a way of defining the greatest good or happiness of the greatest number of the society and the impartiality or respect model of justice, which suggests the recognition of the intrinsic worth of people as entities deserving of respect, whose interests should be maintained in the interest of the overall common good, have also failed due to the realities of cultural, historical and psychological inducements to truncate or restrictively appropriate the principles and institutions intended for the common good; federalism, industrialization and social services. Taken together, these traditional western philosophies have not succeeded in Africa due to obstructive traditional cosmological templates that have re-institutionalized regressive authoritarianism, tenuous hegemony, ossified anachronism deriving from both the primordial and colonial forms of ethno-religious prejudices, stratifications, conflicts, mistrust and mutual hatred among groups.

The traditional Western conceptualization of the philosophy of justice is centered around a tripartite analysis of the social contract model of Thomas Hobbes, the utilitarian model of J.S. Mill and impartiality or respect model of Immanuel Kant and the fairness model of Rawls. These models may have failed to challenge and overcome the peculiar ideological and value-laden character of the erstwhile analysis of justice, thus creating the impetus for overestimation of success in their formulation and implementation. Whereas the social contract model of justice assumed that there would be justice when

people acting as rational agents accepted basic practices of society that would assure their mutual advantage in the long run, the utilitarian philosophy of justice, seen as a way of defining the greatest good or happiness of the greatest number of the society and the impartiality or respect model of justice, which suggests the recognition of the intrinsic worth of people as entities deserving of respect, whose interests should be maintained in the interest of the overall common good.

The reason why it has become expedient to conceptualize a notion of justice is that 'the idea of justice lies at the heart of moral and political philosophy'(Barry and Matravers 2000:428). Human beings have had the greatest social and existential problems in the areas of designing political philosophies that can effectively assure progress and development in their societies. It is important to note that the idea of justice is central to the erection of a political philosophy. But it is the argument of this essay that the construction of a philosophy of justice must be based on a system of axiological aggregation of core social and ethical values for social development. Only a political philosophy can achieve this imperative. This problem draws our attention to the current deficits facing African societies in the areas of developing authentic ideologies and axiology of justice via a clear and effective political philosophy. As a background Brown (1985) had done a full analysis of some of the major philosophical perspectives on justice, but his work at that time did not consciously attempt to develop uniquely African perspective to the critique of these philosophical perspectives. Also, our study seeks to develop a political philosophy basis of justice in relation to the African experience.

Thus the establishment of a viable moral and political philosophy lies at the heart of any serious development effort or initiative. The challenge here is to elicit crucial machinery for the harmonization of the principles, formulas and institutions of justice and social values. As things stand, there is a spectral deficit in the postulation of a modern idea of justice that can defend or enhance the imperative of a social political development. This fact is significant, because most societies are defeated by a dual tragedy of the inapplicability of their indigenous ideas of justice to modern social challenges and the fact that there is an incontrovertible failure of the western models of justice that were imported in the course of colonialism and the pursuit of development. The inability to resolve the justice problem remained an individual experience as well as a cross-cultural reality such that the features of the old, transferred and new ideology did not remove the fundamental problems of justice that plagued these worldviews. The justice problem became a subject for intra-national and international considerations, in the light of dominant ideological conflicts and reconfigurations of the global hemispheres.

The critiques against the core philosophical ideas of justice can be summarized as follows: The appealing, systematic and well-articulated justice theory of Hobbes suffered from certain internal contradictions that paved the way for the emergence of other views. Hobbes theory of justice and security did not fully account for the dangers arising from the illimitable powers that were bestowed on the sovereign as ruler. Hobbes did not reckon with the fact that these powers would pave the way for dictatorship, primitive accumulation, misappropriation, authoritarianism and the eventual denial of the same justice and security of lives and property. It was this unresolved paradox of justice

and security that other theoreticians tried to address.

As Ebbinghaus (1968:214) rightly notes, Kant's theory of 'the categorical imperative determines the concept of duty solely as regards its form. It states only what duty as such is and consequently what all duties have in common.' But Wiredu has argued that rules especially rules of morality make sense to us not merely on the basis of Universalizability but more importantly on the basis of the connection between morality and human interests (Wiredu 1995:36). Rules do not make sense as rules, rather they retain significance as rules intended for some purposes. Apart from those purposes there is the question of the context and effectiveness of such rules. Some of the Kantian elements were appropriated by Rawls to advance his own theory of justice.

The theory of Mill was beset by a number of difficulties, the most important of which are then fact that the justice or morality of an action is determined by its outcomes or consequences. One outstanding weakness of utility is its violation of equality and liberty especially in the realms of justice in human relations and the subordination of all interests to the greatest good. Apart from the question of undermining individual and non-dominant interests under the majoritarian or collective will, there is the issue of calculating the consequences real or imagined of an action. This situation draws attention to the real effects of the imagined and actual outcomes and how these vitiate the calculus and validity of the utility procedure. One must worry about the issue of who defines the greatest good of the greatest number. Anyhow, another objection to justice as utility is that a rational person may decide to act on principle without any consideration of the effects. According to McCloskey (1971:59) 'it may be thought to be important to be honest, just, fair, for the sake of honesty, justice, fairness and not for the sake of some end or ends to be achieved thereby.' The point can also be made that there is no one theory that can have all the answers to all conflicting attitudes to justice. There may even be cases in which our natural sentiments of justice conflict with those of utility. This means that we can have socially useful, but inherently unjust principles as in the case of unwarranted deterrent punishment. The utility of such an action may not wipe away our negative perception of such conduct. Utility strikes at the human natural perception of justice as desert. As Smart (1973:70) puts it, 'a utilitarian will not be able to avoid the offensive consequences of his theory' in so far as we can understand or endorse a principle of justice that justifies, on the basis of utility, retroactive, collective or scapegoat punishment or the sacrificing of one for the many. As Smart (1973:73) rightly puts it there is no 'ethical system which would be satisfactory to all men or even to one man at different times.'

To the extent that justice as utility does not have answers to all the conflicts arising from varying opinions about justice then we can understand Williams (1973) who says that the utility principle or justice as utility is indifferent to the issues of justice and equal rights and it seems to create room for misuse or manipulation of justice in society. We must admit and recognize the very possibility of alternate conceptions. Thus for Williams (1973:113) 'utilitarianism, then, should be willing to agree that its general aim of maximising happiness does not imply that what everyone is doing is just pursuing happiness. On the contrary people have to be pursuing other things.' In addition, there is the problem of the status and influence of the person

making or assessing a utilitarian judgement. It raises the question of social reality and social perception. This is equally worrisome in that different groups can perceive utility differently thus creating a quagmire. This point is important because 'if we form some definite picture of utilitarian decision being located in government, while the populace is non utilitarian in outlook, then it surely must be that government in that society is very importantly manipulative' (Williams 1973:139). Apart from the denial of desert that utility stands for, it calls for an undiscerning and often immeasurable collectivist advantages that are tainted by manipulation and denial of identity.

Another philosopher who engages the utilitarian position by further pointing out its grievous defects is Rawls (1972). In responding to classical utilitarianism Rawls brings up the idea of justice as fairness, based on a contractarian conception of reality. According to him 'each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override. For this reason justice denies that the loss of freedom for some is made right by a greater good shared by others' (Rawls 1972:3-4). He argues further that 'when the principle of utility is satisfied, however, there is no assurance that everyone benefits' (Rawls 1972:177).

Some defects have been identified in Rawls theory. It should not be forgotten that Rawls theory is individualistic though it recognizes the least advantaged (Manicas 1981:279). Thus in their most fundamental underpinnings the conceptions of justice discussed above are explicit in their devotion to the western liberal view of reality. This then is the character of a liberal theory of justice that stands in contradistinction to that of Africa to the extent that it is based on 'the vision of society as made up of independent autonomous units who cooperate to further the end of each of the parties; which vision Rawls presses to its logical limit by deriving the principles of justice themselves from a notional social contract' (Flew 1976:75). Let us not forget that 'contractarian theories are undermined when it is shown that they favour a particular model of society' (Eshete 1975:40). This view of justice is in the first instance, restrictive both from an African exogenous viewpoint and from a parallel western viewpoint of Marxian theorizing. Engels and Marx apparently concur on the 'total condemnation of justice-talk as mere ideology, and consequently, justice seems never to mean anything more than "justice within a particular socio-economic system." There was feudal justice and there is bourgeoisie justice'(McBride 1975:205). Under such as arrangement, Husami (1978:33) insists that 'the distributive arrangements of a society can be evaluated by means of a standard different from the prevailing (or ruling) standard of justice.'

THE IDEOLOGICAL AND AXIOLOGICAL BASIS OF METROPOLITAN JUSTICE: CAN WE ESCAPE FROM MOTIVES, ATTITUDES AND VALUES?

With the normative and operational basis of justice well clarified, we now move on to examine the character and shortfall of the justice problem as interjected by the western ideologies. The difference between the western and other ideas of justice can be understood in terms of the statement that 'a society whose idea of justice accords with patriarchal principles of political authority is an unjust society by the test of liberal ideas about freedom, autonomy and the equality of persons' (Bellamy and Hollis 1995:1). If these

values identified above are taken, as the core of justice theorizing then it becomes clear that the main elements of traditional African values and justice may not fill into these conceptual moulds. This is how the problem starts. But another question is what happens when there is a wide gap between one's professions and the actual practices of the justice principle? It may be true that western philosophies are committed to equality in the political realm, but also and more disturbingly, their economic structures have a libertarian connotation that ensures the susceptibility to gross inequalities in other vital realms of existence. We need to examine the repercussions of such a divergent and contradictory valuation process for the quest to develop a distinct view of justice for the Africans, who already suffer from a plethora of natural and man made problems in their physical environment and social systems.

The question is, how does an ideology such as liberalism impact on the activities of justice in the institutional or state forms? Conceptually disaggregated, the thrust of liberalism essentially may lead to alienation, inequality and domination arising from exercise of superior genius (ability, talent and power) that will yield immense gains in influence, control and wealth. Moreover, the consequential personal and institutional exploitation, differentiation, oppression and hegemony will inevitably breed anarchic injustice, acrimony, and a miasma of uncertainty. Nielsen (1988) has put it correctly that 'we need to be concerned with the kinds of social structures, including modes of production, that place some in positions of dominance and control and place others in positions of submission and powerlessness' (Nielsen 1988:30). Thus, the question remains; how can a liberal view that endorses freedom and exercise of genius, tolerate outcomes and relationships that permit huge discrepancies in wealth, possessions and opportunities (Marx and Engels 1990:426)? Practical and conceptual problems such as these have led to the struggles for redistribution and social justice within ideological frameworks. The challenge is at best, to define a basis of reconciling the acceptance of capitalism as the only reliable socio-economic mechanism for generating wealth, and a desire to distribute wealth, in accordance with moral rather than market principles or considerations. These issues can be better situated within the concrete discussions of dominant western theories of justice.

The juridical egoistic morality underlying liberalism ensures that the gross inequalities in the ownership of wealth and income arising from the operation of a free market economy could neither be acceptable to the oppressed or underprivileged nor justified even on ideological grounds. This is worrisome when situated in the context of an Africa whose notions of justice derives from that emanation of a critically authoritarian esoteric cosmology that irrevocably places modern coercive powers in the hands of old anachronisms and hegemonic structures. The possibilities of power and wealth occasioned by the liberal justice model, combined with the predominantly anachronistic and communalistic closure typical of social and political spaces in Africa, will translate into a time bomb. This is what we see in the justice situation in much of Africa, where in actual fact the dominant institutions for the definition and sustenance of justice have been considerably vitiated and made ineffectual by internal and external factors. The brutal fact is the yawning gap in the expected norms and corresponding institutional practice of justice in most modern African environments. In many African countries, the callowness, disrepute and failure of the police forces, courts of law, prison systems to

achieve their basic constitutional goals, are no longer objects of surprise or consternation.

This is why we must not fail to remember that 'at certain stages of material civilization, our choice of a distributive principle depends on the consideration given to social values other than justice' (Eshete 1975:38). This means that the issue of justice must be seen against the backdrop of wider historical and social realities. In insisting on the question of social values there is a concern for the intricacies of the cultural operations that underlie social principles and the institutions that are meant to carry them through. With special reference to justice, we are interested in discovering the consistency, viability and approbation derivable from the notions of justice embedded in cosmologies.

Existing philosophies of justice have failed to challenge and overcome the peculiar African crisis of development. The contract model of justice assumed that there would be justice when people acting as rational agents accepted basic practices of society that would assure their mutual advantage in the long run, this has not really worked in the development practice in many parts of the world, due to the nullifying effects of Kleptocracy, patrimonialism, institutional decay, antinomies and apathy, precipitation of primordial ethno-cultural enclaves and other divisive factors. The utilitarian philosophy of justice, seen as a way of defining the greatest good or happiness of the greatest number of the society and the impartiality or respect model of justice, which suggests the recognition of the intrinsic worth of people as entities deserving of respect, whose interests should be maintained in the interest of the overall common good, have also failed due to the realities of cultural, historical and psychological inducements to truncate or restrictively appropriate the principles and institutions intended for the greater or common good; federalism, industrialization and social services. Taken together, these philosophies have not succeeded, due to obstructive cosmological templates that have re-institutionalized almost globally, a new wave of regressive authoritarianism, denial of economic and political rights, ossified anachronism deriving from both the primordial and colonial forms of ethno-religious prejudices, conflict driven mistrust and mutual hatred among groups.

AUTO-CRITIQUE OF THE METROPOLITAN VIEWS OF JUSTICE VIS-A-VIS DOMINANT AFRICAN CULTURAL FORMS OF LIFE

In all, the concrete reality of the tripartite western ideas shows a commitment to values that may not work in the African spaces. This is so, when we realize the cosmological and social interest imperatives underlying the foundations of justice. These considerations effectively make the discourse on justice a cultural or context bound event. This claim however, is not to detract from the clear universal expectations of an idea of justice. The basic truth is that the Hobbesian idea of justice fails in so far as the individualistic rational egoism that led to the emergence of the state or society has created a state that now unleashes the very injustice or non-justice situation that the state was supposed to arrest or modify. What this means, is that the application of Hobbes theory of justice to Africa may not work not only due to the nullifying injustices perpetrated by the state, but also due to the fact it refuses to recognize the communalist non individualist ontology or basis of the African societies. In modern Africa the Hobbesian model of justice refuses to foster the definitive distinction between the state of nature and the state itself. The core visions and values of the state in Africa, is to persecute, terrorize and subjugate the

mass of Africans. The real tragedy of an inclusive communalism grafted on a modern individualist perception of reality occasions a crisis of identity and national planning that turns virtually every institution or structure into a vector of injustice. The real failure of machineries such as the police, armies, census, education, etc, can be tied to the irreconcilable contradictions arising from the desire to communalise and ethnicize individualistic mechanisms designed for social order and change. The communal factor therefore becomes the currency that nullifies the play of individualism as a directing principle.

In the same vein the utilitarian theory of Mill does not succeed in Africa because, clearly the authoritarian cosmology of the Africans grafted unto the modern state system practiced in Africa, only served to ossify the principles of domination and exploitation handed down by the metropolitan powers. In effect, there was a regime that did not concern itself with the greatest good or interests of the teeming masses of Africans, rather there was the installation of a myopic elite control whose directing principle was the corrupt material accumulation and appropriation of African wealth and resources for restricted selfish purposes. Utilitarian justice was impossible to attain due to the real complications emanating from a resistant communalism that became the more parochial and ethnocentric owing to scarcity and competition for resources. The greatest good theory was defeated by fractious and factional divergences between the ontologically xenophobic groups, whose speciality is the nurturing of hate and anarchy. Cultural differentiation and the denial of dialogue, coupled with the lack of visionary leaders, served to constitute many African societies into arenas for the denial of liberty and fraternity.

Similarly, the Kantian theory of justice as law was seen to be a failure because modern African experiences increasingly showed a tendency to lawlessness and anomie, that solidified the antinomies and antagonisms deriving from ethnic and religious propensities that would not allow people to be law abiding. Essentially, the possibility of a universal justice was remote when considered side by side with the real tragedies of exclusionist communalism and irredentist anachronism that retained a surprising depth for hatred, apathy and irrational denial of the need for progress and cooperation. The Kantian law was impossible to install, owing to the gross disregard for neutrality, fairness and recognition among divergent groups, such as could guarantee reconciliation, cooperation, stability and positive change in Africa. Hence, the three theories, which were derivation from the core western liberal proclivities, were themselves agents of a new form of domination and denial that eventually reinforced the very injustices that they sought to challenge. As things stand therefore the concrete formulations, applications and repercussions of the primordial traditional African justice and western models of justice, had a colluding agreement when it came to the continuation of the oppression, domination and injustices to be perpetrated against the hapless Africans who are more than at any other time now in need of development and justice.

POSTCOLONIAL MANIFESTATIONS OF THE JUSTICE PROBLEMATIC

Given the above shortcomings we are thus faced with uncompleted tasks and the entrenched postcolonial crisis of justice in Africa. In Africa today, the interest in justice and development arises out of the reality of crisis due to the pervasive presence and influence of a foreign and dominating tradition/culture and the real effects of an indigenous cultural deficit in some realms of

life. In Africa, the problematising of justice and its development arises out of the reality of crisis in the social and cultural environment. In this era of Postcoloniality, there is a more turbulent substrate for the crisis of justice in Africa owing to the fundamental clash between alien perceptions and ideas of reality and justice. Evidently, the 'split between autochthonous and imported/imposed values, norms and rules remains on the map of Africa and in the minds of many Africans' (Munker 1998:83).

Evidently their demands, or commissions focus on the need for installing elaborate procedures of fair treatment, arbitration and negotiation mechanisms, and reconciliation agencies which will counter balance the reality of marginalization of various social groups in the physical, political, economic and social realms of life. The idea is to seek avenues for the effective articulation of the principles of justice, and the rules for the distribution of benefits in the society. Let us use some case studies to buttress our point. As an example, let us analyze the problem of justice and the crisis of social order in Rwanda. One of the most valuable studies recently done on Rwanda is by Cyrus Reed (1996). This statement is without prejudice to the contributions of other experts such as Lemarchand. This Rwandan situation is vividly illustrated by the bitter and protracted conflict between the Hutu and Tutsi ethnic groups, who were locked in a struggle for economic resources and political power. This ethnic struggle for cultural superiority led to tension, alienation, violence and oppression, which eventuality led to a full-scale war. The ontology and culture of violence, intolerance and injustice that prevailed in Rwanda for decades very easily gave rise to a civil war that commenced in 1990, which culminated in the Rwandan Genocide in 1994. The Rwandan example shows clearly that the injustices arising from the mismanagement of ethnic differences is a key factor in the creation of the crisis of social order in Africa. It shows that such mismanagement of ethnic conflicts can pose grave threats to the existences and well being of countries far removed from local arena of conflict. Thus, central to the crisis of social order in Rwanda, was the creation of a social atmosphere dominated by acts of injustice, oppression and intolerance. And the numerous pressures and difficulties arising from this situation led to the negative social circumstance in which the human person lost his dignity and intrinsic worth as a being deserving of respect, freedom and recognition.

We can also use another example to buttress our point. The crisis of justice and social order in Nigeria illustrates very vividly the grievous effects of a complex combination of prolonged and endemic ethnic, political and economic problems, which have on some occasions, culminated in the virtual collapse of all semblance of society and social life in the nations. Deriving its animation from the colonial ordinance, the diverse manipulative and divisive countenance of the ethnic interests served to perpetrate the denial of justice and peace. It is very important to state here that the crisis of social order confronting the Nigerian nation and most of the other African nations is essentially a "moral crisis". This crisis is best conceived as the inability to create and maintain those crucial, basic and appropriate rules of fair and harmonious reconciliation and adjustment of interests, with a view to facilitating mutual interaction between the various individuals and groups in

these societies (Oladipo 1996: 42). Therefore, the crux of this moral crisis is the clear absence of those bonds, which are most urgently needed for establishing and maintaining a model; of community, which is based upon the values of justice, freedom and peace. In other words, the conditions of insecurity, mistrust and belligerence prevalent in the country ensured that the Nigerian polity could not evolve into a viable social order. Given that various interests in the society were acting in disharmony, they failed to establish a secured mortal, economic and political foundation for the Nigerian state. Thus, the Nigerian state proved incapable of upholding the vital moral and democratic values required for the maintenance of social order and national security. In other words, the crisis of social order in Nigeria demonstrated that the vital rules of justice, equity and compassion, necessary for humane, co-operative and responsible social existence, were not in effective operation.

From the two examples above, it is deducible that the framework of injustice in most parts of Africa is set within the phenomenon of marginality and marginalization. Thus it is correct to say that internal marginalization is the outcome of political, democratic and human development deficits or inadequacies as they prevail within a social system. According to Adedeji (1999:32), internal marginalization is caused by the mismanagement of the economy and the pursuit of a development paradigm that has polarized the different social and economic groups in the society. Nolutshungu (1996:2) argues rightly also that the state is central to this process of marginalization, because, in so far as states preside over diverse and unequal societies, they simply are not always representative of, or responsive to, all sections of their populations; neither are the interests and concerns of the state always coterminous or congruent with popular interests. More so, within the state, the ruling class is almost always central to the existence of marginalization. Hence, it is clear that the state in so far as it has conducted itself using oppressive instruments, particularly insensitivity, nepotism and predation, has been one of the key instruments employed in the entrenchment of the justice problem via marginalization in the continent.

In most of Africa, the state and its agencies are usually under the control of the ruling class or political elites, when not directly under a foreign dominating presence. According to Fatton (1992:19), the existence of a ruling class implies necessarily the existence of a state whose role is to preserve and promote the economic, social and political structures of the ruling class dominance. One of the major expressions of the role of the state is its instrument of domination and marginalization. Despite all of such contrived claims to marginalization, we must agree with Dommen (1997:485) that exclusion or marginalization is a reality in every society and it provides a framework for the analysis of existing policies, and if we may add, social values and economic programmes within the society. With regard to the situation in most African nations, Adedeji (1999:23) maintains that the single most marginalizing domestic factor is poverty, worsened by civil strife and

socio-political instability. Nolutshungu (1996:viii) maintains that marginalization makes people vulnerable and is a major expression or form of insecurity. The trend towards the marginalization of groups in the society has clearly been linked to many instances of failed nation-state project in Africa. One of the major expressions of marginalization and insecurity is violence. Dominant majority or minority populations perpetrate insecurity against marginalized minority or majority populations.

As such, the consistent demand by some groups all over Africa, for the re-negotiation of different socio-political entities, is anchored on their firm belief that hitherto, the prevailing structures and institutions may not have adequately met the desires, needs and aspirations of most of the social and interest groups within the society, especially, in view of the individuals desire for happiness, peace, justice and security in the society. This point is better understood in the light of the position of Nolutshungu (1996:xii) that states are central to both the security and insecurity of peoples. In effect, the state remains critical when it intervenes in social conflicts, to create security for some, and insecurity for others.

It is quite correct to say that justice is not easy to attain outside of political motivation and action. So also, without political action no form of social or economic change is possible. It must be quickly stated that the reality of politics in most Africans nations is not so positive or academic in outlook. According to Sesay (1998:45) political conflicts in Africa are linked to the existence of dictatorial and authoritarian regimes. Usually, in such situations of dictatorship or autocratic rule, power is concentrated in the hands of a few privileged in the society, while the majority is effectively disenfranchised. This raises a question of political justice. Worse still, African leaders tend to hold on to political power, even when they are no longer in a position to contribute meaningfully to national development, reconciliation and nation building. The roles of the political leadership and state institutions in most parts of Africa have compelled scholars to describe them as features of a typical predatory state. Castells (1998:96-102) holds that much of the economies and societies of Africa have been destroyed by the misuse of capital which has characterized the predatory state of 'vampire state' which is essentially, a state entirely patrimonialized by political elites for their own personal profit. Such elites tend to be mercenaries, as their hold on positions of privilege and power is at the mercy of the capricious decisions of an ultimate leader.

In many parts of Africa, the problem of justice is entrenched because, the predatory state is characterized by both prebendalism and predation understood as political patronage, systematic government corruption, concentration of power at the top and the personalization of networks for the delegation of this power. These tendencies are prevalent in African politics. The political class in sub-Saharan Africa, which typically engages in patronage and prebendalism, is characterized by what Hawthorn (1993:336) refers to as the lack of a political base outside the state, and a precarious position within the state. They have not been politically or economically secure enough to allow competition. They have deployed their positions within what

remains the directive and authoritative frames of postcolonial states. The African state has attained this unenvied status through the age long process of the institutionalization of a decadent political culture which has led to the emergence of some of the most tyrannical and destructive patterns of political rule in the 20th century. The cases of Abacha in Nigeria, Mobutu in Zaire, Idi Amin in Uganda, Bokassa in Central African Republic, Doe in Liberia, Barre in Somalia, are illustrative here. Such decadent political regimes whether civilian or military, have laid emphasis on what Diamond (1988:12-14) refers to as the abuse of power and failure to play by the rules of the political game. This trend essentially centered on the endorsement of anti-democratic values, political violence, intolerance and extremism in politics. These are the expressions of injustice and oppression as we have them today on the continent.

Furthermore, the problem of justice in most parts of Africa can be tied to the actions and effects of political practices and social corruption. To this effect, the actions of the corrupt national elite can be interwoven with the emergence and operations of a predatory state. Philips (1996:300) holds that an environment may be so corrupt that the level of official compliance to duty is very low, and payoffs are so widespread that they are virtually institutionalised. Politics connotes the acquisition of wealth by corrupt practices. Politicians were willing to obtain power at all cost, since the control of power emphasized the control of the economic strings of the society (Nzimiro,(1984:36-37). The state in most parts of Africa is both patrimonial and rentier; as a result, those who are in control of state power and strategic bureaucratic offices use their positions for private appropriation. In the patrimonial administration there is an amalgamation of the private and public domains. Political administration is treated as a purely personal affair of the ruler, and political power is considered part of his personal property (Ibrahim1997:156). The patrimonial state does not feel the need to promote the common good and its logic is essentially limited to the distribution of prebendal offices and to the reduction of the access of the people to power wielders. A rentier economy is one that retires on substantial external rent or a reward for ownership of all natural resources (Ibrahim, 1997:157). These features ensure that injustice continues to reign supreme in Africa. This type of state breeds a cruel, callous and callow kind of citizens retaining a lack of patriotism to the nation, and who uphold selfish interests over the interests of all. These are people who lack moral integrity (Jois,1988:16) and are specialists in the abuse of laws intended to ensure social justice. They take pride in the exploitation and oppression of the weak and vulnerable members of society and triumph in the performance of malpractices.

Corruption brings to the fore the critical problem of weakening of the justice principle and machinery along with the erosion of other core values such as honesty, reliability, cooperation and industry. The major effects of corruption include the 'privatization of politics in so far as this concerns the distribution of benefits from economic transactions exchange and capital accumulation' (Goldstein, 1999:574). It makes daily life and business transactions more cumbersome, delaying economic intercourse, boosting costs and diverting energies to the concealment of private gain (Hogendorn, 1996:64-65). It leads to the abuse of power (Paden, 1997:261) and 'deteriorating fiscal and economic management, arbitrary policy change, deficit financing, and a chronic, unrecorded leakage of funds' (Lewis,

1997:305 & 320). Corruption leads to a blurring of the line between private and state property, erodes public trust, invites incompetence and violates the very laws and rules that African states promulgate. In other words, it ensures that a government cannot effectively enforce its civic charter and promote the public good. Corruption sustains or continues inequalities and reproduces existing patterns of privilege (Fatton, 1992:84). Worse still, corruption ensures that contracts and appointments are not got on the basis of desert, thus discouraging honest effort. It leads to distrust for the motives of others, and undermines the credibility of those in positions of power. It breeds resistance to authority and compels officials to misdirect scarce resources to low priority sectors (Elegido, 1996:245-246).

From the above, it is clear that the collapse of infrastructures and the rising phenomenon of insecurity prevailing within the nation, are the effects of corruption. All of these breed injustices and tension, which eventually crystallize into anarchy and instability across the continent. It is quite clear by now that things will not progress under the core problematic of the Thrasymachus position which is repulsive as a current model of justice for African development. Without doubt, the idea of justice as 'the rule of the stronger for their own advantage and hence rulers rule in their own interest'(Laing 1933:413) will not work. The rule of the strong has manifested in different forms in different ages. At one time, it exhibited as the endogenous rule of the patriarch or gerontocracy, with its associated authoritarian rigidity, closure, esotericism, normative anachronism and phenomenological stultification. At another moment, it manifested as utter metropolitan dominance and haughtiness that expressed itself as a paternalistic dispensation that in turn culminated in wanton injustices, exploitation, and oppression under the tag of colonization. In the third stage, the rule of the strong received its neocolonial legitimation from a warped African human nature. In this protean form, it was occluded by a miasma of cultural dislocation, and delivered in the form a postcolonial animation to outdo itself in the dialectical progression of continental human failure, evil, debauchery and wretchedness. How then does Africa develop conceptions of justice that would be capable of permitting escape from the hitherto prevailing crisis situation? Our task inevitably, must be understood in the context of concrete realities which ensure that in pursuit of justice, 'the concrete (individual, social and human) ends of man, not the end of some abstract and absolute society or state must form the standard' (Maihofer 1972:297) by which we can arrive at a holistic conception of justice capable of moving Africa forward. There is a need for a conceptual framework for liberation and transformation.

HUMAN NATURE, ETHNICITY AND THE ONTOLOGICAL FOUNDATIONS OF THE PROBLEM OF JUSTICE

The problem of justice in Africa is also tied to the issue of ethnicity. This carries to absurd and devilish proportions that real context and effect of perceived human difference that is now given a currency or directing force. According to Goldstein (1999:213) ethnic conflict is the most important source of conflict now occurring throughout the world. Conflicts occur among ethnic groups construed as large groups of people sharing common religious, linguistic,

ancestral and cultural features, which constitute the basis of their identity, when there is disagreement over who controls government, resources or territory. Thus central to the existence of political and economic conflict in Africa at large, has been the perception of some ethnic groups or social interests that they have been deprived or denied of the benefits of power and national resources. Ultimately, the outcome of this has been the intensification of conflicts within, and between groups in these affected societies. In almost all of its history, politics in Nigeria, as in other African nation-states, has been defined according to regional parties aligned along ethnic dimensions. Diamond (1988:38-42) holds that since independence, politics in countries such as Nigeria has always been defined along regional lines.

Graf (1983:195) argues that the processes of elite formation were contingent on their capacity to meet the demands of their various ethno-political constituencies. This situation compels the elite, and subjects them to a cross pressure to divert or channel government resources to their ethnic and kinship group. This situation arises because the elites need the support of these ethnic groups in order to remain in power. Such diversions and clientelism within the context of scarce national resources had to be accomplished at the expense of other elites' constituencies, thus, ensuring the permanence of conflicts over appropriation, resources and position within the country. The consequence of such ethnic conflicts and chauvinism have not only been the prevalence of violence and hatred among groups in the society, but, also that there are those who are still tied to the feudal social order, a social order that is antithetical to a democratic order (Nzimiro 1984:11).

Irving Howe has advised that we must not 'succumb to the current uncritical glorification of ethnicity. The ethnic impulse necessarily carries with it dangers of parochialism'(Howe 1977:15). From all indications, it may well be that 'ethnicity marks off differences that make a difference. Perhaps ethnicity has made a greater difference than it should' (Meadows 1957:341). The real and vital question here and now, is to determine the extent to which ethnically inclined societies have been able to 'free their peoples from the ancient curse of poverty, ignorance, oppression, preventable disease and natural catastrophes' (Gross 1974: 213). As Orlando Patterson has forcefully put it, 'ethnic pluralism has no place in a democratic society based on humanistic ideals. It is, first, socially divisive. Second, the ethnic revival is a dangerous form of obfuscation. There are the real issues such as poverty and unemployment, racism, sexism and environmental assault' (Patterson 1978:36).

In looking at the mechanism of social control that both embodies and underlies ethnicity we cannot but examine what ethnic groups are, what are those things that make ethnic groups distinct? What are the manifestations of ethnicity and how do these become consequential for human social and political existence whether positively or negatively? The popular conception of ethnicity is that which highlights its prominent negative aspects. Odugbemi (2001) makes it clear that 'ethnicity undermines the fundamental values without which we cannot build a sane, serious, democratic society' (Odugbemi 2001:70). This insinuates that the current expression of ethnicity directs the human ethical conscience away from civility and order, to putatively violent, primeval and bestial exhibitions. But this is only possible against the background of the arrangements that ethnicity represents and the phenomenological possibilities

that such cosmologies can display. Thus Galey (1974) holds that the processes of culture that define ethnicity may also influence citizenship attitudes to development and integration in a national context (Galey 1974:270). These cultural processes and influences are therefore essentially cognitive and transmittable.

If this is so, then ethnicity becomes potent because living styles, values and behaviour are cognitively acquired and transmitted to new generations through social institutions such as family and tribe. These may encourage resistance and/or openness to change (Galey 1974:270), which either relates to the self or even others. There are a number of values and visions that ethnicity transmits which make it a force that is self-animating and equally countermending to dominant modernizing instruments such as the state. Ethnicity transmits specific views of economic relations, loyalty, and identity, amongst others. Clapham (1991) holds that ethnicity is a very effective basis for mobilizing political support and family and kinship ties provide more reliable means of achieving loyalty than the state and its bureaucracy (Clapham 1991:98). This situation obviously has profound consequences for establishing and sustaining community and consensus. Goulbourne (1997) notes that the mobilization around ethnic credentials as seen in the operations of minorities or majorities, depends significantly on the political and economic circumstances that define inter-group relations. Thus the mobilization of ethnicity entails the mobilization of bias (Goulbourne 1997:166).

Also Lemarchand (1974) says that the overwhelming aim of ethnicity is its focus on exclusion of others from power. The ensuing contexts and struggles for control have decisive negative impacts on patron-client relationships, and inter-ethnic identities (Lemarchand 1974:143). Such convolutions in social organization and psychological predispositions simply replace the question of human survival on the center stage. Taken theoretically, this implies a complete gyration to human conduct in a modern era operating according to the primordial basics of human nature.

Human nature is a critical aspect of human existence. Berry (1986:xiii) insists that 'social and political organization has to accommodate itself to the human nature and not vice versa.' In other words, human nature is a primal symbol in the quest for understanding ethnicity. This is a conceptual issue having far reaching empirical consequences. Dewey (1974) makes the vital point that the nearly immutable innate needs of human beings define human nature. Permit me to put the ideas exactly in his words. Dewey says that

"I do not think it can be shown that the innate needs of men have changed since man became man or that there is any evidence that they will change as long as man is on the earth. Needs for food and drink and for moving about, need for bringing one's power to bear upon surrounding conditions, the need for some sort of aesthetic expression and satisfaction, are so much part of our being. Pugnacity and fear are native elements of human nature. But so are pity and sympathy" (Dewey 1974:116-118).

The foundational character of human nature is to be apprehended and connected to what Mill (1962) refers to as the natural sentiment of justice, which is defined by the interplay of the purportedly innate ideas of punishment, self-defense and sympathy. Permit me again to quote Mill at length. He states that

“two essential ingredients in the sentiment of justice are, the desire to punish a person who has done harm, and the knowledge or belief that there is some definite individual or individuals to whom harm has been done. The desire to punish ...is a spontaneous outgrowth from two sentiments, both in the highest degree natural, and which either are or resemble instincts; the impulse of self-defense, and the feeling of sympathy. A human being is capable of apprehending a community of interest between himself and the human society of which he forms a part such that any conduct, which threatens the security of the society generally, is threatening to his own and calls forth his instinct of self-defense” (Mill 1962:306-307).

Human nature and its significance for survival and progress make further sense only in the context of the social nature of man. According to Mackenzie (1963:35) ‘human association, societies are first formed for the sake of life; though it is for the sake of good life that they are subsequently maintained. The care of the young, the preservation of food and drink, the provision of adequate shelter and protection would suffice to account for the existence of human societies.’ This implies that society is necessary for some level of comfort and hope for the human being.

But we also know from history that human associations have been the core sources of security problems. For example, there is the problem of tyranny and man’s inhumanity to man, as seen in the internal operations of human actions in a society. There is the wider social insecurity generated by human intercultural conflicts among human associations. All of these problems can be predicated upon the personal and social manifestations of human nature and human actions. The clearly psychological, cultural and economic motivations of human nature are further highlighted in the problems of human finitude and limitations, seen as our ethical and metaphysical imperfections. We also confront the restrictive limitations of our peculiar human natures as individual human beings. And all of these taken together pose a stumbling block to our search for perfect human relations. Given the reality of conflicts and prejudices, Brown (1989:3) says that ethnic conflicts can be explained using the natural tendency towards ethnocentrism: people seem to trust and prefer those of their own cultural group, while being distant and distrusting of others.

The increasing tendency of ethnic people to think fundamentally in terms of the ethnic group (Said and Simmons 1975:65) leads to the real threat of mutual annihilation or the massive repression of the less privileged and competitors. We can understand the full import of things, when we read and see that ethnicity has led to state - sponsored slaughter, the oppression and murder (Riggs 1994:584), unparalleled cultural diversity heralding constant conflict and bloodshed (Campbell 1992:58) and sentiments motivating people to acts of extreme violence against the Other (Turton 1997:3). For Turton (1997:11) ethnicity has a strong mobilizing power to acquire greater leverage and competitive advantage. Thus ethnicity often gives rise to ethnic conflicts in which people decide to employ their ethnic differences in pursuing competing interests (Osaghae, 1994:9). The end result of all of this according to Rosel (1997) is that ethnic conflicts have become politicized and radicalized thus assuming a self-sustaining character, which threatens the legitimacy and integrity of multi-ethnic states. Through the politicization and militarization of ethnic conflict, groups acquire the self-awareness and organization, cohesion and bitterness, and finally, intransigence and cynicism, which make a peaceful and enduring resolution or settlement difficult to negotiate (Rosel 1997:146&153). The ethnic phenomenon has core

cosmological features that define or explain its operation.

The negative effects of social hierarchical differentiation, which manifests in the use of ethnic, caste and class divisions (Glaser 1954:25) are now in need of urgent and sustainable clarification and correction with regard to Nigeria. David L. Miller has insisted that 'to contribute to the solution of social problems [requires] working to make room for cooperation. Cooperation between groups with regard to the attainment of common values requires common norms and the dissolution of relative ones so as to ensure peace, security and stability in human society'(Miller 1951:148-149). The solutions offered by an alternative conception of our social experience, suggest, 'common action by the poor, major movement for social change require alignments that move past ethnic divisions'(Howe 1977:16). In other words, we are interested in 'value-judgements and images of the future [that] can prompt constructive responses to real societal problems' (Wilson 1978:24).

Bertsch (1991:547) draws attention to the human factor by arguing that 'human dignity begins in the minds of human beings.' Some people have always been dedicated to the ideal of a common society in which ethnic differences would not be relevant for the recognition of rights, the allocation of benefits and opportunities (Kuper, 1974:24). What is needed therefore is 'not a backward-looking loyalty to tribe or ancestral homeland, but rather a forward looking loyalty to a creed whose assertion' (Menkiti 2002:44) is in our view irrevocably committed to the common good, social stability, human excellence and achievement, unleashing of genius and creativity for individual and collective well being. Gyekye (1997) holds that change in citizenship attitudes would require greater fairness in the distribution of the resources and burdens of the state to create an open society or a democratic society in which the interest of every citizen irrespective of ethno cultural background are expected to be given equal consideration (Gyekye 1997: 84&89). Such a society must be based on a fully developed sense of accountability as well as the politics of accommodation, participation and compromise so that every citizen can contribute to the common good, and upholding of values such as equality, social justice, self-determination and the rule of law.

THE POLITICS OF JUSTICE IN THE INTERNATIONAL REALM: THE RELEGATION OF AFRICA

The problem of justice construed as an international issue focuses on globalization and the quest for a framework for rethinking the ethical requisites for a new global philosophy. Africa and the world are living in an era of intensified globalization; a process marked by accelerated flows and accelerated closures as well (Nyamnjoh 2003:1). The critical threshold of turbulence and imbalance can be seen in the fact that globalization is a political and socio-economic phenomenon with important practical implications (Alexander 2001:55). Specifically, with respect to Africa, the implications of globalization are debilitating, given a surge of unaccountable and unelected national and international dispensation of power through either direct causal or regulative hegemony. It is true that problems facing the world today have considerably worsened due to the activity in global leadership, of a causal and regulative control or construct that has jettisoned the culture of dialogue, accountability and respect for consensus on divergent views and perspectives.

Africa is locked in the throes of two unpalatable alternatives: paternalism or domination, which suggest dependency and incapacity. This problem is made particularly worse by the despair of Africa's place in the world (Helleiner 2002:531). The real contexts of Africa's condition are traceable to its increasing marginalization in the global economy (Wright 1998:133). This marginality is occasioned by technological forces, which have made Africa a supplier of primary or raw materials subject to suffocating metropolitan control (Morgenthau 1967: 298). This essay seeks sustainable strategies for the injection of moral or ethical principles and values into a discontented world order plagued by a philosophy of dominance that can only serve as a blockade to multicultural morality and global philosophy. This inquisition is important because we must look for more systematic ways of making globalization enrich our lives beyond mere economic or cultural accretions. We are in need of a more fundamentally analytical and philosophical understanding of the dynamics of global discontents and complexities. There is a need for important human values that are of global significance in mitigating discontent. An example of such is justice. The global impetus for change must depend inevitably on the holistic conceptualization of the notions of harmonization, mutual solidarity and cooperation for the peaceful coexistence of all states. This is crucial in view of positive action for the liquidation of invidious imperialism.

The interplay between globalization, politics and the rise of inequality provides a point of entry for our analysis. We can understand easily the point that 'globalisation is as much about politics as it is about economics. The link between globalisation and inequality requires further investigation' (Alexander 2001:59,61). The concept of inequality manifests in different forms. For our purpose, it is enough to know that 'two major sorts of inequalities of income and wealth exist: inequalities within nations and inequalities among nations' (Demarco 1981:392). We are interested in the latter due to the challenge of theorizing the conceptual and empirical basis for creating and sustaining a harmonious world order. In such an order, each group or state presumably has equal opportunity to satisfy his or her basic need. This view of the world has been aptly posited by Toure (1975:671) that 'in awareness of the specific problems resulting from our historic background and our material conditions, the gravest imbalance in the world and the most dangerous, is the imbalance created by the division into rich and poor nations, the haves and the have-nots.'

The above point is significant in the context of a multinational global community where the widely diverse difficulties and contradictions of societal life are usually reflected in the form of problems and frictions that lead to deprivation, injustice, conflicts and insecurity. Insecurity is either the cause or effect of historical realities or social conditions. These together ascribe an identity to the (in) secure. Thus Resnick (1996:133) insists that we have 'among the most acute problems that bedevil the world, those linked to conflicting forms of identity'. And with special reference to Africa, 'this is a critical moment in the history of African peoples. One word to characterize their present status would be "insecurity". This insecurity affects virtually everyone. The poor and disadvantaged of course suffer most' (Joseph 2002:1). Part of this insecurity is generated from within the continent while a more significant component is derived from certain global realities that inadvertently undermine the Africans.

Against this backdrop, we join Goulet (1983:610) in posing the provocative but foundational moral and political question of 'why have privileged nations and social classes, even when professing moral ideals of compassion and justice, failed to mount a successful war on global poverty?' This same question was previously posed even more normatively and directly by Beitz (1975:360) as 'do citizens of relatively affluent countries have obligations founded on justice to share their wealth with poorer people elsewhere?' This issue raises a question about the duties of perfect and imperfect obligation especially as these relate to the question of moral and just conduct. At one level, we may ask whether the search for global justice and economic redistribution is a matter of benevolence or strict duty from the rich to the poor nations? The moral import of this question lends support to its epistemological basis as seen in the question; how come those who claim to know better, to have the best facilities in terms of ideas and materials, have not been able to do much more (in terms of justice, fairness, compassion) than what we see in the world today.

These questions are vital because we do not want what some scholars have termed as global development ethics to become a weapon or tool of deception, both of the self and others. If this happens, 'it could make people - especially the privileged of the north and West - feel good about doing bad things' (Crocker 1991:463). But the conceptual and ethical complexity of the general situation described above remains in so far as we can make further distinctions in the problem of justice earlier posed. For his part, Paton (1942) insists that there are two problems within this problematic of the relations between the nations and states of the world under the global ordinance. These are 'the problem of moral justice among nations and the problem of legal justice' (Paton 1942:291). Essentially, the former raises questions about whether humanity as a whole or any component of it has attained the capacity to distinguish right from wrong and to act accordingly for proper harmonization of interests for the overall good of all. The latter raises questions about the conceptualization and existence of the instruments or institutions that can attain global justice. It is in these senses that the question of the lopsidedness of globalization arises.

The crisis of global morality compels a clarification of the current situation. The point is that states, principles and 'social institutions come under the pressures of globalization. Let us note that coming to terms with globalization is as likely to involve rejection as acceptance' (Brown 1995:55). If this is true then we can ask the philosophical question of 'what are the ethical and political consequences of adopting' (West 1985:267) certain cultural and political practices? These apparently epistemological and ethical posers in our work are further dependent on core existential and phenomenological foundations that have been captured by a philosopher- Strawson. He states that 'men make for themselves pictures of ideal forms of life. Such pictures are various and may be in sharp opposition to each other' (Strawson 1961:1). The picture that one has of the self and others will fashion what one is and will ever become. To be specific, what picture can or should the African get from a biased globalization and a worrisome US foreign policy that seems to pursue vigorously (by omission and commission) the undermining of Africa? The challenge therefore is how we can create and sustain a more positive conception of global reality that will ensure security and comfort for the different parts of the world especially the less privileged or marginal areas. We must analyze further the intricacies of globalization.

According to Held, the emergence of capitalism ushered in a fundamental

change in the world order making possible for the first time, genuine global interconnectedness among states and societies. In this way, globalization penetrated the distant corners of the world, and brought far-reaching changes to the dynamics and nature of political rule (Held 1993:30). Above all, Held holds that economic globalization has arguably become more significant than ever as the determinant of Hierarchy or the structure of dominating countries. This conception of globalization ensures Europe and North America constitute the nucleus of economic globalization (Held 1993:30-31). One valuable consequence of globalization as Held argues is the fact that it implies that political, economic and social activity is becoming worldwide in scope and that there has been an intensification of levels of interaction and interconnectedness within and among states and societies. But there are alternative positions that have been offered by scholars who do not share the optimism of Held.

Scholars have identified major shades of resistance to the traditional positive view of globalisation. In one view, globalisation has been described 'as a continuation of imperialism under another name'. Another view sees globalisation as 'the latest label for the same basic process or mission previously described in modernisation' (Alexander 2001:57). Such nuances are worth paying attention to when we realize that globalization can be interpreted in terms of two visions: the benign and the malignant. Essentially, the benign one is based on voluntary exchanges and free circulation of peoples, capital, goods and ideas, while the malignant view is defined by coercion and brute force (Milanovic 2003:668). A further historical interpretation or conceptual analysis of the trajectory of globalization can only reinforce some of the main points that we seek to clarify in this essay.

According to Hoggart (1966:247) 'that quality of perception, in quoting Auden's *The American Scene* is a capacity to see not only individual instances, but deeper and more long term movements below the surface detail; an ability to unite the dissimilar, to reveal a pattern out of a mass and a mess'. However, 'recalcitrant conservatism cannot be allowed to block the development of new knowledge and the alternative futures that it might encourage, particularly when far reaching questions of human and planetary security are at stake' (Scholte, 1996:49-50). As Hammouda (1999:72) puts it 'globalization appears as a complex and incomplete phenomenon whose logic unfolds contradictorily with both openings and regressions.' In a significant way, the character of our world today is seen in the extremely tentative character of things (Kothari 1997:227). There are major shifts in power and influence. There are demands for the redefinition of priorities; there are major convulsions of thought and identity and what these can produce.

Under globalization, the question of distribution and the diverse placements of individuals and groups cannot but occasion an enquiry into the state of marginal territories and their quest for survival. According to Amin (2000:29) the marginalized peripheries have neither a project nor their own strategy. Countries in this group are therefore the passive subjects of globalization. Their passivity crystallizes into alienation and deprivation. According to Opel (1987) the most serious threat to economic progress comes from the reality of an uneven distribution of the dividends and products of that economic progress. We are frequently reminded, 'that in much of the third world hundreds of millions are still living on the ragged edge of survival. With few exceptions their progress in development has been despairingly slow, our efforts to aid them have ended in disappointment' (Opel, 1987:54). The

meaning of all this is that 'a glancing familiarity with the globalization literature will make plain the extent to which globalizing forces have debilitated social coherence and resilience' (Whitman 2002:55). What are the effects of these convolutions and imbalances?

The shortfalls of globalization seem to define the complicatedness of the demands of an increasingly diverse and modern world where there is a struggle between tentativeness and permanence, good and evil, civility and savagery. The question is where do our ideas, processes and institutions stand in the quest for genuine civilization? The allure of civilization has generated a crisis of expectations without a corresponding capacity for fulfillment. Hence, Ghali (1995) holds that the globalization of the economy and communication has produced high levels of economic expectation and political awareness around the world. People everywhere want to have an input or contribution in the vital decisions that affect them. There is a greater consciousness of the distribution of economic and political power as well as the means for attaining such distributions. In our view this is where democracy and social justice as well as the linkages between them come to bear on the challenge of our humanity (Ghali, 1995:4). The expectations are not only in terms of material goods but also in terms of values and other ideational basis of social reality. This situation definitely poses a challenge to all in the world. Amin (2000:31) makes the point that today's societies are confronted by new challenges on all levels. We are in need of upgrading our quality of perception as central to the rectification of the human situation. The philosophical and scientific nature of the essay can only be projected when we have demonstrated fairness in our analysis. We must now present the purported positive visions and values of the United States as an impetus for defining US involvement in globalization and the dynamics of global leadership.

It has been said that 'globalization is another word for US domination'(Amin 2000:31). But a number of questions arise from this statement. Is it the case or is it not the case? If it is not the case, what has led to this misconception? However, if it is the case, then what are the instruments by which US attains this goal of domination? Is it through its foreign policy? If yes, what are the foundations (moral, historical, political and even philosophical) bases of this foreign policy? If the historical and political bases of US foreign policy have been clarified, then what insights can we elicit from the ethical and philosophical dimensions? How can the US rectify this misconception? Does it want, or need to rectify it? How, if at all, can the ethical-philosophical basis of US foreign policy be a way to confront the problems of global justice, power and poverty? What part has the US played in tilting the world of balance?

To start with, Buchan (1977:15) informs us that 'the united states largely brought the present international system into being.' We may wonder if anyone can argue on any basis that U.S. domination is compatible with social justice? More so is the claim 'the united states largely brought the present international system into being' to be taken as a justification for the intrusion and domination of the US in world affairs. Is this a defense of mismanagement and parochialism? Is this a justification of the neglect of Africa in the scheme of world affairs? Perhaps, we need to authoritatively determine the extent of US involvement in global affairs. Brzezinski (1960:710-711) makes it clear that "America finds herself so deeply involved in the world economy that on the economic plane the concept of isolationism becomes at worst a suicidal policy and at best an irrelevance.' After overcoming the problematic of urbanization and post American civil war reconstruction the foreign policy relations of the United States was evolved in

terms of a blatant economic nationalism seen as 'the effort to open the markets everywhere to free competition. Every negotiation of a commercial treaty centered on the inclusion of a most favoured nation clause' (Varg 1977:263).

Slater (1977:3) reinforces the above point by saying 'that the central goal of US domination is commonly described in economic categories. Using its vast economic power, the united states works to keep the rest of world conservative, capitalist and docile.' This vision and plan has essentially not changed. According to Fain, Plant and Milloy (1977:146&149) 'it is widely agreed that United States foreign policy will focus with greater intensity than before on economic and technological problems. International economic developments have great urgency and significance at present and will certainly remain in the front rank of foreign policy problems in the future.' Unfortunately, the rash of ethnocentrically based foreign policy programmes of the United States occasioned an inimical repercussion. 'Other nations laboring under a variety of handicaps, could not view free competition in the world's markets with like confidence. Free competition profited the strong but hurt the weak' Varg (1977:264).

Worse still, there is evidence of a US chaperoned conglomeration of dominant countries that now determine the political and economic fate of the world. It is thus correct to infer that 'power in the global economy increasingly has spread among other countries, particularly U.S. allies' (Nye 1989:45). Therefore, 'so long as inequalities remain we may expect the attacks on united states 'imperialism'to continue' (Slater 1977:13). The basis for the obtrusive and inimical influence of foreign policy in the workings of globalization lies in the fact that 'no matter which element is important to any one nation's well being or security, that element is unequally distributed among countries'Varg (1977:261). This is the more significant when we realize that materials ranging from oil, coal, population to technology and capital are all unequally allocated or distributed. For Varg (1977:261) 'this imbalance makes interchange among nations imperative. And it is this interchange, international trade and finance that are central to the foreign relations of all. This has been true of the United States since the days of the founding fathers and is significantly more so today.'

But then without denying the significance of the above, our point is just a bit different. The reality of unequal endowments and the spectral consequences arising thereof, compel the focus on the conflict-ridden aspect of human and state relations in the world, as we know it. More so, beyond the relative availability and location of strictly economic and natural resources, it must be stated that even power, influence, control, and status are all credible political and cultural resources. All of these retain a currency that raises the stakes in the eternal jostling among nations for more vantage positions relative to the others. In the broadest possible sense, even power is an economic resource, where for example it draws in rents, tribute and levies from the dominated and even likewise ensures the immobility and thence, vulnerability and docility of the subjugated. Also power can become a moral issue when we query the basis of legitimate or illegitimate authority.

The emphasis on the economic basis of US domination must allow for a clarification of the gamut of this dominance. Here, it is enough to state that the USA exercises two types of domination and imperialistic control: the actual causal control and the regulative control. This can be translated again into the analysis of power. As French (1995:43) has put it 'to have power in a

situation is to be able, if one wants, under certain conditions to cause an outcome or to prevent one from coming about.' The desire of the US as seen in the description of the trajectory of US domination as globalization simply insinuates that it either causes things to move in the way that they do or it seeks to ensure either the occurrence of something or its non-occurrence. Either way the actual and regulative forms of US control in the world insinuate a proclivity to subjugate or subordinate the local and transnational forces to its dictates. This can only breed a defective totalitarian world order or a chaotic state of extreme global imbalance that will get the dominant and dominated mutually distressed. Such a situation may well be unfavourable in the short or long term. The direct consequences of such control mechanisms for US global political and economic conduct implies the twisting and gliding within the suspicious continuum of interventionism and puppeteer machinations. As an example, it is instructive that 'the united states, the one remaining super power in the post cold war era, shows little inclination to transfer real power to any multinational authority that it cannot control (Resnick 1998:128-129). This may well be similar to the US posture of exhibiting reluctance in navigating within the confines of the United Nations strategies. As Beres (1982:128) rightly puts it 'the result of this American policy, then, will be increasing world-wide instability.'

Another philosophically challenging issue arising from the above is the crucial question of the nexus between power, control and responsibility. It was Said (1977:38) who made the point that 'power becomes destructive only when committed to the service of a narrow conception of morality. Power can be used for moral or immoral purposes.' Anyone can actually retain power; even common criminals exercise power, howbeit cruelly and fleetingly. We also know that power gives rise to a sense of security. But power in itself, and the security that comes from it, are both equally ephemeral when such are not founded on a strong moral or social authority. Whereas power embodies so much capacity to control, yet it must bring itself to bear on the crucial issue of responsibility. The questions of accountability, liability and responsiveness are integral elements of the definition of a better conception of power and the control that goes with it. This is now imperative in the light of the crisis of US foreign policy and globalization in relation to Africa.

It has been said that 'power and accountability are not antithetical' (Whitman 2002:51). And we can ask whether, in actual fact, the US has thus far exercised responsible power or control in its leadership roles in the world. A more systematic analysis of these nuances shall be done using the dominant political philosophies of Plato and Hobbes in a later section of this essay. For now let us examine the true nature of US foreign policy (as isolationist or otherwise) as opposed to the basis or foundation of the same policy in economic motivations. This distinction is an important one for the point that we seek to make. It is tied to ideology and the outcomes of this. Can a truly liberal and capitalistic proclivity inspire or generate normative or prudential attitudes of care about the feelings or needs of others? Are the principles underlying liberalism and capitalism tolerant of the recognition and consideration of others? How can we review the nature and effects of the conduct and policies of others (terrorism, debt renunciation, etc) as strategies of calling for more responsibility from the global liberal ideology?

Wright (1998:136-137) summarizes the cultural and foreign policy involvement of the United States in Africa in these words. 'Overall the US record in Africa provides a dismal balance sheet and in terms of promoting development, encouraging democracy, and limiting regional conflict- US

efforts in Africa failed dismally.’ The account of American disposition towards Africa has not changed significantly. According to Schraeder (2001:389) the ‘neglect of Africa at the highest reaches of the US policy making establishment is the direct result of a president’s typical lack of knowledge and therefore the absence of a deep-felt interest in a region that historically enjoyed few enduring political links with the US, a tendency to view Africa as the responsibility of European powers.’ The consequence of this is that Africa ‘will at best be marginalized by a white house team that does not perceive the continent as an important part of the overall international strategic landscape’ (Schraeder 2001:390). But this is not all to the African predicament.

This trend of disregard for Africa is not a recent phenomenon. Morgenthau (1967:297) had also noted a long time ago, that ‘the united states has in Africa no specific political or military interests. America’s interests in Africa are a by-product of East-West struggle.’ This point is reinforced by Amin (2000) who says that the global strategy of the United States of America is based on a five point agenda, among which include the one that relates to Africa: ‘to marginalize the regions of the south that represent no strategic interest. The marginalized peripheries have neither a project nor a strategy of their own. Countries in this group are therefore the passive subjects of globalisation’ (Amin 2000:31 &29). This disdain, neglect and domination ensures that Africa is being ‘increasingly marginalized and subjected to the hegemonic control of the major actors on the world scene’ (Ibrahim 2002:3).

This same point has also been made by Morgenthau (1967:298-299) who says that ‘the united states has no direct access to the problems of Africa but can approach them only through the intermediary of the metropolitan governments which control the main bulk of the territory and population of Africa. The interests of the metropolitan governments are not necessarily identical with the interests of the United States. A policy required by American interests in Africa taken in isolation is bound to have all kinds of repercussions upon the metropolitan nations. It may impair metropolitan control and run counter to metropolitan economic interests and thereby weaken the over-all power of the metropolitan nations. It may also create resentment against the united states.’ Obviously, there is no concern here for the needs, interests or future goals of Africa in this global gambit of sheer dominating and nonchalant display of power.

The critical situation of Africa must be reexamined in the light of the strictures imposed by a predominantly US guided globalization. Africa is being increasingly marginalized in this context of globalization (Hammouda, 1999:73). Why is this so? Ibrahim (2002:3) puts it to us that globalization has a major character which is that ‘it produces winners and losers, and in this context, Africa is the region of the world that is losing most from the globalization process.’ Castells (1998:82-83) has also noted that ‘the rise of informational/global capitalism has coincided with the collapse of Africa’s economies, the disintegration of many of its states and the break-down of most of its societies.’ In short, Wright (1998:133-134) rightly says that ‘the increased marginality of Africa is twofold -economic and politico strategic- and both aspects are tightly linked in their consequences.

In an increasingly integrated world of regionalization and globalization where high levels of technology are paramount, Africa is lagging behind on all counts.’ Africa is suffering from the effects of uneven globalization. This marginalisation and backwardness is visible in the main areas of the

operation of globalisation, namely, 'the imposition of a global liberal policy agenda, rapid technological change in transport and telecommunications, and the growth of global financial markets. Africa has also been marginalized in the development of international institutions for the management of globalisation, which has tended to reinforce its position of economic disadvantage in the globalisation process' (Meagher 2003:63)

Furthermore, Wright (1998) says that 'uneven globalization is not only a process but also an ongoing structuration of power; the popular notion of the world becoming one is more than anything else perhaps a description of hegemonization. Globalization is the hierarchization of the world – economically, politically and culturally and the crystallizing of a domination. It is a domination constituted essentially by economic power. Globalization must necessitate a rethinking, reconfiguring and reorganization of the world polity and culture, Globalization will affect the production, and context of knowledge' (Wright, 1998: 133-134). One word that best summarizes the state of Africa is the idea of dependency, which insinuates that Africa and other 'third world countries have become inextricably integrated in the world capitalist system dominated in turn by united states capitalism, as producers of raw materials and consumers of manufactured products. Because they are weak and economically undiversified, however, third world countries are relegated to the periphery of the system' (Slater 1977:4).

Thus the consequential reality of Africa's dependency cannot be wished away. Though dependency theory can be analyzed in terms of certain methodologically distinct features, yet it is sufficient for our purpose to situate the role of the US in the context of African dependency. The point is that 'the backward condition of most third world countries was the consequence of an uninterrupted and steadily intensifying process of imperialist exploitation. Development thus became equated with the struggle to achieve the goal of economic growth to the standards set by the United States' (Drakakis-Smith 1998:215-216). The primary task of the relegation of the African world is the creation and perpetuation of 'the relations of subordination and exploitation prevailing in the world capitalist economy. The imperialist powers take advantage of this' (Osipov and Cherkasov 1991:271). This suggests a morally dubious, pragmatically manipulative and socially strangulating effort to keep the natural resources of Africa under the control of some dominant powers. As James (1997:208) correctly puts it, 'the third world is thoroughly integrated into, and dependent upon, the dominant modes of practice.'

Beyond the charge of neglect, there is the challenge of the paternalistic argument that 'seems to provide justification for manipulation, exploitation, and coercion of others for their own good. Paternalism-the white man's burden- is justified if one is doing what is best for others' (Aiken 1982:103-104). The overall translation of all the above is that 'the geopolitical power over other societies, legitimated and codified under the signs of manifest destiny and civilizing missions, has been a rather salient feature of earlier western projects of constructing new world orders. These projects as they emanated from Europe or the United States, attempted to impose their hegemony by defining normality with reference to a particular vision of their own cultures' (Slater 1996:274).

Today, the prevalence of core negative features of human existence defines Africa as a prominent part of the third world. Said (1977:35) has bluntly stated that 'existential conditions in the third world differ considerably from the west. Poverty, hunger, disease, illiteracy, low productivity, mass

unemployment, glaring disparities in the distribution of benefits- all undermine the existential plight of the third world.' The position of Africa in the world today is a highly disadvantaged one in the current equation of global geopolitics; the mention of Africa immediately brings to mind an area typified by colossal waste, failure and regression in the critical indices of social order, human well being and security. With reference to the state of sociopolitical life in Africa the situation has been dismal and condemnable. The norms of political conduct in Africa have been the personalization of power, tyranny and state terrorism. The effects of the above are, as Ake (1996:7) has rightly pointed out, such that Africa's state structures are susceptible to abuse, and are detrimental to democracy. The internal constitution of the state nurtures and accredits a form of politics imbued with lawlessness. In our view this type of politics can only be put in the service of personal aggrandizement and nepotism.

Africa is in need of a stable and humane system that can actually guarantee the well-being and survival of human beings on a consistent basis. Africa must be committed to the search for how a variety of particular individual expressions of humanity may be harmonized without domination. As Elbadawi (2002:567) puts it 'globalization is expected to bring the promise of wider opportunities'. However, Africa is characterized by high ethnic fractionalization, lack of social cohesion, and weak political institutions. This draws attention once again to the role of viable principles and institutions of democracy. Thus the African situation represents a crisis of values.

The urgent and necessary reforms that Africa requires cannot but be considered in the light of globalization and the determination of some dominant beneficial values for the development and preservation of man in the new millennium. It is on this basis that we can agree with Nyerere (1975:675) that 'while our concern with world events is real and important, the events in Africa are of even greater and more direct relevance to us.' But again Elbadawi (2002:567) is right to observe that 'for Africa to turn globalization into a positive catalyst for its social and economic development, much more than economic competitiveness is required.' Let us then approach some of the dominant political, ethical and normative dimensions of the discussion of globalization.

RETHINKING GLOBAL PHILOSOPHY AND THE CONDITIONS OF NEW ETHICAL COMMUNITY

There is thus a global challenge of infusing human values such as social responsibility, justice and the common good into the debate on globalization. From the arguments presented earlier, it is now clear that 'we must move beyond visions of a future world as essentially an extension of American institutions: whether political or economic' (Billington 1986:645). As Brzezinski (1960:722-723) has insisted, 'there is a growing need for more sustained reflection on the condition of modern man and for mutual learning process among the societies. It is to this newer and enormously complex task that American policy will have to address itself. Closer cooperation among the advanced industrial societies, which share certain political values in common, would help to create a stable core for global politics.' If it is to be taken as true that the United States is in a superb position to offer moral and spiritual leadership to the world then such a serious and far reaching claim cannot be made or justified by mere verbal profession. It must be backed up by serious change of heart, attitude and disposition. The truth then is that 'as world

politics becomes more complex, the power of all major states to achieve their purposes seems to diminish. One must distinguish power over other countries from power over outcomes' (Nye 1990:3). To be able to carry along others or at least to dissuade them from becoming a threat to our well-being, some recognition must be accorded to their interests. This point of recognizing the other is particularly important if there has been an established historical case of unfair treatment to the other. This is what some scholars imply in the demand for compensatory justice 'the victims of exploitation deserve compensation for the harm they have suffered. This is true within a society as well as within societies' (De George 1993:440). Compensation is more than just giving back. It is better seen as seeking to redress permanently an imbalanced situation in view of reexamining the context of relationships. This implies an understanding that 'other peoples in the world have much that is of worth to contribute to creating the future and have a legitimate right to do so'(Bell 1994:17).

But the ethical, institutional and methodological obstacles to the accomplishment of the goals of attaining viable world community and global leadership are clear. One wave of such problems has been posed by Streeten (1989). "Any attempt to build cooperation for development on moral principles has to answer three questions. First, do the rich in a community have an obligation in social justice (not only in charity) to the poor? Second, does mankind constitute a community in the relevant sense? Third, does the existence of national governments not interfere with the discharge of the obligations of the rich?" (Streeten 1989:1355). The answers to all three questions are affirmative. The real context of the exploitations and injustices that paved the way for the creation of wealth in America and other metropolitan states raises a historical and phenomenological question of social justice. This question has gained more significance in the modern world that is increasingly plagued by crisis both natural and man-made that have threatened all and spared none. To overcome these historical and global social exigencies there must be a collapse of the dominant boundaries of the world, so that a positive globalization can take effect for the global good.

The challenges, forms and process of globalization, define the urgent task confronting man in terms of seeking better ways of appropriating the available global resources for the overall security and well-being of peoples. In order to realize this task, it is important to examine the values or value system of human social life in terms of their universal character and goals. What are the means for the improvement of the human situation? There are fundamental questions about the conditions for entrenching actions directed at the public interest or collective good in the society. This point is most significant in relation to the US that is taken as the global leader. Helleiner (2002:539) re-emphasizes that the role of the rest of the world or the international community in the rectification of the African situation depends on a responsibility 'to make the global economy function efficiently, equitably, and in a reasonably stable fashion.' As such, the sustenance of a just and viable global political-economic community depends on each group having a responsibility for the well being of others as well as the recognition that the well being of individual states are inextricably tied to the global collective well being. The central value that the global community ought to pursue is the realization that the common good always takes precedence over the pursuit of individual ends. The good of all the members of the community presupposes some shared understanding of the requirements of justice and

human rights necessary for proper living in the community and society. The affirmation of common justice and fairness can only be attained when some notion of solidarity is accepted. The need for peaceful cohabitation among men compels the quest for solidarity, understood as the establishment for conditions for conscious mutual cooperation and responsibility between the society and its members. The idea of the 'common "good" is attached to objects and policies that are beneficial to the whole taken collectively' (Schochet, 1979:24).

We must seek the relative theoretical and practical merit of a position such as that of the liberal idealists that we need a 'broad ethical consensus that international politics should be conducted, not with the aim of maximizing the national interest but in order to enable mankind to live in a community of mutual tolerance and respect, settling its differences rationally, resolving its conflicts by peaceful means'(Howard 1977:367). In order to achieve justice, we must seek social reform and economic redistribution (Wollheim 1958:230). Kymlicka (1999:173) holds that we need to focus on the wider context of solidarity. In our quest for ties that bind there is the question of social justice, community and fraternity. Social unity depends on shared values. Such values may include: belief in equality and fairness; belief in consultation and dialogue; the importance of accommodation and tolerance; support for diversity, compassion and generosity; commitment to freedom, peace, non-violent change and social justice. These values are to operate at the global and national levels.

According to Nielsen (1996:85) social justice deals with how social institutions are to be arranged, as well as, how just social institutions can be established. On her part, Young (1990:15-16) maintains that the central concern of social justice is to eliminate institutionalized domination and oppression. The point made by St Thomas Aquinas (1990:51-52) is significant here. He holds that social justice directs human actions to the common good. Therefore, the function of justice is to establish rectitude in various kinds of exchanges and again in distributions. Mill (1990:302) holds that justice arises from the fact of living in the society, and it renders it indispensable that each person should be bound to observe a certain line of conduct towards the rest. In this case, it requires that individuals must recognize the personhood of others and their rights to have a secure and worthwhile existence. The application of the rules of justice ensures that human-beings can live with dignity, freedom and responsibility. The synchronization of interests as the central focus of social justice and order predicates itself on a concept of mutuality or the appreciation of reciprocal obligations. Reciprocity is important because it aims at populating the just society with reasonable persons retaining feelings that reinforce interrelated actions among persons. This is the challenge of community. What kind of community can be established through the principle of social justice?

Etzioni (1995:13) recommends that we endorse a sense of responsive community in which the individuals will accept that they are members of one another; that people are ontologically embedded in social existence. For him, this means that everything that members value including liberty, is dependent on sustaining the social realm-which embodies a measure of commitment to the common interest. Mandelbaum (1988:21) suggests that the quest for a deep community will require that members be socialized to live within a communal identity and a history. According to Selznick (1995:33-34) community is suggestive of solidarity based on consciousness of kind. Therefore, we must

move the quest for a solution forward by realizing and admitting that 'responsibility is ascribed to collectives (nations, groups, etc) as well as to individual persons' (Cooper 1968:258). Our lives will make more sense only in the context of what Struhl (1976:158) refers to as 'a community of human beings who value each other and who recognize each other as ends in themselves. This mutual respect will create a community of mature, creative and self regulating human beings' in order to allow for growth. Jeter (2003) has insisted that 'if we are deceived into concentrating on our differences and not common interests then enmity and rivalry will trespass where hope and cooperation should prevail'. The members of society cannot achieve the peace, security and progress of each and all unless they establish a clear and effective system of social justice.

If these normative requirements are accepted as crucial for the reconstruction of global justice and the redefinition of global leadership construct then we must agree with Koch (1958: 166) who holds that 'political issues today literally force us to deal with values. Professional philosophers in the twentieth century have indeed manifested a great interest in the exploration and, critique or reconstruction of value theory.' The world is now urgently in need of 'social cooperation and coordination of human activities which is the essence of civilized life'(Harris 1957:1). As Waldron (1988:732) rightly notes there are some moral and religious commitments that cannot be pursued individualistically, but only by people acting together. Leadership and peace in the world are issues such that require joint action for the common good. This draws attention to the question of duties. Feinberg (1966:137) points out that we have duties, which we owe to people and society. Such duties are obligations that must be seen holistically. This implies the concern that people have for 'much more than improved material conditions and the respect for human rights. They want to be masters of their society, to liberate themselves from fundamental economic alienation' (Amin 1998:155).

We must agree with Bertsch et al (1991:488) who argue that the values that are central to the redemption of the African life are those that raise the level of human dignity. These include the provision of goods and services, mitigation of inequality, greater national cohesion and harmony. It is instructive to note that 'human dignity begins in the minds of human beings' (Bertsch 1991:547). Thus seen from a strictly positive view, 'American power provides the possibilities to overcome the despair of the third world. American power can serve such foreign policy goals as the development of harmonious interaction between man and nature and the promotion of human solidarity' (Said 1977:38).

We must agree that it is now expedient that 'the united states needs to be forthright in asserting its values of openness and human rights, for American influence rests not only on military and economic might but also on values' (Nye 1989:47). The values that are at stake are those that can facilitate the dual positive goals of promoting the overall good of the different regions of the world and also promoting the character of viable global leadership of the US. If this is so then 'the tasks facing the U.S. foreign policy during this transition are similarly great. But we have to recognize that an important revolution is underway in the world, and that in that revolution, ideas count' (Fukuyama 1990:11). Ideas can only take root if there is a substrate of values to undergird these. Both values and ideas that operate in conjunction must be subject to a conceptual clarification. The normative basis of a global existent or world community is irrevocably dependent on

valuation and ideational bases. We must now emphasize the idea of just globalization, which recognizes the interdependence of the world and realizes that many of the problems existing in the world today are, necessarily, shared problems and can be tackled by complementary action.

It has become imperative that in seeking a more sustainable and fair global development, there must be a link-up between globalization and justice in order to ensure that all parts of the world benefit. The need to promote social justice and global responsibility would appear to be more urgent than ever as we become more acutely aware of the limited nature of the world's natural resources and the need for sustainable development. The great task before humanity today is to transmit, among societies, more humane, just and progressive value systems and social orders through which they can more easily realize their fullest personal and social development in atmospheres of dignity, responsibility and security. This globalization initiative, if it is not to go the way of earlier versions of colonialism must incline man towards the affirmation and enhancement of universal, enduring, humane and progressive values of human personal and social life. And the ultimate goals of this renewed quest for values are to bring man to a more dignified level of life, and to ensure that higher values such as justice and peace become more easily the norms of conduct among men.

As things stand, the preceding analysis serves to establish the need for an international moral order that focuses on the 'importance of values such as democracy, freedom and justice, and the importance of agreement about the meaning of values in many lands and among many peoples' (Bell 1994:18). Toure (1975:671) makes the most direct demand in respect of the thrust of a viable foreign policy. This is to 'achieve harmony between the living conditions of all peoples on earth' (Toure 1975:671). We must agree with Tsanoff (1951:14) that 'the attainment of an international morality is the greatest need of our time. We require further expansion of ethical insight.' The primary basis of the establishment of a new global philosophy lies in the struggle to, among other things, redefine the context of good leadership on the part of the USA.

The struggle to overcome the poverty of leadership must necessitate the rediscovery of fuller global meanings to lesser local actions. That is, the situation of as large a number as possible needs to be considered within the global order. There is also the issue of the maintenance of basic moral credentials and accountability. It is clear that the future path of viable and acceptable US foreign policy lies in the quest for a genuine desire and effort to consider the interest of others especially the marginal or vulnerable peoples and nations of the world. It is only on this condition that there can be mutually assured survival and peace for all to benefit from.

VALUES AND VALUE SYSTEMS IN THE RE-FORMATION OF A SYSTEM OF JUSTICE

This crisis of justice seems to be the outcome of putatively defective values and value systems, which elicit the cultural and cosmological factors in the debate on the rough justice triggered by traditionalism, modernisation and dependency. Given the cultural implications of the establishment of just relations within and outside Africa, we surmise that values lie at the core of

our problems. This seems difficult in Africa, due to the problem of a proper idea of justice that can underwrite the ideological fashioning of viable nation-states (political justice) and the implications of inequalities and domination in the international social-political dynamics (politics of justice) that have had consequential impacts on the developmental processes in Africa. This dual challenge has compelled the re-interrogation of the role of the human person in the singular task of development.

The facilitation of the development of a philosophy of political justice and an understanding of the international politics of justice that can make a difference in the African developmental crisis compels the creation of images of a future based upon the cherished ideals, visions and values of security, stability, peace, morality and democracy. It will enhance the capacity of the African societies or states to ensure justice as a primal condition for the definition and articulation of social order. In the historical survey of the literature an important goal of justice is to achieve the security, protection, safety, defense and preservation of the lives and property of people in a society. It will ensure the protection of lives and property as the central goal of social order because society cannot survive for long in any meaningful sense if the safety of life and property is not maintained. The proper allocation of power, goods, duties and burdens among the members of a society will ensure that everyone has some stake or interest in the society which induces him/her to strive for individual and collective security and protection.

The study of global and local political justice will ensure the duties and benefits that accrue from effective social co-existence among people. The co-existence of any group or community of people requires some level of just conduct and friendly feelings shared among them. Such friendly feelings facilitate mutual cooperation, communal rapport and integrated activities. These friendly feelings also help to manage and control inevitable differences of opinion and interest that can arise out of communal co-habitation. It is impossible for people to live conveniently together within a community if justice and morality is absent. It will assist in clarifying the convoluted character of the state in modern Africa. Taken together, these expected outcomes will serve the work of genuine development understood as the construction of a truly human society (Goulet 1987:166). Development will be shown as impossible outside a system of social justice which aims at a pattern of fair treatment for people: defined according to certain principles of equitable, fair and humane distribution of benefits and burdens. Justice makes sense as the attempt to reconcile opposing views and desires, and the intention to work out a free, fair, beneficial and equitable means of producing and sharing social goods.

The whole question of how to make democracy more attuned to justice is a crucial problem that has challenged virtually all democracies in human history. Since democracy is a human production, it is fraught with all the problems arising from social conduct in a human environment. According to Weinberger (1994:5) 'the fact that human beings live together in institutions has two psycho-social correlations for human beings: first, the fact that we live within a framework of expectations, and second, the fact that we cannot help asking questions about practical values, i.e., morality and justice.' Larry Diamond (1990: 26) has put it directly that 'democracy will not be valued by the people unless it deals effectively with social and economic problems and achieves a modicum of order and justice.' As Indabawa (1998:149-150) has

stated 'democracy demands among other things social (distributive justice) in the economy, a culture of rational dialogue [for] the satisfaction of social needs.' The truth however is that justice in a democratic setting must commence from the point of view of negotiation, bargaining and dialogue. But rather than describing or analyzing what these stand for, it is enough and preferable to state why these are foundations of justice in a democracy.

Continuous dialogue as a committed struggle for justice is based on other major assumption of the democratic order. Incidentally, this has to do with toleration of the free exercise of human ability, the release of human potential in the areas of social organization and technological control. Justice is also necessary in so far as there must be separation of functions, duties, roles and responsibilities in a democratic society. This implies the strongest affirmation of social order where each person shall be allowed to make those contributions and commitments that will ensure his/her own personal survival and at the same time contribute to the growth of society. Beyond these, justice is required, and justified by the fact that democracy affirms the lack of monopoly of knowledge. If there is no monopoly of knowledge or ideas, then others must be listened to in order to preserve our self-interest and the interests of others. This is simple justice: The recognition of our limits and the implications of these for events that impact on the self and others. Thus it is clear that the construction of social life depends on the mutual interplay of peoples and forces. The on-going work of justice is the work of cooperation and planning for the common good as defined by a social contract, charter group, constitution or a visionary leader. Justice in democracy is the affirmation of human beings' perpetual will to learn from each other.

Justice is possible in a democracy because of the assumption that people are not just capable of being responsible to themselves (freedom and opportunity for the release of potential), but also that they can be responsible to others (recognizing fair play, integrity and rectitude within specific roles and obligations). In any case, the conception of justice that democracy upholds comes from a conception of equality requiring the universal respect for all human beings irrespective of genealogy or cosmology. Raphael (1979:144-145) is clear on the fact that 'a notion of equality of some sort must figure in any concept of justice, but it figures most prominently in the democratic of justice'(Raphael 1979:144-145). Central to democratic justice is the assumption that 'the inherent nexus between freedom and equality is conveyed in the common phrase equality of opportunity. What distinguishes the democratic state from all the others is that its justice consists in the pursuit of equality-freedom' (Lipson 1986:13-15).

This idea and ideal of equality translates into practical results when we derive a sense of allowing individuals and groups the social opportunity to exercise their autonomy positively and legitimately. Berger (1984:3-4) has rightly stated that 'this understanding means that the individual has a capacity for freedom, for realizing himself in the course of his actions, so the autonomous individual is not only an idea but a lived experience' (Berger 1984:3-4). It can be surmised therefore that the freedoms of individuals that a conception of democracy upholds are major instruments for attaining justice. The aim of freedom as justice is to pursue vigorously the well being and improvement of people in society. More than that, the justice principle construed democratically is a statement about the advantages to be realized by allowing people to determine themselves, and relate with the world based on morals and reason.

Democratic justice or the justice of democracy is based on an assumption about human nature that where people fail to be affected by the dictates of the natural sentiments of justice, then institutional mechanisms of justice must prevail to allow the recognition that there are other people in the society or the world and that there must be a humane and equitable way of relating to others. To a large extent therefore, the justice that democracy upholds is an attempt to insist on the social nature of the democratic cosmology, with its deep implications for joint actions, spirit of sharing, denials of monopoly and thence, the call for constant learning, cooperation and the humility that goes with this. Justice in a democracy is nothing other than the insistence on a distributive justice pattern that emphasizes the reallocation of duties, roles, responsibilities and benefits for the collective survival and progress. If democratic justice establishes anything at all, it is that no one person can do everything alone, thus the need to relate with others and to work out the best possible strategies for getting the best out of different individuals and groups, so as to ensure a stable and viable social order that will work for the good of all or at least that of the majority. Thus Stankiewicz (1976:41) is right to say that 'the norms of public interest must also be specifically adapted to the democratic order [and] democracy's two fundamental premises-egalitarianism and individualism' (Stankiewicz 1976:41).

It becomes clear therefore that the idea of justice promoted by democracy is one that depends not just on cooperation and individual contribution, but also on the concept of law. The rule of justice as law in a democracy is a demand for discipline, efficiency and propriety in human personal and institutional conduct. The sense of responsibility embedded in these expectations 'is both political and moral' (Kaplan 1982: 206). Mansfield (1995:32) has put it most directly that 'democratic governments need responsible citizens as much as they need honest politicians'. The rule of justice and law or law as justice in a democracy is physically embodied in the concepts of obedience to, and supremacy of the constitution and constitutional rights, respect for the rule of law, and clear requirements of the separation of powers. Justice in a democracy is the non-negotiable ordinance requiring the creation of the widest possible opportunities for social members to define themselves and make their positive contributions to the common good and social security within legal and legitimate boundaries. This step will facilitate the optimal or optimum development of talents, gifts, abilities and opportunities within a social framework of generally accepted values.

If the democratic society or state is to be taken as just then certain social conditions must be met. These conditions can be summarized in the idea of opportunity as earlier stated in this section. But what are then the practical implications of opportunity? As Nathan Glazer (1981:13-14) has rightly suggested, social justice cannot be separated from the possibilities of increasing education, employment and housing. There is also the question of how to overcome constitutional abuses, segregation and discrimination. While we agree that the justice question must address these issues, we note that in Africa, the contents and contexts of the above features are varied and consequential. Apart from the real benefits of housing for protection and safety, the roles of education and employment in facilitating enlightenment, social mobility and civility, there is the collective advantage of enabling people to make a decisive attempt to change their situations. We also know that democracy in a developing African society must give priority to justice due to the insidious and invidious effects of ethnicity, which has unleashed insecurity, hatred, corruption, violence nepotism, mayhem, incompetence, bestiality and retrogression.

Given the crisis of democracy in a developing society, we must revisit the question of morality and its lessons for the construction of justice in a democracy. Nzongola-Ntalaja (1997:11) has put it to us that 'democracy is above all a moral value or imperative, that is, a permanent aspiration of human beings for freedom, for a better social and political order, one that is more human and more or less egalitarian' (Nzongola-Ntalaja 1997:11). According to Dewey (1966:358) morality is social. This is seen in the fact that intelligence becomes one's own only when it is consciously used and there is an acceptance of the responsibility for exercising it. The fact that human beings operate under social influences suggests that both the approval and disapproval of actions are facts within society. Thus, morals are a matter of the human person's interaction with his/her environment. We can agree with Cammack (1997) that we need to focus on those attitudes, values and resulting patterns of behavior that are shared and conducive to political stability. In establishing the linkage between personality and nation building, there is 'extreme importance of non-objective considerations such as political relations, psychological attitudes and cultural values' (Cammack, 1997:93-94) in the clarification and resolution of our problems.

Cammack (1997:95) goes further to state that 'in transitional society the processes of basic socialization, political socialization and recruitment to political roles tended to lack coherence and give rise to crisis of identity. In such societies, uncertainty and lack of trust would proliferate' (Cammack 1997:95). The present life provides us with lively experiences: We encounter new problems and seek to solve them; we seek to improve our lives; we seek to determine the rightness, or appropriateness of our acts; we need to focus on the consequences of our actions and seek to correct errors and make adjustments. Bertsch (1991:488) argues that the values that are central to the redemption of the African life are those that raise the level of human dignity. These include the provision of goods and services, mitigation of inequality, greater national cohesion and harmony. Bertsch (1991:547) argues that 'human dignity begins in the minds of human beings.'

Therefore, democracy will begin to make more sense when it is linked to justice. In addition to attaining the ideals of political and legal equality, genuine democracy also strives to attain some form of social and economic equality as allowed by defined and generally accepted criteria and standards of just distribution of social resources and wealth. Justice presupposes the equality of all persons in a social system and demands a recognition of the worth and contribution of each person to the community's pool of social goods. Thus, if democracy is to be meaningful and productive, it must admit of some social recognition and economic rights or empowerment. Democracy can never thrive in an atmosphere of inequality and deprivation.

We have tried to establish the real consequences of the gap between democracy and the institutional demands of social justice, which is prevalent in a developing society, and is central to the redefinition of democratic theorizing. We showed that the redefinition of the wider basis of political morality and the reconstruction of the trajectories of power are central to the restoration of the African strategies for democratic consolidation. In the search for a solution, the work has argued that the marginality inherent in democratic practice triggers the inability to articulate the idea and vision of the state as a vector of political mobilization, economic well-being and social rectification. The idea has been to make an impact by showing the fundamental conditions for conceptualization of viable democracy and to insinuate that we can achieve this by action directed at the collective good.

This point is most significant in relation to those in governance.

Social justice among other things demands the establishment of institutions and rules of fair competition for social benefits and the equality of opportunity for every individual or group to develop his or her capabilities and talents to the optimum. We reiterate that the establishment of a system of social and effective justice is of immense importance, especially to the multi-ethnic nation-states of Africa. In the context of Africa therefore, 'the central core of the idea of justice is the exclusion of arbitrariness and more particularly the exclusion of arbitrary power' (Ginsberg 1963:109). If this repudiation of arbitrariness is an imperative, and if really, we cannot escape from the current quagmires occasioned by a miasma of invidious cosmological traditionalism and foreign induced Postcolonialism in the African justice agenda, then we must face a conception of justice that is not 'blind to particular subjects. Quite the contrary, it looks to those who stand before her and demands from us the response which is appropriate for them' (Carr 1981:224). The crucial question then is; is it possible to have 'a social order built around a particular notion of merit'(Daniels 1978:206)?

What, if any, are the practical action-intervention strategies of our sustained theorizing on justice for development in Africa? It is important to note that the institution of justice operative within the humane and viable social order must proceed beyond the guarantee of fair competition and the equality of opportunities, as the rules of social interaction. In addition, the social order must give adequate consideration to the fulfillment of the social and economic needs of the people. In other words, there must be a conscious attempt within the society to reduce social and economic deprivation among the generality of the people so as to guarantee the greater peace and stability of the African social orders. Given the fact that there can be no stable social order in a society where the economic situation of the majority of the citizens is dismal and restrictive, then the alternate social order postulated for Africa's development has an important task of alleviating the economic inadequacies of its citizens. In this regard, it makes little sense to uphold the formal equality of political rights, when there are widespread economic inequalities and social disempowerment.

Hence, it should be emphasized that genuine and enduring justice cannot be realized in its true form, unless those critical issues bordering on economic administration and distributions are taken into consideration. It is true then that justice is at the heart of 'determining what constitutes the human good. Justice would then have to be what a governing power ought to command with a view to the realization of the good of the citizens. However, a controlling power can hardly by itself secure the well being of the citizens. A large part of the well being of individuals can only be secured by their own efforts' (Mackenzie 1963:155). This means that we must seek justice for Africa in a type of social order that allows individuals to choose and appreciate the things that are of value to them. Such a conception must repudiate the tripartite defective traditionalist, western and modern African views of justice in their perverted forms. Definitely an acceptable philosophy of justice for Africa must clearly have as its directing principle what Young (1990:15) rightly says is 'the elimination of institutionalized domination and oppression'

which manifests in a plethora of ways in the endemic educational lapses, dismal unemployment, cruel marginalization of minorities, elite corruption and profligacy, the ascendancy of poverty and the entrenchment of lawlessness, insecurity and anomie. The truth is that a lot of these occurrences are unnecessary and unacceptable given the resources (human, natural and financial) available to most African nations. Also we begin to be strident in our call when we come to the vital realization that social transformation and normative rectification have become imperatives of African destiny and survival in the global arena.

To foster a new idea of justice we must come to terms with one of the modern institutions necessary for the establishment of just social order which is the Constitution. It is crucial for the establishment of social order for the following reasons. Every viable and just social order requires a legal and authoritative document, which spells out the basis of, and rules guiding all social activities. It outlines the fundamental principles and laws that are to guide the administration of national life. It is therefore the expression of the fundamental agreement of the society on the way individuals, groups and the society are to be governed. It is a statement about how the burdens and benefits of social cooperation and concessions are to be determined. Also, the constitution establishes social order by defining or better still, limiting the authority and power of government, leaving to it that which is minimally required to be effective in pursuing the common good without stultifying the well-being of any group or the society. It emphasizes the separation of powers and ensures that political authority is restrained by a system of checks and balances. By so doing, it reduces the fear and possibility of arbitrary and absolute power being concentrated in the hands of any one person or group. Thus, the constitution stresses the importance of rights, individual freedom and devolution of authority for the sustenance of social order.

The need for a constitution arises because there should be a generally accepted system of social interaction, which will guide the harmonization of the diverse interests of competing groups in a society. The constitution seeks to define what is right or proper by creating a system of laws based on the demands of justice and freedom. It is thus construed as the positive political morality of a nation, which ensures the obedience of the citizens to moral principles. It should however be noted, that the constitution in itself, no matter how well written, cannot by itself establish viable social order. Rather, it requires the active participation of those human beings who will uphold, and live out its dictates. Therefore, there is a link between the constitution, good government or leadership, and the society. The institution of leadership is of crucial importance to the sustenance of social order.

Many nations in Africa suffer a crisis of justice and social order due to the effects of bad and inept leadership arising from a warped conception of power. This fact underscores the importance of purposeful leadership for good democratic governance and the maintenance of viable social order. The kind of leadership required for the establishment and sustenance of a stable and productive social order is one which exhibits foresight, vision, a clear sense of purpose, and charisma. Such qualities of good leadership are important in the efforts to establish a social order that is peaceful, secure and human. Also, such leadership will serve as the nucleus, which motivates, directs

and controls the social, economic and political activities of the society. More importantly, the kind of leadership, which is relevant to the establishment of a viable social order, must be one that is based on the free choice of the citizens.

There must be a free and fair choice of leaders and administrators in a genuine social order. This fact demonstrates the significance of democracy as a major instrument for the establishment of social order. Democracy entails the free and voluntary choice of leaders who have been elected in a peaceful and organized manner, to manage the affairs of the society. The democratic procedure of choosing these leaders endows them with the legitimacy and sovereignty to rule on behalf of the members of the society. Furthermore, good leadership is demonstrated through good governance, which is itself very important for the sustenance of social order because it demands accountability of officials for public funds. It also demands transparency in government procedures and decisions. It demands predictability through rational governmental action. And it demands openness, so that there can be free and reliable flow of information necessary for economic and social activity. Furthermore, good governance as a mark of purposeful and humane leadership demands the establishment of an independent judiciary, a free press and an efficient public service. It also demands the establishment of a pluralistic institutional structure and the respect for the law and human rights.

However, it can be argued that even if leadership is a necessary condition for social order and social transformation, it is not a sufficient condition. In other words, no matter the good intentions, humaneness and purposefulness of a leadership, it will not be able to establish justice and social order except core social and humane vision and values become institutionalized in the society. How then can the core social values and visions be institutionalized in the society? There are two major ways through which core values and visions of justice and humaneness can be institutionalized. The first way is through the use of formal institutions or arrangements of political power and administration. The second way or method of institutionalizing social values and visions is thought the use of informal institutions. Furthermore, the visions and values can be institutionalized through the use of informal arrangements such as political parties, professional bodies, voluntary associations, the media, youth movements and traditional leadership structures. The combined forces of these social segments must return to the fundamental ways and imperatives of effort, industry, conscientiousness and general application of themselves to the works of creativity, intelligence and innovation if justice is to prevail across Africa. What kinds of tasks confront the institutions and structures directed at attaining justice in Africa? We can identify some major axiological and legislative commitments of these core social institutions and then present their task in a more theoretical manner. These structures and institutions that can be identified and discussed must be put in the 'service of human dignity' (Lasswell 1956:90) understood in its widest sense as the creation of opportunities for well being, self respect, progress and civilized conduct among persons.

SOME URGENT TASKS CONFRONTING THESE INSTITUTIONS AND STRUCTURES: POWER STRUCTURES AND THE ESTABLISHMENT OF JUSTICE IN AFRICA

Burns (1981:5) states that 'the toughest and most central question in American politics and political science is the question of power.' The same is applicable to Africa. It is clear from current happenings that the whole question of power and its management can be said to be central to the question of justice in Africa. We are talking about political power here, which seems to yield other kinds of power in Africa. The traditional view of power refers to the 'ability to get another actor to do what it would not otherwise have done' (Goldstein 1999:55). While we don't have any grouse with this conception of power, we are more interested in the idea of power as a value. To this effect, 'participation in the making of decisions (power) is a value. We are interested in the interrelation of power with personality and the whole social process' (Lasswell 1956:93). Furthermore, we are concerned about the way by which a person or group with power can be made to act justly or see the need for doing so. If this is so, then we are interested in how power can be negotiated or made to serve the interest of higher and positive values or goals. In this sense, we are interested in the idea of 'power as domination, as the ability to control or command' (Litke 1992: 176). There is a profound connection between power and justice. As Morgenthau (1974) puts it, 'the object of somebody's power opposes that status in the name of justice, and the holder of power justifies it, also in the name of justice. The real issue arises between power and its victim or between power and power, each claiming justice for its cause' (Morgenthau 1794: 163&166). This turbulent aspect of power is undoubtedly one of the greatest challenges facing Africans in their quest for justice. The factor of human nature and the critical possibilities for perversion that arise from the real challenge of a negative use of power in Africa, must be situated against the backdrop of the reality of conflicts and imbalances that power relations either serve to exacerbate or mitigate. According to Soyinka (in the work *A Climate of Fear, Lecture2: power and freedom* 2004) the factor of power is 'a motivating component of human personality. It is the ancestral adversary of human freedom', seeking to control and dominate the other. Most personalities and institutions that have been vectors of power in Africa have persistently surrendered to domination, authoritarianism and even outright tyranny and despotism. The theme of domination has been emphasized as one of the most popular extremes of the exercise of power. According to Partridge (1963: 118) 'it is a defining characteristic of the situation that the one man is compelled to surrender his own desires or interests, to yield without any compensation to those of the power-holder.' Such a crisis-ridden conception of power inevitably throws up a regime of turbulence. We must seek to develop an alternative conception of power as directed towards service to the other or society. The psychological, cultural and institutional underpinning of these problems cannot be overemphasized. Young (1994:88) has noted that given the fact of the corruptive tendencies reposed in power 'one of the secrets of a good society is that power should always be open to criticism.' In fact, the crux of the negotiation with power is to 'moderate the power of the rulers over the ruled' (Scott 1992:122).

The question of the extent to which human nature is altered by deprivations and dehumanisation becomes important, given the increase in the tendency to

abuse power even when there is no evident need for it, or perhaps, when the circumstances seem inauspicious. The immanent loss of control in the face of the temptations of power are quite unprecedented. Put practically, the inordinate lust to dominate, defy others (persons, institutions and ideas) remains pronounced in Africa and compels a reconstructive analysis of the concept. This is significant when we realize that core institutions such as education may not have fully mitigated these negative propensities in people. In so far as power is connected to capabilities, then we must establish the minimum fact that power must be subservient to moderation through institutional checks and balances, educational formation, that will hopefully, prevent arrogance, failure, oppression and injustices that really seem to be overwhelming a number of African societies.

Africans and African societies, having seen the substantial failings of their traditionalist restrictive cosmologies and the dogged efforts to entrench modern versions of vestigial domination, must seek to persistently mitigate and control the access to, duration of, and use of power. For instance, it is clear that most African constitutions need to move away from the overbearing presidential system of power, that has allowed the possibility of so much abuse. The presidential system of power, understood in terms of the American model was installed specifically, to serve their own unique purposes of allowing one man or a group, irrefutable mastery over known and unknown natural and social forces prevailing in an environment. Such a system will further reinforce the condensation of destructive power in the hands of one man, who is already defended by an anachronistic and authoritarian traditional culture.

Unfortunately, the state-centrism of most African societies has made the bulk of the people too dependent on the state, and therefore on whoever controls the machinery of the state. In many cases, such persons have exhibited some of the worst tendencies in human nature. They have represented the worst that Africa can produce. This situation has raised further questions about the ways by which choices can be made as to who will be allowed access to power. Presently, in many parts of Africa, power seems to be circulating among the old, redundant and corrupt elites, who have continually failed their different peoples and societies. The mismanagement of power has led to some of the most protracted conflicts and endemic injustices in the history of modern Africa. Let us recall the different contexts, and consequences of the mismanagement of power in Nigeria, Somalia, Sudan, Liberia, Zaire, Central Africa Republic, at various times in the histories of those countries. Where state centrism works one may have no serious objections to its practice. But has it really ever worked? Where it does not work, then, the critical failings of the system come into full glare. In addition to its many shortcomings, state centrism evidently, does not permit the free exercise of human genius, the blossoming of subsidiary institutions. In short, we can agree with Mackenzie (1963:155) who says that 'a little reflection, however, suffices to show that a controlling power can hardly by itself secure the well being of the citizens. A large part of the well being of individuals can only be secured by their own efforts.

Thence, there is a need to create alternative structures for decentralizing and countervailing the power consolidating institutions in Africa. To this effect, the role of the civil society groups, political parties, legislative bodies, organized trade unions and other interest groups, where properly organized and uncorrupted, can be useful. But we are faced with the fundamental question of the rules and processes of their formation, and the question of whether their goals are directed at some specific end or for that matter, the realization of

the common good. A vital issue however, is the expediency or otherwise of forming and sustaining such groups. Experience seems to suggest that rights and justice claims are taken more seriously in Africa, if these are articulated and pursued under the platform of groups, whether artificial or primordial. Pritchard draws our attention to a wider conception of political power that goes beyond 'the ability to make and enforce decisions about matters of social and political importance'(Pritchard 1979:26) to the whole question of political influence or 'the ability to prevent matters from becoming objects of decision in the first place'(Pritchard 1979:26). In the case of power in Africa, there is a need to work out sustained strategies for ensuring that only credible and moral persons do have access to, and use of power at the most important levels. Such efforts will impact on the redefinition of values and value systems and value frameworks, understood as the things that (should) interest us, the socially possible and accepted ways of achieving these objects of interest, and the kinds of institutions that can facilitate or hinder the attainment of these interests.

Furthermore, the philosophically challenging issues arising from the above analysis remain crucial to the question of the nexus between power, control and responsibility. Said (1977:38) has made the point that 'power becomes destructive only when committed to the service of a narrow conception of morality. Power can be used for moral or immoral purposes.' Anyone can actually retain power; even common criminals exercise power, howbeit, cruelly and fleetingly. We also know that power gives rise to a sense of security. But power in itself, and the security that comes from it, are both equally ephemeral when such are not founded on a strong moral or social authority, and the desire to employ such for good. Whereas power embodies so much capacity to control, yet it must bring itself to bear on the crucial issue of responsibility. The questions of accountability, liability and responsiveness are integral elements of the definition of a more viable conception of power and the control that goes with it. It has been said that 'power and accountability are not antithetical' (Whitman 2002:51). We can ask whether the exercise of responsible power is a prevalent feature in Africa? The question of power is undoubtedly tied to ideology and its outcomes. Justice in Africa, which requires a renegotiation of the power issue, is all the more important, when we note that 'the social cooperation and coordination of human activities, which is the essence of civilized life, is not possible without regulation' (Harris 1957:1). Such regulation can only come from a negotiated, humane and progressive conception of power directed at the common good. Dialogue is an instrument for deciding on the locus and focus of power in a highly volatile African environment. The kind of power that is required is one that takes decisive action against non-progressive, unwarranted and unjustifiable 'segregation and discrimination' (Glazer 1981:13).

A MERIT BASED REWARD SYSTEM AS A BASIS FOR JUSTICE IN AFRICA

The whole question of the mechanisms for pursuing the realization of justice in Africa is dependent on the amalgamation of a combination of values and institutions. The most notable that we have chosen to discuss are the role of the constitution, leadership, interest groups, formal and informal agents of legal and legitimate socialization and association. We are especially inclined to discerning their core tasks and focus as pursuing all known formal and informal means of establishing and sustaining machineries for power

acquisition and transfer, effective and productive social dialogue, definition and guarantee of viable citizenship and the installation of machineries of desert and merit based individual and distributive justice. These tasks call for the creation of new approaches to the management of the African realities, as well as the construction of new levels of aspirations for all stakeholders. This is simply the demand for attitude change, which depends on reviewing the scope and attractiveness of the reward system and the credibility that goes with the new vision of justice and development in Africa.

There is a need for merit in the affairs of a people and society. This is the more significant in the context of Africa that is bedeviled by all sorts of persons and institutions making undeserved and unmerited claims on others, due to factors such as ethnicity, corruption, ineptitude, influence, ignorance, etc. according to Pojman (1997:557&558) 'we also speak of merit as focusing on the actual outcome of or contribution of actions. Rewarding good works encourages further good works and punishment deters bad actions. By recognizing and rewarding merit, we promote efficiency and welfare.' Daniels (1978:207) makes a similar point when he insists that merit is basically 'ability plus effort. Claims of merit are derived from considerations of efficiency or productivity.'

For justice to prevail in Africa there is a need for reviewing our reward system such that incentives for meritorious acts of excellence, diligence and good conduct will be nationalized and institutionalized. These tasks can start with the demarcation of the scope of rewards for merit within core institutions. These rewards can take the form of providing commendations, incentives, opportunities and awards in cash or kind. This will ensure the mitigation of ethnicity and nepotism. As Young (1994:88) puts it so directly, 'nepotism should go, bribery should go, inheritance should go as means of attaining public office, the belief has become established that it is wrong to allow nepotism, bribery, or inheritance any sway: individual merit should be the only test that should apply.'

Therefore, we must move the quest for a solution forward by realizing and admitting that 'responsibility is ascribed to collectives (nations, groups, etc) as well as to individual persons' (Cooper 1968:258). Our lives will make more sense only in the context of what Struhl (1976:158) refers to as 'a community of human beings who value each other and who recognize each other as ends in themselves. This mutual respect will create a community of mature, creative and self regulating human beings' in order to allow for growth. Jeter (2003) has insisted that 'if we are deceived into concentrating on our differences and not common interests then enmity and rivalry will trespass where hope and cooperation should prevail'. Finally, the point is that there is difference, but the question is the extent to which difference can be allowed as a basis for misery, insensitivity, exploitation and domination. The members of society cannot achieve the peace, security and progress of each and all unless they establish a clear and effective system of social justice.

The quest for an alternative view of justice that can ensure the liberation and transformation of Africa must apparently depend on a combination of principles and values that will form the composite for rectification. We must

confront the critical problem of devising a sustainable strategy for normative change and social or cosmological reconstruction that is embedded in the recreating of a philosophy of justice for development. What are the means for the improvement of the African situation vis-a-vis the quest for an idea of justice for development? Firstly, there is the compelling need to disengage from the hitherto existing philosophy of justice in Africa that currently, 'is often a function of who you know or how much you can pay' (Harrison 2000:300). This requires a repudiation of forms of debased and unwholesome conduct in the justice arena.

In most parts of Africa, we can easily calibrate the scope of the failures of the various instruments of justice, such as the police, law courts, prisons, etc; the operations of these institutions have been defeated largely by inefficiency, under-funding, incompetence, ethnicity, politicisation and social dissatisfaction. As Fox (2000) observes 'any account of what the courts are intended to achieve immediately shows up their inadequacies and deficiencies.' Thus we must seek a more systematic and holistic way of creating and institutionalising the principles and values that can ensure enduring and viable philosophy of justice that can positively affect the redirection of African development towards security, morality, peace and well-being. This is a normative and empirical engagement with the African historical and cultural values. To succeed, our effort depends on a dualistic moral and institutional re-entry into reconfiguring the African problem of social change for liberation and transformation. In concrete terms, we argue for an idea of individual futuristic justice embodied in the concept of trust that depends on the distributive paradigm understood as that, which takes from each according to his/her ability and gives to each according to his/her need or contribution.

Let us now descend from the meta-ethical realm to the engagement with existential and phenomenological realities. The first stage of the theorizing for rectification is to seek certain existent principles or derivable templates for erecting a new or alternate view of justice. This task requires nothing other than the erection or recalibration of core values for a new philosophy of justice for development. A progressive or viable society is likely to define justice or 'distributive justice as that which also interests of future generations' (Grondona 2000:48). Luckily, the Africans had, and still do have a concept of this consideration for the future and even for the past or dead people. This advantage can be turned to the side of the Africans in their search for an alternate form of justice. Mbiti (1969:105-107) puts it to us that the African kinship system 'extends vertically to include the departed and those yet to be born. African concept of the family also includes the unborn members who are still in the loins of the living.' The next thing therefore is to employ the substrate provided by this philosophy of consideration for generating a stable and just system for African societies that judges or reckons with posterity.

Given the problematic as we understand it, the endemic susceptibility of African social and political life to injustices and perversions is due to the absence of a proper idea of justice that can underwrite the internal consistency and wider social political consequences of the developmental processes in Africa. But then to talk about injustice requires the use of moral concepts and the making of moral judgements' (Crocker 1991:460), thus implying that we are in need of core normative, ethical and phenomenological presuppositions that can foster certain developmentally suitable values and

attitudes. In our search for a viable philosophy of justice in Africa 'principles of justice are needed, because not all demands and claims can be satisfied; principles of justice are the answer to inevitable disappointments and inequalities'(Ehman 1980:14)

However, the attainment of this end necessitates the postulation of a new philosophy of justice for viable social order and holistic development in Africa.

We may reiterate the point that every state is known by the nature and quality of justice that it maintains. The sort of justice that modern Africa requires for its development is a system of social justice, which aims at a pattern of fair treatment for people. The primary subject of this justice is the way in which the major social institutions distribute fundamental rights, duties and determine the division of advantages from social cooperation. Justice has to be defined according to certain principles of equitable, fair and humane distribution of benefits and burdens. Justice makes sense as the attempt to reconcile opposing views and desires, and the intention to work out a free, fair, beneficial and equitable means of producing and sharing social goods. Nielsen (1996:82) puts it that 'the question of justice is the question of what is that genuine social order that can guarantee human flourishing (and) social harmony in which people acknowledge their communal nature and their self-autonomy' (Nielsen, 1996:81-82).

Conceived in this way, justice is a concept operational in the domain of the joint claims and actions of persons. Justice refers to that respect which persons show for 'the freedom of others, and the chance that they give others to be themselves, and to develop their potentials' (Peperzak 1971:154-155). It affirms the sociality of persons and the immense importance of providing 'a reasonable basis of agreement among people who seek to take due account of the interests of all' (Nielsen, 1996:86-87). The need for social transformation and rectification compels an interrogation of the core principles of social order as they affect those groups that are susceptible to injustice. This raises issues about the reconstruction of just social order. To the extent that there is a need for the conscious and systematic institutionalisation of the mutual bond in the society, the actualisation of the common good becomes a moral concern. And as such becomes a basis for the attainment of justice and other core values. In this case, it requires that individuals must recognize the personhood of others and their rights to have a secure and worthwhile existence. The application of the rules of justice ensures that human-beings can live with dignity, freedom and responsibility. Freedom as one major essence of human life is to be upheld because without it people cannot develop. This point is most significant in relation to those in governance and the governed.

According to Kymlicka (1999:6) a theory of justice in a multicultural state will combine universal rights with group-differentiated rights. Kymlicka (1999:173) holds that we need to focus on the wider context of solidarity. In our quest for ties that bind there is the question of social justice, community and fraternity. For Kymlicka (1999:187) the possible basis of social unity in a multination state cannot be far from the retention of feelings of social or national consciousness, commitment and a strong sense of patriotism. In a way, social unity depends on shared values. Such values may include: belief in equality and fairness; belief in consultation and dialogue; the importance of accommodation and tolerance; support for diversity, compassion and generosity; commitment to freedom, peace and non-violent change. Given the above situation, Pojman (1997:549-558), is right when he insists that 'justice is

a constant and perpetual will to give every man his due'. A society that has a commitment to rewarding those who contribute to its well being and punishing those who purposefully undermine it will survive and prosper better than a society that lacks these beliefs or practices. Evidently, the proper question of justice is the calibration of a system of institutions, practices, values and beliefs. It is the whole gamut of the reorientation and transformation of ways of life.

Still on the normative and phenomenological conditions for the erection of justice in Africa, we also learn from Hospers (1976:616) that a just society needs to 'define and recognize individual rights and to embed these rights in the constitutional structure, so that no would be tyrant can take them away'. More importantly, it should be noted that the specific function of justice is to establish between these claims, the due limits and harmonious proportions (Johann 1966:41). It is right for Haring (1979:470) to say that justice needs to be upheld in order to ensure that there is peace, order and stability in the society. The consistency and commitment with which a society seeks peace will determine the extent to which it will guarantee the survival and well-being of the people.

To this extent, the idea of social justice encapsulates every aspect of institutional rules and relations, which are subject to potential collective decision. In the light of the prevalence of social conflicts, questions about social justice will continue to be relevant, in so far as there is domination and oppression in society. It is obvious therefore, that social justice emphasizes the well-being and welfare of every individual in society. Social justice is, as such, a fundamental framework for the total development of the human person in his or her physical, social and spiritual life. Social justice among other things demands the establishment of institutions and rules of fair competition for social benefits and the equality of opportunity for every individual or group to develop his or her capabilities and talents to the optimum.

Social justice seeks to create those economic, political, moral and intellectual conditions which will allow the citizens to live a fully human life' (Pazhayampallil, 1995: 878-879). Thus, the institution of social justice is indispensable for the establishment and sustenance of social order, because it provides the basic principles and structures by which we can achieve just distribution of benefits and burdens in the society. The establishment of a system of social justice is of immense importance, especially to the multi-ethnic nation-states of Africa. The requirements of social justice in these ethno-cultural plural nation-states demand the urgent establishment of an open society (Gyekye, 1997:89). Such a society must be a democratic system that gives fair and equal consideration to the interests of all citizens, irrespective of their creed, sex and background. In such societies, merit and achievement must be given pre-eminence as the critical conditions for the distribution of honours and benefits.

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