THE PHILOSOPHY OF POLITICAL LIBERALISM, THE GLOBAL ORDER AND THE QUESTION OF JUSTICE

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DEDICATION

To

The Almighty God;
the Alpha and Omega;
The Kings of kings;
The Lord of lords;
the I Am that I Am,
Who Was, Is and will continue to Be
for ever and ever

and

Mr. and Mrs. J.O. Badru,
the first set of people that inculcated the significance of virtues in me long before
I read philosophy.

CERTIFICATION

I certify that this research was carried out by Mr. Ronald Olufemi Badru in the

Department of Philosophy, University of Ibadan.

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ABSTRACT

The issue of transnational justice was made popular in the 20th century by the American liberal philosopher, John Bordley Rawls, who tries to evolve a conception of justice that would be applicable at the transnational level. Unfortunately, his liberal prescription for transnational justice does not provide for any principle of redistributive justice that would be morally obligatory at the international level and, as such, fails to adequately address the question of justice at that level. This study, therefore, proposed a theoretical model that would have an ethical basis for transnational redistributive justice and, thus, facilitate the evolution of a just and harmonious global order.

The model of deliberative cosmopolitan democracy, which combines the strengths of two transnational democratic theories: Deliberative Democracy and Cosmopolitan Democracy, constituted the framework for this study. The work adopted the conceptual, analytical and reconstructive methods of philosophy. The conceptual approach was employed to clarify the concepts of global order, justice, democracy and other key terms related to the question of transnational justice. The study critically examined the theory of political liberalism to show its inadequacies and argue for its reconstruction to ensure the institution and promotion of transnational justice. The sources of data were mainly library and archival based. Rawls' *A Theory of Justice*, *Political Liberalism*, *The Law of Peoples* and other relevant texts constituted our data for this study. These are the

core texts that have dealt with the question of democracy and justice at the transnational level.

Rawls' liberal internationalism extends to the transnational level his earlier development of the theory of justice but it does not adequately address the question of justice at the international level: it does not extend *the difference principle*-the distributive principle that stipulates that the distribution of social wealth and income should be done in a way that favours the socially worst offs-to the transnational level. *The duty of assistance* it introduced, instead, is morally supererogatory and has not addressed the question of distributive justice at the international level in a morally obligatory manner. Furthermore, his proposal is silent on the present international economic order that favours the developed economies more than the developing ones. The model of deliberative cosmopolitan democracy, which combines the strengths of Deliberative Democracy and Cosmopolitan Democracy, provides a better philosophy because it promotes the distributive, deliberative and institutional ideals of global justice. It proposes the principle of extensive democratic autonomy at the national level and a deliberative cosmopolitan democratic law at the transnational level. The principle and the law extensively protect the right to self-determination of peoples and also guarantee justice among nation-states and peoples.

Transnational justice is attainable through the ideals of deliberative cosmopolitan democracy. This model has a better prospect of realising the goal of

transnational justice than Rawls' liberal internationalism on account of its distributive, deliberative and institutional features that are fundamental to the entrenchment of global justice. This would constitute a good foundation upon which to establish an enduring stability and peace in the global arena.

Key words: Transnational justice, Deliberative cosmopolitan democracy, Political liberalism, Global order, John Rawls

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Ronald Olufemi BADRU

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INTRODUCTION

STATEMENT OF THE PROBLEM

Traditionally, the issue of justice among political philosophers is discursively reduced to what obtains only within the micro level of a state. Within this framework, justice is taken to be a moral good, which could not be instituted at the transnational level, viewing this macro level, from the Hobbesian perspective, as ontologically anarchic. However, in the contemporary world, the focus of discussion has been expanded. The institution of the principles of justice in the relations among nation-states and peoples is now entering the centre- stage in the discussions of political philosophers. And, this new thinking is mainly being done within the fold of liberal ideology, a very popular ideology in the contemporary world. In other words, liberal political philosophers are now making the claim that transnational justice is only feasible if the basic principles of political liberalism are internationalised and, therefore, ultimately serve as the normative basis of a new global order. One could reasonably argue that Rawls' *The Law of Peoples* is a leading light in this direction, considering the volumes of literature it has generated in the scholarly tension between those who argue for and against the Rawlsian project

After a critical examination of the project of political liberalism in general and Rawls' *The Law of Peoples* in particular, the study submits that political liberalism *as is* may not be systemically and normatively sufficient to address the

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issue of inequalities in the political and socio-economic relations among nation-states and peoples, generate a genuine system of norms of transnational relations nation-states and peoples, and formulate theoretically an institutional framework to implement the new system of norms, etc.

This philosophy, we can argue, is constituted of three cores: the political, the economic, and the moral. However, the problem is that the inherent inconsistencies and contradictions in political liberalism may not serve the course of true justice at the domestic level on one hand, and at the transnational level of relations among states and peoples, on the other hand. At the heart of the problem are the conceptions of liberty and equality within the political core, which are antipodal to their understandings within the economic core of liberal philosophy. The political core essentially defines liberty as absence of undue interference with life of the individual. However, a commitment to this conception invariably makes it unjustifiable to redistribute social wealth from the rich to the poor. Therefore, the poor are greatly deprived of the economic wherewithal to affirm their equality or social parity with the rich. Since various physical needs, which are economically determined, must be met if people are to be able to equally engage in political participation, and the possibility of meeting these physical needs has been foreclosed by the inability to justify redistribution from the rich to the poor, within the fold of political liberalism, we cannot but see how political

liberalism has substantively, in an implicit way, foreclosed equal participation; though, it theoretically supports it.

The foregoing brings about a disjuncture between the political core and the economic core of political liberalism, on the one hand, and between the two and the moral core, on the other hand. The moral core of political liberalism is based on the conviction that man has inherent worth and that everything should be subordinated to the protection of the inherent worth. But, as we could see in the brief analysis above, it is the inherent worth of the advantaged self that is invariably protected not necessarily that of the disadvantaged other. It is this disjuncture that works against the course of instituting social justice at the domestic level and justice at the transnational level To do a further analysis of the latter, one must note that there is much talk about how freer markets, a substantive part of the economic core of political liberalism, would help address the problem of poverty of millions of people in the developing world. However, according to Thomas Pogge, the extant evidence shows that freer markets would worsen the situation of the poor people. [1]

The research work has been divided into five broad chapters In Chapter One, we examined the idea of global order and also established a link between world orders and the discourse of philosophy

In Chapter Two, we discussed the origins of liberalism and also examined various justificatory arguments for it. In Chapter Three, we extensively focused on a critique of political liberalism at the national level.

In Chapter Four, we examined the concept of global justice on the one hand, and liberal internationalism as represented by Rawls's *The Law of Peoples*, on the other. In the final analysis, we submitted in the chapter that unreformed liberal internationalism may not promote justice at the transnational level.

In Chapter Five, we proposed a model of 'deliberative cosmopolitan democracy' as a foundation to the entrenchment of social justice at the domestic level, and justice at the transnational level. The institutional basis for this theoretical construct is what has been termed in this study as the Global Institution for Democracy and Justice.

OBJECTIVES OF THE STUDY

The research has both general and specific objectives.

The following are the general objectives of the study:

1. To contribute to scholarly research in the area of philosophy of international relations or, ethics of international relations

2. To argue for the plausibility of the claims for transnational justice and the feasibility of the implementation of the dictates of the principles involved.

3. To submit that the idea of transnational democracy is essential to the development of a political structure for the implementation of a coherent system of principles for transnational justice.

To achieve the general objectives given above, there are some specific objectives:

1.   To expose the inconsistencies and contradictions within the political core of liberal philosophy as well as those between the political core and the economic core of same.

2.   To submit that the hybrid model of 'deliberative cosmopolitan democracy' addresses the inconsistencies and contradictions in political liberalism and transcends these weaknesses to provide more reliable theoretical framework for instituting social justice at the domestic level and justice at the transnational level.

3.   Following from the above, the hybrid model of 'deliberative cosmopolitan democracy' is an improvement upon an unreformed philosophy of political liberalism.

STATEMENT OF THE THESIS

As an alternative to what one could presently regard as an unreformed philosophy of political liberalism in the global order, the study has proposed a hybrid theoretical model of 'deliberative cosmopolitan democracy,' after a critical study of some theories of transnational democracy. With its distinctive principle of 'extensive democratic autonomy' and a 'deliberative cosmopolitan democratic law,' the hybrid model has attempted areconciliation and, thus, a reconstruction of the political core and the economic core of the philosophy of liberalism. On this new reading, it transcends the inherent weaknesses in order to institute social justice at the domestic level and justice at the transnational level.

JUSTIFICATION OF THE STUDY

Numerous liberal political philosophers have made attempts to theorise on the subject of global justice. However, they always seem to encounter fundamental problems: first, how to formulate a coherent concept of sovereign institutional implementer of justice at the transnational level; second, how the

institutional implementer is to be legitimately transnational in representation and operation; and third, how to arrive at an internally coherent system of norms to serve as the normative basis of transnational relations among nation-states and peoples. Even, Rawls' *The Law of Peoples*, the seemingly most popular form of liberal internationalism in the contemporary era, has not fully succeeded in positively addressing the problems. Therefore, the present research is justified to the extent that it is a systematic attempt to fully address these fundamental problems.

METHODOLOGY OF THE STUDY

The study adopted the conceptual, analytical/argumentative and reconstructive methods. The first instrument of research lay bare as well as analysed the meanings of the fundamental concepts and other terms employed in the study. This invariably involved the argumentative method, since argumentation was needed to show that certain understandings of the concepts were better than others. The last instrument of research re-interpreted the ontology of man as given by classical philosophers of political liberalism, in the process of constructing an adequate model to guarantee true justice, both at the domestic and global levels. The sources of the data in the study were mainly library and archival.

THEORETICAL FRAMEWORK

This study critically examined some theories of transnational democracy, which have been postulated to address the issue of global justice. These were the theories that formed the basis from which the model of the research eventually emerged. The study discovered that though each of the theories examined had individual strengths, it equally had serious weaknesses, which rendered each of the theories individually impracticable. After a thorough consideration, the study

arrived at a hybrid model of transnational democracy, a composite of the transnational theories of deliberative democracy and cosmopolitan democracy. The hybrid model was deliberative cosmopolitan democracy. This model blended the strengths of the two theories of transnational democracy, while it dispensed with their weaknesses.

CONTRIBUTION TO KNOWLEDGE

A lot of political and moral theories have been postulated in the area of philosophy of international relations. In the contemporary world, perhaps the best known is *The Law of Peoples*. This is a work by John Rawls that draws on the political metaphysics of social contractarianism. The study focuses on this work as a paradigmatic work on liberal internationalism. However, the position of Rawlsian internationalism normatively separates peoples, rather than unite them. *The Law of Peoples* is generally silent on the proposal for a system of norms to deal with the general economic inequalities at the transnational level. Even those theoretical attempts that are examined in the study, which attempt to justify re-distribution of economic benefits from the North to the South do not also provide for this system of norms. The contribution to knowledge of the present study, therefore, is that it provides for this system of norms to morally guide the economic, political and cultural relations of states and peoples at the transnational level. Furthermore, through the proposed system of norms, there is a protection for the institution of domestic justice from the transnational level. The study also fully addresses the problem of sovereign-implementer of the principles of transnational justice through its proposed Global Institution for Democracy and Justice as well as legitimately justifies it. This is the institution that sees to the implementation of the principles of transnational justice among nation-states and peoples. Another merit of the proposal of the study is that the Global Institution for Democracy and Justice avoids the suggestion for a world government. Some

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philosophers have roundly criticised this suggestion because such a structure could easily bring about global tyranny.

Endnotes

[1.]See Thomas Pogge. 2001. Priorities of Global Justice. *Metaphilosophy*. 32: 6-24, at 11-12.

<center>**CHAPTER ONE**</center>

<center>**THE IDEA OF GLOBAL ORDER AND PHILOSOPHY**</center>

1.0   Introduction

The central claim being advanced in this chapter is that every order is founded on a given philosophy, which influences the establishment and operation of the implementing institutions and structures of the order. To achieve the objective, this chapter first attempts an ontological clarification and interpretation of the concept of order in general, as a prelude to a later analysis of the idea of a global order. An examination of philosophy and the genealogy of orders also forms part of the discussion. The last part of this chapter makes a transition from regional to global thinking of order.

1.1   Clarifying the Idea of Order

In the metaphysical sense, discussion of the concept of order dates back to the philosophic postulations of ancient Greek philosophers. Precisely, Ionian philosophers were preoccupied with understanding the primary stuff that remained constant in the midst of transition and seeming instability of reality. Although, these philosophers differed in their individual conclusions on the nature of the primary stuff, the fact is that they had in common this idea of Unity.[1] Thales argued for water, Anaximander for the Indeterminate Boundless, and Anaximenes for air.[2]   Each of these, according to the philosopher proponent,

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constituted the primary stuff of reality, which reconciled the seeming changes in reality. For each philosopher, it was his postulated primary stuff, which persists, which takes various forms and undergoes this process of change. In short, each stuff constituted for its proponent, the principle of order in reality. Therefore, one could give a brief understanding of order, on this thinking, as all about the idea of unity in diversity, the idea of regular or harmonious arrangement in the diversity, multiplicity, or plurality in nature.

One could aver that the foregoing understanding of order could be critiqued from the perspective of Heraclitus who argued that conflict of opposites (or, put more metaphysically, the universal process of becoming) is the ultimate principle of reality, for 'war is the father and lord of all things.'[3] However, this Heraclitean position could be effectively countered by looking more critically at his metaphysics. The guiding idea of Heraclitus' philosophy, according to Simon Blackburn, was that of the *logos* (law or principle) governing all things: this *logos* is a principle of being heard or hearkened to by people, it unifies opposites and it is somehow associated with fire, which is preeminent among the four elements that Heraclitus distinguishes: fire, air (breath, the stuff of which souls are composed),earth, and water.[4] If we agree with Blackburn that the *logos* of Heraclitus is associated with fire and it unifies all opposites, then we could as well logically deduce that the *logos* or fire is the principle of unity in the diversity of opposites. If this deduction is accepted, then we could conclude that even

Heraclitus implicitly supported the idea that unity in diversity is a fundamental principle of order.

It is this metaphysical understanding of order as the unity in the multiplicity or plurality in nature that philosophers must have conceptually transposed to the level of social relations among human beings as social order. Reasoning from the foregoing, we could argue that the ontology of order, from the perspective of social and political philosophy, reduces to the idea of 'unity of opposites' or reconciliation of 'self' and 'other' to create a uniform functional system of norms of human association and interaction in society. In different words, social order is harmonisation of sameness and difference to ensure cooperative interaction among rational agents in human society.

In the above sense, the idea of instituting order among men in society, in the practical sense, seems to have derived extensively from the notion of precarious pre-social life, as rendered in the works of social contract theorists, such as Thomas Hobbes, John Locke and J.J. Rousseau.[5] According to these theorists, an unregulated pursuit of individual interests would result in perpetual conflict. Thus, the institution of specific mechanisms to guarantee social order becomes imperative.[6] In other words, the whole concept of order to modern man (from the perspective of social contract theory) is an outcrop of the supposed disorder in the pre-social life.

However, it is one thing to understand order within a given society; to have a clear concept of order at the global level is quite another. This necessarily calls for a better grasp of the concept of world order.

1.1.2 Global Order

Lexically, since the words 'global' and 'world' are semantically interchangeable in the adjectival sense,[7] any conception of world order also stands for global order. Thus, the terms are to be employed interchangeably in the study.

The phrase, global or world order, can therefore be defined as the "aggregation of norms, procedures and institutions that give shape and structure to International Society at any given time".[8] According to H. Pellerin, a world order is a set of historical structures that combines and shapes interactions across the economic, political and ideological levels of social practice.[9] From the foregoing conceptions, some basic features of global understanding of order become apparent.

To begin with, global order captures and represents a system of norms and its implementing institutions and structures at the global level. This system of norms and its implementing institutions and structures shape the association and interaction of nation-states and peoples at the global level.

Furthermore, global order is an epochal term in the sense that the system of norms operates only within any given period of consideration.

In the same way, we can state that since the concept of global order in this study is a product of human rationality, then it is dynamic. As man develops in his reasoning, his conception of global order also undergoes some developmental changes.

Moreover, any global order usually presents three basic elements; namely, the theoretical philosophical foundation, the system of norms derived from the philosophical foundation, and the implementing institutions and structures. Therefore, a global order is just like a system in that the three basic elements work together to institute some kind of stability in the association and interaction of nation-states and peoples at the transnational level. Furthermore, since its theoretical philosophical underpinning largely shapes the practical application of its system of norms by states at the international level, it is a sound logic to state that a global order is nothing but the propagation and institution of the ideals of a preferred philosophy. This position will be further discussed later.

From all the foregoing, global order can be operationally defined as the 'unity of opposites' or reconciliation of 'self' and 'other' to create a uniform functional normative system of association and interaction of nation-states and peoples at the transnational level within a given period of time. It is the aggregation of norms, derived from a given philosophy, the philosophy that brings about certain implementing institutions and structures, which shape the thinking of men and the action of states at the international level, along the line of

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its philosophical basis, in relation to their association and interaction, within a given period of time.

1.2 Philosophy and the Genealogy of Orders

According to Marcus G. Singer, philosophic thought is an inescapable part of human existence.[10] This thinking firmly justifies the assertion made earlier that any global order, being part of human existence and interaction with his empirical environment, is always imbued with a given philosophy, a philosophy that is discovered when a thorough analysis is conducted. But, what is philosophy?

It is noteworthy that the term 'philosophy' does not lend itself to a univocal conception, since the word is capable of diverse interpretations. All the same, Schacht states that philosophy can be defined as "rational critical thinking of a more or less systematic kind, about the conduct of life, the general nature of the world and the justification of belief."[11] Since philosophy is taken here as a rational critical exercise of the intellect, it is plausible to state that the output of this rational and critical exercise is also philosophy. And if we base our social practice on the output of this critical reasoning, then we state that our social practice is philosophically grounded. It is in this sense that we are to understand philosophy in relation to world orders.

According to Leo Gross, the idea of instituting order to regulate states' interactions at the international level could be first attributed to *The Peace of Westphalia* in 1648.[12] This treaty was the first of the several attempts to establish

something resembling world unity on the basis of states exercising untrammelled sovereignty over certain territories and subordinated to no earthly authority.[13] Second, it could also importantly be traced to the post-Napoleonic era in Europe.[14] Before the latter period, there was a revolution in France (the French Revolution 1789-1799) in which democrats and republicans overthrew the absolute monarchy and the Roman Catholic Church was forced to undergo radical restructuring.[15] And the desire of the French revolutionists was to export their ideals of 'liberte' 'egalite' and 'fraternite' to other countries.[16] Building on the success story of the revolution, a French army general, Napoleon Bonaparte, attempted to militarily re-order the balance of power in Europe then in a manner favourable to the French interest. However, the combined forces of other European powers were able to subjugate Napoleon at the battle of Waterloo in 1815. "To support the 'ancien regime' and bring Europe back to the *status quo ante bellum* (the state of affairs before the war), the Metternich System[17] or the Congress System[18] was established.

1.2.1 The Metternich System or the Congress System

This represented a more realistic attempt to bridge the gap between scheme and order[19] and to tackle the problems arising from the failure to construct a reliable order on the basis of those geo-political realities known collectively as the 'ancien regime'. It was predicated on the 'concert' of the great powers[20] and while one of its effects was to institutionalise their dominant role, another was to

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modify the anarchy of the international system.[21] The defining characteristics of the Metternich System, according to Sambo, were:-

(a)   a commitment to sustaining a multi-power balance of power amongst the major states of Europe;

(b)   a determination to resist the emergence of a dominant European power through the instrumentality of military alliances;

(c)   a system of periodic Congresses to review the state of relations among the major powers;

(d)   a re-affirmation of the legitimacy of monarchies and the inviolability of existing domains; and

(e)   a resolve to collectively thwart forces seeking the overthrow of kings or instigating nationalist challenges to territorial integrity.[22]

        As stated above by Parker and Sambo, the central aim of the Metternich System or Congress System, among others, was the protection of the 'ancien regime'. In other words, it was to propagate the philosophy of divine right of kings or natural power of kings, which invariably acted as the foundation of the Congress System in the first instance.

1.2.2   (a.) The Philosophy of the Divine Right of Kings

        The philosophy of divine kingship was espoused and promoted by Sir Robert Filmer (1588-1653). In his famous work, *Patriarcha*,[23] published posthumously in 1680, Filmer sets out to achieve two basic objectives. The first

was to debunk the arguments of the natural liberty theorists, such as Thomas Hobbes, [24] Cardinal Bellarmine, [25] to mention a few. The other objective was to metaphysically premise his 'Divine Right of Kings' theory on the religious order of creation.

Filmer starts his critique of the 'natural liberty' thesis by first presenting the arguments of the proponents. According to Filmer, quoting Bellarmine, "that God hath given or ordained power is evident by Scripture; but God hath given it to no particular person, because by nature, all men are equal, therefore, he hath given power to the people or multitude."[26] According to Filmer, Bellermine develops his argument further in the following way:

> Secular or civil power is instituted by men; it is in the people, unless they bestow it on a prince. This power is immediately in the whole multitude, as in the subject of it; for this power is in the divine law, but the divine law hath given this power to no particular man. If the positive law be taken away, there is left no reason why amongst a multitude – who are equal – one rather than another should bear rule over the rest. Power is given by the multitude to one man or to more by the same law of nature; for the Commonwealth can not exercise this power; therefore it is bound to bestow it upon one man, or some few. It depends upon the consent of the multitude to ordain over themselves a king, or consul, or other magistrates; and if there be a lawful cause, the multitude may change the kingdom into an aristocracy or democracy.[27]

To dismiss the argument of Bellermine, Filmer appeals to the thinking of Bellermine himself, whose very words are: "If many men had been created out of the earth, they all ought to have been princes over their posterity."[28] According to

Filmer, the foregoing thinking provides evidence that Bellermine himself confesses that creation made man prince of his posterity. And indeed not only Adam, but the succeeding patriarchs had, by right of fatherhood, royal authority over their children.[29]

In another place, Filmer also strongly attacks Thomas Hobbes' idea of natural liberty. According to Andrew Roberts, Filmer argues that:

> If God created only Adam, and of a piece of him made the woman, and if by generation from them two, as parts of them all mankind be propagated. If also God gave to Adam not only the dominion over the woman and the children that should issue from them, but also over the whole earth to subdue it, and over all the creatures on it, so that as long as Adam lived, no man could claim or enjoy anything but by donation, assignation, or permission from him, I wonder how the right of nature can be imagined by Hobbes, which he saith is a liberty for:
>
> "each man to use his own power as he will for preservation of his own life; "a condition of war of everyone against everyone", "a right of every man to everything, even to another's body." [30]

In summary, the thesis of Robert Filmer is that the government of a family by the father is the true original and model of all governments. In the very beginning, God authorised Adam to have complete control over his descendants, even as to life and death. From Adam, this authority was inherited by Noah, who sailed up the Mediterranean and allotted the three continents of the world to the rule of his three sons. From Shem, Ham and Japheth, the patriarchs inherited the absolute power which they exercised over their families and servants; and from

the patriarchs all Kings and governors (whether a single monarch or a governing assembly) derive their authority which is therefore absolute, and founded upon divine right. The king is perfectly free from all human control. He cannot be bound by the acts of his predecessors, for which he is not responsible; nor by his own, for impossible it is in nature that a man should give a law unto himself, a law must be imposed by another than the person bound by it.[31]

As might be expected, the philosophy of divine kingship espoused by Robert Filmer lends itself to a series of criticisms. In the first instance, it is male-oriented. It states that the male is divinely ordained to be the rulers, while it indirectly states that the female must be the ruled. This, however, cannot find any footing within the feminist philosophy which centrally espouses the social parity of the male and the female. In support of the feminist cause, John Stuart Mill derisively refers to the principle of male domination imbued in Filmer's position thus:

> The self-worship, the unjust self-preference nourished in a boy growing up in a household in which by the mere fact of being born a male he is by right the superior of all and everyone of an entire half of the human race.[32]

From the atheistic angle, Robert Filmer's philosophy of divine kingship can also be critiqued. We all remember that Filmer's position is centrally premised on the existence of God. This, however, may not be appealing to a thorough-paced atheist. Since he does not believe in the existence of God in the

first instance, whatever empirical or metaphysical derivation that is made from the assertion of God's existence seems vapid and nonsensical to the thinking of the atheist.

Perhaps, the most scathing criticism of Robert Filmer's view on divine kingship comes from the British empiricist and 'natural liberty' theorist, John Locke. Locke criticises the quality of Filmer's work, terming it 'glib nonsense' and describing his reasoning as 'nothing, but a Rope of Sand.'[33] Contending against Filmer's denial of natural liberty, Locke asserts that we are all "born free as we are born rational."[34] On this Lockean thinking, it is absurd to state that one is born to rule while the other is born to be ruled.

Also, the belief of Filmer that kings should not be subjected` to the overriding claims of laws, be they those made by their predecessors or those made by themselves, is nothing but sheer invitation to tyranny in society. Since Filmer mainly appeals to God to establish his thesis, and God, being essentially good, will never subscribe to tyranny in society, it logically follows that Filmer's thesis is internally contradictory and inconsistent.

As stated earlier, it must be reiterated that it was the sanctity of the philosophy of divine kingship that the Metternich System was out to protect and propagate throughout the continent of Europe, for close to a century (1815-1914), though some of the postulates were still being pursued after the said period. However, one of the features of the system, multipolarity, was severely tested at

the outbreak of the Second World War in 1939. At the end of the Second World War in 1945, multipolarity was done away with altogether when another global order emerged.[35]

1.2.3   The Cold War Order

The post-World War II era (1945-1991) was dominated and defined by two great powers, the United States of America (U.S.A.) and the Union of Soviet Socialist Republics (U.S.S.R.). These were two great members of the Allies [36] that fought to defeat the Axis Powers.[37] However, their earlier suppressed ideological divergences came to the fore at the conclusion of the great war; hence the commencement of rivalry between the two powers. While the United States pursued the philosophy of political liberalism, the Soviet Union canvassed for that of communism. Each of the two great powers worked towards the process of universalisation of its preferred philosophy as a guide to order both at the domestic level and in international relations among states. The cold war could thus be interpreted as a binary confrontation of alternative World Orders.[38]

1.2.4   The Cold War Era of 1945-1991: Liberalism and Communism

As stated earlier, the post-World War II order was binary in nature: Political Liberalism, which was the preferred philosophy of international order in the Western World and Communism, which was the chosen philosophy of the international order in the Eastern World. But, what are the basic postulates of the

two philosophies? Why are they antagonistic of each other? The answers will be provided.

(a) Liberalism

According to Jeremy Waldron, defining liberalism is, on the whole, a frustrating pastime. There are many ways of mapping this philosophical landscape and there is no substitute for grappling with the disparate detail of the different theories propounded by particular liberal philosophers.[39] McCloskey concurs with Waldron when he states that:

> Many elements have contributed to liberal thoughts as we know it today, the major elements being the liberalism of which Locke is the most celebrated exponent, which is based upon a belief in natural, human rights; the liberalism of which Kant is the best known exponent, which is based on respect for persons as ends in themselves; and the liberalism of Bentham and the Mill, which is based upon utilitarian ethical theories and most especially with concern for pleasure and the reduction of pain.[40]

The problem of finding a univocal conception of liberalism notwithstanding, it is worthy of note that the major concern of all liberals is with liberty.[41] Maurice Cranston affirms this when he states that 'a liberal is a man who believes in liberty'[42] Thus, liberalism can be defined as a philosophy that prioritises the protection of the liberty of the individual in society. It stresses that the freedom of the individual, be it economic, political and social, can only be limited if it causes or is likely to cause harm or reduction of the freedom of the

other in society. J.S. Mill also believes in the centrality of the concept of liberty

in the philosophy of liberalism, when he contends that:

> The only purpose for which power can be rightfully
> exercised over any member of a civilised community,
> against his will, is to prevent harm to others. His own
> good, either physical or moral, is not a sufficient
> warrant.[43]

Therefore, liberalism could be seen as a philosophical challenge to the

feudalistic monarchical order of the 17th century Europe, an order which was

underpinned by the philosophy of divinity of patriarchs as perpetual rulers.

Liberal philosophy would be further discussed in the next chapter. However, what

must be noted here is that another challenge came up against liberalism itself.

Communism constituted this challenge.

(b.) Communism

Perhaps, the greatest exponents of communism were Karl Marx and his

friend and associate, Friedrich Engels. However, according to George Ritzer,

Marx surprisingly spent little time depicting what the future communist society

would be like.[44] To Marx, still citing Ritzer, the most important task was the

critical analysis of contemporary capitalist society,[45] a criticism which would help

bring down capitalism and create the conditions for the rise of a new socialist

world, [46] a prelude to the communist ideal. All the same, Marx viewed

communism as a classless society.[47]

In an attempt to conceptualise communism and distinguish it from socialism, Lorwin states that:

> Communism is the term used broadly to designate a theory or system of social organisation based on the holding of all property in common…It refers to the doctrines underlying the revolutionary movement that aims to abolish capitalism and ultimately to establish a society in which all goods will be socially owned and all economic activities socially planned and controlled, and in which distribution will be in accordance with the maxim "from each according to his capacity, to each according to his needs". It is to be distinguished from socialism, which aims, by constitutional and democratic methods, to nationalise gradually only the essential means of production on the basis of a just reward to each person for the amount and quality of his or her work.[48]

From the conception given, we can readily see that what the U.S.S.R. practised from 1919 to 1991 was not communism but a sort of approximation of socialism.

Looking at the concept of communism further, Kyung-Won Kim states that communism at its philosophical core amounted to a belief that man could not fulfil his humanity unless society was transformed so as to liberate him from all individual acquisitiveness. In a sense, communism was much an ideology of freedom as liberalism.[49] Where it differed from liberalism, according to Kim, was in its belief that men could obtain true freedom only through the absolute destruction of all structures of inequality.[50]

Another fundamental feature of communism, which is a derivative from the above submission, is that it is futuristic and utopian. Be it in the past or the contemporary era, there has been no society that has come near the idealistic

realm of communism. Thus, it is unlike the case of liberal capitalism in which some states have approximated its basic postulates. Metaphysically, therefore, communism is yet-to-be; it is still in the state of abstraction.

On the basis of the central thesis of the communist philosophy, as reiterated in part by Kim above, the proponents of the philosophy argue extensively against liberal capitalism. And, at the foreground of this critical trend stand Karl Marx and Friedrich Engels. Two basic facts need be emphasised at this point. First, Marx's critical thesis on liberal capitalism is deducible from his analysis of the capitalist economic system. Second, Marxist thought itself proceeds from the Hegelian thought. The second fact will be examined first.

Hegelian Thought: According to Will Durant, *The Logic* of Hegel shows an analysis not of method of reasoning, but of the concepts used in reasoning, and these are taken by Hegel to be the categories named by Kant; Being, Quality, Quantity and Relation. Thus, according to Hegel, it is the first business of philosophy to dissect these basic notions that are so bandied about in all our thinking. To Hegel, according to Durant, the most persuasive of them all is Relation. Every idea is a group of relations; we can think of something only by relating it to something else and perceiving its similarities and its differences. Therefore, an idea without relations of any kind is empty.[51]

Hegel takes the relations of Contrast and Opposition as the most important of all relations. Hegel believes that every condition of thought or of things –

every idea and every situation in the world – leads irresistibly to its opposite and it unites with it to form a higher or more complex whole. To this extent, the movement of evolution is a continued development of opposites and their merging and reconciliation.[52] In simple terms, thesis, antithesis and synthesis constitute the formula and secret of all development and reality.[53]

Hegel, according to Durant, contends further that not only do thoughts develop and evolve according to this 'dialectical movement' but things do equally; every condition of affairs contains a contradiction which evolution must resolve by a reconciliating unity.[54]

But, how does man grasp with this dialectical interaction? Hegel answers by stating that mind is the indispensable organ for the perception of this dialectical process, and this unity in difference. According to him, the function of the mind, and the task of philosophy, is to discover the unity that lies potential in diversity; the task of ethics is to unify character and conduct, and the task of politics is to unify individuals into a state. The task of religion is to reach and feel the Absolute in which all opposites are resolved into unity, that great Sum and Being in which matter and mind, subject and object, good and evil, are one. God is the system of relationships in which all things move and have their being and their significance.[55]

Marxist Thought: From the Hegelian thought of dialectics briefly exposed above, Marx derives the idea of dialectical materialism. But, while Hegel applies

this process to the unfolding of the Absolute Spirit or Geist in the experience of life, Marx applies it to describe the interplay of economic relations between what he calls the 'bourgeoisie' and the 'proletariat'.[56] The former is the owners of capital and the latter is the working class.

As a prelude to his critical thesis on liberal capitalism, Marx contends that the economic system is the foundation on which socio-political, religious and other institutions are erected.[57] After this submission, the next step for Marx is to study the operation of the economic system of modern capitalist society. With this study, Marx wants to achieve two objectives. First, he wants to expose the ills of liberal capitalism in order to make it unpopular and, thus, substitute it with his postulated socialism, which would eventually lead to communism. Second, since Marx has argued that all other institutions in society are founded on the economic system and since the capitalist economic system has been dismissed through criticism, it logically follows that its other correlate, political liberalism, also stands dismissed.

According to Marx, when feudalism was overthrown and *free* capitalist society appeared in the world, it at once became apparent that this freedom meant a new system of oppression and exploitation of the working people.[58] Marx graphically explains how these oppression and exploitation occur. The wage-worker sells his labour power to the owner of land, factories and instruments of labour. The worker spends one part of the day covering the cost of maintaining

himself and his family (wages) while the other part of the day he works without remuneration, creating for the capitalist *surplus value*, the source of profit, the source of wealth of the capitalist class.[59] From the difference in the position and mode of life of the bourgeoisie and the proletariat given above, Marx believes that class struggle will occur. According to Marx, this class struggle is not a phenomenon of the capitalist society alone; it is a defining characteristic of all societies, excepting the primitive community.[60]

As stated above, Marx holds that the class struggle caused by the exploitative nature of liberal capitalism leads to a general crisis, [61] the advantage of which is taken by the proletariat to rise to power. Giving a summary what follows the Marxian revolution of the proletariat, Robert V. Daniels states:

> Following the abolition of class differences by the proletarian revolution, the state – existing primarily to enforce the exploitation of the property less class-could begin to wither away. Society would gradually evolve through the "first phase of communism" in which people still would be paid for their work, into the "final phase of communism", in which the state would disappear, national differences would subside, and the entire system of monetary rewards and inequalities would varnish. Then…society can inscribe upon its banners "from each according to his ability, to each according to his needs."[62]

As stated much earlier, it is the foregoing critical analysis of liberal capitalism by Marx that he hopes to employ to dismiss and supplant the system.

And, just as their ideological progenitors, the major proponents of socialism (which is a prelude to communism), during the Cold War era, appealed to the Marxian analysis to discredit the whole gamut of liberal philosophy. The central objective was to gain popularity and finally replace the latter with communist thinking.

Theoretically laudable as the Marxian project is, the point is that it has some fundamental weaknesses, which must be highlighted before any other thing.

According to Lorwin, the communist doctrine is theoretically and practically untenable:

(1) Earlier Marxian predictions as to capitalist development were not borne out by experience and later Leninist and Stalinist analyses of "finance capitalism" and World political developments have repeatedly been proved faulty.

(2) The communist doctrine of class war ignores group co-operation and peaceful change.

(3) The "dictatorship of the proletariat" in practice means the rule by force of the communist party and its leaders, which destroys individual freedom and true representative government.

(4) The idea of "world revolution" is an apocalyptic myth subservient to the imperial aims of the major communist powers and inimical to peace.

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(5) The Soviet Union itself shows trends towards group inequalities and social stratifications as well as towards increasing centralisation of political power, which contradict Russia's claims to their progress towards, and the possibility of, an ideally envisaged communist society.[63]

Apart from the afore-stated critique by Lorwin, yet another fundamental weakness of communism derives from the idea and critique of ideology by the major proponents of communism, Marx and Engels. According to Acton, Marx and Engels regarded ideologies as systems of misleading or illusory ideas.[62] Nevertheless, they believed that there is a system of ideas (the representation of the practical process of development) about man, his religions and his societies which is not illusory, which is not ideology. This system of ideas is the positive science of man and society, a science based on observation of men as they really are in their day-to-day concerns.[65] And, it is from this scientific foundation that Marxian views develop. In other words, people are only free from illusions when their pronouncements on matters of morality, arts, law, and politics are consciously related to the scientifically ascertainable realities which they reflect.[66]

Responding to the Marxian critique of ideology, we can make two critical points. First, it is untrue that communism is not an ideology. In the simplest sense, if ideology is taken to mean a body or an assemblage of views and values which configure the thinking and action of individuals that generate them, in their

relationship with the other, then communism is also an ideology. At least, communism embodies some social values, such as common ownership of property, which encourages social equality and the subservience of national differences to common social identity, which prevents social schism, to mention a few of its values.

Second, if scientific ascertainability is to be used as a criterion for distinguishing illusion from reality, then communism itself is illusion. Presently, nobody can reasonably claim that all the postulates of communism are scientifically ascertainable realities. For example, it is not presently observable whether or not human beings would futuristically develop or evolve to such an advanced state in which they would dispense with the services of the state altogether, and whatever is not observable is not scientifically ascertainable. Therefore, Marx should not make an unwarranted transition from the premise of his scientifically provable analysis of liberal capitalism to the conclusion of his scientifically un-provable postulates of communism, since the latter does not logically follow from the former: the former may be true while the latter may be false.

The critique above, however, does not conclude that communism, as a social and political ideal, has no merit at all. Perhaps, its merit lies in the fact that it is an attempt to forge a human society in which substantive equality and social justice obtain, the social values that lead to common human development.

Before ending this section and keeping focus on all the foregoing, it is apposite to briefly compare the theoretical bases of the two philosophies that defined the binary nature of the global order of the Cold War era.

Liberalism, as a philosophy, derives in part from the reading of the nature of man in the pre-social life, by Western philosophers, such as Thomas Hobbes, John Locke and J.J. Rouseau. These philosophers argue extensively that men essentially are equal and free agents that pursue their desires in an equally free manner in their pre-social life. Now, when a civilised society develops, this essential nature of man ought not to be eroded unduly by any given authority in society, if men are to be truly treated as men. On the contrary, communism is theoretically underpinned by the logic of common 'belongingness.' According to this reasoning, individual pursuance of self interest leads to personal acquisition, which brings about social inequality and, in turn, causes human alienation from one another. However, when property in society is owned in common, the spirit of individualism, which causes human alienation from one another is demoted while what we could call common belongingness, which leads to more social cooperation, is promoted.

1.3 From Regional to Global Thinking of Order: Examining Kantian Republican Internationalism

A critical examination of this study so far shows that emphasis has been placed on the construction of a socio-political order from a domestic or, in a sense, national and later to a regional perspective. It all started from the social contractarians' explanations for the emergence of an ordered civil society and moved to the regional perspective of order, being canvassed by *The Peace Treaty of Westphalia* of 1648, and later reinforced by the Metternich System of the post-Napoleonic era in Europe.

Even the Cold War era of the post World War II, which was dominated by liberalism and communism, still maintained a somewhat regional outlook, since the former served the interests of the Western Bloc, while the latter represented those of the Eastern Bloc. Therefore, in strict terms, neither of them was truly global. However, there was a marked shift from regional to global thinking of order, as from the end of the Cold War era. Two scholars, Francis Fukuyama, and Charles Krauthammer, [67] among others, played a leading role towards this conception.

According to Fukuyama, the end of Cold War marks liberal triumphalism and the beginning of the universalisation of the values associated with "liberal democracy" and "economic liberalism."[68] For Fukuyama, the desire for universal and equal recognition, which is fundamental to the social *being* of all men,

underpins democracy.[69] And, it is liberal philosophy that truly guarantees this basic value.[70] This being the case, there is much value, according to Fukuyama, in the universalisation of the political philosophy of liberalism. In support of the position above, Krauthammer also contends that:

> The most striking feature of the post-cold war world is its unipolarity…There is but one first-rate power and no prospect in the immediate future of any power to rival it…American pre-eminence is based on the fact it is the only country with the military, diplomatic, political, and economic assets to be a decisive player in any conflict in whatever part of the world it chooses to involve itself.[71]

The implicit logic in Krauthammer's reading of the post cold war situation is that America's liberal philosophy is also the only philosophy that ought to define the post cold war era. This is made clear when one brings to mind the saying of Karl Marx that, "the ideology of the dominant class is the dominant ideology in society'[72]

Historically, the call for liberal universalism of the scholars above had a precursor in what we would regard here, but which would be explained below, as Immanuel Kant's republican internationalism. It was Kant's internationalist philosophy which laid the philosophical foundation of what it would look like to have the ideals of political liberalism internationalised first, and ultimately universalised. There should be some clarification in respect of the foregoing assertion. The point is that, in the initial instance, republicanism and liberalism

have a lot in common. The second point is that Kant's moral and political philosophy has much in support of liberal ideals, such as respect for the individual. Thus, liberal undertones could not be divorced from what we have regarded as Kant's republican internationalism

In his popular work, *Toward Perpetual Peace*, [73] Kant espouses the utility and virtue of peace to men both at the national level and at the international level. Presenting a summary of Kant's claims for the utility and virtue of peace to men generally, Pauline Kleingeld contends that as long as states have to use large amounts of their resources for protection against threats by others, they cannot use these resources for, say, improving the education of their citizens.[74] Moreover, war and the threat of war tend to curtail the external freedom of the citizens and distract efforts to improve the political system within the state.[75] Thus, it is in the self-interest of people to pursue peace. Furthermore, Kant claims that lawlessness is not the manner in which everyone ought to seek his rights.[76] Therefore, there is a moral duty to pursue and promote peace.

To ensure this desired state of perpetual peace, at the domestic and international levels, Kant proposes what we would call a three-stage programme. In the first stage, the civil constitution of every state shall be republican. According to Kant, the *republican* constitution is the only kind of constitution that follows from the idea of an original contract, upon which all laws legislated by a people must be based, and is therefore, as concerns right, itself the one on which

all the civil constitutions are originally based.[77] Moreover, the republican constitution also offers the prospect for the desired consequence of perpetual peace,[78] since it requires the citizens to decide whether or not to go to war, and the people would decide not to toe this line because they are sure to bear the burdens.

In the second stage, the internationalist stage, Kant proposes that just as individual human beings relinquish their lawless freedom to accustom themselves to public binding laws, so also states should emerge from their lawless condition to form what he calls *a perpetual congress of states*, a congress which any neighbouring country reserves the right to join.[79] Kant explains the nature of the association thus:

> By *congress* I mean here only a voluntary assembly of various states that can be *dissolved* at any time and not an organisation which (as that of the American states) is based on a state constitution and is thus indissoluble- Only through such a congress can the idea of a public right of peoples be realized that should be established in order to decide their disputes in a civil manner, through legal proceedings, as it were, and not in a barbaric manner(in the manner of savages), that is, through war.[80]

According to Kant, what he calls state of peoples (*civitas gentium*) might have been better than the congress of states, but states leaving the international state of nature might not want the former because it may require some coercion to make them join, and their joining means the curtailment of their right to

sovereignty and their internal political autonomy, since they would be made subject to common public law.[81]

The third stage of Kant's three-stage internationalist programme for perpetual peace entails a new interpretation and understanding of international right. In the natural conditions of relations among states, the *right to wage war* is the allowed manner for a state to pursue its right vis-à-vis another state.[82] However, in the envisaged condition of perpetual peace, there should be some rules, which are to regulate the relations of states. The rules are grouped under three headings: right in war, right after war, and right of peace.

Right in War

No war between independent states can be a punitive war (*bellum punitivum).* For punishment takes place only in the relation between commander (*imperantis)* and subject (*subdictum*), which is not the relation of states with regard to one another. But neither a war of eradication (*bellum internecium*) nor a war of subjugation (*bellum subjugatorium*) is allowed, which would be the moral extermination of a state (its people would either be merged with that of the conqueror into a mass or be forfeited to servitude).[83]

The state on which war is waged is permitted to employ all means of defense, except for those the use of which would make the subjects of that state unable to be citizens, [84] and thus render them incapable of being properly regarded as moral agents deserving of equal respect with other moral agents.

It is allowed in war to demand exactions and contributions from the defeated enemy, but one may not plunder the people, that is, take forcibly from the individual what is their own (for that would be robbery, since it was not the defeated people, but rather the state that rules the people, which waged war through the people).[85]

Right after War

The victor cannot put it to the defeated party that the latter should reimburse it for the cost of the war, since it would either otherwise have to assert that the war of his opponent was unjust, [86] and thus make the war a punitive war, a claim that falls contrary to one of the principles of right in war. Part of right after war is the exchange of (without payment of ransom) of prisoners of war without regard to equality in the numbers exchanged.[87]

The defeated state, or its subjects, do not lose their freedom as citizens through conquest of their country; the state does not become a colony, and its subjects are not degraded to the state of serfs, for otherwise the war would have been a punitive war, which contradicts itself.[88]

Right of Peace

This includes the following: (1) the right to stay at peace when there is war nearby, or the right to *neutrality*; (2) the right to have the duration of the concluded peace ensured, that is, the *guarantee* of peace; and (3) the right to mutual *alliance* (a confederation) between several states, which is the right to a

common *defense* against any external or internal attacks, not an alliance for attack or internal expansion.[89]

1.3.1 The Liberal Undertones of Kant's *Towards Perpetual Peace*

At this point, it is apposite to further explain what we earlier noted as the nexus between Kant's republican internationalism and liberalism. In the first instance, the starting-point for the first stage of Kant's three-stage programme for his perpetual peace is contractarian. This accords with the starting-point of paradigmatic liberals, such as John Locke[90] and even mitigated liberals, such as Thomas Hobbes.[91]

In his third stage, Kant argues that no state should conquer the other such that the citizens of the latter are reduced to serfs, minding that the freedom of a conquered people is normally taken away by the people who have conquered them. This is consistent with liberalism-induced Lockean negative conception of the freedom of the individual, that is, freedom from undue interference.

The congress of states is also steeped in liberal values- the association is freely decided upon by the consisting members, not a construction imposed upon them without their consent. This thinking accords with the Millian contention that the only government that can rule over the individual, considering his liberty, is the one he has given his consent.[92]

Kant claims that states are moral persons, which are equal to one another. This thinking is still in line with the liberal view of equality of all men in their

pre-social life, a thinking that has been reproduced in the liberal conception of modern civil society.

In any Kantian state, being a republic, the citizens are co-legislators with their leaders. This re-inforces the liberal bent of Kant's philosophy that apart from being contractarian partners with their leaders in the establishment of the civil union, the common citizens are also consenting members in the policy decisions of the civil union.

Kant's tacit support for the present-day economic globalisation or liberal capitalism amply shows when he advocates some sort of free trading among republican states to tighten the cord of friendship among them, and thus build perpetual peace among them. According to Kant, the 'spirits' of commerce and republicanism motivate men towards peaceful co-existence. The explanation is that commerce generates networks of mutual self-interest, which go against wars and preparations for wars. Moreover, the operation of republicanism depends on the consent of the citizens, who would be wary to decide in favour of war and who would also support other republican states as theirs.[93]

1.4   Conclusion

This chapter has examined the metaphysical background of the concept of order, before focusing on its socio-political conception. The clarification of the concept of global order in this study has proceeded from the latter perspective. Furthermore, this chapter has discussed the relationship between socio-political

orders and their underpinning philosophy. Lastly, we have also seen in this chapter how the thinking about socio-political order moves from the national to the regional level and ultimately points towards the global direction, through the philosophy of Immanuel Kant. In the next chapter, we shall examine the origins of liberal philosophy and also argue that political liberalism is the dominant strand in the liberal philosophy and that other strands derive from it.

Endnotes

1. See Coplestone, F. 1962. *A history of philosophy*, 36.

2. See Coplestone, F. *A history of philosophy,* 38-40; 40-42, and 42-44.

3. Yarza, I. 1993. *History of ancient philosophy*, 23.

4. Blackburn, S. 2005. *Oxford dictionary of philosophy*, 164.

5. Perhaps of all the theorists, it was Thomas Hobbes who painted a nasty idea of the pre-social life of man as being of 'perpetual conflict of one against all, and all against one.' See C.B. Macpherson Ed. 1968. *Leviathan*. Harmondsworth: Penguin. For a summary of Hobbes' *Leviathan*, see Wolff, J. 1996. *An introduction to political philosophy.* Oxford: Oxford University Press, 8-18.See also 18-26; 26-32, for good summaries of the political philosophies of John Locke and J.J. Rousseau of the same work by Wolff. For the idea that institution of order in society is derivative from the conception of pre-social life, see Sambo, A. 1999. Mass media, democratisation and the new world order. In L.U. Uche Ed. *Mass communication, democracy and civil society in Africa: international perspectives.* Lagos: Nigerian National Commission for UNESCO, Federal Ministry of Education, 147. The article runs from pages 145-160.

6. Sambo. Mass media, democratisation and the new world order. This has

been slightly modified for brevity

7. Mish, F.C. Ed. 1984. *Webster's ninth new collegiate dictionary*,

    521 & 1360.

8. This is found in Reading, H.F. 1976. *A Dictionary of the sciences.*

    London: Routledge and Kegan Paul.

9. Pellerin, H. Global re-structuring and international migration:

    consequences for the globalisation of politics. E. Kofman and G.

    Youngs Eds. 1996. *Globalisation theory and practices*, 83.

10. Singer, G.M. 2000. Philosophy. *The world book encyclopaedia*,

    383.

11. Schacht, R. 1997. Philosophy. *The encyclopaedia Americana,*

    925.

12. See Gross, L. 1948. The peace of Westphalia, 1648-1948. *The American

    Journal of International Law* 42.1: 20-41, at 20.

13. Gross. 1948. The peace of westphalia.

14. Sambo. Mass media, democratisation and the new world order, 149.

15. French Revolution. 2005. *Wikipedia*, par.1 Retrieved 7 July, from

    http//en.wikipedia.org/wiki/French_revolution.

16. Sambo. Mass media, democratisation and the new world order, 148-

    149.

17. Sambo. Mass media, democratisation and the new world order, 148

149.

18. Sambo. Mass media, democratisation and the new world order, 149.

19. See Parker, G. Globalisation and world orders. E. Kofman, and

    G. Youngs. Eds. 1996. *Globalisation: theory and practice*,
    p. 75. Parker defines 'Scheme' (reality) as a 'natural' state
    of affairs and as such, it could be violent, destructive and
    wasteful. According to him, 'Order' implies the
    overcoming of nature by the human will (p.74).

20. The European community then was dominated by the constellation of its

    major units, the so-called Great Powers of which there were
    just five, Great Britain or the United Kingdom, France,
    Austria, Russia and Prussia. (Rene Albrecht-Carrie. 1958.
    Diplomatic history of Europe since the congress of Vienna.
    London; Methuene and Company Ltd., 1958, 21).

21. Parker. Globalisation and world orders, 75.

22. Sambo. Mass media, democratisation and the new world order, 149

    150.

23. Other notable works of Filmer are – R. Filmer. 1652. Observations

    concerning the original of government upon Mr. Hobbes
    Leviathan, http://www.mdx.ac.uk/www/study/xFil.htm and
    R. Filmer. 1648. *The anarchy of a limited and mixed*

monarchy. This was an attack upon a treatise on monarchy by Philip Huston (1604-1682)

24. The claims of natural liberty and equality of men were made by Thomas Hobbes in his work, *Leviathan*, quoted above.

25. Cardinal Bellermine's argument is reproduced by Filmer in his *Patriacha* or *The natural power of kings* (Chapter 1). Retrieved 6 July 2006 from http://www.constitution.org/eng/patriarcha.htm

26. Filmer. Patriarcha. Par. 14

27. Patriarcha. Par. 10.

28. Patriarcha. Par. 15.

29. Patriarcha.

30. Roberts, A. 2006. *Extracts from Filmer. 1652*. *Observations concerning the original of government upon Mr. Hobbes' Leviathan*, par.1.Retrieved 13 May 2006 from http://www.mdx.ac.uk/www/study/xFil.htm.

31. Filmer, R. *Wikipedia Online*, par. 2. Retrieved 13 May 2006 from http://en.wikipedia.org/wiki/Roberts_Filmer

32. Mill, J.S. is quoted here by Okin, S. Justice and gender. James P. Sterba Ed. 1997. *Morality in practice*, 191

33. Harris, I. 1996. Locke's political philosophy. *Routledge history of*

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philosophy, vol. V. *British Philosophy and the Age of Enlightenment*, Stuart Brown. Ed., 99. For a detailed account of Locke's critique of Filmer's position, see James Tully. 1984. Locke on liberty. *Conceptions of liberty in political philosophy.* Z. Pelczynski and J Gray. Eds. London: Anthlone Press, 57-82.

34. Locke, J. 1967. *Two treatises of government,* 326

35. See Sambo. Mass media, democratisation and the new world order, 150 (This has been slightly modified by the researcher).

36. The other notable members of the allies during the Second World War were Britain and France.

37. The prominent members of this coalition were Germany, Italy and Japan

38. Parker, G. Globalisation and world orders, 74.

39. Waldron, J. 1998. Liberalism. *Routledge encyclopaedia of philosophy*, 600.

40. McCloskey, H.J. 1974. Liberalism. *Philosophy: The Journal of the Royal Institute of Philosophy.* 49. 13.

41. McCloskey. 1974. Liberalism.

42. Maurice Cranston. 1967. Liberalism. *The encyclopaedia of philosophy,* 459.

43. Mill is quoted in Many Warnock. Ed. 1962. *Utilitarianism and other*

                writings, 135.

44. Ritzer, G. 1996. *Sociological theory,* 49.

45. Capitalism, 'economic liberalism' or the 'free enterprise system',

        according to Roy C. Macridis, is the economic core of

        liberal philosophy. It is all about economic and property

        rights. See R.C. Macridis. 1989. *Contemporary political*

        ideologies: movements and regimes, 23.

46. Ritzer, G. *Sociological theory,* 49.

47. Ritzer, G. *Sociological theory.*

48. Lorwin, L.L. 1997. Communism. *The encyclopaedia Americana*, 435.

49. Kyung-Won-Kim.1992. Marx,Schumpeter,and the East Asian Experience.

        Journal of Democracy, vol. 3.3, 17.

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        Experience.

51. Durant, W. *The story of philosophy: the lives and opinions*

        of the greater philosophers, 295.

52. Durant, W. *The story of philosophy: the lives and opinions of the*

        greater philosophers.

53. Durant, W. *The story of philosophy: the lives and opinions of the*

        greater philosophers, 295-296.

54. Durant, W. *The story of philosophy: the lives and opinions of the*

greater philosophers, 296.

55. Will Durant. *The story of philosophy: the lives and opinions of the*

greater philosophers.

56. The two terms are also derived from the Hegelian metaphor of 'master and
servant'. The foregoing Hegelian metaphor has been
interpreted as 'Master and Slave' by some scholars. For
example, see Chukuwuelobe, M.C. 1999. Master-slave
dialectics: between Hegel and Marx. *West African Journal
of Philosophical Studies*, 74-91.

57. See Mark, K. and Engels, F. 1959. *The three sources and three*
Component parts of marxism. Moscow: Progress
Publishers, 9 (This is the English edition of V.I. Lenin's
Collected Works prepared by the same publishers).

58. Marx and Engels. The three sources and three component parts of
marxism, 11.

59. Marx and Engels. The three sources and three component parts of
marxism, 10. Emphasis in the original.

60. Marx and Engels. The three sources and three component parts of
marxism, 25-26. This has been summarised as it appears
here.

61. This is aptly called revolution by Marx.

62. Daniels, R.V. 1997. Marxism. *The encyclopaedia Americana,* 390.

63. Lorwin. Communism, 439.

64. Acton, H.B. 1973. Ideology. *Karl Marx*, 115.

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66. Acton. Ideology, 118.

67. See Fukuyama, F. 1992a. T*he end of history and the last man*;

   Krauthammer, C. 1992. The Unipolar Moment. Graham
   Allison and Gregory F. Treverton Eds. *Rethinking
   America's security: beyond cold war to new world order*,
   295-306.

68. Fukuyama. *The end of history and the last man,* 48.

69. Fukuyama. *The end of history and the last man.* See, especially, 143-
   208.

70. See Fukuyama, F. 1992b. Capitalism and democracy: the missing
   link. *Journal of Democracy*   3. 3: 100-110, at 106.

71. Krauthammer. The Unipolar Moment, 296, 297.

72. Karl Marx is quoted in Uroh, C. Ed. 1998. *Africa and the challenges of
   development: essays by Samir Amin,* 86.

73. See Kant, I. 2006. *Toward perpetual peace and other writings*

on politics, peace and history. Pauline Kleingeld. Ed. and Intro. David L. Colclasure. Trans. New Haven and London: Yale University Press.

74. Kleingeld, P. 2004. Approaching perpetual peace: Kant's defence of a league of states and his idea of a world federation. *European Journal of Philosophy*. 12. 3: 304-325, at 316 .

75. Kleingeld. 2004. Approaching perpetual peace: Kant's defence of a league of states and his idea of a world federation

76. Kant. Metaphysics of morals, 148.

77. Kant. Toward perpetual peace, 74-75. Emphasis in the original.

78. Kant. Toward perpetual peace, 75.

79. Kant. metaphysics of morals, 145.

80. Kant. Metaphysics of morals, 146. Emphasis in the original.

81. See Kleingeld. Approaching perpetual peace..., .309.

82. Perhaps, it was Kant's idea of permanent congress of states, which influenced the establishment of the League of Nations. The covenant of the League was adopted by the Paris Peace Conference on April 28, 1920, with 42 members.

83. Kant. Metaphysics of morals, 141.

84. Kant. Metaphysics of morals, 142.

85. Kant. Metaphysics of morals,142-143

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86. Kant. Metaphysics of morals,. 143.

87. Kant. Metaphysics of morals

88. Kant. Metaphysics of morals

89. Kant. Metaphysics of morals,144.

90. See Locke's *Second treatise*, above.

91. See also Hobbes's *Leviathan*, above.

92. Compare this with J.S. Mill's view on liberty, quoted in Wolf, J's work cited above (p. 115).

93. See Kant. 1970. *Kant's Political writings*, 100 & 114.

CHAPTER TWO

THE PHILOSOPHY OF POLITICAL LIBERALISM: ORIGINS AND JUSTIFICATION

2.0   Introduction

Having examined the ontology of order, and subsequently deriving the concept of the global order from it, in the last chapter, this present chapter will make an attempt to look into the origins of liberal philosophy,[1] examine the three cores and later argue that political liberalism is the central strand in the philosophy of liberalism. Philosophical justifications for political liberalism would also be discussed.

2.1   The Origins of Liberal Philosophy

Etymologically, the word 'liberal' derives from the Latin *liber* meaning 'free'…[2] Perhaps, this explains why all liberals present themselves as friends of freedom. The editors of the Spanish Constitution which was drafted in 1812 in Cadiz, may have been the first set of people to use the word *liberal* in a political sense as a noun. They named themselves the *Liberales,* to state that they opposed the absolutist power of the Spanish monarchy.[3] In its original political meaning, the term "liberal" refers to a political philosophy founded on the principles of the Enlightenment and to a lesser extent the idealist parts of the Romantic, that try to circumscribe the limits of political power and to define and support individual rights.[4]

Liberals generally take liberalism as embracing a tradition rooted in the Enlightenment, the American War of Independence, the more moderate bourgeois elements of the French Revolution and the European Revolutions of 1848, with philosophical roots going back to the Renaissance traditions of empiricism (Sir Francis Bacon), humanism (Erasmus) and pragmatism (Niccolo Machiavelli).[5] In the light of the foregoing, the contributions of the Enlightenment and the Renaissance to the development of liberalism are worthy of further consideration.

2.1.1 The Enlightenment Period: Right from the outset, it is noteworthy that historians have challenged the extent to which, as had previously been supposed, the Enlightenment can be represented as a single European cultural phenomenon.[6] However, it is convenient, customary and defensible to fix 1688 – the year of the Whig revolution – as a starting date. Before this period, books had been subjected to censorship and religious diversity had been discouraged.[7] However, the Enlightenment period brought about a decline in the tendency towards restriction of free expression of ideas. To mark the commencement of the era, Spinoza's *Tractatus Theologico Politics* which argued the case for freedom of expression in religious matters, appeared for the first time in English tradition in 1689.[8]

There were some notable philosophers whose views mainly influenced the Enlightenment period in England. Herbert of Cherbury (1582/3-1648) and the Cambridge Platonists belonged to this tradition.

According to Sarah Hutton, Lord Herbert's basic philosophical thinking is exposed in his treatise *De Veritate (*1624) and his work of religious philosophy, *De Religione Laici* (1645).[9] The former work is a blend of stoic, Neo-platonic and Aristotelian elements founded on the Renaissance micro-cosmic/macro-cosmic analogy between man and nature: everything knowable in the world has its corresponding faculty in the mind. Nothing can be known except through these faculties. True knowledge consists in conformity between the faculties of the mind and the objects of knowledge.[10] In the words of Lord Herbert, 'Truth is a harmony between objects and their faculties'[11]

According to Hutton, Lord Herbert builds upon his epistemological thesis in his work on religion, *De Veritate, De Religione Gentilium.* For Hutton, Herbert contends that all religions have some fundamental beliefs in common. These are that there is a god, that god is to be worshipped, that virtue and piety are the chief parts of worship, that we should repent of our sins and that the afterlife brings reward or punishment. Therefore, it is obvious that the essentials of religion may be arrived at by reason without the need for revelation.[12] From the foregoing philosophical theses of Lord Herbert, we can see that the mind and reason of man are elevated to almost an unassailable level in the process of knowing. Thus, man seems to be in no need of any authority outside himself in order to know and decide for himself. This idea of epistemological autonomy of man is also somewhat replicated in the theses of the Cambridge Platonists.

2.1.2 The Cambridge Platonists: These were philosophical minds that were educated at the University of Cambridge in the first half of the seventeenth century. The most prominent of this group were Henry More (1614-1687) and Ralph Cudworth (1617-1688). Others were Nathaniel Culverwell (1619-1651), John Smith (1618-1652), Peter Sterry (1613-1672), and Benjamin Whichcofe (1609-1683), among others.[13] The central claims of these philosophers revolved around the emphatic role of reason in religion and on the freedom of the will. This was in contrast with the prevailing Calvinist predestination Orthodoxy of the first half of the century. Furthermore, their position suggested that they were imbued with Erasmian humanism, since they took reason as a safeguard against the excesses of the fanaticism of self-proclaimed prophets or 'enthusiasts' as such 'private spirits' were then known.[14] However, as critical as they were of giving any priority to clerical authority, the Cambridge Platonists still maintained some measure of regard for the role of faith. In fact, they were careful to acknowledge the limitations of reason in fallen human nature; they never elevated reason above faith. Rather, they somewhat affirmed their complementarity. Reason is the pre-condition of faith (faith without reason is blind), it is also illuminated by faith. To them, right reason is affected reason, directed by love towards God.[15]

In summary, it can be reasonably argued from the above that the Enlightenment characterises the efforts by certain European writers to use critical

reason to free minds from prejudices, the un-examined authority and oppression by Church or State.[16]

Apart from the British Enlightenment, it is worthy of note that there were also the French Enlightenment,[17] the German Enlightenment,[18] and the Scottish Enlightenment.[19] However, all these different groups of Enlightenment scholars were all bound together by their critical and sceptical outlook towards un-examined traditionally established authority. It is also needless to argue before affirming that the two momentous revolutions in the late 18th century, the American Revolutionary War (1773-1783) and the French Revolution (1789-1791) were practically a radical dimension to the writings and proposals of the Enlightenment thinkers, such as John Locke, Jean-Jacques Rousseau, and Baron de Montesquieu, etc. The two revolutions were essentially a radical move to practicalise the idea that human beings could structure their own affairs through autonomy and the power of reason.

Apart from the epistemological and political significance of the autonomy of men represented in the works of Enlightenment thinkers, one last point to note is that the economic life of men also fell within the scope of thinking of these scholars. The Scotsman, Adam Smith (1723-1790) expanded the theory that individuals could structure both moral and economic life without direction from the purposes of the State, and indeed, that the nations which would be the strongest would be those that left individuals free to follow their own initiative.

He advocated the end of feudal and mercantile regulations, state granted monopolies and patents. Thus, he is seen as the promulgator of a principle of *laissez-faire* – minimal government intervention in the functioning of the free market.[20] In the thinking of Adam Smith, the free market operates on the notion of self-interest of men. He explains thus:

> It is not from benevolence of the butcher, the brewer, or the baker that we expect our dinner, but from their regard to their own interest. We address ourselves, not to their humanity but to their self-love, and never talk to them of our own necessities but of their advantages.[21]

It must be noted that the notion of the self-interest of men, as espoused by Adam Smith above, is rooted in the earlier Hobbesian conception of the nature of men in the state of nature.

2.1.3 The Renaissance Period: The term 'Renaissance' literally means 'rebirth'. It was first employed in 1853 by the French historian Jules Michelet (1798-1874) to refer to the 'discovery of the world of men' in the 16th century.[22] In his classic, *The Civilsation of the Renaissance in Italy* (1860), a Swiss historian, Jacob Burckhardt, defined the Renaissance as the period between Giotto and Michel angelo and characterised the epoch as nothing less than the birth of modern humanity and consciousness after a long period of decay.[23] The above conception notwithstanding, what could be taken as the Renaissance period itself dates back to centuries earlier.

Just as it occurred early in the discussion of the term 'Enlightenment Period,' the very notion of the Renaissance is taken to be a myth.[24] However, some scholars at least have argued that there existed in Western Europe, between roughly 1350 and the first decades of the seventeenth century,[25] a cultural movement which may usefully be called 'the Renaissance' and that a philosophy or group of philosophies formed a part of this movement.[26] Therefore, it is clear that the Renaissance Period was the precursor of the Enlightenment Period earlier examined. In fact, empirical evidence shows that the scholars of the Enlightenment derived their intellectual awakening from those of the Renaissance.

One veritable aspect of Renaissance is humanism. According to Luik, 'humanism' refers to a series of inter-related concepts about the nature, defining characteristics, powers, education, and values of human persons. In another sense, humanism is understood more as a method and a series of loosely connected questions about the nature and character of human persons.[27]

From the fourteenth century to the end of the nineteenth century, humanism meant among others:

1)   a commitment to the perceptive interests and centrality of human persons;

2)   a belief in reason and autonomy as foundational aspects of human existence;

3)   a belief that reason, scepticism and the scientific method are the only appropriate instruments for discovering truth and structuring the human community;

4)   a belief that the foundations for ethics and society are to be found in autonomy and moral equality.[28]

One of the central figures in Christian humanism was undoubtedly the great Dutch scholar, Desiderius Erasmus (1466-1536). He was a pioneer in applying the critical method of the humanists to the text of the Bible as well as advocating its translation to the languages of the people. Like Martin Luther (1483-1546), Erasmus was hostile to scholasticism. However, they differed in some respect. On the account of freewill, while Martin Luther argued that men were not able to achieve salvation on their own accord, Erasmus contended to the contrary that the availability of divine grace and human freedom gave men the opportunity to either accept or reject it (salvation),[29] thereby subjecting salvation to the will of man. Just as other Renaissance scholars, Erasmus outstanding trait was a resolute faith in reason.[30]

Yet another thorough-paced humanist was the German philosopher, Henrich Cornelius Agrippa Von Nettesheim (1486-1535). This philosopher was iconoclastic in his philosophical work, *Of the Vanities and Uncertainties of Arts and Sciences*.[31] In the preface to the work, which he wrote for the reader, Agrippa vehemently denounces any restraint to, perhaps, intellectual freedom (and,

possibly, other forms of freedom) when he states: 'how impious a piece of tyranny it is, to capture the minds of students for prefixed authors, and to deprive them of the liberty of searching after and following the truth…[32] and, thereby, foreclosing the development of their epistemological autonomy.

From what has been stated so far of the Renaissance Period, we can readily see that the scholarship of the period was centrally focused on the promotion of reason, autonomy and the concept of equality as they relate to man. Its aim was to free man from all forms of traditionally established authoritarian restraint in the conduct of his affairs. Therefore, one could state that the Renaissance and the Enlightenment formed the epistemological, metaphysical, economic and political foundations of the modern-day liberal philosophy.

2.2 MODERN LIBERAL PHILOSOPHY AND THE CONCEPT OF POLITICAL LIBERALISM

At its present stage of development in the modern world, liberalism consists of three cores. One is moral; the second is political, and the third is economic.[33]

(a) **The Moral Core:** According to Macridis, the moral core of liberal philosophy is derived from the conception of man as a being with innate qualities and potentialities which command the highest respect.[34] This conception of man is historically philosophical. In the philosophy of the Stoics, for instance, there was the notion that God is in everything.[35] For them, just as the world is a material order permeated by the fiery substance called reason or God, so also a

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person is a material being who is permeated by this very same fiery substance.[36] They believed that since God is the Logos, or reason, the soul of man is also rooted in reason and, consequently, human personality finds its unique expression in its rationality.[37] The train of thoughts goes further that since man is the only bearer of the divine spark, then he has some inherent worth, the inherent worth that places him above other existential entities.[38] In other words, it is this uniquely inherent moral worth that ought to be respected in the way man is treated. It must be noted that this idea of unique moral worth of man brings about the anthropocentric injunction of respect for persons, which is espoused in Kantianism.[39]

According to Macridis, central to, and consistent with, the respect for the notion of moral and rational nature of man are some specific forms of liberty: personal liberty, civil liberty and social liberty. Personal liberty, in the words of the scholar, consists of all those rights guaranteeing the individual protection against government. It is the requirement that men and women live under a known law with known procedures.[40] The thinking is that it is only when man is free from dictatorial laws and obnoxious procedures that he can fully realise the development of his unique nature and his social *being*.

Civil liberties, unlike personal liberties which generally define a set of protections, indicate the free and positive channels and areas of human activity and participation.[41]

Social liberty corresponds to what we refer to today as opportunities for advancement or social mobility. It is the right of all individuals, irrespective of race and creed and irrespective of the position of their parents, to be given every opportunity to attain a position in society commensurate with their capabilities.[42]

(b) The Economic Core: The economic core of liberalism has to do with economic and property rights. It pertains to the rights and freedoms of individuals to produce and to consume, to enter into contractual relations, to buy and sell through a market economy, to satisfy their wants in their own ways and to dispose of their own property and labour as they decide. Its cornerstones have been private property and a market economy that is free from State control and regulations.[43] In a simpler language, the economic core of liberalism empowers the 'economic man' to establish with, and engage in, economic activities with the other, not in a coercive but in a willing and contractual manner. And, the meeting point of all these economic activities is the open market, a freely competitive market in which any buyer or seller may trade and in which prices are determined by competition,[44] or the forces of demand and supply. This centrality of the open market system to the pursuance of the liberty of the individual has also been noted by another scholar, L. Robbins. According to him, a market order based on private property is seen as an *embodiment* of freedom.[45]

(C) **The Political Core**: According to Macridis, four basic principles make up the political core of liberalism: individual consent, representation and representative government, constitutionalism and popular sovereignty.[46]

    (i)   **Individual Consent**

The theory of individual consent is philosophically rooted in the thinking of the social contract theorists mentioned earlier in this study. According to Thomas Hobbes, in the first instance, the state of nature, the pre-social life, was a somewhat chaotic state where men were naturally free to do whatever they could to one another to achieve their individual survival. "To this warre of every man against every man…nothing can be Unjust. The notions of Right and Wrong, Justice and Injustice, have no place." [47] Hobbes calls the foregoing the 'Natural Rights of Liberty.' Consistent with the afore-mentioned is what Hobbes calls the 'Laws of Nature'. A natural law, said Hobbes, "is a precept of general rule, found out by reason, telling what to do and what not to do."[48] The first law states that 'Every man ought to endeavour Peace as far as he has hope of obtaining it; and when he cannot obtain it, that he may seek and use all helps and advantages of warre.'[49] The Second law states that "a man be willing, when others are so too, as far forth as for peace, and defence of himself he shall think it necessary to lay down his rights to all things and be contended with so much liberty against other men, as he would allow other men against himselfe."[50] Now, to avoid the anarchic pre-social life, men employed the laws deducible from reason and consented to

the formation of a civil society where individual desires can be pursued under a sovereign who instills law and order. In other words, it was the initial consent of the people which brought about the institution of the sovereign in a civil society.

In his own submission, John Locke lucidly developed the theory of individual consent. According to him, the state of nature, contrary to Hobbes, is not a state of ' war of all against all,' rather, it is a state in which:

> Everyone…is bound to preserve himself, and not to quit his station wilfully; so by the like reason when his own Preservation comes not in competition, ought he, as much as he can to preserve the rest of Mankind.[52]

In other words, what Locke is stating above is that no man ought to hurt the other, save for self-defence, in the state of nature, since there is The Law of Nature which prescribes such fellow-feeling among them. In addition to the above, Locke also forecloses the possibility of another source of conflict, scarcity of goods, which was a central issue of conflict in Hobbes' conception of the pre-social life. Locke argues that there is a natural abundance of land and freedom for everyone to cultivate for food, especially 'in the first Ages of the World, when men were more in danger to be lost, by wandering from their Company in the then vast wilderness of the Earth, than to be straitened for want of room to plant in'[52] But, if the state of nature is so beautifully construed by Locke, why is it abandoned by men for a civil society? Locke answers by stating that "the great and chief end of men's uniting into commonwealth, putting themselves under

government, is the preservation of their property"[53] And by property, Locke means people's "lives, liberty and estates".[54]

Drawing on the above, Locke explicitly takes people's consent as the basis of political authority and society. He states:

> I moreover affirm, That all men are naturally in (the state of nature), and remain so, till by their own consents, they make themselves members of some Politick Society; And I doubt not in the sequel of this Discourse, to make it very clear.[55.]

Thus, one could rightly state, on the Lockean account, that the government of a state could only exercise political power over the people if they have consented to its operation in the first instance. In the absence of their consent, any exercise of political power becomes illegitimate; hence, the derivation of the concept of legitimacy from the Lockean theory of individual consent.

(ii)   **Representation and Representative Government**

Just as the concept of legitimacy has been derived from the theory of individual consent, the principle of representation and representative government is also a function of the theory of individual consent. Logically speaking, if the institution of civil society, with its supreme sovereignty is an outcrop of the desire by the people in the state of nature to preserve their property, and one of the ways to ensure the preservation is to see to it that the will of the people is ably represented in the supreme sovereign, then the conclusion is that only a representative government could ensure the preservation of the primordial

property. J.S. Mill classically formulates and justifies the logic of representation thus:

> Participation should be as great as the general degree of improvement of the community will allow, and that nothing less can be ultimately desirable than the admission of all to a share in the sovereign power of the state. But since all cannot, in a community exceeding a single small town, participate personally in any but some very minor portions of the public business, it follows that the ideal type of a perfect government must be representative.[56]

Commenting on the submission of Mill above, we can readily see that it correlates with the Lockean theory of individual consent earlier examined, on one hand, and with justice on the other, The reasoning is that if a group of people jointly concede to the formation of an institution to regulate their social relations with one another, within a given system of rules and regulations, then they are justified and, in addition, just in choosing the sort of men among them to constitute the body so set up, and also have a say in the formulation of the rules and regulations of the body. Thus, the submission that the principle of representation and representative government is derived from the theory of individual consent is premised on two basic points:

(1.) It is only a representative government that can preserve the primordial property of man, taking property in the Lockean sense

(2.)   The principle of representation and representative government is consistent with justice even if the representatives so chosen eventually fail to achieve the above.

(iii)   **Constitutionalism**

If the whole principle of constitutionalism revolves around the notion of limited government, [57] then we can not but refer to the genius of John Locke again. The idea of a bounded or limited government runs through *The Second Treatise*, the second part of Locke's great work on political philosophy.[58] According to Ian Harris, quoting Locke directly, "No Body can transfer to another more power than he has in himself"[59] Still on Locke, he states:

> …and no Body has an absolute Arbitrary Power over himself or over any other, to destroy his own life, or take away the life or property of another. A man, as has been proved, cannot subject himself to the Arbitrary Power of another; and having in the State of Nature no Arbitrary Power over the life, liberty, or Possession of another, but only so much as the Law of Nature gave him for the preservation of himself, and the rest of Mankind; this is all he doth, or can give up to the Commonwealth.[60]

The logic of Locke's submission, applied to the idea of limited government, is that since nobody can transfer to another more power than he has, and since civil government, on the reading of Locke is a social contract, resulting from the consent of the people, then it rationally follows that the people can not transfer to civil government more power than they have. If they cannot transfer more power to civil government than they have, it also follows that civil

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government itself can not exercise more power than it derives from the consent of the people. In stronger terms, civil government ought to be somewhat curtailed so as not to exercise more power than it derives from the people.

But, how can the above be rationally achieved? According to Locke, those who execute or administer the laws in a civil society ought not to be the ones that make them, for "they may exempt themselves from obedience to the laws they make, and suit the law, both in its making and execution to their private advantage". The exercise is, therefore, "under the law"[61] Even the idea of absolute legislature is not tolerated by Locke. For him, legislative power is a *trust*. To this extent, "there remains still in the people a supreme power to remove or alter the legislature when they find the legislative act contrary to the trust reposed in them".[62] Thus, it is right to state that the theory of separation of powers is also deducible from the theory of individual consent espoused by John Locke.

(iv)   Popular Sovereignty

Without any qualification, the principle of popular sovereignty is traceable to the political thoughts of Jean Jacques Rousseau. This principle results from his concept of 'General Will.' Like his predecessor contractarians, Hobbes and Locke, Rousseau also finds the locus of political authority and power in the people. And, he also starts with the same premise: the state of nature. According to Rousseau, the state of nature was a pre-social condition of man in which he spent time:

wandering up and down the forests, without industry, without speech, and without home, an equal stranger to war and to all ties, neither standing in need of his fellow creatures nor having any desire to hurt them, and perhaps even not distinguishing them one from another.[63]

From the above, it is obvious that people in Rousseau's understanding of state of nature live for themselves. But, how do people in the described state of nature transit to a civil society? Re-presenting the views of Rousseau in a clearer manner, Wolff states:

We begin the path to civilisation through the first exercise of the capacity of self-improvement; the development of tools in the struggle for subsistence, a struggle brought about…by an increase in population…Another innovation is the idea of co-operation: mutuality of interest spurs collective pursuits as, for example, in the formation of hunting parties.[64]

Another question that arises from the foregoing revolves around how the state of autonomy maintained in the pre-social life could be reproduced in a civil society. Rousseau provides an answer through his theory of 'General Will'. Unlike Hobbes and Locke, who take the social contract as the result of the action of the pre-social men, Rousseau's belief is that the social contract is a living reality whenever there is a legitimate government.[65] According to Stumpf, quoting Rousseau, the essence of the social contract is that "each of us puts his person and all his power in common under the supreme direction of the general will and, in our corporate capacity, we receive each member as an indivisible part of a whole.[66] For Rousseau, still quoting Stumpf, the Sovereign consists of the

total number of citizens of a given society.[67] Thus, the general will is the will of the Sovereign. Now, since the sovereign in the Rousseau's sense implies the 'direct rule of the people' and it is unthinkable that people should make laws oppressing themselves, the logical conclusion is that they will make laws guaranteeing their freedom. This being the case, it is clear that the autonomy of the people in the pre-social life has been successfully reproduced under Rousseau's civil society. Rousseau specifically asserts the principle of equality which invariably underpins social freedom when he states that, "No citizen shall never be rich enough to buy another, and none poor enough to be forced to sell himself."[68]

In summary, the thrust of the discussion so far is that liberal philosophy is made up of three cores: the moral core, the economic core, and the political core. The moral core is concerned with the thinking that man has some innate potentialities, and these can only be fully realised if he has liberty; the economic core is concerned with the thinking that man ought to be accorded enough liberty to procure and dispose off economic goods as he so desires; the political core revolves around the thinking that the individual is the sole determinant of who is to rule over him, and how the rule is to be conducted. The political core of liberalism is consistent with the thinking that only a limited government is permissible to the maintenance of the pre-social liberty of men in the contemporary civil society. Since the moral and the economic cores of liberalism

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can only flourish within a polity that is grounded in the political core of liberalism, the logical conclusion is that both the moral and the economic cores of liberalism can be subsumed under the political core of liberalism.

Having examined the cores of modern liberal philosophy, two central conceptual issues still need to be clarified:

(1.)   A distinction between classical liberalism and 'new' 'revisionist' or 'welfare state' liberalism.[69]

(2.)   The logical reducibility of liberal philosophy to political liberalism

2.2.1   Classical Liberalism and 'New' Liberalism

Classical liberalism advocates laissez-faire economics, minimal regulation of the market place, and a rejection of monopolistic and oligopolistic entities both in economics and government.[70] John Locke could be taken as a classical liberal in the political sense, in that he argues that only a limited government can be justified.[71] Furthermore, Adam Smith could be regarded as a classical liberal in the economic sense from the views espoused in his work *The Wealth of Nations*, which has earlier been referred to.

On the other hand, people like Lujo Brentano, Leonard Trelawny, Hobhouse, Thomas Hill Gree, John Maynard Keynes, Bertil Ohlin and John Dewey theorised why and how a government could intervene in the economy without the country becoming a socialist-planned economy. Thus, they could all be subsumed under the name new liberals, [72] in the economic sense. It must be

noted that the New Liberalism has been informed in part by such beliefs as that expressed by Ritche:

> …be it observed that arguments used against government action, where the government is entirely or mainly in the hands of a ruling class or caste, exercising wisely or unwisely a paternal or grandmotherly authority – such arguments lose their force just in proportion as the government becomes more and more genuinely the government of the people by the people themselves.[73]

Thus, it can be argued that the new liberalism is an outcrop of intensified democratisation of governance. Our understanding of the two views on liberal thought can be sharpened if the similarities and the differences between them are further examined.

In the first instance, both classical liberals and 'welfare state' liberals believe in the protection of the liberty of the individual, though different approaches are employed to achieve this effect. To pursue his objective, a classical liberal would prefer a limited government, which does not interfere unnecessarily with the liberty of the individual. However, to pursue his objective, a 'welfare state' liberal would want the government to engage in the re-distribution of income to promote the economic and the political rights and interests of the socially disadvantaged who would be marginalised if the government's intervention were not forth-coming.

Furthermore, from the earlier submission, we can state that both classical liberals and 'welfare state' liberals are antithetical to socialist-planned economy.

The central divergence between classical liberals and 'welfare state' liberals is methodological. As stated above, the former believe that only a minimalist state can guarantee utmost liberty for the individual; however, the latter believe that the best method to ensure utmost liberty for the individual is for the state to actively take care of the socially disadvantaged. Thus, while classical liberalism prefers negative freedom, 'welfare state' liberalism opts for positive freedom. In different words, while classical liberalism subscribes to neutrality or non-interference in the promotion of the good in the life of man in society, 'welfare state' liberalism does not subscribe to neutrality. Rather, it actually supports intervention to correct the ills occasioned by certain socio-economic factors in the life of man in society and, thus, helps man to remove the impediments to self-mastery.

2.2.2   Logical Reducibility of Liberal Philosophy to Political Liberalism

Logically, the first two cores of liberal philosophy examined earlier can be reduced to its political core. In the first instance, liberalism is first and foremost a political theory.[74] In the second place, the first two cores of liberalism are logical derivatives from the political core. Since a political system grounded in the political core of liberalism can help promote and entrench the economic and the moral cores in society, it needs no further rigorous argument to state that the latter can be subsumed under the former. Put differently, the former predisposes to the

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latter. The foregoing conclusion is implicitly derivable from the conception of political liberalism given by Graf:

> …political liberalism…asserts the existence of individual rights that precede the individual's obligations to the State or community. Constitutionalism, the Rule of Law, competition among individuals and groups, regular elections to choose leaders and a system of indirect representation are its defining characteristics.[75]

As contained in the submission of Graf, a political system founded on the political core of liberalism recognises and protects the individual rights of the people in a society, and these invariably emphasise both the economic core and the moral core. It is only when the rights of the people are guaranteed under a constitution that they are able to exercise their autonomy of competing economically and favourably with others in society. It is also then that people can enjoy their moral being in society. In short, political liberalism provides the auspicious socio-political atmosphere within which both the economic core and the moral core of liberal theory flourish. This being the case, subsequent reference to political liberalism also implies reference to both the economic and the moral cores.

Apart from examining political liberalism as a philosophically-grounded political conception, it is noteworthy that political liberalism can also be theoretically understood as a free-standing political conception. However, before going into that, we need to recall that the justification for political liberalism is

said to be locatable in a given account or view of the nature, value, or rights of man. Specifically, the philosophical reading of human nature, as presented by classical political philosophers, such as Thomas Hobbes, John Locke, J. J. Rousseau, J.S. Mill, to mention a few, provides a philosophical grounding for the concepts of 'equality' and 'liberty,' the two fundamentals in the whole system of liberalism.[76] Furthermore, since the system of liberalism helps to promote the course of these political ideals in society, it also means that the system can be justified in these utilitarian terms. Moreover, since the liberal theory is founded on the supposed ontology of man, we can readily infer the idea of universality of liberalism. Put differently, the universal quality of liberal theory is one of its core principles.[77]

The second theoretical understanding of political liberalism, as espoused by John Rawls in his *Political Liberalism*,[78] according to Talisse, states that liberal political philosophy must begin not from comprehensive philosophical theories, but rather with the tradition of liberal democratic thought and the principles implicit therein.[79] According to Rawls, this political conception "deliberately stays as the surface, philosophically speaking",[80] un-committed to and " independent of controversial philosophical and religious doctrines"[81] To this extent, political liberalism in the Rawlsian sense is internally justified. It relies on internalist justification, since it derives its justification from its inherent principles.

However, the seeming difference between the two conceptions of political liberalism above becomes insignificant on further consideration. According to Charles Larmore, nothing of course, prevents such a political conception from being integrated into an encompassing moral, religious or metaphysical view of the world.[82] And, if this reasoning is accepted, the seeming difference between the two accounts of liberal theory pales into insignificance. For the sake of explanation, the logic is that if Rawls' free-standing political conception is integrated into an encompassing moral, religious, or metaphysical view of the world, then it loses its free-standing status.

Yet another reason we have argued that there is no difference between the two views of political liberalism examined above is the Rawlsian idea of *reasonable pluralism*[83]. By this idea, Rawls means that in any free or open society, there is always a diversity of conflicting and irreconcilable comprehensive doctrines which different people hold.[84] Expectedly, this arises from the freedom of thought and expression, basic to traditional liberal political theory. This being the case, the idea of reasonable pluralism of Rawls is not expressive of something new, which is not already contained in the conventional understanding of liberal political theory.

2.3   THE JUSTIFICATION FOR POLITICAL LIBERALISM

Having examined political liberalism from two conceptual perspectives, we still need to be clear about the reasons it is being proposed for general acceptance. The reasons are to be examined from the metaphysical, epistemological, moral and pragmatic perspectives.

2.3.1   The Metaphysical Perspective

The metaphysical and ontological core of liberalism is individualism.[85] This individualism derives from what Sandel[86] and Douglas[87] call the "unencumbered self".   According to Gaus and Courtland, quoting Michael Sandel, "Kantian liberals in general, and John Rawls in particular, are committed to a conception of the person according to which the self is in some way prior to its ends or substantive attachments."[88] They state further that overwhelmingly, liberals do believe that individual persons are ontologically prior to social groups and relations and, so, persons and their identities are distinct, and that central to personhood is a capacity to choose among alternative ways of living.[89] Considering this submission, the reasonable conclusion is that since political liberalism is a conception founded on the ontology of man, then it is objective. And, it would be contra-reason for men not to embrace objectivity over subjectivity.

2.3.2 The Epistemological/Rationality Perspective

The central argument here is that man is not an un-thoughtful, passive being. Rather, he is essentially a thinking being. One of the great Western philosophers to have argued towards this conclusion is Immanuel Kant. According to Stumpf, summarising the position of Kant, there is something about human beings that makes them resist and resent being treated as *things* instead of *people*. What makes us persons is our rationality and to be a person, or a rational being, is therefore an end in itself.[90] Quoting Kant directly, Stumpf states, "So act as to treat humanity, whether in thine own person or in that of any other, in every case as an end withal, never as means only."[91]

Before going further, it is noteworthy that the history of reason as a principle of order or right judgment, can be traced to the ancients in philosophy. According to Tsanoff's reading of Plato,

> men are, firstly, creatures of desires, urged this way or that by various appetites and lusts, craving satisfaction. Our nature is also driven to action by a dynamic urge…thymos, a term hard to translate, meaning active drive, will, energy, or mettle. These two "faculties" cannot be ignored for they entice or propel us to action. But left to themselves, they are not trustworthy guides. The indulgence of appetites is insatiate and is ever luring us to corrupt excesses. And the spirited will- energy that drives us headlong into action lacks judgement and may impetuously hurl us over the brink of ruin. The sensual and mettlesome inclinations of the soul need a controlling and directive power to keep them within their proper bounds and to maintain order in our lives. This is the role of reason or right critical judgement.[92]

Following from the above, the logic is that since political liberalism amply contributes to the development of the rationality of man by giving it free exercise and expression, more than what any authoritarian system could offer, then political liberalism advances the course of human rationality, the essence of personhood,[93] while any form of authoritarianism suppresses it. Thus, political liberalism treats man as an end in itself.

Furthermore, it can be argued that the freedom of thought and expression granted by political liberalism recognises and guarantees individual epistemological capacity to contribute to the 'pool of episteme' in any given society.

2.3.3   The Moral Perspective

This is both a continuation of, and a complement to, the epistemological perspective examined above. This is because it extends the support for what Larmore calls the principle of *respect for persons*.[94] The central claim here is that man is truly treated as a moral agent when he is given as much of liberty as possible, compatible with that of the other to act out of his rationality. In other words, the state must be neutral in the exercise and expression of individual's rationality to decide the good life for himself. In the argument of Stephen Guest, which Simon Caney regards as 'the best judge argument,'[95] government should not interfere with individual judgements of the good life, since people are the best judges of what is in their interest. Thus, since individuals can judge this better

than the state, then the latter is not to be trusted with the task of determining *which* and *what* lives count as worthwhile.[96]

Arguing from slightly different angle but still within the ambit of moral perspective, J.S. Mill states that the principle of liberty necessarily predisposes to the development of the individual. In his words,

> Individuality is the same thing with development, and…it is only the cultivation of individuality which produces, or can produce, well-developed human beings…what more can be said of any condition of human affairs, than that it brings human beings themselves nearer to the best thing they can be? Or what worse can be said of any obstruction to good, than that it prevents this? [97]

On this view, according to Gaus and Courtland, the right thing to do is to promote development, and only a regime securing each individual extensive liberty can accomplish this.[98] In other words, the ultimate human values is developed personalities or an autonomous life,[99] and the system that can achieve this is political liberalism.

Furthermore, it is an age-long knowledge in moral philosophy that man ought only to be morally held responsible for an offence, if he is free enough to have acted otherwise, in the first instance. If he acts out of compulsion, he ought not to be held morally culpable. And, a political philosophy that promotes this autonomy of man to decide between the good and the bad is liberalism. Thus, liberal philosophy aids the course of development of morality.

2.3.4   The Pragmatic Perspective

By explanation, pragmatism is the philosophy of praxis. It is a philosophy which stresses the practical consequences of ideas of men. Epistemologically, it states that the justification for any claims to knowledge is a function of the practical outcome of the epistemic claims.[100] William James is of the same conclusion when he says that an idea is true if it works in daily life.[101]

One of the frontline scholars who appeal extensively to pragmatism to justify the call for the universalisation of political liberalism is Francis Fukuyama.[102] And, he uses various forms of this appeal ranging from emphasis on high productivity, to equating economic development with liberal democracy. According to Fukuyama,

> …the sheer productivity of capitalist economies succeeded over time in co-opting significant numbers of them, to the point where, by the 1980s, many of the most incisive and critical minds in Europe and America were busy dissecting the failings of socialism instead of capitalism.[103]

In another place, Fukuyama claims the there is a strong *empirical* correlation between development and democracy.[104] The states of Southern Europe have both democratised and developed economically, while a large bloc of developed communist dictatorships in Eastern Europe have democratised since the fall of the Berlin Wall in 1989.[105] According to Fukuyama, there are in 1992 virtually no examples of highly industrialised countries that are not stable

democracies, and very few extremely poor countries that are.[106]   Now, since

liberalism produces practical results, then it may be justified on the basis of these

results.

Recapitulating the pragmatic views of Fukuyama in another work, Paul

states that:

> The evolution of history has ordained liberal democracy as the
> ultimate form of government. This can be demonstrated by
> observing the ever increasing number of such governments
> around the world. In 1975, there were 30. In 1991…there are
> 61.[107]

Based on the foregoing, pragmatic liberals argue that since liberalism has

practical results, it logically means that it has been able to transpose itself from

the realm of ideas to that of praxis, making it a practically objective philosophy.

And, the reasoning continues, it would be self-defeatist for men not to accept such

an objective philosophy.

The above pragmatic approach to the justification of political liberalism is

different from the earlier ones examined in, at least, one basic respect. Unlike the

former, which is rooted in the essence of man, or grounded in the development of

the being of man, the latter is empirically grounded. Thus, a combination of both

philosophical and practical justifications has been used with regard to political

liberalism. The justifications, notwithstanding, the philosophy of political

liberalism would still be critically examined in the latter part of the study.

2.4   Conclusion

In this chapter, we have attempted to trace the history of the development of the liberal tradition. we have also argued that liberal philosophy can be reduced to political liberalism, and that political liberalism can be justified on some grounds. In the next chapter, we shall critically examine the philosophy of political liberalism at the domestic level, on one hand, and also critically appraise it vis-à-vis the African experience, on the other hand.

Endnotes

1. Unless otherwise stated, the background account on liberal philosophy is largely shaped by the views expressed in two slightly different versions of liberalism, in *Wikipedia, the Free Encyclopaedia*, from "http://en.wikipedia,org/wiki/liberalism". Other citations are just an expansion of these views. The first version was retrieved on 7 July 2005; the second version on 30 September 2005. Subsequent reference to them is designated by the use of ordinals: 'first' for the first version and 'second' for the second version.

2. Second. Liberalism. *Wikipedia*. Par. 6.

3. Second. Liberalism. *Wikipedia*. Par 10. Emphasis in the original.

4. Second. Liberalism. *Wikipedia*. Par 11.

5. First. Liberalism. *Wikipedia*. Par 11.

6. Brown, S. 1996.Introduction. *Routledge history of philosophy*. Vol. 5, *British philosophy and the age of enlightenment*. Stuart Brown. Ed. London and New York: Routledge, 2-3.

7. Brown. Introduction. 3

8. Brown. Introduction.

9. Hutton, S. 1996. Lord Herbert of Cherbury and the Cambridge

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platonists. *Routledge history of philosophy*. Vol. 15. *British philosophy and the age of enlightenment*, 20.

10. Hutton. Lord Herbert of Cherbury…, 20.

11. Herbert, E of Cherbury. 1937.*De Veritate*, 148.

12. Hutton, S. Lord Herbert of Cherbury…, 21-22.

13. Hutton, S. Lord Herbert of Cherbury…, 23.

14. Hutton, S. Lord Herbert of Cherbury…

15. Hutton, S. Lord Herbert of Cherbury…, 24.

16. Crocker, L.G. 1997. Enlightenment. *The encyclopaedia American*, 468. Emphasis is mine.

17. See Jimach, J.1996a The French enlightenment I:science, materialism and determinism, 228-250, in the work of Stuart Brown cited above; Jimach, P. 1996b. The French enlightenment II: deism, morality and politics, 251-273, also in the work of Stuart Brown

18. See Kuelin, M. 1996. The German Aufklarung and British Philosophy, 309-331, in the work of Stuart Brown cited above.

19. See Stewart, M.A. 1996. The Scottish Enlightenment, 274-308, also in the work of Stuart Brown cited above.

20. "Liberalism", First version. *Wikipedia*. Par. 21.

21. Adam Smith. 1970. *The wealth of nations*, 119.

The work was first published in 1776.

22. Renaissance. 1996. *Funk and wagnalls new encyclopaedia*, 196.

23. Except of the work, *The Civilisation of the renaissance in Italy* (1860), by Jokas Burckhardt, were given in the article on Renaissance.

24. The arguments taking the Renaissance to be a myth have been clearly exposed by Peter Burke in his book, *The renaissance.* London: Macmillan, 1987, 1-5. However, Burke does not believe in the merit of the arguments. He states (p.7) that the term 'the Renaissance' is an organising concept which still has its uses.

25. For instance, see Schmitt, C.B. and Skinner, Q. Eds. 1988. *The cambridge history of renaissance philosophy*, 5.

26. Parkinson, G.H.R. 1993. Introduction. *Routledge history of philosophy*, vol. IV, *The renaissance and seventeenth century rationalism*, 2.

27. John C. Luik. 1998.Humanism. *Routledge Encyclopaedia of Philosophy*. Vol. 4. Edward Craig. Ed. London and New York: Routledge, 528.

28. Luick. Humanism…,528

29. See Winter, E.W. Trans. 1961. *Erasmus – Luther: discourse on free will*.

30. Amstrong, B.G. 1997. Erasmus. *The encyclopaedia Americana*, 542.

31. See Von Nettesheim, A. 1974. *Of the vanities and uncertainties of arts and sciences*.

32. Von Nettesheim, A. From the 'Preface to the reader'.

33. Macridis, R. C. 1989. *Contemporary political ideologies: movements and regimes*, 23. Emphasis is in the original.

34. Macridis, R.C. *Contemporary political ideologies…*,24.

35. Stumpf, S. E. 1994. *Philosophy: history and problems*,117.

36. Stump,. S. E. 1994. *Philosophy: history and problems*

37. Stumpf, S.E. 1994. *Philosophy: history and problems*

38. This could be taken as the summation of Stoicism on the conception of the nature of man, as rendered by Stumpf above.

39. See I. Kant.1948. *Groundwork of the metaphysics of morals* (originally *The moral law*).

40. Macridis, R.C. *Contemporary political ideologies…*, 24.

41.   Macridis,R.C. *Contemporary political ideologies…*, 24.

42. . Macridis, R.C. *Contemporary political ideologies…*, 25.

43. Macridis, R.C. *Contemporary political ideologies…*, 23. See also 25-26.

44. Gove, B. Ed. 1986. *Webster's third new international dictionary,* 1580.

45.   Robbins, L. 1961. *The theory of economic policy in English classical political economy*, 104.

46.   Macridis, R. C. *Contemporary political ideologies…*, 32.

47.   Hobbes is quoted here in Macpherson, C.B. 1968. *Leviathan,* 188.

48.   Stumpf, S.E. *Philosophy: history and problems*, 32.

49.   Macpherson, C.B. *Leviathan,*190.

50.   Macpherson, C.B. *Leviathan.*

51.   See Locke, J. 1988. *Two treatises of government*. Peter Laslett Ed.
        Cambridge: Cambridge University Press, Student ed., 1988,
        The quotation is in *Second treatise*, Sec. 6, at 271. For a
        good introduction to Locke's political thought, see Thomas,
        D.L. 1995. *Locke on government*, London: Routledge.

52.   Locke, J.   *Second treatise*, Sec.36, p. 293.

53.   Stumpf, S.E. *Philosophy: history and problems,* 272.

54.   Stumpf, S.E. *Philosophy: history and problems,* 273.

55.   Although the original is in Locke's *Second treatise*, Sec. 15, at 278, the
        quotation is taken from the work of Wolff, J. 1996. *An
        introduction to political philosophy*, 42.

56.   Mill, J.S. 1972. Considerations on representative government.
        Utilitarianism, 217-218.

57.   At least, this is stated by Macridis in his work above, 35-36.

58.   Locke's *First treatise*, the first part of the great work is a description and

refutation of Robert Filmer's theory of divine authority of kings.

59. Harris, I. 1996. Locke's political theory. *Routledge history of philosophy*. V. *British Philosophy and the Age of Enlightenment*, 116.

60. Harris, I. Locke's political theory.

61. Stumpf. *Philosophy: history and problems,* 272.

62. Stumpf. *Philosophy: history and problems,* 272.

63. Rousseau, J.J. 1973. *The social contract and discourses*,79.

64. Wolff., J. *An Introduction to political philosophy*, 30.

65. Stumpf, S.E. *Philosophy: history and problems,* 296.

66. Stumpf, S.E. *Philosophy: history and problems*

67. Stumpf, S.E. *Philosophy: history and problems*

68. Rousseau, J.J. *Social contract*, book II, Ch. II, 225.

69. Gaus, G and Courtland, S. D. 2005. Liberalism. *Stanford encyclopaedia of philosophy*, par. 13. Retrieved 30 September, from,

http://plato.Stanford.edu/entries/liberalism/"

70. Liberalism. Second version. *Wikipedia,* par. 5.

71. Gaus, G. and Courtland, S.D. Liberalism. *Stanford encyclopaedia of Philosophy,* par. 3.

72. Liberalism. First version. *Wikipedia,* par. 45.

73. Ritche, D.G. 1896. *Principles of state interference,* 64. There were other factors that led to the evolution of the new liberalism. See pars. 13-14 of the article by Gaus and Courtland cited above.

74. Gaus, G and Courtland, S.D. Liberalism. *Stanford encyclopaedia of philosophy,* par. 31.

75. Graf, W.D. 1996. Democratisation 'for' the third world: critique of a hegemonic project. *Canadian Journal of Developmental Studies, Special Issue*, 44. It is interesting to note that the author makes a distinction argument above, however, the position of the researcher is still that economic liberalism is a function of political liberalism in theory and practice.

76. It does not require much deep thinking to know that liberalism is a system, since it entails a set of values which work together to ensure the dignity of man in his dealings with the other in society.

77.   Douglas, B. 2006. *Political liberalism and universalism: problems in the theories of David Gauthier and Richard Rorty*. Part I, par. 1.

78. Rawls, J. 1993. *Political liberalism*. New York: Columbia (expanded edition, 1996).

79. Talisee, R.B. 2006. Metaphilosophical dissatisfactions of political

liberalism, par. 3.

80. Rawls, J. 1999. Justice as fairness: political not metaphysical

John Rawls: Collected Papers, 395. The work was

originally came out in 1985.

81. Rawls, J. Justice as fairness, 388.

82. Larmore, C. 1999. The moral basis of political liberalism. *Journal*

of Philosophy, 599-600.

83. The concept of reasonableness plays a fundamental role in the work of

Rawls cited above.

84. See Rawls, J. *Political liberalism,* 36.

85. Arblaster, A. 1984. *The Rise and decline of western liberalism*,15.

86. Sandel, M .1982. *Liberalism and the limits of justice*, 5.

87. Douglas, B. Political liberalism and universalism. Part I, par. 3

88. Gaus, G. and Courtland, S.D. Liberalism. *Stanford encyclopaedia of*

Philosophy, par 26.

89. Gaus,G and Courtland, S.D. Liberalism. *Stanford encyclopaedia of*

philosophy.

90. Stumpf, S.E. *Philosophy: history and problems,* 318. Emphasis in the

original.

91. Stumpf, S.E. *Philosophy: history and problems.*

92. Tsanoff, R.A. 1987. Ethics, history of. *Encyclopaedia Americana,* par

335.

93.   This is in the sense of Kantian moral philosophy.

94.   Larmore, C. The moral basis of political liberalism, 607.

95.   Caney, S. 1991. Consequentialist defences of liberal neutrality.

        The Philosophical Quarterly, 463.

96.   See Guest, S. 1989. Neutrality as the basis for liberalism: a

        response to Bellamy. *Liberalism and recent legal and*

        social philosophy. Richard Bellamy. Ed. 48, 49.

97.   See Mill, J.S. 1991(1859). *On liberty and other essays*. John

        Gray. Ed. New York: Oxford University Press, 471-582.

        However, the quotation appears in Gaus and Courtland.

        Liberalism. *Stanford encyclopaedia of philosophy*. Par. 16.

98.   Gaus, G and Courtland, S.D. Liberalism. *Stanford encyclopaedia of*.

        Philosophy, par. 17.

99.   Gaus, G. and Courtland, S.D. Liberalism. *Stanford encyclopaedia of*
        philosophy, par.22.

100.   This conception of pragmatism is personal.

101.   Stumpf, S.E. Glossary of concepts. *Philosophy: history and problems,*

        938.

102.   See Fukuyama, F. 1992. Capitalism and democracy: the missing

        link, 100-110. See also his *End of history and the last*

man, 1992.

03.   Fukuyama, F. Capitalism and democracy...,102.

104.   Fukuyama, F. Capitalism and democracy...,104.

105.   Fukuyama, F. Capitalism and democracy

106.   Fukuyama, F. Capitalism and democracy

107.   Paul, C.O. 2006. Reviews of: *The end of history and the last man* and

           Trust, par. 2.

CHAPTER THREE

A CRITIQUE OF THE PHILOSOPHY OF POLITICAL LIBERALISM

3.0 Introduction

Central to the discussion of liberal philosophy in the last chapter was the exposition of some philosophical as well as pragmatic justifications for the acceptance of political liberalism. In the present chapter, we shall engage in a critical appraisal of the philosophy of political liberalism on two levels. The first level is on the question of liberty, equality and social justice. The second level is on the justificatory arguments, which have been offered in support of political liberalism. Later on, we shall also examine the philosophy of political liberalism within the context of African experience.

3.1 THE PHILOSOPHY OF POLITICAL LIBERALISM AND THE QUESTION OF LIBERTY, EQUALITY AND SOCIAL JUSTICE

Since three basic concepts are involved in the following discussion, it is apposite to individually examine them with respect to political liberalism.

3.1.1 Liberty and Political Liberalism

It is a truism that political liberalism centrally focuses on the liberty of the individual. However, a critical analysis reveals that the concept of liberty does not operate to a maximal extent within the social framework of the philosophy of political liberalism. However, before going into this critical analysis, the concept of liberty ought to be clearly understood.

One of the fundamental concepts which have been discussed extensively by many philosophers and other scholarly commentators for centuries is that of liberty. William Ebenstein recognises the centrality of the concept of liberty to man in society, and by implication, to the discourse of social and political philosophy, when he states that:

> In the evolution of mankind and civilisation, no concept has played a more important role than liberty. In all societies and groups…social, economic, religious, educational or political…the relation between the individual and other individuals as well as with the whole group always involves the issue of liberty, that is, the extent to which the individual can determine his own destiny and act as he wishes, unconstrained by others.[1]

In his celebrated work, *On Liberty,* the English moral philosopher, John Stuart Mill notes that:

> The struggle between Liberty and Authority is the most conspicuous feature in the portions of history with which we are earliest familiar, particularly in that of Greece, Rome, and England.[2]

But, it is one thing to state that liberty is fundamental to man; it is quite another to know what makes the concept so important. In other words, we still have to know what the concept of liberty entails.

According to Thomas Hobbes, if we say of a living creature that 'It hath not liberty to go further' in pursuit of some good, two conditions must be satisfied.[3] First, there must be "external impediments of motion" of such a kind

that the agent "is so tied or environed that it can not move but within a certain space"[4] Second, this limitation must be determined by the opposition of some external bodies in such a way that the agent is "not at liberty to move in such manner as without those external impediments he would"[5] The gist of the Hobbesian conception is that liberty consists in the absence of some external restraint, meaning indirectly that this restraint can not be internally induced. To this extent, the Hobbesian conception of liberty is negative, that is, his conception of liberty is only constituted by absence of interference.   Another inference which can be made from the above submission is that Hobbes is only concerned with the freedom of movement. His conception is not extensive enough to include coercion of the will. And, an adequate conception of liberty ought to encompass both absence of constraint and non-coercion of the will. However, it could be said in support of Hobbes that whatever constrains physical movement, in most cases, does also indirectly affect free expression of the will.

For John Locke, freedom and rationality are consistent with each other.[6] This freedom-rationality nexus of Locke is deducible from his religious interpretation of the existential duties of man, coupled with his (Locke's) idea of autonomy of the pre-social man. According to Locke, we are "all the servants of one Sovereign Master, sent into the world by His order and about His business"[7] Furthermore, we ought to remember that since this sovereign master is essentially kind and non-dictatorial, He gives reason to direct our steps. And, when we

employ this God-given reason to direct our actions, then we are free agents. In fact, Locke specifically defines a free man as someone who is able to govern his action according to the dictates of the law of reason implanted in him by God.[8] Thus, from the Lockean perspective, a truly free agent is distinguished not by being able to pursue his chosen goals, but by his desire to pursue only certain sorts of goals, the goals that are morally worthy of being pursued. Therefore, the Lockean view of liberty is positive. It is positive in the sense that it emphasizes on the freedom of the will.

The main difference between the Hobbesian and Lockean conceptions of liberty is that while Hobbes takes liberty in the physical sense, Locke views it from the metaphysical/moral angle. To this extent, the Lockean view extends further the Hobbesian understanding of the concept of liberty. However, the Lockean view could still be criticised by a thorough-paced atheist, who does not believe in the existence of God, which invariably is the very foundation of the Lockean conception of liberty.

Apart from the aforementioned Enlightenment philosophers, some other philosophers have also made attempts to conceptualise liberty. According to Isaiah Berlin, who has a negative conception of it, liberty is consistent with non-interference from any second party. He states his position thus:

> I am normally said to be free to the degree to which
> no man or body of men interferes with my activity.
> Political liberty in this sense is simply the area within

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which a man can act unobstructed by others. If I am prevented by others from doing what I could otherwise do, I am to that degree unfree; and if this area is contracted by other men beyond a certain minimum, I can be described as being coerced, or, it may be, enslaved.[9]

However, philosophers such as Thomas Green hold both positive and negative views of liberty. According to Green, "…it must be, of course, admitted that every usage of the term (i.e., freedom) to express anything but a social and political relation of one man to another involves a metaphor…It always implies…some exemption from compulsion by another"[10]

In his positive conception of liberty, Green claims that a person is unfree if he is easily swayed by an impulse or craving that can not be controlled, perhaps, rationally. Green argues that such a person is "…in the condition of a bondsman who is carrying out the will of another not his own."[11] Thus, in his positive view of liberty, Green takes a free man as a self-directed person, that is, a person whose operation is based on his personal will.

On his own part, Philip Pettit takes liberty as "not being subject to the arbitrary power of another."[12] Pettit reaffirms the foregoing submission in another place, when he notes that an agent is said to be unfree, if he is "subject to the potentially capricious will or the potentially idiosyncratic judgement of another."[13] Before going further, it is noteworthy that the Pettitian conception of liberty is somewhat different from both negative and positive conceptions of

liberty examined much earlier. The difference is that while the negative conception has to do with absence of constraint, and the positive one, the capacity to make rational choices, the Pettitian conception has to do with the absence of arbitrary power being exercised over any citizen. Therefore, it is a republican usage of liberty.

Perhaps, a paradigmatic positive view of liberty is the one given by Peter Facione, Scherer and Attic in their work, *Ethics and Society*. They take positive liberty to mean the following:

> The ability to set one's goals; to establish one's priorities; to identify the means to achieve one's goals; to predict the probable consequences of alternative choices; re-assess goals and means to goals as necessary; make a choice in the light of the above considerations; and evaluate the efforts and learn from any of one's mistakes.[14]

From all the foregoing conceptions given by the notable philosophers, we shall attempt to give a conception of liberty that we consider adequate within the context of this work. In this study, we take liberty as the absence of undue constraint on the live of man, coupled with the extensive possibility of enjoyment of the means to make rational choices.[15] This definition requires some amplification. In the first instance, man ought to be constrained in one way or another to give room to the extension of the same liberty to the other. It is only when the constraint or interference extends beyond what we would call, for want

of a better expression, the 'bounds of reasonability',[16] that man is rightly said to have been deprived of his liberty; hence, the phrase 'undue constraint'.

Furthermore, it is noteworthy to state that the absence of undue interference with the live of the individual in society and his ability to make rational choices are independent of each other, at least, on two grounds:

(1.) A person might have liberty in the negative sense; though, he may not have the capacity to make rational choices on account of inherent deficiencies and, thus, lack liberty in the positive sense.

(2.) A person may have liberty in the negative sense; though, he may be socially deprived of the means to make rational choices, [17] even if he has the inherent capacity to do so. In other words, a person may have negative liberty while lacking in positive liberty due to social deprivation.

Based on the foregoing clarifications, it is clear that having negative liberty does not necessarily translate to having positive liberty. Therefore, for an individual to have what we shall call extensive liberty, he/she ought to enjoy both the negative and positive liberty.

The concept of extensive liberty espoused above is philosophically consistent with Pantaleon Iroegbu's concept of essential liberty [18] According to him,

> Essentially liberty is the natural and produced givens in the society, including goods, offices and services. Essential liberty otherwise referred to as substantive liberty is the totality of what makes life itself liveable and flourishable. It has three aspects linked to one another as in a triangle: Formal liberty is the freedom to have one's body, one's personal being unhindered by unnecessary constraints (Corpus habeas). Communal liberty is the sharing of socio-political power and titles, while real liberty is real access to income and wealth.[19]

Iroegbu states further that the criterion of justness is only satisfied by a political organisation if it is able to ensure equitable distribution of this essential liberty to all through its institutions.[20] Given this submission, the all-important question that comes up is: Does political liberalism satisfy this criterion of justness in terms of extending essential liberty to all? The answer to this question is negative, and there are reasons for this conclusion.

However, before going into the critical details, the question raised above requires some amplification. The argument here is not that political liberalism does not satisfy at least some part of the triad of Iroegbu's conception of essential liberty. Perhaps, the strength of the liberal doctrine is founded on its commitment to what Iroegbu takes as formal (or what is traditionally regarded as negative conception of) liberty. The commitment is classically formulated by John Locke when he asserts that men are naturally in "a State of perfect Freedom to order their Actions…as they think fit…without asking leave, or depending on the Will

of any other man"[21] Therefore, from the Lockean perspective, any interference with this natural order of autonomy of the individual is unjustifiable.[22] This commitment to non-interference with the liberty of the individual also finds solid footing in the works of some liberal theorists[23], who have devised various arguments to justify state's neutrality in the conception of the good life for the individual[24].

However, political liberalism could still be critiqued on the grounds that it does not truly extend what Iroegbu conceptualises as communal liberty and real liberty to all equitably. Some arguments are needed to justify this submission.

Ardent liberals usually argue that the political core of the liberal doctrine fosters communal liberty more than any other political system ever evolved by man. Francis Fukuyama belongs to this group of liberals. According to him,

> …all authoritarian regimes, including dictatorships of the left, based on the principle of equality, are versions of the master-slave relationship in which the dignity of certain "masters" (the "ruling elites", "master race", "vanguard party", or what have you) is "recognised", whereas that of the great mass citizens is not…But only liberal democracy *rationally* satisfies the human desire for recognition, through the granting of elementary rights of citizenship on a universal and equal basis[25].

Part of what Fukuyama means by recognition above is that liberal democracy gives free expression to the will of the mass of the people, both in determining electoral outcome and in the decision-making process of the state. It

does this through what Russell Bova calls the two minimum criteria of a democratic system: *participation* and *contestation*[26]. Fukuyama himself affirms this conclusion when he states that:

> In pre-industrial societies, most people are consumed with getting their share of a virtually fixed stock of wealth, or even with sheer critical survival; as society becomes richer and more secure, however, people become free to seek more material goals like recognition of their status and political participation.[27]

One crucial point must be made clear right away. This point is the understanding that most industrial societies are capitalist societies, which are pragmatic outcomes of liberal philosophy. Seen in this light, we realise that Fukuyama is referring to liberal societies as industrialised societies.

Contrary to Fukuyama's position, Will Hutton contends that those who actually determine outcome and, therefore, participate in the decision-making process of the state, in advanced capitalist countries are not the mass of the people. Rather, they are what he calls the privileged minority[28]. According to Hutton,

> …as the privileged minority is also the electoral majority (because they take an active part in the electoral process, whereas the under-class mostly do not bother to vote, frustrated by the inability of political parties to solve their problems), the electoral outcome in advanced capitalist countries is determined by the attitudes of the privileged minority/electoral majority[29].

The relevance of Hutton's submission to the argument here is that communal liberty, as conceptualised by Iroegbu, is all about the mass of the people determining those to rule them as well as well as having a say in the decision-making process of the leadership thereafter. This is the summation of Fukuyama's conception of citizens' recognition under a liberal democracy. However, the argument of Hutton faults Fukuyama's reasoning. And, we have to remember that the societies referred to by Hutton are mostly Western capitalist societies, where communal liberty is supposed to have a solid foothold because of their avowed commitment to liberal doctrine.

What applies to communal liberty discussed above also figures in the discussion of real liberty, which Iroegbu conceptualises as real access to income and wealth. The scope of this form of essential liberty is unarguably narrowed under the economic core of liberal philosophy. Perhaps, the concept of real liberty is better examined/appreciated in conjunction with the concept of equality, another core principle of the liberal doctrine.

3.1.2 Equality and Political Liberalism

Discussion of the concept of equality among philosophers, as a principle of justice, has been controversial from the ancient period. According to Plato, who has a negative view of the system of democracy, the principles of equality and freedom in the system reflect the degenerate human characters whose whole range of appetites are all pursued with equal freedom,[30] since "one appetite is as

good as another and all must have their equal rights."[31] In view of this critical response to democracy with its principles of equality and freedom, Plato eventually subscribes to aristocracy, where (Plato's) ideal leadership of the philosopher-king could hold supreme[32].

Arguing indirectly along Plato's line of thought, Aristotle also states "that some men are by nature free and others slaves and that for this, slavery is both expedient and right." [33] Therefore, for Aristotle, the argument of equality of all men does not derive from nature.

However, there are some philosophers who have argued extensively in support of the idea of the equality of all men, grounding their submissions in comprehensive metaphysical/moral doctrines. This work has already referred to Hobbes and Locke, to mention a few, who have located equality of all men in their pre-social status. Yet another central figure who has argued for equality of all men is Immanuel Kant. According to him, all rational beings are persons and, therefore, they ought to be accorded equal dignity. He states that:

> …rational beings are called persons inasmuch as their nature already marks them out as ends in themselves, i.e., as something which is not to be used merely as a means and hence there is imposed thereby a limit on all arbitrary use of such being which are thus objects of respect[34]

From the Kantian moral prescription on the right treatment of all rational men, we can develop an argument to clearly show the connection between rationality and equality:

1   All rational men are persons.

2   All persons ought to be treated as objects of respect.

3.   Treating all rational men or persons as objects of respect shows they have equal dignity.

4.   Therefore, all rational men or persons are equal.

Supporting the above, K.A. Strike also states that Kantian liberals often ground equal dignity in a doctrine of persons emphasising their autonomy and their status as moral agents[35]

Another notable philosopher who has argued in support of equality of men in respect of social distribution of wealth, income and burden is John Rawls[36] According to this philosopher, the major function of the basic structure of any society is to distribute the benefits and burdens of social co-operation among members of any society.[37] And, two principles of justice central to this effect are:

(1.) Each person is to have an equal right to the most extensive liberty compatible with a similar liberty to others.

(2.) Social and economic inequalities are to be arranged so that they are both: (a) to the greatest benefit of the least advantaged, consistent with the just saving principle, and (b) attached to offices and positions open to all under conditions of fair equality of opportunities.[38]

The first principle is called the Principle of Greatest Equal Liberty. The first part of the second principle is the Difference Principle, while the second part of same is the Principle of Fair Equality of Opportunity.[39]

Contrary to the position of taking Rawls as an egalitarian philosopher, a critic might point out that what Rawls proposes is more likely to contribute to inequality in the sense that the worst-off in society are given preference over the better-off and such preferential treatment is an antithesis to equality. However, this argument could be easily dismissed by stating that the essence of Rawls' principles of justice is to establish a parity, as much as humanly possible, between the material conditions of the worst-off and those of the better-off in society. To this extent, Rawls is rightly taken as egalitarian in thinking.

After the examination of the views of some philosophers on the subject of equality, the next question is: what does equality mean as a concept? In answer to this question, it is noteworthy that giving an acceptable conception of equality as well as any theory of it is a very difficult task. This is because any definition of the concept is open to criticisms. Perhaps, Louis Pojman takes a lead in this direction of criticism.[40] In spite of the difficulty in the conception of equality, we could still state that, according to Aristotle, the concept is expressive of the moral injunction, "equals are to be treated equally and unequal unequally."[41] Although this rendition states a formula or policy, it includes no specific content, according to Pojman.[42] Yet, it is still useful in this discussion because the conception

exhorts us to always treat human beings similarly in order to guard against negative discrimination,[43] when circumstances warrant it, and it also implores us to treat human beings differently as circumstances equally warrant. The formula of equal treatment can be explained thus:

A has x of p; B has x of p; thus, A and B are proportionally disposed to p,

Where x is the property needed to obtain p, and A and B are the variables contending for p.

However, unequal treatment is warranted if,

A has x1 of p; B has x2 of p; thus, A and B are not proportionally disposed to p,

where x1 but not x2 is the property needed to obtain p, and A and B are the variables contending for p.

According to Pojman, theories of equality are of two types: formal theory and substantive theory. The former gives a formula or policy without stating a criterion by which a formula or policy is to be assessed.[44] The latter gives a criterion or metric by which policies are to be assessed.[45] The study, however, addresses only those theories of equality that apply to the liberal doctrine.

The concept of equality within the liberal doctrine reduces in a sense to: socio-political equality and economic equality,[46] the forms of equality which in a sense also derive from the philosophy of the inherent worth of man.[47] Democratic equality or political equality, according to Pojman, states that:

> …each person in the society has the same formal rights. Sometimes this is referred to as equal citizenship where each person, regardless of differences in intelligence, knowledge of the subject at issue, moral integrity, or even sanity, each person has the same right to vote and run for office. Democracy rests upon the insight that each person typically knows his interests better than anyone else and knows how to satisfy them better than anyone else. So ideally the individual should exercise maximum rule over himself. Hence participatory democracy.[48]

We can deduce from the above that political equality confers no superior authority on any given citizen or a group of citizens to determine 'who is to rule' or 'how he is to rule' in a liberal society. These are decisions that ought to be made jointly and equally by all the eligible rational citizens of the society.

On the other hand, the concept of economic equality in a society is reducible to the institution of a distribution mechanism, the free market system, by which social goods and services are impersonally distributed to all the citizens. The argument goes that since this system is governed by impersonal 'laws', no individual could influence it to its sole advantage. This being the case, the system is believed to treat every rational economic man[49] on equal basis with the other.

Now, how does political liberalism fare in relation to these forms of equality? In answer to this question, two fundamental assertions would be made, and at the same time justified:

(1.)   It is not correct that the decisions of 'who is to rule' and 'how he is to rule' in a liberal state are jointly and equally made by all the eligible rational agents as voters.

(2.)   The concept of political equality and that of economic equality are not consistent with each other within a liberal state.

In the first instance, the conception of political equality reduces to the claim that the holders of political offices in a liberal state ought to be the joint and equal choice of all the eligible rational agents as voters, since no group of voters is superior to another group of voters. Any other arrangement makes the office holders illegitimate. However, this claim is fundamentally flawed. What about those rational agents as voters that actually vote against the set of people who eventually emerge as leaders?   Obviously, the government thereafter is illegitimate to them, since they do not approve of its future operations when they are expressing their rational choice. The crux of the matter is that this is against the consent-based contractarian foundation of a liberal society. Christine Sypnowich graphically presents the point we are making above thus:

> The act of solemn commitment to government required by the consent-giving contract is in most liberal democratic societies a rare event indeed. As often as not, the government in power is elected by a minority of the populace, since many do not vote at all, and of those that do, particularly in multi-partied states, many vote for unsuccessful candidates.[50]

Against the submission above, a critic might contend that the government may thereafter become legitimate to those minority dissenters by performance (ex post legitimacy). Legitimacy by performance occurs when the government ensures that its policies and programmes accord with the will of the morally reasonable people in society. By 'morally responsible people,' we mean those people who believe in, and act, on the basis of morality. This argument, however, is not strong enough to negate the fact that the government is not the choice of all the eligible rational agents as voters, in the first place (ex ante legitimacy). And, this 'thereafter' legitimacy cannot counterpoise the first instance of illegitimacy.

Another relevant point is that one still needs to critically examine this 'legitimacy by performance' further. As stated above, before any government could achieve legitimacy by performance, its policies and programmes must accord with the desires of the morally responsible people. However, the point is that these moral agents are not homogeneous in almost every respect in life. After all, they are free apart from being moral agents. Therefore, while the policies and programmes of the government may satisfy some, they may not fulfill the desires of some other moral agents in society. To this extent, the latter have not been treated equally with the former whose desires have been satisfied. If this argument is valid, then we could state that the concept of 'legitimacy by performance' is highly suspect.

Moreover, the fact that the political choice of some groups of rational agents as voters is recognised in terms of their candidates becoming eventual rulers shows that the political choice of some other groups of rational agents as voters is rejected, since their choice of leaders is not recognised. To this extent, the latter group has not been treated on equal basis as the former group. However, the principle of political equality states that the political interest and choice of one rational agent are as important as those of another rational agent. Obviously, the treatment above is a travesty of the principle of political equality, but it is what obtains within a liberal political system. Kwasi Wiredu is of the same opinion in his examination of the operation of America's liberal democracy. He states thus:

> The president is elected, barring an improbable Electoral College complication, by a simple majority and the formation of an administration, together with enormous powers, lies in his hands. To this extent to which the direction in which these powers are exercised is contrary to the will of those belonging to, or sympathising with, the opposition party, who are often as numerous as those on the side of the government, there is a relative disenfranchisement of a section of the population.[51]

Wiredu goes on to call the above a 'pre-established disharmony'[52]

In the second instance, there is a strong justification for the claim that the concept of political equality and economic equality are not mutually inclusive within capitalism, the economic core of political liberalism. The problem lies

with the market system, and there are two sub-sets of this problem. The first sub-set is what we would call 'systemic inequality in resource allocation', and the second sub-set is what we would also call the 'hidden personal sentiments in the liberal market order'.

The first problem is that it is in the nature of the liberal market order to produce and reproduce inequality in resource allocation. That is why the inequality is described as being systemic. Oladipo duly notes this problem. According to this scholar, quoting Norman Barry,

> traditional liberalism considers the advantages of the impersonal operation of the market order to be: (i) that of guaranteeing individual rights; and (ii) making it possible for 'utility-maximising individuals' to make gains from trade, thereby making all possibilities of exchange to be exhausted and, consequently, allowing for an 'efficient and optimal allocation of resources'[53]

Making a submission against Barry's argument, Oladipo states that it is a known fact that men are not equally endowed both mentally and physically, and that in a free competition between such unequally endowed individuals, considering the finite nature of consumable resources, some people are likely to gain more than others.[54] He contends further that:

> It is impossible under this kind of situation for men to maximise their 'individual utilities'. And since there exists a dialectical relationship between the maximisation of individual utilities and the maximisation of individual powers such that one…cannot be achieved without the other… and vice versa, it becomes obvious that a free competition between people of unequal natural

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> endowments within a society with limited economic resources rather than lead to an optimal allocation of resources is likely to lead to a lopsided allocation…[55]

Oladipo's position agrees with C.B. Macpherson's when the latter states that equality of form marks the fact that capitalism by necessity requires great inequality in the content of social relationships.[56] And, when we remember that resource allocation in society is central to the availability of access to social income and wealth, then we cannot but reach a firm conclusion that a system of lopsided resource allocation equally produces a system that narrows what Iroegbu earlier conceptualises as the real liberty of the majority in comparison with that of the minority bourgeois.

The views of Oladipo and Macpherson as stated above are similar to that of by Ralph Milliband. Examining what he calls 'capitalist democracy' (referring to liberal democracy), Milliband also notes the obvious inconsistency between the concepts of political equality and that of economic equality within the liberal doctrine. He explains the inconsistency in the following way:

> On the one hand, there is capitalism, a system of economic organisation that demands the existence of a relatively small class of people who hold and control the main means of industrial, commercial and financial activity, as well as a major part of the means of communication; those people thereby exercise a totally disproportionate amount of influence on politics and society both in their own countries and in lands far beyond their own borders. On the other hand, there is democracy, which is based on the *denial* of such preponderance and which requires a rough *equality of conditions* that capitalism…repudiates by its very nature.[57]

From the foregoing position of Milliband, another significant inference could be drawn. If we agree with him that the capitalists exercise a great influence on the politics of a state, then we also have to conclude that the capitalists play a leading role in 'who is to rule' and 'how he is to rule', since the second claim is a sub-set of the first claim. But, this latter claim in effect limits the scope of the effect of political participation of those who do not belong to the capitalists' class. Once again, we can see that the principle of political equality within the liberal doctrine does not strictly hold, since it would be contra-logic to state that those who exercise much political influence and those who exercise less political influence are politically equal.

The second problem, as stated above, is that there are hidden personal sentiments in the liberal market mechanism; though, liberal theorists generally assume that the market operates impersonally. Oladipo critically responds to this faulty assumption. According to him, the social order is a product of the association of people, and the order is founded on rules made by people, who have interests, nurse hopes, have aspirations and commitments. Thus, the social order is not impersonal. And, since the free market system is part of the social order, it is obvious that it cannot be governed by impersonal laws. By extension, it cannot operate impersonally.[58] In other words, since the market order is coterminous with the social order, which is expressive of the personal sentiments

of the people, then it (the market order) cannot but also express the personal sentiments of the people, that is, the capitalists who control it. Since all the critical reflection so far shows that the capitalists are to benefit more than the other in the liberal market order, it is apposite to state that the market order as well as the whole political space cannot be totally detached from what Habermas calls "bourgeois public sphere,"[59] that is, the market order as well as the political order are under the sphere of control of the capitalists.

3.1.3   Social Justice and Political Liberalism

Just like the concept of equality, a basic principle of justice examined earlier, the concept of justice itself has been a subject of discussion by philosophers from the ancient age to the contemporary period in Western philosophy. While some philosophers have viewed justice as a vice, a good number of them have taken justice as a virtue in one sense or another.

According to Thrasymachus, a sophist in the ancient epoch of Western philosophy, justice is nothing but "the interest of the stronger", for "might is right". Thus, justice for him is not worthy of pursuit.[60] On the contrary, some other ancient philosophers have viewed justice positively. According to Michael Slote, referring to Plato, the just individual is someone whose soul is guided by a vision of the Good, someone in whom reason governs passion and ambition through such a vision.[61] When, but only when, this is the case, is the soul harmonious, strong, beautiful, and healthy, and individual justice precisely

consists in such a state of the soul. Actions are then just if they sustain or are consonant with such harmony.[62] This Platonist justice is consistent with his tripartite division of the soul, and the supreme role of reason in the interaction of the three parts.

Aristotle's conception of justice as virtue is somewhat different from that of Plato. While Plato's virtue-justice is internally derived, that of Aristotle is largely externally-derived. According to Slote, Aristotle takes situations and communities as just when individuals receive benefits according to their merits, or virtue: those most virtuous deserve more of whatever goods society is in a position to distribute.[63] Therefore, Aristotle could modestly be considered the founding father of desert-based principle of justice.

Moreover, since Aristotelian justice is attached to, or defined in terms of, distribution of social goods between the self and the other, it is obvious that his conception is consistent with distributive justice. In the same way, the social focus of the Aristotelian conception of justice makes it social justice as well.

Following the lead of Aristotle, perhaps, the sets of principles of justice in society that best apply to traditional political liberalism is desert-based principles.[64] Before going into this issue, it is appropriate to clarify the two inter-related concepts of distributive justice and social justice, the two concepts that are central to the next discussion.

Distributive Justice: According to James Sterba, many philosophers agree that the distribution of income and wealth within a specific society is at the heart of the problem of distributive justice.[65] Furthermore, in hi*s A Theory of Justice*, John Rawls contends that the duty of the basic structure of society is to distribute both the benefits and burdens of social cooperation among its members. And, the principles central to this effect are the two principles he states in the work.[66] If the scholars are right, then we can conclude that the concept of distributive justice is all about the allocation of goods to moral agents in a society. It takes into consideration the distribution of goods among members of society at a specific time, and on that basis, determines whether or not the state of affairs is subjectively acceptable. Distributive justice could be considered as a means through which a society addresses the burdens and benefits to some norm of equality to members.

According to Facione & others, two factors are basic to a concern for distributive justice in society. They are: (1) *Scarcity of Resources*. If the resources of a society could go round in the required quantities that the people concerned are interested, willing and capable to obtain, there would be no concern for distributive justice. (2) *Conflicting Interests of People*. Another condition necessary for there being a concern about distributive justice is that persons must have conflicting interests in having that which is scarce.[67]

Social Justice: According to Omar Swartz, the notion of social justice embraces an equitable distribution of social resources, including nutrition, shelter, health care, and education.[68] According to him, the ultimate aim of the state is to ensure that all people enjoy access to these goods.[69]

Social justice has also been conceptualised as political and structural commitment by society to direct the resources of modern civilisation to benefit all people, particularly those "who are economically, socially, politically, and/or culturally under-resourced."[70]

A critical look at the two concepts of justice examined shows that they are consistent with each other in at least two different respects. In the first place, distributive justice is all about developing a set of coherent principles by which social benefits and burdens are distributed among the people in a society in a fair manner. It lays much emphasis on the distribution aspect of justice. However, social justice, especially in the second sense, entails a commitment to a social order within which all the participants have or enjoy equal access to social income and wealth. In this sense, social justice is more like a general standard of justice, which other forms of justice are to work towards in society. Therefore, social justice is the end-state of distributive justice. In another respect, both distributive justice and social justice work towards the promotion of the moral dignity of men in their social interaction.

But, do the desert-based principles of the economic core of political liberalism work towards social justice? The answer to this question is negative, and this conclusion will be justified, after the conceptual clarification involved. According to Pojman, desert…is typically or paradigmatically connected with action, since it rests on what we *voluntarily* do or produce. It is typically connected with intention or efforts.[71] George Sher concurs with Pojman when he states that:

> Of all the bases of desert, perhaps the most familiar and compelling is diligent, sustained effort. Whatever we think, most of us agree that persons deserve things for sheer hard work. We believe that conscientious students deserve to get good grades, that athletes who practice regularly deserve to do well, and that businessmen who work long hours deserve to make money.[72]

If we agree with Pojman and Sher, then we can state that, within the framework of distributive justice of the liberal economic tradition, what a person deserves of the national income and wealth is what he has actually worked for, and the foregoing position is of two types: what he has actually contributed, or the actual result of his endeavour, and what he has put forth as effort or his hard work to develop his talents and contribute to society.[73]

Now, if it is right to state that the attainment of social justice is what the principles of distributive justice are working towards, it is obvious that the desert-based justice of the liberal economic order may not hit the mark. The critical submissions earlier made when discussing the concept of equality amply justify

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the present conclusion. The social contractarians argue that people are essentially free and equal in the pre-social life. Thus, they ought to be treated equally. The same thing applies to the Kantian ontology of man as being constitutive of reason. This implies that all rational men must be equally treated in morally relevant ways. However, desert-justice is antithetical to the equal treatment of people in morally relevant ways. The explanation is clear. The lop-sided feature of the distributive system of the liberal economic order is bound to checkmate the efforts of those people who are outside the bourgeois sphere, from making contribution to the income and wealth of society. And, since the people do not meet the criterion of the desert-justice of the liberal doctrine, it simply means that they do not deserve equal access to the national income and wealth, compared to those within the bourgeois sphere who are able to invest in the economy. Should this inequality continue, the people would be perpetually economically disempowered from making future contribution to increase the income and wealth of their society. This is a rational conclusion since it is a simple economic wisdom that income greatly, though not entirely, determines investment. On the other hand, the members of the bourgeois sphere are perpetually economically empowered to continue making contribution to society in terms of their investment, since they have easy access to the national income and wealth of a liberal society. From the foregoing reflection, there is no doubt that the desert-justice of the liberal

economic doctrine does not promote social justice, within both the socio-political and economic spheres of a liberal society.

Contrary to the submission above, a critical mind might contend that the conclusion reached is based on a wrong notion of a just society, that a just society is one that promotes and rewards the industrious more than the slothful. Michael Slote states this in the following way:

> A just society is often thought of as being something like a large corporation that fairly recompenses those who work for it. Society is conceived as a kind of agent that people benefit or try to benefit, that people can deserve more or less from according to their contributions or efforts, and that rewards or punishes.[74]

Before any critical response to Slote's submission, its merit is still noteworthy. According to Pojman, referring to the *Parable of the Talents*, it would be morally outrageous if all the servants, the industrious and the slothful, ended up with the same benefits. Instead, each reaps exactly as he has sowed.[75] As moral agents, we ought not to object to Pojman's submission, if we are to be consistent, since rewarding good works encourages further good works and punishment deters *or, at least, is supposed to deter*, bad actions. By recognising and rewarding merit, we promote efficiency and welfare, [76] while we morally denounce slothfulness.

However, one needs to critically examine *being industrious* and *being slothful*; the two terms that are obviously and inevitably rendered as opposites by

Pojman. The logic is that the two terms may not be always taken as inevitable opposites. Debilitating social factors, for example, economic disempowerment that results from systemic inequality as examined above may prevent a person from being industrious; though, he is not slothful.

Furthermore, Pojman's argument or any other suchlike position is not strong enough and, therefore, is suspect, to address and solve the problem involved. The people so economically disadvantaged, because of the lop-sidedness of the distributive system of the liberal economic order, have not worked for being so unfairly treated. In other words, if we are to be consistent with the application of the desert principle of justice, we can state that the people who are so unfairly treated by the distributive mechanism of the economic core of political liberalism have not consciously worked for being so unfairly treated. Thus, it is unjust to be so unfairly treated. If this argument is acceptable, then we can rightly state that a society that apportions a man what he does not work for, benefits or burdens, is unjust. But, that exactly is what obtains within a thorough-paced liberal state. Therefore, a rigorous and consistent application of the principle of desert-justice has shown that a liberal state is an unjust state.

The position taken above rests on what Brian Barry calls "the principle of responsibility", which he defines as 'the principle that unequal outcomes are just if they arise from factors for which individuals can properly be held responsible, and are otherwise unjust.'[77] In the case of the economically disadvantaged, it is

absolutely unreasonable to state that they are responsible for their socio-economic situation, since their situation is a result of what we have called 'systemic inequality in resource allocation', which they can do nothing about. This being the case, their unequal outcome, vis-à-vis those that are economically advantaged, is unjust.

In support of the above reflection, some philosophers have also contended that there is something unjust about inequalities deriving from unchosen aspects of peoples' circumstances, but nothing comparably unjust about inequalities deriving from people's voluntary choices.[78]

In conclusion, the summary of all the arguments advanced so far is that the inconsistencies in political liberalism do not promote the course of social justice in a state committed to this philosophy.

3.2 CRITIQUE OF THE JUSTIFICATORY SUPPORTS FOR POLITICAL LIBERALISM: METAPHYSICAL, MORAL AND EPISTEMOLOGICAL

Just as political liberalism can be justified metaphysically, morally and epistemologically/rationally, it can equally be critiqued on those grounds.

3.2.1 Metaphysical Critique: Perhaps, the chief metaphysical weakness of the liberal political philosophy lies in its conception of the metaphysics of the person. John Dewey identifies this weakness as lack of perception of historic relativity.[79] According to him, this lack is expressed in the conception of the individual as something given, complete in itself, and of liberty as a ready-made

possession of the individual, only needing to manifest itself.[80] Dewey states further that these ideas formed part of a philosophy in which these individuality and freedom were asserted to be absolute and eternal truths; good for all times and all places.[81]

However, contrary to the above that Dewey fittingly calls doctrinal absolutism, he contends that:

> …an individual is nothing fixed, given ready-made. It is something achieved and achieved not in isolation, but with the aim and support of conditions, cultural and physical, including "cultural" economic, legal and political institutions as well as science and arts …the content of the individual and freedom change with time…Time signifies change. The significance of individuality with respect to social policies alter with change of the conditions in which individuals live.[82]

In another place, Dewey, somewhat argues along the line of Marxian theory of economic determinism,[83] to affirm that the classical liberal individuality is impossible of conceptualisation outside economic relations in human society. He states that:

> …the life which men, women and children actually lead, the opportunities open to them, the values they are capable of enjoying, their education, their sphere in all the things of art and science are mainly determined by economic conditions.[84]

Omar Swartz also maintains something of Dewey's position when the former states that, "Americans pride themselves on their individuality, yet that individuality is largely a myth. While we have choices as consumers, largely

structural forces condition our public morality and impel conformity.[85] In view of the submissions so far, the reasonable conclusion is that the classical liberal individuality cannot be conceived in, and of itself. This is more so when we remember that what we would call, because of want of better expression, *the logic of binary communication knowledge*: the knowledge of the self by the other, and the knowledge of the other by the self, is received through interaction that actively occurs between the self and the other. This knowledge greatly shapes the perception and thinking of the self of itself and that of the other.[86] Therefore, individuality ought to be conceptualised, not as a separate given entity; rather, individuality ought to be seen as being constituted by self and part of the other. Really, Charles Taylor is also of the same conclusion when he argues that individuality is a function of social and dialogical construction.[87]

    3.2.2 **Moral Critique**: As stated in the early part of the study, the notion of morality or the good life is central to the political philosophy of liberalism. Liberals, according to McCloskey, have disagreed about the nature of morality and the nature of personal moral development and goodness.[88] However, they seem to be of one mind on two basic issues: (I) Morality is conceived in relation to the good of the individual; (II) consistent with the above is that the individual ought to be free to pursue his own conception of the good life.[89] Furthermore, the two statements above are reducible to two corresponding principles: the principle

of respect for individuality and the principle of state neutrality in the conception of the good life, which is an extension of the autonomy of the individual

However, the logic is that the two principles are not necessarily consistent with each other, and this discontinuity invariably leads to a moral dilemma. Let us imagine a situation in which Miss A deliberately decides to get engaged in prostitution, taking prostitution as a form of good life. Obviously, the act of prostitution is consistent with the autonomy of the individual. Therefore, a commitment to the second principle implies that the state ought not to intervene so long as the act does not harm the other. Such an intervention constitutes an infraction of the right against undue interference in the life of the prostitute (negative liberty) and the right of self-determination of the prostitute (positive liberty). However, the prostitute has gone against the principle of respect for individuality by using herself (instrumentally) as a means to an end. Now, whether or not the state has to intervene to stop the practice of prostitution from becoming a common norm becomes a moral dilemma.

To do a better critique of the moral core of political liberalism, we can construct two worlds, A and B, to further show that, given a choice, a truly moral agent would not respect the application of the two principles together. In A, where the two principles are applied together, people could do whatever they like individually so long as each individual ensures that his conception of the good life is not injurious to the good life of the other.   In B, the state always

paternalistically intervenes, that is, to ensure that the conception of the good life of the individual does not depart from the promotion of basic values, such as respect for life, honesty, diligence, to mention a few and, thus, encourages social cohesion. I think we would be ready to choose the hypothetical world B and reject that of A.

3.2.3 Epistemological/Rationality Critique: As the study has shown, there is no doubt that the political philosophy of liberalism is premised on the Western metaphysical conception of the individual. Moreover, it is a product of their reasoning, which is determined by their socio-political experiences at a particular time in their historical development. Thus, it constitutes nothing but their socio-political episteme at a given point in their history. In other words, it does not constitute universal understanding and knowledge of the concept of the individual. However, the proponents of this political philosophy downplay its particularity and, based on their conception of the person, affirm its universality. According to Douglas, political liberalism has always made claim about universal validity.[90] But, the socio-political particularity of this episteme is too obvious to be denied. The salient question that now arises is: how can a particular socio-political episteme or socio-politically delimited account be universally valid? Does it not call into question the relevance of the rationalities of other cultures?

Perhaps, the post-modernist philosophers are the most trenchant of critics of the rationality basis of the major proponents of political liberalism. In the view of Derrida, referring to the rationality basis of the liberal theory,

> Enlightenment reason is self-legitimising: it takes one historically and culturally specific inflection of reason for the universal form of all Reason; and then judges all competing forms of reason to be, ipso facto, unreasonable.[91]

The above overarching claims to objectivity and universality by the founding fathers of the liberal theory have a somewhat de-legitimising effect as rightly stated by Derrida, on the Africans. Thus, their claims could also be critically examined from the African experience.

3.3.   POLITICAL LIBERALISM AND THE AFRICAN EXPERIENCE

On the metaphysical/moral level, in the first instance, the liberal atomistic conception of the individual as 'an unencumbered self', an entity that precedes social attachments,'[92] is not consistent with the relational concept of the person in Africa, which is ontologically communalistic. A lot of scholars have affirmed the communalistic nature of the traditional African society. According to Kuckertz:

> African thoughts and philosophy on personhood and selfhood is that the 'I' belongs to the I – You-correspondence, as a stream of lived experience without which it could not be thought and would not exist.[93]

Approaching the issue from an ethical dimension, Kudadjie also states:

> The feeling of togetherness and the desire for the common good is perhaps more than anything else what inspires the African to do what his society considers right and avoid what is considered

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wrong. Corporateness and group solidarity are important factors that determine and help maintain norms and standards of conduct within the society.[94]

Moreover, summarising the views of J.S. Mbiti, T.T. Asojo states that the concept of morality in Africa is two-dimensional; the "personal conduct" and the "social conduct".[95] According to Asojo, the former concerns the conscious ability of the individual to differentiate the right from the wrong as it affects him personally, while the latter involves his social conduct in relation to the corporate society as a whole.[96] Minding the communal orientation of an African, Asojo concludes that the concept of "I am we, and if we are fine, so I am" must always be the underlying principle of behaviour.[97]

From the submissions made so far, we could all see that the concept of the person in Africa is relational while that of the liberal Enlightenment philosophers is ontologically atomistic. In terms of comparison, the African conception of the person, at least, theoretically, is a clear advancement over that of the Enlightenment philosophers. The reason for this is simple. According to Wolff, espousing the communitarian critique of liberalism,

> Liberalism…conceives of people as isolated individuals who, in their own little protected sphere, pursue their own good in what they take to be their own way. Liberal individuals see themselves as having no special attachment to the customs, culture, traditions and conventions of their own societies…By denying the importance of our community we set out on a path which will lead to individual alienation and, ultimately, the dislocation of society.[98]

However, contrary to the position above, the African conception of the person brings about what Ewelu calls brotherliness or *Obi nwa nne.*[99] Explaining the foregoing, he states that:

> A person can just arrive at the house of the other he regards as his "nwa nne" without any pre-information but with every confidence that he is free to stay with him as long as he (the visitor) wants, and he is so accepted.[100]

According to Ewelu, the value of society building behaviour above does not pertain only to the Igbo people; it is something practised among peoples of Africa.[101] He goes further:

> The Hausa and the Yoruba are near examples. Wherever an Hausa settles and feels at home, within few months, the place turns into Hausa village, Ogbe Hausa…Africans spend money, energy, time, make long journeys with all the risks involved in order to service their brotherhood.[102]

Corroborating the submission, Kwasi Wiredu also notes that:

> A communalist society is one in which an individual is brought up to cultivate an intimate sense of obligation and belonging to quite large groups of people on the basis of kinship affiliations. This inculcation of an extensive sense of human bonds provides a natural school for the enlargement of sympathies, which stretches out beyond the limits of kinship to the wider community.[103]

The significance of this communalistic orientation of personhood must be made clear. The point is that it bridges the social gap between the *self* and the *other.* The former sees the latter as a necessary part of its social being and development, and this thinking also holds in the converse. However, the atomistic conception of the individual as an unencumbered self detaches and, thereby,

separates the *self* from the *other*. It makes the former sees the latter as an encumbrance to its social liberty and development.

From the argument we have been able to marshal so far, the reasonable conclusion is that, at least theoretically, the conception of the 'self' in the African communalistic sense is better, in terms of leading more to social cohesion, than that of atomism rendered by the Enlightenment philosophers, the progenitors of the liberal doctrine. Moreover, since there is a difference between the way the Africans conceive of personhood and the way the liberal philosophers conceive it, another inference we shall draw is that the Western conception is not universally valid; it is only valid within the universe of the philosophers of liberalism. This reflection is also extensive enough to question the universal objectivity of the liberal conception of the *self*.

To get out of the *problematique* of the liberal doctrine, arising from its atomistic conception of the 'self', Paul Treanor has proposed that liberalism should be defined in terms of its promotion of its (social) interaction.[104] He argues further that:

> Liberalism more or less requires the individual to submit to interaction, usually with the proviso that rights are not infringed. That is to say, for liberals, every action not infringing rights is permissible, even if subjectively undesired: hardly protective in the long run…the net of interaction which liberalism proposes is best known in the form of the free market economy and liberal democracy. In a wider sense, it includes debate, exchange of ideas and compromise…All this interaction, in fact, tends to reinforce

> community,…so, seen from the abstract, or from real
> political trends, the standard picture of liberalism is false.[105]

In other words, according to Treanor, liberalism does promote communal interaction, contrary to the claim of the critics. Thus, the standard picture that is usually painted of liberalism as non-relationally atomistic is false.

The contention of Treanor above has at least one fundamental merit, which must be duly noted. Whatever way we might look at it, it is a truism that liberalism promotes interaction between the self and the other, in a dialogical, non-confrontational manner. By protecting the negative liberty of the individual, the liberal doctrine ensures that he is opportune to express his *being* in any social encounter with the other, without any fear of undue oppression or suppression. Seen in this light, liberalism undoubtedly promotes social interaction.

However, we have to look critically at the concept of interaction. On the conceptual level, interaction may be of two forms: cohesive interaction and self-interested interaction.[106] The former form of interaction is based on the principle of 'I- you' complementarity; I am not both personally and socially complete without you. Thus, interaction is considered as necessary, but not contingent. The latter emphasizes interaction on the basis of 'what I stand to gain' from the enterprise: my interest is always at the background of engaging in the interaction. And, the other feels the same about his interest. Thus, interaction is contingent, but not necessary. It is this form of interaction that the free market economy

fosters. All the arguments offered in the earlier part of the study amply prove the submission made.

In the work of Treanor above, he argues that, "in the market, too, successful participants are by definition other-oriented.[107] However, what he fails to realise is that the successful participants are other oriented in a 'self-interested manner.' They interact with the other because of what they stand to gain from the enterprise, not because of any perception of ontological connection to the other.

On the contrary, the cohesive form of interaction is consistent with the communal spirit of pre-colonial Africa. Julius Nyerere alludes to this when he notes that, "in tribal society, the individuals or the families within a tribe were 'rich' or 'poor' according to whether the whole tribe was rich or poor. If the tribe prospered, all the members of the tribe shared in its prosperity."[108]

However, one should not paint an idyllic picture of the pre-colonial African society, since the society has its own dark side. Perhaps, inhumane human sacrifice forms part of this dark side. For example, in the old Oyo Empire, history recalls that:

> During the father's life, an Alaafin first born son filled the important office of Aremo but at his father's death, he too had to die. Nor was he the only one to accompany the deceased Alaafin on his journey to the spirit world: all the Alaafin's personal officials had to perish with their master.[109]

The above, undoubtedly, shows no respect for the sanctity of life. Actually, we need to seriously question a culture that permits deliberate destruction of innocent lives, not on account of any crime committed, but on account of deceased kings. Asouzu also thinks along the same line in relation to the pre-colonial community. Quoting Basden, Asouzu notes that:

> This society grossly placed the community above the autonomy of the individual so much so that it was ready to sacrifice the freedom of the individual to uphold the welfare of the community. This fact accounted for the many cases of infanticide and human sacrifices, which served the interests of the community.[110]

Olusegun Oladipo vehemently responds to the dark side of the communal life in traditional Africa exposed above when he states that there "…has to be a critical reconstruction which will enable Africans to separate the backward aspects of their cultures from those aspects that are worth keeping.[111] Really, instances of wanton African sacrifices above and other suchlike forms of inhumanity constitute the backward aspects of our traditional life in Africa. Therefore, they ought not to be encouraged, be it on account of 'sacred' communal spirit or on any other reason. The above reflection notwithstanding, the argument is still that the African conception of the person, which is relational, is theoretically better in view of the reasons earlier given than that of the liberal Enlightenment scholars, which is essentially atomistic.

Apart from the exposition above, there is yet another ground on which political liberalism could also be critiqued in relation to the African experience. As contained in the works of social contractarians amply quoted in the earlier part of the study, the liberal doctrine is premised on the pre-social account of 'equality of all men'[112]. Moreover, the doctrine also derived extensively from the Kantian equation of 'rational beings = persons' equally referred to earlier.[113]

However, the philosophical submission of 'equality of all men' and rationality were not applied by the colonialists, who were invariably oriented to the liberal political philosophy, in the way they treated Africans. Africans were subjugated and treated as inferior within their own societies, and they were also denied of equal rationality with their colonial masters. George Ayittey captures this unfortunate circumstance in the history of Africa when he notes that, "…colonial subjugation was a cultural and emotional humiliation suffered on top of pervasive denigration of Africans as inferior."[114] Thomas Docherty also argues against this colonialist mentality, which V.Y. Mudimbe rightly conceptualises as 'epistemological ethnocentrism,'[115] when he states that:

> Enlightenment Europe judged the rest of the cultures of the world in precisely the terms of Enlightenment Europe; and when, not surprisingly, it found the rest of the world to be "different", it judged it to be inferior, unreasonable, "under-developed."[116]

Considering the logic of colonialist epistemological ethnocentrism or, better still, epistemological racialism above, we could all see that the philosophy

of political liberalism has been negated on another fundamental ground. The argument for this conclusion is simple. Enlightenment Europe developed the philosophy of political liberalism, which espouses equality of all men and the rationality of man. However, this philosophy is contrary to epistemological racialism which was also a product of Enlightenment Europe. All the arguments given above amply show that epistemological racialism was fundamental to colonial philosophy in Africa.

3.4   Conclusion

In this chapter, we have critically examined the political philosophy of liberalism on three separate, though, inter-related grounds. In the next chapter, which will be the second portion of a two-part critique of political liberalism, we shall attempt to do a critical examination of the philosophy again in relation to global justice. It is on the basis of the two-part critique that political liberalism is thought unable to institute true justice at the domestic level and at the transnational level.

Endnotes

1.   Ebestein, W. 1997. Liberty. *The encyclopaedia Americana*, 303.

2.   Mill, J.S. 2002. Introduction. *On liberty*, Ch. 1. 1.

3.   Hobbes, T. 1968. *Leviathan,* 261.

4.   Hobbes, T. *Leviathan*

5.   Hobbes, T. *Leviathan,* 261-262.

6.   See Locke, J. 1967. *Two treatises of government*, 326.

7.   Locke, J. *Two treatises of government,* 289.

8.   Locke, J. *Two treatises of government*, 323.

9.   Berlin, I. 1969. Two concepts of liberty. *Four essays on liberty*, 122.

10.   Green, T. H. 1986 (1895). *Lectures on the principles of political obligation and other essays,* 229.

11.   Green, T.H. *Lectures on the principles of political obligation and other essays,* 228.

12.   Pettit, P. 1996. Freedom and antiwar. *Ethics*.106. 576.

13.   Pettit, P. 1997. *Republicanism: a theory of freedom and government*, 5.

14.   Facione, P.A., Scherer, D. and Attic, T. 1991. *Ethics and Society*, 156.

15.   As clearly stated, this is a personal conception of liberty. Therefore, some other philosophical minds might subject it to critical analyses.

16.   One must confess that what counts as 'bounds of reasonability' in interference with the liberty of the individual, in any given context, is philosophically shifty and, therefore, debatable. Therefore, there seems to be no final word on this.

17.   The ability of the individual to make rational choices and, therefore, be self-determining, largely seems to be a function of economic empowerment. A person might not be physically constrained; however, his ability to be self-determining may be vitiated by economic deprivations.

18.   Iroegbu, P. 2000. The political significance of belongingness. *Journal of Philosophy and Development*, 13.

19.   Iroegbu, P. The political significance of belongingness

20.   Iroegbu, P. The political significance of belongingness, 13-14.

21.   Locke, J. 1960. *The second treatise of government* in *Two treatises of government*, 287.

22.   However, as argued much earlier, it is worthwhile to note that Locke's definition of a free man given above also supports positive conception of liberty.

23.   Ackerman, B. 1980. *Social justice in the liberal state,* 11; Finberg, J. 1984, 1985, 1986 and 1988. *The moral limits of the criminal law*, 1-4; Gutmann, G. 1985. Communitarian critiques of liberalism. *Philosophy and Public Affairs*. 15. 313; Kymlicka, W. 1989. *Liberalism community and culture*, 76-85, 95-97, 96 n2; Larmore, C. 1988. *Patterns of moral complexity*, Ch. 3; Lloyd-Thomas, L. 1988. *In defence of liberalism*, 1-2; Waldron, J. 1989. Autonomy and perfectionism in Raz's *morality of freedom. Southern California Law Review*. 62, etc.

24.   See Caney, S. 1991. Consequentialist defences of liberal neutrality. *The Philosophical Quarterly*. 41.165: 457-477. This article is a critique of various consequentialist arguments to

support state's neutrality in the conception of the good life for the individual.

25. Fukuyama, F. 1992b. Capitalism and democracy: the missing link. *Journal of Democracy*, 106. Emphasis in the original.

26. Bova, R. 1997. Democracy and liberty: the cultural connections. *Journal of Democracy*, 113. Plattner, M.F. and Diamond, L. Eds. Emphasis in the original.

27. Fukuyama. Capitalism and democracy…,106.

28. Hutton, W. 1995. *The state we're in*, 108.

29. Hutton, W. *The state we're in.*

30. Plato is quoted here from the earlier cited, Stumpf's work, *Philosophy: history and problems*, 75.

31. Stumpf S.E. *Philosophy: history and problems.*

32. See Stumpf, S.E. *Philosophy: history and problems,* 74.

33. Stumpf, S.E. *Philosophy: history and problems,* 104.

34. Kant, I. 1981. *The grounding for the metaphysics of morals,* 428.

35. Strike, K.A. 2006. Taylor, equality, and the metaphysics of persons. Par.1 Retrieved on 20 October 2006, from 'http://www.ed.uiuc.edu/EPS/PES-yearbook/96_docs/ strike.html'

36. See Rawls, J. 1971. *A theory of justice*.

37. Rawls, J. is quoted in Irele, D. 1993. *Introduction to contemporary social and political thinkers*, 14.

38. Rawls, J. in Irele, D. 1993. *Introduction to contemporary social and political thinke,*. 16.

39. John Rawls in Irele, D. 1993. *Introduction to contemporary social and political thinker.*

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40. See Pojman, L. 1996. On equal human worth: a critique of contemporary egalitarianism. *Equality: selected readings*; Louis P. Pojman. 2006. Theories of equality: a critical analysis. *Stalking the wild taboo*. Retrieved on 25 October, 2006, from 'http://www.iranic.com/swtaboo/taboos/1P_equal.html'. In the latter work, Pojman divides theories of equality into formal theories of equality and substantive theories of equality and critically examines each group.

41. Aristotle is quoted in paragraph 3 of Pojman's second work cited above.

42. Pojman. Theories of equality…, par. 2 of Pojman's second work cited above. It states how men ought to be treated in relation to one another, without giving specific criteria as yardsticks to be used in treating men similarly or differently.

43. Discrimination could be both negative and positive. It is negative when morally irrelevant criteria in a given situation are used to award some good, be it office, prize or favour to a specific individual (or social group) at the expense of morally relevant criteria. It is positive when man applies his rationality to distinguish between A and B, after all the relevant details about the two variables have been considered, in order to choose the better of the two. In this special sense, discrimination is a sense of moral good, not a moral evil.

44. This had been noted earlier when defining equality.

45. Pojman. Theories of equality…, par. 2.

46. This position derives from a critical analysis of the pre-social status of man, from the perspectives of the social contract theorists, especially, John Locke, amply referred to earlier. The idea of economic equality is also derivable from Adam Smith's argument for economic autonomy of the individual in society. See his two works cited earlier: *The theory of moral sentiments* and *the wealth of nations*.

47. This states that all rational men are moral agents who ought to be equally treated with dignity in society.

48. Pojman. Theories of equality…, 54.

49. The phrase 'rational economic man' is derived from B. Douglas. 2005. *Political liberalism and universalism: problems in the theories of David Gauthier and Richard Rorty*. Part Two, par. 2. Retrieved on 12 July 2005, from 'http://www.geocities.com/Athens/Ithaca/1180/liberalism2.htm200618'.

50. Sypnowich, C. 1986. Consent, self-government and obligation. *Democracy, Socialism, and Political Theory: Praxis International*, 260.

51. Wiredu, K. 1999. Society and democracy in Africa. *New Political Science*, at 37.

52. Wiredu, K. Society and democracy in Africa.

53. Oladipo, O. 1986/1987. The poverty of liberal democratic theory: a defence of social justice. *The Nigerian Journal of Philosophy*, 79.

54. Oladipo, O. Poverty of liberal democratic theory: a defence of social

justice. This has been paraphrased as it stands
by the researcher.

55.   Oladipo, O. Poverty of liberal democratic theory: a defence of social
justice, 79-90. This has been paraphrased as it
appears by the researcher.

56.   Mcpherson, C.B. 1992. *The real world of democracy*, 7.

57.   Miliband, R. 1992. The socialist alternative. *Journal of Democracy*, 119.
Emphasis in the original.

58.   Oladipo, O. Poverty of liberal democratic theory: a defence of social
justice. This has been paraphrased as it appears
by the researcher.

59.   See Habernas, J. 1989. *The structural transformation of the public
sphere*. The work originally came out in 1962.

60.   See Stumpf, S.E. *Philosophy and problems*, 33-34.

61.   Slote, M.A. 2005. Justice as a virtue. *Standard encyclopaedia of
philosophy*, par. 3. Retrieved on September 29,
2005 from
'http://plato.standford.edu/entries/justice-virtue/'

62.   Slote. Justice as a virtue.

63.   Slote. Justice as a virtue, par.5.

64.   Traditional liberal theory states that no man deserves any social good that
is not a product of his labour. See for example,
John Locke's *Second treatise of government* which
has been quoted earlier in this study. One of the
contemporary political philosophers who have
argued for desert-justice within the liberal tradition
is Louis P. Pojman. See Pojman, L.P. 1997.

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Equality and desert philosophy. *The Journal of the Royal Institute of Philosophy*.

65. James P. Sterba. 1997. *Morality in Practice*, 15.

66. This is a good summary of the central thesis of Rawl's work. These two principles had been given earlier in the study.

67. Facione, P.A. etal. *Ethics and Society*, 185.

68. Swartz, O. 2004. On social justice and political struggles. *Human Nature Review*, 152.

69.   Swartz, O. On social justice and political struggles.

70. Frey, R.F. ; Pearce, W.B.; Pollock, M.A.; Artz, L, and Murphy, B.A.O. 1996. Looking for justice in all the wrong places: on a communication approach to social justice. *Communication Studies*, 110.

71. Pojman. Equality and desert, 555. Emphasis in the original.

72. Sher, S. 1987. *Desert*, 53.

73. Pojman, L. Equality and desert, 561.

74. Slote, M.A. 1973. Desert, consent, and justice. *Philosophy and Public Affairs*, 330.

75. Pojman, L. Equality and desert, 560-561.

76. Pojman, L. Equality and desert, 538. Italics not in the original.

77. See Barry, B. 2003. Does responsibility undermine equality? Being a paper presented to the workshop in Law, Philosophy, and Political Theory, at the University of California, Berkeley, on 20th March.

78. Scheffler, S. 2005. Choice, circumstance and the value of equality. *Politics, Philosophy and Economics,* 6. The list of the stated philosophers is on p. 25 of the article.

79. Dewey, J. 1977. The future of liberalism, 204

This work is a compilation of various articles
written by Dewey.

80.   Dewey, J. The future of liberalism

81.   Dewey, J. The future of liberalism

82.   Dewey, J. The future of liberalism, 205.

83.   The Marxian theory of economic determinism simply states that economic
systems and the interplay of economic relations
among men in society are the determinants of other
forms of social life.

84.   Dewey, J. 1977. The construction of good. *The essential writings*,
173.

85.   Swartz, O. 2004. On social justice and political struggles, 161.

86.   This is simply knowledge derived by critically thinking about the impact
of communication on man.

87.   See Taylor, C. 1992. *Multiculturalism and 'the politics of recognition.'*

88.   McCloskey. Liberalism, 18.

89.   There is a list of arguments, defensive of this position. To this effect, see
Caney, S. Consequentialist defences of liberal
neutrality, 457-477.

90.   Douglas, B. *Political liberalism and universalism: problems in the
theories of David Gauthier and Richard Rorty*, par.
1.

91.   See Derrida, J. 1992. *Margins of philosophy*. A. Bass. Trans.
Brighton: Harvester, 213.

92.   See par. 3 Part One, of Douglass' work cited above. See also p. 59 of
Michael Sandel's work, *Liberalism and the limits of
justice*, which has also been cited in the study.

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104. Treanor, P. 2006. *Liberalism: interacting to conserve: an alternative view of liberalism as the ideology of interaction: rejecting the standard liberal-communitarian divide*, para. 1. Accessed on July 17, 2006, from 'http://web.inter.nl.net/users/Paul.Treanor/lib.interacting.html'

105. See Treanor, P. *Liberalism: interacting to conserve,* paragraphs 4, 7,

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and 12. A critical examination of human interaction in society would reveal this in one way or another.

106.   This is a personal conception. A critical examination of various forms of human interaction invariably leads to this conclusion. In fact, it could be reasonably argued that forms of social interaction, such as academic, cultural, economic, sexual, etc. can be sub-subsumed under either of the two conceptual paradigms of interaction.

107.   Treanor, P. *Liberalism: interacting to conserve.* par. 5.

108.   Nyerere, J.K. 1979. *Ujamaa*, 4.

109.   Stride, G.J. and Ifeka, C. 1971. *Peoples and empires of West Africa: West African in History, 1000-1800*, 298.

110.   Asouzu, I.I. 2004. *The methods and principles of complementary reflections in and beyond African philosophy*, 211. See Basden. 1966. *Niger Ibos.* London: Frank Cass and Co. Limited.

111.   Oladipo, O. 2000. *The idea of African philosophy: a critical study of the major orientations in contemporary African philosophy*, 103.

112.   'Equality of all men,' in the pre-social life, is espoused in *Leviathan* of Hobbes & John Locke's *Second Treatise of Government.*

113.   See also Kant. *The grounding for the metaphysics of morals,* 428.

114.   Ayittey, G.B.N. 1992. *Africa betrayed*, 7.

115.   Mudimbe, V.Y. 1988. *The invention of Africa: gnosis, philosophy, and the order of knowledge*, 15. The scholar defined this as 'the belief that scientifically, there is nothing to

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be learned from 'them' unless it is already 'ours' or comes from 'us' (ibid.). By treating Africans within their societies as inferior to them, the colonialists were putting across the message that the Africans were unequal to them, and, therefore, there was nothing they (that is, the colonialists), could learn from the Africans so unequally treated.

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CHAPTER FOUR

THE PHILOSOPHY OF POLITICAL LIBERALISM AND THE PROBLEM OF GLOBAL JUSTICE

4.0   Introduction

Having critically examined the philosophy of political liberalism at the micro level, that is, national level in the last chapter, the present chapter critically dialogues with the philosophy at the macro level, that is, the transnational level. The central claim here is that the present philosophy of political liberalism is inadequate as a theoretical framework for conceptualising global justice in a new morally-inclined world, a world in which moral sensitivity with cohesive interaction truly obtains. To this effect, this chapter will focus on, and critically examine, Rawls' liberal internationalism, *The Law of Peoples.* The reason for this is that Rawls' *The Law of Peoples* is perhaps the most popular of all liberal accounts of transnational justice in the contemporary world. In fact, much of the literature on the question of justice at the transborder level in the contemporary world have been responses in one way or another to the scholarly tension generated by the Rawlsian internationalist project. This project has generated the dual responses of support,[1] on the one side, and opposition/reconstruction, on the other.[2]

Before this discussion, however, relevant conceptual clarifications will be made in respect of global justice and morality. Attempts will also be made to justify the idea of global justice.

4.1.   The Concept of Global Justice The question of what global justice is all about is not easy to answer. Unlike justice at the national level, conceptualising justice at the global realm is bound to face some problems. Conceptually, Janna Thompson has noted the problem that:

> …there is no theory of global justice that is both adequate and realistic. Those that are adequate as far as their moral content is concerned are unrealistic, and those that are realistic do not satisfy our moral intuitions. Most fail both requirements.[3]

The scholar goes on to highlight some other common objections to theorising about global justice. First, views about justice in various societies are extremely diverse, and how to bridge this gap of diversity becomes difficult. Second, talk of justice is unrealistic in a world in which there are large power imbalances and agents are self-oriented. Third, the limitations of those theories of global justice themselves constitute another source of objection.[4] Furthermore, the problem of conceptualisation becomes more complex when we remember that, according to Dale Dorsey, the scope of global justice is wide.[5]

Apart from the conceptual problems of inadequacy and incompleteness of theories of global justice noted above, Thomas Nagel has also pointed out the problem of theorising about global justice without a clear-cut insight of an

implementing sovereign.[6]   Nagel historically links the concepts of justice and

sovereignty. He explains thus:

> The issue of justice and sovereignty was memorably
> formulated by Hobbes. He argued that although we
> can discover two principles of justice by moral
> reasoning alone, actual justice cannot be achieved
> except within a sovereign state. Justice as a property
> of the relations among human beings (and also
> injustice, for the most part) requires government as an
> enabling condition…If Hobbes is right, the idea of
> global justice without a world government is a
> chimera.[7]

Onora O' Neill, in his own contribution to the discussion of global justice,

also agrees with the scholars above on the difficulty of conceptualising justice on

the global level. He states thus:

> The discussion of international distributive justice is
> both new and messy. It is new because global
> distribution is a fairly new possibility. It is messy
> because principles of distributive justice are
> contentious, and because it is unclear to whom
> arguments about international distributive justice
> should be addressed. Neither the agents of change nor
> its beneficiaries (or victims) are easily identified.[8]

Following the same line of thinking, Geoffrey Best maintains a sceptical

view of having a coherent, practical concept of universal justice, though injustice

at this level is easily recognisable. He states thus:

> Beyond the administration of justice in the specific
> sense of the handling of crimes and punishments by
> legal persons, the achievement of universal justice, in
> the sense of universally admired just arrangements of
> the affairs and conditions of humankind, remains

remote and theoretical. Injustice however is close and practical.[9]

The foregoing notwithstanding, some scholars have made attempts at conceptualising justice at the global level, According to Dorsey, a theory of global justice is one that specifies what sorts of obligations are owed by certain societies to others (not just obligations of resource distribution, but also obligations, say, of intervention in order to stop atrocities, etc.), and the grounds for these obligations.[10] In the words of Thomas W. Pogge, global justice is a moral concept evaluative of the disposition of affluent countries to less-developed countries. He explains thus:

> The concept of global justice breaks down the traditional separation of *intra*-national and *inter*national relations and extends institutional moral analysis to the whole field…It makes visible how we citizens of affluent countries are potentially implicated in the horrors so many must endure in the so-called less developed countries, potentially implicated in the violence and hunger inflicted upon them.[11]

From the views of Dorsey and Pogge (and, perhaps, from the previous commentators on the issue cited earlier in this work), there are certain fundamental points, which are involved in the discussion of the concept of global justice.

First, conceptualising global justice is a very difficult task, since a lot of contentious issues are involved. However, if global justice can be reasonably conceptualised at all, then it must involve some sorts of obligations owed by

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certain societies to other societies. Scholars differ on whether the grounds of these obligations should be founded on justice or charity. For Beitz, affluent countries certainly have some re-distributive obligations, founded on humanitarian principles requiring those who are able to help those who, without help, would surely perish.[12] On the contrary, Pogge argues that global obligations should be grounded in the appeal to human rights,[13] which are axiomatic to any conception of justice. Yet, scholars like Garrett Hardin have argued that it would be unreasonable for rich countries of the world to engage in any exercise of re-distribution of wealth to their poor counterparts, since this would not better the lot of the latter in the long run.[14] On this view, any marginal assistance given by the former to the latter is to be premised on humanitarianism; the issue of justice is completely out of the question.

Second, another point is that a conception of global justice necessarily involves the issue of morality, that is, a system of norms. This amply demonstrates the plausibility of the application of morality or, to be specific, moral evaluation or judgement, to institutional/organisational and state activities at the global level.[15] In fact, Thomas Pogge has argued extensively that as people think that the issue of morality ought to play a fundamental role in the functioning of the national economic order, the same thinking ought to be applied to the global economic order, since facts about the two forms of economic order are almost parallel.[16]

Third, there is yet another fundamental point that derives from the first, and the point is that a plausible conception of global justice must be sensitive to international social and economic inequalities.[17] In other words, the normative theoretical framework suggested above should be able to point out a way concerning how the problems of international social and economic inequalities are to be addressed.

Fourth, a conception of global justice must embrace an implementing institutional structure that brings into operation the system of norms and, thus, takes care of the problem of the absence of implementer-sovereign of global justice, as rightly identified by Nagel at the beginning of this chapter.

Reflecting on the fundamental points inferred from the submissions of those who have noted the difficulties involved in formulating an adequate concept of global justice, we shall conceptualise global justice for the purposes of this study, as the institutional application of moral thinking to the rules of association and interaction among nation-states and people, in so far as they have fundamental bearing on the fulfillment or frustration of human needs. Since states mostly interact through institutional or organisational channels, then the conception embraces moral evaluation of the activities of those international institutions/organisations, in their various forms, at the global level. The rules of conduct of those international institutions/organisations also fall within the purview of moral evaluation. In short, global justice is all about the equal

promotion of the moral dignity of all the different peoples of the world, wherever

they are located, through morally fair political and economic reforms. The

conception of global justice the study adopts is ontologically founded on the

demand that,

> every human being must be treated humanely, which means in
> accordance with the "inalienable and untouchable dignity" of all
> human beings. This principle, in turn, gives rise to four "irrevocable
> directives": a global commitment to a culture of "non-violence and
> respect for life," of "solidarity and a just economic order," of
> "tolerance and a life of fulfillment," and of "equal rights and
> partnership between men and women."[18]

The conception of global justice adopted in the study stands in need of

justification, and this will be provided through the examination of its main

features.

4.2   Global Justice: Features and Justification

The conception of global justice in this study has some basic features,

which adequately justify its adoption. These features are examined below.

First, the conception of global justice the study adopts lays much emphasis

on the moral stance that transnational relations among state authorities must be

founded on a clear-cut normative system. Since the conscious actions taken by

some state authorities to protect the internal well being of their peoples and their

foreign economic interests may have debilitating effects on the lives of other

peoples within other states and also negatively affect their foreign economic

interests, then the former have a moral obligation based on justice, but not merely supererogatory humanitarianism, to support the interests of the latter.

The conception also recognises and addresses the fact that the activities of numerous non-state actors (multi-national companies (MNCS) and such-like institutions) and the rules underpinning their business conduct do contribute to political and economic inequalities at the transnational level.

Third, since the first and the second features of the conception of global justice, in the final analysis, jointly address the problem of global inequality, a fundamental problem at the transnational level, one can rightly state that the conception shows a commitment to the equal promotion of the moral dignity and development of men and women universally.

Fourth, since the conception of global justice is institutional application of moral thinking to the transnational relations among states and non-state actors, one could state that the conception duly recognises and addresses the necessity for a transnational institutional framework to implement this moral thinking. In other words, the conception addresses the problem of the absence of the sovereign to implement global justice.

A close examination of the justificatory features above shows that the conception of global justice adopted has two central elements: a system of norms and a transnational institutional structure that is to implement this system of norms. Although the system of norms would be discussed in the last chapter of

this work, it is apposite here to state two things: this system of norms is to form the normative foundation of the transnational relations among states and non-state actors; and to be functionally effective, its normative rules must embrace the cultural, the economic and the political dimensions of the transnational relations among states and non-state actors.

The transnational institutional structure to implement the foregoing system of norms is to be as democratic as possible. To this extent, the control of its operation is to be founded in a body which is composed of informed representatives of all the different states of the world. The foregoing would also be expounded upon in the last chapter.

4.3   The Plausibility of the Idea of Global Justice

A series of strong arguments have been raised against the plausibility of the idea of justice at the global level. In justifying global justice in this work, some of these arguments will be critically examined.

Perhaps, the first point argument is the thesis that the idea of justice in the first instance is political not metaphysical. This point is a logical inference from the philosophy of the social contractarians,[19] but has been fully developed in the 20th century by John Rawls in his, "Justice as Fairness: Political not Metaphysical [20] and *Political Liberalism.*[21] In the latter work, Rawls amply explains the rationale for his political, rather than metaphysical, conception of   political liberalism, which invariably reflects in his conception of justice. According to

Rawls, any given human society has to make do with what he calls 'the fact of reasonable pluralism;'[22] the fact that different people in society tend to hold onto different comprehensive philosophical and religious doctrines, which might be conflicting. According to Rawls, this reasonable pluralism is a product of the "long-run outcome of the work of human reason under enduring free institutions."[23] Therefore, it is 'not an unfortunate condition of human life' but rather a 'permanent feature of any free society.'[24] To this extent, any imposition of one comprehensive doctrine over the other is *ipso facto* illiberal. For Rawls, comprehensive doctrines affirm political arrangements in the name of certain moral values and they include doctrines of what is valuable in human life, ideals of personal character, as well as ideals of friendship and of familial and association relationships.[25] To guard against any illiberal imposition of a comprehensive philosophical doctrine, and also forge a common platform of social interaction among people who hold onto different comprehensive doctrines, Rawls contends that a conception of political liberalism should not be anchored onto a comprehensive philosophical doctrine. Rather, it should be 'freestanding,'[26] or 'doctrinally autonomous.'[27] It 'fits into and can be supported by various reasonable comprehensive doctrines that endure in the society governed by it;'[28] hence, the birth of Rawls's idea of 'overlapping consensus.' Rawls explains the features of his political conception of liberalism thus:

-it is a moral conception worked out for the basic structure of society;[29]

-it is a free-standing conception, considering that it is not derived from a comprehensive doctrine or does not take a stand between Rawls' comprehensive views;[30]

Rawls states further that ‾its content is expressed in terms of certain fundamental ideas seen as implicit in the public political culture of a democratic society.[31]

Clarifying the above position further, Leif Wenar states that the contention of Rawls is that the citizens of modern democracies will inevitably divide on philosophical and religious grounds, and that a political theory cannot gain free and enduring support from its citizens unless it limits its claims to the domain of the political.[32] Considering controversies that normally trail metaphysical theories, and in order to gain reasonable consensus on his conception of justice, Rawls clearly adopts a political conception, rather than a metaphysical one. To this extent, Wenar states further that justice as fairness can be expressed thus:

> a just society will be a fair scheme of cooperation among citizens regarded as free and equal-where 'fair', 'free' and 'equal' are understood in a specific way. Social cooperation is to be fair in that all who do their part are to benefit according to publicly agreed standards. Citizens are free and equal in that each is an equally valid source of claims on social institutions regardless of her religious affiliation, philosophical commitments, and personal preferences.[33]

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The implication of the above is that if justice is so politically conceptualised, then it is something only obtainable within a state. In other words, we can affirm that a politically organised state is the only entity with its institutional framework to implement justice. This being the case, it follows that there is nothing like justice or injustice outside the state. If we accept the submission, then the whole idea of global justice is misplaced thinking, since there is no state-like structure and institutions at the global level.

Examining Thomas Nagel's *The Problem of Global Justice,* Sebastiano Maffettone agrees to the conclusion reached above when he states thus:

> The institutional reason is essentially based on the non-existence at a global level of a "basic structure" such as there is at the state level. In fact, if something similar were to exist already, this would entail also the existence of those associative obligations whose actual deficit makes global distributive justice impossible.[34]

Now, since there are no transnational structure and institutions to implement justice, just as there are at the state level, Nagel himself believes that the ideal of a just world for Rawls would have to be the ideal of a world of internally just states.[35]

The first point of note in respect of the submission above is that there is a difference between a world of internally just states and a world in which there is justice among nation-states, that is, a world in which all the nation-states engage

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in what we would call moral sensitivity towards one another. This is a world in which all the peoples regard the economic, political and cultural interests of one another as equally deserving of attention and protection in their relations with one another. It is a world in which the people of any given culture take peoples of different cultures as their kiths and kins. The Rawlsian ideal world does not necessarily correspond to this kind of world, since it is logically conceivable for us to have the former (the Rawlsian Ideal World), without having the other. Each of the states of the world could have just institutions and principles to morally develop their individual peoples. However, they might not be willing to extend this across borders, that is, to promote moral human development in their relations with their neighbours. If this argument is accepted, then the Rawlsian ideal world stands dismissed in the present context.

The second, and more critical point, however, concerns whether justice is essentially a political concept, and therefore, not extensible beyond the state. The contention of the study is that the essence of justice is metaphysically grounded in the intuition of a truly rational being. A truly rational being from any culture knows a priori that 'giving everyone his or her due is morally right; he knows a priori that 'a person who has not committed any known offence ought not to be punished; he knows a priori that, on the basis of his moral worth, a poor man ought to have a say in the policy-making of institutions that shape his welfare and life prospects in society; he knows a priori that 'a poor man ought not to be

exploited on account of his weakness', to mention a few, even if they were all to be legally approved. But, all these are derivative from the universal sense of justice of men, not from any political conception of justice, which in itself is a sort of approximation of the universal sense of justice. Even at the height of his scepticism of metaphysics in morality, [36] Immanuel Kant still does not shy away form the idea of metaphysics in justice.[37] It is this metaphysically grounded universal sense of justice that informs the concept of global justice in the study, but not any politically conceived sense of justice.

The second important point, which is raised against the plausibility of having something like global justice reduces to moral particularism, a view hotly argued for by some philosophers. According to a specific group of thinkers, who hold on to moral particularism, which Michael Blake calls the metaethical particularists, duties to fellow nationals differ in kind because the national community is the source of the language and values employed in the practice of moral judgment. Partiality to the interests of one's fellow national is therefore a consequence of the nature of morality.[38] Perhaps, the classical expression of the position of metaethical particularists is given by Alasdair MacIntyre's fervour for patriotism, when he states that:

> Liberalism requires that "everyone counts for one and no more than one", while patriotism requires that "I strive to further the interests of my community and you strive to further those of yours" … loyalty to that community, to the hierarchy of particular kinship, particular local community and particular

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natural community, is on this view a prerequisite for morality. So patriotism and those loyalties cognate to it are not just virtues but central virtues.[39]

The summation of MacIntyre's position is that morality outside a community that generates the language, in which moral reasoning is couched, is out of question. Therefore, it is morally justified to loyally protect the interests of the members of this community of whose language morality is couched more than those of the outsiders.

In the first instance, one cannot but acknowledge its merit; all have a moral responsibility to promote the interests of other members of the same community with one, since, according to Rawls, a society is a scheme of social cooperation.[40] And, this link of social cooperation pales and withers away if each member of the society does not cultivate the habit of promoting the interests of the other within the same society. If everyone in a society avoids this moral responsibility, the society eventually collapses, and each individual ceases to be a moral agent in the long run.

But, according to Pogge, such permissible partiality has its limits.[41] He contends further that:

> There are obvious *ethical* and *interactional* limits to a government's partiality: in so far as it is impermissible for us citizens to kill innocent people in order to advance our own interests, it is likewise impermissible for our government to do the same in our behalf … those who are *partial* in favour of their own group must, as a condition of the permissibility

of such partiality, also be *im*partially concerned for preserving the fairness of the larger social setting.[42]

Buttressing his conclusion above, Pogge states that the post–cold war order is being dominated by powerful developed countries, the governments of which have given much weight to the interests of their domestic business elites and rather little weight to those of vulnerable countries.[43] Considering this unjust international economic order and thinking deeply about its likely economic impact on the lives of millions of peoples in those vulnerable countries, the logic is that, if we are to be consistent moral agents, then we have to affirm the plausibility of the application of morality at the transnational level to deal with this unjust international economic order. In other words, it is plausible to apply morality to inter-state relations. This conclusion is further justified when, according to Kant, we remember that 'the second general duty that reason imposes is a duty to promote the happiness of others.'[44] In other words, we ought to morally promote the happiness of the other both because he is also a moral agent and because of our common humanity with the other. However, the above international economic order, which is engineered by the developed world as stated by Pogge, is contrary to what could promote the happiness of the peoples in the developing world, especially, Africa because it is unjust. Thus, this problem of injustice ought to be normatively addressed by the powerful countries in relation to the less powerful countries.

There is yet another problem with moral particularism, and this has to do with its position that, since moral reasoning is couched in the language of a given community, then moral evaluation or judgment ought not to be extended beyond the community. It is true that language is native to a community; however, the logic is that there is a distinction between language and contents of morality. The former may be native to a community, but the latter is obviously not. Moral statements such as, 'you ought not to harm the weak'; 'you ought to condemn the wicked'; to mention a few, are always expressible in one language or another. Specifically, they are in the present context expressed in English language. But, this fact does not, however, relativise their application to only the peoples within the English-speaking societies.

There is yet another variant of moral particularism, which Blake has described as cultural perfectionism [45] According to this thinking,

> …priority for the interests of one's fellow nationals is a consequence of the importance of community membership for the human good. On this account, distinct duties to one's fellow nationals flow from the importance of the flourishing and protection of the national community.[46]

Contributing to the development of the thesis of cultural perfectionism, Yael Tamir makes a case that cultural perfectionism is still consistent with impartialist morality within the restricted sphere of a community. According to her, while it is morally justified to be partial towards members of one's cultural

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group, against the interests of foreigners, it is not morally justified to act favourably towards some members, against the interests of some other members, of the same cultural group.[47]

In his defence of cultural perfectionism, Richard Miller claims that our respect for the lives of foreigners does not entail having equal concern for them as we have for our compatriots.[48] He claims further that:

> …until domestic political arrangements have done as much as they can (under the rule of law and while respecting civil and political liberty) to eliminate serious burdens of domestic inequality of life-prospects there should be no significant sacrifice of this goal in order to help disadvantaged foreigners. Here, significant sacrifice consists of foreseeable costs to a disadvantaged compatriot so severe that she need not willingly accept them…[49]

The summation of Miller's position is that we are not obliged to aid foreigners when it would cause us discomfort; in fact, it constitutes no lack of self-respect to them, if we withhold aid when the cost to us is severe injury.[50]

Just like the position of the metaethical particularists, the argument of the cultural perfectionists has some merit, and this merit comes in part from Miller himself. As he rightly contends,[51] rarely should we expect social cooperation from the needy in our society, whom we do nothing to actively support. When we remember that social cooperation brings about social cohesion and consequent

stability, then we know the significance of prioritising the interests of the needy in our society, a factor that contributes to social cooperation.

However, the conclusion above does not decide the case for the cultural perfectionists. This group of thinkers ought to realise that the consequences of our deliberate actions, in protecting the interests of our compatriots, both the needy and the better off, are subject to moral evaluation, wherever the consequences extend to and whoever is affected. According to Pogge, our current world order generates international social and economic inequalities that are not to the maximum benefit of the world's worst off persons.[52] We have to realise that this world order is founded on both the political and economic philosophies of the politically liberal North. In other words, these inequalities so patent at the global level result mainly from the deliberate actions of some peoples in the process of protecting the interests of their compatriots. Thus, the lives of the various peoples, whose living conditions are negatively affected by the perceived inequalities, are subject to untold hardships. The moral that follows is that any steps taken to address these inequalities cannot be founded outside a clearly formulated conception of global justice. The steps should not be founded on mere humanitarianism, which is highly supererogatory. If this assertion is plausible, then the claims of cultural perfectionists have not succeeded in reducing morality to what only serves the good or promotes the survival of a community of compatriots.

R.J. Arneson is also critical of the patriotic priority thesis based on appeal to special felt ties of solidarity, a view expressed by Thomas Hurka.[53] To paraphrase Arneson, this reduces to the claim that we have special duties to those we care about, duties that only apply to family members, friends and fellow country men. However, Arneson notes:

> A problem with this line of thought is that many people do not experience special feelings of solidarity with compatriots as such. Nor does such lack of feelings seem deviant or unreasonable. Moreover, the most unproblematic and uncontroversial special obligations to friends and family originate in voluntary undertakings, but membership in a nation state is for the most part not voluntary.[54]

If Arneson is correct, it means that the premises provided by Hurka for the acceptance of the patriotic priority thesis is weak. And, if weak, the logical conclusion is that it fails to justify the position it is deployed to support.

Based on all the foregoing critical responses, moral particularism is not forceful enough to reduce the behaviour–guiding, normative role of morality to that of serving only a community of compatriots. But, if justice is conceptualisable at the global level, as the trend of the discussion so far has shown, how can it be conceptualised to reform the new world order of political liberalism? This fundamental question will be answered in the last part of the study. In the meantime, some terminological clarity needs to be made.

4.4   Global Justice and Morality

Running through the discussion of the plausibility of global justice is constant reference to morality. Therefore, the theoretical connection between the two concepts ought to be further examined. Perhaps, a proper approach to understanding the theoretical nexus is to start by looking into what morality is all about.

4.4.1   Understanding Morality

Etymologically, the term 'morality' is a derivative from the Latin word 'moralis,' which literally means 'the custom' or 'the way of life.'[55] In the words of Solomon and Greene, morality is a set of rules stating what you ought and ought not to do.[56] To sharpen the focus of their conception, the scholars distinguish between prudence and morality:

> *Prudence*… is looking out for your own personal interests …
> In itself, prudence need not be *selfishness*, but it does mean
> looking after your own interests whether or not they happen
> to be anyone else's interests … Morality, on the other hand,
> always looks beyond our own to what is *right* or *required*.
> Morality might refer to Good's interests, for example, or to
> well-established moral principle that might not seem to serve
> anyone's interests. Morality, unlike prudence, is necessarily
> *impersonal* in this sense and *objective* … For this reason,
> contrary to a popular way of speaking, there is no such thing
> as a 'personal morality.[57]

From the conception of morality given by the Solomon and Greene, certain facts could be gathered about the nature of morality. First, as distinguished

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from prudence, we can see the interest for the other is a necessary part of morality. In other words, morality is not only concerned with the self. Second, morality always focuses on the good of man, since it is concerned with 'what is right' or 'what is required'. In other words, morality always focuses on the ideal, in promoting the good of man. Third, since morality is always concerned with the ideal, then it is objective to this extent.

According to Oke and Esikot, morality is a system or body of rules, particularly prohibitions and prescriptions, which guides and regulates human actions.[58] Furthermore, in their view, morality can also be defined as a system of social direction and control, and of practical reasons for the required conduct.[59] In this sense, it is the attempt of human beings to reconcile or harmonise their conflicting interests.[60] Apart from telling us that morality is regulative of human actions in society, there is a somewhat new dimension introduced to our thinking of morality, by the foregoing conception. This is that morality is also about rational resolution of conflicting human interests in society. If we remember that morality is impersonally objective, according to Solomon and Greene, then we can state that morality is an impartial arbiter in the resolution or the conflicting interests between the self and the other in society.

In his contribution to having a clear conception of morality, William Frankena explains three kinds of thinking that relate to morality. Paraphrasing him, the three kinds of thinking are given below.

First, there is descriptive – empirical inquiry, historical or scientific, such as is done by anthropologists, historians, psychologists and sociologists. The goal, here, is to describe or explain the phenomenon of morality or to work out a theory of human nature, which bears on ethical questions. In short, the aim here is to discover how people do behave (rather than ought to behave). Second, there is normative thinking, which centres on questions such as, what is good or obligatory. Here, unlike the above, the thinking is essentially prescriptive: it tries to prescribe what ought to be done or what ought not to be done. Third, there is also analytical, 'critical', or 'meta-ethical' thinking. The aim here is neither to explain / describe nor prescribe anything. Rather, it is to critically analyse terms used in making evaluative statements. In short, this deals, with the language we use in normative thinking.[61]

From Frankena's enlightening approach to understanding the concept of morality, we can see that the term is capable of varied uses. Bernard Gert also agrees with Frankena on the fluidity of the concept, when the former states that:

> The term 'morality' can be used either: 1. descriptively to refer to a code of conduct put forward by a society or, (a) some other group, such as a religion, or (b) accepted by an individual for her own behaviour or 2. normatively to refer to a code of conduct that,

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given specific conditions, would be put forward by all rational persons.[62]

Although morality is variously used, as Frankena and Gert have rightly pointed out, the study focuses on the normative, prescriptive use of morality. And this restricted focus on normativity normally calls forth a better understanding of morality.

According to Gert, the only feature that the descriptive and normative senses of 'morality' have in common is that they refer to guides to behaviour.[63] Following this trend of reasoning, it logically means that the normative sense of morality must have certain distinguishing features. These differentiating features must be made clear, since there are other normative looking guides to behaviour, such as etiquette, law, and religion. Gert provides the explanation thus:

> Etiquette…applies to behaviour that is considered less serious than the kinds of actions to which morality usually applies. Law is distinguished from morality by having explicit rules, penalties, and officials who interpret the laws and apply the penalties, but there is often considerable overlap in the conduct governed by morality and that governed by law. Religion differs from morality in that it includes stories, usually about supernatural beings, that are used to explain or justify the behaviour that it modifies.[64]

Now, if morality is distinct from etiquette, law and religion in its normative sense, what does constitute its distinctness? Gert explains this distinctness by starting that *morality is an informal public system applying to all rational persons, governing behaviour that affects others and has the lessening of evil or harm as its goal.*[65]

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Paraphrasing Gert, we could deduce the following from the conception. First, morality as a public system presupposes that every moral agent knows what kinds of actions it prohibits, requires, discourages, encourages, and allows. Second, as an informal system, morality has no authoritative judges and no decision procedure that provides unique answers to all moral questions. Third, almost all philosophers who separate morality from religion take the former as governing only that behaviour that directly or indirectly affects others. Fourth, morality always works towards the lessening of evil or harm, either directly or indirectly.[66]

Having attempted to conceptualise morality as clearly as possible, what remains to be explained is the relationship between morality and global justice. This will be established in some ways.

To begin with, in the normative sense, Gert states that morality is a universal guide that all rational persons would put forward for governing the behaviour of all moral agents.[67] Accepting this, we can logically derive that if all moral agents at the global level truly and actively subscribe to the normative sense of morality, then their interactions with one another would be conducted in a fair manner, since the rules guiding their actions would be the best possible such that they would be protective of the interests of all the moral agents involved. If this is rational enough, then it necessarily follows that the idea of global justice is realisable through adherence to the normative sense of morality.

The submission above is further supported by the fact that the issue of justice lies at the heart of morality. Justice is the vehicle through which basic moral principles and moral rights materialise themselves among rational human beings, be it at the national or global level. Joseph Omoregbe aptly captures this thinking when he contends that there can be no discrepancy between justice and morality since whatever is just is morally right while whatever is unjust is morally wrong.[68]

The mutual inclusivity of morality and justice is also seen in the way moral philosophers have conceived of duties and rights. According to the British moral philosopher, W.D. Ross, rational people have duties to themselves and to other rational people, the latter being constituted by those duties based on our previous acts and those based not on our previous acts. According to him, part of the duties to others not based on our previous acts is that of 'duty of justice' (duty to conform to the demands of justice).[69] Now, if we agree with Omoregbe and Ross on their individual submissions, the logical conclusion is that justice is conceptually inseparable from morality. Therefore, promotion of global justice is invariably promotion of morality, in the normative sense, to all the moral agents at the global level.

4.5   Rawls' *The Law of Peoples*: A Critique of the Liberal Account of Transnational Justice

Right from the beginning, it is noteworthy to repeat here that the conception of justice by the liberal is founded on their conception of the state. As argued earlier, Enlightenment philosophers of liberalism such as John Locke and, in a sense, Thomas Hobbes, contended that the consent of the people in the pre-social life is the basis for the justification of the modern civil society. Thus, any obligations of justice thereafter, are equally a product of the 'contract of consent.' In short, justice is conceived in contractual terms, within a liberal state, at least in the classical sense. Martha Nussbaum supports the foregoing thus:

> The dominant theory of justice in the Western tradition of political philosophy is the social contract theory, which sees principles of justice as the outcome of a contract people make, for mutual advantage, to leave the state of nature and govern themselves by law. Such theories have recently been influential in thinking about global justice…[70]

According to Nussbaum, this thinking of justice has been taken to the global level, especially by the work of John Rawls.[71] In the present work, we can not but agree with Nussbaum on the basis that Rawls' liberal internationalism has been the most influential work in philosophy of international relations in recent times, considering the volumes that have been written either in support or against it, on the one hand, and in reformulating it, on the other hand.

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To reiterate, the basis of Rawls's theorising on justice in society is, *A Theory of Justice,* and the extension of this work to the transnational level starts with *Political Liberalism* and culminates in *The Law of Peoples.*[72] According to Beitz, the political theory whose extension is presented in Rawls's monograph is that set forth in *Political Liberalism* and various mostly subsequent articles, not found in *A Theory of Justice.*[73]

In *The Law of Peoples*, Rawls divides the global society into three spheres. The first is to be composed of the liberal and non liberal but decent peoples, which, together, Rawls refers to as "well-ordered societies." [74] Furthermore, the foregoing sphere is the *Society of Peoples*, and *the law of peoples* forms the basic charter.[75] According to Rawls, the liberal societies or peoples have three basic features: a reasonably just constitutional democratic government that serves their fundamental interests; citizens united by what Mill called "common sympathies;" and finally a moral nature. The first is institutional; the second is cultural, and the third requires a firm attachment to a political (moral) conception of right and justice[76]

However, Rawls uses the term 'decent' to describe non liberal societies whose basic institutions meet certain specified conditions of political right and justice (including the right of citizens to play a substantial role, say through associations and groups, in making political decisions) and lead their citizens to honour a reasonably just law for the Society of Peoples.[77]

The above Rawlsian charter consists of eight principles:

(1)   Peoples are free and independent, and their freedom and independence are to be respected by other peoples.

(2)   Peoples are to observe treaties and undertakings.

(3)   Peoples are equal and are parties to the agreements that bind them

(4)   Peoples are to observe a duty of non-intervention.

(5)   Peoples have the right of self-defense but no right to instigate wars for reasons other than self-defense.

(6)   Peoples are to honour human rights

(7)   Peoples are to observe certain specified restrictions in the conduct of war.

(8)   Peoples have a duty to assist other peoples living under unfavourable conditions that prevent their having a just or decent political and social regime.[78]

In terms of merit, the foregoing Rawlsian transnational structure and normative system have at least two: in the Society of Peoples, the parallel to reasonable pluralism is the diversity among reasonable peoples with their different cultures and traditions of thought, both religious and nonreligious.[79] In other words, it recognises and extends respect for the principle of toleration to non liberal but decent hierarchical societies. At the same time, it provides for overlapping consensus. It provides a platform of agreement between liberal and

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non liberal but decent societies; though, the two groups of societies are profoundly divided by reasonable religious, philosophical and moral doctrines.

Before going further, it is imperative now that we know what Martha Nussbaum calls the 'three salient features of social contract conceptions,' [80] which Rawls relies on in his work.

First, according to Nussbaum, Rawls explicitly endorses the idea that the social contract is made between parties who are roughly equal in power and resources, so that no one can dominate the others. Second, the contract is imagined as one made for mutual advantage, where advantage is defined in familiar economic terms, and income and health play a central role in indexing relative social positives. Third, contract theories take the nation state as their basic unit, conceiving of their contracting parties as choosing principles for such a state.[81]

Further to the submission of Nussbaum, we could also argue that the idea of classical contractarianism also runs through the eight principles given. For example, the first and the third principles replicate the Hobbesian and Lockean principles of 'freedom and equality' of all men in the pre-social life, and the second part of the third principle is a clever replication of the argument of the classical social contractarians that in a modern civil society, being a product of the consent of the people in the pre-social life, whatever rational decisions made by

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the civil society should be binding on all the people that have given their consent to its formation. The second principle is also a derivative from the foregoing.

Moreover, the fourth and the fifth principles are consistent with the preservation, in the civil society, of the liberty of the individual as espoused by the contractarians. Stated differently, the two principles are mutually re-inforcing: the duty of non-intervention cancels out the right to instigate wars against the other. Furthermore, the fourth principle is also historically Kantian. In Kant's First Section of the Preliminary Articles for Perpetual Peace among states, the fifth Article specifically states that 'No state shall forcibly interfere in the constitution and government of another state.'[82] And, the fifth Rawlsian principle is also Kantian in the sense that if a state consciously obeys the fourth principle then the fifth principle becomes redundant, since a state committed to non-intervention in the domestic affairs of another state would not engage in any war of expansion, safe for self-defense. The sixth principle is the logical culmination of the previous ones. The seventh principle is logically derivable from the sixth principle, because the seventh principle is indirectly stating / endorsing that wars are to be conducted by peoples, fully minding the principle of giving honour to human rights. Therefore, the seventh principle is still consistent with the contractarian bent of the previous principles. Even, we could state that the eighth principle is a logical correlate of the sixth principle, when we remember that it would be just a lip service to honouring human rights, if we refrain from assisting

people in unfavourable conditions, the unfavourable conditions that vitiate their enjoyment of human rights.

From another perspective, it is noteworthy that the whole Rawlsian idea of applying contractarianism to relations among states is also Kantian in nature. In his, *The Metaphysics of Morals*, Kant equates a state with a moral person. According to Kant, under the *Law of Nations*, a state is like "a moral Person living with and in opposition to another state in a condition of natural freedom, which itself is a condition of continual war". States ought to "abandon the state of nature and enter, with all others, a juridical state of affairs, that is a state of distributive legal justice." [83]

The second sphere of Rawlsian division of the global society is composed of peoples that are neither liberal nor decent in Rawls's thinking. Nussbaum tersely explains the composition of the second sphere thus:

> On the outside of the society of peoples are "outlaw states", which do not respect human rights, and a burdened societies," which are defined as not only poor but also politically badly organised.[84]

The third set of societies outside the first sphere is what Rawls calls *benevolent absolutisms*: they honour human rights; but, because their members are denied a meaningful role in making political decisions, they are not well-ordered[85]

But, how do the first two spheres interact? The interaction of the first sphere is negative with the "outlaw states", but it is positive with the "burdened societies". According to Nussbaum, Rawls holds that one important task of the societies of peoples is to restrain the outlaw states[86] because, in the words of Rawls himself:

> Outlaw states are aggressive and dangerous; all peoples are safer and more secure if such states change, or are forced to change, their ways. Otherwise, they deeply affect the international climate of power and violence.[87]

However, all members have duties to assist the burdened societies, which primarily means helping then to develop stable democratic institutions, which Rawls takes to be the main ingredient of their eventual prosperity.[88] For reasons of explanation, the assistance to establish well-ordered societies, which Rawls believes to be the duty of the society of peoples to the burdened societies, is premised on his following assumption:

> that there is no society anywhere in the world – except for marginal cases – with resources so scarce that it could not, were it reasonably and rationally organised, become well ordered.[89]

In short, Rawls takes the domestic backwardness of these burdened societies as solely mono-causal: caused only by domestically induced factors. This view derives from what Mathias Risse has regarded as institutional thesis:

> *Institutional thesis*: Growth and prosperity depend on the quality of institutions, such as stable property rights, rule of law, bureaucratic

capacity, appropriate regulatory structures to curtail at least the worst forms of fraud, anti-competitive behaviour, and graft, quality and independence of courts, but also cohesiveness of society, existence of trust and social cooperation, and thus overall quality of civil society.[90]

Rawls' premise for his position of institutional thesis has some basic implications. First, that there is no external dimension to this backwardness; second, that the solution is effective tackling of the domestic causative agents; third, that the duty of assistance is not embracive of redistribution of wealth from the rich societies to the poor societies. All these would be critically examined later.

The above is a reasonable summation of Rawls' internationalist model of forging a system of just states. But, the reasonable question that follows is: is the internationalist model able to adequately promote the course of global justice?

Just as the present study earlier showed the merits of the operation within the Rawlsian *society of peoples,* the interaction between this society and the burdened societies is also meritoriously developmental: the *society of peoples* is to help the burdened societies to develop their own democratic principles and structures, which might have a fundamental positive impact on the moral development of the peoples in those societies. Furthermore, the principle of non-interventionism and that of non-instigation of wars amply show that, no matter what, the domestic autonomy of the burdened societies is still recognised and

respected, since these principles restrict the *society of peoples* from undue intervention in the domestic affairs of the latter. Therefore, the two principles are normative attempts to establish peace and stability within the international society. However, Rawls' internationalist model has some obvious weaknesses, which shall also be duly noted.

In the first instance, a fundamental problem of the Rawlsian internationalist model is that it is not democratic. The global society is divided, as we have seen earlier, into two spheres with one sphere, society of peoples, formulating the rules of international conduct, which others, outside the sphere, should follow. This is contrary to the ontology of the concept of democracy, which is the notion of self-determination.

The foregoing problem generates a sub-set. We need to ask if there is any justification for excluding the common peoples in the second sphere, the outlaw states and the burdened societies, from the society of peoples. This questioning becomes imperative when we remember that the problems of the outlaw states and the burdened societies, according to Rawls, result mainly from the negative policy decisions of their leadership institution but not from the common peoples therein. Take the case of outlaw states, for instance. The governments of those states, being repressive, may not be representative of the general interests of their peoples. If this reasoning is acceptable, then the relevant question that comes up

is: Is it just to punish both A and B for the offence only A committed? Assuming there is some benefit to be derived from being members of the *society of peoples*, those peoples outside the society are normally deprived of this benefit. This is injustice. However, the Rawlsian model is a construct intended to institute justice in inter-state relations. If we insist that the Rawlsian model is meant to institute justice in inter-state relations, then it must find a way to accommodate the common peoples in the outlaw states. However, the internationalist model does not accommodate the peoples in the outlaw states, as clearly explained earlier. This being the case, we could state that the Rawlsian model is not truly committed to the institution of justice in inter-state relations.

Moreover, it is noteworthy that part of the principle of the society of peoples is that of honouring human rights because of the moral worth of all human beings. However, this normative aim may be defeated right from the start. The logic is that by excluding peoples in the outlaw states and burdened societies from the society of peoples, in the initial instance, it means that their moral worth, the basis of their enjoying human rights, is unjustly discountenanced. In view of this, if the Rawlsian internationalist model is to promote any justice at all, it will be highly internationally restrictive (that is only among the society of peoples) but not global justice. However, there is a marked difference between the two spheres of justice. According to Lars Ericcson:

International justice ... is basically a relation that holds between two or more independent nations, states or societies. Global justice, in contrast, is basically a relation that holds between *human* or *sentient beings* within something called the global society. To formulate a theory of international justice is to lay down conditions for law of nations. To formulate a theory of global justice is to lay down conditions for a just distribution of the world's goods and resources among its population.[91]

Apart from the foregoing criticisms, there are, at least, two basic problems with the principle of duty of assistance. The first in that it does not extend to the peoples in the outlaw states. At least, Rawls does not clearly come out that it should be extended to them. Applying the reasoning deployed above to the duty of assistance in the present context, we can see that it is morally discriminatory. In other words, the principle of duty of assistance is arbitrarily applied in the present context. Therefore, the reasonable conclusion is that it is unjust.

The second problem is that even to those peoples in the burdened societies to which the principle of duty of assistance is applied, it does not apply to them in a morally obligatory way; a way that will enable them to make a right-claim to the duty, if the contents of the duty are not duly implemented. After all, it is only all about humanitarianism; therefore, it is morally supererogatory; it is not of strict obligation. It is just meant by the *society of peoples* to help the burdened societies internally to a state of self-sustenance, believing that only internal factors cause their economic misfortune. However, there is a flaw in the latter belief. According

to Nussbaum, such an analysis ignores the fact that the international economic system creates severe, disproportionate burdens for poorer nations, who cannot solve their problems by wise internal polices alone.[92]

Pogge also agrees with Nussbaum. To paraphrase him, it is true that many poor countries have corrupt leadership and institutions; however, foreign influences are not (according to him) altogether uninvolved.[93] He writes:

> …it is indisputable that the oppression and corruption in the poor countries, which Rawls rightly deplores, is by no means entirely home grown. So it is true, but not the whole truth, that governments and institutions of poor countries are often corrupt. They are actively being corrupted, continually and very significantly, by private and official agents from vastly more wealthy (sic) societies.[94]

If the scholars are correct in their reasoning, then it logically follows that the problems of the so-called burdened societies are not mono causally explainable: the problems are both internally and externally induced. Therefore, the conclusion is that, on some grounds, mere duty of assistance would be a necessary but not be a sufficient solution to the problem of the burdened societies. The reasons are by now obvious. First, the duty of assistance is highly supererogatory, but not highly morally obligatory. The recipients lack the moral power to make a right-claim to the implementation of this duty of assistance. Afterall, it is mere humanitarianism. Second, by virtue of the above, there is no morally binding obligation for the *society of peoples* to go beyond this duty of assistance, in the first instance, or even implement the duty of assistance at all.

Part of the adequate solution to the problem of the burdened societies is the extension of the Rawlsian difference principle to the global level. It is this principle that creates a duty of obligation on the side of the society of peoples, to redistribute part of their wealth, to the peoples in the burdened societies. However, Rawls fundamentally errs on this account: he kicks against such an application of the principle; though, according to Maffettone, the internationalist model in *The Law of Peoples* is inspired by the constitutionalist and domestic model in *Political Liberalism,* [95] of which the difference principle is a veritable aspect.

Following Maffettone, Lief Wenar also notes the problem of contradiction in Rawls' domestic and internationalist accounts of justice thus:

> In opposing the cosmopolitan egalitarian interpretation Rawls faces the general problem of identifying the asymmetry between the international order where he requires an egalitarian distribution and the domestic order where he rejects one. Until he identifies such an asymmetry, any objection he makes to international egalitarianism will simply boomerang as an objection to justice as fairness. How can Rawls resist egalitarianism at the global level? [96]

The justification for Rawls' position is that a state ought to be responsible for the consequences of its deliberate polices.[97] This analogy of state–individual morality is explicit in Rawls' thought experiment, as rendered by Beitz:

> Imagine two liberal or decent societies at the same level of wealth and of similar size. Society A decides to industrialise

and to increase the rate of saving; society B does not. Some decades later, society A is twice as wealthy as society B. Rawls believes that any cosmopolitan principle would require a flow of resources from A to B, a consequence he regards as unacceptable.[98]

The arguments of Nussbaum and Pogge given above critically take care of Rawls' position in his thought experiment. What remains to be stated is that Rawls' *The law of peoples* is the culmination of his reflections on how reasonable citizens and peoples might live together peacefully in a just world.[99] However, it remains to be seen whether the product of his reflections would be able to achieve this objective, considering the fact that Rawls is unwilling to extend one of his foundational principles of domestic theory of justice, the difference principle, to the model proposed. This is a reasonable conclusion when we remember that Rawls' model is generally silent on, by not making a proposal on how to deal with, the present international, liberal-economic order, which produces and reproduces economic inequalities among nations and their peoples. In his 2008 Kennedy Memorial Lecture, the British Prime Minister, Gordon Brown, recognises the need to normatively address this problem of inequalities among the peoples of the world. Therefore, he duly makes a suggestion to address the problem:

> Globalisation can work if it is inclusive…This requires… a new deal for the poorest countries…We need a global trade deal that benefits rich and poor countries alike, and new international financial architecture and economic institutions that end

mismatch between global capital flows and only national supervision of them…we need a new deal as bold as the Marshall Plan between rich and poor.[100]

Moreover, it is noteworthy that the Rawlsian model stands in need of justification outside the liberal philosophy, for it to be acceptable to those who do not hold liberal ideals. However, what the model has to offer is just liberal justification. Beitz explains the weakness thus:

> In the doctrine of the law of peoples, the question of justification is, so to speak, a creature of the liberal society in which it is posed, and the adequacy of any reply is governed by the criteria of reasonableness acceptable within that society.[101]

If we agree with Beitz, then the reasonable conclusion is that the Rawlsian model may lack justification to those societies outside the liberal circle of the law of peoples. This being the case, they may not willingly strive to abide by the principles, unless they are forced to do so. But, forcing the societies outside the law of peoples to abide by the principles is contrary to what liberalism stands for, that is, freedom of rational decisions.

Lastly, the institutional thesis argued to have been relied upon by Rawls in his liberal internationalism, in rejecting transnational distributive justice, also implies the self-sufficiency thesis that states are largely self-sufficient to provide a worthwhile life for their peoples and operate prosperously. But, why is it that the self-sufficiency thesis is highly suspect? The answer is that economic self-

sufficiency, for it to lead to a truly prosperous people, must go with distributional autonomy. Allen Buchanan explains and distinguishes the two concepts thus:

> Economic self-sufficiency is distinct from distributional autonomy. A state is distributionally autonomous if and only if it can determine how wealth is distributed within its borders. A state might be economically self-sufficient, in the sense that it has the capacity to produce the goods its people need, but be unable to fully determine how those goods are distributed among its people.[102]

The distinction made by Buchanan is most apposite here because it makes us understand that economic self-sufficiency in itself is not enough to translate to worthwhile life and prosperity for the people in a state, if distributional autonomy is not included. Furthermore, implicit in his explanation is that, especially in the developing world, rarely could one reasonably make a claim of attribution of self-sufficiency, minding that most of their manufactured goods consumed locally are imported. In addition, most of these states lack distributional autonomy since they are indebted to Western-controlled international finance institutions, such as the World Bank, the International Monetary Fund (IMF), Paris Club, to mention a few. These institutions, as a result of the indebtedness of the developing countries, indirectly control the economies of the debtors in terms of what to produce and how what is produced is ultimately distributed.

Furthermore, there is an internationalist legal complicity with respect to the problem of the developing world. Extant international law has tended to maximise the interests of the priviledged and rich, while working against

disadvantaged and needy individuals. For instance, as Kok-Chow Tan has made us understand, international patent laws, as defined by the World Trade Organisation (WTO) agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), tend to favour industrial and research-oriented countries, but "pay scant attention to the knowledge of the indigenous peoples."[103]

4.6   The Rawlsian Model and the Reformulation Attempts

A broad spectrum of cosmopolitan scholars, within the Rawlsian tradition, has responded to the weaknesses of the Rawlsian internationalist model discussed above. However, the study would only take some of them who are representative of this spectrum, and this discussion is to proceed from two perspectives. Within the first perspective of this Rawlsian liberal tradition fall Beitz[104] and Pogge, [105] who both maintain what one could call thick cosmopolitanism.   The other perspective is that of Maffettone, who maintains a thin or weak cosmopolitanism.

4.6.1   Charles Beitz' Argument

Charles Beitz is a cosmopolitan philosopher, who has attempted to reformulate the Rawlsian internationalist project. According to Beitz,

> … the self-sufficiency assumption, upon which Rawls' entire consideration of the law of nations rests, is not justified by the facts of contemporary international relations. The state-centred image of the world has lost its normative relevance because of the rise of global economic interdependence. Hence, principles of distributive justice must apply in the first instance to the world as a whole then derivatively to nation-states.[106]

In other words, the position of Beitz is that the fact of current global economic interdependence is the basic structure, which forms the foundation of the principle of global distributive justice. This, through various international economic institutions, guarantees the possibility of global re-distribution of wealth, if Rawls is willing to extend this principle to the global realm.

The underlying reasoning for Beitz' conclusion reduces to three steps. The first step of reasoning for Beitz is the emphasis on the idea of interdependence of modern states within the international economic system, the interdependence that has engendered and reinforced relationship of inequality between the rich and the poor states within the system. [107] The second step of reasoning is the submission that this "economic interdependence…describes a world in which national boundaries can no longer be regarded as the outer limits of social cooperation," [108] and this macro cooperation is an international analogue of the Rawlsian notion of state as an on-going scheme of social cooperation. The third step of reasoning used by Beitz is the argument that national boundaries, from a moral point of view, are arbitrary, the consequence of historical contingency, rather than ethical deliberation, [109] just as the natural distribution of resources is " arbitrary from a moral point of view." [110]

From the foregoing steps of reasoning, Beitz arrives at the following conclusion in respect of parties at the transnational level:

> The parties would view the distribution of resources as Rawls says the parties to the domestic original position deliberations view the distribution of talents… Reasoning analogously, the parties to the international original position, viewing the natural distribution of resources as morally arbitrary, would think that they should be subject to redistribution under a resource distribution principle. [111]

However, as morally laudable the submission of Beitz is, the obvious problem is that he does not offer a well-worked, specific institutional mechanism through which the transnational redistributive justice, which he has argumentatively canvassed, would be effected. This constitutes a major drawback to Beitz' cosmopolitanism. Another cosmopolitan philosopher in the Rawlsian tradition, Thomas Pogge, attempts to fill the stated gap in the work of Beitz.

4.6.2   Thomas Pogge's Argument

In the words of Thomas Pogge, the insight guiding this strategy of transnational redistribution is that national origin is rather like class background, parental wealth, race and sex: namely, a contingent fact about a person that should not be permitted to deform a person's life.[112] Therefore, it is unfair to exclude some peoples in the bargaining of

'representatives of different nations who must choose together the fundamental principles to adjudicate conflicting claims among states.'[113]

As a practical solution to the inegalitarianism contained in the Rawlsian internationalist model, Pogge proposes a global resources tax, or GRT.[114] The basic idea is that, while each people owns and fully controls all resources within its national territory, it must pay a tax on any resources it chooses to extract.[115] While laying emphasis on oil, Pogge contends that the tax could also apply to reusable resources: to land used in agriculture and ranching, for example, and, especially, to air and water used for the discharging of pollutants.[116]

According to Pogge, though the tax would be actually paid by the peoples who own oil reserves and choose to extract them, some of the burdens would be transferred to other wealthy countries, which, for example, use oil but do not have the resources themselves.[117] Concerning the beneficiaries of the tax scheme, Pogge states thus:

> Proceeds from GRT are to be used toward the emancipation of the present and future global poor: toward assuring that all have access to education, health care, means of production (land) and/or jobs to a sufficient extent to be able to meet their own basic needs with dignity and to represent their rights and interests effectively against the rest of humankind: compatriots and foreigners.[118]

Without doubt, Pogge's analogue at the global level to Rawls' difference principle of justice at the domestic level has some obvious merits. To begin with, the tax scheme is a practical solution to a practical problem. It is an attempt to practically redistribute wealth from the rich states of the world to their poor counterparts. It indirectly indicates that though nations (or persons) may appropriate and use resources, humankind at large still retains a kind of minority stake, which, somewhat like preferred stock, confers no control but a share of the material benefits.[119]   There is another merit. The scheme of GRT is a specific mechanism for the concrete realisation of the redistribution of wealth from the rich to the poor nations of the world.

Yet another point in favour of Pogge's proposal is that it makes environmental pollution very expensive for those states, engaging in activities, which predispose to this pollution.

In spite of the adumbrated merits, Pogge's proposal has some defects. First, there are some countries, which have oil but are still poor. Nigeria is an instance; Angola is another. The question is whether or not this GRT is applicable to them in the sense of their giving out to other poor peoples. If it is not applicable to them, because of their already poor status, but only to rich industrialised countries, then the whole proposal

becomes arbitrary, and thus, morally objectionable. Even, if is applicable to them, there is still a basic problem: the whole scheme is now like taking from the poor to give to the poor. However, an ideal principle of global distribution of wealth ought not to support such a morally awkward arrangement that takes from the poor to give to the poor, rather than taking from the rich to give to the poor.

But, another problem still arises: there would be further problems for those countries domestically. The explanation is that those countries are primary producers, and they also have mono-product economies. Such a tax would push up prices of other domestic consumable goods, whose pricing depends on that of oil, minding the fact that oil is a macro product[120] for those countries. Consequently, the power of effective demand of a sizable portion of their populations becomes contracted. Thus, rather than create a solution to their poverty problem, the scheme of GRT has further deepened their economic crises.

There is yet another problem. If GRT burden is borne by rich, technologically developed countries that import oil for domestic production of goods meant for export, then the burden is largely transferable. The problem becomes more complex if the importers of those goods are poor countries, the countries, which the GRT scheme is

supposed to serve. Making the same conclusion on the transferability of the burden of GRT, Tim Hayward, quoting Joseph Heath, states thus:

> … Pogge 'forgets that it will be passed right back to poorer nations, in the form of higher prices for manufactured goods, which is what those commodities are exchanged for.'[121]

Hayward notes another problem with Pogge's proposal:

> In practice, even the most rudimentary forms of primary production entail a number of processes in bringing a raw material, crop, or energy source into a usable and marketable state. At which point of which process should the tax be applied?[122]

Another critical problem for Pogge's proposal is that it only addresses the effect of the domination/ exploitation of the poor countries by the rich countries; it does not normatively address the persistent cause of the problem. For example, the proposal does not normatively show how to reform the exploitative nature of the international economic structure, which ensures that rich and technologically developed countries continue to dominate/exploit their poor counterparts. And, in the absence of this normative restructuring, global justice would remain a mirage. Paying attention to this issue would go a long way in morally treating the poor peoples of the world as ends in themselves but not as a means only.

4.6.3   Sebastiano Maffettone's Argument

Apart from Beitz' and Pogge's cosmopolitan reformulations of Rawls' difference principle of domestic justice, there has been another attempt within the

liberal tradition to maintain a medial position between the statist and the cosmopolitan understandings of justice. Sebastiano Maffettone's thesis emerges in this respect.

In the initial instance, according to Maffettone, the third type of thesis, which is defined as 'liberal conception' is likely to steer clear of the most evident problems incurred by cosmopolitanism and statism.[122] Maffettone states further:

> The liberal conception aims at differentiating a general theory of global distributive justice from a defense of fundamental human rights to survival and sustenance. The liberal conception maintains that a strong view of global justice is not defensible in a theoretically undisputable manner… Instead, the fundamental rights to survival and sustenance of all human beings may be theoretically defended in a convincing manner within the context of a weak view of distributive justice. It goes without saying that the full existence of these rights gives rise to equivalent duties that have not only a moral but also a political and a legal nature. In this respect, the liberal conception differs to a considerable extent from a mere humanitarian appeal.[124]

But, what is this liberal conception of a weak view of distributive justice all about? For Maffettone, it consists in a general and universal duty of justice. According to this universal duty of justice, we have a duty to protect human dignity in all its forms, regardless of the presence of a real global basic structure.[125] This human dignity is coterminous with the guarantee of a few fundamental basic rights, which include a few socio-economic human rights, such as those to sustenance, health, and a minimum education.[126] The logic is that the protection of these few basic rights as argued by the scholar entails deployment of

some wealth from the global rich to the global poor. Since it is a moral duty, then the global needy may make a right-claim for it if it is not performed. In different words, the universal duty of justice is morally obligatory to be performed. If this is the case, then, one fails to see where it differs from the position of thick cosmopolitans like Beitz and Pogge, since Maffettone's argument for weak cosmopolitanism is also strong, morally speaking, as the one proposed by professed thick cosmopolitans, such as Beitz and Pogge.

Yet another problem is that Maffettone's thesis also presupposes global institutional framework, which he has vehemently denied that his thesis requires. Such a strong, morally obligatory duty (if our argument about its strength is accepted above) requires an equally strong institutional framework through which the operation of the duty is properly schemed out, and performed as well as monitored for effective performance. However, Maffettone has denied that his thesis needs this framework for effective performance.

One of the basic problems with Maffettone's thesis is that he has indirectly accepted global redistribution of wealth, which he has earlier tried to move against from his argument that this redistribution may not be consistently defended. [127]

From the theses of Beitz, Pogge, and Maffettone, one could see that that they all seem to be grappling with how global redistribution of wealth from the

rich countries to their poor counterparts can be morally grounded in the right manner, in one way or another. In as much as this is morally commendable, we still have to know that this is not morally enough; there still ought to be deliberate normative efforts to address the exploitative nature of the present international economic order as well as international political order, which has institutions within which developing countries have little or no power of decision-making. The point is that if this world is to offer reasonable lives for a reasonable number of people, not to mention all the moral agents in the whole world, then we need a new rationality, new axioms, new agents, new forms of politics and a new discourse,[128] which truly and practically address the problem of inequalities among the peoples of the world, in a morally obligatory manner. Moreover, there should be a highly democratic, transnational, institutional framework, where peoples of poor nations of the world could have a morally binding say as that of the rich nations of the world, unlike what obtains at the United Nations, where the powers that be obviously and undemocratically dominate the rest. It would be only then that the moral development of every rational human being could be truly promoted at the global realm. The moral issues just raised would be addressed in the concluding chapter of the present work.

4.7   Conclusion

In conclusion, we should reiterate that this chapter has made an attempt to critically examine and expose the weaknesses of political liberalism within the internationalist project of John Rawls. We have also seen how the conscious efforts of some philosophers to re-appraise and reformulate the Rawlsian project have not fully addressed the incidental moral issues raised above, at the transnational realm. In view of the foregoing, the conclusion of the critical exercise is that the liberal internationalism of Rawls needs to be transcended in the course of theorising on true global justice, leading to fair transnational cooperation in the present global order. As noted above, the new thinking of theorising on global justice, the thinking of deliberative cosmopolitan democracy, forms the thrust of the concluding chapter of the study. The moral issues raised above and the contradictions showed earlier in political liberalism would be addressed in the proposed model of deliberative cosmopolitan democracy in the present work.

Endnotes

1. For example, see Reidy, D.A. 2004. Rawls on international justice: a defense. *Political Theory*, 291-319; Heath, J. 2005. Rawls on global distributive justice: a defense. *Global justice, global institutions*: *Canadian Journal of Philosophy*. Supplementary, 193-226.

2. Some other philosophers have argued against and thus proposed a reconstruction of the Rawlsian internationalist project. Representative of these are Pogge, T.W. 1994. An egalitarian law of peoples. *Philosophy and Public Affairs*. 23. 3: 195-224; Buchanan, A. 2000. Rawls's law of peoples: rules for a vanished Westphalian order. *Ethics*. 110. 4: 697-721.

3. Thompson, J 2002. Reasoning about justice in global society. Par 1. Retrieved on 15 March, 2006, from 'http://eprints.info-dix.unbimelb.edu.au/archive/00000196/01/Thompsonz.pdf'

4. Thompson, J. 2002. Reasoning about justice in global society, par. 5. These objections have been slightly modified as they appear.

5. Dorsey, D. 2005. Global justice and the limits of human rights. *The*

Philosophical Quarterly, 562.

6. See Nagel, T. 2005. The problem of global justice. *Philosophy and*

    Public Affairs.

7. Nagel, T. The problem of global justice, 114, 115

8. Neil, O.O. 1991. Transnational justice. *Political Theory Today*, 276.

9. Best, G. 1995. Justice, international relations and human rights.

    International Affairs, 779.

10. Dorsey, D. 2005. Global justice and the limits of human rights, 563.

11. Pogge, T.W. 2003. *What is global justice?* Pars. 12 and 16

    Retrieved   on   18   October,   2006,   from

    'http://www.etikk.no/gblajustice/Pogge_Introductory_Lect

    ure.doc' (Emphasis in the original).

12. Beitz, C.R. 1975. Justice and international relations. *Philosophy and*

    Public Affairs, 360.

13. See Pogge, T.W. 2002. Human flourishing and universal justice. *World*

    poverty and human rights, 27-51.

14. Harding, G. 1997. Lifeboat ethics: the case against helping the poor.

    Morality in practice, 78 – 85.

15. Moral assessment of the structure and activities of social institutions, apart

    form the conduct of the individual in relation to the other,

    has been the norm since Rawls's influential book, *A theory*

of justice, came out in 1971. See Pogge. *What is global justice?* Par.8

16.   See Pogge, T.W. 2002. Moral universalism and global economic order.

Politics Philosophy and Economics.

17.   Pogge, T.W. 1994. An egalitarian law of peoples. *Philosophy and*

Public Affairs, 196.

18.   Dallmayr, F. 2003. Cosmopolitanism: moral and political. *Political*

Theory, 425.

19.   In the previous chapters, we argued that both Hobbes and Locke,

especially, contended that the modern state is a product of

the consent of the mass of the people in the pre-social life.

Therefore, any issue of obligation of justice derivative from

the 'contract of consent' is applicable to the state; it does

not obtain outside of it.

20.   See Rawls, J. 1985. Justice as fairness: political not metaphysical.

Philosophy and Public Affairs.

21.   See Rawls, J.1993 (1996). *Political Liberalism*.

22.   Rawls, J. *Political liberalism,* 4

23.   Rawls, J. *Political liberalism,* 129.

24.   Rawls, J. *Political liberalism*, 37

25.   Rawls, J. *Political liberalism,* 13.

26. Rawls, J. *Political liberalism*, 10.

27. Rawls, J. *Political liberalism,* 98-99 (1993 edition).

28. Rawls, J. *Political liberalism,* 12 (1996 edition).

29. Rawls, J. *Political liberalism*, 11.

30. Rawls, J. *Political liberalism*, 12.

31. Rawls, J. *Political liberalism*, 13

32. Wenar, L. 1995. Political liberalism: an internal critique. *Ethics,* 32.

33. Wenar, L. 2008 (2006). *Why Rawls is not a cosmopolitan egalitarian*,
     par. 5. Accessed on August 11, 2008, from
     'http://www.wenar.staff.shef.ac.uk/WhyRawlsIsNotaCosm
     opolitanEgaliterian.pdf. For the original copy of this work,
     see Why Rawls is not a cosmopolitan egalitarian. *Rawls's
     law of peoples: a realistic utopia?* R. Martin and D. Reidy.
     Eds.   Blackwell, 2006, 95-113.

34. Maffettone, S. 2006. Universal duty and global justice, par. 14.
     Retrieved on 26 December, from 'http://politicaltheory
     workshop.googlepages.comMaffettone.paper.pdf'

35. Nagel, T. The problem of global justice, 115

36. According to Machan, both Rawls and Kant reject any sort of

metaphysical or ontological grounds for morality (pp.142-143). See Machan, T.R. 1983. Social contract as a basis of norms: a critique. *The Journal of Libertarian Studies.*

37. See Kant, I. 1965. *The metaphysical elements of justice.*

38. Blake, M. 2005. International justice. *Stanford encyclopaedia of philosophy,* par. 9. Retrieved on 29 September 2003, from 'http://plato.stanford.edu/entries/international-justice/'

39. Maclntyre, A. is quoted from pars. 13 and 16 of Blake's work cited above

40. In his *A theory of justice*, Rawls argues that the socially disadvantaged ought not to be abandoned by the socially advantaged, since the fortune of the latter is a product of 'fortunate family and social circumstances in early life, for which we can claim no credit (p.89). And, we can readily infer that if the interests of the socially disadvantaged are ignored the scheme of social cooperation becomes weakened and this will not be in the interest of the society in the long run. See Rawls, J. 1999. *A theory of justice* (revised ed.). Cambridge, M.A.: Harvard University Press.

41. Pogge, T.W. What is global justice? Par. 31.

42. Pogge, T.W. What is global justice? Pars. 32 and 33

43. Pogge, T.W. What is global justice? Par. 23.

44. Kant, I. 1991. *The metaphysics of morals*, 192-193.

45. For the discussion of this view, see Blake, M. International justice, pars

   38-59.

46. Blake, M. International justice, par. 5

47. Tamir, Y. 1993. *Liberal nationalism*, 111.

48. See Miller, R.D.1998. Cosmopolitan respect and patriotic

   concern. *Philosophy and Public Affairs,* 207.

49. Miller, R.D. Cosmopolitan respect and patriotic concern, 210

50. Miller, R.D. Cosmopolitan respect and patriotic concern, 209.

   This expression has been paraphrased as it appears.

51. Ibid. In the work of Miller, part of the reasons he offers in support of

   patriotic priority thesis comes from the need to provide

   compatriots with adequate incentives to obey the   laws

   they to create (p.210). By making sure that the

   interests of the needy compatriots take priority over those

   of the other we may have succeeded in getting them to

   work cooperatively with us.

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64.   Gert, B. The definition of morality, par 3.

65. Gert, B. The definition of morality, par 24. Emphasis in the original.

66. Gert, B. The definition of morality, pars. 25, 26, 27 and 28.

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    This work is a revised and expended form of Rawls' lecture of the same title, published in *On human rights: the Oxford amnesty lectures*. Stephen Shute and Susan Hurley. Eds. New York: Basic Books, 1993, 41-82.

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76. Beitz, C. Rawls's law of peoples, 678-679.

77. Rawls, J. 1999b. *The law of peoples,* 23-24.

78. Rawls, J. 1999b. *The law of peoples,* 37. Beitz also reproduces these principles in his work on Rawls cited above (672).

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83. Kant, I. 1970. The metaphysics of morals. *Kant: political writings.* Hans Reiss, Ed. and H.B. Nisbet, Trans. Cambridge: Cambridge University Press, 307.

84. Nussbaum, M. C. Beyond the social contract…, par 21.

85. Rawls, J. *The law of peoples*, 4

86. Nussbaum, M. C. Beyond the social contract…,par.21.

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[93] See Pogge, T.W. An egalitarian law of peoples, 213.

[94] Pogge, T.W.. An egalitarian law of peoples, 213-214. In yet another work, Pogge argues how the shared institutional order shaped by the better-off in the world is imposed on, and thus affect, the conditions of the worse-off in the world. See Pogge, T.W. 2001. Eradicating systemic poverty: brief for a global resources dividend. *Journal of Human Development*. 2. 1: 59-77, at 61-62.

[95] Maffettone, S. Universal duty and global justice, par 54.

[96] Wenar, L. Why Rawls is not a cosmopolitan egalitarian, par. 18.

[97] This is consistent with Rawls' belief that burdened societies are responsible for their unfortunate situation.

[98] Beitz, C. *Rawls's Law of Peoples*, 671. However, Leif Wenar countered this thought experiment by invoking Robert Nozick's identical thought experiment, negating Rawls' idea of domestic redistribution of wealth. Wenar, L. Why Rawls is not a cosmopolitan egalitarian, par.16.

[99] Rawls, J. *The law of peoples*, vi.

[100] Brown, G. 2008. History in the making. *Developments*, 4.

[101] Beitz, C. *Rawls's law of peoples*, 676.

[102] Buchanan, A. 2000. Rawls's law of peoples: rules for a vanished

Westphalian order. *Ethics*, 702.

103   Tan, K-C. 2004. Justice without borders: cosmopolitanism, nationanism

        and patriotism, 25.

104   Beitz, C. 1979. *Political theory and international relations.*

         Perhaps, the ideas expressed in the work are influenced by

         his journal article, Justice and international relations, which

         has been cited in this work.

105   Pogge, T.W. 1989. *Realising Rawls*. Ithaca: Cornell University

         Press. The work greatly influenced his latter work,

         An egalitarian law of peoples, which has been cited in

         this work.

106   Beitz, C. *Justice and international relations*, 383

107   Beitz, C. *Political theory and international relations*, 373-374.

108   Beitz, C. *Political theory and international relations*, 374.

109   See Griffths, M; Roach, S.C. and Solomon, M.S. Eds. 2008.

               Charles Beitz, 314.

110   Beitz, C. *Political theory and international relations,* 369.

111   Beitz, C. *Political theory and international relations*, 367.

112   Pogge, T.W.. *Realizing Rawls*, 247.

113   Pogge, T.W. An egalitarian law of peoples, 378.

114   Pogge, T.W. An egalitarian law of peoples, 200. See also his, An

institutional approach to humanitarian intervention, 96. Pogge later changes this proposal to *Global resources dividend*. See Pogge. 2002. *World poverty and human rights. Cambridge*: Polity Press (chap. 8).

[115]   Pogge, T.W. An egalitarian law of peoples, 200.

[116]   Pogge, T.W. An egalitarian law of peoples

[117]   Pogge, T.W. An egalitarian law of peoples

[118]   Pogge, T.W. An egalitarian law of peoples, 200-201. See also Odera. Oruka. The philosophy of foreign aid, 473.

[119]   Pogge believes that the burden of GRT would be borne by both the owners and the extractors and those that do not have oil but import it for domestic production (see p. 200).

[120]   A macro product is an economic good, the pricing of which determines the pricing of other economic goods within the same society. Thus, an increase or decrease in the price of a macro product brings about a corresponding increase or decrease in the prices of other products.

[121]   Hayward, T. 2006. Thomas Pogge's global resources dividend: a critique and an alternative. *Edinburgh Research Review*. Par. 8. Accessed on 6 November, 2006, from, 'www.era.lib.ed.ac.uk./bitstream/1842/914/3/Hayward-on-

Pogge.pdf.' The quotation is from, Heath, J. Rawls on

global distributive justice : a defence. Online version

'http:// www. chass.utoronto.ca/~jheath/rawls.pdf,' par. 20

[122]   Hayward, T. Thomas Pogge's global resources dividend…, par. 9.

[123]   Maffettone, S. *Universal duty and global justice*, par.8.

[124]   Maffettone,S. *Universal duty and global justice*.

[125]   Maffettone, S. *Universal duty and global justice*, par. 38.

[126]   Maffettone, S. *Universal duty and global justice*, 38.

[127]   Maffettone, S. *Universal duty and global justice*, par. 7.

[128]   See Booth, K. 1995. Human wrongs and international relations.

International Affairs, 112.

CHAPTER FIVE
TRANSNATIONAL DEMOCRACY AND A JUST GLOBAL ORDER

5.0   Introduction

The study has focused on the philosophy of political liberalism in the new global order. In the course of the exercise, we have clarified the concept of global order; we have also established that every global order in history has had an underpinning philosophy. Furthermore, we examined the justification and the criticisms of political liberalism at the domestic level. And, at the international level, we also critically dialogued with the most popular liberal internationalist account of justice in the contemporary world that has generated much debate, espoused in John Rawls' *The Law of Peoples,* as well as   the attempts made by other scholars to reformulate the Rawlsian model. Based on the foregoing criticisms, we have concluded that both the economic and the political cores of liberal philosophy are inadequate to ensure true justice in the areas of economic and political relations of states within the global society. Furthermore, the theoretical attempts made in the cosmopolitan reformulation of the Rawlsian model do not fully address certain fundamental issues, such as the problem of how to institute a morally fair sovereign implementer of the duties of transnational justice, the contents of the normative system to guide the operations of the sovereign implementer of transnational justice, and the question of the fairness of the contemporary international economic system. It is in light of these

findings that this chapter attempts to argue for a new morality of global relations, which is intended to bring about a just world order, among all the human participants, through a rethinking of the ideals of political liberalism. The new morality of global relations, which emerges from a rethinking of the ideals of political liberalism, is to be situated within a specific concept of transnational democracy. Furthermore, the newness of the present project lies in the fact that the contents of the approach adopted in the present rethinking of the philosophy of political liberalism, in the transnational sense, are obviously different from the previous attempts made by philosophers to reformulate the Rawlsian liberal internationalism.

However, before going into a full discussion of the foregoing, we need a good conception of democracy, in the first instance. This clear conception of democracy will enable us to fully grasp the usage of democracy, within the context of the present study.

5.1 Understanding Democracy

From the ancient era to the contemporary age, philosophers and other philosophically inspired scholars have extensively theorised on what democracy is really all about. Evolving from the Greek word *Demokratik*, meaning rule of the people,[1] democracy has been both favourably and unfavourably appraised over the ages. In the view of Plato, democracy simply translates to mob rule,[2] a rule which gives no room to those who are truly knowledgeable to be in control.[3]

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Thus, it is unacceptable. Aristotle, perhaps, drawing on the position of his master, Plato, also prefers aristocracy to democracy.[4] This preference implicitly shows in his grouping of aristocracy with forms of good government and democracy with forms of bad government:

> The true forms of… government are *monarchy* (one), *aristocracy* (few), and *polity* (many). The perverted forms are *tyranny* (one), *oligarchy* (few), and *democracy* (many).[5]

However, philosophers such as John Locke,[6] J. J. Rousseau,[7] J.S Mill,[8] to mention a few, have argued to defend the idea of democracy in one form or another But, to argue for democracy is one thing; we still need a clear conception of democracy, so as to grasp why some philosophers are in support of it. In other words, we still need to know whether democracy is desirable at all.

Perhaps the most common conception of democracy is that given by the American statesman, Abraham Lincoln, at Gettysburg in 1863. According to him, democracy is, 'government of the people, by the people, for the people.'[9] The merits of the conception are its brevity and its emphasis on the people. Thus, we can state that the interest of the people is the cornerstone of the concept of democracy.[10] But, the concept seems too broad to admit of even a dictatorship, if examined from a critical perspective. The most vicious of dictatorships the history of man has ever produced, must have been composed of men (government by the people). Moreover, it must have ruled or governed a society (and of course, it

must have been a society of people). [11] Furthermore, we must remember that there could be a benevolent dictatorship, ruling to benefit the people. However, his benevolence does into make it democratic.

Another American statesman, Thomas Jefferson, helps to clarify democracy by defining it as 'the government of the consent of the people.'[12] It is noteworthy that the conception of democracy given by Jefferson guards against the conceptual broadness of the earlier one by stating one primal point: democracy is not just government of the people, since even a benevolent dictatorship could be. Rather, it is properly understood as government established through the consent of the people.

In the modern era, scholars of different disciplines have also theorised extensively on the concept of democracy. According to Richard Mekeen, democracy can be defined as 'government by persons who are freely chosen by, and responsible to, the governed.'[13] After a research conducted on the usage of the word 'democracy,' Ranney and Kendall arrived at a set of attributes that characterise a democratic system: a) political equality; b) a government responsive to the popular will, and c) rule by the majority rather than by a minority.[14] H. B. Mayo further delineates the distinguishing features of a democratic order in a society thus : (a) popular control of policy makers; (b) political equality; (c) effective popular control made possible by political

freedoms, such as speech, assembly, association, etc; (d) decisions by the majority when the representatives are divided.[15]

In the words of Tom Christiano, democracy refers very generally to a method of group decision making characterised by a kind of equality among the participants at any essential stage of the collective decision making.[16] The idea of collective participation in decision making in the foregoing conception is also implicitly given in the way Andreas Niederberger thinks of democracy. According to him, democracy essentially aims to realise *positive* freedom. It brings together real individual and collective interests and attempts to coordinate them with one another by developing and deciding on principles allowing for the legitimate pursuit of the interests in question.[17] If we remember that the diverse interests of people in any given society could not be properly served without giving the people whose interests are involved the opportunity to participate collectively in decision making on these interests, then we realise that the two conceptions of democracy are mutually inclusive.

One thing that runs through all the conceptions and features of democracy given so far is the emphasis placed on the idea that man is essentially the sole decider of what his interest is, and how the interest is to be best pursued to develop himself and his society. This thinking helps to explain the core of democracy in the first instance. Ontologically, therefore, democracy derives from the belief that man is a rational being, who has something of value to develop his

society. Central to the belief is that this significant human value only contributes to social development when man is self-expressive. Thus, to deny man his self–expression is to devalue the *being* of his rationality to develop his society. Adam Lupel agrees to this ontology of democracy when he states thus:

> At its core, democracy entails a commitment to the notion of self-determination. It implies the idea that people ought to have the freedom to choose the type of society in which they live; and they ought to be free to contribute to the steering of the political structures that govern their lives and works.[18]

David Held agrees with Lupel when he (the former) states that 'the idea of democracy derives its power and significance…from the idea of self-determination.'[19] Now, if we are to go by the conceptual features of democracy given so far, then it is reasonable to conclude that democracy is a desirable form of political life, because it aids the moral development of man in society, by giving him the opportunity of free expression of his *being* socially.

From all the attempts made above to arrive at the epistemological basis of democracy, there are certain fundamentals, which we must note, in understanding the concept. These fundamentals can be subsumed under the focus, the content, and the aim of democracy.

In terms of focus, man is both the subject and the object of democracy. Man is the subject of democracy when he works towards the implementation of the ideals prescribed by democracy; man becomes the object when we remember

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that the implementation of the ideals prescribed by democracy ultimately leads to the moral and socio-political development of man. In short, the focus of democracy is man's development in society.

In terms of content, democracy is a normative system. It prescribes norms that are to ensure the recognition and respect/protection as well as the development of the moral dignity of men in relation to one another. Thus, one could also state that democracy is a system of norms with a socio-relational value.

In terms of aim, one could rationally state that democracy supplies a response to the question of how political power is to be best exercised such that it does not undermine the right of man to self-determination. Guidry and Sawyer duly note this fundamental point when they state thus:

> Democracy is both a process and a product of struggles against power…Indeed, *in no case* do we find a democracy without some history of struggle against deep inequalities and the exclusion of less-favoured persons from public politics.[20]

Therefore, democracy is to be understood in this study as a system of norms for governance that has, as its objective, the recognition and respect of the moral dignity of man in relation to the other, and protection of the right of man to self-determination and decision, in relation to the exercise of power over him, in society.

5.2   The Concept of Transnational Democracy

Conceptually, transnational democracy is a derivative from, as well as an extension of, the understanding of democracy, at the domestic level, to the international arena. To this extent, Niederberger states that:

> Transnational democracy integrates the existing political structures, like communities, federal states, regions, nation-states or trans-, supra- and international organisations and associations. But it does not exclude that some of these structures will not be able to justify their necessity in the future, while others will have to perform tasks, which so far are located elsewhere.[21]

At the core of the concept of transnational democracy given above is the idea of interest aggregation. The idea is that if the various political structures at the global level are integrated, then varied interests of the peoples, which the political structures are responsible for, would be better aggregated. If their interests are better aggregated, as the reasoning goes, then the twin principles of self-determination and non-domination are enforced. This is the logical corollary because better aggregation of interests guards against the domination of one interest by the other, a domination that usually engenders economic and political inequalities, which in turn reinforce domination and work against self-determination. In short, the whole idea of the concept of transnational democracy given above is all about interest aggregation and the enforcement of the principles of self-determination and non-domination at the global level.

In his own thinking, Jost Delbruck regards transnational democracy as a means to legitimise the exercise of political authority beyond the state.[22] This understanding of transnational democracy implicitly agrees with the former conception in the sense that there is no possible way transborder interests of peoples could be successfully aggregated if there is no legitimate authority with equally transborder capacities to normatively address the problem of how to ensure interest aggregation at this level as well as the procedure for its implementation. But, what are the basics of operation of this concept of transnational democracy? According to John Dryzek, the rational process of deliberation is very important in the operation of transnational democracy. He states thus:

> …deliberation or communication is the central feature of democracy. Such a discursive or communicative model of democracy is particularly conducive to international society because … it can downplay the problem of boundaries…Deliberation and communication…can cope with fluid boundaries and the production of outcomes across boundaries.[23]

It must be noted that this rational process of deliberation is fundamental to the aggregation of the interests of peoples at the transnational level because it creates a conducive atmosphere where peoples see themselves as equal in conversation: peoples of different states see themselves as having essential moral worth. Therefore, any differences among them must be resolved through rational deliberation.

Dryzek explains further that transnational democracy also requires a functional civil society at the transnational level. According to him, 'the politics of transnational civil society is largely about questioning, criticising and publicising.'[24] It is this transnational civil society that functions as a forum within which rational deliberation takes place in the process of aggregating the interests of peoples at the transnational realm.

From all the foregoing, transnational democracy can be defined, for the purposes of this study, as the actualisation of the ideals of traditional concept of democracy at the transnational level. It works towards the protection of the right to self-determination of peoples in the decisions that affect them across borders. It is a form of democracy that relies on rational deliberation through a functional transnational civil society to aggregate the interests of peoples across borders.

Having conceptualised transnational democracy, what remains to be done is to establish a theoretical connection between it and the critique of political liberalism on the one hand, and the concept of global justice, on the other. In the simplest sense, the idea of interest aggregation and the principles of self determination and non-domination in the concept of transnational democracy constitute a practical solution to the problem of inequalities which are produced and reproduced at the level of transnational human relations. The principles, therefore, are a step in the right direction towards the institution of a just global order.

Explaining the connection between transnational democracy and global justice further, we should reiterate that the whole project of transnational democracy is an antithesis to the domination of one by the other. And, our earlier conception of global justice also emphasizes the application of morality to the relations of peoples at the global level in order to protect human dignity. Now, since one of the central ways to realising human dignity is a moral opposition to the domination of one by the other, it becomes clear that transnational democracy and global justice are mutually reinforcing; the former provides the foundational mechanism for the institution and implementation of the latter. However, before employing transnational democracy to institute our ideal of global justice in the study, we shall do well to critically examine some extant theories of transitional democracy.

5.2.1   Theories of Transnational Democracy

In philosophy of international relations, scholars have come up with certain theories of transnational democracy. Some of these theories would be critically examined.

(a) Democratic Intergovernmentalism: According to Tony McGrew, in its earliest manifestations, democratic intergovernmentalism presented a radical challenge to the prevailing realpolitik vision of world order: that is of might as right.[25] Quoting M. Doyle,[26] McGrew contends that from Locke, through Bentham and Mill, to Woodrow Wilson the essence of the liberal-internationalism

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project has been the construction of an international order based on the rule of law and co-operation between states.[27] According to McGrew, the underlying philosophy of democratic intergovernmentalism is:

> an emphasis upon political and civil right, representation through organised interests, the diffusion of power, limited public power and rule by consensus. In effect, it advocates the reconstruction of aspects of liberal-pluralist democracy at the international level shorn of the requirements of electoral politics. In place of parties competing for votes, a vibrant transnational civil society channels its demands to the decision-makers whilst in turn, also making them accountable for their actions.[28]

Explaining the functioning of democratic intergovernmentalism further, Keohane states that accountability and transparency in operation will be ensured since official actions negotiated amongst state representatives in international organisations will come under the scrutiny of transnational networks.[29] The transnational networks would be centres of authority whose sources are neither the individual nation-state nor the state-based treaties of international law. Instead they develop out of interest-based functional networks that either bypass or establish equal partnerships with government in the international sphere.[30] From Adam Lupel, we could garner that an example of transnational network is the International Accounting standards Committee, which, from 1973, has set international accountancy standards independent from state regulation.[31] Lupel also connects the development of these transnational networks with the recent revolution in information and communication technology. He states that 'most

importantly the development of the worldwide-web has vastly improved the capacity of networks to coordinate action, disseminate information, and recruit new members.'[32]

Perhaps, the chief strength of democratic intergovernmentalism lies in its efforts to institute fair dealings in the economic and political relations of states at the international level. Since states' representatives cannot entirely act without seeking the support of independent transnational networks, then it logically follows that no state may easily dominate the other.

However, one of the drawbacks of democratic intergovernmentalism is that, according to McGrew, it reflects the aspirations and values of the Western states and elites, which dominate the institution of global governance.[33]

The scholar also argues that while the principles of transparency and accountability, which democratic intergovernmentalism works towards at the global level, are necessary to the achievement of democracy at that level, without mechanisms for ensuring more effective representation of the world's peoples in the political process, the full realisation of the principles remains a problem.[34] In other words, democratic intergovernmentalism may have to contend with the problem of insufficient representation and, thus, participation of the world's marginalised peoples in the global political process. And, without this representation and, thus, participation in the global political process, the whole

project of transnational democracy, through democratic intergovernmentalism, may largely remain unrealisable.

(b) Radical Republican Democracy

In the words of McGrew, radical republican democracy is to found a global system of societies that are based upon normative principles of equality, active citizenship, the promotion of the public good, humane governance and harmony with the natural environment.[35] In explaining the philosophy underpinning radical republican democracy further, K. Hutchings states that it is a thinking that favours direct forms of democracy and self-governance, coupled with a strong commitment to the creation of alternative structures of governance from the global through local levels.[36] In other words, the proponents of radical republican democracy, such as Burnheim,[37] Connolly,[38] Patomaki,[39] Walker,[40] to mention a few, are interested in the institution of a new morality in international politics, which revolves around the political empowerment of individuals and communities, through dispersion of political authority to a multiplicity of critical social movements, such as environmental, women and peace movements, which challenge the authority of states and international structures as well as the hegemony of liberal conception of what the political is.[41] Such a thinking, according to Burnheim, is critically responsive to a largely fallacious reasoning that the institution of political order requires a centralised authority.[42]

In terms of merit, a critical examination shows that radical republican democracy largely solves the problem of sufficient representation and participation of the marginalised peoples of the world in the global political process as discovered in the earlier discussion of democratic intergovernmentalism. In other words, we can rationally state that radical republican democracy is an attempt to bring people at the margins of political and economic discourses at the global level to the centre of political and economic involvement. It is a transnational theory of democracy that is committed to theories of direct democracy and participatory democracy across borders.

However, the critics of radical republican democracy have argued against the call for the construction of alternative forms of global governance. Presenting the views of the critics, McGrew states that:

> To the extent that advocates of radical pluralist democracy argue that the effective conditions for the realisation of transnational democracy require the construction of alternative forms of global governance it is subversive of the existing principles of world order. [43]

In other words, we can aver that in an attempt to institute a world order that favours the development of its preferred ideals, radical republican democracy undermines the very basis upon which it stands: it is the world order that radical republican democracy is now opposed to that gives room to the free articulation of the ideals of radical democracy, in the first instance.

Moreover, the seemingly imperfect world order still embodies some principles of the rule of law and normative constraints on the exercise of organised violence. Now, in the absence of the world order and its attached moral norms, then there is no secure basis for constructing and nurturing transnational democracy.[44]

(c) Cosmopolitan Democracy

Perhaps, the central figure in the expression of cosmopolitan democracy is David Held.[45] As a first step towards the exposition of his theory, Held notes three fundamental factors that have configured the relations of states in the contemporary world.

The first is the interconnectedness of economic, political, legal, military and cultural processes, which have markedly affected and circumscribed the regulatory capacity of the modern state. The second is the interconnectedness of the processes above creates chain reactions in the economic and the political realms across borders. Thus, domestic sovereignty is compromised. The third is the above processes reshape cultural and political identities in numerous ways, causing local and regional groups to interrogate the representative capacity of their national governments.[46]

Now to come to terms with the existential political and economic realities of the contemporary states' relations, 'what is called for, in short, is not a theory of the modern state *per se* or a theory of the international order *per se* but a theory

of the place of the state and democracy within the international order.[47] To this extent, Held comes up with his theory of cosmopolitan democracy, or what he later calls 'a global social democracy.'[48]

Held thus takes cosmopolitan democracy as a system of overlapping authorities and divided loyalties.[49] Under this system, Held, quoting Immanuel Kant, states that '… the individuals who composed the states and societies whose constitutions were formed in accordance with cosmopolitan law might be regarded as citizens, not just of their national communities or regions, but of a universal, system of 'cosmos-political' governance. People would come, thus, to enjoy multiple citizenships.[50] But, what is the nature of the cosmopolitan polity itself?

Held explains by first starting why there ought to be cosmopolitan democracy in the first instance. According to Held, the appeal of the idea of the modern state lies in the notion of a circumscribed system of power which provides a regulatory mechanism and check on rulers and ruled alike,[51] leading to the institution of the principle of autonomy derivatively. Held defines the principle of autonomy as follows:

> Persons should enjoy equal rights and, accordingly, equal obligations in the specification of the political framework which generates and limits the opportunities available to them, that is, they should be free and equal in the determination of the conditions of their own lives, so long as they do not deploy this framework to negate the rights of others. [52]

There is no doubt that the circumscription of the power system and the principle of autonomy enable man to realise and develop his *being* morally in society. Now, since it is only within the framework of democracy that the notion of a circumscribed power system and the principle of autonomy are realisable in a political community, then the institution of democracy is both a moral and social good for man. However, the institution and sustenance of democracy in a political community may be threatened by the action (or non action) of other political communities, or from the networks of interaction across community boundaries; hence, the need for cosmopolitan democracy.[53]

As a step towards the ultimate realisation of the proposed cosmopolitan democracy, Held states that there must be a democratic public law, in the first instance, within each state. Held explains the contents of this law thus:

> Democratic public law sets down criteria for the possibility of democracy-a range of entitlement capacities for members of a democratic society. It is, therefore, the 'grand' or meta-framework which can legitimately circumscribe and delimit politics, economics and social interaction. It specifies the conditions necessary for members of a political community to be free and equal in a process of self-determination. It provides, therefore, criteria by which one can judge whether or not a given political system or set of arrangements is democratic.[54]

According to Held, it is by constitutionally entrenching this set of democratic rights that a society concretely demonstrates its commitment to protecting the rights of the people in this society and the institution of democracy.[55]

In the proposed cosmopolitan democracy of Held, there would be a cosmopolitan democratic law, a law establishing '…powers and constraints, and rights and duties, which transcend the claims of nation states.'[56] This is to form the basis of '…the establishment of an international community of democratic states and societies committed to upholding a democratic public law both within and across their own boundaries: a cosmopolitan democracy community.'[57] Thus, the cosmopolitan democratic law, to reiterate, ensures 'the subordination of regional, national and local 'sovereignties' to an overarching legal framework, but within this framework associations may be self – governing at diverse levels.'[58]

In summary, the ideal cosmopolitan democracy of Held has three basic features: the first is a democratic public law, the foundation of autonomy within a society,[59] which is to be entrenched within each political community; the second is a cosmopolitan democratic law that reinforces, at the transnational level, the democratic public law within each nation-state, and the third is a cosmopolitan society, which is the logical culmination of the first two.

It could be rationally agreed that the chief merit of Held's cosmopolitan democracy lies in its notion of cosmopolitan democratic law, a law that works

towards the development and sustenance of the right of self- determination of the peoples at the local, national, international and the global levels.

However, many scholars have argued against the whole theory of cosmopolitan democracy. In the view of Adam Lupel, Held's cosmopolitan democracy is designed to maximise self-determination; but in the absence of a pre-existing consensus, the institutional reform necessary to constitute such a system would tend to require coercive means.[60] However, the very use of coercive means to institute democratic reforms in any society of people, or even among peoples of nation-states, is antithetical to our understanding of the ontology of democracy, which gives primacy to the self-determination of man in society.

The problem raised by Lupel against Held's cosmopolitan project above becomes more complex when one remembers that even the supposed implementing institution, suggested by Held, [61] is not theoretically concretely formulated.

Lupel further argues that the normative core of a cosmopolitan democratic order is formally rooted in the liberal tradition.[62] On this score, it would be problematic to appeal to those outside the tradition; however, Held's project is intended to be globally all-embracing.

Michael Sandel has also contended, contra cosmopolitan democracy, that its liberal conception of the individual fails to recognise that individuals as well as their interests and values are somewhat constructed by their communities. Thus,

the first step towards the sustenance of democracy is the creation of a democratic community with a common civic identity.[63] In the absence of this, Sandel concludes, cosmopolitan democracy '…is flawed, both as a moral ideal and as a public philosophy for self- government in our time.'[64]

As a counter- argument to Sandel's submission, some people might contend that the present globalisation project has created a sense of universal connectedness. However this universal connectedness has not been firmly translated to a community of people with shared values and beliefs.[65]

(d) Deliberative (Discursive) Democracy

According to McGrew, deliberative democracy is an attempt to address the failings of both radical democratic pluralism and cosmopolitan democracy.[66] Conceptually, Jon Elster holds deliberative democracy to mean:

> …Collective decision making with the participation of all who will be affected by the decision or their representatives: this is the democratic part. Also, all agree that it includes decision making by means of arguments offered *by* and *to* participants who are committed to the values of rationality and impartiality: this is the deliberative part…[67]

In the general sense, deliberative democracy is concerned with working out 'the possibilities for democratising the governance that does exist in the international system rather than the government that might.'[68] It is interested 'in establishing deliberative democratic control over the terms of political discourse and so the operation of government in the international system.'[69] The thinking of

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deliberative democrats focuses on the principles and enabling conditions for the creation of a transnational public sphere, where untrammelled democratic deliberation could take place. The principles central to the development of such a transnational deliberative public sphere include: non-domination, participation, public deliberation, responsive governance and the right of all affected to a voice in public decisions which impact on their being.[70] In short, the central claims of the deliberative democrats reduce to two simple statements: first, that there ought to be a transnational deliberative public sphere, where processes of decision making and of transnational institutions, agencies, states, etc. are subject only to the powers of reason and argumentation; and second, that only those directly or indirectly affected by the output of the decision making, or their representatives, are to constitute the members of the deliberative forum.

The strength of deliberative democracy lies mainly in its emphasis on giving the right of participation in political decision-making to all the hitherto marginalised voices at the international level. In the same vein, deliberative democracy seems to provide a very good foundational support to the notion of cosmopolitan democratic law, as espoused by its proponents. The logic is that the notion of cosmopolitan democratic law is all about forging an overarching transnational law to protect the right of self- determination of the peoples, be it at the national or international level. Now, if the people whose interests are to be protected by the transnational law or their representatives are opportune to

deliberate on the nature of such law, then we could readily see that the law is democratic indeed in the deliberative sense. In fact, the question of super-imposition of such law on peoples would be irrelevant since they have participated in its formulation, in the initial instance.

The foregoing, notwithstanding, some critics have brought out the weaknesses inherent in the project of deliberative democracy. According to McGrew, deliberative democracy is silent about 'how intractable conflicts of interests or values can be resolved deliberately without recourse to some authoritatively imposed solution.'[71] In the view of Will Kymlicka, the problem of discrete language and culture may render any extensive deliberative enterprise among different peoples ineffective.[72] Saward has also pointed out that the project of deliberative democracy only flourishes and has value within the context of an established democratic framework. Presently, there is nothing like this established framework at the transnational realm; therefore, the project of deliberative democracy has no foundation.[73]

5.2.2   Revisiting the Extant Theories of Transnational Democracy

From the critical examination of the theories of transnational democracy, we could see that all of them have some inherent weaknesses. However, we still need to re-visit and re-examine the central claims, strengths and weaknesses of the theories. This is with a view to finding out whether or not there is something

of value we could appropriate from them, upon which we would build our conception of global justice.

In the first instance, the four theories of transnational democracy are descriptive and normative in the ontological sense. Essentially, they all express the problems of marginalisation, inequality, injustice, etc faced by millions of people at the local, national and international levels. Furthermore, they all attempt to prescribe democratic norms to address and solve the problems. Moreover, each of the theories appeals to some of the ideals of liberal philosophy in one way or another to justify its relevance; though, some of them appeal to those ideals in order to cancel out the contradictions generated by some other liberal ideals in terms of mutual consistence.[74]

From another angle, we can aver that each of the theories makes seemingly different normative assertions.[75] Democratic intergovernmentalism emphasizes the institution of the principles of accountability and responsibility in political decision at the transnational realm. However, as argued earlier, these principles, though very important, are not in themselves sufficient to transform into an all-embracing set of principles of global justice. In its own case, radical pluralist democracy does not provide a convincing theoretical base to back its normative assertion of discontinuity with the existing structures of global governance.[76] This is in addition to a failure to specify theoretically or historically

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how, in the absence of a sovereign authority or the rule of law, transnational democracy can be realised.[77]

To solve the problem of a theoretical base for the enthronement of transnational democracy, cosmopolitan democracy espouses the idea of cosmopolitan democratic law, an overarching law that protects and sustains the right of self-determination of the peoples at the local, national and international levels. Though Lupel raises the problem of obtaining pre- existing consensus against it,[78] we can see that this problem is largely solved if we factor in the principle of deliberation, as espoused by the advocates of deliberative democracy. The logic is that, if the principles of stake-holding and deliberation in deliberative democracy are combined with the principle of cosmopolitan democratic law, we can not but see that peoples whose right of self-determination is to be protected are given the opportunity to deliberate on the basic principles of the cosmopolitan democratic law. Should this occur, the question of super-imposition of such law becomes untenable.

Moreover, the combination of the theories of cosmopolitan democracy and deliberative democracy also dismisses what Sandel has earlier taken to be a faulty conception of the individual by the theory of cosmopolitan democracy.[79] We have to understand that the underlying philosophy of rational deliberation is the 'I and thou' inter-connectedness,[80] or what Asouzu calls 'the fundamental axiom of mutual complementarity.[81] The logic is that when *the self* accepts to deliberate

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with *the other*, on a common problem, the former presumes that there is something of value in the latter, which can be employed in concert with that of the former, to solve the clash of interests. And, this presumption also holds in the converse. Moreover, rational dialogue between *the self* and *the other* also presumes mutual ascription of equal moral dignity to both parties to the rational dialogue, but not singly to either of the parties, to the exclusion of the other. Thus, the principle of deliberation in deliberative democracy presupposes a sense of commonness with the other, which invariably underpins the idea of community.

Also, the problems which diverse languages and cultures could create for the principle of effective and functional deliberation is largely solved by the mechanism of translation, as duly recognised by McGrew, quoting Kymlicka.[82] Furthermore, the principle of autonomy in the theory of cosmopolitan democracy establishes the theoretical framework, which fosters the principle of stake-holding and that of deliberation in the theory of deliberative democracy. Thus, the problem raised against deliberative democracy by Saward is also largely solved. Held affirms this conclusion when he states thus:

> …the concept of 'autonomy' connotes the capacity of human beings to reason self- consciously, to be self-reflective and to be self-determining. It involves the ability of deliberate possible courses of action in private as well as public life, bearing the democratic good, or, in Rousseau's terms, the 'common good' in mind.[83]

Considering the foregoing, the combination of the theories of cosmopolitan democracy and deliberative democracy is preferable to either of the two other theories or their combination. It is noteworthy that McGrew also envisions the merit of complementarity of the theories of cosmopolitan democracy and deliberative democracy.[84] However, he does not take the pain to develop their synthesis as we intend doing in the remaining part of the study. To this extent, the philosophy of deliberative *cosmopolitan democracy* is the hybrid model of transnational democracy, which we propose as foundational to our new conception of global justice. However, a note of caution must be duly made. Although, we agree in the study with the proponents of either of the two theories in principle, this agreement may not be in detail. This is because in the combination of the two theories, we have rejected their individual weaknesses.

One likely objection that could be raised against the model of deliberative cosmopolitan democracy, from its conception, is that it also has some obvious liberal leanings, which make the model susceptible to the criticisms earlier levelled against the philosophy of political liberalism, both in the domestic and the internationalist senses. To confront this argument, it must be made clear that this work is not critical of the philosophy of political liberalism to totally dispense with it. Rather, as hinted at earlier, it is an attempt to critically rethink and reinvent it and make it better in order to fully address the problem of internal inconsistencies. The end-point of this exercise is to ensure that the reconstruction

is able to institute substantive justice at both the domestic level and at the transnational level of relations among nation-states and peoples. In this study, the transnational mechanism theoretically adopted to do a rethinking of the philosophy of political liberalism at the transnational level is the model of deliberative cosmopolitan democracy. Thus the critical exercise is rather constructive but not destructive. The latter critique aims to totally do away with the object of criticism, after its weaknesses have been exposed. However, the former aims to show certain weaknesses of the object of criticism, looks for a way to go around these weaknesses in order to reinvent it and make it better in service, after the critical exercise.

5.3 Deliberative Cosmopolitan Democracy and a Just Global Order

Starting from the conceptual angle, we should state that within the context of the study, the hybrid model of deliberative cosmopolitan democracy is defined as a form of transnational democracy, which recognises and emphasizes equal opportunity to rational deliberation, among all rational human participants, as an instrument of human interaction, agreement and compromise in the economic and political decision-making at the regional, international and global levels, within a specific cosmopolitan institutional framework. This would serve as the basis to the formulation of an overarching law, that is, deliberative cosmopolitan democratic law. This law, to use the words of David Held, '…demands the subordination of regional, national and local 'sovereignties' to an overarching

legal framework, but within this framework, associations may be self-governing at diverse levels.'[85] Before looking into the normative details of the proposed overarching law of new global human relations, there should first be a systematic democratisation of nation-states, which would lead up to the making of the law.

5.3.1 Democratisation of Nation-States and the Principle of Extensive Democratic Autonomy

The very first step towards the moral development of peoples and, thus, the realisation of a just global order in the final analysis is a systematic democratisation of nation-states. However, some clarifications should be made regarding this proposal. When we say *democratisation,* we do not necessarily mean that nation-states should be democratised in the Western liberal sense, since this would universalise and absolutise a historically and geographically delimited *episteme,* [86] in an uncritical manner, showing no respect, therefore, to the equal dignity of other peoples to ground their systems of political organisation in their specific socio-cultural experiences. According to Charles Taylor, we are truly committed to individuals' equal dignity when we acknowledge their cultures. [87] If we accept Taylor's reasoning then our commitment to equal human dignity becomes hollow, when we always impose our ideal of political organisation on the other. Such imposition is even contrary to the ontology of democracy as self-dissemination and an inversion of the rationality of other cultures.

To this extent, we believe that nation-states should democratise along the path of their individual socio-cultural experiences. It is noteworthy that some theorists on democracy have worked extensively on the possibility of developing a coherent, context-specific theory on democracy. For example, Brooke Ackerly states that liberal democracy is not the only way towards democracy by arguing for some theoretical basis of democracy in the Confucian philosophy.[88] According to him,

> Confucianism offers democratic theorists an alternative to the liberal democratic Western intellectual history of democratic practices and thus offers alternative set of values that may be used to develop political community in Western liberal democracies.[89]

Within the traditional African political thought, scholars have also come up with arguments that some traditional ruling systems of government were equally democratic; though, not in the Western sense. According to Kwasi Wiredu, one of the foremost philosophers in Africa, "it is in virtue of the element of consensus in the traditional arrangement that it can be called democratic in any sense."[90] Explaining further, Wiredu states that there

> …is a worldview in which a chief is a link between the living and the dead. This traditional institution of a cosmological status for chiefship confers upon the autonomy of a chief a legitimacy that is widely acknowledged in traditional society …a chief was never…a personal ruler. He ruled…in accordance with the decision of his council, which were taken by consensus. The members of the council were lineage heads.[91]

The merit of the described traditional African political system, in the contemporary political thought, has to be noted before going further. First, it satisfies the criterion of legitimacy, which is normally predicated of a democratically elected government in the Western world. As explained by Wiredu, this legitimacy is obtained from two sources: from the metaphysical belief that the chief was a representative of the ancestors, and from the fact that his decision making hardly conflicted with the deliberative consensus reached by his council, remembering that the council itself was composed of heads of different lineages. Thus, the criterion of representation is also satisfied.

Even within the old Oyo Empire, where the Alaafin was generally taken to be an absolute monarch, there was a pronounced democratic instrument of checks and balances on the powers of the Alaafin. Although the Alaafin was '…the supreme overlord of all his people,'[92] his selection…was in the hands of the Oyo Mesi, a supreme council of state,'[93] thus circumscribing the exercise of unlimited power by the former. The powers of the Oyo Mesi itself were substantially checked by the Ogboni'…a powerful secret society composed of freemen noted for their age, wisdom and importance in religious and political affairs.'[94] For example, the rejection of an Alaafin could not be successfully pursued by the Oyo Mesi without the express approval of the Ogboni.[95] The foregoing amply shows that traditional African political systems possessed some democratic features,

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which are normally associated with Western liberal democracy. In fact, this political system could be replicated in the modern era, with some specific minor modifications, to suit the contemporary socio-political realities in Africa. And, the modifications to be made depend on the society involved.

But, why is it that the Western liberal democracy may not be ideal in relation to the cosmology of the African peoples? First, as argued in the earlier part of the study by H. Kuckertz, the African metaphysics of the *self* is based on 'I and you' interconnectedness.[96] However, that of liberal democracy is premised on the liberal understanding that the *self* is prior to its social attachments.[97]

Furthermore, the characteristic of multipartism, within the framework of liberal democracy, may not be consistent with the reality of the nature of a good majority of African nation-states: they are ethno-plural societies, and multipartism tends to fractionate the societies the more along diverse ethnic lines. In addition, since liberal democracy is ontologically majoritarian, then the logical conclusion is that the decisions of the ethnic group that finds itself in the majority would always override those of the other ethnic group(s) in the minority. Thus, according to Wiredu, the latter '…consistently find themselves outside the corridors of power.[98]

In view of the above, if modern African societies do want to revert to the knowledge of their pre-colonial political system, in their present-day political organisation, then a system of deliberative democracy modified to suit local

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specifics, may be preferable. The rationale for this proposal is that a system of deliberative democracy is still consistent with their pre-colonial political organisation examined above. As argued earlier, deliberative democracy is premised on the belief that the other also has something of value to contribute to a rational deliberation; hence, his necessary inclusion.[99] And, this is in line with the metaphysics of the *self* in the traditional African political thought. On this score, both the majority and the minority operate within the framework of 'I and You' interconnectedness in a rational debate to reach a consensus on 'who is to rule' and 'how to rule' and other fundamental principles of political organisation/ governance.

The concept of deliberative consent mentioned above needs some further consideration. According to Wiredu, the concept of consensus could be better understood if we would make a distinction between what he calls 'cognitive and normative consensus' on the one hand, and 'decisional consensus,' on the other.[100] In the former case, consensus simply means that there is at least a very high degree of agreement evenly spread out among a given group, such as the one obtained within a given scientific community on a specific problem. In this case, 'the maximal limit…is unanimity.'[101] In the latter case, the interesting and socially important forms of unanimity are the ones that emerge from an original situation of diversity, through the means of compromise.[102]

As we could see, the first form of consensus may not necessarily result from a rational deliberation among the people involved. However, the second form of consensus is necessarily a product of rational deliberation, involving some people. It is this conception of consensus that is maintained in the study. From the foregoing, deliberative consensus is understood as unanimity of opinion, which is arrived at through compromise.

Although, some critics could argue that the traditional political system in Africa should be dismissed as an 'anachronistic nostalgia,'[103] we could counter argue that this political system might still have been in existence and flourishing today, if the colonial incursion into the socio-political milieu of African had not occurred. Thus, it was not the inherent backwardness of the political system that made it become outmoded but the forces of colonialism.

In spite of all the above, we could still assert that even if the Western liberal democracy is to be decided upon and adopted without any local modifications to suit extant realities in Africa, this decision of adoption ought not to be solely taken by a group of few elites, no matter how articulate they are. Since this decision has a strong bearing on the right of self -determination of the people collectively, then they ought to be involved in the decision- making to this effect, through a systematic deliberative process, leading to a consensus on the form of political system to adopt and that would thereafter function in society. In other words, whether in the form of political system to adopt or in the functioning

of the rulers that emerge thereafter within a polity, after the political system has been adopted, the primacy of the right of self- determination of the people still holds. It is a moral good that ought not be trampled upon in any modern-nation state, be it in Africa or somewhere else. Respecting this right constitutes the very definition of what we would call political justice in society. Consistent with, and supportive of, the primacy of the right of self-determination is the principle of extensive democratic autonomy.

The principle of extensive democratic autonomy we argue for in this study is a foundation to the institution of a just democratic society. Furthermore, it is noteworthy that it is a bit different from the principle of autonomy which, according to Held, is… at the core of the modern liberal democratic project.[104] In the words of Held,

> The principle of autonomy expresses essentially two basic ideas: the idea that people should be self- determining and the idea that democratic government must be limited government-government that upholds a legally circumscribed structure of power.[105]

The principle of autonomy, as rendered by Held, can be deduced from the social contractarians, the works of which we had earlier discussed in the study; though, it could be particularly attributed to John Locke, in a sense.[106] According to Locke,

> The state of nature has a law of nature to govern it, which obliges everyone; and reason, which is that law, teaches all mankind who will but consult it that, being all equal and

independent, no one ought to harm another in his life, health, liberty or possession. [107]

A critical examination of the last sentence in the quotation above shows that Locke implies that man has the right of non-interference with his life, in the conduct of his affairs. Since the liberal principle of autonomy derives from this right, then it is mainly concerned with a negative conception of liberty. It is this reading of the liberal principle of autonomy that defines the notion of limited government. If it is understood from this perspective, the principle guards against autocratic rule. This, of course, is meritorious.

However, within the economic sphere, the liberal principle of autonomy is disadvantageous to a good majority of people. This is because it is preventive of any re-distribution of wealth from the few rich to the numerous poor, since this re-distribution constitutes a breach of the right of the individual against undue interference by the state. Thus, the liberal principle of autonomy, logically speaking, makes two contradictory claims in relation to the rich and the poor: it protects the rich while it deprives the poor the likely means of self-determination.

On the contrary, the principle of extensive democratic autonomy being proposed in this work has two parts: the first is the right against undue interference in the life of a person by the state, and the second part is the right to social redistribution of wealth by the least well off. By 'the least well off,' we mean those people whose unfortunate circumstance and situation are a function of

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factors clearly beyond their possible control, but not those people whose unfortunate circumstance and situation are a function of their freely made choices. Thus, this understanding is different from that of John Rawls, in his *A Theory of Justice* (1971), who does not give a clear-cut qualification of the definition of the socially worse offs.

It is because of the two parts of the principle just given that it is described as extensive. But, the two parts of the principle of extensive democratic autonomy given above need further explanation.

First, the second part of the principle rectifies the weakness of the first part of the principle, which we have noted above through analysis. Thus, the two parts are complementary, and equal in moral significance within the overall context of the proposal of this study. In different words, neither is lexically superior in the present proposal, as it is in *A Theory of Justice* of John Rawls, where the liberty principle trumps the other principles whenever there is a clash. Whenever there is a clash between the two parts of the principle of extensive democratic autonomy, the one that would take precedence is to be determined by the specific facts of the case involved, but not by any claim of general superiority of one over the other.

Although, the second part of the principle, logically speaking, constitutes interference with the life of the individual, it can be morally argued that the interference is done to further the course of a greater good, in the utilitarian sense. Therefore, it is not unjust and undue. If the wealthy as moral agents are truly

conscious of the morality of inclusivity,[108] which states that complete well being of the self is that which promotes the well being of the other, [109] then they ought to support the re-distribution; more so, the re-distributive exercise would be conducted in such manner that the well-off would not be worse-off after the exercise.

Second, it could even be argued that the seeming difference in the moral bases of the two parts of the principle could be even attributed to the theory of social contractarianism. According to Annette Baier, this has taken contractual obligations as the paradigmatic model of moral obligations.[110] Therefore, since there is no 'contract of consent' between the rich and the poor to the effect that there should be a redistribution of resources to benefit the latter, then the logic is that such redistribution is morally wrong. It is morally wrong within the context of social contractarianism both because: (1) the rich have no moral obligation to engage in this scheme of resources distribution; and (2) the poor have no moral backing to make a right-claim for the implementation of the scheme of resources distribution.

The seeming difference between the ethic of rights and the ethic of care is also echoed by Carol Gilligan, in the words of Mappes. According to Gilligan, an underlying premise of the ethic of rights is that individuals are separate; connection with others is experienced as freely contracted.[111] However, the ethic of care understands responsibility within a context of relationship or connection.

Responsibility is equated with the need to respond. Individuals need to respond when they recognise that others are counting on them and when they are in a position to help. [112] Quoting Gilligan directly, one could state that the difference between the ethic of rights and the ethic of care reduces to:

> The contrast between a self defined through separation and a self delineated through connection, between a self measured against an abstract ideal of perfection and a self assessed through particular activities of care…[113]

Therefore, one could state that while the ethic of rights is ontologically self-conscious, the ethic of care is ontologically self-other conscious. In traditional liberal philosophy, the former takes precedence over the latter: the former is morally obligatory while the latter is supererogatory. However, the present study has found a way to unite the two ethics under the principle of extensive democratic autonomy.

If we are to agree with Gilligan, then we can say that the first part of the proposed principle of extensive democratic autonomy is underpinned by the ethic of rights and the second part by the ethic of care, the latter being further supported by the moral thinking of luck egalitarianism. The principle states that people in unfortunate social circumstance and situation ought to be helped by the state, if and only if their circumstance and situation are a function of forces beyond their control.[114]

Further to the above, Mappes argues that the two ethics are part of one system, the ethic of care functioning as a necessary base of the ethic of rights. [115] Without examining the grounds employed by Mappes in stating that the ethic of care is the basis of the ethic of rights, we would like to aver here that it is only when we recognise that the two parts of the proposed principle of extensive democratic autonomy are complementary that we could have a principle, which truly supports the right of self-determination of the people in a democratic society. In other words, it is only when the principle of extensive democratic autonomy is instituted in the democratisation process of nation-states that we would have human societies that truly promote social justice.

In order to ensure unflagging commitment to the principle of extensive democratic autonomy, we do support within each nation-state, what Held earlier referred to as 'the democratic public law.' [116] The scope of this law is to cover all the seven sites of power, [117] that could limit the effectiveness of the extensive democratic autonomy, if not properly legally monitored. Although, Held does not specifically state how the implementation of the law is to be supervised and the institution to be vested with this responsibility, these issues are fundamental to the present study.

In the first instance, each nation-state is to institute a legally empowered, independent body to supervise the implementation of the law against abuses by the state, groups, corporate bodies, to mention a few. Specifically, the provision

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for the institution of such body, its independence and its legal powers are to be clearly set out in the constitution. Since there are experts in the areas of health, social, cultural, civic, economic, pacific and political rights[118] of the people, these professionals should be selected to constitute the implementing institution of the democratic public law within any give nation-state. After the foregoing step at the domestic level, the next significant step is to be taken at the transnational level of relations among peoples and nation-states.

5.4 Deliberative Cosmopolitan Democratic Law

When nation-states have fully democratised and are committed to the principle of extensive democratic autonomy, the next step towards the institution of a just global order is the formulation of an overarching transnational law, deliberative cosmopolitan law. Held also has a vision of such a law, which he calls, 'cosmopolitan democratic law', a democratic public law entrenched within and across borders.[119] However, one of the criticisms of Adam Lupel against it is the 'absence of a pre-existing consensus'[120] This weakness would be duly addressed by the conception of a transnational democratic law proposed in the present study.

In the meantime, we should state that the essence of the law is to buttress the capacity of the democratic law within each nation-state, in protecting the principle of extensive democratic autonomy. The overarching transnational law ensures strict compliance with the principle, internally, by implementing a serious

sanction against any ruler who flouts the domestic democratic law, protecting the principle. Admittedly, the overarching law would face two challenges, bordering on its legitimacy and enforceability. The first challenge is how to establish a pre-existing consensus, leading to the formulation of the law, in the first instance, and the second challenge revolves around the implementing institution. The second challenge would be addressed first.

Being a somewhat all-embracing international organisation, the United Nations[121] should establish a separate institution, Global Institution for Democracy and Justice (hereafter GIDJ), with all the enabling transnational legal capacities to implement the overarching transitional law against any state or people that flouts the principle of extensive democratic autonomy domestically. This institution should also be legally powerful enough to sanction states and transnational authorities that act in ways that are contrary to the principle of extensive democratic autonomy, in their dealings with other states or peoples.

Before further discussion, one likely argument against the main proposal of the present study is that it will undermine the sovereignty of nation states. This argument, however, could be dismissed. The basis of our response to the argument is provided by Quiggin's four understandings of sovereignty, citing Krasner:

> *International Sovereignty* is the acceptance of a given state as a member of the international community, and is in most cases relatively uncontroversial. *Westphalian sovereignty* is based on the

principle that one sovereign state should not interfere in the domestic arrangements of another. *Interdependence sovereignty* is the capacity and willingness to control flows of people, goods and capital into and out of a country. *Domestic sovereignty* is the capacity of a state to choose and implement policies within its territory.[122]

Reasoning from the foregoing basis, one could aver that the transnational operation of the GIDJ does not, in any foreseeable way, negatively affect the first kind of sovereignty, and it does not also undermine the third kind of sovereignty, at least, in the direct sense.

Furthering the course of Westphalian sovereignty invariably leads to the promotion of domestic sovereignty in that the protection of the former provides a conducive environment where a state could freely choose and implement the policies of its choice. Therefore, one might state that the proposal of the Global Institution of Democracy and Justice may undermine an untrammelled expression of the sovereignty of a state in the Westphalian and domestic senses.

However, there is a fundamental issue seemingly overlooked by those who hold on to the submission above. Ideally, the end-point of sovereignty in the Westphalian and domestic senses, unless we want to invert the understandings of them, is to give a state as much freedom as possible to make and implement policies that promote the moral dignity of its people as well their socio-political and economic interests. To this extent, a state found wanting in these respects may be nudged into performing its duties by the GIDJ. Seen in this light, this

intervention leads more to the promotion of sovereignty in the relevant senses, rather than its diminution. Furthermore, it must be noted that the nudging into action would be more pronounced in those nation-states that are not yet alive to their responsibilities with respect to their peoples than in nation-states that are already alive to their responsibilities in relation to their peoples.

The proposed institution with transnational capacities should have at least three organs. The first organ should be a Deliberative and Legal Forum. This should have two departments. One department should be a *democratic, deliberative forum* where the representatives of all the nation-states of the world are to meet annually to deliberate on the reports generated from different parts of the world, pertaining to the implementation or non-implementation of the principle of extensive democratic autonomy and the agents and institutions involved. The second department should be a *legal forum*, which should be composed of philosophers of law, expert international lawyers, and philosophers of international relations. This should make appropriate legal polices and decisions in relation to the reports received from the *democratic, deliberative forum*, and pass them to the second organ. To this extent, the Deliberative and Legal Forum has to work with the entire human rights organisations world wide as well as with human rights charters.

The representatives of all the nation-states in the *democratic, deliberative forum* are to be tested experts in various disciplinary areas. They are to be

selected from their various nation- states, after a series of deliberation fora, where their functional competence is sufficiently established. It is from this process that the law they are to deal with, or the law that issues from the first organ, is aptly designated 'deliberative cosmopolitan democratic law'[123] Furthermore, this extensive representation gives the law the members generate a sort of cosmopolitan outlook and legitimacy. Furthermore, each member of the first organ is to have equal voting rights, and important decisions are to be made, within the organ, on the basis of simple majority. Once an important decision has been taken in the *democratic, deliberative forum,* on the basis of a simple majority vote, the process in which all the members duly and equally participated, then the decision so taken becomes morally binding on all the members, including those who might have voted against the decision. After all, all the members may have equally agreed to the determination of decisions through a simple majority vote. Thus, the challenge of how to ensure pre-existing consensus is largely resolved.

The second organ of the institution should be empowered with the means of enforcement of the legal decisions of the second department of the first organ. Thus, the second organ is designated, Executive Organ, being responsible for the execution of the decisions of the first organ, against any state, or transnational corporation that goes against the principle of extensive democratic autonomy, either domestically or transnationally. There is a fundamental point that must be

made abundantly clear with respect to the second organ of the GIDJ. Since the Executive Organ is to be empowered with necessary capacities to implement the legal decisions of the first organ, then the normative aims of the GIDJ would be fully achieved. If this argument is accepted, then the likely problem of how to get sufficient legal backing for the decisions of the first organ is largely addressed.

The third organ of the institution is designated, Funds Organ, being responsible for the generation of funds for the operation of the institution as a whole. Funds for the institution could be sourced from transnational corporations, which are truly committed to the course of the institution, democratic nations-states, wealthy international philanthropists and foundations, which are truly committed to equal moral development of human persons, both within nations and across borders. The operation of this organ is to be conducted with full consultation with the members of the Deliberative and Legal Forum.

At this point, there are other objections, apart from the previous one, which could be raised against the proposal for the establishment of the GIDJ. Perhaps, the most fundamental of these could be that the Security Council of the United Nations is already engaged in numerous interventions to remove dictatorial leaders, and thus serve the course of democracy and justice within the nation-states involved and, at the same time, remove the threat to the peace of the international community. Therefore, the proposed institution as a whole is just a duplication of functions, which the Security Council has been performing so well.

The objection could be countered on certain grounds. First, it is doubtful whether what the Security Council considers as humanitarian interventions, in most cases, are worthy of being described as such. According to Aidan Hehir, human rights discourse has been commandeered to perpetuate hegemony.[124] This is because,

> Equitable and inclusive means by which the issue of human rights violations can be addressed have been rejected by Western powers in preference of an ad hoc and inherently sectional modus *operandi*. [125]

If we agree with Hehir, then the logical inference is that rather than serve the course of self-determination of, and justice to, the peoples in the nation-states involved, the interventions constitute a sort of constraint on them. Consistent with the issue of the hegemonic spread of the interventionists is also the idea that they serve their self-interest through such interventions.[126] For instance, Western-styled democracy is usually directly installed or indirectly supported in the post-crisis' eras of the societies involved.

There is yet another ground on which the Security Council itself could be critiqued. The organ is empowered to maintain international peace; however, the permanent members, the United States, the United Kingdom, France, China and Russia, with few other non-permanent members are grossly insufficient to represent all the members of the international community, which is their locus of pacific operation. Thus, the Council is democratically illegitimate, in the

transnational sense, in terms of inadequacy of representation of all the interests involved. The position of five permanent members in the Security Council, it must be noted, was a creation of the aftermath the 2nd World War. This lop-sided membership ought to have been done away with by now. A further look at the explications made so far on the proposal of the study shows that it duly addresses the problems identified with respect to the Security Council.

It is on this score that it is suggested that even the operation of the Security Council should be subsumed under the independent scrutiny of the proposed Global Institution for Democracy and Justice. This scrutiny should also be extended to the spheres of operation of other organs of the United Nations, especially, the International Court of Justice (ICJ) as well as its agencies. Other transnational bodies that ought to be brought within the observatory focus of the GIDJ are International Monetary Fund (IMF) and the World Bank. All these bodies, in various political and economic ways, shape the welfare and life prospects of individuals across borders. It is only when such transnationally powerful bodies are closely and morally observed that the right of self– determination of peoples is protected both domestically and internationally, and the course of global justice furthered in the long run. But, what is the basic normative system to guide the operation of the proposed GIDJ in its formulation and implementation of the deliberative cosmopolitan democratic law? The central principles are to be grouped under three headings.

5.4.1 The Political Principles

1. Nation- states are to respect the sovereignty of one another.

2. Nation-states are to conduct their domestic affairs in such manner that clearly respects the moral dignity of all the peoples therein, be they citizens or foreigners, men or women. Any nation-state that fails to observe this principle morally loses its claims to sovereignty.

3. Nation-states are to intervene in the domestic affairs of any other given nation-state, only on clearly defined humanitarian grounds but not to further the self-interest of the interventionists, be it economic or political. When such interventions become inevitable, as a result of gross abuse of human rights and natural catastrophes, all possible measures are to be taken to ensure that the right of self-determination of the people in the crisis nation-state is respected and protected.

4. Authorities of nation-states are to ensure that their peoples are properly enlightened as to their fundamental human rights under the constitution, and their rights are to be protected.

5. Nation-states are to respect and protect the moral and legal rights of men and women on equal basis.

6. Nation- states are not to engage in a war, unless it is on the grounds of protecting their territorial sovereignty. Therefore, such a war of self-defense is not to be turned into a war of expansion.

The political principles given above are subsumed under the moral principle of equality of all rational peoples within and across borders and that of respect for the dignity of a people to conduct their affairs in their own way; though, they ought not to go against the course of morality in this wise.

5.4.2 The Economic Principles

1. Wealthy nation-states are to redistribute their wealth, derived from their overuse of the ecological space, [127] but not from the 'concept of efficiency.'[128] Ecological space is to be conceived here as 'the total amount of biologically productive land and water area required to produce the resources consumed and to assimilate the wastes generated using the prevailing technology.'[129] Overuse here is to be understood in the sense of the technologically rich nation-states using more of the ecological space than the technologically poor nation-states; though, the global ecological space equally belongs to them all.

That apart, redistribution of wealth between the rich and poor nation-states of the world could also be justified on the premise of 'brain drain' or human capital flight from the latter to the former. Brain drain

constitutes 'brain gain,' or human capital accumulation / addition to the former. If one truly understands the high degree of economic gain the recipient countries in the developed world derive in terms of the technological and scientific knowledge, which this highly skilled human capital brings in to further help in developing those advanced nation-states, then one realises that the losing countries, especially from Africa, deserve to be adequately compensated.[130]

But, there is a dual justification stronger than the one given above. This is that on the grounds of reparations for the evil of past slavery and slave trade as well as colonialism that unduly reduced the human dignity of millions of peoples in the developing world, for the benefactors, mainly from the Western world, then redistribution of wealth from the latter to the former is justified. A lot of arguments could be raised against this submission, such as the standard argument that those who perpetrated this evil and the victims are now dead, and that it is not morally justifiable for the present generation to pay for an evil perpetrated by the past generation; more so, the payment is to be made to a generation that has not suffered any present evil. However, one could also deploy an equally weighty counter-argument from the perspectives of African metaphysics and epistemology.[131]

On the foregoing understanding, one could rationally conclude that wealth redistribution is grounded in a strong claim of compensatory justice, rather than in a thin claim of mere humanitarianism.

2. Economic relations between wealthy nation-states and/or their transnational corporate organisations and poor nation-states are to be conducted in a fair manner, such that the latter is not at any economic disadvantage, and the former in perpetual position of dominance.

3. All the international finance institutions are to fully commit themselves to the socio-economic development of the poor nation-states. To this extent, all their policies and conditionalities for financing ought to work towards the moral development of the lives of the peoples in those nation-states but not to economically exploit them in an underhand manner.

4. Authorities of nation-states are to rationally intervene in their domestic economies to protect the principle of extensive democratic autonomy of the least well-off in their societies, bearing in mind the specific conception of the term in the present study. [132]

The moral underpinning of the economic principles given is the 'ethic of care,' a moral theory that espouses the moral obligation of the self to be responsive to the welfare of the other.

5.4.3 The Cultural Principles

1. Peoples of nation-states are to respect and tolerate their individual cultural value systems, since culture is symbolic of the 'lenses of perception and cognition'[133] of a given community of rational people: to deny them of this cultural autonomy is to deny them the essence of their particularity and sense of rationality. However, any people that attempt to super-impose their cultural value system on another people, by whatever underhand means, ought not to be tolerated since, by the action of the former people, their moral basis of laying claims to being culturally respected and tolerated has been weakened.

2. Rituals and practices embedded in individual cultural systems of peoples are to be performed in accordance with a universally held system of values of human dignity. All cultural practices that morally debase human dignity ought to be morally condemned.

   The cultural principles adumbrated are consistent with the moral principles of tolerance and human dignity.

   In the final analysis, we strongly hold that a commitment to the institution and the philosophy of the proposed GIDJ, with its principles and moral underpinnings, would promote the right of self- determination of the peoples at the local, national, international and global levels. Furthermore, since the right of self-determination is intrinsic to the concept of justice examined, the logical

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conclusion is that when the right of self-determination of peoples is promoted, the

course of justice to peoples is likewise furthered.

Endnotes

1. Thomas, M. 1974. *Dictionary of philosophy*, 128.

2. See Wolff, J. 1996. *An introduction to political philosophy*, 73.

3. Plato's ideal political leadership is that of philosopher king (at 74).
   According to him, training in philosophy confers the knowledge, which is requisite for leadership.

4. See Stump, S.E. 1994. *Philosophy: history and problems*, 104.

5. Stump, S. E. *Philosophy: history and problems*.

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20. Guidry, J.A. and Sawyer, M. Q. 2003. Contentious pluralism: the public sphere and democracy. *Perspective on Politics*, 273, 274.

21. Niederberger, A. *Global justice…,* par 24.

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24. Dryzek, J.S. Transnational democracy, 45.

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26. Doyle, M. 1999. A liberal view: preserving and expanding the liberal pacific union. *International order and the future of world politics*, 41- 66.

27. McGrew, T. Transnational democracy…, 5.

28. McGrew, T. Transnational democracy…

29. See Keohane, R.O. 1998. International institutions: an interdependence work? *Foreign Policy*, 82-96.

30. Lupel, A. Tasks of a global civil society..., 127

31. Lupel, A. Tasks of a global civil society...

32. Lupel, A. Tasks of a global civil society...

33. McGrew, T. Transnational democracy…, 6

34. McGrew, T. Transnational democracy…

35. McGrew, T. Transnational democracy…

36. Hutchings, K. 1999. *International political theory*. The quotation, slightly modified, appears on p. 6 of McGrew's work cited above.

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44.   Mc Grew, T. Transnational democracy…

45.   See Held, D. *Democracy and the global order*…Ref. 19 of this chapter. For a brief presentation and a critique of it, see Adam Lupel's work, ref. 18 of this chapter (119-123). See also McGrew's work above (8-9).

46.   See Held, D. *Democracy and the global* order...,136.

47. Held, D. *Democracy and the global order*…

48. See Held, D. 2004 *Global covenant: the social democratic alternative to Washington consensus*.

49. Held, D. *Democracy and the global order…*,137.

50. Held, D. *Democracy and the global order…*,233. See also Kant, I. 1970. *Kant's Political Writings*.

51. Kant, I. 1970. *Kant's political writings,* 145

52. Kant, I. 1970. *Kant's political writings,* 147

53. Although Held does not specifically employ something like our reasoning in his call for cosmopolitan democracy, the fact is that a critical examination of his thesis leads to this conclusion.

54. Held, D. *Democracy and the global order*…,200.

55. Held, D. *Democracy and the global order*…

56. Held, D; McGrew, T. et al. 1999. *Global transformations:politics, economics and culture*, 70

57. Held, D. *Democracy and the global* order…,229

58. Held, D. *Democracy and the global* order…,234

59. See ref. 54.

60. Lupel, A. Tasks of a global civil society, 121

61. Held, D. *Democracy and the global order…*,272-274.

62. Held. *Democracy and the global order…*122.

63.   See Sandel, M. 1996. *Democracy's discontent.*

64.   Sandel, M. *Democracy's discontent,* 342.

65.   It is plausible to state that the present globalisation process has created

        some sense of universal connectedness, when we remember

        that modern information/ communication technologies have

        greatly reduced, if not totally eliminated, the spatio-

        temporal gap, separating different peoples and states of the

        world. However, as John Gray has equally argued, it seems

        doubtful whether all societies are bound, sooner or later, to

        converge on the same values and views of the world. See

        Gray, J. 2001. *The era of globalisation is over*. Pars 9 and

        15. Retrieved on May 13, 2006, from http://www.i-p-

        .org/globalisation.htm

66.   See McGrew, T. Transnational democracy…, 10.

67.   Elster, J. 1998. Introduction. *Deliberative democracy*, 9.

68.   Dryzek, J.S. 2000. *Deliberative democracy and beyond*, 120.

69.   Dryzek, J.S. *Deliberative democracy and beyond,* 138.

70.   See Dryzek, J.S. 1990. *Discursive democracy*;

        Petit, P. 1997. *Republicanism*: *a theory of freedom and

        government*; Saward, M. 1998. *The terms of democracy*,

        64-5.

71. McGrew, T. Transnational Democracy…,11-12.

72. See Kymlicka, W. 1999 Citizenship in an era of globalisation.

    Democracy's edges.

73. See Saward, M. 1998. *The terms of democracy*.

74. We argued earlier in Chapter III that the liberal ideals of liberty and

    equality are not, logically speaking, mutually consistent.

75. We have said 'seemingly different normative assertions' because, strictly

    speaking, those normative assertions are somewhat

    overlapping.

76. See Hutchings, K. *International political theory*, 166.

77. McGrew, T. Transnational democracy…,19

78. See ref. 60.

79. See ref. 63

80. This is borrowed from the work of Martin Buber's 'I and thou' (1973),

    quoted in Oyeshile, O. 2005. *Reconciling the self with the*

    other, 39.

81. Asouzu, I.I. 2004. *The method and principles of complementarity:*

    Reflections In and beyond African philosophy, 82.

82. See McGrew, T. Transnational democracy…,11

83. Held, D. *Democracy and the global order…,*146.

84. See McGrew, T. Transnational democracy…,19.

85.   Held, D. *Democracy and the global order…,*234.

86.   See Graf, W.D. 1996. Democratisation 'for' the third world.

        Canadian Journal of Development Studies, Special Issue,38

87.   See Taylor, C. 1992. *Multiculturalism and "The politics of*

        Recognition."

88.   See Ackerly, B.A. 2005. Is liberalism the only way toward

        democracy? *Political Theory,* 547- 576.

89.   Ackerly, B.A. Is liberalism the only way toward democracy, 549

90.   Wiredu, K. 2001. Tradition, democracy and political legitimacy in

        contemporary Africa. *Re-writing Africa toward renaissance*

        or collapse? JCAS Symposium Series 14. Eisei Kurimoto.

        Ed. 165. See also Wiredu, K. 2000. Democracy and

        consensus in African traditional politics: a plea for a non-

        party polity. *Polylog: Forum for International Philosophy*

        2.   Retrieved   on   April   10,   2007,   from,

        http://them.polylog/2/fwk-en.htm

91.   Wiredu, K. Democracy and consensus in African traditional politics.

92.   Stride, G.T. and Ifeka, C. 1971. *Peoples and empires of West*

        Africa: West Africa in history, 1000- 1800, 298

93.   Stride, G.T. and Ifeka, C. *Peoples and empires of West Africa.*

94.   Stride, G.T. and Ifeka, C. *Peoples and empires of West Africa,* 299

95.   Stride, G.T. and Ifeka, C. *Peoples and Empires of West Africa*, 299-300

96.   See Kuckertz, H. Ref. 93, Chapter III

97.   See Gaus and Courtland. Ref. 88, Chapter II

98.   Wiredu, K. Democracy and consensus in African traditional politics…par
       26.

99.   The argument is that the concept of deliberation presupposes an activity,
       which involves the self and the other, since the activity
       cannot be restricted to the self in the ontological sense.

100.   Wiredu, K. 2001 Democracy by consensus: some conceptual
       considerations. *Philosophical Papers*, 235.

101.   Wiredu, K. Democracy by consensus: some conceptual
       considerations.

102.   Wiredu, K. Democracy by consensus: some conceptual
       considerations, 235-236

103.   Wiredu, K. *Democracy and consensus in African traditional politics*…par.
       25.

104.   Held, D. *Democracy and the global order*…,149

105.   Held, D. *Democracy and the global Order..*,147

106.   Locke specifically conceived of the idea of limited government to
       safeguard the liberty of man within a civil society. See John
       Locke, ref. 60, Chapter II.

107.   Locke is quoted in Coplestone, F. 1964. *A history of philosophy.*

        Vol. 5 Modem *philosophy*: *the British philosophers*, 138.

108.   This is derived from Swartz, O. 2004. On social justice and political

        struggle. *Human Nature Review*, 152.

109.   This is morally deduced form the preceding phrase.

110.   Baier, A is quoted in Mappes, J. K. 1994. The ethic of care…,111

111.   Mappes, J.K.. The ethic of care…,110

112.   Mappes, J.K. The ethic of care…

113.   Gilligan, C. 1982. *In a different voice: psychological theory and*

        women development, 35.

114.   See Gosseries, A. 2005. Cosmopolitan luck egalitarianism and the

        greenhouse effect. *Global Justice, Global Institutions:*
Canadian Journal of Philosophy, 279-309. According to
Axel Gosseries, two key principles underlie a luck
egalitarian approach. The first is that a society as a whole
should fully compensate any disadvantages resulting from
circumstances over which they have no control, such as
individuals suffering from the effects of severe congenital
disabilities or exceptional natural disasters. The second is
that society as a whole is not bound to compensate
individuals suffering from the bad consequences of their

own choices, whether it involves a significant risk dimension or not (p. 280).

115. Mappes, J.K. The ethic of care…,108.

116. See ref. 54 of this Chapter.

117. These are the seven sites of power which Held examined in his work. See Held. *Democracy and the global order…*,149-188.

118. These rights cover all the areas of the seven sites of power mentioned above.

119. Held. *Democracy and the Global Order*….227.

120. Lupel, A. tasks of a global civil society…,121

121. Here, we mean that to a very great extent, the UN is representative of almost all the nation- states of the world.

122. Quiggin, J. 2001. Globalisation and economic sovereignty. *The Journal of Political Philosophy*, 56. See also Krasner, S. 1999. *Sovereignty: organised hypocrisy*.

123. The process involved in choosing the members responsible for the law from different nation-states is deliberative; the scope of the law is global; hence, it is describes as cosmopolitan, and it is meant to further the course of democracy; hence, it is a democratic law.

124. Hehir, A. 2007. Structural imperatives and the 'globalisation' of

human rights. Par 2. Retrieved on March 1, 2007, from
http://www.peacestudies
journal.org.uk./docs/Globalization% 20 of % 20HR%20
fina1% 20 version

125.   Hehir, A. Structural imperatives and the 'globalisation' of human
rights. Emphasis in the original.

126.   Hehir, A. Structural imperatives and the 'globalisation' of human
rights. See pars. 21-22

127.   For a defense of this position, see Hayward, T. 2007. Thomas Pogge's
global resources dividend: a critique and an alternative, ref.
121, Chapter IV. See also his, *Global justice and the
distribution of national resources*. Retrieved on February
16, 2007, from www.psa.ac.uk/2005/pps/Hayward1. pdf

128.   According to Hayward (par. 22 of the former work), 'the concept of
efficiency…refers to the economic gains that can be
achieved from the more productive use of a given amount
of ecological space'.

129.   Hayward, T. Thomas Pogge's global resources dividend…,par. 33.

130.   For a brief, though interestingly incisive work on this, see
Oyesiku, M.N. 2009. *The lost generation: perils and pains
of brain drain*. This work places in the right perspective the

grim situation of extensive negative economic impact on those poor countries, especially Africa, losing the highly skilled human capital to the developed nations of the world.

131. See Badru, R.O. 2010. Reparations for Africa: providing metaphysical and epistemological grounds of justice to the descendants of dehumanised generation. *Cultura: International Journal of Philosophy of Culture and Axiology*.

132. This is in line with our understanding of the concept in the present study.

133. Mazuri, A.A. 1990. *Cultural forces of world politics*, 205.

134. See, for example, Dover, N. 2010. Questioning the questioning of cosmopolitanism. *Questioning cosmopolitanism: studies in global justice*, 3-4. See also McGrew, T. 2004. Cosmopolitanism and global justice. *Ritsumeikan Annual Review of International Relations*, at 1 and 9-10; Slaughter, S. 2010. Reconsidering the state: cosmopolitanism, republicanism and global governance. *Questioning cosmopolitanism: studies in global justice*, 184.

5.5   Summary and Conclusion

The central issue, which the study addressed, was that of the inadequacy of political liberalism *as is*, to serve as the philosophy of the new global order. In the course of grappling with the problem of the study, we argued extensively, in the first instance, that there is a logical connection between world orders and the discourse of philosophy. To this extent, we later concluded that traditional political philosophy of liberalism is fast gaining ground in the contemporary world, within nation-states. Furthermore, the conscious moves to give a theoretical and normative backing to the integration of the traditional liberal political thinking to the trans-border human relations among nation-states and peoples, in recent times, are also amply demonstrated in the Rawlsian internationalist project.   We critically examined this Rawlsian internationalist order as well as the attempts made by some scholars within the liberal tradition to reformulate the Rawlsian model. Considering the weaknesses of the foregoing in the institution of global justice in the contemporary period, we proposed a system of deliberative cosmopolitan democracy. Here, our main argument showed that the principle of extensive democratic autonomy embedded in our proposal would contribute more to political and economic justice within a nation-state, than the negative concept of liberty, which is espoused by a transnational conception of political liberalism. Moreover, the proposed deliberative cosmopolitan democratic law would reinforce the right to self-determination of the peoples at the local and

national levels, thereby, protecting their right to justice. In the same vein, since the transnational law operates within the framework of a set of moral principles, then it would also contribute to the institution of global justice in the long run.

Furthermore, the study also duly addressed the likely challenge of curtailment of sovereignty of nation-states with respect to the implementation of the proposal of the study. The summation of the argument there was that, in the final analysis, the proposal of the study would rather promote the essence of domestic sovereignty than diminish it.

On the final note, we should state that the way the study addressed the challenges of legitimacy and implementation, against the deliberative cosmopolitan democratic law, also amply proves the practicality of the proposal. In other words, the study combined both theory and praxis, in addressing the problem of inadequacy of political liberalism to further the course of justice in the contemporary word. Furthermore, it systematically combined the claims of what some political philosophers have specifically called ethical (or moral) cosmopolitanism with institutional (or political / legal) cosmopolitanism. Ethical cosmopolitanism is a normative commitment to the position that every human person in the world deserves equal moral consideration, regardless of his/her race, citizenship, religion, class, etc. However, institutional cosmopolitanism is a normative commitment to the stance that there ought to be a transnational institutional design to promote a democratic world order in the interests of all

human participants. It gives an institutional support to the claims of moral cosmopolitanism.[134] The political dimension of the proposal of the study, the Global Institution for Democracy and Justice, serves as an institutional (legal) implementer of the political, economic and cultural principles, which in the final analysis recognize and promote the moral equality and dignity of peoples, both within and across borders, and thus emphasize the central claim of ethical cosmopolitanism.

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